



PROCEEDINGS
Of a Public Meeting to discuss an
Amendment to Zoning By-law #160-2010
(Re: Z05/12 Aamikkowiish)
Tuesday, May 15, 2012
City Council Chambers
At 10:45 a.m.

PRESENT: Councillor L. Roussin, Property & Planning Chair
Mayor D. Canfield
Councillor C. Drinkwalter
Councillor R. Lunny
Councillor R. McMillan
Councillor S. Smith
Rick Perchuk, Operations Manager
Tara Rickaby, Planning Administrator
Heather Kasprick, Deputy Clerk

REGRETS: Councillor R. McKay
Karen Brown, CAO

Chairman of Property and Planning Committee, Louis Roussin 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 amendments 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 applications 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 dates of notice given by publishing notices in 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. H. Kasprick, Deputy Clerk, advised the Notice pertaining to these public meetings appeared in Kenora Daily Miner & News on April 24, 2012.

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

The Chair explained that an appeal may be made to Ontario Municipal Board not later than 20 days after the day that the giving of notice as required by section 34(18) 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 each Applicant/Agent will provide the background information for their application and then the Planning Administrator will provide information from the planning report, after which anyone who wishes to speak either for or against the applications will be given the opportunity to do so, and a record will be kept of all comments.

Christopher Price, 1011 Park Street, on behalf of Aamikkowiish Non Profit Housing Corporation, spoke in favour of the amendment and presented their reasons for the development. The main reason they prefer the piece of property is the close vicinity to Beaver Brae and they can get two units on each of two abutting lots.

The Planning Administrator received comments from Tom Carten, solicitor for Aamikkowiish. The following email was read into record:

Please extend my apologies to the Property and Planning Committee for being unable to attend personally at the public meeting May 15, 2012, regarding the above rezoning application. Regrettably, I am required to attend court in Dryden on May 15, 2012.

However, on behalf of Aamikkowiish I wish to make the following written submissions in support of their rezoning application. Aamikkowiish is a non-profit corporation dedicated to creating more affordable housing in Kenora. Aamikkowiish has entered into an agreement of purchase and sale with the owner of the subject property, Emil Janke, conditional upon rezoning the property from R1 to R2. It is the intent of Aamikkowiish to construct a duplex on each of the two lots, which will be connected by a common wall that runs along the lot line between the two lots. The development proposed complies with R2 zoning regulations set out in the by-law. The connected duplexes are single storey buildings intended for residential use.

The request to rezone the property to R2 is not a major change from the existing R1 zoning of the property and certainly meets with the general intent and purpose of the official plan for the area which is general residential.

Motor vehicle access to the property will be gained by way of the laneway. Nineteenth Avenue North, on which the property fronts, is an undeveloped right of way owned by the City. There is already one existing residential building in the area neighbouring the subject property to the north which utilizes the lane for motor vehicle access. Aamikkowiish will make improvements to the part of the lane it will utilize to access the property as recommended by the Engineering Department of the City. The indication from the fire department is that it will have no difficulty accessing the property by the lane should there be a need to do so in an emergency situation.

In addition to constructing duplexes connected by a common wall, Aamikkowiish will be landscaping the property so that it has a formal grassed area.

The site plan has been amended to provide an acceptable information regarding front and rear yard set-backs. Aamikkowiish will abide by the condition respecting sewer and water services as set out in the final report.

It is submitted that the development being proposed is appropriate use of the land which is now vacant. The development planned for the property will meet the general intent and purpose of the existing zoning bylaw.

Finally, there is a genuine need for more affordable housing in Kenora and this development will help to alleviate this situation.

Thank you for your consideration of this application.
Thomas J. Carten

Councillor Roussin stated that any person may express his or her views of the amendments and a record will be kept of all comments.

Tara Rickaby, Planning Administrator, then reviewed the details of the Planning Report for Z05/12 (Aamikkowiish):

Introduction

Aamikkowiish Non-profit Housing Inc., agent for Emil Janke, property owner, has made an application to amend Zoning By-law No. 160-2010, as amended, The subject site is designated Established Area in the City of Kenora Official Plan, 2010. The subject lands are zoned R1 – Residential, Single Density.

Description of Subject Lands and Context

The subject site located on a lane between 19th Avenue North (unopened) and an unopened lane allowance, at 612 Nineteenth Avenue North. It is legally described PLAN M103 LOTS 85 AND 86 PCL 7592 DKF, City of Kenora, District of Kenora. The application shows that the subject site (two lots on the plan of subdivision) has an approximate area of 1097 square metres. The lands are being considered together for the purposes of this application.

The surrounding land uses are as follows:

North: Residential - some vacant, some developed
South: Residential - some vacant some developed, CPR main line.
East: Light industrial – unopened Nineteenth Ave N.
West: Residential

The property is vacant, with the exception of a temporary hydro service. There is a water and sewer service located on Lot 85.

Description of Proposed Development

The applicant proposes to amend Zoning By-law No. 160-2010, as amended by changing the zoning from R1 – Residential Single Density to R2 – Residential Second Density to permit construction of a semi-detached residence.

Information supplementary to the application indicates that:

- The structure is one storey
- The interior side yard will be a party wall
- There are two residential units within each lot
- On-site parking is provided
- The properties will be landscaped incorporating existing trees once development is complete

Parking is proposed to be provided on unopened lane allowance. The site sketch indicates that to be Nineteenth Avenue North, however it is not.

Comments from External Agencies

The application was circulated per the requirements of the *Planning Act* and the following comments were received:

Agencies Circulated - Per Planning Act	Comments Received - None
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Comments from the Public – No response to date.

Comments from City Departments:

Departments Circulated	Comments Received
Planning Department	<ul style="list-style-type: none">• In accordance with Zoning By-law No. 160-2010, the front yard frontage is on unopened Nineteenth Avenue North• The site plan indicates that the unopened laneway will provide access, including to parking stalls• The property was formerly zoned R2 and there is some remaining use in the neighbourhood• Unopened Nineteenth Avenue North provides some separation from the Light Industrial Use to the east• No amenity area required, by by-law as proposal is for two units per lot• Proposed units exceed minimum provisions of zoning by-law• This proposal does not constitute

	<p>a major change; no Official Plan Amendment is required.</p> <ul style="list-style-type: none"> • Minimum parking requirements for residents and visitors are met (1 per residential unit) • Affordable housing will be provided and meets the intent of Principles 3 and 6 of the City of Kenora Official Plan (2010) • The development will not be located on a publically maintained road, however the lots are existing lots of record
Solid Waste Supervisor	<ul style="list-style-type: none"> • No pick up in back alleys in Brick Yard area. • Waste/recyclables will have to be left either at corner of 9th St. N or 6th St N. as truck will not use alley
Building Department	No comments
Roads Department	<ul style="list-style-type: none"> • Neither Nineteenth Avenue North, nor the laneway between it and Eighteenth Ave North (where access is proposed) has been improved or is maintained by the City of Kenora • The City will allow access via the rear lane, however will not make improvements
Sewer & Water Department	Servicing on south lot (85). Reviewing whether or not north part is serviced
Kenora Hydro	Upgrades to service may be required, at the expense of the owner.
Kenora Fire & Emergency Services	No objection received to date – noted that a fire truck can access the property
Heritage Kenora	No objection received to date
Engineering Department	The lane is required to be brought up to standard. Drainage is required to be considered. The City will not pay for re-development of the lane, however may take over maintenance after the standard is achieved.

Official Plan and Zoning By-Law

The Official Plan designation is Established Area. Policy 4.1 Permits residential uses in the area and 4.2 encourages residential development on full municipal services.

The Official Plan includes a list of Guiding Principles and Objectives, the first of which is Principle 2.2.1 – Sustainable Development:

- To promote compact development by using land efficiently and existing infrastructure.
- To direct residential development to land within the settlement area boundary by way of infilling and residential redevelopment in the Established Area and Harbourtown Centre and the Residential Development Area.
- To support infill and intensification in built up areas (e.g. Harbourtown Centre) where services exist.

Principle Three encourages the development of affordable housing by provide a range of housing opportunities types that shall meet the physical and financial needs of an aging population and be able to provide a timely response to housing needs associated with a diversified economy.

Principle 6 – Complete Communities, supports mixed-use neighbourhoods and Principle 7 is to promote built form that may address the needs of present and future generations (i.e. live, work, play), and to ensure that all aspects (e.g. buildings, streetscapes, landscapes) contribute to everyday living in a positive manner.

The change in zoning, increases density in a residential area. The single story construction is similar and characteristic of many of the existing residences and is therefore appropriate to the residential character and use of other lands in the and meets the intent of the City of Kenora Official Plan (2010).

Zoning By-law No. 160-2010

Zoning Mechanism		
	Semi-detached	Existing conditions/proposed
(a) Lot frontage (minimum)	15 m	• 15.2 m on each Nineteenth and rear laneway
(b) Lot area (minimum)	450 m ²	Approximately 550 m ² per lot (1097 m ² for both)
(c) Front yard (minimum)	7.5	• 8 metres
(d) Interior side yard (minimum)	4.2.3(k)The minimum interior side yard	• 0 lot line – party wall

	setback shall be reduced to zero for the lot line corresponding to the party wall of a semi-detached dwelling. <ul style="list-style-type: none"> • 1.5 m 	5.4 m
(e) Exterior side yard (minimum)	4 m	• N/A
(f) Rear yard (minimum)	8 m	• 7.5 m
(g) Gross floor area (minimum)	65 m ² /unit	86.4 m ² for each of 4 units
(h) Lot coverage (maximum)	40%	• 32%
(i) Building height (maximum)	10 m	• 4.5 m

The initial site plan considered the rear access lane is being as the front yard. An amended site plan was provided based on comments from the Kenora Planning Advisory Committee.

While amenity area is not proscribed for this type of development, it is a “given” for residential properties.

Provincial Policy Statement (2005)

The rezoning of this property , which is located within the settlement area and currently serviced with municipal services, and proposes a development which provides a range of housing types and densities in the existing neighbourhood and therefore has regard to the PPS (2005).

Planning Recommendation:

That the proposed zoning by-law amendment Z05/12 Aamikkowiish, to amend the Zoning By-law 160-2010, as amended, at the property described as described as 612 Nineteenth Avenue North, PLAN M103 LOTS 85 AND 86 PCL 7592 DKF by changing the zoning from R1- Residential Single Density to R2 – Residential, Second Density . This change will permit the development of a four-plex,. The application is consistent with the Provincial Policy Statement (2005), and meets the purpose and intent of both the City of Kenora Official Plan (2010) and Zoning By-law No. 160-2010, as amended for the reasons outlined in the planning report. The approval should be conditional upon:

- 1) The site plan and application form being amended to provide accurate information regarding the front and rear yard setbacks; and
- 2) Acknowledgement from the applicant that the property will be landscaped, not only incorporating existing trees but by including a formal grassed area (seed or sod);

- 3) A second sewer and water service will be required to ensure that if the applicant ever transfers one set of units out of its name, both sets of units are serviced.

City of Kenora Planning Advisory Committee (17 April 2012)

Moved by: Wayne Gauld

Seconded by: Terry Tresoor

That the recommendation to approve Application Z05/12 Aamikkowiish, be forwarded to Council by the City of Kenora Planning Advisory Committee, with the following comments/conditions:

1) The site plan and application form being amended to provide accurate information regarding the front and rear yard setbacks; and

2) Acknowledgement from the applicant that the property will be landscaped, not only incorporating existing trees but by including a formal grassed area (seed or sod).
The Committee originally discussed deeming the lots, however that would permit development of a four-plex on an R2 lot.

As a result of the presentation to the Kenora Planning Advisory Committee, Aamikkowiish has provided the following:

Further to our attendance at the preliminary meeting of the Planning Board in regard to the above noted matter, I confirm that preliminary approval to the rezoning was given subject to the following conditions:

1. The site plan in the application be amended to show a minimum front yard set-back requirement of 7.5 meters and a minimum rear yard set-back requirement of 8 meters, bearing in mind the rear yard for zoning purposes is considered that part of the property that faces the laneway.
2. An undertaking will be given to not only leave the existing trees in place but to grass the entire lawn with either seed or sod.
3. Aamikkowiish will undertake to bring the laneway up to a suitable travel standard that satisfies both the fire department and the engineering department.
4. Aamikkowiish will undertake to cooperate with a deeming by-law consolidating the two lots into one lot for Planning Board purposes. **

I wish to confirm that the above conditions are acceptable to my client.

** Note that this condition will not be required as the property would then not comply with the R2 provisions of Zoning By-law No. 16-2010, as amended.

Recommendation to Property and Planning Committee:

That Council approves the application for zoning by-law amendment Z05/12 Aamikkowiish, to amend the Zoning By-law 160-2010, as amended, at the property

described as described as 612 Nineteenth Avenue North, PLAN M103 LOTS 85 AND 86 PCL 7592 DKF by changing the zoning from R1- Residential Single Density to R2 – Residential, Second Density . This change will permit the development of a four-plex,. The application is consistent with the Provincial Policy Statement (2005), and meets the purpose and intent of both the City of Kenora Official Plan (2010) and Zoning By-law No. 160-2010, as amended for the reasons outlined in the planning report. The approval is be conditional upon the following being undertaken or provided before a building permit is issued:

- 1) The site plan and application form being amended to provide accurate information regarding the front and rear yard setbacks; and
- 2) Acknowledgement from the applicant that the property will be landscaped, not only incorporating existing trees but by including a formal grassed area (seed or sod);
- 3) A second sewer and water service will be required to ensure that if the applicant ever transfers one set of units out of its name, both sets of units are serviced
- 4) Acknowledgement and undertaking to bring the lane to an acceptable City standard.

NOTE to approval: Solid waste/recycling pick up will not occur at curbside. Items will have to be left either at corner of 9th Street N. (and lane) or 6th Street N. (and lane). City will not be responsible for maintenance/snow clearing until and unless the back lane has been accepted into its inventory.

Councillor Roussin asked if there was anyone who wishes to speak in favour of the amendment.

- Phil Hanstead c/o 213 First St. S., Kenora, indicated his support of the application.
- Christopher Price indicated his support of the application.

Councillor Roussin asked if there was anyone who wishes to speak in opposition of the amendment.

- Warren Cederwall, 618 Nineteenth Ave N., was present and lives beside the property at 618 19th Avenue North which is zoned R1. He expressed that he and his wife built their home on 19th Avenue and they don't want R2 uses in their neighbourhood. He indicated that all of the neighbours have signed a petition which was presented to the Clerk for review and to form part of the official record. Their concerns were that no notice was given to the residents of the area and the notice of amendment was not posted on the City's portal. The letter read:
We, the residents of the area of 19th Avenue North, are opposed to the amendment of by-law 160-2010, specifically propertyies PLAN M103 LOTS 85 and 86 PLC 7592 DKF within the City of Kenora.

We are upset that no notice was given to area residents with regards to the changes within the area. Each resident should have been notified individually and this was not done. More notice should have been advertised, instead of one day in a newspaper that not everyone subscribes to. The notice of amendment was not posted on the City's portal website.

The reasons we are opposed to the construction of the proposed dwellings are as follows:

The proposed multiunit dwelling does not follow the characteristics of the current neighbourhood. The area is set up as a single dwelling, single family location. We do not want this to change to a multifamily location. Our property values will be lowered, as will resale value with the proposed four-plex. The narrow, undeveloped laneway does not allow for a great increase in traffic flow. The high turnover that would be expected with the proposed type of business creates conflict in our neighbourhood. The size of building vs. lot size decreases the amount of green space on the lots. With the increase in housing the noise level of the area will increase. The following residents signed the petition as their opposition to the amendment.

Rudy Witzke	611 18 th Avenue North
Mabel Spencer	1818 6 th Street North
Erin Goold	1808 6 th Street North
Donna Duffield	1808 6 th Street North (owner) address: 114 Minto Cres
Christian Zilinski	615 18 th Avenue North
Lyndsey Comprick	615 18 th Avenue North
Warren Cederwall	618 19 th Avenue North
Gayle Pieczonka	625 18 th Avenue North
Pam Cederwall	618 19 th Avenue North
Anna Zurkan	618 19 th Avenue North
Deanne Hawski	609 18 th Avenue North
Rodger Faulds	627 18 th Avenue North
Bart Myles	640 18 th Avenue North
John Holmstrom	636 18 th Avenue North
Sherri Begalki	632 18 th Avenue North
Chris Zilinski	632 18 th Avenue North

The Planning Administrator expressed that it is her understanding that this is not a transitional home; the use would be for families only. This is two units on each lot with a party wall in the centre. There will be four families living on two separate lots; two units per lot.

Councillor Smith asked what rental conditions are in place to alleviate the concerns of the neighbours. The Planning Administrator indicated that the City can only use the zoning by-law and other specific by-laws to address for concerns that arise. Rental agreements would be addressed in landlord-tenant agreement.

Councillor Roussin asked if there were any questions.

- There were no questions.

Councillor Roussin the declared the Public Meeting closed at 11:06 a.m.