



City of Kenora  
Planning Advisory Committee  
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**Minutes  
City of Kenora Virtual Planning Advisory Committee  
Regular meeting held by way of Zoom Meeting  
Tuesday February 15, 2022  
6:00 p.m. (CST)  
Video Recording:**

**DELEGATION:**

**Present:**

<b>Ray Pearson</b>	<b>Acting Chair</b>
<b>Bev Richards</b>	<b>Member</b>
<b>Tanis McIntosh</b>	<b>Member</b>
<b>John McDougall</b>	<b>Member</b>
<b>Kevan Sumner</b>	<b>City Planner</b>
<b>Melissa Shaw</b>	<b>Secretary-Treasurer</b>
<b>Adam Smith</b>	<b>Manager Development Services</b>
<b>Tessa Sobiski</b>	<b>Minute Taker</b>

1. The Chair, Ray Pearson called the meeting to order at 6:00 p.m. A Land Acknowledgement was delivered and the meeting protocol was reviewed.
2. Additions to the Agenda – there were none.
3. Declaration of Interest by a member for this meeting or at a meeting at which a member was not present – there were none.
4. Correspondence relating to applications before the Committee – one correspondence received regarding D13-22-01.
5. Adoption of Minutes of previous meeting
  - The meeting minutes of December 14, 2021 were adopted.
6. Consideration of an Application for Minor Variance
  - i. D13-22-01, Frost

Reid Thompson presented the application on behalf of the applicant and provided an overview of project which included the Application for Consent D10-22-01. He asked the Committee about the correspondence that was received and whether it would be read into the record. The Secretary-Treasurer confirmed it would be read into the record and clarified there were no direct concerns in the correspondence.

The agent presented the project located on Bay Street with the intent to sever a lot. The lot was previously two separate lots before a deeming by-law combined them in order to permit the construction of the garage as an accessory building. The application is to undo that merge and convert the garage into a residence. To the south of the house lot, lot 15 and 16 are vacant and the application expresses

the intention to have a deeming by-law to merge the three lots into one to provide additional property for a potential buyer, to provide parking and create more funds for applicants. If there is a transfer of lot 13 (garage lot) the applicants will own that jointly. Mr. Thomson explained that because the garage was originally an accessory building, the setbacks are less than what they are for primary buildings. There are no encroachments but some setbacks require a minor variance. Mr. Thompson described the garage that was built in 2006 with a building permit and the applicants feel the conversion work would be relatively minor. Mr. Thompson described the details of the setback variances they are applying for which are set out clearly in the staff report. He explained that the retaining wall encroaches from the house yard onto the garage lot and there are plans to redesign and reconstruct the retaining wall which requires a minor variance for the setback. Hook up to City services from the garage would be done at the same time as the wall construction while they are currently hooked up from the house. Mr. Thompson noted that a letter of comfort is also required to address the encroachment onto City property from the retaining wall and stair system. The driveway that is used to access the garage will cross a corner of the house lot requiring an easement. Mr. Thompson provided a survey and noted that the easement was missed in that survey and that would have to be completed. He commented that this does not include any new development and any construction only relates to the retaining wall and connecting to City services. He felt there is no impact on the environment, no impact on City services, and has received a letter of support from one neighbour.

Kevan Sumner presented the planning report. The effect of the approval would be to divide the existing 930 m<sup>2</sup> property into two equal sized lots and would allow for the dwellings on the proposed new lots to be compliant with the regulations of the zoning by-law. After interdepartmental and agency circulation the following comments were received: Kenora Building Department commented that a building permit will be required to change the use of a garage to a single family dwelling, Kenora Engineering commented that an easement is required for the driveway encroachment, the dwelling on the northern lot requires separate sewer and water connections and a letter of comfort is required for the wall encroachment. Mr. Sumner read public comments that were received after the date of the report into the record. He noted that there may have been a misunderstanding that the variances were to accommodate further development on the property and clarifies that these applications are only to accommodate the existing structures and any further expansions would require further variances. The City Planner recommended that application D13-22-01 and application D10-22-01 be approved.

The Chair asked if there was anyone from the public who wished to speak in favour or in opposition to the application. There were none.

The Chair asked the committee members if there were any questions or concerns.

Member Ray Pearson asked for clarification regarding condition number eight (8) the merging of the lots. There are four (4) lots in question and only merging 14 and 15 were discussed. Mr. Thompson's understanding was that 14, 15, 16 would be

subject to a deeming by-law to merge them and 16 could not be developed on its own so all three would be merged. Mr. Pearson asked if condition number eight (8) should be amended to reflect this. The applicants and committee members agreed.

Members Bev Richards and John McDougall make a motion to amend condition.

The Secretary-Treasurer read the recommendation for D13-22-01.

Motion: Bev Richards

Seconded: John McDougall

That application D13-22-01 seeking relief from multiple provisions of the Kenora By-law 101-2015 which would have the effect of allowing the dwellings on the proposed new lots to be compliant with the regulations of the zoning by-law and further;

Now hereby be it resolved that application D13-22-01 be approved by the Kenora Planning Advisory Committee.

Carried.

The Secretary-Treasurer read the recommendation for D10-22-01.

Motion: Tanis McIntosh

Secunder: John McDougall

That application D10-22-01 for consent for lot severance on property located at 515 Bay Street and legally described as PIN 42157-0029; CITY OF KENORA, be approved and provisional Consent be granted, subject to the conditions outlined in the Planning Report and amending condition number eight (8) to read that the existing lot be first merged to the adjacent lot 15 and 16 to the south.

Carried.

ii. D13-22-02, Hertz

Reid Thompson represented the applicants for an Application for Minor Variance for a property located off Whitehead Road. He described the property as a large vacant lot that is well treed with rugged topography. The application is to sever one third of that property to create a lot of about 6 ha. The idea is that they would construct a single detached family home and a garage/workshop and the property would be transferred to the applicant's son. It would tie into the hydro line and would be serviced by a septic field and a well and would be heated by propane. The severed lot would have 99 m of frontage and noted that the only issue would be that the retained lot would have 38.7 m of frontage. Therefore the application is to reduce the frontage requirement to 35 m to be safe. He feels both properties would have ample distance for access off Whitehead Road with clear site lines and flat topography off the road. Mr. Thompson felt that the conditions outlined in the staff report are reasonable and can be accommodated quickly. He noted that the use of the property would be consistent with the neighbourhood and would continue to function as a rural property with rural services.

The City Planner presented the planning report for application D10-22-02 and D13-22-02. The effect of the approval would be to sever a new lot, approximately 6 ha in area, from the existing 15 ha property. A minor variance would then be required for the retained property frontage. Mr. Sumner clarified that the small triangle of property that was captured on an image SE of the property is not part of the subject property. No comments were received after interdepartmental and agency circulation. The City Planner recommended that both applications be approved.

The Chair asked if there was anyone who wished to speak in favour or in opposition to the application. There were none.

The Chair asked the committee members if they had any questions or discussion. There were none.

The Secretary-Treasurer read the motion for the Application for Minor Variance.

Motion: Bev Richards

Seconded: John McDougall

That the application, D13-22-02 to seek relief of 55 m from the City of Kenora By-law 101-2015, Section 4.12.3 (a) which requires a minimum lot frontage of 90.0 m for properties zoned "RU" Rural Zone and further, that has the effect of allowing for the creation of on (1) "RU" zoned lot with a reduced frontage of 35 m on Whitehead Road; and further; Now hereby be it resolved that application D13-22-02 be approved by the Kenora Planning Advisory Committee.

Carried.

The Secretary-Treasurer read the motion for the Application for Consent.

Motion: Tanis McIntosh

Seconded: Bev Richards

That application D10-22-02 for consent for lot severance on an unaddressed property on Whitehead Road and legally described as PIN 42178-0031; CITY OF KENORA, be approved and provisional consent be granted subject to conditions as outline in the planning report.

Carried.

## 7. Consideration of an Application for Consent

### i. D10-22-01, Frost

Application was heard in conjunction with Application D13-22-01.

### ii. D10-22-02, Hertz

Application was heard in conjunction with D13-22-02.

### iii. D10-22-03, 1415 and 1435 Valley Drive

The agent Patrick Townes presented the application for both D10-22-03 and D14-22-02 on behalf of the owners. The application relates to 1415 and 1435 Valley Drive. 1415 has a current lot area of approximately 4.7 ha and 1435 has a lot area of approximately 4 ha. He clarified that there is a small section on the NW corner of 1415 that is not owned by the owners. He explained that the proposal includes a

small scale brewery on 1415 Valley Drive and apartments and amenities on 1435 Valley Drive. They are zoned Highway Commercial and Rural. The application for consent is to reconfigure the existing lot lines to facilitate future development. The agent showed slides of existing lot lines and proposed lot lines which would provide more separation from between the existing building and the new lot line to facilitate development on the subject properties and provide greater set back. He noted that the area to the east will be used for parking for the brewery. The applicants agreed with the staff report that the lot boundary adjustment represents good planning and noted that there's no new lots being created. The agent spoke about the Zoning By-law amendment application, noting that it is to permit a small scale brewery on 1415 Valley Drive in the existing building and the proposed residential apartment buildings located on 1435 Valley Drive. Mr. Townes explained that the By-law amendment would also include changing the definition of a micro-brewery which is currently permitted but only allows for a certain amount of production. He outlined where the Highway Commercial Zone would be extended to allow for efficient design and where the R3 zones would be rezoned from HC to permit multi-residential units. He provided a copy of the site plan with existing buildings and proposed revised lot lines, proposed parking areas, residential buildings, pool areas, club house and trails. He noted that there would be 88 units proposed within 2 residential apartment buildings and that this conforms to the Official Plan. He outlined that the existing building on the west lot would consist of the small scale brewery, patio, tasting room, and restaurant area and retail space. He felt that the application was consistent with the Official Plan and noted that the lots would be serviced by City sewer and water. Mr. Townes described how the small scale brewery fits a Class 1 industry under the D6 guidelines and noted that the applicants will be required to provide site plan control applications subject to approval and that's when the design will be finalized.

The City Planner presented the planning report for the consent application. He clarified that a section shown in the map on the NE corner belongs to the neighbouring property. The consent would correct an existing building encroachment and enable planned residential and commercial development of the subject properties. No concerns were received after interdepartmental and agency review. The City Planner recommended that the application be approved subject to conditions.

The Chair asked if there was anyone who wished to speak in favour or against the application. There were none.

The Chair asked the committee members for any questions or discussion.

Member, Bev Richards asked about the building height for an apartment referenced in the Zoning Book. It is listed at 10 m however, in the application the height of the building is 16.15 m. Mr. Townes clarified that the design has not been finalized therefore an amendment is not required at this time. Ms. Richards asked about the timeline of development. Mr. Townes answered that they are a little ways away from breaking ground and the owners commented on the development at 1415 Valley Drive that they are looking to proceed with some internal work that would be

immediate but are limited while waiting for approvals. The agent clarified for the members that the brewery and the residential development are separate components and development will proceed with approvals.

The Secretary-Treasurer read the motion.

Motion: Bev Richards

Seconded: Tanis McIntosh

That application D10-22-03 for consent for lot addition on property located at 1435 Valley Drive and legally described as PIN 42175-0286; CITY OF KENORA and the addition of the severed parcel to the property located at 1415 Valley Drive and legally described as PIN 421750285: CITY OF KENORA be approved and provisional Consent be granted, subject to conditions outlined in the Planning Report.

Carried.

8. Recommendation for an Application to amend the Zoning By-law
  - i. D14-22-02, 1415 and 1435 Valley Drive

Mr. Townes had made presentation in the last application. He clarified that the re-zoning is to permit the small scale brewery which is a larger scale than what is currently permitted on the western lot 1415 and the re-zoning to R3 is for lot 1435 to permit the residential development.

The City Planner presented the planning report. He felt that the application is consistent with the Provincial Policy Statement 2020 and the City of Kenora Official Plan. No concerns were received after interdepartmental and agency circulation. The City Planner recommended that the application be approved. He clarified that there was an error within the recommendation in his report where it read "CH[52]" and should have read "HC[52]".

The Chair asked the agent if he had anything to add. He did not.

The Chair asked if anyone wished to speak in favour or in opposition to the application. There were none.

The Chair asked the committee members for any questions or discussion.

Member, John McDougall asked the applicants about traffic increases that may result from the brewery and what the volume comparison would be to the Brewery's Second Street South location. The owner responded that the downtown location is busy because it is a restaurant facility where as the proposed brewery would have a small retail and tasting room but will not be a full service restaurant. Mr. McDougall asked the owner about the number of tractor trailers that would be coming and going from that property. The owner clarified that it would be dependent on production. Product would be made in batches and held on site until it could fill a tractor trailer so it would likely not be a daily occurrence and trucks may not be of that size. The owner noted that they would be receiving truckloads of cans but would not be shipping out cans at the same rate and any trucking that is

done would be done in normal business hours. Potential trucking issues were discussed.

Member, Bev Richards asked how many jobs would be created with the brewery. The owner replied that it is their intention that if they hit their sales projection there would be between 19 and 26 full time jobs created.

Member, Ray Pearson asked how the southern boundary line of the zoning request was selected. The agent responded that the chosen boundary provides flexibility if there is changes to the design through the site plan process that will have to be approved by the City. It was designed for efficient design and use of the site. Mr. Pearson asked if there was consideration for the existing snow machine trails that cross the property but don't seem to be touched by the current development. The agent replied that there is no intent to disrupt any of those trails. He added that additional trails are being proposed for the residential site.

The Secretary-Treasurer read the motion.

Motion: Tanis McIntosh

Seconded: Bev Richards

RESOLVED THAT the PLANNING ADVISORY COMMITTEE recommends that the Council of the Corporation of the City of Kenora approve the Application for an Amendment to the Zoning By-law, File No. D14-22-02, to change the zoning on subject properties with civic addresses 1415 Valley Drive and 1435 Valley Drive from "RU" Rural Zone and "HC" Highway Commercial Zone, to "RU" Rural Zone and "HC"[52]" Highway Commercial, Exception [52] and "R3" Residential - Third Density Zone as Per Schedule 'A'.

The effect of the Application, would enable future residential development and commercial development of a microbrewery with a maximum production of 50,000 hectolitre annually.

The Committee has made an evaluation of the application based on 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.

#### 9. Old Business

- Draft Plan of Subdivision D07-19-01, Green
  - i. Consideration for an extension under section 51(33) of the Planning Act

Reid Thompson spoke on behalf of the applicant's estate. Mr. Green passed at the end of December and his estate is the party to continue the application on his behalf. The estate administrators indicated they would like to pursue the application however, the probate process results in delays and could interfere with the deadline to complete the subdivision application.

The Chair asked Mr. Thompson how long of an extension is being requested. Mr. Thompson felt confident that it could be completed within 12 months. The Secretary-Treasurer clarified that she would send out a notice of change to that extension and it would be an amendment of the original decision and it would start today. After committee discussion, an 18 month extension was agreed upon. It is unclear if it would be subject to an appeal period.

The City Planner provided a recommendation and report where the date would need to be changed.

The Secretary-Treasurer read the motion.

Moved: Bev Richards

Seconded: Tanis McIntosh

That the approval of the subdivision, file no. D07-19-01, for a property located at 1337 River Drive; PIN #'s 421680176, 421680173, 421680181, 421680174 in the City of Kenora, be extended for a further 18 months, to September 19<sup>th</sup>, 2023.

Carried.

- City of Kenora comprehensive review of the Official Plan and Zoning By-law.

Kevan Sumner update the members that there has been indication that a response regarding the review is imminent and work is still being done on the Zoning By-law.

Mr. Sumner discussed the social media attention regarding the proposed re-designation north of Cambrian and Minto, south of Rabbit Lake. The Planning Department has sent out some clarifying information today in response to a number of inquiries received from the public.

Director of Development Services thanked member Tanis McIntosh for her service on the Committee after receiving her resignation.

#### 10. Adjourn

That the February 15, 2022 Planning Advisory Committee meeting be adjourned at 8:01p.m.

Minutes of the Kenora Planning Advisory Committee meeting, Tuesday February 14, 2022 are approved the 15<sup>th</sup> day of March, 2022.

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Chair,

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Secretary-Treasurer, Melissa Shaw