



**PROCEEDINGS**  
for a Public Meeting  
to discuss a Proposed Zoning By-law Amendment  
**(Re: D-14-19-03 – 323 Peterson Drive)**  
Tuesday, December 8, 2020  
12:45 p.m.  
Virtual Attendance

<https://video.isilive.ca/kenora/2020-12-08-SCM.html>

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**Present:** Mayor D. Reynard  
Councillor M. Goss  
Councillor R. McMillan  
Councillor K. Ralko  
Councillor S. Smith  
Councillor C. Van Wallegghem

**Regrets:** Councillor A. Poirier

**Staff:** Kyle Attanasio, CAO  
Heather Pihulak, City Clerk  
Kevan Sumner, City Planner  
Melissa Shaw, Planning Analyst  
Adam Smith, Development Services Manager

**Declaration of Pecuniary Interest & the General Nature Thereof**

- 1) On Today's Agenda
- 2) From a Meeting at which a Member was not in Attendance.  
There were none declared.

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Mayor Reynard opened the meeting at 12:45 p.m. by advising that 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.

**Applicant, Lonny and Heather Kirkpatrick, presenting their planning rationale.**

Mr. & Mrs. Kirkpatrick were present and expressed that they built their own house in Kenora in 2005, and in 2004 they applied for a zoning amendment. They bought this piece of property on the river and would like to have a rental space. There is a 20 foot elevation difference and this is why they couple has applied for this. To have the rental space above the garage it is a long term plan. It is a good opportunity for the City to have more rental housing for long term housing

**Kevan Sumner, City Planner presented the planning report for the zoning amendment application:**

An application has been received to change the zoning of the subject property from "RR" Rural Residential Zone to "RR" Rural Residential Zone, Exception [51] to allow for development of a detached secondary dwelling unit on a lot with water frontage and to permit the height of the accessory building in which the secondary dwelling is located to be a minimum of 0.0 meters less than the principal dwelling.

**1. Description of Proposal**

The applicants intend to build a primary dwelling on the property at 323 Peterson Drive, and would like to build a detached garage with a secondary one-bedroom apartment on the second storey. The applicants indicate that the addition of this secondary dwelling unit will optimize the use of the property by allowing the resident of the secondary suite of their current residence to move with them to their new residence.

## **2. Existing Conditions**

The 0.959 ha property is currently undeveloped, with the new structures proposed to be located in the middle area of the lot. The land is a mix of bedrock, mossy coverage, and old growth forest of white and red pine trees.

The applicants propose to service the property with a private well and septic system, and will not be connecting to municipal services. Site access and electrical service is available from Peterson Drive to the north. There is ample area on the site and in the proposed garage to meeting parking requirements for the proposed use.

## **3. Site Visit**

On November 10<sup>th</sup>, 2020, City Planner Kevan Sumner attended the subject location to view existing conditions.

## **4. Consistency with Legislated Policy and City Directives**

### **a) Provincial Policy Statement (PPS) 2020**

The provision of affordable housing is a key component of the new Provincial Policy Statement, which states that healthy, livable, and safe communities are sustained, in part, by accommodating an appropriate affordable and market-based range and mix of residential types (Policy 1.1.1(b)).

It further states that planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area. It sets out a number of policies guiding how this might be accomplished including, but not limited to:

- by permitting and facilitating all types of residential intensification, including additional residential units (Policy 1.4.3(b)2),
- directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs (Policy 1.4.3(c)),
- promoting densities for new housing which efficiently use land, resources, infrastructure and public works facilities (Policy 1.4.3(d)), and
- establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety (Policy 1.4.3(f))

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

The Land Use Designation of the property is Rural Area. Policy 4.8 of the Plan describes that permitted uses shall include a variety of agricultural, residential, industrial, commercial, recreational, tourism and open space uses. Residential development is restricted to single-detached dwellings on relatively large lots serviced by private water and sewage (Policy 4.8.3(a)). Development is expected to preserve the rural character and the scenic quality of the rural landscape, and shall avoid densities more appropriately found in the settlement area (Policy 4.8.3(c)).

Secondary dwellings are permitted in the Rural Area (Policy 3.21(a))

**c) Zoning By-law No. 101-2015**

Zoning of the property is currently Rural Residential (RR). The RR zone allows for the development of low density single-detached, seasonal, or permanent housing and compatible uses in a rural setting.

Secondary dwelling units are regulated under section 3.28 of the by-law. Subsection 3.28.1 states that secondary dwellings (interior) and secondary dwellings (detached) are permitted in the R1, R2, and R3 zones. The RR zone is not listed as a zone in which secondary dwellings are permitted.

Detached secondary dwellings are further regulated under subsection 3.28.3, which sets out the following rules:

- a) Notwithstanding Section 3.28.1(d), a secondary dwelling (detached) shall not be permitted at or below grade and shall have a minimum gross floor area of 40 m<sup>2</sup>, but shall not exceed 40% of the gross floor area of the principal dwelling.
  - b) A designated amenity area of 6 m<sup>2</sup> shall be provided.
  - c) Notwithstanding Section 3.34.1(b), the maximum height of the accessory building in which the secondary dwelling (detached) is located shall be a minimum of 2 metres less than the principal dwelling.
  - d) The minimum lot size for a secondary dwelling (detached) shall be 1,000 m<sup>2</sup>.
  - e) The maximum setback from a public road is 50 metres.
  - f) No secondary dwelling (detached) shall be permitted on a lot with water frontage.
- The proposed detached secondary dwelling does not comply with 3.28.1, 3.28.3(c) or 3.28.3(f), and therefore this zoning by-law amendment is required to add a site-specific exemption to the zoning of this property if a detached accessory dwelling is to be permitted.

**6. Results of Interdepartmental and Agency Circulation**

The following comments were received in response to a request for comments from city departments and external agencies.

Operations Department (Engineering)	No concern or comment. - October 22, 2020
Kenora Fire and Emergency	Kenora Fire has reviewed the application and has no concerns with the addition of a secondary dwelling located above the garage.

	If the intent is for the applicant to rent this secondary dwelling, they are subject to the requirements of the Ontario Fire Code. - October 22, 2020
Northwestern Health Unit	Has no objections to this. Plenty of room to install a septic field to accommodate his build. - October 19, 2020
Parks and Facilities	Has no issues with this application. - October 19, 2020
Ministry of Natural Resources and Forestry	The proposed amendment poses a low risk to fish and wildlife features, therefore the Ministry has no concerns with this application at this time. - October 22, 2020

No response was received from: Environmental Division, Roads Division, and Building.

## 7. Public Comments

A public meeting is scheduled to be held by Council on December 8<sup>th</sup>, 2020. Notice of the application was given in accordance with Section 34 of the Planning Act, whereby it was circulated on November 6<sup>th</sup> to property owners within 120 metres, published in the Municipal Memo of the Newspaper on November 12<sup>th</sup>, and circulated to persons and public bodies as legislated.

The notice also stated that the Planning Advisory Committee would have the opportunity to consider recommendation for the application to Council at their meeting on November 17<sup>th</sup>, 2020. The minutes and relevant resolution from this meeting have been forwarded to Council for their information.

As of the date of this report (November 30<sup>th</sup>, 2020), no public comments have been received. It should be noted that the applicant included letters of support from four neighbouring property owners with their application, and those have been included in the attachment to this report.

## 8. Evaluation

The Official Plan is clear in its support for secondary dwelling units in the Rural Area, and does not provide any further policy guidance on where and when such secondary dwelling units might be permitted.

Similarly, the Provincial Policy Statement (2020) is supportive of residential intensification. In recent discussions with Provincial planning staff related to the ongoing review of the Official Plan, they have communicated that their interpretation of the new Policy Statement is that any residential property should have the right to have a single internal secondary dwelling unit and a single external secondary dwelling unit, but that limiting factors should be recognized that restrict the development of secondary dwellings in areas or on individual properties that are limited in their ability to support additional dwelling units.

Lake capacity studies have placed limits or restrictions on the development of additional dwelling units in some lakes in rural areas of the City (Policies 5.3.2 (e) and 6.1(h)). No such limits or restrictions have been identified for the Winnipeg River.

There appears to be significant interest in the development of secondary dwelling units in areas zoned Rural Residential. The Planning Advisory Committee has previously approved a minor variance for an interior secondary dwelling unit in a rural residential property, but an exterior dwelling unit like this has not been approved since the current Official Plan and Zoning By-law were adopted five years ago. Approving this exception may set a precedent that encourages other rural residential property owners to apply for approvals for similar exterior accessory dwelling units.

We expect that policies and regulations regarding such accessory dwelling units will be a subject of discussion in the ongoing review of the Official Plan and Zoning By-law.

## **9. Recommendation**

That the Application for Zoning By-law Amendment, File No. D14-20-03, to change the zoning of the subject property from "RR" Rural Residential Zone to "RR" Rural Residential Zone, Exception [51] to allow for development of a detached secondary dwelling unit on a lot with water frontage and to permit the height of the accessory building in which the secondary dwelling is located to be a minimum of 0.0 meters less than the principal dwelling; should 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?

There were none.

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?

Councillor Smith questioned the City Planner on the departmental response. She would rather see "no concerns" rather than "no comments" want to ensure everyone has reviewed it. Adam will ensure this is corrected

As there are no further questions, Mayor Reynard declared this public meeting CLOSED at 1:05 p.m.