

AGENDA

PUBLIC MEETING

Proposed Zoning By-Law Amendment – 39 Second St. E.

3 Kirkland St. W. (Town Hall) ,
Council Chambers / Electronic Participation
Tuesday, July 16, 2024 at 4:00 PM

Please visit the [TKL YouTube Channel](#) for the live-stream of the meeting.

1. Land Acknowledgement & Call to Order

We acknowledge that the Town of Kirkland Lake is located on the traditional territory of Algonquin peoples including the Beaverhouse First Nation, and unceded territory of other indigenous peoples. We recognize the presence of the Algonquin, Anishanabai, Ojibwe, Cree and Métis people in our community since time immemorial and honour their stewardship and care of these lands. We hereby affirm our continued commitment and responsibility to reconciliation.

2. Declaration of Pecuniary Interest

3. Summary of Reports

3.1. Supplemental: Proposed Zoning By-Law Amendment: 39 Second St. E.
Dan Laverdure, Director of Development and Enterprise Services

4. Confirmation of Notice

5. Correspondence Received

6. Comments/Questions from Members of the Public

7. Consideration of Proposed By-Law

Proposed Direction:

THAT Council receive the comments/questions from members of the public, if any;

AND THAT the draft by-law amending Zoning By-Law No. 21-032 to rezone certain lands from “Institutional (I)” to “Residential Medium Density – Special (R2-02)”, 39 Second Street East, as presented, be brought forward for three (3) readings at the August 13, 2024 Regular Meeting of Council.

8. Adjournment

REPORT TO COUNCIL

Meeting Date: 16/07/2024	Report Number: 2024-DEV-023
Presented by: Dan Laverdure	Department: Development and Enterprise Services

REPORT TITLE

Supplemental: Proposed Zoning By-Law Amendment: 39 Second St. E.

RECOMMENDATION

BE IT RESOLVED THAT Report Number 2024-DEV-023 entitled “**Supplemental: Proposed Zoning By-Law Amendment: 39 Second St. E.**” be received;

AND FINALLY THAT the proposed by-law amending Zoning By-Law No. 21-032 to rezone certain lands from “Institutional (I)” to “Residential Medium Density – Special (R2-02)”, for 39 Second Street East, as presented, be brought forward for three (3) readings on August 13, 2024.

INTRODUCTION

The owners of lands municipally known as 39 Second Street East have applied for an amendment to the Town’s [Zoning By-Law](#) and [Schedules](#) (21-032) to rezone the lands from “Institutional (I)” to “Residential Medium Density - Special (R2-02)”, for the purpose of permitting four (4) residential units within the existing building.

DISCUSSION

The Applicants are proposing to change the zone of 39 Second Street East from "Institutional (I)" to "Residential Medium Density Special (R2-02)" to permit four (4) residential units in the building. The institutional use, church or place of worship, is no longer present on the property and the Applicants wish to convert the space for residential use.

Section 34(12) of the [Planning Act](#), R.S.O 1990, Chapter P. 13, states that:

“at least one public meeting is held for the purpose of giving the public an opportunity to make representations in respect of the proposed by-law”.

DISCUSSION (CONTINUED)

As such, a Public Meeting is required prior to the passing of the proposed Zoning By-Law Amendment. This provides an opportunity for members of the public to make written or verbal representations either in support of, or, in opposition to, the applicants' request.

Property Information

Official Plan Designation: Residential

Zoning: Institutional (I)

Access: Second Street East & Churchill Drive

Lot Area: 751.61 m²

Frontage: 25.9 m

Existing Structures: Church/Rectory

Services: Municipal water, sewage and storm drainage systems

The Provincial Policy Statement, 2020

The [Provincial Policy Statement](#) (PPS) would see municipalities promote housing options through redevelopment where appropriate. The subject lands are within an existing residential neighbourhood, making the area suitable for residential redevelopment.

The area is considered a "settlement area" under the PPS (Section 1.1.3). Settlement areas are to be the focus of growth and development. The land use patterns for settlement areas should provide a range of uses and opportunities for intensification and redevelopment where it can be accommodated. The proposed amendment would facilitate redevelopment of existing building stock in conformity with the PPS.

The Town of Kirkland Lake Official Plan, 2016

The subject lands are currently designated as "Residential" in the Town of Kirkland Lake's Official Plan (2016).

Section 2.5.2 states that the predominant use of land in this designation shall be residential dwellings units. This includes medium density housing, such as triplexes, quadraplexes (fourplexes) and townhouses.

Section 2.5.4 outlines medium and high-density residential development. It encourages development to be located near commercial nodes and community facilities to support increased pedestrian activity and mixed use developments. It also seeks to retain the character of the nearby residential area where development or redevelopment is occurring.

Section 2.5.4.2. states that all new proposed development or redevelopment shall ensure that adequate municipal services are available.

DISCUSSION (CONTINUED)

The proposed Zoning By-Law Amendment would maintain consistency with the Town of Kirkland Lake's Official Plan regulations.

The Town of Kirkland Lake Zoning By-Law & Schedules (21-032)

Current Zoning: Institutional (I)

Proposed Zoning: Residential Medium Density Special (R2-02)

The current zoning for the subject lands does not permit residential use except in association with a church or denominational institution and which is the principal residence of the clergy. The organization which previously used the lands for "church or place of worship" have halted said use and disposed of the property. The new owners do not have the intention nor the capacity to use the subject lands for institutional purposes.

The proposed Zoning By-Law Amendment from "Institutional (I)" to "Residential Medium Density Special (R2-02)" is required to permit the proposed use of a quadraplex.

A quadraplex (building with four dwelling units) is permitted in the "Residential Medium Density (R2)" zone. Lands under this zone are subject to the following requirements:

Minimum Lot Area	600.0 square metres
Minimum Lot Frontage	24.0 metres
Maximum Height	10.5 metres
Maximum Lot Coverage	45.0 percent
Minimum Front Yard Setback	6.0 metres
Minimum Interior Side Yard Setback	3.0 metres
Minimum Exterior Side Yard Setback	3.0 metres
Minimum Rear Yard Setback	7.5 metres
Encroachment of porch into front, rear and exterior side yard setback	2.5 metres
Parking Spaces	One (1) space per dwelling

The existing building would not meet the front and interior side yard setback requirements. As such, the proposed Zoning By-Law Amendment would need to recognize the deficiencies through the following special provisions:

Minimum Front Yard Setback	5.49 metres
Minimum Interior Side Yard Setback	1.21 metres
Encroachment of porch into front yard setback	2.73 metres

An additional special provision would be required to permit outdoor staircases to encroach into the front yard, as they are currently only permitted in the side and rear yards.

DISCUSSION (CONTINUED)

Additional Considerations

The Kirkland Lake Planning Advisory Committee met on May 30th, 2024, to review the proposed amendment and make recommendations. The resolution of the Committee was as follows:

“Moved By: Raymond Mallette

Seconded By: Terrence Wight

BE IT RESOLVED THAT *the Kirkland Lake Planning Advisory Committee recommend to Council that the proposed Zoning By-Law Amendment Number 2, to rezone the lands from “Institutional (I)” to “Residential Medium Density (R2)” as presented to the Committee on May 30, 2024, be approved.*

CARRIED”.

OTHER ALTERNATIVES CONSIDERED

Council could consider changing the date on which to hold the Public Meeting. This is not recommended as delays to the process affects the Applicants’ ability to proceed with building permit applications. The *Planning Act* also regulates the length of time in which a Decision on the application must be made and delaying the public meeting will negatively impact this timeframe.

FINANCIAL CONSIDERATIONS

Not Applicable.

Priority:

- Vibrant & Prosperous Community
- Current Council’s Operational Aims



Action:

Vibrant & Prosperous Community

- Invest in infrastructure projects that facilitate residential growth, business expansion and increased housing options.

ALIGNMENT TO CORPORATE STRATEGIC PLAN (CONTINUED)

Council Operational Aims:

Vibrant & Prosperous Community

Affordable Housing

- Encourage housing options that cater to diverse needs, including accessibility features for people with disabilities and seniors.
- Evaluation of conditions to accommodate alternative housing models such as tiny homes, co-housing, or accessory dwelling units to increase affordable options.
- Encouragement of mixed-use developments that incorporate various housing types (e.g., apartments, townhomes, single-family homes) within neighborhoods.

ACCESSIBILITY CONSIDERATIONS

Not Applicable.

CONCLUSION

It is a regulation of the *Planning Act*, R.S.O 1990, Chapter P. 13, that a Public Meeting is to be held prior to a Zoning By-Law Amendment being passed. This provides an opportunity for members of the public to comment on the application before a decision is made by Council.

CONSULTATIONS

Town of Kirkland Lake Senior Management Team

Kirkland Lake Planning Advisory Committee (KLPAC)

J. L. Richards & Associates Limited, Town's Planning Consultants

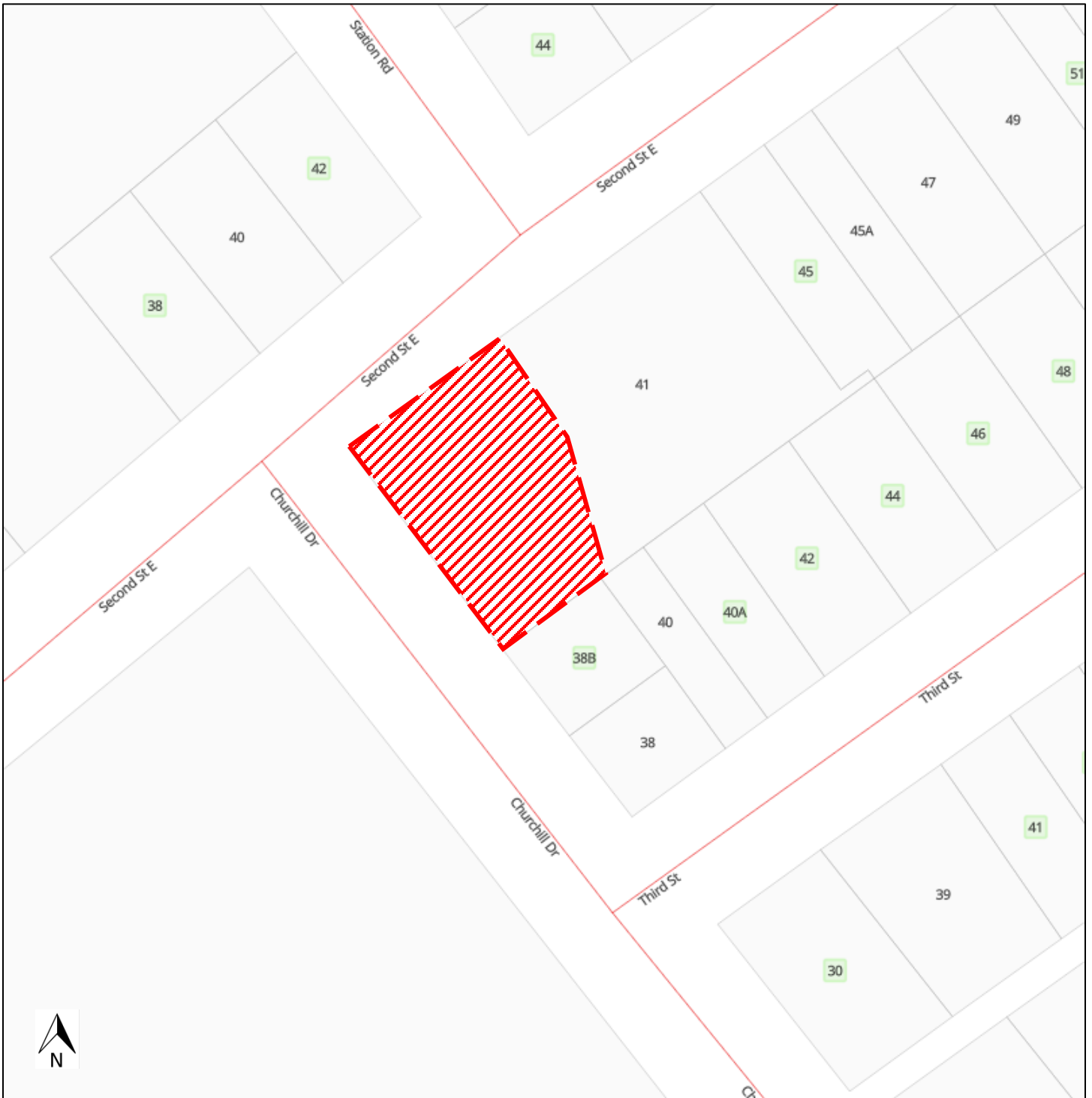
ATTACHMENTS

Attachment 1 – Location of Subject Lands

Attachment 2 – Notice of Public Meeting

Attachment 3 – Supplemental Report Prepared by Planning Consultant on the Proposed Zoning By-Law Amendment

Attachment 4 - Draft Amending By-Law and Schedule





**Notice of Public Meeting Concerning a
Proposed Zoning Amendment Application
in the Town of Kirkland Lake**

Respecting an application made by: D'Arcey MacKinnon and Scott Kohut (Applicants)
 Located at: 39 Second Street East, Kirkland Lake
 Legal Description: TECK MC 1635PT PCLS 6599, 6388CST
 Roll Number: 5468-000-020-05501

TAKE NOTICE THAT Council of The Corporation of the Town of Kirkland Lake will hold a Public Meeting in relation to the Application as per Section 34 (10.1) and 34 (10.2) of the *Planning Act*, R.S.O. 1990, Chapter P.13 (as amended), on:

**Tuesday, July 16, 2024 at 4:00 PM
at Town Hall in Council Chambers
3 Kirkland Street West, Kirkland Lake, Ontario**

THE PURPOSE AND EFFECT

The Applicants are proposing to change the zone of 39 Second Street East from "Institutional (I)" to "Residential Medium Density Special (R2-02)" to permit 4 residential units in the building. The institutional use (church or place of worship) is no longer present on the property, and the Applicants wish to convert the space for residential use. The property is currently designated as "Residential" in the Town of Kirkland Lake's Official Plan.

ANY PERSON OR AGENCY may make representations (oral/written submission) either in support of, or, in opposition of the proposed Zoning By-Law Amendment.

If a person or public body does not make formal representation to the Town of Kirkland Lake before the resolution is passed, they are not entitled to appeal the decision to the Ontario Land Tribunal.

If a person or public body does not make formal representation before the resolution is passed, they may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

Members of the public requesting to be notified of the Council Decision on the proposed Zoning By-Law Amendment, must make a written request to the Municipal Clerk at the address/email supplied below.

PLEASE NOTE that this meeting will allow for oral submissions either in-person in the Council Chambers located at 3 Kirkland St. W., Kirkland Lake, or, alternatively, in electronic format via Zoom. Any person wishing to participate electronically at the public meeting must contact the Municipal Clerk at the address/email supplied below to receive the login credentials. Registered electronic participants will be provided with priority to speak at the meeting.

Any written submissions and material in support of, or, in opposition to, the proposed Zoning By-Law Amendment are welcomed and will be received by the Municipal Clerk on or before the meeting. All written submissions (including name and qualifying address) received in advance of the meeting will be provided to Council at the meeting.

INQUIRIES AND ADDITIONAL INFORMATION relating to the proposed Zoning By-Law Amendment should be redirected to Brook-Lynn Rozon, (A) Planning Administrator, Development and Enterprise Services Department, either in person at 1 Dunfield Road, Kirkland Lake, ON, or via telephone by calling 705-567-9365, Ext. 343 during regular office hours (Monday to Friday 8:00 AM – 4:00 PM).

Dated and first published this 18th day of June, 2024.

Jennifer Montreuil, Dipl. M.A.

Municipal Clerk

The Corporation of The Town of Kirkland Lake

P.O. Box 1757, 3 Kirkland St. W., Kirkland Lake, ON P2N 3P4

T: 705-567-9361 Ext. 238

E: clerk@tkl.ca

**Planning Report for
a Proposed Zoning Amendment Application
in the Town of Kirkland Lake**



Respecting an application by: D'Arcey MacKinnon & Scott Kohut
 Application Number: Z-2024-02
 Municipal Address: 39 Second Street East, Kirkland Lake ON
 Legal Description: PCL 6599 SEC CST; PT E 1/2 MINING CLAIM L1635
 TECK SRO AS IN LT81534 EXCEPT LT82978 S/T
 LT81534; S/T LT112429; KIRKLAND LAKE; DISTRICT
 OF TIMISKAMING
 Roll Number: 5468-000-020-05501

RECOMMENDATION

Subject to a review of submissions arising from the public meeting it is recommended:

That Council approve Zoning By-law Amendment Application Z-2024-02.

BACKGROUND

An application has been submitted to amend the Zoning By-law for the Town of Kirkland Lake for lands located at 39 Second Street East (the subject property) in order to facilitate the conversion of a former place of worship (church) to a four (4) unit residential building. The subject property is located at the south-east corner of Second Street and Churchill Drive.

The property has a lot area of $\pm 751.6 \text{ m}^2$ and a lot frontage of $\pm 25.9 \text{ m}$ on Second Street and is irregularly shaped. There is an existing building (former place of worship) located on the lot. The subject property is surrounded by a mix of land uses including small-scale commercial, residential, and institutional uses. These include a former high school located to the west of the subject property across Churchill Drive as well as other educational facilities.

The existing building is currently serviced by municipal water and sewer services and is accessed by year round, publicly maintained roads. The property is currently designated Residential in the Town of Kirkland Lake's Official Plan and is zoned Institutional in the Town's Zoning By-law 21-032.

Figure 1 – Subject Property



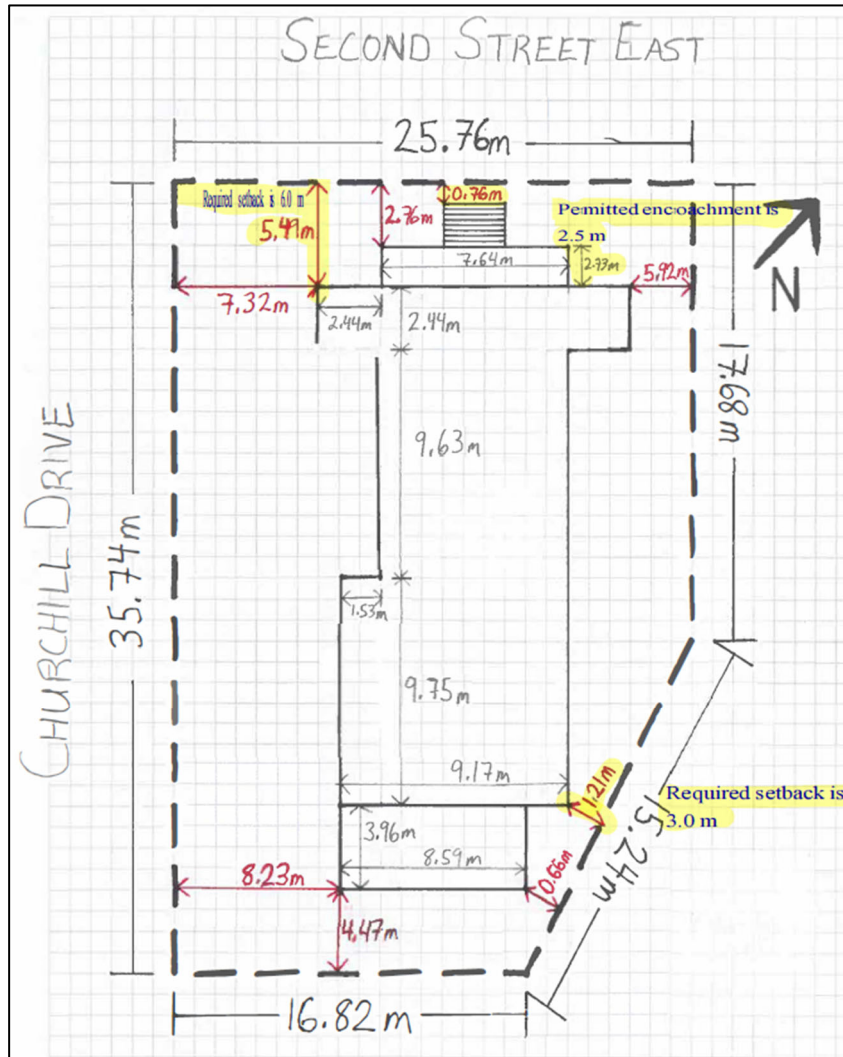
A public notice was posted on June 18th, 2024 to the Town of Kirkland Lake's website for the public meeting held to consider this application.

PURPOSE AND EFFECT

The purpose of the Zoning By-law Amendment application is to change the zoning of the subject property from Institutional (I) to Residential Medium Density Special Exception Two (R2-02). The effect of the application is to permit the conversion of an existing building (formerly used as a place of worship) into a four-unit residential building. An exception zone is proposed in order to recognize the following yard setbacks and encroachments:

- A reduced front yard setback of 5.49 m for the existing building, where 6.0 m is required;
- A reduced interior side yard setback of 1.21 m for the existing building, where 3.0 m is required;
- An increased front yard encroachment of the existing porch of 2.73 m, where 2.5 m is permitted; and
- To permit an existing staircase to encroach in the front yard where they are currently only permitted in the rear and side yards.

Figure 2 – Subject Property Setbacks



PLANNING ANALYSIS

The following section will provide an overview of the applicable planning policies relevant to this application. These policies are guided by the *Planning Act, 1990* which requires land use planning decisions made by a municipality to be consistent with provincial policies.

The following section provides an overview of the planning considerations that were factored into staff's recommendation for this application, including a review of the Provincial Policy Statement 2020 (PPS), the Growth Plan for Northern Ontario 2011, the Town of Kirkland Lake Official Plan and the Town of Kirkland Lake Comprehensive Zoning By-law 21-032.

The 2020 Provincial Policy Statement (PPS) issued under Section 3 of the Planning Act requires that land use planning decisions 'be consistent with' provincial policies. Decision makers are asked to be consistent with the policies of the PPS including: 1. Building Strong Communities; 2. Wise Use and Management of Resources; and 3. Protecting Public Health and Safety. The PPS is to be read in its entirety and the relevant policies are to be applied to each situation, therefore only excerpts from the PPS have been highlighted to demonstrate the proposal's consistency with the PPS. .

The Town of Kirkland Lake's Official Plan (OP) sets out policies, goals, and objectives to guide the growth and development within the Town consistent with the public's vision and principles. Schedule 'A' of the Town's Official Plan designates the subject property as 'Residential', which permits a range of housing types and densities as well as other land uses complementary to residential uses.

The Town's Official Plan defers to the Town's Zoning By-law for lot sizes and development requirements.

The Growth Plan for Northern Ontario (GPNO) was developed under the *Places to Grow Act, 2005*, to establish a strategic framework to guide decision-making and investment planning. It contains policies relating to the promotion of economic prosperity, environmental stewardship, and promoting strong, sustainable communities.

Growth and Settlement

General policies in the OP include providing for the day-to-day needs of the community in a safe and healthy environment by providing a range of housing types. Development is encouraged to take place in a compact manner in areas with existing municipal services. Council shall be encouraged to direct new development through intensification and infilling of the urban settlement area. The redevelopment of existing building stock shall be carried out using acceptable standards. Permitted uses in this designation include low, medium, and high density housing.

Section 1.1.3 of the PPS 2020 directs development to settlement areas. It states that the "vitality and regeneration of settlement areas is critical to the long-term economic prosperity of our communities." It further states that "[s]ettlement areas shall be the focus of growth and development." (PPS, 2020 Section 1.1.3.1).

Section 1.4.3 of the PPS requires planning authorities to provide for an appropriate range and mix of housing options and densities, and to permit and facilitate all types of residential intensification.

The proposed changes will facilitate residential development of the lands and are supported by provincial policy and the OP. The PPS directs residential growth towards locations that are already serviced with existing services and infrastructure.

The proposed rezoning conforms with the Town's OP as it will be a redevelopment of an existing building within the urban settlement area designated for residential purposes. The subject property has existing access to municipal servicing and council should be encouraging of intensification applications.

Water and Sewer Services

The proposed development is in area already serviced by full municipal water and sewer services. The development is therefore consistent with the servicing policies of Section 1.6.6 of the PPS 2020 and conforms with the servicing policies in the Town's Official Plan.

Zoning By-law 21-032

Town of Kirkland Lake's Zoning By-law (ZBL) sets specific regulation as to how land may be used, types of permitted uses on that land, and the require standards in each zone. The subject property is zoned Institutional (I) on Schedule A-1 – Urban Area Kirkland Lake of the ZBL

The rezoning application is requesting to change from Institutional to Residential Medium Density - Special Exception Two (R2-02). This change will allow for the development of up to four residential units in the existing building where the Institutional zone does not permit for residential uses. Since there are no proposed changes to the building footprint, special exceptions are required to recognize the existing building setbacks that do not comply with the R2 zone. Each dwelling unit is required to have one parking space and this can be accommodated with the current driveway and garage.

A draft amending by-law is attached for Council's consideration.

CORRESPONDANCE RECIEVED

The application was circulated to municipal departments, agencies, and the public. At the time of writing this report, no comments had been received.

RECOMMENDATION

Based on the information reviewed in this report, the proposed zoning by-law amendment is consistent with the Provincial Policy Statement, does not conflict with the Northern Ontario Growth Plan, and conforms with the Town's Official Plan. The application represents good land use planning.

Respectively Submitted,



Tara Michauville, MSc
Planner

Reviewed by,



David Welwood, RPP, MCIP, MES
Senior Planner, Practice Lead

THE CORPORATION OF THE TOWN OF KIRKLAND LAKE

BY-LAW NUMBER 24-[XXX]

BEING A BY-LAW TO AMEND ZONING BY-LAW NO. 21-032 TO REZONE CERTAIN LANDS FROM A “INSTITUTIONAL (I)” ZONE TO A “RESIDENTIAL MEDIUM DENSITY SPECIAL EXCEPTION (R2-02)” ZONE (39 SECOND STREET EAST – KOHUT)

WHEREAS By-Law 21-032 of The Corporation of the Town of Kirkland Lake has been passed to constitute a Comprehensive Zoning By-Law regulating land use in the jurisdiction of the Town of Kirkland Lake

AND WHEREAS as per Section 34 of the Planning Act, R.S.O. 1990, Chapter P.13, the Council of the municipality may amend such Zoning By-Law;

AND WHEREAS Council of the Town of Kirkland Lake has received an application to amend such By-Law by the owners of the subject property;

AND WHEREAS the Council of The Corporation of the Town of Kirkland Lake has ensured that adequate information has been made available to the public, and held at least one public meeting after due notice for the purpose of information to the public of this By-Law;

AND WHEREAS it is deemed desirable to amend the zone designation shown on Schedule “A-1” of Zoning By-Law 21-032 pursuant to Section 34 of the Planning Act, R.S.O. 1990, c. P.13, as amended;

AND WHEREAS on August ____, 2024, Council resolved to approve the rezoning request for 39 Second Street East, as presented;

NOW THEREFORE BE IT RESOLVED THAT THE COUNCIL OF THE CORPORATION OF THE TOWN OF KIRKLAND LAKE ENACTS AS FOLLOWS:

1 **THAT** Schedule “A-1” of By-Law No. 21-032 is amended by changing the zoning designation of the property shown on Schedule “A” attached hereto, which the said property is more particularly described as: *PIN 61408-0633 and PIN 61408-0629 (LT), Part Mining Claim 1635, Parcels 6599 and 6388 CST, former Township of Teck, now in the Town of Kirkland Lake, in the District of Timiskaming*); from an “Institutional (I)” zone to a “Residential Medium Density Special Exception (R2-02)” zone.

2 **THAT** the following section be added to Section 11.4.2 of Zoning By-Law 21-032:

“R2-02 (39 Second Street East; TECK PT MC L1635 PCLS 6599, 6388 CST; By-Law No. 24-###)

Notwithstanding the Provisions from Sections 11 and 7.3 of this By-Law to the contrary, the lands zoned R2-02 may be used in accordance with the following provisions:

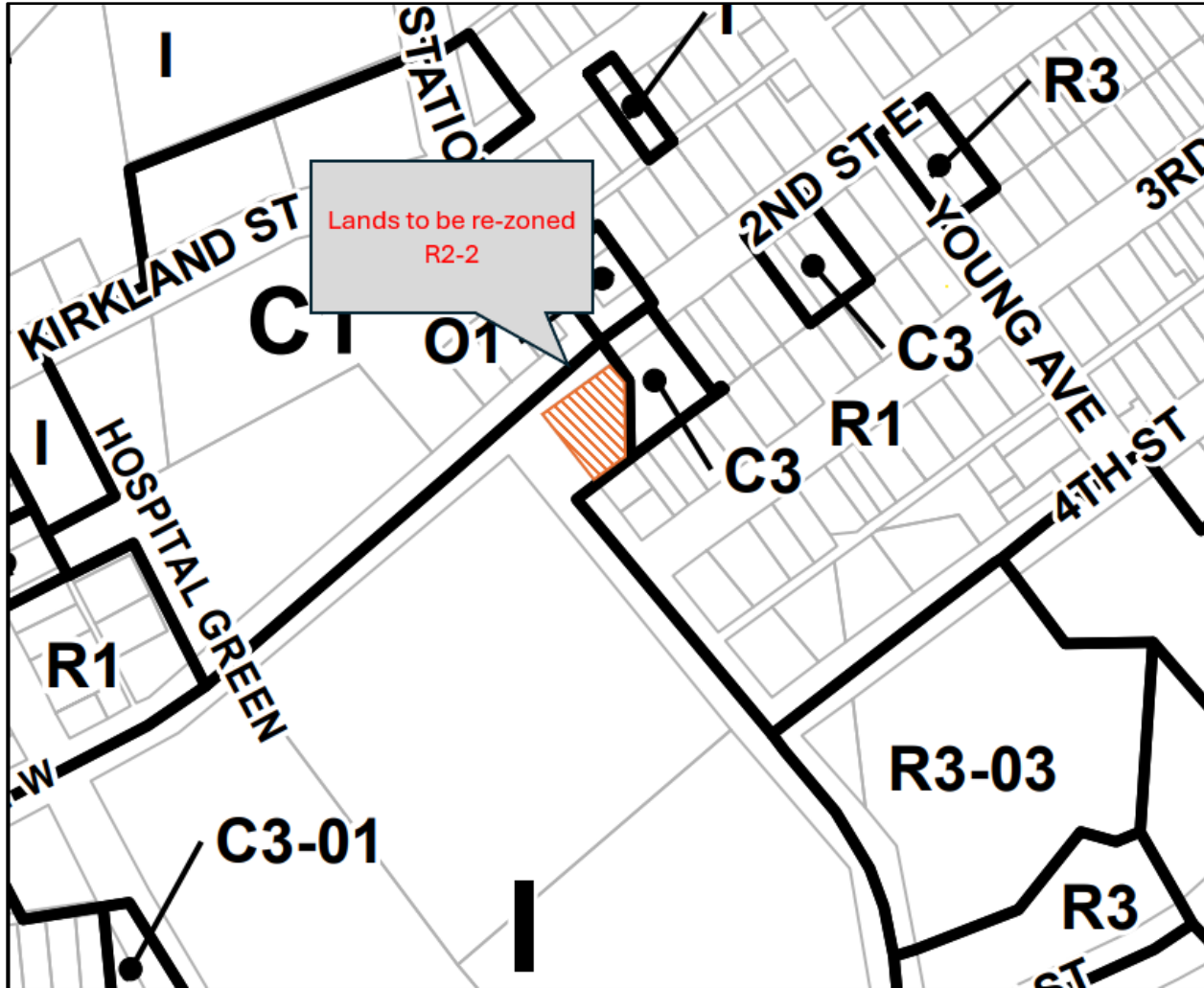
Minimum <i>Front Yard</i>	5.5 metres
Minimum <i>Interior Side Yard</i> (southeast property line)	1.2 metres
Maximum <i>Front Yard</i> Encroachment (existing Porch)	2.7 metres
Maximum <i>Front Yard</i> Encroachment (existing Staircase)	4.7 metres”.

- 3 **THAT** all buildings or structures erected or altered and the use of land in such “Residential Medium Density Special Exception (R2-02)” zone shall conform to all applicable provisions of By-Law No. 21-032 of The Corporation of the Town of Kirkland Lake.
- 4 **THAT** notice of the passing of this By-Law shall be given by the Clerk of The Corporation of the Town of Kirkland Lake in the manner and form and to the persons prescribed by Section 6 of O. Reg. 545/06, as amended.
- 5 **THAT** any notice of appeal of this By-Law shall be filed in accordance with the provisions of Section 34(19) of the *Planning Act*, not later than 20 days after the day that the giving of the notice by the Clerk is completed, setting out how the by-law is inconsistent with the policy statement issued under subsection 3(1), fails to conform with or conflicts with a provincial plan or fails to conform with an applicable official plan and shall be accompanied by the fee prescribed under the *Ontario Land Tribunal Act*, 2021, S.O. 2021, c. 4, Sched. 6.
- 6 **THAT** where no notice of appeal is filed with the Clerk within twenty (20) days as required by Section 5 of this By-Law, then this By-Law shall be deemed to have come into force on the day it was passed.
- 7 **THAT** where one or more notices of appeal are filed with the Clerk within twenty (20) days in compliance with Section 5 of this By-Law, then this By-Law shall not come into force until all appeals have been finally disposed of in accordance with Section 34 of the *Planning Act*, whereupon the By-Law shall be deemed to have come into force on the day it was passed.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 13th DAY OF AUGUST, 2024.

Stacy Wight, Mayor

Jennifer Montreuil, Municipal Clerk



Map not
to scale

This is Schedule "A" to By-Law No. 24-0## of the Town of Kirkland Lake passed this [redacted] day of August, 2024.

Mayor

Clerk

Lands rezoned to Residential Medium Density Special Exception (R2-02) on Part Mining Claim 1635, Parcels 6599 and 6388 CST, former Township of Teck, now in the Town of Kirkland Lake, in the District of Timiskaming (39 Second Street East)

PIN 61408-0633 and PIN 61408-0629 (LT)
Roll No. 5648-000-020-05501