



PROCEEDINGS

Of a Public Meeting to discuss an
Amendment to Zoning By-law #160-2010
(Re: Ambs)
Tuesday, June 14, 2011 - City Council Chambers
At 11:00 a.m.

PRESENT: Councillor R. Lunny, Vice Chair Property & Planning
Councillor C. Drinkwalter
Councillor R. McKay
Councillor R. McMillan
Tara Rickaby, Planning Administrator
Karen Brown, CAO
Heather Kasprick, Deputy Clerk

REGRETS: Mayor D. Canfield
Councillor L. Roussin
Councillor S. Smith

Vice-Chairman of Property and Planning Committee, Ron Lunny opened the meeting. This public meeting is being held by the City of Kenora Property and Planning Committee in accordance with Section 34 of the Planning Act to consider an amendment to the City of Kenora Comprehensive Zoning By-law No. 160-2010. The Property and Planning Committee will make a recommendation to Council with respect to whether or not the application should be approved. The Council of the City of Kenora will make the decision at a meeting of Council.

The Chair asked the Clerk to confirm the date of notice given by publishing a notice the Kenora Daily Miner and News, being a newspaper that, 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 would apply that it would give the public reasonable notice of the public meeting. Ms. Kasprick, Deputy Clerk, advised the Notice pertaining to this public meeting appeared in Kenora Daily Miner & News on May 5, 2011.

The Chair indicated that if anyone wishes to receive written notice of the adoption of the By-law is to leave their name and address with the Clerk.

The Chair explained that an appeal may be made to the Ontario Municipal Board not later than 20 days after the day that the giving of notice as required by section 34 (11) 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

by filing a notice of appeal setting out the objection to the by-law and the reasons in support of the objection, accompanied by the fee prescribed under the Ontario Municipal Board Act with the City Clerk.

The Chair stated that the Applicant will provide information regarding the application and then the Planning Administrator will provide an overview of the planning issues, after which anyone who wishes to speak either for or against the application will be given the opportunity to do so.

Robert Ambs indicated that he applied for the amendment in order to bring his property into compliance with the Zoning By-law. There are currently four residential units in the structure. As part of the application, a report from a designer with a BCIN, which confirms that the residential unit in the garage meets the requirements of the Ontario Building Code. Mr. Ambs explained that he expanded the parking area so that four parking stalls are provided; one for each of the residential units.

Tara Rickably, Planning Administrator then reviewed the details of the Planning Report:

Introduction

Robert Ambs, owner of property located at 540 Second Street South, Kenora, Plan 3, Block 2, Lot 149E. The Applicant proposes to amend the Zoning By-law for the property from R2 to R3 and relief from the west side yard requirements. The effect of approval would be to permit the four existing residential units on the property and to bring the property into compliance with Zoning By-law No. 160-2010.

Description of Subject Lands

The subject lands are described as 540 Second Street South, Kenora, Plan 3, Block 2, Lot 149E. The lots, as described are shown on a building location survey from November 7, 1989 and one by Murray Graham from October 1975. The earliest building permit on file is to build a home and was issued in February of 1948. The structure was described as a duplex in early assessment information. There was a building permit issued for an addition and garage, in September of 1989 and another, in June of 2009, for siding and door installation.

Access to the lot is from the lane, with no other access from a municipal roadway.

There is one principle structure located on the property; there are four residential units within the structure.

The property is zoned R2 in Zoning By-law 160-2010, however, legal non-conforming for three residential units. The attached garage was constructed with a building permit in 1989 and originally used for the purpose for which it was designed. When the property owner moved from the location (which was the principle residence), a decision was made to convert the attached garage into an apartment.

The structure, which according to City records, is approximately 63 years old and is shown on a building location survey of November 7 1989, to be constructed within the west side yard setback.

The existing parking area accommodates four vehicles and is accessed from the rear lane.

Description of Proposed Development

The applicant seeks:

- 1) to amend the Zoning By-law, specifically for the use of this property, from R2 to R3, to permit the existing four apartment units; and
- 2) to reduce the side yard setback requirements of the Zoning By-law from 2.5 metres to 2.13 metres for a variance of .37 metres to be included in the site-specific zoning by-law amendment, if approved.

Existing residential structure is the location of three apartments.

The attached garage, which forms part of the principle structure, is the location of one residential unit.

The application includes a memo from Kate McIver, a certified designer, that the Ontario Building Code requirements have been met.

Parking is currently provided and accessed from the rear lane

A building permit was issued for the attached garage.

The front yard setback is 8.15 metres.

The rear yard setback is 8.72 metres and the location of the parking area

The exterior side yard setback is 7.81 metres.

The interior side yard setback is 2.13 metres.

Adjacent Land Uses

The subject property is located in an older established residential neighbourhood with a mixture of single family and multi-family dwelling units, along the Second Street South artery.

Official Plan and Zoning By-Law

The Official Plan designation is Established Area.

Principle 7 – Neighbourhood Design

Kenora shall promote a desirable built form in any development or re-development.

Objectives:

- To promote built form that may address the needs of present and future generations (i.e. live, work, play).
- To ensure that all aspects (e.g. buildings, streetscapes, landscapes) contribute to everyday living in a positive manner.
- To encourage place making in any development through the implementation of public art and public spaces.

3.4 LAND USE COMPATIBILITY

Whenever a change in land use is proposed, consideration shall be given to the effect of the proposed use on existing land uses. Where there are potential compatibility concerns, consideration shall be given to the extent to which increased site plan requirements can reduce the potential impacts. If the impacts cannot be minimized to acceptable levels the proposed development shall not proceed.

Compatible development means development that, although it is not necessarily the same as or similar to existing buildings in the vicinity, nonetheless enhances an established community and coexists with existing development without causing undue adverse impact on surrounding properties. Compatibility can be achieved in a variety of ways, including the provision of appropriate setbacks, buffering features, and transition in building height and massing.

Compatibility of new developments shall be assessed based on the following criteria:

- a) **Height and massing:** new buildings must have regards to the height and massing of adjacent buildings. Where variation in height or massing is proposed, a transition is desirable.
- b) **Pattern of surrounding community:** proposed developments must consider the character of the surrounding buildings, including scale and rhythm, massing, and architectural design;
- c) **Outdoor amenity areas:** the privacy of outdoor amenity areas of adjacent residential units must be respected;
- d) **Shadowing:** shadowing on adjacent properties must be minimized, particularly on outdoor amenity areas;
- e) **Lighting:** the potential for light spill over or glare onto adjacent light-sensitive areas must be minimized;
- f) **Noise and Air Quality:** the development should be located and designed to minimize the potential for significant adverse impacts on adjacent sensitive uses related to noise, odours, and

other emissions.

- g) **Parking:** adequate on-site parking must be provided, with minimal impact on adjacent uses;
- h) **Loading and service areas:** the operational characteristics and visual appearance of loading and services areas (including garbage and outdoor storage areas) must be designed to mitigate adverse effects on adjacent properties and should be located away from residential uses, where possible; and
- i) **Vehicular access:** the location and orientation of vehicular access must take into account impact on adjacent properties including noise, glare and loss of privacy.

There are no changes to the footprint or scale of the existing residence and attached structure, which was formerly the garage.
Vehicular access is from the rear lane.

4.1 ESTABLISHED AREA

The Established Area of the City includes residential, commercial, existing industrial and institutional uses that presently exist in the City. The designation of lands as Established Area indicates that there will be little change in these areas over the lifetime of this Plan.

4.1.1 Permitted Uses

Residential, commercial, industrial and institutional uses such as schools, places of worship, hospitals and health care centre shall be permitted in the Established Area designation.

4.1.2 e) 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

Provincial Policy Statement (2005)

1.1.1 Healthy, liveable and safe communities are sustained by:
promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
accommodating an appropriate range and mix of residential, employment (including industrial, commercial and institutional uses), recreational and open space uses to meet long-term needs;

avoiding development and land use patterns which may cause environmental or public health and safety concerns;
avoiding development and land use patterns that would prevent the efficient expansion of *settlement areas* in those areas which are adjacent or close to *settlement areas*;
promoting cost-effective development standards to minimize land consumption and servicing costs;
improving accessibility for persons with disabilities and the elderly by removing and/or preventing land use barriers which restrict their full participation in society; and
ensuring that necessary *infrastructure* and *public service facilities* are or will be available to meet current and projected needs.

1.1.2 Sufficient land shall be made available through *intensification* and *redevelopment* and, if necessary, *designated growth areas*, to accommodate an appropriate range and mix of employment opportunities, housing and other land uses to meet projected needs for a time horizon of up to 20 years. However, where an alternate time period has been established for specific areas of the Province as a result of a provincial planning exercise or a *provincial plan*, that time frame may be used for municipalities within the area.

1.1.3 Settlement Areas

1.1.3.1 *Settlement areas* shall be the focus of growth and their vitality and regeneration shall be promoted.

1.1.3.2 Land use patterns within *settlement areas* shall be based on:

densities and a mix of land uses which:

efficiently use land and resources;

are appropriate for, and efficiently use, the *infrastructure* and *public service facilities* which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion; and

minimize negative impacts to air quality and climate change, and promote energy efficiency in accordance with policy 1.8; and

a range of uses and opportunities for *intensification* and *redevelopment* in accordance with the criteria in policy 1.1.3.3.

1.4 Housing

1.4.1 To provide for an appropriate range of housing types and densities required to meet projected requirements of current and future residents of the *regional market area* identified in policy 1.4.3, planning authorities shall:

- a. maintain at all times the ability to accommodate residential growth for a minimum of 10 years through *residential intensification* and *redevelopment* and, if necessary, lands which are *designated and available* for residential development; and
- b. maintain at all times where new development is to occur, land with servicing capacity sufficient to provide at least a 3 year supply of residential units

available through lands suitably zoned to facilitate *residential intensification* and *redevelopment*, and land in draft approved and registered plans.

1.6 Infrastructure and Public Service Facilities

1.6.1 *Infrastructure* and *public service facilities* shall be provided in a coordinated, efficient and cost-effective manner to accommodate projected needs.

Planning for *infrastructure* and *public service facilities* shall be integrated with planning for growth so that these are available to meet current and projected needs.

1.6.2 The use of existing *infrastructure* and *public service facilities* should be optimized, wherever feasible, before consideration is given to developing new *infrastructure* and *public service facilities*.

1.6.3 *Infrastructure* and *public service facilities* should be strategically located to support the effective and efficient delivery of emergency management services.

Where feasible, *public service facilities* should be co-located to promote cost-effectiveness and facilitate service integration.

Circulation: Interdepartmental and agency comments

Operations Department

No objections.

Manager of Emergency Services

No objections.

Sewer and water supervisor

No comments.

Roads Supervisor

No comments.

The City of Kenora Chief Building Official

Satisfied with the comments of Katherine McIver, BCIN 36918, Blueprints & Drafting CBIN 37870.

Utilities: Kenora Hydro

No comments.

Agencies circulated per *Planning Act*: No comments received.

Comments from the public: None received to date.

City of Kenora Planning Advisory Committee (17 May 2011)

Moved by: Wayne Gauld

Seconded by: Wendy Cuthbert

THAT Council approves Application Z01/11 Ambs, to amend the Zoning By-law No. 160-2010 specifically for property described as 540 Second Street South, Kenora, Plan 3, Block 2, Lot 149E from R2 to R3, for a maximum of four residential units, and relief from the west side yard requirements from 2.5 metres to 2.13 metres, conditional upon one additional parking stall being provided, be approved to bring the property into compliance with Zoning By-law No. 160-2010 as the application is consistent with the Provincial Policy Statement (2005) and meets the intent of the City of Kenora Official Plan (2010) and Zoning By-law No. 160-2010.

Land Use Planning Issues:

- Change in density has regard to the Provincial Policy Statement; remains low density development
- City has not received complaints with respect to parking. One additional parking stall will be required to be constructed on the property
- All yard requirements are met or exceeded, with the exception of a long-standing legal non-compliance respecting the west side yard setback which will be dealt with as a part of this application
- Site plan control will be in effect as the proposed development contains four (4) dwelling units, per By-law 189-2010. Any further development of the lands will require an application
- The proposed application is consistent with the PPS (2005) and meets the intent of the City of Kenora Official Plan and Zoning By-law 160-2010.
- The number of parking stalls is now in compliance with the zoning by-law with the number of stalls required per unit.

RECOMMENDATION:

That Council approves Application Z01/11 Ambs, to amend the Zoning By-law No. 160-2010 specifically for property described as 540 Second Street South, Kenora, Plan 3, Block 2, Lot 149E from R2 to R3 [19] with a maximum of four residential units, and relief from the west side yard requirements from 2.5 metres to 2.13 metres, be approved to bring the property into compliance with Zoning By-law No. 160-2010 as the application is consistent with the Provincial Policy Statement (2005) and meets the intent of the City of Kenora Official Plan (2010) and Zoning By-law No. 160-2010.

Councillor Lunny stated that any person may express his or her views of the amendment

and a record will be kept of all comments.

Councillor Lunny asked if there was anyone who wishes to speak in favour of the amendment. There were none.

Councillor Lunny asked if there was anyone who wishes to speak in opposition of the amendment. There was no response.

Councillor Lunny asked if there were any questions. There were no questions.

Councillor Lunny the declared the Public Meeting closed at 11:05 a.m.