



## A G E N D A

for a Public Meeting  
to discuss a Proposed Zoning By-law Amendment  
**(Re: D14-19-05 127 Fifth Avenue South, Kendall House)**  
Tuesday, June 4, 2019  
12:00 p.m.

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### **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.

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### **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.

May 28<sup>th</sup>, 2019

## Staff Report

To: Mayor & Council

Fr: Devon McCloskey, City Planner

File No.: D14-19-05

Re: Application for Zoning By-law Amendment

Location: 127 Fifth Avenue South

Applicants: Craig Bryant & Robert Rheault

Agent: Tara Rickaby (TMER Consulting Kenora)/ Philip Hanstead

### 1. Introduction

An application has been received to change the zoning of the subject property from LC-Local Commercial [34] with Bed and Breakfast to R3-Residential Third Density, to allow for development of those uses permitted within the R3 zone, including a single family dwelling with flexibility for other R3 permitted uses.



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

### 2. Description of Proposal



To change the zoning of the subject property from a commercial zone to a residential zone that would allow for uses permitted within the R3 Zone.

### **3. Existing Conditions**

The property is located at 127 Fifth Avenue South; generally known as “The Kendall House”.

The building is legally non-complying in that the front, and exterior side yards do not meet the current zoning provisions, as it was constructed in 1895.

As described in the Planning Rationale, the property was rezoned in 2015 from Residential Third Density (R3) to Site Specific Local Commercial (LC[34]).

Three parking spaces are available at the rear of the property with access via the laneway. Additional parking could be provided as needed by opening up the fence or accommodated with the accessory building.

### **4. Site Visit**

On May 14<sup>th</sup>, 2019, I attended the subject location to view existing conditions. The photos herein are intended to provide a visual of the existing building and surrounding development.

**Photo 1** – View of the front of the building with accessory building on the left



**Photo 2** – View of the southside of the building





**Photo 3** – View of the rearyard parking enclosure



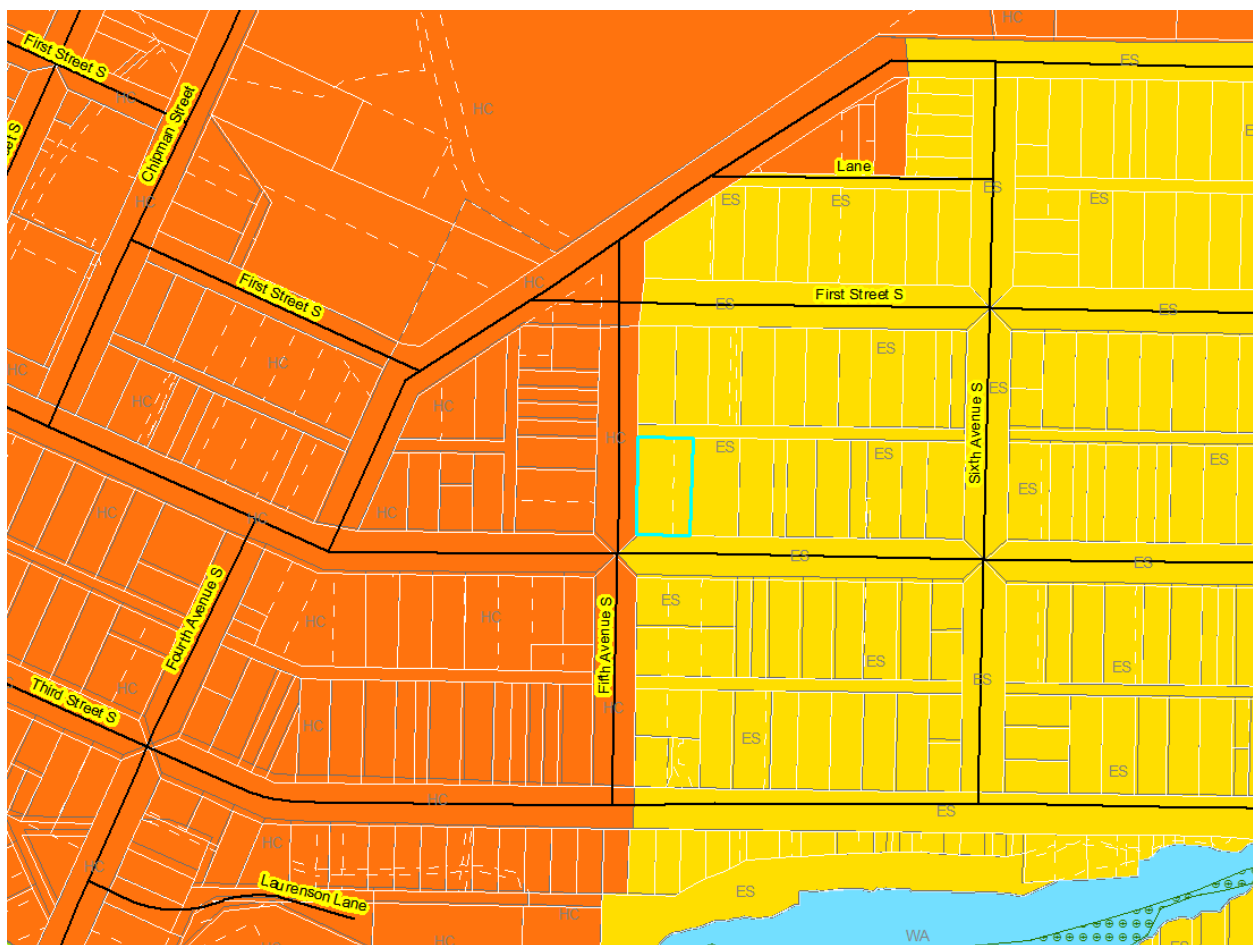
## 5. Consistency with Legislated Policy and City Directives

### a) Provincial Policy Statement (PPS) 2014

As noted within the applicant's planning rationale, 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 (PL 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 (PL 1.4.3 d)

### b) City of Kenora Official Plan (2015)



**Figure 2 - OP Mapping**

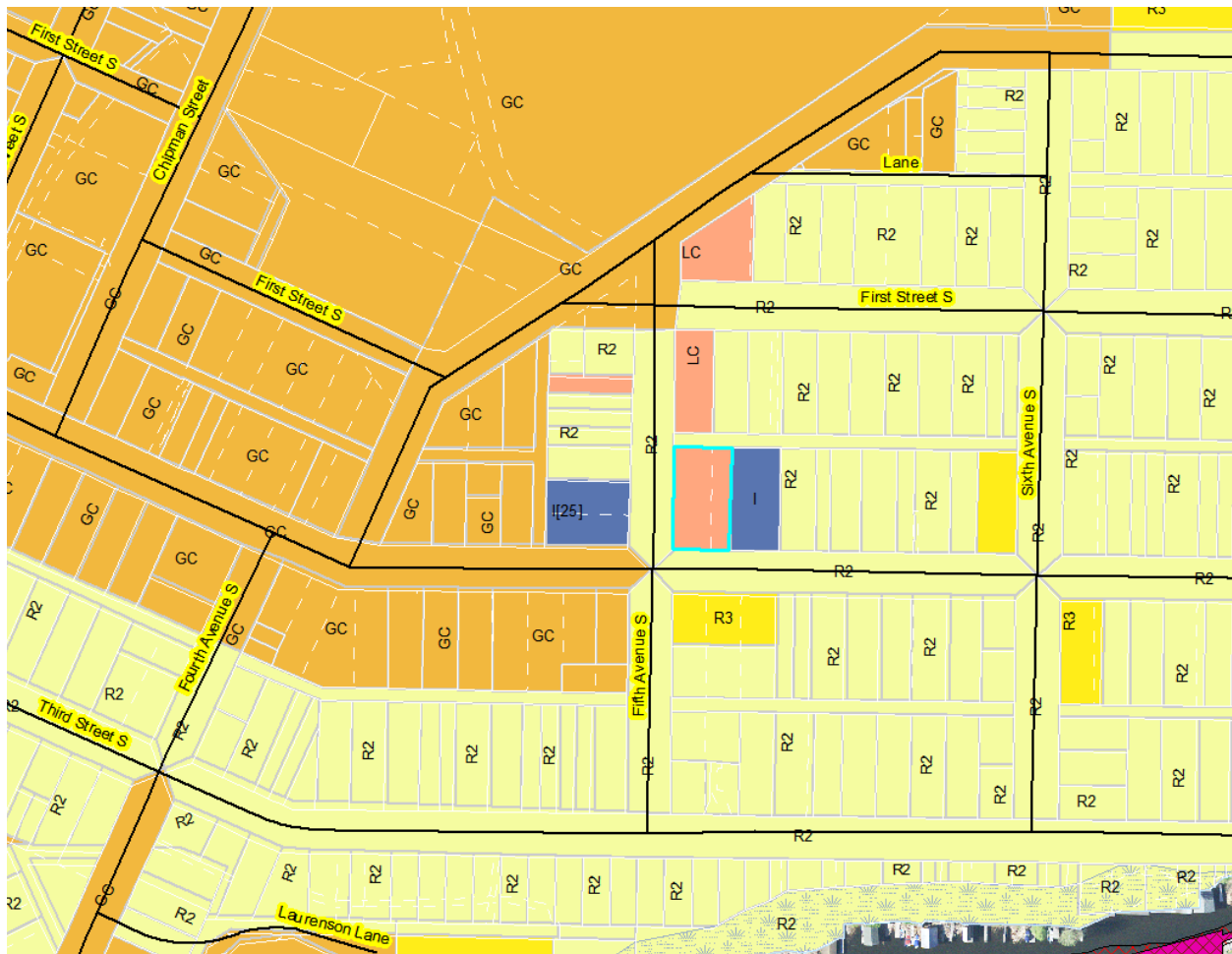
The Land Use Designation of the property is Established Area (ES). Policy 4.1 of the Plan describes that permitted uses shall include residential, commercial, industrial and institutional uses.

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 Site Specific Local Commercial (LC [34]), permitted uses include residential over or behind permitted commercial uses, including a bed and breakfast.

A change in zoning to Residential Third Density (R3) would allow for permitted uses within the R3 zone.

Zoning regulations including parking and provision of amenity space would be evaluated if a Building Permit for development of apartments, suites or secondary dwellings were proposed.

## 6. Results of Interdepartmental and Agency Circulation

Operations Department	No comments received
Engineering	Depending on the intended or final use and occupancy of the building, there would be concern to ensure adequate off street parking is provided.  - April 14, 2019
Building	The Building Department has no comment. - April 12, 2019
Water and Wastewater	Division has no concerns. - April 11, 2019
Environmental Services	No comments received as of May 13, 2019
Synergy North	No comments received as of May 13, 2019
Roads Department	No comments on this file. - May 13, 2019
Kenora Fire	Kenora Fire has no issues with this Zoning change for 127 Fifth Avenue South. - April 15, 2019
CPR	Circulated notice May 9 <sup>th</sup> , 2019; after a request, the notice was sent to <a href="mailto:CP_Proximity-Ontario@crp.ca">CP_Proximity-Ontario@crp.ca</a> on May 13, 2019  No comments received as of May 15, 2019

## 7. Public Comments

A public meeting is scheduled to be held by Council on June 4<sup>th</sup>, 2019. Notice of the application was given in accordance with Section 34 of the Planning Act, whereby it was circulated on May 9<sup>th</sup>, 2019 to property owners within 120 metres, published in the Municipal Memo of the Newspaper on May 9<sup>th</sup>, 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 (May 28<sup>th</sup>, 2019), a neighbouring property owner did contact the Planning office to seek clarity on the proposal, however no public comments have been received.

## 8. Planning Advisory Committee

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 May 21<sup>st</sup>, 2019. Resolution and minutes of this meeting will be forwarded on to Council for their information.



The agent for the application, Tara Rickaby (TMER Consulting Kenora), presented the proposal to the committee. The presenters provided a full description of the property, its historical use, and rationale for the request to change zoning.

The PAC discussed the application. A full set of the draft minutes is attached to this report for Council's reference. The PAC passed a motion to recommend the application's approval to Council. Refer to Figure 4.



The Corporation of the City of Kenora

### PLANNING ADVISORY COMMITTEE MEETING RESOLUTION

MOVED BY: Ray Pearson

SECONDED BY: John McDougall

DATE: May 21, 2019

**RESOLVED THAT** the **PLANNING ADVISORY COMMITTEE** recommends that the Council of the Corporation of the City of Kenora approve application D14-19-05, subject property located at 127 Fifth Avenue South, generally known as "The Kendall House", described as Plan 3, Lot 158 and Pt 157 Block 2, being a legal non-complying building, to change the zoning from Site Specific Local Commercial (LC) [34] with Bed and Breakfast to Residential Third Density (R3) to allow for those uses in accordance with section 4.3 of the Zoning By-law;

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				

Figure 4 – PAC Resolution

## 9. Evaluation

The property has been used as a single detached residence and Bed & Breakfast since the mid 90's. In May 2007, the property was listed on the City's Register of Heritage Properties as a cultural heritage value or interest, but it is not designated as a heritage property under the Ontario Heritage Act.

If approved, the requested rezoning will open more opportunities for buyers who are looking to maintain a residential use of the building, and would not be required to meet mortgage lenders requirements for commercially zoned properties.

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

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

## 9. Recommendation

As the Planner for the City of Kenora, it is my professional planning opinion, that the following amendments to the Zoning By-law be approved, in lieu of public comments that may yet to be received:

That the Application for Zoning By-law Amendment, File No. D14-19-05, to change the zoning of the subject property being a legal non-complying building for those uses permitted in the R3 - Residential Third Density Zone; be approved, 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, and sketch
- Real Property Report
- Notice of Application and Public Meeting
- Draft PAC Minutes – May 21<sup>st</sup>, 2019



**Corporation of the City Of Kenora**  
**Notice of Complete Application and Public Meeting for a**  
**Zoning By-law Amendment, File Number D14-19-05**  
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, June 4<sup>th</sup>, 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, June 18<sup>th</sup>, 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, May 21<sup>st</sup>, 2019 at 6:00 p.m.  
Location: Training Room, Operations Centre  
60 Fourteenth Street North, 2<sup>nd</sup> Floor, Kenora, ON

**Purpose and Effect:** to change the zoning of the subject property from LC-Local Commercial [34] with Bed and Breakfast to R3-Residential Third Density, to allow for development of those uses permitted within the R3 zone, including a single family dwelling with flexibility for other R3 permitted uses with legal non-complying requirements in accordance with Section 4.3 of the Zoning By-law.

**Location of Property:**  
127 Fifth Avenue South;  
generally known as "The Kendall House". Refer to the map aside.



**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 May 16<sup>th</sup>, 2019 and directed to:**  
Ms. Devon McCloskey, City Planner  
60 Fourteenth Street North, 2<sup>nd</sup> Floor, Kenora, ON P9N 3X2



**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 9<sup>th</sup> day of May, 2019