



# A G E N D A

## Public Statutory Meeting as per the requirements of the Planning Act R.S.O 1990, c.P13, s. 34

**Monday, December 5, 2022**

**12:00 p.m.**

City Hall Council Chambers

Or View Livestream at:

<https://kenora.civicweb.net/Portal/>

### **Land Acknowledgement – Councillor Bernie**

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

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

#### **1. Applications Being Considered:**

- a) Zoning Bylaw Amendment: D14-22-07  
Civic Address: Unaddressed Property, Nelson Street  
Legal Description: Unaddressed Property, Nelson Street  
Registered Owner: Ayrie Developments (Kenora) Inc.  
Agent: N/A

#### **Applicant Presentation(s)**

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

#### **2. City Planner Report/Rationale**

- City Planner to describe the details of the planning application(s).

#### **3. Public Comment**

Any person may express his or her views of the amendment and a record will be kept of all comments.

#### **4. Questions of Council (no decision)**

#### **5. Close of Public Meeting**

Meeting is to be declared closed following all comments/questions



The Corporation of the City Of Kenora  
Notice of Complete Application and Public Meeting for a  
Zoning By-law Amendment, File Number D14-22-07  
Planning Act, R.S.O 1990, c.P13, s. 34

**Please Note: the date of the Statutory Public Meeting has been changed.**

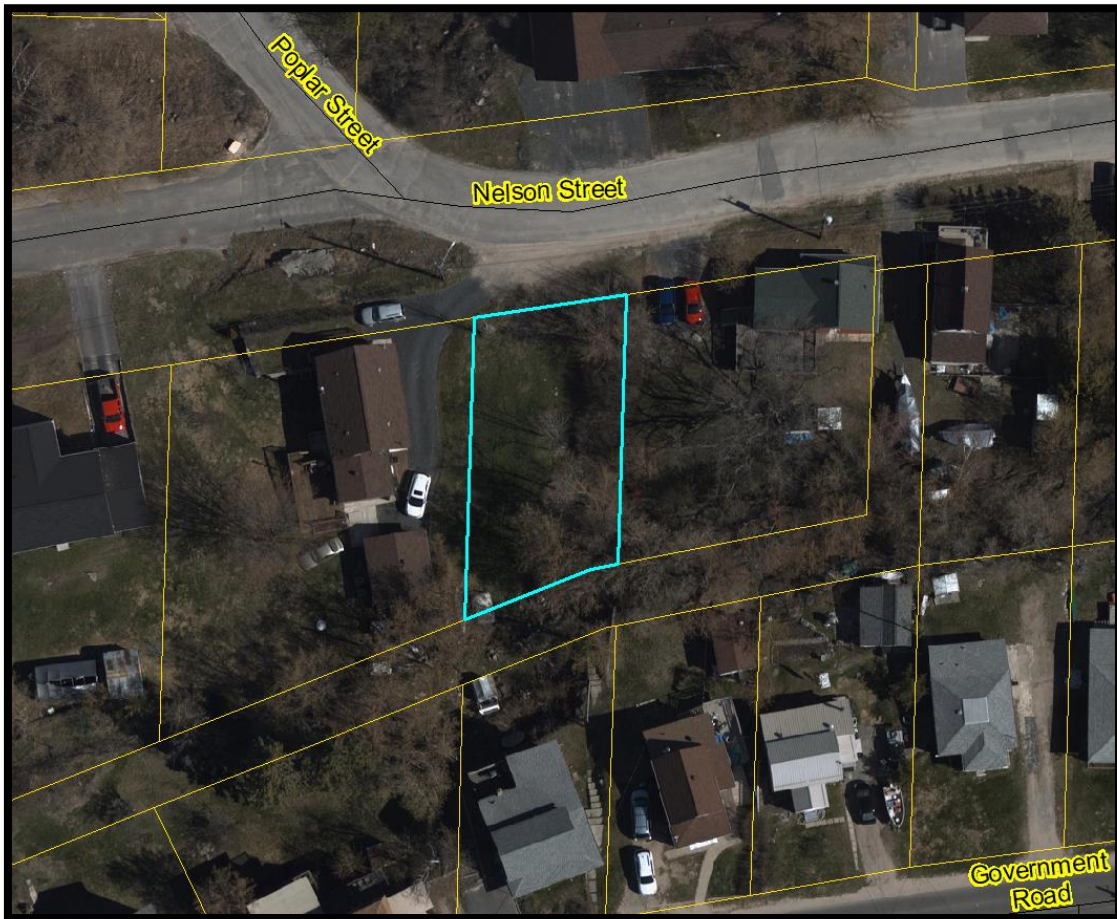
**Take Notice** that Council of the Corporation of the City of Kenora will hold a Statutory Public Meeting, under Section 34 of the *Planning Act*, to consider a Zoning By-law Amendment as it pertains to Zoning By-law No. 101-2015, at the following time and location:

**Statutory  
Public Meeting**

When: Tuesday, December 5<sup>th</sup>, 2022 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)

The Council of the Corporation of the City of Kenora will then have the opportunity to consider a decision regarding the application during their regular meeting on Tuesday, December 20<sup>th</sup>, 2022 at 12:00 p.m.



**Be Advised** that the Corporation of the City of Kenora considered the Application for an Amendment to the Zoning By-law to be complete on September 14<sup>th</sup>, 2022.

**Location of Property:** 232 Nelson Street, Kenora, ON, as identified in the key map above.

**Purpose:** to amend the current zoning of the subject property from “R1” Residential – First Density Zone to “R2” Residential – Second Density Zone.

**Effect of Approval:** to permit the development of the property with a duplex dwelling.

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

- a. **Submit comments in writing:** Persons wishing to provide comments for consideration at the Statutory Public Meeting may submit such comments in writing no later than Friday, November 26<sup>th</sup>, 2022 by email, to [planning@kenora.ca](mailto:planning@kenora.ca) or by regular mail to the address below, and quote File Number: **D14-22-07**.

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

- b. **Register to Speak at the Statutory Public 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 Thursday, December 1<sup>st</sup>, 2022 and quote File Number: **D14-22-07**. To register by phone please call: 807-467-2059.

November 28, 2022

**Committee Report**

**File No.:** D14-22-07

**To:** Kyle Attanasio, CAO

**Fr:** Kevan Sumner, City Planner

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

**Location:** Unaddressed Property, Nelson Street

**Owner &**

**Applicant:** Ayrie Developments (Kenora) Inc.

**Recommendation**

That Council hereby approves the Application for Zoning By-law Amendment, File No. D14-22-07, to change the zoning of the subject property from "R1" Residential – First Density Zone to "R2" Residential – Second Density Zone; and further

That Council gives three readings to a by-law to that effect.

**1. Introduction**

An application has been received to change the zoning of the subject property (Figure 1) from "R1" Residential – First Density Zone to "R2" Residential – Second Density Zone.



**Figure 1:** Aerial image indicating the location of the subject property (2019).

## **2. Description of Proposal**

The property owner wishes to amend the zoning to permit the development of the property with a duplex dwelling, which is not permitted in the current "R1" zone.

## **3. Existing Conditions**

The subject property is currently cleared and vacant. It is a fully serviced lot with approximately 15.5m of frontage on Nelson Street and has an area of approximately 435 m<sup>2</sup>.

The application indicates that the lot has always been vacant, but municipal records indicate that a dwelling was located on the property as recent as August, 1987. There is no record of when the dwelling was removed.

## **4. Site Visit**

On October 12, 2022, I conducted a site visit and took the following photo.



**Figure 2** – Photo of the property from Nelson Street.

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

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

Policy 1.4.3 directs planning authorities to provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area. This is to be achieved by various means, including:

- directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current projected needs,

- permitting and facilitating all housing options required to meet the social, health, economic, and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities.

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

The land use designation of the property is Established Area (Figure 3). The Established Area designation permits a mix of residential, commercial, industrial, and institutional uses. The designation of lands as Established Area indicates that there will be little change in these areas over the lifetime of the Plan.

Residential development is encouraged as infilling or redevelopment on full municipal services. Medium density residential use is supported provided that the development is in keeping with the character of the area. The development as proposed would qualify as medium density (17-40 units / net hectare).

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 (Section 4.1).



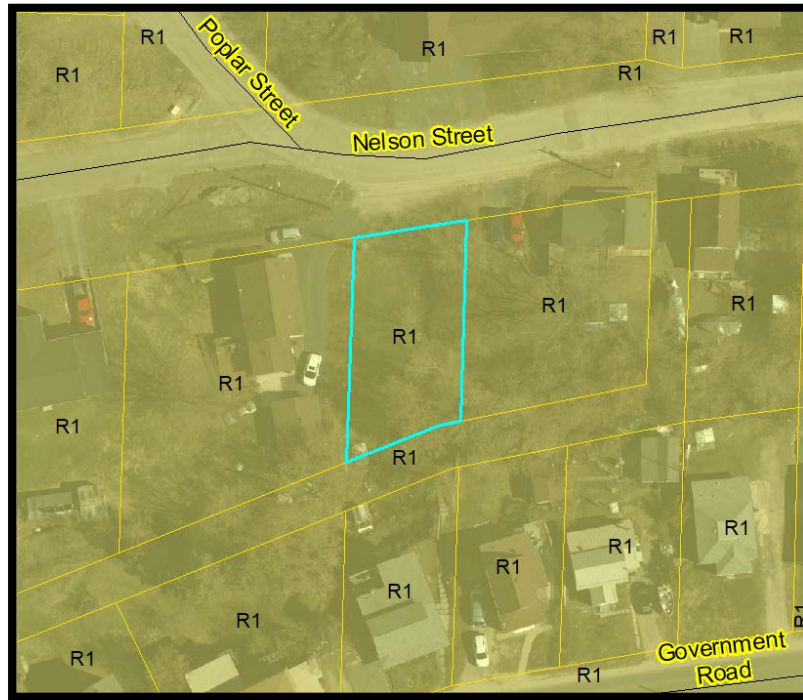
**Figure 3 – Official Plan Mapping**

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

The property is currently zoned “R1” Residential – First Density Zone (Figure 4). This zone allows for the development of single-detached housing and other compatible uses serviced by municipal water and sewer, or with municipal water only. The R1 zone does not permit the development of a duplex, and therefore a zoning amendment is required.

The proposed “R2” Residential – Second Density Zone allows for the development of single detached, semi-detached, and semi-detached housing, and other compatible

uses on municipal water and sewer systems, including a duplex. Minimum lot area and frontage requirements in the R2 zone are the same as those of the R1 zone (450m<sup>2</sup> lot area and 15m frontage). At 435m<sup>2</sup>, the lot is equally (approximately 3%) undersized for both zones and no minor variance is required.



**Figure 4 – Existing Zoning By-law Mapping**

## 6. Results of Interdepartmental and Agency Circulation

The proposed zoning amendment was circulated for comment on August 26<sup>th</sup>, 2022. The following is a summary of comments received in response.

Building	No concerns
By-law Enforcement	No concerns
Community Services	No concerns
Engineering	No concerns
Economic Development	No concerns
Environmental Division	No concerns
Fire and Emergency Services	No concerns
Land Acquisition and Development	The minimum lot area in R2 zone is 450 m <sup>2</sup> , the subject property is 435.255 m <sup>2</sup> per the planning rational. Nonetheless it is considered undersized as an R2- Zoned lot. If the lot is 0.04355 ha the density is 45.9 units/net hectare. The ES-Established Area policy supports medium density ( 17-40 units/net hectare)

Roads	No concerns
Water / Wastewater	No concerns
CP Rail	<p>Notes that CP’s approach to development in the vicinity of rail operations is encapsulated by the recommended guidelines developed through collaboration between the Railway Association of Canada and the Federation of Canadian Municipalities. The 2013 Proximity Guidelines can be found at the following website address: <a href="http://www.proximityissues.ca/">http://www.proximityissues.ca/</a>. Should the application be approved, CP respectfully requests that the recommended guidelines be followed.</p> <p>CP recommends that all property and tenancy agreements and offers of purchase and sale for all dwelling units in the proposed building contain the condition that Canadian Pacific Railway and/or its assigns or successors in interest has or have a railway right-of-way and/or yard located adjacent to the subject land hereof with operations conducted 24 hours a day, 7 days a week, including the shunting of trains and the idling of locomotives. There may be alterations to, or expansions of, the railway facilities and/or operations in the future, which alterations or expansions may affect the living environment of the residents in the vicinity. Notwithstanding the inclusion of any noise and/or vibration attenuating measures in the design of the development and individual dwellings, Canadian Pacific Railway will not be responsible for complaints or claims arising from the use of its facilities and/or its operations on, over, or under the aforesaid right-of-way and/or yard.</p>
Synergy North	No concerns

**7. Public Comments**

A public meeting is scheduled to be held by Council on December 13<sup>th</sup>, 2022. Notice of the application was given in accordance with Section 34 of the Planning Act, whereby it was circulated to property owners within 120 metres, was published in the Municipal Memo of the Newspaper on September 29<sup>th</sup>, and circulated to persons and public bodies as legislated.

The notice also stated that the Planning Advisory Committee would have the opportunity to consider recommendation for the application to Council at the meeting on October 18<sup>th</sup>, 2022. The minutes and relevant resolution from this meeting will be forwarded to Council for their information.

As of the date of this report, one comment has been received from a member of the public, and is attached to this report. The author expresses concern regarding losing their driveway access.

## **Evaluation**

The proposed zoning amendment from R1 to R2 is appropriate to permit development of a duplex on the property.

Both the Provincial Policy Statement and the Official Plan are supportive of infill development, which makes efficient use of existing infrastructure and will provide dwelling units to meet the housing needs of the community.

The Official Plan is supportive of medium density development, which is defined as 17-40 units/net hectare. Some discretion needs to be applied to the interpretation of these limits. It is the practice of the City to approve two-unit dwellings on properties that meet the minimum lot size requirement of 450 m<sup>2</sup> in the R2 zone. A strict calculation of density based on lot area provides a calculation of 1.8 units on the 450 m<sup>2</sup> property being equivalent to 40 units on a one hectare property. At approximately 435 m<sup>2</sup>, the same calculation works out to 1.74 units on the subject property, which is similarly close enough to support a full two-unit duplex which otherwise meets all applicable regulations of the R2 zone.

The driveways of adjacent properties are entirely located on the municipal right of way, and will not be obstructed by development of the subject property.

## **Attachments**

- Complete Application for Zoning By-law Amendment
- Planning Rationale
- Site and Building Plans
- Letters of Support submitted by applicant
- Public Comment
- Notice of Application and Public Meeting
- Planning Advisory Committee Minutes – October 18, 2022
- Planning Advisory Committee Resolution



**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 zoning by-law amendment, you must make a written request to Heather Pihulak, Clerk of The Corporation of the City of Kenora at 1 Main Street South, Kenora, ON P9N 3X2

**Additional Information** is available during regular office hours at the Operations Centre. Please contact Kevan Sumner, City Planner, if you require more information: Tel: 807-467-2059 or Email: [planning@kenora.ca](mailto:planning@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 2<sup>nd</sup> of November, 2022



The Corporation of the City of Kenora

**PLANNING ADVISORY COMMITTEE MEETING RESOLUTION**

MOVED BY: john McDougall

SECONDED BY: Chris Price

DATE: October 18, 2022

**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. D14-22-07, for subject property located at an unassigned address on Nelson Street, and identified in Schedule A.

The purpose of the Zoning By-law Amendment is to change the zoning of the subject property from "R1" Residential – First Density Zone to "R2" Residential – Second Density Zone.

The effect of the Zoning By-law Amendment is to rezone lands to permit the future redevelopment of the property with a duplex dwelling.

The Committee has made an evaluation of the application upon its merits against the Official Plan (2015), Zoning By-law (101-2015), 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>	*		<u>Robert Kitowski</u> CHAIR	
	<b>Price, Chris</b>	*			
	<b>Kitowski, Robert</b>	*			
	<b>Pearson, Ray</b>	*			
	<b>Barr, John</b>	*			
	<b>McDougall, John</b>	*			

## Schedule A

Subject lands, unassigned address on Nelson Street, Kenora, ON

