
Black Sturgeon Lake Property Owners' Association

Black Sturgeon South Property Owners' Association

January 8, 2023

The Corporation of the City of Kenora
Planning Advisory Council
Attn: Alberic Marginet, Associate Planner
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Phone: 807-467-2152
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RE: Application for Minor Variance File No. D13-22-14 at 351 Black Sturgeon Lake

Dear Planning Advisory Committee:

We are writing on behalf of the Black Sturgeon Lake Property Owners' Association (BSLPOA) and Black Sturgeon South Property Owners' Association (BSSPOA) to highlight our opposition to the Application for Minor Variance mentioned above.

The BSLPOA has been founded for all property owners living on Black Sturgeon Lake interested in an organization to work for their common good: the maintenance and enhancement of the quality of life on the lake for both seasonal and permanent residents through careful attention to such matters as water quality, shoreline development, and boating and swimming safety.

The BSLPOA represents more than 150 properties on the lake.

The purpose of the Association is

- To promote and foster a sense of community, friendship and mutual respect amongst the property owners of Black Sturgeon Lake;
- To provide a focal point for addressing issues that may arise concerning the property owners of Black Sturgeon Lake;
- To provide a forum for the exchange of information, concerns and communication between the members of Black Sturgeon Lake Property Owners Association;

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- To promote maintaining the pristine nature of the water quality and surrounding shorelines of Black Sturgeon Lake, and
 - To communicate with the media and general public concerning issues of interest to the members;

Black Sturgeon South Property Owners Association was formed in 1989. It includes 18 members at the north end of Ritchie Road and Lawton Drive.

Our objection to this variance application stems primarily from the fact that such a development on the lake would be a departure from the current development and habitat of the lake and introduce environmental risk to the lake which can impact the health of the wildlife and residents who retrieve drinking water from the lake.

In addition, this application does not appear to meet any of the four criteria required for a minor variance application.

The criteria that required in order to grant a minor variance are as follows:

- The variance is minor
- The variance is desirable for the appropriate development or use of the property
- The general intent and purpose of the Zoning By-law is maintained
- The general intent and purpose of the Official Plan is maintained

It would appear that none of these qualifications are met and therefore the variance application must be denied.

Is the variance minor?

The definition of minor is “not very large, important, or serious”.

A dock expansion to 550m² vs the by-law maximum of 80m² does not appear under any reasonable definition to be a minor variance, rather that is an order of magnitude difference of almost 7x the permitted dock size.

It is also clear from the plans that the dock expansion will be significantly more than 25% of the property shoreline.

This is a significant variance from the limits prescribed in the bylaws, and not minor.

Is the variance desirable for the appropriate development or use of the property

It is clear from the overwhelming feedback from the residents of Black Sturgeon Lake that this is not desirable for the area. Black Sturgeon Lake is a peaceful rural residential area.

Is the general intent and purpose of the Zoning By-law maintained

The property is currently zoned as Tourist Recreational (TR). How a property of 0.26 ha was ever zoned TR is strange and frankly mildly suspicious. Residents who abut the property have no recollection of the proper notifications that would have been required to have that property zoned as tourist. However, the property is zoned TR at the current time and that is acknowledged.

The property is currently a residential property as a non-conforming use to the TR designation. If the variance is to be judged based on the current use of the property, there is no way a dock of 550m² would be acceptable and would be contrary to the intent and purpose of the bylaw.

The application does, however, suggest anticipated future use as a marina, specifically to be used for float planes. To the extent that the property would be used for float planes beyond personal use, it would be operating as an airport, which is not permitted in the TR zones of the bylaw and thus would be contrary to the intent and purpose of the bylaw.

The application also suggests plans to operate as a marina with a convenience store. Assuming this is not an airport, these are permitted in a TR zone. However, Section 4.8.6 of the bylaw makes it clear that the minimum property size in order to establish a marina or a convenience store is 1.0ha. The property in question is barely 25% of that minimum size. Therefore, a marina and/or convenience store is also clearly contrary to the zoning bylaws.

It seems from any angle looking at this application, that the “minor” variance application is not aligned with the general intent and purpose of the zoning bylaw.

Is the general intent and purpose of the Official Plan maintained?

The purpose of the dock expansion as noted on the application is for future marina development. The City of Kenora official plan is quite clear in section 4.8.1(h) that *New marinas, waterfront landings, or other public docking facilities shall not be permitted on Black Sturgeon Lake*. Section 4.8.1 (h) applies to all areas of the lake and not just the Black Sturgeon Lake Restricted Development Area.

The purpose of the marina will be to accommodate aircraft. The residential area of Black Sturgeon Lake is not an appropriate location for an airplane marina. Already this property is regularly home to up to four aircraft, which regularly create disturbances for immediate neighbours. Increasing the capacity is likely to accommodate more flights and likely a business including flights leaving at all times during the day including early mornings and late evenings. Kenora already has suitable locations for such businesses.

In addition, the Official plan notes in section 5.3.1 that water quality is of paramount importance for Black Sturgeon Lake. While specifically in the section referencing the Restricted Development Zone, it cannot be ignored that water quality issues in one section of the lake will affect other sections of the lake.

Creating a business based on an aircraft marine introduces additional risks not appropriate for Black Sturgeon Lake. A significant concern is fuel spillage and leaks from supporting such an operation. An environmental impact study/ permit should be completed and issued prior to allowing commercial operations commencing. One Beaver consumes approximately 110 litres of Aviation fuel per hour. With this in mind, a modest operation of 6 aircraft of similar size and fuel burn, would require approximately 2,500 litres of Avgas per day based on a modest 2, two hour round trips per day, or 75,000 litres per month. This would require large fuel tank(s) by the lake, which even with enviro tanks (double lined) pose a risk of spills, in particular when refueling aircraft and resupplying the bulk fuel tanks.

A number of these float planes propellers can spin as fast as the speed of sound and having planes take off at day break (earlier than 6am in the summer) will certainly wake the neighbourhood, across the entire lake.

In many ways, this proposed minor variance conflicts with the intent and purpose of the Official Plan.

Summary

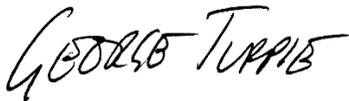
In summary, in order to be considered for a minor variance approval, based on the criteria outlined on Kenora.ca, each of the following four criteria must be met.

- The variance is minor
- The variance is desirable for the appropriate development or use of the property
- The general intent and purpose of the Zoning By-law is maintained
- The general intent and purpose of the Official Plan is maintained

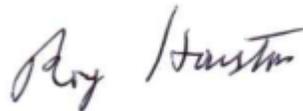
We do not believe that any of these criteria are met and that the applications should be declined.

Thank you for your review.

Sincerely,



George Turpie
President,
BSLPOA
bslpoa@gmail.com



Roy Houston
Secretary / Treasurer
BSSPOA