



City of Kenora  
Planning Advisory Committee  
60 Fourteenth Street N., 2<sup>nd</sup> Floor  
Kenora, Ontario P9N 4M9  
807-467-2292

Minutes  
City of Kenora Virtual Planning Advisory Committee  
Regular meeting held by way of Zoom Meeting  
Tuesday June 15, 2021  
6:00 p.m. (CST)

**Present:**

<b>Wayne Gauld</b>	<b>Chair</b>
<b>Bev Richards</b>	<b>Member</b>
<b>John Barr</b>	<b>Member</b>
<b>John McDougall</b>	<b>Member</b>
<b>Ray Pearson</b>	<b>Member</b>
<b>Robert Kitowski</b>	<b>Member</b>
<b>Melissa Shaw</b>	<b>Secretary-Treasurer</b>
<b>Kevan Sumner</b>	<b>City Planner</b>
<b>Adam Smith</b>	<b>Manager Development Services</b>

**Regrets:**

<b>Tanis McIntosh</b>	<b>Member</b>
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- i. The Chair, Wayne Gauld called the meeting to order at 6:00 p.m. A Land Acknowledgment was delivered by Chair, Wayne Gauld and a review of the meeting protocol.
- ii. Additions to the Agenda
  - Planning Advisory Committee Terms of Reference, presented by Heather Pihulak, Director Corporate Services
  - Introduction of Tessa Sobiski, Operations Support
- iii. Declaration of Interest by a member for this meeting or at a meeting at which a member was not present- there were none.
- iv. Adoption of Minutes of previous meeting
  - May 18, 2021, approved as amended with recommendations by Member, John Barr for detail on the particular file on the blue heron on the environmental considerations.
- v. Correspondence relating to applications before the Committee- there were none.
- vi. Consideration of an Application for Minor Variance
  - D13-21-06. Ottawa Street

TMER Consulting, Tara Rickaby

Mrs. Rickaby thanked the committee and introduced the application for minor variance. The Agent acknowledged the application for minor variance was submitted concurrently with an application brought before the Committee last month for an amendment to the Zoning By-law D14-21-04 to change the zoning of the subject property from GC- General Commercial to R2-Residential Second Density. The effect of approval of application for minor variance D13-21-06 would allow an existing building to be lawfully permitted and converted to a two dwelling unit with a reduced front yard setback, reduced exterior side yard setback and a minor reduction to the width of require parking stalls.

There were two existing residential units in the building when the Agents client purchased the property, the hope is to bring the uses into compliance.

The application is consistent with the PPS the Official Plan and the R2- Zone within the Zoning By-law. The existing setback will not impact the neighbouring uses and will not change the streetscape of the neighbourhood.

The Planner provided the staff report, the Planner noted that the concurrent application to re-zoning, D14-21-04 will have a decision made by Council on June 22, 2021 and so this variance will not come into full force and effect until the zoning by-law amendment is resolved.

The recommendation from the City Planner that application D13-21-06, be approved.

The Chair asked if there was anyone in attendance to speak in favour of or against the application there were none.

The Chair asked the Committee for questions and comments, there was discussion around the City maintained sidewalk that encroaches onto the subject property. The Agent clarified that in discussion with the City of Kenora Roads Department, the sidewalk would be re-routed to be exclusively located on City right-of-way. The extension of the sidewalk that wraps around the property from Ottawa Street to Tenth is considered private.

Motion: Robert Kitowski

Seconded: John McDougall

That the application, D13-21-06 to seek relief from the City of Kenora Zoning By-law 101-2015, Sections 4.2.3(c) which requires a minimum front yard setback of 7.5m, 4.2.3(e) which requires a minimum exterior side yard setback of 4m, and from 3.23.4 which requires parking spaces to have a minimum width of 2.85m, to bring an existing semi-detached dwelling with a front yard setback of 2.85m, an exterior side yard setback of 2.17m, and a parking space with the dimensions of 2.17m x 6m; meets the Four (4) Tests and should be approved.



Carried.

- D13-21-07, Wildwood Drive

Dave Schwartz, Owner

Dave Schwartz, owner of the subject property reviewed his application for minor variance as a request to permit a secondary dwelling to be located closer to the street than the main building; a family member unable to find a place to rent or buy looking at accommodation on the subject property for a small home. Mr. Schwartz explained the application to construct an additional dwelling conflicts with a City By-law that prohibits a secondary building between the main building and the street.

The City Planner reviewed the staff report, the subject property was described as peculiar once City Staff reviewed the legal description of an abutting PIN, which was neither described as a shoreline reserve nor a shoreline road allowance. The effect of an abutting PIN adjacent the shoreline meant the subject properties front lot line was adjacent to Wildwood Drive and not Laureson Lake. The Zoning By-law does not permit accessory structures to be built closer to the street than the main dwelling.

The effect of approval would be to allow a detached secondary dwelling to be located closer to the street than the main dwelling in the "R1" Residential – First Density Zone.

The City Planner recommended approval of the application.

The Chair asked for public comment, there was none.

The Chair asked the Committee for comment and discussion, the Committee discussed the PIN abutting the subject property which seemed to act like a shoreline reserve and which provided similar benefit to the back lot as a shoreline reserve. The City Planner agreed the application was an anomaly, however the definitions within the Zoning By-law for waterfront property did not apply to the subject lands, and the path forward was to make application as a non-waterfront property.

Motion: Robert Kitowski

Seconded: John Barr

That the application, D13-21-07 to seek relief from the City of Kenora Zoning By-law 101-2015, Section 3.34.1(b)(iv), to allow for a detached secondary dwelling to be located closer to the street than the main building in the "R1" Residential – First Density Zone; meets the Four (4) Tests and should be approved.

Carried.

- D13-21-08, First Avenue South

Tara Rickaby, TMER Consulting as Agent

Mrs. Rickaby Agent introduces the application and provided an amendment to the site plan. The City of Kenora approved a CIP application in 2020 based on rendered drawings which include a raised deck. Mrs. Rickaby confirmed the raised deck would not be constructed, the revised proposal includes an at grade patio.

The application for minor variance to relied parking used a restaurant as a use to determine the maximum number of stalls that may be required. The Agent clarified that a tenant has not been secured for the space, the application is to support the redevelopment of the subject property and the future expansion of the marina. The property owner has entered into an agreement with the City of Kenora over five (5) years to secure 20-parking stalls at the Kenora Recreation Centre. There will be four (4) parking stalls provided on-site, within the existing parking area. Two stalls will be accessible and two will be allocated to the future tenants. The existing 24 slips and former retail/restaurant uses are considered to be legally non-complying with the City of Kenora Zoning By-law. The additional 25 stalls, being pursued by Salisbury Cruises, are to be provided in order to accommodate a possible future expansion of 20 docks, and to accommodate off-site parking in the case of a restaurant use as a tenant

In addition the applicant sought relief from Section 3.23.8 Off Site Parking – to increase the distance that required parking spaces may be supplied off-site from 90 m to a distance in excess of 90 m but less than 400 m.

The City Planner reviewed the Staff Report; the property owner wishes to redevelop the property, beginning with a façade improvement and landscaping, then proceeding with the creation of a restaurant. In the longer-term, an expansion of the marina is being considered. The change in use to a restaurant and expansion of the marina requires a recalculation of the minimum required parking spaces. To meet the expanded parking needs, the owner is leasing parking spaces from the City of Kenora at the Recreation Centre, which is further from the entrance to the property than what is normally permitted under the Zoning By-law. A variance to the number of required parking spaces is also being requested, as the number of existing and proposed new parking spaces are less than what the by-law requires.

Concerns were identified by Building and By-law Enforcement regarding the existing lack of parking for users of this property and a history of property standards complaints.

Subsequent to approval, development will be subject to site plan control. These requirements will include the submission of an Environmental Impact Statement (EIS) given the subject property is within 120 metres of a provincially significant wetland (Laurenson's Creek).

The City Planner recommended approval of the application.

There was no one in the public whom wished to speak either in favour of or against the application.



The Chair asked the Committee for any questions or comments pertaining to the application.

The Chair asked if a covenant or an agreement registered on title will be required to tie the agreement for parking at the Recreation Centre to the subject property. The City Planner established that the agreement was in good faith and that the owner shall be required to respect the provisions within the zoning by-law.

The Agent, Tara Rickaby explained that roughly 75% of the Marina tenants are residents of Lakeside, whom do not require parking. The dock expansion will also provide for 'day-use' parking to support boats arriving via the lake to Harbourtown Centre.

There was discussion about the existing twenty (20) legal non-conforming docks with 5 –parking spaces. The application for twenty-five parking spaces to be located at the Recreation Centre, beyond 90 m from the subject property will be to provide for future expansion of a marina and the redevelopment of an existing building into a restaurant. When questioned, Mrs. Rickaby confirmed that there was no intention to disburse boat fuel at the site, now or in the future. The marina portion will be for boat slips only.

Member Bev Richards questioned an approved License of Occupation with the Ministry of Natural Resources and Forestry (MNR), the agent confirmed there was a secure LOC in place.

The Committee entered into discussion:

There was some concern expressed by the committee as to possible traffic congestion in the area, particularly after the opening of the new Rotary memorial park on the lake shore, north of the site. Some felt that congestion was a positive sign of activity and economic recovery.

Committee member John Barr commented that the business would not get credit for the some 3 dozen road-side public metered parking spots located up and down First Avenue. He also suggested that, given the requirements of the zoning bylaw, an individual could not, for instance, provide a new restaurant service downtown on a small lot because of a lack of on-site parking, even though there might be dozens of metered parking spots within a short distance.

The committee discussion the minor variance tied to the land forever, however the existing lease agreement for four (4) stalls is only until 2026. There was concern for the lack of pedestrian cross-walk from the Recreation Centre to the subject property, users might be encouraged to cut across the basin of the bridge.

Member Bev Richards described the PIN as a very small sliver of land. The Agent said the old free use policy is still around but just not called that anymore. The crown controls interface of land and water to the shore lands.

Motion: John Barr

Seconded: Bev Richards

That the application, D13-21-08 to seek relief from the City of Kenora Zoning By-law 101-2015, Section 3.23 Parking Provisions, to reduce the number of required parking spaces from forty-six (46) to thirty (30), and to allow for required parking spaces to be supplied off-site within 310m of the main pedestrian access of the building for which the parking spaces are required, be approved.

Carried.

- vii. Consideration of an Application for Consent
  - D10-21-04, Victoria Crescent

Garry Gerbrandt, Owner

The applicant introduces the proposal which was to take 0.11 ha of land from the subject property at 42 Victoria Crescent and attached it to the neighbouring property. The applicant described the portion of property as grassland and maintained by Greg and Rhonda Haney.

The City Planner reviewed the staff report, application D10-21-04 was an application for consent is proposed to sever a 0.11 ha parcel of land from 42 Victoria Crescent and add that parcel to 20 Victoria Crescent. The parcel being transferred is located adjacent to 20 Victoria Crescent and has been maintained by the owner of that property for many years. No new lots will be created as a result of this severance.

The proposed severance and lot addition will result in the realignment of lot boundaries to allow for the owner of 20 Victoria Crescent to take ownership of a portion of their neighbour's property that they have maintained for many years. The application is supported by the policies of both the Provincial Policy Statement 2020 and the Official Plan, and is compatible to the regulations of the "RU" Rural Zone of the City of Kenora Zoning By-law.

The Planner recommended approval.

There was no one in the audience to speak in favour of or against the application.

The Chair asked the Committee for questions and/or comments.

Wayne Gauld recommended a merger agreement and consolidation of the PINS as a condition of approval.

The Secretary—Treasurer added that lot addition shown on the reference plan be consolidated with the PIN. Bev Richards move to accept the recommendation with the amendment.

Moved: Bev Richards

Seconded: Robert Kitowski

That application D10-21-04 for consent for lot severance on property located at 40 Victoria Crescent and legally described as PIN 42177-0034; CITY OF KENORA and the addition of the severed parcel to the property located at 20 Victoria Crescent and legally described as PIN 42177-0035; CITY OF KENORA be approved and provisional Consent be granted, subject to the conditions outlined within the staff report.

Carried.

viii. New Business

- Introduction of Tessa Sobiski, Operations and Infrastructure Support will be completing minutes for the Committee and supporting the team
- Heather Pihulak, Director Corporate Services -addressed suggested changes around PAC terms of reference.

ix. Adjournment- Moved By: John Barr

That the June 15, 2021 Planning Advisory Committee meeting be adjourned at 9:00 p.m.

Minutes of the Kenora Planning Advisory Committee meeting, Tuesday June 15, 2021, are approved the 20<sup>th</sup> day of July, 2021.

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Chair, Wayne Gauld

- virtual meeting

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Secretary-Treasurer, Melissa Shaw

