



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

**Minutes
City of Kenora Virtual Planning Advisory Committee
Hybrid meeting
Wednesday, May 15, 2024
6:00pm (CST)
Video Recording:**

Present:

**Tara Rickaby
Robert Bulman
Keric Funk
Christopher Price
Janis Pochailo
Melissa Shaw
Alex Stornel
Tara Vader**

**Chair
Vice-Chair
Member
Member
Director of Planning and Building
Secretary-Treasurer
Minute Taker (via recording)
Associate Planner**

i. Call meeting to order.

The meeting was called to Order by the Chair, Tara Rickaby, at 6:00 PM Central Time, and a Land Acknowledgement was provided recognizing the traditional territories of Treaty Three First Nations and Metis people. The Chair identified explained that the meeting is being recorded and that all participants agree to be recorded by choosing to attend. The Chair described the expected protocols and processes to be followed during the meeting.

ii. Additions to the Agenda-None

iii. Declaration of Interest by a member for this meeting or at a meeting at which a member was not present. - None

iv. Approval of the minutes from previous meetings

i) Regular Meeting April 17, 2024

Moved by: Robert Bulman ***Seconded:*** Christopher Price

Approve: 4 ***Opposed:*** 0 ***Abstained:*** 0

Carried

- v. **Correspondence before the Committee** – Survey sketch received regarding D10-24-07 – Reynolds and has been distributed to the members. Sketch will be screen shared at the time of the discussion of that file.
- vi. **Other Correspondence**
- vii. **Adjournment Requests – None**
- viii. **Consideration of Applications for Minor Variance**

a. D13-24-04 LBE

Andrew Brookes, Calvin Brook and Ray Lister was present to represent the application. Mr. Brook presented a presentation of the project.

The Director of Planning and Building, Janis Pochailo, presented the Planning Report:

PURPOSE AND EFFECT

To seek relief from two sections of the City of Kenora Zoning By-law 101-2015 to permit the construction of a 3-storey office building with all mechanical and spatial requirements. The application is seeking relief from Section 3.34.1 (b) (viii) which requires a maximum accessory building height of 7 metres and Section 4.10.3 (i) which requires a maximum building height of 11 metres. This application proposes to increase the maximum accessory building height by 2.3 metres to permit an accessory structure of 9.3 metres and to increase the maximum building height by 2 metres to permit an office building of 13 metres. The subject property is designated "IN" Industrial Development Area in the City of Kenora Official Plan and zoned "ML" Light Industrial and "GC" General Commercial in the City's Zoning By-law.

Decision:

That application D13-24-04 to seek relief from the City of Kenora By-law 101-2015, Section 3.34.1 (b)(viii) and Section 4.10.3 (i) be approved to allow an accessory building 9.3 metres in height and a 3-storey office building 13 metres in height, is approved subject to the following conditions:

- i. The proposed office building and accessory structure be constructed within the building envelope as identified in the Planning Report, and to the satisfaction of the City of Kenora.

Does the variance maintain the intent of the Official Plan?

The City of Kenora Official Plan (OP) Section 2.2.4 contains objectives for a diversified economy. The OP states to continue fostering partnerships with First Nations, Métis, and Grand Council Treaty #3 to identify economic development and other opportunities. Section 4.5 contains policies for Industrial Development

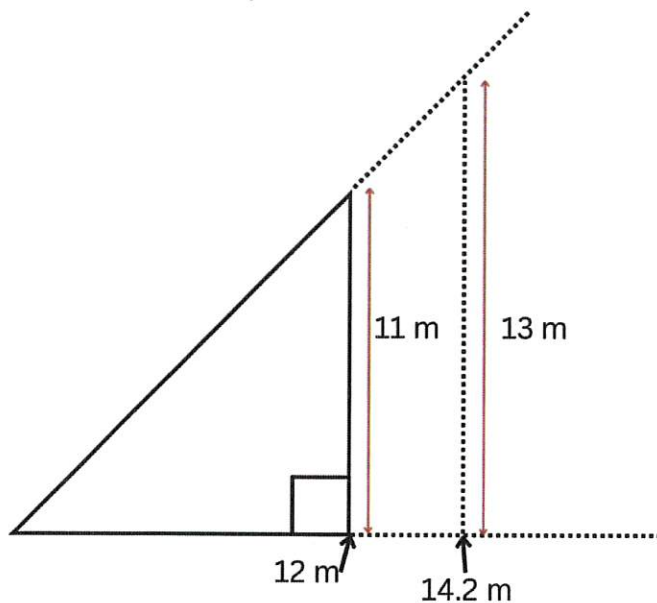
Areas. The OP states that the former Abitibi Mill site provides an opportunity for adaptive re-use and an opportunity for mixed uses. Additionally, the City envisions the development of employment uses at the site. As this application is proposed to be used for employment uses, it is supported by these policies of the OP.

Does the variance maintain the intent and purpose of the Zoning By-law?

The City of Kenora Zoning By-law No. 101-2015 contains specific provisions for the "GC" General Commercial and "ML" Light Industrial zones. Section 4.7 and 4.10 of the By-law states that offices are a permitted use in the GC and ML zone respectively. Additionally, the proposal meets all other requirements of the Zoning By-law. To assess the proposal in relation to the intent of the Zoning By-law, calculations were completed to determine the setbacks to the increased height of the buildings to maintain the same visual impact as set out in the Zoning By-law. Figure 1 shows an example of this.

Figure 1. Front Yard Setback - Office Building

These setbacks inform a new building envelope in which an office building 13 metres in height and an accessory structure 9.3 metres in height would have a



similar visual impact to the permitted building heights at the minimum required setbacks. This report includes a recommended condition to require the proposed structures be constructed within the new building envelope.

Zoning Provisions	Required	Required for increased height	Office Building	Accessory Building
Front Yard (minimum)	12 m	14.2 m	26.1 m	27.6 m

South Side Yard (minimum)	12 m	14.2 m	21.04 m	
North Side Yard (minimum)	6 m	7.91 m		103.9 m
Rear Yard (minimum)	15 m	17.8 m	46.8 m	59.1 m
Building Height (Maximum)	11m/7m	13m/9.3m	13 m	9.3 m

Figure 2. New Building Envelope (blue = minimum setbacks, red = new minimum setbacks for increased height)



Is the application desirable for the appropriate development of the land, building or structure?

The proposed variance will enable the construction of a 3-storey office building which will serve as the new headquarters for the Grand Council Treaty #3. The land is currently vacant, and the proposed development would bring adaptive re-use of the lands.

Is the variance minor?

The proposed variances are not expected to have a significant impact on the surrounding area, nor will it impact the ability of adjacent neighbours to utilize their properties for permitted uses. The variance is considered minor in nature and impact.

The Chair asked if there was anyone from the public who wished to speak either in support of, or against the application. There was no one present.

The Chair asked if there were questions or comments from the Committee.

Rober Bulman asks what the accessory building is going to be used for?

Cal Brook explained that it will be used to storage supplies for distribution to communities as needed.

The Secretary-Treasurer read the decision.

TAKE NOTICE THAT the Kenora Planning Advisory Committee approved, with a condition that the application for minor variance file number D13-24-04 at a meeting held Wednesday May 15, 2024, pursuant to Section 45(1) of the Planning Act, R.S.O., 1990 p. 13; and Appealing to The Ontario Land Tribunal The Planning Act, R.S.O. 1990, as amended, Section 45

Moved By: Keric Funk

Seconded By: Robert Bulman

In favour: 4

Opposed: 0

Abstained: 0

Carried.

The Secretary-Treasurer indicated that the applicant received approval from the Committee, and identified the appeal period and stipulations that must be followed prior to the application being able to receive a building permit.

ix. Consideration of Application for Land Division

D10-24-07 – Reynolds

Laura Wheatly was present to represent the application and presented the request.

The Director of Planning and Building, Janis Pochailo, presented the Planning Report:

INTRODUCTION

This application proposes severing a strip of land from Lot 3 Plan 23M-869 (6 Lawton Drive), merging it with the abutting property, Lot 2 Plan 23M-869 (981 Ritchie Rd). Approximately 0.02 hectares (0.05 acre) of land is to be severed and conveyed to the owners of Lot 2, Dave and Marina Barnes. This proposal will rectify the encroachment of an existing gravel driveway and fence. The retained land is approximately 1.06 hectares (2.62 acres) in size and is owned by Linda Reynolds.

The subject property is located on Lawton Drive and has frontage on Black Sturgeon Lake. It is used for seasonal recreational purposes and contains a single-detached dwelling. There is no additional development proposed with this lot addition. There are no changes to access proposed for both the retained and abutting property. The subject property is serviced by private, on-site services.

REVIEW

This application:

- ✓ Is consistent with the Provincial Policy Statement (Section 3(5) Planning Act);
- ✓ Does not require a plan of subdivision for the proper and orderly development of the municipality (Section 53(1) Planning Act);
- ✓ Conforms with Section 51(24) of the Planning Act;
- ✓ Conforms to the City of Kenora Official Plan (Section 4.8);
- ✓ Complies with the City of Kenora Zoning By-law (or will comply subject to a standard condition of rezoning or minor variance); and
- ✓ Has no unresolved objections/concerns raised (to date) from agencies or the public.



Figure 1. Location Map (Kenora GIS 2022)

AGENCY/PUBLIC COMMENTS

City Staff

City staff had no concerns with the application.

Agency

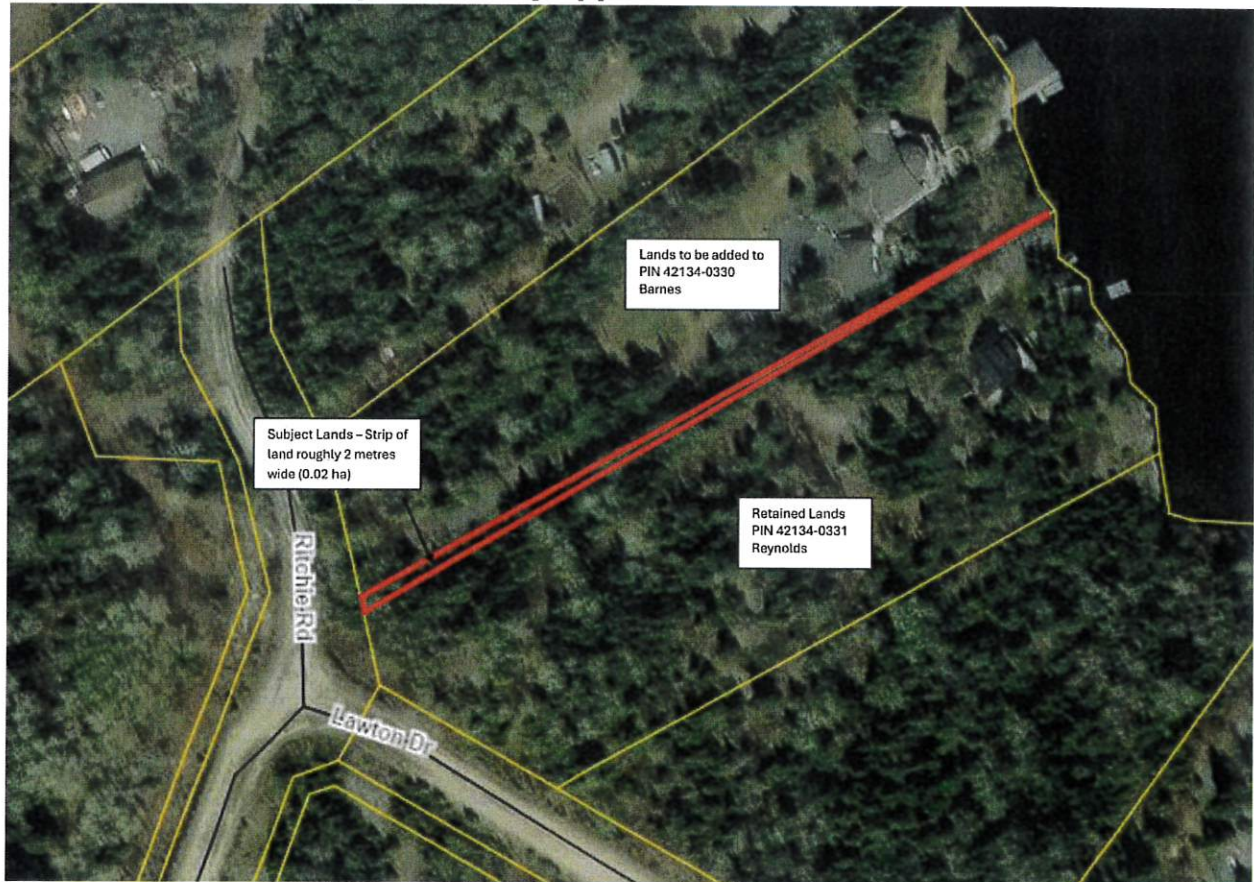
The Ministry of Natural Resources indicated that the subject lands are in the CLUPA General Use Area G2598 – Kenora-Keewatin. The proposed severance meets the recommendations of the policy area and no additional studies were recommended.

No comments were received from other agencies.

Public

No comments were received from members of the public.

Figure 2. Site Sketch provided by applicant



ADDITIONAL COMMENTS

The subject lands are designated "Rural" in the City of Kenora Official Plan, and zoned "RR" (Rural Residential) in the City of Kenora Zoning By-law. The subject lands are approximately 1.08 hectares (2.67 acres).

Provincial Policy Statement

The Provincial Policy Statement, 2020 (PPS) directs that development in rural lands that is compatible with the rural landscape and can be sustained by rural service levels should be promoted. As this application is compatible with the rural landscape and does not impact rural service levels, it is supported by these policies of the PPS.

City of Kenora Official Plan

The City of Kenora Official Plan (OP) Section 4.8 contains policies for Rural Areas. The OP states that development shall preserve rural character and the scenic quality of the rural landscape. The proposed lot addition rectifies encroachments and would not impact the rural character and scenic quality of the landscape as no development is proposed. As a result, the severance application conforms to the OP.

City of Kenora Zoning By-law NO. 101-2015

The City of Kenora Zoning By-law No. 101-2015 contains specific provisions for the "RR" Rural Residential Zone. Section 4.5 of the By-law states that single detached and seasonal dwellings are permitted uses in the RR zone. Additionally, the proposal does not result in the retained lot being out of conformity with the zoning regulations. The application was amended to remove the 2 metres of frontage to be severed on May 9th, 2024. The merged lot is an existing non-complying lot and a minor variance will not be required. The lot addition increases the size of the lot resulting in the lot being closer to meeting lot area requirements.

	Required	Retained Lot	Merged Lot
Lot Frontage (minimum)	61 m	~ 61 m	64.5 m
Lot Area (minimum)	1.0 ha	1.06 ha	~ 0.89 ha
Side Yard (minimum)	3m	~ 15 m	~ 5.1 m

Planning Act

Section 51(24) of the Planning Act provides items that regard must be had to in the consideration of a proposed severance to be approved. These include whether the severance conforms to the OP, the suitability of the land for the proposed development, and that the application is not premature and is in the public interest. The application meets the requirements of this Planning Act section.

Recommendation

As a result, it is recommended that the Planning Advisory Committee approve this consent application and grant conditional consent approval with the following conditions.

RECOMMENDED CONDITIONS

Expiry Period

1. Conditions imposed must be met within two years of the date of notice of decision, as required by Section 53(41) of the Planning Act, RSO 1990, as amended. If conditions are not fulfilled as prescribed within two years, the application shall be deemed to be refused. Provided the conditions are fulfilled within two years, the application is valid for three years from the date of notice of decision.

Survey/Reference Plan

2. Provide to the satisfaction of the City:
 - a. A survey showing the lot lines of the severed parcel, and
 - b. A reference plan based on an approved survey.
3. Three original copies and one PDF copy of the reference plan of survey, bearing the Land Registry Office registration number and signatures as evidence of deposit therein, and illustrating the parts(s) to which the consent approval relates, which must show in general the same area and dimensions as the sketch forming part of the application be provided.

Zoning

4. Where a violation of any City Zoning by-law is evident, the appropriate minor variance or rezoning be obtained to the satisfaction of the City.

City Requirements

5. That the newly created parcel be consolidated on title with the adjacent lot identified as Lot 2 Plan 23M-869 and if recommended on solicitor review, that a merger agreement be entered into.

6. That the payment of any outstanding taxes, including penalties and interest (and any local improvement charges if applicable) shall be paid to the City of Kenora.
7. The original executed Transfer/Deed of Landform, a duplicate original and one photocopy for City records be provided for each parcel.
8. A Schedule to the Transfer/Deed of Landform on which is set out the entire legal descriptions of the PINs in question and containing the names of the parties indicated on page 1 of the Transfer/Deed of Landform to be provide for each parcel.
9. That prior to endorsement of the deeds, the Secretary-Treasurer shall receive a letter, from the owner or the owner's Agent/Solicitor, confirming that conditions 1 through 8 have been fulfilled. Clearance from the City of Kenora and external agencies as required are to be included.

The Chair asked whether there was anyone present who wished to speak either in support of, or against the application. There was no one.

The Chair asked if there were questions or comments from the committee.

Chair Tara Rickaby asked why is the zoning condition is required?

The Director of Planning and Building, Janis Pochailo, explained that it is not required but is a standard clause used.

The Secretary-Treasurer read the decision.

That application D10-24-07 for consent, lot addition, to sever approximately 0.02 ha of land from PIN: 42134-0031, civic address: 6 Lawton Drive, and merge it with PIN: 42134-0030, civic address: 981 Ritchie Road; CITY OF KENORA is approved and provisional Consent is granted, subject to all conditions stated in the Notice of Decision of Approval.

Moved by: Robert Bulman

Seconded by: Keric Funk

In favour: 4

Opposed: 0

Abstained: 0

Carried.

The Secretary-Treasurer indicated that the applicant received approval from the Committee, and identified the appeal period and stipulations that must be followed prior to the application being able to receive a building permit.

x. Recommendations to Council for Zoning By-law Amendment – None

xi. Old Business – D10-23-08 Hidden Trails

A request for an amendment of conditions of decision:

Karen and Rob Malak was present to represent the request.

The Director of Planning and Building, Janis Pochailo, presented the Planning Report on the request.

That the request to change the decision of application for consent file No. D10-23-08, by removing Condition #6 "*cash equivalent of 5% of the land, based on current value assessment, be provided as required under the City of Kenora Official Plan (2015) Policy 8.11.4(e)*" be approved pursuant to subsection 53(23) of the Planning Act, and that the change is deemed minor per subsection 53(26).

Moved by: Keric Funk

Seconded by: Christopher Price

In favour: 4

Opposed: 0

Abstained: 0

Carried.


xii. New Business - None

xiii. Adjournment

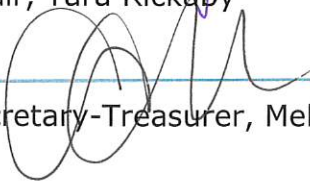
Motion for adjournment. Moved by Robert Bulman

Meeting Adjourned at 6:40 PM on May 15, 2024.

Minutes of the Kenora Planning Advisory Committee meeting, Wednesday, May 15, 2024, are approved 19th day of June 2024.



Chair, Tara Rickaby



Secretary-Treasurer, Melissa Shaw

