



A G E N D A

for a Public Meeting
to discuss a Proposed Zoning By-law Amendment
(Re: D14-20-03 - 323 Peterson Drive)
Tuesday, December 8, 2020
12:30 p.m.

Council will be meeting electronically as permitted by the City of Kenora Procedural bylaw. Citizens and our Media Partners are encouraged to attend the virtual meeting via the Public Live Stream Event at:

<https://video.isilive.ca/kenora/>

Land Acknowledgement

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 members of Council 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.

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

1. Applicant Presentation

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

2. City Planner Report/Rationale

- City Planner, Kevan Sumner, 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.

November 30th, 2020

Staff Report

File No.: D14-20-03

To: City of Kenora Planning Advisory Committee

Fr: Kevan Sumner, City Planner

Re: Application for Zoning By-law Amendment

Location: 323 Peterson Drive

Applicants: Lonny & Heather Kirkpatrick

1. Introduction

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.

Figure 1 - Aerial sketch displaying subject area of proposed rezone boundaries



2. 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.

Figure 2 – Site Plan

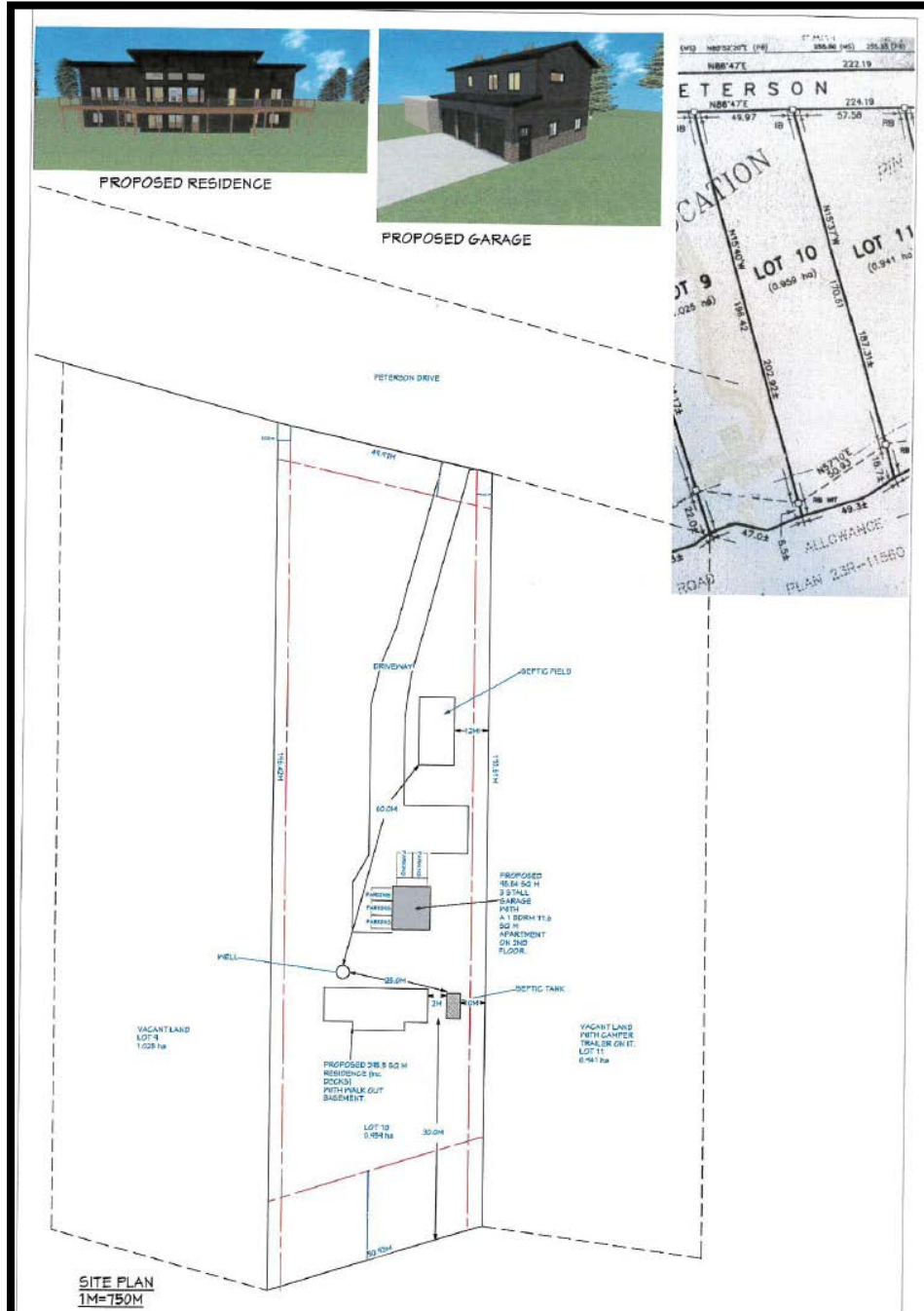


Figure 3 – Plans of the proposed garage and secondary dwelling unit structure

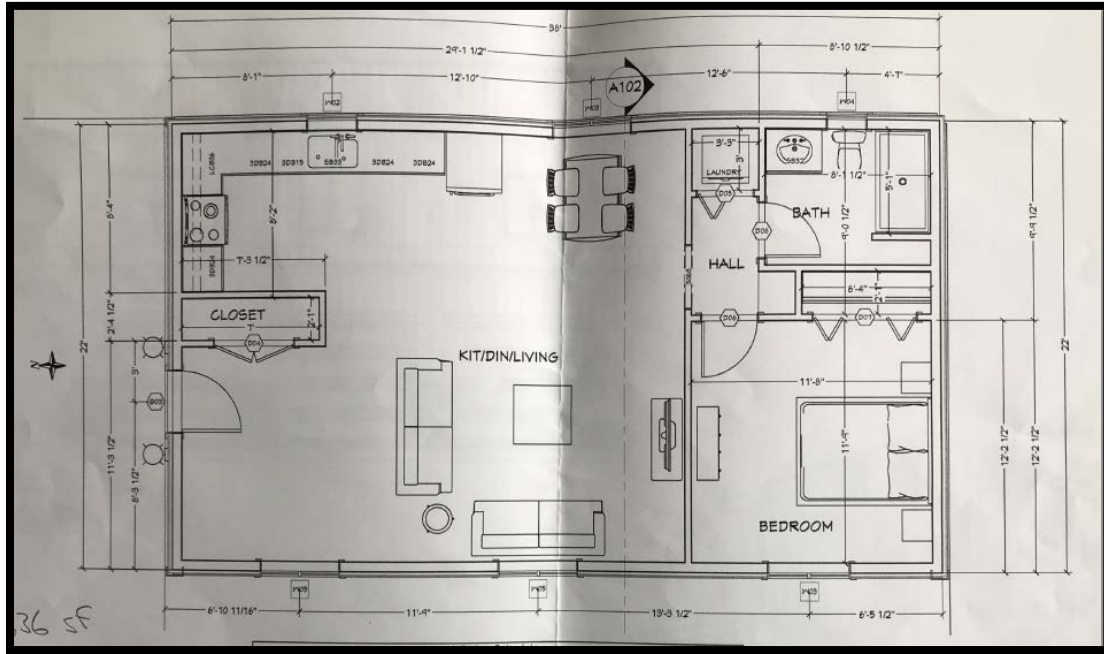


Figure 4 – West Elevation

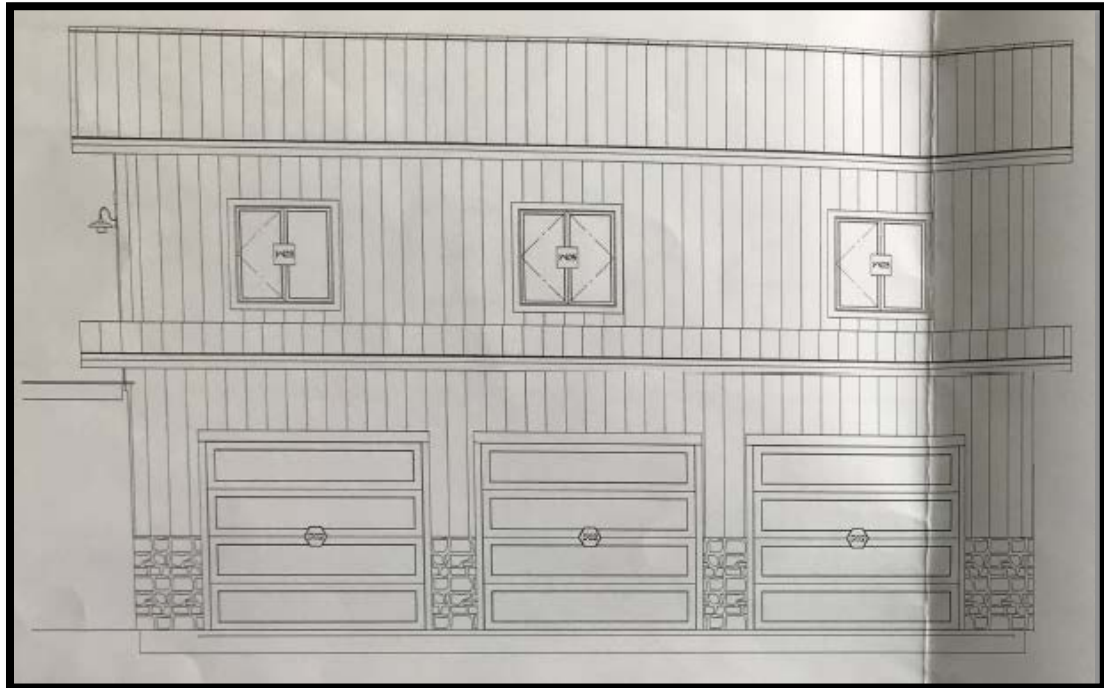


Figure 5 – South Elevation

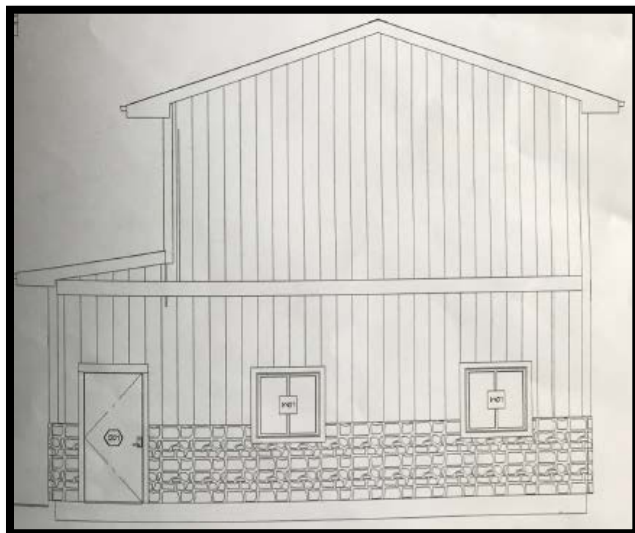
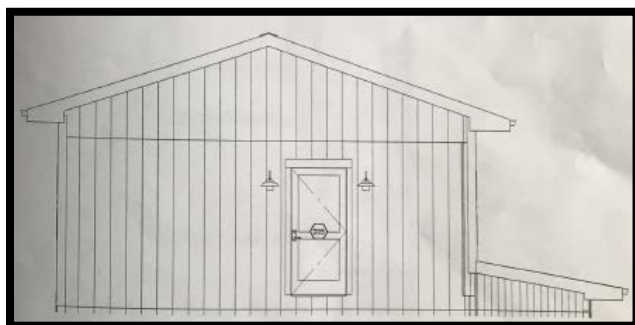


Figure 6 – North Elevation



3. Existing Conditions

The 0.959 ha property is currently undeveloped, with the new structures proposed to be location 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.

4. Site Visit

On November 10th, 2020, I attended the subject location to view existing conditions. The photos herein are intended to provide a visual of the existing lot.

Photo 7 – Site Entrance



Photo 8 – Driveway and future septic field site



Photo 9 – Panoramic view looking NE from the SW corner of the future dwelling



5. 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:

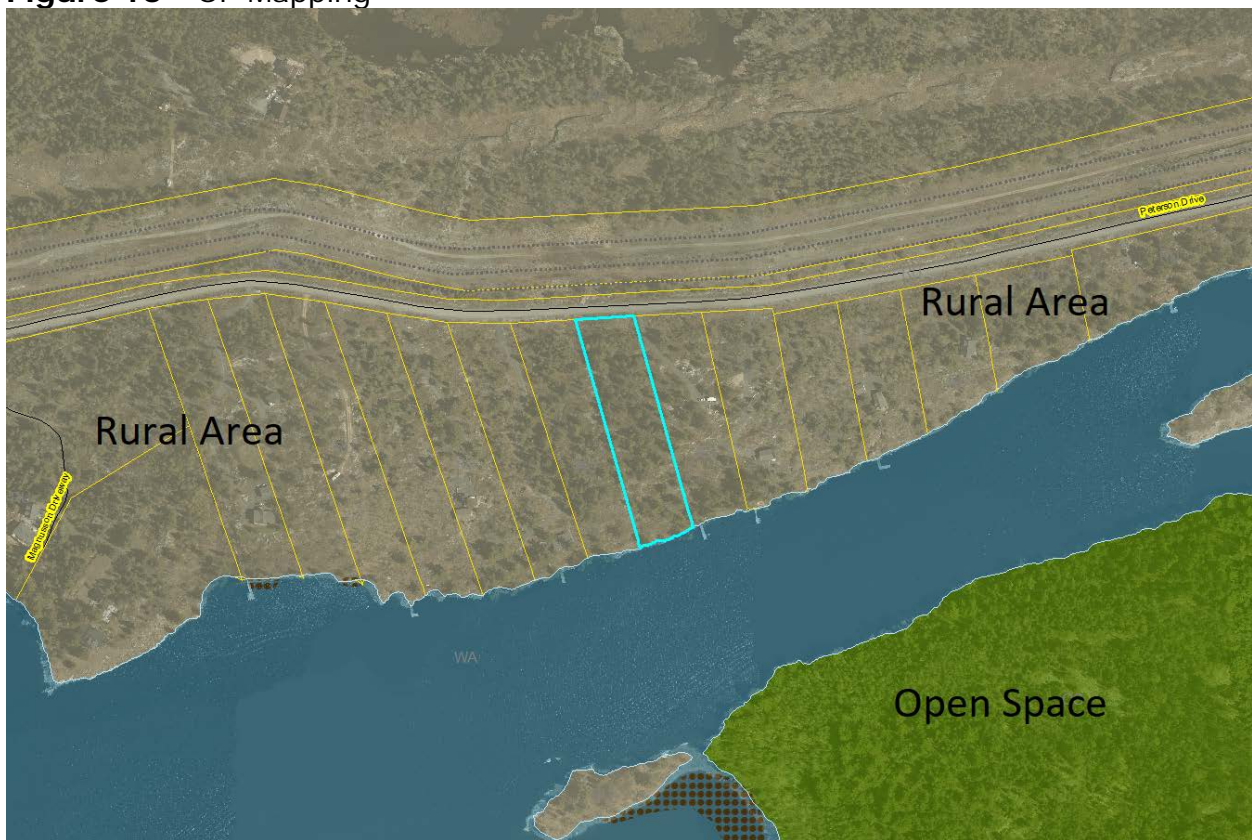
- by permitting and facilitating all types of residential intensification, including additional residential units (Policy 1.4.3(b)2),
- directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support 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))

Figure 10 - OP Mapping



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 m², but shall not exceed 40% of the gross floor area of the principal dwelling.
- b) A designated amenity area of 6 m² 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 m².
- 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.

Figure 11 - Zoning By-law Mapping



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 8th, 2020. Notice of the application was given in accordance with Section 34 of the Planning Act, whereby it was circulated on November 6th to property owners within 120 metres, published in the Municipal Memo of the Newspaper on November 12th, 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 17th, 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 30th, 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

As the Planner for the City of Kenora, it is my professional planning opinion, that the Application for Zoning By-law Amendment, File No. D14-20-03, 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.



Kevan Sumner

City Planner

Attachments

- Complete Application for Zoning By-law Amendment, including Planning Rationale, site plan, building plans, and redacted letters of support.

- Notice of Application and Public Meeting
- PAC Report
- PAC Resolution
- Draft PAC Minutes



The Corporation of the City Of Kenora
Notice of Complete Application and Public Meeting for a
Zoning By-law Amendment, File Number D14-20-03
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, December 8th, 2020 at 12:30 p.m.

Location: Council Chambers, City Hall, 1 Main Street South, Kenora, ON

Council will be hosting a virtual meeting by live stream to allow for public viewing.

<https://video.isilive.ca/kenora/>

If you wish to speak at the Statutory Public Meeting, you are asked to register in advance by email, to planning@kenora.ca

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, December 15th, 2020 at 12:00 p.m.

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

PAC Meeting

When: Tuesday, November 17th, 2020 at 6:00 p.m.

Location: PAC will be hosting a virtual meeting via Zoom Meeting.

Access to the virtual meeting will be made available by registering with the Secretary-Treasurer by email, to mshaw@kenora.ca.

Location of Property: 323 Peterson Drive, Kenora, ON, legally described as PLAN 23M953 LOT 10, as identified in the key map below.



Purpose: to amend the current zoning of the subject property from RR-Rural Residential Zone RR to RR [51]-Rural Residential Zone, Exception [51].

Effect of Approval: permit a secondary dwelling (detached) in the RR Rural Residential Zone, to permit a secondary dwelling (detached) on a lot with water frontage and to permit the height of the accessory building in which the secondary dwelling (detached) is located to be a minimum of 0.0 meters less than the principal dwelling.

Virtual Statutory Public Meeting: Although Council meetings are being held virtually via live stream, there are still several ways in which the general public can provide input on the proposed application, as follows:

- a. **Submit comments in writing:** Persons wishing to provide comments for consideration at the Statutory Public Meeting may submit such comments in writing no later than Friday December 4th, 2020 by email, to planning@kenora.ca or by regular mail to the address below, and quote File Number: **D14-20-03**.

Mr. Kevan Sumner, City Planner
60 Fourteenth Street North, 2nd Floor, Kenora, ON P9N 3X2

- b. **Register to Speak at the Virtual Meeting:** If you wish to speak at the Statutory Public Meeting, you are asked to register in advance by email, to planning@kenora.ca no later than noon on November 17, 2020 and quote File Number: **D14-20-03**. To register by phone please call: 807-467-2059.

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 Kevan Sumner, City Planner, if you require more information: Tel: 807-467-2059 or Email: ksumner@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 12th of November, 2020



The Corporation of the City of Kenora

PLANNING ADVISORY COMMITTEE MEETING RESOLUTION

MOVED BY: Robert Kitowski

SECONDED BY: John Barr

DATE: November 17, 2020

RESOLVED THAT the **PLANNING ADVISORY COMMITTEE** recommends that the Council of the Corporation of the City of Kenora approve Application for Zoning By-law Amendment, File No. D14-20-03, civic address 323 Peterson Drive, Kenora, ON. The purpose of the Zoning By-law Amendment is to change the zoning of the subject property from "RR" Rural Residential Zone to "RR" Rural Residential Zone, Exception [51]. The effect of approval would allow for the 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.

The Committee has made an evaluation of the application upon its merits against the Official Plan, Zoning By-law, and the Provincial Policy Statement, 2020, 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 | | |
| | Richards, Bev | ✓ | | | |
| | Gauld, Wayne | ✓ | | | |
| | Kitowski, Robert | ✓ | | | |
| | Pearson, Ray | ✓ | | | |
| | Barr, John | ✓ | | | |
| | McDougall, John | ✓ | | | |
| | McIntosh, Tanis | ✓ | | | |

Wayne Gauld
CHAIR