



PROCEEDINGS
for a Public Meeting
to discuss a Proposed Zoning By-law Amendment
(Re: D-14-19-05 - 127 Fifth Avenue South)
Tuesday, June 4, 2019
12:00 p.m.

Present: Mayor D. Reynard, Councillor M. Goss, Councillor R. McMillan, Councillor A. Poirier, Councillor K. Ralko, Councillor S. Smith and Councillor C. Van Wallegghem

Staff: Karen Brown, CAO, Heather Kasprick, City Clerk, Adam Smith, Development Services Strategist

Mayor Reynard opened the meeting and declared 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 Council 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.

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

There were none declared.

Tara Rickaby, TEMR Consulting, acting as agent presented the application.

Tara Rickaby, of TMER Consulting Kenora, has been hired to apply for a zoning by-law amendment by Philip Hanstead, agent for property owners Craig Bryant and Robert Rheault., The property is located at 127 Fifth Ave S, and described as Plan 3, Lot 158 and Pt 157 Block 2, and is locally known as the Kendall House.

The existing structure yard dimensions are legally non-complying and it is proposed that this situation remain.

In November of 2015, the City adopted a by-law to rezone this property from R3 – Residential Third Density, to its current zoning. The owners of the property are proposing to rezone these lands back to its former zoning designation of R3 – Residential, Third Density. The 2015 application was made in order to accommodate a prospective purchaser of the property and then the agreement of purchase and sale was not completed. This application is being made in order to meet conditions of a purchase and sale.

The proposed use of the property is a single-family residence, with flexibility for other R3 uses.

The Kendall House has been located on this property since 1895. The current use, as a bed and breakfast, has existed since the mid 1990s when the owners (at the time) rezoned the property to permit the use. The building was extensively renovated, as a result and operated successfully ever since.

In May of 2007, the property was listed on the City's Register of Heritage Properties, but is not designated as a heritage property under Part IV of the Ontario Heritage Act. It is listed

because it has been identified, through a public consultation and as a result of permission being given by the owner, as a property of cultural heritage value or interest.

The subject property is located at the corner of Second Street South and Fifth Avenue South. The uses on the west and south west corners are both places of worship. The Kenora 24/7 Services Hub is attached to the Knox United Church, further to the west on Second Street South.

The property to the east of the subject land is a place of worship, and home to Try-light Theatre.

The property to the south, across Second Street South, is a multi-family structure, as is the property directly south of it.

Lands to the northwest of the subject property, are generally single family uses, and to the north, across the alley, is a local commercial use (chiropractic and massage therapy). There are properties zoned R3 located on the corners of Fifth Avenue South and Park Street, as well as Second Street and Sixth Avenue South.

Provincial Policy Statement 2014

The PPS 2014 promotes efficient land use and development patterns support sustainability by promoting strong, liveable, healthy and resilient communities, protecting the environment and public health and safety, and facilitating economic growth. The lands are located within the settlement area the vitality of which is acknowledged, in the PPS 2014, to be critical to the long term economic prosperity of the Province (and municipality). The subject property provides an opportunity for affordable housing in a walkable neighbourhood with close access to shopping, services and the business district while maintaining a significant heritage resource.

The provision of a range and mix of housing solutions provides the foundation necessary to attract workers. The approval of this application will provide the opportunity for the purchase of an affordable home, and the possible future opportunity for a range of housing stock in the City of Kenora.

City of Kenora Official Plan (2015) and Zoning By-Law 101-2015

The subject property is designated in the City of Kenora Official Plan 2015 as Established Area. Residential uses are permitted and encouraged as redevelopment of existing uses on full municipal services. Minor changes to land use, that are compatible with existing uses, and are similar in scale to surrounding built form, and that improve the quality of life for residents, may be permitted by zoning by-law amendment. The existing structure has been a part of the neighbourhood, both as multi-unit residence and offices, for over 100 years. The proposed single-family use and associated parking will not negatively affect the character of the neighbourhood.

The City's guiding principles include sustainable development by promotion of compact development using land and existing infrastructure efficiently. The existing structure will not change.

The objective of the OP, to provide a mix and range of housing types that meets the physical and financial needs of current and future residents is met with the approval of this application. While the immediate use of the existing structure will be as a single family dwelling, the R3 zone provides future flexibility to provide a range of housing in Kenora.

The lands are located within 300 metres of the CP mainline, however the historical use of the property will not change as a result of the approval of the application. In addition there are commercial, municipal road and parking uses located between the two uses, which would be considered to mitigate noise. The existing structure has been on the property since 1895; there is no change to the use of the land or structure located on it and therefore there is no need for a noise/vibration study.

While the lands are not technically a part of "The Harbourn Centre", they are located across Fifth Street South from lands within that designation and are part of the downtown business area. The OP policies encourage residential development within the Harbourn Centre particularly, and the goals and objectives point to the provision of a range of housing opportunities throughout the City. The return to an R3 zone for this property meets the intent of the City of Kenora Official Plan, 2015.

The subject lands are currently zoned LC [34] Local commercial with bed and breakfast (By-law 169-2015) Kenora Zoning By-law 101-2015, reflecting a change which was a part of an agreement of purchase and sale in 2015. The sale did not occur and the use of the property is as a bed and breakfast. In order to be able to use the property for R3 purposes, including as a single family dwelling, the property must be rezoned. There is onsite parking available, accessed from the lane north of the subject lands.

The "down-zoning" from a local commercial use was not commercially viable, as demonstrated by the lack of prospective purchasers of the property over the past three years. A prospective purchaser proposes to purchase the property for use as a single family dwelling. There is recognition that the change in zoning to R3 will provide more flexibility for the property in the future. If this sale fails, the existing use of the property is still permitted under the R3 zone.

The residential use has existed in this location since 1895 and the property. The front yard is technically on Second Street South; the west side yard is an exterior yard. The setback dimensions for both of these yard requirements would be considered to be legally non-complying, as would the setback for the existing garage on the exterior side yard. Leaving the legally non-complying situation would mean that if there was further development of the property in the future, the zoning regulations of the day would apply.

The lot size exceeds that required for many of the R3 uses (bed and breakfast, semi-detached/duplex, triplex or converted dwellings) and there is required parking with access from the alley. There is an existing curb cut to provide access to the garage however it has not been used in several years.

The return of this property, to the R3 – Residential, Third Density Zone, is supported by the Provincial Policy Statement, 2015, the policies of the City of Kenora Official Plan, 2015, and will comply with the City of Kenora Zoning By-law regulations for lot size, amenity space, parking and privacy. In addition, the market for the property has indicated that the LC[34]

use is not one which potential purchasers are interested in. For these reasons, it is respectfully requested that the Kenora Planning Advisory Committee makes a recommendation to Council to approve this application, and to City Council that this application is approved.

Adam Smith, Development Services Strategist presented the City Planners planning summation for the zoning amendment application:

The City Planner conducted an evaluation of the application and found them to be in accordance with the Provincial Policy Statement and Official Plan.

The City Planner 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.

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

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

Phil Hanstead feels that it should be residential as it is difficult to sell as a commercial land.

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

There were none.

Mayor Reynard asked if there were any questions?

There were none.

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