



City of Kenora  
Planning Committee of  
Adjustment  
60 Fourteenth Street N., 2<sup>nd</sup> Floor  
Kenora, Ontario P9N 4M9  
807-467-2292

**Minutes  
City of Kenora Planning Committee of Adjustment  
Hybrid Meeting  
Wednesday, July 16, 2025  
6:00pm (CST)  
Video Recording:**

**Present:**

**Tara Rickaby  
Robert Bulman  
Renee Robert  
Linda Mitchell  
Andrea Campbell  
Christopher Price  
Janis Pochailo  
Ryan Haines  
Tara Vader  
Nadine Gustavson**

**Chair**

**Vice Chair**

**Member**

**Member**

**Member**

**Member**

**Director of Planning and Building  
Planner**

**Acting Secretary-Treasurer**

**Minute Taker**

**Regrets: Keric Funk**

***1. 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 stated the meeting was 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.

***2. Declaration of Interest by a member for this meeting or at a meeting at which a member was not present:*** None

**3. Additions to the Agenda:** that agenda item number 9 be moved to agenda item number 7; that agenda item number 7 be moved to agenda item 8; and that agenda item 8 be moved to agenda item number 9.

**Moved by: Andrea Campbell    Seconded by: Renee Robert**

**Motion: Carried**

**In Favour: 6    Opposed: 0    Abstained: 0**

**4. Approval of the minutes from previous meetings:**

That the minutes from the June 18, 2025, meeting be approved, as amended.

**Moved By: Renee Robert    Seconded By: Linda Mitchell**

**In Favour: 6    Opposed: 0    Abstained: 0**

- i.**    Language Amended to:
- ii.**   D13-25-08 - "Donna and William Tait"
- iii.**   D13-25-09 - "In Favour: 6    Opposed: 1"

**5. Correspondence before the Committee: None**

**6. Adjournment Requests – None**

**7. Old Business (Amended Application) - Consideration of Applications for Minor Variance:**

- i)**    D13-25-10 – 645 Sixteenth Avenue North – Owner: Jeff Loewen

Jeff Loewen was present to represent the application.

Planner, Ryan Haines, presented the Planning Report.

Purpose of Application: The purpose of this minor variance application is to seek relief from the City of Kenora Zoning By-law 101-2015 to permit a detached second dwelling unit. Relief is requested to align the proposed secondary dwelling unit with the existing legal non-conforming setback of the garage. The amended application reduced the relief request to have a slight setback from the garage, and to preserve the sight triangle of Ninth Street North and the lane. Additionally, as the lot contains an accessory garage and storage shed, relief is requested to permit a higher accessory structure lot coverage. The subject property is residential with a single

detached dwelling containing a basement suite. Access is from Ninth Street North and a back lane. The site is serviced by municipal water and sewer services and are approximately 532 m<sup>2</sup>.

The Effect of Approval: The requested relief is to permit a secondary dwelling unit with a 1.3 m exterior side yard and to increase accessory structure lot coverage by 4.5%. The proposed variance is not expected to have 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.

1. The secondary dwelling unit shall be constructed consistently with the amended site plan as shown in Figure 3 of this report.
2. The secondary dwelling unit shall maintain the sight triangle between Ninth Street North and the lane abutting the rear property line.

Public in favour of the application: None

Public in opposition of the application: None

Letters in Favour: None

Letters in Opposition: None

Questions or comments from the Committee:

Tara Rickaby suggested that third and fourth conditions be added and voted upon:

- iii. That the north side lot line, abutting 9<sup>th</sup> Street North, and the rear lot line abutting the lane, be established by an Ontario Land Surveyor, to ensure that the new structure is accurately located in accordance with the site plan provided.
- iv. That the foundation of the new structure be staked by and Ontario Land Surveyor in order to ensure that is located 1.3m from the exterior side lot line and that the sight line triangle, on the east end of the subject property, abutting Ninth St. North and the rear lane, is maintained and that the structure is constructed in accordance with the site plan provided.

Andrea Campbell stated that because the set back would be even with the existing garage that a survey by and Ontario Land Surveyor was not required.

Linda Mitchell commented that previously the City of Kenora Planning Department had suggested that a survey be required. But Janis Pochailo



stated that the Planning Department no longer required it due to the fact that the tiny home would be in line with the existing garage.

**Moved By: Andrea Campbell      Seconded By: Tara Rickaby**

**Motion:** Conditions 3 and 4 was **Defeated**

**Decision:** that minor variance application D13-25-10 to seek relief from the City of Kenora By-law 101-2015, Section 4.2.3 (e) and 3.34.1 b) vi. be approved to permit a detached secondary dwelling unit with a 1.3 m exterior side yard and to permit accessory structures to have 14.5% coverage of the total lot area, subject to the following conditions:

1. The secondary dwelling unit shall be constructed consistently with the amended site plan as shown in Figure 3 of this report.
2. The secondary dwelling unit shall maintain the sight triangle between Ninth Street North and the lane abutting the rear property line.

**Moved By: Linda Mitchell      Seconded by: Robert Bulman**

**Motion Carried**

**In Favour: 5      Opposed: 1      Abstained: 0**

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.

### **8. Consideration of Application for Minor Variance/Permission**

D13-25-11 – 1003 Park St. – Owner: Myles Wilson

Wayne Gauld was present to represent the application.

Ryan Haines, Planner, presented the planning report on behalf of the City of Kenora.

**Purpose of Application:** The purpose of this minor variance application to request permission under Section 45(2) of the *Planning Act* to enlarge a legal non-conforming residential building by adding to the existing second storey. The City of Kenora Zoning By-law 101-2015 Section 4.2.3 d) requires a 2.5 m interior side yard for 2 storeys. This application is requesting permission to enlarge the existing second storey of the dwelling which has a 1.5 m setback.

The subject property is used residentially and has access via Park Street. The site is serviced by municipal water and sewage services. The subject lands are

approximately 367 m<sup>2</sup>. The subject property is designated Established Area in the City of Kenora Official Plan and zoned "R2" Residential – Second Density Zone in the City's Zoning By-law.

Effect of Approval: The application is proposing to expand the existing second storey of the dwelling on this property to allow the addition of two bedrooms, which is considered to be a reasonable evolution of a legally non-conforming use. This maintains the existing use as a single detached dwelling which is permitted in the R2 zone. The applicant has provided a letter from the abutting property owner to the east, with the legal non-conforming side yard, that they have no issues with the proposed expansion. As a result, the proposed expansion is considered to be desirable and is not expected to result in undue adverse impacts on the surrounding properties and neighbourhood. Undue adverse impacts that have been taken into consideration include potential privacy, shadowing, or overlook concerns with adjacent properties.

Public in Favour of Application: None

Public in Opposition of Application: None

Letters in Favour of Application: 1

Letters in Opposition of Application: 0

Questions or Comments from Committee Members: None

Decision: That application D13-25-11 to request permission under Section 45(2) of the *Planning Act* to enlarge a legal non-conforming residential building by adding to the existing second storey, setback 1.5 m from the lot line is approved and subject to the following conditions:

1. The addition to the existing second storey is limited to the proposed 31 m<sup>2</sup>. Any further expansions will require submission and approval of an additional minor variance application.

***Moved by: Andrea Campbell***

***Seconded by: Robert Bulman***

***Motion Carried***

***In Favour: 6***

***Opposed: 0***

***Abstained: 0***

## ***9. Consideration of Applications for Land Division:***



D10-25-05 – 35 Whitehead Road – Owner: Thomas & Marjorie Hertz

Thomas and Marjorie Hertz were present to represent the application.

Planner, Ryan Haines, presented the Planning Report.

Purpose of Application:

The Effect of Approval:

Public in favour of the application: None

Public in opposition of the application: None

Letters in Favour: None

Letters in Opposition: None

Questions or comments from the Committee:

Tara Rickaby inquired if the Northwest Health Unit needed to permit this application to which Ryan Haines stated that they had given their permission.

Decision:

That application D10-25-05 for consent, lot creation to enable one (1) new RR-Rural Residential zoned lot of approximately 1.1 ha in size to be created on property legally described as Part 3 23R- 8699, PIN: 421780035 is approved and provisional consent be granted subject to the following 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. One original copy 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 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).
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 Land form, a duplicate original and one photocopy for City records be provided for each parcel.
8. A Schedule to the Transfer/Deed of Land form 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 Land form to be provided 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.

**Reasons for Decision:** The Committee has evaluated the consent application based on the City of Kenora Official Plan (2015), Zoning By-law No. 101-2015 as amended, the provisions of section 51(24) of the Planning Act and the Provincial Planning Statement, 2024(PPS).

#### **Provincial Planning Statement**

The Provincial Planning Statement, 2024 (PPS) contains policies specific to rural lands in municipalities in section 2.6. Specifically, that on rural lands located in municipalities permitted uses are residential development, including lot creation, where site conditions are suitable for the provision of appropriate sewage and water services. And that development that can be sustained by rural service levels should be promoted. As this proposed severance is proposed to be supported by on-site services, and the proposed residential use is consistent with these policies, it is supported by these policies of the PPS.

#### **Planning Act**

Section 51(24) of the Planning Act outlines the criteria that must be considered when evaluating a proposed severance for approval. 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 proposed severance has been reviewed in the context of these criteria and is found to be consistent with the requirements of the Planning Act.

**Moved By: Linda Mitchell Seconded By: Andrea Campbell**

**Motion Carried**

**In favour: 6**

**Opposed: 0**

**Abstained: 0**

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

**10. New Business:** None

**11. Other:** Tara Rickaby asked Janis Pochailo if the Committees Terms of Reference had been completed.

Janis responded that Tara's and Melissa's recommendations had been added and that the document was sitting with the lawyer for review.

**12. Adjournment:**

Motion for adjournment. **Moved By:** Member Andrea Campbell

**In Favour: 6**

**Opposed: 0**

**Abstained: 0**

Meeting Adjourned at 6:31 P.M. on July 16, 2025.

\*Please refer to Planning Committee of Adjustment Video for full details of all questions and responses.

[Kenora Planning Advisory Committee Meeting July 16, 2025 \(youtube.com\)](https://www.youtube.com/watch?v=Cv8b_4EhW0c)


[https://youtu.be/Cv8b\\_4EhW0c](https://youtu.be/Cv8b_4EhW0c)

Minutes of the Kenora Planning Committee of Adjustment meeting, July 16, 2025, are approved as of August 20, 2025.

A handwritten signature in blue ink, appearing to read 'Rickaby', is written over a horizontal blue line.

Chair, Tara Rickaby





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Secretary-Treasurer, Melissa Shaw

