



**City of Kingston
Committee of Adjustment
Meeting Number 02-2024
Agenda**

**Monday, January 22, 2024 at 5:30 p.m.
Hosted at City Hall in Council Chamber**

Please provide regrets to Iain Sullivan, Committee Clerk at 613-546-4291, extension 1864 or isullivan@cityofkingston.ca

Committee Composition

Peter Skebo, Chair
Ken Dakin
Douglas Perkins
Gaurav Rehan
Jeff Scott
Somnath Sinha
Jordan Tekenos-Levy

- 1. Meeting to Order**
- 2. Approval of the Agenda**
- 3. Confirmation of Minutes**
 - a) **That** the minutes of Committee of Adjustment Meeting Number 01-2024, held Monday, December 11, 2023, be approved.
- 4. Disclosure of Pecuniary Interest**
- 5. Delegations**
- 6. Request for Deferral**

7. Returning Deferral Items

Note: Returning Deferral Item 7 a) will be considered immediately after Business Item 8 a).

a) **Application for: Minor Variance**

File Number: D13-059-2023

Address: 5 York Street

District: District 11 – Kingston’s Town

Owner: Neil Glenn

Applicant: Neil Glenn

The Report of the Commissioner of Growth & Development Services (COA-24-001) is attached.

Schedule Pages 1 – 20

Recommendation:

That minor variance application, File Number D13-059-2023, for the property located at 5 York Street to permit the construction of a front porch, be approved, as described below:

Variance Number 1:

By-Law Number 2022-62: Table 4.20.4.2

- Requirement: 3.5 metres
- Proposed: 0.25 metres
- Variance Requested: 3.25 metres

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-001.

8. Business

Note: Business Item 8 a) will be considered immediately prior to Returning Deferral Item 7 a).

- a) **Subject: Supplemental Report**
File Number: D13-059-2023
Address: 5 York Street
District: District 11 – King’s Town
Owner: Neil Glenn
Applicant: Neil Glenn

The Report of the Commissioner of Growth & Development Services (COA-24-018) is attached.

Schedule Pages 21 – 34

Recommendation:

That minor variance application, File Number D13-059-2023, for the property located at 5 York Street to facilitate the construction of a front porch, be approved, as described below:

Variance Number 1:

By-Law Number 2022-62: Table 4.20.4.2

- Requirement: 3.5 metres
- Proposed: 0.25 metres
- Variance Requested: 3.25 metres

Variance Number 2:

By-Law Number 2022-62: Table 4.20.4.3(a)

- Requirement: 0.6 metres, except along a common party wall where it may be 0.0 metres if there is a common privacy fence a minimum of 1.5 metres tall
- Proposed: 0.0 metres without a 1.5 metre tall common privacy fence
- Variance Requested: 1.5 metre tall common privacy fence; and

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-001.

b) Application for: Minor Variance

File Number: D13-070-2023

Address: 423 Earl Street

District: District 10 – Sydenham

Owner: Robert Baker and Leslie Galbraith

Applicant: Grant Snyder

The Report of the Commissioner of Growth & Development Services (COA-24-016) is attached.

Schedule Pages 35 – 60

Recommendation:

That minor variance application, File Number D13-070-2023, for the property located at 423 Earl Street to modify a single detached dwelling to enclose two thirds of an existing porch on the first floor and to enclose the entire balcony on the second floor be approved, as described below:

Variance Number 1:

By-Law Number 2022-62: Table 11.6.1.4: Minimum front setback

- Requirement: 3.0 metres
- Proposed: 1.2 metres
- Variance Requested: 1.8 metres; and

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-016.

c) Application for: Minor Variance and Consent

File Number: D13-067-2023 & D10-048-2023

Address: 3718 Brewers Mills Road

District: District 1 – Countryside

Owner: Pam Hogan, Nicholas Hogan, Gregory Hogan, Erica Hogan, Brenda Hogan

Applicant: Pam Hogan

The Report of the Commissioner of Growth & Development Services (COA-24-012) is attached.

Schedule Pages 61 – 85

Recommendation:

That minor variance application, File Number D13-067-2023 for the property located at 3718 Brewers Mills Road to provide relief from the minimum lot frontage requirement to sever one parcel of land, be approved, as described below:

Variance Number 1:

By-Law Number: 2022-62 Section 8.3.1 (2) Minimum Lot Frontage

- Requirement: 90 metres
- Proposed: 60 metres
- Variance Requested: 30 metres

That approval of the minor variance application be subject to the conditions attached as Exhibit A (Recommended Conditions – Minor Variance) to Report Number COA-24-012; and,

That Consent application, File Number D10-048-2023, for the property located at 3718 Brewers Mills Road to sever an approximately 1.07 hectare parcel of land with approximately 60 metres of frontage along Brewers Mills Road, be provisionally approved subject to the conditions included in in Exhibit B (Recommended Conditions – Consent) to Report Number COA-24-012.

d) Application for: Permission

File Number: D13-066-2023

Address: 831 Wartman Avenue

District: District 4 – Lakeside

Owner: Gay Booth

Applicant: Rod Stokes

The Report of the Commissioner of Growth & Development Services (COA-24-017) is attached.

Schedule Pages 86 – 106

Recommendation:

That the application for permission, File Number D13-066-2023, for the property located at 831 Wartman to construct a 30 square metre rear deck on the existing dwelling be approved; and,

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-017.

e) Application for: Minor Variance

File Number: D13-068-2023

Address: 1177 Montreal Street

District: District 7 – Kingscourt-Rideau

Owner: James Peach

Applicant: Rogers & Trainor

The Report of the Commissioner of Growth & Development Services (COA-24-015) is attached.

Schedule Pages 107 – 138

Recommendation:

That minor variance application, File Number D13-068-2023, for the property located at 1177 Montreal Street to increase the permitted unit count, reduce the parking requirement, and reduce the interior side yard setback for the northeastern apartment building, be approved, as described below:

Variance Number 1:

By-Law Number 2022-62: E117, Subsection (b) Building A, Subsection (iii)

- Requirement: Maximum of 63 dwelling units
- Proposed: Maximum of 85 dwelling units
- Variance Requested: 22 dwelling units

Variance Number 2:

By-Law Number 2022-62: E117, Subsection (c) Building B, Subsection (iii)

- Requirement: Maximum of 63 dwelling units
- Proposed: Maximum of 85 dwelling units
- Variance Requested: 22 dwelling units

Variance Number 3:

By-Law Number 2022-62: E117, Subsection (b) Building B, Subsection (v)

- Requirement: Minimum setback of 7.0 metres to the western interior lot line
- Proposed: Minimum setback of 6.0 metres to the western interior lot line
- Variance Requested: 1.0 metre

Variance Number 4:

By-Law Number 2022-62: Table 7.1.1 (1) (a) (i)

- Requirement: Minimum of 0.8 parking spaces per dwelling unit
- Proposed: Minimum of 0.6 parking spaces per dwelling unit
- Variance Requested: 0.2 parking spaces per dwelling unit; and

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-015.

f) Application for: Minor Variance

File Number: D13-071-2023

Address: 300 Bayfield Lane

District: District 8 – Meadowbrook-Strathcona

Owner: Frontenac Shopping Centre Inc.

Applicant: Patry Group

The Report of the Commissioner of Growth & Development Services (COA-24-013) is attached.

Schedule Pages 139 – 158

Recommendation:

That minor variance application, File Number D13-071-2023, for the property located at 300 Bayfield Lane to reduce the minimum rear setback and minimum visitor parking setback to support redevelopment of the site with a 6-storey residential building, be approved, as described below:

Variance Number 1:

By-Law Number 2022-62: 21.1.1.E122.(h) – Minimum rear setback

- Requirement: 20 metres
- Proposed: 18.75 metres
- Variance Requested: 1.25 metres

Variance Number 2:

By-Law Number 2022-62: 7.4.9.3(a) – Minimum visitor parking setback

- Requirement: 3.0 metres from any lot line
- Proposed: 2.25 metres from rear lot line
- Variance Requested: 0.75 metres; and

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-013.

9. Motions

10. Notices of Motion

11. Other Business

12. Correspondence

13. Date of Next Meeting

The next meeting of the Committee of Adjustment is scheduled for Monday, February 26, 2024 at 5:30 p.m.

14. Adjournment



**City of Kingston
Report to Committee of Adjustment
Report Number COA-24-001**

To: Chair and Members of the Committee of Adjustment
From: Jacob Slevin, Planner
Date of Meeting: January 22, 2024
Application for: Minor Variance
File Number: D13-059-2023
Address: 5 York Street
District: District 11- King's Town
Owner: Neil Glenn
Applicant: Neil Glenn

Council Strategic Plan Alignment:

Theme: 1. Support Housing Affordability

Goal: 1.1 Promote increased supply and affordability of housing.

Executive Summary:

This report provides a recommendation to the Committee of Adjustment regarding an application for minor variance for the property located at 5 York Street. The applicant is proposing to construct a covered front porch in the front yard of the subject property. The front wall of the existing house is located approximately 1.76 metres from the front lot line, and therefore the proposed porch is unable to comply with the required 3.5 metre front yard setback for porches. As such, a minor variance is requested to permit the construction of the front porch 0.25 metres from the front lot line.

The requested minor variance is consistent with the general intent and purpose of both the City of Kingston Official Plan and Kingston Zoning By-Law Number 2022-62. The requested minor variance is desirable for the appropriate development or use of the land, building or structure

January 22, 2024

Page 2 of 9

and is minor in nature. As such, the proposed application meets all four tests under Subsection 45(1) of the *Planning Act* and is recommended for approval.

Recommendation:

That minor variance application, File Number D13-059-2023, for the property located at 5 York Street to permit the construction of a front porch, be approved, as described below:

Variance Number 1:

By-Law Number 2022-62: Table 4.20.4.2

Requirement: 3.5 metres

Proposed: 0.25 metres

Variance Requested: 3.25 metres

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-001.

January 22, 2024

Page 3 of 9

Authorizing Signatures:

ORIGINAL SIGNED BY PLANNER

Jacob Slevin, Planner

In Consultation with the following Management of the Growth & Development Services Group:

Tim Park, Director, Planning Services

Meghan Robidoux, Supervisor, Development Approvals

January 22, 2024

Page 4 of 9

Options/Discussion:

On September 25, 2023, a minor variance application was submitted by Neil Glenn, owner of the property located at 5 York Street. The applicant is seeking to construct a covered porch within the front yard of the subject property.

Table 4.20.4 of the Kingston Zoning By-Law establishes setback requirements for decks and porches. As per Table 4.20.4.2, the required front setback for a porch is 3.5 metres from the front lot line. A property survey provided by the applicant (Exhibit F) indicates that the existing house on the subject property is setback only 1.76 metres from the front lot line.

Given the location of the existing house, it is impossible for a front porch to be constructed in compliance with the front setback provisions of Table 4.20.4 of the Kingston Zoning By-Law. As such, the variance is requested to permit the construction of a covered front porch 0.25 metres from the front lot line.

In support of the application, the applicant has submitted the following:

- Survey (Exhibit F)
- Building Plans (Exhibit G)

All submission materials are available online through the Development and Services Hub (DASH) at the following link, [DASH](#), using “Look-up a Specific Address”. If there are multiple addresses, search one address at a time, or submission materials may also be found by searching the file number.

Site Characteristics

The subject property is located at 5 York Street, within the North King’s Town area of Kingston (Exhibit B – Key Map). The subject property is developed as a rowhouse, with an area of 170.79 square metres and approximately 7.3 metres of frontage onto York Street. The property is located within an established residential neighbourhood, adjacent residential uses to the north, east, south, and west. 5 York Street is located in close proximity to public green space and a neighbourhood commercial use. The subject property is approximately 26 metres from McBurney Park and approximately 51 metres from The Store Famous, a local grocery and convenience store (Exhibit C – Neighbourhood Context Map).

The subject property is designated Residential in the Official Plan (Exhibit D – Official Plan Map) and zoned Urban Residential 5 (UR5) in Kingston Zoning By-Law Number 2022-62 (Exhibit E – Zoning By-Law Map).

Provincial Policy Statement

In addition to the four tests of a minor variance detailed below, Subsection 3(5) of the *Planning Act* requires that a decision in respect of the exercise of any authority that affects a planning matter shall be consistent with the Provincial Policy Statement (the PPS). The PPS provides

January 22, 2024

Page 5 of 9

policy direction on matters of provincial interest related to land use planning and development which are complemented by local policies addressing local interests. The application being considered is site specific to accommodate a specific proposal and does not involve any major policy considerations and as such, the proposal conforms to and is consistent with the PPS.

Minor Variance Application

The review of an application for minor variance(s) is not a simple mathematical calculation, but rather a detailed assessment of whether the variance(s) requested, both separately and together, meet the four tests of a minor variance outlined in Subsection 45(1) of the *Planning Act*. The following provides this review:

1) The general intent and purpose of the Official Plan are maintained

The subject property is designated Residential in the City of Kingston Official Plan (Exhibit D – Official Plan Map).

In considering whether this proposed variance is desirable, the Committee of Adjustment will have regard to the nine requirements included in Section 9.5.19 of the Official Plan.

The subject property is located in a Housing District within the Urban Boundary as per Schedule 2 of the Official Plan. Housing Districts are planned to remain stable in accordance with Section 2.6 of the Official Plan. As the requested variance is proposed solely to enable the development of a covered front porch, approval of this application will have no effect on the stability of the surrounding residential neighbourhood.

The proposed development is anticipated to be compatible with all surrounding uses and buildings in the surrounding neighbourhood, in accordance with Section 2.7 of the Official Plan. Many properties in the immediate area are also developed with front porches close to the front lot line, including 3 York Street and 1 York Street, and therefore the construction of the proposed porch at 5 York Street would conform with the existing streetscape. Additionally, the applicant has agreed to construct a privacy fence on the side of the porch closest to 3 York Street in order to mitigate potential privacy concerns.

Nothing in this proposal will inhibit the site in terms of vehicular access, available parking, or accessibility. The subject property is not designated under the *Ontario Heritage Act*, and furthermore, Heritage Planning staff have advised that an archeological assessment is not warranted for this development.

Given that the proposed front porch only requires a variance to reduce the required front setback and complies with all other applicable provisions of the Kingston Zoning By-Law, a minor variance application is considered to be a more appropriate means of addressing this proposal than a zoning by-law amendment application.

January 22, 2024

Page 6 of 9

As many properties in the existing residential neighbourhood are currently developed with reduced front setbacks, approval of this variance is not anticipated to set any undesirable precedents.

Therefore, the proposal meets the intent of the Official Plan, as the proposed covered front porch will not result in any negative impacts to adjacent properties or to the neighbourhood.

2) The general intent and purpose of the Zoning By-Law are maintained

The subject property is zoned UR5 in Kingston Zoning By-Law Number 2022-62 (Exhibit E – Zoning By-Law Map). The UR5 Zone permits a number of residential and non-residential uses. Among residential uses, single-detached houses and residential duplexes are permitted uses.

The subject property is a rowhouse, which is not a permitted use in the UR5 Zone. However, clause 11.6.2(1) of the Kingston Zoning By-Law states a townhouse that existed as of the passing of this By-Law is deemed to be a permitted use in the UR5 Zone. MPAC data indicates that the building was constructed prior to establishment of any Zoning By-Laws in the City of Kingston. As such, the existing rowhouse is a permitted use.

The proposal requires a variance to Table 4.20.4.3, which requires porches to be set back 3.5 metres from the front lot line.

Variance Number 1:

By-Law Number 2022-62: Table 4.20.4.3

Requirement: 3.5 metres

Proposed: 0.25 metres

Variance Requested: 3.25 metres

The intent of Table 4.20.4.3 is to regulate the development of decks and porches in order to ensure that decks and porches are adequately separated from one another and compatible with the character and built form of the surrounding neighbourhood. For the residential area surrounding 5 York Street, many residential properties were developed prior to the enactment of the current Kingston Zoning By-Law. As such, many surrounding residential properties are legal non-complying with respect to required front setbacks.

For instance, 3 York Street and 1 York Street are developed with a front porch with a 0 metre setback from the front lot line. Other nearby properties, such as 400 Barrie Street, 402 Barrie Street, and 406 Barrie Street, are developed with a 0 metre setback from the front lot line. Given that many nearby properties are developed with minimal front setbacks, approval of the requested variance to reduce the required front setback is not anticipated to cause compatibility issues with the surrounding neighbourhood. Engineering staff have reviewed the proposal and no concerns are anticipated in regards to encroachment into the municipal right-of-way. As such, the requested variance maintains the general intent and purpose of the zoning by-law.

January 22, 2024

Page 7 of 9

3) The variance is minor in nature

The variance is considered minor as the proposed porch is anticipated to be compatible with the built form of the surrounding residential neighbourhood. Approval of this variance will not facilitate any additional residential density on the subject property, nor will it substantially increase the floor area of the subject property. A privacy fence is proposed on the deck along the east interior lot line, in compliance with the requirements of the zoning by-law. The requested reduction in the required front yard setback is the only variance needed to facilitate construction of the porch, as the proposal complies with all other relevant provisions of the Kingston Zoning By-Law.

4) The variance is desirable for the appropriate development or use of the land, building or structure

The variance is considered to be desirable as it will increase the usable floor area of the subject property. This will allow for a more efficient use of available land without causing disruption or adverse impacts to the surrounding neighbourhood.

As such, the variance is considered a desirable and appropriate use of the land.

Technical Review: Circulated Departments and Agencies

- | | | |
|---|--|--|
| <input checked="" type="checkbox"/> Building Services | <input checked="" type="checkbox"/> Engineering | <input checked="" type="checkbox"/> Heritage Services |
| <input type="checkbox"/> Finance | <input checked="" type="checkbox"/> Utilities Kingston | <input checked="" type="checkbox"/> Real Estate |
| <input checked="" type="checkbox"/> Fire & Rescue | <input checked="" type="checkbox"/> Kingston Hydro | <input checked="" type="checkbox"/> Environment Division |
| <input checked="" type="checkbox"/> Solid Waste | <input checked="" type="checkbox"/> Parks Development | <input type="checkbox"/> Canadian National Railways |
| <input type="checkbox"/> Housing | <input type="checkbox"/> District Councillor | <input type="checkbox"/> Ministry of Transportation |
| <input type="checkbox"/> KEDCO | <input type="checkbox"/> Municipal Drainage | <input type="checkbox"/> Parks of the St. Lawrence |
| <input type="checkbox"/> CRCA | <input type="checkbox"/> KFL&A Health Unit | <input type="checkbox"/> Trans Northern Pipelines |
| <input type="checkbox"/> Parks Canada | <input type="checkbox"/> Eastern Ontario Power | <input type="checkbox"/> CFB Kingston |
| <input type="checkbox"/> Hydro One | <input type="checkbox"/> Enbridge Pipelines | <input type="checkbox"/> TransCanada Pipelines |
| <input type="checkbox"/> Kingston Airport | | |

Technical Comments

This application was circulated to external agencies and internal departments for their review and comment and there were no comments or concerns raised that would preclude this application from moving forward. Any technical comments that are received after the publishing of this report will be included as an addendum to the Committee of Adjustment Agenda.

Public Comments

At the time this report was finalized, no public comments have been received. Any public comments received after the publishing of this report will be included as an addendum to the Committee of Adjustment Agenda.

January 22, 2024

Page 8 of 9

Previous or Concurrent Applications

There are no concurrent or relevant historic planning applications on the subject property.

Conclusion

The requested variance maintains the general intent and purpose of both the City of Kingston Official Plan and Kingston Zoning By-Law Number 2022-62. The proposal is desirable for the appropriate development or use of the land, building or structure and the requested variance is minor in nature. As such, the proposed application meets all four tests under Subsection 45(1) of the *Planning Act* and the application is being recommended for approval, subject to the proposed conditions.

Approval of this application will enable the construction of a covered front porch 0.25 metres from the front lot line.

Existing Policy/By-Law:

The proposed application was reviewed against the policies of the Province of Ontario and City of Kingston to ensure that the changes would be consistent with the Province’s and the City’s vision of development. The following documents were assessed:

Provincial

Provincial Policy Statement, 2020

Municipal

City of Kingston Official Plan

Kingston Zoning By-Law Number 2022-62

Notice Provisions:

A Committee of Adjustment Meeting is going to be held respecting this application on December 11, 2023 Pursuant to the requirements of the *Planning Act*, a notice of Statutory Public Meeting was provided by advertisement in the form of signs posted on the subject site 10 days in advance of the meeting. In addition, notices were sent by mail to a total number of 57 property owners (according to the latest Assessment Roll) within 60 metres of the subject property and a courtesy notice was placed in The Kingston Whig-Standard (Exhibit H – Public Notification Map).

Once a decision has been rendered by the Committee of Adjustment, a Notice of Decision will be circulated in accordance with the provisions of the *Planning Act*.

January 22, 2024

Page 9 of 9

Accessibility Considerations:

None

Financial Considerations:

None

Contacts:

Meghan Robidoux, Supervisor, Development Approvals, 613-546-4291 extension 1256

Jacob Slevin, Planner, 613-546-4291 extension 2176

Other City of Kingston Staff Consulted:

None

Exhibits Attached:

- Exhibit A Recommended Conditions
- Exhibit B Key Map
- Exhibit C Neighbourhood Context Map (2023)
- Exhibit D Official Plan Map
- Exhibit E Zoning By-Law Map
- Exhibit F Survey
- Exhibit G Building Plans
- Exhibit H Site Photos
- Exhibit I Public Notification Map
- Exhibit J Plot Plan

Recommended Conditions

The approval of minor variance application, File Number D13-059-2023, to reduce the required front setback for a front porch, shall be subject to the following recommended conditions:

1. Limitation

That the approved minor variance applies only to front porch as shown on the approved drawings attached to the notice of decision.

2. No Adverse Impacts

The owner/applicant shall demonstrate to the satisfaction of the City that there are no adverse impacts on neighbouring properties as a result of any modifications to on-site grading or drainage.

3. Building Permit Application Requirements

The owner/applicant shall provide to the Building Services a copy of the decision of the Committee of Adjustment, together with a copy of the approved drawings, when they make application for a Building Permit.

The drawings submitted with the Building Permit application must, in the opinion of the City, conform to the general intent and description of the approved drawing(s), including any amendments and conditions approved by the Committee of Adjustment, as stated in the decision. It must be noted that additional planning approvals may be required should further zoning deficiencies be identified through the Building Permit application process.

4. Standard Archaeological Condition


In the event that deeply buried or previously undiscovered archaeological deposits are discovered in the course of development or site alteration, all work must immediately cease and the site must be secured. The Archaeology Program Unit of the Ministry of Citizenship and Multiculturalism (archaeology@ontario.ca) and City of Kingston's Planning Services (613-546-4291, extension 3180) must be immediately contacted.

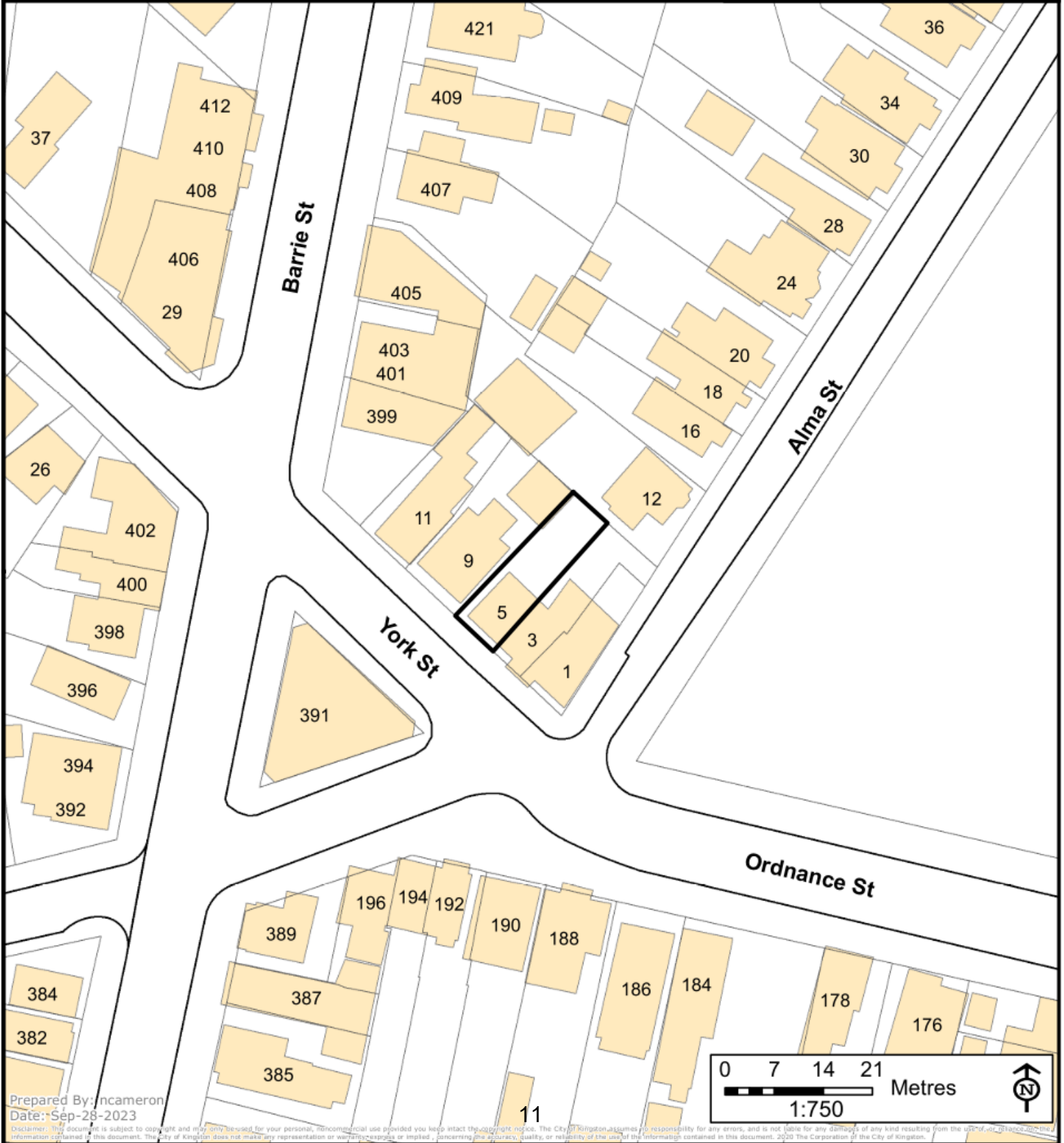
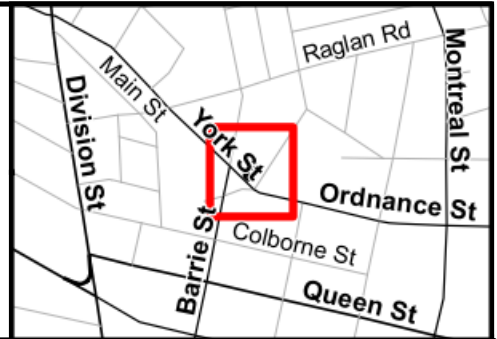
In the event that human remains are encountered, all work must immediately cease and the site must be secured. The Kingston Police (613-549-4660), the Office of the Chief Coroner as a part of the Ontario Ministry of the Solicitor General (1-877-991-9959), the Archaeology Program Unit of the Ministry of Citizenship and Multiculturalism (archaeology@ontario.ca), and City of Kingston's Planning Services (613-546-4291, extension 3180) must be immediately contacted.



Committee of Adjustment Key Map

Address: 5 York St.
File Number: D13-059-2023

 Lands Subject to Minor Variance





Committee of Adjustment Neighbourhood Context (2023)

Address: 5 York St.
File Number: D13-059-2023

- Subject Lands
- Property Boundaries
- Proposed Parcels



Prepared By: ncameron
Date: Sep-28-2023

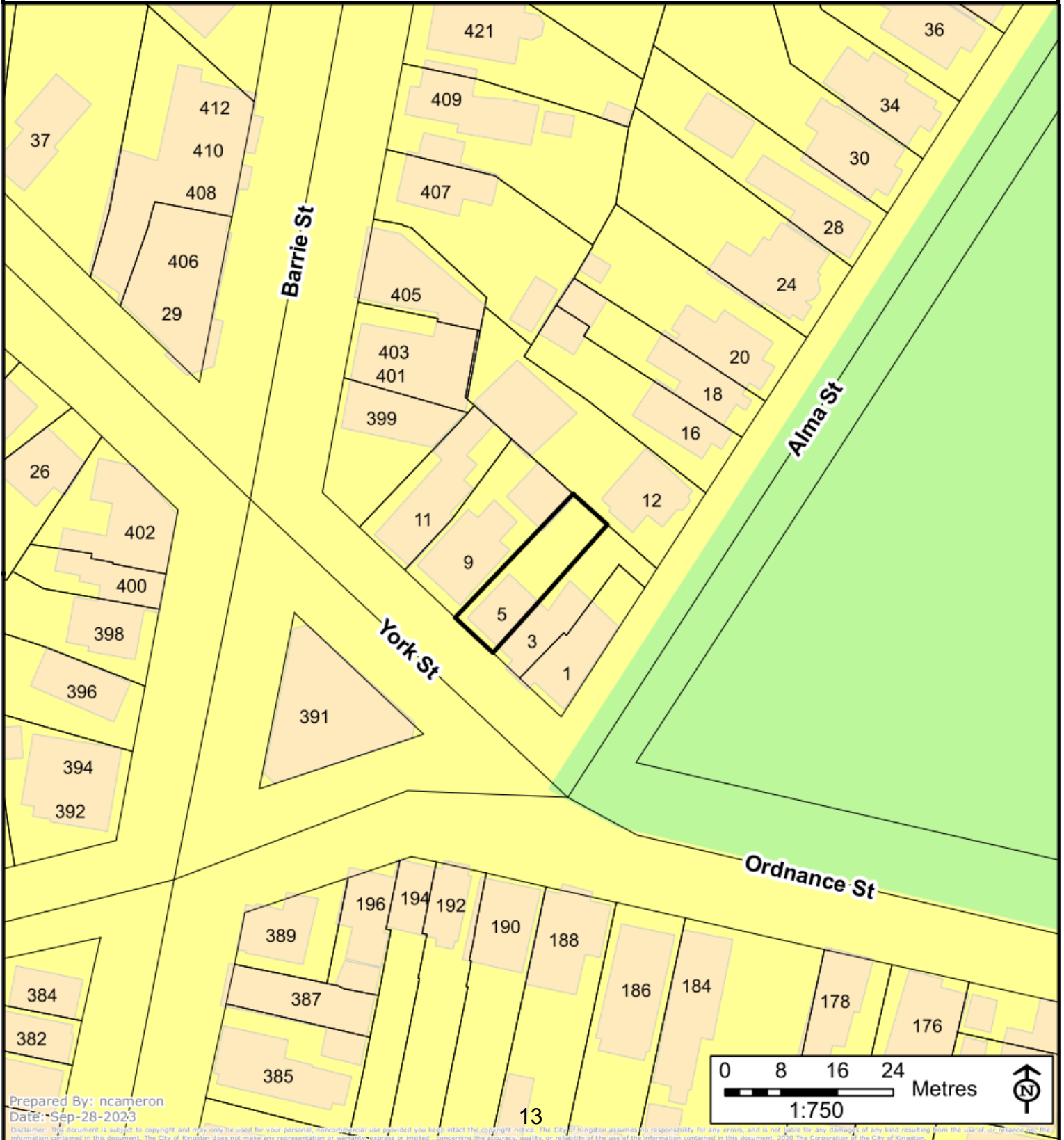
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Committee of Adjustment Official Plan, Existing Land Use

Address: 5 York St.
File Number: D13-059-2023

- Subject Lands
- OPEN SPACE
- RESIDENTIAL



Prepared By: ncameron
Date: Sep-28-2023

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Planning Committee
Existing Zoning
Kingston Zoning By-Law 2022-62

Planning Services

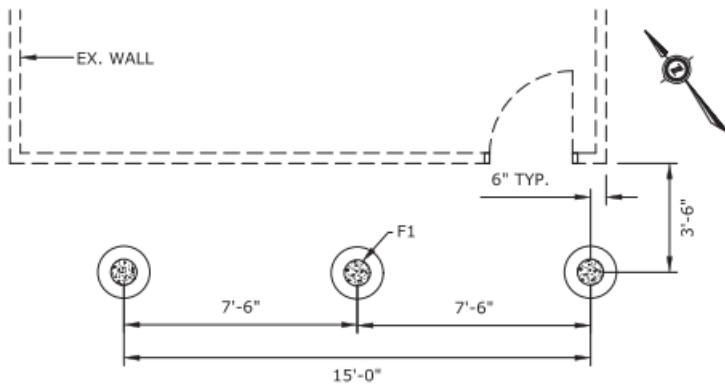
Address: 5 York St.
File Number: D13-059-2023

- Subject Lands
- Schedule 1 Zoning Map
- Zone
- Not Subject to the Kingston Zoning By-law
- Schedule E - Exception Overlay
- Legacy Exceptions (LXXX)
- Exceptions (EXXX)
- Schedule F - Holding Overlay
- Holding Overlay (HXXX)

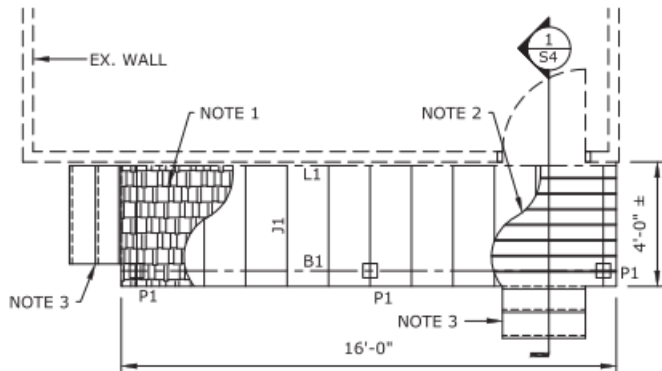


Prepared By: ncameron
Date: Sep-28-2023

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PORCH FOOTING PLAN
SCALE: 1/4" = 1'-0"



PORCH FRAMING PLAN
SCALE: 1/4" = 1'-0"

- NOTE 1: ROOF FRAMING OVER.
1/2" PLYWOOD SHEATHING. ASPHALT SHINGLES OR STEEL ROOFING TO SUIT OWNERS SPECIFICATIONS.
- NOTE 2: DECK FRAMING BELOW.
2x6 P.T. JOISTS @ 16" O/C. 5/4 P.T. DECK BOARDS OR COMPOSITE DECKING.
- NOTE 3: MIN. 36" WIDE x 2 RISER STAIRS. REFER TO TYPICAL DETAIL.

GENERAL NOTES

1. COMPLY WITH ALL REQUIREMENTS OF THE OCCUPATIONAL HEALTH AND SAFETY ACT DURING CONSTRUCTION, INCLUDING ANY TEMPORARY WORKS.
2. DO NOT SCALE DRAWINGS.
3. THE CONTRACTOR IS TO FIELD VERIFY ALL DIMENSIONS & SITE CONDITIONS BEFORE STARTING CONSTRUCTION. IF DISCREPANCIES ARE FOUND, NOTIFY THE ENGINEER BEFORE CONTINUING WITH THE WORK.
4. THE OWNER IS RESPONSIBLE FOR OBTAINING BUILDING PERMITS PRIOR TO START OF CONSTRUCTION.

EXCAVATION AND BACKFILL NOTES

1. EXCAVATE ALL ORGANIC FILL, DEBRIS OR FOREIGN MATERIAL TO UNDISTURBED SUB-GRADE.
2. REMOVE ANY DELETERIOUS MATERIAL FROM SUB-GRADE.
3. FINISHED SITE GRADING TO PROVIDE POSITIVE DRAINAGE AWAY FROM THE BUILDING. DIRECT ALL DOWNSPOUTS AND OVERLAND FLOW AWAY FROM BUILDING.

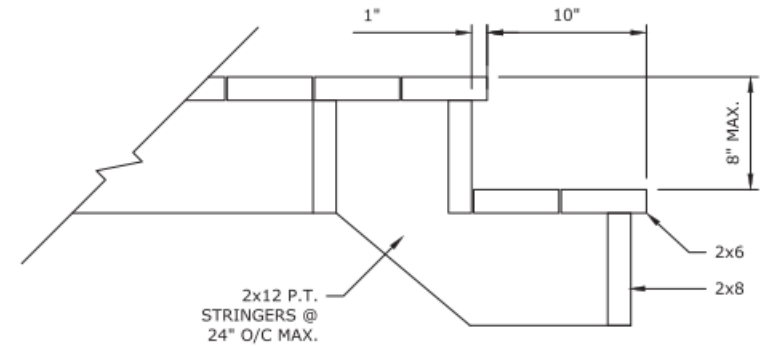
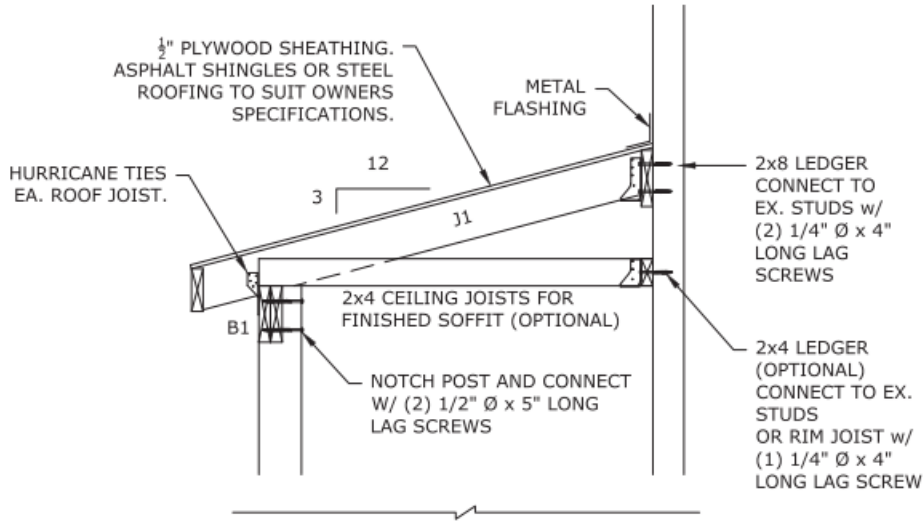
CONCRETE & REINFORCING NOTES

1. PROTECT CONCRETE FROM HOT, COLD AND WET WEATHER DURING CONSTRUCTION.
2. CONCRETE FOR FOOTINGS TO BE MINIMUM 20 MPA. CONCRETE EXPOSED TO FREEZING AND THAWING SHALL HAVE 4% TO 7% AIR ENTRAINMENT.
3. ALL REINFORCING SHALL HAVE A MINIMUM YIELD STRENGTH OF 400 MPa.
4. ALL CONTINUOUS REINFORCING TO BE LAPPED A MINIMUM OF 24" AT SPLICES.
5. UNLESS NOTED OTHERWISE, ALL REINFORCING TO HAVE 2" CONCRETE COVER WHERE CAST AGAINST FORMWORK AND 3" COVER WHERE CAST AGAINST SUBGRADE.

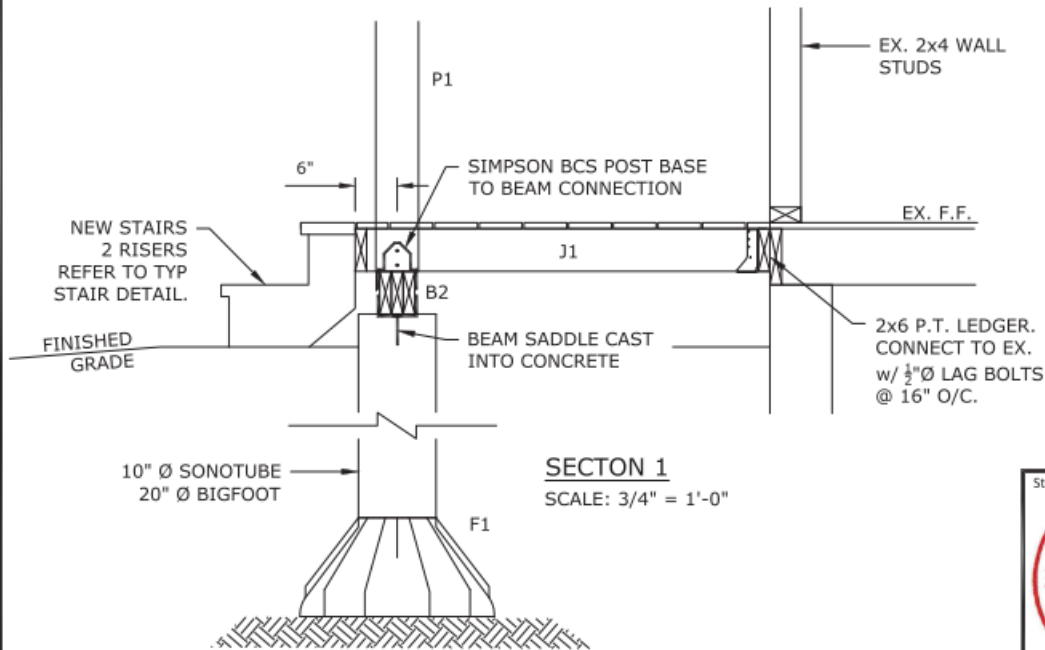
WOOD & FRAMING NOTES

1. LUMBER FOR JOISTS, RAFTERS, TRUSSES, BEAMS, STUD WALL FRAMING SHALL BE SPF NO.2 OR BETTER.
2. WOOD-BASED PANELS FOR ROOF SHEATHING TO CSA O437.0, "OSB AND WAFERBOARD" 0-1 GRADE.
3. MOISTURE CONTENT OF LUMBER SHALL BE NOT MORE THAN 19% AT THE TIME OF INSTALLATION.
4. NAILS SHALL BE COMMON STEEL WIRE NAILS OR COMMON SPIRAL NAILS, CONFORMING TO CSA B111, "WIRE NAILS, SPIKES AND STAPLES". ALL NAILS SHALL BE LONG ENOUGH SO THAT NOT LESS THAN HALF THEIR REQUIRED LENGTH PENETRATES INTO THE SECOND MEMBER.
5. ALL WOOD FRAME NAILING TO COMPLY TO ONTARIO BUILDING CODE TABLE 9.23.3.4
6. NAIL SHALL BE ZINC COATED CONFORMING TO CSA B111.
7. ALL NAILS AND FASTENERS IN CONTACT WITH PRESSURE TREATED WOOD SHALL BE GALVANIZED OR OTHER SUITABLE MEANS OF CORROSION PROTECTION SUITABLE FOR CONTACT WITH PRESSURE TREATED WOOD.
8. DELIVER, STORE AND HANDLE MATERIALS IN ACCORDANCE WITH MANUFACTURER'S WRITTEN INSTRUCTIONS.
9. ALL WOOD MEMBERS EXPOSED TO EXTERIOR CONDITIONS OR IN CONTACT WITH CONCRETE TO BE PRESSURE-TREATED LUMBER OR EQUIVALENT MEANS OF PROTECTION FROM THE EXTERIOR CONDITIONS.
10. ALL BUILT UP BEAMS TO CONFORM TO 9.23.8.3. OF THE OBC.
11. ALL BUILT UP BEAMS TO BE NAILED WITH A MINIMUM OF 2 ROWS OF 10D COMMON NAILS @ 6" O/C SPACING. 3 PLY BEAMS SHALL BE NAILED FROM BOTH SIDES.
12. FLUSH BEAMS: ALL JOISTS AND BEAMS FRAMING INTO FLUSH BEAMS SHALL BE CONNECTED WITH APPROPRIATE FACE MOUNTED HANGERS.

Stamp: 	 3345 Silverwood Dr., Inverary, ON K0H 1X0 Tel: 613-961-5634	Client: NEIL GLENN 5 YORK ST. KINGSTON, ON.	Project Number: 22076
		Drawing Title: FRONT PORCH PLAN	Drawing Number: S4
Drawn by: JKA	Scale: As Noted	0 ISSUED FOR PERMIT	APR 13/23
Checked By: JKA	Date: APR 2023	No. Revision / Issue	Date



TYP STAIR DETAILS



SECTION 1
SCALE: 3/4" = 1'-0"

	 3345 Silverwood Dr., Inverary, ON K0H 1X0 Tel: 613-561-5634	Client:	NEIL GLENN 5 YORK ST. KINGSTON, ON.	Project Number:	22076
		Drawing Title:	FRONT PORCH SECTIONS	Drawing Number:	S5
Drawn by:	JKA	Scale:	As Noted		
Checked By:	JKA	Date:	APR 2023	0 ISSUED FOR PERMIT	APR 13/23
		No.	Revision / Issue	Date	



Figure 1: North-west facing view of the rowhouse at 5 York Street. A covered porch is proposed to extend outwards from the existing front wall.



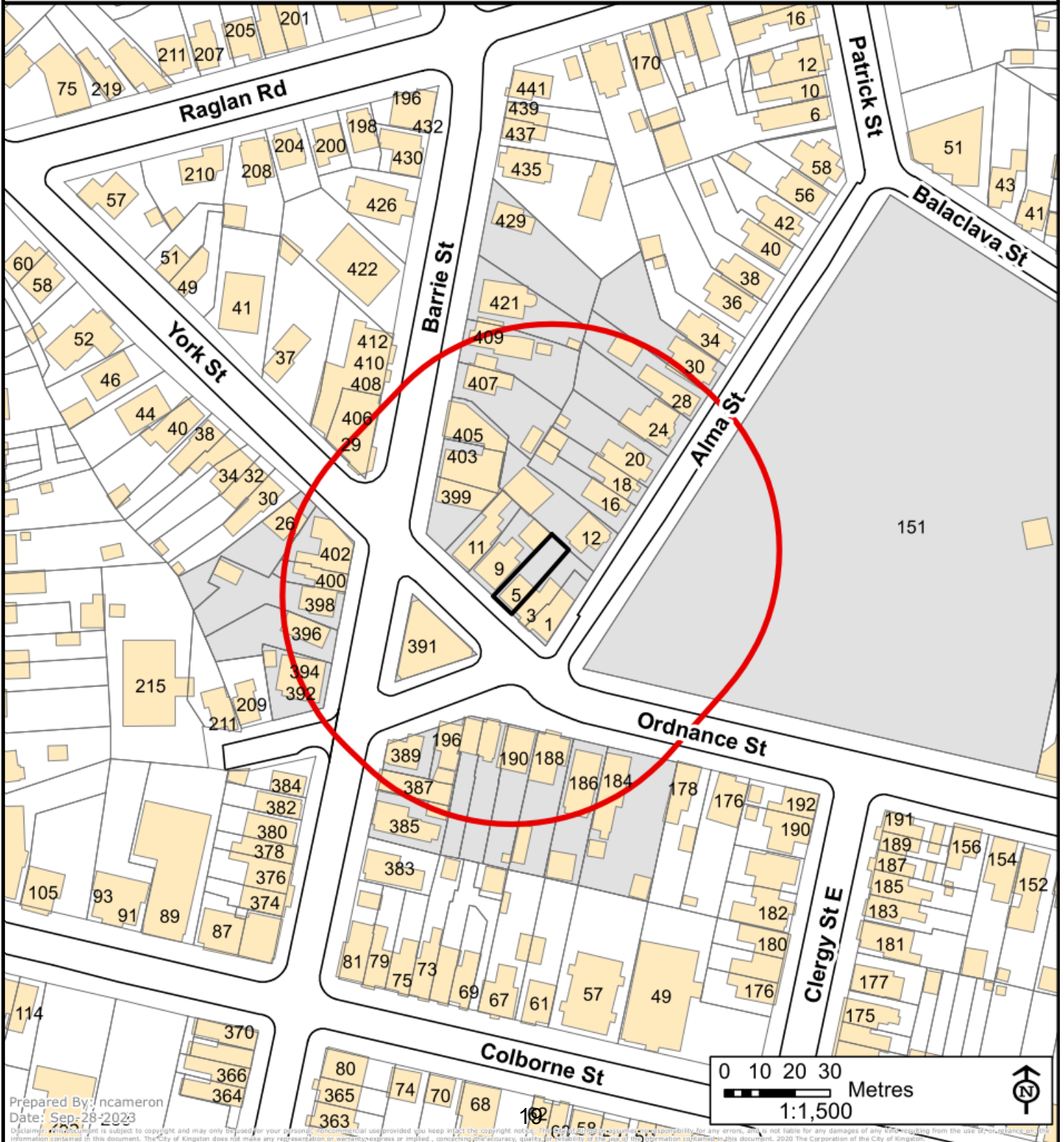
Figure 2: North-east facing view of the front entrance. The proposed porch at 5 York Street would project outwards a similar distance to the existing porch in front of the adjacent rowhouses 3 York Street and 1 York Street.



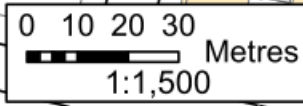
Committee of Adjustment Public Notice Notification Map

Address: 5 York St.
File Number: D13-059-2023

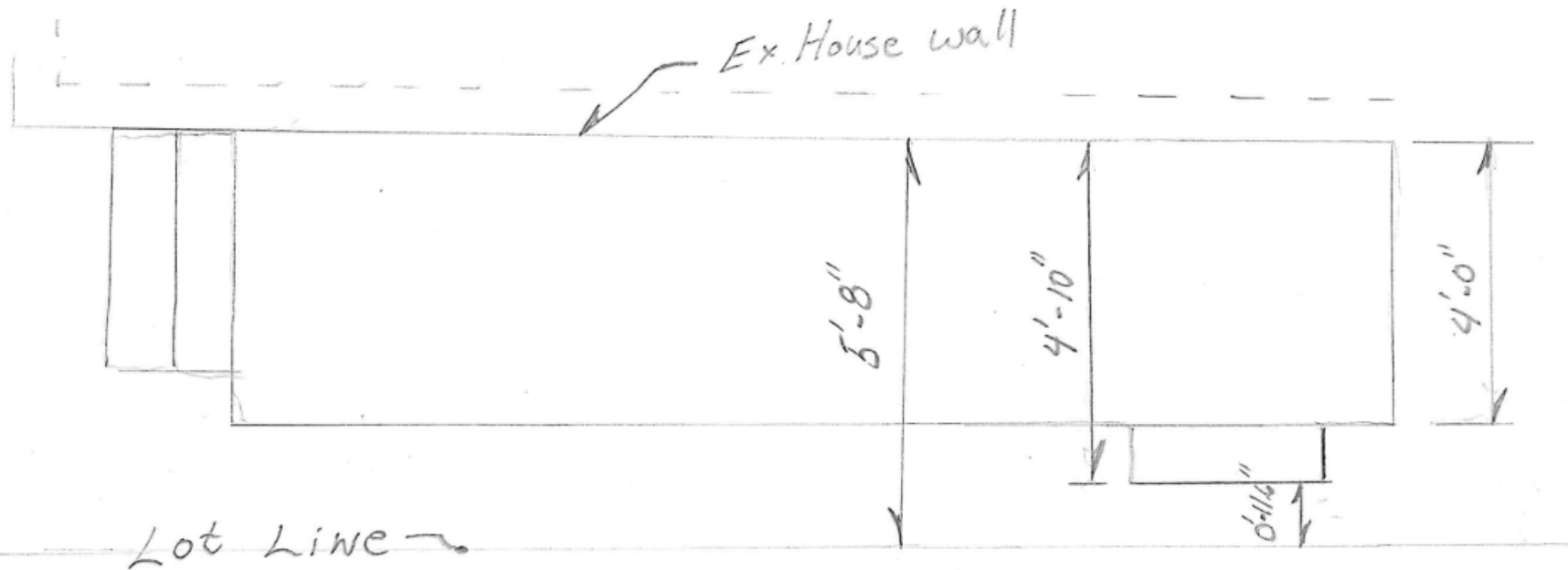
- 60m Public Notification Boundary
- Subject Lands
- Property Boundaries
- 38 Properties in Receipt of Notice (MPAC)



Prepared By: ncameron
Date: Sep-28-2023



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5 York St.
Neil Glenn



**City of Kingston
Report to Committee of Adjustment
Report Number COA-24-018**

To: Chair and Members of the Committee of Adjustment
From: Jacob Slevin, Planner
Date of Meeting: January 22, 2024
Application for: Minor Variance
File Number: D13-059-2023
Address: 5 York Street
District: District 11 – King’s Town
Owner: Neil Glenn
Applicant: Neil Glenn

Council Strategic Plan Alignment:

Theme: Policies & by-laws

Goal: See above

Executive Summary:

This Supplemental Report provides a recommendation for a Minor Variance to facilitate the construction of a front porch at 5 York Street. The applicant is proposing to establish a covered front porch in front of the existing rowhouse at 5 York Street. Previously, the applicant applied for a variance to reduce the required front setback for a porch which is described in [Report Number COA-24-001](#) (Exhibit A) and included on the agenda for the December 11th, 2023 Committee of Adjustment meeting.

This Supplemental Report provides a recommendation for an additional minor variance to permit the porch to be built 0 metres from the shared lot line with 3 York Street without providing a 1.5 metre tall common privacy fence.

January 22, 2024

Page 2 of 9

For residential dwellings which share a common party wall with the neighbouring dwelling, the Kingston Zoning By-law permits a porch or deck to be developed with a 0 metre interior setback, on the condition that a 1.5 metre tall privacy fence is established between the porch and the adjacent dwelling. However, following public notice being issued for the December 11th, 2023 meeting, the applicant and City staff received public feedback from a neighbouring property indicating that the required privacy fence is neither necessary nor desirable in this specific neighbourhood context.

Upon review of this public feedback, the applicant has revised their building plans and now intends to construct a front porch without the privacy fence component. In order to facilitate the development of the porch without the privacy fence, a minor variance to reduce the interior setback is required.

As such, staff have prepared this Supplemental Report which recommends approval for both the initially requested variance to reduce the required front setback, and the recently requested variance to permit the construction of the front porch 0 metres from the interior lot line without requiring a privacy fence.

The requested minor variances are consistent with the general intent and purpose of both the City of Kingston Official Plan and Kingston Zoning By-Law Number 2022-62. The requested minor variances are desirable for the appropriate development or use of the land, building or structure and is minor in nature. As such, the proposed application meets all four tests under Subsection 45(1) of the Planning Act and is recommended for approval.

Recommendation:

That minor variance application, File Number D13-059-2023, for the property located at 5 York Street to facilitate the construction of a front porch, be approved, as described below:

Variance Number 1:

By-Law Number 2022-62: Table 4.20.4.2

Requirement: 3.5 metres

Proposed: 0.25 metres

Variance Requested: 3.25 metres

Variance Number 2:

By-Law Number 2022-62: Table 4.20.4.3(a)

Requirement: 0.6 metres, except along a common party wall where it may be 0.0 metres if there is a common privacy fence a minimum of 1.5 metres tall

Proposed: 0.0 metres without a 1.5 metre tall common privacy fence

Variance Requested: 1.5 metre tall common privacy fence; and

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-001.

January 22, 2024

Page 3 of 9

Authorizing Signatures:

ORIGINAL SIGNED BY PLANNER

Jacob Slevin, Planner

In Consultation with the following Management of the Growth & Development Services Group:

Tim Park, Director, Planning Services

Meghan Robidoux, Supervisor, Development Approvals

January 22, 2024

Page 4 of 9

Options/Discussion:

On September 25, 2023, a minor variance application was submitted by Neil Glenn, owner of the property located at 5 York Street. Initially, the applicant requested a minor variance to enable the development of a covered front porch by reducing the required front setback. The details of this variance have been previously outlined in [Report Number COA-24-001](#) (Exhibit A) and included on the agenda for the December 11th, 2023 Committee of Adjustment meeting.

The covered porch proposed by the applicant contemplates a 0 metre interior setback from the shared property line with 3 York Street, the adjacent rowhouse. For residential dwellings which share a common party wall with the neighbouring dwelling, the Kingston Zoning By-law permits a porch or deck to be developed with a 0 metre interior setback, on the condition that a 1.5 metre tall privacy fence is established between the porch and the adjacent dwelling. In order to maximize compliance with the Kingston Zoning By-law and to minimize privacy concerns for the adjacent dwelling, the applicant initially planned to develop the privacy fence in accordance with the zoning requirements.

Following public notice being issued for the December 11th, 2023 meeting, the applicant and City staff received feedback from the resident of 3 York Street stating that the required privacy fence is neither necessary nor desirable in this specific neighbourhood context. The neighbouring dwelling at 3 York Street shares a common party wall with 5 York Street, and the initially proposed privacy fence would have the effect of providing screening between those two properties.

Upon review of this public feedback, the applicant has revised their building plans and now intends to construct a front porch without the privacy fence component. In order to facilitate the development of the porch without the privacy fence, a minor variance to reduce the interior setback is required.

As such, staff have prepared this Supplemental Report which recommends approval for both the initially requested variance to reduce the required front setback, and the recently requested variance to permit the construction of the front porch 0 metres from the interior lot line without requiring a privacy fence.

In support of the application, the applicant has submitted the following:

- Site Plan (Exhibit J of [Report Number COA-24-001](#))

All submission materials are available online through the Development and Services Hub (DASH) at the following link, [DASH](#), using "Look-up a Specific Address". If there are multiple addresses, search one address at a time, or submission materials may also be found by searching the file number.

January 22, 2024

Page 5 of 9

Site Characteristics

No changes are proposed through this report that impact the previously described site characteristics. Please refer to Exhibit A – [Report Number COA-24-001](#) for details.

Provincial Policy Statement

No changes are proposed through this report that impact the Provincial Policy Statement. Please refer to Exhibit A – [Report Number COA-24-001](#) for details.

Minor Variance Application

The review of an application for minor variance is not a simple mathematical calculation, but rather a detailed assessment of whether the variance requested, both separately and together, meet the four tests of a minor variance outlined in Subsection 45(1) of the *Planning Act*. The following provides this review:

1) The general intent and purpose of the Official Plan are maintained

The subject property is designated Residential in the City of Kingston Official Plan.

In considering whether this proposed variance is desirable, the Committee of Adjustment will have regard to the nine requirements included in Section 9.5.19 of the Official Plan.

The subject property is located in a Housing District within the Urban Boundary as per Schedule 2 of the Official Plan. Nothing in this proposal shall facilitate any residential development or increase residential density in any way. This application will have no effect on the stability of the surrounding neighbourhood.

The built form of the proposed front porch will be in keeping with the character of the surrounding residential properties. Numerous adjacent properties, including 1 York Street, 3 York Street, 9 York Street, and 11 York Street, are developed with front porches. None of these porches developed on nearby properties have a privacy fence component in the front yard. As none of these porches on nearby properties have privacy fences, the proposal to remove the privacy fence requirement from the proposed porch at 5 York Street will increase the porch's compatibility with the built form of the surrounding area.

Nothing in this proposal will inhibit the site in terms of vehicular access, available parking, or accessibility. No impacts to built heritage or archeological resources are anticipated.

Given the small scale of the development proposed and the adherence to the intent of the Kingston Zoning By-law, a minor variance application is considered to be a more appropriate means of addressing this proposal than a zoning by-law amendment application.

January 22, 2024

Page 6 of 9

Recommended conditions are listed in “Exhibit A - Recommended Conditions”, attached to [Report Number COA-24-001 \(Exhibit A\)](#). Conditions may be added, altered or removed at the Committee’s discretion.

Considering that many porches in the surrounding area already lack privacy fences, approval of this variance will not set an undesirable precedent.

The proposal meets the intent of the Official Plan, as the proposed construction of a front porch without a privacy fence will not result in any negative impacts to adjacent properties or to the neighbourhood.

2) The general intent and purpose of the Zoning By-Law are maintained

The subject property is zoned UR5 in Kingston Zoning By-Law Number 2022-62

The proposal requires a variance to Table 4.20.4.3(a), as follows:

Variance Number 2:

By-Law Number 2022-62: Table 4.20.4.3(a)

Requirement:	0.6 metres, except along a common party wall where it may be 0.0 metres if there is a common privacy fence a minimum of 1.5 metres tall
Proposed:	0.0 metres without a 1.5 metre tall common privacy fence
Variance Requested:	1.5 metre tall common privacy fence;

The intent of Table 4.20.4.3(a) is to ensure a consistent pattern of development for porches, while also ensuring that porches are adequately separated from each other. Where a property is developed as a semi-detached house or a townhouse, the Kingston Zoning By-law permits a 0 metre interior setback if a 1.5 metre tall privacy fence is provided. If this privacy fence is not provided, the minimum interior setback is 0.6 metres.

By permitting a 0 metre setback for dwellings which share a common party wall, the Kingston Zoning By-law acknowledges that a setback greater than 0 metres may not be possible for dwellings such as townhouses. The intention of the privacy fence provision is to mitigate potential privacy concerns that may arise from the construction of a porch 0 metres from the interior lot line. The privacy fence provision ensures that where a porch is built with a 0 metre interior setback, any residents of the adjacent property will be adequately screened from the neighbouring porch.

In the specific case of 5 York Street, the resident of 3 York Street has advised staff that they are opposed to the requirement for a privacy fence. Considering that the intent of the privacy fence provision in the By-law is to respect the concerns of neighbouring residents, and that the neighbouring resident at 3 York Street has explicitly confirmed that they would prefer the porch without a privacy fence, the requested variance meets the intent of the By-law in the sense that it respects the concerns of the neighbouring resident.

January 22, 2024

Page 7 of 9

In terms of encouraging a consistent pattern of development, the proposal to remove the privacy fence component of the porch will enhance the porch's visual compatibility with the built form of the surrounding area. 1 York Street, 3 York Street, 9 York Street, and 11 York Street are each developed with front porches that do not include privacy fences. The removal of the requirement for a privacy fence will make the proposed porch at 5 York Street more consistent with the neighbouring properties than it would have been otherwise.

As the requested variance is mindful of the perspective of the residents in the adjacent rowhouse and will ensure greater compatibility with the built form of the surrounding area, the requested variance maintains the general intent and purpose of the zoning by-law.

3) The variance is minor in nature

The variance is considered minor as no changes to the proposed covered porch are contemplated other than the removal of the privacy fence component. The Kingston Zoning By-law already contemplates interior setbacks of 0 metres for dwellings with common party walls. The sole purpose of the proposed variance is to enable this same 0 metre setback without a privacy fence, which is consistent with the design of front porches on adjacent properties.

4) The variance is desirable for the appropriate development or use of the land, building or structure

The proposed variance is desirable for the subject property as it will enable the porch to be built in a manner that is more consistent with the surrounding built form of the established residential neighbourhood. As the resident of the adjacent rowhouse has advised that the privacy fence is not desirable in this neighbourhood context, no adverse impacts to adjacent properties are anticipated. As such, the variance is a desirable and appropriate use of the land.

Public Comments

In advance of the Committee of Adjustment meeting of December 11th, 2023, two pieces of correspondence were received from members of the public (Exhibit C – Public Comments).

The first piece of correspondence requested clarification on several issues, including the design of the porch, compatibility of the porch with other neighbouring properties, snow storage, sightlines to York Street, and green space. In response to this inquiry, Planning staff clarified that the porch will be in keeping with the design of other porches in the area, that there will be available space on the property for snow storage, that sightlines will not be obstructed, and that 5 York will continue to meet zoning requirements for landscaped open space.

The second piece of correspondence objected to the inclusion of a privacy fence as part of the proposed front porch. Based on this feedback and further discussion with the applicant, an additional minor variance was requested by the applicant to permit the construction of the proposed porch without a privacy fence, as detailed in this Supplemental Report.

January 22, 2024

Page 8 of 9

Any additional public comments received after the publishing of this report will be included as an addendum to the Committee of Adjustment Agenda.

Previous or Concurrent Applications

There are no concurrent or relevant historic planning applications on the subject property.

Conclusion

The requested variance maintains the general intent and purpose of both the City of Kingston Official Plan and Kingston Zoning By-Law Number 2022-62. The proposal is desirable for the appropriate development or use of the land, building or structure and the requested variance is minor in nature. As such, the proposed application meets all four tests under Subsection 45(1) of the *Planning Act* and the application is being recommended for approval, subject to the proposed conditions.

Approval of this application will allow the construction of the front porch at 5 York Street to be set 0 metres from the shared lot line with 3 York Street without providing a privacy fence.

Existing Policy/By-Law:

Please refer to Report Number COA-24-001

Notice Provisions:

A Committee of Adjustment Meeting is going to be held respecting this application on January 22, 2024 Pursuant to the requirements of the *Planning Act*, a notice of Statutory Public Meeting was provided by advertisement in the form of signs posted on the subject site 10 days in advance of the meeting. In addition, notices were sent by mail to a total number of 57 property owners (according to the latest Assessment Roll) within 60 metres of the subject property and a courtesy notice was placed in The Kingston Whig-Standard (Exhibit B – Public Notification Map).

Once a decision has been rendered by the Committee of Adjustment, a Notice of Decision will be circulated in accordance with the provisions of the *Planning Act*.

Accessibility Considerations:

None

Financial Considerations:

None

Contacts:

Meghan Robidoux, Supervisor, Development Approvals, 613-546-4291 extension 1256

January 22, 2024

Page 9 of 9

Jacob Slevin, Planner, 613-546-4291 extension 2176

Other City of Kingston Staff Consulted:

None

Exhibits Attached:

Exhibit A [Report Number COA-24-001](#)

Exhibit B Public Notification Map

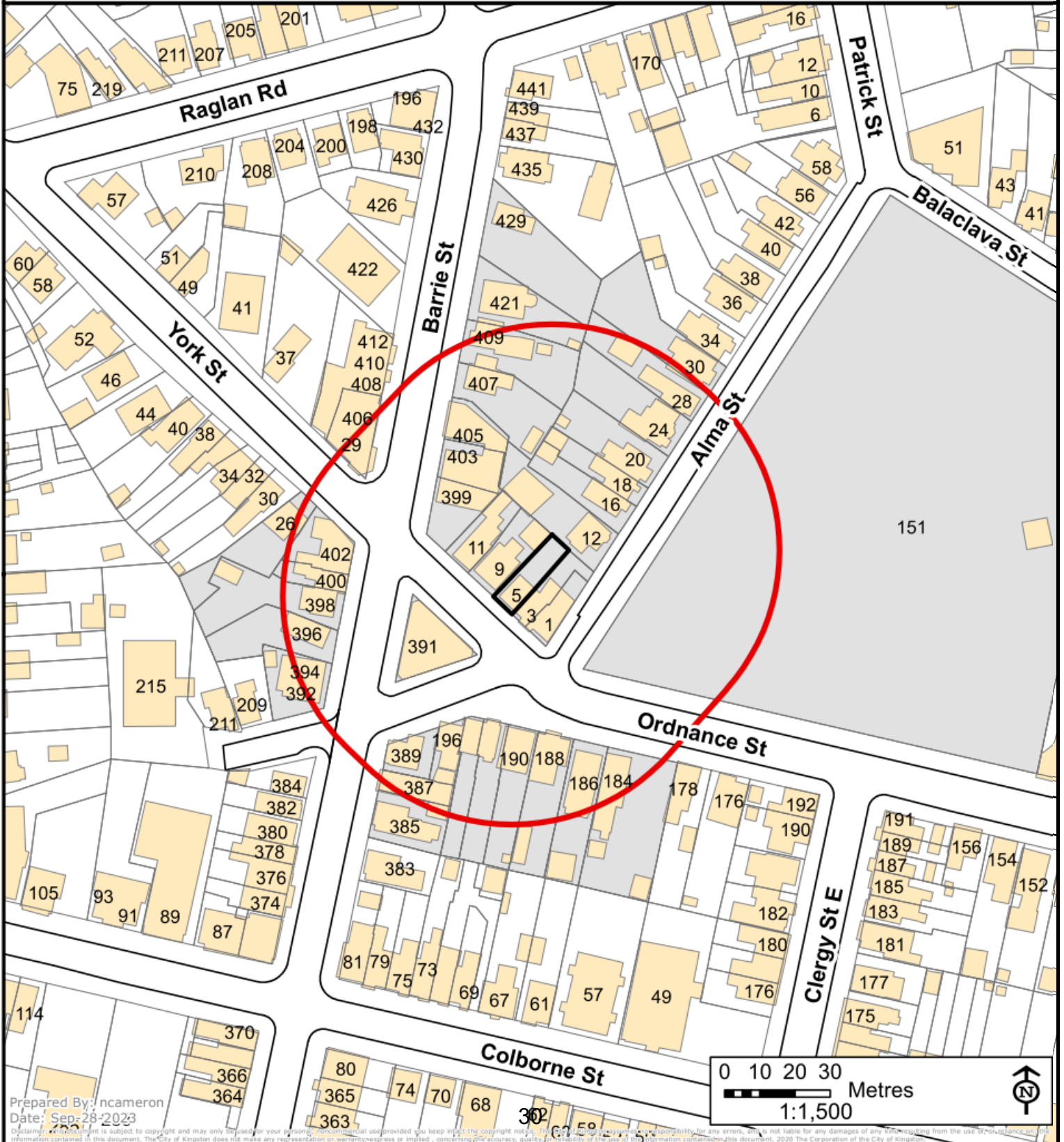
Exhibit C Public Comments



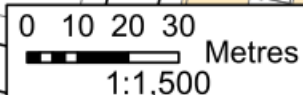
Committee of Adjustment Public Notice Notification Map

Address: 5 York St.
File Number: D13-059-2023

- 60m Public Notification Boundary
- Subject Lands
- Property Boundaries
- 38 Properties in Receipt of Notice (MPAC)



Prepared By: ncameron
Date: Sep-28-2023



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Slevin, Jacob

From: Slevin, Jacob <jslevin@cityofkingston.ca>
Sent: December 11, 2023 11:07 AM
To: [REDACTED]
Cc: [REDACTED]
Subject: Re: Minor Variance, File No. D13-059-2023

Good Morning Jill,

Thank you for reaching out regarding the Minor Variance application for 5 York Street. As the Planner assigned to this application, I will do my best to answer each of your questions.

You are welcome to attend tonight's Committee of Adjustment meeting in person or virtually if you have concerns or would like to pose any questions to City staff or the applicant.

Please note that our correspondence will be sent to the Committee of Adjustment and added to the public record. Your personal contact information will be redacted.

I've provided my answers below:

1. The proposed porch will be covered with a roof. It will not be enclosed with walls or windows. There will be a privacy fence on the shared property line with 3 York Street to add visual screening for privacy purposes.
2. The existing porches for 3 York Street and 1 York Street appear to extend approximately 1.3 metres from the front wall of the building and occupy approximately 6 square metres of area. The proposed porch for 5 York Street will extend 1.2 metres from the front wall and occupy approximately 6 square metres of area. As such, the proposed porch for 5 York Street will be aligned with the existing porches at 3 York Street and 1 York Street in terms of area and projection outwards from the front wall.

Based on the applicant's building plans, the porch will not be as wide as the house itself and will be consistent with the size of other existing front porches in the surrounding area, including the porches at 3 York Street and 1 York Street.

3. The area in front of the proposed porch at 5 York Street and portions of the rear yard of 5 York Street appear to be suitable for snow storage during the winter.

4. The proposed covered porch ends approximately 1.2 metres before the beginning of the shared driveway with 9 York Street. This provides an open sightline to York Street. Through the Minor Variance process, Planning staff have worked with the applicant to ensure that the porch will not encroach onto City property, which would have the effect of obscuring sightlines from the driveway to York Street. Staff have confirmed that no encroachment will occur as a result of this application.

5. As per Section 3.12.3 of the Kingston Zoning By-law, porches without a perimeter foundation are considered to be landscaped open space for zoning purposes. The proposed porch for 5 York Street would not have a perimeter foundation.

As such, the addition of this front porch would not affect the zoning requirements for the required amount of landscaped open space for 5 York Street. The section of green space in front of 5 York Street which is City property cannot be encroached upon and will remain in its current state.

I hope this helps to answer your questions about this application. If you would like any additional context or have any other questions, please let me know.

Best,

Jacob Slevin (he/him/his)

Planner, Development Approvals
Planning Services
Growth and Development Services
City of Kingston

Located at 1211 John Counter Boulevard,
216 Ontario Street Kingston, ON K7L 2Z3
613-546-4291 ext. 2176
jslevin@cityofkingston.ca

From: Myers, Cheryl <[REDACTED]>
Sent: Monday, December 11, 2023 8:00 AM
To: Slevin, Jacob <jslevin@cityofkingston.ca>; Sthamann, Lindsay <lsthmann@cityofkingston.ca>
Cc: Planning Outside Email <Planning@cityofkingston.ca>
Subject: FW: Minor Variance, File No. D13-059-2023

Hi Jacob,

I believe this is your file.

Thank you,
Cheryl

From: Jill Bryant <[REDACTED]>
Sent: Friday, December 8, 2023 4:41 PM
To: Planning Outside Email <Planning@cityofkingston.ca>
Cc: daryn <[REDACTED]>
Subject: Minor Variance, File No. D13-059-2023

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Re: Minor Variance, File No. D13-059-2023

Date of Meeting: Dec. 11, 2023

Dear Honorable Chair and Committee of Adjustment personnel,

At a glance, I don't think I have any objection to the construction of a front porch at 5 York St. and it's lovely to see many improvements happening there. Still, as a neighbour, I will try to attend the meeting virtually because I do have some questions and/or points to raise in order to learn more about the proposed construction:

1. Does "covered" mean a roof, or does this mean it will be "enclosed" with walls and windows as well?
2. The proposed porch is to extend 1.2 metres (about 4 feet) from the front wall of the house. At 1.2 metres, it will stick out from the house about the same as the two other terraced houses' porches (to the east, toward the park), and relative to the front of these other houses. So, the porch will be *aligned with the other two porches*, and roughly the *same size*. Is this correct? (If so, that sounds fine.) Or, will this particular porch be much wider and larger (e.g., as wide as the house itself), taking up more space than the other porches?
3. I have some concerns about having even less space for piling snow in winter after shovelling the driveway.
4. Will the proposed porch obstruct the sightlines making it more challenging to back a vehicle out of the shared driveway? Probably it won't, but I wonder about this.
5. I have some concerns that there will be less green space. Already many neighbours have paved front garden areas—unfortunate, but I know this is their personal choice.

Thank you very kindly,

Jill Bryant

--

Jill Bryant (she/her)

Kingston, Ontario

tel: [REDACTED]

email: [REDACTED]

From:
To: [Sullivan,Iain](#); [Slevin,Jacob](#)
Cc:
Subject: COA-24-001 Application for Minor Variance 5 York Street
Date: December 11, 2023 12:08:01 PM

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hello City of Kingston,

Regarding the "Report to Committee of Adjustment" from planner Jacob Slevin.

Report Number COA-24-001

File Number: D13-059-2023

[City of Kingston - Committee of Adjustment Agenda - Meeting 01-2024 - Report COA-24-001](#)

I live in the house at 3 York Street (attached to number 5 York Street). I am in favor of the covered porch. I know it would look lovely when completed.

I am 100% opposed to the suggestion by the City of Kingston that a privacy fence is required as part of this construction endeavour.

A privacy fence will obstruct the view up the street and take away from the aesthetic of the new front porch design.

There are five houses on this block of York Street. All the houses have porches (exception is 5 York). All porches are completely open without any privacy fences.

Mary and Neil have invested so much time and material into making the wee house a home.

It would be a shame to blunt those major expenses and efforts with an unwanted privacy fence on the new front porch.

Kind Regards,
Kate Jackson

**3 York Street, Kingston ON,
C:**



**City of Kingston
Report to Committee of Adjustment
Report Number COA-24-016**

To: Chair and Members of the Committee of Adjustment
From: Chris Wicke, Senior Planner
Date of Meeting: January 22, 2024
Application for: Minor Variance
File Number: D13-070-2023
Address: 423 Earl Street
District: Sydenham
Owner: Robert Baker and Leslie Galbraith
Applicant: Grant Snyder

Council Strategic Plan Alignment:

Theme: Regulatory & compliance

Goal: See above

Executive Summary:

This report provides a recommendation to the Committee of Adjustment regarding an application for minor variance for the property located at 423 Earl Street. The applicant is proposing to modify a single detached dwelling to enclose two thirds of an existing porch on the first floor and to enclose the entire balcony on the second floor. No change to the building footprint is proposed.

The requested minor variance is consistent with the general intent and purpose of both the City of Kingston Official Plan and Kingston Zoning By-Law Number 2022-62. The requested minor variance is desirable for the appropriate development or use of the land, building or structure and is minor in nature. As such, the proposed application meets all four tests under Subsection 45(1) of the *Planning Act* and is recommended for approval.

January 22, 2024

Page 2 of 11

Recommendation:

That minor variance application, File Number D13-070-2023, for the property located at 423 Earl Street to modify a single detached dwelling to enclose two thirds of an existing porch on the first floor and to enclose the entire balcony on the second floor be approved, as described below:

Variance Number 1:

By-Law Number 2022-62: Table 11.6.1.4: Minimum front setback

Requirement: 3.0 metres

Proposed: 1.2 metres

Variance Requested: 1.8 metres; and

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-016.

January 22, 2024

Page 3 of 11

Authorizing Signatures:

ORIGINAL SIGNED BY PLANNER

Chris Wicke, Senior Planner

In Consultation with the following Management of the Growth & Development Services Group:

Tim Park, Director, Planning Services

Meghan Robidoux, Supervisor, Development Approvals

January 22, 2024

Page 4 of 11

Options/Discussion:

On November 24, 2023, a minor variance application was submitted by Grant Snyder, on behalf of the owners, Robert Baker and Leslie Galbraith, with respect to the property located at 423 Earl Street. The variance is requested to modify a single detached dwelling to enclose two thirds of an existing porch on the first floor and to enclose the entire balcony on the second floor. No change to the building footprint is proposed.

In support of the application, the applicant has submitted the following:

- Site Plan (Exhibit A)
- Survey
- Elevations (Exhibit I)
- Owner Authorization
- Letter of Intent (Owner)
- Letter of Intent (Builder)

All submission materials are available online through the Development and Services Hub (DASH) at the following link, [DASH](#), using “Look-up a Specific Address”. If there are multiple addresses, search one address at a time, or submission materials may also be found by searching the file number.

Site Characteristics

The subject property is located on the north side of Earl Street between Collingwood Street and Victoria Street (Exhibit B – Key Map). The property abuts three other single detached dwellings. All three properties are located in the Urban Residential Zone 5 (‘UR5’) Zone (Exhibit C – Neighbourhood Context Map).

The subject property is designated Residential in the Official Plan (Exhibit D – Official Plan Map) and zoned Urban Residential Zone 5 (‘UR5’) in Kingston Zoning By-Law Number 2022-62 (Exhibit E – Zoning By-Law Map).

Provincial Policy Statement

In addition to the four tests of a minor variance detailed below, Subsection 3(5) of the *Planning Act* requires that a decision in respect of the exercise of any authority that affects a planning matter shall be consistent with the Provincial Policy Statement (the PPS). The PPS provides policy direction on matters of provincial interest related to land use planning and development which are complemented by local policies addressing local interests. The application being considered is site specific to accommodate a specific proposal and does not involve any major policy considerations and as such, the proposal conforms to and is consistent with the PPS.

January 22, 2024

Page 5 of 11

Minor Variance Application

The review of an application for minor variance(s) is not a simple mathematical calculation, but rather a detailed assessment of whether the variance(s) requested, both separately and together, meet the four tests of a minor variance outlined in Subsection 45(1) of the *Planning Act*. The following provides this review:

1) The general intent and purpose of the Official Plan are maintained

The subject property is designated Residential in the City of Kingston Official Plan (Exhibit D – Official Plan Map).

In considering whether this proposed variance is desirable, the Committee of Adjustment will have regard to the nine requirements included in Section 9.5.19 of the Official Plan.

The subject property is designated 'Residential' in Schedule 3A. It is located within a Housing District in Schedule 2 of the Official Plan. This proposal does not seek a significant change that would impact the surrounding properties or neighbourhood characteristics. The subject property is located in a stable area with well-established land use patterns in terms of density, types of use and activity. The proposal to enclose the front porch by enclosing two thirds of the first floor and adding a roof and enclosing the existing second floor balcony is compatible with the surrounding area. It is not anticipated to have any negative impacts on the neighbourhood. Several houses on the street also have front porches, and no expansion of the existing building footprint is proposed.

Section 2.7 of the Official Plan considers principles of land use compatibility to ensure that new development respects the quality of existing areas and provides for suitable transition between areas of differing use, sensitivity, urban design treatment and intensity to avoid or mitigate adverse effects. Section 2.7.3 outlines a variety of land use compatibility matters to be considered. This proposal to enclose two thirds of the existing porch and the second-floor balcony will not result in any negative off-site impacts to abutting properties. As the two-level structure already exists and is separated from the neighbouring properties, there is no threat of loss of privacy due to intrusive overlook, increased levels of light pollution, noise, or odour anticipated. Adverse effects due to shadowing are also not anticipated as the proposed changes are on the front façade of the house, and the subject property and its abutting neighbours to the east and west are all oriented to face south, ensuring full exposure to light for most of the day. Further mitigation measures are not required.

Section 2.7.6. considers functional needs and states that only development proposals which meet the long-term needs of the residents will be supported. The applicants are proposing to enclose the first floor porch with large windows and to add a solarium to the balcony above the porch, with an area of glass in the floor, to bring natural light into their main living area and to have additional space for reading and growing plants and herbs. This is coupled with the challenges presented by a large lilac tree in the front yard, which has decreased available sunlight in their front yard and has made growing plants challenging. The tree is to be retained. The proposed structure is of a suitable scale and will provide a brighter and more functional

January 22, 2024

Page 6 of 11

living space to the existing residence. The proposal will not negatively impact the functional needs of the current or future residents.

The proposed enclosure of the existing elements will have no negative impact to the site functioning in terms of access, parking for vehicles or bicycles, or universal accessibility. This proposal is not subject to Site Plan Control.

The proposal has been reviewed from an urban design perspective and with consideration for applicable urban design policies endorsed by Council. There are no concerns from a design perspective with the proposal.

The property is not within a Heritage Conservation District and is not located adjacent to any designated properties. The property is within an area of composite archaeological potential; however, as no ground disturbance is proposed as part of this development, an archaeological assessment is not required.

The property uses municipal water and sewage services. As this application proposes to enclose an existing front porch and balcony, no additional service usage is expected. The cumulative impact of the variance requested for this proposal does not warrant a zoning by-law amendment. The Committee of Adjustment may require additional conditions as it deems appropriate to the approval of the application. Recommended conditions are listed in “Exhibit A – Recommended Conditions”, attached to this report. Conditions may be added, altered, or removed at the Committee’s discretion.

The approval of the requested variance will not set an undesirable precedent for the immediate area, as it provides consideration for the existing configuration of the subject property and will apply only to the proposal to enclose the existing front porch and balcony.

The proposal meets the intent of the Official Plan, as the proposed enclosed porch and balcony will not result in any negative impacts to adjacent properties or to the neighbourhood.

2) The general intent and purpose of the Zoning By-Law are maintained

The subject property is zoned Urban Residential 5 Zone ‘UR5’ in Kingston Zoning By-Law Number 2022-62 (Exhibit E – Zoning By-Law Map). The UR5 zone permits residential uses, including a single detached house.

The proposal requires a variance to Table 11.6.1.

Variance Number 1:

By-Law Number 2022-62: Table 11.6.1.4: Minimum front setback

Requirement: 3.0 metres

Proposed: 1.2 metres

Variance Requested: 1.8 metres

January 22, 2024

Page 7 of 11

The provisions of the “UR5” zone are defined in Table 11.6.1; these are used to determine whether a proposal is compliant with the applicable zoning. The proposed changes meet all zoning requirements except one: minimum front yard setback. The requirement for the minimum front setback for a single detached house or duplex is as follows: where 2 adjacent buildings have a front lot line on the same street, the front setback is the lesser of 4.5 metres or the average front setbacks of adjacent buildings. A further clause states that where a building existed as of the date of passing of this By-law and the front setback is less than required, the minimum front setback is the existing front setback. In this instance, the building existed as of the date of the passing of the Kingston Zoning By-Law.

As per Sections 4.20.3 and 4.20.4, balconies, as well as decks and porches in Urban Residential Zones, are not subject to the required setbacks that apply to the principal building, and instead are required to meet a different set of less restrictive provisions. However, when a balcony or porch is subsequently enclosed and covered with a roof, it is then considered an addition to the principal building, and it must meet the setbacks that apply to the principal building.

In calculating the front setback for the subject proposal, the setbacks of the two adjacent buildings are calculated. In this instance, the adjacent buildings have a setback to the principal building of 2.9 metres for 421 Earl Street and 3.1 metres for 425 Earl Street, the average of which, 3.0 metres, is the required setback for the principal building for 423 Earl Street. As no survey is available for the adjacent properties, the setbacks have been estimated and rounded based on available digital mapping. The existing setback to the principal dwelling at 423 Earl Street is 3.6 metres, as per the drawings provided by the applicant (Exhibit F - Site Plan). The existing two-level porch and balcony at 423 Earl Street extends 2.4 metres towards the front property line from the front face of the home. As this will be considered part of the principal structure once enclosed, if the application is approved, the front setback will be 1.2 metres. This number has been rounded to provide for a margin of error based on the approximation of the adjacent setbacks.

The purpose and intent of the minimum front setback in the zoning by-law is to mitigate the potential for privacy/overlook concerns that could result in a reduction of the ability to enjoy one's property; to prevent the potential for encroachment into the City owned right-of-way; and to maintain adequate landscaped open space and amenity space in the front yard.

The variance requested maintains the general intent and purpose of the by-law as the proposal is to enclose the existing two-level front porch and balcony, which has not had any negative impacts on abutting properties or the surrounding neighbourhood. As the first and second floor structure is existing, there are no privacy or overlook concerns anticipated from the proposal to enclose both levels. No shadowing issues are anticipated as the footprint is not being enlarged and the subject property and the adjacent properties on either side are all oriented to face south, and thus benefit from full sun exposure almost all day.

A distance of a minimum of 1.2 metres will be maintained between the proposed enclosed front porch and the front lot line, to prevent the potential for encroachment. The existing lilac tree will

January 22, 2024

Page 8 of 11

be maintained and is subject to a tree permit for tree protection during construction. The existing amenity area in the front yard will be unchanged as a result of the proposal, and the minimum landscaped open space requirements of the zoning by-law will continue to be maintained.

The existing exterior stairs are subject to Section 4.19.3 of the zoning by-law, which permits a minimum setback of 0.5 metres to any lot line for exterior stairs and their associated guards. The existing exterior stairs are approximately 0.1 metres from the front setback; however, no change is proposed to the exterior stairs and thus they are considered permitted non-complying.

The requested variance maintains the general intent and purpose of the zoning by-law.

3) The variance is minor in nature

The requested variance is considered minor as the two-level porch and balcony structure already exists on the home. No change is proposed to the existing footprint of the structure. The only changes would be to enclose two thirds of the existing covered front porch at the first floor and to add a roof and windows to enclose the second floor.

The proposed enclosed front porch and balcony complies with all other zone provisions for the dwelling, including maximum height, interior setbacks, building depth, and landscaped open space (Table 11.6.1), and no change is proposed for the exterior stairs (Section 4.19.3). The proposal will not change the fundamental design characteristics of the neighbourhood.

The proposed variance is considered minor in nature.

4) The variance is desirable for the appropriate development or use of the land, building or structure

The requested variance is desirable and appropriate use of the land as the owner is seeking to enclose the existing front porch at the first floor and balcony at the second floor to provide more natural light to the principal dwelling and more functional space to the front of the home for amenity space. The scale and design of the proposed enclosed front porch is appropriate for the dwelling size.

The proposed enclosed front porch and balcony is compatible with the characteristics of the surrounding neighbourhood in terms of use and scale. Many houses in the neighbourhood have features at the front of the home that protrude in the front setback to the same extent, and the existing footprint is not changing. No relief is required for the proposed height. No adverse impacts are expected.

The variance is desirable and an appropriate use of the land.

January 22, 2024

Page 9 of 11

Technical Review: Circulated Departments and Agencies

- Building Services
- Finance
- Fire & Rescue
- Solid Waste
- Housing
- KEDCO
- CRCA
- Parks Canada
- Hydro One
- Kingston Airport
- Engineering Department
- Utilities Kingston
- Kingston Hydro
- Parks Development
- District Councillor
- Municipal Drainage
- KFL&A Health Unit
- Eastern Ontario Power
- Enbridge Pipelines
- Other:
- Heritage (Planning Services)
- Real Estate
- Environmental Services
- Canadian National Railways
- Ministry of Transportation
- Parks of the St. Lawrence
- Trans Northern Pipelines
- CFB Kingston
- TransCanada Pipelines

Technical Comments

This application was circulated to external agencies and internal departments for their review and comment and there were no comments or concerns raised that would preclude this application from moving forward. Any technical comments that are received after the publishing of this report will be included as an addendum to the Committee of Adjustment Agenda.

Public Comments

At the time this report was finalized, no public comments were received. Any public comments received after the publishing of this report will be included as an addendum to the Committee of Adjustment Agenda.

Previous or Concurrent Applications

There are no concurrent or relevant historic planning applications on the subject property.

Conclusion

The requested variance(s) maintain(s) the general intent and purpose of both the City of Kingston Official Plan and Kingston Zoning By-Law Number 2022-62. The proposal is desirable for the appropriate development or use of the land, building or structure and the requested variance is minor in nature. As such, the proposed application meets all four tests under Subsection 45(1) of the *Planning Act* and the application is being recommended for approval, subject to the proposed conditions.

January 22, 2024

Page 10 of 11

Approval of this application will permit the modification of a single detached dwelling to enclose two thirds of an existing porch on the first floor and to enclose the entire balcony on the second floor.

Existing Policy/By-Law:

The proposed application was reviewed against the policies of the Province of Ontario and City of Kingston to ensure that the changes would be consistent with the Province’s and the City’s vision of development. The following documents were assessed:

Provincial

Provincial Policy Statement, 2020

Municipal

City of Kingston Official Plan

Kingston Zoning By-Law Number 2022-62

Notice Provisions:

A Committee of Adjustment Meeting is going to be held respecting this application on January 22, 2024 Pursuant to the requirements of the *Planning Act*, a notice of Statutory Public Meeting was provided by advertisement in the form of signs posted on the subject site 10 days in advance of the meeting. In addition, notices were sent by mail to a total number of 41 property owners (according to the latest Assessment Roll) within 60 metres of the subject property and a courtesy notice was placed in The Kingston Whig-Standard (Exhibit H – Public Notification Map).

Once a decision has been rendered by the Committee of Adjustment, a Notice of Decision will be circulated in accordance with the provisions of the *Planning Act*.

Accessibility Considerations:

None

Financial Considerations:

None

Contacts:

Meghan Robidoux, Supervisor, Development Approvals, 613-546-4291 extension 1256

Chris Wicke, Senior Planner, 613-546-4291 extension 3242

January 22, 2024

Page 11 of 11

Other City of Kingston Staff Consulted:

None

Exhibits Attached:

- Exhibit A Recommended Conditions
- Exhibit B Key Map
- Exhibit C Neighbourhood Context Map (2022)
- Exhibit D Official Plan Map
- Exhibit E Zoning By-Law Map
- Exhibit F Site Plan
- Exhibit G Site Photos
- Exhibit H Public Notification Map
- Exhibit I Elevations

Recommended Conditions

The approval of minor variance application, File Number D13-070-2023, to enclose the existing front porch on both the first and second floors, shall be subject to the following recommended conditions:

1. Limitation

That the approved minor variance applies only to enclosed front porch and second floor balcony as shown on the approved drawings attached to the notice of decision.

2. No Adverse Impacts

The owner/applicant shall demonstrate to the satisfaction of the City that there are no adverse impacts on neighbouring properties as a result of any modifications to on-site grading or drainage.

3. Encroachments

The owner/applicant shall demonstrate to the satisfaction of the City that there will be no encroachments onto neighbouring properties as a result of the proposed enclosed front porch and uncovered set of stair stairs.

4. Tree Permit

The owner/applicant will be required to submit a Tree Permit application to address tree preservation requirements for the City-owned tree in the boulevard area. Tree preservation requirements and/or conditions will be addressed through the permit.

5. Building Permit Application Requirements

The owner/applicant shall provide to the Building Services a copy of the decision of the Committee of Adjustment, together with a copy of the approved drawings, when they make application for a Building Permit.

The drawings submitted with the Building Permit application must, in the opinion of the City, conform to the general intent and description of the approved drawing(s), including any amendments and conditions approved by the Committee of Adjustment, as stated in the decision. It must be noted that additional planning approvals may be required should further zoning deficiencies be identified through the Building Permit application process.

6. Standard Archaeological Condition

In the event that deeply buried or previously undiscovered archaeological deposits are discovered in the course of development or site alteration, all work must immediately cease and the site must be secured. The Archaeology Program Unit of

the Ministry of Citizenship and Multiculturalism (archaeology@ontario.ca) and City of Kingston's Planning Services (613-546-4291, extension 3180) must be immediately contacted.

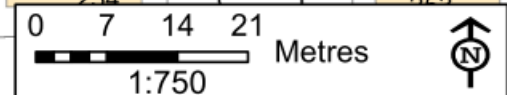
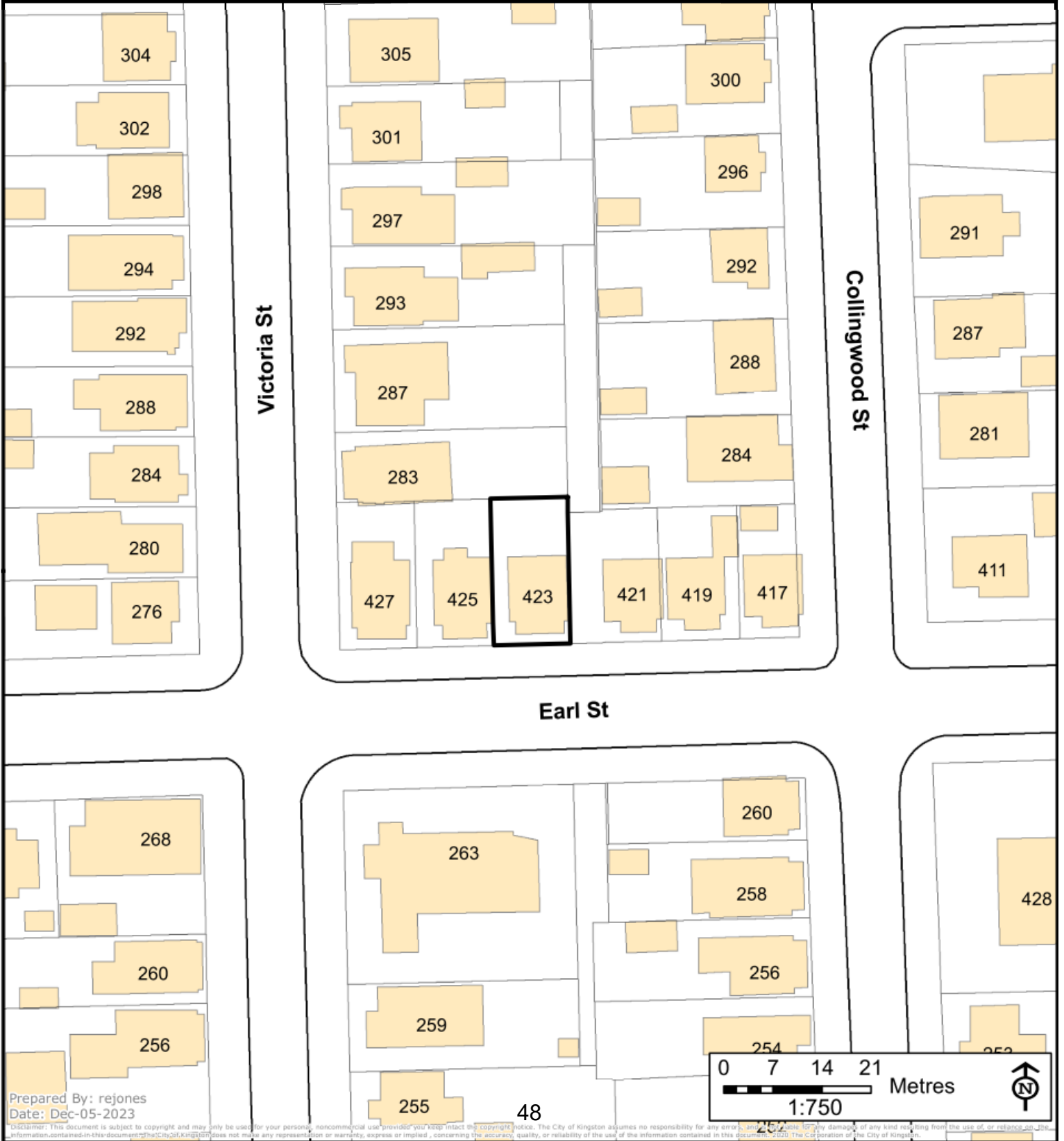
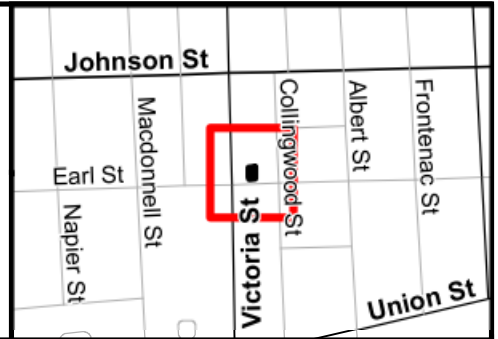
In the event that human remains are encountered, all work must immediately cease and the site must be secured. The Kingston Police (613-549-4660), the Office of the Chief Coroner as a part of the Ontario Ministry of the Solicitor General (1-877-991-9959), the Archaeology Program Unit of the Ministry of Citizenship and Multiculturalism (archaeology@ontario.ca), and City of Kingston's Planning Services (613-546-4291, extension 3180) must be immediately contacted.



Committee of Adjustment
Key Map

Address: 423 Earl Street
File Number: D13-070-2023

Lands Subject to Minor Variance



Prepared By: rejones
Date: Dec-05-2023

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Committee of Adjustment Neighbourhood Context (2023)

Address: 423 Earl Street
File Number: D13-070-2023

- Subject Lands
- Property Boundaries
- Proposed Parcels

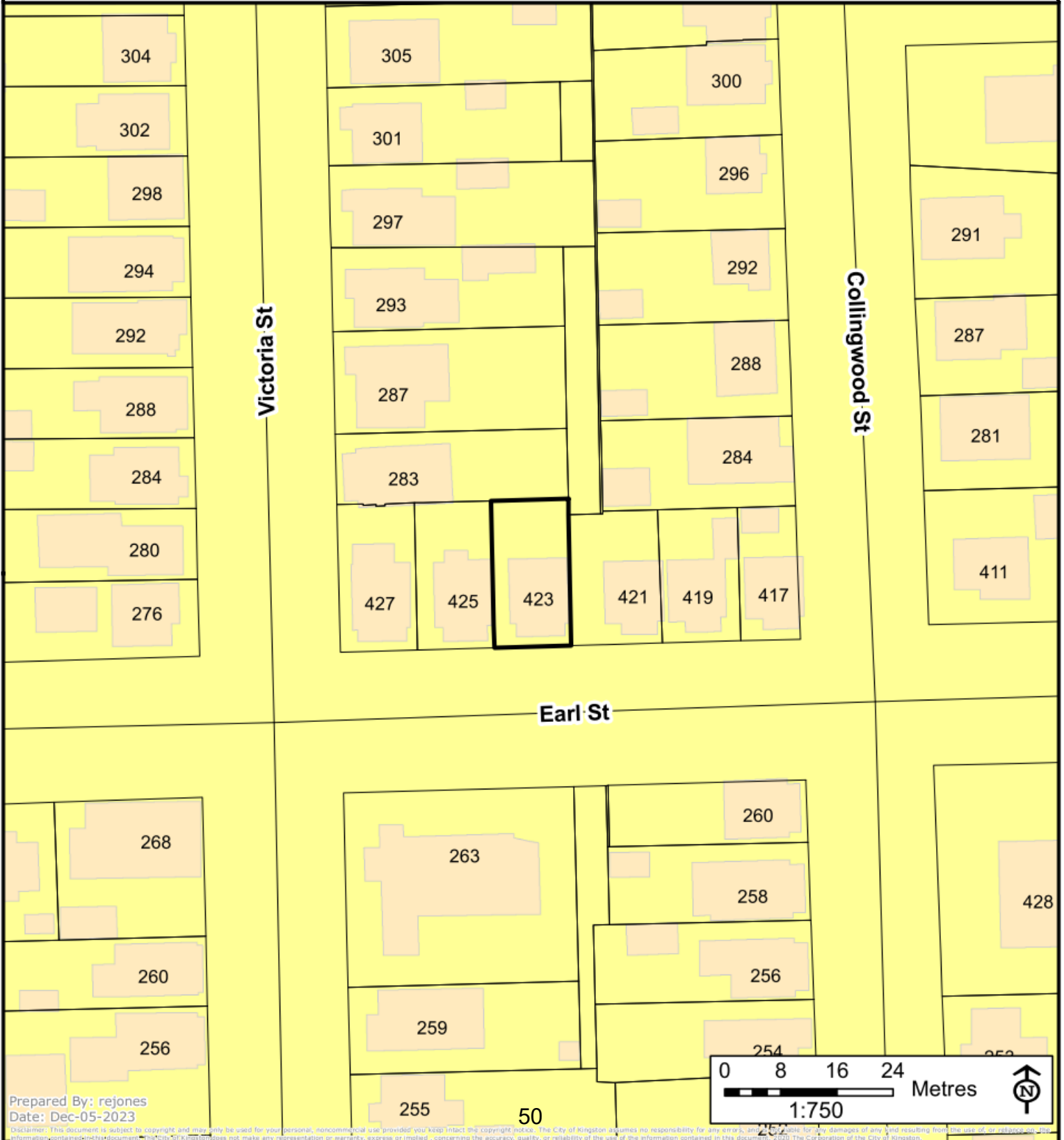




Committee of Adjustment Official Plan, Existing Land Use

Address: 423 Earl Street
File Number: D13-070-2023

- Subject Lands
- RESIDENTIAL





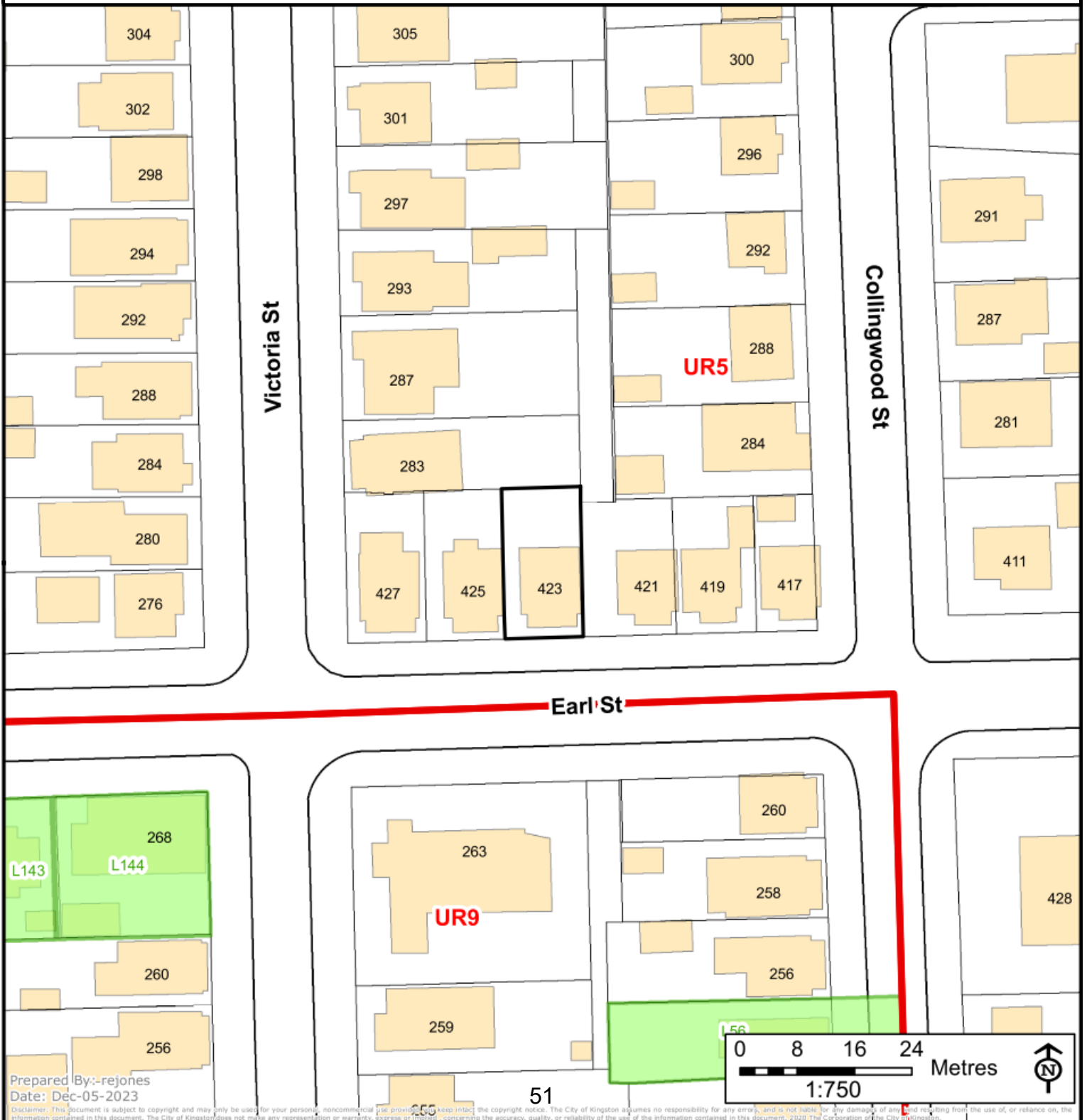
Planning Committee
Existing Zoning
Kingston Zoning By-Law 2022-62

Planning Services

Address: 423 Earl Street
File Number: D13-070-2023

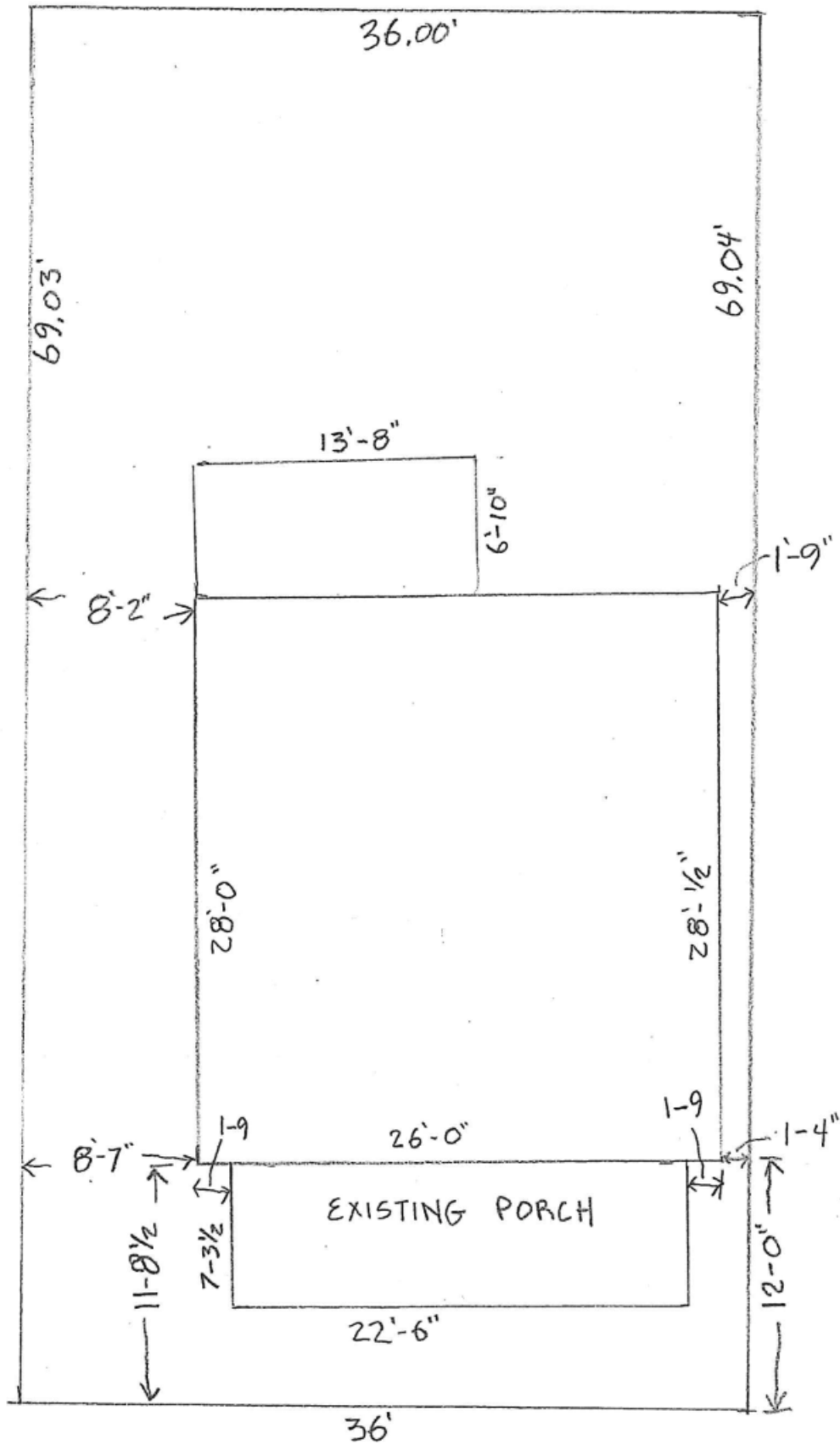
Subject Lands
Schedule 1 Zoning Map
 Zone

Schedule E - Exception Overlay
 Legacy Exceptions (LXXX)
 Exceptions (EXXX)
Schedule F - Holding Overlay
 Holding Overlay (HXXX)



Prepared By: rejonas
Date: Dec-05-2023

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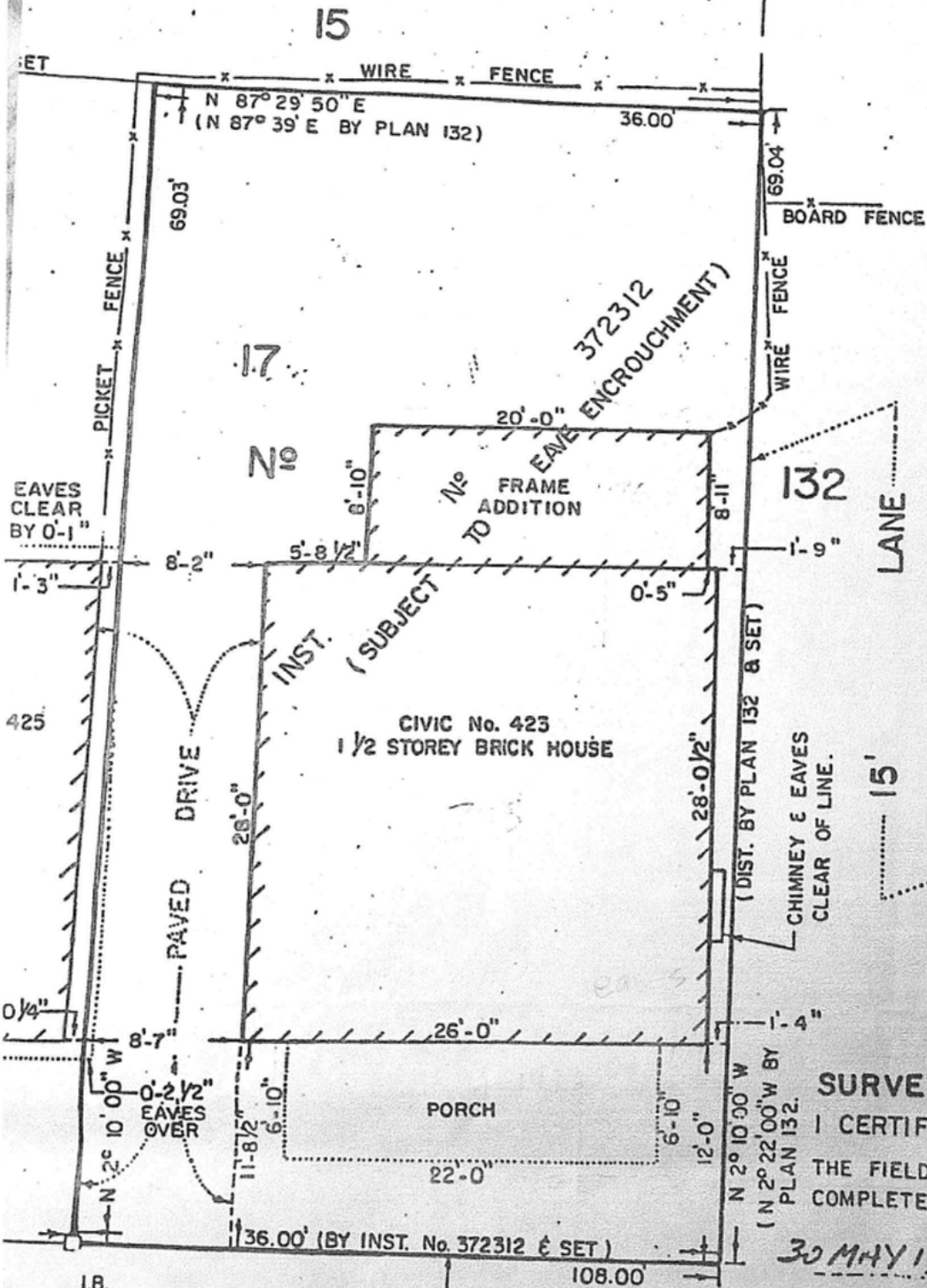
SITE PLAN 423 EARL

• new porch enclosure will not exceed existing porch size

PLAN OF
LOCATION SURVEY OF
17, REG'D PLAN No. 132
OF KINGSTON

SCALE : 1" = 10'
1983

423 Earl St



SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

THE FIELD SURVEY REPRESENTED ON THIS PLAN WAS COMPLETED ON THE 26th DAY OF MAY, 1983.

30 MAY 1983

William H. Card

WILLIAM H. CARD
ONTARIO LAND SURVEYOR

SMITH & SMITH KINGSTON LTD
ONTARIO LAND SURVEYORS
KINGSTON, ONTARIO

STREET



Subject property at 423 Earl Street



Looking south across Earl Street opposite the subject property



Looking northeast along Earl Street past the subject property



Looking northwest along Earl Street past the subject property



Looking north along Victoria Street to the west of the subject property



Looking north along Collingwood Street east of the subject property



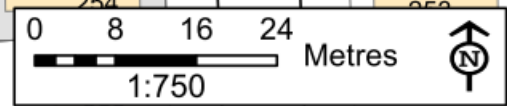
Committee of Adjustment Public Notice Notification Map

Address: 423 Earl Street
File Number: D13-070-2023

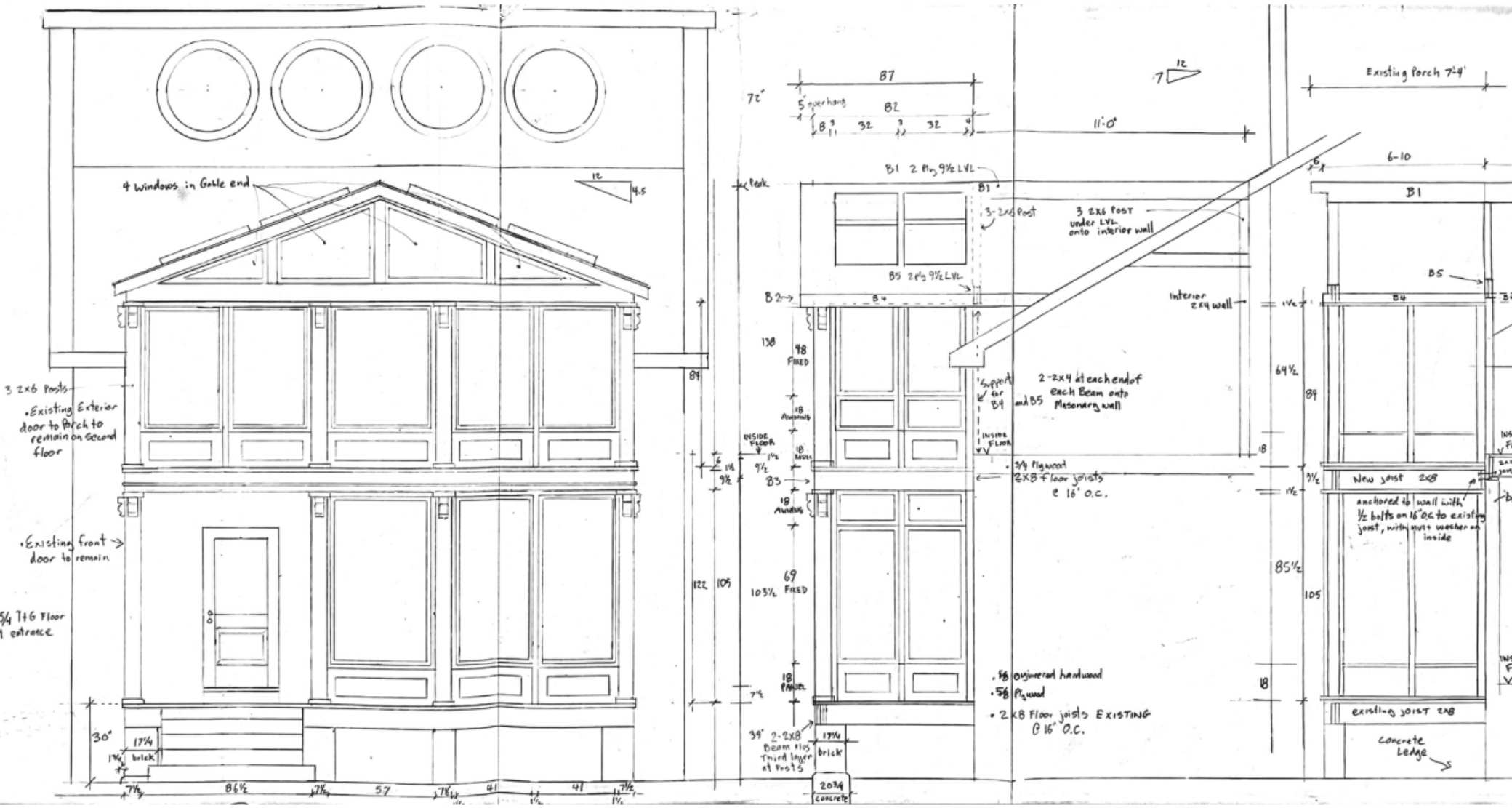
- 60m Public Notification Boundary
- Subject Lands
- Property Boundaries
- 41 Properties in Receipt of Notice (MPAC)



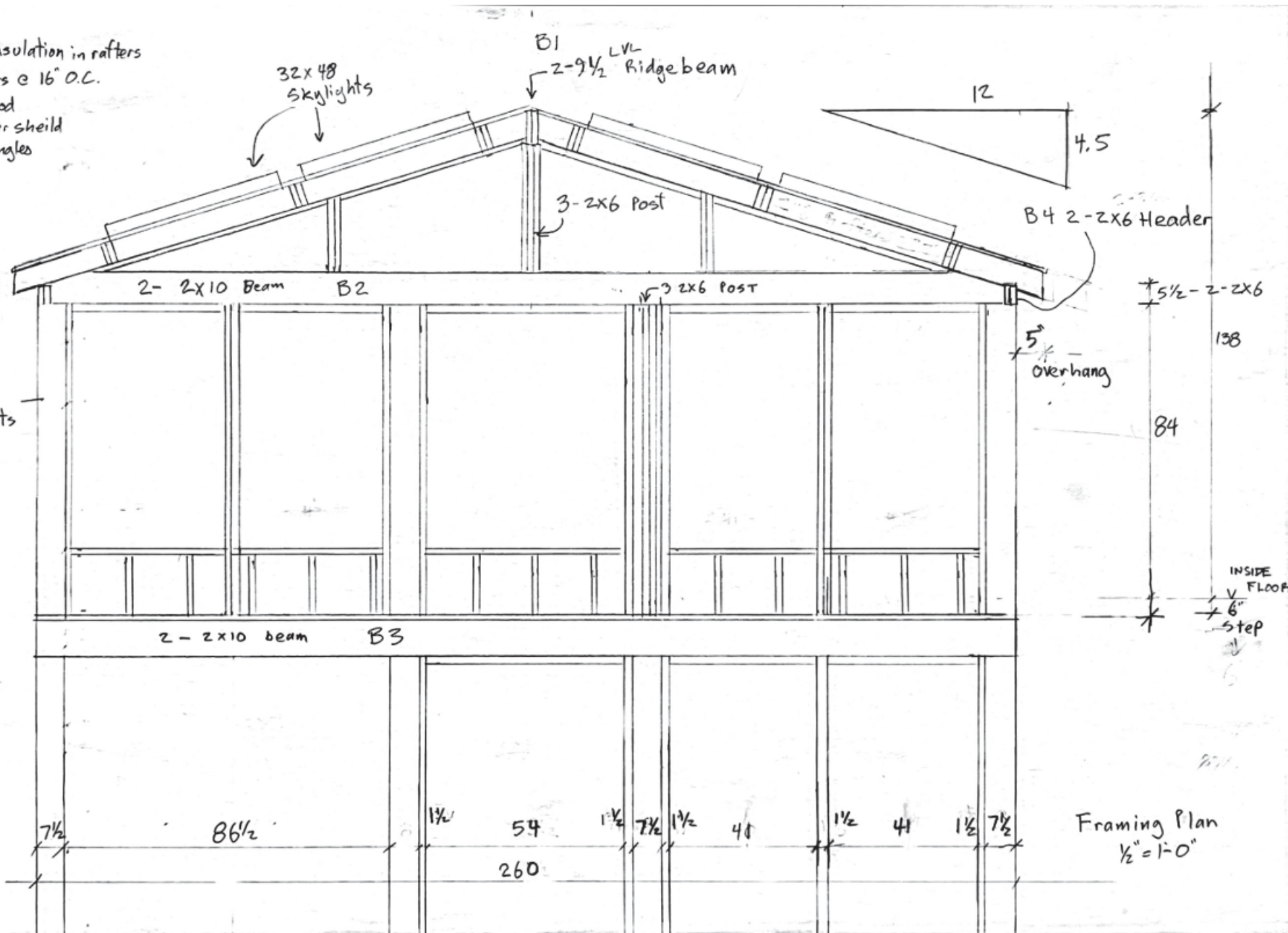
Prepared By: rejones
Date: Dec-05-2023

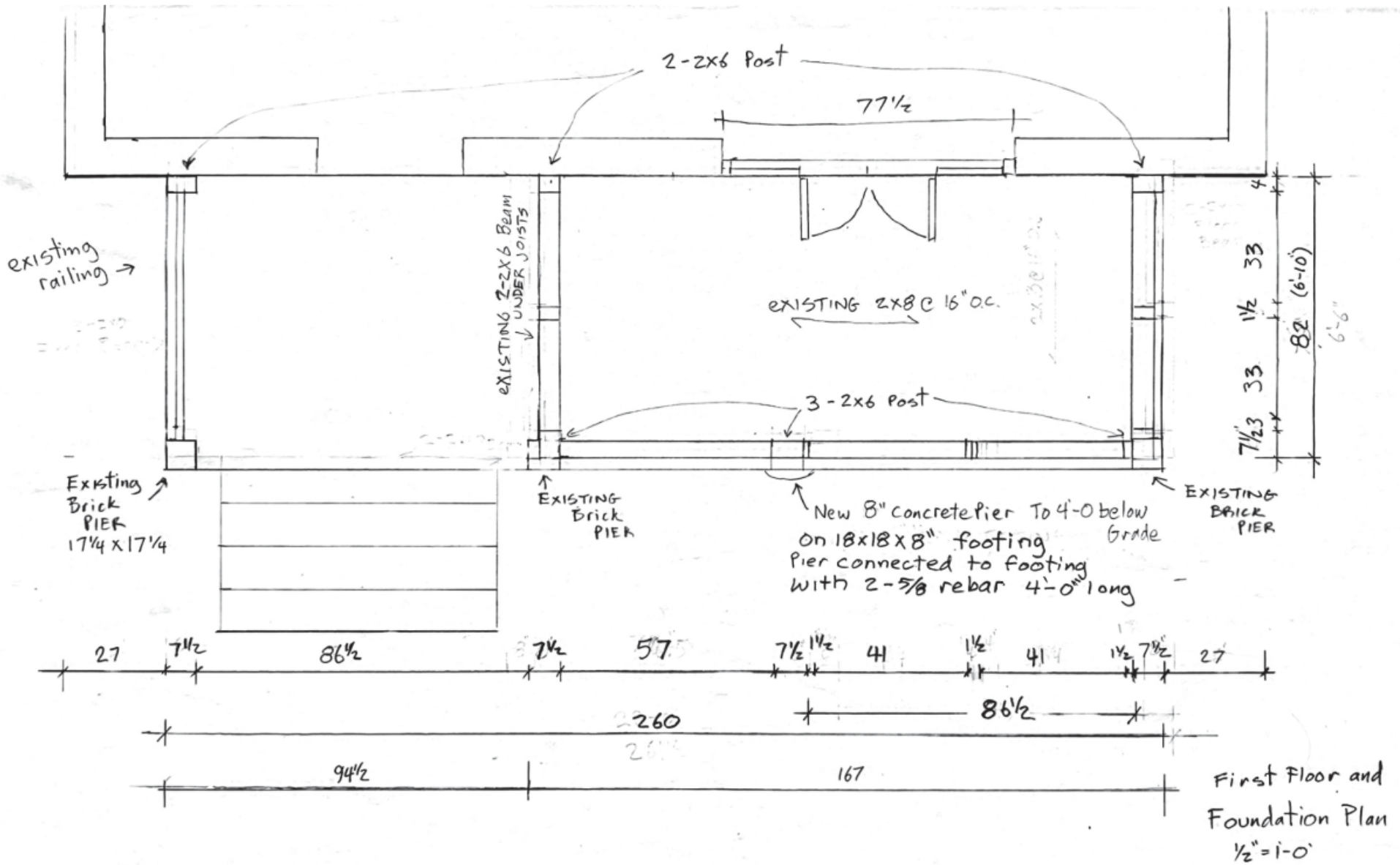


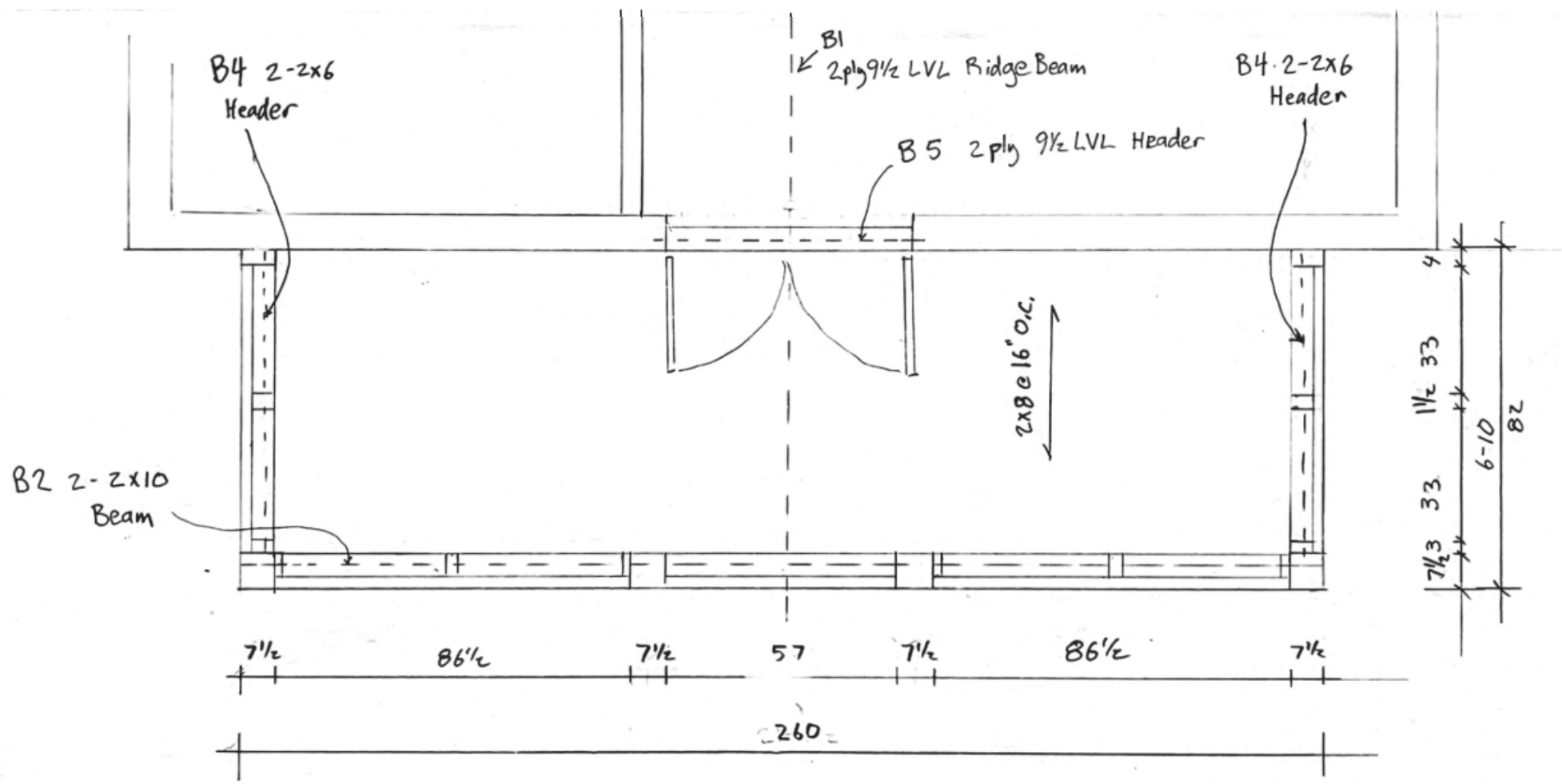
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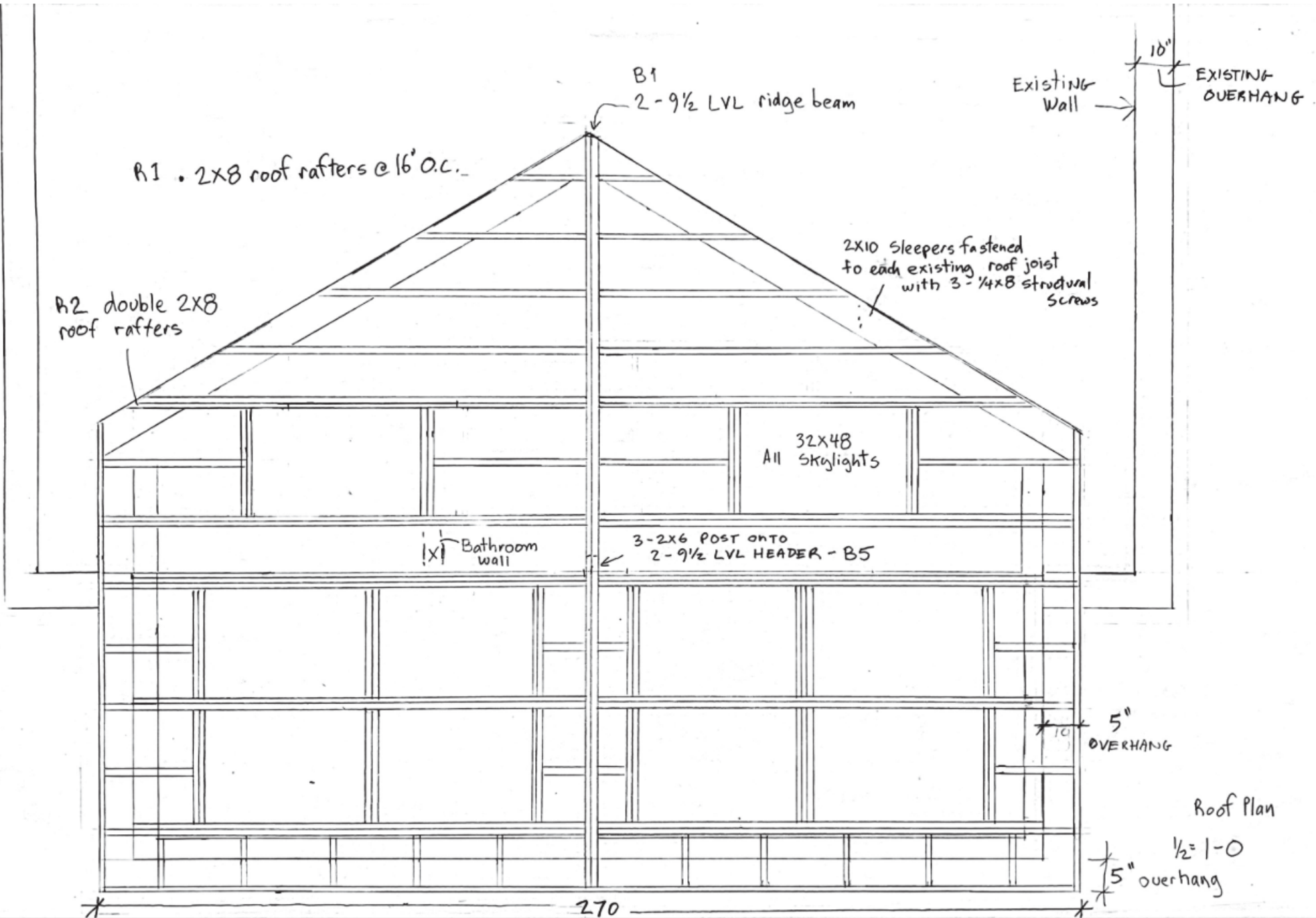
- 4" Foam insulation in rafters
- R1 • 2x8 rafters @ 16" O.C.
- 5/8 Plywood
- ice + water shield
- cedar shingles







2nd floor Plan
 1/2" = 1'-0"





**City of Kingston
Report to Committee of Adjustment
Report Number COA-24-012**

To: Chair and Members of the Committee of Adjustment
From: Jason Partridge, Planner
Date of Meeting: January 22, 2024
Application for: Minor Variance and Consent
File Numbers: D13-067-2023 & D10-048-2023
Address: 3718 Brewers Mills Road
District: District 1 – Countryside
Owner: Pam Hogan, Nicholas Hogan, Gregory Hogan, Erica Hogan,
Brenda Hogan
Applicant: Pam Hogan

Council Strategic Plan Alignment:

Theme: 1. Support Housing Affordability

Goal: 1.1 Promote increased supply and affordability of housing.

Executive Summary:

This report provides a recommendation to the Committee of Adjustment regarding applications for minor variance and consent submitted by Pam Hogan on behalf of the owners, Pam Hogan, Nicholas Hogan, Gregory Hogan, Erica Hogan, Brenda Hogan, for the property located at 3718 Brewers Mill Road.

The purpose of the consent application (File Number D10-048-2023) is to sever one parcel of land from the property located at 3718 Brewers Mills Road. The proposed severance will result in an approximately 1.07 hectare parcel of land with approximately 60 metres of frontage along Brewers Mills Road. The retained lot will be approximately 40.71 hectares in size with approximately 181.5 metres of frontage along Brewers Mills Road.

January 22, 2024

Page 2 of 12

The associated minor variance application (File Number D13-067-2023) is requesting relief from the required minimum lot frontage provision of the General Rural Area Zone (RU) to permit a minimum lot frontage of 60 metres where 90 metres is required for the severed parcel. Aside from the lot frontage, the severed and retained lots will comply with all other lot area, setback, height and landscaped open space and lot area requirements.

The requested minor variance and consent applications are consistent with the Provincial Policy Statement and conform with the general intent and purpose of both the City of Kingston Official Plan and Kingston Zoning By-Law Number 2022-62. The requested minor variance is desirable for the appropriate development or use of the land, building or structure and is minor in nature. The proposed minor variance application meets all four tests under Subsection 45(1) of the *Planning Act* and is recommended for approval. The requested consent application has regard to the matters set out in subsection 51(24) of the *Planning Act* and a plan of subdivision is not necessary for the proper and orderly development of the property, as such, is recommended for provisional approval.

Recommendation:

That minor variance application, File Number D13-067-2023 for the property located at 3718 Brewers Mills Road to provide relief from the minimum lot frontage requirement to sever one parcel of land, be approved, as described below:

Variance Number 1:

By-Law Number: 2022-62 Section 8.3.1 (2) Minimum Lot Frontage
Requirement: 90 metres
Proposed: 60 metres
Variance Requested: 30 metres

That approval of the minor variance application be subject to the conditions attached as Exhibit A (Recommended Conditions – Minor Variance) to Report Number COA-24-012; and,

That Consent application, File Number D10-048-2023, for the property located at 3718 Brewers Mills Road to sever an approximately 1.07 hectare parcel of land with approximately 60 metres of frontage along Brewers Mills Road, be provisionally approved subject to the conditions included in in Exhibit B (Recommended Conditions – Consent) to Report Number COA-24-012.

Authorizing Signatures:

ORIGINAL SIGNED BY PLANNER

Jason Partridge, Planner

January 22, 2024

Page 3 of 12

Consultation with the following Management of the Growth & Development Services Group:

Tim Park, Director, Planning Services

Meghan Robidoux, Supervisor, Development Approvals

January 22, 2024

Page 4 of 12

Options/Discussion: 

On November 17, 2023, applications for minor variance and consent were submitted by Pam Hogan on behalf of the owners Pam Hogan, Nicholas Hogan, Gregory Hogan, Erica Hogan, Brenda Hogan for the subject property located at 3718 Brewers Mills Road.

The purpose of the consent application (File Number D10-049-2022) is to sever one parcel of land from the property located at 3718 Brewers Mills Road. The proposed severance will result in an approximately 1.07 hectare parcel of land with approximately 60 metres of frontage along Brewers Mills Road. The retained lot will be approximately 40.71 hectares in size with approximately 181.5 metres of frontage along Brewers Mills Road.

The minor variance application (File Number D13-067-2023) is requesting relief from the required minimum lot frontage provision of the General Rural Area Zone (RU) to permit a minimum lot frontage of 60 metres where 90 metres is required for the severed parcel.

In support of the applications, the applicant has submitted the following:

- Site Plan (Exhibit G)

All submission materials are available online through the Development and Services Hub (DASH) at the following link, [DASH](#), using “Look-up a Specific Address”. If there are multiple addresses, search one address at a time, or submission materials may also be found by searching the file number.

Site Characteristics

The subject property is located on the north side of Brewers Mills Road (Exhibit C – Key Map). The property is currently occupied with a single detached house and various accessory buildings. The surrounding area is predominantly made up of rural residential lots (Exhibit G – Neighbourhood Context Map (2023)).

The subject property is designated Rural and Environmental Protection Area Lands in the Official Plan (Exhibit E – Official Plan Map) and the majority of the lot is located in the General Rural Area Zone (RU), with a small area to the north which is zoned Environmental Protection Area Zone (EPA) in Kingston Zoning By-Law Number 2022-62 (Exhibit F – Zoning By-Law Map). No non-farm residential use lots have been severed from the subject property since March 17, 1982; therefore, the proposed severance is permitted in accordance with Section 3.12.9(a) of the Official Plan.

January 22, 2024

Page 5 of 12

Provincial Policy Statement

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development which are complemented by local policies addressing local interests. The application being considered is site specific to accommodate a specific proposal and does not involve any major policy considerations and as much, the proposal conforms to and is consistent with the PPS.

Consent Application

The review of an application for a consent is subject to Section 53 of the *Planning Act* which requires the approval authority be satisfied that a plan of subdivision is not necessary for the proper and orderly development of the municipality having regard to the matters addressed in subsection 51(24).

The proposal will result in the creation of in a 1.07-hectare parcel of land with approximately 60 metres of frontage along Brewers Mills Road. The retained lot will be 40.71 hectares in size with 181.5 metres of frontage along Brewers Mills Road. The proposed consent meets the tests set out in the *Planning Act* and plan of subdivision is not required for the proper and orderly development of the property.

Official Plan

The subject property is designated Rural and Environmental Protection Area Lands as per Schedule 3-C in the City of Kingston Official Plan. The goal of the Rural designation is to protect the rural community by balancing the environmental, resource protection, community and economic objectives of land use on Rural Lands, and to permit a range and scale of uses that help to promote the long-term growth and viability of the rural community. The goal of Environmental Protection Area is to preserve the ecosystem role that Environmental Protection Areas play in sustaining the natural heritage system of the City and the broader region.

The creation of individual parcels of land by way of consent is subject to the consent policies of the Official Plan. In considering whether the proposal is appropriate, the Committee of Adjustment will have regard for the requirements included within the Official Plan, specifically Section 9.6.13 titled: "Criteria for Consent Approval".

The proposed consent will result in a total of two lots, one severed and one retained parcel, intended to accommodate the existing single detached house on the severed parcel and the retained parcel will accommodate a future single detached house and agricultural use. Kingston Zoning By-Law 2022-62 requires a minimum lot frontage of 90 metres for lots in the General Rural Area (RU)Zone. The proposed lot frontages of the severed and retained lots are consistent with nearby non-agricultural lots and are appropriate for the existing residential use

January 22, 2024

Page 6 of 12

on the severed lot and the future residential or agricultural uses on the retained lot. The severed parcel has been designed appropriately to accommodate a single detached house, subject to obtaining the requested relief for lot frontage through the minor variance application and meeting the requirements of the Kingston Zoning By-Law Number 2022-62 at the time of future development.

The proposal will not result in the creation of new irregularly shaped lots in the rural area. The proposed severed lot will have approximately 60 metres of frontage on Brewers Mills Road and have an area of 1.07 hectares and will maintain a “L-shaped” lot using the existing property lot lines to the west of the property. The proposed retained lot will have approximately 181.5 metres of frontage on Brewers Mills Road and will have an area of 40.71 hectares and will maintain a rectangular shape following the severance.

The severed and retained lots will retain frontage on Brewers Mill Road, a municipally maintained road. The proposed severed and retained lots will have sufficient road frontage with even grades which will provide for good sight lines. The consent application was circulated to Engineering Staff and no engineering concerns were noted. Any new or altered entrances on the severed or retained lots will require an Entrance Permit from the Engineering Department prior to any excavation or work within the road allowance.

The proposal to sever one lot is considered to be minor infill development as there is a distance of 100 metres or less between two non-farm residential lots on the same side of the road. The proposal does not meet the definition of ribbon development as it does not result in the development of more than four non-farm residential lots that takes the form of a single depth of houses or other land uses fronting along roads in Rural Areas.

The severed and retained lots and their intended residential uses are compatible with similar uses in the rural area and will not result in any impacts to abutting agricultural uses or existing livestock or manure storage facilities within 750 metres of newly formed lot lines. A minimum separation distance (MDS) calculation was completed for 3580 Brewers Mills Road for an active beef cattle barn that is approximately 640 metres away from the proposed new lot. The minimum separation distance calculation requires a separation distance of 231 metres from the beef cattle barn, which . As such, the proposed lots comply with this requirement.

The subject lands have been identified as containing composite archaeological potential on the Archaeological Master Plan. As such, Archaeological clearance is required for a portion of the vacant retained parcel, beginning with a Stage One Archaeological Assessment and including any subsequent assessments as required by the Ministry of Heritage, Sport, Tourism, and Culture Industries’ Standards and Guidelines for Consultant Archaeologists, as amended from time to time, prior to any soil disturbance.

January 22, 2024

Page 7 of 12

The subject lot is located outside of the Urban Boundary and its serviced area therefore development outside of the Urban Boundary may proceed with private onsite services. A hydrogeological assessment will be required on the vacant retained land as a condition of consent. Any new septic systems require a permit and must be constructed per the Ontario Building Code (OBC), with existing sewage systems meeting the required OBC setbacks to the newly proposed property lines.

The proposal meets the intent of the Official Plan, as the proposed severed and retained lots will not result in any negative impacts to adjacent properties or to the surrounding Rural Lands, with the application of the recommended conditions of approval.

Zoning By-Law

The subject lot is zoned General Rural Area (RU) Zone in Kingston Zoning By-Law Number 2022-62, with a small portion of Environmental Protection Area (EPA) Zone on the northern portion of the lot. The severed and retained parcels comply with the minimum lot area requirements within the RU zone. However, the severed lot is subject to a minor variance for minimum lot frontage as the proposed severed lot frontage is less than the required 90 metres. The severed and retained parcels of land will be subject to all other performance standards of the RU zone at time of development.

A minor variance is requested to reduce the minimum lot frontage requirement in the RU zone in Kingston Zoning By-Law Number 2022-62. The variance is requested in order to sever a 1.07 hectare parcel of land with approximately 60 metres of frontage along Brewers Mills Road. The retained lot will be approximately 40.71 hectares in size with approximately 181.5 metres of frontage along Brewers Mills Road.

Minor Variance Application

The review of an application for minor variance(s) is not a simple mathematical calculation, but rather a detailed assessment of whether the variance(s) requested, both separately and together, meet the four tests of a minor variance outlined in Subsection 45(1) of the *Planning Act*. The following provides this review:

1) The general intent and purpose of the Official Plan are maintained

The subject property is designated Rural and Environmental Protection Area in the City of Kingston Official Plan (Exhibit E – Official Plan Map).

In considering whether this proposed variance is desirable, the Committee of Adjustment will have regard to the nine requirements included in Section 9.5.19 of the Official Plan.

January 22, 2024

Page 8 of 12

The proposed development of a new lot will provide additional housing supply within the City of Kingston. The existing and proposed future development of the property will be subject to the RU zone requirements that are applicable to adjacent properties, including maximum lot coverage and minimum building setbacks. The proposed severed and retained lots will result in a development that is consistent with the built form of several residential lots located, east, west and south of the subject property along Brewers Mills Road. The overall design and scale of the proposal is not anticipated to cause any adverse impacts on the adjacent residential properties.

The severed lot and retained lands have sufficient road frontages with even grades to allow for vehicle access. Future access points will be reviewed by the Engineering Department when the proponent applies for an entrance permit.

The site is not designated under the *Ontario Heritage Act* or adjacent to properties designated under the *Ontario Heritage Act*.

The subject lot is located outside of the Urban Boundary and its serviced area, therefore development outside of the Urban Boundary may proceed with private onsite services. A hydrogeological assessment will be required as a condition of consent approval.

The proposal meets the intent of the Official Plan, as the proposed variance will not result in any negative impacts to adjacent properties or to the neighbourhood.

2) The general intent and purpose of the Zoning By-Law are maintained

The subject property is zoned RU and EPA in the Kingston Zoning By-Law Number 2022-62, entitled "Kingston Zoning By-law". The RU zone permits a single detached house, agricultural sales establishment, agricultural use, agri-tourism, banquet hall, cemetery, community centre, elementary school, feedmill, forestry use, kennel, library, museum, place of worship and rural use.

The proposal requires a variance to Section 8.3.1 (2), as outlined below:

Variance Number 1:

By-Law Number: 2022-62 Section 8.3.1 (2) Minimum Lot Frontage	
Requirement:	90 metres
Proposed:	60 metres
Variance Requested:	30 Metres

The intent of the minimum lot frontage within an RU zone is to ensure that lots are sufficiently wide enough for efficient farm use, and to enable larger farm equipment to access the property. In this case, the severed property will continue to be utilized as a rural residential property and is not likely to be used for farm uses. The retained lot exceeds the RU lot frontage requirement and will be wide enough to ensure efficient farm use on the property. The proposed lot frontage for severed lot allows adequate space for the existing single detached house and associated

January 22, 2024

Page 9 of 12

accessory buildings, while also conforming to the setback requirements of the zone. The proposed severed and retained lots are consistent with the character of the lots in the surrounding area. Any future proposed non-residential use would be required to comply with MDS setback requirements.

The requested variance maintains the general intent and purpose of the zoning by-law.

3) The variance is minor in nature

The proposed severed and retained lots will result in a development that are consistent with the existing built form of residential development along Brewers Mills Road. The proposed lots will exceed the lot area requirements of the Kingston Zoning By-Law and will be able to meet the all building setback requirements of the RU zone, which will prevent any intrusive overlook with respect to adjacent properties. The variance will not alter the character of the neighbourhood or the existing streetscape.

The variance is considered minor as there will be no negative impacts on abutting properties or residential and/or uses or structures.

4) The variance is desirable for the appropriate development or use of the land, building or structure

The proposed development will provide the functional needs for the existing and future residential use on the two lots. The resulting built form satisfies all applicable provisions of the zoning by-law, with the exception of the lot frontage of the severed lot.

The proposal is appropriate and compatible with the surrounding residential uses and will not result in significant impacts or changes to the surrounding area.

The variance is desirable and appropriate use of the land.

Technical Review: Circulated Departments and Agencies

- | | | |
|---|---|--|
| <input checked="" type="checkbox"/> Building Division | <input checked="" type="checkbox"/> Engineering | <input checked="" type="checkbox"/> Heritage Services |
| <input type="checkbox"/> Finance | <input checked="" type="checkbox"/> Utilities Kingston | <input type="checkbox"/> Real Estate |
| <input checked="" type="checkbox"/> Fire & Rescue | <input type="checkbox"/> Kingston Hydro | <input checked="" type="checkbox"/> Environment Division |
| <input type="checkbox"/> Solid Waste | <input checked="" type="checkbox"/> Parks Development | <input type="checkbox"/> Canadian National Railways |
| <input type="checkbox"/> Housing | <input checked="" type="checkbox"/> District Councillor | <input type="checkbox"/> Ministry of Transportation |
| <input type="checkbox"/> KEDCO | <input type="checkbox"/> Municipal Drainage | <input type="checkbox"/> Parks of the St. Lawrence |
| <input checked="" type="checkbox"/> CRCA | <input type="checkbox"/> KFL&A Health Unit | <input type="checkbox"/> Trans Northern Pipelines |
| <input type="checkbox"/> Parks Canada | <input type="checkbox"/> Eastern Ontario Power | <input type="checkbox"/> CFB Kingston |
| <input checked="" type="checkbox"/> Hydro One | <input type="checkbox"/> Enbridge Pipelines | <input type="checkbox"/> TransCanada Pipelines |
| <input type="checkbox"/> Kingston Airport | | |

January 22, 2024

Page 10 of 12

Technical Comments

The applications were circulated to external agencies and internal departments for their review and comment and there were no comments or concerns raised that would preclude the applications from moving forward. Any technical comments that are received after the publishing of this report will be included as an addendum to the Committee of Adjustment Agenda.

Public Comments

At the time this report was finalized, no public comments received after the publishing of this report will be included as an addendum to the Committee of Adjustment Agenda.

Previous or Concurrent Applications

There are no concurrent or relevant historic planning applications on the subject property.

Conclusion

The proposal has regard to the matters under subsection 51(24) of the Planning Act, is consistent with the Provincial Policy Statement, conforms with all applicable policies of the Official Plan, is in keeping with the general intent and purpose of the zoning by-law and a plan of subdivision is not necessary for the proper and orderly development of the property, as such, is recommended for provisional approval.

The requested variances maintain the general intent and purpose of both the City of Kingston Official Plan and Kingston Zoning By-Law Number 2022-62. The proposal is desirable for the appropriate development or use of the land, building or structure and the requested variance is minor in nature. As such, the proposed application meets all four tests under Subsection 45(1) of the Planning Act and the application is being recommended for approval, subject to the proposed conditions.

Approval of the consent and minor variance applications will create one new parcel of land and permit an existing single detached house on the severed and a proposed future residential/agricultural use on the retained lot. The proposed applications represent good land use planning.

Existing Policy/By-Law:

The proposed applications were reviewed against the policies of the Province of Ontario and City of Kingston to ensure that the changes would be consistent with the Province's and the City's vision of development. The following documents were assessed:

January 22, 2024

Page 11 of 12

Provincial

Provincial Policy Statement, 2020

Municipal

City of Kingston Official Plan

Kingston Zoning By-Law Number 2022-62

Notice Provisions:

A Committee of Adjustment Meeting is going to be held respecting this application on January 22, 2024 Pursuant to the requirements of the *Planning Act*, a notice of Statutory Public Meeting was provided by advertisement in the form of signs posted on the subject site 14 days in advance of the meeting. In addition, notices were sent by mail to a total number of 10 property owners (according to the latest Assessment Roll) within 60 metres of the subject property and a courtesy notice was placed in The Kingston Whig-Standard (Exhibit I – Public Notification Map).

Once a decision has been rendered by the Committee of Adjustment, a Notice of Decision will be circulated in accordance with the provisions of the *Planning Act*.

Accessibility Considerations:

None

Financial Considerations:

None

Contacts:

Meghan Robidoux, Supervisor, Development Approvals 613-546-4291 extension 1256

Jason Partridge, Planner, 613-546-4291 extension 3216

Other City of Kingston Staff Consulted:

None

Exhibits Attached:

Exhibit A Recommended Conditions – Minor Variance

Exhibit B Recommended Conditions – Consent

January 22, 2024

Page 12 of 12

- Exhibit C Key Map
- Exhibit D Neighbourhood Context Map (2023)
- Exhibit E Official Plan Map
- Exhibit F Zoning By-Law Map
- Exhibit G Site Plan
- Exhibit H Site Photo
- Exhibit I Public Notification Map

Recommended Conditions

The approval of minor variance application, File Number D13-067-2023, to reduce the minimum lot frontage requirement, shall be subject to the following recommended conditions:

1. Limitation

That the approved variance applies only to the lot frontage requirement for the severed parcel for the property known as 3718 Brewers Mills Road, as proposed through File Number D10-048-2023.

2. No Adverse Impacts

The owner/applicant shall demonstrate to the satisfaction of the City that there are no adverse impacts on neighbouring properties as a result of any modifications to on-site grading or drainage.

3. Building Permit Application Requirements

The owner/applicant shall provide to the Building Services a copy of the decision of the Committee of Adjustment, together with a copy of the approved drawings, when they make application for a Building Permit.

The drawings submitted with the Building Permit application must, in the opinion of the City, conform to the general intent and description of the approved drawing(s), including any amendments and conditions approved by the Committee of Adjustment, as stated in the decision. It must be noted that additional planning approvals may be required should further zoning deficiencies be identified through the Building Permit application process.

4. Standard Archeological Condition

In the event that deeply buried or previously undiscovered archaeological deposits are discovered in the course of development or site alteration, all work must immediately cease and the site must be secured. The Archaeology Program Unit of the Ministry of Citizenship and Multiculturalism (archaeology@ontario.ca) and City of Kingston's Planning Services (613-546-4291, extension 3180) must be immediately contacted.

In the event that human remains are encountered, all work must immediately cease and the site must be secured. The Kingston Police (613-549-4660), the Office of the Chief Coroner as a part of the Ontario Ministry of the Solicitor General (1-877-9919959), the Archaeology Program Unit of the Ministry of Citizenship and Multiculturalism (archaeology@ontario.ca), and City of Kingston's Planning Services (613-546-4291, extension 3180) must be immediately contacted.

Recommended Conditions

The provisional approval of consent application, File Number D10-048-2023, to sever an approximately 1.07 hectare parcel with approximately 60 metres of frontage along Brewers Mills Road, shall be subject to the following recommended conditions:

1. Deadline

That all conditions are satisfied and a Certificate of Official for both the severed and retained parcels be presented to the Secretary-Treasurer, Committee of Adjustment for certification under Section 53(42) of the *Planning Act*, R.S.O. 1990 as amended, within two years of mailing of this notice under Section 32(41). We suggest that the Land Registry Office be consulted for preapproval of the Certificate of Official to avoid delays.

The Certificate must be registered within two year from the issuance of the certificate as required under Section 53(43) of the *Planning Act*, R.S.O. 1990, as amended. A copy of the registered transfer certificate shall be provided to the Secretary-Treasurer, Committee of Adjustment to complete the file.

2. Reference Plan

That a digital version of a Reference Plan(s) be provided in a PDF and/or AutoCAD Windows readable format on a compact disc (CD), USB memory stick or by email, illustrating the consent as parts on a plan be prepared and presented to the Secretary-Treasurer, Committee of Adjustment prior to the issuance of the Certificate of Official.

The Land Registry Office may pre-approve an alternative parcel description in writing which can be presented to the Secretary-Treasurer, Committee of Adjustment prior to the issuance of the Certificate of Official.

3. Payment of Taxes

The owner/applicant shall contact the Tax Department at tax@cityofkingston.ca and secure in writing from the Treasurer or the Manager of Taxation and Revenue, proof of payment of current taxes and any special charges (not simply a copy of the tax bill) required to be paid out and a statement of proof that is received and shall be provided to the Secretary-Treasurer Committee of Adjustment, prior to the issuance of the consent certificate. The owner/applicant must pay any outstanding realty taxes and all local improvement charges levied against the property.

4. Archaeological Condition

A scoped archaeological assessment is required for the retained lot, beginning with a Stage One Archaeological Assessment and including any subsequent assessments as required by the Ministry of Citizenship and Multiculturalism's Standards and Guidelines for Consultant Archaeologists, as amended from time to time, prior to any soil disturbance. Only the area within 200 metres to the north of Brewers Mills Road

requires an assessment, provided the Development Agreement only permits new buildings and related septic tanks within 475 metres north of Brewers Mills Road.

One digital copy of the assessment report(s) and any acceptance letter(s) from the Ministry of Citizenship and Multiculturalism shall be provided to the Secretary-Treasurer of the Committee of Adjustment, prior to the issuance of the Certificate of Official.

The City relies upon the report of the professional archaeologist as filed, but reserves the right to require further reports should further evidence be uncovered. The applicant may be required to further review the state of archaeological resources on the property depending on the recommendations of the report and subject to input and review from the Ministry of Citizenship and Multiculturalism. The City shall not be restricted in its ability to determine requirements related to review, assessment and/or protection should archaeological resources be found on site. Any costs arising from such requirements of the City, or any other duly authorized Government body, shall be borne solely by the applicant.

5. Related Application

That the related application for minor variance (File Number D13-067-2023) be approved and all conditions of approval fulfilled.

6. Environment

The owner shall provide a Level 1 Hydro G hydrogeological assessment that demonstrates adequate potable water supply for the vacant retained 40.71-hectare lot. Due to groundwater sensitivity in the area and resultant density of lots, the assessment will need to be completed to the City's standard for hydrogeological assessments for a Level 1 hydrogeological investigation that demonstrates quality, quantity, well construction, and potential for interference with exiting users of the groundwater resource. The assessment must be performed by a qualified hydrogeologist licensed to practice as a Professional Engineer (P.Eng.) or Professional Geoscientist (P.Geo.) in Ontario; and, meet the objectives of Provincial Procedure D-5-5 for long term, safe yields.

Each newly created lot will require confirmation of a well that is constructed to provincial regulation 903 standards. The well water must meet health related parameters without treatment.

Dug wells are strongly discouraged and will only be permitted if a drilled well is found to be unsuitable. Evidence from the professional must be submitted in advance when seeking approval to attempt a dug well.

7. Engineering

Please be advised that an entrance permit will be required for new and/or altered entrances. Information on the required permit can be obtained by contacting transportation@cityofkingston.ca

8. Civic Addressing

The owner/applicant shall contact the Planning Division once the Reference Plan has been deposited and provided to the City and obtain a draft civic address for each new lot created and all appropriate fees shall be paid. The owner/applicant shall provide to the Secretary-Treasurer, Committee of Adjustment, written confirmation from the City that the civic address has been obtained prior to the issuance of the consent certificate.

9. Cash In Lieu of Parkland

That \$1582.68 per lot shall be paid to the City of Kingston as cash-in-lieu of land dedication for park or public recreational purposes for each new building lot being created. The applicant may choose to pay the fee through their DASH application, provide a certified cheque or provide payment at the front desk at 1211 John Counter Boulevard, prior to the issuance of the consent certificate.

10. Development Agreement

The owner shall enter into a development agreement satisfactory to the City to be registered on title to the severed and retained lands. All legal costs associated with the preparation and registration of the agreement shall be borne by the owner. The applicant shall provide a copy of the registered executed agreement to the Secretary-Treasurer, Committee of Adjustment, prior to the issuance of the consent certificate. The agreement shall contain conditions to ensure:

- a) That any new septic system on the retained and severed parcels shall conform to the provisions of the City's Official Plan and the owner shall obtain a Building Permit for the construction or alteration to a septic system.
- b) Any recommendations resulting from the hydro-geological assessment are included within the development agreement for the lands.
- c) Any recommendations resulting from the Archaeological Assessment shall be included within the development agreement for the lands.

The owner agrees that no new buildings and related septic tanks will be constructed beyond 475 metres north of the Brewers Mills Road. If the owner would like to build any new buildings or related septic tanks in this location at a later date, an Archaeological Assessment will be required for any disturbed lands.

- d) In the event that deeply buried or previously undiscovered archaeological deposits are discovered in the course of development or site alteration, all work must immediately cease and the site must be secured. The Archaeology Program Unit of the Ministry of Citizenship and Multiculturalism (archaeology@ontario.ca) and City of Kingston's Planning Services (613-546-4291, extension 3180) must be immediately contacted.

- e) In the event that human remains are encountered, all work must immediately cease and the site must be secured. The Kingston Police (613-549-4660), the Office of the Chief Coroner as a part of the Ontario Ministry of the Solicitor General (1-877-991-9959), the Archaeology Program Unit of the Ministry of Citizenship and Multiculturalism (archaeology@ontario.ca), and City of Kingston's Planning Services (613-546-4291, extension 3180) must be immediately contacted.
- f) That the owner be advised that any new or altered entrance to the site will require an entrance permit from the Engineering Division. Contact transportation@cityofkingston.ca for permit information.
- g) That the owner be advised that the severed and retained lots are located in the rural area and may be adjacent to existing or future agricultural uses. Any new residential development on the severed or retained lands shall be outside of the required calculated Minimum Distance Separation (MDS) setback from any neighbouring livestock facility or manure storage and all other applicable requirements at the time of building permit issuance.
- h) That the owner acknowledges that a portion of the subject property is within the EPA or Significant Woodland, as outlined in the City's Tree By-Law. As part of the permit application, an Arborist Report and Tree Preservation Plan prepared by an ISA Certified Arborist is required. Securities and/or replacement tree plantings may be conditions of tree permit issuance.
- i) That the owner acknowledges and agrees with the City that:
 - i. The severed lands and the retained lands are located outside the limits of the municipal water and sewer service area and are not serviced by the City's water treatment plant or sewage treatment facility;
 - ii. The owner shall be solely responsible for ensuring at all times and by all means that there is an adequate supply of potable water and adequate on-site sewage treatment facility maintained by the owner, for the owner's intended use of the severed lands and retained lands;
 - iii. Despite the Committee of Adjustment approval to sever the lands, or that the City has approved zoning for either or both of the severed lands and retained lands that would permit construction of a building thereon, or that the City has or may at any time in the future issue a building permit or approve a site plan for either or both the severed lands and retained lands, the City will have no obligation to extend the municipal water area or provide municipal water services, or to extend the municipal sewer service area or provide municipal sewer services to or for the benefit of either the severed lands or retained lands;
 - iv. Regardless of any order issued by the Ministry of the Environment or by the City of Kingston, Building Services in the future, the owner shall be solely




responsible for the costs associated with any upgrading or extension of any private or municipal services required to be constructed to comply with such order.

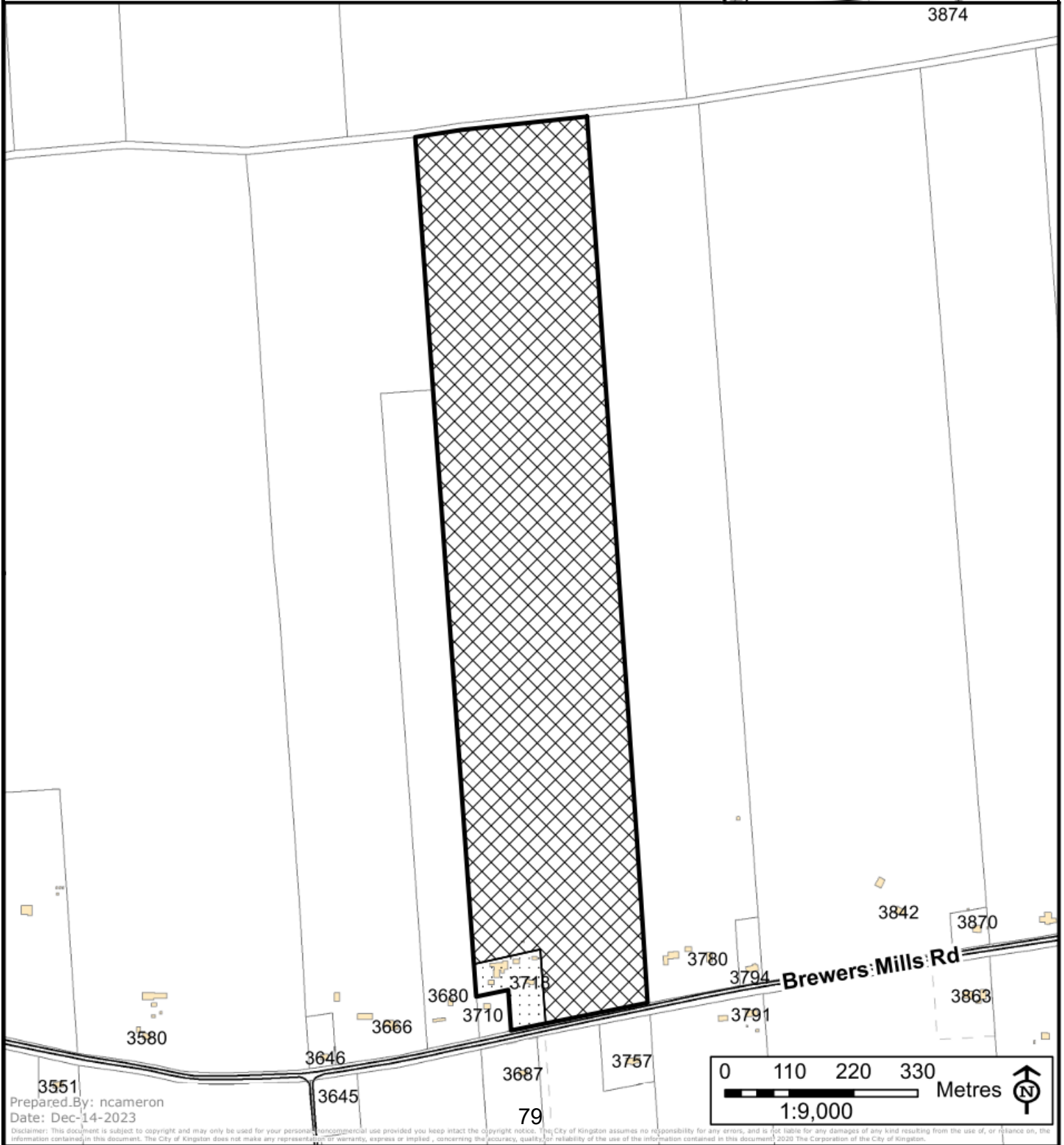
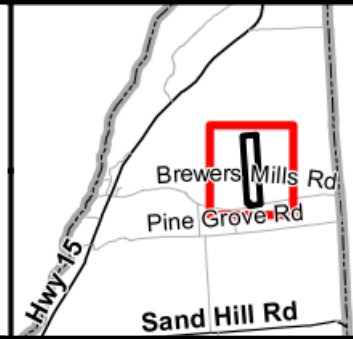


Delegated Authority

Key Map

Address: 3718 Brewers Mills Road
File Number: D13-067-2023 and
D10-048-2023

-  Lands Subject to Minor Variance
-  Severed Lands
-  Retained Lands



Prepared By: ncameron
Date: Dec-14-2023

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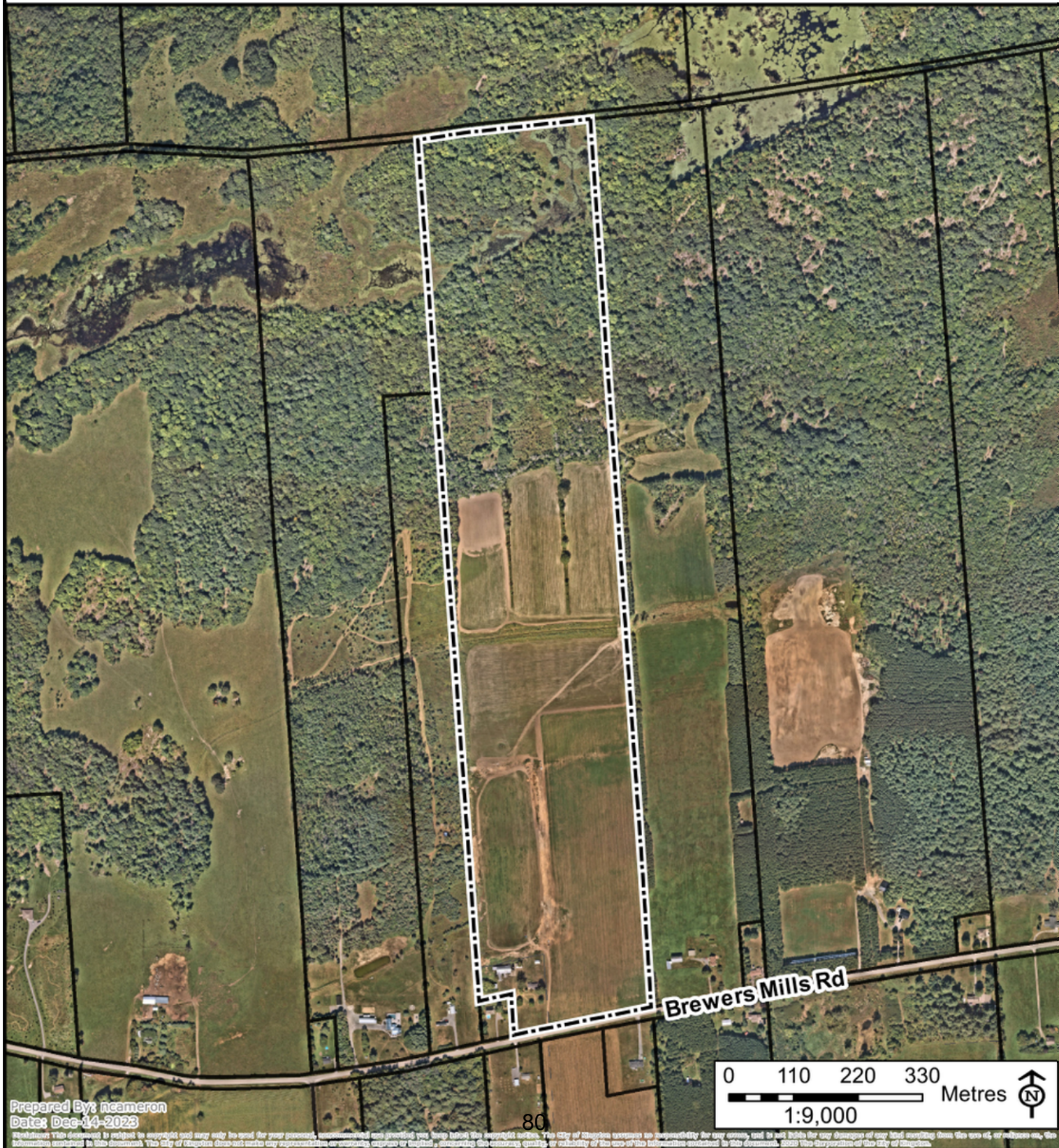


Committee of Adjustment
Neighbourhood Context (2023)

Address: 3718 Brewers Mills Road

File Number: D13-067-2023 and D10-048-2023

- Subject Lands
- Property Boundaries
- Proposed Parcels



Prepared By: neameron
Date: Dec-14-2023

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Planning Services

Committee of Adjustment
Official Plan, Existing Land Use

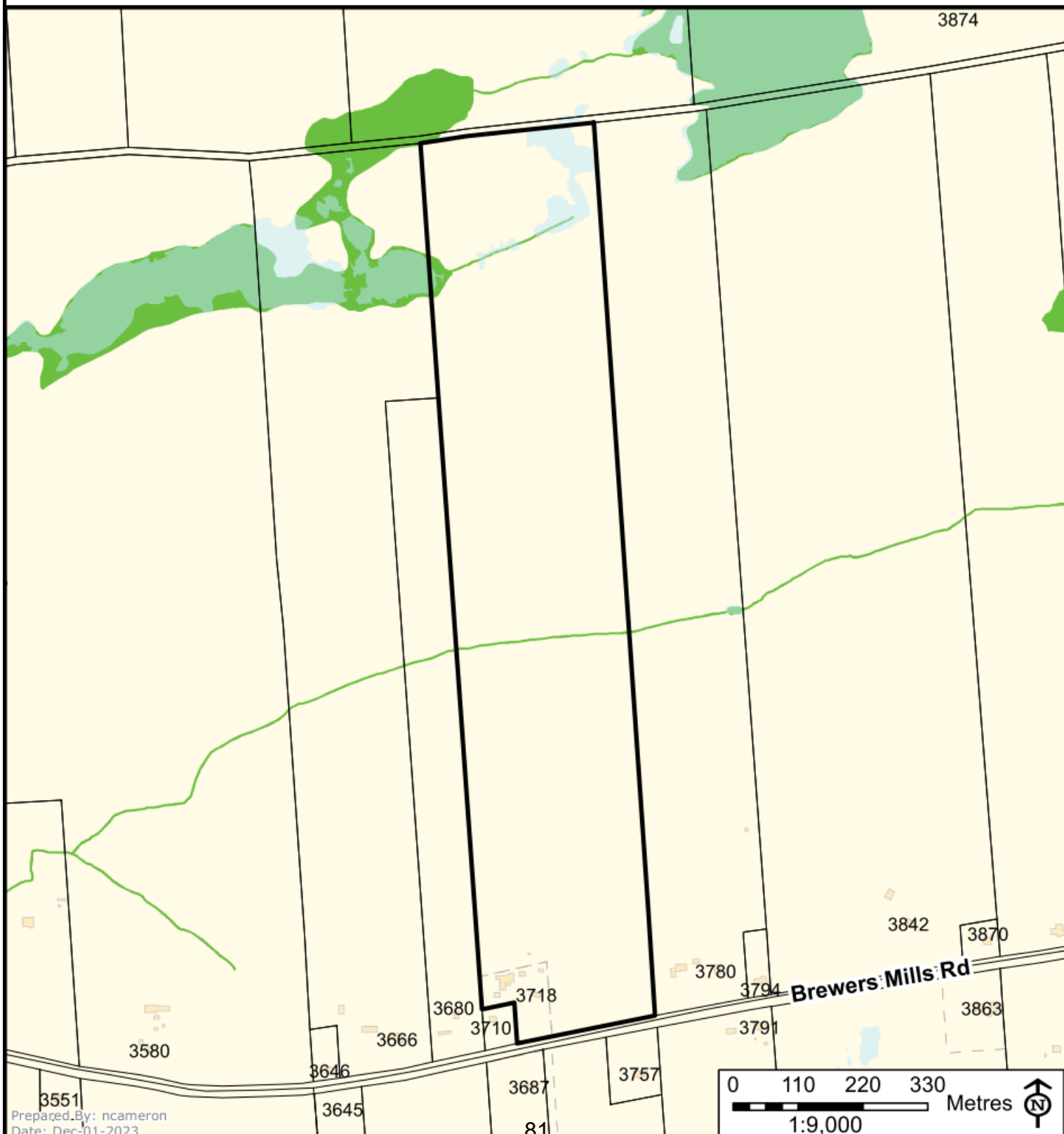
Address: 3718 Brewers Mills Road

File Number: D13-067-2023

Subject Lands

ENVIRONMENTAL PROTECTION AREA

RURAL



Prepared By: ncameron
Date: Dec-01-2023

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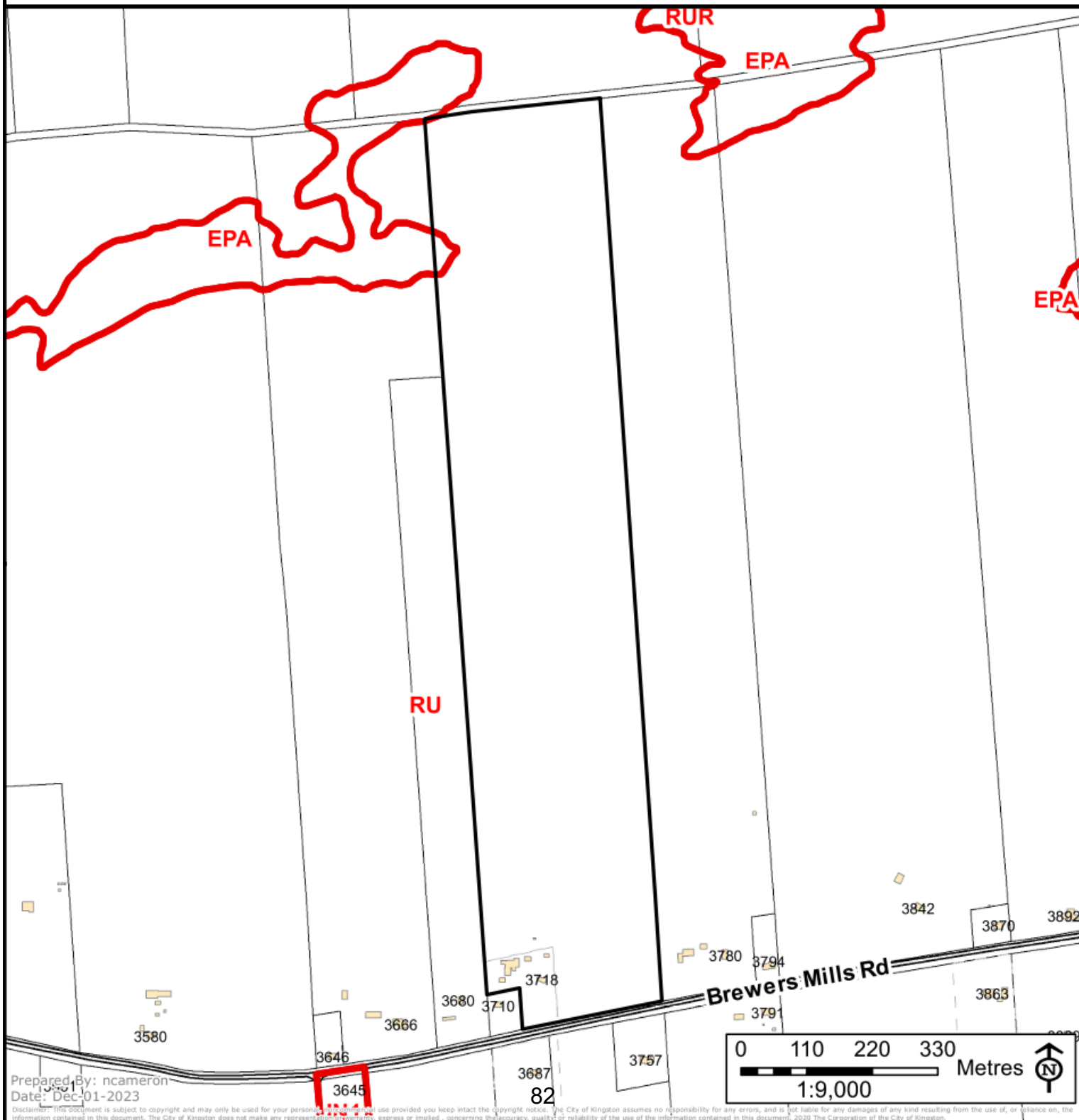
Planning Committee
Existing Zoning
Kingston Zoning By-Law 2022-62

Planning Services

Address: 3718 Brewers Mills Road
File Number: D13-067-2023

- Subject Lands
- Schedule 1 Zoning Map
- Zone

- Schedule E - Exception Overlay
- Legacy Exceptions (LXXX)
- Exceptions (EXXX)
- Schedule F - Holding Overlay
- Holding Overlay (HXXX)





3718 Brewers Mills Road– December 15, 2023

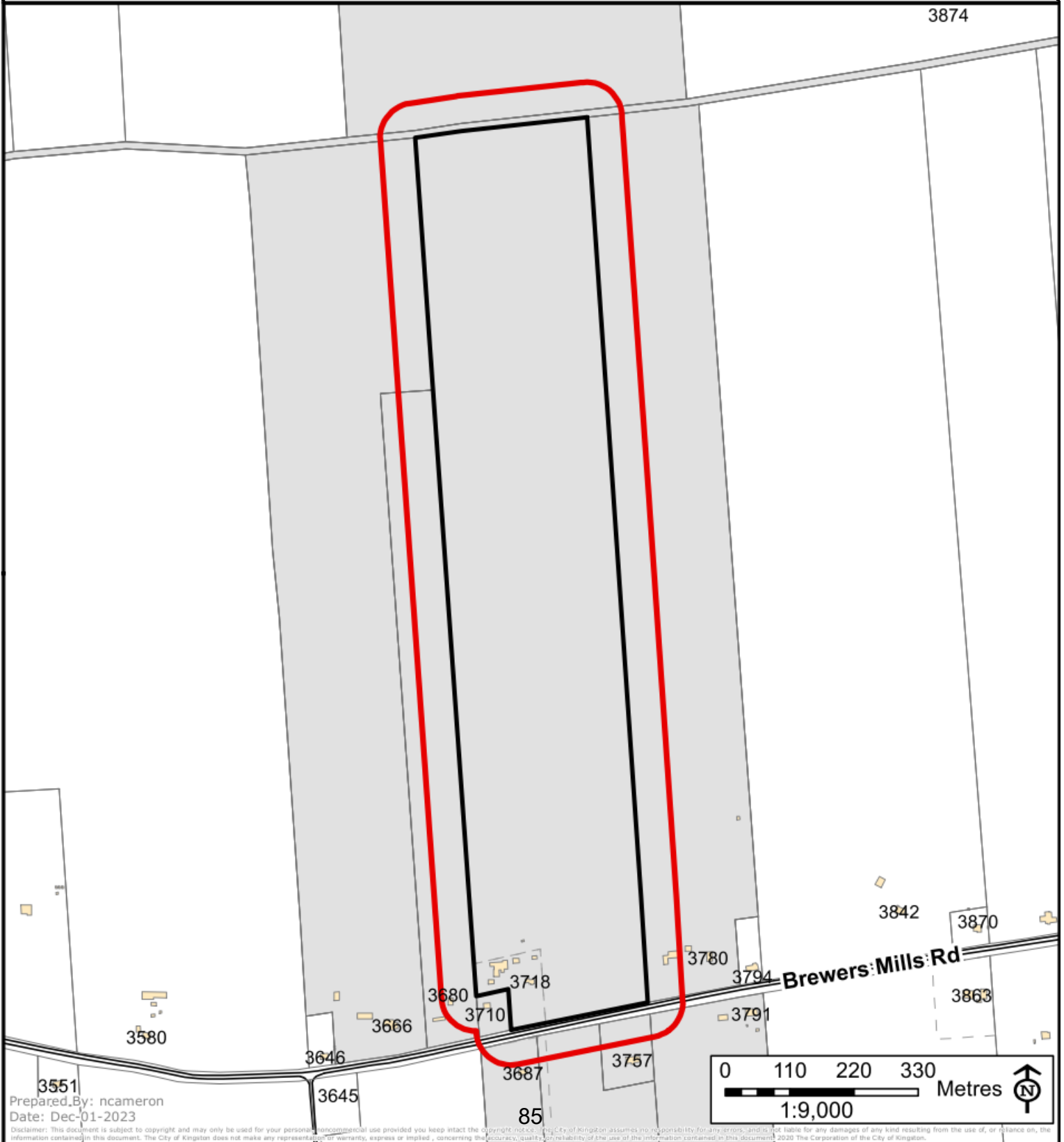


(North facing view of the severed and retain lot)



Committee of Adjustment
Public Notice Notification Map
Address: 3718 Brewers Mills Road
File Number: D13-067-2023

- 60m Public Notification Boundary
- Subject Lands
- Property Boundaries
- Proposed Parcels
- 10 Properties in Receipt of Notice (MPAC)



3551
Prepared By: ncameron
Date: Dec-01-2023

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**City of Kingston
Report to Committee of Adjustment
Report Number COA-24-017**

To: Chair and Members of the Committee of Adjustment
From: Annemarie Eusebio, Intermediate Planner
Date of Meeting: January 22, 2024
Application for: Permission
File Number: D13-066-2023
Address: 831 Wartman Avenue
District: District 4 - Lakeside
Owner: Gay Booth
Applicant: Rod Stokes

Council Strategic Plan Alignment:

Theme: Regulatory & compliance

Goal: See above

Executive Summary:

This report provides a recommendation to the Committee of Adjustment regarding an application for permission for the property located at 831 Wartman Avenue. The subject property has an area of 1,065 square metres and a lot frontage of approximately 19.6 metres. The site is currently developed with an existing single detached house and rear deck, which are considered legal non-complying as both structures are located within 30 metres of the high-water mark of Lake Ontario. The applicant is proposing to demolish the existing rear deck and replace it with a larger deck. The existing rear deck is 22.4 square metres in area. The deck is proposed to be expanded to 30 square metres in area and will be at a height greater than 1.2 metres above finished grade. The proposed rear deck will not encroach further into the existing water setback. The property is designated Residential in the Official Plan and is zoned Urban Residential 4 (UR4) in Kingston Zoning By-Law Number 2022-62.

January 22, 2024

Page 2 of 10

The requested application for permission under Section 45(2)(a)(i) of the *Planning Act* is consistent with the general purpose and general intent of both the City of Kingston Official Plan and Kingston Zoning By-Law Number 2022-62. The proposed rear deck is desirable for appropriate development of the subject property and will not result in undue adverse impacts on the surrounding properties and neighbourhood. Therefore, it is recommended that this application for permission under Section 45(2)(a)(i) of the *Planning Act* be approved.

Recommendation:

That the application for permission, File Number D13-066-2023, for the property located at 831 Wartman to construct a 30 square metre rear deck on the existing dwelling be **Approved**; and,

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-017.

January 22, 2024

Page 3 of 10

Authorizing Signatures:

ORIGINAL SIGNED BY PLANNER

Annemarie Eusebio, Intermediate
Planner

**Consultation with the following Management of the Growth & Development Services
Group:**

Tim Park, Director, Planning Services
Meghan Robidoux, Supervisor, Development Approvals

January 22, 2024

Page 4 of 10

Options/Discussion:

On November 10, 2023, an application for permission was submitted by Rod Stokes, on behalf of the owner, Gay Booth, with respect to the property located at 831 Wartman Avenue. The site is currently developed with an existing single detached house and rear deck, which are considered legal non-complying as both structures are located within 30 metres of the high-water mark of Lake Ontario. The applicant is proposing to demolish the existing rear deck and replace it with a larger deck. The existing rear deck is 22.4 square metres in area. The proposed rear deck will be expanded to 30 square metres in area and will be at a height greater than 1.2 metres above finished grade. The proposed deck will not further encroach into the existing water setback.

In support of the application, the applicant has submitted the following:

- Survey and Existing Deck Plan (Exhibit F)
- Site Plan and Elevations (Exhibit G)
- Cover Letter

All submission materials are available online through the Development and Services Hub (DASH) at the following link, [DASH](#), using “Look-up a Specific Address”. If there are multiple addresses, search one address at a time, or submission materials may also be found by searching the file number.

Site Characteristics

The subject property is located 831 Wartman Avenue (Exhibit B – Key Map). The subject property has an area of 1,065 square metres and a lot frontage of approximately 19.6 metres. The property is a waterfront lot, which directly abuts Lake Ontario. The site is located within the Reddendale neighbourhood, which is an established residential subdivision characterized by single primarily single detached houses. (Exhibit C – Neighbourhood Context Map).

The subject property is designated Residential in the Official Plan (Exhibit D – Official Plan Map) and zoned Urban Residential 4 (UR4) in Kingston Zoning By-Law Number 2022-62 (Exhibit E – Zoning By-Law Map).

Legal Non-complying

Pursuant to Subsection 45(2)(a)(i) of the *Planning Act*, the Committee of Adjustment may permit the enlargement or extension of a legal non-complying building or structure, but no permission may be given to enlarge or extend the building or structure beyond the original limits of the land where the legal non-complying building or structure is situated. In considering whether to grant a permission pursuant to Subsection 45(2)(a)(i), the relevant test is:

- 1) Whether the application is desirable for appropriate development of the subject property;
and,

January 22, 2024

Page 5 of 10

- 2) Whether the application will result in undue adverse impacts on the surrounding properties and neighbourhood.

The requested permission is desirable for the appropriate development of the subject property. The proposed rear deck will be 30 square metres in area and will provide additional outdoor amenity space for the residents of the existing home (Exhibit G – Site Plan and Elevations). The proposed increased width of the rear deck will accommodate for the functional needs of the homeowner as sufficient wheelchair access will be provided for the enjoyment of the waterfront view of Lake Ontario.

The proposal will not result in undue adverse impacts on the surrounding properties and neighbourhood. The proposed deck is a modest form of development and will be well separated from the neighbouring properties. The proposed enlarged deck will be located at the rear of the dwelling and will not result in any adverse visual impacts from the street. It is not anticipated that the proposed deck extension will create any loss of privacy, visual intrusion or affect the enjoyment of adjacent residential properties. Elevated decks of similar size can be found on several of the adjacent properties.

In addition, the proposed location of the development is supported by Cataraqui Region Conservation Authority as the proposed deck will not encroach further into the 30 metre water setback than the existing development on the subject property. There are no flooding or erosion issues associated with the proposal.

Provincial Policy Statement

Subsection 3(5) of the *Planning Act* requires that a decision in respect of the exercise of any authority that affects a planning matter shall be consistent with the Provincial Policy Statement (the PPS). The PPS provides policy direction on matters of provincial interest related to land use planning and development which are complemented by local policies addressing local interests. The application being considered is site specific to accommodate a specific proposal and does not involve any major policy considerations and as such, the proposal conforms to and is consistent with the PPS.

Official Plan

The subject property is designated Residential in the Official Plan (Exhibit D – Official Plan Map).

In certain circumstances, it may be desirable to grant the extension, enlargement or relocation of a non-conforming use as provided by the *Planning Act*. When reviewing an application for such extension, enlargement or relocation, the Committee of Adjustment must be satisfied that the legal non-conforming use or legal non-complying structure continued to the date of the application to the Committee, and that the application would not extend such use beyond the area and site owned or used on the day of passage of the implementing zoning by-law. In

January 22, 2024

Page 6 of 10

addition, the Committee of Adjustment may have regard to the eight criteria included in Section 9.5.13 of the Official Plan.

Section 3.9 of the Official Plan contains policies with respect to waterfront protection that require the protection of a 30 metre naturalized buffer along a waterbody, also referred to as a “ribbon of life”, to help enhance water quality, minimize soil erosion, provide plant and animal habitat, establish connectivity and wildlife corridors, and contribute to the overall health of shoreline ecosystems, particularly fish habitat.

Generally, any new development must be located outside of the 30 metre ribbon of life. However, in this instance, development may be permitted for the enlargement of a building structure or facility which existed on the date of adoption of the Official Plan, provided that the enlargement does not further encroach into the existing water setback (Section 3.9.6). The existing single detached house and rear deck are considered non-complying as they are located within the 30 metres of the high watermark. The existing deck has an area of 22.4 square metres and will be enlarged to an area of 30 square metres (Exhibit F – Survey and Existing Deck Plan and Exhibit G – Site Plan and Elevations). The proposal is considered appropriate and is consistent with the Official Plan as the enlarged rear deck will not encroach further into the existing water setback. The proposal will meet the functional needs of the residents and will be compatible with existing development along Wartman Avenue.

A portion of the rear of the subject property is located within a Natural Hazard Area within Schedule 11A – Constraint Mapping of the Official Plan. This application was circulated to the Cataraqui Region Conservation Authority for review. They have advised that CRCA regulatory policies require new buildings and structures (including decks) to be set back a minimum of 6 metres from the flood plain. The existing deck at its closest point maintains the minimum 6 metre flood plain setback. Since the proposal is to extend the deck laterally, but no closer to the hazard, there are no concerns from a flooding hazard perspective.

The proposed deck will maintain a setback of approximately 13 metres from the toe of slope. As the new deck is not further encroaching into the access allowance portion of the erosion hazard and is outside the stable slope and erosion allowances, CRCA staff have advised that there are no concerns from an erosion hazard perspective.

Lands within 15 metres of the regulatory flood plain and erosion hazard are subject to Ontario Regulation 148/06: Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses. A permit has been issued by CRCA to the owner for the proposed rear deck.

Heritage staff have advised that the subject property is not designated or listed on the City of Kingston's Heritage Property Register, or adjacent to a property which is designated or listed. There are no cultural heritage concerns. The site is not located

January 22, 2024

Page 7 of 10

within an area of archaeological potential. Archaeological clearance for the proposed deck is not required.

The proposed deck will have an area of 30 square metres. The proposed rear deck will be similar in style and scale to the rear deck located on the adjacent property at 827 Wartman Avenue. The proposed deck expansion will be well separated from the neighbouring properties as it exceeds the required interior setbacks and will meet the maximum surface area as required for decks and porches in Kingston Zoning By-Law Number 2022-62 (Exhibit G – Site Plan and Elevations). There are several neighbouring waterfront properties also located along the south portion of Wartman Avenue that have dwellings and rear decks with non-complying status. The proposed enlargement of the rear deck on the subject property is compatible within the adjacent residential uses as well as the character of the area.

The proposed deck on the property will not create any new noise, odour, traffic conflict, or other nuisance. The proposed deck represents a modest intensification of an existing serviced lot, there is no undue adverse impacts to existing servicing. At the time of writing, no comments have been received by the public and no issues have been received by internal departments or partner agencies. The proposed development makes efficient use of open space separating the rear of the deck which will not further encroach into 30 metre water-setback.

Zoning By-Law

The subject property is zoned Urban Residential 4 'UR4' in Kingston Zoning By-Law Number 2022-62 (Exhibit E – Zoning By-Law Map). The Urban Residential zone permits a single detached house. As the proposed rear deck exceeds the required minimum interior setbacks and will meet the maximum surface area provisions for porches and decks, it is anticipated that there will be no significant impact on adjacent residential uses with respect to privacy and intrusive overlook.

Section 4.23 of Zoning By-Law 2022-62 requires a minimum 30 metre separation distance from the high-water mark of a waterbody to any use or building. Prior to the enactment of Zoning By-Law 2022-62 on April 26, 2022 and prior to the enactment of Zoning By-Law 76-26 in July 8, 1976, the subject property was zoned 'Residential' in Zoning By-Law 749 at the time the single detached house was constructed in 1968. Zoning By-Law 749 did not regulate waterbody separation distances for development. The existing single detached house and rear deck is considered legal non-complying as these structures are located within the required 30 metre separation distance from the high-water mark of Lake Ontario. The existing single detached house and rear deck have been continuous in use since the time of construction.

The proposed deck expansion complies with all other applicable provisions of the Kingston Zoning By-Law.

January 22, 2024

Page 8 of 10

Technical Review: Circulated Departments and Agencies

- Building Services Engineering Heritage Services
- Finance Utilities Kingston Real Estate
- Fire & Rescue Kingston Hydro Environment Division
- Solid Waste Parks Development Canadian National Railways
- Housing District Councillor Ministry of Transportation
- KEDCO Municipal Drainage Parks of the St. Lawrence
- CRCA KFL&A Health Unit Trans Northern Pipelines
- Parks Canada Eastern Ontario Power CFB Kingston
- Hydro One Enbridge Pipelines TransCanada Pipelines
- Kingston Airport

Technical Comments

This application was circulated to external agencies and internal departments for their review and comment and there were no comments or concerns raised that would preclude this application from moving forward. Any technical comments that are received after the publishing of this report will be included as an addendum to the Committee of Adjustment Agenda.

Public Comments

At the time this report was finalized, no public comments have been received. Any public comments received after the publishing of this report will be included as an addendum to the Committee of Adjustment Agenda.

Previous or Concurrent Applications

There are no concurrent or relevant historic planning applications on the subject property.

Conclusion

The requested application for permission under Section 45(2)(a)(i) of the *Planning Act* is consistent with the general purpose and general intent of both the City of Kingston Official Plan and Kingston Zoning By-Law Number 2022-62. The proposed rear deck expansion is desirable for appropriate development of the subject property and will not result in undue adverse impacts on the surrounding properties and neighbourhood. Therefore, it is recommended that this application for permission under Section 45(2)(a)(i) of the *Planning Act* be approved.

Approval of this application will allow for the expansion of an existing legal non-complying rear deck on the subject property municipally known as 831 Wartman Avenue.

January 22, 2024

Page 9 of 10

Existing Policy/By-Law:

The proposed application was reviewed against the policies of the Province of Ontario and City of Kingston to ensure that the changes would be consistent with the Province’s and the City’s vision of development. The following documents were assessed:

Provincial

Provincial Policy Statement, 2020

Municipal

City of Kingston Official Plan

Kingston Zoning By-Law Number 2022-62

Notice Provisions:

A Committee of Adjustment Meeting is going to be held respecting this application on January 22, 2024. Pursuant to the requirements of the *Planning Act*, a notice of Statutory Public Meeting was provided by advertisement in the form of signs posted on the subject site 10 days in advance of the meeting. In addition, notices were sent by mail to a total number of 15 property owners (according to the latest Assessment Roll) within 60 metres of the subject property and a courtesy notice was placed in The Kingston Whig-Standard (Exhibit H – Public Notification Map).

Once a decision has been rendered by the Committee of Adjustment, a Notice of Decision will be circulated in accordance with the provisions of the *Planning Act*.

Accessibility Considerations:

None

Financial Considerations:

None

Contacts:

Meghan Robidoux, Supervisor, Development Approvals, 613-546-4291 extension 1256

Annemarie Eusebio, Intermediate Planner, 613-546-4291 extension 3183

Other City of Kingston Staff Consulted:

None

January 22, 2024

Page 10 of 10

Exhibits Attached:

- Exhibit A Recommended Conditions
- Exhibit B Key Map
- Exhibit C Neighbourhood Context Map (2022)
- Exhibit D Official Plan Map
- Exhibit E Zoning By-Law Map
- Exhibit F Survey and Existing Deck Plan
- Exhibit G Site Plan and Elevations
- Exhibit H Site Photos
- Exhibit I Public Notification Map

Recommended Conditions

The approval of permission application, File Number D13-066-2023, to construct a 30 square metre uncovered deck at the rear of the property shall be subject to the following recommended conditions:

1. Limitation

That the approved permission applies only to the rear deck as shown on the approved drawings attached to the notice of decision.

2. No Adverse Impacts

The owner/applicant shall demonstrate to the satisfaction of the City that there are no adverse impacts on neighbouring properties as a result of any modifications to on-site grading or drainage.

3. Building Permit Application Requirements

The owner/applicant shall provide to the Building Services a copy of the decision of the Committee of Adjustment, together with a copy of the approved drawings, when they make application for a Building Permit.

The drawings submitted with the Building Permit application must, in the opinion of the City, conform to the general intent and description of the approved drawing(s), including any amendments and conditions approved by the Committee of Adjustment, as stated in the decision. It must be noted that additional planning approvals may be required should further zoning deficiencies be identified through the Building Permit application process.

4. Standard Archaeological Condition

In the event that deeply buried or previously undiscovered archaeological deposits are discovered in the course of development or site alteration, all work must immediately cease and the site must be secured. The Archaeology Program Unit of the Ministry of Citizenship and Multiculturalism (archaeology@ontario.ca) and City of Kingston's Planning Services (613-546-4291, extension 3180) must be immediately contacted.

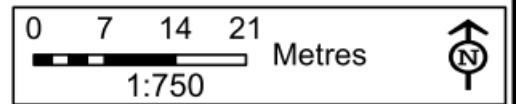
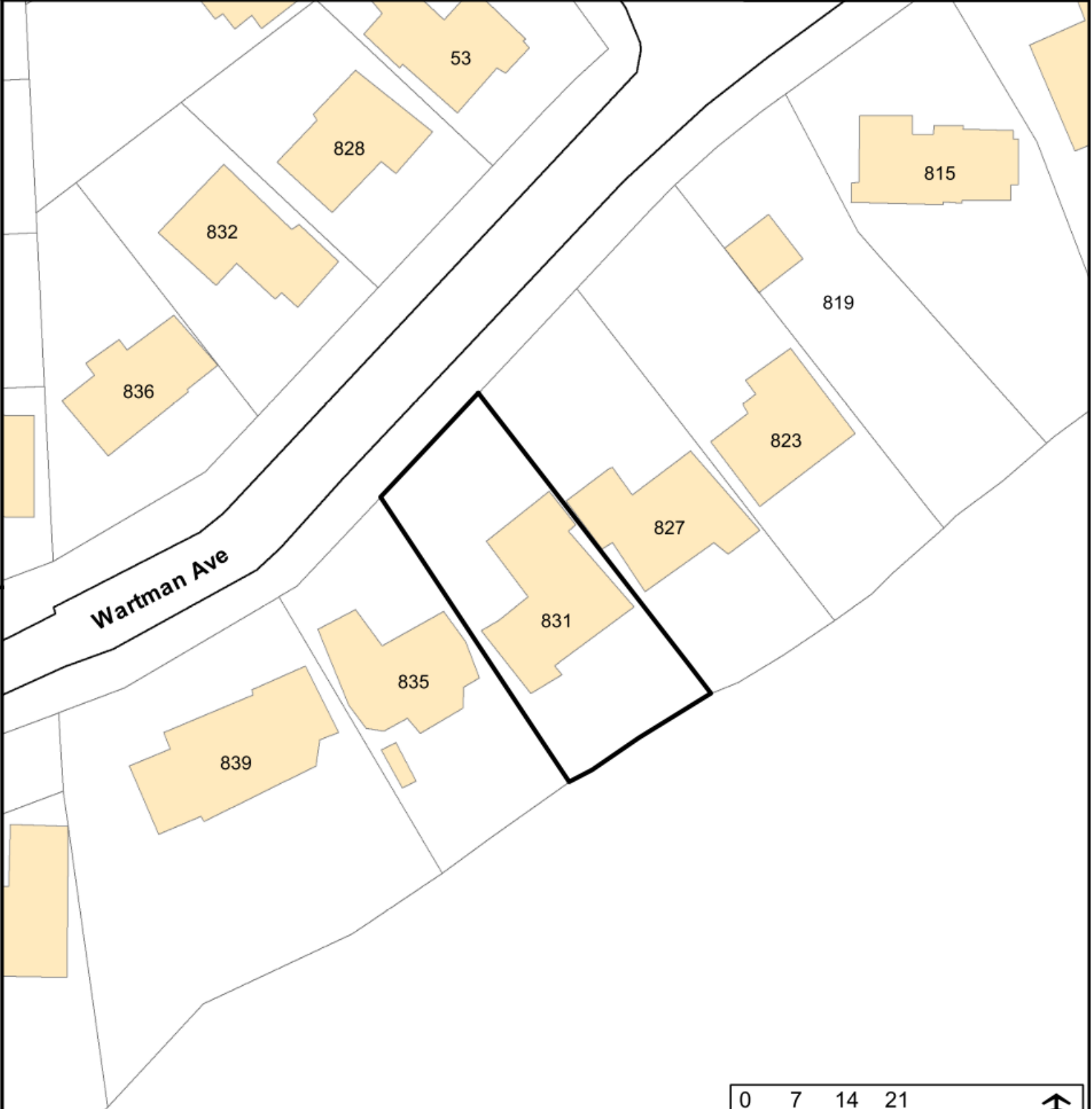
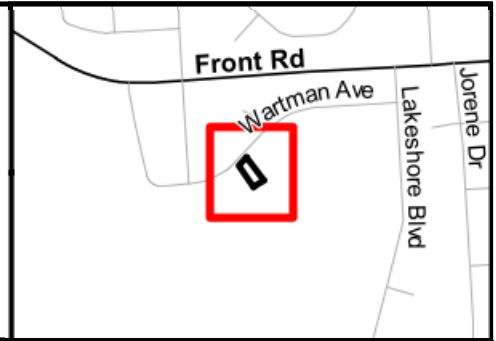
In the event that human remains are encountered, all work must immediately cease and the site must be secured. The Kingston Police (613-549-4660), the Office of the Chief Coroner as a part of the Ontario Ministry of the Solicitor General (1-877-991-9959), the Archaeology Program Unit of the Ministry of Citizenship and Multiculturalism (archaeology@ontario.ca), and City of Kingston's Planning Services (613-546-4291, extension 3180) must be immediately contacted.



Committee of Adjustment Key Map

Address: 831 Wartman Ave
File Number: D13-066-2023

 Lands Subject to Permission





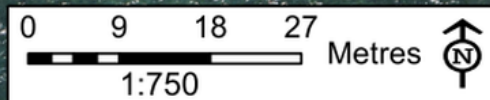
Planning Services

Committee of Adjustment Neighbourhood Context (2023)

Address: 831 Wartman Ave
File Number: D13-066-2023

 Subject Lands

 Property Boundaries

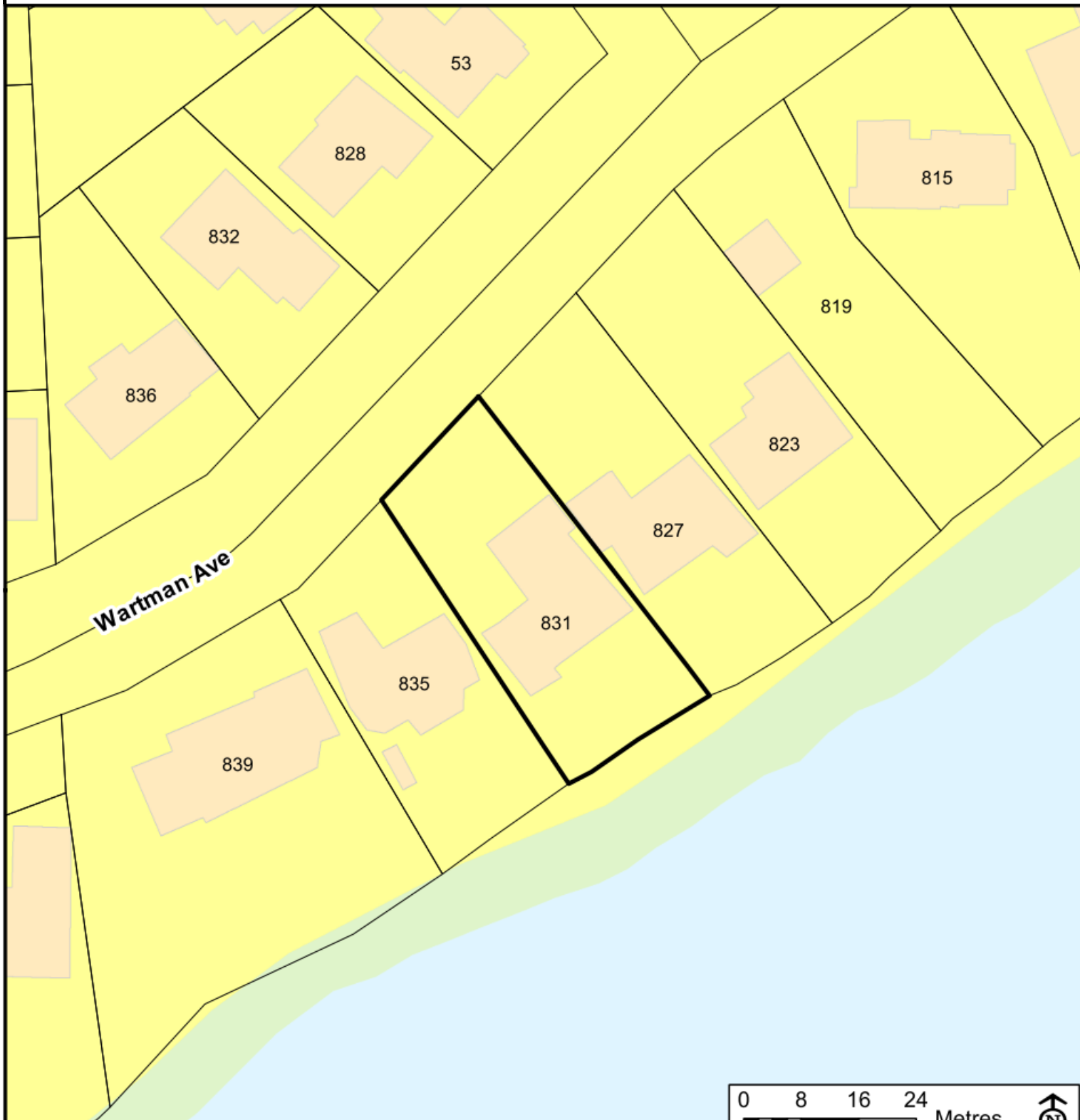




Committee of Adjustment Official Plan, Existing Land Use

Address: 831 Wartman Ave
File Number: D13-066-2023

- Subject Lands
- RESIDENTIAL





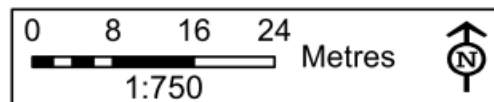
Committee of Adjustment
Existing Zoning
Kingston Zoning By-Law 2022-62

Planning Services

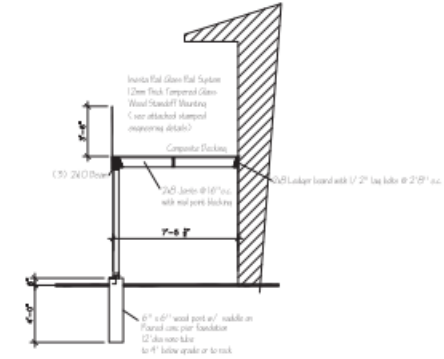
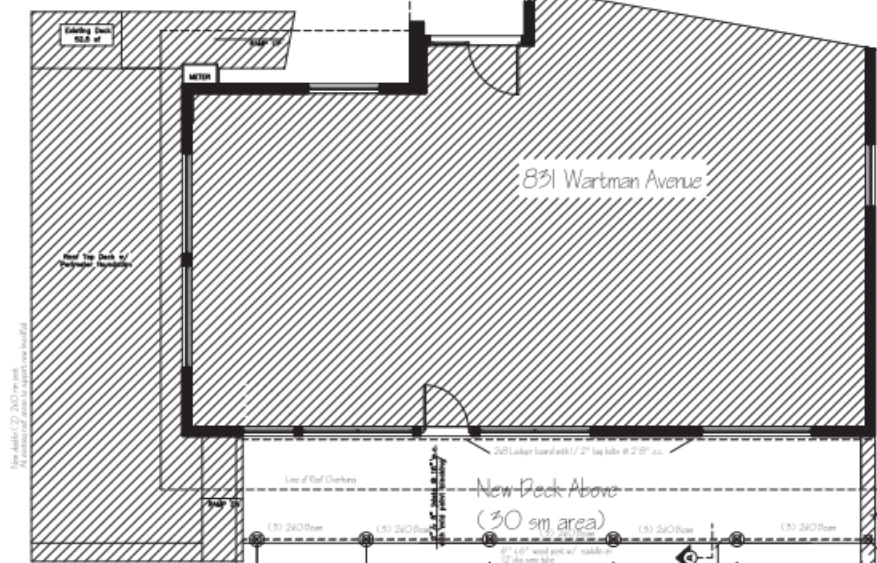
Address: 831 Wartman Ave
File Number: D13-066-2023

- Subject Lands
- Schedule 1 Zoning Map
- Zone

- Schedule E - Exception Overlay
- Legacy Exceptions (LXXX)
- Exceptions (EXXX)
- Schedule F - Holding Overlay
- Holding Overlay (HXXX)



New double L 2x2 2x2 tie post
As existing roof areas to support new buildOut



General Notes

These plans were developed in accordance with the requirements of the Ontario Building Code. Drawings not to be scaled.

Contractor shall verify and be responsible for all dimensions and material code requirements and shall report any discrepancies to the Client before proceeding with any work.

Plans are copyright and any attempt for use without written consent is strictly prohibited.

These plans form the basis for the permit application and any alterations from these plans and details including ventilation system, heating system, windows, fireplaces, decks, balconies and deck accessories will require a revised drawing and clearance by the Building Department.

DESIGNER INFORMATION

1. Rod Stokes of Rod Stokes Consulting reviews and takes responsibility for the design work, and is qualified in the appropriate categories as "Designer" under Division C Part 3 Section 3.2.4 of the Ontario Building Code.

Firm B.C.I.N.: 38482
Individual B.C.I.N.: 31134

signed
Rod Stokes
October 30, 2024



1	Minor redesign dimension added	10/26/24
2	Dimension and distance added	10/20/24
3	Issued for Permits Application C of A	10/20/24
4	Revised copy of deck	10/07/24
5	Issued for building permit application	10/07/24
No.	Revision/ Issue	Date



Proposed New Wood Deck
831 Wartman Avenue
Kingston, Ontario

Proposed Deck Framing Plan
Expansion

Sheet
A-2

Site Statistics Zone UR41 By-law 2022-62

Zone	Description	By-law Required Single Detached	Proposed	Remarks
Section 11.5.1 Zoning provision				
1.	Lot Area	8974	Existing	
2.	Min. Lot Frontage	10.7m	Existing	Variance required
3.	Maximum height	10.7m	Existing	
4.	Min. Front Setback	8.0m	Existing	
5.	Min. Rear Setback	7.6m	Existing	
6.	Minimum Exterior Setback	6.3m	N/A Applicable	
7.	Minimum Interior Setback	n/a - against 1.25m	Existing	
8.	Min. Accessible Setback	N/A	N/A	
9.	Minimum Landscape Open Space	50%	Existing	
10.	Maximum Lot Coverage	50%	Existing	
11.	Maximum Number Principal Buildings	10	1.0 existing	
12.	Maximum Building Depth	N/A	N/A	
Table 4.20.4	Maximum Deck Surface	50cm	50 cm	
4.20.1	Waterproof, Separation Plate(s)	50cm	150cm	Permitted Required

Site Visit Photos

View of the front of the existing dwelling at 831 Wartman Avenue



View of rear of the dwelling and location of new deck







View of Lake Ontario at the rear of the property

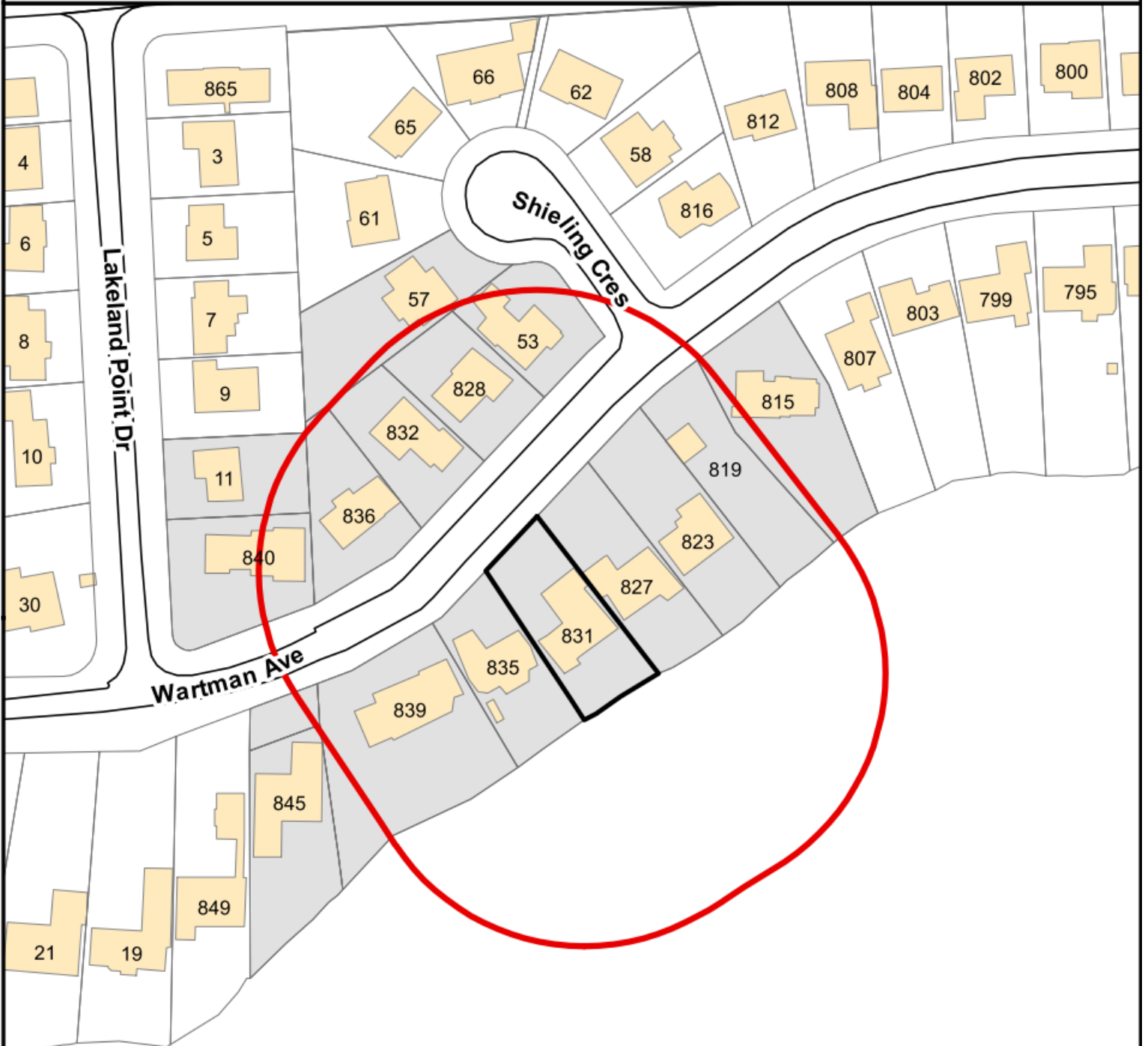




Committee of Adjustment
Public Notice Notification Map

Address: 831 Wartman Ave
File Number: D13-066-2023

-  60m Public Notification Boundary
-  Subject Lands
-  Property Boundaries
-  15 Properties in Receipt of Notice (MPAC)





**City of Kingston
Report to Committee of Adjustment
Report Number COA-24-015**

To: Chair and Members of the Committee of Adjustment
From: Chris Booth, Senior Planner
Date of Meeting: January 22, 2024
Application for: Minor Variance
File Number: D13-068-2023
Address: 1177 Montreal Street
District: District 7 - Kingscourt-Rideau
Owner: James Peach
Applicant: Rogers & Trainor

Council Strategic Plan Alignment:

Theme: 1. Support Housing Affordability

Goal: 1.1 Promote increased supply and affordability of housing.

Executive Summary:

This report provides a recommendation to the Committee of Adjustment regarding an application for minor variances for the property located at 1177 Montreal Street. The applicant is proposing to increase the permitted unit count from 130 residential units to 174, along with relief from the required parking on-site to permit a total of 104 resident parking spaces, and a reduction of the interior side yard setback from 7.0 to 6.0 metres for the 6-storey residential apartment proposed on the northeastern corner of the subject lands (known as Building B).

The requested minor variances are consistent with the general intent and purpose of both the City of Kingston Official Plan and Kingston Zoning By-Law Number 2022-62. The requested minor variances are desirable for the appropriate development or use of the land, building or structure and are minor in nature. As such, the proposed application meets all four tests under Subsection 45(1) of the *Planning Act* and is recommended for approval.

January 22, 2024

Page 2 of 14

Recommendation:

That minor variance application, File Number D13-068-2023, for the property located at 1177 Montreal Street to increase the permitted unit count, reduce the parking requirement, and reduce the interior side yard setback for the northeastern apartment building, be approved, as described below:

Variance Number 1:

By-Law Number 2022-62: E117, Subsection (b) Building A, Subsection (iii)

Requirement: Maximum of 63 dwelling units

Proposed: Maximum of 85 dwelling units

Variance Requested: 22 dwelling units

Variance Number 2:

By-Law Number 2022-62: E117, Subsection (c) Building B, Subsection (iii)

Requirement: Maximum of 63 dwelling units

Proposed: Maximum of 85 dwelling units

Variance Requested: 22 dwelling units

Variance Number 3:

By-Law Number 2022-62: E117, Subsection (b) Building B, Subsection (v)

Requirement: Minimum setback of 7.0 metres to the western interior lot line

Proposed: Minimum setback of 6.0 metres to the western interior lot line

Variance Requested: 1.0 metre

Variance Number 4:

By-Law Number 2022-62: Table 7.1.1 (1) (a) (i)

Requirement: Minimum of 0.8 parking spaces per dwelling unit

Proposed: Minimum of 0.6 parking spaces per dwelling unit

Variance Requested: 0.2 parking spaces per dwelling unit; and

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-015.

January 22, 2024

Page 3 of 14

Authorizing Signatures:

ORIGINAL SIGNED BY PLANNER

Chris Booth, Senior Planner

In Consultation with the following Management of the Growth & Development Services Group:

Tim Park, Director, Planning Services

Meghan Robidoux, Supervisor, Development Approvals

January 22, 2024

Page 4 of 14

Options/Discussion:

On November 21, 2023, a minor variance application was submitted by Rogers & Trainor, on behalf of the owner, James Peach, with respect to the property located at 1177 Montreal Street.

A Zoning By-Law Amendment (File number D14-015-2021) for the subject lands was previously approved by Council on August 8th, 2023 ([Report Number PC-23-022](#)), which had the effect of transferring the lands into the Kingston Zoning By-Law and introducing Exception Number E117 to facilitate the development of two, six-storey apartment buildings each accommodating 63 units, and one, two-storey fourplex, for a total of 130 dwelling units on the site. Subsequently, when performing detailed design as part of the Site Plan Control application, the applicant found that a more efficient unit mix and layout was possible for the two apartment buildings. This proposal would see an additional 44 units spread evenly between the two apartment buildings, with each receiving 22 extra units for a total of 85 units per building. As such, a minor variance is requested to increase the permitted unit count on the subject lands from 130 residential units (as established in Exception Number E117) to 174 residential units.

The following table provides a breakdown of the number and type of housing units contemplated at the time of the rezoning as compared to that which is requested through the current proposal:

Unit Type	Previous Proposal	Current Proposal
Studio units	0	8
One-bedroom	58	44
One-bedroom plus den	2	54
Two-bedroom	62	48
Two Bed Plus Den	8	20
Total aggregate bedrooms	200	262
Total number of units	130	174

It should be noted that certain site components have not been fully designed, namely the proposed fourplex along Montreal Street, and these will be further refined during subsequent

January 22, 2024

Page 5 of 14

steps in the approval process, including Site Plan Control and Building Permit. As a result, a small margin of flexibility is reflected in Condition 7 within Exhibit A, which sets the maximum number of bedrooms at 270.

To facilitate the increased number of dwelling units, relief from the required parking is also being requested to allow parking at a rate of 0.6 spaces per unit (for a total of 104 spaces), rather than the current requirement under Exception E117 of a minimum of 0.8 parking spaces per unit (which would result in 140 parking spaces). As the proposed unit reconfiguration causes the footprint of the apartment buildings to lengthen slightly, a 1.0 metre reduction of the interior side yard setback is requested for the six-storey apartment located in the northeastern corner of the site (Building B), thereby altering the interior setback from 7.0 to 6.0 metres.

In support of the application, the applicant has submitted the following:

- Planning justification
- Conceptual Site Plan (Exhibit F)
- Building floor plans (Exhibit G)
- Servicing report and plan
- Survey plans
- Owner Authorization Letter

All submission materials are available online through the Development and Services Hub (DASH) at the following link, [DASH](#), using “Look-up a Specific Address”. If there are multiple addresses, search one address at a time, or submission materials may also be found by searching the file number.

Site Characteristics

The subject property is located within the Rideau Heights neighbourhood and is comprised of three parcels (one of which is landlocked and does not have a civic address) known municipally as 1173 and 1177 Montreal Street (Exhibit B – Key Map). Totalling 1.5 hectares, the site has just over 30 metres of frontage along Montreal Street, which is a major north-south corridor within the urban boundary that is classified in Schedule 4 of the Official Plan as an arterial road. Both express and local transit service are provided on Montreal Street (Routes 801/802 and Route 1 respectively), and dedicated bike lanes exist alongside a sidewalk on both sides of the road. The property abuts low-rise residential properties to the north, south and west, and the CN railway to the east (Exhibit C – Neighbourhood Context Map). Residential apartments exist in close proximity to the south along the west side of Montreal Street, while Shannon Park – a major city park – and Rideau Heights Public School and community centre are approximately 200 metres to the west down MacCauley Street.

The site is currently vacant and heavily treed, its lands sloping downward from west to east. Its topography and location make it visible from the Rideau Canal, which is a designated UNSECO

January 22, 2024

Page 6 of 14

World Heritage Site. The Canal forms part of the Great Cataraqui River and associated Great Cataraqui Marsh, which sits near the base of the site, along the CN railway line.

The subject property is designated Residential in the Official Plan and is within the Montreal Street South of Greer Site Specific Policy Area, Schedule 3D (Exhibit D – Official Plan Map) and zoned URM2 in Kingston Zoning By-Law Number 2022-62 with Site Specific Exception E117 (Exhibit E – Zoning By-Law Map).

Provincial Policy Statement

In addition to the four tests of a minor variance detailed below, Subsection 3(5) of the *Planning Act* requires that a decision in respect of the exercise of any authority that affects a planning matter shall be consistent with the Provincial Policy Statement (the PPS). The PPS provides policy direction on matters of provincial interest related to land use planning and development which are complemented by local policies addressing local interests. The application being considered is site specific to accommodate a specific proposal and does not involve any major policy considerations and as such, the proposal conforms to and is consistent with the PPS.

Minor Variance Application

The review of an application for minor variance(s) is not a simple mathematical calculation, but rather a detailed assessment of whether the variance(s) requested, both separately and together, meet the four tests of a minor variance outlined in Subsection 45(1) of the *Planning Act*. The following provides this review:

1) The general intent and purpose of the Official Plan are maintained

The subject property is designated Residential in the City of Kingston Official Plan (Exhibit D – Official Plan Map). The property is located within the Montreal Street South of Greer Site Specific Policy Area, as set out in Schedule 3D (described in Section 3.17.5) which states that further Site Plan Control or zoning by-law amendments in the area must have regard for the policies set out in Section 3.17.4. These policies seek to ensure that site conditions (especially drainage) and proposed site and building design is adequately reviewed through the provision of assessments by qualified professionals. As the subject site underwent a zoning by-law amendment process in 2023, comprehensive and in-depth assessments were conducted as part of that process. A variety of studies by qualified professionals were submitted in support of the application and accepted by City staff (including archaeological, heritage, environmental, grading, geotechnical, stormwater management, servicing, vibration and noise), thereby demonstrating the suitability of the site for development. These policy requirements have therefore been met.

In considering whether this proposed variance is desirable, the Committee of Adjustment will have regard to the nine requirements included in Section 9.5.19 of the Official Plan.

The proposed development meets the Strategic Policy Direction of the Official Plan by proposing higher density residential development on an underutilized parcel within the Urban

January 22, 2024

Page 7 of 14

Boundary. Making better use of a vacant property along Montreal Street will help the Municipality maximize its infrastructure investments, foster increased use of the public transit system, and encourage active transportation along existing cycle lanes. Site design has considered surrounding heritage features and the changes proposed have been deemed suitably minor as to warrant a minor variance as opposed to a new zoning by-law amendment.

Promoting intensification is a significant focus of the Plan, and the City has provided further support and direction through important work such as the Mayor's Task Force on Housing, which produced a final report entitled "A Foundation for the Public Good: Recommendations to Increase Kingston's Housing Supply for All." The goal of this work was to make recommendations that would help increase the supply of a diverse range of housing, and suggested that local planning decisions take into account the City's housing needs.

This report provides a helpful lens through which to review the Official Plan's residential density targets for major residential infill projects (which are to provide at least 37.5 units per hectare). With the Official Plan now being six years old, the above-noted study provides support for enabling additional density well beyond the Plan's stated minimum targets. The proposal on the subject lands would raise the approved density of 84 units per hectare to 110 units per hectare, which helps fulfil not only the intent of the Plan, but addresses the more recent housing crisis being experienced in Kingston. Given the additional density being proposed, it was necessary for water and sanitary services to be assessed, and so an updated servicing report and plan was supplied by the Applicant and accepted by Utilities Kingston.

The Official Plan establishes informative parameters to provide for responsible growth and ensure that density is provided in a functional and compatible manner. Through specific site-design choices such as locating the six storey buildings on portions of the site that are at lower elevations, the impact of the buildings on existing homes along Montreal Street (which is at a higher elevation) is reduced. Furthermore, the proposed apartment buildings are set as far back on the site as possible, while still adhering to allowable setbacks from the CN railway. The proposal seeks to remain in keeping with the established character along Montreal Street by siting a two-storey four-unit building along the road. The proposed minor variance would not result in any height increases, and only a slight lengthening of each six-storey building, thus ensuring they remain compatible with surrounding properties.

The site is proposed to take access from Montreal Street via a private road, and residents would have access to 104 vehicular parking spaces, 10 visitor parking spaces, 2 car-share parking spaces, 186 long-term bike parking spaces, and 17 short term bike parking spaces. While no additional vehicular parking is proposed for the additional 44 housing units (which would see the parking ratio change from 0.87 to 0.6 spaces per unit), the reduction is offset by an increased amount of long-term bike parking (186 spaces compared to 157 required by the Kingston Zoning By-law). A reduction in parking is supported by an updated Traffic Impact Study, which found that the project would integrate well with the transportation network, and that there would be no need for off-site road modifications.

January 22, 2024

Page 8 of 14

Furthermore, the proposed supply of parking is supported by the results of the City's 2019 Household Travel Survey, which found the Rideau Heights neighbourhood to have higher rates of cycling (nearly 4% of all trips) and public transit use (nearly 10% of all trips) than many other areas of the City. The site is fortunate to benefit from local and express buses operating along Montreal Street, along with cycling lanes on both sides of the road, affording residents quick and easy access to alternate modes of travel. Such convenience makes it more likely that residents will use these options, thus reducing the need for automobiles and the associated parking. While overall parking supply may be reduced, the number of barrier free stalls is not, with eight spaces being provided as per the Kingston Zoning By-law.

It is also worth noting that while not required, the Applicant is proposing an additional two visitor parking spaces. Given certain site constraints, the Applicant is still working with City staff to finalize the exact location of these spaces, a process which will be concluded through the Site Plan Control process. Three potential locations are currently being explored, and are depicted in Exhibit F.

Reductions in parking were also supported by Parks Canada, who reviews impacts to the UNESCO-designated Rideau Canal and sought to ensure that surface parking did not detract from the visual character of the riverside. The Official Plan requires development to mitigate impacts to the City's heritage areas, and City Heritage Staff also reviewed the proposal. As the proposed changes do not significantly alter the previously approved site layout, the minor variance is supportable and further refinement can take place at the stage of Site Plan Control, if necessary.

A review of the proposal has found the changes to be of low impact, thus making a minor variance a suitable mechanism through which to facilitate development as compared to a zoning by-law amendment. Most of the proposed density and site design were reviewed and approved via a robust zoning by-law amendment process, which culminated in approval by City Council in August 2023. With changes to the building footprint being minimal, and no changes to the overall site design, there is little in the way of visual change. The severity of the change was therefore primarily an assessment of the impact of adding 44 additional units from a traffic and servicing perspective. The submission of the Traffic Impact Study showed there to be no additional impact, and the servicing report and plan demonstrated that 44 new units could be supported. Given these conclusions, another zoning by-law amendment would be a lengthy and costly burden to place on the developer, further exacerbating the city's housing and affordability crisis.

Given the site-specific nature of these assessments and the previous zoning by-law amendment that took place, approval of this minor variance would not create an undesirable precedent for the area. Recommended conditions have been provided for the Committee's consideration and are included in Exhibit A of this report.

The proposal therefore meets the intent of the Official Plan, as the proposed increase to the permitted unit count from 130 residential units to 174, along with relief from the required parking to allow 104 resident parking spaces, and a reduction of the interior side yard setback from 7.0

January 22, 2024

Page 9 of 14

to 6.0 metres for Building B will not result in any negative impacts to adjacent properties or to the neighbourhood.

2) The general intent and purpose of the Zoning By-Law are maintained

The subject property is zoned URM2, with Exception E117 in Kingston Zoning By-Law Number 2022-62 (Exhibit E – Zoning By-Law Map). The URM2 zone permits apartment buildings subject to certain provisions.

The applicant is seeking variances to the following zone provisions to provide for the proposed 44 additional dwelling units:

Variance Number 1:

By-Law Number 2022-62: E117, Subsection (b) Building A, Subsection (iii)

Requirement: Maximum of 63 dwelling units

Proposed: Maximum of 85 dwelling units

Variance Requested: 22 dwelling units

Variance Number 2:

By-Law Number 2022-62: E117, Subsection (c) Building B, Subsection (iii)

Requirement: Maximum of 63 dwelling units

Proposed: Maximum of 85 dwelling units

Variance Requested: 22 dwelling units

Both variances number 1 and 2 relate to the maximum number of dwelling units. As the URM2 zone does not contain a limit on density, Exception E117 established a maximum unit count for each building that was previously approved through the related zoning by-law amendment. As the exception forms part of the Kingston Zoning By-law, the proposed minor variance should be assessed according to the purpose and intent of the amendment as well as the broader by-law. The purpose and intent of Exception E117 was to allow apartments at a much higher density than what was allowed through the former B1.226 zoning established under Zoning By-law 8499 (being 27 units per hectare). Given the standard URM2 zone does not identify a unit limit, the amendment established one for the purpose of ensuring responsible and orderly development. The minor variance is in keeping with the purpose and intent of this approach by ensuring a limit continues to remain, and that it is supported by appropriate studies.

Furthermore, the Kingston Zoning By-law seeks to ensure that higher density development occurs in conjunction with the provision of suitable amounts of amenity space at the rate of 18.5 square metres per dwelling unit. With more than 5,517 square metres of amenity area proposed on the subject site, the proposed minor variance to add 44 dwelling units would significantly exceed the required 3,219 square metres. The proposal therefore meets the purpose and intent of the Kingston Zoning By-law in ensuring residents have abundant recreation opportunities onsite, and even goes a step further by providing both indoor and outdoor space.

Variance Number 3:

By-Law Number 2022-62: E117, Subsection (b) Building B, Subsection (v)

January 22, 2024

Page 10 of 14

Requirement: Minimum setback of 7.0 metres to the western interior lot line
 Proposed: Minimum setback of 6.0 metres to the western interior lot line
 Variance Requested: 1.0 metre

This variance pertains to the required interior side yard setback. Setbacks from neighbouring properties are established for the purpose of ensuring that there are no adverse impacts to privacy, as well as ease of maintenance around the sides of a building, and adequate fire separation (which is further complemented by, and enforced through, the Ontario Building Code). The proposed one metre reduction still affords a functional setback area, and there is still adequate room for landscaping. Impacts to privacy from overlook are effectively mitigated due to the building's orientation, and the depth of the adjacent residential properties.

Variance Number 4:

By-Law Number 2022-62: Table 7.1.1 (1) (a) (i)

Requirement: Minimum of 0.8 parking spaces per dwelling unit
 Proposed: Minimum of 0.6 parking spaces per dwelling unit
 Variance Requested: 0.2 parking spaces per dwelling unit; and

This variance pertains to the amount of required standard parking spaces. While parking is required for residential development in this area of Kingston at the rate of 0.8 to 1.0 parking space per unit under the Kingston Zoning By-Law, the City continues to transition to lower parking requirements when it is demonstrated to be appropriate. This transition stems from the City's 2021 discussion paper entitled [The Power of Parking: A new Parking Paradigm for Kingston \(Report Number PC-21-040\)](#). The paper explores the impacts of parking (which include significantly higher building costs that subsequently contribute to more expensive housing) and recommends new paths forward that emphasize greater use of alternative modes of transportation, such as public transit and cycling. The Kingston Zoning By-law introduced in 2022 implemented many of these recommendations, but further reductions can be achieved when certain conditions are met – namely the presence of existing public transit and cycling infrastructure.

As previously described, the subject site is in close proximity to express and local transit, and dedicated bicycle lanes on Montreal Street. The proposal takes advantage of this infrastructure and compensates for the reduction in automobile parking by providing 29 more long-term bike parking spaces than are required. This supports the purpose and intent of the Zoning By-law in ensuring new development makes use of, and is easily accessed through, surrounding transportation infrastructure (whether that be roads, transit routes, or cycle lanes). The proposal therefore provides a balance of automobile and bike parking and makes public transit an attractive and viable option.

The reduction is further informed by heritage considerations from the nearby UNESCO-designated Rideau Canal, and is supported by Parks Canada, who is tasked with maintaining that designation and mitigating potential threats. Reductions in parking were expressly desired and necessary to ensure their support.

The requested variance maintains the general intent and purpose of the zoning by-law.

January 22, 2024

Page 11 of 14

3) The variance is minor in nature

The variance is considered minor as the subject site was already rezoned to accommodate a high-density residential development and the addition of 44 new units is not anticipated to increase the impacts beyond what was assessed and approved in the rezoning. Through a review by City staff, the added density merely warranted updates to existing studies, as opposed to comprehensive new reports. Furthermore, those updates did not find there to be a need for any upgrades to surrounding infrastructure to accommodate the density, thereby making it suitably minor.

The subject site’s location makes the addition of this new density more palatable, owing to its location along a major arterial hosting local and express transit routes as well as two-way cycling infrastructure. Surrounding water and sanitary services have also been deemed sufficient, and where density can be supported in these ways, the impacts of new units is less likely to be felt and perceived, making such site modifications suitably minor.

4) The variance is desirable for the appropriate development or use of the land, building or structure

The proposed minor variance would see a currently vacant and well-serviced parcel of land within the City’s urban limits better utilized. The site has already undergone a rezoning process through which high density residential proposal was deemed appropriate for the land, and the addition of further density is supported by existing services and transportation infrastructure. As the 44 new units would be contained within the two apartment buildings and not result in any significant changes beyond a slight lengthening of each building, the increase will be compatible with the surroundings. The proposed minor variance will be a helpful step towards addressing Kingston’s current housing crisis, and is a desirable and appropriate use of the land.

Technical Review: Circulated Departments and Agencies

- | | | |
|---|---|--|
| <input checked="" type="checkbox"/> Building Services | <input checked="" type="checkbox"/> Engineering | <input checked="" type="checkbox"/> Heritage Services |
| <input type="checkbox"/> Finance | <input checked="" type="checkbox"/> Utilities Kingston | <input type="checkbox"/> Real Estate |
| <input checked="" type="checkbox"/> Fire & Rescue | <input checked="" type="checkbox"/> Kingston Hydro | <input checked="" type="checkbox"/> Environment Division |
| <input type="checkbox"/> Solid Waste | <input checked="" type="checkbox"/> Parks Development | <input checked="" type="checkbox"/> Canadian National Railways |
| <input type="checkbox"/> Housing | <input checked="" type="checkbox"/> District Councillor | <input type="checkbox"/> Ministry of Transportation |
| <input type="checkbox"/> KEDCO | <input type="checkbox"/> Municipal Drainage | <input type="checkbox"/> Parks of the St. Lawrence |
| <input checked="" type="checkbox"/> CRCA | <input type="checkbox"/> KFL&A Health Unit | <input type="checkbox"/> Trans Northern Pipelines |
| <input checked="" type="checkbox"/> Parks Canada | <input type="checkbox"/> Eastern Ontario Power | <input type="checkbox"/> CFB Kingston |
| <input type="checkbox"/> Hydro One | <input type="checkbox"/> Enbridge Pipelines | <input type="checkbox"/> TransCanada Pipelines |

<input type="checkbox"/> Kingston Airport		
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January 22, 2024

Page 12 of 14

Technical Comments

This application was circulated to external agencies and internal departments for their review and comment and there were no comments or concerns raised that would preclude this application from moving forward. Any technical comments that are received after the publishing of this report will be included as an addendum to the Committee of Adjustment Agenda.

Public Comments

At the time this report was finalized, no public comments had been received. Any public comments received after the publishing of this report will be included as an addendum to the Committee of Adjustment Agenda.

Previous or Concurrent Applications

There is one concurrent and one relevant historic planning application on the subject property. As referenced above, the site was subject to a zoning by-law amendment to rezone the lands from B1.226 in Zoning By-law 8499 to URM2 with Site Specific Exception E117 in the new Kingston Zoning By-law (File number D14-015-2021). This application was approved by Kingston City Council in August 2023. The owner’s agent submitted an application for Site Plan Control concurrent with the re-zoning application (File number D11-032-2021), which is still under review and will continue to advance pending the outcome of the minor variance application.

Conclusion

The requested variances maintain the general intent and purpose of both the City of Kingston Official Plan and Kingston Zoning By-Law Number 2022-62. The proposal is desirable for the appropriate development or use of the land, building or structure and the requested variances are minor in nature. As such, the proposed application meets all four tests under Subsection 45(1) of the *Planning Act* and the application is being recommended for approval, subject to the proposed conditions.

Approval of this application will facilitate the responsible and orderly infilling of an underutilized parcel of land in a form compatible with the surrounding neighbourhood.

Existing Policy/By-Law:

The proposed application was reviewed against the policies of the Province of Ontario and City of Kingston to ensure that the changes would be consistent with the Province’s and the City’s vision of development. The following documents were assessed:

Provincial

Provincial Policy Statement, 2020

January 22, 2024

Page 13 of 14

Municipal

City of Kingston Official Plan

Kingston Zoning By-Law Number 2022-62

Notice Provisions:

A Committee of Adjustment Meeting is going to be held respecting this application on January 22, 2024. Pursuant to the requirements of the *Planning Act*, a notice of Statutory Public Meeting was provided by advertisement in the form of signs posted on the subject site 10 days in advance of the meeting. In addition, notices were sent by mail to a total number of 24 was placed in The Kingston Whig-Standard (Exhibit H – Public Notification Map).

Once a decision has been rendered by the Committee of Adjustment, a Notice of Decision will be circulated in accordance with the provisions of the *Planning Act*.

Accessibility Considerations:

None

Financial Considerations:

None

Contacts:

Meghan Robidoux, Supervisor, Development Approvals, 613-546-4291 extension 1256

Chris Booth, Senior Planner, 613-546-4291 extension 3215

Other City of Kingston Staff Consulted:

None

Exhibits Attached:

- Exhibit A Recommended Conditions
- Exhibit B Key Map
- Exhibit C Neighbourhood Context Map (2023)
- Exhibit D Official Plan Map
- Exhibit E Zoning By-Law Map

January 22, 2024

Page 14 of 14

Exhibit F Site Plan

Exhibit G Floor Plans

Exhibit H Site Photos

Exhibit I Public Notification Map

Recommended Conditions

The approval of minor variance application, File Number D13-068-2023, to vary the maximum number of dwelling units per building, reduce an interior side yard setback, and reduce the minimum required car parking spaces, shall be subject to the following recommended conditions:

1. Limitation

That the approved minor variance applies only to the proposed apartment buildings (Building A and B), limited to a maximum of 174 dwelling units, and built in a manner consistent with the plans depicted on the approved drawings attached to the notice of decision.

2. No Adverse Impacts

The owner/applicant shall demonstrate to the satisfaction of the City that there are no adverse impacts on neighbouring properties as a result of any modifications to on-site grading or drainage.

3. Building Permit Application Requirements

The owner/applicant shall provide to the Building Services a copy of the decision of the Committee of Adjustment, together with a copy of the approved drawings, when they make application for a Building Permit.

The drawings submitted with the Building Permit application must, in the opinion of the City, conform to the general intent and description of the approved drawing(s), including any amendments and conditions approved by the Committee of Adjustment, as stated in the decision. It must be noted that additional planning approvals may be required should further zoning deficiencies be identified through the Building Permit application process.

4. Standard Archaeological Condition

In the event that deeply buried or previously undiscovered archaeological deposits are discovered in the course of development or site alteration, all work must immediately cease and the site must be secured. The Archaeology Program Unit of the Ministry of Citizenship and Multiculturalism (archaeology@ontario.ca) and City of Kingston's Planning Services (613-546-4291, extension 3180) must be immediately contacted.

In the event that human remains are encountered, all work must immediately cease and the site must be secured. The Kingston Police (613-549-4660), the Office of the Chief Coroner as a part of the Ontario Ministry of the Solicitor General (1-877-991-9959), the Archaeology Program Unit of the Ministry of Citizenship and

Multiculturalism (archaeology@ontario.ca), and City of Kingston's Planning Services (613-546-4291, extension 3180) must be immediately contacted.

5. Number of Bike Parking Spaces

The owner/applicant shall provide a minimum of 186 long-term bike parking spaces for the 174 dwelling units to compensate for the reduction in vehicle parking spaces.

6. Visitor Parking Spaces

The owner/applicant shall provide a minimum of 10 visitor parking spaces for the 174 dwelling units.


7. Maximum Number of Bedrooms

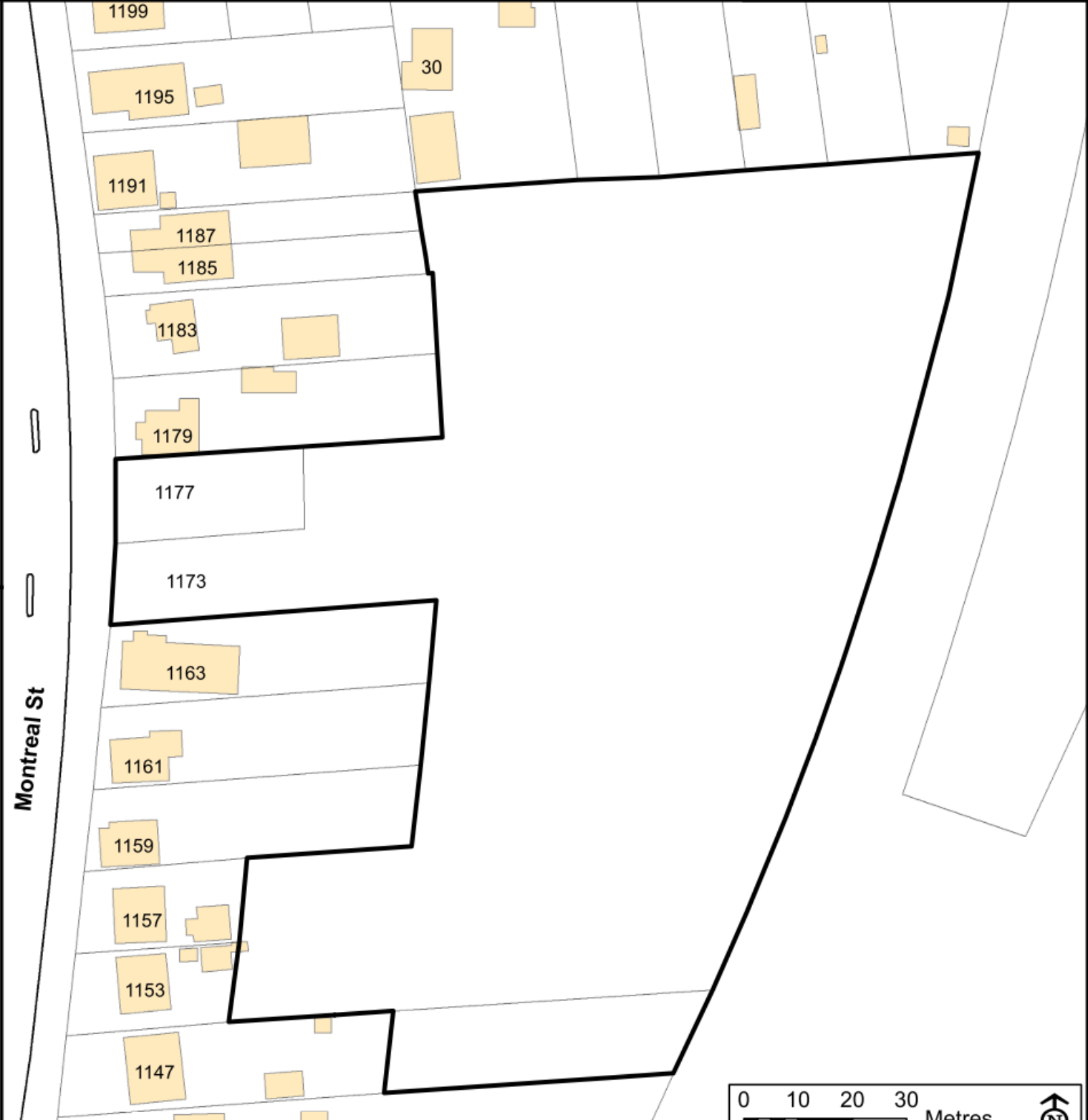
The apartment buildings on the subject property shall contain a maximum, in the aggregate, of 270 bedrooms.



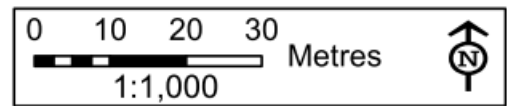
Committee of Adjustment Key Map

Address: 1177 Montreal Street
File Number: D13-068-2023

 Lands Subject to Minor Variance



Prepared By: rejonas
Date: Dec-15-2023






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Committee of Adjustment Neighbourhood Context (2023)

Address: 1177 Montreal Street

File Number: D13-068-2023

-  Subject Lands
-  Property Boundaries
-  Proposed Parcels



Prepared By: rejonas
Date: Dec-15-2023

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Planning Services

Committee of Adjustment Official Plan, Existing Land Use

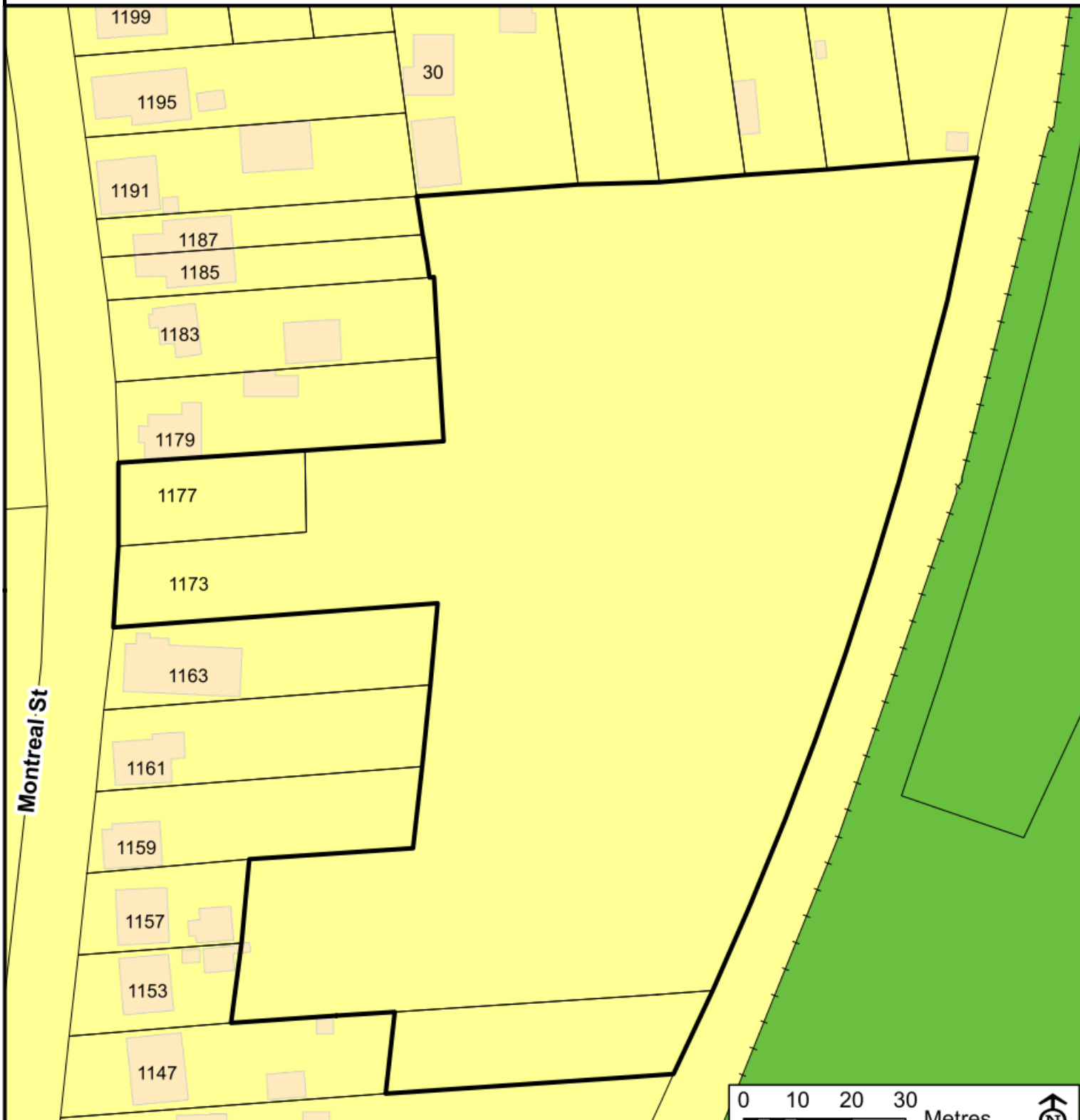
Address: 1177 Montreal Street

File Number: D13-068-2023

Subject Lands

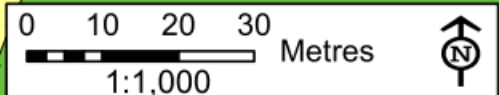
ENVIRONMENTAL PROTECTION AREA

RESIDENTIAL



Montreal St

125



Prepared By: rejonas
Date: Dec-15-2023

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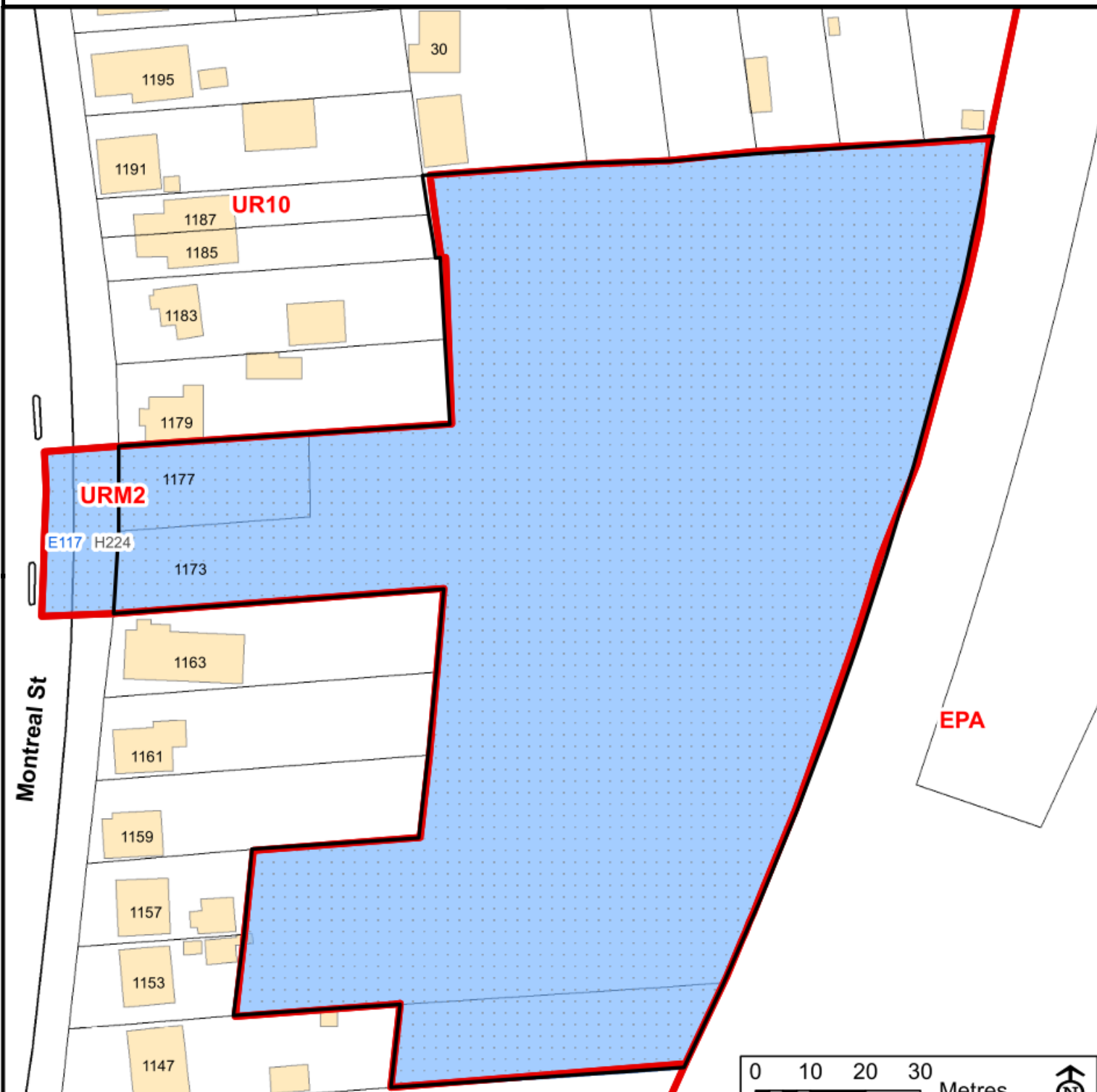
Planning Committee
Existing Zoning
Kingston Zoning By-Law 2022-62

Planning Services

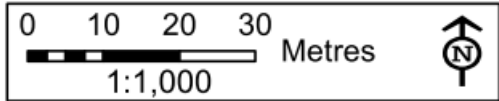
Address: 1177 Montreal Street
 File Number: D13-068-2023

- Subject Lands
- Schedule 1 Zoning Map
- Zone

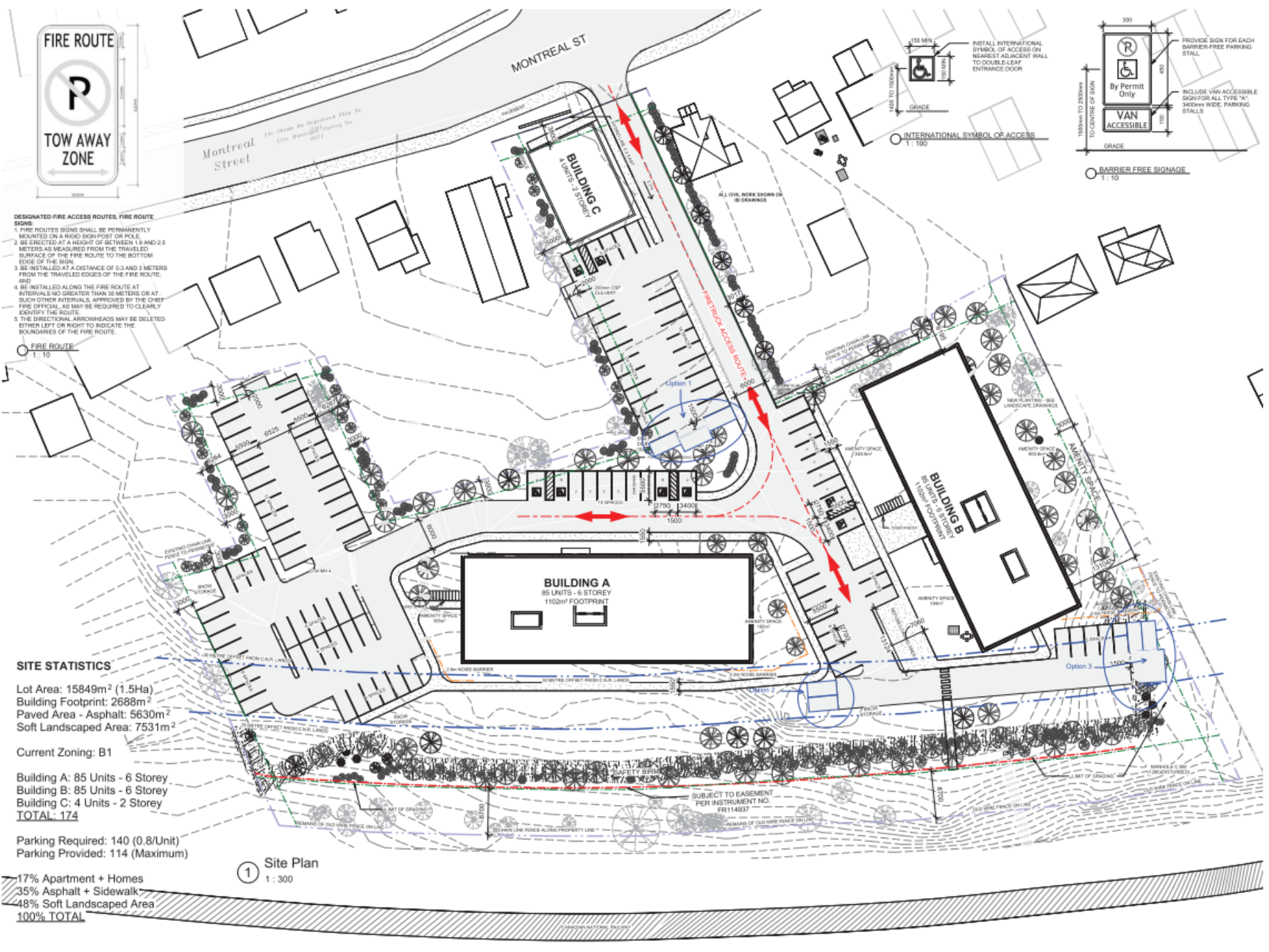
- Schedule E - Exception Overlay
- Legacy Exceptions (LXXX)
- Exceptions (EXXX)
- Schedule F - Holding Overlay
- Holding Overlay (HXXX)



Prepared By: _rejoncs
 Date: Dec-15-2023



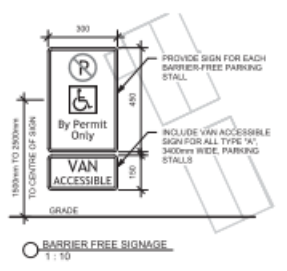
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Revisions

Revision Number	Revision Date	Revision Description
1	2017/08/11	34 TRACKS ADDED
2	2017/08/14	ISSUED FOR SITE PLAN
3	2017/10/13	REVISED FOR 10% B.P.



- HEAVY DUTY PAVEMENT
- GRASS
- STRIPED BED
- HEATED AREA
- C/P CONCRETE
- ASPHALT PAVING
- CURB
- FIRE ROUTE
- PROP. LINE
- TRAFFIC DIRECTION
- LIGHT STANDARD
- FIRE DEPT. CONNECTION
- ENTRANCE SIGN
- FIRE HYDRANT

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RIVERSIDE HOUSING

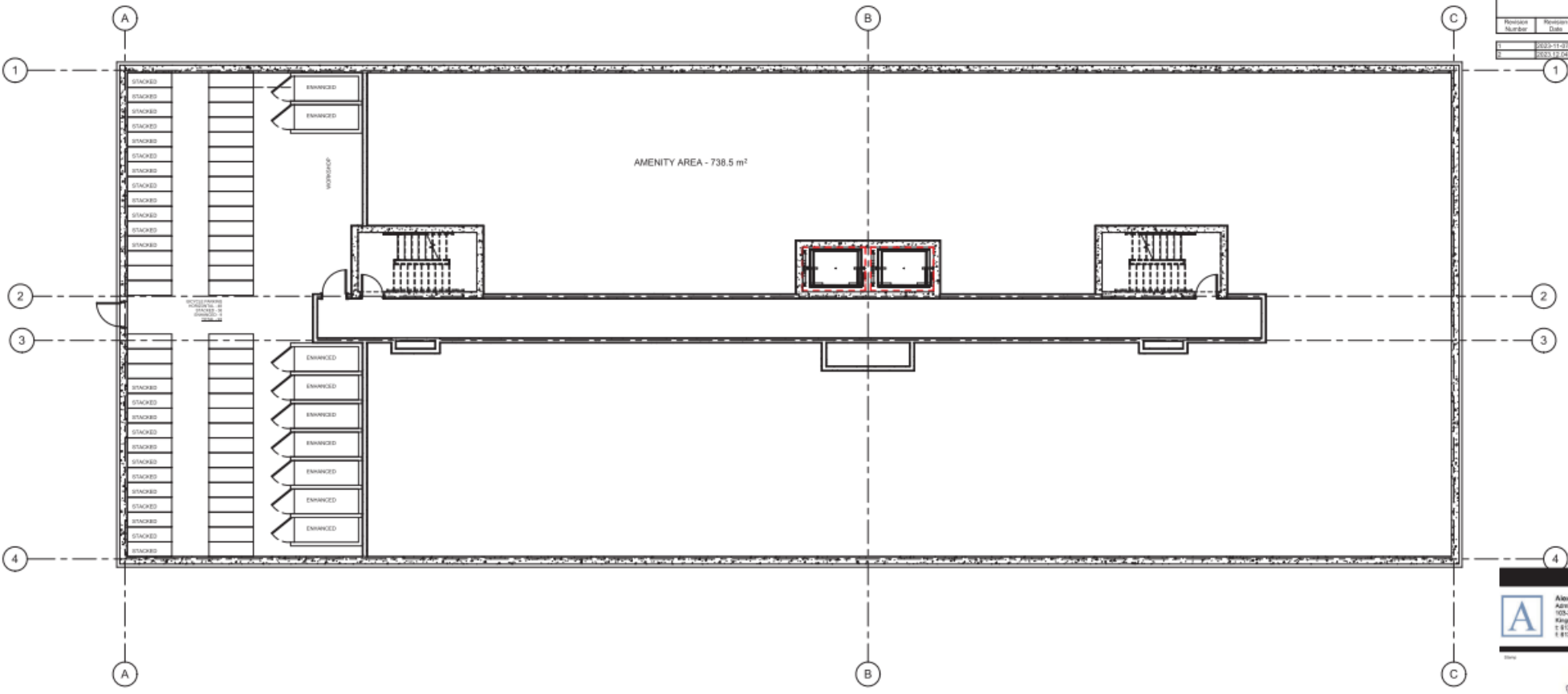
1117 MONTREAL ST.
KINGSTON, ONTARIO, K7K 5K8

SITE PLAN

Drawn By: AW	Checked By:
Date: 04/10/2017	Rev: 2017-11-08
Project No: 2008	Revision: 2
Drawing No: A010	

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Revisions		
Revision Number	Revision Date	Revision Description
1	2023-11-07	SIGNED FOR COORDINATION
2	2024-11-24	REISSUED FOR SITE PLAN



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 Kajeppa Ontario, K7L 3L1
 T 513.545.3744 ext 213
 F 513.545.1611



Project
RIVERSIDE HOUSING

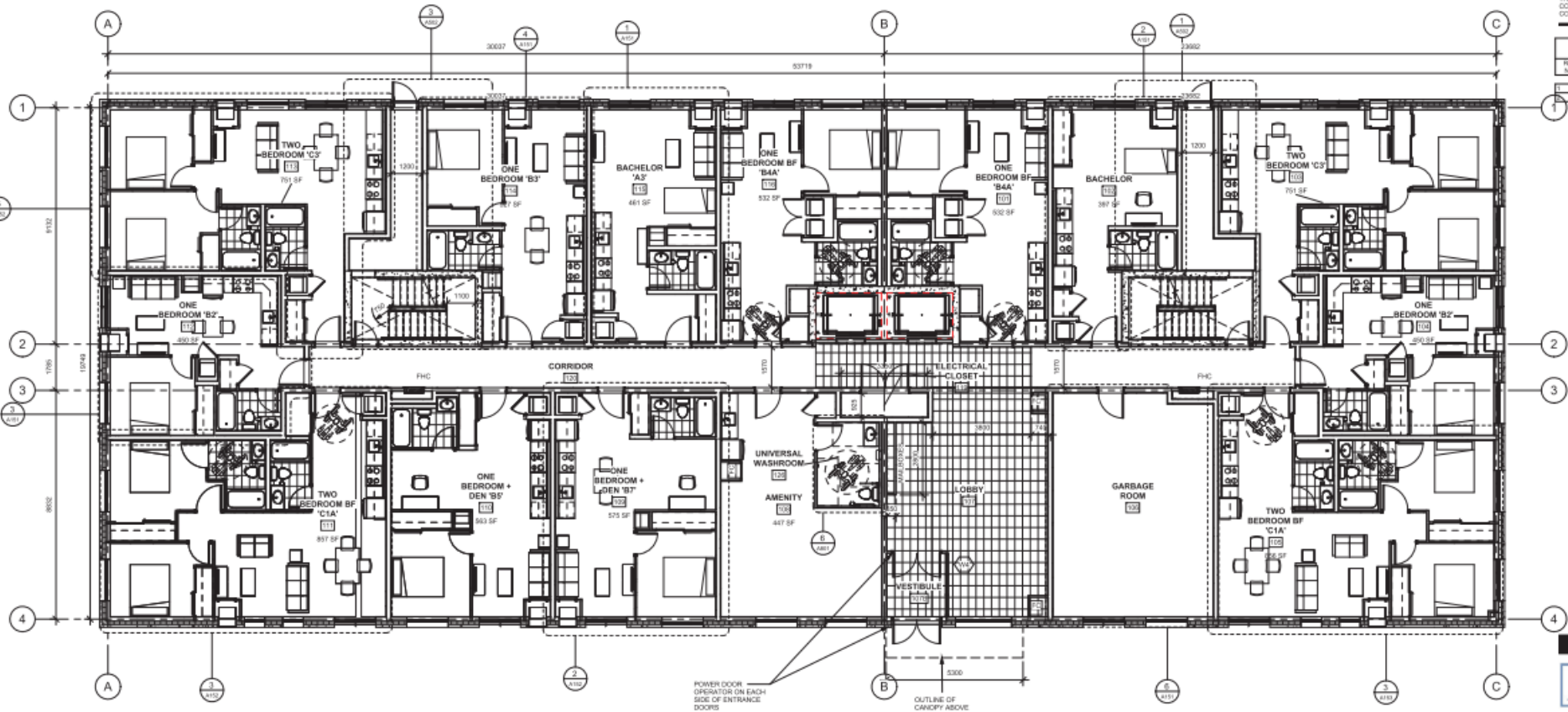
1177 MONTREAL ST.
 KINCARDIN, ONTARIO, K7M 3K9

Sheet
BACEMENT FLOOR PLANS

Drawn By	Checked By
Date	Scale
Project No.	Revision
Sheeting No.	A100

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Revisions		
Revision Number	Revision Date	Revision Description
1	2024-11-07	ISSUED FOR COORDINATION
2	2024-12-24	REISSUED FOR SITE PLAN



1 GROUND FLOOR PLAN (13 UNITS)
1:75

A Alexander Wilson Architect Inc
Address: 103-20 Gore Street
Kingsville, Ontario, N7Y 3L1
T 519.545.5744 ext. 213
F 519.545.5811



Project: RIVERSIDE HOUSING

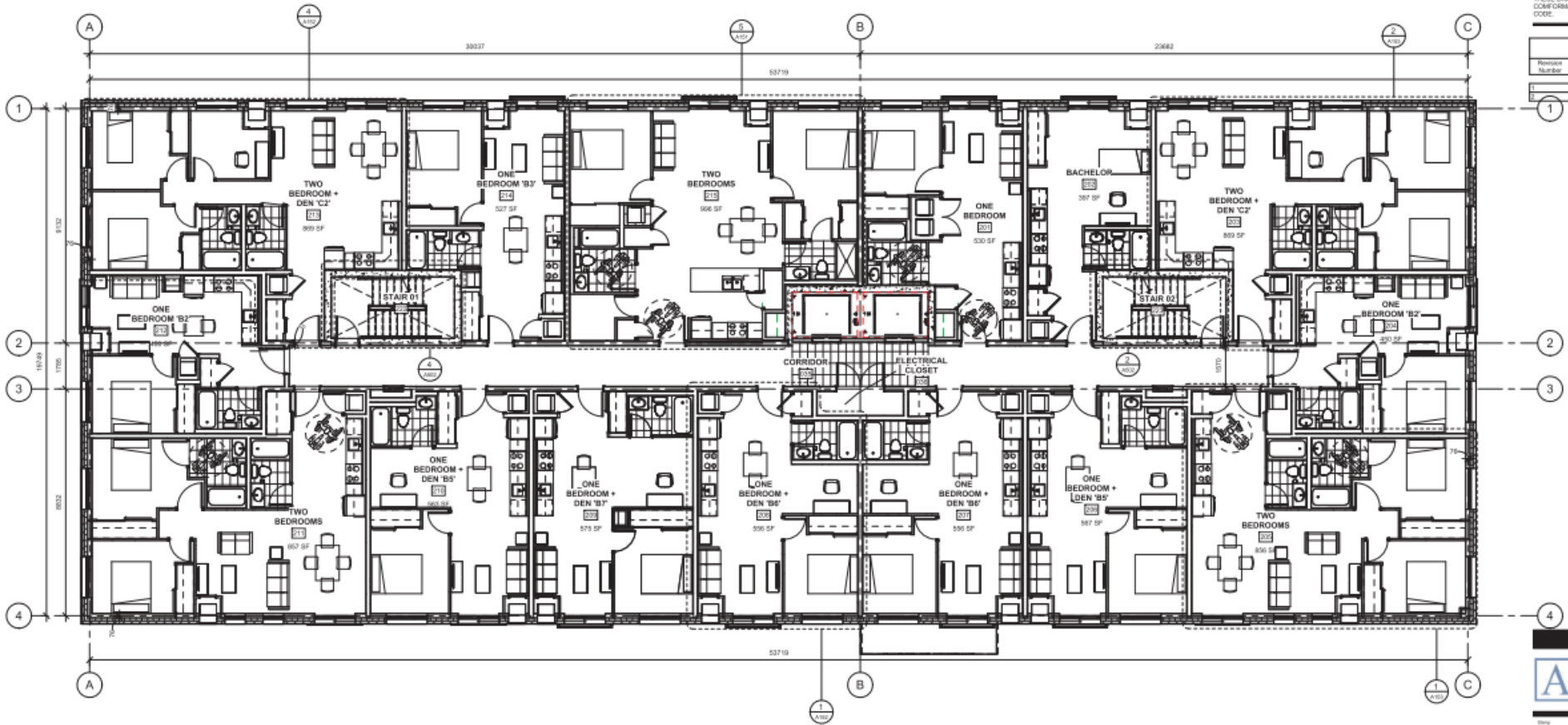
1177 MONTREAL ST.
KINGSTON, ONTARIO, K7K 3K9

GROUND FLOOR PLAN

Drawn By:	Checked By:
Date: 1/75	Scale: 2000 (1:200) (1/8"=1'-0")
Project No.: 2023	Revision: 2
Drawing No.: A101	

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CODE.

Revisions		
Revision Number	Revision Date	Revision Description
1	2023-11-07	ISSUED FOR COORDINATION
2	2024-12-24	REISSUED FOR SITE PLAN



1 SECOND AND THIRD FLOOR PLAN (15 UNITS)
1 : 75

A Alexander Wilson Architect Inc
Addressy Place
103-20 Gore Street
Kingston, Ontario, K7L 3L1
T 613 265.3744 ext 213
F 613 265.5411



Project
RIVERSIDE HOUSING

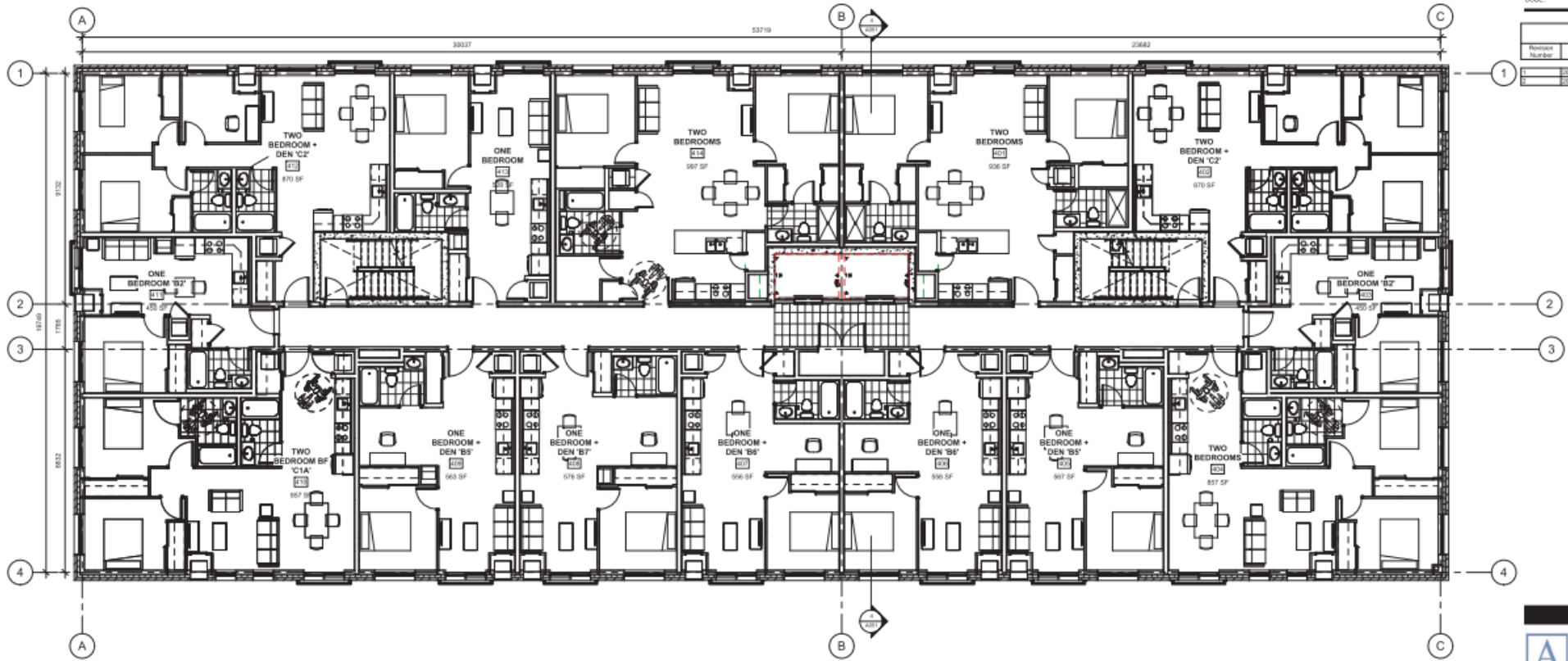
1177 MONTREAL ST.
KINGSTON, ONTARIO, K7K 3K9

**SECOND AND THIRD
FLOOR PLAN**

Drawn By	Checked By
Date	Scale
Project No.	Revision
Sheeting No.	A102

DO NOT SCALE DRAWINGS
CHECK AND VERIFY ALL DIMENSIONS BEFORE PROCEEDING WITH THE WORK.
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Revisions		
Revision Number	Revision Date	Revision Description
1	2023-11-07	ISSUED FOR COORDINATION
2	2024-12-04	REDESIGNED FOR SITE PLAN



1 4TH,5TH,6TH FLOOR PLANS (14 UNITS)
1 : 75

A Alexander Wilson Architect Inc
Admiralty Place
103-20 Gore Street
Kingston, Ontario, K7L 3L1
T 613.545.3744 ext 213
F 613.545.1411



Project
RIVERSIDE HOUSING

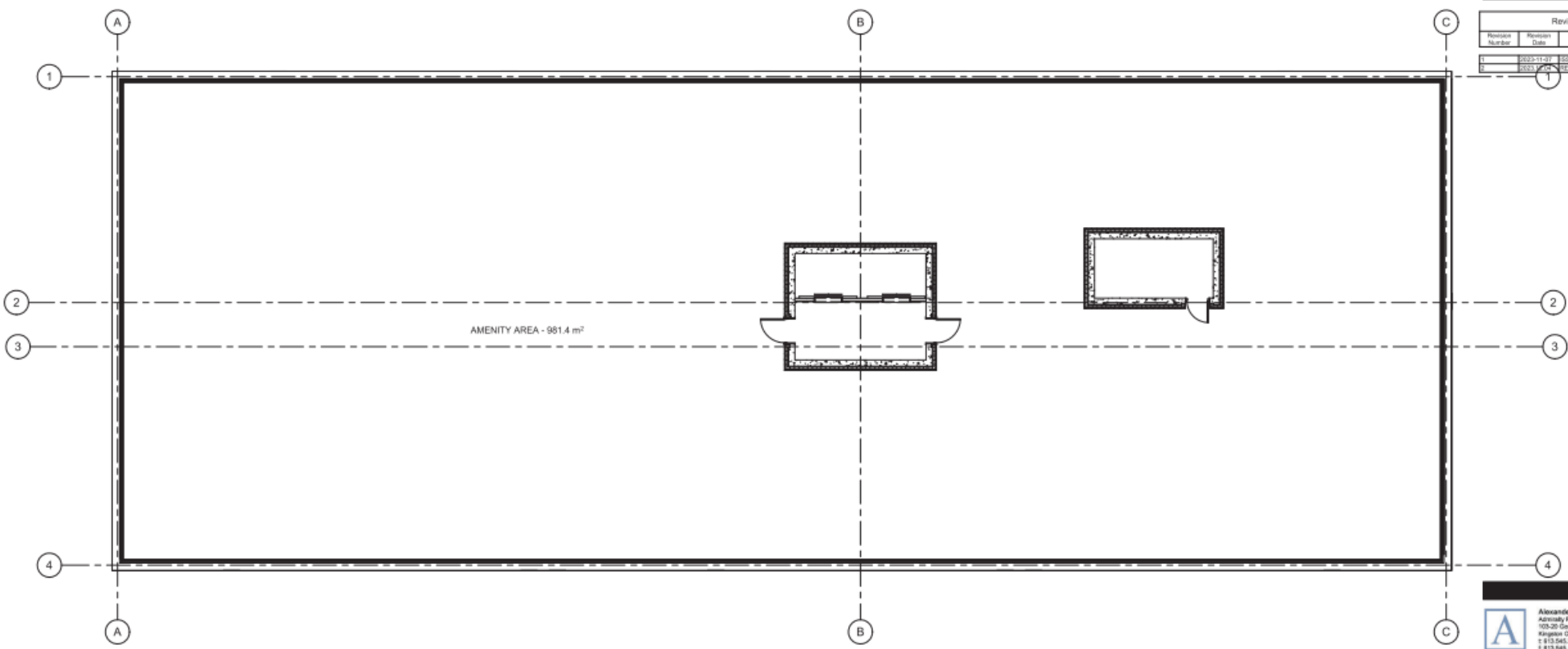
1177 MONTREAL ST.
KINGSTON, ONTARIO, K7K 3A9

**4TH,5TH,6TH FLOOR
PLAN**

Drawn By	Checked By
Date	Scale
Project No.	Revision
Drawing No.	A103

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Revisions		
Revision Number	Revision Date	Revision Description
1	2024-11-01	ISSUED FOR COORDINATION
2	2024-11-01	ISSUED FOR SITE PLAN



1 ROOF PLAN
1:75

A Alexander Wilson Architect Inc
Address: 103-20 Gore Street
Kingsville, Ontario, N7Y 3L1
T: 519.546.5744 ext 213
F: 519.546.5811



Project: RIVERSIDE HOUSING

1177 MONTREAL ST.
KINGSTON, ONTARIO, K7K 3K9

Sheet: ROOF PLAN

Drawn By:	Checked By:
Date: 1/75	Scale: 2000 (1:200) (1:200) (1:200)
Project No: 2023	Revision: 2
Sheeting No: A104	

Site Photos

The subject site is depicted through the following photographs, taken July 28, 2023.



Figure 1: The upper portion of the subject site (foreground, with zone-change sign shown), viewed from along Montreal Street, looking south. A neighbouring property containing a small grocer is shown beyond.



Figure 2: Montreal Street, looking north, at the intersection with MacCauley Street. A pedestrian crosswalk leads from the subject site (at the far right) to amenities down MacCauley Street such as the Rideau Heights Community Centre, major parkland, and Rideau Heights Public School. Cycle lanes exist on both sides of the road, providing connectivity throughout the city.



Figure 3: The site affords views of the Great Cataraqui River and marshland, situated to the immediate east of the site. As this waterway carries a UNESCO designation, re-development of the site has been carefully considered from a heritage perspective.



Figure 4: The site is heavily vegetated, and slopes down to the east and south, toward the CN rail line and Great Cataraqui River beyond. The proposal would see more new trees planted than are being removed.



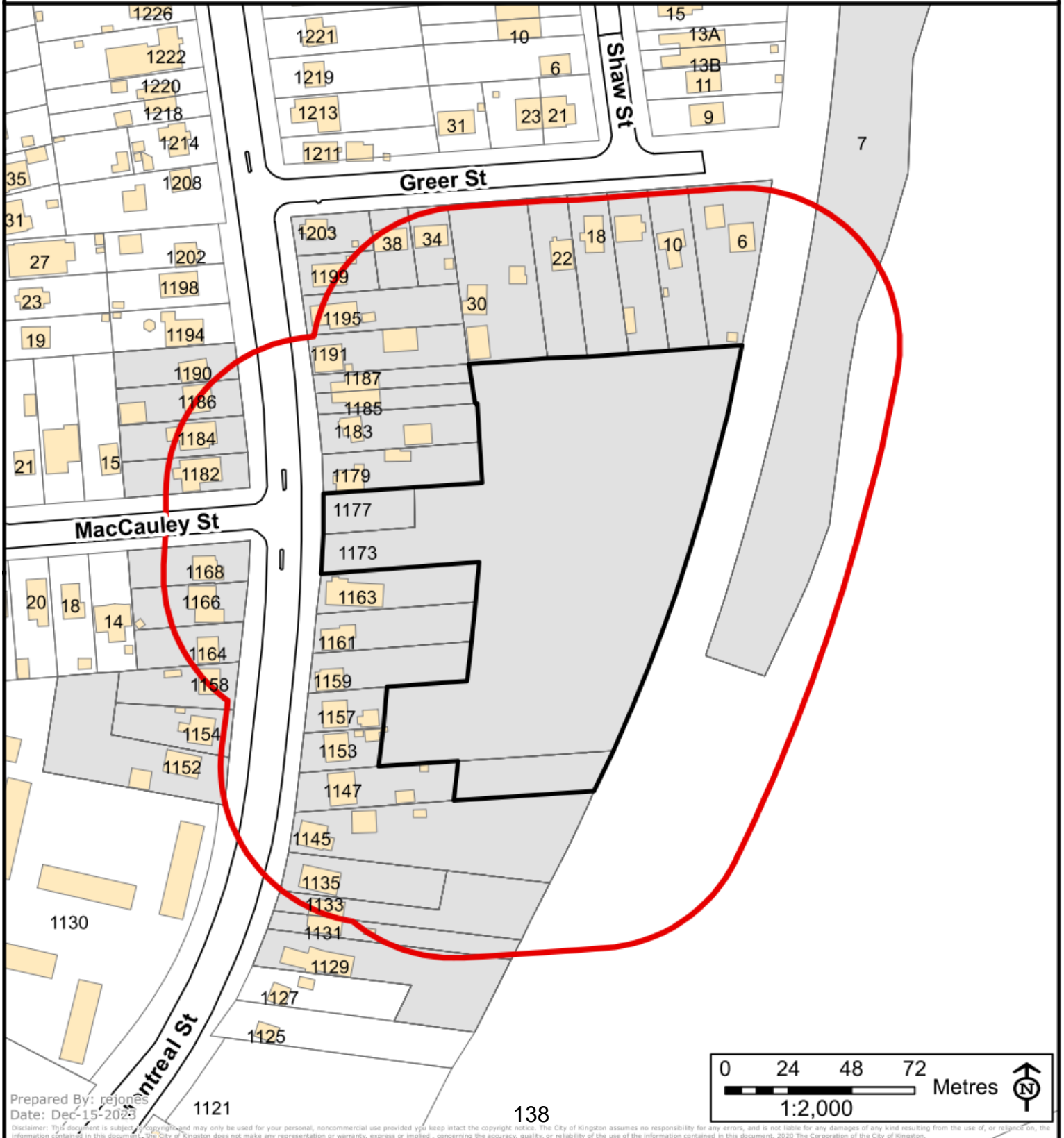
Figure 5: The CN rail line, looking south, abuts the eastern boundary of the site, pictured here to the right. The development will be set back 30 metres from the rail corridor, within which a treed berm is proposed for enhanced safety measures, along with the already significant grade change between the property and the railway.



Committee of Adjustment Public Notice Notification Map

Address: 1177 Montreal Street
File Number: D13-068-2023

- 60m Public Notification Boundary
- Subject Lands
- Property Boundaries
- 41 Properties in Receipt of Notice (MPAC)





**City of Kingston
Report to Committee of Adjustment
Report Number COA-24-013**

To: Chair and Members of the Committee of Adjustment
From: Genise Grant, Senior Planner
Date of Meeting: January 22, 2024
Application for: Minor Variance
File Number: D13-071-2023
Address: 300 Bayfield Lane
District: District 8 - Meadowbrook-Strathcona
Owner: Frontenac Shopping Centre Inc.
Applicant: Patry Group

Council Strategic Plan Alignment:

Theme: 1. Support Housing Affordability

Goal: 1.2 Promote increase in purpose-built rental housing.

Executive Summary:

This report provides a recommendation to the Committee of Adjustment regarding an application for minor variances for the property located at 300 Bayfield Lane, which is the municipal address of the newly formed lot at the northeast corner of the Frontenac Mall site.

The applicant has obtained an Official Plan Amendment and Zoning By-Law Amendment (File Number D35-013-2021) to support mixed-use, high-density redevelopment of the lands. Redevelopment is intended to occur in multiple phases, with the first phase being a new 6-storey residential building behind the retained mall.

As the applicant has proceeded through Site Plan Control review (File Number D11-026-2022), two minor areas of relief needed from the zoning by-law to support the intended site layout have been identified and are being sought through this application. The applicant is requesting minor

January 22, 2024

Page 2 of 9

relief from the minimum rear setback and the minimum visitor parking setback requirements of the Kingston Zoning By-Law.

The requested minor variances are consistent with the general intent and purpose of both the City of Kingston Official Plan and the Kingston Zoning By-Law. The requested minor variances are desirable for the appropriate development or use of the land, building or structure and are minor in nature. As such, the proposed application meets all four tests under Subsection 45(1) of the *Planning Act* and is recommended for approval.

Recommendation:

That minor variance application, File Number D13-071-2023, for the property located at 300 Bayfield Lane to reduce the minimum rear setback and minimum visitor parking setback to support redevelopment of the site with a 6-storey residential building, be approved, as described below:

Variance Number 1:

By-Law Number 2022-62: 21.1.1.E122.(h) – Minimum rear setback
 Requirement: 20 metres
 Proposed: 18.75 metres
 Variance Requested: 1.25 metres

Variance Number 2:

By-Law Number 2022-62: 7.4.9.3(a) – Minimum visitor parking setback
 Requirement: 3.0 metres from any lot line
 Proposed: 2.25 metres from rear lot line
 Variance Requested: 0.75 metres; and

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-013.

January 22, 2024

Page 3 of 9

Authorizing Signatures:

ORIGINAL SIGNED BY PLANNER

Genise Grant, Senior Planner

In Consultation with the following Management of the Growth & Development Services Group:

Tim Park, Director, Planning Services

Meghan Robidoux, Supervisor, Development Approvals

January 22, 2024

Page 4 of 9

Options/Discussion:

On November 30, 2023, a minor variance application was submitted by Patry Group, on behalf of the owner, Frontenac Shopping Centre Inc., with respect to the property located at 300 Bayfield Lane. The variance is requested to obtain relief from the minimum rear setback and the minimum visitor parking setback requirements of the Kingston Zoning By-Law to facilitate development of the property with a 6-storey residential building.

In support of the application, the applicant has submitted the following:

- Survey; and
- Site Plan (Exhibit F).

All submission materials are available online through the Development and Services Hub (DASH) at the following link, [DASH](#), using “Look-up a Specific Address”. If there are multiple addresses, search one address at a time, or submission materials may also be found by searching the file number.

Site Characteristics

The subject property is located at the northeast corner of the lands commonly known as the Frontenac Mall (Exhibit B – Key Map). The property at 300 Bayfield Lane was recently created through a consent application (File Number D10-011-2023) and is 1.55 hectares in size. The property has previously supported a portion of the mall which is now being removed to make way for the proposed 6-storey residential apartment building.

The property does not abut a public roadway but benefits from legal access over “Bayfield Lane”, which runs north/south through the Frontenac Mall property, connecting to Bath Road. The property abuts the Frontenac Mall to the west and south, the CN Rail line to the north, and a residential apartment development to the east (Exhibit C – Neighbourhood Context Map).

The subject property is designated District Commercial in the Official Plan (Exhibit D – Official Plan Map) and is subject to Site Specific Policy Area Number 74, which is intended to guide the multi-phase redevelopment of the mall lands. The property is zoned the URM8 zone and is subject to exception overlay E122 in the Kingston Zoning By-Law (Exhibit E – Zoning By-Law Map).

Provincial Policy Statement

In addition to the four tests of a minor variance detailed below, Subsection 3(5) of the *Planning Act* requires that a decision in respect of the exercise of any authority that affects a planning matter shall be consistent with the Provincial Policy Statement (the PPS). The PPS provides policy direction on matters of provincial interest related to land use planning and development which are complemented by local policies addressing local interests. The application being considered is site specific to accommodate a specific proposal and does not involve any major policy considerations and as such, the proposal conforms to and is consistent with the PPS.

January 22, 2024

Page 5 of 9

Minor Variance Application

The review of an application for minor variance(s) is not a simple mathematical calculation, but rather a detailed assessment of whether the variance(s) requested, both separately and together, meet the four tests of a minor variance outlined in Subsection 45(1) of the *Planning Act*. The following provides this review:

1) The general intent and purpose of the Official Plan are maintained:

The subject property is designated District Commercial in the City of Kingston Official Plan (Exhibit D – Official Plan Map), and is subject to Site Specific Policy Area Number 74, which is intended to guide redevelopment of the mall lands with high-density residential and commercial uses.

In considering whether the proposed variances are desirable, the Committee of Adjustment will have regard to the nine requirements included in Section 9.5.19 of the Official Plan.

Council recently approved both an Official Plan amendment and a zoning by-law amendment for the subject lands which support the phased redevelopment of the Frontenac Mall site with a mix of uses. More specifically, the Official Plan and zoning by-law amendments considered and supported the 6-storey residential development of this new lot behind the retained mall site. The appropriateness of the proposed development, including conformity to the Official Plan, compatibility with surrounding uses, and ability of the site to function effectively were reviewed extensively through [Report Number PC-23-027](#). The requested variances to the rear yard and visitor parking setback do not change the opinion provided by staff and supported by Council through that report.

The requested relief is appropriately considered through the minor variance application as it meets the criteria for a variance provided by the *Planning Act* and does not necessitate a zoning amendment process.

As such, the proposal meets the overall intent of the Official Plan, as well as the specific criteria of Section 9.5.19 as it relates to minor variance considerations. The proposed development will provide residential intensification on the central, serviced lands and will not result in any negative impacts to adjacent properties or to the neighbourhood.

2) The general intent and purpose of the Zoning By-Law are maintained:

The subject property is zoned the Urban Multi-Residential 8 (URM8) zone in Kingston Zoning By-Law Number 2022-62, with Exception Overlay E122 applied (Exhibit E – Zoning By-Law Map). The URM8 zone permits apartment buildings, stacked townhouses and a variety of community uses. The E122 Exception Overlay provides a number of site-specific provisions to generally implement the site layout reviewed and approved through the recent zoning by-law amendment application (File Number D35-013-2021). The exception overlay was approved by Council on August 8, 2023 in order to facilitate the proposed 6-storey residential development.

January 22, 2024

Page 6 of 9

As the applicant has proceeded through Site Plan Control review and prepared detailed site designs, minor areas requiring relief from the zoning by-law were identified and are being sought through this application. The proposal requests a variance to Sections 21.1.1.E122.(h) and 7.4.9.3(a) of the Kingston Zoning By-Law, as follows.

Variance Number 1:

By-Law Number 2022-62: 21.1.1.E122.(h) – Minimum rear setback
Requirement: 20 metres
Proposed: 18.75 metres
Variance Requested: 1.25 metres

Variance Number 2:

By-Law Number 2022-62: 7.4.9.3(a) – Minimum visitor parking setback
Requirement: 3.0 metres from any lot line
Proposed: 2.25 metres from rear lot line
Variance Requested: 0.75 metres

The variances would support the proposed site layout, particularly at the east side of the property. Through review of the site plan and discussions with the applicant team, the project architect has confirmed that the detailed floor plans and underground parking access layout does not allow for slight movement of the building to the west, nor a slight reduction to the building length without requiring significant additional design work. As such, the minor relief would support the detailed design work done to date.

The proposed variances maintain the intent and purpose of the zoning by-law by continuing to provide adequate setbacks to support land use compatibility and intervening functional design elements on the site. The reduction in minimum rear setback is minor in nature and continues to significantly exceed the minimum rear setback requirement of the parent URM8 Zone of 10 metres. The E122 exception overlay applied to the property doubles this setback to 20 metres, and the minor relief to 18.75 metres implements the intent of the overlay to provide a deep rear yard which supports a functional drive aisle and parking area.

The reduction in minimum visitor parking setback from 3 metres to 2.25 metres maintains the intent of the By-law to provide a separation buffer for parking spaces to avoid encroachment into adjacent properties and to allow for landscaped space between parking areas and lot lines. The eastern lot line abuts the parking area of the adjacent residential property, thus limiting impacts of the reduced parking setback. At the northeast corner of the site, the abutting residential play area is screened by a solid wood fence which provides physical separation between the parking and amenity area. The site plan continues to provide space for landscaping within the setback and will also incorporate lighting standards to support the safety and usability of the lands.

The requested variance maintains the general intent and purpose of the zoning by-law.

January 22, 2024

Page 7 of 9

3) The variance is minor in nature:

The variance is considered minor as the site will continue to provide appropriate setbacks to support land use compatibility and required functional site elements.

4) The variance is desirable for the appropriate development or use of the land, building or structure:

The proposed variances are desirable as they will facilitate development of the subject lands with a 6-storey purpose-built rental building which will provide 338 new homes into the local housing market. The proposed development has been supported by Council through the approved Official Plan and zoning by-law amendments as good land use planning in the public interest. The variances will support the desirable and appropriate use of the land.

Technical Review: Circulated Departments and Agencies

- | | | |
|---|---|---|
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| <input type="checkbox"/> Finance | <input checked="" type="checkbox"/> Utilities Kingston | <input type="checkbox"/> Real Estate |
| <input checked="" type="checkbox"/> Fire & Rescue | <input checked="" type="checkbox"/> Kingston Hydro | <input type="checkbox"/> Environment Division |
| <input type="checkbox"/> Solid Waste | <input type="checkbox"/> Parks Development | <input type="checkbox"/> Canadian National Railways |
| <input type="checkbox"/> Housing | <input checked="" type="checkbox"/> District Councillor | <input type="checkbox"/> Ministry of Transportation |
| <input type="checkbox"/> KEDCO | <input checked="" type="checkbox"/> Municipal Drainage | <input type="checkbox"/> Parks of the St. Lawrence |
| <input checked="" type="checkbox"/> CRCA | <input type="checkbox"/> KFL&A Health Unit | <input type="checkbox"/> Trans Northern Pipelines |
| <input checked="" type="checkbox"/> Parks Canada | <input type="checkbox"/> Eastern Ontario Power | <input type="checkbox"/> CFB Kingston |
| <input type="checkbox"/> Hydro One | <input type="checkbox"/> Enbridge Pipelines | <input type="checkbox"/> TransCanada Pipelines |
| <input type="checkbox"/> Kingston Airport | | |

Technical Comments

This application was circulated to external agencies and internal departments for their review and comment and there were no comments or concerns raised that would preclude this application from moving forward. Any technical comments that are received after the publishing of this report will be included as an addendum to the Committee of Adjustment Agenda.

Public Comments

At the time this report was finalized, no public comments have been received on the application. Any public comments received after the publishing of this report will be included as an addendum to the Committee of Adjustment Agenda.

Previous or Concurrent Applications

- Official Plan Amendment and Zoning By-Law Amendment application to establish redevelopment permissions for the mall (File Number D35-013-2020)

January 22, 2024

Page 8 of 9

- Consent application to establish new lot and access and servicing easements (D10-011-2023)
- Site Plan Control modification application to demolish part of the mall (D11-027-2022)
- Site Plan Control application for new 6-storey apartment building (File Number D11-026-2022)

Conclusion

The requested variances maintain the general intent and purpose of both the City of Kingston Official Plan and Kingston Zoning By-Law Number 2022-62. The proposal is desirable for the appropriate development or use of the land, building or structure and the requested variances are minor in nature. As such, the proposed application meets all four tests under Subsection 45(1) of the *Planning Act* and the application is being recommended for approval, subject to the proposed conditions.

Approval of this application will facilitate development of the subject lands with a 6-storey apartment building.

Existing Policy/By-Law:

The proposed application was reviewed against the policies of the Province of Ontario and City of Kingston to ensure that the changes would be consistent with the Province’s and the City’s vision of development. The following documents were assessed:

Provincial

Provincial Policy Statement, 2020

Municipal

City of Kingston Official Plan

Kingston Zoning By-Law Number 2022-62

Notice Provisions:

A Committee of Adjustment Meeting is going to be held respecting this application on January 22, 2024 Pursuant to the requirements of the *Planning Act*, a notice of Statutory Public Meeting was provided by advertisement in the form of signs posted on the subject site 10 days in advance of the meeting. In addition, notices were sent by mail to owners of the 8 properties (according to the latest Assessment Roll) within 60 metres of the subject property and a courtesy notice was placed in The Kingston Whig-Standard (Exhibit H – Public Notification Map).

Once a decision has been rendered by the Committee of Adjustment, a Notice of Decision will be circulated in accordance with the provisions of the *Planning Act*.

January 22, 2024

Page 9 of 9

Accessibility Considerations:

None

Financial Considerations:

None

Contacts:

Meghan Robidoux, Supervisor, Development Approvals, 613-546-4291 extension 1256

Genise Grant, Senior Planner, 613-546-4291 extension 3185

Other City of Kingston Staff Consulted:

None

Exhibits Attached:

- Exhibit A Recommended Conditions
- Exhibit B Key Map
- Exhibit C Neighbourhood Context Map (2023)
- Exhibit D Official Plan Map
- Exhibit E Zoning By-Law Map
- Exhibit F Site Plan
- Exhibit G Site Photos
- Exhibit H Public Notification Map

Recommended Conditions

The approval of minor variance application, File Number D13-071-2023, to obtain relief from the minimum rear setback and the minimum visitor parking setback requirements of Kingston Zoning By-Law 2022-62 to facilitate development of the site with a 6-storey residential building, shall be subject to the following recommended conditions:

1. Limitation

That the approved minor variances apply only to development of the property with a 6-storey residential building as shown on the approved drawings attached to the notice of decision.

2. No Adverse Impacts

The owner/applicant shall demonstrate to the satisfaction of the City that there are no adverse impacts on neighbouring properties as a result of any modifications to on-site grading or drainage.

3. Building Permit Application Requirements

The owner/applicant shall provide to the Building Services a copy of the decision of the Committee of Adjustment, together with a copy of the approved drawings, when they make application for a Building Permit.

The drawings submitted with the Building Permit application must, in the opinion of the City, conform to the general intent and description of the approved drawing(s), including any amendments and conditions approved by the Committee of Adjustment, as stated in the decision. It must be noted that additional planning approvals may be required should further zoning deficiencies be identified through the Building Permit application process.

4. Standard Archaeological Condition

In the event that deeply buried or previously undiscovered archaeological deposits are discovered in the course of development or site alteration, all work must immediately cease and the site must be secured. The Archaeology Program Unit of the Ministry of Citizenship and Multiculturalism (archaeology@ontario.ca) and City of Kingston's Planning Services (613-546-4291, extension 3180) must be immediately contacted.

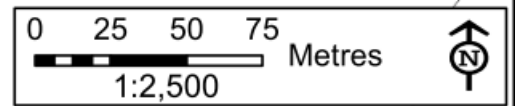
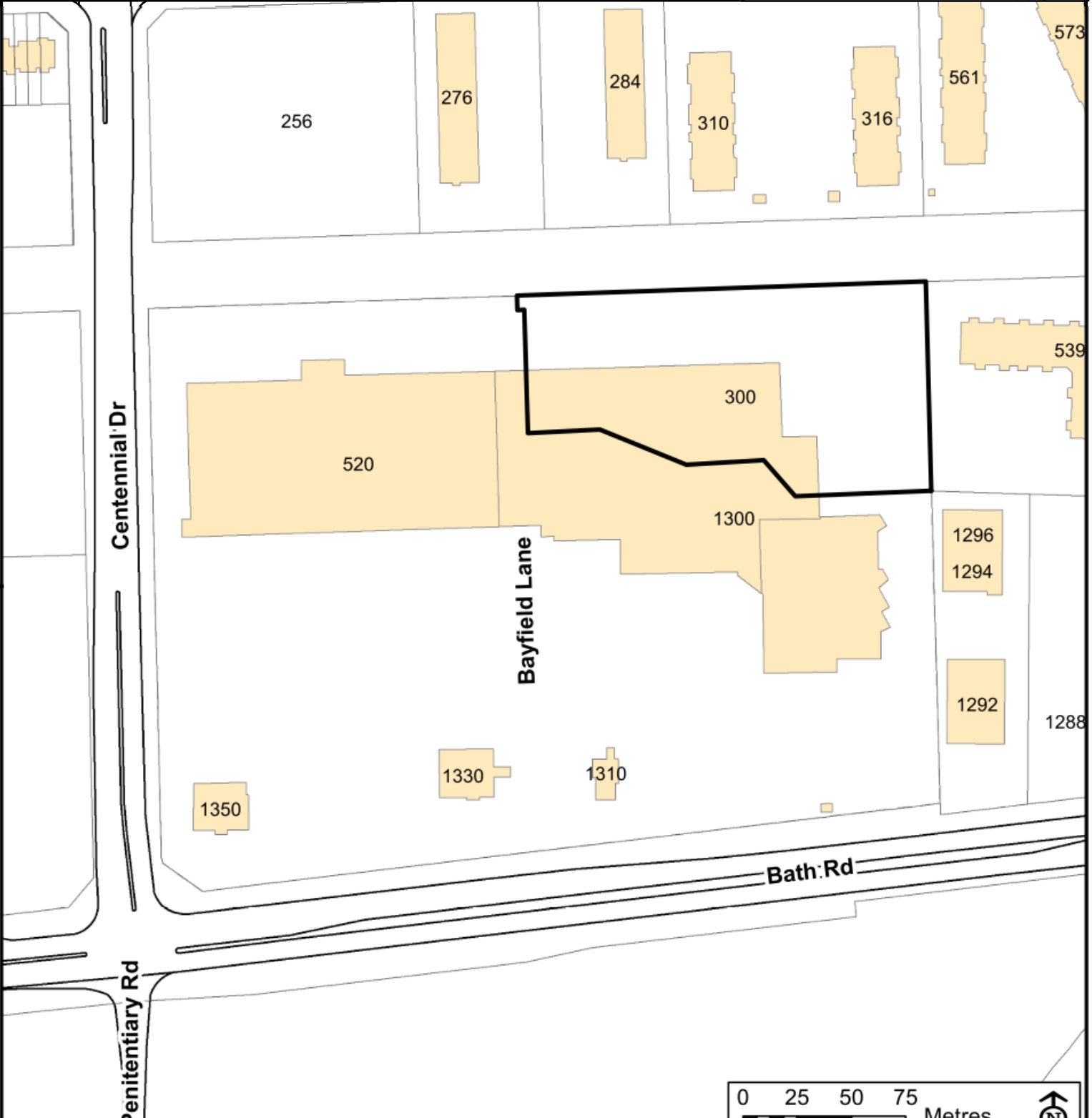
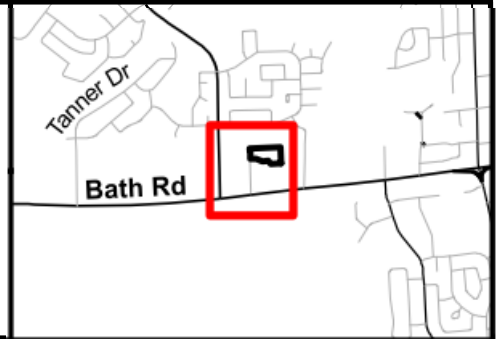
In the event that human remains are encountered, all work must immediately cease and the site must be secured. The Kingston Police (613-549-4660), the Office of the Chief Coroner as a part of the Ontario Ministry of the Solicitor General (1-877-991-9959), the Archaeology Program Unit of the Ministry of Citizenship and Multiculturalism (archaeology@ontario.ca), and City of Kingston's Planning Services (613-546-4291, extension 3180) must be immediately contacted.



Committee of Adjustment Key Map

Address: 300 Bayfield Lane
File Number: D13-071-2023

Lands Subject to Minor Variance

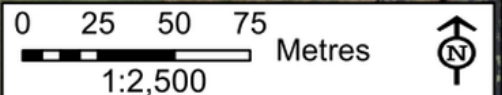




Committee of Adjustment Neighbourhood Context (2023)

Address: 300 Bayfield Lane
File Number: D13-071-2023

- Subject Lands
- Property Boundaries
- Proposed Parcels

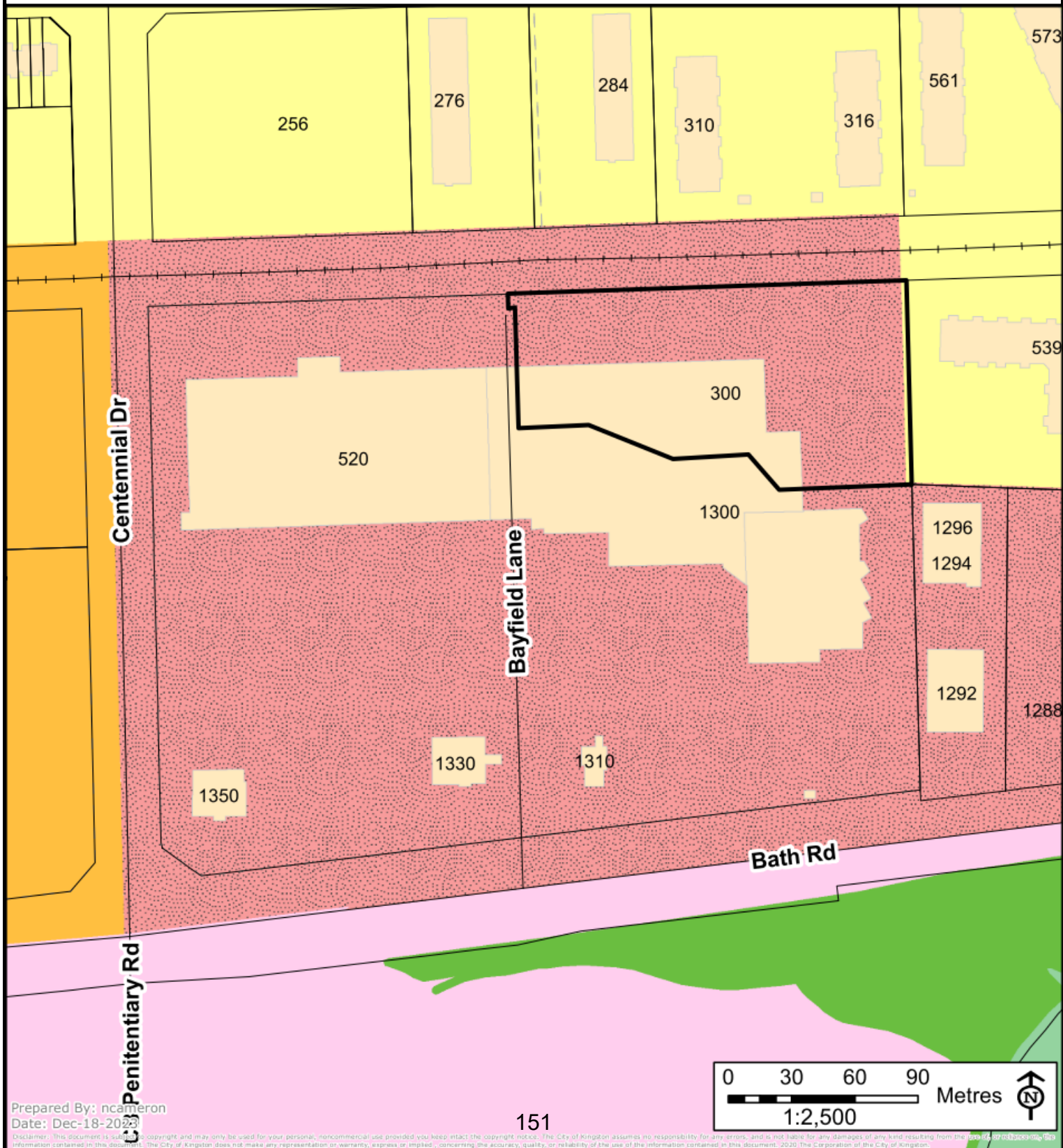




Committee of Adjustment Official Plan, Existing Land Use

Address: 300 Bayfield Lane
File Number: D13-071-2023

- Subject Lands
- ARTERIAL COMMERCIAL
- DISTRICT COMMERCIAL
- ENVIRONMENTAL PROTECTION AREA
- INSTITUTIONAL
- RESIDENTIAL



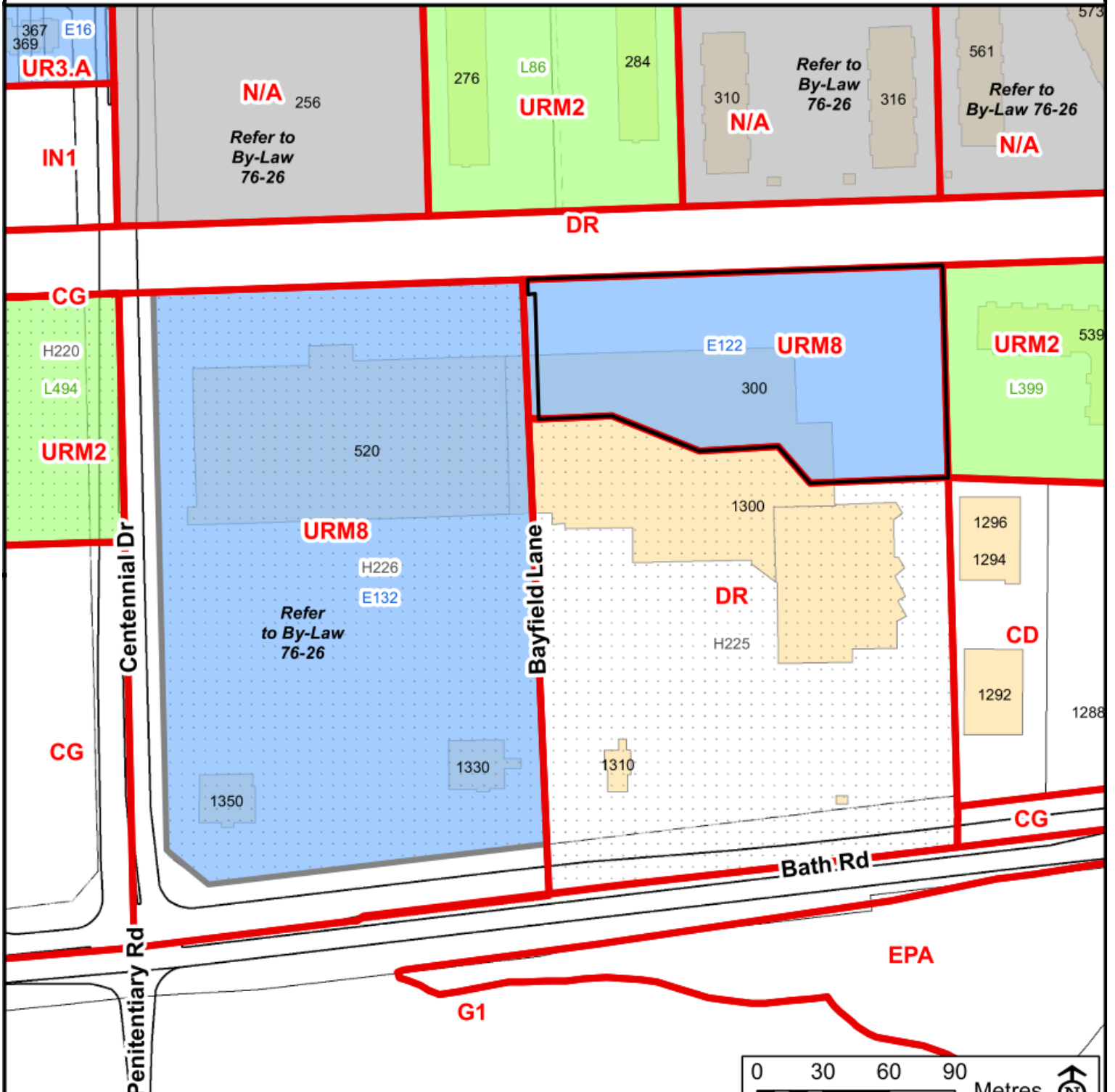


Planning Committee Existing Zoning Kingston Zoning By-Law 2022-62

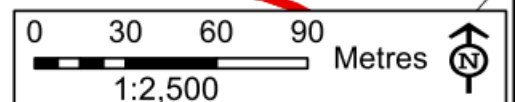
Planning Services

Address: 300 Bayfield Lane
File Number: D13-071-2023

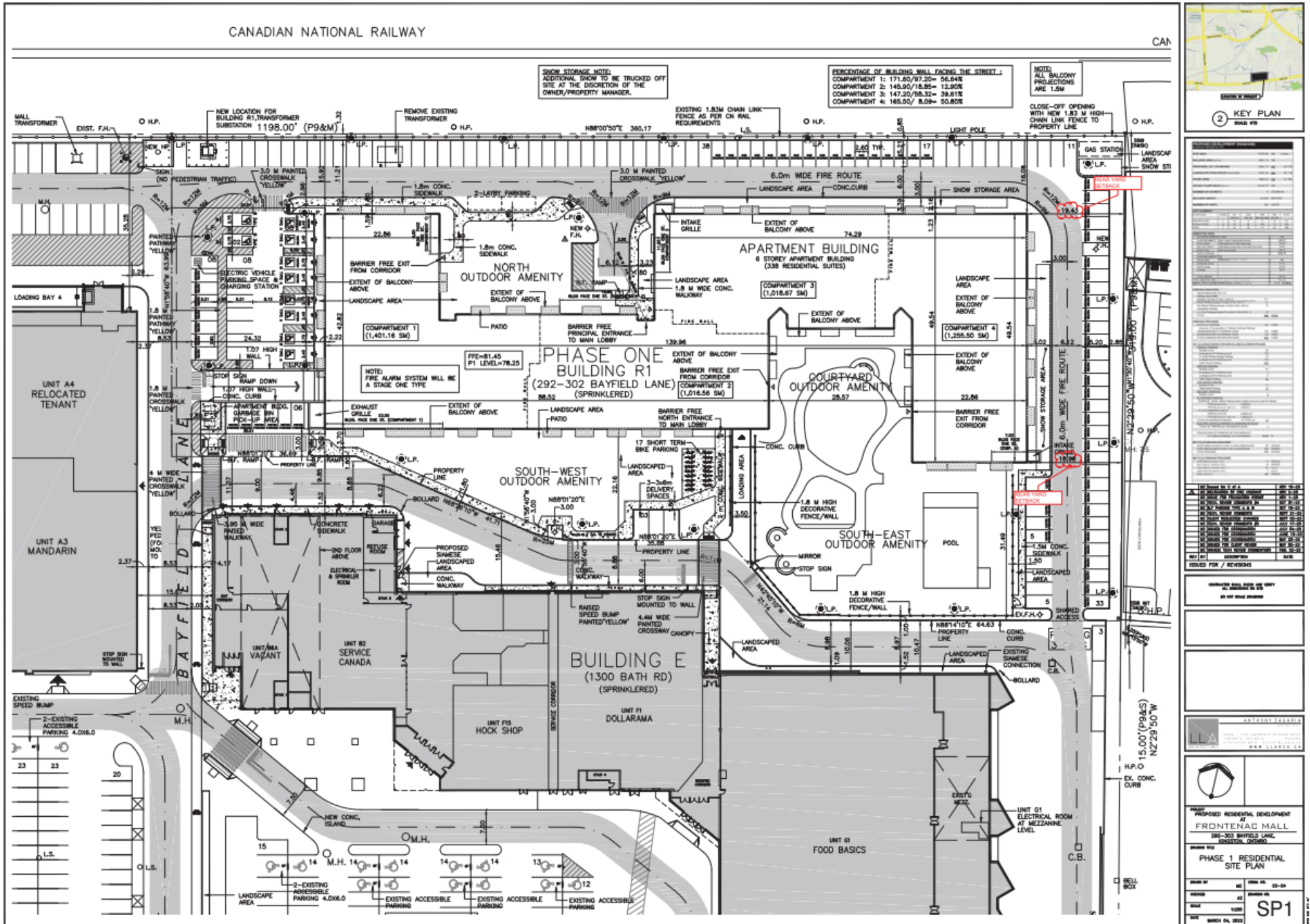
- Subject Lands
- Schedule 1 Zoning Map
- Zone
- Not Subject to the Kingston Zoning By-law
- Schedule E - Exception Overlay
- Legacy Exceptions (LXXX)
- Exceptions (EXXX)
- Schedule F - Holding Overlay
- Holding Overlay (HXXX)



Prepared By: ncameron
Date: Dec-18-2023



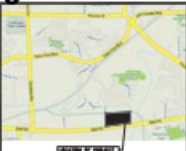
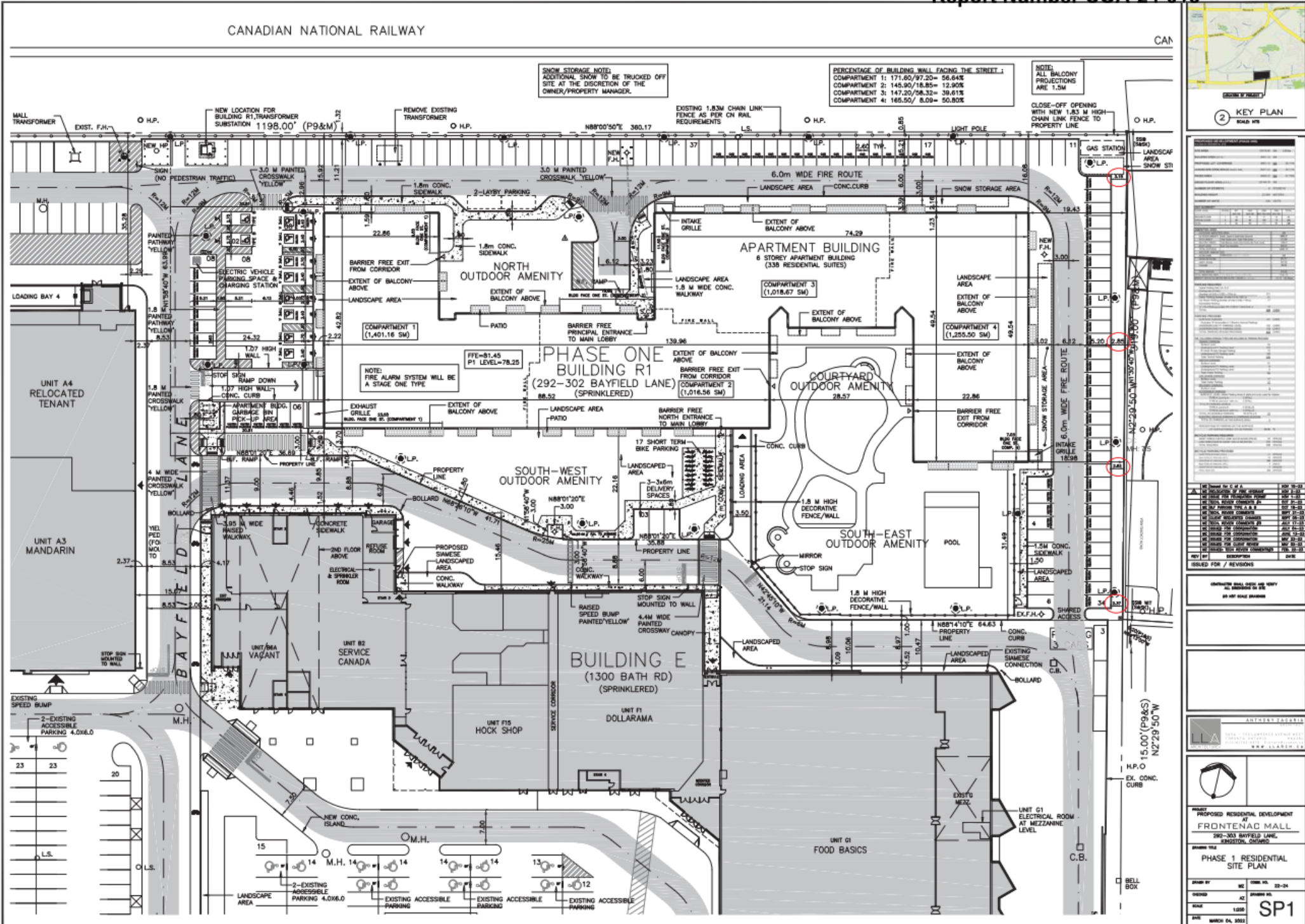
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NO.	DESCRIPTION	DATE
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2 KEY PLAN
ROAD #18

NO.	REVISION	DATE
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APPROVED FOR PERMIT
2024-03-28

ANTHONY TALARIS
L.L.A. CONSULTING ENGINEERS AND ARCHITECTS
1500 BATH RD. SUITE 100
KINGSTON, ONTARIO K7L 5G7
WWW.LLAECA.COM



PROJECT: PROPOSED RESIDENTIAL DEVELOPMENT AT FRONTENAC MALL, 292-302 BAYFIELD LANE, KINGSTON, ONTARIO
PHASE 1 RESIDENTIAL SITE PLAN
DRAWN BY: MC
CHECKED BY: JJ
SCALE: 1:250
DATE: MARCH 04, 2024
SP1



View of the site looking west from behind the existing mall



View of interaction of lot with adjacent property looking north along shared lot line








View of the existing fence screening the adjacent play area



Planning Services

Committee of Adjustment Public Notice Notification Map

Address: 300 Bayfield Lane
File Number: D13-071-2023

-  60m Public Notification Boundary
-  Subject Lands
-  Property Boundaries
-  Proposed Parcels
-  8 Properties in Receipt of Notice (MPAC)

