



City of Kingston
Committee of Adjustment
Revised Agenda

07-2024

Monday, June 17, 2024

5:30 p.m.

Council Chamber

Committee Composition

Peter Skebo, Chair

Councillor Cinanni

Councillor Hassan

Ken Dakin

Douglas Perkins

Gaurav Rehan

Jeff Scott

Somnath Sinha

Jordan Tekenos-Levy

Please provide regrets to Allison Hannah, Committee Clerk at 613-546-4291, extension 1209 or ahannah1@cityofkingston.ca.

Watch live on the [Kingston City Council YouTube](#) channel or register to receive the [Zoom](#) link.

Pages

1. **Introduction by the Chair**

2. **Call to Order**

3. **Approval of the Agenda**

4. **Confirmation of Minutes**

1. **Previous Meeting Minutes**

That the minutes of Committee of Adjustment Meeting 06-2024, held Monday, May 13, 2024, be approved.

5. **Disclosure of Pecuniary Interest**

6. **Delegations**

7. **Request for Deferral**

8. Returning Deferral Items

1. Application for Minor Variance - 154 Pine Street

10

File Number: D13-045-2023 and D10-031-2023

District: 9 - Williamsville

Owner: Amy Carson

Applicant: Adam Candon

The Report of the Commissioner of Growth & Development Services (COA-24-049) is attached.

Recommendation:

That minor variance application, File Number D13-045-2023 for the property located at 154 Pine Street to permit reductions in minimum lot area, minimum lot frontages, and reduced minimum interior setbacks for both the retained and severed parcels, be **approved, as described below:**

Retained Lot:

Variance Number 1: Minimum Lot Area

By-Law Number 2022-62: Table 12.5.1.1

Requirement: 270 square metres

Proposed: 237.4 square metres

Variance Requested: 32.6 square metres

Variance Number 2: Minimum Lot Frontage

By-Law Number 2022-62: Table 12.5.1.2

Requirement: 18 metres

Proposed: 5.6 metres

Variance Requested: 12.4 metres

Variance Number 3: Minimum Interior Setback

By-Law Number 2022-62: Table 12.5.1.7

Requirement: 3 metres

Proposed: 0 metres where a common party wall is located along a lot line

Variance Requested: 3 metres

Severed Lot:

Variance Number 4: Minimum Lot Area

By-Law Number 2022-62: Table 12.5.1.1

Requirement: 270 square metres

Proposed: 143.8 square metres

Variance Requested: 126.2 square metres

Variance Number 5: Minimum Lot Frontage

By-Law Number 2022-62: Table 12.5.1.2

Requirement: 18 metres

Proposed: 3.8 metres

Variance Requested: 14.2 metres

Variance Number 6: Minimum Interior Setback

By-Law Number 2022-62: Table 12.5.1.7

Requirement: 3 metres

Proposed: 0 metres where a common party wall is located along a lot line

Variance Requested: 3 metres; and

That approval of the minor variance application be subject to the conditions attached as Exhibit A (Recommended Conditions – Minor Variance) to Report Number COA-24-049; and,

That consent application, File Number D10-031-2023, to sever a 143.8 square metres parcel of land with 3.8 metres of frontage onto Pine Street, and to retain a 237.4 square metre parcel of land with 5.6 metres of frontage on Pine Street, and to establish an access easement over the retained parcel in favour of the severed parcel, be **provisionally approved** subject to the conditions included in Exhibit B (Recommended Conditions – Consent) to Report Number COA-24-049.

2. Application for Minor Variance - 322 Queen Street

37

File Number: D13-028-2024

District 11 - King's Town

Owner: Cheng Myers

Applicant: Fotenn Consulting

The Report of the Commissioner of Growth & Development Services (COA-24-040) is attached.

Recommendation:

That minor variance application, File Number D13-028-2024, for the property located at 322 Queen Street to allow permit a total of seven dwellings within the existing mixed-use building and relief from certain parking requirements, be **approved**, as described below:

Variance Number 1: Maximum number of dwelling units per lot

By-Law Number 2022-62: Table 10.4.1.

Requirement: Maximum 123 units per net hectare

Proposed: Maximum 160 units per net hectare

Variance Requested: 37 units per net hectare

Variance Number 2: Required number of parking spaces

By-Law Number 2022-62: Table 7.1.1.

Requirement: 3 parking spaces

Proposed: 2 parking spaces

Variance Requested: 1 parking spaces;

Variance Number 3: Required number of visitor spaces

By-Law Number 2022-62: Table 7.1.1.

Requirement: 1 visitor spaces

Proposed: 0 visitor spaces

Variance Requested: 1 visitor spaces;

Variance Number 4: Required number of accessible spaces

By-Law Number 2022-62: Section 7.2.6.3.

Requirement: 1 Type A accessible space

Proposed: 1 Type B accessible space

Variance Requested: Type B versus Type A;

Variance Number 5: Walkway

By-Law Number 2022-62: 4.27.1.4

Requirement: The walkway must be separately delineated and measured distinctly from a required driveway

Proposed: Notwithstanding 4.27.1.4, the walkway may overlap the required driveway at a pinch point that is outside of any required parking space

Variance Requested: The walkway may overlap the driveway at pinch point; and

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-040.

9. Business

1. Application for Minor Variance - 70 Railway Street

57

File Number: D13-017-2024

District: 11 - King's Town

Owner: NORTH SOUTHALL INC

Applicant: Bel-Con Design-Builders Ltd.

The Report of the Commissioner of Growth & Development Services (COA-24-051) is attached.

Recommendation:

That minor variance application, File Number D13-017-2024, for the property located at 70 Railway Street to reduce the minimum rear yard setback from 15 metres to 3 metres to accommodate four shipping container accessory buildings on the southwest corner of the lot, be approved, as described below:

Variance Number 1:

By-Law Number 2022-62: Section 16.3.2.3

Requirement: 15 metres

Proposed: 3 metres

Variance Requested: 12 metres; and

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-051.

2. Application for Minor Variance - 158 Earl Street

78

File Number: D13-036-2024

District: 10 - Sydenham

Owners: Haley Skinner and Thomas Skinner

Applicant: Mac Gervan & Associates Ltd.

The Report of the Commissioner of Growth & Development Services (COA-24-052) is attached.

Recommendation:

That minor variance application, File Number D13-036-2024, for the property located at 158 Earl Street to expand the third floor of a residential dwelling to replace the existing two gable dormers with an expanded shed dormer, be approved, as described below:

Variance Number 1:

By-Law Number 2022-62: Section 13.4.2.1 (a)

Requirement: Front wall of the dormer is setback a minimum of 0.4 metres from the main wall.

Proposed: 0.0

Variance Requested: 0.4

Variance Number 2:

By-Law Number 2022-62: Section 13.4.2.1 (b)

Requirement: The side wall of a dormer is setback a minimum of 1.0 metres from the edge of the roof on which it is located.

Proposed: 0.1 metres

Variance Requested: 0.9 metres; and

Variance Number 3:

By-Law Number 2022-62: Section 13.4.2.1 (c)

Requirement: The maximum cumulative length of all dormers on the same portion of a sloped roof is the lesser of 4.6 metres or 50% of the length of the roof on which it is located (3.95 metres).

Proposed: 6.55 metres

Variance Requested: 2.6 metres; and

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-052.

3. Application for Minor Variance - 4266 Bath Road

107

File Number: D13-035-2024

District: 5 - Collins Bayridge

Owners: Tim de Jong

Applicant: Tim de Jong

The Report of the Commissioner of Growth & Development Services (COA-24-054) is attached.

Recommendation:

That minor variance application, File Number D13-035-2024, for the property located at 4226 Bath Road to construct a 50 square metre enclosed rear porch, located approximately 24.7 metres from the highwater mark be approved, as described below:

Variance Number 1:

By-Law Number 2022-62: Section 4.23.1 Waterbody Separation Distance (rear enclosed porch)

Requirement: 30 metres

Proposed: 24.7 metres

Variance Requested: 5.3 metres

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-054.

4. Application for Minor Variance - 16 Cowdy Street

128

File Number: D13-033-2024

District: 11 - King's Town

Owner: Carol Knowles

Applicant: Carol Knowles

The Report of the Commissioner of Growth & Development Services (COA-24-050), is attached.

Recommendation:

That minor variance application, File Number D13-033-2024, for the property located at 16 Cowdy Street to construct a one-storey addition in the rear yard of an existing single-detached house, be approved, as described below:

Variance Number 1:

By-Law Number 2022-62: Table 11.6.1.7: Minimum interior setback

Requirement: 0.6 metres

Proposed: 0.4 metres

Variance Requested: 0.2 metres; and

Variance Number 2:

By-Law Number 2022-62: Table 11.6.1.8: Minimum aggregate of interior setbacks

Requirement: 3.6 metres

Proposed: 1.5 metres

Variance Requested: 2.1 metres; and

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-050.

5. Application for Minor Variance - 102 Charles Street 151

File Number: D13-046-2024

District: 11 - King's Town

Owner: Richard Allen and Rebecca Rappeport

Applicant: NBS Design Group

The Report of the Commissioner of Growth & Development Services (COA-24-056), is attached.

Recommendation:

That minor variance application, File Number D13-046-2024, for the property located at 102 Charles Street to construct a new two-storey rear addition, be approved, as described below:

Variance Number 1:

By-Law Number 2022-62: 11.6.1.12. Maximum building depth

Requirement: 18.0 metres

Proposed: 21.5 metres

Variance Requested: 3.5 metres

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-056.

***1. Updated Exhibit A** 180

The consent of the Committee is requested for the deletion of Exhibit A to Report COA-24-056 and the substitution of new Exhibit A attached to the Addendum.

10. Motions

11. Notices of Motion

12. Other Business

13. Correspondence

***1. Correspondence received, dated June 11, 2024, regarding Application for Minor Variance - 4226 Bath Road** 182

***2. Correspondence received, dated June 9 - 11, 2024, regarding Application for Minor Variance - 16 Cowdy Street** 183

- *3. Correspondence received, dated June 17, 2024, regarding Application for Minor Variance - 158 Earl Street**

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14. Date of Next Meeting

The next meeting of the Committee of Adjustment is scheduled for Monday, July 15, 2024 at 5:30 p.m.

15. Adjournment



**City of Kingston
Report to Committee of Adjustment
Report Number COA-24-049**

To: Chair and Members of the Committee of Adjustment
From: Jacob Slevin, Planner
Date of Meeting: June 17, 2024
Application for: Minor Variance and Consent
File Numbers: D13-045-2023 and D10-031-2023
Address: 154 Pine Street
District: District 9 – Williamsville
Owner: Amy Carson
Applicant: Adam Candon

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 Adam Candon on behalf of the owner, Amy Carson, for the property located at 154 Pine Street. The applications for minor variance and consent are requested to facilitate the severance of the existing semi-detached dwelling along the common party wall. No physical development or exterior changes to the subject property is proposed.

The purpose of the consent application (File Number D10-031-2023) is to permit a severance along the common party wall of the existing semi-detached house and to establish an access easement over the retained parcel in favour of the severed parcel. The existing house contains two residential units, currently known as 154 Pine Street and 154-A Pine Street. The proposed retained lot, containing 154 Pine Street, would have a total lot area of 237.4 square metres and

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a lot frontage of 5.6 metres. The proposed severed lot, containing 154-A Pine Street, would have a total lot area of 143.8 square metres and a lot frontage of 3.8 metres.

The minor variance (File Number D13-045-2023) is requested to address existing zoning deficiencies that are currently recognized as legal non-complying but will increase the extent of their non-compliance resulting from approval of the consent application. The required variances include reductions in minimum lot area, minimum lot frontages, and reduced minimum interior setbacks, for both the retained and severed parcels.

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 variances are desirable for the appropriate development or use of the land, building or structure and are 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 D13-045-2023 for the property located at 154 Pine Street to permit reductions in minimum lot area, minimum lot frontages, and reduced minimum interior setbacks for both the retained and severed parcels, be approved, as described below:

Retained Lot:**Variance Number 1: Minimum Lot Area**

By-Law Number 2022-62: Table 12.5.1.1

Requirement: 270 square metres

Proposed: 237.4 square metres

Variance Requested: 32.6 square metres

Variance Number 2: Minimum Lot Frontage

By-Law Number 2022-62: Table 12.5.1.2

Requirement: 18 metres

Proposed: 5.6 metres

Variance Requested: 12.4 metres

Variance Number 3: Minimum Interior Setback

By-Law Number 2022-62: Table 12.5.1.7

Requirement: 3 metres

Proposed: 0 metres where a common party wall is located along a lot line

Variance Requested: 3 metres

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Severed Lot:

Variance Number 4: Minimum Lot Area

By-Law Number 2022-62: Table 12.5.1.1

Requirement: 270 square metres

Proposed: 143.8 square metres

Variance Requested: 126.2 square metres

Variance Number 5: Minimum Lot Frontage

By-Law Number 2022-62: Table 12.5.1.2

Requirement: 18 metres

Proposed: 3.8 metres

Variance Requested: 14.2 metres

Variance Number 6: Minimum Interior Setback

By-Law Number 2022-62: Table 12.5.1.7

Requirement: 3 metres

Proposed: 0 metres where a common party wall is located along a lot line

Variance Requested: 3 metres; and,

That approval of the minor variance application be subject to the conditions attached as Exhibit A (Recommended Conditions – Minor Variance) to Report Number COA-24-049; and,

That consent application, File Number D10-031-2023, to sever a 143.8 square metres parcel of land with 3.8 metres of frontage onto Pine Street, and to retain a 237.4 square metre parcel of land with 5.6 metres of frontage on Pine Street, and to establish an access easement over the retained parcel in favour of the severed parcel, be **provisionally approved** subject to the conditions included in Exhibit B (Recommended Conditions – Consent) to Report Number COA-24-049.

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Authorizing Signatures:



Jacob Slevin, Planner

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

Tim Park, Director, Planning Services

Meghan Robidoux, Supervisor, Development Approvals

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Options/Discussion:

On July 26th, 2023, applications for minor variance and consent were submitted by Adam Candon on behalf of the owner Amy Carson for the subject property located at 154 Pine Street. As the initial submission materials were unclear regarding the dimensions of the proposed severed and retained lots, Planning Staff advised that the applicant obtain a new survey showing the proposed severed and retained lots to ensure the accuracy of the requested variances for lot frontage and lot area. The consent and minor variance applications were temporarily deferred until the new survey was submitted. In March of 2024, the applicant provided staff with the updated survey and the application for consent and minor variance was scheduled for the Committee of Adjustment application on June 17, 2024.

The subject property is a legal non-conforming semi-detached house, which currently functions as two separate residential units. The applicant is seeking to divide this semi-detached house along the common party wall in order to create a new, separately conveyable property. No physical development or exterior changes to the property are contemplated as part of this application.

The purpose of the consent application (File Number D10-031-2023) is to permit a severance along the common party wall of the existing semi-detached house located on the subject property. The proposed retained lot, containing 154 Pine Street, would have a total lot area of 237.4 square metres and a lot frontage of 5.6 metres. The proposed severed lot, containing 154-A Pine Street, would have a total lot area of 143.8 square metres and a lot frontage of 3.8 metres.

The minor variance (File Number D13-045-2023) is requested to permit reductions in minimum lot area, minimum lot frontages, and reduced minimum interior setbacks, for both the retained and severed parcels.

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

- Survey (Exhibit G);
- Easement Sketch (Exhibit J); and,
- Owner Authorization

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 south-east of the intersection of Lansdowne Street and Pine Street, within an established residential neighbourhood (Exhibit C – Key Map). The property is developed as a semi-detached dwelling, first established around 1920 according to available

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data. Access to the rear yard is provided via a pathway between 154 Pine Street and 152 Pine Street, and via rear entrances in both semi-detached units.

No vehicle parking spaces are provided on the site, as the pathway between 154 Pine Street and 152 Pine Street is too narrow to accommodate vehicular access. As the existing semi-detached property was established legally prior to the enactment of Kingston Zoning By-Law 2022-62, the lack of parking on-site is recognized as legal non-complying.

154 Pine Street abuts numerous residential units to the north, east, south, and west (Exhibit D – Neighbourhood Context Map). The subject property is in close proximity to public green space, approximately 30 metres east of the Pine Street Triangle public park, and approximately 190 metres from the Kingston Memorial Centre. Additionally, the subject property is approximately 105 metres from the Pine Street bus stop on the west side of Division Street which provides access to the Kingston Transit Route 2 and Kingston Transit Route 18.

The subject property is designated Residential in the Official Plan (Exhibit E – Official Plan Map) and zoned Urban Multi-Residential 4 (URM4) in Kingston Zoning By-Law Number 2022-62 (Exhibit F – Zoning By-Law Map). A semi-detached house is not a permitted use in the URM4 Zone. However, as this house was established legally prior to the enactment of Kingston Zoning By-Law Number 2022-62, the semi-detached house is recognized as a legal non-conforming use.

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 two lots: a severed lot, containing 154-A Pine Street, and a retained lot, containing 154 Pine Street. The proposal also seeks to establish an access easement over the retained parcel in favour of the severed parcel. 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.

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Official Plan

The subject property is designated Residential in the City of Kingston Official Plan. The Residential land use designation denotes urban residential land uses that are intended to be on full municipal services. It is the goal of the Official Plan that the Residential designation to respond to the housing needs of the City's citizens by retaining and augmenting a broad range of housing at all levels of affordability within a safe, convenient and stable setting, organized primarily into neighbourhoods.

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 application proposes to create a new severed lot with 3.8 metres of frontage onto Pine Street and an area of 143.8 square metres, and a retained lot with 5.6 metres of frontage onto Pine Street and an area of 237.4 square metres. While the proposed new lot frontages and lot areas do not meet the performance standards of the URM4 zone, these dimensions are appropriate for accommodating the existing semi-detached residential homes. Furthermore, these proposed lot dimensions are comparable with a number of other lots in the surrounding neighbourhood. The subject property is currently developed with two semi-detached dwellings which function as independent lots for all intents and purposes. Given that the existing homes are already functional, and no expansion or enlargement of the buildings are proposed to the subject property, the proposed lot areas and lot frontages are considered to be appropriate for the existing use.

In terms of compatibility with the surrounding neighbourhood, numerous other properties on Pine Street have similar lot areas and frontages to the dimensions which are proposed for the severed and retained lots at 154 Pine Street. For example, directly adjacent to the east of the subject property, the semi-detached homes at 150 and 152 Pine Street each have a frontage of approximately 5.1 metres and areas of approximately 220 square metres and 210 square metres, respectively. Directly adjacent to the west of the subject property is the townhouse building at 156 Pine Street, which has a frontage of approximately 5.2 metres and an area of 156.8 square metres. Given this neighbourhood context, the proposed frontages and lot areas for the severed and retained lots are both appropriate for the existing development and compatible with the lot dimensions of other nearby properties.

The newly created lots would be rectangular in shape, in keeping with the surrounding neighbourhood character. Both the retained and severed parcels will have frontage onto Pine Street, a municipal road. This application does not propose direct access from any major roads, and no new access points or driveways are proposed as part of this application. The proposed access easement over the retained lot in favour of the severed lot will provide access for maintenance and pedestrian purposes only, as sufficient space does not exist to provide vehicle access into the rear yards.

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The subject property at 154 Pine Street does not contain any natural heritage features or natural hazards of any kind. The property is not subject to any designation under the *Ontario Heritage Act*. The property is within an area of Composite Archeological Potential, but given that no development is proposed, Heritage Planning staff have not raised any concerns or requested an Archeological Assessment.

The subject lands are developed with existing residential dwellings within the Urban Boundary, and as such can be supplied by existing municipal services and infrastructure.

The proposal meets the intent of the Official Plan, as the proposed severance along the common party wall is consistent with all applicable Official Plan policies and will not result in any negative impacts to adjacent properties or to the neighbourhood.

Zoning By-Law

The subject property is zoned Urban Multi-Residential Zone 4 (URM4) in Kingston Zoning By-Law Number 2022-62 (Exhibit F – Zoning By-Law Map). The URM4 zone permits a number of residential and several non-residential uses. A semi-detached house is not a permitted use in the URM4 zone, however, available data indicates that the semi-detached house was first constructed around 1920. As no zoning by-law was in effect at the time this semi-detached house was first constructed, it is considered to be a legal non-conforming use.

A minor variance is requested to permit reductions in minimum lot area, minimum lot frontages, and reduced minimum interior setbacks, for both the retained and severed parcels.

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 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.

As this application does not contemplate physical development of any kind, there are no concerns regarding land use compatibility matters outlined Section 2.7 of the Official Plan. Furthermore, as no new residential units are being added, there are no concerns regarding the destabilization of existing stable areas established by Section 2.6 of the Official Plan.

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There are currently no parking spaces provided for the subject property at 154 Pine Street. The lack of parking spaces is permitted by the property's legal non-conforming status, as the semi-detached house was developed at a time before any zoning by-law required that parking spaces be provided. To date, the property at 154 Pine Street has functioned effectively without parking spaces. The property is located within walking distance of parkland, commercial uses, and several Kingston Transit bus routes. As such, there are no concerns with the continued lack of vehicular access or parking spaces on this property.

No impacts to heritage resources are anticipated from this proposal. The subject property is not designated under the *Ontario Heritage Act*. The property is located within an area of Composite Archeological Potential. Through technical review of this application, Heritage Planning staff have determined that no archaeological assessments are required given that no new ground disturbance is proposed.

The property at 154 Pine Street is within the Urban Boundary and can be serviced by municipal water and sewage services. As a condition of approval for this application, the applicant shall be required to confirm that separate water and sanitary services are provided to the severed and retained lots.

A minor variance application is a more appropriate means of seeking the required zoning relief than a full zoning by-law amendment application. No change of use is proposed, nor is any physical expansion or enlargement of the existing semi-detached house. The proposed variances meet the four tests outlined in the *Planning Act* and detailed throughout this report. As such, a minor variance is considered to be a more appropriate application than a zoning by-law amendment to facilitate this proposal.

Approval of the requested variances will not set any undesirable precedents. As was outlined above in the discussion of Official Plan considerations for the consent application, the proposed lot areas and lot frontages for the severed and retained parcels are in keeping with the character of the surrounding homes on Pine Street. The requested variances to permit a 0 metre interior setback along the common party wall is also consistent with existing patterns of development in the surrounding area. For example, the adjacent semi-detached homes at 150 and 152 Pine Street are divided by a lot line along the common party wall, with a 0 metre interior setback. Additionally, there are numerous townhouse buildings at 156, 158, 160, and 162 Pine Street which are each divided along the common party wall with a 0 metre interior setback.

Given that the requested variances for reduced lot area, reduced lot frontages, and reduced interior setbacks will permit lot dimensions and setbacks which are comparable to numerous other existing lots on Pine Street, none of these variances will create any undesirable precedents.

Recommended conditions have been provided for the Committee's consideration and are included as Exhibit A and Exhibit B to this report, for the minor variance and consent respectively.

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The proposal meets the intent of the Official Plan, as the requested variances are compliant with all applicable Official Plan policies 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 Urban Multi-Residential Zone 4 (URM4) in Kingston Zoning By-Law Number 2022-62 (Exhibit F – Zoning By-Law Map). The URM4 zone permits residential uses, but does not permit semi-detached houses. However, the existing semi-detached house at 154 Pine Street is permitted as a legal non-conforming use.

The proposal requires a variance several provisions established in the URM4 zone. Details on each of the requested variances and an assessment of how these variances maintain the intent and purpose of the Kingston Zoning By-law are provided below:

Variance Number 1: Minimum Lot Area (Retained Lot)

By-Law Number 2022-62: Table 12.5.1.1
Requirement: 270 square metres
Proposed: 237.4 square metres
Variance Requested: 32.6 square metres

Variance Number 4: Minimum Lot Area (Severed Lot)

By-Law Number 2022-62: Table 12.5.1.1
Requirement: 270 square metres
Proposed: 143.8 square metres
Variance Requested: 126.2 square metres

Relief is requested from the minimum lot area requirement of 270 square metres to permit a lot area of 237.4 square metres for the retained lot and an area of 142.8 square metres for the severed lot. The intent of the minimum lot area requirement is to ensure that a property has sufficient area to accommodate required setbacks, amenity area, access and to ensure overall site functionality. As the property is developed as a semi-detached dwelling that currently functions as two separate properties, the reduced lot area is not anticipated to affect the functionality or enjoyment of either lot, which will continue to function as existing in terms of access, amenity, and built form.

Variance Number 2: Minimum Lot Frontage (Retained Lot)

By-Law Number 2022-62: Table 12.5.1.2
Requirement: 18 metres
Proposed: 5.6 metres
Variance Requested: 12.4 metres

Variance Number 5: Minimum Lot Frontage (Severed Lot)

By-Law Number 2022-62: Table 12.5.1.2
Requirement: 18 metres

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Proposed: 3.8 metres

Variance Requested: 14.2 metres

Relief is requested to permit a lot frontage of 5.6 metres onto Pine Street for the retained lot and a frontage of 3.8 metres onto Pine Street for the severed lot. The intent of the minimum lot frontage is to provide separation between parcels, safe driveway separation, and a consistent lot fabric throughout the neighbourhood. As discussed above, the reduced lot frontages would not appear out of character with the surrounding area given that several other lots on Pine Street have similarly small frontages. Considering that there is no driveway along the frontage of 154 Pine Street and that no parking spaces are provided on the property, reduction of the frontages for the proposed retained and severed lots would not impact existing conditions on the property in terms of vehicular access or parking.

Variance Number 3: Minimum Interior Setback (Retained Lot)

By-Law Number 2022-62: Table 12.5.1.7

Requirement: 3 metres

Proposed: 0 metres where a common party wall is located along a lot line

Variance Requested: 3 metres

Variance Number 6: Minimum Interior Setback (Severed Lot)

By-Law Number 2022-62: Table 12.5.1.7

Requirement: 3 metres

Proposed: 0 metres where a common party wall is located along a lot line

Variance Requested: 3 metres

The purpose of setback requirements from interior lot lines is to ensure that land uses are appropriately separated from one another such that adjacent land uses are functional and do not interfere with each other. However, for residential land uses such as semi-detached houses and townhouses, the built form of these uses is designed so that the residential units are developed directly against one another in a manner that each unit remains functional. As such, in zones where semi-detached houses and townhouses are permitted, the zoning provisions typically specify that a setback of 0 metres is permitted where the interior lot line is provided along a common party.

These variances are only requested because semi-detached houses are not permitted uses within the URM4 zone. Townhouses are permitted uses in the URM4 zone, and the URM4 zone recognizes that townhouses are permitted to have an interior setback of 0 metres along a common party wall. As semi-detached houses are not permitted in the URM4 zone, a minor variance is required to approve an interior setback of 0 metres along a common party wall for a semi-detached house. Although a variance is required for this technical reason, the general intent of the zoning by-law is met. Semi-detached houses are designed in such a way that each unit is independently functional and does not interfere with the other, despite the lack of separation.

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For the reasons described above, the requested variances maintain the general intent and purpose of the zoning by-law.

3) The variance is minor in nature

The variances are considered minor as this proposal is technical in nature and will not facilitate any physical development involving the expansion or enlargement of the existing semi-detached house. The requested variances are proposed solely to recognize the creation of a new lot line along the common party wall of the existing semi-detached dwelling, as certain zoning deficiencies are created by the addition of this new lot line. Given that both residential units within the semi-detached dwelling at 154 Pine Street have historically functioned as separate properties independent of one another, the proposed severance will simply provide separate legal title for both halves of the existing dwelling. The purpose of the requested variances is solely to provide relief from a few select provisions of the URM4 zone.

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

The requested variances are desirable and appropriate, as they would facilitate the creation of a new lots within Kingston’s Urban Boundary which are already developed with a semi-detached dwelling and fully serviced by municipal infrastructure. Given the fact that no physical development is proposed as part of this application, approval of the requested variances would facilitate an opportunity for infill development without creating any compatibility issues with the character of the surrounding neighbourhood since there would be no external changes. Providing each unit within the existing semi-detached house with separate legal title will create opportunities for home ownership within the Urban Boundary. Allowing each semi-detached unit to be conveyed separately will allow for the acquisition of these properties at a lower cost than current conditions, in which both homes are part of a single landholding and must be purchased together.

As such, the variance is considered to be a 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 checked="" 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 checked="" 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 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 | | |

June 17, 2024

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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 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 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 variances are desirable for the appropriate development or use of the land, building or structure and are minor in nature. The proposed minor variance application meets all four tests under Subsection 45(1) of the *Planning Act* and is being recommended for approval, subject to the proposed conditions.

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, the requested consent application is recommended for provisional approval.

Provisional approval of these applications will facilitate the proposed severance of the existing semi-detached dwelling at 154 Pine Street along the common party wall and associated access easement, and permit select zoning deficiencies that will be created by this proposed severance. No physical development or exterior changes to the subject property is contemplated.

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:

Provincial

Provincial Policy Statement, 2020

June 17, 2024

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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 June 17, 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 78 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

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

Other City of Kingston Staff Consulted:

None

Exhibits Attached:

Exhibit A Recommended Conditions – Minor Variance

Exhibit B Recommended Conditions – Consent

Exhibit C Key Map

Exhibit D Neighbourhood Context Map

Exhibit E Official Plan Map

June 17, 2024

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- Exhibit F Zoning By-Law Map
- Exhibit G Survey
- Exhibit H Site Photos
- Exhibit I Public Notification Map
- Exhibit J Easement Sketch

Recommended Conditions

The approval of minor variance application, File Number D13-045-2023, to permit a reduced minimum lot area, reduced lot frontage, and reduced minimum interior setback requirements for the proposed severed and retained parcels, shall be subject to the following recommended conditions:

1. Limitation

That the approved minor variance applies only to the severed and retained lots and to the existing buildings 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.

5. Approval of Consent Application (File Number D10-031-2023)

That the associated Consent Application (File Number D10-031-2023) is approved and all attached conditions of approval are fulfilled.

Recommended Conditions

The provisional approval of consent application, File Number D10-031-2023, to sever the existing semi-detached dwelling at 154 Pine Street along the common party wall and establish a new access easement over the retained lot in favour of the severed lot, shall be subject to the following recommended conditions:

1. Certificate of Official and Deadline

That all conditions are satisfied and the Certificate of Official 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. 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 years 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 be provided in a PDF and AutoCAD Windows readable format on a compact disc (CD), USB memory stick or by email, illustrating the severed parcel be prepared and 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. 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. Civic Addressing

As this application creates a new property, the applicant will be required to submit a D20 Civic Addressing application to obtain new addresses for the severed and retained lots prior to receiving a Certificate of Official.

6. Separate Services

Prior to the issuance of a Certificate of Official it shall be necessary for the applicant to provide and for Utilities Kingston to approve a drawing showing all existing services and the mains they connect too, and the existing buildings and all proposed and existing property lines.

7. Relocation of Common Party Wall on Second Floor

A portion of the centerline of the common party wall on the second floor is not consistent with the centerline of the common party wall on the first floor. Prior to issuance of the Certificate of Official, the applicant shall obtain a building permit and relocate the common party wall on the second floor and ensure that the common party wall maintains a consistent centerline on both floors of the semi-detached house at 154 Pine Street.

8. Privacy Fence for Deck in Rear Yard

The property at 154 Pine Street contains an existing deck in the rear yard which will be divided between the severed and retained lots. Properties developed with semi-detached dwellings are permitted to have decks with a 0 metre interior setback when such a deck is developed against a common party wall and a 1.5 metre tall common privacy fence is provided. Prior to the issuance of the Certificate of Official, the applicant shall construct a common privacy fence for the rear deck in accordance with Table 4.20.4 of the Kingston Zoning By-Law Number 2022-62.

9. Easement to be Registered on Title

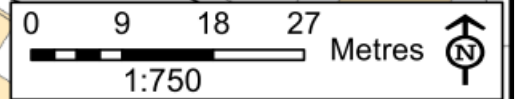
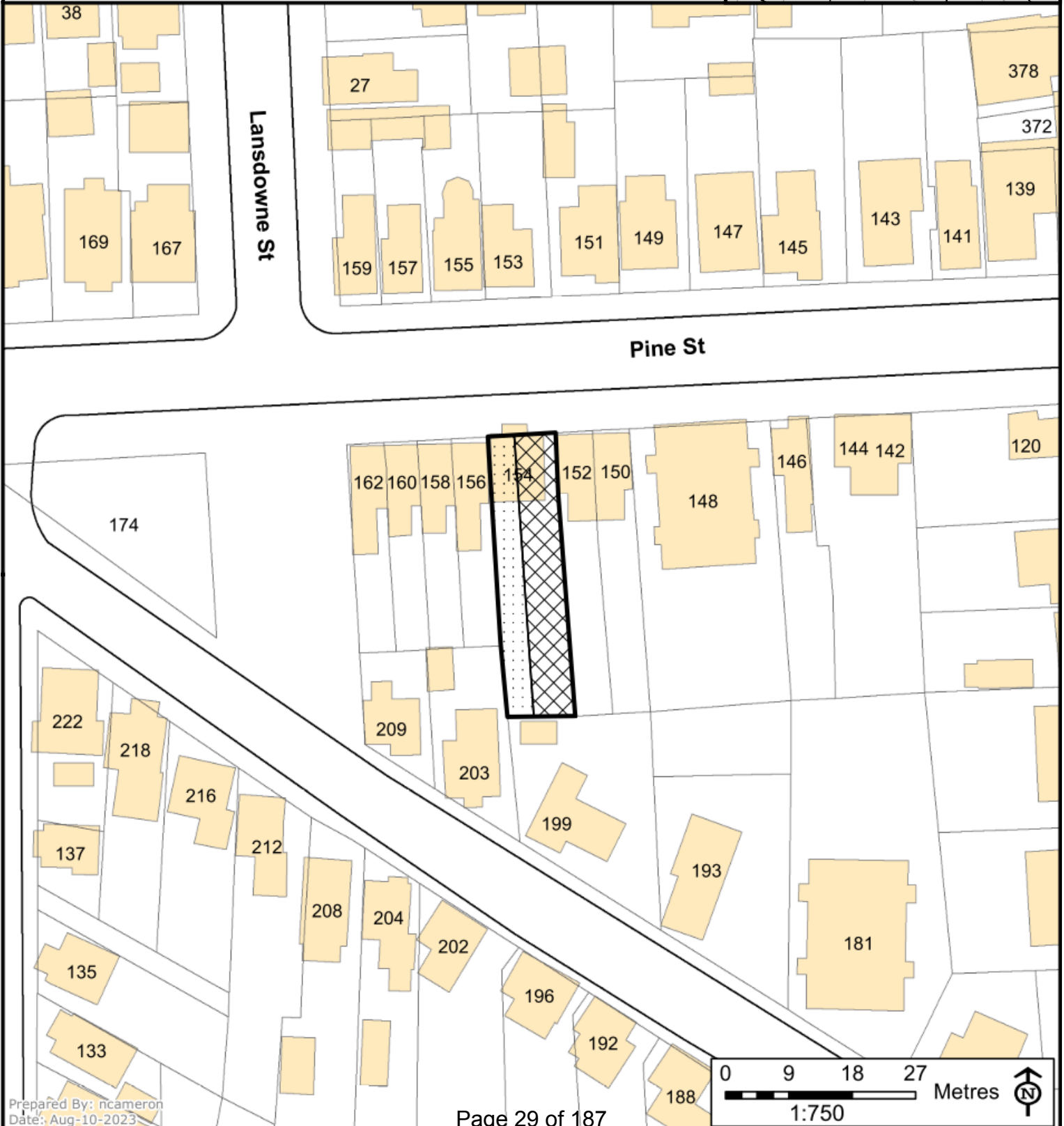
Prior to the issuance of the Certificate of Official, the owner shall provide a draft transfer easement for the City to review as it relates to the required access easement over the retained parcel in favour of the severed parcel. The applicant shall be required to register the proposed easements on title, as shown on the approved drawing attached to the notice of decision.



Delegated Authority Key Map

Address: 154 Pine St.
File Number: D10-031-2023

- Subject Lands
- Severed Lands
- Retained Lands



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Delegated Authority
Neighbourhood Context (2023)

Address: 154 Pine St.
File Number: D10-031-2023

- Subject Lands
- Property Boundaries
- Proposed Parcels






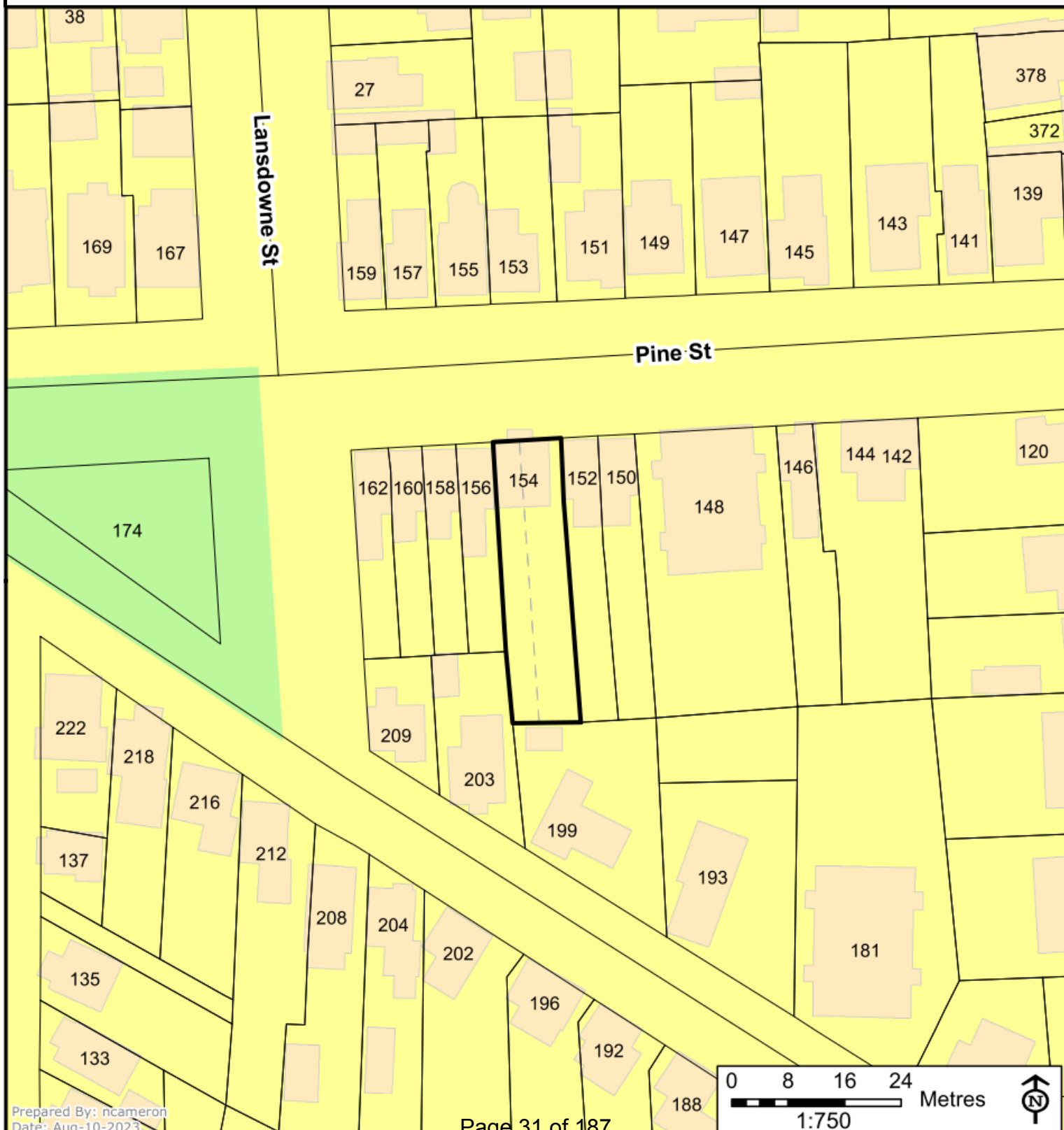


Planning Services

Delegated Authority
Official Plan, Existing Land Use

Address: 154 Pine St.
File Number: D10-031-2023

-  Subject Lands
-  OPEN SPACE
-  RESIDENTIAL



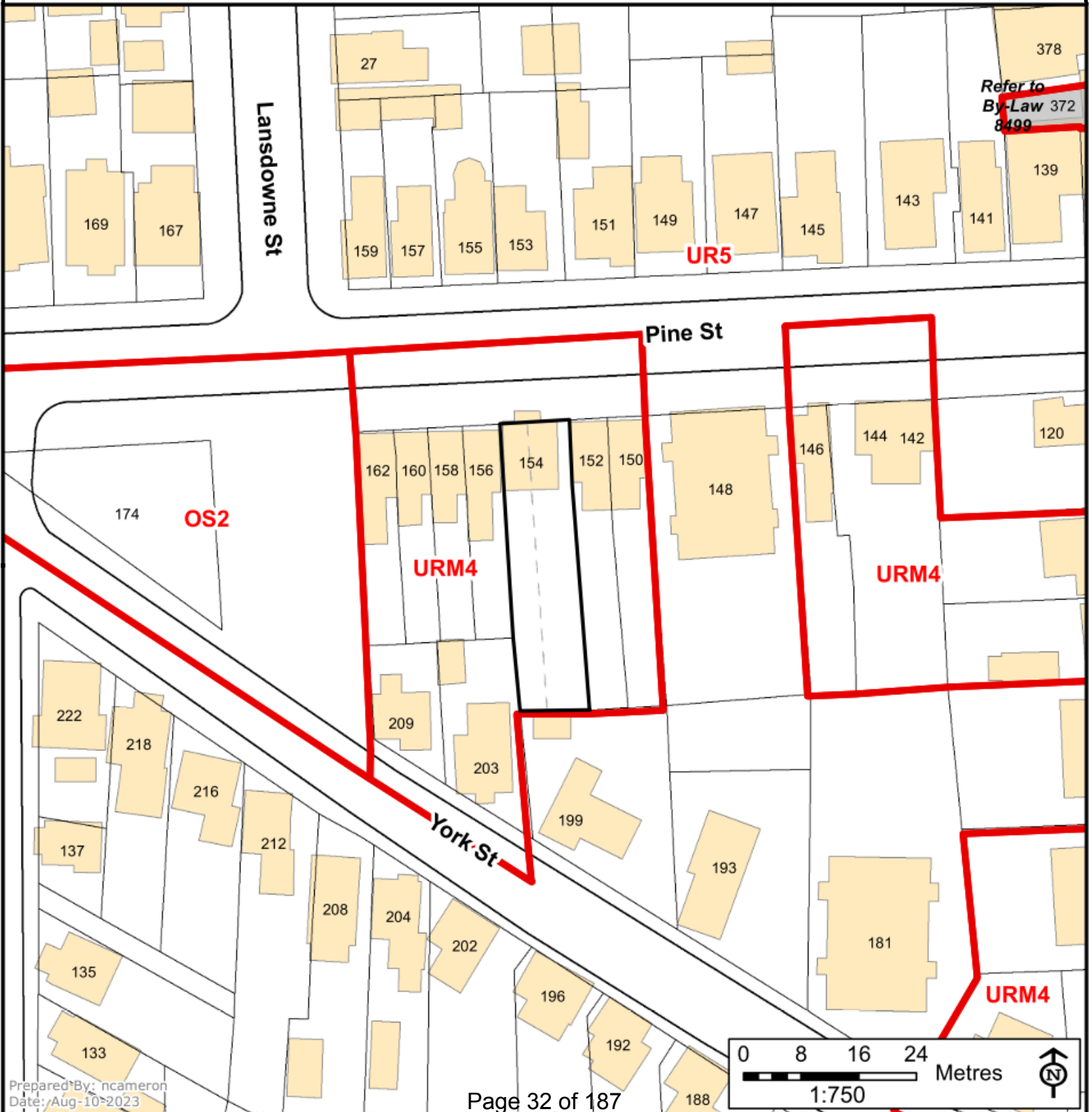


Planning Committee
Existing Zoning
Kingston Zoning By-Law 2022-62

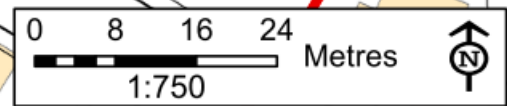
Planning Services

Address: 154 Pine St.
File Number: D10-031-2023

- 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)



Refer to
By-Law 372
8499



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Figure 1: Frontal view of the semi-detached dwelling at 154 Pine Street.

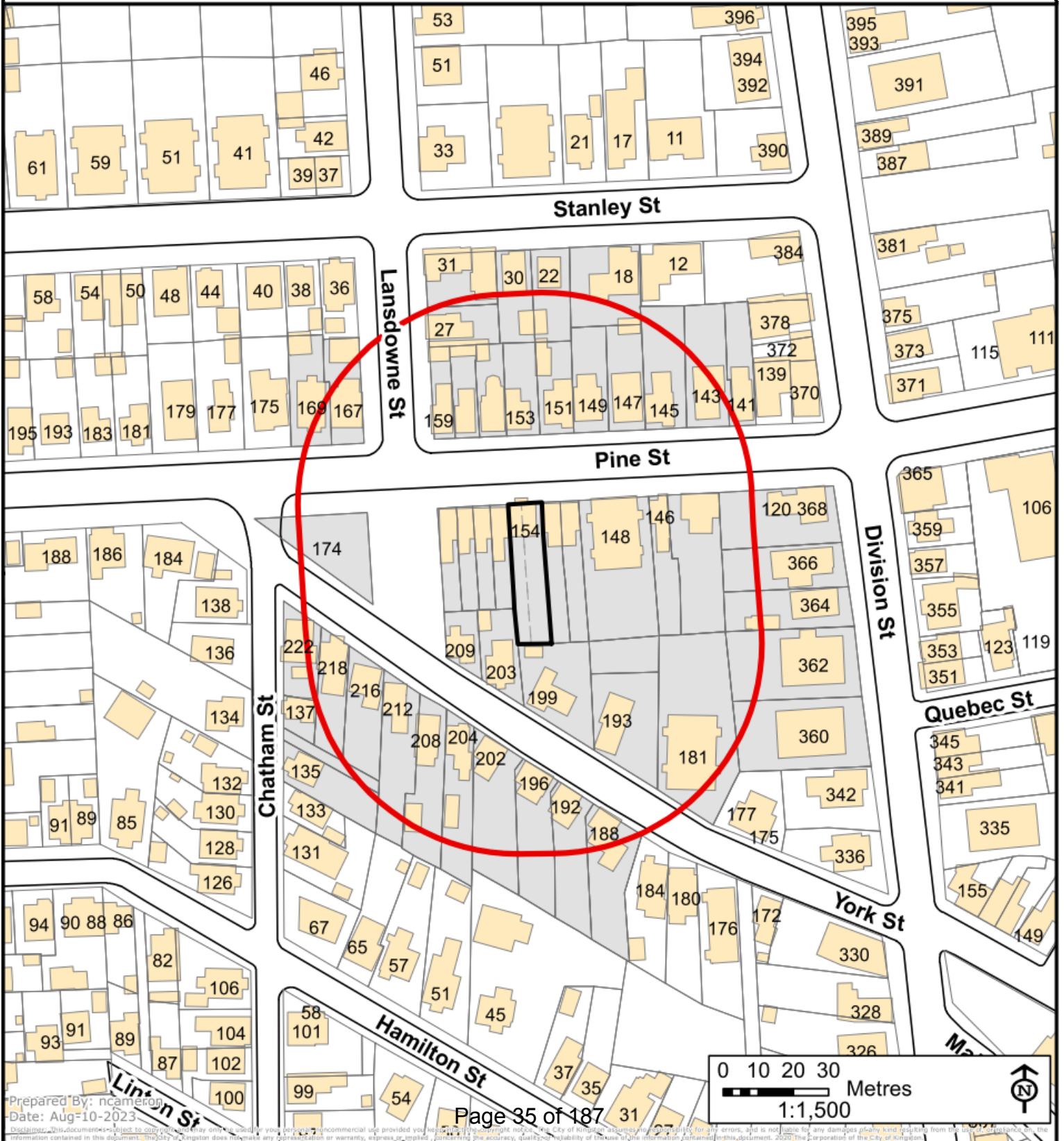


Figure 2: View of the rear yard of the subject property. The yard is developed with an existing deck and a walkway for access.



Delegated Authority
Public Notice Notification Map
Address: 154 Pine St.
File Number: D10-031-2023

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



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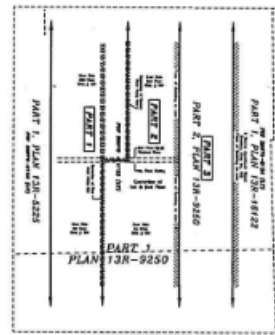
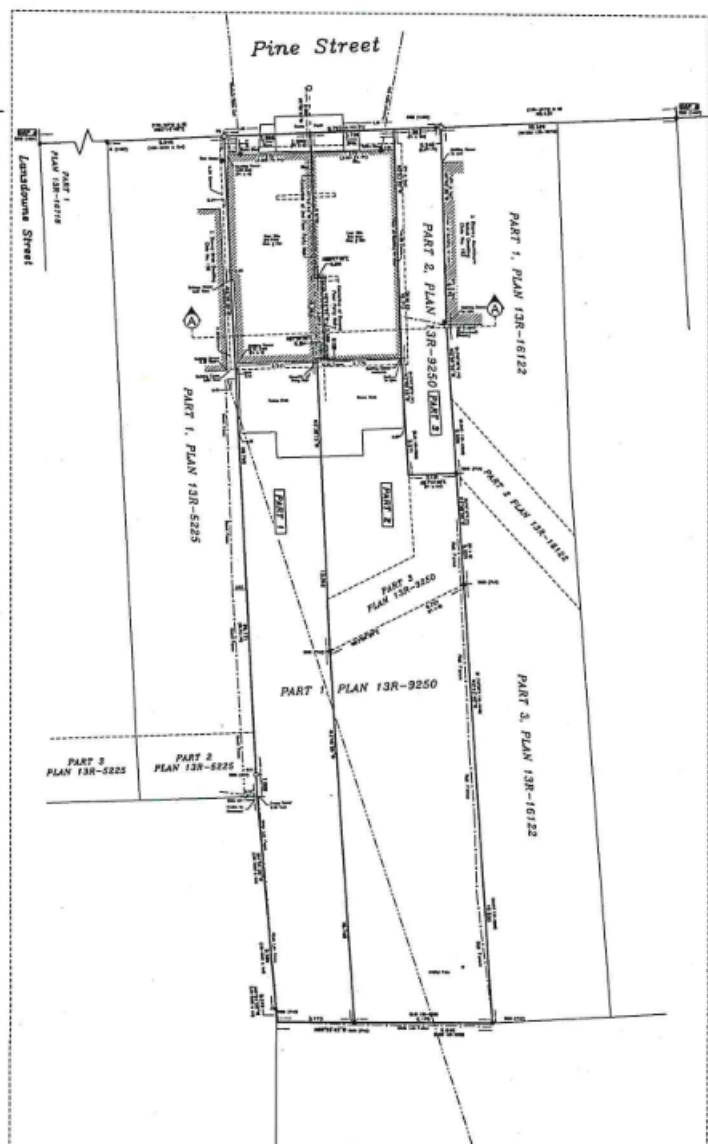
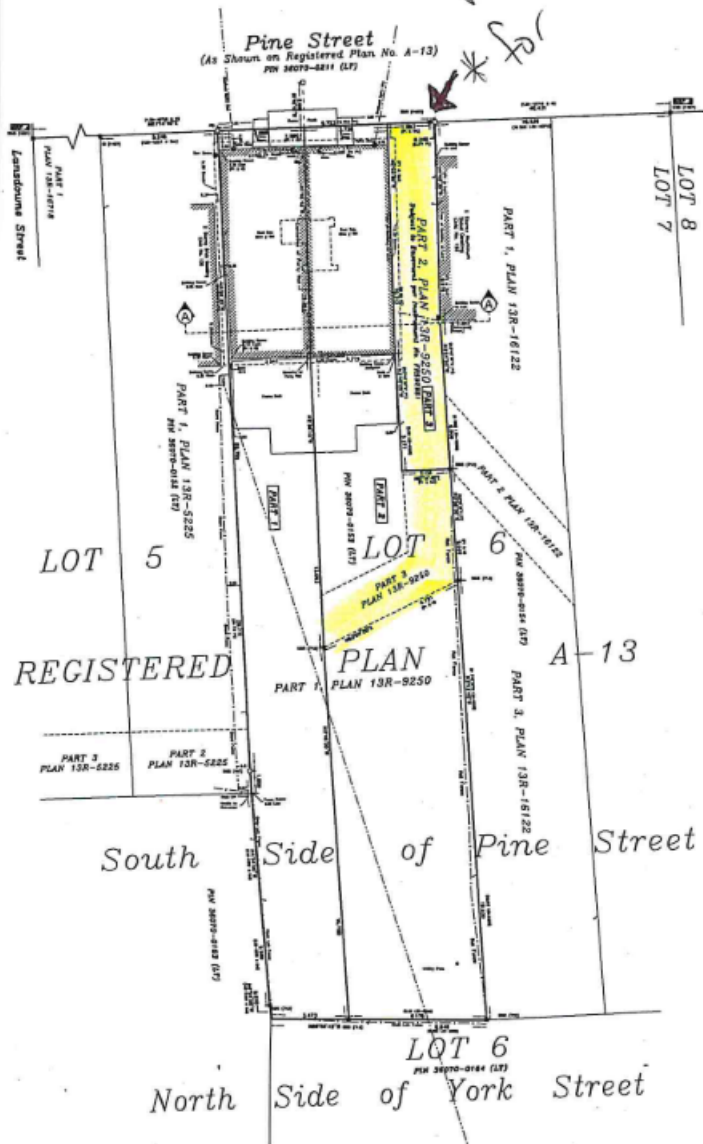
STRATA PLAN of SURVEY of
PART of LOT 6, REGISTERED PLAN A-13
CITY of KINGSTON
COUNTY of FRONTENAC

SCALE = 1:75
HOPKINS CHITTY LAND SURVEYORS INC.
-5224-
THE APPROVED PLAN SIZE OF THIS PLAN IS SHOWN IN RED BY 10MM IN EVERY OTHER PLotted AT A SCALE OF 1:100

SCHEDULE		
PART	LOT	PLAN No.
1	Part of 6	A-13
2	Part of 6	A-13

REGULATED BY THE ACT OF 1990 AND THE ACT OF 1991 AND THE ACT OF 1992 AND THE ACT OF 1993 AND THE ACT OF 1994 AND THE ACT OF 1995 AND THE ACT OF 1996 AND THE ACT OF 1997 AND THE ACT OF 1998 AND THE ACT OF 1999 AND THE ACT OF 2000 AND THE ACT OF 2001 AND THE ACT OF 2002 AND THE ACT OF 2003 AND THE ACT OF 2004 AND THE ACT OF 2005 AND THE ACT OF 2006 AND THE ACT OF 2007 AND THE ACT OF 2008 AND THE ACT OF 2009 AND THE ACT OF 2010 AND THE ACT OF 2011 AND THE ACT OF 2012 AND THE ACT OF 2013 AND THE ACT OF 2014 AND THE ACT OF 2015 AND THE ACT OF 2016 AND THE ACT OF 2017 AND THE ACT OF 2018 AND THE ACT OF 2019 AND THE ACT OF 2020 AND THE ACT OF 2021 AND THE ACT OF 2022 AND THE ACT OF 2023 AND THE ACT OF 2024

*New easement
* for access*



REPRESENTATIVE SECTION A-A (NOT TO SCALE)

- LEGEND:
- Part 1, Plan 13R-16122
 - Part 2, Plan 13R-9250
 - Part 3, Plan 13R-5225
 - Part 4, Plan 13R-5225
 - Part 5, Plan 13R-5225
 - Part 6, Plan 13R-5225
 - Part 7, Plan 13R-5225
 - Part 8, Plan 13R-5225
 - Part 9, Plan 13R-5225
 - Part 10, Plan 13R-5225
 - Part 11, Plan 13R-5225
 - Part 12, Plan 13R-5225
 - Part 13, Plan 13R-5225
 - Part 14, Plan 13R-5225
 - Part 15, Plan 13R-5225
 - Part 16, Plan 13R-5225
 - Part 17, Plan 13R-5225
 - Part 18, Plan 13R-5225
 - Part 19, Plan 13R-5225
 - Part 20, Plan 13R-5225

SURVEYOR'S CERTIFICATE:

I, the undersigned, being a duly qualified and licensed Surveyor of the Province of Ontario, do hereby certify that the above is a true and correct copy of the original plan as filed in my office, and that the same has been approved by me.

Dated this 15th day of May, 2024.

Surveyor

HOPKINS CHITTY LAND SURVEYORS INC.
Chartered Land Surveyors
1000 Highway 7 East, Suite 100
Kingston, Ontario K7M 7H7
Tel: (613) 338-1111
Fax: (613) 338-1112
www.hopkinschitty.com



**City of Kingston
Report to Committee of Adjustment
Report Number COA-24-040**

To: Chair and Members of the Committee of Adjustment
From: Ian Clendening, Senior Planner
Date of Meeting: June 17, 2024
Application for: Minor Variance
File Number: D13-028-2024
Address: 322 Queen Street
District: District 11 - King's Town
Owner: Cheng Myers
Applicant: Fotenn Consulting

Council Strategic Plan Alignment:

Theme: Policies & by-laws

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 322 Queen Street. The applicant is proposing to allow for an increase in density (measured in units per hectare) to permit a total of seven dwellings within the existing mixed-use building. Additional relief is sought to allow reductions in the required parking and walkway standards.

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.

June 17, 2024

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Recommendation:

That minor variance application, File Number D13-028-2024, for the property located at 322 Queen Street to allow permit a total of seven dwellings within the existing mixed-use building and relief from certain parking requirements, be approved, as described below:

Variance Number 1: Maximum number of dwelling units per lot

By-Law Number 2022-62: Table 10.4.1.

Requirement: Maximum 123 units per net hectare

Proposed: Maximum 160 units per net hectare

Variance Requested: 37 units per net hectare

Variance Number 2: Required number of parking spaces

By-Law Number 2022-62: Table 7.1.1.

Requirement: 3 parking spaces

Proposed: 2 parking spaces

Variance Requested: 1 parking spaces;

Variance Number 3: Required number of visitor spaces

By-Law Number 2022-62: Table 7.1.1.

Requirement: 1 visitor spaces

Proposed: 0 visitor spaces

Variance Requested: 1 visitor spaces;

Variance Number 4: Required number of accessible spaces

By-Law Number 2022-62: Section 7.2.6.3.

Requirement: 1 Type A accessible space

Proposed: 1 Type B accessible space

Variance Requested: Type B versus Type A;

Variance Number 5: Walkway

By-Law Number 2022-62: 4.27.1.4

Requirement: The walkway must be separately delineated and measured distinctly from a required driveway

Proposed: Notwithstanding 4.27.1.4, the walkway may overlap the required driveway at a pinch point that is outside of any required parking space

Variance Requested: The walkway may overlap the driveway at pinch point; and

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-040.

June 17, 2024

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Authorizing Signatures:

A handwritten signature in blue ink, consisting of several loops and a long horizontal stroke extending to the right.

Ian Clendening, Senior Planner

In Consultation with the following Management of the Community Services Group:

Tim Park, Director, Planning Services
James Bar, Manager, Development Approvals

June 17, 2024

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Options/Discussion:

On March 26, 2024, a minor variance application was submitted by Fotenn Consulting, on behalf of the owner, Cheng Myers, with respect to the property at 322 Queen Street which is located in the City's downtown core, situated approximately 35 metres east of Division Street where extensive amenities exist to service the area residents. The variance is requested to permit a total of seven dwellings within the existing mixed-use building and relief from certain parking and walkway requirements. The conversion to allow the two additional units is constrained to within the existing building and no modifications to the built form are contemplated, however the applicant is proposing to create an outdoor green space/amenity space which, although not required for a residential conversion within the Williamsville Zone 1, would assist in providing additional outdoor space for the enjoyment of the residents.

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

- Site Plan (Exhibit F)
- Servicing and Stormwater Management Report
- Grading and Servicing Plan
- Survey
- Planning Justification 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 at 322 Queen Street which is situated on the south side of Queen Street approximately 35 metres east of Division Street (Exhibit B – Key Map). The property abuts a semi-detached home to the east, a mixed use building to the west, a daycare facility to the north, on the opposite side of Queen Street, and the Princess Towers which abuts the property's south lot line (Exhibit C – Neighbourhood Context Map). The surrounding area is characterized primarily by mixed residential and commercial uses, as well as main street commercial uses along Division Street. The surrounding built form is characterized by building heights generally ranging from one to four storeys.

The site is located in proximity to community facilities, employers, and open space uses including McBurney Park. Commercial uses, including personal service uses, restaurants, grocery and drug stores, are located within 600 metres of the site along Queen, Division and Princess Street. Kingston Transit operates in proximity to the site, with Transit Routes 2 and 18 running along Division and Route 4 on Princess Street. Both streets also offer Express routes with route 701 and 702 operating along Division Street, and 501 and 502 on Princess Street. The site is within 130 metres of transit stops on Division Street and, 190 metres from a stop on Princess Street.

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The subject property is designated Central Business District in the Official Plan (Exhibit D – Official Plan Map) and zoned Downtown Zone 1 (DT1) 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.

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 Central Business District 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 proposed development meets the intent of the City’s Strategic Policy Direction by intensifying lands within the serviced urban area making better use of investments in infrastructure and public amenities. The additional density affords only two additional units, which would be within the confines of the existing building. No modifications are proposed to the existing built form on the subject property which ensures that there will be no impact on the character of the surrounding area, or other adverse impacts which may result from density increases which are inconsistent with the surrounding area.

The proposal meets the intent of the Official Plan, as the proposed increased density and reductions in parking requirements is consistent the surrounding built form. Despite the increased number of units, access and parking remains sufficient for the limited number of units within a walkable area and will not result in any negative impacts to adjacent properties or to the neighbourhood.

Having regard for the above, the impact of the variances are expected to be minor and would not create an undesirable precedent for the area with the application most appropriately addressed through a Minor Variance rather than a Zoning By-law Amendment. Recommended

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conditions have been provided for the Committee’s consideration and are included as Exhibit A to this report.

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

The subject property is zoned Downtown Zone 1 (DT1) in Kingston Zoning By-Law Number 2022-62 (Exhibit E – Zoning By-Law Map). The DT1 zone permits a mixed-use building subject to various regulations including those related to density and parking.

The proposal requires a variance to provisions within Section 10.4, regulating development within the Downtown Zone 1 (DT1) zone, and Sections 7 and 4, regulating parking and the provision of walkways, as outlined below.

Variance Number 1: Maximum number of dwelling units per lot

By-Law Number 2022-62: Table 10.4.1.

Requirement: Maximum 123 units per net hectare
Proposed: Maximum 160 units per net hectare
Variance Requested: 37 units per net hectare

Regarding the variances proposed to allow for a greater density identified in Variance 1, it is the intent of the Zoning By-law to ensure that growth within this area does not overburden the available infrastructure and that sites within the DT1 zone are not over-development.

The proposed variance is consistent with the zoning by-law as the increase will take the maximum number of units allowed on the site from 5 to 7 which would not adversely affect the servicing of the site or the ability of the surrounding infrastructure to accommodate the development. Utilities Kingston has reviewed the application and have not identified any concerns in regards to available capacity to service the proposed development. As no change is proposed in regards to the built form, the additional density maintains the intent of the by-law to ensure sites are not over-developed.

Variance Number 2: Required number of parking spaces

By-Law Number 2022-62: Table 7.1.1.

Requirement: 3 parking spaces
Proposed: 2 parking spaces
Variance Requested: 1 parking spaces;

Variance Number 3: Required number of visitor spaces

By-Law Number 2022-62: Table 7.1.1.

Requirement: 1 visitor spaces
Proposed: 0 visitor spaces
Variance Requested: 1 visitor spaces;

Variance Number 4: Required number of accessible spaces

By-Law Number 2022-62: Section 7.2.6.3.

Requirement: 1 Type A accessible space

June 17, 2024

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Proposed: 1 Type B accessible space
Variance Requested: Type B versus Type A;

Regarding the variances proposed to allow for relief and variation to the parking requirements identified in Variances 2, 3, and 4, it is the intent of the Zoning By-law to ensure that sites are appropriately serviced to accommodate the vehicles anticipated for the intended use.

The variance to reduce the parking requirements is consistent with the intent of the zoning by-law as both residents and visitors are more likely to use alternative forms of transportation when accessing this site given the highly walkable character of the area which is defined by its proximity to amenities and services as well as access to public transit. For those using the private automobile, extensive paid parking opportunities exist within the area which also hosts Communauto car-sharing vehicles which is a private enterprise which provides an option for individuals to choose the short-term rental of a vehicle as opposed to ownership and associated responsibility for the storage of a vehicle. While the applicant proposes to provide a Type B accessible space rather than a Type A, the slightly narrower parking space would be continue to be serviced by a walkway and would remain fully compliant with accessible legislation and represents an improvement over the existing situation fulfilling the intent of the by-law to ensure a built form which allows a greater degree of participation for those with accessibility issues.

Variance Number 5: Walkway

By-Law Number 2022-62: 4.27.1.4

Requirement: The walkway must be separately delineated and measured distinctly from a required driveway

Proposed: Notwithstanding 4.27.1.4, the walkway may overlap the required driveway at a pinch point that is outside of any required parking space

Variance Requested: The walkway may overlap the driveway at pinch point;

The intent of the City’s walkway provisions of the by-law are to ensure that emergency access can be afforded to the residential units and to ensure that the walkway is not obstructed by parked vehicles within the driveway area. The proposed development plan allocates parking to the rear of the property which is accessed by a four meter wide drive aisle between the building on the subject lands and the abutting property which hosts a building flanking the west side of the drive aisle. The four metre distance is insufficient to accommodate both the three metre wide driveway and a 1.2 metre wide walkway and as such a minor overlap of the two features will ensure sufficient access for both pedestrians and vehicles. As the parking area only accommodates two parking spaces, opportunities for conflict is minimal.

Both the Building Department and Fire & Emergency Services Department have been consulted. There are no concerns with the proposed access under the Ontario Building Code nor from an emergency services access perspective. The site is anticipated to function with safe and unimpeded access for both pedestrians and vehicles to the rear unit given that the drive aisle is not intended to function as a parking space, and, subject to approval, staff have recommended a condition to the variance be the placement of no-parking signage to further discourage this behaviour.

June 17, 2024

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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 the additional homes do not require any exterior modification to the building which could have an impact on the built form. The parking relief is not anticipated to have any adverse impact given that this is a highly walkable area with extensive public transit opportunities.

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

The relief sought is appropriate for the mixed use intent of the area by accommodating two additional homes within the existing built form which is not anticipated to cause any off-site impacts. The parking remains appropriate for the intended residential use, given the services in the area.

The variance is 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 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 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 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 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.

June 17, 2024

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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(s) 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 allow for gentle intensification of a fully serviced lot within the downtown core with is situated within walking distance to extensive amenities and public transit opportunities.

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 June 17, 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 39 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*.

June 17, 2024

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Accessibility Considerations:

None

Financial Considerations:

None

Contacts:

James Bar, Manager, Development Approvals, 613-546-4291 extension 3213

Ian Clendening, Senior Planner, 613-546-4291 extension 3126

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

Recommended Conditions

The approval of minor variance application, File Number D13-028-2024, to permit the increase in density and variations in parking and walkway requirements, shall be subject to the following recommended conditions:

1. Limitation

That the approved minor variance applies only to the existing building and associated lot configuration 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.

5. Parking Signage

The Owner shall provide, install, and maintain “No Parking” signage along the driveway leading to the rear parking area to ensure the required walkway providing access to the second residential unit remains unobstructed, to the satisfaction of Planning Services staff.


6. Noise Study

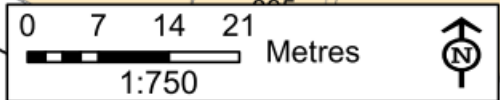
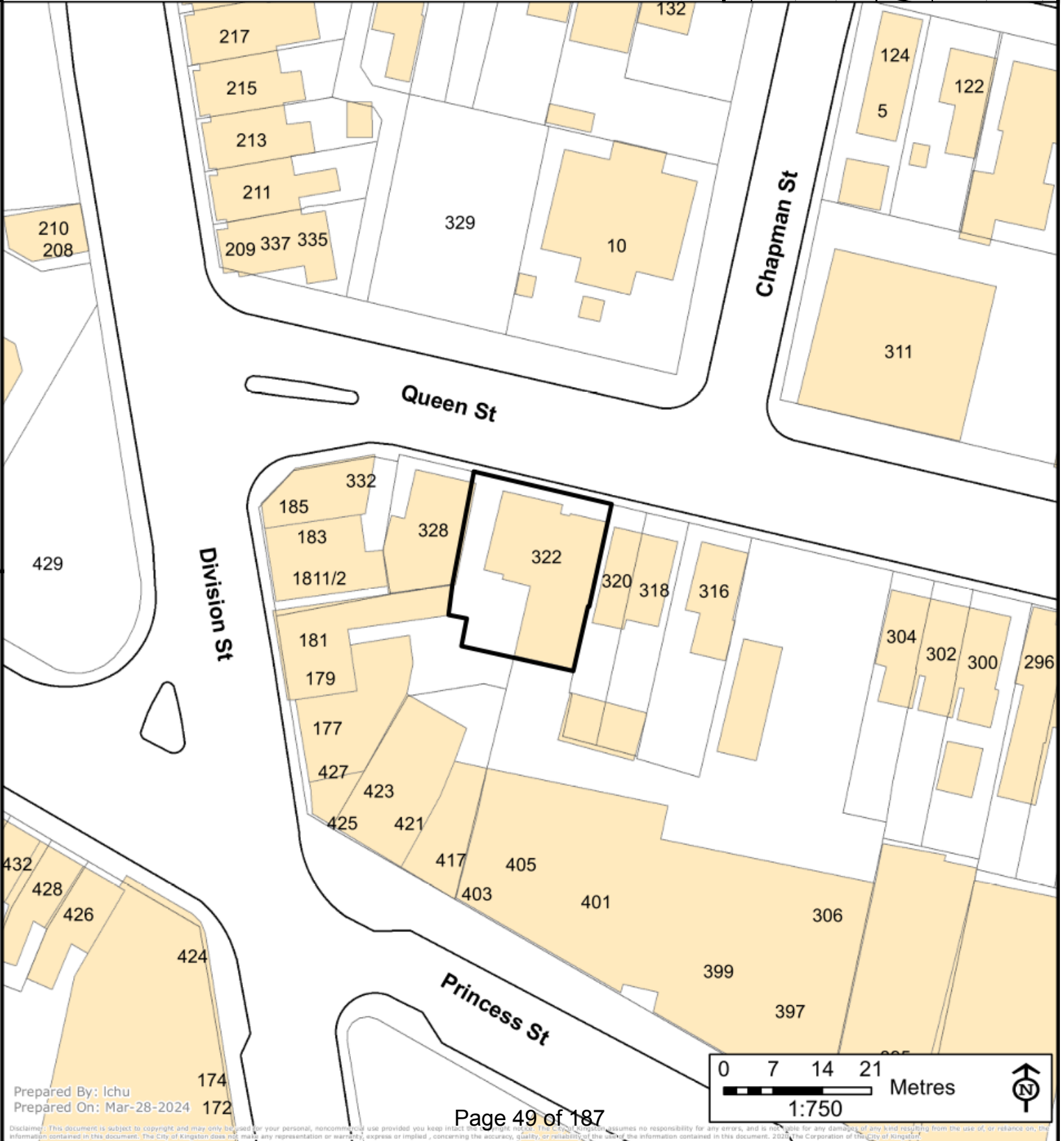
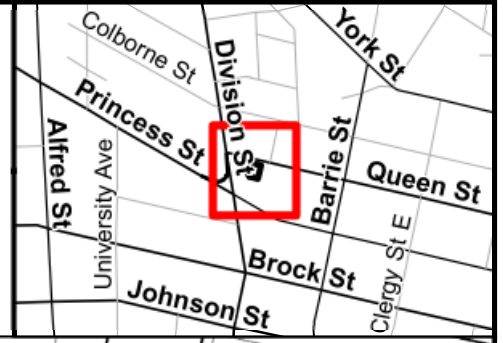
The applicant shall submit a noise study to address potential impacts on the proposed development due to stationary and/or transportation noise sources in the vicinity, if new stationary noise sources are proposed as part of the development the study will have to address potential impacts on sensitive land uses and/or lands zoned for sensitive land uses in the vicinity due to stationary noise sources associated with the development, to the satisfaction of Planning Services. The study is to be prepared by a qualified individual with experience in environmental acoustics and is to demonstrate compliance with NPC-300 and completed to the satisfaction of the City prior to the issuance of any building permit which relies upon this Decision for relief from the Zoning By-law.



Committee of Adjustment Key Map

Address: 322 Queen Street
File Number: D13-028-2024
Prepared On: Mar-28-2024

 Lands Subject to Minor Variance

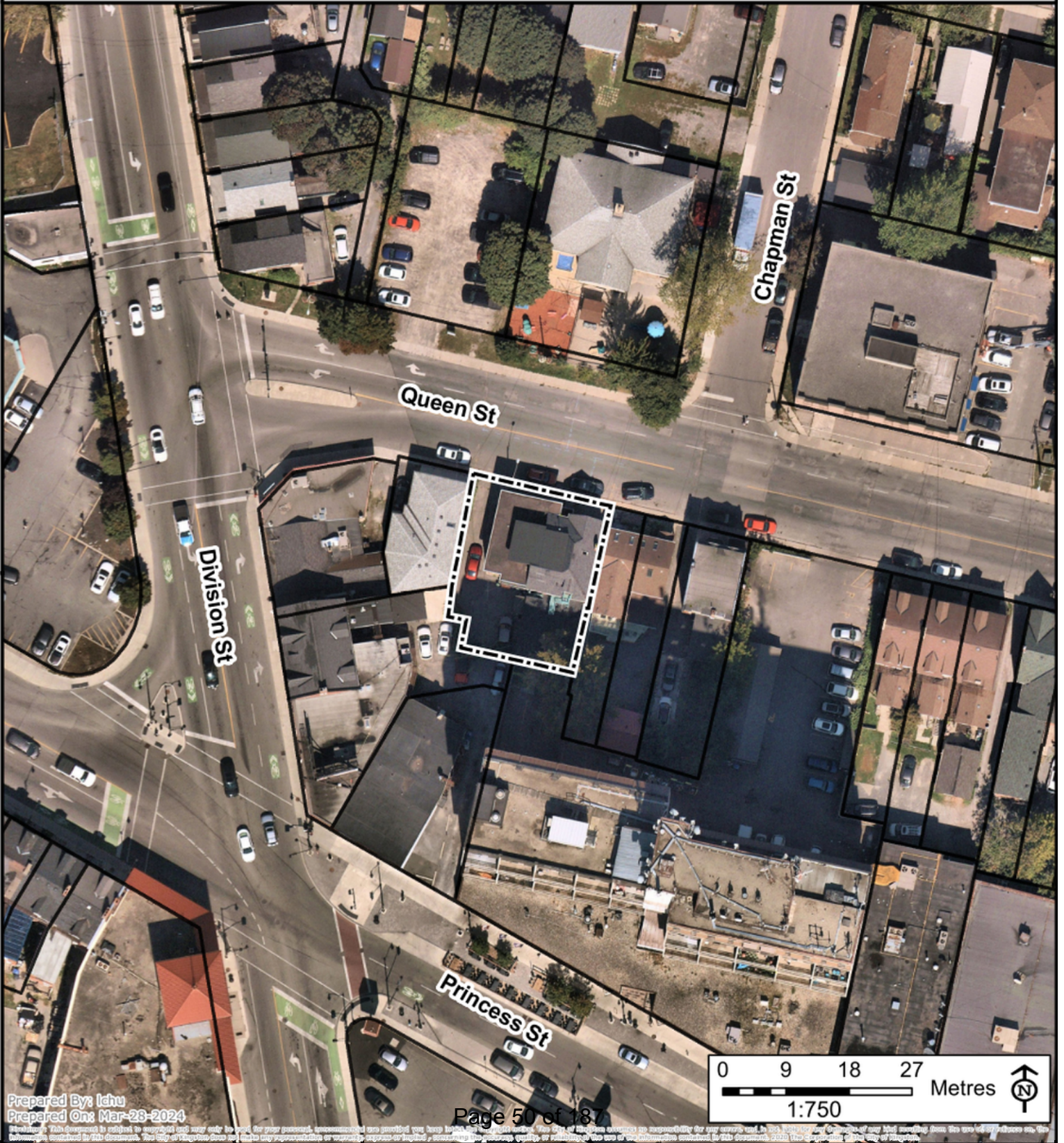




Committee of Adjustment Neighbourhood Context

Address: 322 Queen Street
File Number: D13-028-2024
Prepared On: Mar-28-2024

- Subject Lands
- Property Boundaries
- Proposed Parcels





Kingston
Planning
Services

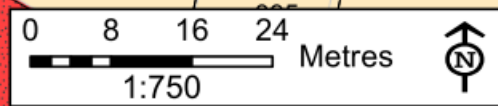
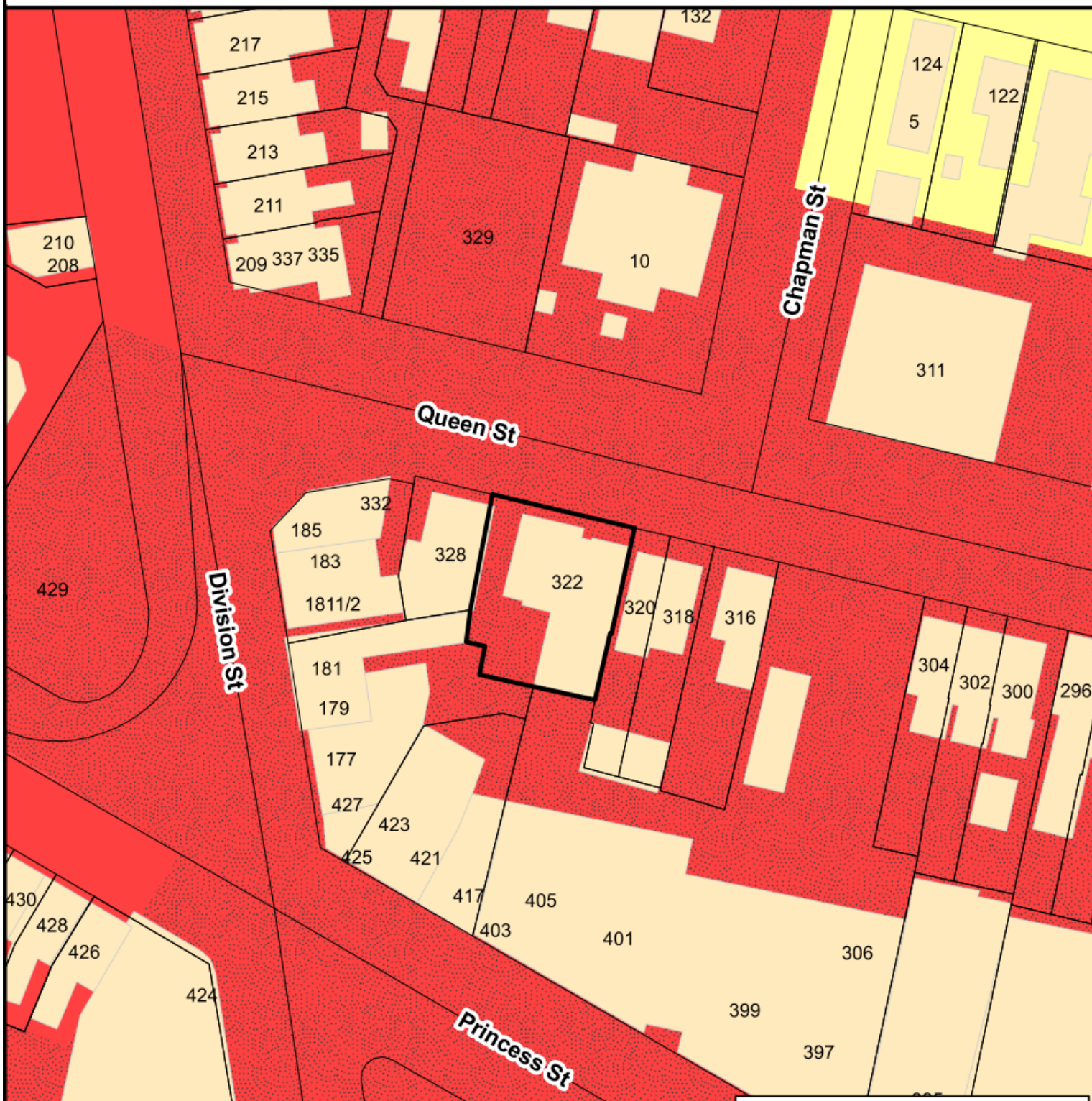
Committee of Adjustment Official Plan, Existing Land Use

Address: 322 Queen Street

File Number: D13-028-2024

Prepared On: Mar-28-2024

-  Subject Lands
-  CENTRAL BUSINESS DISTRICT
-  MAIN STREET COMMERCIAL
-  RESIDENTIAL



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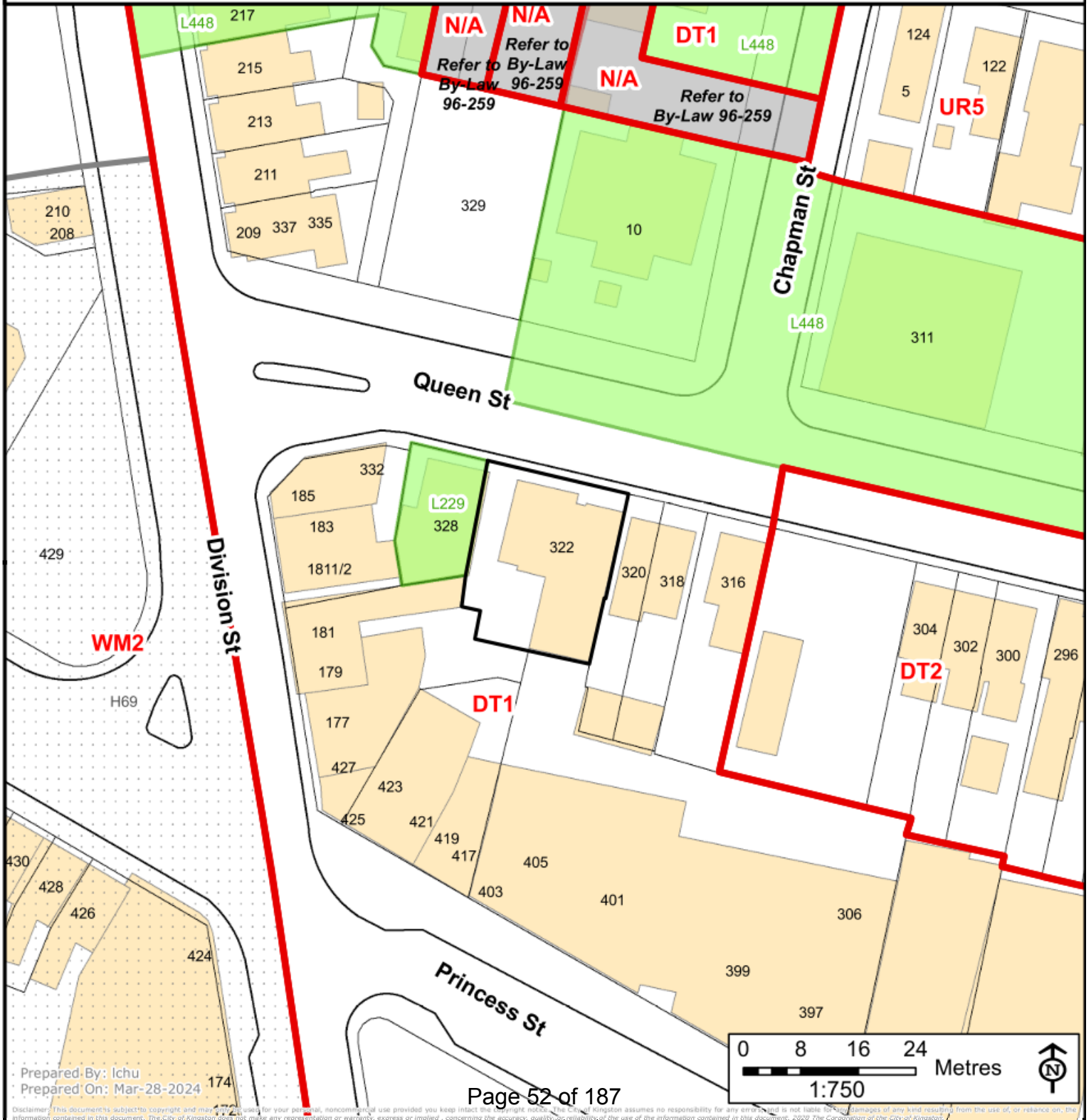


Planning Services

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

Address: 322 Queen Street
File Number: D13-028-2024
Prepared On: Mar-28-2024

- 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)





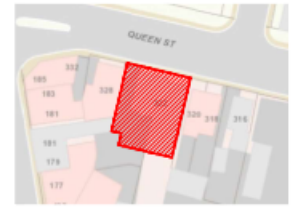
SITE INFORMATION

ZONING				DT1
SITE AREA				447
HEIGHT				Existing
SETBACKS	F.Y.	W.S.Y.	E.S.Y.	R.Y.
	1.5 m	3.6 m	0 m	0 m
TOTAL BUILDING AREA				264 m ²
Existing Buildings:				264 m ²
LOT COVERAGE	MIN	MAX	EXISTING	
	50%	100%	59%	
NUMBER OF DWELLING UNITS PER LOT	MAX		EXISTING	
	123 uph = 6		150 uph = 7	
PARKING	Required:		Provided:	
Residential:	1		2	
Visitor:	0		0	
Car-share:	0		0	
BIKE PARKING	Required:		Provided:	
Long-term	2		2	
Short-term	0		0	
AMENITY AREA	REQUIRED	PROVIDED		
	10 m ² pu	15.75 m ² and 16m ²		

NOTES

1. The base plan (lot lines, existing roads and surrounding areas) is based on the City's Open Data and aerial images. The site area is approximate and all dimensions need to be confirmed by a legal survey.

322
QUEEN STREET
KINGSTON
Concept Plan



LEGEND

- EXISTING BUILDING
- AMENITY SPACE
- PATH
- SUBJECT PROPERTY BOUNDARY
- PROPERTY BOUNDARY
- HYDRO POLE



01	REVISION	2024.02.22	TS
No.	REVISION	DATE	BY

CLIENT
CAM MACDOUGALL

FOTENN
Planning + Design

OTTAWA: 588 Cooper Street, Suite 205, Ottawa, ON K2P 2H7, 613.562.4108, www.fotenn.com

KINGSTON: 4 Catherine St., Suite 217, Kingston, ON K7K 1Z1, 613.542.2444

TORONTO: 174 Spadina Ave., Suite 204, Toronto, ON M5T 2C2, 416.768.4532

DESIGNED	GK
REVIEWED	TS
DATE	2023.04.26

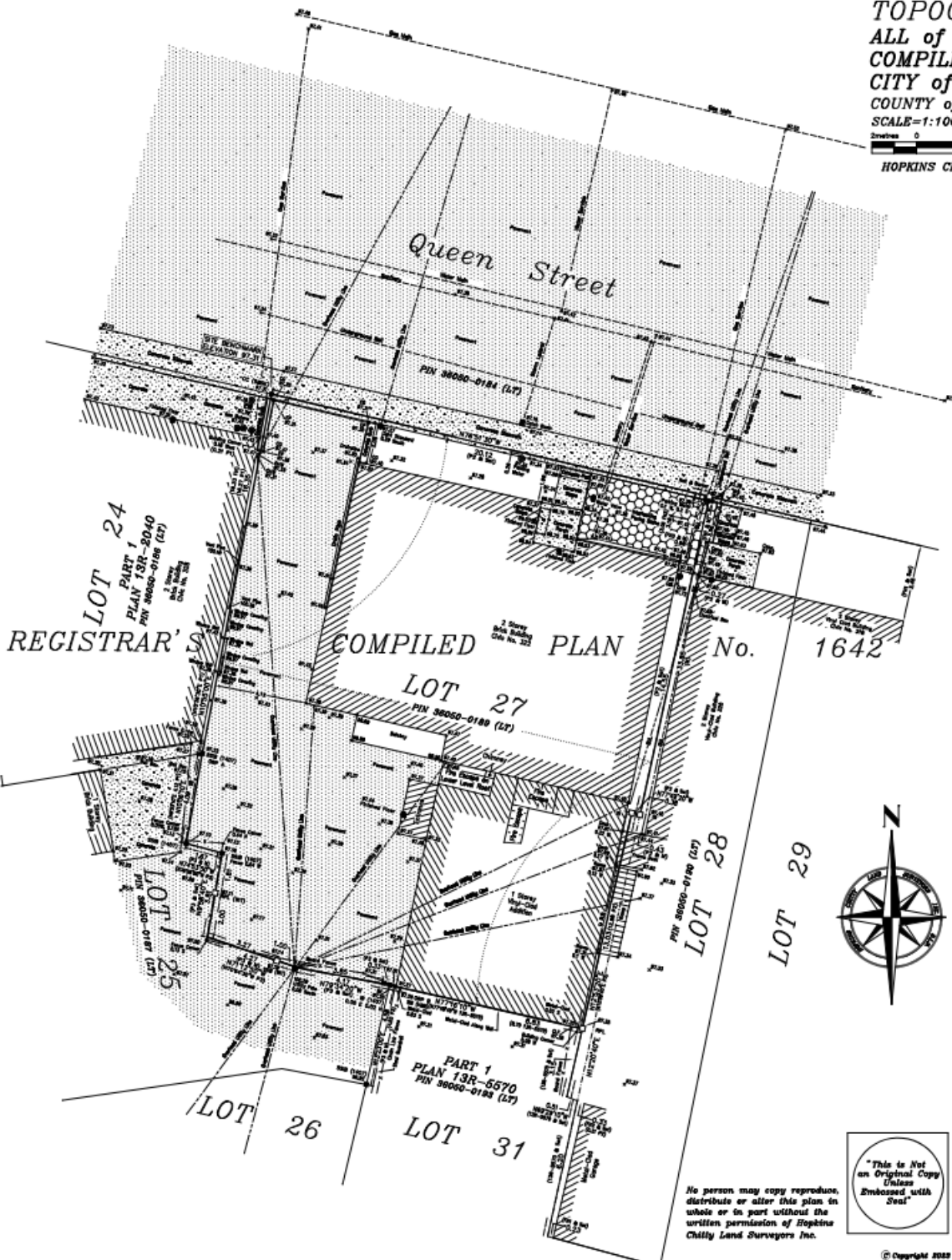
P1

TOPOGRAPHIC SURVEY of
ALL of LOT 27, REGISTRAR'S
COMPILED PLAN No. 1642
CITY of KINGSTON
COUNTY of FRONTENAC
SCALE=1:100

0 2 4 6 8 10metres

HOPKINS CHITTY LAND SURVEYORS INC.

-2023-



BEARING NOTE:

BEARINGS ARE UTM GRID, UTM ZONE 18 (9° WEST LONGITUDE) READS (GSD) (GSD) DERIVED FROM REAL-TIME (RTK) GPS OBSERVATIONS AND TRANSFORMED TO UTM 'A' AND UTM 'B' BY CONVENTIONAL TOTAL STATION OPERATIONS.
FOR BEARING COMPARISONS, A ROTATION OF 0°12'40" CLOCKWISE WAS APPLIED TO BEARINGS ON 13R-2040
FOR BEARING COMPARISONS, A ROTATION OF 1°20'10" CLOCKWISE WAS APPLIED TO BEARINGS ON (P2)
FOR BEARING COMPARISONS, A ROTATION OF 0°47'40" CLOCKWISE WAS APPLIED TO BEARINGS ON (P2)
FOR BEARING COMPARISONS, A ROTATION OF 0°48'00" CLOCKWISE WAS APPLIED TO BEARINGS ON 13R-2040

BEARINGS ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999764.
BEARINGS AND ELEVATIONS GIVEN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

CAUTION:

UNDERGROUND UTILITIES ARE ILLUSTRATED AS MARKED IN THE FIELD BY UTILITIES LOCATOR. POSITIONS SHOULD BE CONFIRMED PRIOR TO CONSTRUCTION.

ELEVATION NOTE:

ELEVATIONS ARE GEODETIC AND ARE REFERRED TO THE N.T.S. GRID MODEL BEING A PRODUCT OF THE GEODETIC SURVEY DIVISION (GSD) OF NATURAL RESOURCES CANADA DERIVED FROM REAL-TIME NETWORK GPS OBSERVATIONS. THE ELEVATIONS ARE REFERRED TO A SITE BENCHMARK BEING THE TOP OF A CONCRETE AT THE NORTHEAST CORNER OF PART 1, 13R-2040 HAVING AN ELEVATION OF 97.51 (GSDM).

LEGEND:

- NOTE: PLANTED DUE TO INADEQUATE OVERHANGS
- [Symbol] - Planned Survey Monument
 - [Symbol] - Found Survey Monument
 - [Symbol] - Standard Iron Pin
 - [Symbol] - Short Standard Iron Bar
 - [Symbol] - Iron Bar
 - [Symbol] - Iron Bar (reused)
 - [Symbol] - Rock Bar
 - [Symbol] - Rock Flag
 - [Symbol] - Witness
 - [Symbol] - Monument
 - [Symbol] - Out Cross
 - [Symbol] - Boundary
 - [Symbol] - Hydro Pole
 - [Symbol] - Monument of Burlington Ltd.
 - [Symbol] - South A. Smith Elevator Ltd.
 - [Symbol] - Gate & Outlet
 - [Symbol] - Edge of Pavedment
 - [Symbol] - Overhead Hydro Wire
 - [Symbol] - Group of 3. Elliott Ltd.-G.L.E.
 - [Symbol] - Board Fence
 - [Symbol] - Chain Link Fence
 - [Symbol] - Reference Point 13R-2040
 - [Symbol] - Plan by (1120) dated November 15, 1982
 - [Symbol] - Plan by (1407) dated November 25, 1988
 - [Symbol] - Field Notes by (SACN) dated August 24, 1984
 - [Symbol] - Field Notes by (SACN) dated April 27, 1987
 - [Symbol] - Field Notes by (SACN) dated December 14, 1988
 - [Symbol] - Field Notes by (SACN) dated August 22, 1989
 - [Symbol] - Parking Meter
 - [Symbol] - Concrete
 - [Symbol] - Interlocking Paving Stone



SURVEYOR'S CERTIFICATE:

I CERTIFY THAT:
1. This Survey and Plan are correct and in accordance with the SURVEY ACT, the SURVEYORS ACT and the REGULATIONS made there under.
2. THE SURVEY was completed on the 26th day of September, 2023.
DATE: SEPTEMBER 27, 2023
P. V. CHITTY - G.L.E.

THIS PLAN OF SURVEY RELATES TO ARLS PLAN SUBMISSION FORM NUMBER 7-61724

Plan No. 20	Revised by	Checked by POC	Plan No. 20
HOPKINS CHITTY LAND SURVEYORS INC. Ontario Land Surveyors www.hcls.com			
1545 GARDINERS ROAD, SUITE 104 KINGSTON, ONTARIO K7P-5G2 Tel (613) 334-8096 Fax (613) 334-3618		PROJECT No. 2023-0411 LOT 27, SCP 1642 CITY OF KINGSTON	

No person may copy, reproduce, distribute or alter this plan in whole or in part without the written permission of Hopkins Chitty Land Surveyors Inc.



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Site Photos

View from Queen Street looking south towards subject property



Image Courtesy of Google Streetview

View from Queen Street looking towards driveway & proposed walkway



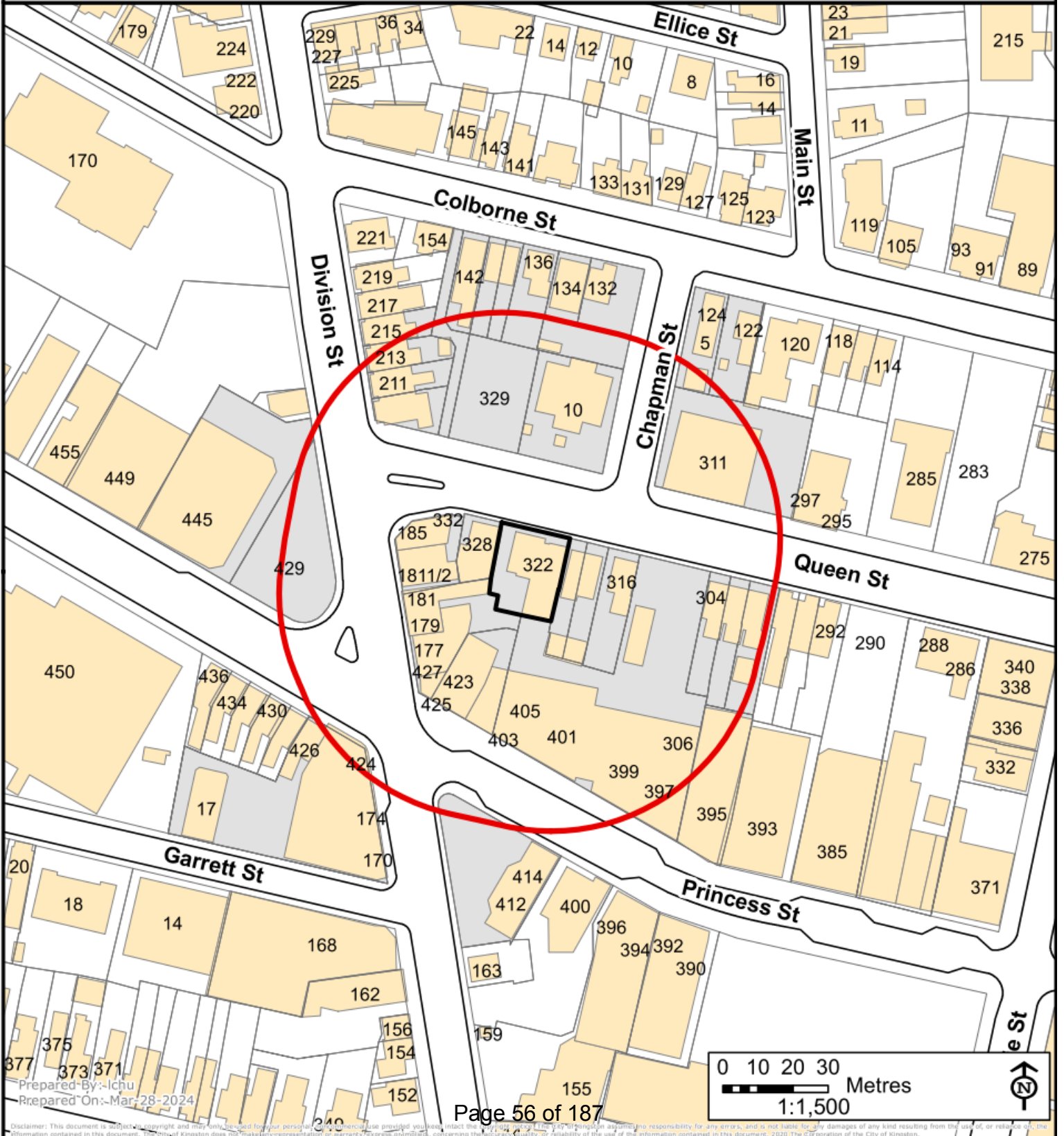
Image Courtesy of Google Streetview



Committee of Adjustment Public Notice Notification Map

Address: 322 Queen Street
File Number: D13-028-2024
Prepared On: Mar-28-2024

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



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**City of Kingston
Report to Committee of Adjustment
Report Number COA-24-051**

To: Chair and Members of the Committee of Adjustment
From: Lindsay Sthamann, Intermediate Planner
Date of Meeting: June 17, 2024
Application for: Minor Variance
File Number: D13-017-2024
Address: 70 Railway Street
District: 11 – King’s Town
Owner: NORTH SOUTHALL INC
Applicant: Bel-Con Design-Builders Ltd.

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 70 Railway Street. The applicant is proposing to reduce the minimum rear yard setback from 15 metres to 3 metres to accommodate four shipping container accessory buildings on the southwest corner of the lot. The containers are to be used for storage for the existing industrial use and a 3 metre wide planting strip is proposed between the shipping containers and south lot line to provide a landscaping buffer as mitigation.

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

June 17, 2024

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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 D13-017-2024, for the property located at 70 Railway Street to reduce the minimum rear yard setback from 15 metres to 3 metres to accommodate four shipping container accessory buildings on the southwest corner of the lot, be approved, as described below:

Variance Number 1:

By-Law Number 2022-62: Section 16.3.2.3

Requirement: 15 metres

Proposed: 3 metres

Variance Requested: 12 metres; and

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-051.

June 17, 2024

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Authorizing Signatures:



Lindsay Sthamann, Intermediate
Planner

In Consultation with the following Management of the Community Services Group:

Tim Park, Director, Planning Services
James Bar, Manager, Development Approvals

June 17, 2024

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Options/Discussion:

On April 10, 2024, a minor variance application was submitted by Bel-Con Design-Builders Ltd., on behalf of the owner, North Southall Inc, with respect to the property located at 70 Railway Street. The variance is requested to reduce the minimum rear yard setback from 15 metres to 3 metres to accommodate 4 shipping container accessory buildings in the southwest corner of the lot.

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

- Site Plan (Exhibit G)
- Survey (Exhibit H)
- Cover Letter
- Owner's Authorization

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 70 Railway Street (Exhibit B – Key Map). The property abuts other employment lands to the west, north, and east. The southern property lines abuts residential zoned land that contains an existing townhouse development (Exhibit C – Neighbourhood Context Map).

The subject property consists of an existing light-industrial use, known as SnapCab Canada which manufactures modular office furniture and pods. The use is contained within an existing 3000 square metre single-storey industrial building. Some shipping containers are periodically stored in this area of the subject property and have been for several years. This application is to recognize the location in terms of the existing zoning by-law as part of an active site plan modification application that also contemplates an addition to the existing building on the northern portion of the property.

The subject property is designated General Industrial in the Official Plan (Exhibit D – Official Plan Map) and zoned General Industrial (M2) 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

June 17, 2024

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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:

The general intent and purpose of the Official Plan are maintained

The subject property is designated General Industrial in the City of Kingston Official Plan (Exhibit D – Official Plan Map). The General Industrial designation is an employment area intended to provide convenient locations for manufacturing, wholesale trade, construction, transportation, storage, communications, utilities, and similar uses. The existing industrial use complies with the permitted uses in the General Industrial designation.

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 Strategic Policy Direction of the Official Plan includes policies regarding economic development. The goal is to protect and support a strong and diversified economic base within the City to provide jobs for its citizens and new opportunities for investment within Kingston in a manner that achieves compatible development and land use without generating negative impacts or adverse effects. The proposed minor variance will support the expansion of an existing business in the City's employment area and aligns with the policies of the City's strategic policy direction.

The proposed location of the shipping containers is expected to be compatible with the surrounding land uses. The containers are to be setback approximately 9.5 metres from Patrick Street and screened from view from the street by existing landscaping and an existing fence. Along the south side of the lot, between the proposed containers and the lot line, a 3 metre wide planting strip is proposed as a mitigation measure to screen the containers from view of the neighbouring residential uses. The planting strip will meet the zoning definition, "used for the sole purpose of planting a row of trees or a continuous hedgerow of evergreens or shrubs and may include supplementary planting of ornamental shrubs, flowering shrubs, flower beds or a combination thereof" and is to be secured through condition of the minor variance and the ongoing Site Plan Control modification application. The residential uses are further buffered by an existing drive aisle that is located between the location of the shipping containers and the townhouses. The containers are to be used for storage and are not anticipated to generate any additional noise or privacy concerns.

The ability of the site to function in an appropriate manner in terms of access, parking for vehicles and bicycles is not anticipated to be affected by the proposed variance. The proposed 3 metre setback allows the shipping containers to be placed out of the way of the existing parking, drive aisle, and loading area. Site functionality will be further reviewed through the Site Plan

June 17, 2024

Page 6 of 10

Control modification process. The subject property is not heritage designated or adjacent to any heritage properties. It is adequately serviced by municipal water and sewer services and the proposed accessory buildings will not be connected to any services. A zoning amendment is not required to address the reduced setback and conditions are proposed in Exhibit A of this report.

The proposal meets the intent of the Official Plan, as the proposed reduced rear yard setback is not anticipated to result in any negative impacts to adjacent properties or to the neighbourhood.

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

The subject property is zoned General Industrial (M2) in Kingston Zoning By-Law Number 2022-62 (Exhibit E – Zoning By-Law Map). The M2 zone permits the light industrial use including any associated accessory structures.

The proposal requires a variance to Section 16.3.2.3. This section requires that whenever a rear lot line in the M2 zone abuts a lot in any zone other than an employment zone the required rear minimum setback is increased from the standard 7.5 metres found in Table 16.3.1 to 15 metres. The intent of this provision is that sensitive (non-employment) uses are sufficiently distanced from employment uses to ensure compatibility between the land uses.

Variance Number 1: Minimum Rear Yard setback

By-Law Number 2022-62: Section 16.3.2.3

Requirement: 15 metres

Proposed: 3 metres

Variance Requested: 12 metres;

The proposed minor variance complies with the intent of the zoning provision as compatibility has been addressed through alternative methods. First, the applicant has proposed a 3 metre wide planting strip in accordance with the planting strip provisions in the by-law. The strip will contain a continuous row of trees, hedgerows, or evergreens to a minimum height of 1.5 metres. This will provide visual and noise mitigation for the residential use to the south. The planting strip is a recommended condition of the minor variance and can be secured through the active site plan application. Second, the variance applies to accessory structures that are intended to be used for storage and accessed infrequently. They shipping containers are not anticipated to generate noise, emissions, or light spillover. And third, the existing lot fabric in this area included a 20 metre wide parcel of land between the subject property and the residential property to the south. This middle parcel belongs to the City and is being leased for use as a drive aisle to access the residential property. The width of the middle parcel exceeds the 15 metre setback that is required in the M2 zone and when combined with the proposed 3 metre setback on the subject property an adequate separation distance is achieved.

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

June 17, 2024

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The variance is minor in nature

The variance is considered minor as no adverse effects are anticipated as a result of the variance. The existing industrial building at 70 Railway was built prior to adoption of Zoning By-law 2022-62 and was built much closer to the rear lot line than the current bylaw would permit. The proposed location of the shipping containers make use of the existing layout of the site. If the containers were to be placed in accordance with the 15 metre setback they would need to be located in the existing parking and drive aisle area which would disrupt the functionality of the site. The variance is also minor in nature as it will apply only to the four shipping container accessory buildings and not to any expansion of the primary building. The shipping containers are proposed to be used as storage and accessed infrequently. As shown in Exhibit G – Site Plan the proposed addition to the primary industrial building is to be located on the norther portion of the site, a sufficient distance from the residential use, and in compliance with all zone provisions.

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

The proposed variance will help facilitate the moderate intensification of the existing industrial property to permit expansion of the existing business. The majority of their proposed expansion complies with all provisions of the zoning by-law and just the location of the four shipping containers requires relief through the proposed minor variance. In accordance with the City of Kingston Strategic Policy Direction, it is desirable to facilitate the continued growth of the business making better use of underutilized employment lands within the urban boundary. The minor nature of the variance and the proposed mitigation measures support compatibility with the nearby residential use and therefore the variance is 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 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 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 type="checkbox"/> CRCA | <input type="checkbox"/> KFL&A Health Unit | <input type="checkbox"/> Trans Northern Pipelines |

June 17, 2024

Page 8 of 10

- Building Services Engineering Heritage Services
- 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

The property is currently subject to a site plan modification application (D11-010-2023) to construct an addition to the existing building with modifications to the parking area and loading zones.

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(s) 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 reduce the rear yard setback from 15 metres to 3 metres to enable the placement of four shipping container accessory buildings in the southwest corner of the lot.

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:

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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 May 17, 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 F – 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:

James Bar, Manager, Development Approvals, 613-546-4291 extension 3213

Lindsay Sthamann, Intermediate Planner, 613-546-4291 extension 3287

Other City of Kingston Staff Consulted:

None

Exhibits Attached:

Exhibit A Recommended Conditions

Exhibit B Key Map

Exhibit C Neighbourhood Context Map (2022)

June 17, 2024

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- Exhibit D Official Plan Map
- Exhibit E Zoning By-Law Map
- Exhibit F Public Notification Map
- Exhibit G Site Plan
- Exhibit H Survey
- Exhibit I Site Visit Photos

Recommended Conditions

The approval of minor variance application, File Number D13-017-2024, to reduce the minimum rear yard setback from 15 meters to 3 meters for 4 accessory structures in the southwest portion of the lot, shall be subject to the following recommended conditions:

1. Limitation

That the approved minor variance applies only to the 4 shipping container accessory structures at 70 Railway Street as shown on the drawings attached to the notice of decision. It does not permit the reduction of the rear yard setback for any other structures on the lot.

2. Grading Plan

A grading plan prepared by a qualified professional to the satisfaction of the City will be required to show existing and proposed grading of the shipping containers to ensure there will be no negative impact to the drainage on this property and 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. Landscaping Strip

A 3 metre wide planting strip will be required along the portion of the lot that abuts the proposed accessory structures as shown on the drawings attached to the notice of decision. The planting strip must consist of a row of trees or a continuous hedgerow of evergreens or shrubs. The minimum height for the row of trees or continuous hedgerow of evergreens or shrubs located in the planting strip is 1.5 metres.

6. Site Plan Control

The owner/applicant should be aware that an approved site plan modification application is required to show the shipping container accessory buildings and landscaping strip prior to issuance of building permits for the accessory buildings.




Committee of Adjustment

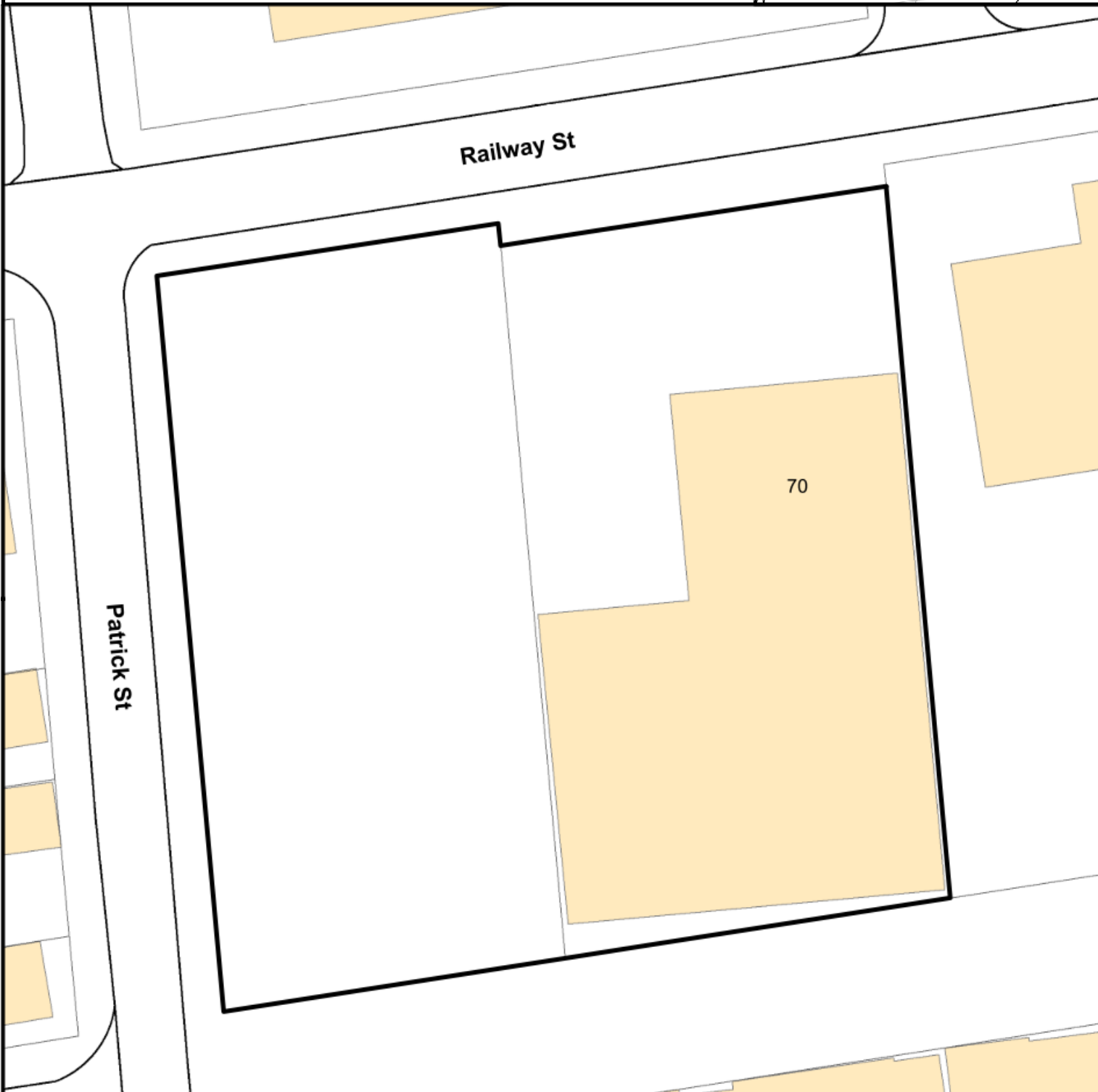
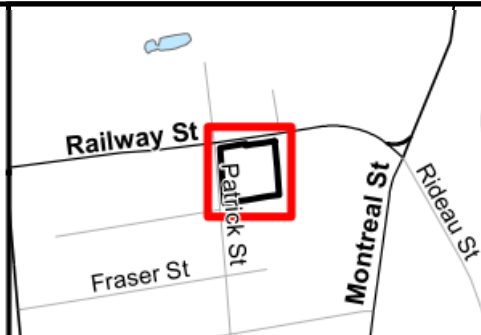
Key Map

Address: 70 Railway Street

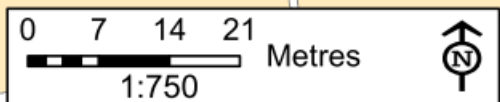
File Number: D13-017-2024

Prepared On: Apr-18-2024

 Lands Subject to Minor Variance






Prepared By: ncameron
Prepared On: Apr-18-2024

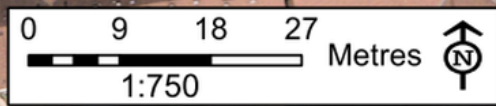




Committee of Adjustment Neighbourhood Context

Address: 70 Railway Street
File Number: D13-017-2024
Prepared On: Apr-18-2024

-  Subject Lands
-  Property Boundaries
-  Proposed Parcels






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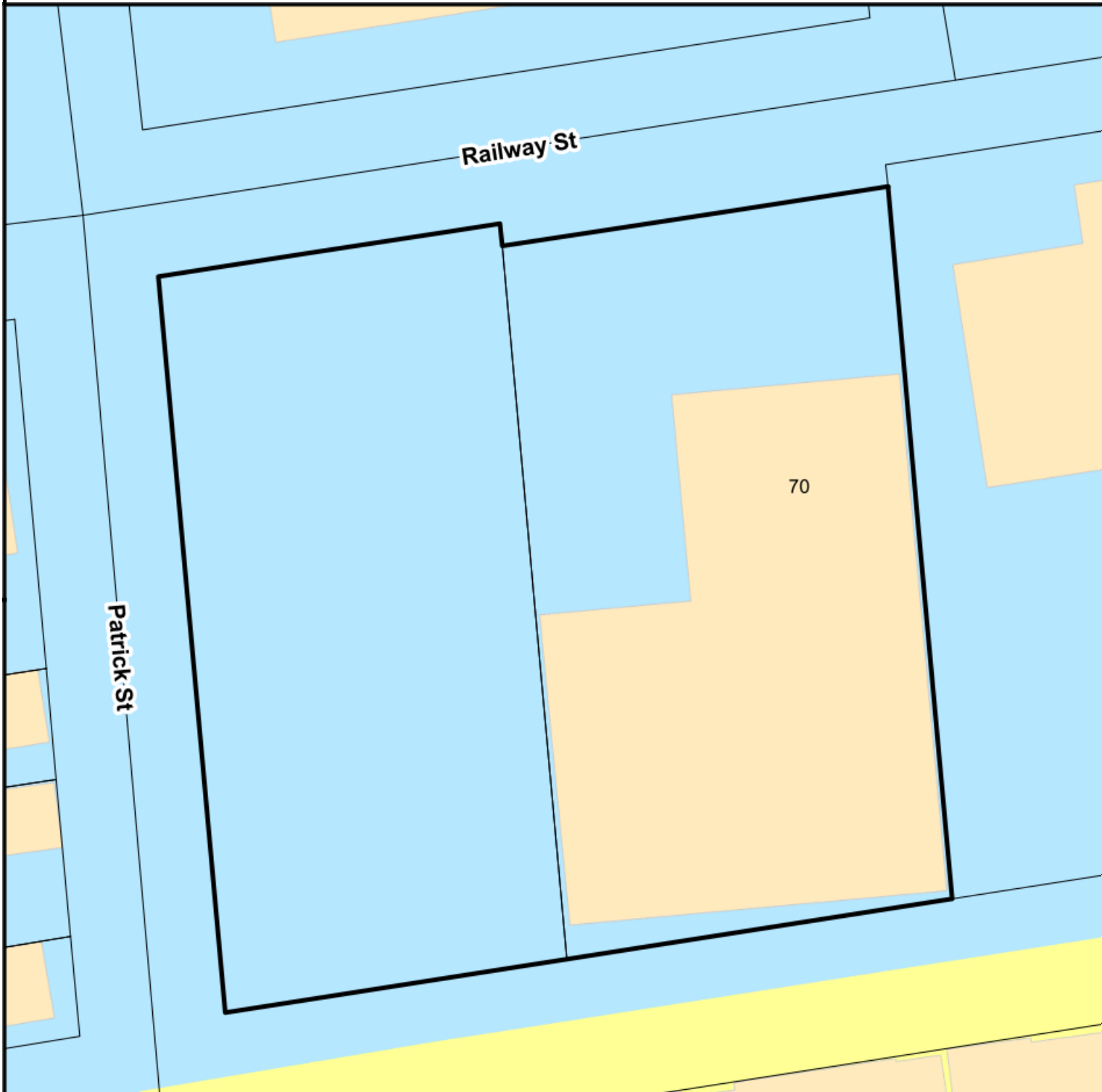


Planning Services

Committee of Adjustment
Official Plan, Existing Land Use

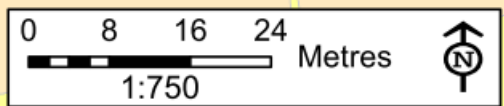
Address: 70 Railway Street
File Number: D13-017-2024
Prepared On: Apr-18-2024

-  Subject Lands
-  GENERAL INDUSTRIAL
-  RESIDENTIAL



Duff St

Prepared By: ncameron
Prepared On: Apr-18-2024



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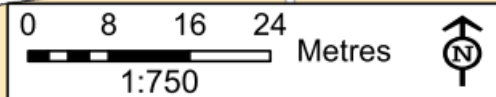
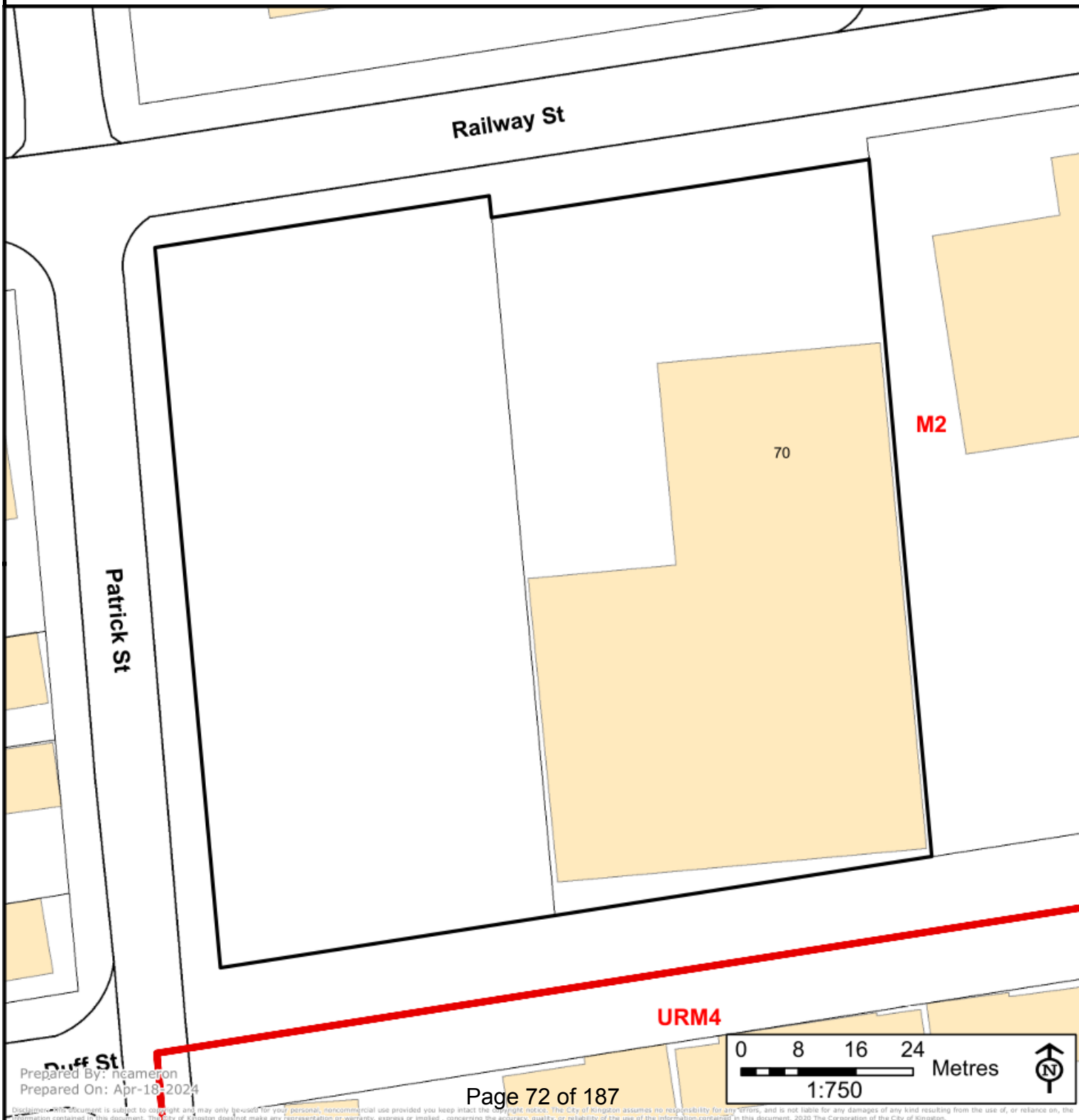
Planning Committee
Existing Zoning
Kingston Zoning By-Law 2022-62

Planning Services

Address: 70 Railway Street
File Number: D13-017-2024
Prepared On: Apr-18-2024

Subject Lands
Schedule 1 Zoning Map
Zone

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

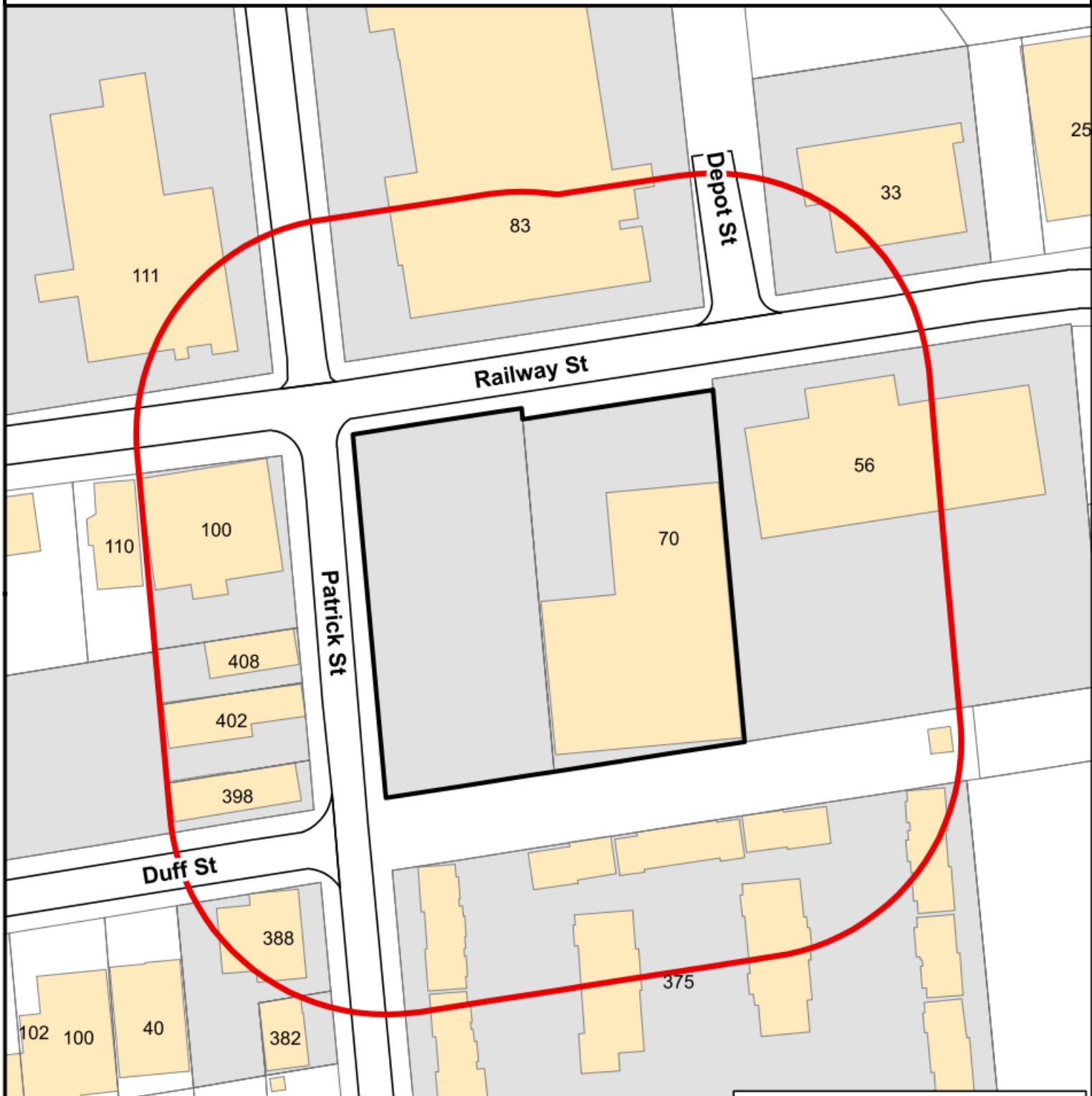




Committee of Adjustment Public Notice Notification Map

Address: 70 Railway Street
File Number: D13-017-2024
Prepared On: Apr-18-2024

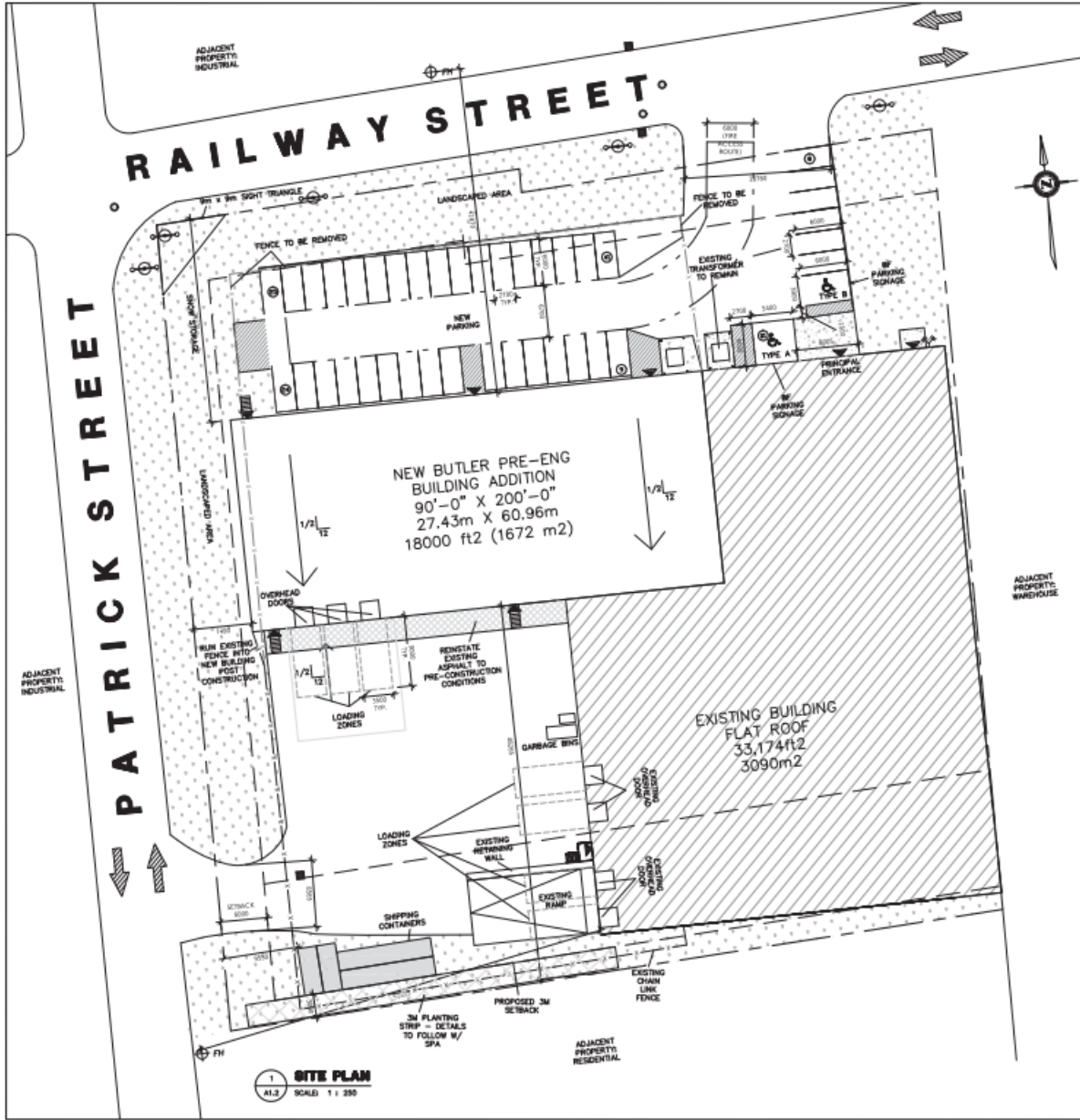
- 60m Public Notification Boundary
- Subject Lands
- Property Boundaries
- 12 Properties in Receipt of Notice (MPAC)



Prepared By: ncameron
Prepared On: Apr-18-2024



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SITE STATISTICS

DESCRIPTION	PROVIDED	PERCENT %
TOTAL LOT AREA	10273 sq.m.	100.0 %
EXISTING BUILDING AREA	3179 sq.m.	31 %
PROPOSED ADDITION AREA	1672 sq.m.	17 %
LANDSCAPED AREA	2041 sq.m.	19 %
ASPHALT AREA	3470 sq.m.	33 %
PROVIDED REQUIRED		
# OF EXISTING PARKING SPACES	8	
# OF NEW PARKING SPACES	31	
# OF B.F. SPACES	2	2
TOTAL # OF PARKING SPACES	41	0
TOTAL # OF LOADING ZONES	7	
TOTAL # OF SHORT TERM BIKE PARKING	0	
TOTAL # OF LONG TERM BIKE PARKING	2	
PROVIDED REQUIRED		
FRONT YARD DEPTH	23.3m	8m
REAR YARD DEPTH	N/A	15m
EXTERIOR SIDE YARD WIDTH (WEST)	7.49m	6m
INTERIOR SIDE YARD WIDTH (SOUTH)	48.5m	6m
LOT COVERAGE	4778m ²	-
BUILDING HEIGHT	8.5m	15m

CITY OF KINGSTON NOTES

- While undertaking clearing, demolition, excavation or construction the Owner and their contractors shall be diligent for the potential presence of underground fuel tanks, contaminated soil or groundwater, buried wastes, designated substances or abandoned water wells. If any of the above are encountered or suspected, the Owner shall ensure that:
- The City of Kingston's Environment Division is advised that contaminants or wastes have been discovered or are suspected;
 - Any soil or groundwater contamination encountered is to be managed in accordance with all applicable regulations and standards;
 - Any wastes generated by site clean-ups are managed in accordance with applicable laws and standards;
 - Any abandoned fuel tanks encountered are decommissioned in accordance with applicable laws and standards;
 - Any unused water wells (filled or dug) are properly abandoned in accordance with Ontario Regulation 903 - Wells or as required;
 - If it appears likely that contamination, including the presence of designated substances, extends beyond the boundaries of the subject property, the Owner notifies the local office of the Ministry of the Environment and the City of Kingston's Environment Division;
 - Construction wastes are not to be buried within the property that is the subject of this Agreement; and
 - That the Owner and their contractors report all spills to the Ministry of the Environment's Spills Action Centre (1-800-268-8060) and to the Municipality (548-4201 ext. 1368) forthwith.

GENERAL NOTES

- ALL DIMENSIONS ARE IN METRIC UNLESS OTHERWISE STATED.
- ALL SERVICES ARE EXISTING AND ADEQUATE.
- THE EXACT LOCATION OF ALL EXISTING STORM, SANITARY SERVICES, WATER, GAS, TELEPHONE, ETC., TO BE VERIFIED BY THE CONTRACTOR PRIOR TO THE COMMENCEMENT OF ANY WORK.
- REPORT ANY DISCREPANCIES TO THE ENGINEER IMMEDIATELY.
- ALL EXISTING LANDSCAPED AREA AND TREES WILL REMAIN UNDISTURBED.

KEY PLAN



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LEGEND

	PARKING SPACE NUMBER
	BARRIER FREE PARKING
	POINTS OF EGRESS
	LOT LINE / PROPERTY LINE
	SET BACK
	EXISTING FIRE DEPARTMENT CONNECTION
	FENCE LINE
	TRAFFIC DIRECTION
	EXISTING FIRE HYDRANT
	EXISTING TREE
	EXISTING CATCH BASIN
	HYDRO POLE
	EXISTING MAINTENANCE HOLE
	FENCE LINE TO BE REMOVED

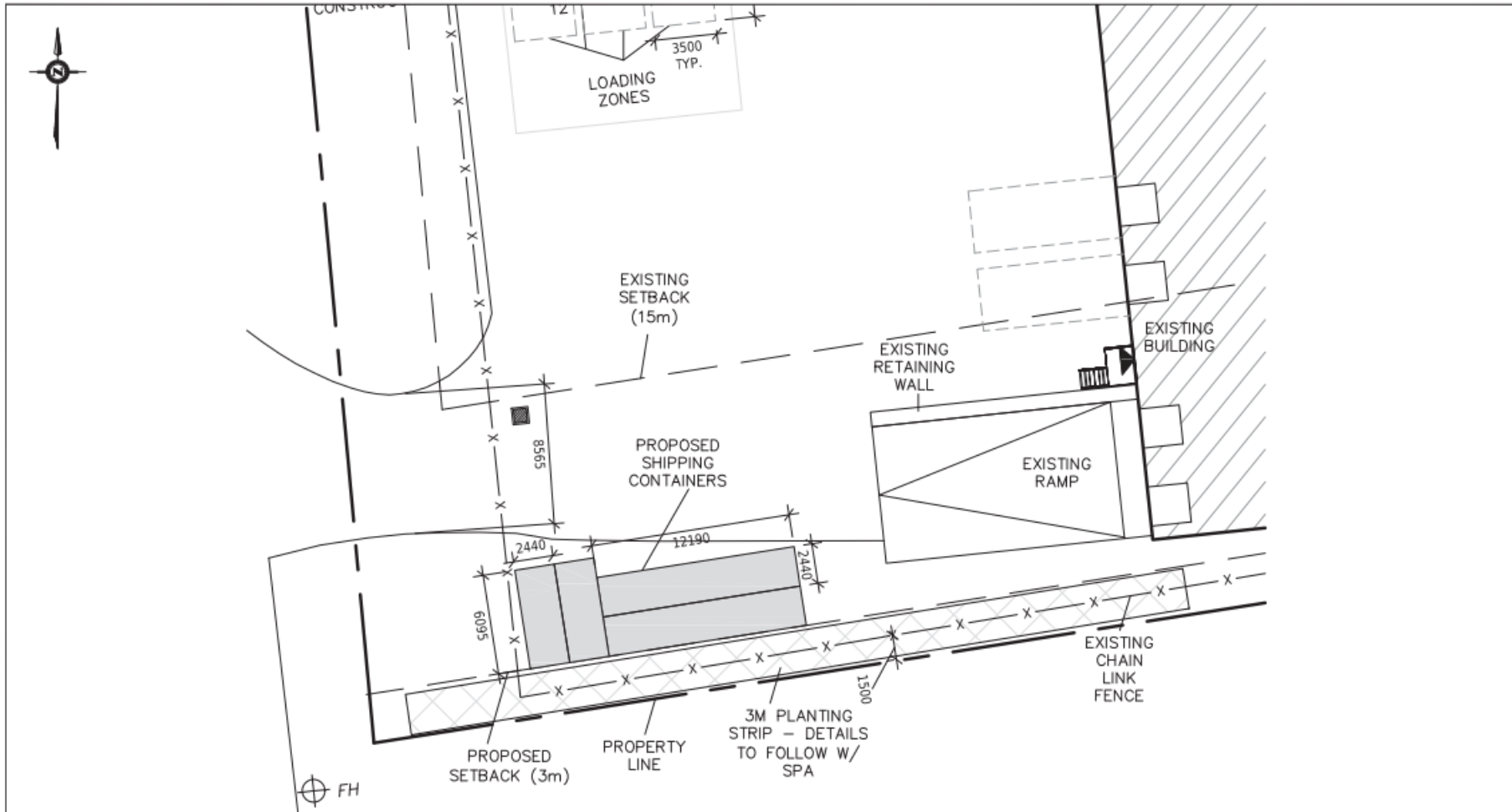
03	22.28.24	ISSUED FOR MINOR VARIANCE	BNH
02	21.03.24	REVISED PER SPA COMMENTS	BNH
01	25.08.23	ISSUED FOR SPA	BNH
00			BNH

BEL-CON DESIGN-BUILDERS LTD
TEL: 548-88-8877 1-888-888-8888
1-888-888-8888 1-888-888-8888

NEW BUILDING FOR: SNAPCAB TO RAILWAY STREET KINGSTON, ON

PROPOSED SITE PLAN

DATE	08.18.2022	DRAWING NO.	2241
DESIGNED BY	BNH	A1.2	
DRAWN BY	BNH		
CHECKED BY	BNH		
SCALE	AS SHOWN		



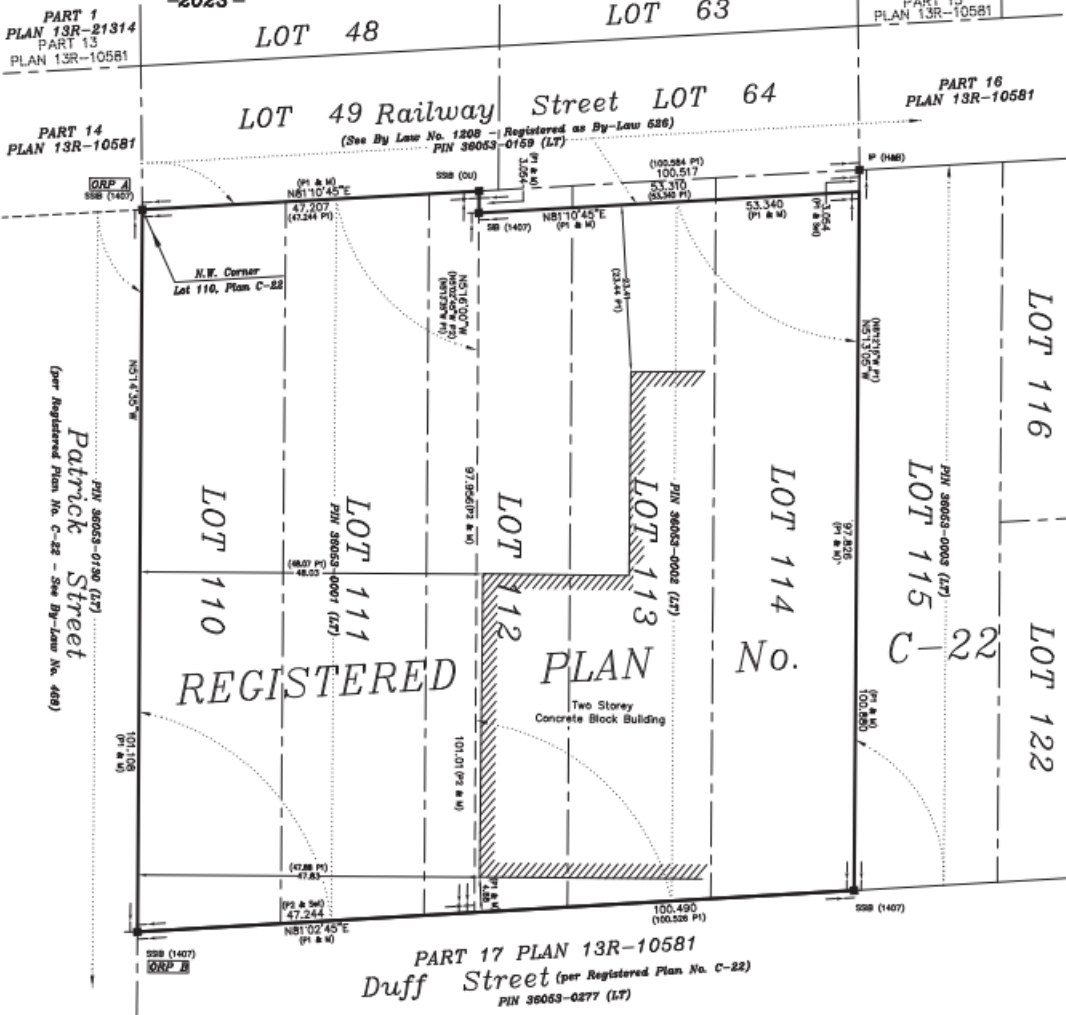
ENLARGED SITE PLAN
 SCALE 1 : 250

ENLARGED SITE PLAN SNAPCAB ADDITION 70 RAILWAY STREET KINGSTON, ONTARIO	JOB #: 2241-01	
	DRAWN BY: BDN	
	DATE: 02.28.2024	
	SCALE: AS SHOWN	
		DWG No.: SK2

PLAN of SURVEY of
All of LOTS 110 and 111, Part of LOTS 112, 113, & 114
REGISTERED PLAN No. C-22
CITY of KINGSTON
COUNTY of FRONTENAC
SCALE=1:500


10metres 0 10 20 30 40 50metres

HOPKINS CHITTY LAND SURVEYORS INC.



BEARING NOTE:
BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED REFERENCE POINTS A AND B BY REAL TIME NETWORK (RTN) OBSERVATIONS, UTM ZONE 18, NAD83 (CSRS) (2010)
FOR BEARING COMPARISONS, A ROTATION OF 1°10'45" CLOCKWISE WAS APPLIED TO BEARINGS ON (P1) AND (P2).
DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999774
DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

- LEGEND:**
- SSIB'S PLANTED DUE TO INSUFFICIENT OVERBURDEN
 - denotes Planted Survey Monument
 - SB Found Survey Monument
 - SSIB Standard Iron Bar
 - IB Short Standard Iron Bar
 - IB Iron Bar
 - IBR Iron Bar (round)
 - RB Rock Bar
 - RPL Rock Plug
 - (WIT) Witness
 - (M) Measured
 - CC Cut Cross
 - (OU) Origin Unknown
 - (HP) Hydro Pole
 - (H&B) Humphries & Buryham Ltd.
 - (1407) Orange W. Elliot Ltd.-G.L.S.
 - (P1) Plan by (1407) dated October 9, 1997
 - (P2) Plan by (H&B) dated January 24, 1969

SURVEYOR'S CERTIFICATE:
I CERTIFY THAT:
1. This Survey and Plan are correct and in accordance with the SURVEYS ACT, the SURVEYORS ACT and the REGULATIONS made under them.
2. The SURVEY was completed on the 13th day of February, 2023.
DATE: MARCH 6, 2023

PHIL W. CHITTY-G.L.S.

THIS SURVEY RELATES TO AOLS PLAN SUBMISSION FORM NUMBER Y-47935

Party Chief: TC	Instrument: CP	Checked By: PWC	Plan By: RH
HOPKINS CHITTY LAND SURVEYORS INC. Ontario Land Surveyors www.hopkinschitty.com			
1224 GARDINERS ROAD, SUITE 102 KINGSTON, ONTARIO K7P-0G2 Tel (613) 364-9266 Fax (613) 364-3513		PROJECT No. 2023-0054 LOTS 110-114, PLAN C-22 CITY OF KINGSTON	







**City of Kingston
Report to Committee of Adjustment
Report Number COA-24-052**

To: Chair and Members of the Committee of Adjustment
From: Chris Wicke, Senior Planner
Date of Meeting: June 17, 2024
Application for: Minor Variance
File Number: D13-036-2024
Address: 158 Earl Street
District: District 10 - Sydenham
Owners: Haley Skinner and Thomas Skinner
Applicant: Mac Gervan & Associates Ltd.

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 variances for the property located at 158 Earl Street. The applicants are proposing to expand the third floor of a residential dwelling and to replace the existing two gable dormers with an expanded shed dormer.

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.

June 17, 2024

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Recommendation:

That minor variance application, File Number D13-036-2024, for the property located at 158 Earl Street to expand the third floor of a residential dwelling to replace the existing two gable dormers with an expanded shed dormer, be approved, as described below:

Variance Number 1:

By-Law Number 2022-62: Section 13.4.2.1 (a)

Requirement: Front wall of the dormer is setback a minimum of 0.4 metres from the main wall.

Proposed: 0.0

Variance Requested: 0.4

Variance Number 2:

By-Law Number 2022-62: Section 13.4.2.1 (b)

Requirement: The side wall of a dormer is setback a minimum of 1.0 metres from the edge of the roof on which it is located.

Proposed: 0.1 metres

Variance Requested: 0.9 metres; and

Variance Number 3:

By-Law Number 2022-62: Section 13.4.2.1 (c)

Requirement: The maximum cumulative length of all dormers on the same portion of a sloped roof is the lesser of 4.6 metres or 50% of the length of the roof on which it is located (3.95 metres).

Proposed: 6.55 metres

Variance Requested: 2.6 metres; and

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-052.

June 17, 2024

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Authorizing Signatures:



Chris Wicke, Senior Planner

In Consultation with the following Management of the Community Services Group:

Tim Park, Director, Planning Services

James Bar, Manager, Development Approvals

June 17, 2024

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Options/Discussion:

On May 8, 2024, a minor variance application was submitted by Mac Gervan & Associates Ltd., on behalf of the owners, Haley Skinner and Thomas Skinner, with respect to the property located at 158 Earl Street. The variance is requested to expand the third floor of a residential dwelling to replace the two existing gable dormers with a rear shed dormer with three metal-clad wooden sash windows, clad in a pre-finished wood siding with a flat roof. The request for relief is being made to gain extra living space from the very low and sloped ceilings on the third floor which the owners would like to make into a principal bedroom with ensuite bathroom, which is not currently possible given the space constraints.

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

- Site Plan (Exhibit F)
- Floor Plans (Exhibit I)
- Architectural Elevations (Exhibit I)
- Conceptual Rendering (Exhibit I)
- Kingston Heritage Properties Committee Report Number HP-24-020
- Old Sydenham Heritage Area Conservation District - Property Inventory Evaluation – 158, 160, 162 Earl Street

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 south side of Earl Street, east of West Street and west of Sydenham Street (Exhibit B – Key Map). The property is the easternmost home in a three-unit set of two and a half storey brick townhouses known as the ‘Mozart Terrace’. The home abuts an attached townhouse to the west, and it is adjacent to a single detached dwelling to the east. To the south is a single detached dwelling and its associated garage, as well as the garage of the Hochelaga Inn (Exhibit C – Neighbourhood Context Map).

The subject property is designated Residential in the Official Plan (Exhibit D – Official Plan Map) and is zoned Heritage District 3 (Old Sydenham) (HCD3) Zone 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

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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:

The general intent and purpose of the Official Plan are maintained

The subject property is designated Residential on Schedule 3A - Land Use of 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 within a Housing District on Schedule 2 – City Structure 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 construct a shed dormer for the replacement of two existing gable dormers and the expansion of the third floor of a residential home is compatible with the surrounding area. The modification is not anticipated to have any negative impacts on the neighbourhood. The change is proposed at the rear of the house where there are two existing gable dormers and where there will be no visual impacts on the streetscape. No expansion of the existing building footprint is proposed.

This proposal to add a shed dormer to the third floor meets all compatibility criteria and will not result in any negative off-site impacts to abutting properties. As the third level of the dwelling already exists and currently incorporates two gable dormers, there is no threat of loss of privacy due to intrusive overlook, and increased levels of light pollution, noise, or odour are not anticipated. Adverse effects due to shadowing are also not anticipated as the proposed changes are on the south (rear) side of the house, below the ridge line of the roof, and as such, no significant shadows will be created by the shed dormer. There is limited visibility from the surrounding area to the part of the home that is proposed to be modified, and no changes to the streetscape along Earl Street are proposed. Further mitigation measures are not required.

The proposed structure is of a suitable scale and will provide a larger and more functional living space to the existing residence. The proposal will not negatively impact the functional needs of the current or future residents. The applicants are proposing to modify the third floor of the dwelling by removing two existing dormers and adding a larger shed dormer to increase the living area and to have additional space for a principal bedroom and ensuite bathroom. No increase to the footprint of the building is proposed.

June 17, 2024

Page 6 of 11

The proposed addition 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 designated under both Parts IV and V of the *Ontario Heritage Act*, and it is part of the Old Sydenham Heritage Conservation District. It is located adjacent to similarly designated properties. The proposed development also includes the replacement of a series of windows on the front and rear elevations, as well as recladding of the front dormers in cedar shingles and a new 'coach light' adjacent to the front door.

This work was subject to a heritage permit (P18-634) which was approved on April 17, 2024 ([Report Number HP-24-020](#)). Consideration was given to how the Old Sydenham Heritage Conservation District includes a wide variety of roof types, and that the roof profiles vary in terms of cultural importance to both the building and to the district. While a change in the roof profile visible to the street would not be desirable, the proposed alteration is at the rear of the dwelling. It was also noted that the subject building is not a prominent landmark, but a simple, working class vernacular row house from the 1860s. The low-pitch roof limits the interior ceiling height and thus the usable space on the third floor. This, coupled with the small size of the property and the owners' desire to minimize the impact to the heritage character of the building, limits their ability to adaptively reuse the third floor space, thus requiring the alteration.

The property is within an area of composite archaeological potential; however, no expansion of the building footprint is proposed. As there is no ground disturbance anticipated, an archaeological assessment is not required. The property uses municipal water and sewage services. As this application proposes to construct an addition to an existing dwelling, 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 proposal meets the intent of the Official Plan, as the proposed to third floor shed dormer addition will not result in any negative impacts to adjacent properties or to the neighbourhood. 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 construct an addition at the third floor and to the rear of the existing home.

June 17, 2024

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

The subject property is zoned Heritage District 3 (Old Sydenham) (HCD3) Zone in Kingston Zoning By-Law Number 2022-62 (Exhibit E – Zoning By-Law Map). The HCD3 zone permits a range of dwelling types, including townhouses, according to Table 13.1.2.

The proposal requires the following variances to Section 13.4.2.1, including setback from the main wall of the dwelling, setback of the side wall from the edge of the roof, and the maximum cumulative length of all dormers on the same portion of a sloped roof.

Variance Number 1:

By-Law Number 2022-62: Section 13.4.2.1 (a)

Requirement: Front wall of the dormer is setback a minimum of 0.4 metres from the main wall.

Proposed: 0.0

Variance Requested: 0.4

Variance Number 2:

By-Law Number 2022-62: Section 13.4.2.1 (b)

Requirement: The side wall of a dormer is setback a minimum of 1.0 metres from the edge of the roof on which it is located.

Proposed: 0.1 metres

Variance Requested: 0.9 metres; and

Variance Number 3:

By-Law Number 2022-62: Section 13.4.2.1 (c)

Requirement: The maximum cumulative length of all dormers on the same portion of a sloped roof is the lesser of 4.6 metres or 50% of the length of the roof on which it is located. (3.95 metres)

Proposed: 6.55 metres

Variance Requested: 2.6 metres;

The provisions of the HCD3 zone are defined in Table 13.4.1. with additional provisions in Section 13.4.2 which are used to determine whether a proposal is compliant with the applicable zoning.

The variance requested maintains the general purpose and intent of the dormer provisions of the by-law which is to prevent large shed dormers which are generally uncharacteristic of the Old Sydenham Heritage Conservation District. The requirements of the Zoning By-Law do not distinguish between front and rear dormers, as rear dormers can be a heritage attribute of a designated property and can have heritage value, despite their low potential for visibility from the street and public realm.

The Part IV heritage designation by-law applicable to the subject property (By-Law 93-24) does not specify the rear dormers of this three-storey dwelling as heritage attributes. The proposed variances maintain the intent of the dormer provisions of the Zoning By-Law, as they will permit

June 17, 2024

Page 8 of 11

an alteration that will be sympathetic to the heritage character of the property and the Heritage Conservation District, while allowing for the expansion of the living space within the home. The proposed design of the shed dormer, below the ridgeline, set in from the sides of the roof, and retaining an inset (reveal) along the eaves edge and side overhang to retain evidence of the original roof profile. Further analysis in this regard can be found in [Report Number HP-24-020](#), pertaining to the heritage permit application.

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

The variance is minor in nature

The requested variance to permit a rear-facing dormer for the townhouse is considered minor as the design of the expanded dormer will be compatible with the existing dwelling and is proposed to be located where visibility from the street is limited. The attached dwelling to the west also has a shed dormer on the adjacent roof; and the additional shed dormer at the rear of this building is not anticipated to result in any adverse effects to the surrounding Heritage Conservation District.

The proposed addition complies with all other zone provisions for the dwelling, including maximum height, front, rear and interior setbacks, building depth and landscaped open space. The proposal will not change the fundamental design characteristics of the neighbourhood.

The proposed variance is considered minor in nature.

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 construct an expanded shed dormer on the third floor in place of an existing pair of gable dormers at the rear of the home to provide more functional space for a principal bedroom and ensuite bathroom. The scale and design of the proposed addition is appropriate for the dwelling size. The proposed addition is compatible with the characteristics of the surrounding neighbourhood in terms of use and scale. Homes in the neighbourhood have many varying roof profiles, and the proposed changes to this structure will be in the rear yard where there is limited visibility to the affected area. No overlook or shadow impacts are anticipated, 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 appropriate use of the land.

June 17, 2024

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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 regarding this 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

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

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.

June 17, 2024

Page 10 of 11

Approval of this application will permit the modification of the third floor of an existing attached dwelling through the construction of a shed dormer at the rear of the home to provide increased living space for the residents.

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 June 17, 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 23 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:

James Bar, Manager, Development Approvals, 613-546-4291 extension 3213

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

June 17, 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 Floor Plans, Elevations and Architectural Renderings

Recommended Conditions

The approval of minor variance application, File Number D13-036-2024, to expand the third floor by adding a shed dormer to an existing three-storey residential dwelling, shall be subject to the following recommended conditions:

1. Limitation

That the approved minor variance applies only to the rear shed dormer at 158 Earl Street as shown on the 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.

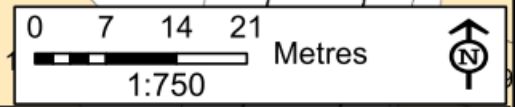
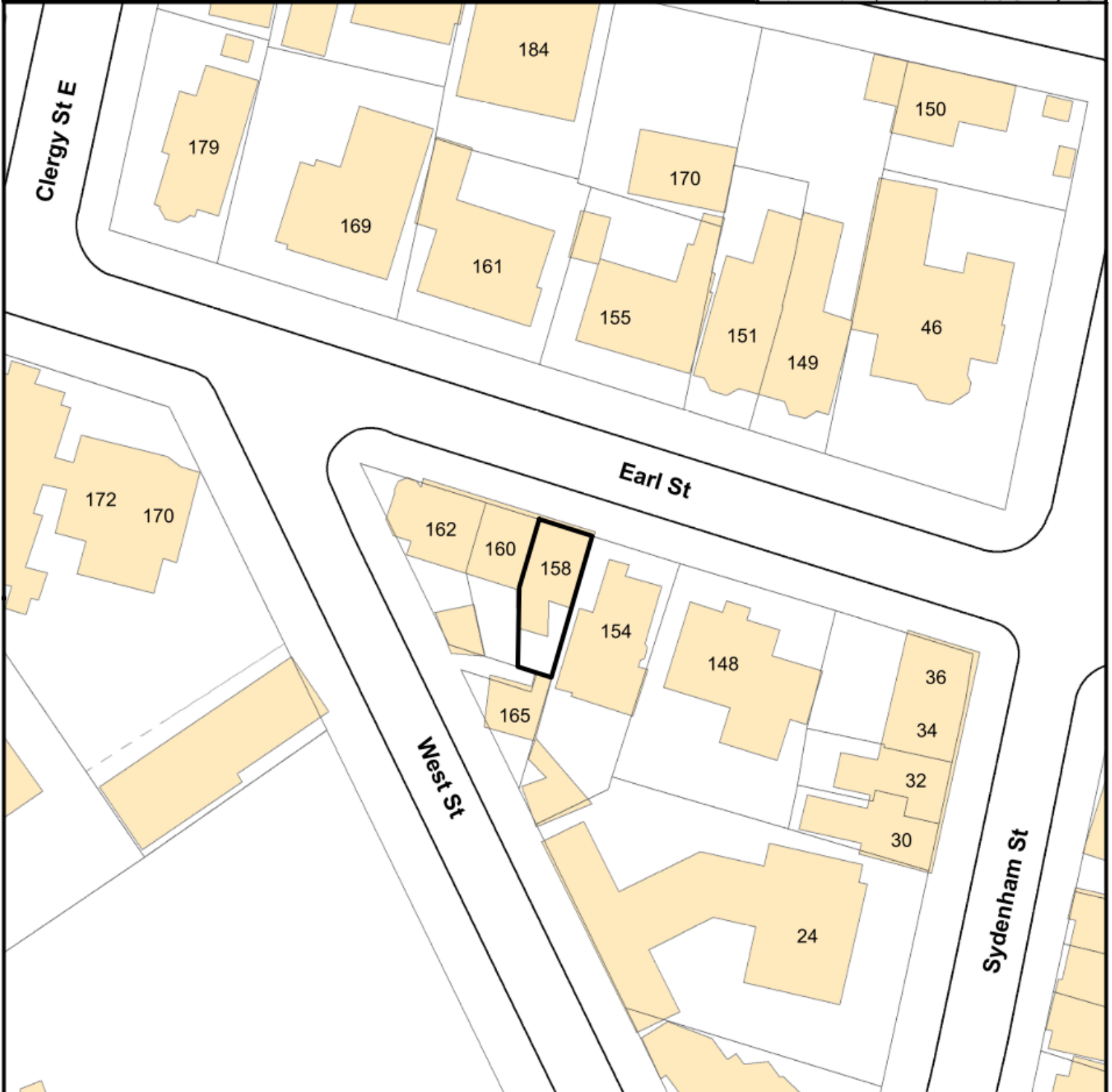
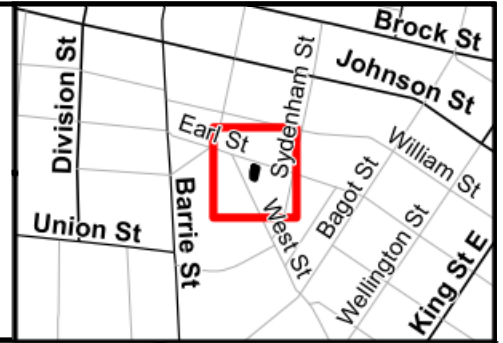
In the event that human remains are encountered, all work must immediately cease and the site must be secured. The Kingston Police (613-549-4660), the Office of the Chief Coroner as a part of the Ontario Ministry of the Solicitor General (1-877-991-9959), the Archaeology Program Unit of the Ministry 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: 158 Earl Street
File Number: D13-036-2024
Prepared On: May-10-2024

 Lands Subject to Minor Variance






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Planning Services

Committee of Adjustment Neighbourhood Context

Address: 158 Earl Street
File Number: D13-036-2024
Prepared On: May-10-2024

-  Subject Lands
-  Property Boundaries
-  Proposed Parcels






Prepared By: cbarratt
Prepared On: May-10-2024

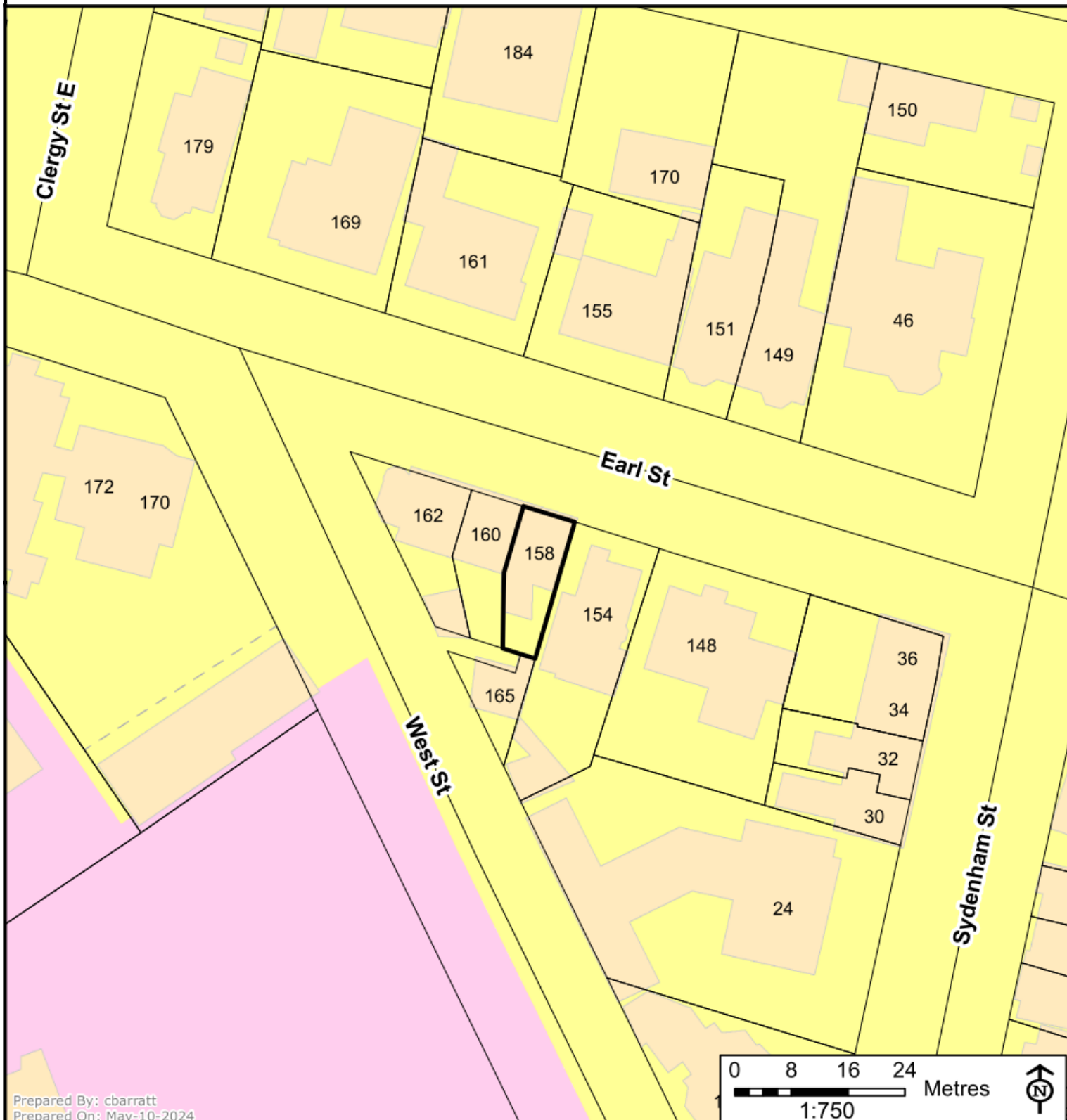
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Committee of Adjustment Official Plan, Existing Land Use

Address: 158 Earl Street
File Number: D13-036-2024
Prepared On: May-10-2024

-  Subject Lands
-  INSTITUTIONAL
-  RESIDENTIAL



Prepared By: cbarratt
Prepared On: May-10-2024

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

Planning Services

Address: 158 Earl Street
File Number: D13-036-2024
Prepared On: May-10-2024

- 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: cbarratt
Prepared On: May-10-2024

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SITE SKETCH

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1.8	Photographic	1
1.9	Sections	1
1.10	Photographic	1
1.11	Sections	1
1.12	Photographic	1

PLANS FOR HERITAGE APPLICATION

Revisions:

Mac GERVAN & ASSOCIATES Ltd.

Residential and Commercial Design Services
Consulting and Project Management
phone 546-5097
fax 546-6249
e-mail mac@gervan.ca
Company BCIN # 33630
Mac Gervan BCIN# 21054

Project:
**THOMAS SKINNER
HALEY MOTRUK
158 EARL ST
KINGSTON, ON**

Drawing:
Site Sketch

Date: FEB 23 2024

Scale: 1 : 250

Drawn By: MG/GF

File: 158 EARL ST SHED APP
printed 2024-02-26
Drawing #: **A-2**



Subject property at 158 Earl Street.



Looking north across Earl Street opposite the subject property.



Looking southeast along Earl Street past the subject property.



Looking northwest along Earl Street past the subject property.



Looking northeast along West Street at the rear of the subject property.








Looking northeast along West Street at the rear of the subject property.

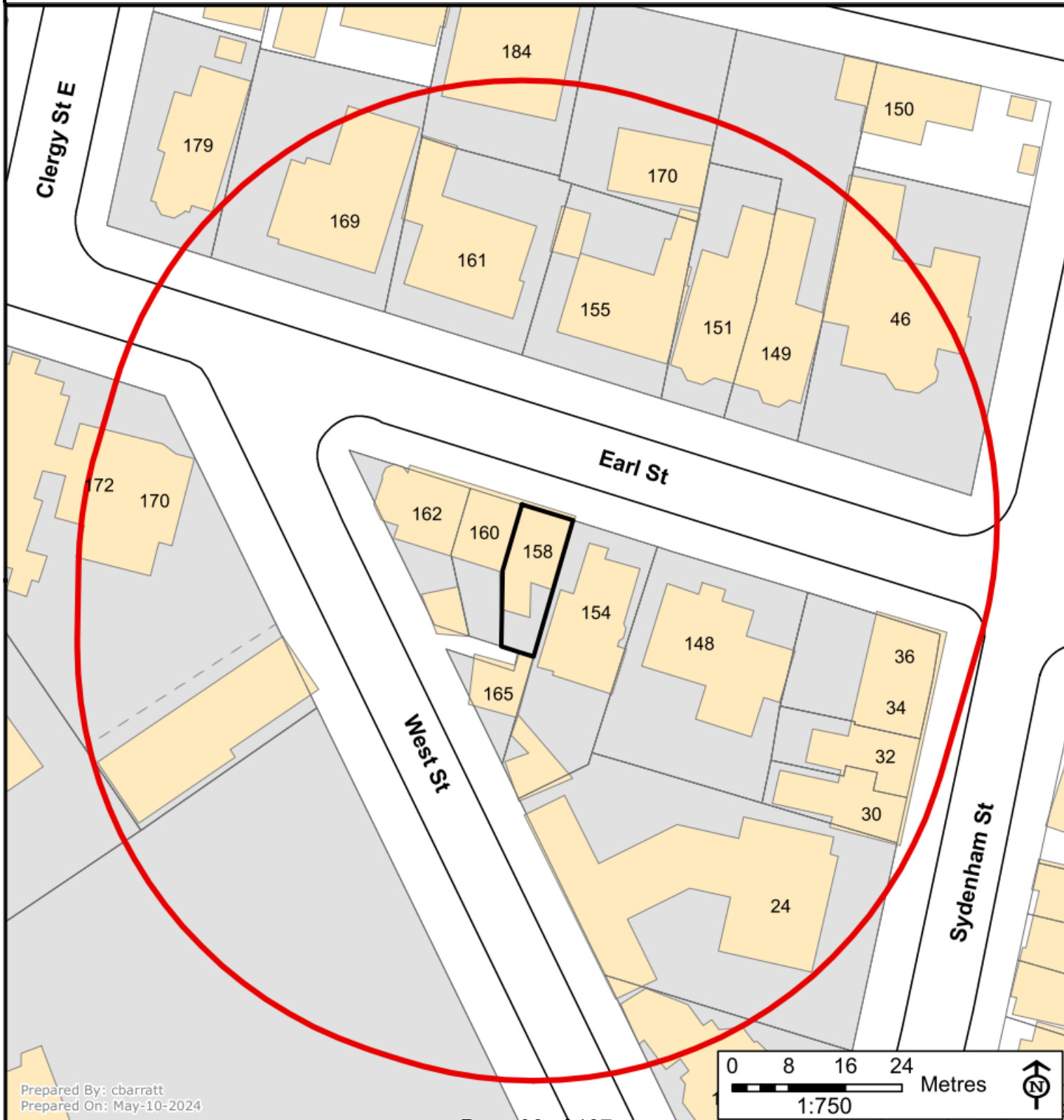


Planning Services

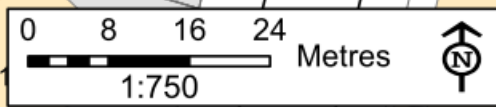
Committee of Adjustment Public Notice Notification Map

Address: 158 Earl Street
File Number: D13-036-2024
Prepared On: May-10-2024

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



Prepared By: cbarratt
Prepared On: May-10-2024



REQUESTED VARIANCE

BY-LAW 2022-62 ZONE HCD3

13.4.2.

1. DORMERS

REQUIRED	VARIANCE REQUESTED
(a) 0.4m SETBACK	<u>0.4m</u>
(b) 1.0m from ROOF EDGE	WEST SIDE <u>0.17</u> EAST SIDE <u>0.47</u>
(c) 50% of LENGTH = 3.95 DORMER ROOF = 6.55 RELIEF OF 2.6M REQUESTED	<u>2.6m</u> (6.55 - 3.95)

PLANS FOR MINOR VARIANCE PRE-APP MEETING



EXISTING SOUTH DORMERS



SOUTH VIEW



NEW SOUTH SHED DORMER

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PLANS FOR PRE-APP

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Residential and Commercial Design Services
Consulting and Project Management
phone 546-5097
fax 546-6249
e-mail mac@gervan.co
Company BCIN # 33630
Mac Gervan BCIN# 21054

Project:
**THOMAS SKINNER
HALEY MOTRUK
158 EARL ST
KINGSTON, ON**

Drawing:
**General Notes
Perspectives**

Date: FEB 7 2024

Scale:

Drawn By: MG/GF

File: 158 EARL ST
printed 2024-02-12
Drawing #: **A-1**



SITE SKETCH

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phone 546-5097
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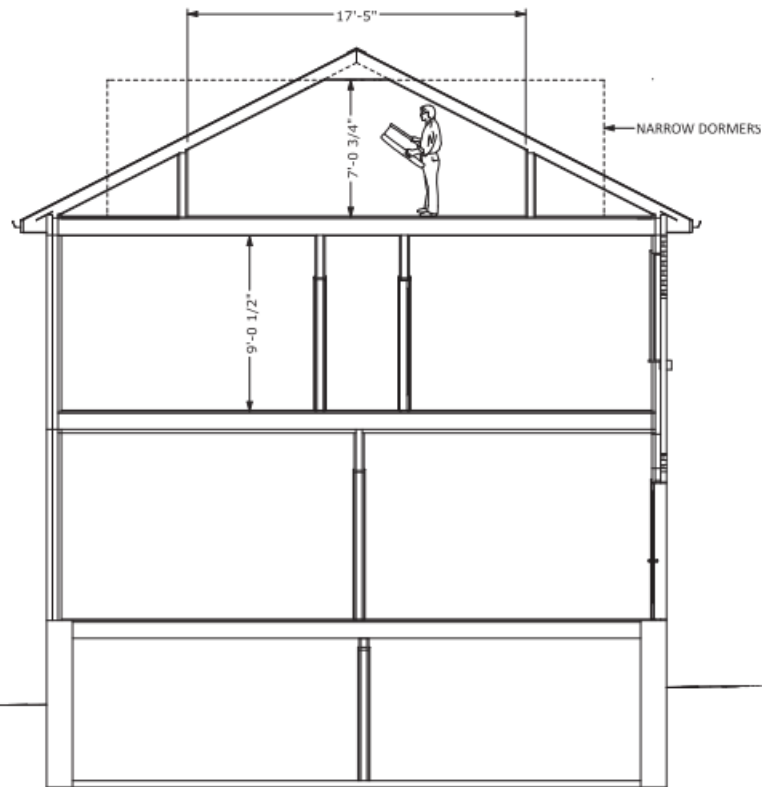
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Date: FEB 7 2024

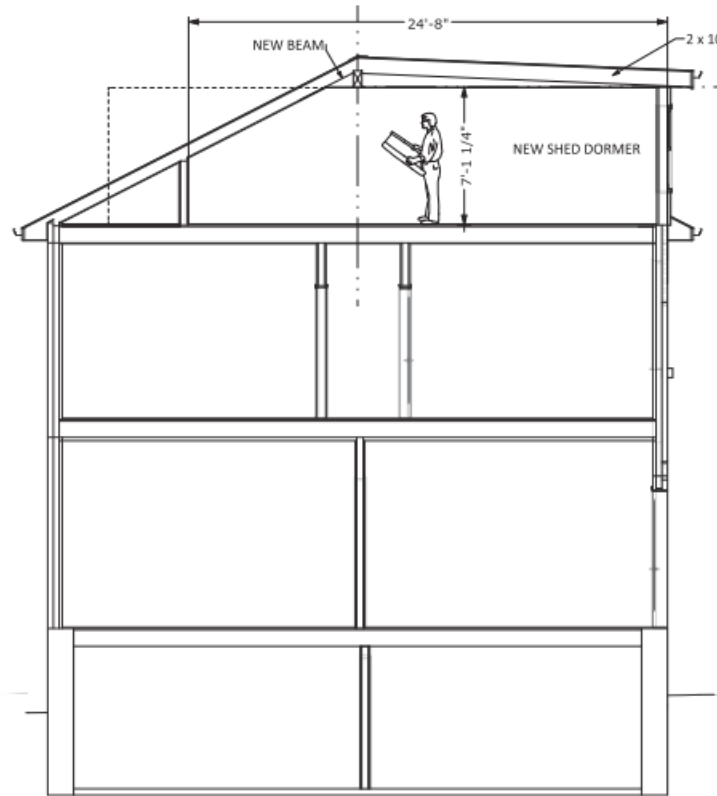
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File: 158 EARL ST
print 2024-02-12
Drawing #: **A-2**



EXISTING 3rd FLOOR ROOF



PROPOSED 3rd FLOOR ROOF

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A-11	Site Plan	

**PLANS FOR
PRE-APP**

Revisions:

**Mac GERVAN
& ASSOCIATES Ltd.**

Residential and Commercial
Design Services
Consulting and Project
Management

phone 546-5097
fax 546-6249
e-mail mac@gervan.ca
Company BCIN # 33630
Mac Gervan BCIN# 21054

Project:

**THOMAS SKINNER
HALEY MOTRUK
158 EARL ST
KINGSTON, ON**

Drawing:

Sections

Date:

FEB 7 2024

Scale:

Drawn By:

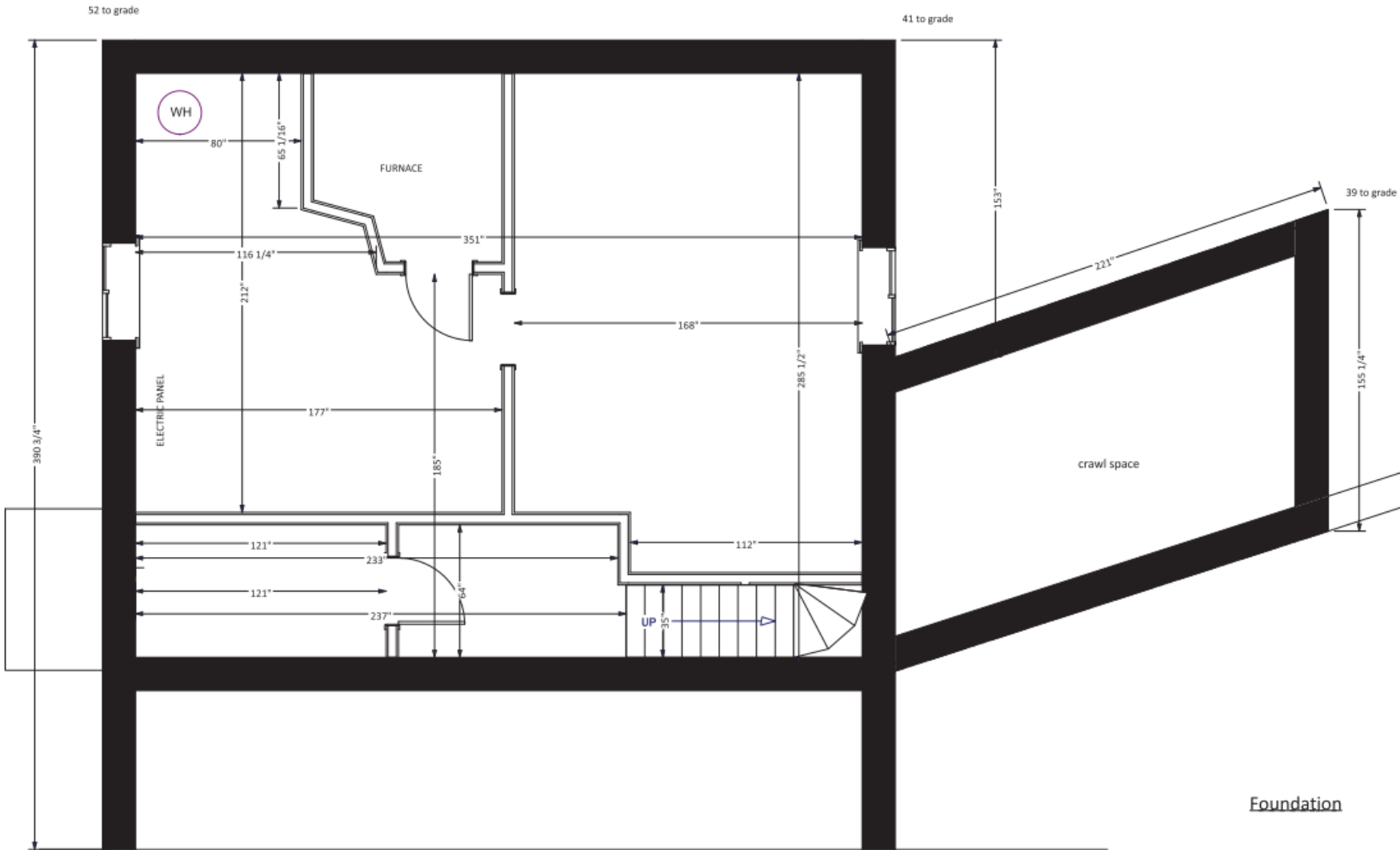
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printed 2024-02-12

Drawing #:

A-3



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PLANS FOR
PRE-APP

Revisions:

Mac GERVAN & ASSOCIATES Ltd.

Residential and Commercial
Design Services
Consulting and Project
Management
phone 546-5097
fax 546-6249
e-mail mac@gervan.ca
Company BCIN # 33630
Mac Gervan BCIN# 21054

Project:
**THOMAS SKINNER
HALEY MOTRUK
158 EARL ST
KINGSTON, ON**

Drawing:
Foundation plan

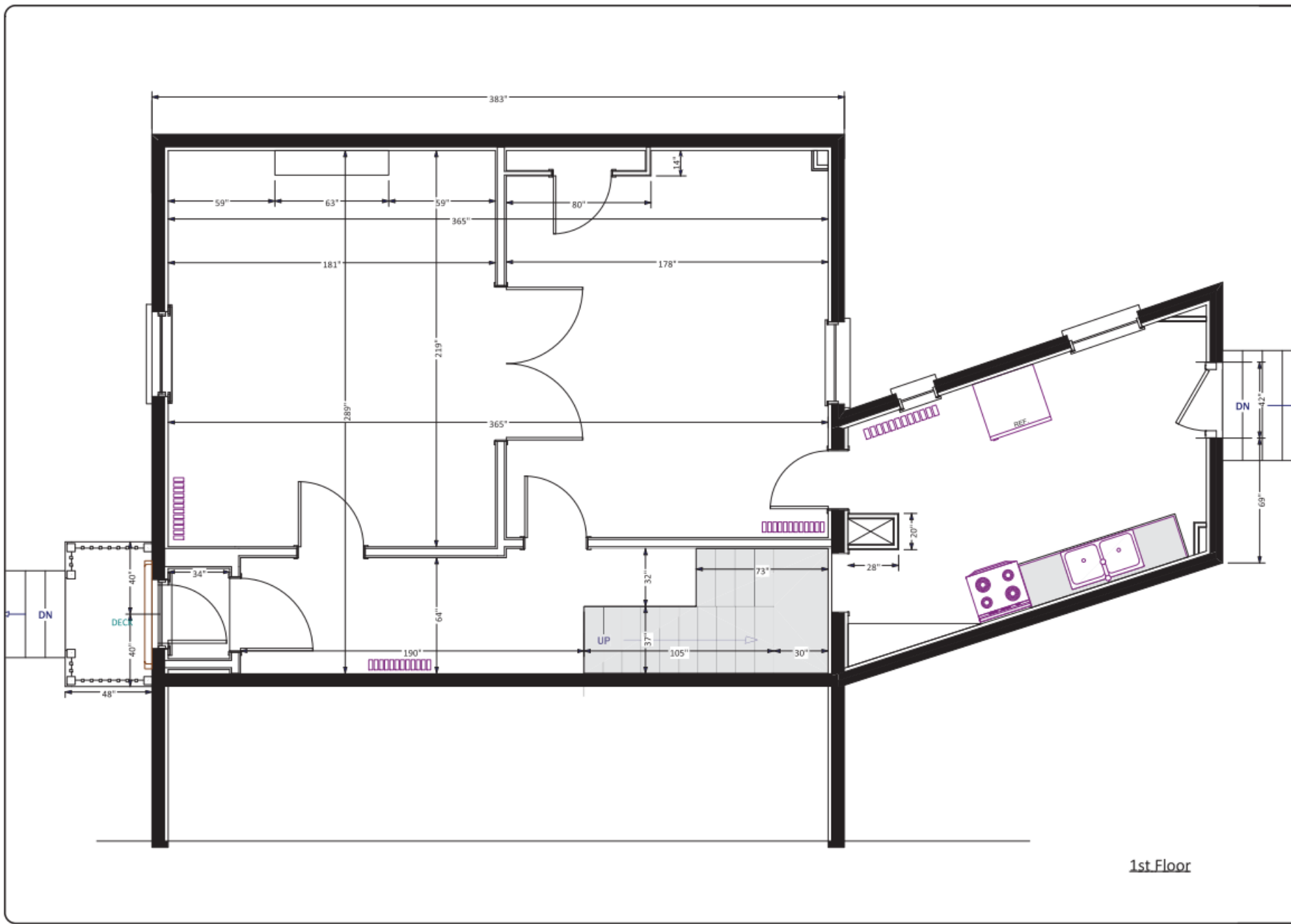
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FEB 7 2024

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Drawn By:
MG/GF

File:
158 EARL ST
project 2024-02-12

Drawing #:
A-4



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**PLANS FOR
PRE-APP**

Revisions:

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& ASSOCIATES Ltd.**

Residential and Commercial
Design Services

Consulting and Project
Management

phone 546-5097
fax 546-6249
e-mail mac@gervan.ca
Company BCIN # 33630
Mac Gervan BCIN# 21054

Project:

**THOMAS SKINNER
HALEY MOTRUK
158 EARL ST
KINGSTON, ON**

Drawing:

Plan Floor 1

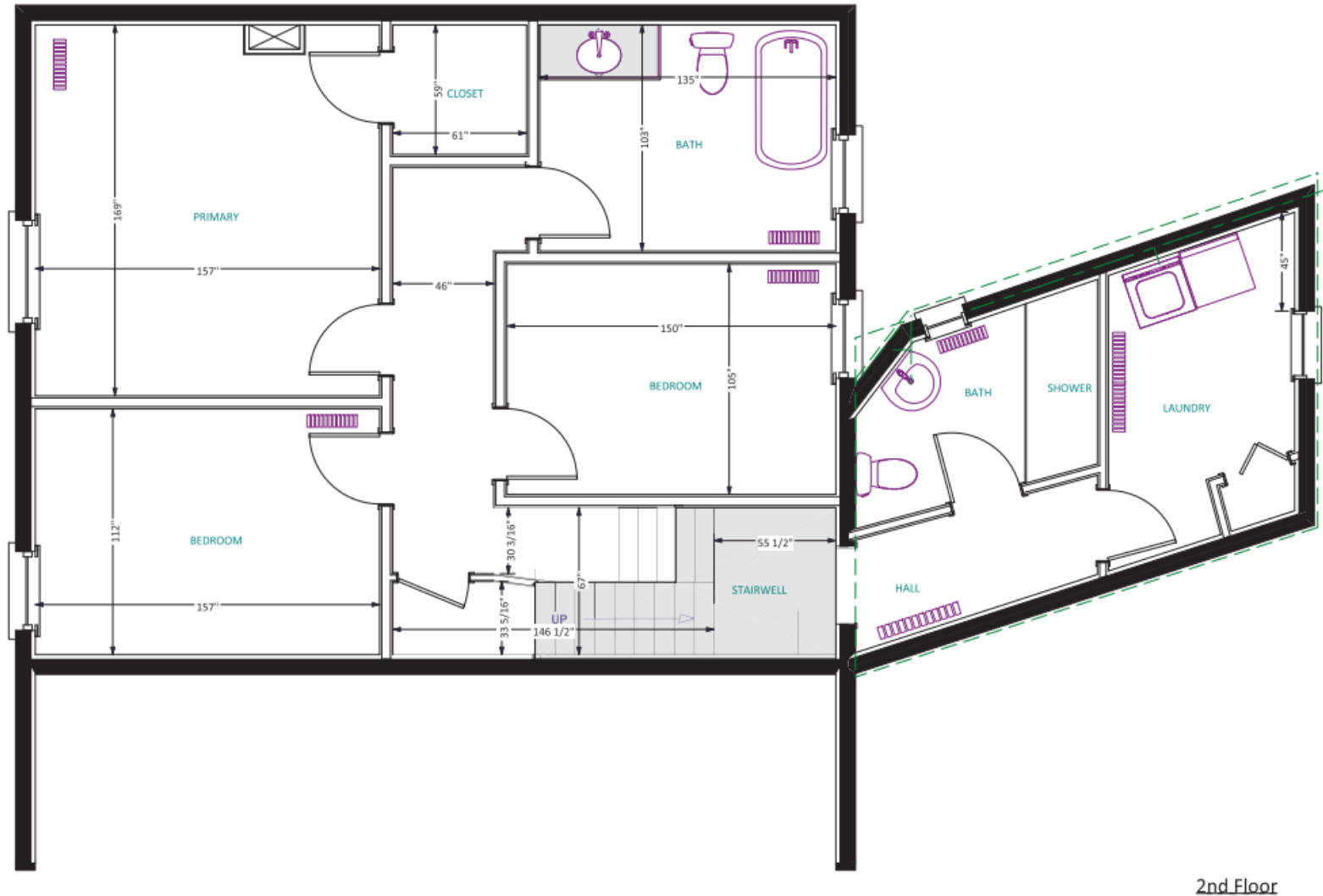
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File: 158 EARL ST
printed 2024-02-12

Drawing #: **A-5**



2nd Floor

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PLANS FOR
PRE-APP

Revisions:

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Residential and Commercial
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Company BCIN # 33630
Mac Gervan BCIN# 21054

Project:
**THOMAS SKINNER
HALEY MOTRUK
158 EARL ST
KINGSTON, ON**

Drawing:
Plan Floor 2

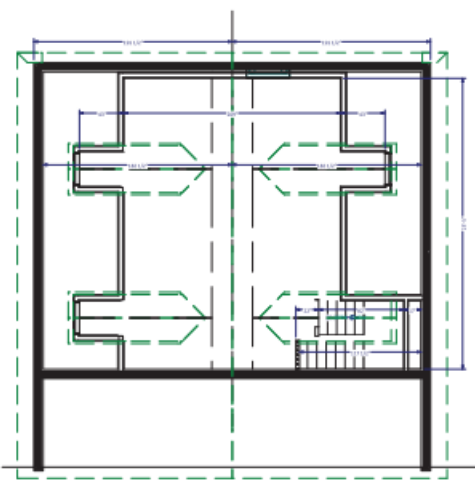
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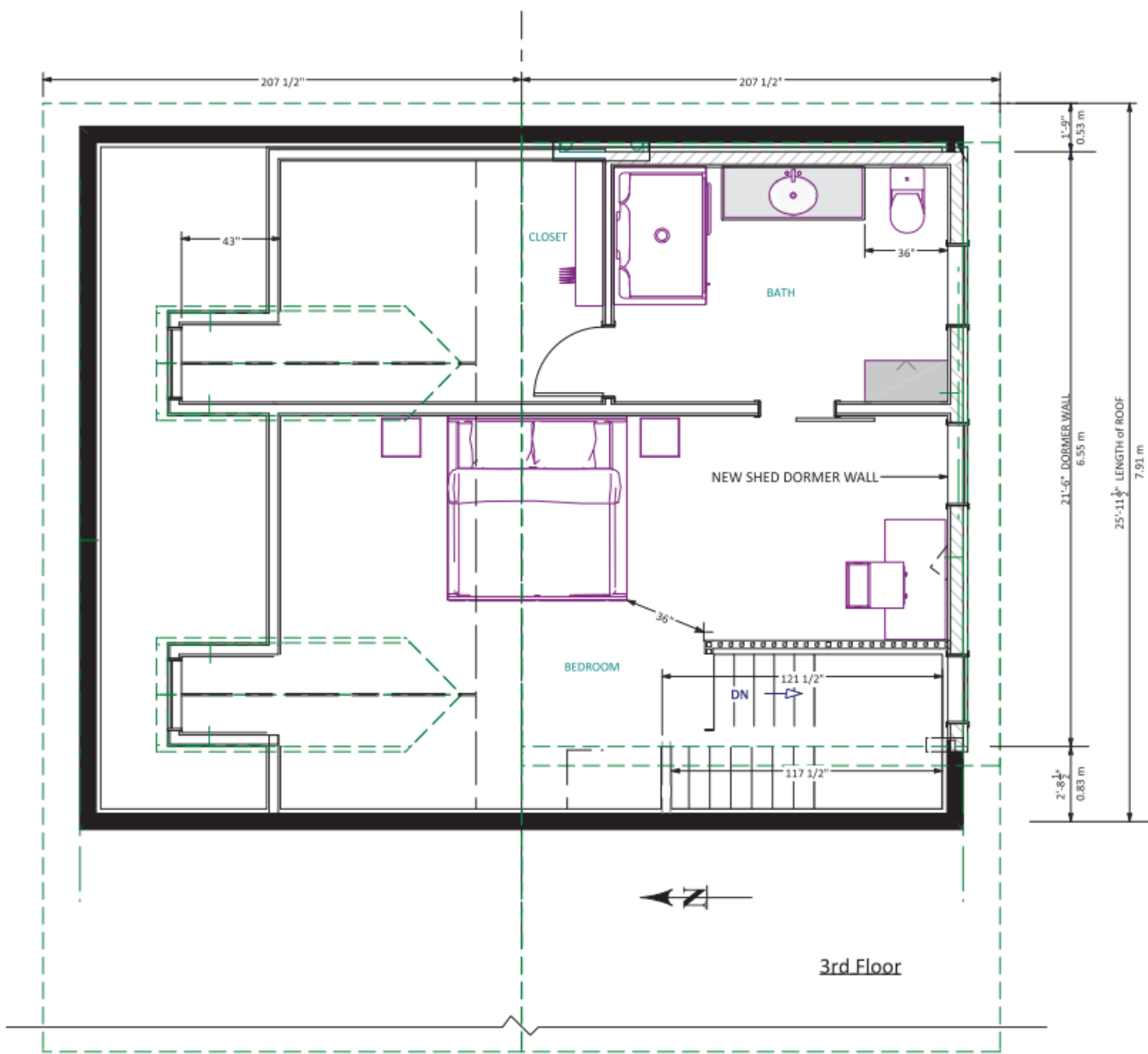
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A-6



EXISTING 3rd Floor



3rd Floor

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PLANS FOR
PRE-APP

Revisions:

Mac GERVAN & ASSOCIATES Ltd.

Residential and Commercial
Design Services
Consulting and Project
Management

phone 546-5097
fax 546-6249
e-mail mac@gervan.ca
Company BCIN # 33630
Mac Gervan BCIN# 21054

Project:
**THOMAS SKINNER
HALEY MOTRUK
158 EARL ST
KINGSTON, ON**

Drawing:
Plan Floor 3

Date:
FEB 7 2024

Scale:
1/4" = 1' - 0"

Drawn By:
MG/GF

File:
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printed 2024-02-12

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Project:

**THOMAS SKINNER
HALEY MOTRUK
158 EARL ST
KINGSTON. ON**

Drawing:

Elevations

Date:

FEB 7 2024

Scale:

1/8" = 1' - 0"

Drawn By:

MG/GF

File: Drawing #:

158 EARL ST
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South Elevation (Existing)



South Elevation (Proposed)



North Elevation (Existing)



North Elevation

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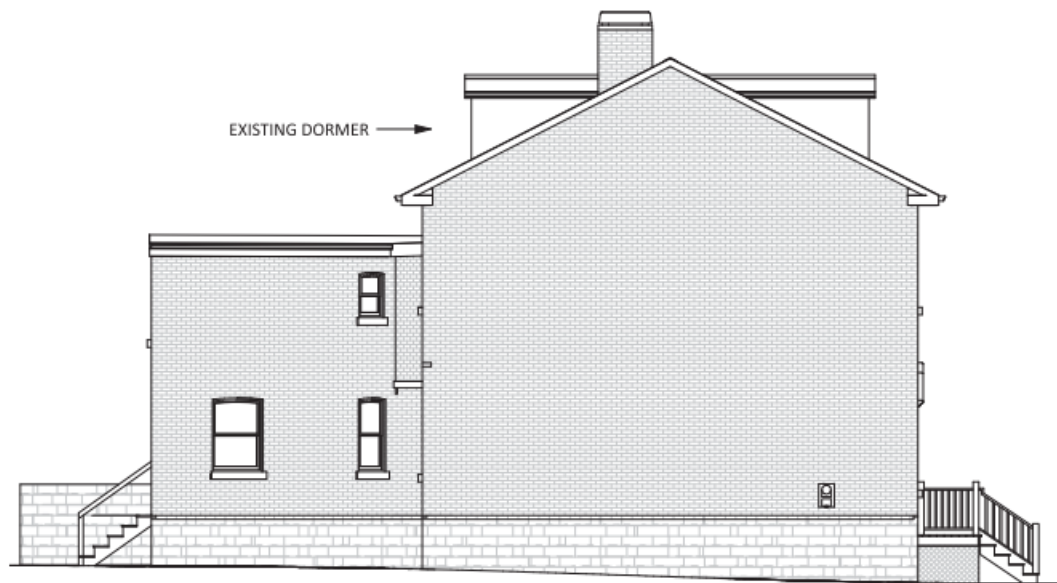
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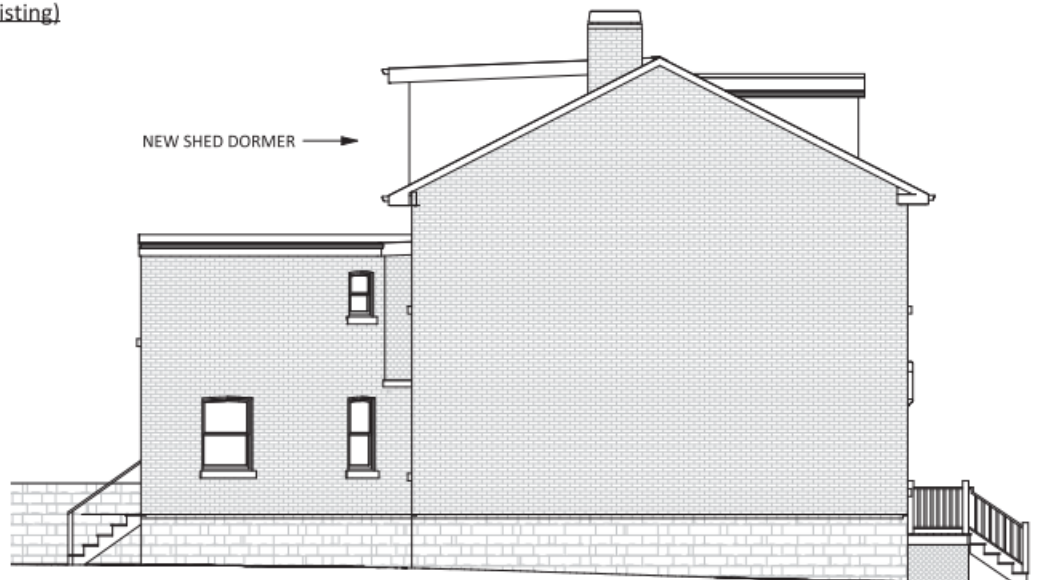
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East Elevation (Existing)



East Elevation (Proposed)

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**PLANS FOR
PRE-APP**

Revisions:

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Date:

FEB 7 2024

Scale:

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Drawn By:

MG/GF

File:

158 EARL ST
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Drawing #:

A-10



**City of Kingston
Report to Committee of Adjustment
Report Number COA-24-054**

To: Chair and Members of the Committee of Adjustment
From: Annemarie Eusebio, Intermediate Planner
Date of Meeting: June 17, 2024
Application for: Minor Variance
File Number: D13-035-2024
Address: 4226 Bath Road
District: District 5 - Collins Bayridge
Owner: Tim de Jong
Applicant: Tim de Jong

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 4226 Bath Road. The applicant is requesting relief from the minimum waterbody separation distance requirement to construct a one-storey enclosed porch which will be located at the rear of the existing single detached house. The enclosed porch will replace the existing rear patio and will align with the length of the existing single detached house. The enclosed porch will be 50 square metres in area and will be at height of approximately 0.2 metres from the existing grade. A variance is requested to construct the porch enclosure 24.7 metres from the high-water mark, where a 30 metre waterbody separation distance is required by the Kingston Zoning By-Law.

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

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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.

Recommendation:

That minor variance application, File Number D13-035-2024, for the property located at 4226 Bath Road to construct a 50 square metre enclosed rear porch, located approximately 24.7 metres from the highwater mark be approved, as described below:

Variance Number 1:

By-Law Number 2022-62:Section 4.23.1 Waterbody Separation Distance (rear enclosed porch)

Requirement: 30 metres

Proposed: 24.7 metres

Variance Requested: 5.3 metres

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-054.

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Authorizing Signatures:



Annemarie Eusebio, Intermediate
Planner

In Consultation with the following Management of the Community Services Group:

Tim Park, Director, Planning Services
James Bar, Manager, Development Approvals

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Options/Discussion:

On April 26, 2024, a minor variance application was submitted by the owner, Tim de Jong, with respect to the property located at 4226 Bath Road. The applicant is requesting relief from the minimum waterbody separation distance requirement to construct a one-storey enclosed porch which will be located at the rear of the existing single detached house. The enclosed porch will replace the existing rear patio and will align with the length of the existing single detached house. The enclosed porch will be 50 square metres in area and will be at height of approximately 0.2 metres from the existing grade. The variance is requested to construct an enclosed porch 24.7 metres from the high-water mark, where a 30 metre waterbody separation distance is required by the Kingston Zoning By-Law.

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

- Site Plan (Exhibit F)
- Planning Justification 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 at 4226 Bath Road. The site has a lot area of 1,343 square metres and a lot frontage of approximately 27 metres (Exhibit B – Key Map). The property abuts single-detached houses to the north and east and Lake Ontario to the south. The subject property is also located in proximity to various community and open space uses, local schools, and commercial uses. Kingston Transit operates in proximity to the site, with Transit Route 10 operating along Bath Road. (Exhibit C – Neighbourhood Context Map).

The subject property is designated Residential in the Official Plan (Exhibit D – Official Plan Map) and zoned Urban Residential 1 ‘UR1.A’ 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.

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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:

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 site is located within the Housing District in Schedule 2 – City Structure, of the Official Plan. In accordance with Section 2.6 of this Plan, Housing Districts are intended to remain stable but will continue to adapt as the City evolves. Minor infilling and development that can integrate in a compatible manner with the prevailing built form generally found in the neighbourhood will be encouraged.

The proposal has been designed to integrate with surrounding residential land uses. The adjacent residential properties (4220 Bath Road and 4332 Bath Road) each contain a single detached house that is located closer to the shoreline of Lake Ontario than the existing house and proposed development on the site (Exhibit B – Key Map). The proposed enclosed porch will align with the length of the existing single detached house and will exceed the required interior setbacks as indicated by the applicable UR1.A zone. The property consists of large, mature trees and vegetation on the interior property lines which will provide buffering and screening for the new development from adjacent residential lots. As such, it is anticipated that there will be no negative impact on abutting properties or residential uses or structures. The proposal is compatible with the surrounding residential and recreation uses and will not result in significant impacts or changes to the surrounding area.

The proposed rear enclosed porch will allow for additional living space and will meet the functional needs of the residents. There will be no significant impact to the function of the site in terms of parking, access routes or universal accessibility.

The protection of a 30-metre naturalized buffer along a waterbody, also referred to as a “ribbon of life”, can help to 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. The buffer may also be used to screen views of development from the water, and to create natural spaces for passive recreation.

This application was circulated to the Cataraqui Conservation Authority (CRCA). CRCA staff have confirmed that the proposed screened porch is approximately 24.7 metres from the high-water mark of Lake Ontario. CRCA regulatory policies, under O. Reg. 148/06 require all new development (i.e. buildings, structures, additions) to be located a minimum of 6 metres from the

June 17, 2024

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furthest extent of the regulatory flood plain. In some circumstances, the 6-metre setback can be reduced. CRCA staff completed a site survey to determine the location of the regulatory flood line in relation to the proposed enclosed porch. CRCA staff have advised that the enclosed porch is proposed to extend 5 metres from the furthest point of the flood plain. The enclosed porch will be elevated approximately 1 metre above the flood elevation and access between the porch and flood line is already restricted due to the topography of the site. As such, CRCA staff have no objection to the proposed 5 metre setback from the floodplain and the variance which would reduce the waterbody separation distance setback to 24.7 metres. A permit from the CRCA will be required prior to the construction of the enclosed porch.

The subject property is not a designated property under the *Ontario Heritage Act*, nor is it within a Heritage District. There are no impacts to any built heritage resources and a Heritage Impact Statement is not required. Heritage Planning staff have identified the subject property as having limited archaeological potential. An archeological assessment will not be required.

The proposed variance meets the four tests of a minor variance under the Planning Act and the development is consistent with the existing built form along Bath Road. Therefore, a zoning by-law amendment is not required. The proposal meets the intent of the Official Plan, as the proposed enclosed porch will not result in any undue adverse impacts to adjacent properties or to the neighbourhood.

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

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

The subject property is zoned Urban Residential 1 (UR1.A) in Kingston Zoning By-Law Number 2022-62 (Exhibit E – Zoning By-Law Map). The UR1.A zone permits a single detached dwelling.

The proposal requires a variance to Section 4.231 of the Kingston Zoning By-Law as follows:

Variance Number 1:

By-Law Number 2022-62:Section 4.23.1 Waterbody Separation Distance (one-storey rear enclosed porch)

Requirement: 30 metres

Proposed: 24.7 metres

Variance Requested: 5.3 metres

The intent of the 30-metre waterbody separation distance is primarily to protect the ribbon of life zone from the impacts of development. The zoning provisions also exist to protect development from natural hazards such as flooding, alongside requirements from the CRCA. Maintaining the ribbon of life zone can help to 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. The buffer may also be used to screen views of development from the water, and to create natural spaces for passive recreation.

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CRCA staff have confirmed that the proposed enclosed porch will be appropriately setback from the floodplain and that there are no erosion hazards associated with the proposal. A CRCA permit will be required prior to the construction. The proposed development will result in sufficient natural space in the rear yard for recreation purposes. The proposed rear enclosed porch is anticipated to be compatible with the existing built form on the subject property, as well as compatible with all surrounding land uses. The proposed enclosed porch is not anticipated to have adverse impacts on the existing waterbody of Lake Ontario. The proposal complies with all other applicable provisions of the Kingston Zoning By-Law.

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

The variance is minor in nature

The proposed enclosed porch will result in a development that is consistent with the long-established built form of single detached houses along Bath Road. The proposed development will not result in intrusive overlook with respect to adjacent residential properties. The mature tree growth located on the western/eastern property will screen the new development from the existing adjacent residential properties. The variance will not alter the character of the neighbourhood or the existing streetscape.

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

The proposed enclosed porch will allow for additional living space and will meet the functional needs of the residents. The proposed development is consistent with the existing built form of residential buildings along Bath Road. The proposal does not involve a significant alteration to the existing built form on the site and will not cause any adverse impacts on adjacent properties. 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 type="checkbox"/> Fire & Rescue | <input type="checkbox"/> Kingston Hydro | <input checked="" type="checkbox"/> Environment Division |
| <input checked="" 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 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 |

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- Building Division Engineering Heritage Services
- 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 formal correspondence has 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 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(s) 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 for the construction of a one-storey enclosed porch at the rear of the single detached house on the subject property municipally known as 4226 Bath Road.

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

June 17, 2024

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Kingston Zoning By-Law Number 2022-62

Notice Provisions:

A Committee of Adjustment Meeting is going to be held respecting this application on June 17, 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 14 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:

James Bar, Manager, Development Approvals, 613-546-4291 extension 3213

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

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

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Exhibit G Site Photos

Exhibit H Public Notification Map

Recommended Conditions

The approval of minor variance application, File Number D13-035-2024, to reduce the minimum waterbody separation distance for the construction of a 50.2 square metre one storey rear enclosed porch within the rear yard, shall be subject to the following recommended conditions:

1. Limitation

That the approved variances apply only to the 50.2 square metre rear porch enclosure at 4226 Bath Road as shown on the drawing attached to this 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 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.


5. Cataraqui Region Conservation Authority

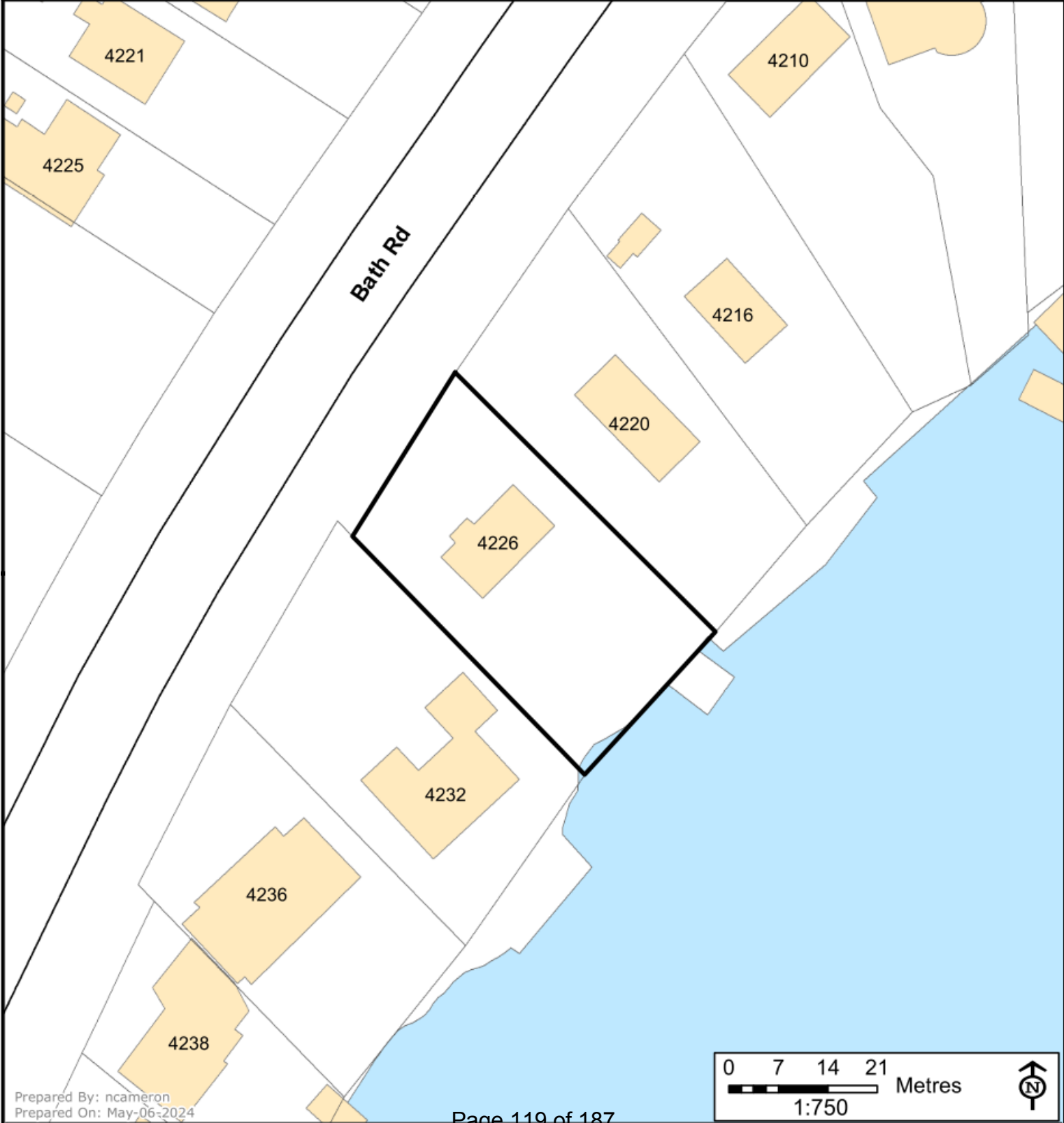
A portion of the subject lands are subject to Ontario Regulation 148/06: Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses, which is administered by the CRCA. The applicant/owner will be required to apply for a CRCA permit for the proposed development.



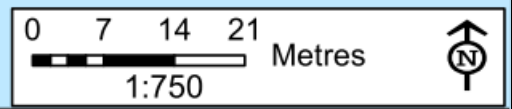
Committee of Adjustment Key Map

Address: 4226 Bath Road
File Number: D13-035-2024
Prepared On: May-06-2024

 Lands Subject to Minor Variance



Prepared By: ncameron
Prepared On: May-06-2024



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Committee of Adjustment
Neighbourhood Context

Address: 4226 Bath Road
File Number: D13-035-2024
Prepared On: May-06-2024

- Subject Lands
- Property Boundaries
- Proposed Parcels



Prepared By: ncameron
Prepared On: May-06-2024



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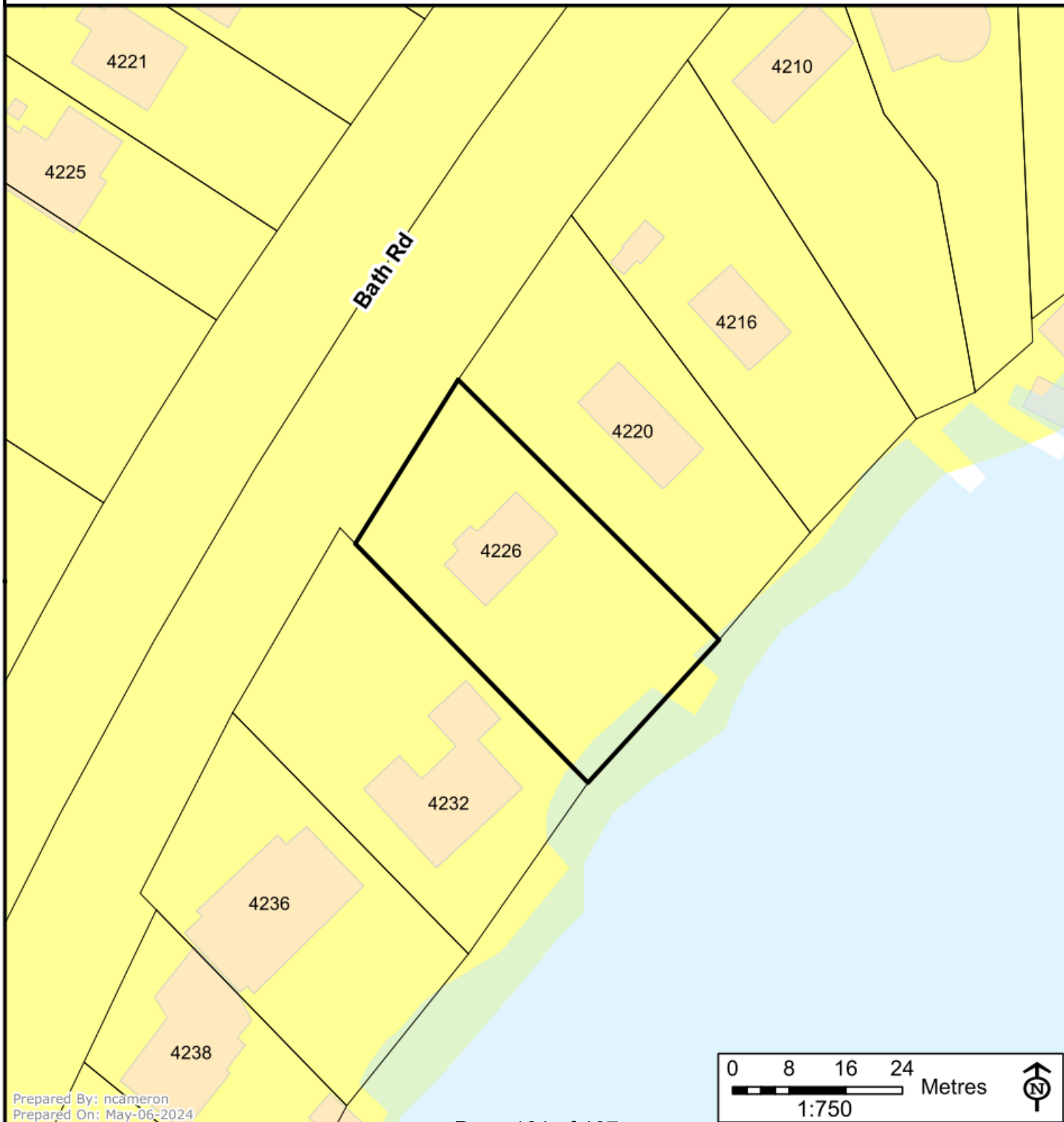


Planning Services

Committee of Adjustment Official Plan, Existing Land Use

Address: 4226 Bath Road
File Number: D13-035-2024
Prepared On: May-06-2024

-  Subject Lands
-  RESIDENTIAL



Prepared By: ncameron
Prepared On: May-06-2024

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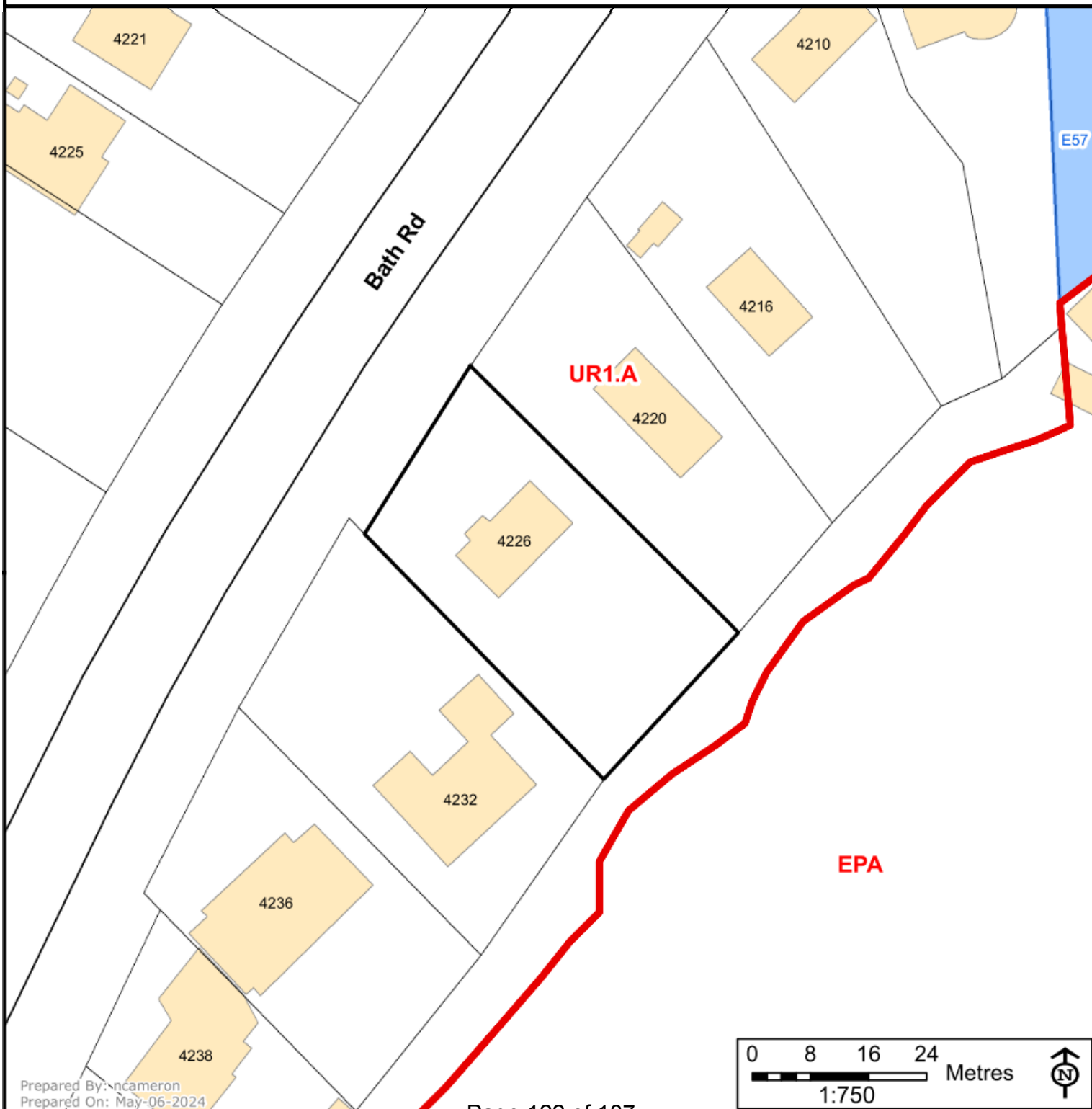
Committee of Adjustment
Existing Zoning
Kingston Zoning By-Law 2022-62

Planning Services

Address: 4226 Bath Road
File Number: D13-035-2024
Prepared On: May-06-2024

- Subject Lands
- Schedule 1 Zoning Map
- Zone

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

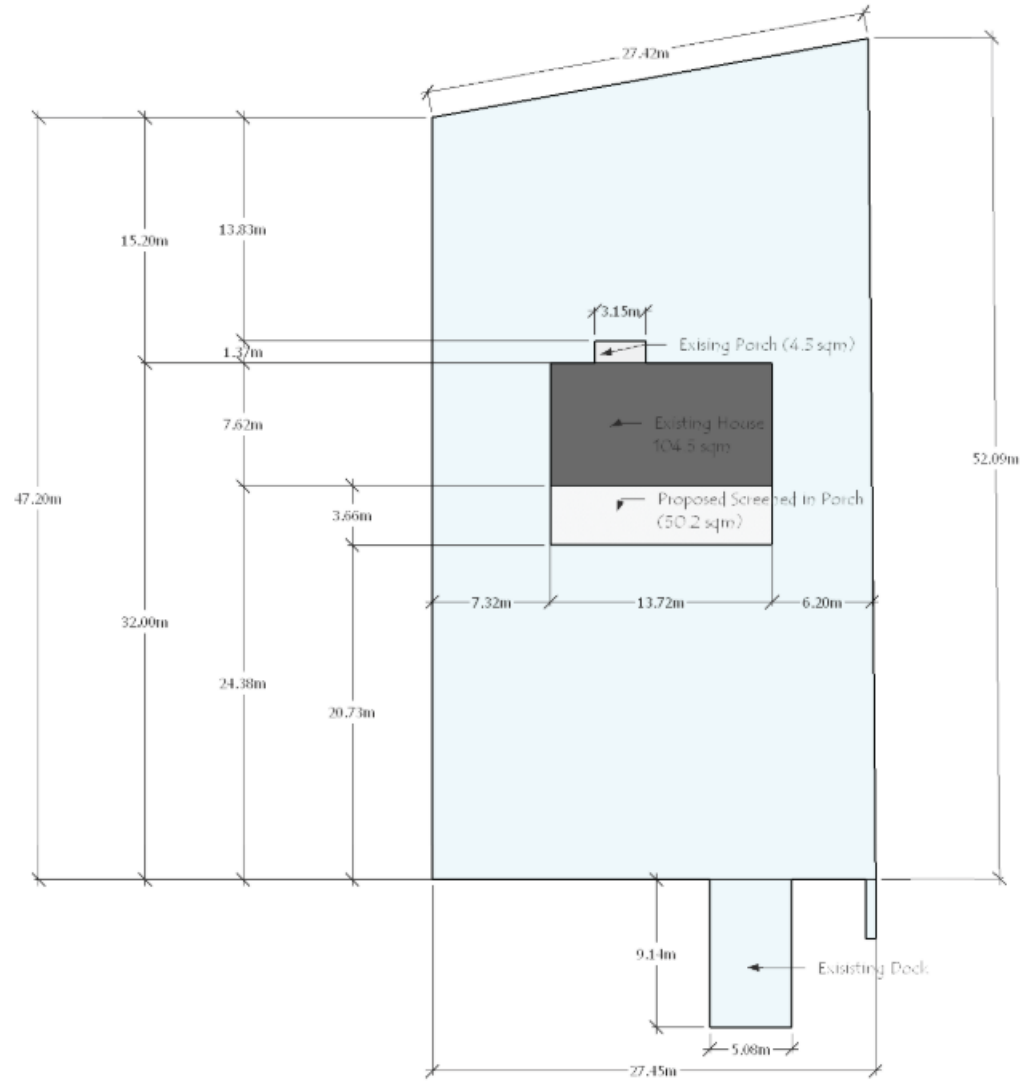


4226 Bath Rd., Kingston, ON

Lot Area - 1545.0 sqm (14455.92sq')
House Area - 104.5 sqm (1125 sq')
Existing Porch - 4.3 sqm (46.5 sq')

Total Existing footprint - 108.8 sqm (1171.5 sq')
Total Existing Lot Coverage - 8.1%

Proposed Screened in Porch - 50.2 sqm (540 sq')
Proposed Lot Coverage - 11.8%



PHONE: 416-320-6015
Email: timothydejong73@gmail.com

4226 Bath Rd, Kingston, ON
Site Plan with Proposed Porch

DRAWN BY : Tim de Jong

REVISIONS

MM/DD/YY	REMARKS
1	
2	
3	
4	
5	



PHONE: 416-320-6015
Email: timothydejong73@gmail.com

4226 Bath Rd, Kingston, ON
Elevation/Grading

DRAWN BY : Tim de Jong

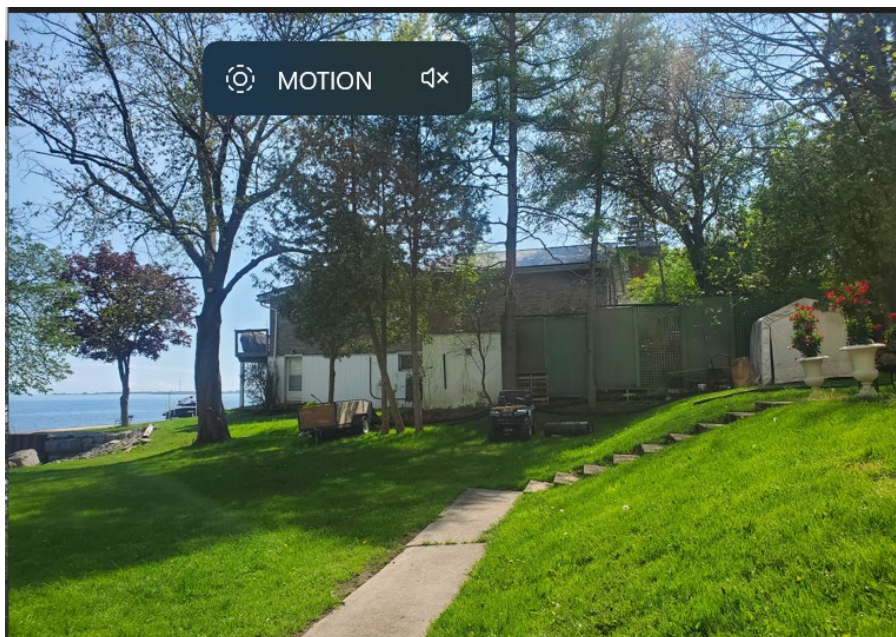
REVISIONS	
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Site Photos – May 16, 2024

Proposed location of the one-storey screened in porch at the rear of the single detached house



View of the rear yard



View of the rear yard facing Lake Ontario









Planning Services

Committee of Adjustment Public Notice Notification Map

Address: 4226 Bath Road
File Number: D13-035-2024
Prepared On: May-06-2024

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



Prepared By: ncameron
Prepared On: May-06-2024

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**City of Kingston
Report to Committee of Adjustment
Report Number COA-24-050**

To: Chair and Members of the Committee of Adjustment
From: Chris Wicke, Senior Planner
Date of Meeting: June 17, 2024
Application for: Minor Variance
File Number: D13-033-2024
Address: 16 Cowdy Street
District: District 11 – King’s Town
Owner and Applicant: Carol Knowles

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 variances for the property located at 16 Cowdy Street. The applicant is proposing to construct a one-storey addition in the rear yard of an existing single detached dwelling. The proposed addition will extend an existing undersized addition to provide more living space. Relief is required from the interior setback and aggregate interior setback requirements as the addition is proposed to maintain the setbacks of the existing addition. No relief is required for building height, rear setback, building depth, landscaped open space or any other applicable zoning provision, and no negative impacts are anticipated.

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.

June 17, 2024

Page 2 of 11

Recommendation:

That minor variance application, File Number D13-033-2024, for the property located at 16 Cowdy Street to construct a one-storey addition in the rear yard of an existing single-detached house, be approved, as described below:

Variance Number 1:

By-Law Number 2022-62: Table 11.6.1.7: Minimum interior setback

Requirement: 0.6 metres

Proposed: 0.4 metres

Variance Requested: 0.2 metres; and

Variance Number 2:

By-Law Number 2022-62: Table 11.6.1.8: Minimum aggregate of interior setbacks

Requirement: 3.6 metres

Proposed: 1.5 metres

Variance Requested: 2.1 metres; and

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-050.

June 17, 2024

Page 3 of 11

Authorizing Signatures:



Chris Wicke, Senior Planner

In Consultation with the following Management of the Community Services Group:

Tim Park, Director, Planning Services
James Bar, Manager, Development Approvals

June 17, 2024

Page 4 of 11

Options/Discussion:

On April 21, 2024, a minor variance application was submitted by Carol Knowles, owner, with respect to the property located at 16 Cowdy Street. The variance is requested to permit the construction of a one-storey addition in the rear yard of an existing single detached house.

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

- Site Plan (Exhibit F)
- Elevations (Exhibit I)
- Floor Plans (Exhibit J)

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 west side of Cowdy Street, north of Pine Street and south of Adelaide Street (Exhibit B – Key Map). There is currently a two-storey single detached home with an existing one storey addition in the rear yard on the property. A deck extends from the addition into the rear yard as well. The property abuts a single detached dwelling to the north, with a single detached house to the south separated from the property by a City owned lane. In proximity are predominantly single detached houses as well as an apartment building to the west, with Frontenac Public School, closed as a school since 2016 and now used as the Adelaide Drop-in warming shelter, and Frontenac School Parkette to the north. (Exhibit C – Neighbourhood Context Map).

The subject property is designated Residential in the Official Plan (Exhibit D – Official Plan Map) and is zoned Urban Residential 5 (UR5) Zone 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.

June 17, 2024

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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:

The general intent and purpose of the Official Plan are maintained

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' on Schedule 3A – Land Use (Exhibit D – Official Plan Map) and it is located within a Housing District in Schedule 2 – City Structure. 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 construct a one-storey addition in the rear yard of the existing home is compatible with the surrounding area. It is not anticipated to have any negative impacts on the neighbourhood. Several houses on the block also have similar rear additions, and the expansion of the principal dwelling is proposed to be an expansion of an existing addition and to be located on the site of an existing deck. The addition does not require a variance to the building depth provisions of the Kingston Zoning By-law.

This proposal to construct a one-storey addition in the rear yard of the existing home meets all compatibility criteria of the Official Plan and will not result in any negative off-site impacts to abutting properties. As potential for windows in the side walls is limited and as there is already an existing addition and deck in this location, 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 development is a single storey addition which is below the maximum height permitted, and no relief is required in this regard. The proposed expansion of the principal dwelling would be aligned with the side yard setbacks of the existing structure. Further mitigation measures are not required.

The one-storey addition in the rear yard of the existing home to increase the amount of living area in the home. The rooms in the existing house are quite small and additional amenity space is being sought in place of the existing deck to extend the kitchen and add a modestly sized family room and mud room. Current living spaces are also poorly configured to enjoy views of the backyard. The proposed one-storey structure is of a suitable scale and will provide a larger and more functional living space to the existing residence. The proposal will not negatively impact the functional needs of the current or future residents.

The proposed addition 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.

June 17, 2024

Page 6 of 11

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. No concerns were noted by Heritage Services staff as part of the technical review. The property is within an area of composite archaeological potential; however, as the area where the addition is proposed as part of this development was previously disturbed by the construction of the original home and subsequent deck, an archaeological assessment is not required. The standard archaeological condition regarding discovery of deeply buried or previously undiscovered archaeological deposits is being added as a condition of approval.

The property uses municipal water and sewage services. As this application proposes to construct an addition to an existing house, 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 construct a one-storey addition in the rear yard to the existing home.

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

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

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

The proposal requires variances to Table 11.6.1:

Variance Number 1:

By-Law Number 2022-62: Table 11.6.1.7: Minimum interior setback

- Requirement: 0.6 metres
- Proposed: 0.4 metres
- Variance Requested: 0.2 metres; and

Variance Number 2:

By-Law Number 2022-62: Table 11.6.1.8: Minimum aggregate of interior setbacks

- Requirement: 3.6 metres

June 17, 2024

Page 7 of 11

Proposed: 1.5 metres
Variance Requested: 2.1 metres

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 purpose and intent of both the interior setback and the aggregate interior setback in the zoning by-law is to ensure that there is sufficient space for access and maintenance; to help 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 onto adjacent property; and to maintain adequate landscaped open space and amenity space.

A distance of a minimum of 0.4 metres will be maintained on the south side of the property between the proposed addition and the adjacent lane. A greater distance of 1.1 metres will be maintained on the north side of the property, adjacent to the dwelling to the north, to maintain access, to prevent the potential for encroachment, and to minimize the potential for privacy / overlook and shadowing concerns. For both interior setbacks, this is an extension of the current setbacks for the existing dwelling. This provides an aggregate interior setback of 1.5 metres, a reduction of 2.1 metres from the required 3.6 metres. The existing amenity area in the rear yard will be altered as a result of the proposal due to the replacement of the deck with the addition; however, there is still a significant amount of rear yard remaining, and the minimum landscaped open space requirements of the zoning by-law will continue to be maintained in excess of the required 30%. No privacy, overlook or shadowing issues are anticipated as the height of the proposed addition is one storey, and the proposed structure is intended to continue the walls of the existing building. A public lane will continue to provide access to the south and west sides of the property.

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

The variance is minor in nature

The variance is considered minor as a one-storey addition and deck already exist on the home in the rear yard, and the proposed one-storey construction for additional living space is a modest extension. The existing perimeter of the home is being enlarged to incorporate the footprint of an existing deck, with the existing addition to be extended along its current side yard setbacks. The only required relief is to recognize and extend the existing side yards and the subsequent aggregate side yard.

The proposed addition complies with all other zone provisions for the house, including maximum height, building depth, and landscaped open space (Table 11.6.1). The proposal will not change the fundamental design characteristics of the neighbourhood.

The proposed variance is considered minor in nature.

June 17, 2024

Page 8 of 11

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 construct a one-storey addition in the rear yard in place of an existing deck to provide more functional living space for the principal dwelling. The scale and design of the proposed addition is appropriate for the dwelling size.

The proposed addition is compatible with the characteristics of the surrounding neighbourhood in terms of use and scale. Many houses in the neighbourhood have similar modestly sized additions at the rear of the home that protrude into the side yard setback in similar ways, and while the existing footprint is being enlarged, it is going to encompass a space previously occupied by a deck. No relief is required for the proposed height, rear yard setbacks or landscaped open space. No adverse impacts are expected.

The variance is desirable and appropriate use of the land.

June 17, 2024

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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 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 permit the modification of a single detached house to construct a one-storey addition in the rear yard for more living space for the residents.

June 17, 2024

Page 10 of 11

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 June 17, 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 43 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:

James Bar, Manager, Development Approvals, 613-546-4291 extension 3213

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

Other City of Kingston Staff Consulted:

None

June 17, 2024

Page 11 of 11

Exhibits Attached:

- Exhibit A Recommended Conditions
- Exhibit B Key Map
- Exhibit C Neighbourhood Context Map
- Exhibit D Official Plan Map
- Exhibit E Zoning By-Law Map
- Exhibit F Site Plan
- Exhibit G Site Photographs
- Exhibit H Public Notification Map
- Exhibit I Elevations
- Exhibit J Floor Plans

Recommended Conditions

The approval of minor variance application, File Number D13-033-2024, to construct a one-storey addition on the single detached house in the rear yard of the property, shall be subject to the following recommended conditions:

1. Limitation

That the approved minor variance applies only to the one-storey addition at 16 Cowdy Street as shown on the 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. Grading Plan

The owner/applicant is required to submit a grading plan with their Building Permit which should demonstrate that there will be no negative drainage impacts to neighbouring properties. The building form shall be suitable for adequate lot drainage.




Planning Services

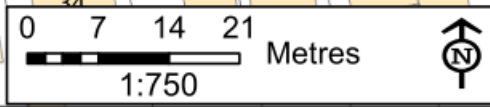
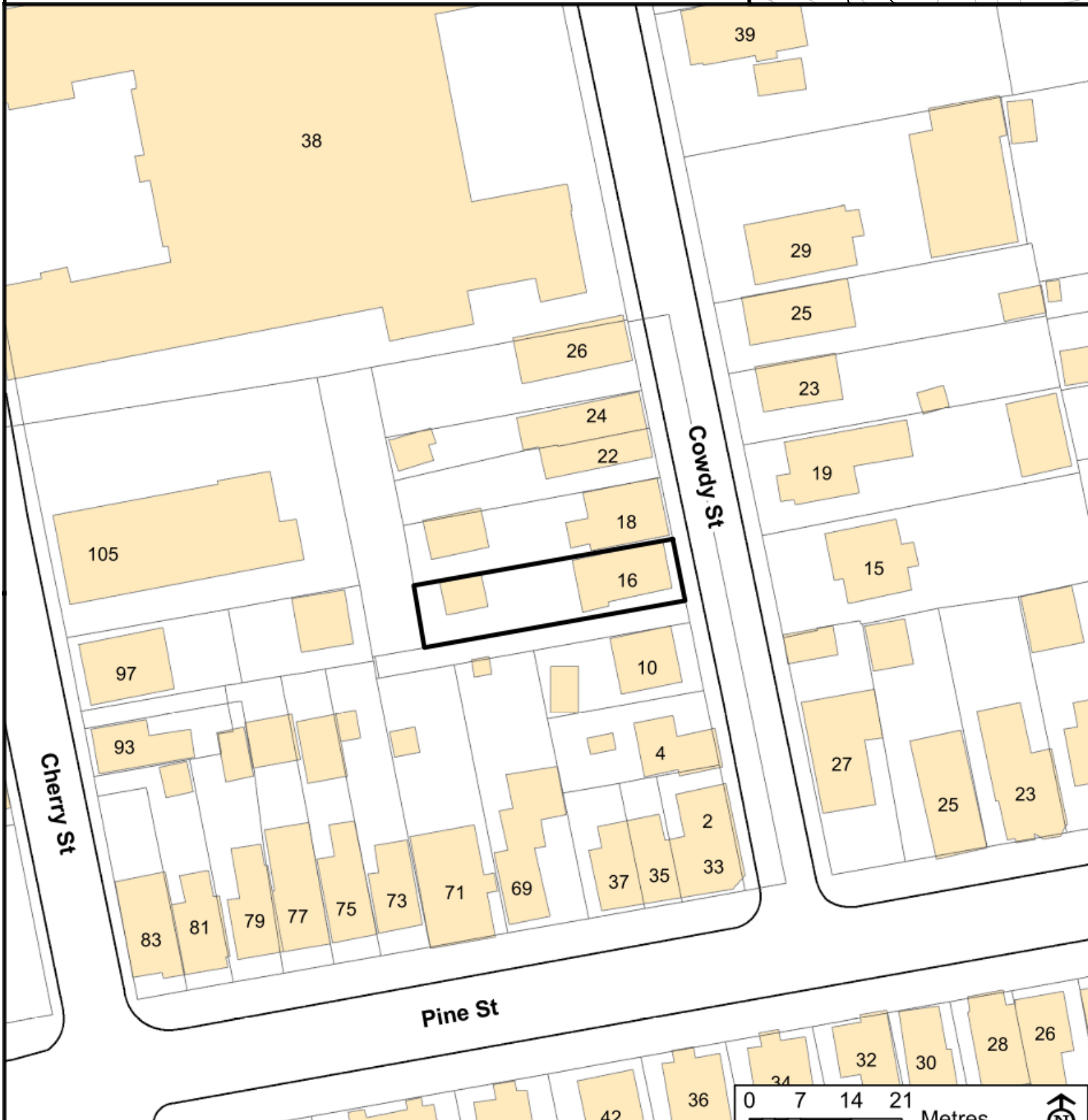
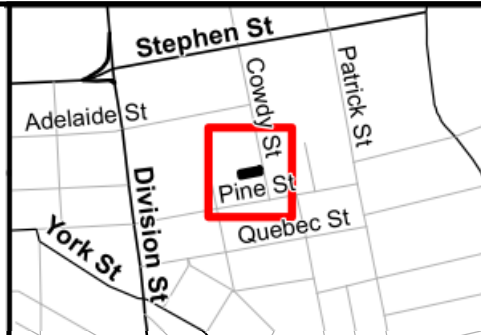
Committee of Adjustment Key Map

Address: 16 Cowdy Street

File Number: D13-033-2024

Prepared On: May-06-2024

 Lands Subject to Minor Variance



Prepared By: ncameron
Prepared On: May-06-2024

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Committee of Adjustment Neighbourhood Context

Address: 16 Cowdy Street
File Number: D13-033-2024
Prepared On: May-06-2024

- Subject Lands
- Property Boundaries
- Proposed Parcels



Prepared By: ncameron
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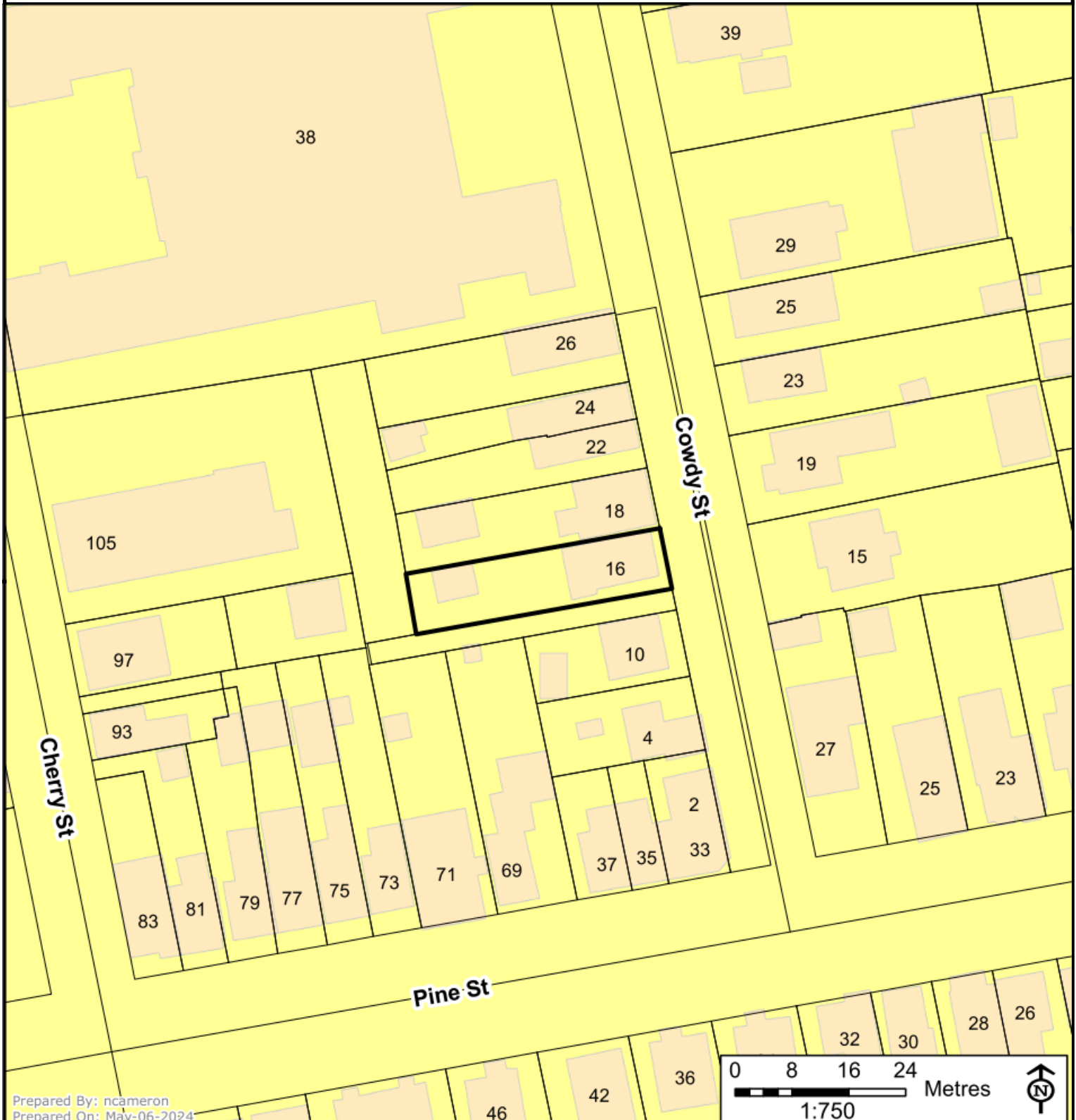
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Committee of Adjustment Official Plan, Existing Land Use

Address: 16 Cowdy Street
File Number: D13-033-2024
Prepared On: May-06-2024

Subject Lands
 RESIDENTIAL



Prepared By: ncameron
Prepared On: May-06-2024

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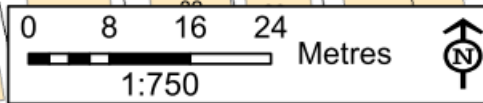
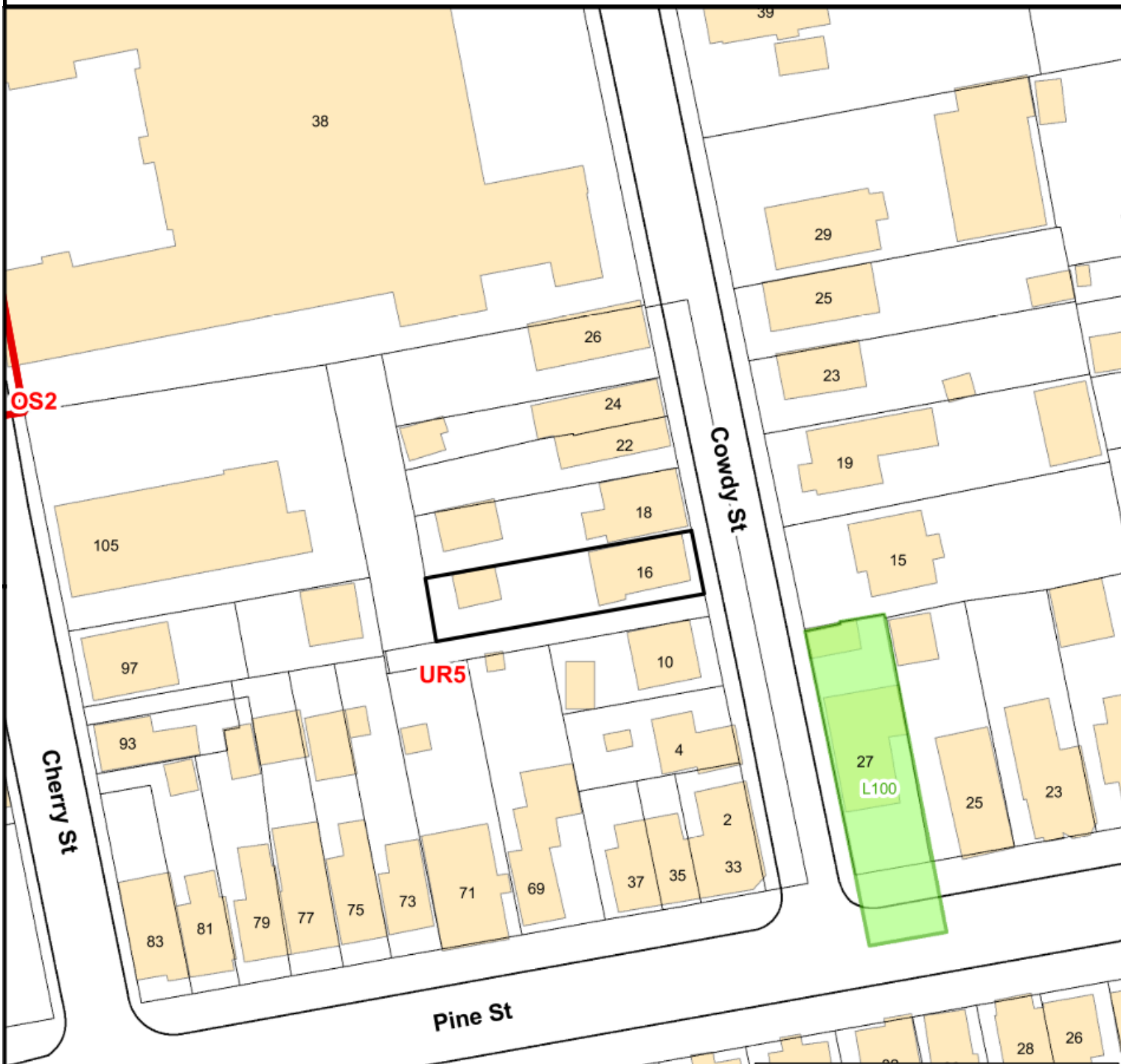
Planning Committee
Existing Zoning
Kingston Zoning By-Law 2022-62

Planning Services

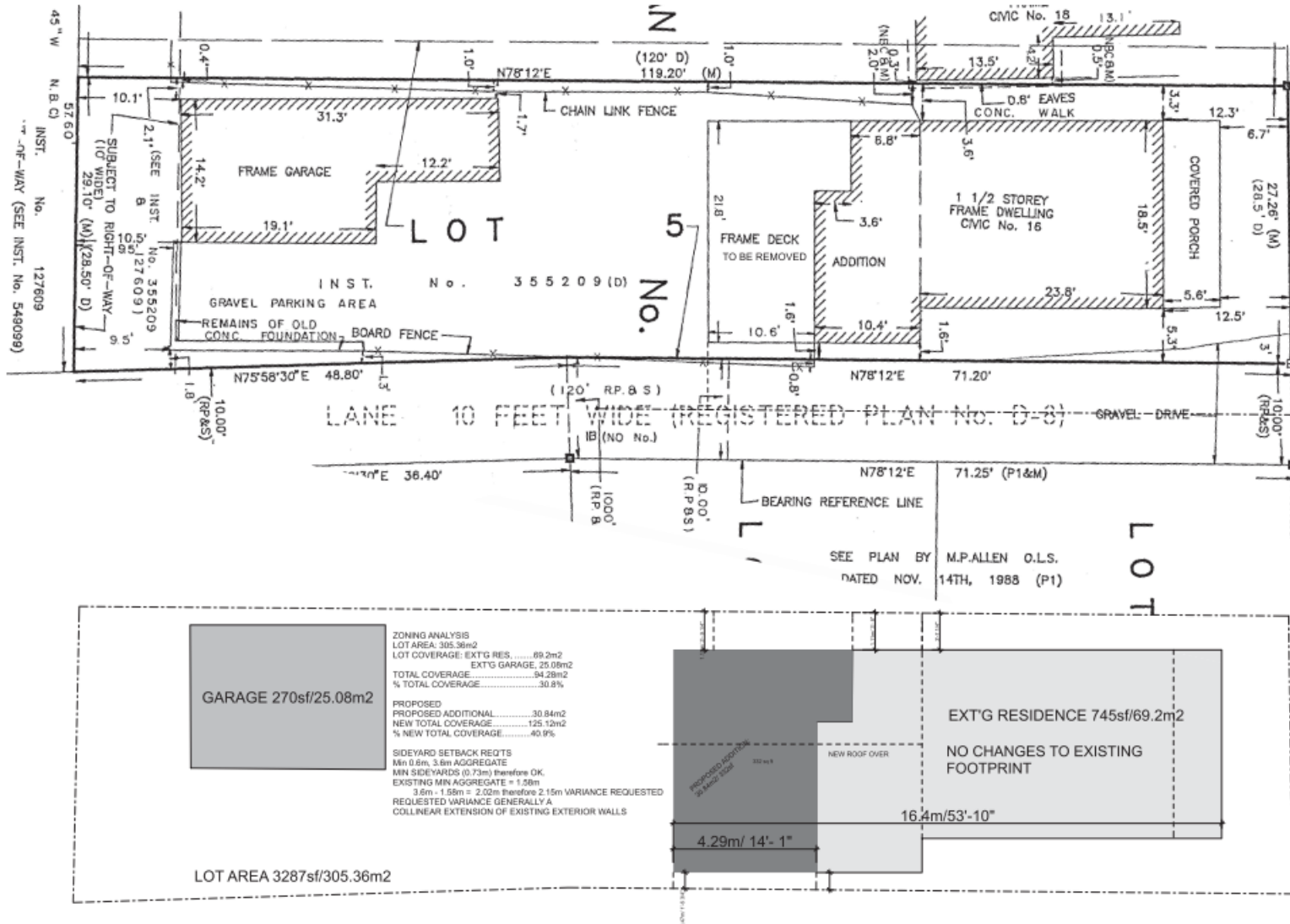
Address: 16 Cowdy Street
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Prepared On: May-06-2024

Subject Lands
Schedule 1 Zoning Map
Zone

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



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Subject property at 16 Cowdy Street.



Looking east in rear yard of subject property.



Looking southwest along Cowdy Street past the subject property.



Looking northwest along Cowdy Street past the subject property.



Looking northwest at the subject property and the existing addition in the rear yard.







Looking east along the lane to the south of the subject property.

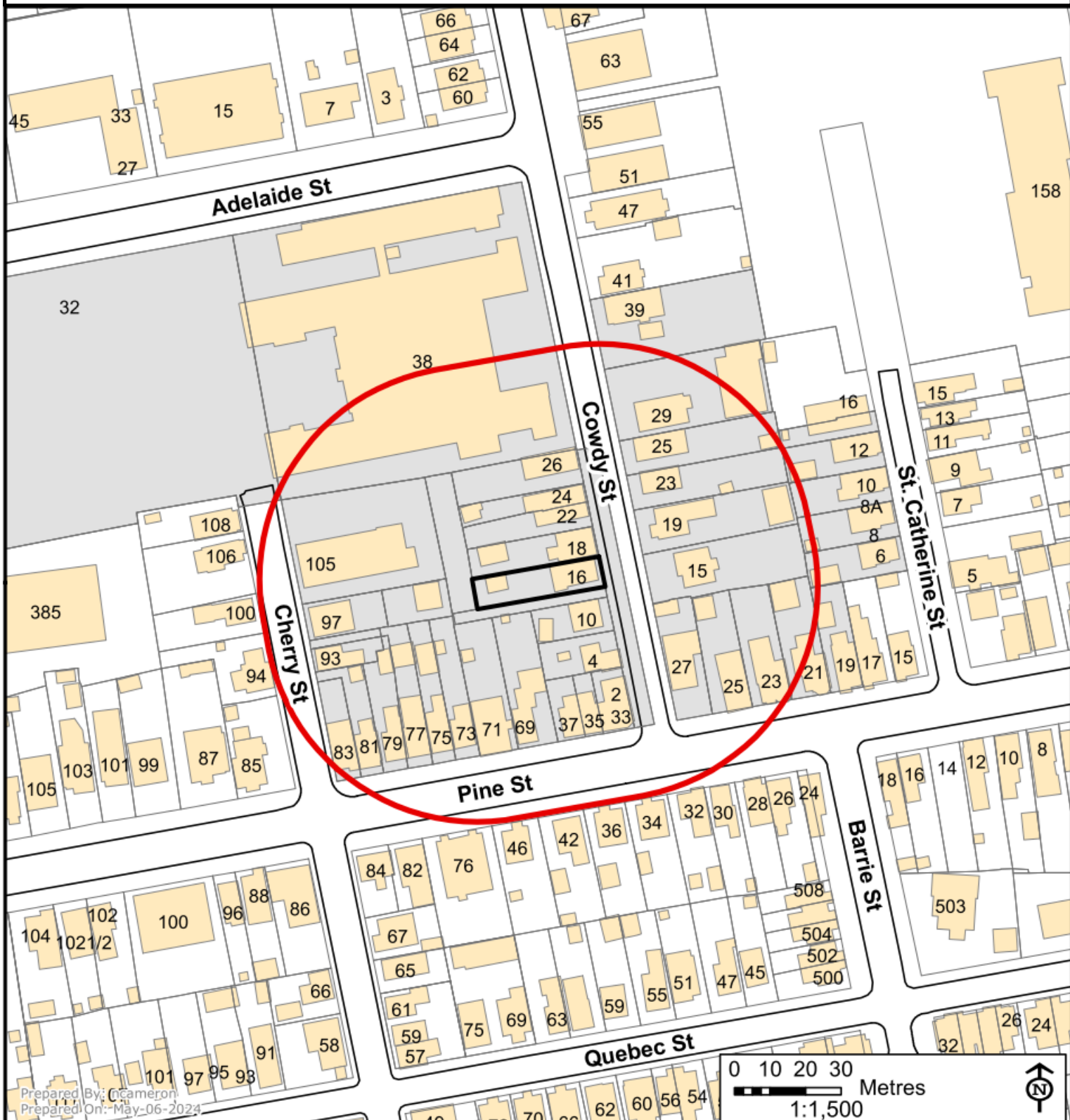


Planning Services

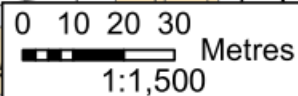
Committee of Adjustment Public Notice Notification Map

Address: 16 Cowdy Street
File Number: D13-033-2024
Prepared On: May-06-2024

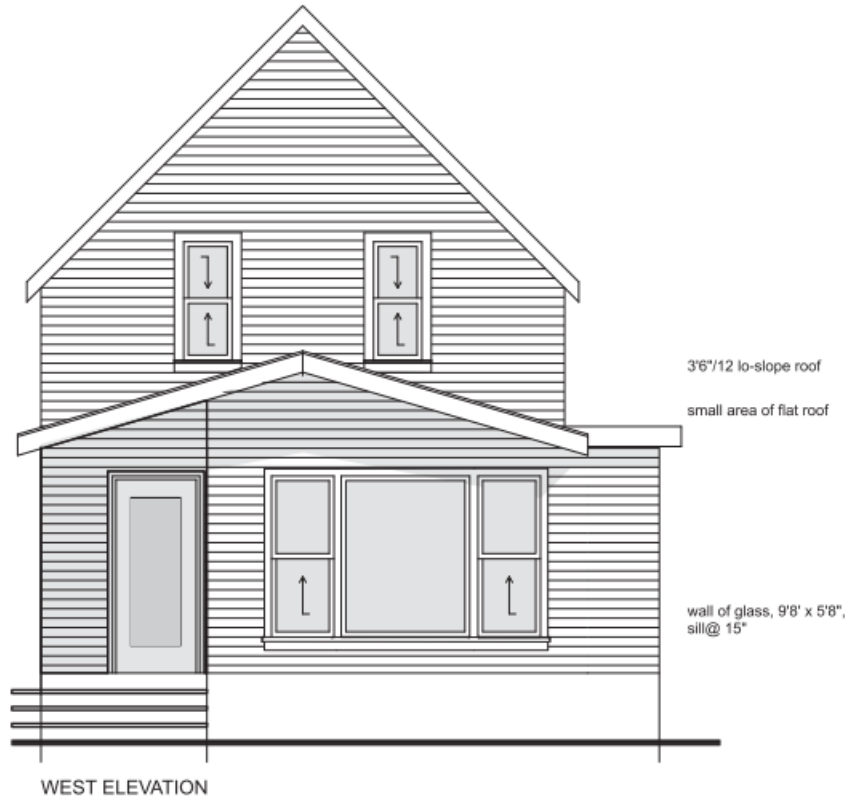
-  60m Public Notification Boundary
-  Subject Lands
-  Property Boundaries
-  43 Properties in Receipt of Notice (MPAC)

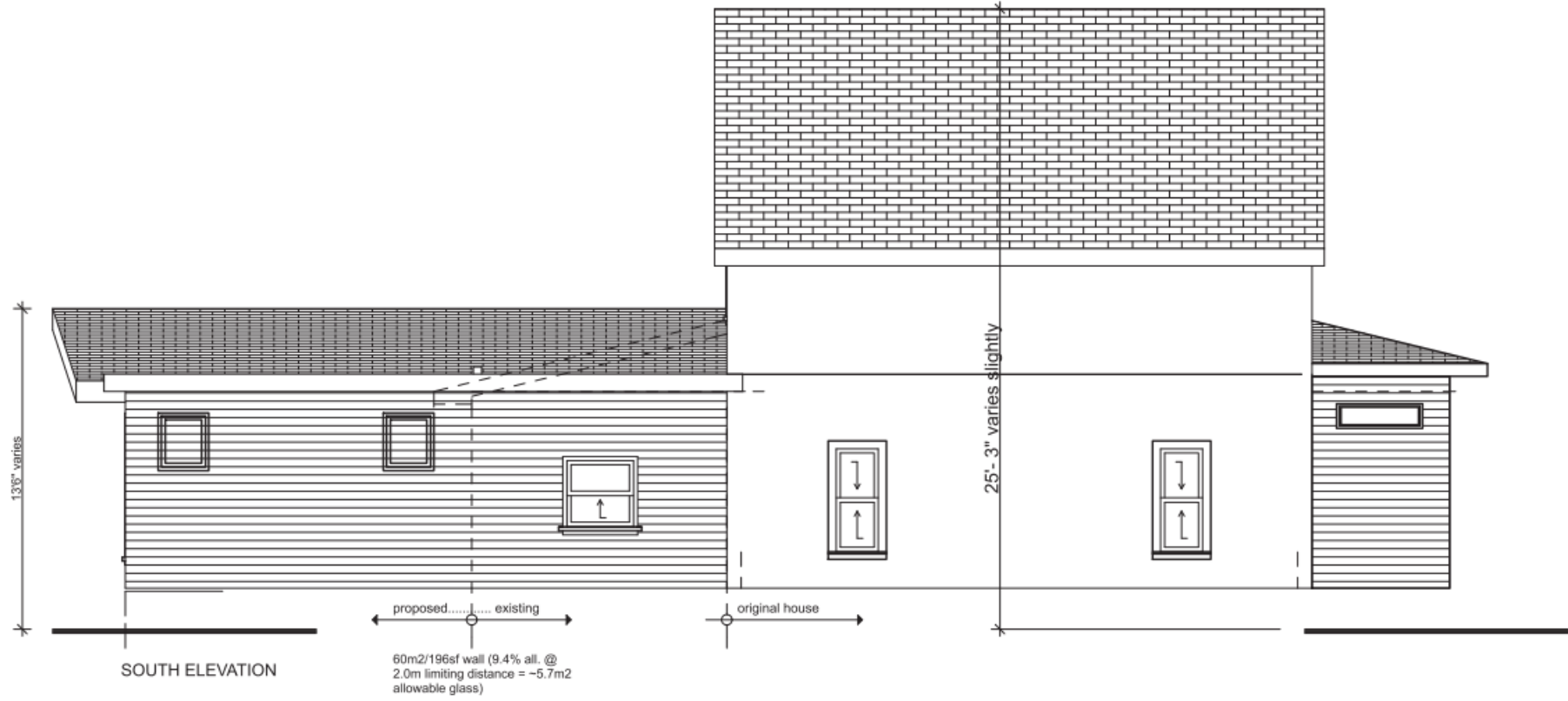


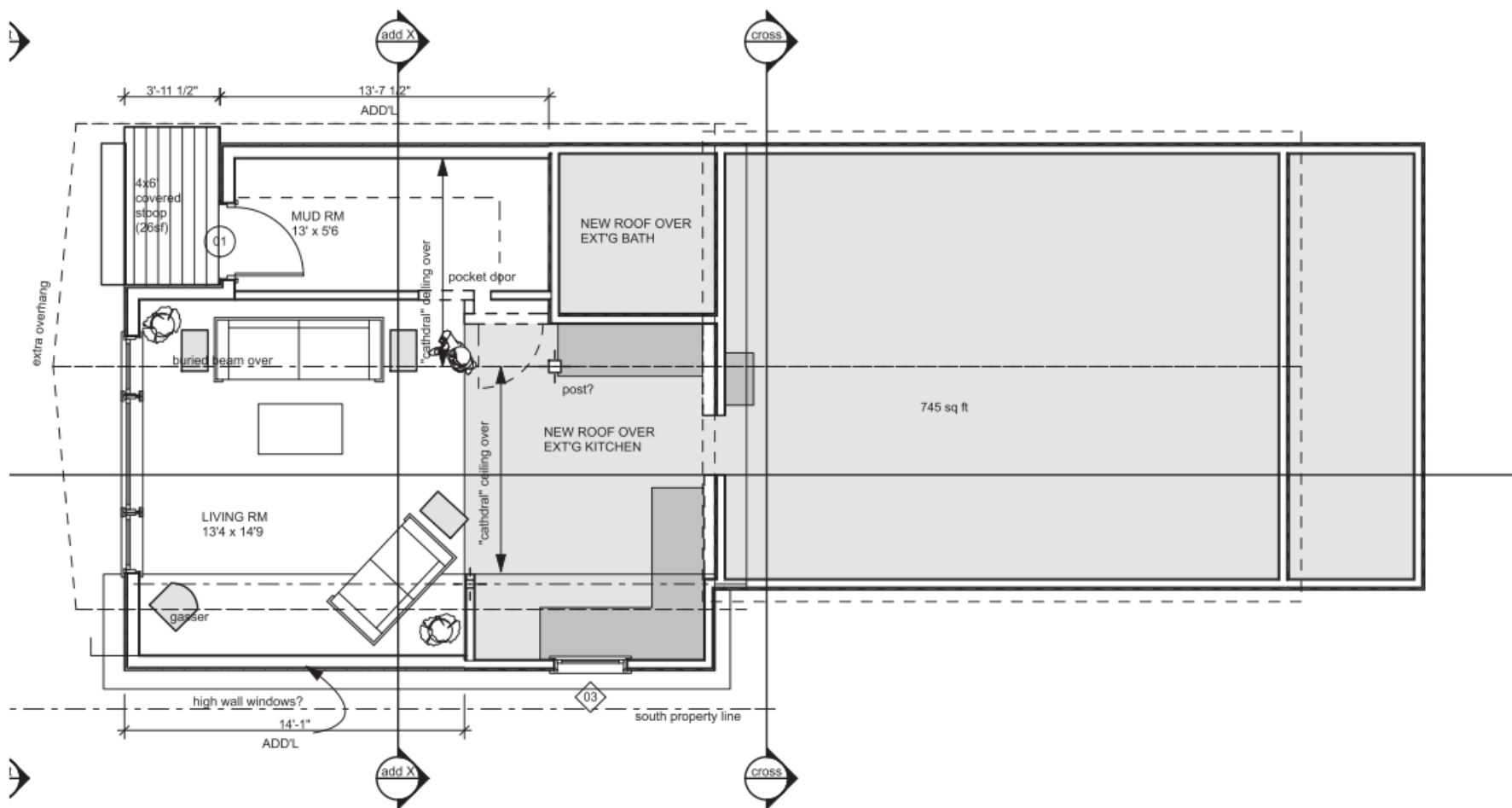
Prepared By: [Cameron]
Prepared On: May-06-2024



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**City of Kingston
Report to Committee of Adjustment
Report Number COA-24-056**

To: Chair and Members of the Committee of Adjustment
From: Meghan Robidoux, Senior Planner
Date of Meeting: June 17, 2024
Application for: Minor Variance
File Number: D13-046-2024
Address: 102 Charles Street
District: District 11 – King’s Town
Owner: Richard Allen and Rebecca Rappeport
Applicant: NBS Design Group

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 102 Charles Street. The applicant is proposing a new two-storey rear addition, in a similar location to that of the existing one-storey addition and screened-in porch. The proposed addition will provide additional living space for the single-detached house on the subject property. A minor variance for building depth is required to permit the proposed two-storey rear addition.

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.

June 17, 2024

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Recommendation:

That minor variance application, File Number D13-046-2024, for the property located at 102 Charles Street to construct a new two-storey rear addition, be approved, as described below:

Variance Number 1:

By-Law Number 2022-62:11.6.1.12. Maximum building depth

Requirement: 18.0 metres

Proposed: 21.5 metres

Variance Requested: 3.5 metres

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-056.

June 17, 2024

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Authorizing Signatures:



Meghan Robidoux, Senior Planner

In Consultation with the following Management of the Community Services Group:

Tim Park, Director, Planning Services

James Bar, Manager, Development Approvals

June 17, 2024

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Options/Discussion:

On May 28, 2024, an application for minor variance was submitted by NBS Design Group, on behalf of the owners, Richard Allen and Rebecca Rappeport, with respect to the property located at 102 Charles Street. The applicant is proposing a new two-storey rear addition, in a similar location to that of the existing one-storey addition and screened-in porch. The proposed addition will provide additional living space for the single-detached house on the subject property. A minor variance for building depth is requested to permit the proposed two-storey rear addition.

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

- Site Plan (Exhibit F);
- Floor Plans and Elevations (Exhibit G); and,
- Owner Authorization Form.

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 south side of Charles Street, west of Montreal Street, within the North King’s Town area (Exhibit B – Key Map). The property abuts other single detached houses in all directions, between one-and-a-half to two-storeys in height (Exhibit C – Neighbourhood Context Map).

The subject property is approximately 472 square metres in area with approximately 7.5 metres of frontage along Charles Street. The property currently contains a two-storey single detached house, with a one-storey addition and screened-in porch at the rear. A parcel depth of approximately 50 metres provides a deep rear yard, which contains ample outdoor amenity and landscaped open space.

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 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

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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, as shown on Schedule 2 of the Official Plan, wherein reinvestment and upgrading of residential uses is encouraged where it can integrate compatibility within the prevailing built form standards of height, density, and amenity that are generally found in the surrounding neighbourhood. The proposed addition is consistent with the two-storey built form found along Charles Street and will provide for the preservation of the generous rear amenity space that is characteristic of surrounding properties in the neighbourhood (Exhibit H – Site Photos). The rear addition will be only partially visible from Charles Street and is architecturally compatible in terms of scale, style, and massing with the character of the streetscape.

The building footprint of the proposed two-storey rear addition is generally consistent with the existing one-storey rear addition and screened-in porch, such that no change in impacts in regards to overlook or privacy are anticipated at the ground level. On the second-storey, no side-facing windows are proposed within the area of requested building depth relief, so as to ensure no new impacts in regards to overlook or privacy will result from the requested variance (Exhibit G – Elevations). As a condition of minor variance approval, staff recommend that the placement of windows along the east and west elevations of the proposed addition be consistent with the elevation drawings attached in Exhibit G.

The subject property is not designated under the *Ontario Heritage Act* and does not directly abut any heritage resources. The property is located within an Archaeologically Sensitive Area, as shown on the City's Archeological Master Plan. As such, Heritage Services staff have noted that archaeological clearance of the subject property is required as a condition of minor variance approval, beginning with a Stage One Archaeological Assessment. However, should the new area of disturbance be demonstrated to be not significantly greater than the existing disturbed area, archaeological clearance may not be required.

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The site will continue to function in an appropriate manner, with no change in access, parking, or amenity resulting from the proposed development. The subject property will continue to be serviced by municipal water and sewage services. The requested relief for building depth satisfies the applicable tests of a minor variance, as detailed further below, and will not set an undesirable precedent for the immediate area. Recommended conditions of minor variance approval are included in Exhibit A and may be altered at the Committee’s discretion.

The proposal meets the intent of the Official Plan, as the proposed two-storey rear addition 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 Urban Residential 5 (UR5) in Kingston Zoning By-Law Number 2022-62 (Exhibit E – Zoning By-Law Map). The UR5 zone permits single-detached houses.

The proposal requires a variance to Section 11.6.1.12 of the Kingston Zoning By-Law, as follows:

Variance Number 1:

By-Law Number 2022-62:11.6.1.12. Maximum building depth

Requirement: 18.0 metres

Proposed: 21.5 metres

Variance Requested: 3.5 metres

The Kingston Zoning By-Law defines building depth as the horizontal distance between the required front setback and the principal building’s rear wall, measured perpendicular to the front setback. The intent of the maximum building depth provision is to limit the potential for adverse overlook and loss of privacy on neighbouring properties, to provide for a consistent pattern of development across residential properties, and to maintain adequate amenity and landscaped open space for site functionality.

In the case of the subject property, the existing front setback is recognized as the required front setback because the building existed as of the date of passing of the zoning by-law and the front setback is less than is otherwise required. As a result, the proposed rear addition results in a building depth of approximately 21.5 metres.

As previously noted, the building footprint of the proposed two-storey rear addition is generally consistent with the existing one-storey rear addition and screened-in porch. Side-facing windows have been strategically placed so as ensure no new impacts in regards to overlook or privacy will result from the requested variance for building depth (Exhibit G – Elevations). The proposed rear addition complies with the minimum interior setback and rear setback requirements of the UR5 zone. A generous setback of approximately 27 metres between the rear building wall and the rear lot line will continue to allow for a large rear yard with ample landscaped open space. The location and massing of the proposed addition is consistent with the pattern of development in the surrounding neighbourhood, with a peaked roof and two-storey height.

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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 the proposed rear addition will not adversely impact the functionality of the subject property or abutting lots. The proposal meets all applicable performance standards of the UR5 zone, with the exception of maximum building depth. The proposed addition has been thoughtfully designed to mitigate any potential adverse impact on neighbouring properties and occupies a similar building footprint as the existing one-storey addition and screened-in porch on the property. The built form of the proposed addition is in keeping with the built form of surrounding properties located along Charles Street and will be only moderately visible from the street.

The proposal 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 will facilitate re-investment in the existing single-detached house on the property to improve its overall functionality for the property owners, in a form that is compatible with surrounding land uses and consistent with the character of the neighbourhood.

The variance is 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 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 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 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.

June 17, 2024

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Public Comments

At the time this report was finalized, no public comments regarding this application 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 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 facilitate the construction of additional living space for the existing single-detached house on the subject property in a built form that is compatible with surrounding land uses and provides for the preservation of all functional site elements.

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 June 17, 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 I – Public Notification Map).

June 17, 2024

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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:

James Bar, Manager, Development Approvals, 613-546-4291 extension 3213

Meghan Robidoux, Senior Planner, 613-546-4291 extension 1256

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 Floor Plans and Elevations
- Exhibit H Site Photos
- Exhibit I Public Notification Map

Recommended Conditions

The approval of minor variance application, File Number D13-046-2024, to construct a two-storey rear building addition, shall be subject to the following recommended conditions:

1. Limitation

That the approved minor variance applies only to the two-storey rear addition at 102 Charles Street as shown on the 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

Archaeological clearance of the subject property is required, 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.

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. Window Placement

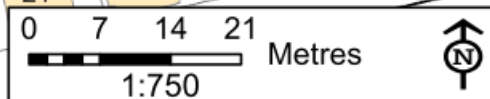
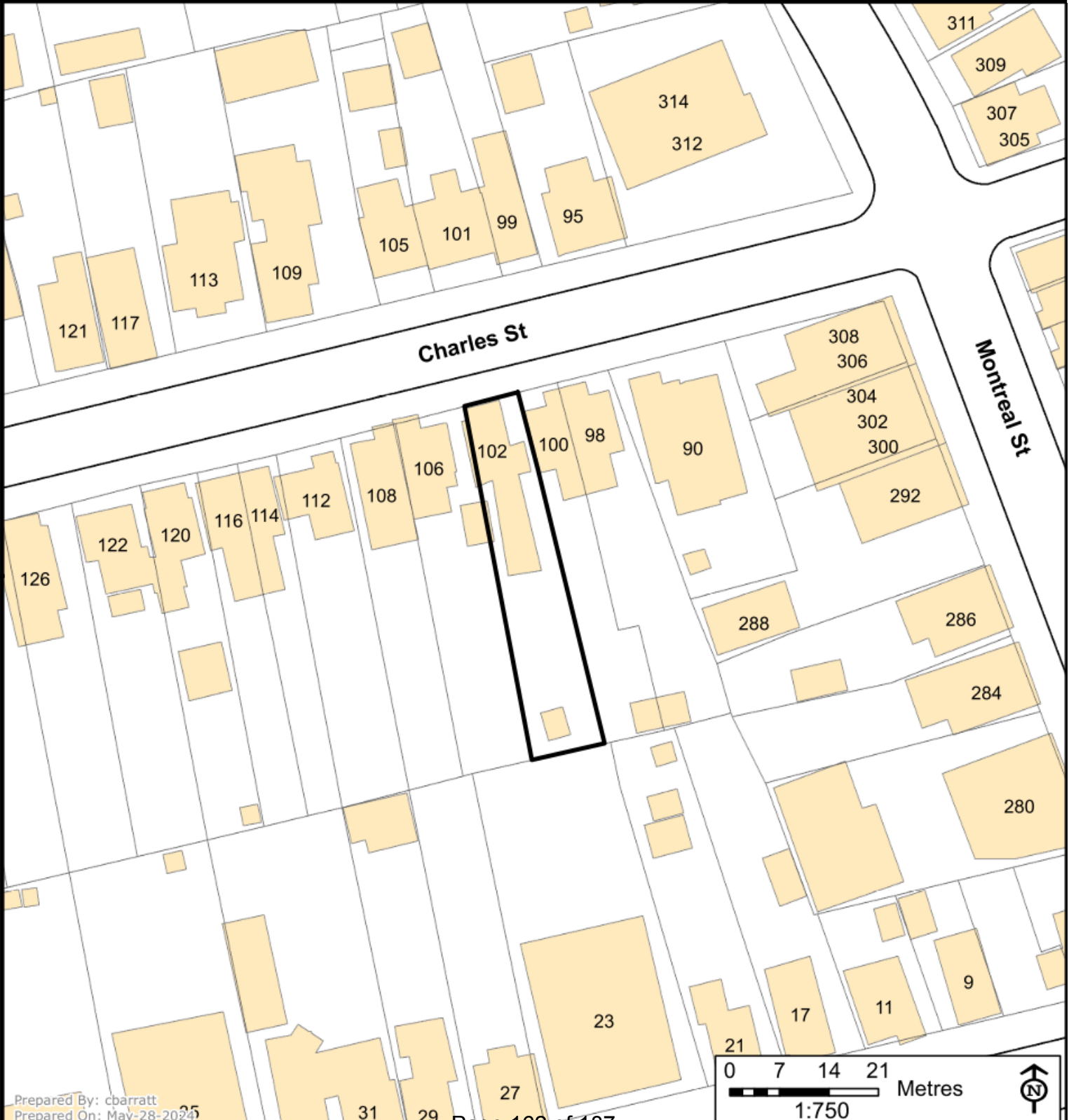
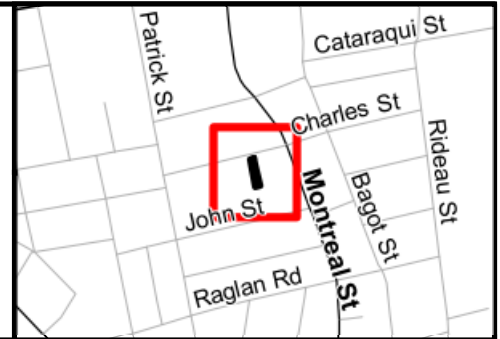
The placement of windows along the east and west elevations of the rear building addition shall generally be consistent with the elevation drawings attached to this Notice of Decision.



Committee of Adjustment Key Map

Address: 102 Charles Street
File Number: D13-046-2024
Prepared On: May-28-2024

 Lands Subject to Minor Variance



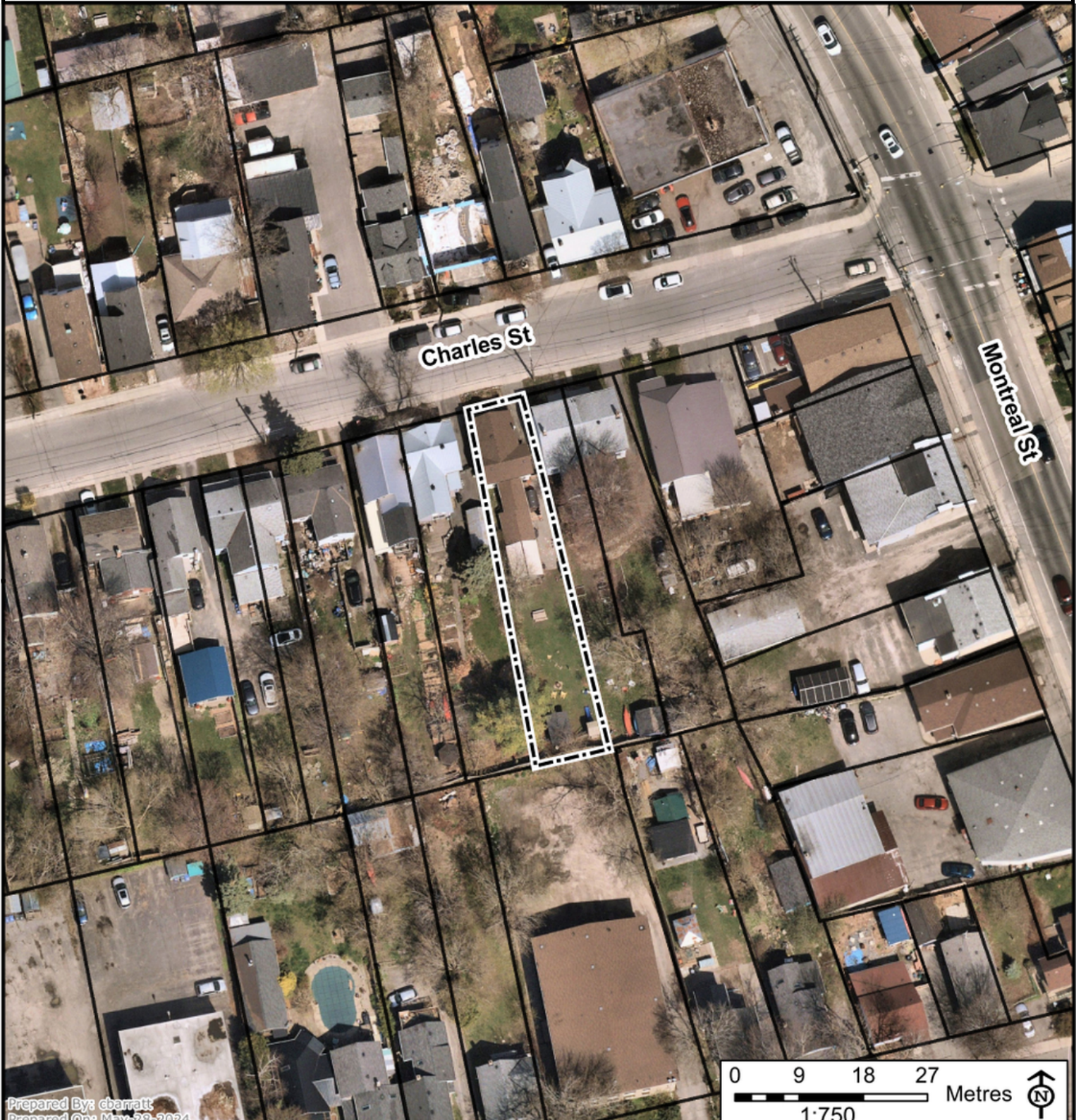
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Committee of Adjustment Neighbourhood Context

Address: 102 Charles Street
File Number: D13-046-2024
Prepared On: May-28-2024

- Subject Lands
- Property Boundaries
- Proposed Parcels



Prepared By: cbaratt
Prepared On: May-28-2024

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Committee of Adjustment Official Plan, Existing Land Use

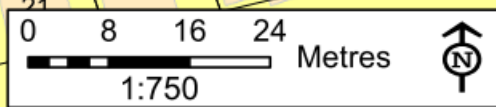
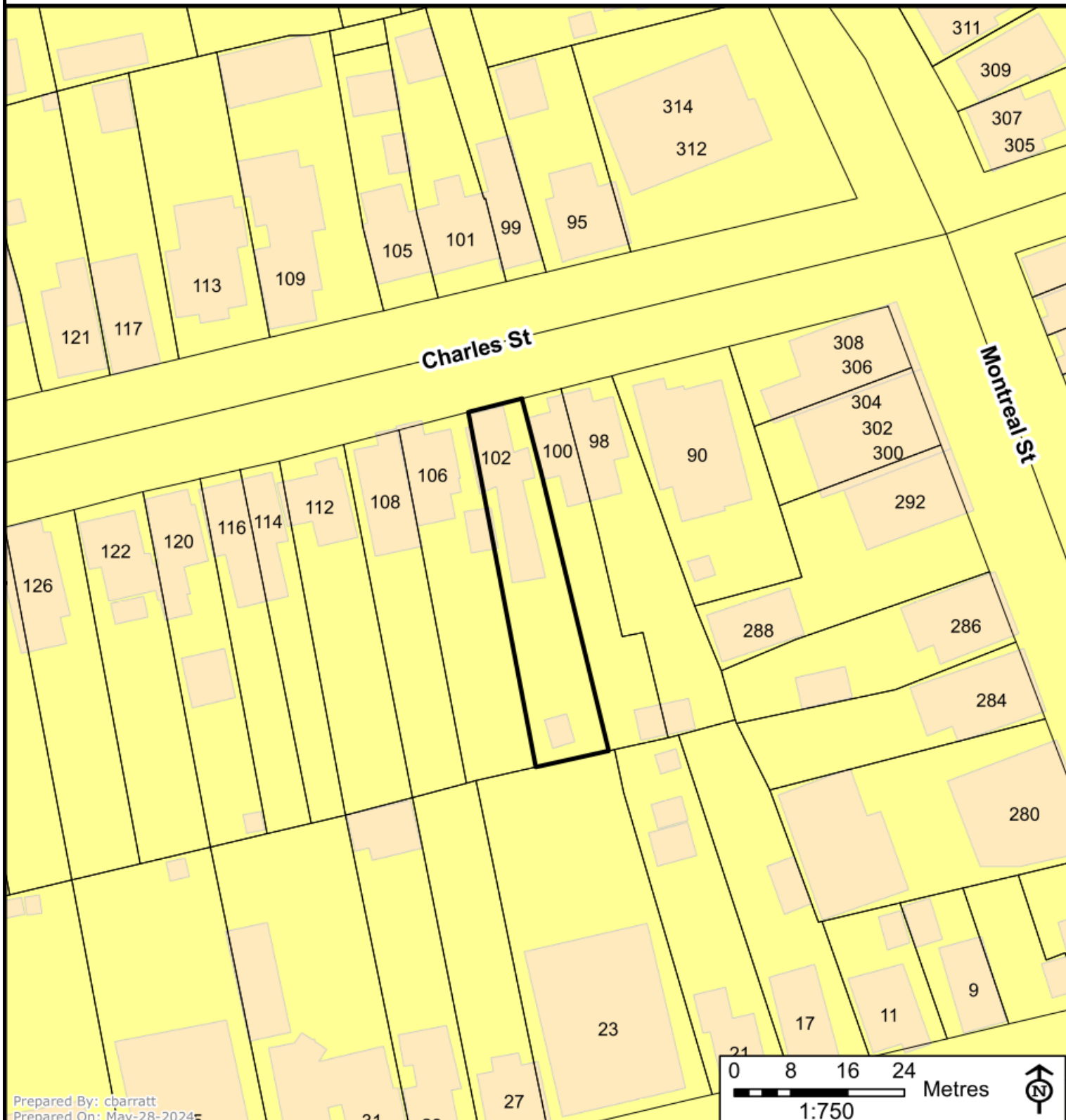
Address: 102 Charles Street

File Number: D13-046-2024

Prepared On: May-28-2024

Subject Lands

RESIDENTIAL



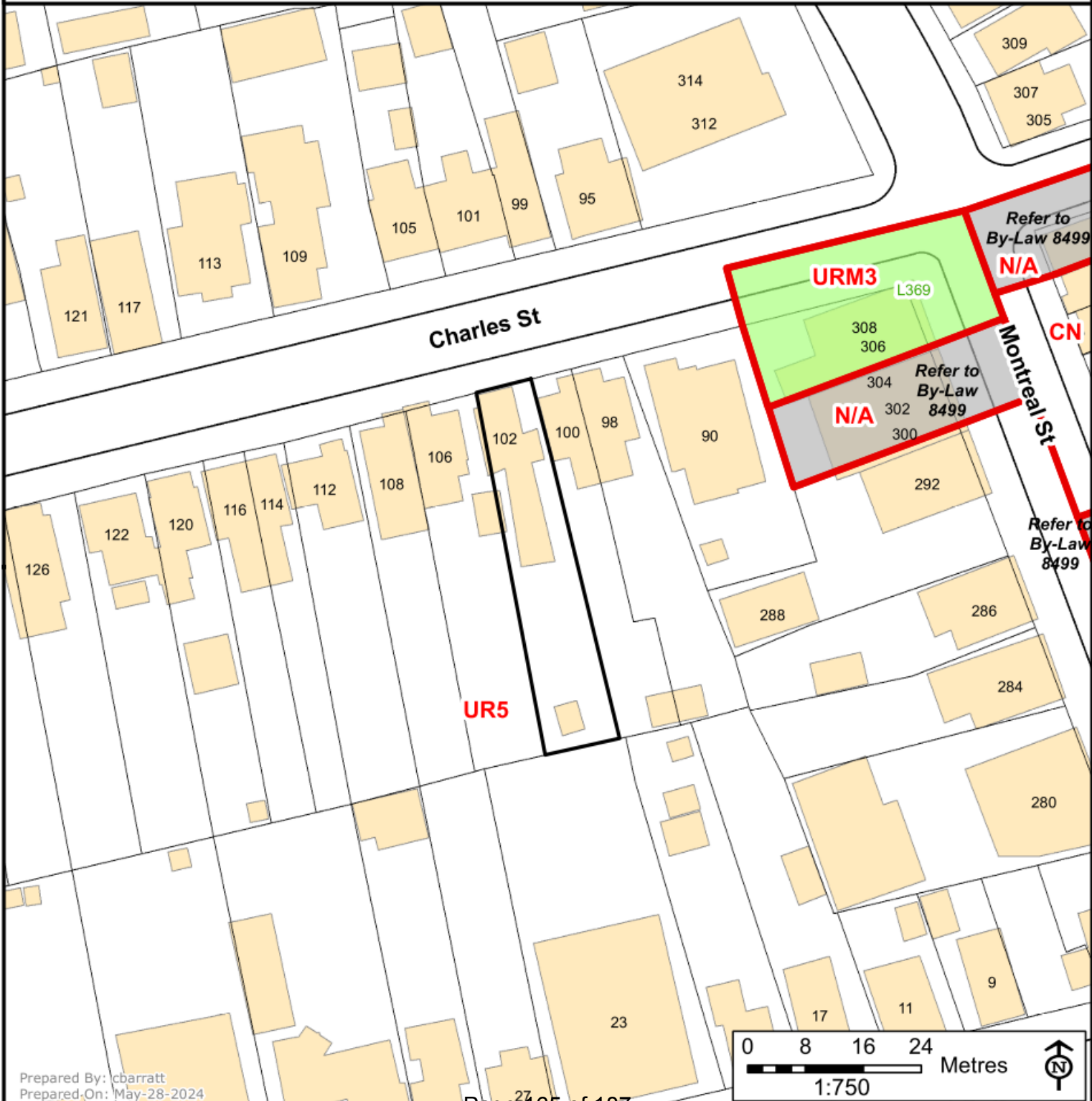


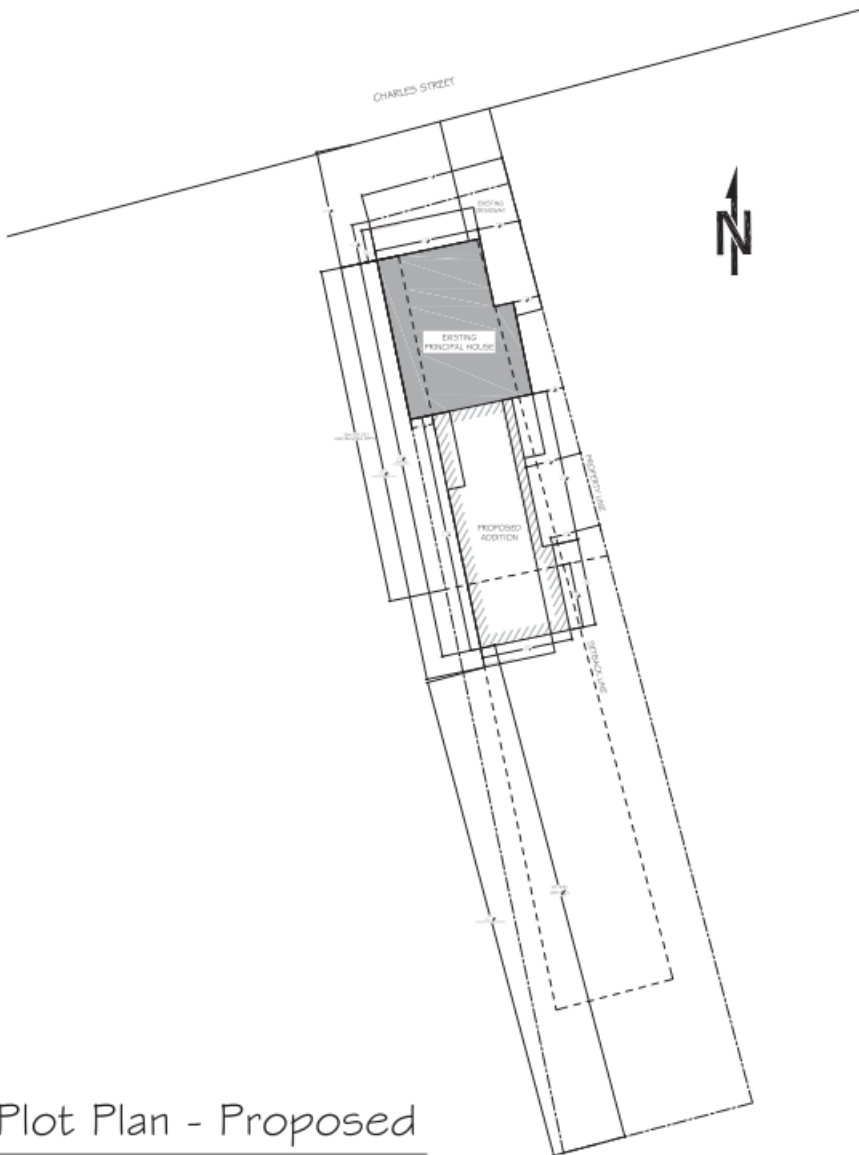
Planning Committee
Existing Zoning
Kingston Zoning By-Law 2022-62

Planning Services

Address: 102 Charles Street
File Number: D13-046-2024
Prepared On: May-28-2024

- Subject Lands
- 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)





**PROPOSED SITE STATISTICS - 102 CHARLES STREET - ZBL 2022-43 Urban residential Zone 5 (URS)
PRINCIPAL BUILDING - SFD**

	Existing	Proposed	Required	Variance Requested
Lot Area	463.79 sq m	-	370 sq m	-
Landscaped Area	88%	70%	30% min.	-
Ground Floor Area	103.35 sq m	112.36 sq m	-	-
Gross Building Floor Area	157.59 sq m	316.36 sq m	-	-
Number of Principal Buildings	1	1	1	-
Height of Building (ridge)	6.28 m	7.29 m	10.7 m	-
Number of Storeys	2	2	-	-
Number of Bedrooms	3	3	-	-
Front Yard Setback	2.13 m	2.13 m	2.13 m (established front setback)	-
Interior Yard Setback	0 m	0 m	0.6 m	0.6 m Maintain Existing
Agg. Interior Yard Setback	1.41 m	1.41 m	3.6m	2.19 m Maintain Existing
Rear Yard Setback	26.2 m	27.23 m	7.5m	-
Exterior Yard Setback	-	-	-	-
Site Triangle	-	-	-	-
Perch Area	2%	2.6%	10% max.	-
Building Depth	22.5 m	21.47 m	16 m	3.47 m

NBS
design group

108 Queen St
Kingston, ON

No.	REVISION	DATE

PROJECT
102 Charles St
Kingston ON

DRAWING
Plot Plan

DRAWN BY

SCALE
As Noted

DATE
05.22.2024

BCIN

SHEET
001

NBS
design group

108 Queen St
Kingston, ON

No.	REVISION	DATE

PROJECT
102 Charles St
Kingston ON

DRAWING
Proposed
Foundation Plan

DRAWN BY

SCALE
As Noted

DATE
03.21.2024

BCIN

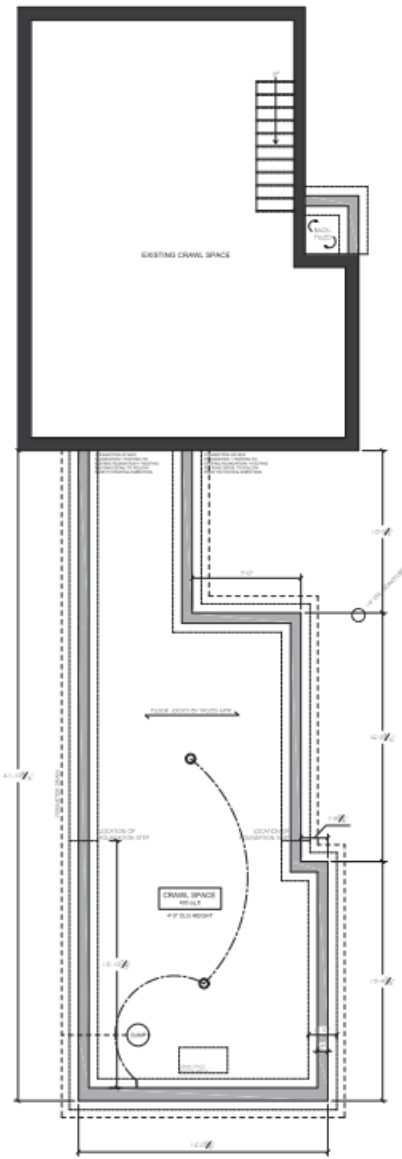
SHEET
002

SYMBOLS LEGEND

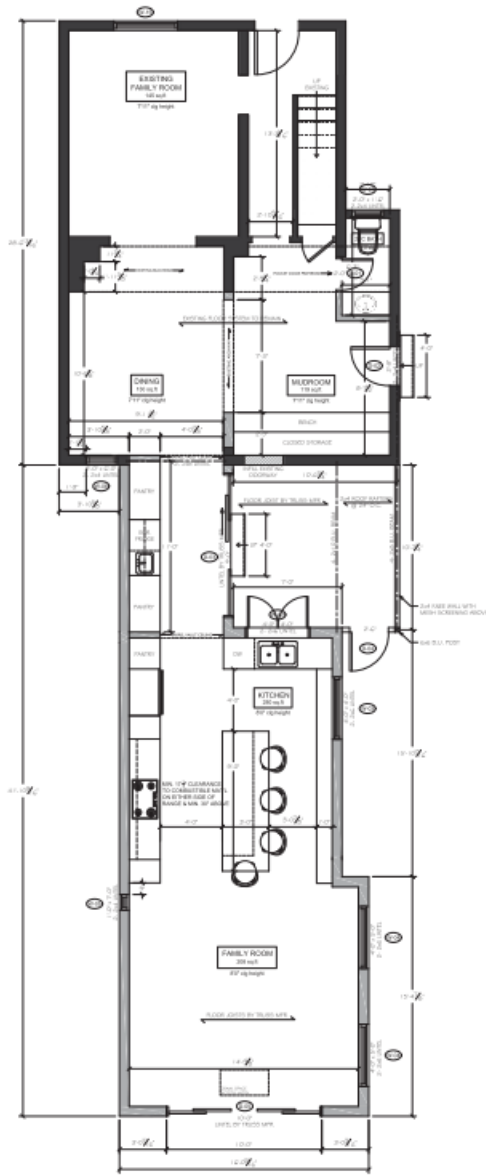
	EXISTING PARTITION
	NEW PARTITION
	REDUCED CEILING HEIGHT

ELECTRICAL LEGEND

	SWITCH
	EXHAUST FAN
	SMOKE/CO or STROBE
	RECESSED LIGHT
	CEILING LIGHT
	WALL LIGHT
	CEILING FAN
	LED STRIP LIGHTING



Foundation- Proposed
Scale: 1/8" = 1'-0"



Main Floor- Partition + Structural Plan
Scale: 1/8" = 1'-0"

NBS
design group

108 Queen St
Kingston, ON

No.	REVISION	DATE

PROJECT
102 Charles St
Kingston ON

DRAWING
Main Floor
Structural

DRAWN BY

SCALE
As Noted

DATE
01.17.2024

BCIN

SHEET
003

NBS
 design group

108 Queen St
 Kingston, ON

No.	REVISION	DATE

PROJECT
 102 Charles St
 Kingston ON

DRAWING
 Proposed
 Second Floor

DRAWN BY

SCALE
 As Noted

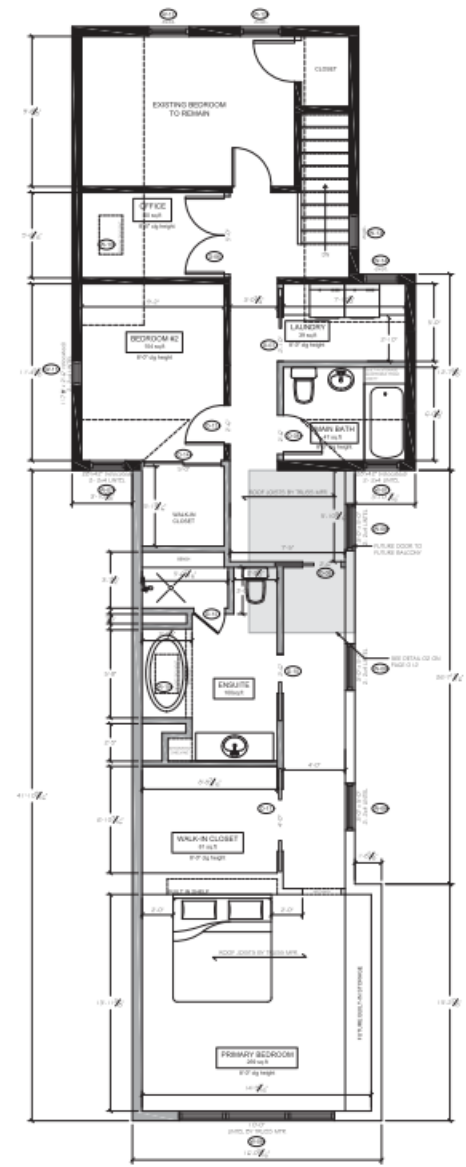
DATE
 03.21.2024

BCIN

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006

SYMBOLS LEGEND

- EXISTING PARTITION
- NEW PARTITION
- REDUCED CEILING HEIGHT



Second Floor- Partition + Structural Plan
 Scale: 1/8" = 1'-0"

NBS
 design group

108 Queen St
 Kingston, ON

No.	REVISION	DATE

PROJECT
 102 Charles St
 Kingston ON

DRAWING
 Proposed Elevations

DRAWN BY
 SCALE
 As Noted

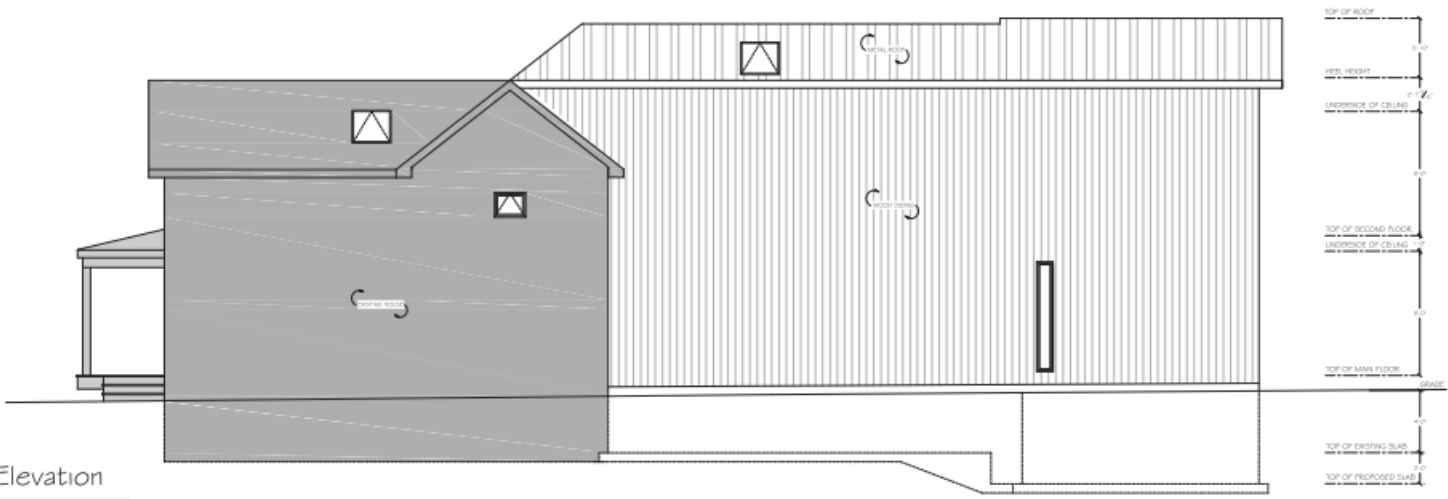
DATE
 03.21.2024

BCN

SHEET
 009



North Elevation
 Scale: $\frac{1}{8}'' = 1'-0''$



West Elevation
 Scale: $\frac{1}{8}'' = 1'-0''$

NBS
 design group

108 Queen St
 Kingston, ON

No.	REVISION	DATE

PROJECT
 102 Charles St
 Kingston ON

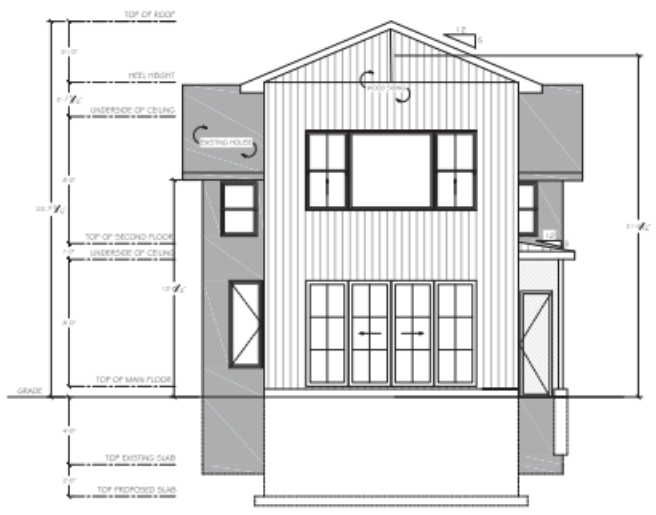
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 Proposed Elevations

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 SCALE
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DATE
 03.21.2024

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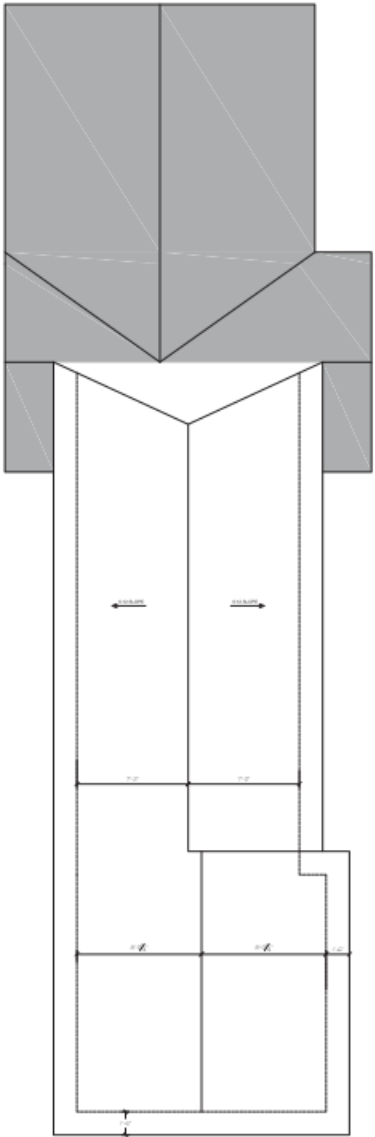
010



South Elevation
 Scale: 1/8" = 1'-0"



East Elevation
 Scale: 1/8" = 1'-0"



Roof Plan
 Scale: $\frac{1}{8}'' = 1'-0''$

NBS
 design group

108 Queen St
 Kingston, ON

No.	REVISION	DATE

PROJECT
 102 Charles St
 Kingston ON

DRAWING
 Roof Plan

DRAWN BY

SCALE
 As Noted

DATE
 03.21.2024

BCIN

SHEET
 011



108 Queen St
 Kingston, ON

No.	REVISION	DATE

PROJECT
 102 Charles St
 Kingston ON

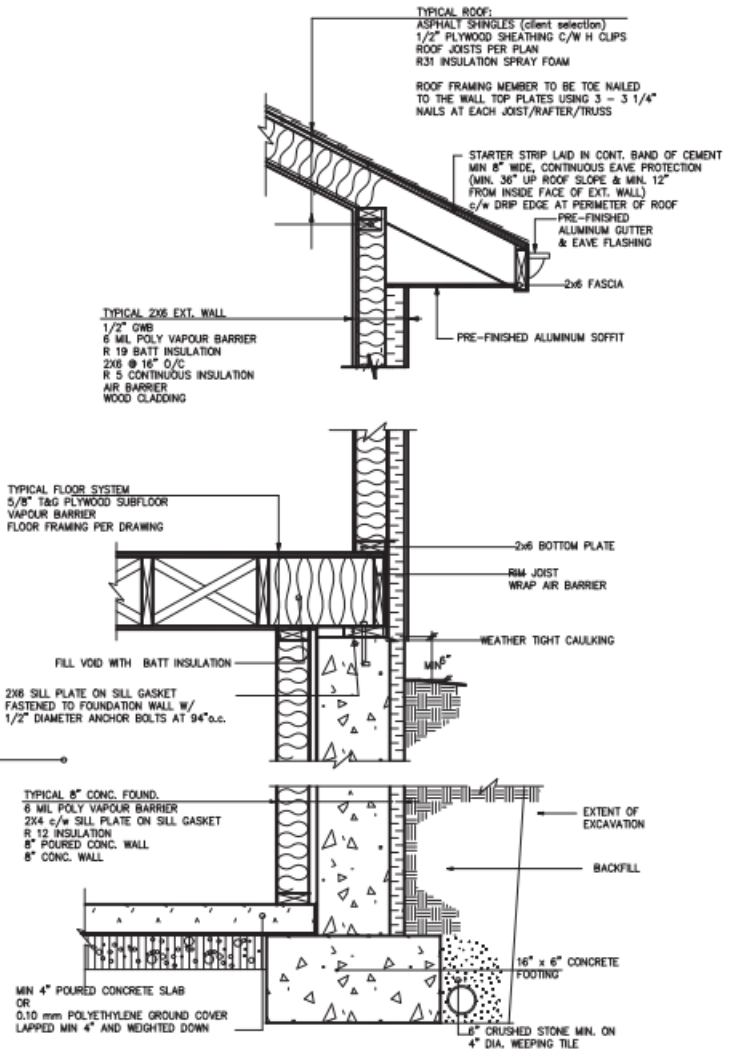
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DRAWN BY
 SCALE
 As Noted

DATE
 03.21.2024

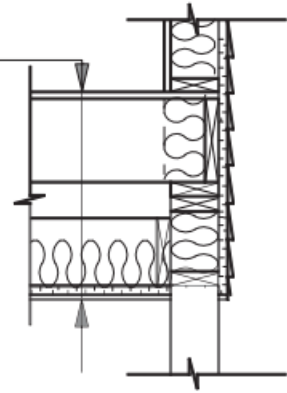
BCIN
 SHEET

012



01 FOUNDATION & CRAWL SPACE

TYP. EXPOSED FLOOR:
 FINISHED FLOOR
 SUBFLOOR
 FLOOR FRAMING - SEE ARCH. PLANS
 6 MIL POLY VAPOUR BARRIER
 R31 INSULATION
 CEILING JOISTS - SEE PLANS
 R5 C.I.
 AIR BARRIER
 SOFFIT



02 EXPOSED FLOOR DETAIL

GENERAL NOTES:

- Contractor is responsible to construct in accordance with the Ontario Building Code and applicable by-laws and regulations and to verify dimensions on site and report any discrepancies noted to the designer immediately before proceeding with work.
- Contractor to verify all finish selections with client.
- All work to comply with the Ontario Building Code and local regulations & by-laws.
- The mechanical and electrical layouts are schematic.
- Critical measurements are noted with an asterisk.
- Measurements are dimensioned stud to stud.
- Assumed soil bearing capacity 75 kPa.

EXCAVATION AND BACKFILL:

- The bottom of excavations for foundations shall be free of all organic material.
- Backfill within 24" of the foundation walls shall be free of deleterious debris and boulders over 9" in dia.

DAMP-PROOFING AND DRAINAGE:

- The exterior surfaces of foundation walls shall be damp-proofed.
- 4" dia. foundation drain shall be laid adjacent to the footings or below the top of the basement slab and be covered with 6" of crushed stone and drained via gravity drainage to a drainage ditch.
- Window wells shall be drained to the footing level.
- Downspouts shall have connections to direct water away from the building.
- Concrete slabs in attached garage shall be sloped to drain to the exterior.
- The building site shall be graded so that surface, sump, and roof drainage will not accumulate at or near the building and will not adversely affect adjacent properties.

FOOTINGS:

- Minimum 15MPa poured concrete.
- Minimum 4'-0" below grade.
- Footings shall be placed on undisturbed soil, rock, or compacted granular fill with a minimum bearing capacity of 7.5 kPa or 100kPa for ICF.

STEP FOOTINGS:

- 24" rise maximum and run minimum.

FOUNDATION WALLS:

- To be 6" core poured ICF interior walls clad with drywall conforming to CBC 9.29 for protection of foam insulation.
- Min. 1.5 MPa compressive strength.
- Damp-proofing shall be per Minister's Ruling and CCMC report: compatible peel and stick membrane with Delta MD drainage layer/damp-proofing per manufacturer's specifications.
- Foundation wall to extend min. 6" above grade.
- A drainage layer shall consist of 3/4" mineral fibre insulation (min. density of 3.55 lb/cu. ft.) or min. 4" of free draining granular material extended to the footing level.
- Where the basement slab edge is the only part of the slab that is at the exterior ground level such as a walk-out basement, or within 24" to the exterior ground level, the insulation around concrete slab shall extend not less than 24" below exterior ground level. Where the concrete slab is within 24" of the exterior ground level, the entire surface of the slab shall be insulated.

CONCRETE FLOOR SLABS:

- Garage concrete shall be 32MPa with an air entrainment of 5 to 8%.
- Basement slab shall be 20 MPa, 4" thick with min. 4" of coarse clean granular material.

ICF WALLS (the greater of min spec's or):

- Horizontal reinforcement in flat insulating concrete form foundation walls shall consist of: one 10M bar placed not more than 11 5/8" from the top of the wall and 10M bars spaced not more than 23 5/8" o.c.
- Horizontal reinforcement shall be located in the inside half of the wall section, and with a minimum cover of 1 1/8" from the inside face of the concrete.
- Vertical wall reinforcement in flat insulating concrete form foundation walls shall be spaced at 10M at 14 7/8" o.c. and be located in the inside half of the wall section with a minimum cover of 1 1/8" from the inside face of the concrete wall and where interrupted by wall openings, be placed not more than 23 5/8" from each side of the openings.
- Cold joints in flat insulating concrete form foundation walls shall be reinforced with at least one 15M bar spaced not more than 23 5/8" o.c. and embedded not less than 11 5/8" on both sides of the joint.
- Lintels shall be provided over all openings wider than 35 3/8".
- No openings shall occur within 47" of interior and exterior corners of exterior loadbearing ICF walls.

- Lintels over openings wider than 47" shall be reinforced for shear with 10M straps at a maximum spacing of half the distance from the bottom reinforcing bar to the top of the lintel.

WOOD FRAME CONSTRUCTION:

- All lumber shall be S-P-F no. 142, and shall contain a grade stamp.
- Wood framing members which are in direct contact with concrete shall be separated from the concrete.

WALLS (unless otherwise noted):

- Interior frame wall shall consist of: 2x4 studs @ 16" o/c 1/2" gypsum board
- Interior loadbearing frame wall shall consist of: 2x4 studs @ 16" o/c double 2x4 top plate 2x4 bottom plate

FLOORS:

- See drawings for floor joist size and spacing.
- Joists to have min. 1 1/2" end bearing.
- Joists shall bear on a 6" plate fixed to the foundation with 1/2" anchor bolts @ 6'-0" o/c max.
- Joists within ICF structure shall bear on approved hangers fastened to ledger board per manufacturer's specifications.
- Cross bracing and strapping shall be spaced not more than 6'-10" o/c.
- Non loadbearing walls shall be supported on joist or blocking between joists.
- Subflooring shall be 5/8" plywood.

ROOF & CEILING:

- See truss drawings for truss spacing and specifications.
- Roof sheathing shall be min 3/8" plywood c/w H clips.
- Attic access complying with CBC 9.19.2.1. shall be provided: Min. 3.44 sq ft with no dimension less than 21 1/2" or 15 3/4" x 27 1/2".
- Hatchways to attic or roof spaces shall be fitted with doors or covers and weatherstripping and provided with insulation.

NOTCHING & DRILLING OF TRUSSES, JOISTS, AND RAFTERS:

- Holes in floor, roof, and ceiling members to be not larger than 1/4 of the actual depth and not less than 2" from the edges.
- Notches in floor, roof, and ceiling members to be located on the top of the member within 1/2 the actual depth from the edge of bearing and not greater than 1/3 the joist depth.
- Wall studs may be notched or drilled provided that no less than 2/3 of the depth of the stud remains if loadbearing and 1 1/2" if non loadbearing.
- Roof trusses shall not be notched, drilled, or weakened unless accommodated in the design.

ROOFING:

- Eave protection shall extend 36" up the roof slope from the edge and at least 12" from the inside face of the exterior wall.
- Flashing shall be provided at the intersection of roofs with exterior walls.
- Open valleys shall be flashed with min 24" wide sheet metal.
- Aluminum fascia and soffit vent shall be provided.

COLUMNS, BEAMS, AND LINTELS:

- Steel beams shall be shop primed.
- Provide solid blocking under the full width of all point loads.
- All exterior columns supporting deck or roof structure shall be 6x6 on min. 9" dia. Donotube on footing as specified in drawing.
- Beam joints shall be located over a support.
- Where a beam is continuous over more than one span, individual members are permitted to be bolted together to form a joint at or within 6" of the end quarter points of the clear spans, provided the quarter points are not those closest to the ends of the beam.
- Members joined at quarter points shall be continuous over adjacent supports.
- Joints in individual members of a beam that are located at or near the end quarter points shall not occur in adjacent members at the same quarter point and shall not reduce the effective beam width by more than half.
- Not more than one butt joint shall occur in any individual member of a built-up beam within any one span.
- Where 1 1/2" members are laid on edge to form a built-up beam, individual members shall be bolted together with a double row of nails not less than 3 1/2" in length, spaced not more than 17 5/8" apart in each row with the end nails located 4" to 6" from the end of each piece.
- Where 1 1/2" members in built-up wood beams are not nailed together as provided above, they shall be bolted together with not less than 1/2" diam bolts equipped with washers and spaced not more than 4'-0" o.c., with the end bolts located

- All exterior columns supporting deck or roof structure shall be 6x6 on min. 9" dia. Donotube on footing as specified in drawing.

WEATHERPROOFING:

- Caulking shall be provided for all exterior doors and windows between the frame and the exterior cladding.
- Weather stripping shall be provided on all doors and access hatches to the exterior or unconditioned space.
- Exterior walls and ceiling shall be constructed so as to provide a continuous barrier to the passage of water vapour from the interior and to the leakage of air from the exterior.

NATURAL VENTILATION:

- Every roof space above an insulated ceiling shall be ventilated with unobstructed openings equal to not less than 1/300 of the insulated ceiling area.
- Insulated roof spaces not having an attic shall be ventilated with unobstructed openings equal to not less than 1/150 of the insulated ceiling area.
- Roof vents shall be uniformly distributed with min. 25% at top of the space and 25% at the bottom of the space; soffit venting and ridge or roof vents shall be provided.
- Moore vents shall be provided in each truss space and continuous to ridge if no attic space is provided.

GARAGE GAS PROOFING:

- The walls and ceiling of the attached garage shall be constructed and sealed to provide an effective barrier to exhaust fumes.
- Doors between the dwelling and attached garage shall be weather stripped and have a self-closer.

ALARMS AND DETECTORS:

- A smoke alarm and carbon monoxide detector shall be installed on each floor level in a dwelling unit.
- A smoke alarm shall be installed in each sleeping room and in a location between sleeping rooms and the remainder of the storey, within the hallway where one is provided.
- Smoke alarms shall have a visual signalling component.
- Smoke alarms shall have a battery back up.
- Smoke alarms shall be installed at or near the ceiling.
- Smoke alarms and carbon monoxide detectors shall be hardwired and interconnected within the dwelling unit.

PLUMBING:

- Wall blocking to be provided in main bathroom.
- Floor drain to be equipped with a trap seal primer.
- HWT to be equipped with a tempering valve to temper water to a max. 49°C.
- Sump to be equipped with a child proof cover and air tight.
- Toilets to have max. water consumption of 4.8 LPF or equipped with a dual flush including 4.1 LPF and 6.0 LPF.

ELECTRICAL:

- An exterior light controlled by a switch an interior switch located in close proximity to the light shall be installed at each entrance.
- Every room shall contain a light controlled by a switch.
- Stairs shall be lighted and contain a 3-way switch at the top and bottom of each stair.

STAIRS, HANDRAILS, AND GUARDS:

- Handrails shall be installed 31" - 36" measured from the nosing on at least one side of interior stairs not greater than 4' wide and one side of exterior stairs (where they form part of the guard between 35"-36").
- Min stair nosing height 5", max 7 7/8".
- Min tread depth 10", max 14".
- Guards and posts shall be per SB-7 detail or engineered design.

RESISTANCE TO FORCED ENTRY:

- Solid blocking shall be installed on both sides at lock height between the jambs and structural framing.
- Doors, frame and hardware shall be min. Grade 10 security level per ASTM F476 or be solid core not less than 45mm thick or stile and rail with a panel thickness of min. 15mm and the panel area cannot be more than half of the door area.
- A door viewer or transparent glazing is required.

INTAKES & EXHAUSTS:

- Air intakes min 18" above grade and min 36" from exhaust vents.
- Air intakes shall be labelled and be provided with screens.
- Exhaust min 4" above grade and be provided with a vent hood, screen of mesh and backdraft damper (except where it serves an HRV).
- Penetrations through the building envelope to be sealed.
- Where an exhaust duct passes through or is adjacent to unheated space the duct shall be insulated to prevent moisture or condensation in the duct.
- Exhaust ducts shall discharge directly to the outdoors.

POINT LOADS:

- All point loads shall be adequately transferred to a foundation or a design by a Professional Engineer is required.

GENERAL DECK NOTES:

- Footings:
 - Minimum 15MPa poured concrete.
 - Minimum 4'-0" below grade.
 - Footings shall be placed on undisturbed soil, rock, or compacted granular fill with a minimum bearing capacity of 75kPa or 100kPa for ICF.

FOUNDATION PIER:

- To be 9" diameter min. poured concrete.
- Pier adequacy based on clay with 1.56G psf bearing capacity or rock.
- Foundation wall to extend min. 6" above grade.

WOOD FRAME CONSTRUCTION:

- All lumber shall be S-P-F no. 142, and shall contain a grade stamp.
- Wood framing members which are in direct contact with concrete shall be separated from the concrete.

FLOORS:

- See drawings for floor joist size and spacing.
- Joists to have min. 1 1/2" end bearing.
- Joists shall bear on beam.
- Cross bracing and strapping shall be spaced not more than 6'-10" o.c.
- Deck boards shall be 5/4"

NOTCHING & DRILLING OF TRUSSES, JOISTS, AND RAFTERS:

- Holes in floor members to be not larger than 1/4 of the actual depth and not less than 2" from the edges.
- Notches in floor members to be located on the top of the member within 1/2 the actual depth from the edge of bearing and not greater than 1/3 the joist depth.

COLUMNS, BEAMS, AND LINTELS:

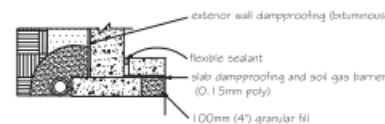
- Beam joints shall be located over a support.
- Where a beam is continuous over more than one span, individual members are permitted to be bolted together to form a joint at or within 6" of the end quarter points of the clear spans, provided the quarter points are not those closest to the ends of the beam.
- Members joined at quarter points shall be continuous over adjacent supports.
- Joints in individual members of a beam that are located at or near the end quarter points shall not occur in adjacent members at the same quarter point and shall not reduce the effective beam width by more than half.
- Not more than one butt joint shall occur in any individual member of a built-up beam within any one span.
- Where 1 1/2" members are laid on edge to form a built-up beam, individual members shall be nailed together with a double row of nails not less than 3 1/2" in length, spaced not more than 17 5/8" apart in each row with the end nails located 4" to 6" from the end of each piece.
- Where 1 1/2" members in built-up wood beams are not nailed together as provided above, they shall be bolted together with not less than 1/2" diam bolts equipped with washers and spaced not more than 4'-0" o.c., with the end bolts located not more than 12" from the ends of the members.
- All exterior columns supporting deck or roof structure shall be 6x6 on min. 9" dia. Donotube on footing as specified in drawing.

STAIRS, HANDRAILS, AND GUARDS:

- Handrails shall be installed 31" - 36" measured from the nosing on at least one side of interior stairs not greater than 4' wide and one side of exterior stairs (where they form part of the guard between 35"-36").
- Min stair nosing height 5", max 7 7/8".
- Min tread depth 9 1/4", max 14".
- Guards and posts shall be per SB-7 detail or engineered design.

RADON GAS MITIGATION:

- A soil gas barrier on the foundation walls (bituminous damp-proofing or waterproofing membrane approved for installation over ICF) in conformance with Division B, 9.1.3.4.2.(B).
- G m poly lapped not less than 300mm beneath the basement floor slab
- Provide a continuously applied flexible sealant (polyurethane caulking) along the perimeter of the basement floor slab and at all penetrations
- Spray foam may be substituted as a radon gas barrier under basement floor slabs where installed in conformance with CCMC evaluation report 14073-R.



108 Queen St
Kingston, ON

No.	REVISION	DATE

PROJECT
**102 Charles St
Kingston ON**

DRAWING
Notes

DRAWN BY
As Noted

SCALE
As Noted

DATE
03.21.2024

BCIN

SHEET
013

NBS
design group

108 Queen St
Kingston, ON

No.	REVISION	DATE

PROJECT
102 Charles St
Kingston ON

DRAWING
Existing

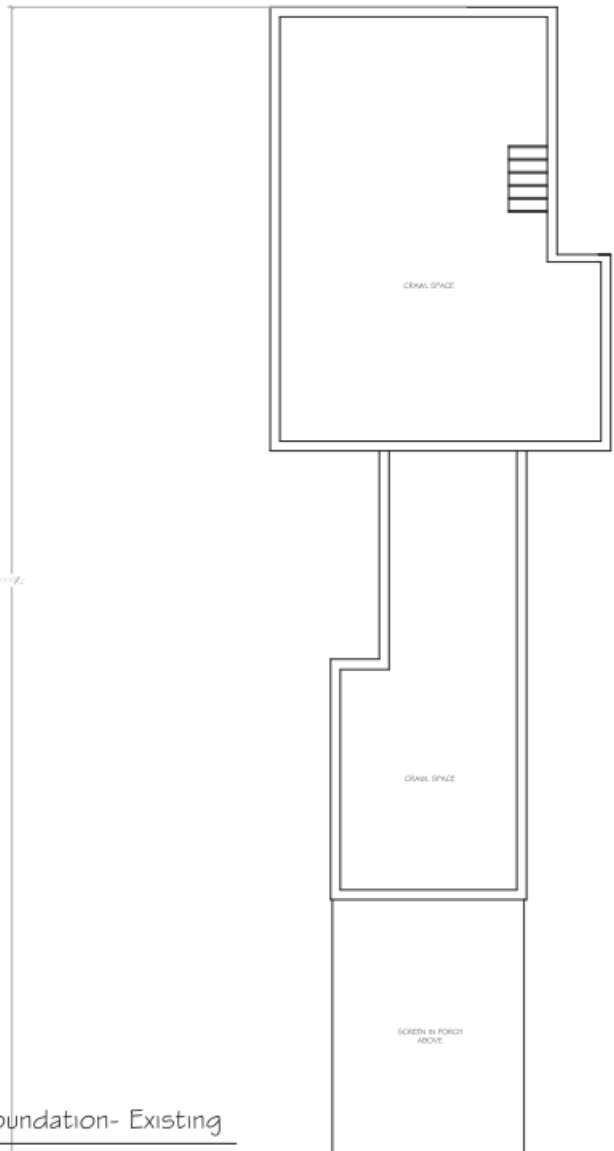
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As Noted

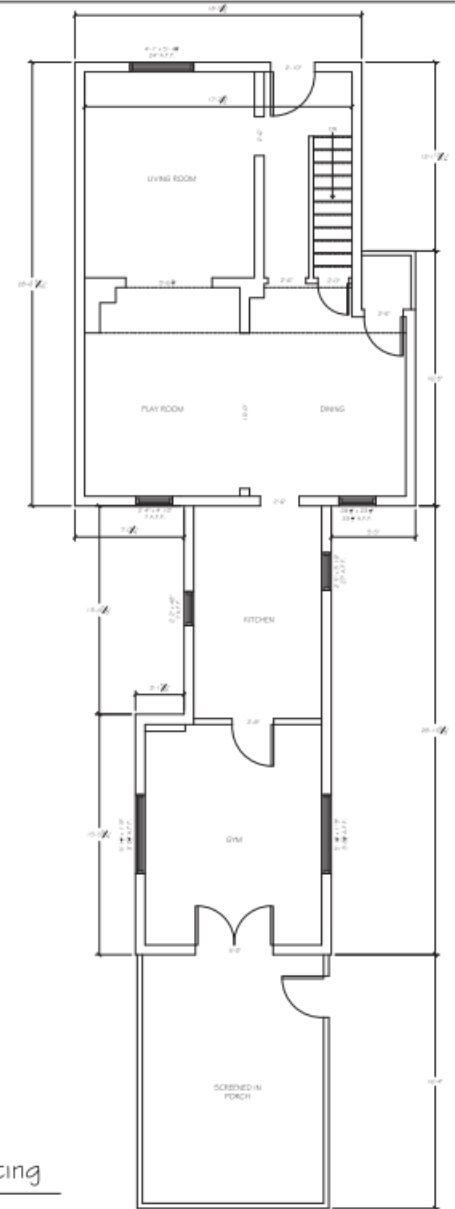
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BCIN

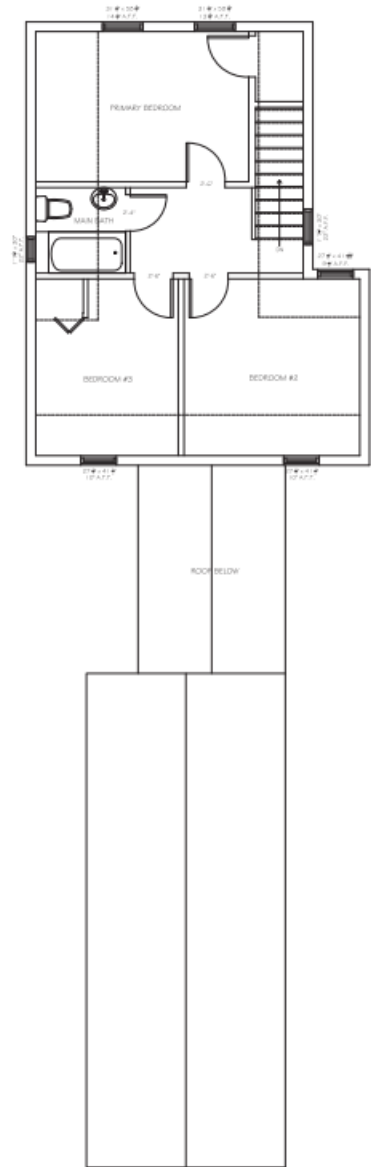
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Foundation- Existing



Main Floor- Existing



Second Floor- Existing

NBS
 design group

108 Queen St
 Kingston, ON

No.	REVISION	DATE

PROJECT
 102 Charles St
 Kingston ON

DRAWING
 Existing

DRAWN BY

SCALE
 As Noted

DATE
 03.21.2024

BCIN

SHEET
015

Site Photographs – May 29th, 2024



Figure 1: South facing view of the subject property.



Figure 2: North facing view of the existing house from the rear yard.



Figure 3: West facing view of Charles Street from the subject property.



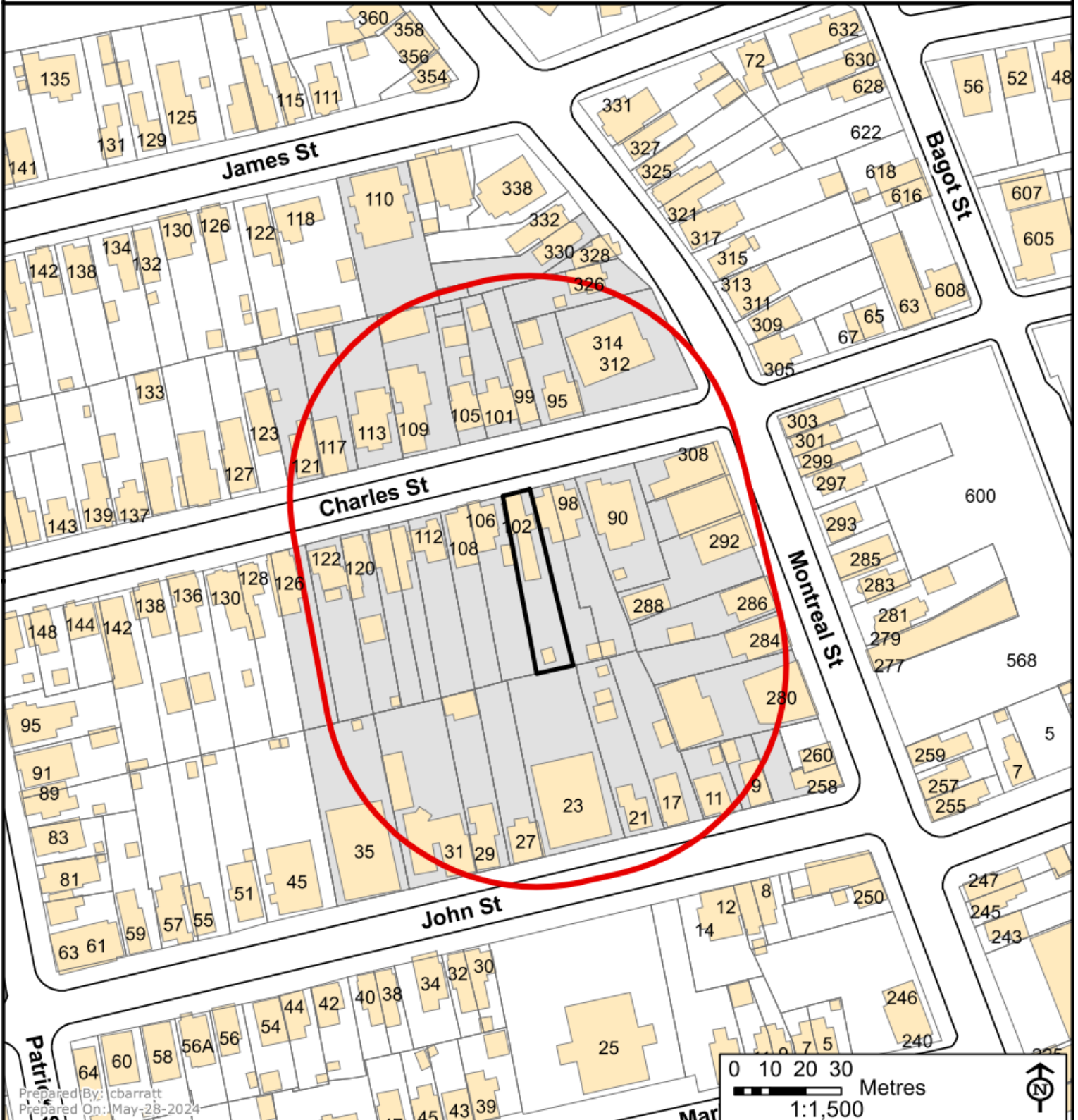
Figure 4: East facing view of Charles Street from the subject property.



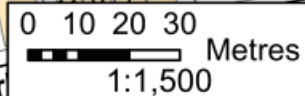
Committee of Adjustment Public Notice Notification Map

Address: 102 Charles Street
File Number: D13-046-2024
Prepared On: May-28-2024

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



Prepared By: cbarratt
Prepared On: May-28-2024



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Recommended Conditions

The approval of minor variance application, File Number D13-046-2024, to construct a two-storey rear building addition, shall be subject to the following recommended conditions:

1. Limitation

That the approved minor variance applies only to the two-storey rear addition at 102 Charles Street as shown on the 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. Window Placement

The placement of windows along the east and west elevations of the rear building addition shall generally be consistent with the elevation drawings attached to this Notice of Decision.

-----Original Message-----

From: Gayleen Garvin [REDACTED]
Sent: Tuesday, June 11, 2024 10:28 AM
To: Planning Outside Email <Planning@cityofkingston.ca>
Subject: Application: Minor Variance, 4226 Bath Road, Kingston

Caution: This email is from an external source. Please exercise caution when opening attachments or clicking links, especially from unknown senders.

Secretary Treasurer
Committee of Adjustment
City of Kingston, Planning Services

Re: Application Type: Minor Variance
Address: 4226 Bath Road
File Number: D13-035-2024

Dear Sirs:

As the owner of 4232 Bath Road, Kingston, I wish to inform you that my husband and I fully support the request of Tim DeJong to construct a one-storey enclosed porch to be located at the rear of the existing single detached house at 4226 Bath Road. We understand that a 30-metre waterbody separation distance is required by the Kingston Zoning ByLaw and that Mr. DeJong needs to construct the porch enclosure 24.7 metres from the high-water mark. Please allow this variance. Mr. DeJong should be commended for the excellent work that he has done improving his property. We have lived next door to the property since 1973 and are thrilled that it is now so well maintained. We are certain that the porch enclosure will also improve the property's appeal and provide comfort for Mr. DeJong and his family.

Sincerely,
Gayleen Garvin

From: [REDACTED]
To: carol.h.knowles@gmail.com; [Wicke,Chris](#)
Subject: Letter of support: 16 Cowdy Street
Date: June 9, 2024 7:39:41 PM

Caution: This email is from an external source. Please exercise caution when opening attachments or clicking links, especially from unknown senders.

I support the minor variance D13-033-2024 allowing a single story addition to replace an existing rear yard deck at 16 Cowdy Street.

Carol's work improving the house has been constant after her purchase, only improving the neighbourhood. I look forward to any changes that will be made.

Sincerely,
Leslie Pickett
(15 Cowdy Street)
3434226590

From: [REDACTED]
To: [Wicke,Chris](#)
Cc: carol.h.knowles@gmail.com
Subject: Fwd: letter of support 16 cowdy street
Date: June 9, 2024 5:04:44 PM

Caution: This email is from an external source. Please exercise caution when opening attachments or clicking links, especially from unknown senders.

hi chris!

my neighbour is hoping to build an addition on her house. i am writing in support of her application for a minor variance D13-033-2024.

we hope she will have this application approved as soon as possible.

thanks for your consideration on this matter.

sue livesey

From: [REDACTED]
To: [Wicke,Chris](#)
Cc: carol.k.knowles@gmail.com
Subject: Letter of Support-16 Cowdy Street, Kingston
Date: June 10, 2024 11:27:20 AM

Caution: This email is from an external source. Please exercise caution when opening attachments or clicking links, especially from unknown senders.

Hello Chris,

Please receive this email as a letter of support for the minor variance application in place (D13-033-2024) allowing a single story addition at 16 Cowdy Street. This addition application is for the replacement of an existing rear yard deck. I am a neighbour sharing the right of way alley to 16 Cowdy and have also seen the site and feel it will be an improvement to the property.

Sincerely,

Kimberly Denison

73 Pine Street, Kingston, K7K 1W4



PO BOX 27, Kingston,
Ontario, Canada K7L4V6
+1 343-363-1901

June 17, 2024

via email

Members of Committee of Adjustment
City of Kingston
216 Ontario Street
Kingston, ON K7L2Z3

Re: 158 Earl Street, COA-24-052, Old Sydenham Heritage District

Dear Committee of Adjustment members,

The Frontenac Heritage Foundation is a not-for-profit charitable organization dedicated to the preservation of structures and sites of cultural and historical interest across the Kingston region. The group was founded in 1972, and for more than fifty years, the organization has provided input on various proposals and development applications being considered in the area.

Staff Report COA-24-052 deals with a proposal to replace existing rear gable dormers with a large shed dormer, and to reclad the street-facing dormers. The FHF has grave concerns about the proposed variances, noted as follows:

Variance No. 1 will allow for a setback of a minimum of 0.4 m. from the main wall. In empirical measurements, this is only 15.6 inches, and would be reduced to no setback at all.

Variance No. 2 the side wall of the dormer is setback a minimum of 1.0 m. from the edge of the roof on which it is located. The setback from the edge of the roof is proposed to be reduced to 0.1 m. (which is 3.9 inches).

And Variance No. 3 maximum cumulative length of all dormers on the same portion of a sloped roof is the lesser of 4.6 m. or 50% of the length of the roof on which it is located (3.95 m.) The proposed variance is 2.6 m.

The subject property has a Part IV designation by-law under the *Ontario Heritage Act* (OHA) which dates to 1993. The designation by-law clearly refers to the gable dormers which are located on the roof and does not specify which dormers are affected. In our view, all of these dormers are heritage attributes which should be protected.

The subject property is also located within the Old Sydenham Heritage Conservation District. The property is a short distance away from Chalmer's Church where a \$60,000 renovation is taking place on its heritage-protected stained glass windows. The Old Sydenham Heritage District includes more than 500 properties, and what happens with one property reverberates to other properties in the district, creating a very disturbing precedent. The District Plan in speaking to alterations on heritage buildings says simply: "...shed dormers are not recommended." (p. 38) The dormer at 160 Earl existed long before the District Plan took effect.

Members of the FHF have recent experience with the issue of a shed dormer at 106 Montreal Street, where similar revisions were permitted primarily because the dormer was proposed on the rear wall which was less obvious to the public. There, the new shed dormer encroached on the neighbour's property in the limestone row, and there were numerous issues with the way in which the shed dormer affected the neighbour's property.

The provisions in the zoning by-law (updated in 2022) have a basis in a Council-approved study which should not be ignored. The Downtown Residential Review study in the early 2000s dealt with this issue, and thus the zoning by-laws were updated to incorporate the related provisions dealing with shed dormers. (That material should be on the City's files.)

Further, the Urban Design Guidelines for Residential Lots approved by the City in its 2019 consolidation and now referenced in S. 8.3 of the City's Official Plan, refers specifically to this issue – saying that “Large, box-like, flat roofed dormers (i.e. shed dormers) are discouraged, particularly on the most prominent roof slope (i.e. front and exterior side elevations).”

In conclusion, the four tests required under S. 45 of the *Planning Act* for the approval of such an application include:

- 1) Is the application minor? Our view is that because of the precedent that this proposal sets for the Old Sydenham Heritage District, not one of the variances requested in our view should be considered as minor.
- 2) Does the application benefit the development of the subject site? The benefit to the landowner does not outweigh the adverse impact this change will have on the district.
- 3) Does the application maintain the intent of the Zoning By-law? In our view, the changes remove the importance of maintaining the existing dormers by minimizing all setbacks relating to the proposed shed dormer, so the proposal does not maintain the integrity of the zoning by-law provisions.
- 4) And fourthly, does this approval conform with the City's Official Plan? In our view, given the importance of protecting the Old Sydenham Heritage District, as noted in Section 7.3.C.9 of the Official Plan, and also the importance of meeting the Urban Design Guidelines as references now in S.8.3 of the City's Official Plan, there is some conformity with the Residential land use designation, but not with other critical provisions of the Official Plan.

To the Committee of Adjustment, we ask you to refuse this application, and allow the landowners to find a solution which is more amenable to protecting all of the dormers on this heritage house.

Thank you for your time and attention to this matter.

Sincerely,



Shirley Bailey, President