



## PROCEEDINGS

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 met electronically as permitted by the City of Kenora Procedural bylaw. Citizens and our Media Partners are encouraged to view the public meeting via the Public Live Stream Event at: <https://video.isilive.ca/kenora/2021-06-08-SC.html>

**Present:** Mayor D. Reynard  
Councillor M. Goss  
Councillor R. McMillan  
Councillor A. Poirier (arrived at 1:25 p.m.)  
Councillor S. Smith  
Councillor C. Van Wallegghem

**Regrets:** Councillor K. Ralko

**Staff:** Kyle Attanasio, CAO  
Heather Pihulak, City Clerk  
Kevan Sumnar, City Planner  
Melissa Shaw, Planner  
Adam Smith, Development Services Director

### **Land Acknowledgement – Councillor Smith**

As we gather, we recognize that we are on Treaty Three Lands which are steeped in rich Indigenous history and home to many First Nations and Metis people today. We continue to be thankful for the partnerships with our Indigenous people.

### **Council Declaration of Pecuniary Interest & General Nature Thereof**

- i) On Today's Agenda or from a previous Meeting
- ii) From a Meeting at which a Member was not in Attendance

There were none declared.

## **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.

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.

## **D14-21-04 - 613 Ottawa Street**

Applicant, Tara Rickaby of TMER Consulting Kenora, acting as agent presented planning rationale. There is a planning application coming forward later, however, the zoning bylaw amendment was required in advance. Tara described the rationale to the application and the conditions leading to the application.

### **City Planner Report/Rationale**

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

### **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.

### **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.

### **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.

### **Site Visit**

On May 13<sup>th</sup>, 2021, the Planner attended the subject location to view existing conditions.

### **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.

**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.

**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

**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.

## **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.

## **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.

## **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?  
There were none.

b) Is there any member of the public who wishes to speak in opposition of the amendment?  
There were none.

## **4. Discussion**

a) Members of Council – Discussion/Questions (no decision is made)  
There were none.

## **5. Questions**

- Members of the Public – are there any questions of the application?  
There were none.

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## **D14-21-05 - 321 First Avenue South**

Applicant, David Webber, Cohlmeier Architecture Limited, acting as agent presented planning rationale.

Mr. Webber presented his planning rationale for the application and provided a presentation. The property is currently zoned with two zoning designations. They are asking to remove the hazard land zoning and leave the GC zoning in place. Mr. Webber addressed some of the concerns noted to date. The lot size has been questioned and the surveyor has assured the applicant that his survey is accurate. Public access to the waterfront and they intend to connect to the Rotary Park in the future but do not have development plans available to them for that development but there will be that public access from the large dock area along the waterfront area. The plan is to have residential suites above the commercial units on the main street level.

Incompatible development – there were many questions about the suitability of the mixed use development for the property. After reviewing all the guidelines and development plans for the downtown. Intensification of new residential development in the downtown and new commercial development on the waterfront is desirable and draws people to the downtown. It  
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is an investment to the City of Kenora.

The GC zoning will remain on the site and will still be subject to the site plan control process and must be approved prior to the development taking place.

### **City Planner Report/Rationale**

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

#### **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.

#### **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.

#### **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.

#### **Site Visit**

On May 14<sup>th</sup>, 2021, the City Planner attended the subject location to view existing conditions.

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

#### **d) 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))

#### **e) 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.

#### **f) 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.

**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>
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 MNR 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>





## **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.

## **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.

## **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?

The following persons and summarized comments were received:

Steven Wolfe – 1317 Valley Drive. Mr. Wolfe is in support of this development as it is exciting. As a youth in the community, we look forward to new development and enhancing our

community. Our housing crisis is always something that comes up and this is something we always need to be looking at. There has been little development in the last many years and we need to encourage development and encourage private investment in our community.

b) Is there any member of the public who wishes to speak in opposition of the amendment?

The following persons and summarized comments were received:

Andrea Derungs – Thompson Island – Ms. Derungs is a summer resident on an island and resides in London England the remainder of year. Full support of the neighbours in attendance. Not against development in Kenora but am opposed to the process. By removing the wasteland designation before the final design plans are submitted it gives the owner carte blanche to do whatever they want on the property. It is clear their plan is to secure their first step as it will be more difficult to secure their future plans at that point. July timelines are crucial to developers. It is imperative for everyone to have access to the waterfront and development of the waterfront for private purposes does not align with the Harbourfront development plans. The proposed building will not benefit anyone other than the luxury condominium owners. Once this property is built on it is lost to us forever. This decision should be delayed until the design phase is complete and the public consulted further.

Jim Cook – 36 Nash Street - Three major planning issues that need to be addressed. First, the environmental impact study should be completed first. An engineering designer board should also be required and failure to do that is not confirming to the City's Official Plan. It is putting the cart before the horse.

Ogichidaa Kavanaugh – 1502 Central Roop Road – Ogichidaa Francis speaks to the concern regarding the lack of engagement from the City. In 2017, Treaty Three and the City signed a relationship agreement to work together on developments. With the former gas bar in this location, it is an environmental concern. Protection of the environment in the Treaty Three territory is very important. Most of the development of the plan is in the water. There are unsettled legal claims. Raise this issue because of the Peace Park development and were not meaningfully engaged with this development.

John Bilton – 322 1<sup>st</sup> Avenue South - The application before Council is unnecessary and Council should not consider it. The application before Council is the wrong one.

Kim Sandy-Kasprick – 312 4<sup>th</sup> Avenue South - It's irresponsible for the City to give the developer an amendment without knowing the exact plan. Object to the size and the height of the building. Why waste lakeside properties when they should be used as parks and docks. Where are these owners supposed to park? The development will block the view of the lake. The planning committee already made up their mind and there is a danger to cater to high cost housing. There is no option for medium priced homes. Only options are high cost units and low cost units. Many people don't have options to get into housing.

Gayle Spicer – 314 1<sup>st</sup> Avenue South – Residence and business address of Painted Sheep Boutique. Opposed to changing zoning. The Blue Heron was a legacy and making this area a destination. Before she could open her boutique she had to apply for a zoning amendment to change her property to commercial. It will be a zoning change from commercial to R3. First task was to collect 10 signatures that they were not in opposition to the development. Tried to

maintain a similar look in the neighbourhood. These developers have not had the decency to speak to anyone in the neighbourhood. No respect to the neighbourhood and the City. They will need more variances as they go along. Parking where will that be? This building will affect not only the neighbourhood but summer residents and visitors. They are asking to fill in the City's most valuable asset so a few people can have it to themselves. Opposed to changing hazard land zoning.

John Saunders – 314 1<sup>st</sup> Avenue South and Treaty Island on Lake of the Woods – people want to see the waterfront and removing the hazard land designation will remove the control the development of the shoreline property.

Tony Jones – PO Box 142 who resides on Johnson Island. Wife born in Kenora and grew up in Kenora with a long family history in the community. Have been coming to this lake for 40 years and have lived here for the last 8 years. We know the developer hopes to make a profit but what does it do for the City. Is this the best use of the property or is there a better alternative. There are better alternatives for more affordable for condo development that does not seal off waterfront access. The applicant does not need the designation removed now in the initial stages of the development plans. We have been misled and requests Council to deny this application.

Councillor Andrew Poirier joined the meeting at 1:25 p.m.

Sally Kendall – 400 Lakeview Drive – Ms. Kendall was calling from the site and describes what she sees at the location. Concern is a further environmental review of what is being proposed by the developer. Kenora has already impacted the waterfront development. The extreme disconnect between the Scott Island development and this development where there is no protection given to the lake.

Pam Viinikka – Ms. Viinikka owns businesses in town and is an active volunteer in the City. Speaking in regards to the structure itself. This structure makes no sense and how does it benefit our City and its residents and visitors. All for development but downtown condo development does not seem like the right move.

Celia Christianson – 303 3<sup>rd</sup> Street South. All for development but appropriate development. This town is unique and this type of development is not going to embrace that same feeling and make people feel they have come to a special place. A lot of day tourists looking for something to do, and this plan does not promote this at all. May not be tourist related whatever is in the main floor.

Patty MacDonnell – 321 3<sup>rd</sup> Street South – object to lifting the designation. At the planning advisory committee meeting Inlet expressed that they were hoping to infill in July or August of this year if this designation was lifted. Does not make sense before they know what they are going to build. It seems if you let your building go derelict you can do whatever you want. A building is being allowed to be built that does not keep up with rest of neighbourhood.

Lucia Melnick – Apt 207 610 Park Street - came to Kenora in 1946 and is 95 years old and loves this town. This development on a beautiful piece of land should not be permitted. A peace garden next door going in and would like to see some other public space there and not putting big buildings there.

Cheryl Moyer – 134 Lakeside Crescent – not in favour of lifting hazardous land designation and not enough thought has gone into this. Not in favour of the entire plan as there is not enough information.

### **Discussion**

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

There were none.

### **Questions**

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

There were none.

Concluded D14-21-05 - 321 First Avenue South zoning bylaw amendment at 1:40 p.m.

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### **D14-21-03 - 96 Lakeside Crescent – 1:40 p.m.**

Applicant, Tara Rickaby, TMER Consulting Kenora, acting as agent presented planning rationale along with David Nelson.

The application has changed since it went to Planning Advisory Committee. The Wiebe's are now asking that it is a maximum of 4 units and it is an apartment style rather than stacked dwelling. Major difference is there is a common entrance. Each unit would have large balcony to private amenity space. View of LOW would be afforded to everyone and won't negatively impact views of the neighbours.

David Nelson further added that the biggest issue with the neighbours was the volume and size of the development. 12 neighbouring houses are very large houses and what is being proposed with this development is 3,900 sq feet on two stories. It is keeping with scale of what is in the existing neighbourhood. Additionally the zoning bylaw for R1, R2, R3 prescribe the same maximum building volume for any particular lot. With the existing R2 there could already be four units existing on that lot. The zoning bylaw does not have a prescribed style and people in general have built according to a style they like and suits their individual taste. Housing is evolving and due to major factors. With an aging population housing will continue to evolve and we have to be comfortable with mixed R1, R2 and R3 zones. There is an assumption by the neighbours that there is extensive blasting is required. There has been no study undertaking and won't do so until the zoning is changed. Blasting for the most part we try to avoid.

The resolution of the planning advisory committee was defeated and the homeowners have done a great deal of work to reduce the application to four and the application be changed to apartment style units to allow the development of a four unit apartment development.

Gregg Wiebe, applicant, was born in Kenora and wife Elizabeth moved here at very young age. Families had cottages on the lake and most extended families still live here. Career took them away from here but every summer returned and Kenora and was the location they wanted to

retire in. They have owned the property at 96 Lakeside Crescent since 2013. The original submitted proposal was to build 6 condominiums to make them more affordable. Listened to concerns of neighbours and reduced the size and will maintain the parking to the property. Gregg and Elizabeth will reside in one of the units. Resident and visitor parking will park on the property. The building itself will be far enough back from the road to provide adequate safety and site lines as others. Having spent enough time on the property have observed there is very little traffic on our road. The tendencies of the neighbours use different routes to gain access to their properties. The demographic who may be interested in one of these properties would have a good driving record. Privacy of the neighbours and regret they have raised the concerns of the property and it will not change in any way by this build. The effect on house prices and spoke with a local evaluator and there is no evidence that this would drive prices down.

Presently there are trees on the property that would block the view more than a property would. Inconvenience of construction there is no further inconvenience than building a home.

Points in favour of the build – property size is 75x200 and there are few properties of that size that are on the lake. The property topography is sloped throughout with a gentle slope back to the street. The property lends itself nicely to a multiunit home.

The applicant is asking for Council to consider the change is the description of the dwelling unit to read:

That 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 four (4) unit apartment dwelling with a lot frontage of 22.8 m should be approved and subject to with the following conditions:

- a) a) That the minimum lot frontage be amended to 22.8m for an apartment dwelling;
- b) That the number of dwelling units permitted on the site be limited to a maximum of four (4);
- c) That a registered easement be provided to the satisfaction of Synergy North Canada,
- d) That a legal survey be provided to the satisfaction Synergy North Canada, at the cost of the applicant,
- e) 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.

### **City Planner Report/Rationale**

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

#### **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.

#### **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.

### **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 side 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.

### **Site Visit**

On May 14<sup>th</sup>, 2021, the Planner attended the subject location to view existing conditions.

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

#### **g) 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).

#### **h) 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.

**i) 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.

**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	No objections or concerns as long as the following conditions are met: <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.

### 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 the 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 the report.

Further comments were received since the time of preparation of the report which Kevan read into the record.

### **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.

### **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.

### **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?  
There were none.

c) Is there any member of the public who wishes to speak in opposition of the amendment?

The following summarized comments were received:

Joy Bell – 88 Lakeside Crescent. Ms. Bell is two over from the subject property. Does not have ill will for the proponents to develop this property. Not opposed to the condos but the project will not be affordable. There are other suitable properties for this development but not this property. The development isn't conducive to this area and the added traffic to the area further compromises a safety aspect. The concerns that were addressed from the original application are still present. There will be a substantial amount of blasting required. The structure with three stories will obstruct the view and the height will be significantly higher than the existing structure. The unanimous vote at the PAC meeting voted against this proposal.

Katie Appleby and Scott Jessmen – 104 Lakeside Cres – live two houses from Joy and strongly opposed to this development. Doesn't make sense to rezone to an R3. They are for development and not opposed to opportunities but should be made to everyone in a consistent basis. The PAC heard the neighbourhood concerns and denied the application. It does not change the fact that they are still requesting the change to an R3 zone. The Wiebe's have not heard the neighbourhoods concerns. Many of the lots on Lakeside Crescent are much larger than 96 Lakeside Crescent and it is already zoned R2 which meets the needs of mixed use. This property is already more than other surrounding neighbours at R1. There is simply not enough space to do a development of this magnitude. These are major changes being required without any environmental assessment being done at all. Does not meet with the character of the neighbourhood.

Tony Fagnilli – 91 Lakeside Cres – completely against this for all the reasons mentioned and for blocking the view. Already changed from R1 to R2. We all accept having neighbours but having more than one or two is too much. The extra households takes too much privacy away from neighbours and takes away overall from neighbours.

Jerry & Maryanne Favreau – 92 Lakeside Cresc – own property adjacent to this property. For them this is extremely personal. The applicant has addressed nothing. Don't like the precedent that this is set it means that anybody that has an ok size lot could potentially start putting these types of developments on it. The support provided earlier to change the zoning to R2 years ago was based on the neighbour at the time. It hasn't been lived in since 2013. Repairs haven't been done on it for years. They were threatening us that with the R2 they can already build 4 units.

Kyle Derouard – 99 Lakeside Cres – concerned about the parking and the traffic in the neighbourhood. Concerned about blasting and the interference of the neighbouring properties and their privacy.

Dave Baxter – 68 Lakeside Cres – wife and I are opposed to the development and are concerned with the change in character of the neighbourhood. Not against the development of property but what it is zoned for. Safety and environment should be taken into account.

Jeremy Suke –47 Lakeside Crescent and I'm still not in favor of this rezoning. The condo size being changed from 6 units to 4 units changes nothing. A condo being placed in the middle of single dwelling homes isn't a good fit for this area. This structure or any multi-unit structure doesn't keep with the character or this area in the slightest. It would not only look out of place; it would be a complete eyesore especially for those who live on either side of this property; I personally wouldn't want to live right beside a condo unit. The argument of the housing issue in Kenora is still being used; that argument is completely disingenuous considering that the people who require housing couldn't afford one month in one of these condo units period. This is a very quiet neighborhood and the traffic is very light which is one of the main reasons we moved here, and with construction of such a building (regardless of 6 units or 4 units) there would be a significant increase in traffic, heavy machinery, trucks, trailers etc. Even once built with all units filled, we would now have more vehicles driving on our road which in area's only has room for one vehicle and ZERO sidewalks. All homes in this area are single dwelling homes; and it should stay that way. The developer is more than welcome to build a single dwelling home in my opinion, but not a condo or multi-unit dwelling of any sort.

Doug Keshen – 1 Poplar Lane – notice of the meeting was mailed on May 13<sup>th</sup> for the meeting on May 18<sup>th</sup>. The actual PAC meeting was held May 18<sup>th</sup> and several neighbours found out through other people. The official notice was not received for several days after the fact. Everyone spoke at the PAC meeting and it was after that meeting that the applicant then changed the application to a fourplex. Two of the applicants' neighbours will have their view obstructed still. The zoning was changed to R2 years ago but development did not take place.

Marvis Seller –80 Lakeside Cres and our location is pertinent to this application because we proposed a rezoning application years ago which was turned down by the OMB. Going from an R1 to an R3 is a dramatic change for this property as the R2 use has never been used. The proposed apartment building is multiple owners not one owner so that is not correct to call it an apartment. Concerned about snow removal. Will emergency services have access if multiple cars are parked there? The change from 6 to 4 units does not address the concerns of the neighbourhood. No basis for the decision would be different. We have no idea what it will look like. Will it blend to the neighbourhood.

Natalie Edwards – 108 Lakeside Crescent – everyone has said everything already and they live on the narrow part of the road and concerned for their kids. It is a steep hill and icy in the winter and a sharp turn in the end. The concern is the safety of the kids and biking. Agree with everything else that has been said.

Jim Stevenson – size of property of 75x200, some are 75x350 plus and this opens it up for everyone to do something like this. Nothing done with environmental studies. Sets a huge precedence. Is it allowed without going back to PAC to change the application. It's going to

create too much traffic for the lake too.

Doug Corbett – the comments about precedent is what Mr. Corbett is focusing on. Lakeside Crescent is very unique and setting precedent could be very critical. I'm an architect but an 8,000 square foot building is a large building and larger than any house on Lakeside Crescent. Could be opening Pandora's box. This should be set aside until a further design study is done or don't allow it.

### **Discussion**

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

Councillor Van Wallegghem suggested that they could address the traffic by making it a one way. Doesn't believe this development will increase traffic. The planner looked at every scenario and a one way street wouldn't be a good change.

Councillor Poirier questioned why this doesn't have to go back to the PAC committee.

Councillor Poirier noted that PAC makes a recommendation to Council but wonder if the change in the application is still the same from PAC. Feels this process should be started over.

### **Questions**

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

As there are no further questions, Mayor Reynard declared this public meeting CLOSED at 3:23 p.m.