



## A G E N D A

for a Public Meeting  
to discuss Proposed Zoning By-law Amendments

For the following Applications:  
**D14-21-04 - 613 Ottawa Street**  
**D14-21-05 - 321 First Avenue South**  
**D14-21-03 - 96 Lakeside Crescent**

Tuesday, June 8, 2021  
12:00 p.m.  
Virtual Attendance

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** *Councillor Smith*

#### **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

#### **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 applicants 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 reports 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.

We have three applications for this public meeting today.

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#### **1. Applicant Presentation - D14-21-04 - 613 Ottawa Street**

- The applicants (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. Applicant Presentation - D14-21-05 - 321 First Avenue South**

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

**7. City Planner Report/Rationale**

- City Planner, Kevan Sumner, to describe the details of the planning application.

**8. 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?

**9. Discussion**

a) Members of Council – Discussion/Questions (no decision is made)

**10. Questions**

- Members of the Public – are there any questions of the application?

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**11. Applicant Presentation - D14-21-03 - 96 Lakeside Crescent**

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

**12. City Planner Report/Rationale**

- City Planner, Kevan Sumner, to describe the details of the planning application.

**13. 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?

**14. Discussion**

a) Members of Council – Discussion/Questions (no decision is made)

**15. Questions**

- Members of the Public – are there any questions of the application?

This concludes all three applications and this public meeting.

**16. Close of Public Meeting**

- No further questions/comments, meeting is declared closed.

May 31, 2021

**City Council  
Committee Report**

**File No.:** D14-21-04  
**To:** Kyle Attanasio, CAO  
**Fr:** Kevan Sumner, City Planner  
**Re:** Application for Zoning By-law Amendment  
**Location:** 613 Ottawa Street  
**Owner:** Torin Berganini  
**Agent:** TMER Consulting Kenora

## 1. Introduction

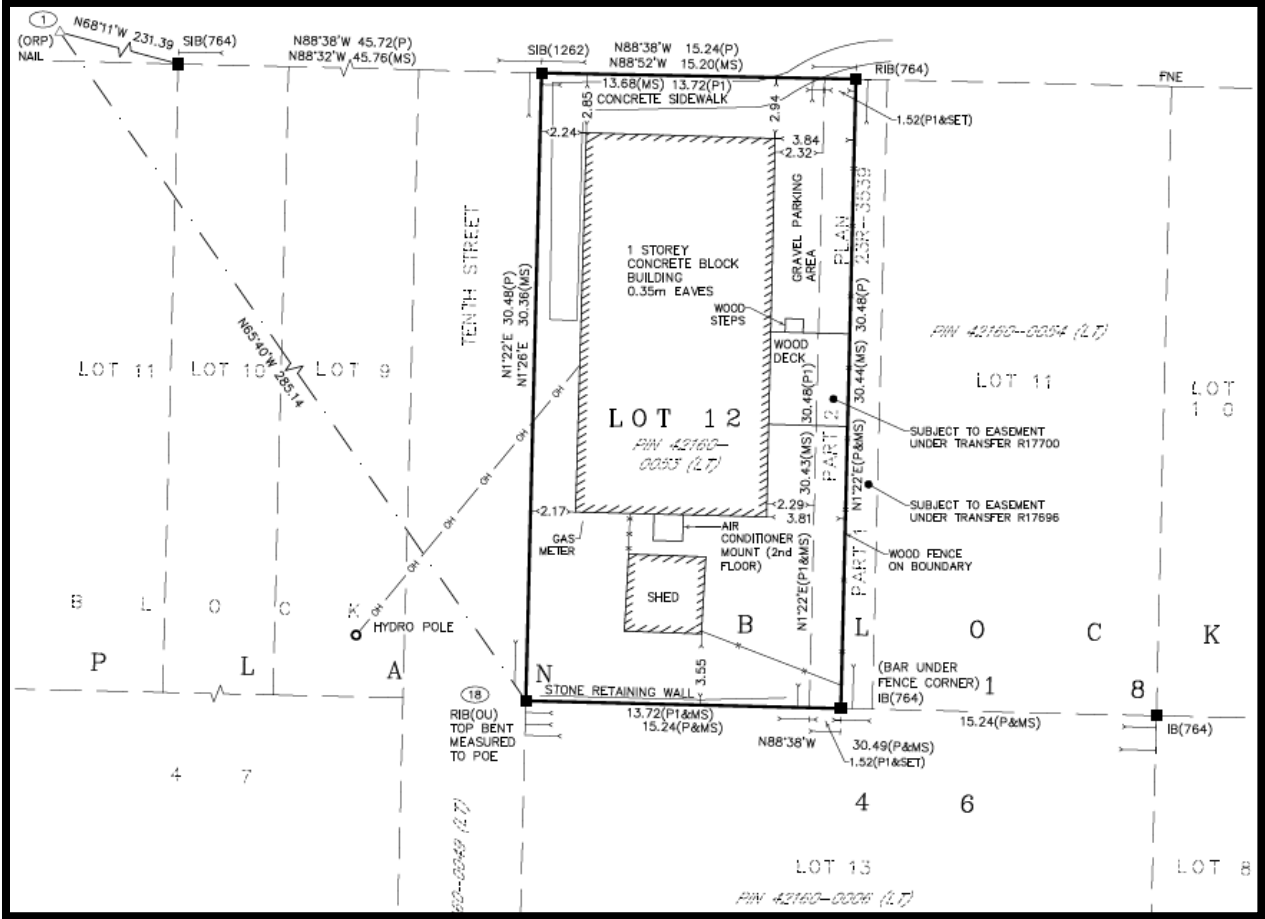
An application has been received to change the zoning of the subject property from "GC" General Commercial Zone to "R2" Residential – Second Density Zone, to bring an existing commercial building with a non-conforming residential dwelling use into compliance with the Zoning By-law. A concurrent application for Minor Variance will be resolved separately from the zoning amendment.



**Figure 1** - Aerial image displaying boundaries of subject site outlined in blue.

**2. Description of Proposal**

The commercial building at 613 Ottawa Street contains two existing residential units. One dwelling unit was constructed in conjunction with a commercial use, which is permitted under the Zoning By-law but restricted to the rear of the structure and limited to 40% of the gross floor area. It is unknown when the former commercial portion of the building was converted to a residential unit. The current owner purchased the building "as is" and wishes to bring the use into compliance with the Zoning By-law.



**Figure 2 – Site plan provided by agent, showing location of structure on property.**

**3. Existing Conditions**

The property contains a one-storey concrete block building containing two residential dwelling units. A deck and parking area are located on the east side of the building and a shed is located to the rear of the building. A portion of the municipal concrete sidewalk is located on the property on both the north and west sides.

#### 4. Site Visit

On May 13<sup>th</sup>, 2021, I attended the subject location to view existing conditions. The photo below is intended to provide a visual of the existing lot.



**Figure 3** – View of property from the northwest.

#### 5. Consistency with Legislated Policy and City Directives

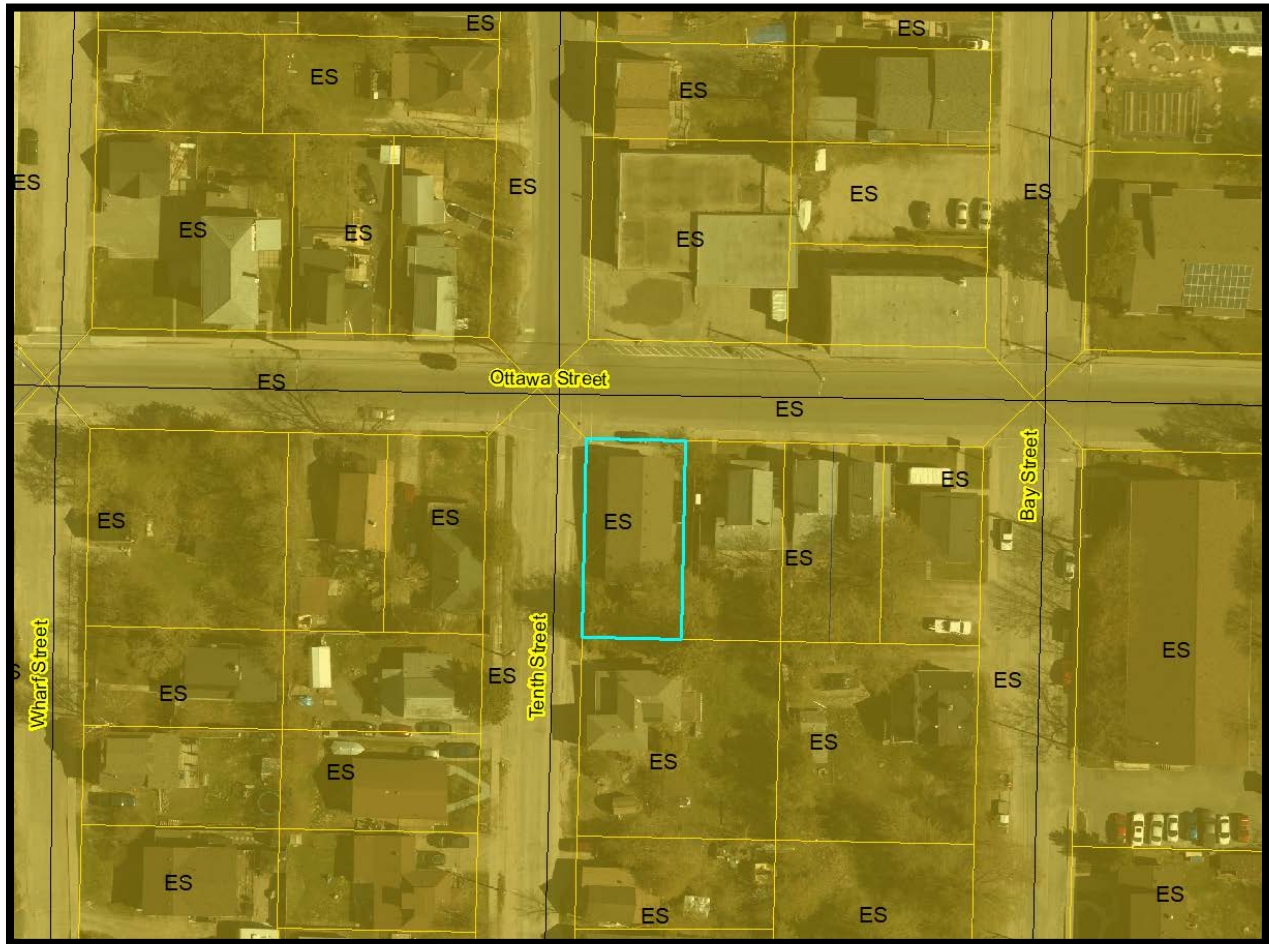
##### a) Provincial Policy Statement (PPS) 2020

The proposed rezoning is generally consistent with those policies that support providing for an appropriate range and mix of housing options and densities required to meet projected market-based and affordable housing needs of current and future residents of the regional market area, by permitting and facilitating all types of residential intensification and promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities. (Policy 1.4.3).

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

The land use designation of the property is Established Area (Figure 4). Policy 4.1 of the Plan states that permitted uses shall include residential, commercial, industrial, and institutional uses. All nearby properties share the same Established Area designation.

In the Established Area, residential development is to be encouraged through plans of subdivision, condominium and consent as infilling or redevelopment of existing uses on full municipal services. 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.

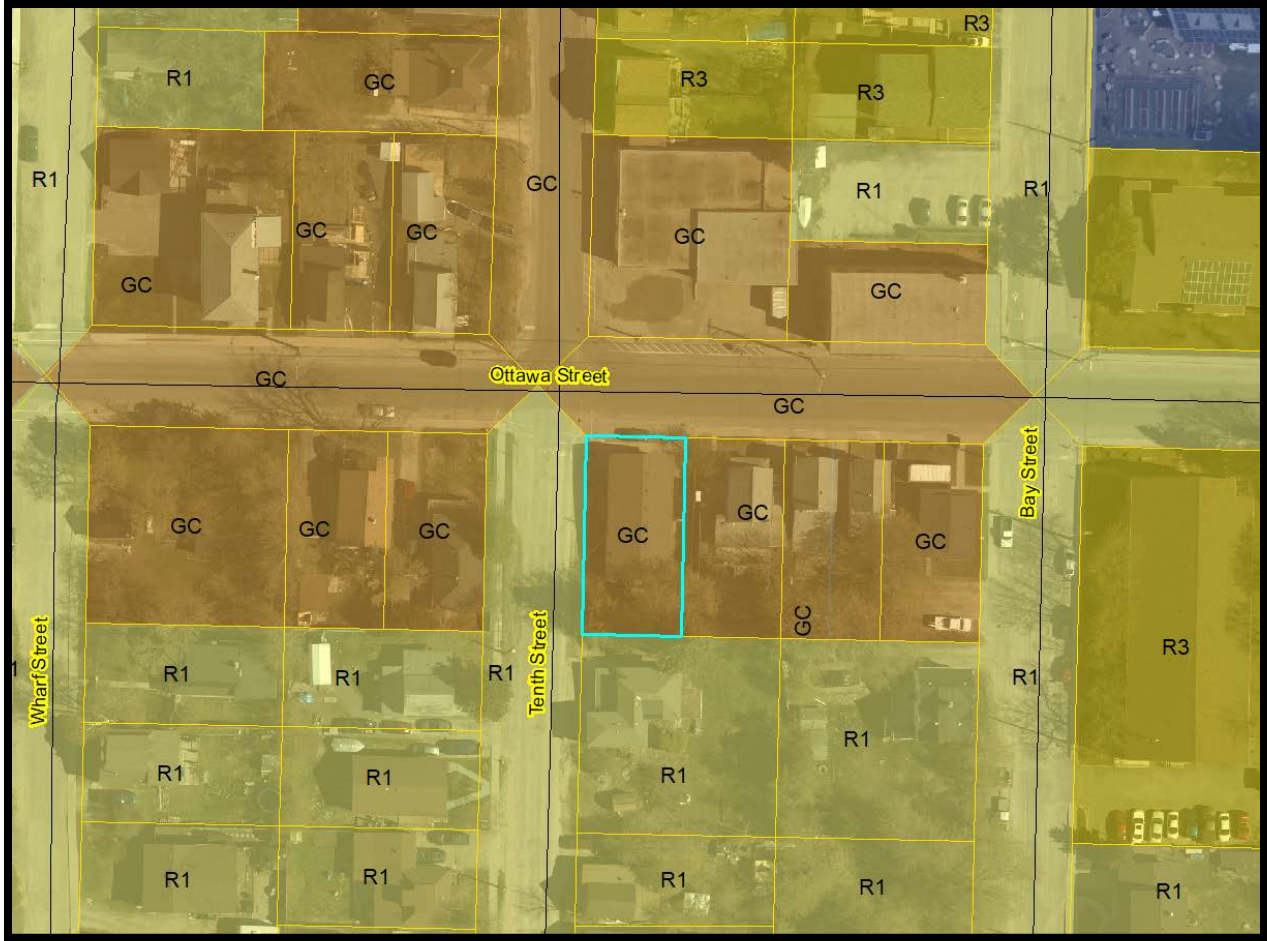


**Figure 4 - OP Mapping**

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

The property is currently zoned "GC" General Commercial Zone (Figure 5). The "GC" General Commercial Zone allows for the development of a wide range of uses and services to meet the needs of residents, businesses and tourists. Neighbouring properties on Ottawa Street are also zoned "GC", while properties along Tenth Street to the south are zoned "R1" Residential – First Density Zone.

The proposed "R2" Residential – Second Density Zone allows for the development of single detached, semi-detached and duplex housing, and other compatible uses on municipal water and sewer services. The use of the property as a semi-detached dwelling would comply with the "R2" zone. A minor variance will be required to bring the property in to full compliance with the Zoning By-law, as the building has insufficient front and exterior yard setbacks and the site currently contains only one full-sized parking space.



**Figure 5 - Zoning By-law Mapping**

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

The proposed rezoning was circulated for comment on May 6<sup>th</sup>, 2021. The following is a summary of comments received in response.

Building	No concerns
Community Services	No concerns
Engineering	No concerns
Economic Development	No concerns
Environmental Division	No concerns
Kenora Fire and Emergency Services	No concerns
Roads Division	No concerns
Parks and Facilities Division	No concerns
Synergy North	No concerns
Water/Wastewater Division	No concerns



## **7. Public Comments**

Notice of the application was given in accordance with Section 34 of the Planning Act, whereby it was circulated on May 13<sup>th</sup>, 2021 to property owners within 120 metres, published in the Municipal Memo of the Newspaper on May 13<sup>th</sup> and 20<sup>th</sup>, and circulated to persons and public bodies as legislated.

The Planning Advisory Committee considered the application and a resolution recommending approval of the application was passed at their meeting on May 18<sup>th</sup>, 2021. The minutes and relevant resolution from this meeting are attached.

As of the date of this report (May 31<sup>st</sup>, 2021), no public comments have been received.

## **8. Evaluation**

This application is required to legally establish the non-complying use of the property. The proposed residential zoning will be exceptional for this portion of Ottawa Street, which is otherwise zoned "GC", but there are several higher-density "R3" properties and a couple of other "R2" properties within a block of the subject property. There is no indication that the non-complying use of the property has caused any problems and no concerns were identified during the review of the application.

## **9. Recommendation**

As the City Planner, it is my professional planning opinion, that the Application for Zoning By-law Amendment, File No. D14-21-04, to change the zoning of the subject property from "GC" General Commercial Zone to "R2" Residential – Second Density Zone should be approved, in lieu of public comments that may yet to be received.

## **Attachments**

- Complete Application for Zoning By-law Amendment
- Notice of Application and Public Meeting
- Minutes of the May 18th Planning Advisory Committee Meeting
- Planning Advisory Committee Resolution



**The Corporation of the City Of Kenora  
Notice of Complete Application and Public Meeting for a  
Zoning By-law Amendment, File Number D14-21-04  
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 8, 2021 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. Access to speak at the meeting can be made by registering with the City Planner at [planning@kenora.ca](mailto:planning@kenora.ca)

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

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 15, 2021 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 Open House**

When: Tuesday, May 18, 2021 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 at [planning@kenora.ca](mailto:planning@kenora.ca).



**Be advised** that the Corporation of the City of Kenora considered the Application for Zoning By-law Amendment to be complete on May 3, 2021.

**Location of Property:** 613 Ottawa Street, Kenora, ON, as identified in the key map above.

**Purpose:** to amend the current zoning of the subject property from "GC" General Commercial Zone to "R2" Residential Second Density.

**Effect of Approval:** to bring an existing commercial building with a non-conforming residential dwelling unit use into compliance with the provisions of the by-law.

**Other Applications:** The City of Kenora Planning Advisory Committee will consider an application for minor variance file number: D14-21-06 for relief from provisions within the "R2" Residential Secondary Zone and Table 4: Required Parking once Council makes decision on application for Zoning By-law Amendment D14-21-04. Application for Minor Variance File Number D13-21-06 will be heard at the regular meeting of the Planning Advisory Committee on June 15, 2021. Notice will be circulated per the *Planning Act*.

**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, June 4<sup>th</sup>, 2021 by email, to [planning@kenora.ca](mailto:planning@kenora.ca) or by regular mail to the address below, and quote File Number: **D14-21-04**.  
Mr. Kevan Sumner, City Planner  
60 Fourteenth Street North, 2<sup>nd</sup> Floor, Kenora, ON P9N 3X2
- b. **Register to Speak at the PAC 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](mailto:planning@kenora.ca) no later than noon on May 17<sup>th</sup>, 2021 and quote File Number: **D14-21-04** 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 Zoning By-Law Amendment 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 an Amendment to the Zoning By-law 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](mailto: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 13th day of May, 2021.



The Corporation of the City of Kenora

**PLANNING ADVISORY COMMITTEE MEETING RESOLUTION**

MOVED BY: John McDougall

SECONDED BY: Ray Pearson

DATE: May 18, 2021

**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. D14-21-04, the subject lands are municipally known as 613 Ottawa Street. The purpose of the Zoning By-law Amendment is to rezone the subject lands "GC" General Commercial Zone to "R2" Residential – Second Density Zone.

The effect of the Zoning By-law Amendment is to rezone lands to promote residential development and to bring an existing commercial building with a non-conforming residential dwelling use into compliance with the zoning by-law. A concurrent application for Minor Variance will be resolved separately from the zoning amendment.

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 <u>  </u> ✓ <u>  </u>	DEFEATED
Declaration of Interest (*)	NAME OF PLANNING MEMBER	YEAS	NAYS		
	<b>Richards, Bev</b>	✓			
	<b>Gauld, Wayne</b>	✓			
	<b>Kitowski, Robert</b>				
	<b>Pearson, Ray</b>	✓			
	<b>Barr, John</b>	✓			
	<b>McDougall, John</b>	✓			
	<b>McIntosh, Tanis</b>	✓			
				CHAIR	



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  
May 18, 2021  
6:00 p.m. (CST)**

**Present:**

**Wayne Gauld  
Bev Richards  
John Barr  
John McDougall  
Ray Pearson  
Tanis McIntosh  
Melissa Shaw  
Kevan Sumner  
Adam Smith**

**Chair  
Member  
Member  
Member  
Member  
Secretary-Treasurer  
City Planner  
Manager Development Services**

**Regrets:**

**Robert Kitowski                      Member**

Please visit the link below to watch the May 18<sup>th</sup>, 2021 Meeting of the Planning Advisory Committee in its entirety. YouTube Link: <https://youtu.be/-8m-gh0fgms>

**DELEGATION:**

- i. The Chair called the meeting to order at 6:00 p.m. and reviewed the meeting protocol.
- ii. There were no additions to the Agenda. The Secretary-Treasurer requested an amendment to the order of applications to be heard, in consideration of public in attendance and participation relating to files D14-21-03 and D14-21-05.
- iii. Chair, Wayne Gauld declared conflict on File Number: D14-21-05, First Avenue South as the Member had a personal relationship with the property owner.
- iv. The minutes of the meeting of Planning Advisory Committee on April 20, 2021 were adopted as circulated.

- v. Correspondence was received by the City of Kenora Planning Department relating to applications before the Committee. Seven written comments were received relating to application D13-21-03, 96 Lakeside Crescent. Copy of the comments are filed with the City of Kenora Planning Department.
- vi. Application for Amendment to the Zoning By-law

### **D14-21-03, Lakeside Crescent**

Tara Rickaby, TMER Consulting- Agent  
[TMERConsultingKenora@outlook.com](mailto:TMERConsultingKenora@outlook.com)

Tara Rickaby, TMER Consulting and David Nelson of Nelson Architecture were hired by property owners of 96 Lakeside Crescent, Greg and Elizabeth Wiebe to make Application for an Amendment to the Zoning By-law File No. D14-21-03 to change the zoning from R2- Residential Second Density to R3- Residential Third Density, with an exception for required frontage from 36 m to 22.8 m and to remove the HL- Hazard Land designation and change it to R3- with the same exception. The Agent identified that concurrent to the application for an Amendment to the Zoning By-law as a concurrent application to purchase the shoreline road allowance from the City of Kenora.

The Agent described the proposed development as a six-unit apartment-style condominium complex with basement and exterior buildings.

The Agent reviewed the proposal to the City of Kenora Zoning By-law, Official Plan and the Provincial Policy Statement, 2020. The Agent, described the proposals medium density intensification in the neighbourhood that would contribute to the neighbourhood and Lake of the Woods in a positive manner, adding to the City's mix and range of housing options.

Kevan Sumner, City Planner provided an overview of the Staff Planning Report, and the application to change the property at 96 Lakeside Crescent from "R2" Residential – Second Density Zone to "R3" Residential – Third Density Zone, remove the "HL" Hazard Land Zone, and reduce the required lot frontage from 6.0m/unit to 3.8m/unit, to allow for the proposed redevelopment of the property as a six-unit stacked dwelling.

The Planner noted a correction to the report, regarding the 1.0 m setback which was from the 20 m reserve. The applicant has since purchased the shoreline road allowance adjacent to the subject property, the front yard setback is therefor changed to 20 metres from the high-water mark.

The Planner read aloud seven (7) public comments that were received in objection to File No. D14-21-03.

The recommendation from the City Planner was for recommendation to Council for approval of application File No. D13-21-03, subject to the following conditions:

- a) That a registered easement be provided to the satisfaction of Synergy North Canada,
- b) That a legal survey be provided to the satisfaction Synergy North Canada, at the cost of the applicant,
- c) That the "HL" Hazard Land zone be reduced to correspond with that portion of the lot which is located below the elevation of 324.6m asl.

A copy of the planning report and redacted comments pertaining to File No. D13-21-03 is filed with the City of Kenora Planning Department.

The Chair asked the public for comments in favour of the application, there were none.

The Chair asked the public for comments against the application, the following comments were received:

1. Joy Bell- 88 Lakeside Crescent, Kenora, ON P9N 4H5.  
Mrs. Bell expressed opposition to Application File No. D14-21-03 and urged the Committee to consider conformity and compatibility of a three story building with the long established residential neighbourhood and the detrimental effect of the privacy of the adjacent neighbours.
2. Dave Baxter- 68 Lakeside Crescent, Kenora, ON P9N 4H5  
Mr. Baxter expressed opposition to Application File No. D14-21-03. Traffic concern, neighbourhood safety and the existing width of Lakeside Crescent were identified as concern.
3. Randall Seller, 80 Lakeside Crescent, Kenora, ON P9N 4H5  
Mr. Seller expressed opposition to File No. D14-21-03. Concerns with the compatibility with existing properties on Lakeside Crescent which are all R1-Residential First Density zoned properties, rate payers have an expectation that would be the consistent use of these properties.

In 2006 there was an application to re-zone the subject property from R1 to R2-Residential Second Density to accommodate a duplex. The amendment to zoning was approved, however the duplex was never built.

Lakeside Crescent was described as an unseized municipal road at approximately twenty (20) feet wide.

Mr. Seller questioned shoreline development, and the ability to provide docking for six-units on a seventy-five (75) foot wide parcel. Increased shoreline congestion was identified as concern.

4. Walter Domareski, 34 Lakeside Crescent, Kenora, ON P9N 4H4  
Mr. Domareski objected to the recommendation to approved File No. D14-21-03, the road is not wide enough, and asked for confirmation from the City of Kenora on

how wide the road should be. Mr. Domareksi identified concern for on-street parking, the current road width cannot accommodate on-street parking. Mr. Domareski requested written clarification from the City of Kenora that the sewer and water is sufficient to support the proposed development.

5. Scott Jessiman and Katie Appleby, 104 Lakeside Crescent, Kenora, ON P9N 4H5

Mr. Jessiman and Ms. Ableby opposed the application, as the proposal is not within the character of the neighbourhood. Concern that sufficient notice was not provided to property owners.

Ms. Ableby expressed environmental concern, concern for increased traffic, noise and dust during construction and questioned if an environmental assessment (EA) shall be required if the development proposal will require blasting for underground parking adjacent Lake of the Woods. Ms. Ableby also questioned if the Sustainability Committee has reviewed the application.

6. Jim Stevenson, 52 Lakeside Crescent, Kenora, ON P9N 4H5

Mr. Stevenson expressed concern for shoreline development and public safety with the increase in traffic.

7. Gerald Favreau, 92 Lakeside Crescent, Kenora, ON P9N 4H4

Mr. Favreau expressed concern for privacy as an adjacent property owner. His property will be in the shade until 1:00 p.m. in the afternoon. Mr. Favreau addressed the application for an amendment to the zoning from R1 to R2 in 2006, and although the previous owner did not build the proposed duplex, a condition of approval was the height of the new development could not exceed the existing height.

8. Mary Anne Donnelly- Favreau, 92 Lakeside Crescent, Kenora, ON P9N 4H4

Mrs. Donnelly- Favreau strongly opposed the recommendation for approval and privacy and reflected upon a previous experience with the construction of the Southward Villa on 6<sup>th</sup> Street South which was next door to her Mother's home where she lived at the time, she expressed concern for loss of privacy and invasion of privacy with development that would tower over their home.

9. Jim Ambs, 100 Lakeside Crescent, Kenora, ON

Mr. Ambs opposed application File No. D14-21-03 and encouraged the Committee to consider the scale of the building in relation to the other neighbouring properties.

10. Doug Corbett, Corbett Architecture c/o 50 Lakeside Crescent, Kenora, ON P9N 4H4

Mr. Corbett asked that Council consider the passionate ratepayers that were in attendance to oppose the application File No. D13-21-03, and noted that there was not one supporter of the application in attendance.

Mr. Corbett spoke to the Policy of Density with the Official Plan, and identified the property locally known as the 'Kuby' parcel as one that might be a good fit for intensification.



Mr. Corbett reflected upon the character of Lake of the Woods and a big part of the character is the view from the water, a multi-story building will have a distinctive look compared to the other development.

Precedent is a word he encouraged Council to consider.

11. Kyle Derouard- 99 Lakeside Crescent, Kenora, ON  
Mr. Derouard expressed concern for safety, with increased traffic and persons coming in and out of the steep driveway. Mr. Derouard resides behind 96 Lakeside Crescent, his view of Lake of the Woods would be completely obstructed with the proposed development.

12. Krista and Josh McKay, 66 Lakeside Crescent Kenora, ON P9N 4H4  
Opposed the application and supported the concerns brought forward by the other property owners along Lakeside Crescent.

13. John and Natalie Edwards- 108 Lakeside Crescent, Kenora, ON P9N 4H4  
Mr. Edwards reflected upon the growth along Lakeside Crescent from only a few houses to what it is now. He expressed concern with the proposed development not in keeping with the existing neighbourhood. Opposed to the application, the existing width of Lakeside Crescent cannot support the development.

14. Debbie Nahnybida - 37 Lakeside Crescent, Kenora, ON P9N 4H4  
Opposed to File No. D14-21-O3, as the applicant is not a resident in the area, the proposed development would not affect the property owner personally.

The Chair asked the Committee for comment.

There was conversation about the removal of the HL- Hazard Land designation allowing the applicant to utilize a portion of the shoreline road allowance above the 324.6 contour to support medium density development.

The Agent clarified that the six-unit development would come forward with a future application for draft plan of condominium. It was also confirmed the blasting would be required onsite to accommodate six parking stalls in a below grade garage.

There was discussion about the previously approved application to amend the zoning by-law in 2006 from R1- Residential First Density to R2- Residential Second Density. The Planner was unaware that the duplex had not been developed on the property and corrected the planning report which described the existing improvements as a duplex.

The Committee discussed the height of the proposed development, the Agent confirmed the final height would be 11.0 m.  
The chair asked the committee for discussion.

The Committee acknowledged comments made by the public pertaining to neighbourhood compatibility, conformity with adjacent uses and concern for safety

due to increased traffic on an undersized residential street, being Lakeside Crescent.

Member, Tanis McIntosh appreciated the safety concern and mentioned having the opportunity to live in larger cities which have the benefit of being purposefully developed with sidewalks and cul-de-sacs, where children can play and the larger multi-residential developments are found on larger roads.

Ray Pearson concurred with Member, Tanis McIntosh, and recognized the concerns of the neighbours as valid concerns and reminded the Committee that that not one person in attendance was there to support the application

John McDougall agreed with the discussion, summarizing the width of the road, privacy and computability as concerns.

John Barr reviewed satellite photos of the south side of Lakeside Crescent, he characterized Lakeside Crescent as varying in width, the lots abutting it are irregular in shape with the subject property at 96 Lakeside Crescent 75' x 200'. In review of density within the neighbourhood, Mr. Barr expressed concern for compatibility.

Bev Richards agreed that it was important to listen to the neighbourhood concerns.

Wayne Gauld described the application more of an R1- Residential First Density, to an R3 Residential Third Density due to the fact that a duplex was never constructed on the subject property. He acknowledged concern with the road and on-street parking.

The Chair asked the Committee for a motion.

The Secretary Treasurer read the recommendation from the Planning Report.

Moved: Tanis McIntosh

Seconded: Bev Richards

**RESOLVED THAT** the **PLANNING ADVISORY COMMITTEE** recommends that the Council of the Corporation of the City of Kenora refuse Application for Zoning By-law Amendment, File No. D14-21-03, the subject lands are municipally known as 96 Lakeside Crescent. The purpose of the Zoning By-law Amendment is to rezone the subject lands from "R2" Residential – Second Density Zone to "R3" Residential – Third Density Zone, remove the "HL" Hazard Land Zone, and reduce the required lot frontage from 6.0m/unit to 3.8m/unit,

The Committee has made an evaluation of the application upon its merits against the Official Plan, Zoning By-law, the Provincial Policy Statement, 2020 and public comments heard at the May 18, 2021 meeting of the Planning Advisory Committee.

Carried.

At 7:55 p.m. Chair Wayne Gauld removed himself from the virtual meeting. Vice-Chair Ray Pearson took over the meeting.

### **D14-21-05, First Ave South**

David Weber, Cholmeyer Architecture  
[david@cohlarch.ca](mailto:david@cohlarch.ca)

Mr. David Weber of Cholmeyer Architecture was acting as Agent on behalf of the property owner. Mr. Cholmeyer presented a short PowerPoint to the Committee and the members of the public who were present. A copy of the presentation is available through the Planning Department.

Mr. Weber described the application as a request to remove the HL- Hazard Land designation to support a mixed-use development with commercial on the main floor and residential above.

Mr. Weber explained that the Department of Fisheries and Oceans Canada has provided a small window of opportunity for development in the summer of 2021. If approvals are in place the developer will proceed with infilling the lot to above the 324.6 flood designation contour. The water lot would be filled with gravel and packed to allow for piles to be drilled from on top of a pad versus over water.

The Agent explained that the application for an amendment to the zoning by-law was one of many steps in the approval process, an Environmental Impact Study would be required as well as DFO review and approval.

A conceptual rendered drawing was provided as an illustration only, the main floor of the proposed development would comprise of commercial space with six (6) residential units above. Once the final configuration of the proposed development is finalized, there may be need for an application for minor variance for relief from parking and building height. The development shall be subject to Site Plan Control.

Kevan Sumner, City Planner provided an overview of the Staff Planning Report, An application File No. D14-21-05 to change the zoning of the subject property from "CG" Commercial General Zone with "HL" Hazard Land Zone to "CG" Commercial General Zone, to allow for the property owner to make improvements to the property including placing of fill to extend the shoreline of the property in to the lake.

A copy of the Staff Planning report is available through the City of Kenora Planning Department.

In an evaluation, the Planner noted that the "HL" zone restricts the City of Kenora from approving any of the preliminary work proposed by the property owner,

including the infill of the lot and placement of piles as a foundation for a future construction. Removal of the "HL" zone will permit the owner to proceed with their short term plans. All future development will need to comply with the regulations of the "CG" zone which will remain on the property.

The City Planner recommended that Application for Zoning By-law Amendment, File No. D14-21-05, be approved, in lieu of public comments that may yet to be received.

The chair asked the Agent If there was anything to add.

The Agent referenced a comment made by the City Engineer that mentioned concern over the current storm pipe that outflows into the lake adjacent to the north lot line of the subject property that travels through the Bannister Centre parking lot. With the infilling of the subject property this will close off this piping to outfall into the lake. The Agent acknowledged the concern and offered a recommendation to relocate the pipe which might dovetail well into a plan the developers have to provide public access over the subject property to the Lake of the Woods.

The Chair asked the public for comments in favour of the application, there were none.

The Chair asked the public for comments against the application, the following comments were received:

1. Patricia MacDonell- 321 Third Street South, Kenora, ON P9N 1H8  
Mrs. Macdonell expressed concern over the lack of public notice on File No. D4-0-21-05. From her point of view, big development was blocking the view of back street development. The Bannister Centre could be taken as precedent and that is a cautionary tale. She urged the Committee to act with integrity and respect the heritage of our Community.

2. John Saunders- 314 First Avenue South, Kenora, ON P9N 1W7  
Mr. Saunders believed the application and planning rationale as provided the Agent was riddled with errors including:

- Lot size
- Proposal includes the existing sidewalk
- No mention of parking for either the residential or the commercial components
- Section 25.0 and Section 26.0 are incomplete within the application form.
- Mr. Saunders acknowledged that the Fish Market was once a gas station which was depicted on the mural of the now demolished building facing the lake.

Mr. Saunders suggested the Committee address Harbourtown Centre's greatest asset- the water. It is access to the lake and views to and from the water that will provide incentive to develop and build in the centre. If the proposed development is

essentially replacing an existing structure, recently demolished, Mr. Saunders questioned the need to remove the hazard designation.

Mr. Saunders evaluated the application with the Provincial Policy Statement, 2020 and recommended that long term prosperity, human and environmental health and social wellbeing should take precedence over short term considerations.

Mr. Saunders suggested that the City of Kenora shall consider the Downtown and its wellbeing depends on what happens on the water.

3. John Bilton, 322 First Avenue South, Kenora, ON P9N 1W3

Mr. Bilton indicated he was speaking in a personal capacity, as the resident across from the former Blue Heron acquiring the property in 2007.

Mr. Bilton is opposed to the application and reference the Kenora Official Plan, 2015 which he described as an attempt to express the wisdom of the community and how they viewed the relationship of this town with the beautiful geography that surrounds it. He described the deep historical connection his home has with the former blue heron site. The consistency in terms of the neighbourhood design is the character of the homes. Mr. Bilton referenced the Bannister Centre as an example of what we shouldn't be doing and that 'we' lost our way.

Mr. Bilton also expressed concern for insufficient Notice and encouraged the City to do better than minimum standard for notice and questioned administrative fairness.

Mr. Bilton wished to point out the objective clear cut reasons why in his opinion the application ought to be denied. The Application and the planners report clearly misapprehend the letter and the spirit of the governing authorities, the City of Kenora Zoning Bylaw 101-2015, the Official Plan (2015) and Provincial Policy Statement, 2020.

Mr. Bilton expressed concern with by removing the HL- Hazard Land designation, if removed it was the opinion of the Mr. Bilton that the property owner will no longer be required to comply with the City of Kenora, Official Plan, 2015.

4. John Rasmussen, 326 Fourth Avenue South, Kenora, ON P9N 1Z2

Mr. Rasmussen question the idea of adverse environmental impacts of filling in the lake at the subject property, File No. D14-21-05. He mentioned previous discussion on File No. D14-21-03, whereby the Planning Advisory Committee recommended against the approval because conformity with neighbouring properties. Mr. Rasmussen pointed out that the Bannister Centre is zoned GC with the HL- Hazard Land designation, the park is zoned OS- Open Space with HL- Hazard Land designation. His recommendation is to refuse the removal of the HL- Designation because the other two properties adjacent have the HL- designation.

5. Linda Mitchell, 320 First Avenue South, Kenora, ON P9N 1T4

Linda Mitchell agreed with the comments made by her neighbours, she respects and supports development in the Community however recommended a vision is needed.

6. Celia Christensen, 303 Third Street South, Kenora, ON P9N 1H8  
Mrs. Christensen expressed concern for the application. She recognized the historic charm within Kenora and encouraged developers to come up with a plan that embraces the historic charm.

7. Tony Jones, P0 Box 142 , Kenora, ON P9N 3X1  
Mr. Jones did not see any reason that seems proper to remove the HL- Hazard Land designation other than at the convenience of the developer to do development which is undetermined at this point at the time and place of their choosing. HL had two purposes, a formal purpose to protect person and property and informal purpose to protect values wetland. Deeply against the application.

8. Walter Domareski, 34 Lakeside Crescent, Kenora, ON P9N 4H4  
Mr. Domareski believed the property should be developed as a park with a walkway along the waterfront.

The chair asked the Committee for questions.

There was a question about the HL- Hazard Land Zone designation and permitted uses. In the opinion of the City Planner, the HL- Hazard Land designation is one of the more poorly established zones in the Zoning By-law. Any property with the HL- designation is not permitted for development.

The Committee questioned the City Planner if a Record of Site Condition (RSC) was required. It was confirmed by both the Agent and the City Planner that an RSC shall be required prior to permitting.

The Committee acknowledged the Waterfront Development Guidelines from 2009, one of the main goals is to protect the waterfront within the Harbourtown Centre. The Agent confirmed he was aware of the report.

The Committee motioned to extend curfew of the Public meeting past 9:00 p.m.  
Carried.

The Committee questioned the plan of survey submitted, the boundaries on the recent survey are not in agreement with the original patent of the property, PIN 42165-0256. The north boundary was originally 103' but now 107.25'; east boundary as 90' now 93.5' and west was 90' now measuring 96.5'.

The chair asked the Committee for discussion.

Member John Barr had concern with the application, the subject property was previously used as a gas station, and Mr. Barr suggested there may be a dozen barrels sitting under the water. Mr. Barr supported the need for an RSC and fill material at the recommendation of DFO and MNRF shall be consulted. Mr. Barr expected it may be some time before development could occur on the property and wondered if during that time period, the Community would have the opportunity to

comment on a development proposal. The City Planner identified Site Plan Control as an opportunity to ensure the development complies with the provision of the Official Plan and Zoning By-law.

The Committee discussed the need for an Environmental Impact Statement. The Agent confirmed an ESA shall be required in advance of any infill.

The Committee discussed the timeline that may be required to obtain an ESA and an RSC. The window of opportunity for development with approval from DFO would be July and August, 2021. Mr. Weber suggested that if they could not meet the July/August timeline then development will be bumped to 2022.

Moved: John Barr

Seconded: Bev Richards

**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. D14-21-05, the subject lands are municipally known as 321 First Avenue South. The purpose of the Zoning By-law Amendment is to rezone the subject lands from "GC" General Commercial Zone with "HL" Hazard Land Zone to "GC" General Commercial Zone.

The effect of the Zoning By-law Amendment is to rezone lands to promote redevelopment of the subject lands and to allow for the property owner to make improvements to the property including placing of fill to extend the shoreline of the property in to the lake.

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.

Carried.

Chair, Wayne Gauld re-entered the virtual meeting Wayne joined at 9:19 p.m.

#### **D14-21-04**

Tara Rickaby, TMER Consulting represented Mr. Torin Berganini, owner of the subject property at 613 Ottawa Street, Kenora, ON. The Agent provided overview of the application to amend the zoning from GC-General Commercial to R2-Residential, Second Density, and an associated application for minor variance for relief from the provisions for the front yard setback, exterior side yard (Tenth St) and parking stall dimensions. Mr. Berganini proposes to formalize/legalize the current use of the property as a semi-detached dwelling. A minor variance for parking stall size, exterior side and front yard setbacks will also be required if this application is approved by Council.

Mr. Berganini proposes to improve the façade of existing structure in order to reflect the residential use. The property owner acknowledges that a change of use/building permit will also be required in order to bring the property into

compliance with applicable law. A copy of the complete application and planning rationale is available through the City of Kenora Planning Department.

The City Planner, Kevan Sumner presented the staff report Application for an Amendment to the Zoning By-law File No. D14-21-04 to amend the current zoning of the subject property AT 613 Ottawa Street from "GC" General Commercial Zone to "R2" Residential Second Density and to allow an existing commercial building with non-conforming use as residential into compliance with the provisions of the by-law.

In an evaluation, the application for amendment to the zoning by-law is required to legally establish the non-complying use of the property. The proposed residential zoning will be exceptional for this portion of Ottawa Street, which is otherwise zoned "GC", but there are several higher-density "R3" properties and a couple of other "R2" properties within a block of the subject property.

The City Planner recommended Application for Zoning By-law Amendment, File No. D14-21-04 be approved, in lieu of public comments that may yet to be received.

The full copy of the staff report, File No. D14-21-04 is filed with the City of Kenora Planning Department.

The Chair asked for public comments pertaining to the application, there were none.

The Chair asked for questions from the Committee, there were none.

The Chair asked for discussion from the Committee, there was none.

Moved: John McDougall

Seconded: Ray Pearson

**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. D14-21-04, the subject lands are municipally known as 613 Ottawa Street. The purpose of the Zoning By-law Amendment is to rezone the subject lands

"GC" General Commercial Zone to "R2" Residential – Second Density Zone.

The effect of the Zoning By-law Amendment is to rezone lands to promote residential development and to bring an existing commercial building with a non-conforming residential dwelling use into compliance with the zoning by-law. A concurrent application for Minor Variance will be resolved separately from the zoning amendment.

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.



Carried.

vii. Old Business

- OACA Training
  - Confirmed Bev Richards, Ray Pearson and Wayne Gauld will be attending.
- OP and ZBL Review
- Request the HL Policy IN THE Official Plan be consistent with the Zoning By-law.
- Discussion on Notice requirements and providing notice to the public.
- Discussed re-scheduling PAC meetings to the fourth Tuesday of each month.
- Recommendation to make Signs larger- the Planning Act required a sign be posted on the subject property in application.

viii. Adjourn

Moved By: John Barr

That the May 21, 2021 Planning Advisory Committee meeting be adjourned at 9:56 p.m.

Minutes of the Kenora Planning Advisory Committee meeting, Tuesday May 21, 2020 are approved the 15<sup>th</sup> day of June, 2021.

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Chair, Wayne Gauld

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Secretary-Treasurer, Melissa Shaw

May 31, 2021

**City Council  
Committee Report**

**File No.:** D14-21-05

**To:** Kyle Attanasio, CAO

**Fr:** Kevan Sumner, City Planner

**Re:** Application for Zoning By-law Amendment

**Location:** 321 First Avenue South

**Owner:** Inlett Inc.

**Agent:** Cohlmeier Architecture Limited

**1. Introduction**

An application has been received to change the zoning of the subject property from "GC" General Commercial Zone with "HL" Hazard Land Zone to "GC" General Commercial Zone, to allow for the property owner to make improvements to the property including placing of fill to extend the shoreline of the property in to the lake.



**Figure 1** - Aerial image displaying boundaries of subject site outlined in blue.

## 2. Description of Proposal

The property owner intends to redevelop the property with uses that are anticipated to be compliant with the "GC" General Commercial Zone. In anticipation of this future development, the owner wishes to make improvements to the property this year, including placing of fill to extend the shoreline out in to the lake and raise the grade of the property to the flood elevation of 324.6 CGVD28 (Canadian Geodetic Vertical Datum of 1928) within the boundaries of the water lot.

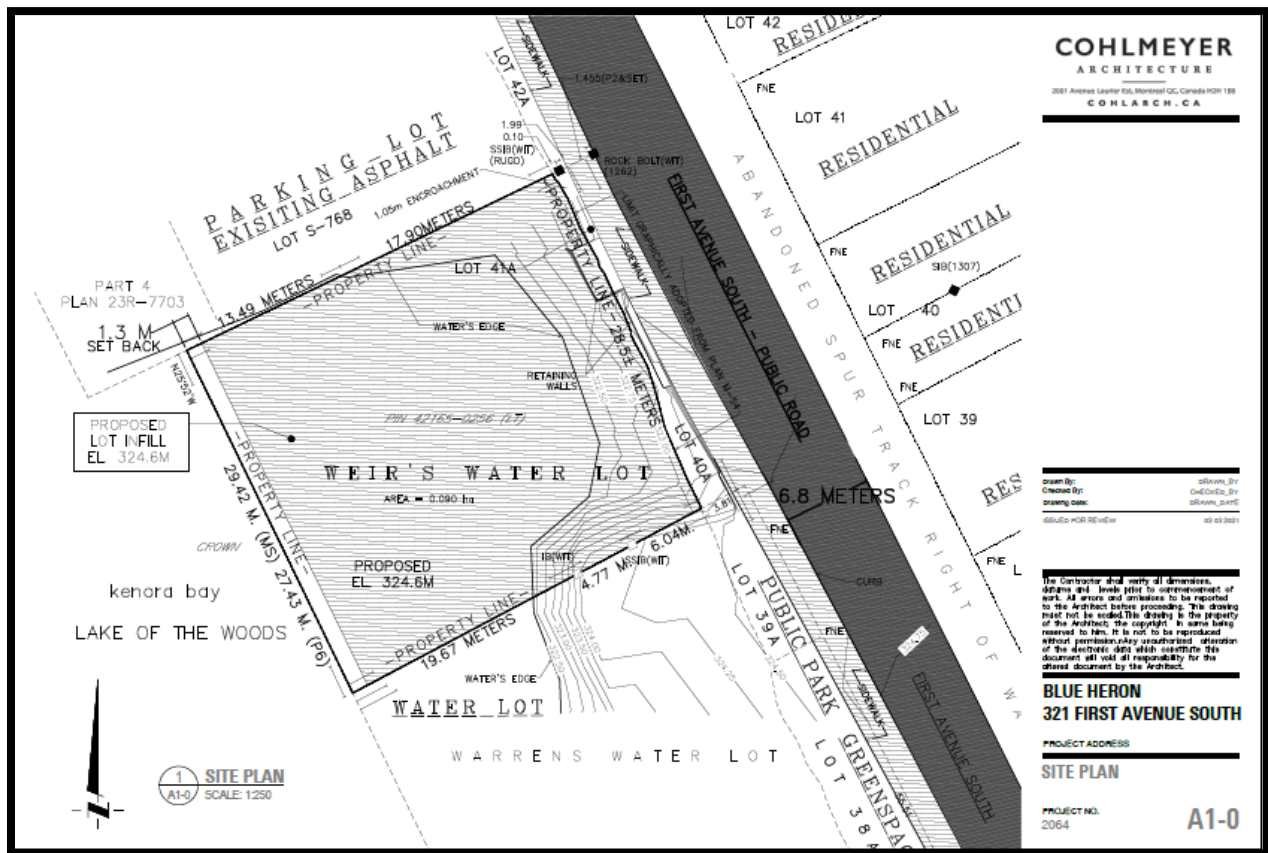


Figure 2 – Site plan provided by agent, showing extend of proposed lot infill.

## 3. Existing Conditions

The property is currently vacant following the removal of the previous structure over the winter. Most of the lot extends in to the Lake of the Woods, with a small portion of shoreline adjacent to First Avenue South. Some docks are currently located over the water lot, but are not connected to land.

The property to the south is a municipal park. To the north is the Bannister Centre parking lot. On the opposite side of First Avenue South are a mixture of commercial and residential uses.

#### 4. Site Visit

On May 14<sup>th</sup>, 2021, I attended the subject location to view existing conditions. The photo below is intended to provide a visual of the existing lot.



**Figure 3** – View of property from First Avenue South

#### 5. Consistency with Legislated Policy and City Directives

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

The proposed rezoning is generally consistent with those policies that support new development should occur adjacent to the existing built-up area and should have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities (Policy 1.1.3.6) and which encourage compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities (Policy 1.3.1(d))

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

The land use designation of the property is Harbourtown Centre (Figure 4). Policy 4.3 of the Plan states that the Harbourtown Centre designation represents the downtown area of the City, and is considered to be an extremely important component of the commercial and recreational land use system of the City of Kenora. It is the intent of the Plan that this area contains major concentrations of commerce, finance, tourism, entertainment, recreation, residential, and business activities, and provides a dynamic commercial core for the residents of and visitors to, the City of Kenora.

Future development of the property will be expected to respect the Harbourtown Centre policies. In terms of the future physical development of the property, this includes an expectation that any proposed development will give consideration to the

design and spacing of new buildings to ensure that desirable, year-round conditions of sun and shade are provided in surrounding open space areas, streets and sidewalks and residential buildings (Policy 4.3.5(b)), and that the orientation, spacing and location of new buildings shall be conducive to the provisions of access to and views to the Lake of the Woods (Policy 4.3.5(c)).

The Official Plan states that Hazard Lands include those lands along the Lake of the Woods that are located below 324.6m CGVD28, as identified by the Lake of the Woods Control Board (Policy 3.13.1(a)). Development shall not be permitted in Hazard Lands for a variety of uses, including residential, commercial, industrial, institutional uses associated with hospitals, nursing homes, day cares, and schools, essential emergency services, or any use associated with hazardous materials (Policy 3.13.1(b)). Development and site alteration of Hazard Lands, including the erection and/or construction of buildings or structures, and the placement or removal of fill, may be permitted, subject to rezoning, where there is no defined floodway and it can be demonstrated, to the satisfaction of the City, that:

- The effects and risk to public safety are minor or can be managed or mitigated in accordance with provincial standards;
- New hazards shall not be created and existing hazards shall not be aggravated;
- No adverse environmental impacts will result;
- Vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies; and
- The development will not include institutional uses or essential emergency services or the disposal, treatment or storage of hazardous substances. (Policy 3.13.1(e))

Neighbouring properties share the Harbourtown Centre designations, with the exception of the two parks on either side of First Avenue South directly south of the property, which are designated as Open Space.



**Figure 4 - OP Mapping**

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

The property is currently zoned "GC" with a "HL" exception, which indicates that it is subject to both the "GC" and "HL" zone regulations. (Figure 5). The "GC" General Commercial Zone allows for the development of a wide range of uses and services to meet the needs of residents, businesses and tourists. The "HL" Hazard Land Zone identifies lands which are susceptible to flooding or erosion or any other physical characteristic which could cause harm to persons or lead to the deterioration of buildings and structures.

The Bannister Centre to the north is also zoned as "GC" and "HL", while the park to the south is zoned "OS" Open Space and "HL". Properties on the other side of First Avenue South are zoned "GC", "OS", and "R2" Residential – Second Density Zone.

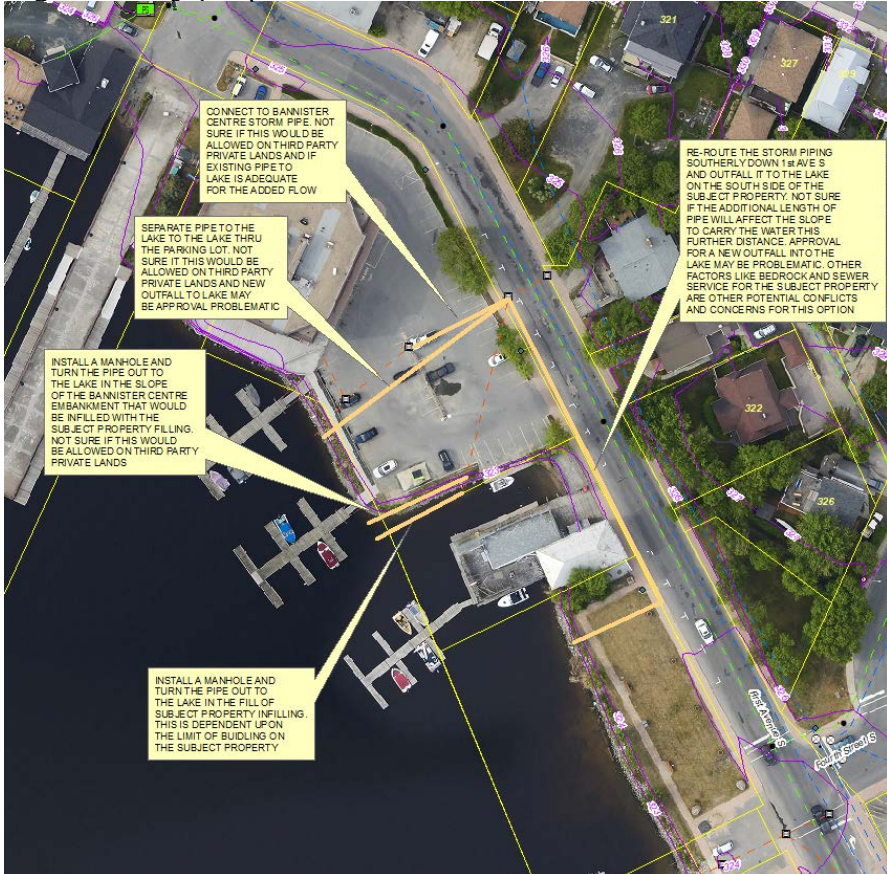
The application proposes to remove the "HL" zone from the subject property. This is required to enable the future redevelopment of the site, as permitted uses in the "HL" zone are limited to wildlife conservation reserves, docks, farms and parks (excluding buildings), and parking lots or similar non-structural accessory uses.



Figure 5 - Zoning By-law Mapping

## 6. Results of Interdepartmental and Agency Circulation

The proposed zoning amendment was circulated for comment on May 6<sup>th</sup>, 2021. The following is a summary of comments received in response.

Building	No concerns
Community Services	No concerns
Engineering	<p>There is concern over the current storm pipe that outflows into the lake adjacent to the north lot line of the subject property that travels through the Bannister Centre parking lot. With the infilling of the subject property this will close off this piping to outfall into the lake. There are a few options to address this situation as per the orange lines as shown on the drawing below. All 5 options have their cons as noted in the drawing.</p> <p>It is also noted that the First Avenue South right of way is narrow and the City may not be in possession of the sidewalk fronting the subject property. The City should pursue obtaining the land fronting the subject property for Right of way purposes.</p>  <p>The drawing shows five options for storm pipe routing, each with a yellow callout box:</p> <ul style="list-style-type: none"> <li><b>Option 1 (Top):</b> CONNECT TO BANNISTER CENTRE STORM PIPE. NOT SURE IF THIS WOULD BE ALLOWED ON THIRD PARTY PRIVATE LANDS AND IF EXISTING PIPE TO LAKE IS ADEQUATE FOR THE ADDED FLOW.</li> <li><b>Option 2 (Middle-Left):</b> SEPARATE PIPE TO THE LAKE TO THE LAKE THRU THE PARKING LOT. NOT SURE IF THIS WOULD BE ALLOWED ON THIRD PARTY PRIVATE LANDS AND NEW OUTFALL TO LAKE MAY BE APPROVAL PROBLEMATIC.</li> <li><b>Option 3 (Bottom-Left):</b> INSTALL A MANHOLE AND TURN THE PIPE OUT TO THE LAKE IN THE SLOPE OF THE BANNISTER CENTRE EMBANKMENT THAT WOULD BE INFILLED WITH THE SUBJECT PROPERTY INFILLING. NOT SURE IF THIS WOULD BE ALLOWED ON THIRD PARTY PRIVATE LANDS.</li> <li><b>Option 4 (Bottom):</b> INSTALL A MANHOLE AND TURN THE PIPE OUT TO THE LAKE IN THE SLOPE OF THE SUBJECT PROPERTY INFILLING. THIS IS DEPENDENT UPON THE LIMIT OF BUILDING ON THE SUBJECT PROPERTY.</li> <li><b>Option 5 (Right):</b> RE-ROUTE THE STORM PIPING SOUTHERLY DOWN 1<sup>st</sup> AVE S AND OUTFALL IT TO THE LAKE ON THE SOUTH SIDE OF THE SUBJECT PROPERTY. NOT SURE IF THE ADDITIONAL LENGTH OF PIPE WILL AFFECT THE SLOPE TO CARRY THE WATER THIS FURTHER DISTANCE. APPROVAL FOR A NEW OUTFALL INTO THE LAKE MAY BE PROBLEMATIC. OTHER FACTORS LIKE BEDROCK AND SEWER SERVICE FOR THE SUBJECT PROPERTY ARE OTHER POTENTIAL CONFLICTS AND CONCERNS FOR THIS OPTION.</li> </ul>
Economic Development	No concerns

Environmental Division	No concerns
Kenora Fire and Emergency Services	No concerns
Lake of the Woods Control Board	The documents indicate that the building will not be below the hazard level for Lake of the Woods recommended by the LWCG. As such, the LWCB has no comment on the application.
Ministry of Environment Conservation and Parks	<p>Appropriate permits should be pursued with MNRF and DFO. Proponent is referred to Ontario's Fill Quality Guidelines for Lakefilling (2003), as well as Ontario's Fill Quality Guide and Good Management Practices for Shore Infilling in Ontario.</p> <p>A building permit should not be issued until a Record of Site Condition is filed. It is possible that sampling of the sediment in the water lot will be required as part of a Phase II ESA (if required) and would need to be done before any fill is placed. If the sediments were contaminated, they would likely need to look at either remediation or risk assessment to identify risk management measures. If remediation in the form of removal is chosen (based on considerations of cost and time), it is likely that the owner would want to do this prior to placing fill.</p>
Ministry of Natural Resources and Forestry	<p><i>May 14th</i></p> <p>In looking at the Significant Features Checklist in the application, there is direction for proponents to identify if the project will occur within 500m of various features. One of these indicated features are Significant Wetlands, which the proponent has marked as 'unknown' and another is Significant Fish Habitat, Wildlife Habitat and areas of Natural and Scientific Interest which is marked as 'yes'. For both these categories, if there is a yes answer (which is what should have been marked for the provincial significant wetland which is ~150m away), an Environmental Impact Study is required. Was an EIS prepared and if so, do you happen to have a copy that we could review?</p> <p>There likely will not be permitting requirements from MNRF but it is suggested that the applicant contact MNRF to confirm. There may be requirements if there would be an obvious impact to surrounding Crown lake bed but they will need to see their final work plan to confirm.</p> <p><i>May 31st</i></p> <p>Our Natural Heritage Reference Manual defines lands adjacent to wetlands as being within 120m of the wetland.</p>



	I assume the City's 120m threshold originate from that document.
Roads Division	No concerns
Parks and Facilities Division	No concerns
Synergy North	Depending on the situation, easements might need to be provided for underground servicing.
Water/Wastewater Division	No concerns

**7. Public Comments**

Notice of the application was given in accordance with Section 34 of the Planning Act, whereby it was circulated on May 13<sup>th</sup>, 2021 to property owners within 120 metres, published in the Municipal Memo of the Newspaper on May 13<sup>th</sup> and 20<sup>th</sup>, and circulated to persons and public bodies as legislated.

The Planning Advisory Committee considered the application and a resolution recommending approval of the application was accepted at their meeting on May 18<sup>th</sup>, 2021. Several local residents and interested community members participated in the virtual meeting and expressed concerns regarding the suitability of the proposed development and removal of the "HL" zone. Specific concerns included opposition to placing of fill on the property, environmental contaminants associated with previous uses of the property, the timing of notices, and the suitability of the proposed future development for Kenora's waterfront.

As of the date of this report (May 31<sup>st</sup>, 2021), two public comments have been received and are attached to this report.

**8. Evaluation**

The Official Plan states that no residential or commercial development is permitted on Hazard Lands, but provides an opportunity to move forward with development and site alteration, including the erection and/or construction of buildings and structures, and the placement or removal of fill, subject to rezoning. It seems clear that the Official Plan envisioned Zoning By-law amendments as a prerequisite to development. The filling of a property that is below the flood level provides an opportunity to raise the level of the property above the flood level and thus remove the flood risk that qualifies a property as Hazard Land.

The "HL" zone restricts the City of Kenora from approving any of the uses being proposed by the property owner. The Zoning By-law does provide for placement or removal of fill subject to engineering studies demonstrating minimal risk of environmental damage and/or the reduction of potential hazards for which the land is designated. Removal of the "HL" zone will permit the owner to proceed with both the filling of the property and their future development plans, in compliance with the regulations of the existing "GC" General Commercial zone and subject to Site Plan Control and a satisfactory Record of Site Condition (RSC).

In response to comments from provincial ministries, staff have determined that an Environmental Impact Assessment is not required given that the subject property is not located on a provincially significant wetland nor is it within the 120 metre radius to trigger the assessment as per the policy in the Official Plan.

The agents were made aware of the requirement for a Record of Site Condition (RSC) in February. Both the RSC and accommodation of municipal storm sewer infrastructure will be resolved prior to Site Plan Control approval or issuance of building permits. The RSC, which must be completed by a professional licensed under the *Professional Engineers Act* or registered under the *Professional Geoscientists Act*, will be evaluated to determine if it meets the requirement for an engineering study demonstrating minimal risk of environmental damage and/or the reduction of potential hazards for which the land is designated, as required under the Zoning By-law.

## **9. Recommendation**

As the City Planner, it is my professional planning opinion, that the Application for Zoning By-law Amendment, File No. D14-21-05, to change the zoning of the subject property from "GC[HL]" General Commercial Zone with a Hazard Land Zone exception to "GC" General Commercial Zone should be approved, in lieu of public comments that may yet be received.

## **Attachments**

- Complete Application for Zoning By-law Amendment
- Notice of Application and Public Meeting
- Minutes of the Planning Advisory Committee meeting of May 18<sup>th</sup>, 2021.
- Planning Advisory Committee Resolution.
- Public Comments



The Corporation of the City of Kenora

**PLANNING ADVISORY COMMITTEE MEETING RESOLUTION**

MOVED BY: John Barr

SECONDED BY: Bev Richards

DATE: May 18, 2021

**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. D14-21-05, the subject lands are municipally known as 321 First Avenue South. The purpose of the Zoning By-law Amendment is to rezone the subject lands from "GC" General Commercial Zone with "HL" Hazard Land Zone to "GC" General Commercial Zone.

The effect of the Zoning By-law Amendment is to rezone lands to promote redevelopment of the subject lands and to allow for the property owner to make improvements to the property including placing of fill to extend the shoreline of the property in to the lake..

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 ____✓____	DEFEATED
Declaration of Interest (*)	NAME OF PLANNING MEMBER	YEAS	NAYS		
	<b>Richards, Bev</b>	✓			
	<b>Gauld, Wayne</b>				
	<b>Kitowski, Robert</b>				
	<b>Pearson, Ray</b>	✓		CHAIR	
	<b>Barr, John</b>	✓			
	<b>McDougall, John</b>	✓			
	<b>McIntosh, Tanis</b>		✓		



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**  
**May 18, 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>Tanis McIntosh</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>Robert Kitowski</b>	<b>Member</b>
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Please visit the link below to watch the May 18<sup>th</sup>, 2021 Meeting of the Planning Advisory Committee in its entirety. YouTube Link: <https://youtu.be/-8m-gh0fgms>

**DELEGATION:**

- i. The Chair called the meeting to order at 6:00 p.m. and reviewed the meeting protocol.
- ii. There were no additions to the Agenda. The Secretary-Treasurer requested an amendment to the order of applications to be heard, in consideration of public in attendance and participation relating to files D14-21-03 and D14-21-05.
- iii. Chair, Wayne Gauld declared conflict on File Number: D14-21-05, First Avenue South as the Member had a personal relationship with the property owner.
- iv. The minutes of the meeting of Planning Advisory Committee on April 20, 2021 were adopted as circulated.

- v. Correspondence was received by the City of Kenora Planning Department relating to applications before the Committee. Seven written comments were received relating to application D13-21-03, 96 Lakeside Crescent. Copy of the comments are filed with the City of Kenora Planning Department.
- vi. Application for Amendment to the Zoning By-law

### **D14-21-03, Lakeside Crescent**

Tara Rickaby, TMER Consulting- Agent  
[TMERConsultingKenora@outlook.com](mailto:TMERConsultingKenora@outlook.com)

Tara Rickaby, TMER Consulting and David Nelson of Nelson Architecture were hired by property owners of 96 Lakeside Crescent, Greg and Elizabeth Wiebe to make Application for an Amendment to the Zoning By-law File No. D14-21-03 to change the zoning from R2- Residential Second Density to R3- Residential Third Density, with an exception for required frontage from 36 m to 22.8 m and to remove the HL- Hazard Land designation and change it to R3- with the same exception. The Agent identified that concurrent to the application for an Amendment to the Zoning By-law as a concurrent application to purchase the shoreline road allowance from the City of Kenora.

The Agent described the proposed development as a six-unit apartment-style condominium complex with basement and exterior buildings.

The Agent reviewed the proposal to the City of Kenora Zoning By-law, Official Plan and the Provincial Policy Statement, 2020. The Agent, described the proposals medium density intensification in the neighbourhood that would contribute to the neighbourhood and Lake of the Woods in a positive manner, adding to the City's mix and range of housing options.

Kevan Sumner, City Planner provided an overview of the Staff Planning Report, and the application to change the property at 96 Lakeside Crescent from "R2" Residential – Second Density Zone to "R3" Residential – Third Density Zone, remove the "HL" Hazard Land Zone, and reduce the required lot frontage from 6.0m/unit to 3.8m/unit, to allow for the proposed redevelopment of the property as a six-unit stacked dwelling.

The Planner noted a correction to the report, regarding the 1.0 m setback which was from the 20 m reserve. The applicant has since purchased the shoreline road allowance adjacent to the subject property, the front yard setback is therefor changed to 20 metres from the high-water mark.

The Planner read aloud seven (7) public comments that were received in objection to File No. D14-21-03.

The recommendation from the City Planner was for recommendation to Council for approval of application File No. D13-21-03, subject to the following conditions:

- a) That a registered easement be provided to the satisfaction of Synergy North Canada,
- b) That a legal survey be provided to the satisfaction Synergy North Canada, at the cost of the applicant,
- c) That the "HL" Hazard Land zone be reduced to correspond with that portion of the lot which is located below the elevation of 324.6m asl.

A copy of the planning report and redacted comments pertaining to File No. D13-21-03 is filed with the City of Kenora Planning Department.

The Chair asked the public for comments in favour of the application, there were none.

The Chair asked the public for comments against the application, the following comments were received:

1. Joy Bell- 88 Lakeside Crescent, Kenora, ON P9N 4H5.  
Mrs. Bell expressed opposition to Application File No. D14-21-03 and urged the Committee to consider conformity and compatibility of a three story building with the long established residential neighbourhood and the detrimental effect of the privacy of the adjacent neighbours.
2. Dave Baxter- 68 Lakeside Crescent, Kenora, ON P9N 4H5  
Mr. Baxter expressed opposition to Application File No. D14-21-03. Traffic concern, neighbourhood safety and the existing width of Lakeside Crescent were identified as concern.
3. Randall Seller, 80 Lakeside Crescent, Kenora, ON P9N 4H5  
Mr. Seller expressed opposition to File No. D14-21-03. Concerns with the compatibility with existing properties on Lakeside Crescent which are all R1-Residential First Density zoned properties, rate payers have an expectation that would be the consistent use of these properties.

In 2006 there was an application to re-zone the subject property from R1 to R2-Residential Second Density to accommodate a duplex. The amendment to zoning was approved, however the duplex was never built.

Lakeside Crescent was described as an unseized municipal road at approximately twenty (20) feet wide.

Mr. Seller questioned shoreline development, and the ability to provide docking for six-units on a seventy-five (75) foot wide parcel. Increased shoreline congestion was identified as concern.

4. Walter Domareski, 34 Lakeside Crescent, Kenora, ON P9N 4H4  
Mr. Domareski objected to the recommendation to approved File No. D14-21-03, the road is not wide enough, and asked for confirmation from the City of Kenora on

how wide the road should be. Mr. Domareksi identified concern for on-street parking, the current road width cannot accommodate on-street parking. Mr. Domareski requested written clarification from the City of Kenora that the sewer and water is sufficient to support the proposed development.

5. Scott Jessiman and Katie Appleby, 104 Lakeside Crescent, Kenora, ON P9N 4H5

Mr. Jessiman and Ms. Ableby opposed the application, as the proposal is not within the character of the neighbourhood. Concern that sufficient notice was not provided to property owners.

Ms. Ableby expressed environmental concern, concern for increased traffic, noise and dust during construction and questioned if an environmental assessment (EA) shall be required if the development proposal will require blasting for underground parking adjacent Lake of the Woods. Ms. Ableby also questioned if the Sustainability Committee has reviewed the application.

6. Jim Stevenson, 52 Lakeside Crescent, Kenora, ON P9N 4H5

Mr. Stevenson expressed concern for shoreline development and public safety with the increase in traffic.

7. Gerald Favreau, 92 Lakeside Crescent, Kenora, ON P9N 4H4

Mr. Favreau expressed concern for privacy as an adjacent property owner. His property will be in the shade until 1:00 p.m. in the afternoon. Mr. Favreau addressed the application for an amendment to the zoning from R1 to R2 in 2006, and although the previous owner did not build the proposed duplex, a condition of approval was the height of the new development could not exceed the existing height.

8. Mary Anne Donnelly- Favreau, 92 Lakeside Crescent, Kenora, ON P9N 4H4

Mrs. Donnelly- Favreau strongly opposed the recommendation for approval and privacy and reflected upon a previous experience with the construction of the Southward Villa on 6<sup>th</sup> Street South which was next door to her Mother's home where she lived at the time, she expressed concern for loss of privacy and invasion of privacy with development that would tower over their home.

9. Jim Ambs, 100 Lakeside Crescent, Kenora, ON

Mr. Ambs opposed application File No. D14-21-03 and encouraged the Committee to consider the scale of the building in relation to the other neighbouring properties.

10. Doug Corbett, Corbett Architecture c/o 50 Lakeside Crescent, Kenora, ON P9N 4H4

Mr. Corbett asked that Council consider the passionate ratepayers that were in attendance to oppose the application File No. D13-21-03, and noted that there was not one supporter of the application in attendance.

Mr. Corbett spoke to the Policy of Density with the Official Plan, and identified the property locally known as the 'Kuby' parcel as one that might be a good fit for intensification.

Mr. Corbett reflected upon the character of Lake of the Woods and a big part of the character is the view from the water, a multi-story building will have a distinctive look compared to the other development.

Precedent is a word he encouraged Council to consider.

11. Kyle Derouard- 99 Lakeside Crescent, Kenora, ON  
Mr. Derouard expressed concern for safety, with increased traffic and persons coming in and out of the steep driveway. Mr. Derouard resides behind 96 Lakeside Crescent, his view of Lake of the Woods would be completely obstructed with the proposed development.

12. Krista and Josh McKay, 66 Lakeside Crescent Kenora, ON P9N 4H4  
Opposed the application and supported the concerns brought forward by the other property owners along Lakeside Crescent.

13. John and Natalie Edwards- 108 Lakeside Crescent, Kenora, ON P9N 4H4  
Mr. Edwards reflected upon the growth along Lakeside Crescent from only a few houses to what it is now. He expressed concern with the proposed development not in keeping with the existing neighbourhood. Opposed to the application, the existing width of Lakeside Crescent cannot support the development.

14. Debbie Nahnybida - 37 Lakeside Crescent, Kenora, ON P9N 4H4  
Opposed to File No. D14-21-O3, as the applicant is not a resident in the area, the proposed development would not affect the property owner personally.

The Chair asked the Committee for comment.

There was conversation about the removal of the HL- Hazard Land designation allowing the applicant to utilize a portion of the shoreline road allowance above the 324.6 contour to support medium density development.

The Agent clarified that the six-unit development would come forward with a future application for draft plan of condominium. It was also confirmed the blasting would be required onsite to accommodate six parking stalls in a below grade garage.

There was discussion about the previously approved application to amend the zoning by-law in 2006 from R1- Residential First Density to R2- Residential Second Density. The Planner was unaware that the duplex had not been developed on the property and corrected the planning report which described the existing improvements as a duplex.

The Committee discussed the height of the proposed development, the Agent confirmed the final height would be 11.0 m.  
The chair asked the committee for discussion.

The Committee acknowledged comments made by the public pertaining to neighbourhood compatibility, conformity with adjacent uses and concern for safety



due to increased traffic on an undersized residential street, being Lakeside Crescent.

Member, Tanis McIntosh appreciated the safety concern and mentioned having the opportunity to live in larger cities which have the benefit of being purposefully developed with sidewalks and cul-de-sacs, where children can play and the larger multi-residential developments are found on larger roads.

Ray Pearson concurred with Member, Tanis McIntosh, and recognized the concerns of the neighbours as valid concerns and reminded the Committee that that not one person in attendance was there to support the application

John McDougall agreed with the discussion, summarizing the width of the road, privacy and computability as concerns.

John Barr reviewed satellite photos of the south side of Lakeside Crescent, he characterized Lakeside Crescent as varying in width, the lots abutting it are irregular in shape with the subject property at 96 Lakeside Crescent 75' x 200'. In review of density within the neighbourhood, Mr. Barr expressed concern for compatibility.

Bev Richards agreed that it was important to listen to the neighbourhood concerns.

Wayne Gauld described the application more of an R1- Residential First Density, to an R3 Residential Third Density due to the fact that a duplex was never constructed on the subject property. He acknowledged concern with the road and on-street parking.

The Chair asked the Committee for a motion.

The Secretary Treasurer read the recommendation from the Planning Report.

Moved: Tanis McIntosh

Seconded: Bev Richards

**RESOLVED THAT** the **PLANNING ADVISORY COMMITTEE** recommends that the Council of the Corporation of the City of Kenora refuse Application for Zoning By-law Amendment, File No. D14-21-03, the subject lands are municipally known as 96 Lakeside Crescent. The purpose of the Zoning By-law Amendment is to rezone the subject lands from "R2" Residential – Second Density Zone to "R3" Residential – Third Density Zone, remove the "HL" Hazard Land Zone, and reduce the required lot frontage from 6.0m/unit to 3.8m/unit,

The Committee has made an evaluation of the application upon its merits against the Official Plan, Zoning By-law, the Provincial Policy Statement, 2020 and public comments heard at the May 18, 2021 meeting of the Planning Advisory Committee.

Carried.

At 7:55 p.m. Chair Wayne Gauld removed himself from the virtual meeting. Vice-Chair Ray Pearson took over the meeting.

### **D14-21-05, First Ave South**

David Weber, Cholmeyer Architecture  
[david@cohlarch.ca](mailto:david@cohlarch.ca)

Mr. David Weber of Cholmeyer Architecture was acting as Agent on behalf of the property owner. Mr. Cholmeyer presented a short PowerPoint to the Committee and the members of the public who were present. A copy of the presentation is available through the Planning Department.

Mr. Weber described the application as a request to remove the HL- Hazard Land designation to support a mixed-use development with commercial on the main floor and residential above.

Mr. Weber explained that the Department of Fisheries and Oceans Canada has provided a small window of opportunity for development in the summer of 2021. If approvals are in place the developer will proceed with infilling the lot to above the 324.6 flood designation contour. The water lot would be filled with gravel and packed to allow for piled to be drilled from on top of a pad versus over water.

The Agent explained that the application for an amendment to the zoning by-law was one of many steps in the approval process, an Environmental Impact Study would be required as well as DFO review and approval.

A conceptual rendered drawing was provided as an illustration only, the main floor of the proposed development would comprise of commercial space with six (6) residential units above. Once the final configuration of the proposed development is finalized, there may be need for an application for minor variance for relief from parking and building height. The development shall be subject to Site Plan Control.

Kevan Sumner, City Planner provided an overview of the Staff Planning Report, An application File No. D14-21-05 to change the zoning of the subject property from "CG" Commercial General Zone with "HL" Hazard Land Zone to "CG" Commercial General Zone, to allow for the property owner to make improvements to the property including placing of fill to extend the shoreline of the property in to the lake.

A copy of the Staff Planning report is available through the City of Kenora Planning Department.

In an evaluation, the Planner noted that the "HL" zone restricts the City of Kenora from approving any of the preliminary work proposed by the property owner,

including the infill of the lot and placement of piles as a foundation for a future construction. Removal of the "HL" zone will permit the owner to proceed with their short term plans. All future development will need to comply with the regulations of the "CG" zone which will remain on the property.

The City Planner recommended that Application for Zoning By-law Amendment, File No. D14-21-05, be approved, in lieu of public comments that may yet to be received.

The chair asked the Agent If there was anything to add.

The Agent referenced a comment made by the City Engineer that mentioned concern over the current storm pipe that outflows into the lake adjacent to the north lot line of the subject property that travels through the Bannister Centre parking lot. With the infilling of the subject property this will close off this piping to outfall into the lake. The Agent acknowledged the concern and offered a recommendation to relocate the pipe which might dovetail well into a plan the developers have to provide public access over the subject property to the Lake of the Woods.

The Chair asked the public for comments in favour of the application, there were none.

The Chair asked the public for comments against the application, the following comments were received:

1. Patricia MacDonell- 321 Third Street South, Kenora, ON P9N 1H8  
Mrs. Macdonell expressed concern over the lack of public notice on File No. D4-0-21-05. From her point of view, big development was blocking the view of back street development. The Bannister Centre could be taken as precedent and that is a cautionary tale. She urged the Committee to act with integrity and respect the heritage of our Community.

2. John Saunders- 314 First Avenue South, Kenora, ON P9N 1W7  
Mr. Saunders believed the application and planning rationale as provided the Agent was riddled with errors including:

- Lot size
- Proposal includes the existing sidewalk
- No mention of parking for either the residential or the commercial components
- Section 25.0 and Section 26.0 are incomplete within the application form.
- Mr. Saunders acknowledged that the Fish Market was once a gas station which was depicted on the mural of the now demolished building facing the lake.

Mr. Saunders suggested the Committee address Harbourn Centre's greatest asset- the water. It is access to the lake and views to and from the water that will provide incentive to develop and build in the centre. If the proposed development is

essentially replacing an existing structure, recently demolished, Mr. Saunders questioned the need to remove the hazard designation.

Mr. Saunders evaluated the application with the Provincial Policy Statement, 2020 and recommended that long term prosperity, human and environmental health and social wellbeing should take precedence over short term considerations.

Mr. Saunders suggested that the City of Kenora shall consider the Downtown and its wellbeing depends on what happens on the water.

3. John Bilton, 322 First Avenue South, Kenora, ON P9N 1W3

Mr. Bilton indicated he was speaking in a personal capacity, as the resident across from the former Blue Heron acquiring the property in 2007.

Mr. Bilton is opposed to the application and reference the Kenora Official Plan, 2015 which he described as an attempt to express the wisdom of the community and how they viewed the relationship of this town with the beautiful geography that surrounds it. He described the deep historical connection his home has with the former blue heron site. The consistency in terms of the neighbourhood design is the character of the homes. Mr. Bilton referenced the Bannister Centre as an example of what we shouldn't be doing and that 'we' lost our way.

Mr. Bilton also expressed concern for insufficient Notice and encouraged the City to do better than minimum standard for notice and questioned administrative fairness.

Mr. Bilton wished to point out the objective clear cut reasons why in his opinion the application ought to be denied. The Application and the planners report clearly misapprehend the letter and the spirit of the governing authorities, the City of Kenora Zoning Bylaw 101-2015, the Official Plan (2015) and Provincial Policy Statement, 2020.

Mr. Bilton expressed concern with by removing the HL- Hazard Land designation, if removed it was the opinion of the Mr. Bilton that the property owner will no longer be required to comply with the City of Kenora, Official Plan, 2015.

4. John Rasmussen, 326 Fourth Avenue South, Kenora, ON P9N 1Z2

Mr. Rasmussen question the idea of adverse environmental impacts of filling in the lake at the subject property, File No. D14-21-05. He mentioned previous discussion on File No. D14-21-03, whereby the Planning Advisory Committee recommended against the approval because conformity with neighbouring properties. Mr. Rasmussen pointed out that the Bannister Centre is zoned GC with the HL- Hazard Land designation, the park is zoned OS- Open Space with HL- Hazard Land designation. His recommendation is to refuse the removal of the HL- Designation because the other two properties adjacent have the HL- designation.

5. Linda Mitchell, 320 First Avenue South, Kenora, ON P9N 1T4

Linda Mitchell agreed with the comments made by her neighbours, she respects and supports development in the Community however recommended a vision is needed.

6. Celia Christensen, 303 Third Street South, Kenora, ON P9N 1H8  
Mrs. Christensen expressed concern for the application. She recognized the historic charm within Kenora and encouraged developers to come up with a plan that embraces the historic charm.

7. Tony Jones, P0 Box 142 , Kenora, ON P9N 3X1  
Mr. Jones did not see any reason that seems proper to remove the HL- Hazard Land designation other than at the convenience of the developer to do development which is undetermined at this point at the time and place of their choosing. HL had two purposes, a formal purpose to protect person and property and informal purpose to protect values wetland. Deeply against the application.

8. Walter Domareski, 34 Lakeside Crescent, Kenora, ON P9N 4H4  
Mr. Domareski believed the property should be developed as a park with a walkway along the waterfront.

The chair asked the Committee for questions.

There was a question about the HL- Hazard Land Zone designation and permitted uses. In the opinion of the City Planner, the HL- Hazard Land designation is one of the more poorly established zones in the Zoning By-law. Any property with the HL- designation is not permitted for development.

The Committee questioned the City Planner if a Record of Site Condition (RSC) was required. It was confirmed by both the Agent and the City Planner that an RSC shall be required prior to permitting.

The Committee acknowledged the Waterfront Development Guidelines from 2009, one of the main goals is to protect the waterfront within the Harbourtown Centre. The Agent confirmed he was aware of the report.

The Committee motioned to extend curfew of the Public meeting past 9:00 p.m.  
Carried.

The Committee questioned the plan of survey submitted, the boundaries on the recent survey are not in agreement with the original patent of the property, PIN 42165-0256. The north boundary was originally 103' but now 107.25'; east boundary as 90' now 93.5' and west was 90' now measuring 96.5'.

The chair asked the Committee for discussion.

Member John Barr had concern with the application, the subject property was previously used as a gas station, and Mr. Barr suggested there may be a dozen barrels sitting under the water. Mr. Barr supported the need for an RSC and fill material at the recommendation of DFO and MNRF shall be consulted. Mr. Barr expected it may be some time before development could occur on the property and wondered if during that time period, the Community would have the opportunity to

comment on a development proposal. The City Planner identified Site Plan Control as an opportunity to ensure the development complies with the provision of the Official Plan and Zoning By-law.

The Committee discussed the need for an Environmental Impact Statement. The Agent confirmed an ESA shall be required in advance of any infill.

The Committee discussed the timeline that may be required to obtain an ESA and an RSC. The window of opportunity for development with approval from DFO would be July and August, 2021. Mr. Weber suggested that if they could not meet the July/August timeline then development will be bumped to 2022.

Moved: John Barr

Seconded: Bev Richards

**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. D14-21-05, the subject lands are municipally known as 321 First Avenue South. The purpose of the Zoning By-law Amendment is to rezone the subject lands from "GC" General Commercial Zone with "HL" Hazard Land Zone to "GC" General Commercial Zone.

The effect of the Zoning By-law Amendment is to rezone lands to promote redevelopment of the subject lands and to allow for the property owner to make improvements to the property including placing of fill to extend the shoreline of the property in to the lake.

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.

Carried.

Chair, Wayne Gauld re-entered the virtual meeting Wayne joined at 9:19 p.m.

#### **D14-21-04**

Tara Rickaby, TMER Consulting represented Mr. Torin Berganini, owner of the subject property at 613 Ottawa Street, Kenora, ON. The Agent provided overview of the application to amend the zoning from GC-General Commercial to R2-Residential, Second Density, and an associated application for minor variance for relief from the provisions for the front yard setback, exterior side yard (Tenth St) and parking stall dimensions. Mr. Berganini proposes to formalize/legalize the current use of the property as a semi-detached dwelling. A minor variance for parking stall size, exterior side and front yard setbacks will also be required if this application is approved by Council.

Mr. Berganini proposes to improve the façade of existing structure in order to reflect the residential use. The property owner acknowledges that a change of use/building permit will also be required in order to bring the property into

compliance with applicable law. A copy of the complete application and planning rationale is available through the City of Kenora Planning Department.

The City Planner, Kevan Sumner presented the staff report Application for an Amendment to the Zoning By-law File No. D14-21-04 to amend the current zoning of the subject property AT 613 Ottawa Street from "GC" General Commercial Zone to "R2" Residential Second Density and to allow an existing commercial building with non-conforming use as residential into compliance with the provisions of the by-law.

In an evaluation, the application for amendment to the zoning by-law is required to legally establish the non-complying use of the property. The proposed residential zoning will be exceptional for this portion of Ottawa Street, which is otherwise zoned "GC", but there are several higher-density "R3" properties and a couple of other "R2" properties within a block of the subject property.

The City Planner recommended Application for Zoning By-law Amendment, File No. D14-21-04 be approved, in lieu of public comments that may yet to be received.

The full copy of the staff report, File No. D14-21-04 is filed with the City of Kenora Planning Department.

The Chair asked for public comments pertaining to the application, there were none.

The Chair asked for questions from the Committee, there were none.

The Chair asked for discussion from the Committee, there was none.

Moved: John McDougall

Seconded: Ray Pearson

**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. D14-21-04, the subject lands are municipally known as 613 Ottawa Street. The purpose of the Zoning By-law Amendment is to rezone the subject lands

"GC" General Commercial Zone to "R2" Residential – Second Density Zone.

The effect of the Zoning By-law Amendment is to rezone lands to promote residential development and to bring an existing commercial building with a non-conforming residential dwelling use into compliance with the zoning by-law. A concurrent application for Minor Variance will be resolved separately from the zoning amendment.

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.

Carried.

vii. Old Business

- OACA Training
  - Confirmed Bev Richards, Ray Pearson and Wayne Gauld will be attending.
- OP and ZBL Review
- Request the HL Policy IN THE Official Plan be consistent with the Zoning By-law.
- Discussion on Notice requirements and providing notice to the public.
- Discussed re-scheduling PAC meetings to the fourth Tuesday of each month.
- Recommendation to make Signs larger- the Planning Act required a sign be posted on the subject property in application.

viii. Adjourn

Moved By: John Barr

That the May 21, 2021 Planning Advisory Committee meeting be adjourned at 9:56 p.m.

Minutes of the Kenora Planning Advisory Committee meeting, Tuesday May 21, 2020 are approved the 15<sup>th</sup> day of June, 2021.

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Chair, Wayne Gauld

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Secretary-Treasurer, Melissa Shaw



**Melissa Shaw**

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**Subject:** FW: PAC presentation

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

This application for a zoning by-law amendment and the offered planning rationale by Inlett's agent is riddled with errors and omissions.

Starting with the lot size- Weir's water lot is 31 meters deep.

With the addition of 40A and 41A it has grown 18 meters, the lion's share of which is the existing sidewalk and part of the roadway.

The planning report addresses that. (see also Bev Richards width question)The Ministry of the Environment, Conservation and Parks addresses others.

There is no mention of parking for either the residential or commercial aspects.

Part 25- Site History and Part 26- Contamination are incomplete and incorrect.

The Fish Market was a gas station.

It was depicted on the mural on the demolished building facing the lake.

The fuel storage was located adjacent to the roadway The demolition crew took great care working in that immediate area.

The proposed use is residential with commercial space as a required component.

The developers do not consider the buildings on the other side of 1st Ave of significance regarding built and cultural heritage.

But they do suggest that the Blue Heron legacy will continue.

If Brad Hewlett, with his two stores at The Forks couldn't make it work- it begs the question, What DO they expect?

It's hard to believe they conducted a thorough site inspection when they state that the former building was partly built on piers and partly floating on the lake.

It never floated in whole or in part.

And they invoke the long-lived Blue Heron gift shop as proof a commercial enterprise can succeed.

The Blue Heron began its death spiral when the Johanssons moved on.

It's time for Kenora to get over it.

It's time to address Harbourtown Centre's greatest asset- the water. It is access to the lake and views to and from the water that will provide incentive to develop and build in the centre.

If the proposed development is essentially replacing an existing structure, recently demolished : what is the need to

remove the hazard designation at this time?

By-law 4.17.3 pertaining to the placement or removal of fill is subject to engineering studies demonstrating minimal risk of environmental damage and/or the reduction of potential hazards for which the land is designated.

It's zoned GC

The putting of the cart before the horse approach- driving piles into a backfilled water lot without an approved design or plan, and anticipating an expected respectful outcome is irrational. When the developers come forward with the other variances they "may" require, then an informed discussion, recommendation and decision can be made at that time.

Until that time the proposed rezoning is not consistent with the Provincial Policy Statement 2020 which states - long term prosperity, human and environmental health and social wellbeing should take precedence over short term considerations.

Six luxury apartments above a parking lot and commercial establishment blocking views from the park and the street and the water do not contribute to revitalizing Harbourn Town Centre. In fact, the opposite is true. The destination for residents and visitors alike is the water. It should be open and remain open as a destination for future residents of, for example, a mixed-use apartment building on the Northland property.

Kenora needs to consider the Downtown. It's wellbeing depends on what happens on the water. And with this application that is not clear. It's incomplete, misinformed and therefore misinforming. It should be rejected.

Personal information including mailing addresses and phone numbers have been concealed by the City of Kenora in accordance with the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56

**Melissa Shaw**

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**Subject:** FW: File D14-21-05 "Blue Heron Property"

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Kevan,

Below are my comments from the Planning Advisory Committee Open House on 18 May 2021. I would like them entered in the minutes. I have made one word change to my recorded comments [highlighted], which reflects what I meant to say rather than what I did say.

[REDACTED] - acting Chair asked for this information after my remarks. I should have stated it first.]

I do not live near the subject property and I have no personal dog in the fight; but my observation from listening to the presentation of the proponent, and to Kevin's rationale, is that what appears to be happening is that the developer is employing the 'camel's nose in the tent' approach. I don't see any reason being proffered for removing the Hazard Lands designation, other than the convenience of the developer to do development, which is undetermined at this point, at the time and **place** [in the] manner of his choosing. And I think that's an extremely bad reason to change a Hazard Lands designation, which has two purposes. There is a formal purpose which is to protect persons and property, and there is an informal purpose which is to preserve valued wetlands.

And I personally am deeply against [this] cart before the horse approach, and I'm deeply suspicious of what may follow if the Hazard Lands designation is removed. I see absolutely no public benefit that has been offered to support the request; and I would strongly oppose it, and am prepared to lend my efforts in support of the people who live nearby and others who also oppose it.

And that's all I have to say."

Thank you.

As a comment on the process, I would note that several members of the PAC made similar comments to the ones above about the lack of a clear plan, no overriding reason for the zoning change at this time, and the risks inherent in gradualism (which is what my "camel's nose" reference intended). They also pointed out that there were discrepancies in the description of the property and its boundaries, which in itself, in my view, should be grounds to table the request until those had been resolved.

I was therefore dumbfounded - as were many others - when all but one of the remaining PAC members voted to recommend the change. This apparent turnaround defies logic, and only serves to increase a growing suspicion that not all the discussions relating to this property have been open to the public.

There will no doubt be more on this.

Regards

Personal information including mailing addresses and phone numbers have been concealed by the City of Kenora in accordance with the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56

**Melissa Shaw**

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**Subject:** FW: june 8 public meeting

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning Ms. Shaw,

I have read your response [REDACTED] complaint about insufficient notice.

While it is true that the Municipal Memo was published in a Kenora newspaper on May 13th, it is incorrect to say that notice was circulated on May 11, 2021 to property owners within 120 metres. That notice was received at my address on May 17th in an envelope postmarked May 13th and Patti indicated that she received her mail in this regard yesterday (May 18th), which would be the day after the deadline for registering to speak. I have kept the envelope I received should anybody wish to challenge the date on which the notice was purportedly circulated to my attention.

In other words, if your reference to the notice circulation to property owners within 120 metres pertains to the letters sent by regular mail it should be clear from the above that May 11th cannot be correct.

Also, I previously requested from your office the Applicant's application and in response I received a copy of that (zoning by-law amendment) application, including the architect's Planning Rationale (Cohlmeyer Architecture), and nothing more. I respectfully request confirmation that this is the entirety of the application submitted to the City for the Planner's (Mr. Sumner) consideration and thus was the subject of the Planning Advisory Committee meeting last night. If the zoning by-law amendment application and planning rationale that was forwarded to me by your office is not the entirety of what was submitted to the City Planner, kindly disclose the remainder as soon as possible. This should not be difficult to discern in light of the City Planner's view that the application was deemed complete on May 4, 2021.

Thank you for your attention to this matter.

Sincerely,

Personal information including mailing addresses and phone numbers have been concealed by the City of Kenora in accordance with the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56

May 31, 2021

**City Council  
Committee Report**

**File No.:** D14-21-03

**To:** Kyle Attanasio, CAO

**Fr:** Kevan Sumner, City Planner

**Re:** Application for Zoning By-law Amendment

**Location:** 96 Lakeside Crescent

**Owners:** Gregg & Elizabeth Wiebe

**Agents:** TMER Consulting Kenora / Nelson Architecture Inc.

## 1. Introduction

An application has been received to change the zoning of the subject property from "R2" Residential – Second Density Zone to "R3" Residential – Third Density Zone, remove the "HL" Hazard Land Zone, and reduce the required lot frontage from 6.0m/unit to 3.8m/unit, to allow for the proposed redevelopment of the property as a six-unit stacked dwelling.



**Figure 1** - Aerial image displaying boundaries of subject site outlined in blue.

## 2. Description of Proposal

The zoning amendment initially requested by the applicants would have permitted the development of a six-unit stacked dwelling on the subject property. In response to concerns addressed by community members at the Planning Advisory Committee public meeting, the agents for the owner have indicated that they are revising their proposal to reduce the number of dwelling units from six to four, and they have provided a site plan with the intention of addressing other concerns.

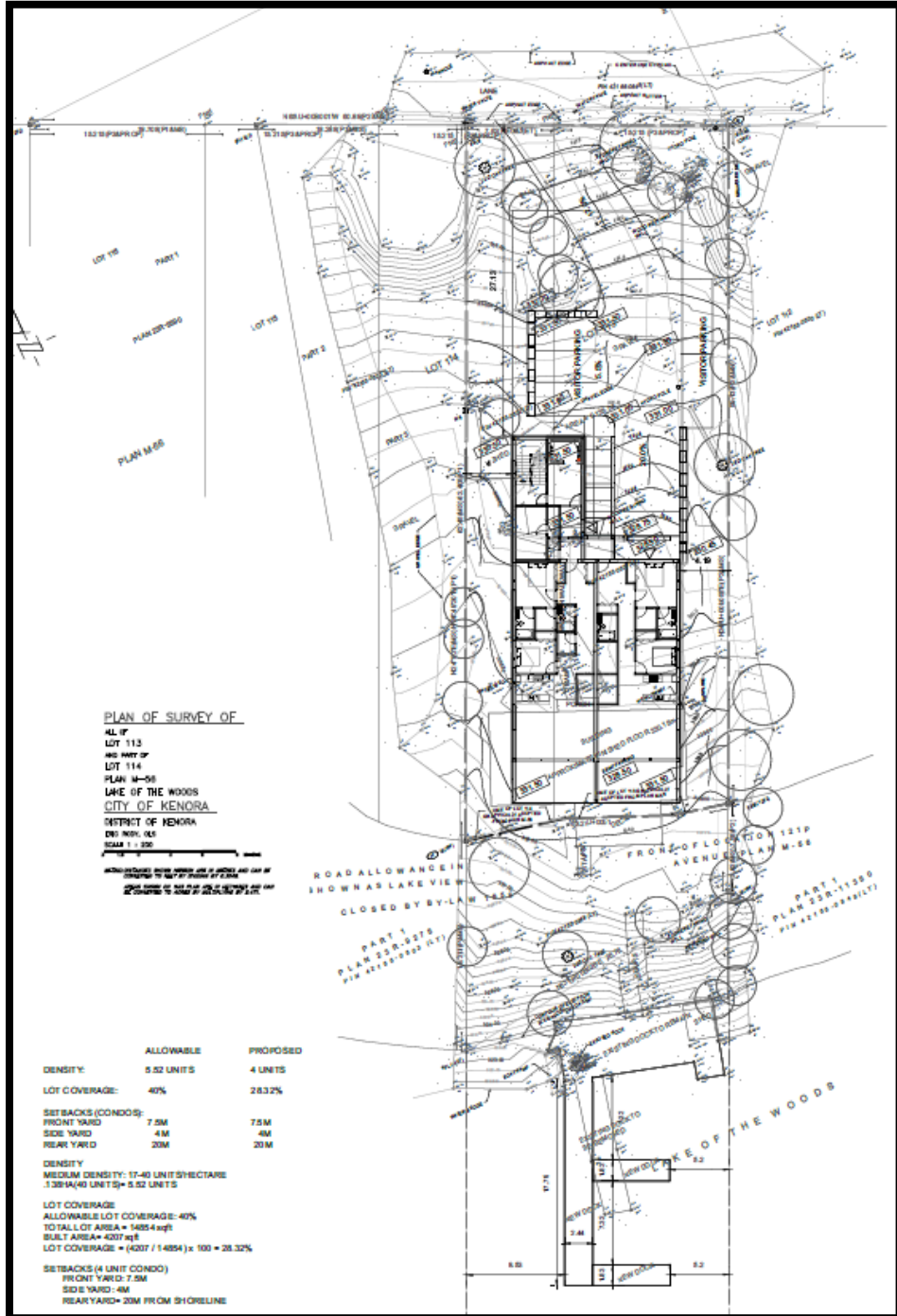


Figure 2 – Proposed site plan of proposed development provided by applicant.

### 3. Existing Conditions

The property currently contains a single-detached dwelling on a lot that is approximately 22.8m wide and 82m in depth. A deck and docks are located on the shoreline. A closed shoreline road allowance was purchased from the City of Kenora by the applicants in early May. This portion of Lakeside Crescent was originally surveyed out as a lane, and so is only 6.1m wide instead of the 20m width typical of residential streets.

Surrounding properties on Lakeside Crescent contain single-detached dwellings. A few lots on the interior (north) side of the crescent remain undeveloped. The only non-residential use in the area is the property and docks owned by Transport Canada, located approximately 80m east of the subject property.

The zoning of this property was previously amended from "R1" Residential – First Density zone to "R2" Residential – Second Density zone by By-law No. 160-2004, passed by Council on December 18<sup>th</sup>, 2006.

### 4. Site Visit

On May 14<sup>th</sup>, 2021, I attended the subject location to view existing conditions. The photo below is intended to provide a visual of the existing lot.



**Figure 3** – View of property from Lakeview Crescent

## 5. Consistency with Legislated Policy and City Directives

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

The proposed rezoning is generally consistent with those policies that support providing for an appropriate range and mix of housing options and densities required to meet projected market-based and affordable housing needs of current and future residents of the regional market area, by permitting and facilitating all types of residential intensification and promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities. (Policy 1.4.3).

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

The land use designation of the property is Established Area (Figure 4). Policy 4.1 of the Plan states that permitted uses shall include residential, commercial, industrial, and institutional uses. All nearby properties share the same Established Area designation.

In the Established Area, medium density residential use is to be supported provided that the development is in keeping with the character of the area. 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.

For the purpose of the Official Plan, Hazard Lands include those lands along Lake of the Woods that are below 321.4m CGVD28 (Canadian Geodetic Vertical Datum of 1928), as identified by the Lake of the Woods Control Board.



Figure 4 - OP Mapping





**Figure 5** - Topographic map showing approximate location of 325m CGVD28 in red.

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

The property is currently zoned "R2" Residential – Second Density Zone (Figure 6). This zone allows for the development of single detached, semi-detached and duplex housing, and other compatible uses on municipal water and sewer services. Two dwelling units plus a secondary dwelling unit could be developed on the property under the "R2" zone.

All neighbouring properties are zoned "R1" Residential – First Density Zone, which allows for the development of single-detached housing and other compatible uses serviced by municipal water and sewer or with municipal water only. All of the lakefront lots in the area have a similar "HL" zoning on lands that roughly correspond to existing or former shoreline road allowances.

The proposed "R3" Residential – Third Density Zone allows for the development of a full range of housing forms and other compatible uses serviced by municipal sewer and water. Stacked dwellings are permitted in the "R3" zone, with a lot frontage requirement of 6.0m/unit.

The original application also requested that the minimum lot frontage requirement of 6.0m/unit for multi-attached and stacked dwellings in the "R3" zone be reduced to accommodate the proposed six unit stacked dwelling, requiring a reduction to 3.8m/unit as the property is 22.8m wide. With the revision of the application to propose a four-unit instead of a six-unit dwelling, a reduction to 5.7m/unit is all that is now required.

The planning rationale makes reference to a request to reduce the required front yard setback from 20m to 1m. This amendment became unnecessary when the applicant purchased the closed shoreline road allowance.

A portion of the property aligning with the shoreline road allowance recently purchased from the City of Kenora is zoned as both "R2" and "HL" Hazard Land Zone, identified with blue hatching in Figure 6. The "HL" zone identifies lands which are susceptible to flooding or erosion or any other physical characteristic which could cause harm to persons or lead to the deterioration of buildings and structures. The application requests that the "HL" zone be removed from the property.

The "HL" zone covers a portion of the property that roughly corresponds with elevations of 327 to 328m CGVD28, or approximately 3m higher than the established flood level of Lake of the Woods. It appears that when the "HL" zone was originally created, it was applied to the entirety of the shoreline road allowance instead of just the lands below the flood level, perhaps due to lack of accurate topographic data at the time.



**Figure 6 - Zoning By-law Mapping**

## 6. Results of Interdepartmental and Agency Circulation

The proposed zoning amendment was circulated for comment on May 6<sup>th</sup>, 2021. The following is a summary of comments received in response.

Building	No concerns
Community Services	No concerns
Engineering	No concerns. When development does occur, the owner should be aware the City cannot control water coming off of Lakeside Crescent into the property.
Economic Development	The project aligns with the municipal priority to support housing development.
Environmental Division	No concerns
Kenora Fire and Emergency Services	No concerns
Roads Division	No concerns
Parks and Facilities Division	No concerns
Synergy North	<p>No objections or concerns as long as the following conditions are met:</p> <ul style="list-style-type: none"> <li>- That the City of Kenora place a condition on the by-law amendment that a "registered easement" will be provided to Synergy North Canada (SNC), protecting their interests if it has not been done so already, prior to finalizing the approval of the application. This is to protect an existing utility pole located on a portion of the property which is used to service both 96 and 100 Lakeside Cr.</li> <li>- At the applicants' cost a legal survey is required which will include the surveyed location of SNC's pole and anchor, and that the surveyor provide SNC with an AutoCAD file of the reference plan detailing their infrastructure (NAD 83 CSRS 2010 Co-ordinates), which will be used to determine the size of the required easement.</li> <li>- Additional easements might need to be provided for underground servicing of the new development.</li> </ul>
Water/Wastewater Division	A change in the water and wastewater servicing will be required for this proposal which will be the responsibility of the owner during the development process and construction activities.

## **7. Public Comments**

Notice of the application was given in accordance with Section 34 of the Planning Act, whereby it was mailed on May 13<sup>th</sup>, 2021 to property owners within 120 metres, published in the Municipal Memo of the Newspaper on May 13<sup>th</sup> and 20<sup>th</sup>, and circulated to persons and public bodies as legislated.

The Planning Advisory Committee considered the application and a resolution recommending approval of the application was defeated at their meeting of May 18<sup>th</sup>, 2021. Many local residents and interested community members participated in the virtual meeting and expressed concerns regarding the suitability of the proposed development. Specific concerns included:

- The density of the development.
- The ability of this narrow stretch of Lakeside Crescent to accommodate additional vehicle traffic and heavy machinery associated with construction.
- Potential blasting required to construct the proposed structure.
- Loss of privacy due to views from the proposed building in to neighbouring lots.
- Obstruction of views by the new building.
- Anticipated noise and boat traffic associated with the new dwelling units.

The minutes and relevant resolution from this meeting are attached to this report.

As of the date of this report (May 31<sup>st</sup>, 2021), eight letters or emails have been received from members of the public, two of those being signed by residents of multiple properties. Those documents are attached to this report.

## **8. Evaluation**

This property is already exceptional for its "R2" zoning in a neighbourhood that is otherwise zoned "R1". The proposed "R3" zone is supported by the Official Plan encouragement of residential intensification and the general need for additional residential units in the City of Kenora. Any final decision should give consideration to any comments that may be received from neighbourhood residents, as medium density residential development is supported provided that the development is in keeping with the character of the area and is compatible with existing land uses.

In response to concerns regarding neighbourhood compatibility that were raised by participants at the Planning Advisory Committee meeting, the owner has agreed to reduce the proposed stacked dwelling from six dwelling units to four dwelling units. This will reduce the size of the dwelling, and associated vehicle traffic and on-site parking.

The current "HL" zone on the property extends to an elevation of approximately 327-328m CGVD28, significantly beyond the area of the property where there is a reasonable expectation of flooding. As long as there are no other hazard land risks such as erosion, there appears to be no reason why the areas of the property above 324.6m CGVD28 are included in the "HL" zone. As the City of Kenora has contour mapping at 1m intervals, I am recommending the boundary of the "HL" zone be established at the 325m CGVD28 contour line as indicated in Figure 5.

With the decrease in proposed dwelling units from six to four, the minimum lot width per unit need only be reduced to 5.7m/unit, rather than 3.8m/unit.

## **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. D14-21-03, to change the zoning of the subject property from "R2" Residential – Second Density Zone to "R3" Residential – Third Density Zone; to remove the "HL" Hazard Land Zone, and to allow the development of a stacked dwelling with a lot frontage of 3.8m/unit should be approved, in lieu of public comments that may yet to be received, with the following amendment and conditions:

- a) That the minimum lot frontage be amended to 5.7m/unit;
- b) That a registered easement be provided to the satisfaction of Synergy North Canada,
- c) That a legal survey be provided to the satisfaction Synergy North Canada, at the cost of the applicant,
- d) That the "HL" Hazard Land zone be reduced to correspond with that portion of the lot which is located below the elevation of 325m CGVD28.

## **Attachments**

- Complete Application for Zoning By-law Amendment
- Notice of Application and Public Meeting
- Minutes of the May 18<sup>th</sup>, 2021 Planning Advisory Committee Meeting
- Planning Advisory Committee Resolution
- Public Comments



**The Corporation of the City Of Kenora  
Notice of Complete Application and Public Meeting for a  
Zoning By-law Amendment, File Number D14-21-03  
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, June 8, 2021 at 12:00 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. Access to speak at the meeting can be made by registering with the City Planner at [planning@kenora.ca](mailto:planning@kenora.ca)

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

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 15, 2021 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 Open House**

When: Tuesday, May 18, 2021 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 at [planning@kenora.ca](mailto:planning@kenora.ca).



**Be advised** that the Corporation of the City of Kenora considered the Application for Zoning By-law Amendment to be complete on May 5, 2021.

**Location of Property:** 96 Lakeside Crescent, Kenora, ON, as identified in the key map above.

**Purpose:** to amend the current zoning of the subject property from “R2” Residential – Second Density Zone to “R3” Residential – Third Density Zone and allow a minimum lot frontage of 3.8m/unit in the “R3” Residential – Third Density Zone.

**Effect of Approval:** to permit the owners of the property to build a six-unit apartment-style condominium complex on the property.

**Other Applications:** The City of Kenora approved the sale of the shoreline road allowance to the applicants at the May council meeting. With the purchase of this parcel, the property owners have sufficient land to allow the proposed six dwelling units to fall under the density limit for medium density residential development (40 units / net hectare).

**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, June 4<sup>th</sup>, 2021 by email, to [planning@kenora.ca](mailto:planning@kenora.ca) or by regular mail to the address below, and quote File Number: **D14-21-03**.  
Mr. Kevan Sumner, City Planner  
60 Fourteenth Street North, 2<sup>nd</sup> Floor, Kenora, ON P9N 3X2
- b. **Register to Speak at the PAC 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](mailto:planning@kenora.ca) no later than noon on May 17<sup>th</sup>, 2021 and quote File Number: **D14-21-03** 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 Zoning By-Law Amendment 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 an Amendment to the Zoning By-law 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](mailto: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 13th day of May, 2021.



The Corporation of the City of Kenora

**PLANNING ADVISORY COMMITTEE MEETING RESOLUTION**

MOVED BY: Tanis McIntosh

SECONDED BY: Bev Richards

DATE: May 18, 2021

**RESOLVED THAT** the **PLANNING ADVISORY COMMITTEE** recommends that the Council of the Corporation of the City of Kenora **refuse** Application for Zoning By-law Amendment, File No. D14-21-03, the subject lands are municipally known as 96 Lakeside Crescent. The purpose of the Zoning By-law Amendment is to rezone the subject lands from "R2" Residential – Second Density Zone to "R3" Residential – Third Density Zone, remove the "HL" Hazard Land Zone, and reduce the required lot frontage from 6.0m/unit to 3.8m/unit.

The effect of the Zoning By-law Amendment is to rezone lands to promote residential development, as a six-unit stacked dwelling to occur on the subject lands.

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 <u>    </u> ✓ <u>    </u>	DEFEATED
Declaration of Interest (*)	NAME OF PLANNING MEMBER	YEAS	NAYS		
	<b>Richards, Bev</b>	✓			
	<b>Gauld, Wayne</b>	✓			
	<b>Kitowski, Robert</b>				
	<b>Pearson, Ray</b>	✓			
	<b>Barr, John</b>	✓			
	<b>McDougall, John</b>	✓			
	<b>McIntosh, Tanis</b>	✓			
				CHAIR _____	





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  
May 18, 2021  
6:00 p.m. (CST)**

**Present:**

**Wayne Gauld  
Bev Richards  
John Barr  
John McDougall  
Ray Pearson  
Tanis McIntosh  
Melissa Shaw  
Kevan Sumner  
Adam Smith**

**Chair  
Member  
Member  
Member  
Member  
Secretary-Treasurer  
City Planner  
Manager Development Services**

**Regrets:**

**Robert Kitowski                      Member**

Please visit the link below to watch the May 18<sup>th</sup>, 2021 Meeting of the Planning Advisory Committee in its entirety. YouTube Link: <https://youtu.be/-8m-gh0fgms>

**DELEGATION:**

- i. The Chair called the meeting to order at 6:00 p.m. and reviewed the meeting protocol.
- ii. There were no additions to the Agenda. The Secretary-Treasurer requested an amendment to the order of applications to be heard, in consideration of public in attendance and participation relating to files D14-21-03 and D14-21-05.
- iii. Chair, Wayne Gauld declared conflict on File Number: D14-21-05, First Avenue South as the Member had a personal relationship with the property owner.
- iv. The minutes of the meeting of Planning Advisory Committee on April 20, 2021 were adopted as circulated.

- v. Correspondence was received by the City of Kenora Planning Department relating to applications before the Committee. Seven written comments were received relating to application D13-21-03, 96 Lakeside Crescent. Copy of the comments are filed with the City of Kenora Planning Department.
- vi. Application for Amendment to the Zoning By-law

### **D14-21-03, Lakeside Crescent**

Tara Rickaby, TMER Consulting- Agent  
[TMERConsultingKenora@outlook.com](mailto:TMERConsultingKenora@outlook.com)

Tara Rickaby, TMER Consulting and David Nelson of Nelson Architecture were hired by property owners of 96 Lakeside Crescent, Greg and Elizabeth Wiebe to make Application for an Amendment to the Zoning By-law File No. D14-21-03 to change the zoning from R2- Residential Second Density to R3- Residential Third Density, with an exception for required frontage from 36 m to 22.8 m and to remove the HL- Hazard Land designation and change it to R3- with the same exception. The Agent identified that concurrent to the application for an Amendment to the Zoning By-law as a concurrent application to purchase the shoreline road allowance from the City of Kenora.

The Agent described the proposed development as a six-unit apartment-style condominium complex with basement and exterior buildings.

The Agent reviewed the proposal to the City of Kenora Zoning By-law, Official Plan and the Provincial Policy Statement, 2020. The Agent, described the proposals medium density intensification in the neighbourhood that would contribute to the neighbourhood and Lake of the Woods in a positive manner, adding to the City's mix and range of housing options.

Kevan Sumner, City Planner provided an overview of the Staff Planning Report, and the application to change the property at 96 Lakeside Crescent from "R2" Residential – Second Density Zone to "R3" Residential – Third Density Zone, remove the "HL" Hazard Land Zone, and reduce the required lot frontage from 6.0m/unit to 3.8m/unit, to allow for the proposed redevelopment of the property as a six-unit stacked dwelling.

The Planner noted a correction to the report, regarding the 1.0 m setback which was from the 20 m reserve. The applicant has since purchased the shoreline road allowance adjacent to the subject property, the front yard setback is therefor changed to 20 metres from the high-water mark.

The Planner read aloud seven (7) public comments that were received in objection to File No. D14-21-03.

The recommendation from the City Planner was for recommendation to Council for approval of application File No. D13-21-03, subject to the following conditions:

- a) That a registered easement be provided to the satisfaction of Synergy North Canada,
- b) That a legal survey be provided to the satisfaction Synergy North Canada, at the cost of the applicant,
- c) That the "HL" Hazard Land zone be reduced to correspond with that portion of the lot which is located below the elevation of 324.6m asl.

A copy of the planning report and redacted comments pertaining to File No. D13-21-03 is filed with the City of Kenora Planning Department.

The Chair asked the public for comments in favour of the application, there were none.

The Chair asked the public for comments against the application, the following comments were received:

1. Joy Bell- 88 Lakeside Crescent, Kenora, ON P9N 4H5.  
Mrs. Bell expressed opposition to Application File No. D14-21-03 and urged the Committee to consider conformity and compatibility of a three story building with the long established residential neighbourhood and the detrimental effect of the privacy of the adjacent neighbours.
2. Dave Baxter- 68 Lakeside Crescent, Kenora, ON P9N 4H5  
Mr. Baxter expressed opposition to Application File No. D14-21-03. Traffic concern, neighbourhood safety and the existing width of Lakeside Crescent were identified as concern.
3. Randall Seller, 80 Lakeside Crescent, Kenora, ON P9N 4H5  
Mr. Seller expressed opposition to File No. D14-21-03. Concerns with the compatibility with existing properties on Lakeside Crescent which are all R1-Residential First Density zoned properties, rate payers have an expectation that would be the consistent use of these properties.

In 2006 there was an application to re-zone the subject property from R1 to R2-Residential Second Density to accommodate a duplex. The amendment to zoning was approved, however the duplex was never built.

Lakeside Crescent was described as an unseized municipal road at approximately twenty (20) feet wide.

Mr. Seller questioned shoreline development, and the ability to provide docking for six-units on a seventy-five (75) foot wide parcel. Increased shoreline congestion was identified as concern.

4. Walter Domareski, 34 Lakeside Crescent, Kenora, ON P9N 4H4  
Mr. Domareski objected to the recommendation to approved File No. D14-21-03, the road is not wide enough, and asked for confirmation from the City of Kenora on

how wide the road should be. Mr. Domareksi identified concern for on-street parking, the current road width cannot accommodate on-street parking. Mr. Domareski requested written clarification from the City of Kenora that the sewer and water is sufficient to support the proposed development.

5. Scott Jessiman and Katie Appleby, 104 Lakeside Crescent, Kenora, ON P9N 4H5

Mr. Jessiman and Ms. Ableby opposed the application, as the proposal is not within the character of the neighbourhood. Concern that sufficient notice was not provided to property owners.

Ms. Ableby expressed environmental concern, concern for increased traffic, noise and dust during construction and questioned if an environmental assessment (EA) shall be required if the development proposal will require blasting for underground parking adjacent Lake of the Woods. Ms. Ableby also questioned if the Sustainability Committee has reviewed the application.

6. Jim Stevenson, 52 Lakeside Crescent, Kenora, ON P9N 4H5

Mr. Stevenson expressed concern for shoreline development and public safety with the increase in traffic.

7. Gerald Favreau, 92 Lakeside Crescent, Kenora, ON P9N 4H4

Mr. Favreau expressed concern for privacy as an adjacent property owner. His property will be in the shade until 1:00 p.m. in the afternoon. Mr. Favreau addressed the application for an amendment to the zoning from R1 to R2 in 2006, and although the previous owner did not build the proposed duplex, a condition of approval was the height of the new development could not exceed the existing height.

8. Mary Anne Donnelly- Favreau, 92 Lakeside Crescent, Kenora, ON P9N 4H4

Mrs. Donnelly- Favreau strongly opposed the recommendation for approval and privacy and reflected upon a previous experience with the construction of the Southward Villa on 6<sup>th</sup> Street South which was next door to her Mother's home where she lived at the time, she expressed concern for loss of privacy and invasion of privacy with development that would tower over their home.

9. Jim Ambs, 100 Lakeside Crescent, Kenora, ON

Mr. Ambs opposed application File No. D14-21-03 and encouraged the Committee to consider the scale of the building in relation to the other neighbouring properties.

10. Doug Corbett, Corbett Architecture c/o 50 Lakeside Crescent, Kenora, ON P9N 4H4

Mr. Corbett asked that Council consider the passionate ratepayers that were in attendance to oppose the application File No. D13-21-03, and noted that there was not one supporter of the application in attendance.

Mr. Corbett spoke to the Policy of Density with the Official Plan, and identified the property locally known as the 'Kuby' parcel as one that might be a good fit for intensification.

Mr. Corbett reflected upon the character of Lake of the Woods and a big part of the character is the view from the water, a multi-story building will have a distinctive look compared to the other development.

Precedent is a word he encouraged Council to consider.

11. Kyle Derouard- 99 Lakeside Crescent, Kenora, ON  
Mr. Derouard expressed concern for safety, with increased traffic and persons coming in and out of the steep driveway. Mr. Derouard resides behind 96 Lakeside Crescent, his view of Lake of the Woods would be completely obstructed with the proposed development.

12. Krista and Josh McKay, 66 Lakeside Crescent Kenora, ON P9N 4H4  
Opposed the application and supported the concerns brought forward by the other property owners along Lakeside Crescent.

13. John and Natalie Edwards- 108 Lakeside Crescent, Kenora, ON P9N 4H4  
Mr. Edwards reflected upon the growth along Lakeside Crescent from only a few houses to what it is now. He expressed concern with the proposed development not in keeping with the existing neighbourhood. Opposed to the application, the existing width of Lakeside Crescent cannot support the development.

14. Debbie Nahnybida - 37 Lakeside Crescent, Kenora, ON P9N 4H4  
Opposed to File No. D14-21-O3, as the applicant is not a resident in the area, the proposed development would not affect the property owner personally.

The Chair asked the Committee for comment.

There was conversation about the removal of the HL- Hazard Land designation allowing the applicant to utilize a portion of the shoreline road allowance above the 324.6 contour to support medium density development.

The Agent clarified that the six-unit development would come forward with a future application for draft plan of condominium. It was also confirmed the blasting would be required onsite to accommodate six parking stalls in a below grade garage.

There was discussion about the previously approved application to amend the zoning by-law in 2006 from R1- Residential First Density to R2- Residential Second Density. The Planner was unaware that the duplex had not been developed on the property and corrected the planning report which described the existing improvements as a duplex.

The Committee discussed the height of the proposed development, the Agent confirmed the final height would be 11.0 m.  
The chair asked the committee for discussion.

The Committee acknowledged comments made by the public pertaining to neighbourhood compatibility, conformity with adjacent uses and concern for safety

due to increased traffic on an undersized residential street, being Lakeside Crescent.

Member, Tanis McIntosh appreciated the safety concern and mentioned having the opportunity to live in larger cities which have the benefit of being purposefully developed with sidewalks and cul-de-sacs, where children can play and the larger multi-residential developments are found on larger roads.

Ray Pearson concurred with Member, Tanis McIntosh, and recognized the concerns of the neighbours as valid concerns and reminded the Committee that that not one person in attendance was there to support the application

John McDougall agreed with the discussion, summarizing the width of the road, privacy and computability as concerns.

John Barr reviewed satellite photos of the south side of Lakeside Crescent, he characterized Lakeside Crescent as varying in width, the lots abutting it are irregular in shape with the subject property at 96 Lakeside Crescent 75' x 200'. In review of density within the neighbourhood, Mr. Barr expressed concern for compatibility.

Bev Richards agreed that it was important to listen to the neighbourhood concerns.

Wayne Gauld described the application more of an R1- Residential First Density, to an R3 Residential Third Density due to the fact that a duplex was never constructed on the subject property. He acknowledged concern with the road and on-street parking.

The Chair asked the Committee for a motion.

The Secretary Treasurer read the recommendation from the Planning Report.

Moved: Tanis McIntosh

Seconded: Bev Richards

**RESOLVED THAT** the **PLANNING ADVISORY COMMITTEE** recommends that the Council of the Corporation of the City of Kenora refuse Application for Zoning By-law Amendment, File No. D14-21-03, the subject lands are municipally known as 96 Lakeside Crescent. The purpose of the Zoning By-law Amendment is to rezone the subject lands from "R2" Residential – Second Density Zone to "R3" Residential – Third Density Zone, remove the "HL" Hazard Land Zone, and reduce the required lot frontage from 6.0m/unit to 3.8m/unit,

The Committee has made an evaluation of the application upon its merits against the Official Plan, Zoning By-law, the Provincial Policy Statement, 2020 and public comments heard at the May 18, 2021 meeting of the Planning Advisory Committee.

Carried.

At 7:55 p.m. Chair Wayne Gauld removed himself from the virtual meeting. Vice-Chair Ray Pearson took over the meeting.

### **D14-21-05, First Ave South**

David Weber, Cholmeyer Architecture  
[david@cohlarch.ca](mailto:david@cohlarch.ca)

Mr. David Weber of Cholmeyer Architecture was acting as Agent on behalf of the property owner. Mr. Cholmeyer presented a short PowerPoint to the Committee and the members of the public who were present. A copy of the presentation is available through the Planning Department.

Mr. Weber described the application as a request to remove the HL- Hazard Land designation to support a mixed-use development with commercial on the main floor and residential above.

Mr. Weber explained that the Department of Fisheries and Oceans Canada has provided a small window of opportunity for development in the summer of 2021. If approvals are in place the developer will proceed with infilling the lot to above the 324.6 flood designation contour. The water lot would be filled with gravel and packed to allow for piles to be drilled from on top of a pad versus over water.

The Agent explained that the application for an amendment to the zoning by-law was one of many steps in the approval process, an Environmental Impact Study would be required as well as DFO review and approval.

A conceptual rendered drawing was provided as an illustration only, the main floor of the proposed development would comprise of commercial space with six (6) residential units above. Once the final configuration of the proposed development is finalized, there may be need for an application for minor variance for relief from parking and building height. The development shall be subject to Site Plan Control.

Kevan Sumner, City Planner provided an overview of the Staff Planning Report, An application File No. D14-21-05 to change the zoning of the subject property from "CG" Commercial General Zone with "HL" Hazard Land Zone to "CG" Commercial General Zone, to allow for the property owner to make improvements to the property including placing of fill to extend the shoreline of the property in to the lake.

A copy of the Staff Planning report is available through the City of Kenora Planning Department.

In an evaluation, the Planner noted that the "HL" zone restricts the City of Kenora from approving any of the preliminary work proposed by the property owner,

including the infill of the lot and placement of piles as a foundation for a future construction. Removal of the "HL" zone will permit the owner to proceed with their short term plans. All future development will need to comply with the regulations of the "CG" zone which will remain on the property.

The City Planner recommended that Application for Zoning By-law Amendment, File No. D14-21-05, be approved, in lieu of public comments that may yet to be received.

The chair asked the Agent If there was anything to add.

The Agent referenced a comment made by the City Engineer that mentioned concern over the current storm pipe that outflows into the lake adjacent to the north lot line of the subject property that travels through the Bannister Centre parking lot. With the infilling of the subject property this will close off this piping to outfall into the lake. The Agent acknowledged the concern and offered a recommendation to relocate the pipe which might dovetail well into a plan the developers have to provide public access over the subject property to the Lake of the Woods.

The Chair asked the public for comments in favour of the application, there were none.

The Chair asked the public for comments against the application, the following comments were received:

1. Patricia MacDonell- 321 Third Street South, Kenora, ON P9N 1H8  
Mrs. Macdonell expressed concern over the lack of public notice on File No. D4-0-21-05. From her point of view, big development was blocking the view of back street development. The Bannister Centre could be taken as precedent and that is a cautionary tale. She urged the Committee to act with integrity and respect the heritage of our Community.

2. John Saunders- 314 First Avenue South, Kenora, ON P9N 1W7  
Mr. Saunders believed the application and planning rationale as provided the Agent was riddled with errors including:

- Lot size
- Proposal includes the existing sidewalk
- No mention of parking for either the residential or the commercial components
- Section 25.0 and Section 26.0 are incomplete within the application form.
- Mr. Saunders acknowledged that the Fish Market was once a gas station which was depicted on the mural of the now demolished building facing the lake.

Mr. Saunders suggested the Committee address Harbourn Centre's greatest asset- the water. It is access to the lake and views to and from the water that will provide incentive to develop and build in the centre. If the proposed development is



essentially replacing an existing structure, recently demolished, Mr. Saunders questioned the need to remove the hazard designation.

Mr. Saunders evaluated the application with the Provincial Policy Statement, 2020 and recommended that long term prosperity, human and environmental health and social wellbeing should take precedence over short term considerations.

Mr. Saunders suggested that the City of Kenora shall consider the Downtown and its wellbeing depends on what happens on the water.

3. John Bilton, 322 First Avenue South, Kenora, ON P9N 1W3

Mr. Bilton indicated he was speaking in a personal capacity, as the resident across from the former Blue Heron acquiring the property in 2007.

Mr. Bilton is opposed to the application and reference the Kenora Official Plan, 2015 which he described as an attempt to express the wisdom of the community and how they viewed the relationship of this town with the beautiful geography that surrounds it. He described the deep historical connection his home has with the former blue heron site. The consistency in terms of the neighbourhood design is the character of the homes. Mr. Bilton referenced the Bannister Centre as an example of what we shouldn't be doing and that 'we' lost our way.

Mr. Bilton also expressed concern for insufficient Notice and encouraged the City to do better than minimum standard for notice and questioned administrative fairness.

Mr. Bilton wished to point out the objective clear cut reasons why in his opinion the application ought to be denied. The Application and the planners report clearly misapprehend the letter and the spirit of the governing authorities, the City of Kenora Zoning Bylaw 101-2015, the Official Plan (2015) and Provincial Policy Statement, 2020.

Mr. Bilton expressed concern with by removing the HL- Hazard Land designation, if removed it was the opinion of the Mr. Bilton that the property owner will no longer be required to comply with the City of Kenora, Official Plan, 2015.

4. John Rasmussen, 326 Fourth Avenue South, Kenora, ON P9N 1Z2

Mr. Rasmussen question the idea of adverse environmental impacts of filling in the lake at the subject property, File No. D14-21-05. He mentioned previous discussion on File No. D14-21-03, whereby the Planning Advisory Committee recommended against the approval because conformity with neighbouring properties. Mr. Rasmussen pointed out that the Bannister Centre is zoned GC with the HL- Hazard Land designation, the park is zoned OS- Open Space with HL- Hazard Land designation. His recommendation is to refuse the removal of the HL- Designation because the other two properties adjacent have the HL- designation.

5. Linda Mitchell, 320 First Avenue South, Kenora, ON P9N 1T4

Linda Mitchell agreed with the comments made by her neighbours, she respects and supports development in the Community however recommended a vision is needed.

6. Celia Christensen, 303 Third Street South, Kenora, ON P9N 1H8  
Mrs. Christensen expressed concern for the application. She recognized the historic charm within Kenora and encouraged developers to come up with a plan that embraces the historic charm.

7. Tony Jones, P0 Box 142 , Kenora, ON P9N 3X1  
Mr. Jones did not see any reason that seems proper to remove the HL- Hazard Land designation other than at the convenience of the developer to do development which is undetermined at this point at the time and place of their choosing. HL had two purposes, a formal purpose to protect person and property and informal purpose to protect values wetland. Deeply against the application.

8. Walter Domareski, 34 Lakeside Crescent, Kenora, ON P9N 4H4  
Mr. Domareski believed the property should be developed as a park with a walkway along the waterfront.

The chair asked the Committee for questions.

There was a question about the HL- Hazard Land Zone designation and permitted uses. In the opinion of the City Planner, the HL- Hazard Land designation is one of the more poorly established zones in the Zoning By-law. Any property with the HL- designation is not permitted for development.

The Committee questioned the City Planner if a Record of Site Condition (RSC) was required. It was confirmed by both the Agent and the City Planner that an RSC shall be required prior to permitting.

The Committee acknowledged the Waterfront Development Guidelines from 2009, one of the main goals is to protect the waterfront within the Harbourtown Centre. The Agent confirmed he was aware of the report.

The Committee motioned to extend curfew of the Public meeting past 9:00 p.m.  
Carried.

The Committee questioned the plan of survey submitted, the boundaries on the recent survey are not in agreement with the original patent of the property, PIN 42165-0256. The north boundary was originally 103' but now 107.25'; east boundary as 90' now 93.5' and west was 90' now measuring 96.5'.

The chair asked the Committee for discussion.

Member John Barr had concern with the application, the subject property was previously used as a gas station, and Mr. Barr suggested there may be a dozen barrels sitting under the water. Mr. Barr supported the need for an RSC and fill material at the recommendation of DFO and MNRF shall be consulted. Mr. Barr expected it may be some time before development could occur on the property and wondered if during that time period, the Community would have the opportunity to

comment on a development proposal. The City Planner identified Site Plan Control as an opportunity to ensure the development complies with the provision of the Official Plan and Zoning By-law.

The Committee discussed the need for an Environmental Impact Statement. The Agent confirmed an ESA shall be required in advance of any infill.

The Committee discussed the timeline that may be required to obtain an ESA and an RSC. The window of opportunity for development with approval from DFO would be July and August, 2021. Mr. Weber suggested that if they could not meet the July/August timeline then development will be bumped to 2022.

Moved: John Barr

Seconded: Bev Richards

**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. D14-21-05, the subject lands are municipally known as 321 First Avenue South. The purpose of the Zoning By-law Amendment is to rezone the subject lands from "GC" General Commercial Zone with "HL" Hazard Land Zone to "GC" General Commercial Zone.

The effect of the Zoning By-law Amendment is to rezone lands to promote redevelopment of the subject lands and to allow for the property owner to make improvements to the property including placing of fill to extend the shoreline of the property in to the lake.

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.

Carried.

Chair, Wayne Gauld re-entered the virtual meeting Wayne joined at 9:19 p.m.

#### **D14-21-04**

Tara Rickaby, TMER Consulting represented Mr. Torin Berganini, owner of the subject property at 613 Ottawa Street, Kenora, ON. The Agent provided overview of the application to amend the zoning from GC-General Commercial to R2-Residential, Second Density, and an associated application for minor variance for relief from the provisions for the front yard setback, exterior side yard (Tenth St) and parking stall dimensions. Mr. Berganini proposes to formalize/legalize the current use of the property as a semi-detached dwelling. A minor variance for parking stall size, exterior side and front yard setbacks will also be required if this application is approved by Council.

Mr. Berganini proposes to improve the façade of existing structure in order to reflect the residential use. The property owner acknowledges that a change of use/building permit will also be required in order to bring the property into

compliance with applicable law. A copy of the complete application and planning rationale is available through the City of Kenora Planning Department.

The City Planner, Kevan Sumner presented the staff report Application for an Amendment to the Zoning By-law File No. D14-21-04 to amend the current zoning of the subject property AT 613 Ottawa Street from "GC" General Commercial Zone to "R2" Residential Second Density and to allow an existing commercial building with non-conforming use as residential into compliance with the provisions of the by-law.

In an evaluation, the application for amendment to the zoning by-law is required to legally establish the non-complying use of the property. The proposed residential zoning will be exceptional for this portion of Ottawa Street, which is otherwise zoned "GC", but there are several higher-density "R3" properties and a couple of other "R2" properties within a block of the subject property.

The City Planner recommended Application for Zoning By-law Amendment, File No. D14-21-04 be approved, in lieu of public comments that may yet to be received.

The full copy of the staff report, File No. D14-21-04 is filed with the City of Kenora Planning Department.

The Chair asked for public comments pertaining to the application, there were none.

The Chair asked for questions from the Committee, there were none.

The Chair asked for discussion from the Committee, there was none.

Moved: John McDougall

Seconded: Ray Pearson

**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. D14-21-04, the subject lands are municipally known as 613 Ottawa Street. The purpose of the Zoning By-law Amendment is to rezone the subject lands

"GC" General Commercial Zone to "R2" Residential – Second Density Zone.

The effect of the Zoning By-law Amendment is to rezone lands to promote residential development and to bring an existing commercial building with a non-conforming residential dwelling use into compliance with the zoning by-law. A concurrent application for Minor Variance will be resolved separately from the zoning amendment.

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.

Carried.

vii. Old Business

- OACA Training
  - Confirmed Bev Richards, Ray Pearson and Wayne Gauld will be attending.
- OP and ZBL Review
- Request the HL Policy IN THE Official Plan be consistent with the Zoning By-law.
- Discussion on Notice requirements and providing notice to the public.
- Discussed re-scheduling PAC meetings to the fourth Tuesday of each month.
- Recommendation to make Signs larger- the Planning Act required a sign be posted on the subject property in application.

viii. Adjourn

Moved By: John Barr

That the May 21, 2021 Planning Advisory Committee meeting be adjourned at 9:56 p.m.

Minutes of the Kenora Planning Advisory Committee meeting, Tuesday May 21, 2020 are approved the 15<sup>th</sup> day of June, 2021.

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Chair, Wayne Gauld

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Secretary-Treasurer, Melissa Shaw

Dear Honorable City Councilors, Mayor and City Planners,

We the following undersigned property owners of Lakeside Crescent would like to raise our concerns regarding the proposed rezoning of 96 Lakeside Crescent, from an R2 designation to a R3 designation for the following reasons:

1. 4 Lakeside Crescent, and 6 Lakeside Crescent, are losing a significant amount of their water view, due to the proposed 3 storey building. We bought these properties because of their water view.
2. There will be increased traffic that is a safety concern with all the families that have young children, as there are quite a few that like to run and play. The street is also narrow compared to the average street, and there are not even sidewalks. 9 and Lakeside Crescent properties are partially on this narrow street, which has not been addressed yet.
3. All the properties on Lakeside Crescent are zoned R1, therefore having one zoned R3 is out of character for the neighbourhood and does not fit in with all the single-family homes.
4. Both properties at 9 and Lakeside Crescent are also losing much valued privacy due to the proposed 6 dwellings, as the properties are very close together.

We all look forward to bringing our concerns to the May, 18<sup>th</sup>/2021 meeting.

Respectfully,

Property Owner of 4 Lakeside Crescent

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Property Owner of 6 Lakeside Crescent

Property Owner of 9 Lakeside Crescent

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**From:** om>  
**Sent:** Saturday, May 15, 2021 4:32 PM  
**To:** r  
**Subject:** 96 Lakeside Crescent R3 Zoning Zoom Meeting

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon,

I would like to register for the zoom meeting on May 18th 2021 regarding the possible rezoning of 96 Lakeside Crescent as we were not consulted or notified of this possible rezoning allowing for a three story condo to be built.

I'm a resident of 47 Lakeside Crescent and Im not in favor of this rezoning.

Traffic is light which is one of the main reasons we moved here, and with construction of such a building there would be a significant increase in traffic, heavy machinery, trucks, trailers etc. Even once built with all units filled we would now have potentially 20 more vehicles driving on our road.

Blasting is another concern. If underground parking is to be included blasting would most likely need to take place. This entire area is shale rock and theres a cliff right behind my house which most likely would be effected. Who's paying for that damage if it all come crashing down? Who's liable?

I feel this would create an unsafe environment for my children during construction and afterwards on both the roads and our back yard.

Looking at the information I found, changing the setback from 20 meters to 1 meter seems environmentally irresponsible by the city to even consider and ethically wrong.

I'm very disappointed that the city would try to sneak in a rezoning without notifying anyone in the area.

Please send me the link and time to the zoom meeting.

Regards

t  
Kenora, Ontario

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**Melissa Shaw**

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**From:** [redacted]@northman...com>  
**Sent:** Saturday, May 15, 2021 4:53 PM  
**To:**  
**Subject:** development at 96 Lakeside Crescent

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello - I reside at Lakeside crescent. How do I register to attend the zoom meeting planned for May 18th about the proposed 6 plex going up at 96.

We are opposed to this just thinking about the sheer volume of traffic it will bring to our quiet close, nevermind all the blasting of the shoreline just down from our home.

Thank you

:

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**Melissa Shaw**

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**From:** noreply@kenora.ca on behalf of C 1. <n  
@hotmail.com>  
**Sent:** Monday, May 17, 2021 9:22 AM  
**To:** Planning  
**Subject:** Condo on Lakeside Crescent

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

We are against a condo built in are quiet neighborhood , we have small children riding bikes and people walking their dogs.  
Thirty years ago someone purchased property for a condo and it was voted down and we still don't want one now. Keep the zoning to family dwellings

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Origin: <https://www.kenora.ca/en/news/notice-of-complete-application-and-public-meeting-for-a-zoning-by-law-amendment-d-14-21-03.aspx>  
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This email was sent to you by  
<https://www.kenora.ca>.

gh

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May.16<sup>th</sup>/2021

Honourable Dan Reynard

Mayor

City of Kenora

1 Main St S

Kenora, Ontario, P9N 3X2

Dear Honorable City Councilors, Mayor and City Planners,

We the following undersigned property owners of Lakeside Crescent would like to raise our concerns regarding the proposed rezoning of 96 Lakeside Crescent, from an R2 designation to a R3 designation for the following reasons:

1. 91 Lakeside Crescent, and 99 Lakeside Crescent, are losing a significant amount of their water view, due to the proposed 3 storey building. We bought these properties because of their water view.
2. There will be increased traffic that is a safety concern with all the families that have young children, as there are quite a few that like to run and play. The street is also narrow compared to the average street, and there are not even sidewalks. 91 and 99 lakeside Crescent properties are partially on this narrow street, which has not been addressed yet.
3. All the properties on Lakeside Crescent are zoned R1, therefore having one zoned R3 is out of character for the neighbourhood and does not fit in with all the single-family homes.
4. The proposed building would not be in keeping with the character and dimensions of the neighbouring properties. This building is too big for this piece of property. The two neighbouring houses would be very close to the new building, which would be much taller. It would feel like it was almost on top of its neighbours. Nothing close to this new building would be as tall or as large. The design of the proposed building is very modern, while the neighbouring homes are more traditional.
5. Six new condos would bring more traffic, noise and boat traffic. They have planned for nine parking spaces for the residents; however, it is unlikely that six families would only have nine vehicles. Most people who could afford to buy one of these high-end condos would want to be able to have at least two vehicles. Since these units are being geared to older adults, it is likely that they would have children, grandchildren and others coming to visit regularly. There is no room to have enough parking for all these vehicles.

6. The applicants are planning to put in underground parking. In order to do this, they would need to blast into the bedrock. This would very likely damage the foundations of the neighbouring houses. This would lower property values and make these homes far more difficult to sell.

We all look forward to bringing our concerns to the May18<sup>th</sup>/2021 meeting.

Respectfully,

Property Owner of Lakeside Crescent

Sign:

Print:

Property Owners of Lakeside Crescent

Sign

Print:

Property Owners of Lakeside Crescent

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Property Owners of Lakeside Crescent

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Property Owners of Lakeside Crescent

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Property Owners of Lakeside Crescent

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Print:

11/01/2020, 01:11:50

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**Kevan Sumner**

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**From:** ---  
**Sent:** Monday, May 17, 2021 4:18 PM  
**To:** Planning  
**Cc:** Melissa Shaw  
**Subject:** Lakeside Crescent

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Kevin and Melissa,

I am a Kenora resident who has lived on Lakeside Crescent for over 30 years and it has come to my attention that there is a request for change in zoning for 96 Lakeside Crescent. This area has always been a safe and quiet area to raise a family.

I have seen the preliminary plans for rezoning to R3 from R1 and do not agree with the presented plans. All other properties in this area are single family dwellings, and a change would set precedence for others to develop their properties in a similar manner if desired.

This development if it proceeds as planned, will increase traffic levels on a substandard street in an area that currently does not allow room for two cars to pass. This neighbourhood has also become home to a number of families with small children who play and would the additional traffic would become a safety hazard. There is already a challenge with the curves and blind spots for motorists.

With the proposed 6 units a potential of over 25 residents and at least two vehicles per household, the traffic levels would increase substantially. This does not include guests or family that may visit the complex. The lot has many challenges with a large elevation change that would result in a problem for guest parking resulting on them parking on an already narrow road.

I feel that not enough is being done to protect our lakefront properties from overdevelopment. Why we would we allow such a large apartment/condo to be built in a single residential area? It would spoil sightlines from both land and water. What if any studies have been made to protect the land and water from an environmental perspective with respect to the density of population in that area (nesting birds, erosion, increased boat traffic)?

Why have residents in this area not been given any official written notice by the city? Not everyone reads The Miner and News. I was informed of this by concerned neighbours of the 96 Lakeside Crescent property.

I hope that you will consider my and other residents' concerns for the future development of this area. I believe that there are other alternatives for this property that would be more appropriate.

Thank you for your time.

Lakeside Crescent

PERSONAL INFORMATION  
Personal information including mailing addresses and phone numbers have been concealed by the City of Kenora in accordance with the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M. 56

## Kevan Sumner

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**From:**  
**Sent:** Monday, May 17, 2021 9:52 PM  
**To:** Planning  
**Cc:** Melissa Shaw  
**Subject:** Development at 96 Lakeside Crescent

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mr. Kevin Sumnar.  
Monday May 17/21

In regards to the development of 96 Lakeside Cr. Kenora, Ont. My wife and I are opposed to this proposed development.

Some of our concerns are the narrow road and the lack of sidewalks around the neighbourhood, and with the additional traffic from the development during construction and after completion with the possibility of an extra 6-12 vehicles and maybe more from the residents plus visitor/service vehicles. With these factors in mind this will make this area more congested and unsafe for everyone especially since this neighbourhood now contains many families with small children.

And as a city taxpayer we do not approve of any tax dollars being used to improve traffic flow for the sole benefit for one property owner.

One other concern that we have is with the 1 m set back on the property. Allowing this could have a detrimental effect on the shoreline and environment as well as the atmosphere of the surrounding neighbours and this may also set an undesirable precedent for future development in this area.

Thanks

Lakeside Cr.  
Kenora, Ont  
P9N4H4  
807-466-6004

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**Kevan Sumner**

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**From:**   
**Sent:** Saturday, May 15, 2021 4:32 PM  
**To:** mshae@kenora.ca; Planning  
**Subject:** 96 Lakeside Crescent R3 Zoning Zoom Meeting

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon,

I would like to register for the zoom meeting on May 18th 2021 regarding the possible rezoning of 96 Lakeside Crescent as we were not consulted or notified of this possible rezoning allowing for a three story condo to be built.

I'm a resident of Lakeside Crescent and Im not in favor of this rezoning.

Traffic is light which is one of the main reasons we moved here, and with construction of such a building there would be a significant increase in traffic, heavy machinery, trucks, trailers etc. Even once built with all units filled we would now have potentially 20 more vehicles driving on our road.

Blasting is another concern. If underground parking is to be included blasting would most likely need to take place. This entire area is shale rock and theres a cliff right behind my house which most likely would be effected. Who's paying for that damage if it all come crashing down? Who's liable?

I feel this would create an unsafe environment for my children during construction and afterwards on both the roads and our back yard.

Looking at the information I found, changing the setback from 20 meters to 1 meter seems environmentally irresponsible by the city to even consider and ethically wrong.

I'm very disappointed that the city would try to sneak in a rezoning without notifying anyone in the area.

Please send me the link and time to the zoom meeting.

Regards

Lakeside Crescent  
Kenora, Ontario  
P9N4H4

MSO.1550, C.M. 55  
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<mailto:antony.jones@sympatico.ca>

**Sent:** Wednesday, May 19, 2021 12:04 PM

**To:** Kevan Sumner

**Subject:** Re: Information - D14-21-05

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Kevin, thank you for this information.

As a newcomer to the process, I found last night's discussions interesting. I had sympathy for the Committee members (I don't know if they are volunteers or if they are paid an honorarium for their service) but more especially for the professional staff of the city who clearly had a very long and tiring day. I hope and trust that you are paid overtime or receive time in lieu for these long evening sessions.

I am not clear on what your mandate is. By this I mean, are you instructed to offer a rationale to recommend approval of every application, and the Committee, after questions and discussion, then votes yea or nay? Or are you asked to present a recommendation, yea or nay, on the application based on your training and professional experience, and the Committee then votes on that?

I would expect that it is the latter. If that's the case, I'd like to offer an observation. Your recommendations seemed to be based on the letter, rather than the spirit and intent, of the Act and the by-laws. Without meaning to disparage you in any way, it seemed abundantly obvious to me and everyone else on the call that there was no possibility that the six-unit condo on Lakeside Crescent was remotely appropriate, for any number of reasons. I was therefore very surprised that you recommended approval of the zoning change request. I felt that you had focused on the detail and missed the big picture. If this happens often, it may erode your credibility. I say this based on my own experience of working within bureaucracies, which include a senior position at one of Canada's original Big 5 banks. :-)

Anyway, it is water under the bridge (for the moment), and I found the overall process instructive. I thank you and the other staff and Committee members for the work that you do for our community. It is not easy.

I was writing you a memo yesterday before the call, asking to be heard at the June 8 meeting, but I ran out of time because of another board meeting I had to attend, which ran from 4:00 to 6:00. Please accept this as my request.

With thanks and regards,

[Redacted signature]

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**Melissa Shaw**

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**Subject:**

FW: Information - D14-21-03

Thanks Kevan; we might be saying the same thing, although from different approaches.

I've highlighted the critical phrase you used below. it is not only the nearby residents who do not think the **Lakeside Crescent** proposal is **in keeping with the character of the area**. Any objective observer, including 100% of the "non-neighbours" present at the meeting, could clearly see that it is not. Your recommendation, however, implies that you think it is. Either that, or you have chosen to observe the quantitative aspects of the zoning regulations and other documents while ignoring the qualitative ones, which are just as important. In either case, you produced a zoning recommendation which is completely at odds with community standards.

I urge you to consider this feedback in the spirit in which it is offered, which is to try to broaden the context in which you work here. Everything that I and my friends and acquaintances hear about housing from people who work in town, or want to come here to do so, is that accommodation, and particularly rental accommodation, is prohibitively expensive here. It is ludicrous to suggest that luxury waterfront condos, which will almost certainly be purchased by seasonal residents from out of town, is in line with the city's objective of densification, and its sibling, affordability. To make a recommendation that appears aberrant to everyone else will tend to undermine your credibility and erode public trust in the process, which is the last thing you or anyone else wants. You do not operate in a vacuum.

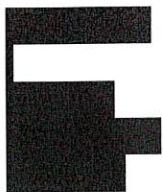
People at the meeting, including some PAC members, had driven the roadway and were also familiar with the shoreline from the lake side - that is, they had also driven past in a boat. Without exception, they found it easy to see that the proposal was inappropriate. Did you do these things?

Regardless, the key question now is whether you will change your recommendation; it's not clear from your comments below. On the one hand, you make reference to "[your] information coming to light as the process continues", but on the other hand say "[you] will again make a recommendation, but the ultimate decision rests with council." I'd suggest that you could make that part of their job easier by recommending against the zoning change, in view of the phrase you used below.

Thank you for engaging with me on this, Kevan. I hope you know that I do not intend any personal criticism, but I recognize that it may feel like it to you. As a Kenora resident, and being married to someone whose grandfather (George Toole) played a very significant role in Kenora's early development, I care deeply about the town. I am anxious to see it reinvent itself and regain some of its former prosperity and viability, and to many of us, the key to this will lie in how we treat the city's one remaining ace card, the lakefront.

I will be writing to you about the Blue Heron property (D14-21-03) proposal in due course.

Regards,



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