



City of Kingston
Committee of Adjustment
Agenda

08-2024

Monday, July 15, 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 Number 07-2024, held on Monday, June 17, 2024, be approved.

5. **Disclosure of Pecuniary Interest**

6. **Delegations**

7. **Request for Deferral**

8. Returning Deferral Items

9. Business

1. Application for Minor Variance - 1441 Montreal Street

9

File Number: D13-037-2024

District: 7 - Kingscourt-Rideau

Owner: Vincent Varghese

Applicant: Vincent Varghese

The Report of the Commissioner of Growth & Development Services (COA-24-059) is attached.

Recommendation:

That minor variance application, File Number D13-037-2024, for the property located at 1441 Montreal Street to reduce the minimum required driveway width of 3 metres to 2.4 metres, be approved, as described below:

Variance Number 1:

By-Law Number 2022-62:Table 7.4.1 Minimum Parking Space and Drive Aisle Dimensions

Requirement: In line with and accessed directly from driveway as tandem parking spaces, minimum driveway width is 3 metres

Proposed: In line with and accessed directly from driveway as tandem parking spaces, minimum driveway width is 2.4 metres

Variance Requested: 0.6 metres

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-059

2. Application for Minor Variance - 26 Maitland Street

28

File Number: D13-044-2024

District: 10 - Sydenham

Owner: Anne Mathers and James Mathers

Applicant: Fotenn Planning + Design

The Report of the Commissioner of Growth & Development Services (COA-24-062) is attached.

Recommendation:

That minor variance application, File Number D13-044-2024, for the

property located at 26 Maitland Street to permit an accessory structure in the front yard of the semi-detached house, be approved, as described below:

Variance Number 1:

By-Law Number 2022-62: 4.1.2.1 – Additional Accessory Provisions for Residential Uses and Buildings

Requirement: The accessory building must be located in a rear yard, exterior yard or interior yard

Proposed: Front yard

Variance Requested: Front yard;

Variance Number 2:

By-Law Number 2022-62: 4.1.2.4 – Additional Accessory Provisions for Residential Uses and Buildings

Requirement: The accessory building may encroach into the required setback on a lot provided that such accessory building must be setback a minimum of 1.2 metres from all lot lines;

Proposed: 0 metre setback from the side lot line

Variance Requested: 1.2 metres; and

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-062

3. Application for Minor Variance - 28 Maitland Street

48

File Number: D13-045-2024

District: 10 - Sydenham

Owner: Anne Mathers and James Mathers

Applicant: Fotenn Planning + Design

The Report of the Commissioner of Growth & Development Services (COA-24-063) is attached.

Recommendation:

That minor variance application, File Number D13-045-2024, for the property located at 28 Maitland Street to permit accessory structures in the front yard of the semi-detached house, be approved, as described below:

Variance Number 1:

By-Law Number 2022-62: 4.1.2.1 – Additional Accessory Provisions for Residential Uses and Buildings

Requirement: The accessory building must be located in a rear yard, exterior yard or interior yard

Proposed: Front yard

Variance Requested: Front yard

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-063

4. Application for Minor Variance - 2267-2271 Princess Street

68

File Number: D13-039-2024

District: 3 - Meadowbrook-Strathcona

Owner: 1000296271 Ontario Inc.

Applicant: N Architecture Inc.

The Report of the Commissioner of Growth & Development Services (COA-24-057) is attached.

Recommendation:

That minor variance application, File Number D13-039-2024, for the property located at 2267 – 2271 Princess Street to reduce the minimum east interior setback, the minimum rear setback and the minimum drive aisle width requirement to enable a proposed commercial development comprising a gas station with convenience store and drive-through restaurant and multi-unit retail building, be approved, as described below:

Variance Number 1: Minimum Interior Setback

By-Law Number 2022-62: Row 7, Table 15.6.1

Requirement: 9.1 metres for a gas station

Proposed: 7.1 metres for a gas station

Variance Requested: 2.0 metres;

Variance Number 2: Minimum Rear Setback

By-Law Number 2022-62: Row 5, Table 15.6.1

Requirement: 7.5 metres

Proposed: 2.0 metres

Variance Requested: 5.5 metres;

Variance Number 3: Minimum Drive Aisle Width for Perpendicular Parking Space

By-Law Number 2022-62: Row 3, Table 7.4.1

Requirement: 6.7 metres

Proposed: 6.0 metres

Variance Requested: 0.7 metres; and

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-057.

5. Application for Minor Variance - 933 Innovation Drive

89

File Number: D13-047-2024

District: 12 - Pittsburgh

Owner: Cancoil Corporation and the City of Kingston

Applicant: Cancoil Corporation and Fotenn Consultants Inc.

The Report of the Commissioner of Growth & Development Services (COA-24-058) is attached.

Recommendation:

That minor variance application, File Number D13-047-2024, for the property located at 933 Innovation Drive, as well as approximately 3.6 acres (1.46 hectares) of city-owned land abutting the property to the east, to permit loading spaces in the front yard and to eliminate a planting strip requirement along the rear lot line of the subject property to enable a proposed building addition to the light industrial facility on the subject property, be approved, as described below:

Variance Number 1: Location of Loading Spaces

By-Law Number 2022-62:Section 7.5.7

Requirement: Loading spaces must be located in the rear yard or in the interior yard and must be provided with a visual screen in such a manner that the loading space is not visible from a street or any abutting residential use.

Proposed: Loading spaces in the front yard with visibility from the street

Variance Requested: Permit loading spaces in the front yard with visibility from the street

Variance Number 2: Planting Strip

By-Law Number 2022-62:Section 16.2.2.3

Requirement: A minimum 3.0 metre wide planting strip is required adjacent to a lot line abutting a lot in any Zone other than an Employment Zone

Proposed: No planting strip proposed on the north lot line abutting the RU (General Rural Area) zone

Variance Requested: Permit no planting strip on the north lot line abutting the RU (General Rural Area) zone; and

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-058.

6. Application for Permission - 393-395 Earl Street

110

File Number: D13-025-2024

District: 10 - Sydenham

Owner: Jooyun Kwan

Applicant: Carlos Marques

The Report of the Commissioner of Growth & Development Services (COA-24-060) is attached.

Recommendation:

That the application for permission, File Number D13-025-2024, for the property located at 393395 Earl Street to permit a hair salon use, be Approved; and,

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-060.

7. Application for Minor Variance - 780 Gardiners Road

128

File Number: D13-040-2024

District: 6 - Trillium

Owner: 2832719 Ontario Inc.

Applicant: The Boulevard Group

The Report of the Commissioner of Growth & Development Services (COA-24-061) is attached.

Recommendation:

That minor variance application, File Number D13-040-2024, for the property located at 780 Gardiners Road to exempt a proposed automatic car wash from the requirement to provide a loading space, be approved, as described below:

Variance Number 1:

By-Law Number 2022-62:Table 7.5.1

Requirement: 1 loading space required for commercial uses with

300 to 2,500 square metres of gross floor area

Proposed: 0 loading spaces required for commercial uses with 300 to 2,500 square metres of gross floor area

Variance Requested: 1 loading space; and

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-061.

8. Application for Minor Variance - 1813 Moore Lane

148

File Number: D13-041-2024

District: 1 - Countryside

Owner: Krishan Jai Subash Nathan

Applicant: Boulevard Group

The Report of the Commissioner of Growth & Development Services (COA-24-064) is attached.

Recommendation:

That minor variance application, File Number , for the property located at 1813 Moore Lane to construct a 147.72 square metre front yard accessory building, be approved, as described below:

Variance Number 1:

By-Law Number 2022-62:4.1.2.1 Accessory building yard location

Requirement: Rear yard, Interior yard, and the Exterior yard

Proposed: Front yard

Variance Requested: Front yard

Variance Number 2:

By-Law Number :2022-62:4.1.2.3 Maximum height of an accessory building

Requirement: 4.6 metres

Proposed: 6.5 metres

Variance Requested: 1.9 metres; and

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-064.

10. Motions

11. Notices of Motion

12. Other Business

13. Correspondence

14. Date of Next Meeting

The next meeting of the Committee of Adjustment is scheduled for Monday, August 19, 2024, at 5:30 p.m.

15. Adjournment



**City of Kingston
Report to Committee of Adjustment
Report Number COA-24-059**

To: Chair and Members of the Committee of Adjustment
From: Annemarie Eusebio, Intermediate Planner
Date of Meeting: July 15, 2024
Application for: Minor Variance
File Number: D13-037-2024
Address: 1441 Montreal Street
District: District 7: Kingscourt-Rideau
Owner: Vincent Varghese
Applicant: Vincent Varghese

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 1441 Montreal Street. The site is currently developed with a one-storey semi-detached house. In order to allow the creation of an additional residential unit, a variance is required for the minimum driveway width to facilitate a tandem parking arrangement.

One parking space will be provided each for the principal unit and the second residential unit. The first parking space will be zone compliant (2.6 metres wide and 6 metres in length) and will be located on the southern portion of the existing driveway. A deck and landing have been constructed at the side of the existing dwelling, which will provide direct access to the second residential unit. It has recently been identified that the location of the deck and landing has reduced the midpoint of the driveway to 2.4 metres (Exhibit F). Beyond this pinch point, a

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second zone compliant parking space will be located on the northern portion of the driveway. The existing shed and fence at the rear of the existing dwelling will be removed to allow for the installation of the second parking space.

In accordance with the applicable parking provisions in Kingston Zoning By-Law 2022-62, the required minimum driveway width is 3 metres for the subject property. A minor variance is required to seek relief from the minimum driveway width requirement from 3 metres to 2.4 metres for the pinch point created by the deck.

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.

Recommendation:

That minor variance application, File Number D13-037-2024, for the property located at 1441 Montreal Street to reduce the minimum required driveway width of 3 metres to 2.4 metres, be approved, as described below:

Variance Number 1:

By-Law Number 2022-62:Table 7.4.1 Minimum Parking Space and Drive Aisle Dimensions Requirement: In line with and accessed directly from driveway as tandem parking spaces, minimum driveway width is 3 metres

Proposed: In line with and accessed directly from driveway as tandem parking spaces, minimum driveway width is 2.4 metres

Variance Requested: 0.6 metres

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-059.

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Authorizing Signatures:

ORIGINAL SIGNED BY PLANNER

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 May 8, 2024, a minor variance application was submitted by the owner, Vincent Varghese, with respect to the property located at 1441 Montreal Street. The site is currently developed with a one-storey semi-detached house. In order to allow the creation of an additional residential unit, a variance is required for the minimum driveway width to facilitate a tandem parking arrangement.

One parking space will be provided each for the principal unit and the second residential unit. The first parking space will be zone compliant (2.6 metres wide and 6 metres in length) and will be located on the southern portion of the existing driveway. A deck and landing have been constructed at the side of the existing dwelling, which will provide direct access to the second residential unit. It has recently been identified that the location of the deck and landing has reduced the midpoint of the driveway to 2.4 metres (Exhibit F). Beyond this pinch point, a second zone compliant parking space will be located on the northern portion of the driveway. The existing shed and fence at the rear of the existing dwelling will be removed to allow for the installation of the second parking space.

In accordance with the applicable parking provisions in Kingston Zoning By-Law 2022-62, the required minimum driveway width is 3 metres for the subject property. A minor variance is required to seek relief from the minimum driveway width requirement from 3 metres to 2.4 metres for the pinch point created by the deck.

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

- Site Plan (Exhibit F)
- Planning Justification

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 1441 Montreal Street (Exhibit B – Key Map) within the Kingscourt-Rideau District. The property is located on the east side of Montreal Street and south of Highway 401. The site is currently developed with a semi-detached house. The property has a lot area of 389 square metres and the lot frontage is approximately 10.2 metres. Access into the property is obtained from Montreal Street. The property is located within an established residential area surrounded by single detached houses and semi-detached houses and is within walking distance to Sutherland Drive Park and Snider Park (Exhibit C – Neighbourhood Context Map).

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The subject property is designated Residential in the Official Plan is within a Site-Specific Policy 4 Area (Exhibit D – Official Plan Map) and zoned Urban Residential 10 ‘UR10’ 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.

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 property is designated “Residential” in Schedule 3A of the Official Plan. The subject property is located within a Housing District as noted in Schedule 2. The reduced driveway width of 2.4 metres will not negatively impact the neighbourhood character. The proposal is compatible with the surrounding residential uses and will not result in significant impacts or changes to the immediate area. There will be no impact on built and natural resources.

Section 2.7.3 discusses land use compatibility matters. The reduced driveway width of 2.4 metres within the mid point of the existing driveway will allow for a suitable parking arrangement for two zone compliant spaces for the principal unit and second residential unit (Exhibit F – Site Plan). There will be no reduction in the ability to enjoy a property, or the normal amenity associated with it, including safety and access, outdoor areas, heritage or setting. There will be no significant disruption to the existing streetscape or surrounding residential uses.

Section 3.3.11 discusses the criteria for additional residential units. Additional residential units are permitted on lands where a single detached dwelling, semi-detached dwelling, or townhouse are the permitted principal use. There are no potential servicing constraints through the use of a Holding Overlay or other overlay provisions that are associated with the property. Parking will be

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provided in a tandem configuration with one space for each dwelling unit which will reduce the need for street parking. The parking arrangement will be safe and functional for the residents within each dwelling unit. A 1.2-metre-wide walkway will be installed which will provide sufficient pedestrian access and will meet emergency service requirements. The proposal meets all required criteria in the Official Plan to permit an additional residential unit.

The property is not designated under the Ontario Heritage Act. Under the City’s Archaeological Master Plan, the property has composite archaeological potential. An archaeological assessment is not required as there is no ground disturbance proposed as a result of this application.

The subject property is located within the Urban Boundary. Adequate municipal water and sewage services are currently provided to the existing development, which will be unchanged as a result of the proposal to reduce the width of the driveway. The subject property is not located within an area of constraint with respect to second residential units.

The application and cumulative impact of the proposal does not warrant a zoning by-law amendment. The approval of the requested variance is considered minor and will not set a precedent for the immediate area.

The proposal meets the intent of the Official Plan, as the proposal to reduce the driveway width from 3 metres to 2.4 metres 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 10 ‘UR10’ in Kingston Zoning By-Law Number 2022-62 (Exhibit E – Zoning By-Law Map). The UR10 zone permits semi-detached houses.

The proposed reduction in the required driveway width requires a variance to Table 7.4.1. as follows:

Variance Number 1:

By-Law Number 2022-62:Table 7.4.1 Minimum Parking Space and Drive Aisle Dimensions Requirement:	
	In line with and accessed directly from driveway as tandem parking spaces, minimum driveway width is 3 metres
Proposed:	In line with and accessed directly from driveway as tandem parking spaces, minimum driveway width is 2.4 metres
Variance Requested: 0.6 metres	

The purpose of the above noted provision is to ensure that front yard parking in residential areas will not have an adverse affect on the visual amenity of the streetscape and the residential character of a neighbourhood. The required driveway width for the subject property is 3 metres. A parking space will be provided each for the principal unit and the second residential unit. The reduction in the driveway width to 2.4 metres at the midpoint of the driveway will result in a tandem parking arrangement within the existing driveway (Exhibit F – Site Plan). The existing

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shed and fence at the rear of the existing dwelling will be removed to allow for the installation of the second parking space. This requirement has been included as a condition as indicated in Exhibit A – Recommended Conditions. There will be no significant visual impacts that would disrupt the existing streetscape or surrounding residential uses.

The variance is minor in nature

The variance is considered minor as no negative impacts are anticipated on the neighbouring properties. The driveway will continue to function as required to support the parking of two cars in a tandem configuration. No additional changes to the driveway are required and as such, there will be no visual impact on streetscape or the surrounding neighbourhood character.

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

It is anticipated that there will be no impacts on the neighbouring properties. The proposal will accommodate two zone compliant vehicle parking spaces which will reduce the impact on street parking in the neighbourhood. The functional needs of the residents of the semi-detached house will be met as the existing driveway will provide a safe and suitable parking arrangement. As such, 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 Department | <input checked="" type="checkbox"/> Heritage (Planning Services) |
| <input checked="" type="checkbox"/> Finance | <input checked="" type="checkbox"/> Utilities Kingston | <input type="checkbox"/> Real Estate & Environmental Initiatives |
| <input type="checkbox"/> Fire & Rescue | <input checked="" type="checkbox"/> Kingston Hydro | <input checked="" type="checkbox"/> City’s 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 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.

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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 reduce the width of the required driveway width on the property from 3 metres to 2.4 metres.

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 July 15, 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 20 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).

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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

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
- Exhibit G Site Photos
- Exhibit H Public Notification Map

Recommended Conditions

The approval of minor variance application, File Number D13-037-2024, to reduce the required driveway width from 3 metres to 2.4 metres on the subject property, shall be subject to the following recommended conditions:

1. Limitation

That the approved minor variance applies only to the driveway where the existing side access deck projects into the driveway, 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. Removal of Existing Shed and Fence

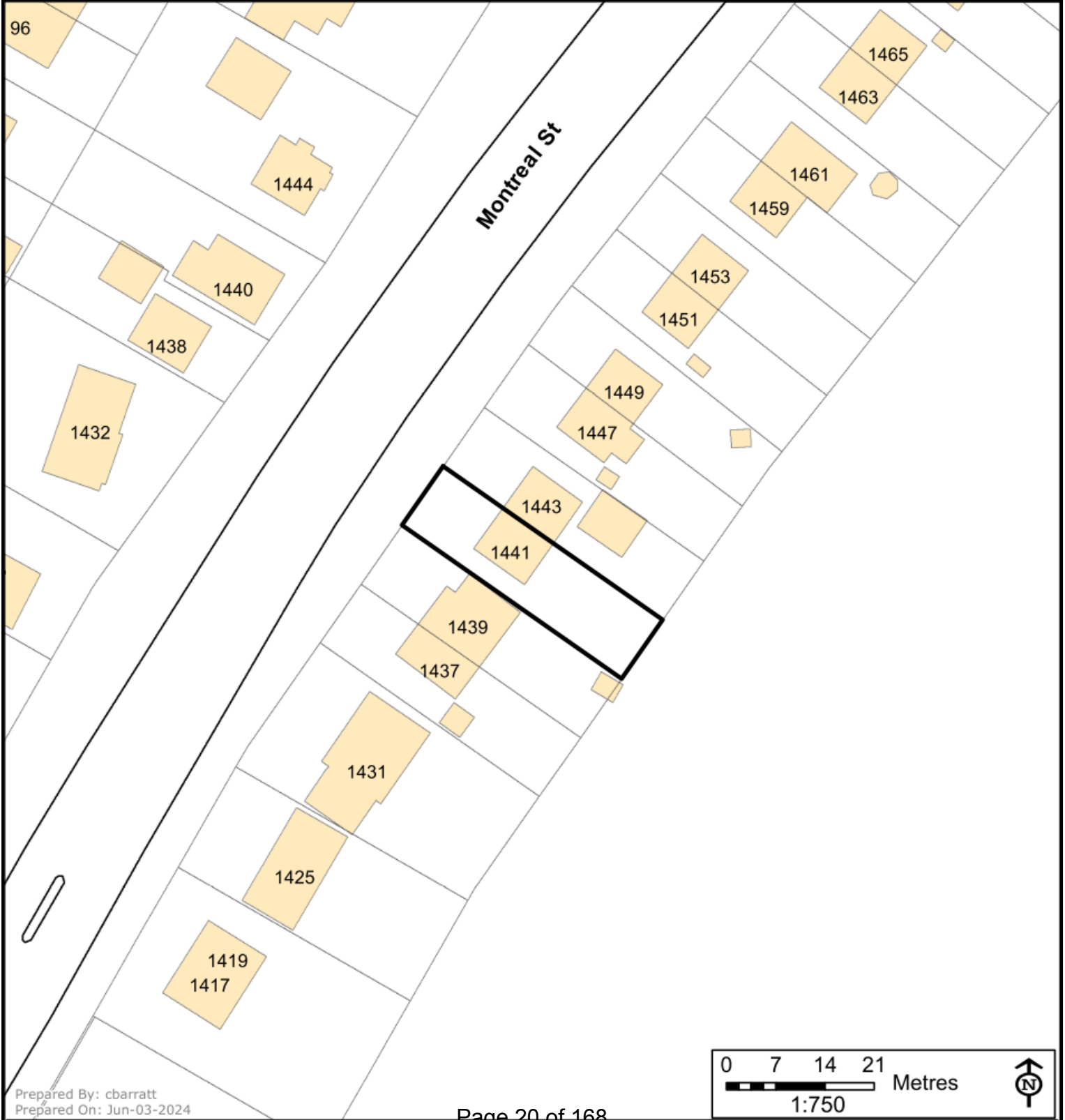
The owner/applicant shall remove the existing shed and fence at the rear of the existing dwelling to allow for the installation of a zone compliant parking space.



Committee of Adjustment Key Map

Address: 1441 Montreal Street
File Number: D13-037-2024
Prepared On: Jun-03-2024

 Lands Subject to Minor Variance

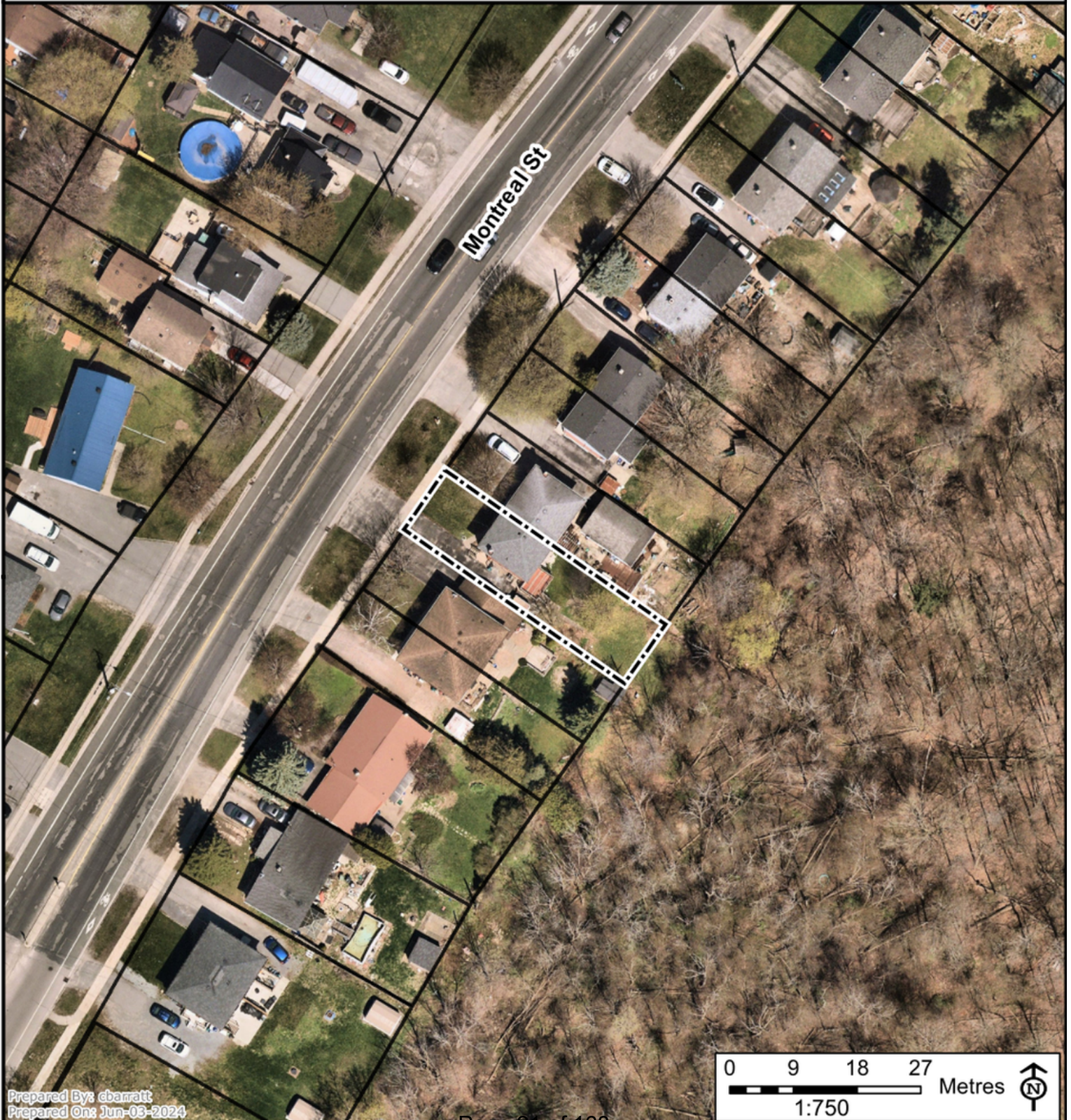




Committee of Adjustment
Neighbourhood Context

Address: 1441 Montreal Street
File Number: D13-037-2024
Prepared On: Jun-03-2024

- Subject Lands
- Property Boundaries
- Proposed Parcels



Prepared By: cbaratt
Prepared On: Jun-03-2024

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


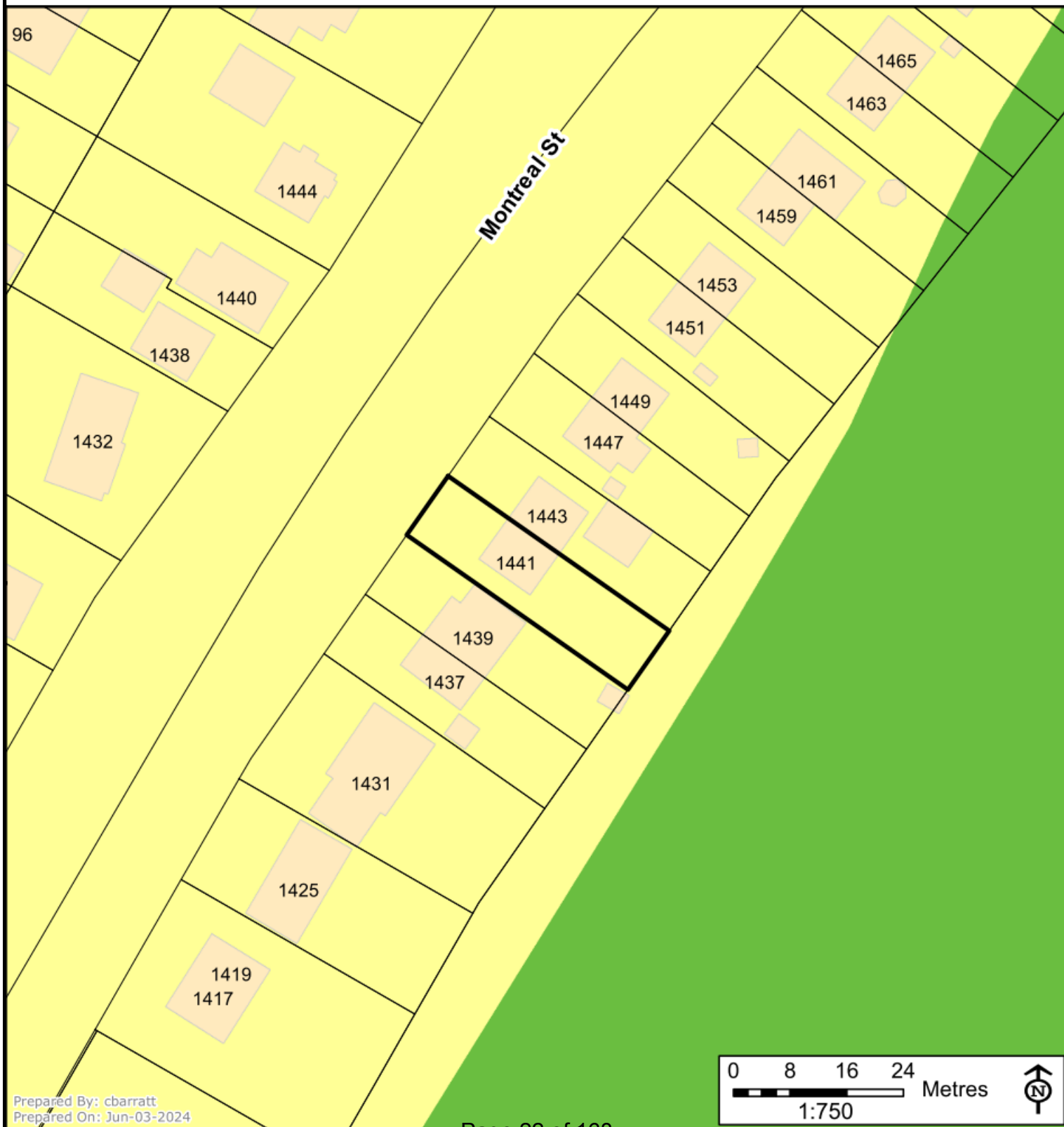
Committee of Adjustment Official Plan, Existing Land Use

Address: 1441 Montreal Street

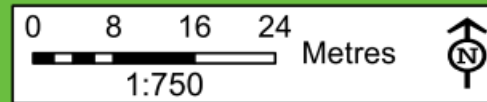
File Number: D13-037-2024

Prepared On: Jun-03-2024

-  Subject Lands
-  ENVIRONMENTAL PROTECTION AREA
-  RESIDENTIAL



Prepared By: cbarratt
Prepared On: Jun-03-2024



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

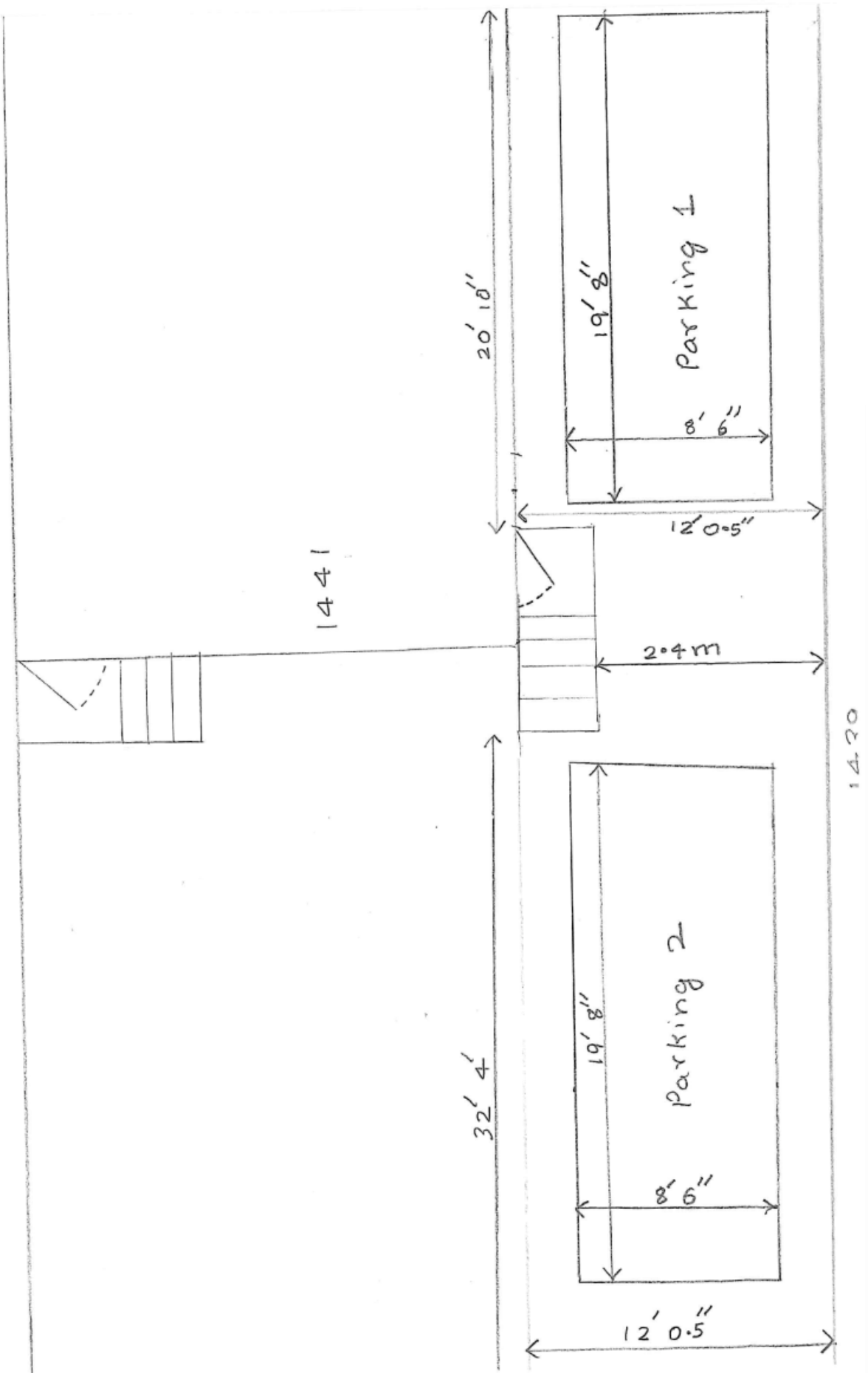
Planning Services

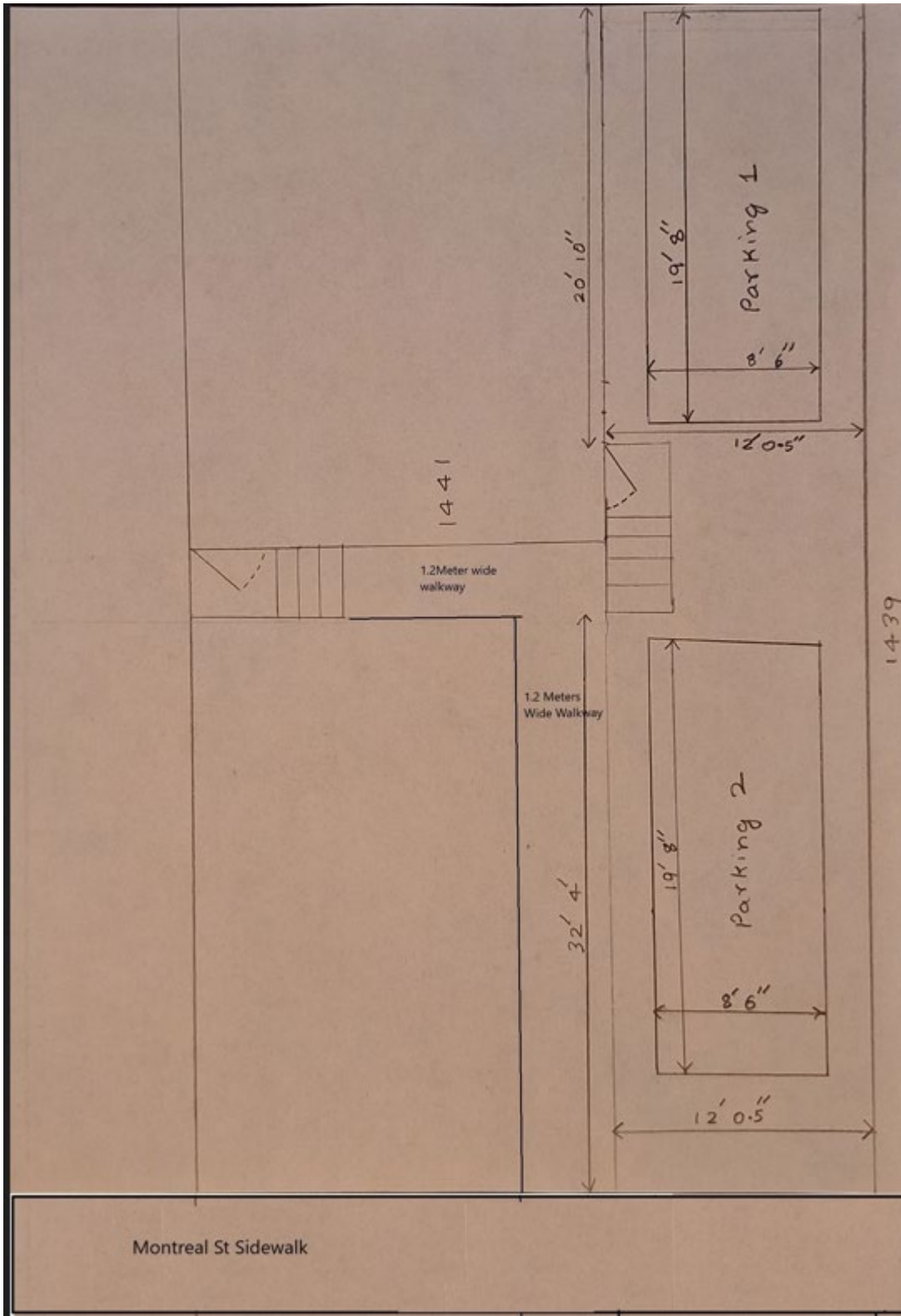
Address: 1441 Montreal Street
File Number: D13-037-2024
Prepared On: Jun-03-2024

Subject Lands
Schedule 1 Zoning Map
 Zone

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







Site Photo – 1441 Montreal Street






Planning Services

Committee of Adjustment Public Notice Notification Map

Address: 1441 Montreal Street

File Number: D13-037-2024

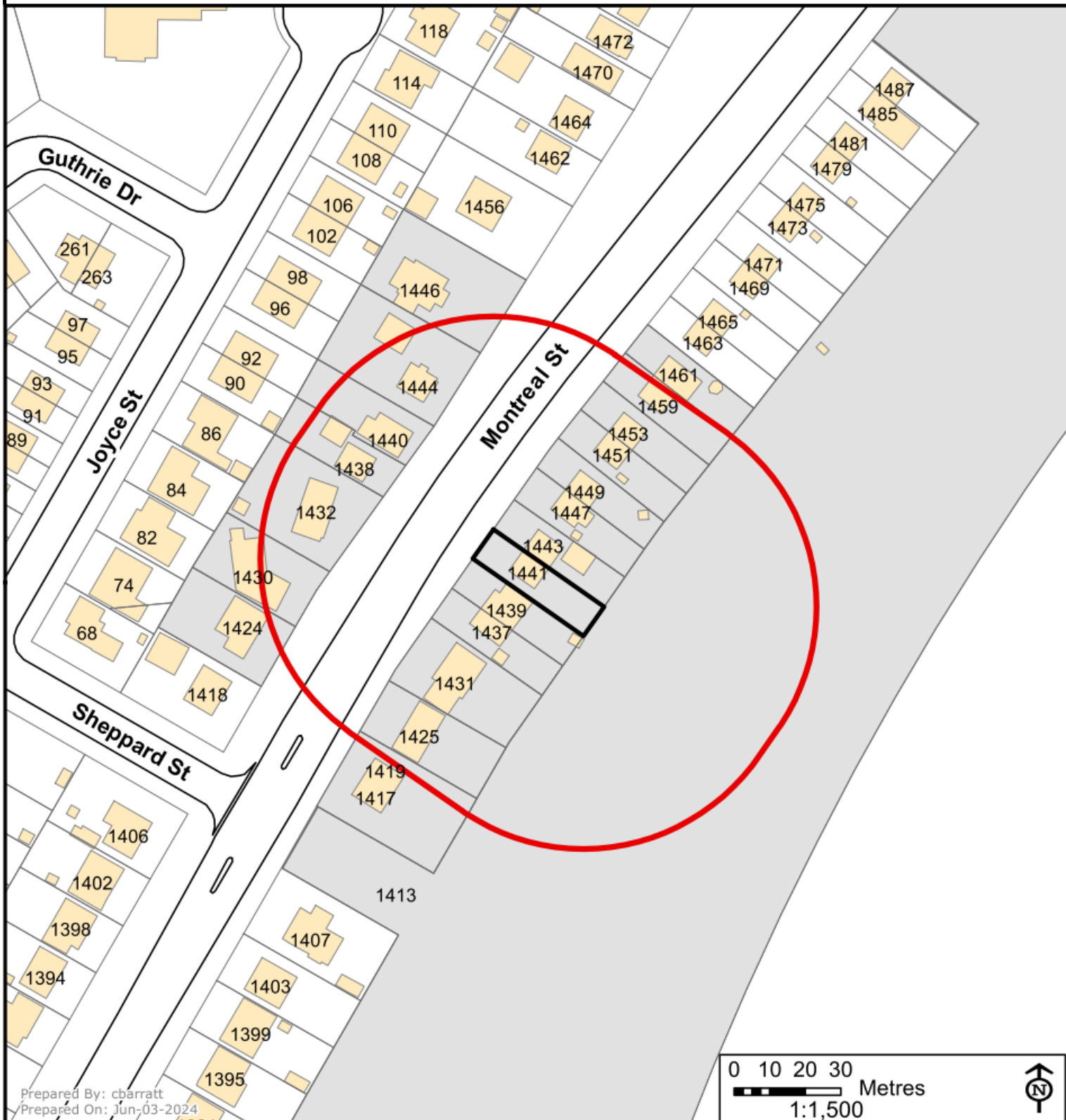
Prepared On: Jun-03-2024

 60m Public Notification Boundary

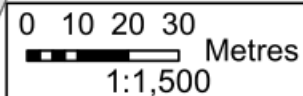
 Subject Lands

 Property Boundaries

 20 Properties in Receipt of Notice (MPAC)



Prepared By: cbarratt
Prepared On: Jun-03-2024



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**City of Kingston
Report to Committee of Adjustment
Report Number COA-24-062**

To: Chair and Members of the Committee of Adjustment
From: Chris Wicke, Senior Planner
Date of Meeting: July 15, 2024
Application for: Minor Variance
File Number: D13-044-2024
Address: 26 Maitland Street
District: District 10 – Sydenham
Owner: Anne Mathers and James Mathers
Applicant: Fotenn Planning + Design

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 26 Maitland Street. The applicants are proposing to permit the construction of a small accessory structure to replace a garbage enclosure which is currently located front yard of the semi-detached house.

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.

July 15, 2024

Page 2 of 11

Recommendation:

That minor variance application, File Number D13-044-2024, for the property located at 26 Maitland Street to permit an accessory structure in the front yard of the semi-detached house, be approved, as described below:

Variance Number 1:

By-Law Number 2022-62: 4.1.2.1 – Additional Accessory Provisions for Residential Uses and Buildings

Requirement: The accessory building must be located in a rear yard, exterior yard or interior yard

Proposed: Front yard

Variance Requested: Front yard;

Variance Number 2:

By-Law Number 2022-62: 4.1.2.4 – Additional Accessory Provisions for Residential Uses and Buildings

Requirement: The accessory building may encroach into the required setback on a lot provided that such accessory building must be setback a minimum of 1.2 metres from all lot lines;

Proposed: 0 metre setback from the side lot line

Variance Requested: 1.2 metres; and

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-062.

July 15, 2024

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Authorizing Signatures:

ORIGINAL SIGNED BY PLANNER

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

July 15, 2024

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Options/Discussion:

On May 27, 2024, a minor variance application was submitted by Fotenn Planning + Design, on behalf of the owners, Anne Mathers and James Mathers, with respect to the property located at 26 Maitland Street. The variance is requested to permit an accessory structure in the front yard of the semi-detached house. The owners have constructed a small garbage enclosure on the property without prior heritage or planning approvals. As the accessory structure is a storage enclosure less than 15 square metres, no building permit is required for its construction, though it is still required to be compliant with the applicable zoning and is subject to heritage approval. Due to the positioning of the semi-detached dwelling towards the rear of the property, the rear yard is very limited in depth and there is one narrow side yard. The request for relief is being made to permit an accessory structure for garbage and recycling storage, which is not currently possible given the building placement and lot configuration.

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

- Plot Plan (Exhibit F)
- Landscape Plan (Exhibit G)
- Planning Report
- Minor Variance Addendum
- Survey

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 Maitland Street, south of King Street East, east of Emily Street, and west of Simcoe Street (Exhibit B – Key Map). The principal dwelling at 26 Maitland abuts the structure on the adjacent property to the north and has a narrow side yard to the south. The lot is of an irregular shape, with the house placed to the back of the property resulting in a long yet narrow front yard in front of the dwelling that increases in size slightly near the entrance to the home, with a narrow side yard approximately 3 metres in width, and a limited rear yard with a depth of less than 2 metres. There is an existing garbage enclosure in the front yard of the home (Exhibit C – Neighbourhood Context Map).

The current shed is plastic and is approximately 1.8 metres tall, 1.5 metres wide, 0.8 metres deep and less than 2 square metres in area. The owners would like to replace it with a structure of a similar size that is higher-quality and more durable structure that is more contextually appropriate given the heritage designation of the home and surrounding properties. The applicant is proposing that the structure will be constructed of the same materials as the enclosure and shed at 28 Maitland Street, including fibre cement board siding, painted in the same sage green colour as the enclosures, with a standing seam metal roof matching the

July 15, 2024

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principal semi-detached homes at 26 and 28 Maitland Street. As part of the Old Sydenham Heritage Conservation District, the subject property is heritage designated and is also surrounded by Part V heritage designated properties.

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

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 proposal to permit a small accessory structure in the front yard of the home is compatible with the surrounding area. The modification is not anticipated to have any negative impacts on the neighbourhood. Due to the configuration of the building on the lot, the change is proposed in the front yard of the property but is set back approximately 20 metres from the lot line where there will be no visual impact on the streetscape. No change to the primary use of the property is proposed as a result of the minor variance, and no expansion of the existing building footprint is proposed.

This proposal to permit an accessory structure in the front yard meets all compatibility criteria and will not result in any negative off-site impacts to abutting properties. Prior to the renovations to the principal dwelling, there was a larger garbage enclosure located in a similar position, but it was removed. As the accessory structure is proposed to be used as a garbage enclosure, its

July 15, 2024

Page 6 of 11

use will be frequent but brief. It is positioned in the yard such that it will not be easily viewable from the adjacent home at 16 Maitland Street or from the accessory structure at the rear of the adjacent property at 53 King Street East. There is no threat of loss of privacy due to intrusive overlook as the shed is too small to be used for any type of habitable space. Increased levels of light pollution, noise, or odour are not anticipated. Adverse effects due to shadowing are also not anticipated as the shed is less than 2 metres in height and located on the southern property line, thereby casting shadows only onto the subject property. No significant shadows will be created by the garbage enclosure. Due to the courtyard form of the yard created by the surrounding buildings, the landscaping along the front lot line, and the distance from the public right of way, there is limited visibility from the street and surrounding area to the area of the front yard affected, and no adverse impacts to the streetscape along Maitland Street are anticipated. No additional exterior changes are proposed to 26 Maitland as a result of this application. Further mitigation measures are not required.

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 Part V of the *Ontario Heritage Act*, and it is part of the Old Sydenham Heritage Conservation District (HCD) through By-Law Number 2015-67. It is located adjacent to similarly designated properties. The proposed garbage enclosure was granted delegated approval by Heritage Services ([File Number P18-027-2024DA](#)). The work on the adjacent property at 28 Maitland Street was subject to a heritage permit (P18-1010) which was approved on April 17, 2024 (Report Number HP-24-021). That report also gave consideration to the property at 26 Maitland Street. Consideration was given to how the property plays a role in the Old Sydenham Heritage Conservation District. The Old Sydenham Heritage Area HCD Plan Property Inventory Evaluation identifies the property (including both 26 and 28 Maitland Street) as 'contributing' to the Old Sydenham HCD by way of its low massing, mansard roof, rectangular openings and its 2-tiered façade. While 26 Maitland Street is not rated as a "significant" building by the Old Sydenham HCD Property Inventory Evaluation, it is still considered a "contributing" building to the heritage character of the HCD and thereby considered a "heritage building" for the purposes of the District Plan's policies and guidelines. The new structure is located in the front yard, which conflicts with the HCD Plan's guidelines for new additions to heritage buildings. However, Maitland Street is somewhat unusual in design as it evolved more organically than most in the District, and it was not strictly planned as a residential streetscape.

The property is within an area cleared of archaeological potential; an archaeological assessment is not required. The property uses municipal water and sewage services. As this application proposes to permit an accessory structure with no new services and 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

July 15, 2024

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– 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 accessory structure in the front yard and with a reduced setback to the lot lines 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 permit an accessory structure in the front yard of the existing home.

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

The subject property is zoned Heritage Zone 3 – Old Sydenham (HCD3) in Kingston Zoning By-Law Number 2022-62 (Exhibit E – Zoning By-Law Map). The HCD3 zone permits a range of residential uses including semi-detached houses.

The proposal requires variance to Section 4.1.2 regarding locating an accessory structure in the front yard and the setback of the structure from a lot line:

Variance Number 1:

By-Law Number 2022-62: 4.1.2.1 – Additional Accessory Provisions for Residential Uses and Buildings

Requirement: The accessory building must be located in a rear yard, exterior yard or interior yard

Proposed: Front yard

Variance Requested: Front yard;

Variance Number 2:

By-Law Number 2022-62: 4.1.2.4 – Additional Accessory Provisions for Residential Uses and Buildings

Requirement: The accessory building may encroach into the required setback on a lot provided that such accessory building must be setback a minimum of 1.2 metres from all lot lines;

Proposed: 0 metre setback from the side lot line

Variance Requested: 1.2 metres

No relief is required to the provisions of the HCD3 zone for the principal structure and there are no proposed changes to the principal dwelling.

The variances requested maintain the general purpose and intent of the applicable provisions of the by-law which is to locate accessory structures in areas where they are functional but not prominently located. Due to the positioning of the principal semi-detached house towards the rear of the site, 26 Maitland has a single narrow side yard and the rear yard is minimized. The front yard presents the only realistic option for an accessory structure. It is to be located with no setback to the lot line, which at this point due to its irregular shape is set back approximately 20

July 15, 2024

Page 8 of 11

metres from the right of way, as it maximizes the path of travel and amenity space in the rear yard and will have no adverse impact on the adjacent property.

The proposed variance maintains the intent of the accessory structure provisions of the Zoning By-Law, as it will permit a structure that has been carefully designed to be compatible with the heritage landscape and that will be sympathetic to the heritage character of the property and the Heritage Conservation District, while allowing for a functional structure that will provide a garbage enclosure as well as creating an improved amenity space for the occupants.

The proposed design of the shed has been deemed compatible with the heritage characteristics of the HCD and had been granted heritage approval.

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 an accessory structure in the front yard is considered minor as it has small footprint of less than 2 square metres, it will be limited to the site, and there is limited in the potential for any impacts. The structure is compatible with the principal dwelling, the surrounding properties and the existing neighbourhood, and it will support the residential use of the property. The proposal has received a heritage permit and is not anticipated to result in any adverse effects to the surrounding Heritage Conservation District.

The shed complies with all other applicable zone provisions, including lot coverage, and maximum height. The proposal will not change the fundamental design characteristics of the neighbourhood. No impact on the surrounding land uses is anticipated.

The 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 scale and design of the structure is appropriate for the dwelling size, and the structure is planned to be carefully detailed to be compatible with the heritage characteristics of the home and surrounding properties within the Old Sydenham Heritage Conservation District.

As there a narrow side yard that is landscaped and serves as the only outdoor amenity space and a limited rear yard for the property, the best option placement of the garbage enclosure is in the front yard, while still set back considerably from the front property line. It has been positioned such that it does not obstruct the windows of the neighbouring accessory structure, and in addition to its function as a garbage enclosure, it also creates an improved amenity space for the residents, providing greater privacy for the amenity area near the home while retaining the parking spaces closer to the street. No relief is required for the proposed height or lot coverage. No adverse impacts are expected. The accessory structure will continue to support the residential use on the site without impact.

July 15, 2024

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The variance is desirable and appropriate use of the land.

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 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. There is a minor variance application also being considered for the adjacent property at 28 Maitland Street (D13-045-2024) for similar zoning relief for an accessory structure – an existing shed and garbage enclosure that is proposed in the front yard.

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

July 15, 2024

Page 10 of 11

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 construction of an accessory structure in the front yard of the semi-detached house.

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 July 15, 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 31 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 3242

July 15, 2024

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

Other City of Kingston Staff Consulted:

None

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 Landscape Plan
- Exhibit H Site Photos
- Exhibit I Public Notification Map

Recommended Conditions

The approval of minor variance application, File Number D13-044-2024, to construct an accessory structure in the front yard of the semi-detached house, shall be subject to the following recommended conditions:

1. Limitation

That the approved minor variance applies only to the accessory structure in the front yard at 26 Maitland 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. 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.

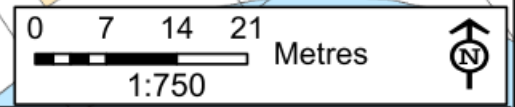
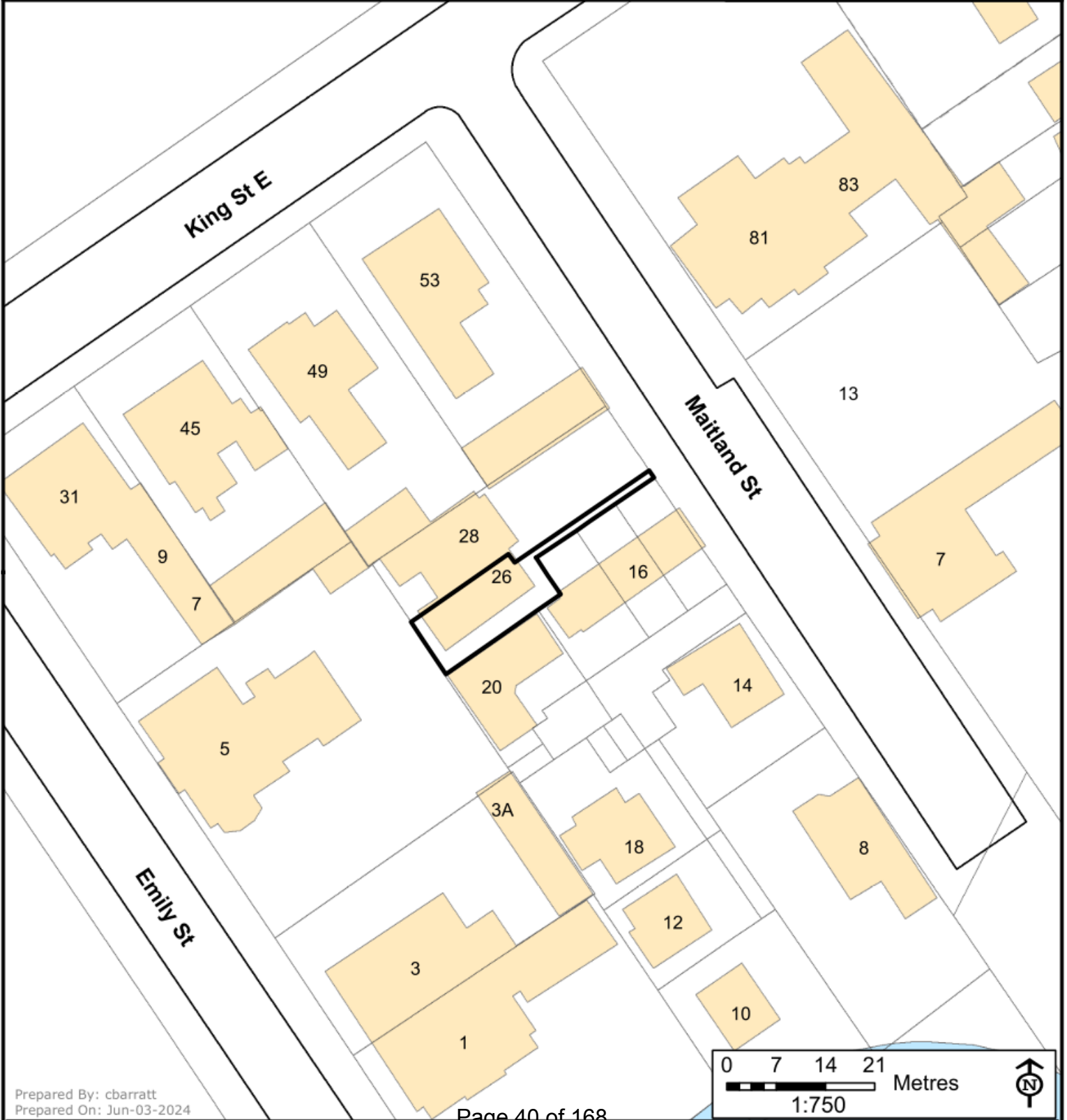
In the event that human remains are encountered, all work must immediately cease and the site must be secured. The Kingston Police (613-549-4660), the Office of the Chief Coroner as a part of the Ontario Ministry of the Solicitor General (1-877-991-9959), the Archaeology Program Unit of the Ministry 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: 26 Maitland Street
File Number: D13-044-2024
Prepared On: Jun-03-2024

 Lands Subject to Minor Variance



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Committee of Adjustment Neighbourhood Context

Address: 26 Maitland Street
File Number: D13-044-2024
Prepared On: Jun-03-2024

- Subject Lands
- Property Boundaries
- Proposed Parcels



Prepared By: ebaratt
Prepared On: Jun-03-2024

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

Planning Services

Committee of Adjustment Official Plan, Existing Land Use

Address: 26 Maitland Street

File Number: D13-044-2024

Prepared On: Jun-03-2024

-  Subject Lands
-  HARBOUR AREA
-  OPEN SPACE
-  RESIDENTIAL



Prepared By: cbarratt
Prepared On: Jun-03-2024

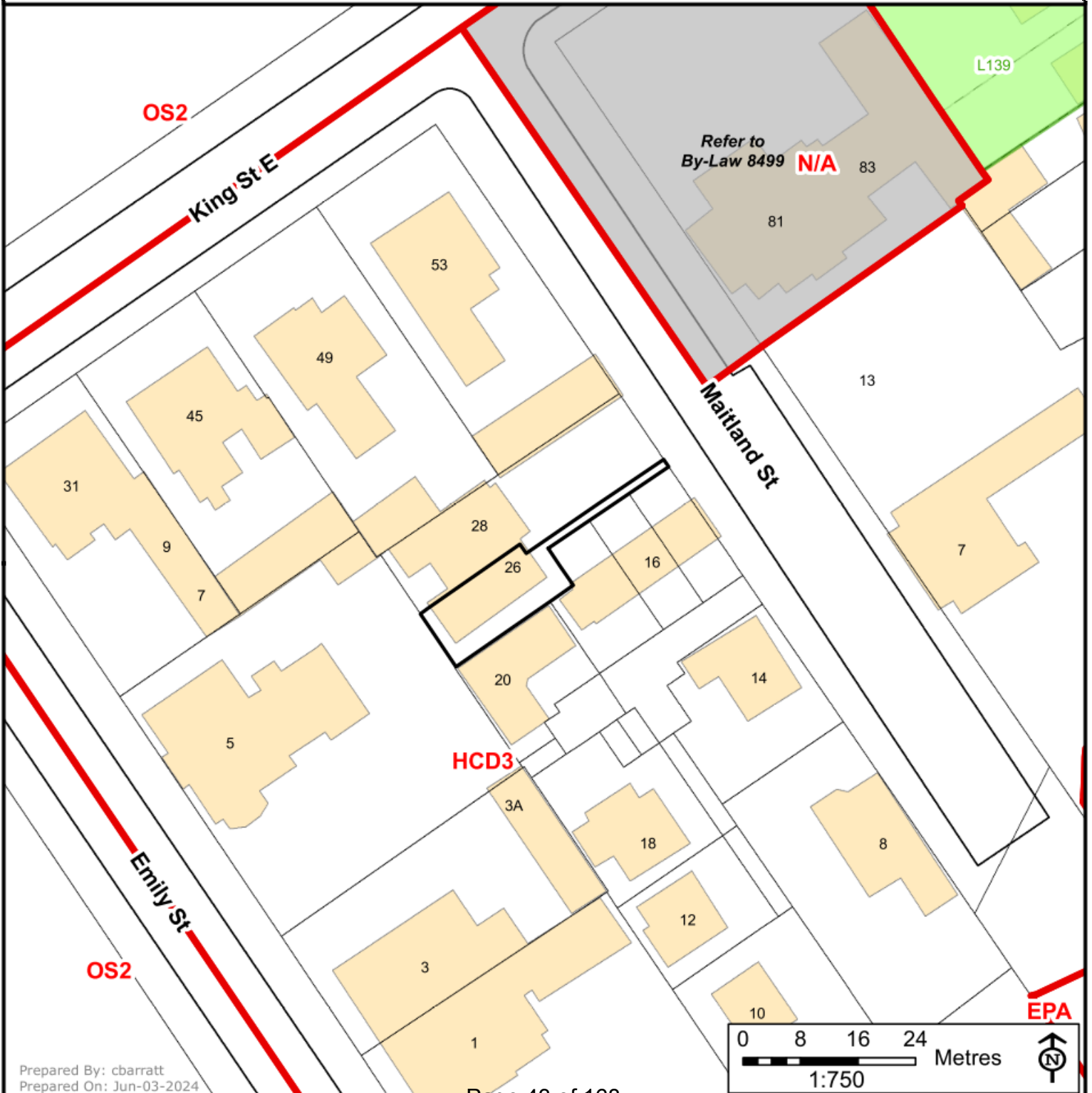
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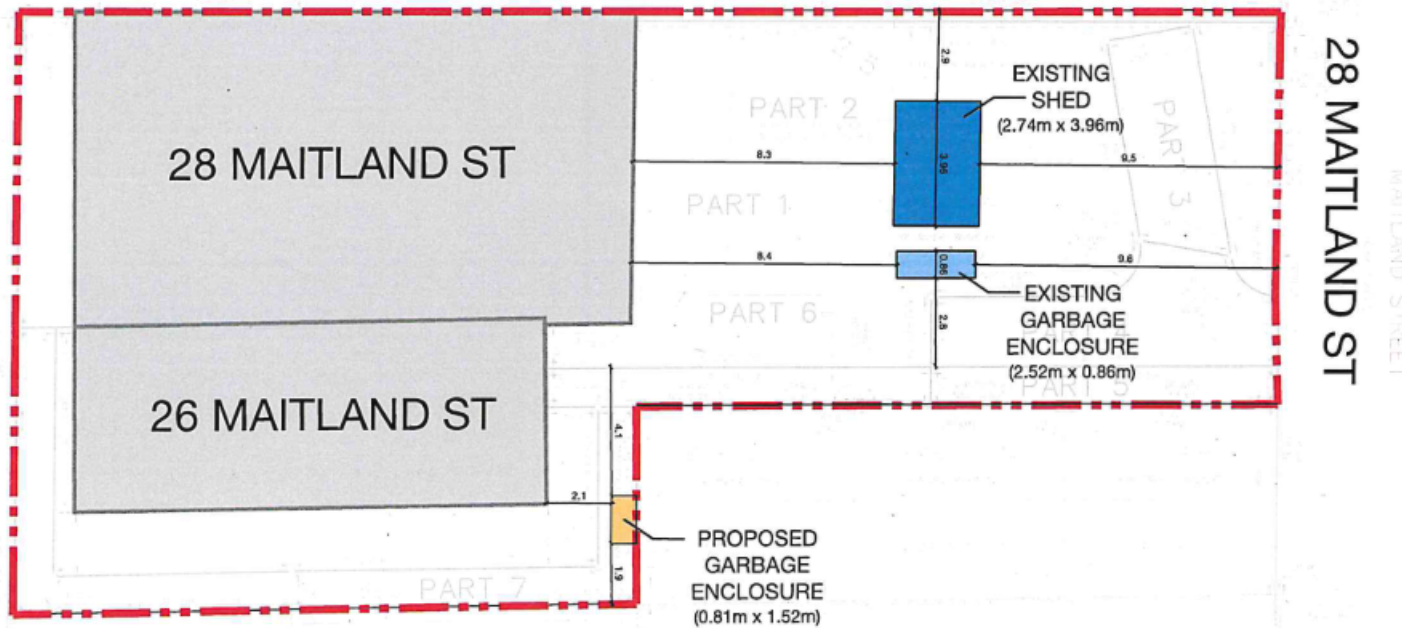
Committee of Adjustment
Existing Zoning
Kingston Zoning By-Law 2022-62

Address: 26 Maitland Street
File Number: D13-044-2024
Prepared On: Jun-03-2024

- 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)



26-28
MAITLAND
STREET
KINGSTON
Plot Plan



No.	REVISION	DATE	BY
1	BASE PLAN	2024.05.06	LC

CLIENT
MATHERS FAMILY

FOTENN
Planning + Design

OTTAWA: 248 Carleton Street, Suite 200, Ottawa, ON K1P 2H7 (416) 255-1100
 KINGSTON: 44 Queen Street, Suite 200, Kingston, ON K7K 1Z7 (613) 542-0300
 TORONTO: 111 Spadina Ave., Suite 200, Toronto, ON M5S 2C2 (416) 593-9700

DESIGNED	LC
REVIEWED	ET
DATE	2024.05.06

P1

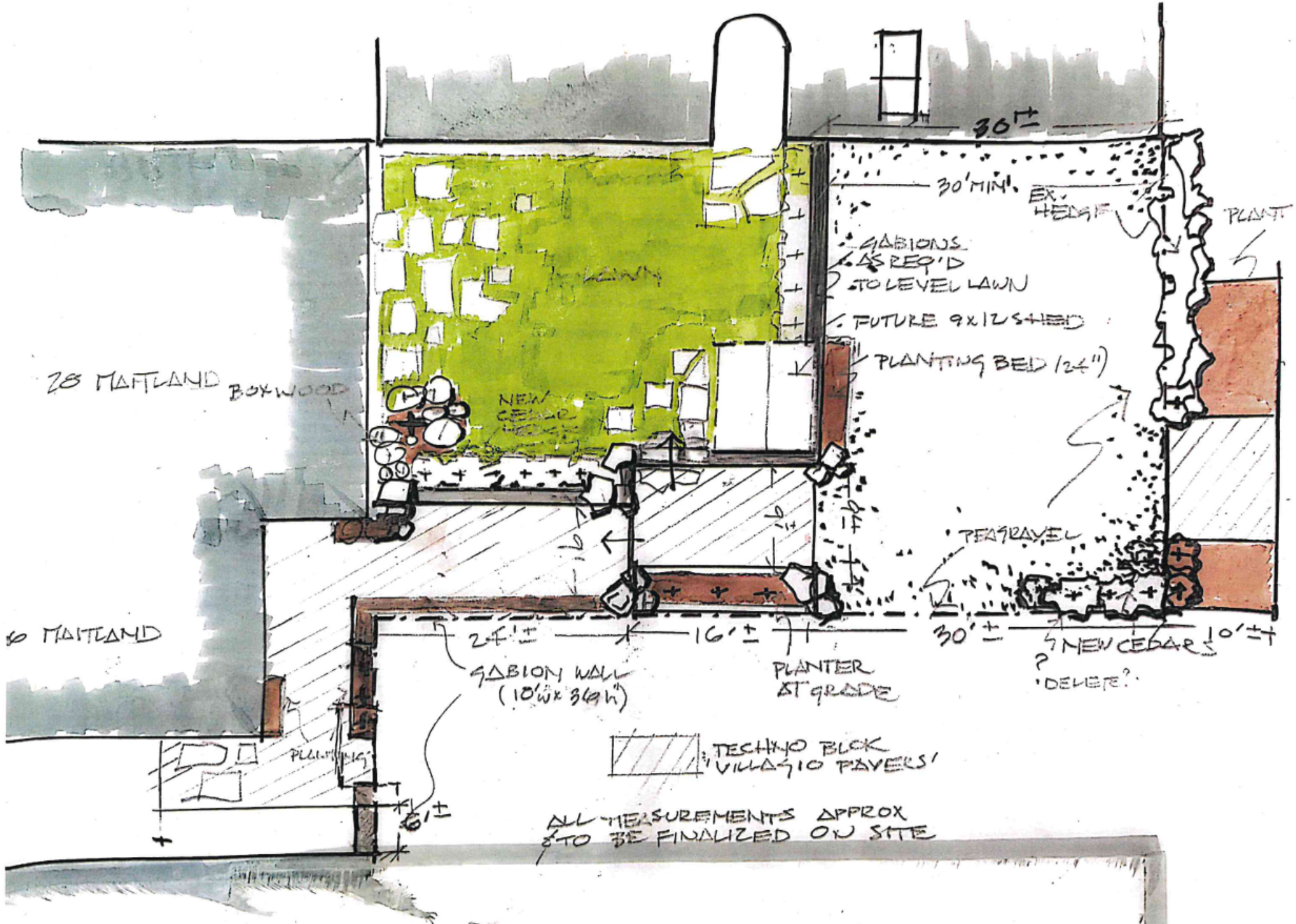




Figure 1: Looking west from the front lot line at the accessory structure on the subject property.



Figure 2: Looking west at the structure in front of the semi-detached home.



Figure 3: Looking northwest at the structure with the home and side yard in the background.



Figure 4: Looking north past the structure and dwelling to the adjacent attached property.



Figure 5: Looking south past the frontage of the subject property.



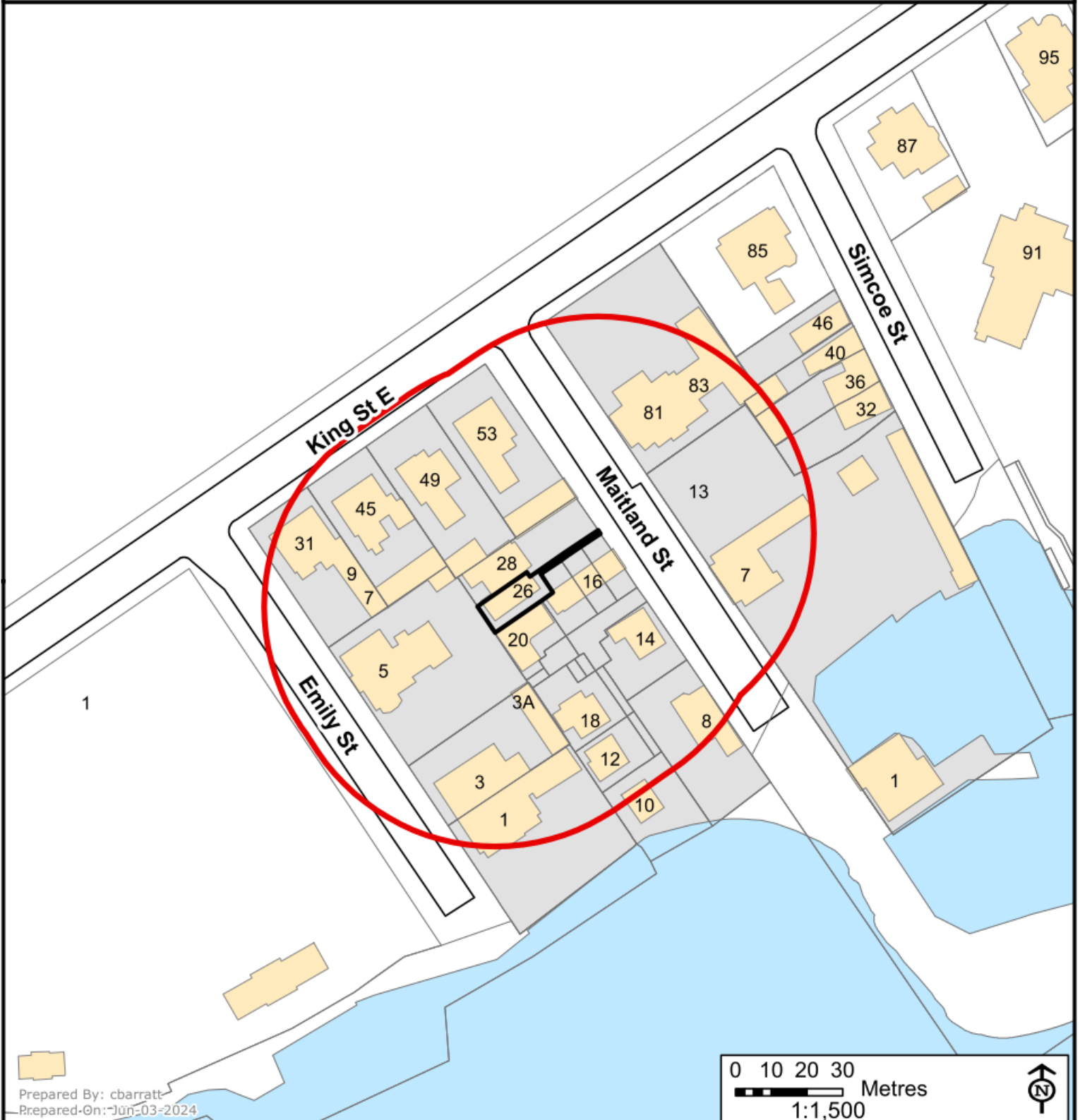
Figure 6: Looking north past the frontage of the subject property.



Committee of Adjustment
Public Notice Notification Map

Address: 26 Maitland Street
File Number: D13-044-2024
Prepared On: Jun-03-2024

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



Prepared By: cbarratt
Prepared On: Jun-03-2024

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**City of Kingston
Report to Committee of Adjustment
Report Number COA-24-063**

To: Chair and Members of the Committee of Adjustment
From: Chris Wicke, Senior Planner
Date of Meeting: July 15, 2024
Application for: Minor Variance
File Number: D13-045-2024
Address: 28 Maitland Street
District: District 10 - Sydenham
Owner: Anne Mathers and James Mathers
Applicant: Fotenn Planning + Design

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 28 Maitland Street. The applicants are proposing to permit two accessory structures that have been constructed in the front yard of the semi-detached house.

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.

July 15, 2024

Page 2 of 11

Recommendation:

That minor variance application, File Number D13-045-2024, for the property located at 28 Maitland Street to permit accessory structures in the front yard of the semi-detached house, be approved, as described below:

Variance Number 1:

By-Law Number 2022-62: 4.1.2.1 – Additional Accessory Provisions for Residential Uses and Buildings

Requirement: The accessory building must be located in a rear yard, exterior yard or interior yard

Proposed: Front yard

Variance Requested: Front yard

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-063.

July 15, 2024

Page 3 of 11

Authorizing Signatures:

ORIGINAL SIGNED BY PLANNER

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

July 15, 2024

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Options/Discussion:

On May 27, 2024, a minor variance application was submitted by Fotenn Planning + Design, on behalf of the owners, Anne Mathers and James Mathers, with respect to the property located at 28 Maitland Street. The variance is requested to permit accessory structures in the front yard of the semi-detached house. Following a misunderstanding, the owners have constructed a 2.7 metre by 3.9 metre (10.1 square metre) detached storage building (shed) and small attached garbage enclosure on the property without prior approval. As the accessory structures are less than 15 square metres, no building permit is required for their construction, though they are still required to be compliant with the applicable zoning and are subject to heritage approval. Due to the positioning of the semi-detached dwelling towards the rear of the property, there is little room in the rear or side yards. The request for relief is being made to permit accessory structures for exterior storage space for outdoor maintenance tools and equipment and garbage and recycling storage, which is not currently possible given the building placement and lot configuration.

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

- Plot Plan (Exhibit F)
- Landscape Plan (Exhibit G)
- Planning Report
- Minor Variance Addendum
- Survey

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 Maitland Street, south of King Street East, east of Emily Street, and west of Simcoe Street (Exhibit B – Key Map). The principal dwelling at 28 Maitland abuts the structures on the adjacent properties on both sides. There is a limited rear yard and a large front yard in front of the dwelling. There is an existing shed and garbage enclosure in the front yard of the home (Exhibit C – Neighbourhood Context Map).

The shed is approximately 4 metres tall and 10.1 square metres in area, clad in painted fibre cement clapboard in a green tone with a gable roof to be covered in dark coloured standing seam metal roofing. A salvaged wooden casement window is installed on the east elevation and a pair of glazed wooden French doors, salvaged from the main building in 2020, are installed on the west elevation. A small wooden garbage enclosure, clad in matching clapboard siding, is located just to the south of the shed.

July 15, 2024

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As part of the Old Sydenham Heritage Conservation District, the subject property is designated and is also surrounded by Part V heritage designated properties.

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

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 block of the City whereby the land use is residential in a varied built form and consisting of a well-preserved heritage block of homes. The proposal to permit accessory structures in the front yard of the home is compatible with the surrounding area. The modification is not anticipated to have any negative impacts on the neighbourhood. The change is proposed in the front yard of the property but set back 9.5 metres from the lot line where there will be little possibility of visual impacts on the streetscape. No change to the primary use of the property is proposed as a result of the minor variance, and no expansion of the existing building footprint is proposed.

This proposal to permit accessory structures in the front yard meets all compatibility criteria and will not result in any negative off-site impacts to abutting properties. As the accessory structures are proposed to be used as a shed for storage and as a garbage enclosure, they will not be living space, and their use will be regular but brief. They are positioned in the yard such that the

July 15, 2024

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windows of the accessory structure at the rear of the adjacent property at 53 King Street East are not obscured, and there is no threat of loss of privacy due to intrusive overlook due to the enclosed nature of the yard and the placement of the window in the shed, which is directed east towards the street. Increased levels of light pollution, noise, or odour are not anticipated. Adverse effects due to shadowing are also not anticipated as the shed is approximately 4 metres in height and located 2.9 metres from the property line and the accessory structure to the north, and the garbage enclosure is less than 2 metres high. No significant shadows will be created by the shed and garbage enclosure. Due to the courtyard form of the yard created by the surrounding buildings and the landscaping along the front lot line, there is limited visibility from the street and surrounding area to the front yard, and no adverse impacts to the streetscape along Maitland Street are anticipated. Other than finishing the roof of the structure, no additional exterior changes are proposed to 28 Maitland as a result of this application. Further mitigation measures are not required.

The structures are of a suitable scale and will provide room for the storage of tools and equipment for outdoor maintenance, as well as serving as a garbage enclosure. The placement of the shed also provides additional privacy for the residents, screening the view of part of the front yard from the street and improving the quality of the outdoor amenity space. The proposal will not negatively impact the functional needs of the current or future residents. No increase to the footprint of the principal building is proposed.

The proposed structures will have no negative impact to the site functioning in terms of access, parking for vehicles or bicycles, or universal accessibility. The existing parking spaces will remain unchanged. 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 Part V of the *Ontario Heritage Act*, and it is part of the Old Sydenham Heritage Conservation District (HCD) through By-Law Number 2015-67. It is located adjacent to similarly designated properties. This work was subject to a heritage permit ([P18-018-2024](#)) which was approved on April 17, 2024 (Report Number HP-24-021). Consideration was given to how the property plays a role in the Old Sydenham Heritage Conservation District. The Old Sydenham Heritage Area HCD Plan Property Inventory Evaluation identifies the property (including both 26 and 28 Maitland Street) as 'contributing' to the Old Sydenham HCD by way of its' low massing, mansard roof, rectangular openings and its 2-tiered façade. While 28 Maitland Street is not rated as a "significant" building by the Old Sydenham HCD Property Inventory Evaluation, it is still considered a "contributing" building to the heritage character of the HCD and thereby considered a "heritage building" for the purposes of the District Plan's policies and guidelines. The new shed and garbage enclosure are located in the front yard, which conflicts with the HCD Plan's guidelines for new additions to heritage buildings. However, Maitland Street is somewhat unusual in design as it evolved more organically than most in the District, and it was not strictly planned as a residential streetscape.

July 15, 2024

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The new shed is shorter than the main building; however at approximately 4 metres wide it will obstruct the view of a portion of the main building at 28 Maitland Street. The heritage report acknowledges that the main building’s location on the lot limits the owners’ ability to construct a shed in either the rear or side yards, and it recognizes that the new shed is set back approximately 10 metres from the street, about halfway between the street and the main building, thereby allowing the owners to retain their required parking spaces and creating a small, semi-private amenity area in their front yard.

The property is within an area cleared of archaeological potential; an archaeological assessment is not required. The property uses municipal water and sewage services. As this application proposes to permit an accessory structure with no new services and 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 accessory structures in the front yard 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 permit accessory structures in the front yard of the existing home.

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

The subject property is zoned Heritage Zone 3 – Old Sydenham (HCD3) in Kingston Zoning By-Law Number 2022-62 (Exhibit E – Zoning By-Law Map). The HCD3 zone permits a range of residential uses including semi-detached houses.

The proposal requires a variance to Section 4.1.2 regarding locating an accessory structure in the front yard:

Variance Number 1:

By-Law Number 2022-62: 4.1.2.1 – Additional Accessory Provisions for Residential Uses and Buildings

Requirement: The accessory building must be located in a rear yard, exterior yard or interior yard

Proposed: Front yard

Variance Requested: Front yard

No relief is required to the provisions of the HCD3 zone and there are no proposed changes to the principal dwelling.

July 15, 2024

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The variance requested maintains the general purpose and intent of the applicable provisions of the by-law which is to locate accessory structures in areas where they are functional but not prominently located. Due to the positioning of the principal semi-detached house towards the rear of the site, 28 Maitland has no side yards and the rear yard is minimized. The front yard presents the only realistic option for accessory structures.

The accessory structures are set back substantially from the street line, are made less visible from the street by the placement of adjacent existing buildings, and are partially screened with landscaping and parking from both the subject property and adjacent properties.

The proposed design of the shed has been deemed compatible with the heritage characteristics of the HCD. Further analysis in this regard can be found in Report Number HP-24-021, 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 accessory structures in the front yard is considered minor as it will be limited to the site and limited in the potential for any impacts. The structures are compatible with the principal dwelling, the surrounding properties and the existing neighbourhood, and they will support the residential use of the property. The property is in an area characterised as a heritage residential neighbourhood and designated as a Heritage Conservation District. The shed and garbage enclosure are constructed with an attention to detail and quality of construction that is in keeping with the adjacent structures and the surrounding neighbourhood. The accessory structure in the front yard has received a heritage permit and is not anticipated to result in any adverse effects to the surrounding Heritage Conservation District.

The shed and garbage enclosure comply with all other applicable zone provisions, including lot coverage, maximum height, and setbacks. The proposal will not change the fundamental design characteristics of the neighbourhood. No impact on the surrounding land uses is anticipated.

The 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 scale and design of the shed and garbage enclosure are appropriate for the dwelling size, and the structures have been carefully detailed to be compatible with the heritage characteristics of the home and surrounding properties within the Old Sydenham Heritage Conservation District.

As there are no side yards and a limited rear yard for the property, the only feasible placement option for the shed and garbage enclosure is in the front yard. They have been positioned such that they do not obstruct the windows of the neighbouring accessory structure, and in addition to

July 15, 2024

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its function for storage, the shed also creates an improved amenity space for the residents, providing greater privacy for the amenity area near the home while retaining the parking spaces closer to the street. The accessory structures will continue to support the residential use on the site without impact.

The variance is desirable and appropriate use of the land.

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 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. There is a minor variance application also being considered for the adjacent property at 26 Maitland Street (D13-044-2024) for similar zoning relief for an accessory structure – a small garbage enclosure that is proposed in the front yard.

July 15, 2024

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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 permit accessory structures in the front yard of the semi-detached house.

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 July 15, 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 31 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

July 15, 2024

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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

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 Landscape Plan
- Exhibit H Site Photos
- Exhibit I Public Notification Map

Recommended Conditions

The approval of minor variance application, File Number D13-045-2024, to construct an accessory structures in the front yard of the semi-detached house, shall be subject to the following recommended conditions:

1. Limitation

That the approved minor variance applies only to the accessory structures in the front yard at 28 Maitland 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. 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: 28 Maitland Street
File Number: D13-045-2024
Prepared On: Jun-03-2024

 Lands Subject to Minor Variance





Committee of Adjustment Neighbourhood Context

Address: 28 Maitland Street
File Number: D13-045-2024
Prepared On: Jun-03-2024

- Subject Lands
- Property Boundaries
- Proposed Parcels







Prepared By: ebaratt
Prepared On: Jun-03-2024

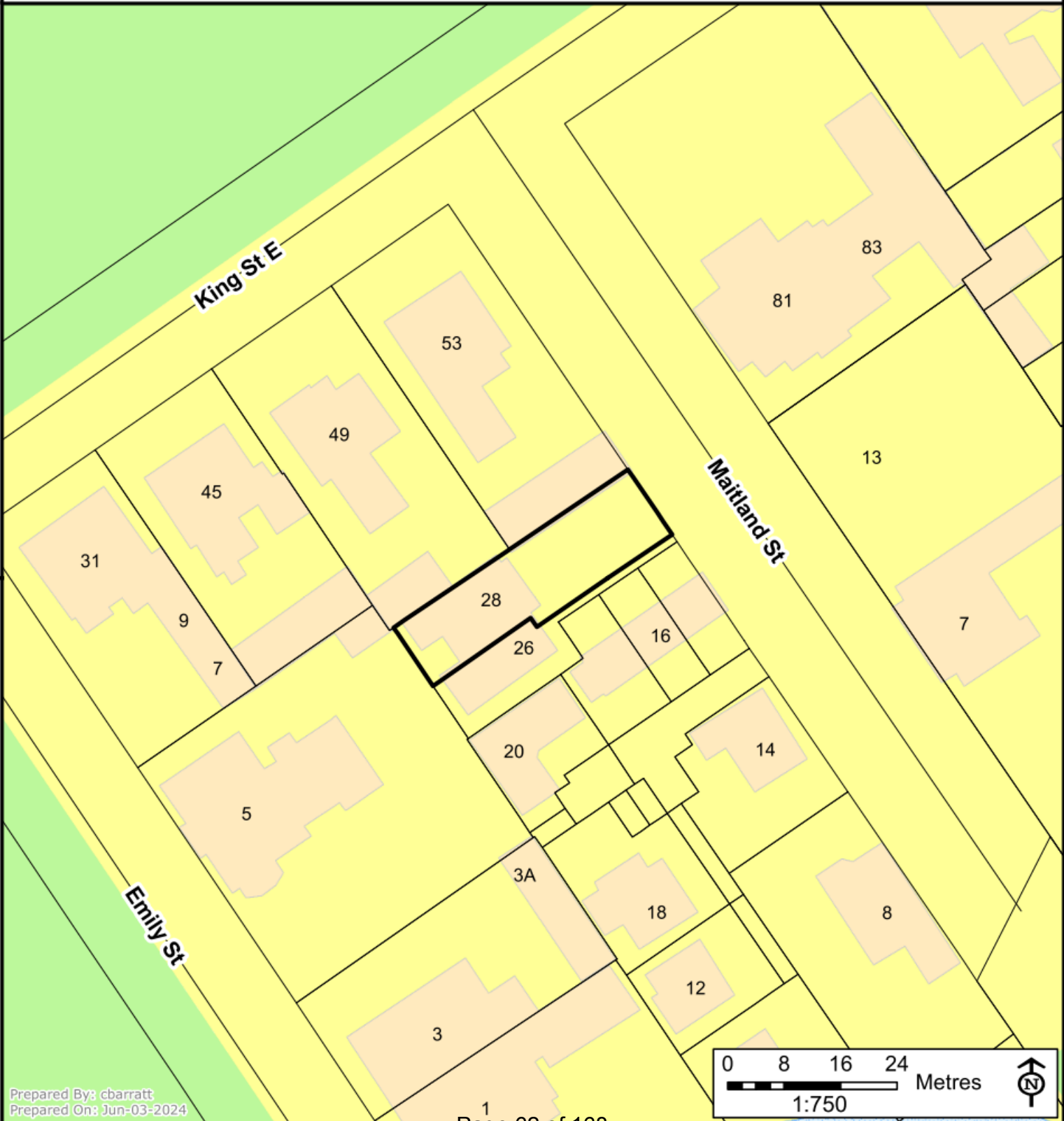
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Committee of Adjustment
Official Plan, Existing Land Use

Address: 28 Maitland Street
 File Number: D13-045-2024
 Prepared On: Jun-03-2024

-  Subject Lands
-  HARBOUR AREA
-  OPEN SPACE
-  RESIDENTIAL



Prepared By: cbarratt
 Prepared On: Jun-03-2024

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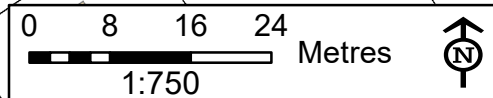


Planning Services

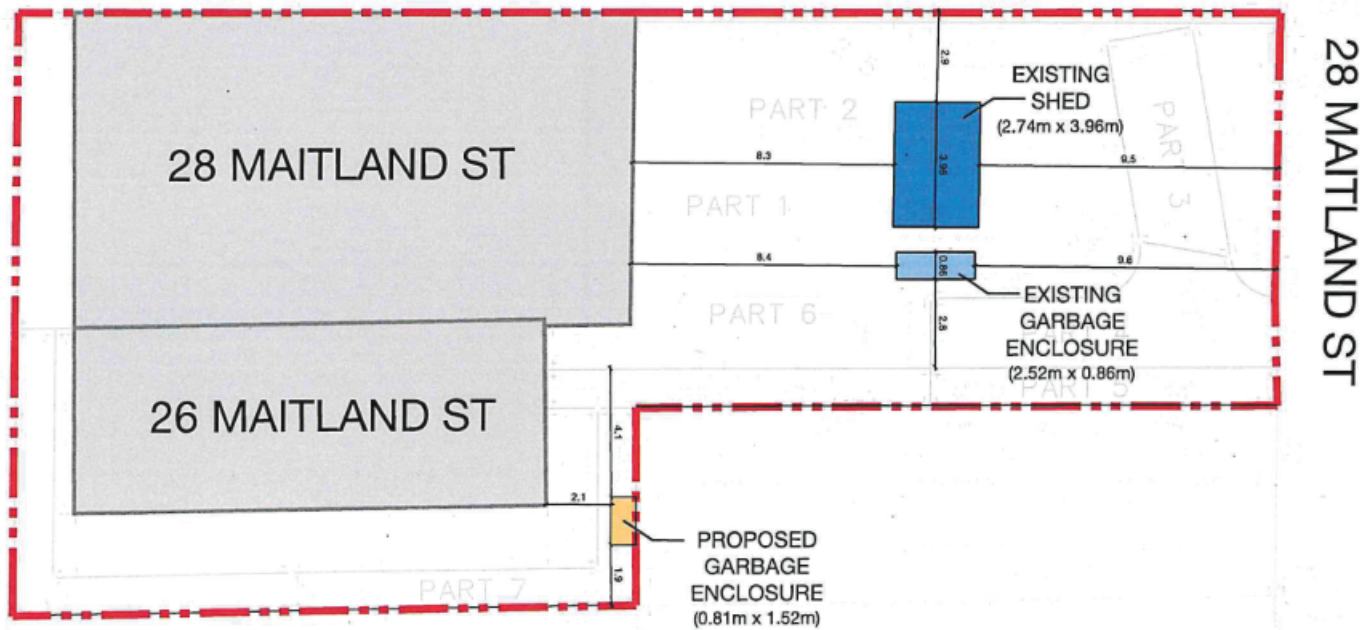
Committee of Adjustment
Existing Zoning
Kingston Zoning By-Law 2022-62

Address: 28 Maitland Street
File Number: D13-045-2024
Prepared On: Jun-03-2024

- 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)



26-28
MAITLAND
STREET
KINGSTON
Plot Plan



1	BASE PLAN	2024.05.06	LC
No.	REVISION	DATE	BY

CLIENT
MATHERS FAMILY

FOTENN
Planning + Design

OTTAWA: 788 Carleton Street, Suite 205, Ottawa, ON K1P 2H7 (613) 552-1554	KINGSTON: 48 Elizabeth St., Suite 205, Kingston, ON K7K 1Z7 (613) 592-2394	TORONTO: 214 Spadina Ave., Suite 205, Toronto, ON M5S 2C2 (416) 593-9776
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DESIGNED	LC
REVIEWED	ET
DATE	2024.05.06

P1

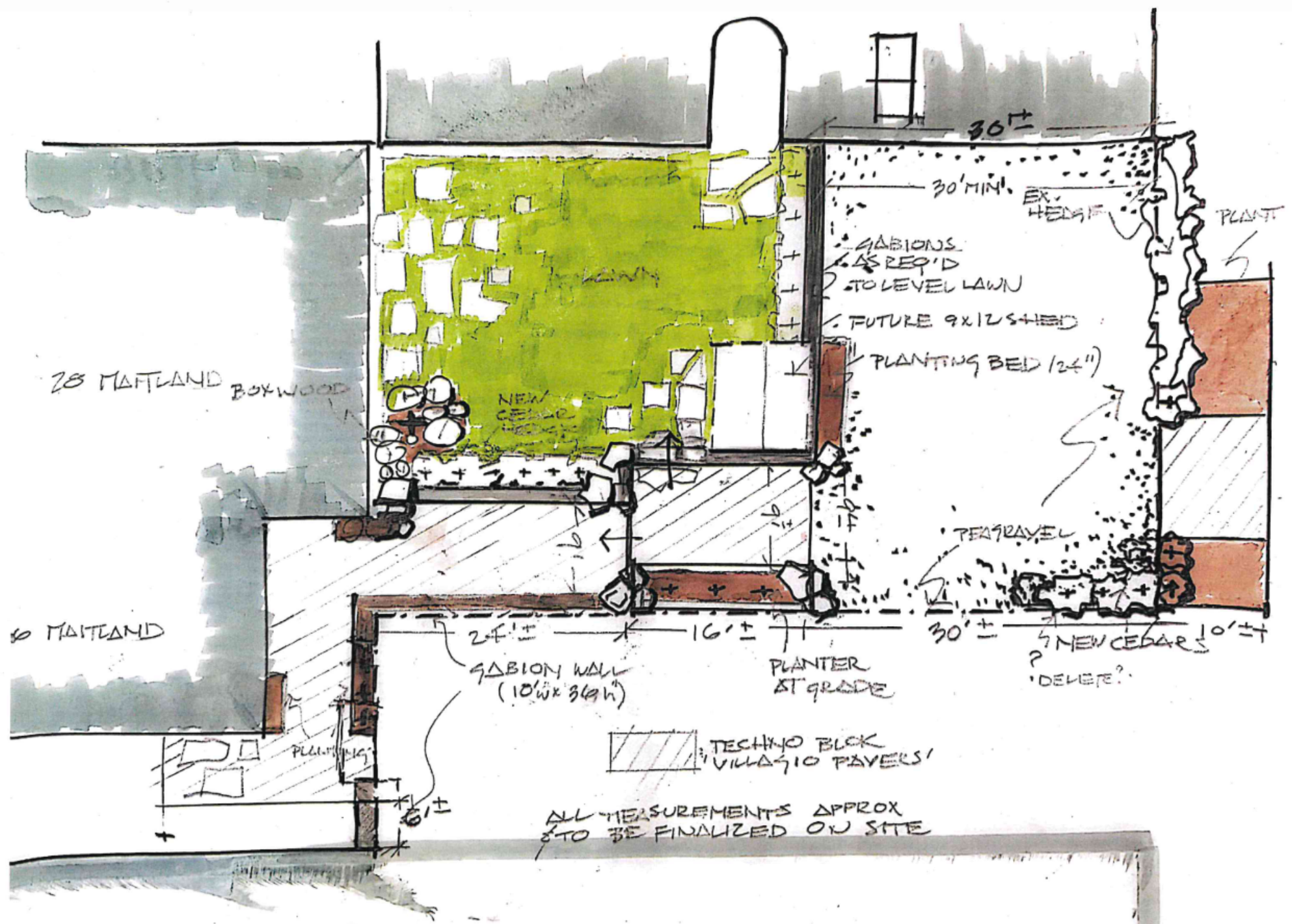




Figure 1: Looking west at the accessory structure on the subject property.



Figure 2: Looking northwest at the shed adjacent to the existing accessory structure to the north.



Figure 3: Looking northeast towards Maitland Street and the property across the street.



Figure 4: Looking west along the neighbouring driveway at 26 Maitland Street.



Figure 5: Looking south past the frontage of the subject property.



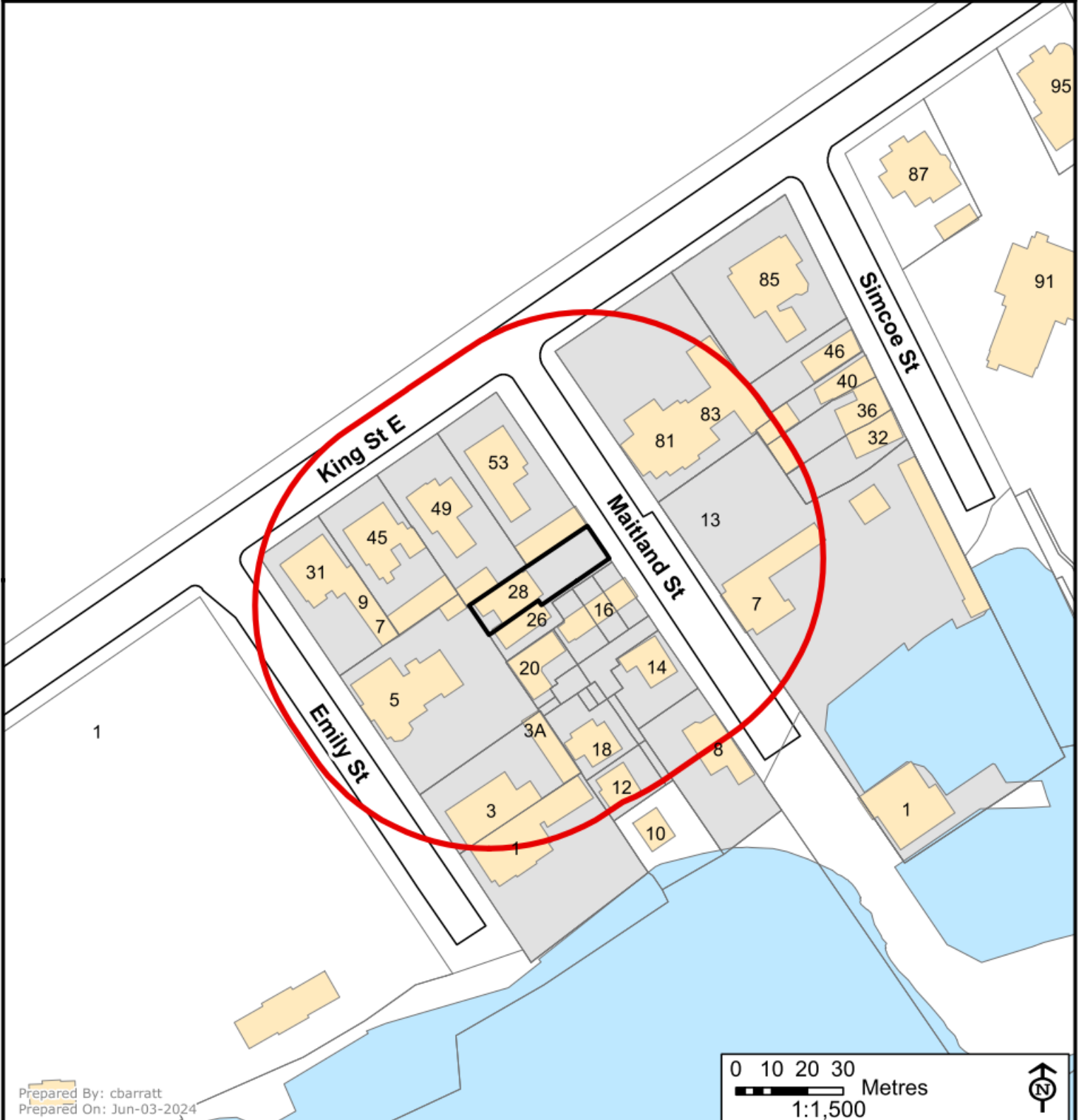
Figure 6: Looking north past the frontage of the subject property.



Committee of Adjustment Public Notice Notification Map

Address: 28 Maitland Street
File Number: D13-045-2024
Prepared On: Jun-03-2024

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



Prepared By: cbarratt
Prepared On: Jun-03-2024

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**City of Kingston
Report to Committee of Adjustment
Report Number COA-24-057**

To: Chair and Members of the Committee of Adjustment
From: Amy Didrikson, Senior Planner
Date of Meeting: July 15, 2024
Application for: Minor Variance
File Number: D13-039-2024
Address: 2267-2271 Princess Street
District: District 3 - Meadowbrook-Strathcona
Owner: 1000296271 Ontario Inc.
Applicant: N Architecture Inc.

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 2267 - 2271 Princess Street. The applicant is proposing a commercial development on the subject property, consisting of a gas station with convenience store and drive through restaurant and a multi-unit retail building, which is subject to an active Site Plan Control application (City File Number D11-008-2023). The proposed site configuration requires a reduction in the minimum required east interior setback, the minimum rear setback, and the minimum drive aisle requirement of the Kingston Zoning By-law.

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

July 15, 2024

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

Recommendation:

That minor variance application, File Number D13-039-2024, for the property located at 2267 – 2271 Princess Street to reduce the minimum east interior setback, the minimum rear setback and the minimum drive aisle width requirement to enable a proposed commercial development comprising a gas station with convenience store and drive-through restaurant and multi-unit retail building, be approved, as described below:

Variance Number 1: Minimum Interior Setback

By-Law Number 2022-62: Row 7, Table 15.6.1
Requirement: 9.1 metres for a gas station
Proposed: 7.1 metres for a gas station
Variance Requested: 2.0 metres;

Variance Number 2: Minimum Rear Setback

By-Law Number 2022-62: Row 5, Table 15.6.1
Requirement: 7.5 metres
Proposed: 2.0 metres
Variance Requested: 5.5 metres;

Variance Number 3: Minimum Drive Aisle Width for Perpendicular Parking Space

By-Law Number 2022-62: Row 3, Table 7.4.1
Requirement: 6.7 metres
Proposed: 6.0 metres
Variance Requested: 0.7 metres; and

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-057.

July 15, 2024

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Authorizing Signatures:

ORIGINAL SIGNED BY PLANNER

Amy Didrikson, Senior Planner

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

Tim Park, Director, Planning Services

James Bar, Manager, Development Approvals

July 15, 2024

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Options/Discussion:

On May 22, 2024, a minor variance application was submitted by N Architecture Inc., on behalf of the owner, 1000296217 Ontario Inc., with respect to the property located at 2267 – 2271 Princess Street. The applicant is proposing a commercial development on the subject property, consisting of a gas station with convenience store and drive through restaurant and a multi-unit retail building, which is subject to an active Site Plan Control application (City File Number D11-008-2023). The applicant has worked through two cycles of Site Plan Control review and has arrived at the proposed site configuration that requires a reduction in the minimum required east interior setback, the minimum rear setback and the minimum drive aisle requirement of the Kingston Zoning By-law.

The proposed development includes an approximately 380 square metre, one-storey convenience commercial and drive-through restaurant building, as well as an approximately 832 square metre, one-storey retail building to contain eight separate retail units. The retail units range in size between 80 square metres and 120 square metres. The gas bar has a total of four pump stations and would be able to serve eight vehicles. The site plan accommodates a total of 44 parking spaces, including 4 barrier free spaces. Bike parking is incorporated in excess of the Kingston Zoning By-Law requirements, with 12 short term bike spaces and 4 long-term bike spaces.

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

- Site Plan (Exhibit F);
- Planning Justification;
- Architectural Elevations;
- Landscaping Plans;
- Noise Impact Study; and,
- Heritage Impact Statement.

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 Princess Street, west of Sydenham Road (Exhibit B – Key Map). The property is approximately 0.5 hectares (5,764.93 square metres) in size with approximately 63 metres of frontage on Princess Street.

The subject property is identified as being within the Princess Street Corridor Specific Policy Area, as shown on Schedule 2 and Schedule 13 of the Official Plan (Section 10E). The site is designated ‘Arterial Commercial’ on Schedule 3-A of the Official Plan (Exhibit D – Official Plan,

July 15, 2024

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Land Use), and is zoned CG (General Commercial), subject to Legacy Exception L46, in Zoning By-Law Number 2022-62 (Exhibit E – Zoning By-Law Map).

To the east of the subject site is a commercial property, designed under Part IV of the *Ontario Heritage Act*. The designated property contains the William and Mary 'Beamish House', a two-storey limestone house with attached carriage house and stone barn, constructed in 1850. The Beamish House was designed by William Coverdale, a well-known Kingston architect. The buildings on this designated heritage property contain non-residential uses.

To the north of the property across Princess Street are commercial uses, including a Tim Hortons as well as an unoccupied commercial property. To the west of the subject site is an undeveloped property, which is currently zoned and designated for commercial uses. The low-rise, low-density residential subdivision known as Waterloo Village is located to the southwest of the subject property. The nearest residential property in the Waterloo Village subdivision is located approximately 30 metres from the rear lot line of the subject property.

The subject site is well serviced by transit, including an Express transit route, with a number of bus stops located within walking distance. The site is approximately 1 kilometre from the Via Rail Train Station on John Counter Boulevard, and approximately 2 kilometres to the closest Highway 401 interchange from Sydenham Road. There are sidewalks on both sides of Princess Street in this location.

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:

The general intent and purpose of the Official Plan are maintained

The subject property is designated Arterial Commercial in the City of Kingston Official Plan (Exhibit D – Official Plan Map). According to section 3.4.E.1 of the Official Plan, permitted uses in the Arterial Commercial designation include a range of services that cater to the travelling public, including automotive uses such as gas bars and service stations. Limited convenience commercial goods and services are also permitted in accordance with the applicable

July 15, 2024

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zoning. The proposal includes a gas station with a convenience store and drive through restaurant fronting onto Princess Street, with a retail development to the rear. The proposed uses are consistent with the uses contemplated for the Arterial Commercial land use designation.

The subject property is identified as being within the Princess Street Corridor Specific Policy Area, as shown on Schedule 2 and Schedule 13 of the Official Plan (Section 10E). In this area, site-specific policies apply to direct development to be compact with a mix of uses, providing support for transit, infrastructure, and increased levels of economic activity in a pedestrian-oriented setting. The proposed development includes a mix of commercial uses and incorporates delineated walking paths throughout the site plan, connected to sidewalks along Princess Street, consistent with the vision for development in the Princess Street corridor. 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. A summary of the applicable considerations is provided below.

As demonstrated through the submitted Noise Impact Study, the proposed development will be compatible with surrounding sensitive land uses (i.e. residential land uses). The Noise Impact Study evaluated noise associated with stationary noise sources including rooftop HVAC equipment which would be present on the retail development with the reduced rear setback, and noises associated with the drive-through operating on the east side of the property with a reduced interior setback. The Study concludes that the sound levels generated by the proposed development are predicted to comply with the Provincial sound limit levels. Detailed design measures and conditions to ensure the Noise Impact Study conclusions remain applicable will be pursued through the Site Plan Control process.

According to Schedule 9 of the Official Plan, the subject property is located in the “Catarauqui Village” Heritage Character Area. Policy in the Official Plan highlights this area as having a specific heritage character worthy of further investigation as potential heritage conservation districts. Due to the adjacent Part IV designated heritage property at 2263 Princess Street, a Heritage Impact Statement was submitted as part of the associated Site Plan Control application for the commercial development in accordance with section 7.1.7 and 9.5.19. e. of the Official Plan.

As demonstrated through the submitted Heritage Impact Statement (HIS), the proposed development with reduced interior east setback will be compatible with the east adjacent heritage property. The Heritage Impact Statement concludes that the overall low-profile of the development in combination with the generous setbacks from the front property line ensures that visual prominence of the Beamish House is maintained along Princess Street. Specific recommendations from the HIS with respect to lighting, landscaping and maintaining views through the to the Beamish house (through the elimination of fencing) will be implemented through the Site Plan Control application.

The proposed site configuration conforms to design criteria established for Arterial Commercial development under 3.4.E.6. of the Official Plan, which emphasizes the need for compatibility

July 15, 2024

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between adjacent developments, and the importance of landscaped buffering between parking areas and the sidewalk. The proposal includes planting beds along the frontage of Princess Street, and in front of parking spaces proposed along the west property line.

The proposed site configuration for the commercial development (Exhibit F – Site Plan) will maintain the ability of the site to function in an appropriate manner in terms of access, parking for vehicles and bicycles and meeting accessibility requirements. The reduced rear setback maintains adequate distance from the lot line to incorporate access behind the retail development and facilitate maintenance of the building. The loading area for the retail development is located on the south east corner of the property, screened from view from the public road allowance. The reduced drive aisle width at the rear of the site will not negatively affect the functionality of the parking area as discussed further below.

With respect to servicing, the proposed development is within the Urban Boundary on full municipal services. The proposed development is undergoing a Site Plan Control application process (City File Number D11-008-2023) where information with respect to servicing is reviewed by Utilities Kingston as part of the ongoing technical review of the application. No servicing capacity concerns have been identified as part of the ongoing technical review. Having regard to 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 conditions have been provided for the Committee’s consideration and are included as Exhibit A to this report.

The application maintains the general intent and purpose of the Official Plan, as the proposed commercial development enabled by the variances is consistent with development envisioned within the Arterial Commercial designation, in the Princess Street Corridor, will be compatible with adjacent development, will maintain a functional site layout and 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 CG (General Commercial) in Kingston Zoning By-Law Number 2022-62 and is subject to Legacy Exception Overlay L46 (Exhibit E – Zoning By-Law Map). The CG zone permits the proposed uses, being a gas station, restaurant and retail store. The L46 exception also permits a hotel use, in addition to the permitted uses of the CG zone.

The proposal requires a variances to the minimum required east interior setback, the minimum rear setback and the minimum drive aisle requirement for a perpendicular parking space, as outlined below.

Variance Number 1: Minimum Interior Setback

By-Law Number 2022-62:Row 7, Table 15.6.1

Requirement: 9.1 metres for a gas station

Proposed: 7.1 metres for a gas station

Variance Requested: 2.0 metres

July 15, 2024

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The Kingston Zoning By-law includes a minimum interior setback for a gas station of 9 metres, which applies from the east property line and the west property line of the subject property. The setback applicable to the gas station applies not only to the gasoline pumps and canopy but to the associated building containing the convenience commercial store. The proposed minimum interior setback is 7.1 metres, which is the minimum distance to the “bump out” associated with the drive-through dispensing window. It is notable that the majority of the main wall of the building associated with the gas station is setback 8.2 metres from the east interior property line. The variance permitted in this case is limited to the site configuration and extent of the commercial building illustrated on the site plan in Exhibit F.

In the General Commercial zone, for all permitted uses except a gas station, the interior side yard setback is 0 metres where the adjacent property is in a commercial zone. A gas station is subject to a 9.1 metre minimum interior setback, which is intended to provide a buffer from this use which can have associated odour, lighting and noise impacts. The reduction to the minimum required setback for a gas station meets the intent of the Kingston Zoning By-law, as the commercial building enabled by this variance will not result in undue adverse impacts related to noise, lighting or odour, and further, has been sited on the property to avoid negative impacts to the adjacent heritage property.

Variance Number 2: Minimum Rear Setback

By-Law Number 2022-62: Row 5, Table 15.6.1

Requirement: 7.5 metres

Proposed: 2.0 metres

Variance Requested: 5.5 metres

The Kingston Zoning By-law requires a minimum 7.5 metre rear setback for all uses in the General Commercial zone, which is intended to facilitate a loading area and deliveries at the rear of sites and to minimize potential impacts nearby sensitive uses in terms of lighting, litter, noise, odours or commercial deliveries through buffering. It is also intended to allow area for maintenance to buildings and associated HVAC equipment.

Due to the unique configuration of the site, there is an opportunity in this case to provide the one required loading space for the rear, retail building in the side yard of the building, screened from the street from intervening development and landscaping. As a result, a rear loading area is not required. A 7.5 metre rear yard setback is provided from the proposed garbage enclosure at the terminus of the loading space, at the rear of the site, providing a buffer between adjacent properties. The proposal includes a staggered building to incorporate minimum 2.0 metre wide setback at the rear that will facilitate access around the building for maintenance and functionality.

The submitted Noise Impact Study evaluated noise associated with stationary noise sources including rooftop HVAC equipment which would be present on the rooftop of the retail development with the reduced rear setback and concludes that the sound levels generated by the proposed development are predicted to comply with the Provincial sound limit levels.

July 15, 2024

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Having regard to the above, the reduced rear yard setback will meet the intent of the requirement in the Kingston Zoning By-law.

Variance Number 3: Minimum Drive Aisle Width for Perpendicular Parking Space

By-Law Number 2022-62: Row 3, Table 7.4.1

Requirement: 6.7 metres

Proposed: 6.0 metres

Variance Requested: 0.7 metres

The minimum drive aisle width for perpendicular spaces in the Kingston Zoning By-Law is intended to ensure a functional parking area where vehicles can maneuver in and out of parking spaces. The site layout proposed for the commercial development includes a 6.0 metre drive aisle at the rear of the site, providing access to 17 perpendicular parking spaces. The remaining 27 perpendicular parking spaces on the site are accessed by a 6.3 metre wide drive aisle.

It is notable that the Legacy Exception Overlay (L46) applicable to the site permitted a minimum 6.0 metre drive aisle for a hotel development on the subject property, with parking spaces having minimum dimensions of 5.2 metres long by 2.6 metres wide. The parking spaces in the subject application are a minimum dimension of 5.5 metres long by 2.6 metres wide.

The applicant has demonstrated through vehicle maneuvering diagrams on the site plan drawing package that the larger trucks and vehicles associated with the gas station and deliveries and waste collection for the retail units can maneuver safely within the parking area. There are no concerns with the ability of a standard vehicle requiring parking on the site to maneuver within the parking area given the drive aisles are “single loaded” and the provision of a minimum 6.0 metre drive aisle. As a result, the reduction to the minimum drive aisle width meets the intent of the Kingston Zoning By-law for the proposed commercial development.

In summary, the requested variances maintain the general intent and purpose of the zoning by-law.

The variance is minor in nature

The variances are considered minor as they will not impact the compatibility or functioning of the proposed commercial development. The applicant has demonstrated that the proposed site plan configuration, subject to an active Site Plan Control application, will not result in adverse effects to the adjacent properties or uses with the implementation of detailed design measures including matters such as strategic location of lighting, plantings and fencing.

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

The relief sought is appropriate given the overall intent of the Arterial Commercial designation in the Princess Street Corridor by enabling commercial uses in a compact form that mitigates potential impacts on the adjacent heritage property, as demonstrated through the submitted HIS, and sensitive uses in proximity, as demonstrated through the submitted Noise Impact

July 15, 2024

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Study. The parking area and site circulation has been well developed to ensure functionality and access for vehicles, larger trucks, as well as pedestrians and bikes.

Technical Review: Circulated Departments and Agencies

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

Technical Comments

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

Public Comments

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

Previous or Concurrent Applications

The subject property is subject to an active application for Site Plan Control (City File Number D11-008-2023) to permit the proposed commercial development.

July 15, 2024

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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 permit the proposed site configuration of the commercial development in accordance with the submitted site plan, including a reduced minimum interior (east) setback, reduced minimum rear setback and reduced minimum drive aisle width for perpendicular parking spaces.

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 July 15, 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 9 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

July 15, 2024

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Financial Considerations:

None

Contacts:

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

Amy Didrikson, Senior Planner, 613-546-4291 extension 3296

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 D13-039-2024, to reduce the minimum required east interior setback, the minimum rear setback and the minimum drive aisle requirement to enable a proposed commercial development comprising a gas station with convenience store and drive-through restaurant and multi-unit retail building, shall be subject to the following recommended conditions:

1. Limitation

That the approved minor variance application applies only to the proposed commercial development as shown on the conceptual site plan drawing 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

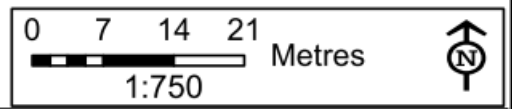
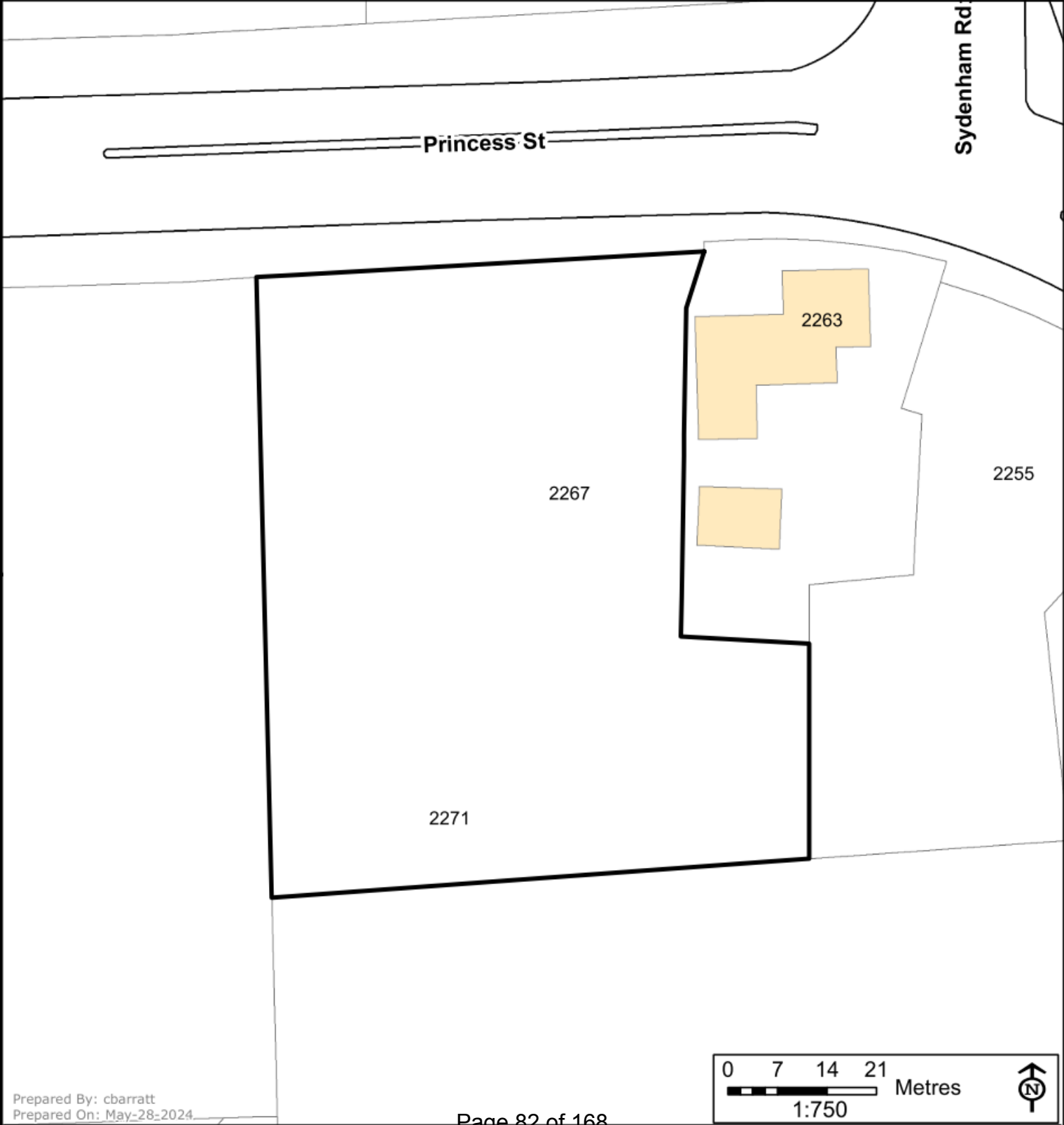
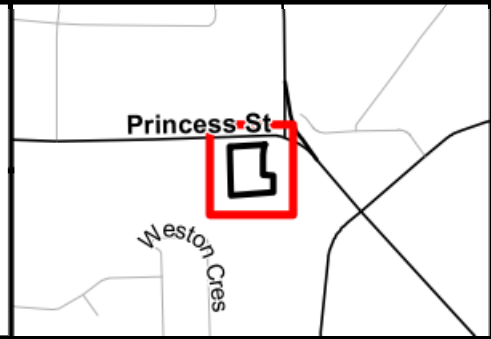
Multiculturalism (archaeology@ontario.ca), and City of Kingston's Planning Services (613-546-4291, extension 3180) must be immediately contacted.



Committee of Adjustment Key Map

Address: 2267 Princess Street
File Number: D13-039-2024
Prepared On: May-28-2024

 Lands Subject to Minor Variance





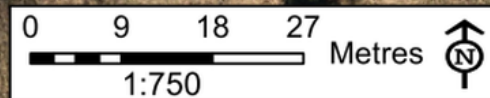
Committee of Adjustment Neighbourhood Context

Address: 2267 Princess Street
File Number: D13-039-2024
Prepared On: May-28-2024

- Subject Lands
- Property Boundaries
- Proposed Parcels






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

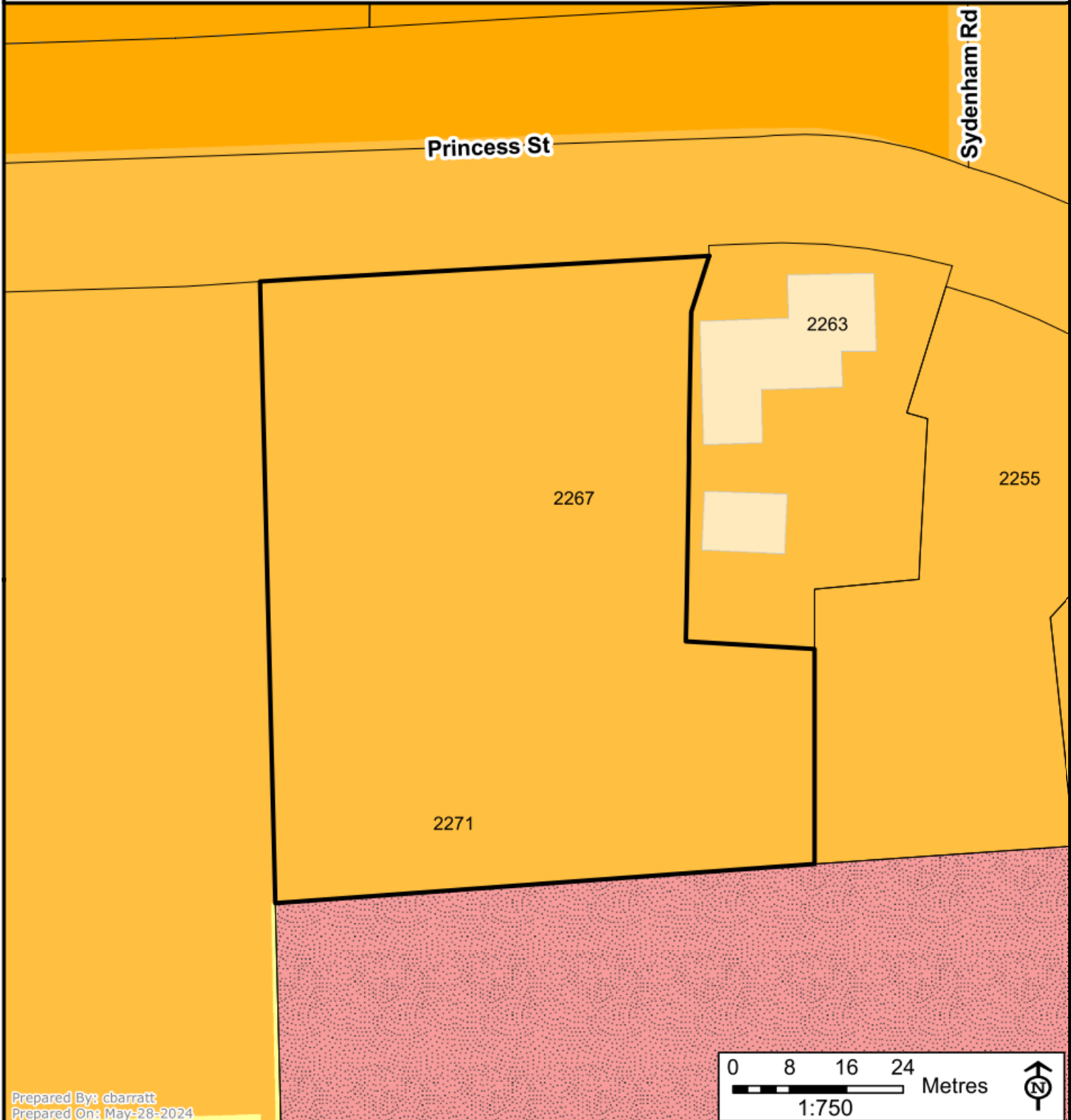




Committee of Adjustment
Official Plan, Existing Land Use

Address: 2267 Princess Street
File Number: D13-039-2024
Prepared On: May-28-2024

-  Subject Lands
-  ARTERIAL COMMERCIAL
-  DISTRICT COMMERCIAL
-  RESIDENTIAL
-  SECONDARY PLAN AREA
-  ARTERIAL COMMERCIAL



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

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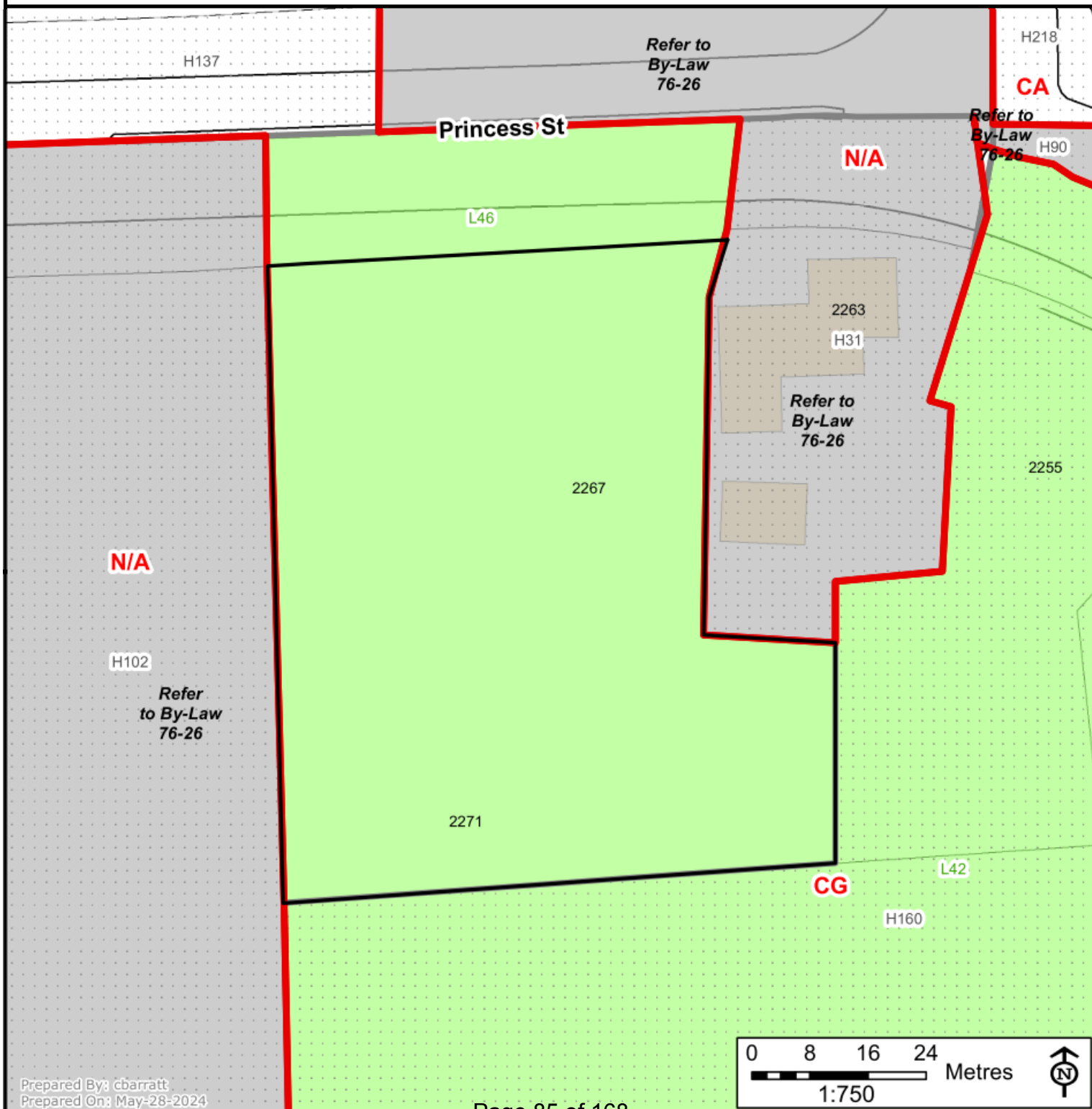


Planning Services

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

Address: 2267 Princess Street
File Number: D13-039-2024
Prepared On: May-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)





ISSUED FOR PERMITS
ISSUED FOR VARIANCE
NOT FOR CONSTRUCTION

No.	Date	Version	Drawn
4.	14 MAY 2024	ISSUED FOR PERMITS VARIANCE	J.B.
3.	23 NOV. 2023	ISSUED FOR SPA I	J.B.
2.	21 APR. 2023	ISSUED FOR SPA	J.B.
1.	24 JUNE 2022	ISSUED FOR PRE-CON	J.B.

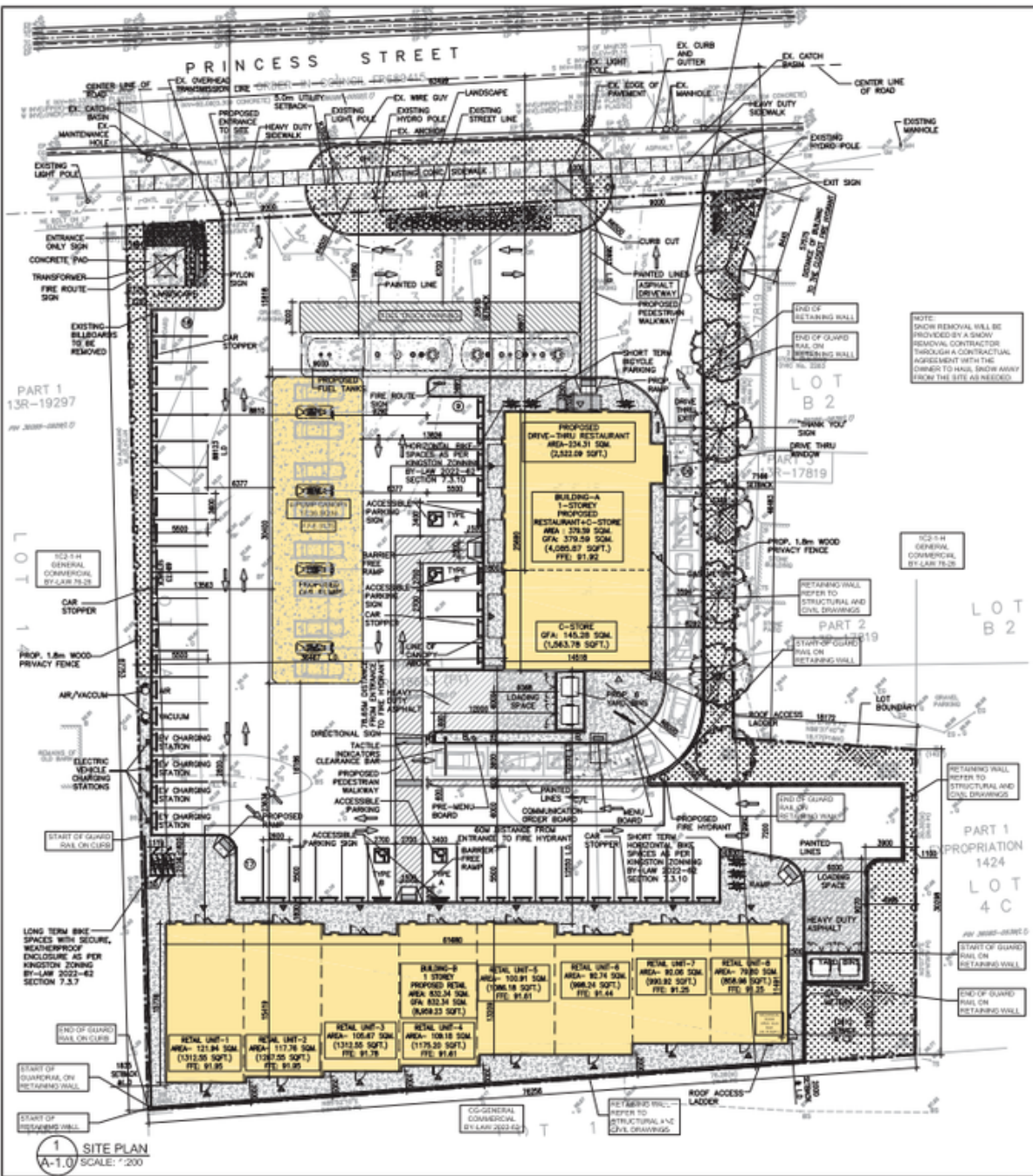
This drawing is copyright property of n Architecture Inc. Not to be reproduced. Contractor must verify all job dimensions, drawings, details and specifications and report any discrepancies to the architect before proceeding with work.

PROJECT:
PROPOSED GAS STATION+FOOD PARTNER & RETAIL STORES
2267 & 2271 PRINCESS ST. KINGSTON, ON

DRAWING TITLE:
PROPOSED SITE PLAN AT GROUND LEVEL

DRAWN BY: JB DATE: 11 JUNE 2022
CHECKED BY: NM SCALE: AS SHOWN
PROJECT NO.: DRAWING NO.:

22-50 A-1.0



MUNICIPAL ADDRESS & LEGAL DESCRIPTION:
2267 & 2271 PRINCESS ST. KINGSTON ON K7M 3G1
PLAN OF SURVEY OF LOTS A, B1 & 2 LOT 3 REGISTERED PLAN NO.80 CITY OF KINGSTON (GEOGRAPHIC TOWNSHIP OF KINGSTON) COUNTRY OF ONTARIO

OWNER:
100296217 ONTARIO INC.
5470 VALHALLA CRESCENT, MISSISSAUGA ON CANADA L4W 0K7

APPLICANT:
n ARCHITECTURE INC.
9120 LESLIE STREET, SUITE-208
RICHMOND HILL ON L4B 3J9
T: 416.266.9621
F: 1.866.340.5265
E: info@narchitecture.com
www.narchitecture.com

SURVEY INFORMATION TAKEN FROM:
SURVEY PLAN DATED NOV. 16, 2017 BY LESLIE M. HODGSON SURVEYING L.L.B. 1064 GARDENERS ROAD KINGSTON, ONTARIO K7P 1R7
T: 613 369-7996
F: 369-5079 OR
E: leslie@hodgson.com



LOADING SPACE CALCULATION

BUILDING	MIN. LONG & 3.5M MIN. WIDE	REQUIRED	PROPOSED
BUILDING-A BETWEEN 3000-25000 SQFT. 1 @ REQUIRED: 0.3 PER 100 SQM		1	1
BUILDING-B BETWEEN 3000-25000 SQFT. 1 @ REQUIRED: 0.3 PER 100 SQM		1	1

G/A CALCULATION

	REQUIRED	PROPOSED
RESTAURANT	234.31 SQM	234.31 SQM
C-STORE	140.28 SQM	140.28 SQM
RETAIL UNIT-1	121.84 SQM	121.84 SQM
RETAIL UNIT-2	117.76 SQM	117.76 SQM
RETAIL UNIT-3	108.67 SQM	108.67 SQM
RETAIL UNIT-4	104.18 SQM	104.18 SQM
RETAIL UNIT-5	100.91 SQM	100.91 SQM
RETAIL UNIT-6	87.74 SQM	87.74 SQM
RETAIL UNIT-7	80.58 SQM	80.58 SQM
RETAIL UNIT-8	79.80 SQM	79.80 SQM
TOTAL	1199.65 SQM	1199.65 SQM

BICYCLE PARKING CALCULATION

	MINIMUM NO. OF LONG-TERM BIKE SPACES	MINIMUM NO. OF SHORT-TERM BIKE SPACES	REQUIRED BASED ON DRAWINGS	PROPOSED PARKING SPACES
RESTAURANT WITH DRIVE THRU (234.31 SQM G/A)	0.2 PER 100 SQM OF G/A	3 PLUS 0.2 PER 100 SQM OF G/A	3	3 SHORT TERM BICYCLE PARKING SPACES
RETAIL/CONVENIENCE STORE (140.28 SQM G/A)	0.2 PER 100 SQM OF G/A	3 PLUS 0.2 PER 100 SQM OF G/A	3	3 SHORT TERM BICYCLE PARKING SPACES
RETAIL STORE (SEPARATE BUILDING) (800.10 SQM G/A)	0.2 PER 100 SQM OF G/A	3 PLUS 0.2 PER 100 SQM OF G/A	3	3 LONG-TERM AND 3 SHORT-TERM BICYCLE PARKING SPACES
TOTAL			13	16



PROJECT STATISTICS

ADDRESS: 2267 & 2271 PRINCESS ST. KINGSTON ON K7M 3G1
ZONING: GENERAL COMMERCIAL - CG BY LAW-2022-62

	REQUIRED	PROPOSED
LOT(DIST) AREA (SQ.M)	-	5764.83 SQ.M (1.42 ACRES)
LOT WIDTH	30.00 M	63.40 M
LOT DEPTH	-	67.75 M
BUILDING-A COVERAGE	-	379.59 SQ.M (6.58%)
BUILDING-B (RETAIL) COVERAGE	-	832.34 SQ.M (14.43%)
COVERAGE (G/A STATION ONLY)	SIDE (GAS STATION)	182.64 SQ.M (3.18%)
LOT COVERAGE	-	1229.29 SQ.M (21.33%)
BUILDING-A G/A	-	379.59 SQ.M
BUILDING-B (RETAIL) G/A	-	832.34 SQ.M
TOTAL GROSS FLOOR AREA	-	1211.93 SQ.M
GROSS LEASABLE AREA (BUILDING-A)	-	371.44 SQ.M
GROSS LEASABLE AREA (BUILDING-B)	-	820.10 SQ.M
LANDSCAPED AREA	MIN. 10%	618.63 SQ.M (10.73%)
PAVED AREA	-	3963.19 SQ.M (68.54%)
DRIVEWAY ASBLE WIDTH	6.75 M	6.0 M
MAX BUILDING HEIGHT	MAX. 10.7 M	6.8 M

ZONING SETBACKS

BUILDING AXIS	REQUIRED	PROPOSED
SIDE YARD SETBACK (EAST)	9.15 M	7.16 M
SIDE YARD SETBACK (WEST)	0 M	1.83 M
FRONT SETBACK (NORTH)	3.10 M	20.81 M
REAR SETBACK (SOUTH)	7.50 M	3.00 M

PARKING (PA-4 PARKING AREA-4)

EFFECTIVE RATIO PA 4 PER 100SQ.M OF G/A	REQUIRED	PROPOSED
RESTAURANT WITH DRIVE THRU (234.31 SQ.M)	10	10
C-STORE (140.28 SQ.M)	6	16
RETAIL (RETAIL UNITS) (820.10 SQ.M) G/A	33	28
TOTAL (INCLUDING ACCESSIBLE PARKING STALLS)	49	44
DIFFERENCE	-	-5
ACCESSIBLE PARKING	4	4
EV CHARGING STATION	-	4

Site Photo



Figure 1: View from Princess Street frontage facing south east.



Figure 2: View from Princess Street frontage facing north west.



Figure 3: View from Princess Street along the eastern property boundary.



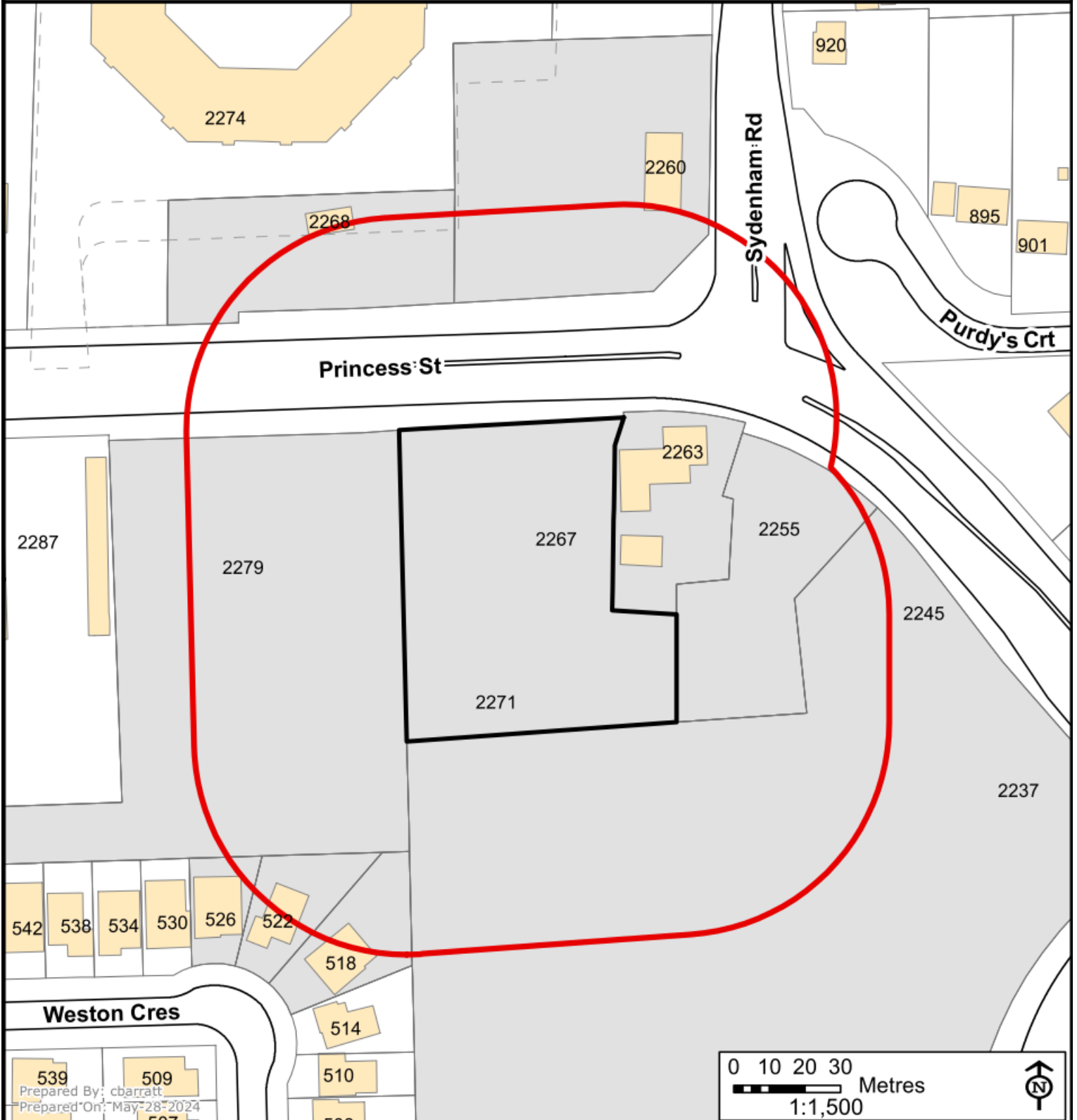
Figure 4: View from Princess Street at the mid-point of the street frontage.



Committee of Adjustment Public Notice Notification Map

Address: 2267 Princess Street
File Number: D13-039-2024
Prepared On: May-28-2024

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





**City of Kingston
Report to Committee of Adjustment
Report Number COA-24-058**

To: Chair and Members of the Committee of Adjustment
From: Amy Didrikson, Senior Planner
Date of Meeting: July 15, 2024
Application for: Minor Variance
File Number: D13-047-2024
Address: 933 Innovation Drive
District: District 12 - Pittsburgh
Owner: Cancoil Corporation and the City of Kingston
Applicant: Cancoil Corporation and Fotenn Consultants Inc.

Council Strategic Plan Alignment:

Theme: 5. Drive Inclusive Economic Growth

Goal: 5.1 Ensure an adequate supply of "ready-to-go" employment lands.

Executive Summary:

This report provides a recommendation to the Committee of Adjustment regarding an application for minor variances for the property located at 933 Innovation Drive as well as approximately 3.6 acres (1.46 hectares) of City-owned land abutting the property to the east, which is subject to an agreement of purchase and sale with the City of Kingston. The applicant is proposing a 11,172 square metre building addition to support the existing light industrial use on the property. The proposal requires variances to the Kingston Zoning By-law to permit loading spaces in the front yard of an expanded building, as well as to eliminate a landscaped planting strip requirement that applies along the rear lot line of the subject property.

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

July 15, 2024

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

Recommendation:

That minor variance application, File Number D13-047-2024, for the property located at 933 Innovation Drive, as well as approximately 3.6 acres (1.46 hectares) of city-owned land abutting the property to the east, to permit loading spaces in the front yard and to eliminate a planting strip requirement along the rear lot line of the subject property to enable a proposed building addition to the light industrial facility on the subject property, be approved, as described below:

Variance Number 1: Location of Loading Spaces

By-Law Number 2022-62:Section 7.5.7

- Requirement: Loading spaces must be located in the rear yard or in the interior yard and must be provided with a visual screen in such a manner that the loading space is not visible from a street or any abutting residential use.
- Proposed: Loading spaces in the front yard with visibility from the street
- Variance Requested: Permit loading spaces in the front yard with visibility from the street

Variance Number 2: Planting Strip

By-Law Number 2022-62:Section 16.2.2.3

- Requirement: A minimum 3.0 metre wide planting strip is required adjacent to a lot line abutting a lot in any Zone other than an Employment Zone
- Proposed: No planting strip proposed on the north lot line abutting the RU (General Rural Area) zone
- Variance Requested: Permit no planting strip on the north lot line abutting the RU (General Rural Area) zone; and

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-058.

July 15, 2024

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Authorizing Signatures:

ORIGINAL SIGNED BY PLANNER

Amy Didrikson, Senior Planner

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

Tim Park, Director, Planning Services

James Bar, Manager, Development Approvals

July 15, 2024

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Options/Discussion:

On May 27, 2024, a minor variance application was submitted by Cancoil Corporation and Fotenn Consultants Inc., on behalf of the owners, Cancoil Corporation and the City of Kingston, with respect to the property at 933 Innovation Drive, as well as approximately 3.6 acres (1.46 hectares) of city-owned land abutting the property to the east, which is subject to an agreement of purchase and sale with the City of Kingston. The variances are required to address locational criteria for loading spaces and planting strip requirements to support the proposed expansion of an existing light industrial use operating at 933 Innovation Drive. The purpose of the application is to enable a proposed expansion to the light industrial facility on the subject property, including a 11,127 square metre building expansion to the east side of the existing 18,792 square metre building on the property.

The proposed development of the property will result in a 29,962 square metre building with six new loading spaces proposed to the south of the expanded building. Six additional loading spaces may be required as part of long-term expansion plans of the proposed facility, for a total of twelve loading spaces facing Innovation Drive.

As part of the conceptual plans for the development, the surface parking area is proposed to be expanded by 46 spaces, including 4 accessible parking spaces. Bike space requirements of the Kingston Zoning By-law will be met by the proposal, including a total of 11 long-term bike parking spaces interior to the building, as well as required locker and shower facilities. Vehicular access will continue to be provided from Innovation Drive through the existing driveway access. The proposal will require a site plan modification application, which has not yet been submitted.

The variances are requested to permit loading spaces to be located within the front yard of the expanded building, with visibility from the street, and to eliminate a 3 metre wide planting strip requirement that applies along the north property line that abuts an RU (General Rural Area) zone. It is notable that the lands to the north are owned by the City of Kingston and are planned to be incorporated into the St. Lawrence Business Park as part of future, city-initiated applications for an Official Plan Amendment and Zoning By-law Amendment.

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

- Conceptual Site Plan (Exhibit F);
- Conceptual Building Elevations (Exhibit G); and,
- Planning Justification.

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.

July 15, 2024

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Site Characteristics

The subject property is located at 933 Innovation Drive (Exhibit B – Key Map). The subject property includes 3.6 acres (1.46 hectares) of city-owned land abutting the property to the east, which is subject to an agreement of purchase and sale with the City of Kingston. The total area of the subject property with the future lot addition is approximately 6.2 hectares with approximately 290 metres of frontage along Innovation Drive.

The subject property is located at the northern extent of the St. Lawrence Business Park and abuts business park industrial uses to the east, a City of Kingston public works yard, water tower and salt dome to the south and a hydro corridor and undeveloped lands to the west (Exhibit C – Neighbourhood Context Map). To the north of the property are 91 acres of city-owned, undeveloped lands in a rural zone, 60 acres of which are planned to be incorporated into the St. Lawrence Business Park through a future Official Plan Amendment and Zoning By-Law Amendment process.

The subject property is designated Business Park Industrial as part of the Rideau Community Secondary Plan in the City of Kingston Official Plan (Exhibit D – Official Plan Map) and zoned M1 (Business Park zone) in Kingston Zoning By-Law Number 2022-62 (Exhibit E – Zoning By-Law Map).

The subject property is currently developed with a 18,792 square metre building, ranging in height from 9 to 13.8 metres, which contains a light industrial manufacturing facility for commercial refrigeration products and finned tube coils. There are 184 parking spaces on the subject property and 10 loading spaces on the east side of the existing building within the interior side yard. A fire access route is located around the periphery of the existing building. Vehicular access is provided from Innovation Drive. A row of coniferous trees, landscaping and an ornamental fence provide screening along the existing frontage of the property (Exhibit G – Site Photos). The city-owned lands to the east to be added to the property currently contain Hydro One infrastructure in an easement which will need to be relocated to accommodate the proposed building expansion.

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

July 15, 2024

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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 located within the Urban Boundary and is designated Business Park Industrial as part of the Rideau Community Secondary Plan in the City of Kingston Official Plan (Exhibit D – Official Plan Map). Permitted uses in the Business Park Industrial area of the Rideau Community Secondary Plan include research and development activities, offices, medical laboratories and equipment production facilities, light industries, warehousing and commercial uses that serve the business park industrial area or are accessory to a permitted business park industrial use. The proposed expansion of the existing light industrial use conforms with the uses contemplated for the Business Park Industrial land use designation of the Rideau Community Secondary Plan.

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

The proposal meets the intent of strategic policy direction pertaining to the City of Kingston's Business Districts and Employment Areas, which is to promote economic development and competitiveness by accommodating and fostering employment opportunities in the Urban Boundary through compatible development.

The requested variances will not compromise the compatibility of the proposed development with surrounding land uses, which include a medical campus to the east, and Business Park Industrial uses permitted to the west where the expansion will take place, public works uses to the south, and undeveloped city-owned lands to the north. It is notable that the city-owned lands to the north are expected to accommodate an expansion to the St. Lawrence Business Park through a future Official Plan Amendment and Zoning By-Law Amendment process ([See Report Number 24-070](#)).

There are limited sensitive uses in proximity or planned in proximity, with the exception of a single detached dwelling approximately 200 metres from the proposed expansion. Lands to the north are currently in a Rural zone which also permits a single-detached dwelling. As part of the required Site Plan Control application, a Noise Impact Study will be required to demonstrate that any stationary or transportation noise generated by the proposed development can be mitigated to meet Provincial requirements.

Development criteria for Employment Areas and Business Parks in the Official Plan are detailed under sections 3.6.15 and 3.6.A.6. Applicable criteria emphasize the importance of a functional site layout with attention to architectural detailing and landscaping to enhance the overall aesthetics of the site. Conceptual elevations have been provided to demonstrate that the expansion will have a consistent appearance to the existing facility (Exhibit G). The conceptual site plan for the proposed building expansion includes an appropriate site arrangement, incorporating accessible parking with direct access to building entrances, and includes opportunities for additional landscaped screening along the frontage (Exhibit F).

July 15, 2024

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Design criteria applicable to the Business Park Industrial designation of the Rideau Community Secondary Plan directs parking and loading areas to be located in unobtrusive locations. Due to the existing site configuration and the building envelope required to accommodate the expanded light industrial use, there is not an opportunity to locate additional loading spaces in the rear yard or side yard of the proposed building. The proposed location of the loading spaces on the south side of the proposed expanded building, facing Innovation Drive, meets the general intent and purpose of the applicable criteria, as the location is setback approximately 125 metres from the road frontage and can be partially screened from view by landscaping, consistent with the existing tree plantings present along the frontage of the property (Exhibit G – Site Photos). Tree plantings along the road frontage will be pursued as part of the required site plan control application.

With respect to servicing, the proposed development is within the Urban Boundary on full municipal services. The proposal will require a site plan modification application and supporting Servicing Report and Stormwater Management report to demonstrate the technical feasibility of supporting the proposed building expansion.

Having regard to the above, the impact of the variances is 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 conditions have been provided for the Committee’s consideration and are included as Exhibit A to this report.

The proposal meets the intent of the Official Plan, as the proposed expansion of the light industrial use is consistent with development envisioned in the Business Park Industrial land use designation of the Rideau Community Secondary Plan, and variances to permit the proposed site design will maintain a functional site layout and 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 M1 (Business Park zone) in Kingston Zoning By-Law Number 2022-62 (Exhibit E – Zoning By-Law Map). The M1 zone permits a light industrial use operating within an enclosed building consistent with the proposed, expanded building on the subject property.

The proposal requires variance to permit loading spaces in the front yard, as well as to eliminate a landscaped planting strip required along the rear lot line of the subject property.

Variance Number 1: Location of Loading Spaces

By-Law Number 2022-62:Section 7.5.7

- Requirement: Loading spaces must be located in the rear yard or in the interior yard and must be provided with a visual screen in such a manner that the loading space is not visible from a street or any abutting residential use.
- Proposed: Loading spaces in the front yard with visibility from the street
- Variance Requested: Permit loading spaces in the front yard with visibility from the street

July 15, 2024

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The intent of the Kingston Zoning By-Law requirement to locate loading spaces in interior yards or rear yards with visual screening is to locate service areas in inconspicuous locations, and to ensure these areas are not a focal point on any site requiring a loading space. This requirement also can assist in locating loading spaces away from pedestrian and vehicular parking areas to avoid site circulation conflicts.

To enable the ability to review visual screening requirements for loading areas on a site-specific basis, through site plan control applications, amendments proposed to the City of Kingston Zoning By-Law through file number D35-002-2024 will eliminate section 7.5.7 and as a result, will permit loading spaces in any yard. This proposed amendment would eliminate the need for this variance, but as the appeal period for these proposed amendments expires after the Committee’s consideration date of this application, the applicant is pursuing a variance in the event the amendments are not brought into effect.

The requested variance meets the intent of the current requirement in the Kingston Zoning By-Law, as the proposed loading space location in the front yard will be sufficiently setback from the frontage (i.e. approximately 125 metres) that it will not be a focal point of the proposed development. The extensive front yard area available in front of the proposed building allows for functional site circulation, with parking areas and loading areas in separate and distinct locations. Opportunities to delineate pedestrian crossings and walkways will be pursued through the required site plan control process.

Variance Number 2: Planting Strip

By-Law Number 2022-62:Section 16.2.2.3

- Requirement: A minimum 3.0 metre wide planting strip is required adjacent to a lot line abutting a lot in any Zone other than an Employment Zone
- Proposed: No planting strip proposed on the north lot line abutting the RU (General Rural Area) zone
- Variance Requested: Permit no planting strip on the north lot line abutting the RU (General Rural Area) zone; and

The intent of the above planting strip requirement of the Kingston Zoning By-law is to provide visual screening where employment uses are proposed adjacent to other zones, such as rural zones, to assist with land use compatibility. A planting strip must be a minimum of 3.0 metres wide and must contain a row of trees or a continuous hedgerow of evergreens or shrubs located in the planting strip with a minimum height of 1.5 metres.

While the lands to the north are within the General Rural Area zone of the Kingston Zoning By-Law, they are city-owned and intended to be incorporated into the St. Lawrence Business Park as part of a future application for Official Plan Amendment and Zoning By-Law amendment, as endorsed by Kingston City Council at their January 23, 2024 meeting ([See Report Number 24-070](#)). As a result, it is reasonable to exempt the proposed development from the planting strip requirement triggered by existing zoning, as it is not expected to be required for visual buffering in the fullness of time.

July 15, 2024

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It is notable that there is a 15.0 metre wide hydro easement at the rear of the property which does not allow for plantings which could interfere with maintenance or could interfere with the operations of the overhead hydro lines. As well, the proposed site plan incorporates a grassed area of approximately 6 metres wide along the rear lot line, consistent with the existing development, and a 15.6 metre setback between the proposed building and the rear lot line as required in the M1 zone. There are no concerns with the compatibility of the proposed building with surrounding land uses, and the exemption from the planting strip requirement can meet the intent of the Kingston Zoning By-law in this instance.

In summary, the requested variances maintain the general intent and purpose of the zoning by-law.

The variances are minor in nature

The variances are considered minor as they will not impact the compatibility or functioning of the proposed, expanded light industrial use. Loading spaces as indicated on the site plan (Exhibit F) are sufficiently buffered from the street to remain inconspicuous. A rear yard planting strip is not necessary in this instance given the long-term plans for the northern, city-owned lands. Detailed designs to further enhance compatibility and functionality of the development will be pursued through the required site plan modification process through elements such as tree plantings along the frontage and ornamental fencing, and delineated pedestrian walkways.

The variances are desirable for the appropriate development or use of the land, building or structure

The relief sought is appropriate given the overall intent of the Business Park Industrial land use designation of the Rideau Community Secondary Plan as it enables the expansion of an existing employment use without the potential for adverse impacts on existing and planned development in the area. The conceptual site plan put forward by the applicant will maintain the visual compatibility of the growing light industrial use on the property. The variances will enable development that 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 checked="" type="checkbox"/> Forestry | <input checked="" type="checkbox"/> Utilities Kingston | <input checked="" type="checkbox"/> Real Estate |
| <input type="checkbox"/> Fire & Rescue | <input type="checkbox"/> Kingston Hydro | <input checked="" type="checkbox"/> Environment Division |
| <input type="checkbox"/> Solid Waste | <input checked="" type="checkbox"/> Parks Development | <input type="checkbox"/> Canadian National Railways |
| <input type="checkbox"/> Housing | <input checked="" type="checkbox"/> District Councillor | <input type="checkbox"/> Ministry of Transportation |
| <input type="checkbox"/> KEDCO | <input checked="" type="checkbox"/> Municipal Drainage | <input type="checkbox"/> Parks of the St. Lawrence |

July 15, 2024

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- Building Services Engineering Heritage Services
- CRCA KFL&A Health Unit Trans Northern Pipelines
- Parks Canada Eastern Ontario Power CFB Kingston
- Hydro One Enbridge Pipelines TransCanada Pipelines
- Kingston Airport

Technical Comments

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

Public Comments

At the time this report was finalized, no public comments 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

The subject property has an approved site plan and site plan control agreement (City File Number D11-083-2006). Minor variances have previously been approved for the existing development on the site through City File Number D10-112-2005. A future site plan modification application will be required to permit the proposed building expansion.

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 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 permit the proposed expanded light industrial use on the subject property to have loading spaces in the front yard of the building and will permit an exemption from rear lot line planting strip requirements, and will ultimately accommodate a compatible expansion of an employment use in the St. Lawrence Business Park.

July 15, 2024

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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 July 15, 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 property owners of a total of 10 properties (according to the latest Assessment Roll) within 60 metres of the subject property and a courtesy notice was placed in The Kingston Whig-Standard (Exhibit H – Public Notification Map).

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

Accessibility Considerations:

None

Financial Considerations:

None

Contacts:

James Bar, Manager, Development Approvals, 613-546-4291 extension 1256

Amy Didrikson, Senior Planner, 613-546-4291 extension 3296

Other City of Kingston Staff Consulted:

Saru Bajwa, Land Development Manager, Business, Real Estate and Development

July 15, 2024

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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 Conceptual Site Plan
- Exhibit G Conceptual Elevations
- Exhibit H Site Photos
- Exhibit I Public Notification Map

Recommended Conditions

The approval of minor variance application, File Number D13-047-2024, to permit loading spaces in the front yard of an expanded building, as well as to eliminate a landscaped planting strip requirement that applies along the rear lot line of the subject property, shall be subject to the following recommended conditions:

1. Limitation

That the approved minor variance applies only to the proposed light industrial development as shown on the conceptual site plan drawing 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.

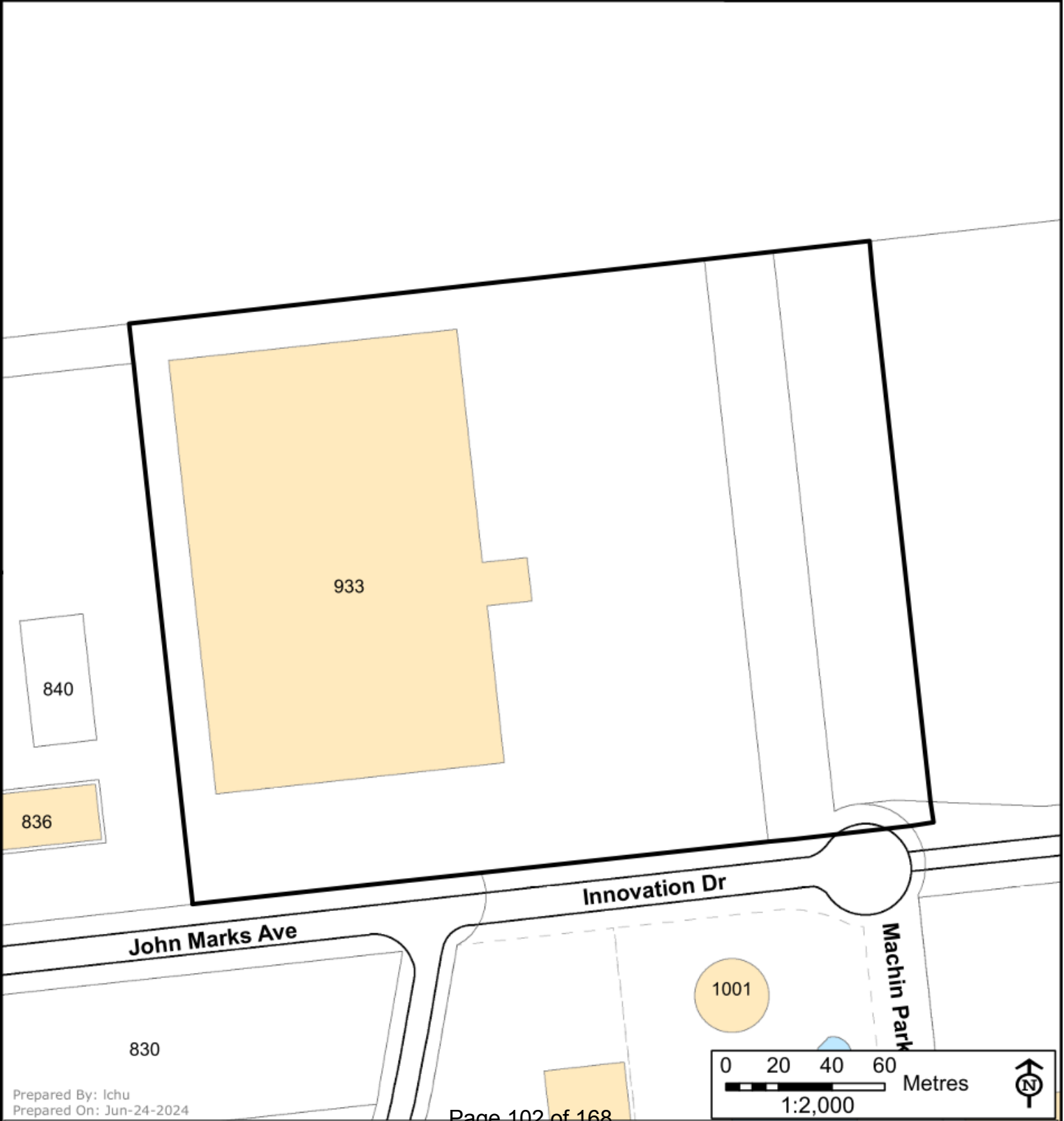
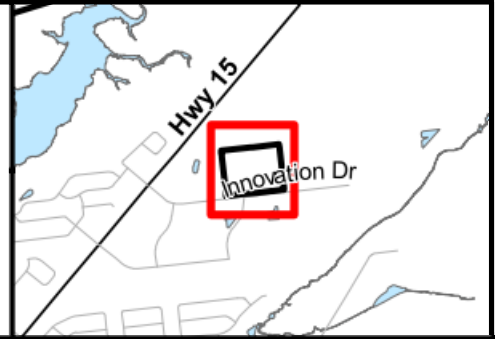
In the event that human remains are encountered, all work must immediately cease and the site must be secured. The Kingston Police (613-549-4660), the Office of the Chief Coroner as a part of the Ontario Ministry of the Solicitor General (1-877-991-9959), the Archaeology Program Unit of the Ministry 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: 933 Innovation Drive
File Number: D13-047-2024
Prepared On: Jun-24-2024

 Lands Subject to Minor Variance



Prepared By: Ichu
Prepared On: Jun-24-2024

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Planning Services

Committee of Adjustment Neighbourhood Context

Address: 933 Innovation Drive

File Number: D13-047-2024

Prepared On: Jun-24-2024

-  Subject Lands
-  Property Boundaries
-  Proposed Parcels



Prepared By: lchu
Prepared On: Jun-24-2024

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
Planning Services

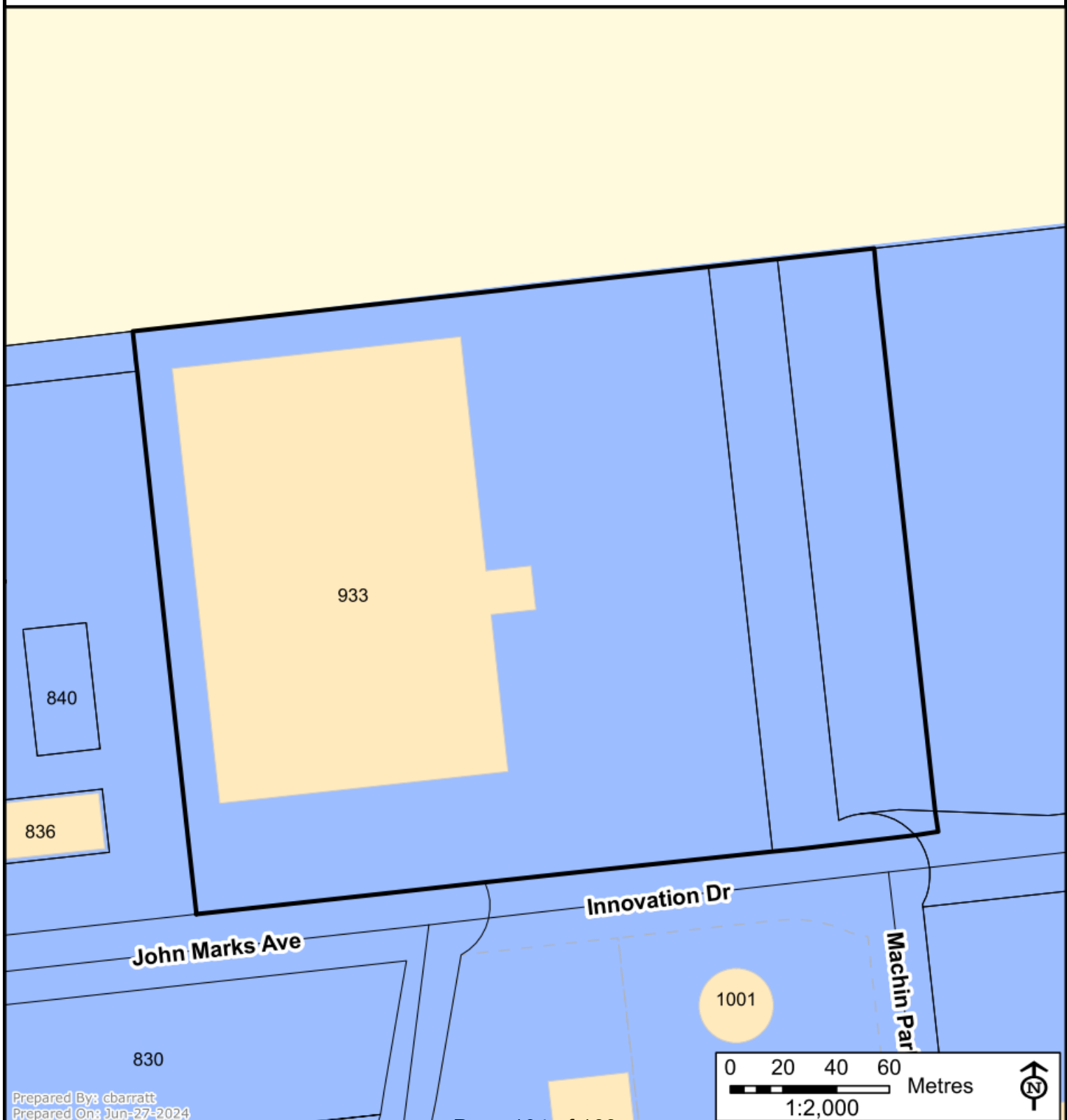
Committee of Adjustment Official Plan, Existing Land Use

Address: 933 Innovation Drive

File Number: D13-047-2024

Prepared On: Jun-27-2024

-  Subject Lands
-  SECONDARY PLAN AREA
-  BUSINESS PARK INDUSTRIAL
-  RURAL



Prepared By: cbarratt
Prepared On: Jun-27-2024

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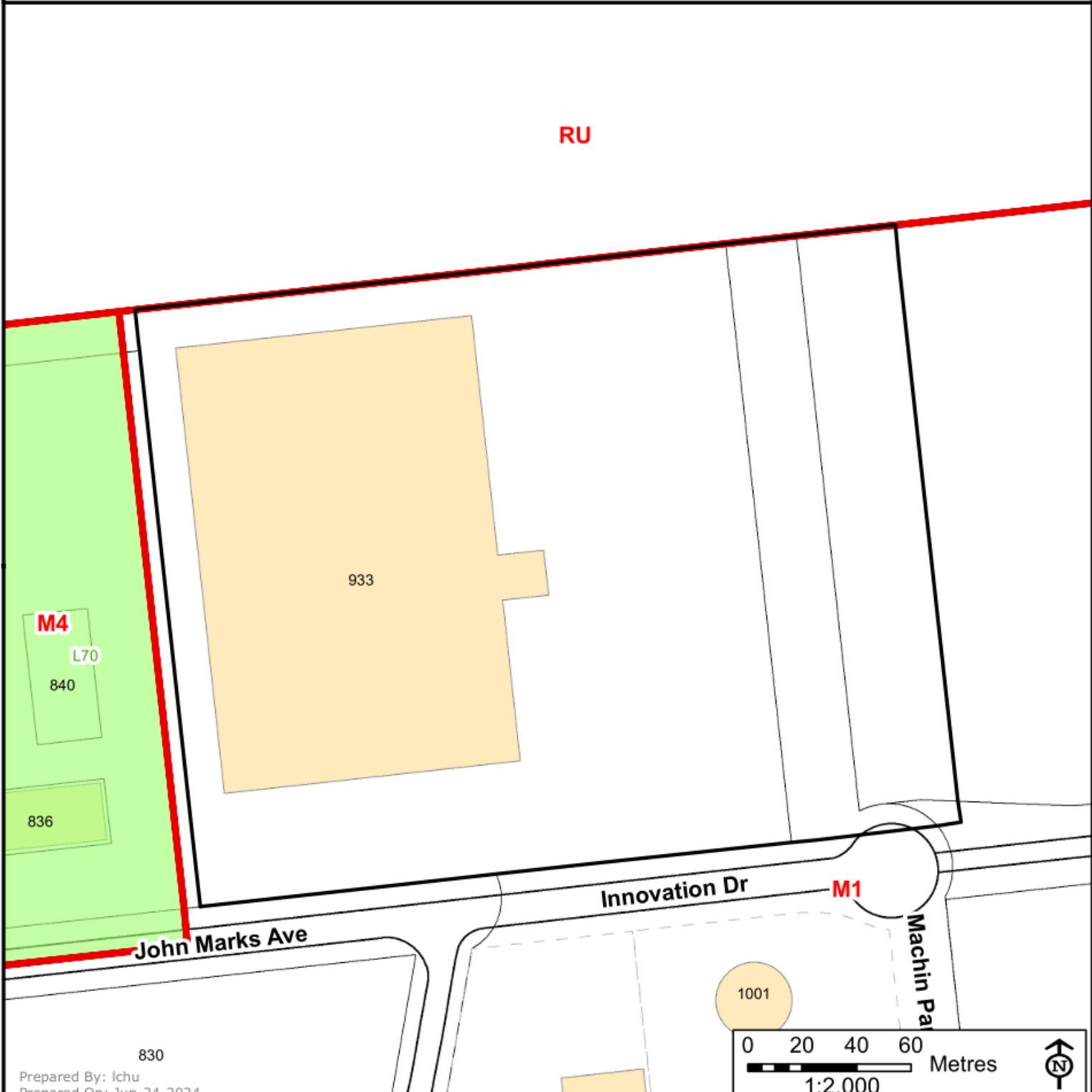
Planning Committee
Existing Zoning
Kingston Zoning By-Law 2022-62

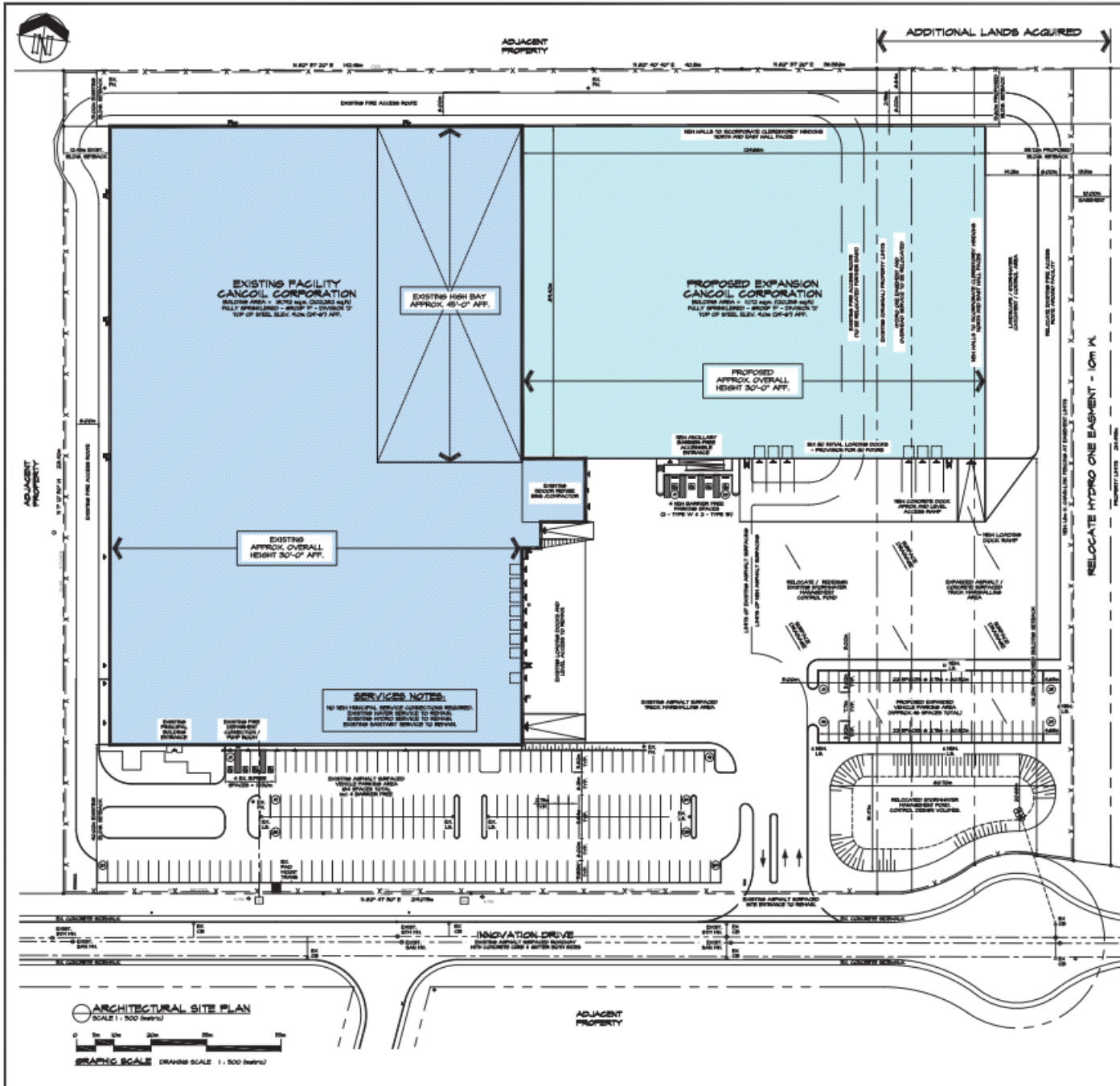
Planning Services

Address: 933 Innovation Drive
File Number: D13-047-2024
Prepared On: Jun-24-2024

Subject Lands
Schedule 1 Zoning Map
Zone

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





SITE INFORMATION:

LOCATION: PART OF LOTS 2 & 3, CONVEYANCE EAST OF THE GREAT DIVISION ROAD, CITY OF EDMONTON, COUNTY OF PROTERIOR

APPROPRIATION: BVI (BRIDGE) 11, ELLIOTT LTD. PROPOSED SITE AREA AS SHOWN ON PLAN - SECTION 22 - BUSINESS PARK ZONE

SITE DATA:

EXISTING PROPERTY AREA	+ 40,894 sqm (922,848 sqft) (S17 ALJ)
EXPANDED PROPERTY AREA	+ 10,522 sqm (226,848 sqft) (S17 ALJ)
TOTAL PROPERTY AREA	+ 51,416 sqm (1,149,696 sqft) (S17 ALJ)
EXISTING BUILDING AREA	+ 8,794 sqm (236,280 sqft) (S17 ALJ)
2024 BUILDING EXPANSION	+ 1,172 sqm (25,280 sqft) (S17 ALJ)
TOTAL BUILDING AREA	+ 9,966 sqm (261,560 sqft) (S17 ALJ)
REMOVED HARD SURFACES	+ 20,970 sqm (450,971 sqft) (S17 ALJ)
REMOVED SOFT SURFACES	+ 1,470 sqm (31,821 sqft) (S17 ALJ)

ZONING INFORMATION:

14 - SECTION 22 - BUSINESS PARK ZONE ** SEE ZONING BY-LAW 208 (2016)

SERVICES NOTES:

NO NEW MUNICIPAL SERVICE CONNECTIONS REQUIRED.
EXISTING WATER SERVICE TO REMAIN.
EXISTING HYDRO SERVICE TO REMAIN.
EXISTING SANITARY SERVICE TO REMAIN.

ISSUED FOR PERMITS	DATE: 2024	BY: JWB
REVISIONS	DATE	BY

CORNERSTONE BUILDERS LTD.

FAX: 616-966-4995 | email: general@cornerstonebuilders.ca | PH: 616-966-0501

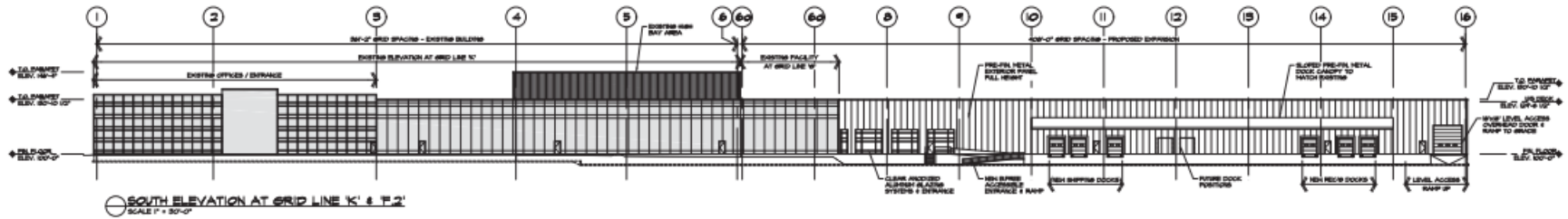
PROPOSED INDUSTRIAL EXPANSION FOR: GANCOIL CORPORATION

488 INNOVATION DRIVE, EDMONTON, CANADA

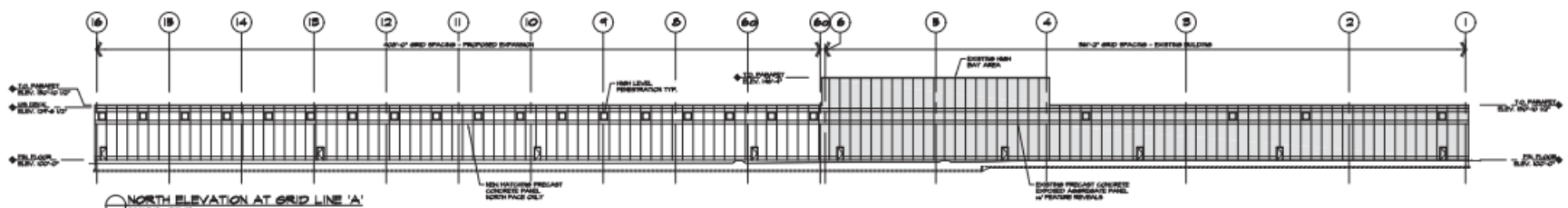
ARCHITECTURAL SITE PLAN

CHECKED BY:	DATE: AUG 2023	CONTRACT NO.:
DESIGNED BY:		DRAWING NO.:
DRAWN BY:	JWB	SCALE: 1:500 (Metric)
SCALE:	1:500 (Metric)	REVISION NO.:

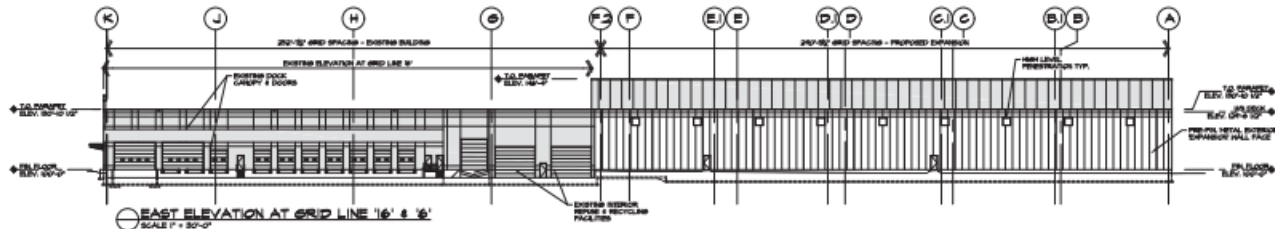
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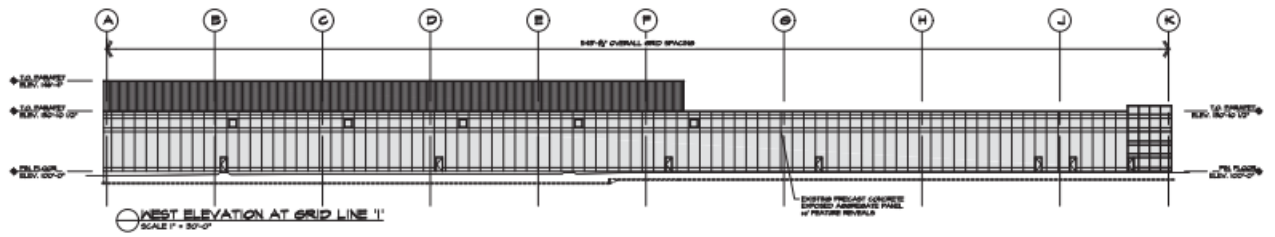
⊖ SOUTH ELEVATION AT GRID LINE K' & F.2'
SCALE 1" = 30'-0"



⊖ NORTH ELEVATION AT GRID LINE 'A'
SCALE 1" = 30'-0"



⊖ EAST ELEVATION AT GRID LINE '16' & '6'
SCALE 1" = 30'-0"



⊖ WEST ELEVATION AT GRID LINE '1'
SCALE 1" = 30'-0"

A		ISSUED FOR PERMITS	DL	08/19/24
No.		REVISIONS	PRICE BY	DATE

CORNERSTONE BUILDERS LTD.
FAX: 6154954090 email: info@cornerstonebuilders.com PH: 6154954501

**PROPOSED INDUSTRIAL EXPANSION FOR:
GANGOL CORPORATION**
489 DEVELOPMENT DRIVE
KENTON, OHIO

EXTERIOR ELEVATIONS

CHECKED BY:	DATE:	CONTRACT NO.:
DRAWN BY:	DATE:	DRAWING NO.:
SCALE:	JOB:	REVISION NO.:

A-02

SCALE: 1" = 30'-0"

Site Photographs



Figure 1: View of 933 Innovation Drive from the street frontage.



Figure 2: View of eastern extent of existing building from the street frontage.



Figure 3: View of east adjacent City owned lands and hydro corridor.



Figure 4: View of Existing site entrance and undeveloped lands to the east.



Figure 5: View east from subject property frontage down Innovation Drive.



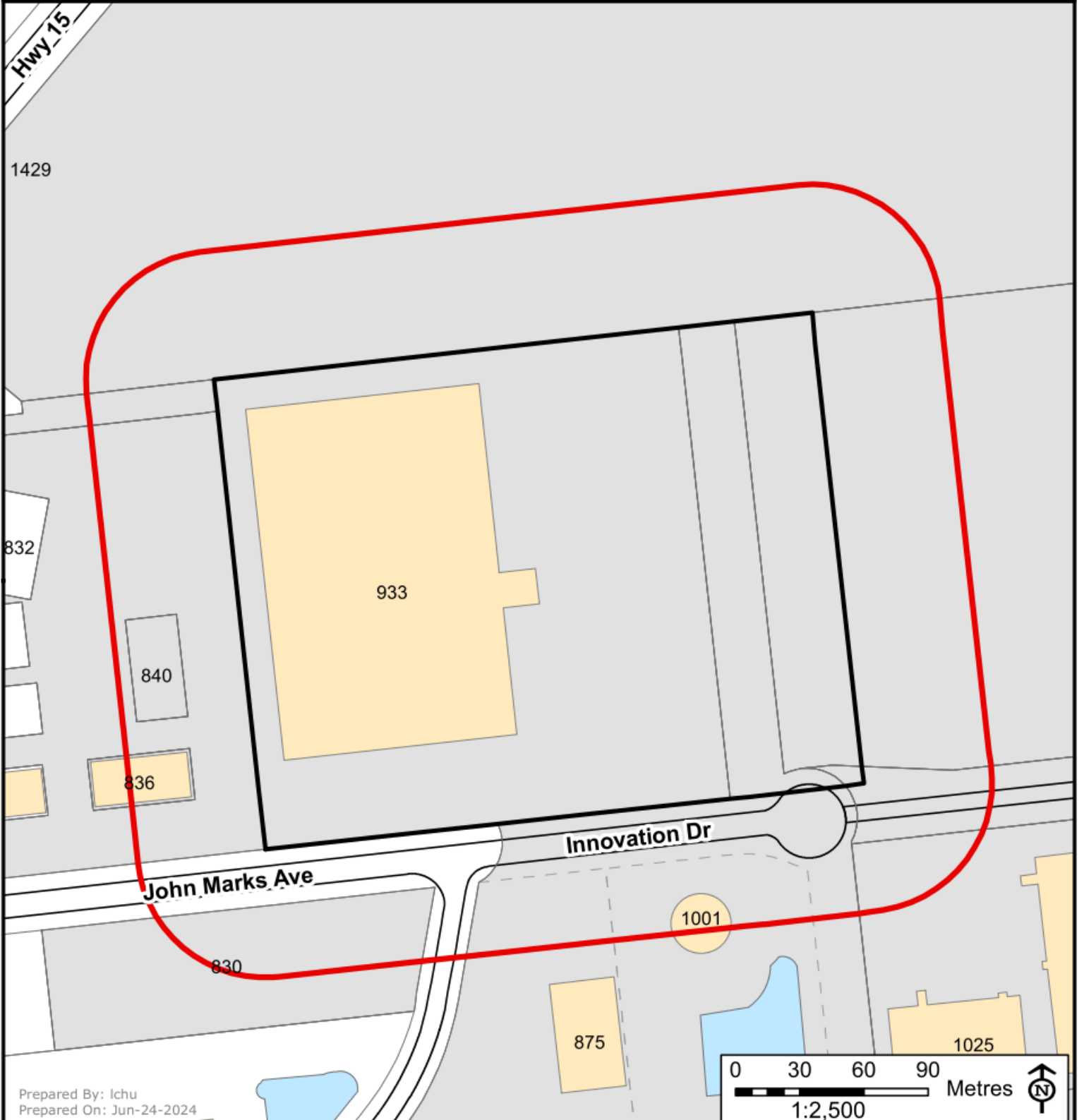
Figure 6: View of east side yard from Innovation Drive.



Committee of Adjustment Public Notice Notification Map

Address: 933 Innovation Drive
File Number: D13-047-2024
Prepared On: Jun-24-2024

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



Prepared By: Ichu
Prepared On: Jun-24-2024

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**City of Kingston
Report to Committee of Adjustment
Report Number COA-24-060**

To: Chair and Members of the Committee of Adjustment
From: Jason Partridge, Planner
Date of Meeting: July 15, 2024
Application for: Permission
File Number: D13-025-2024
Address: 393-395 Earl Street
District: District 10 - Sydenham
Owner: Jooyun Kwan
Applicant: Carlos Marques

Council Strategic Plan Alignment:

Theme: Policies & by-laws

Goal: 5.3 Diversify Kingston's economic base.

Executive Summary:

This report provides a recommendation to the Committee of Adjustment regarding an application for permission for the property located at 393-395 Earl Street. The applicant is proposing to change a grocery store legal non-conforming use to permit a hair salon use. The one residential unit on the second floor of the building is not proposed to be changed.

The requested application for permission under Section 45(2)(a)(ii) of the *Planning Act* is consistent with the general purpose and general intent of both the City of Kingston Official Plan and Kingston Zoning By-Law Number 2022-62. The proposed hair salon is similar to the existing legal non-conforming use. Therefore, it is recommended that this application for permission under Section 45(2)(a)(i) of the *Planning Act* be approved.

July 15, 2024

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Recommendation:

That the application for permission, File Number D13-025-2024, for the property located at 393-395 Earl Street to permit a hair salon use, be **Approved**; and,

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-060.

July 15, 2024

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Authorizing Signatures:

ORIGINAL SIGNED BY PLANNER

Jason Partridge, Planner

Consultation with the following Management of the Community Services Group:

Tim Park, Director, Planning Services

James Bar, Manager, Development Approvals

July 15, 2024

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Options/Discussion:

On March 23, 2024, an application for permission was submitted by Carlos Marques, on behalf of the owner, Jooyun Kwan, with respect to the property located at 393-395 Earl Street. The application for permission is requested to change the grocery store legal non-conforming use to permit a hair salon use. The one residential unit on the second floor of the building is not proposed to be changed.

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

- Floor Plans (Exhibit F)

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

Site Characteristics

The subject property is located at 393-395 Earl Street (Exhibit B – Key Map) with road frontages on Earl Street and Albert Street. The site is developed with an existing legal non-conforming ground floor grocery store and 1 residential unit on the second floor. The property abuts low density residential uses to the north, south and to the west. (Exhibit C – Neighbourhood Context Map). The subject property is also located in proximity to various community and open space uses, local schools and commercial uses. The property currently contains a legal non-conforming grocery store with 1 residential unit on the second floor.

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

Permission Application

Pursuant to Subsection 45(2)(a)(ii) of the *Planning Act*, the Committee of Adjustment may permit the use of any land, building or structure for a purpose that, in the opinion of the Committee, is similar to the purpose for which it was used on the day the zoning by-law was passed or is more compatible with the uses permitted by the zoning by-law than the purpose for which it was used on the day the zoning by-law was passed, so long as the use has continued until the date of the application to the Committee. In determining whether to grant a permission pursuant to Subsection 45(2)(a)(ii), the relevant test is:

- 1) Whether the proposed use is similar to the existing legal non-conforming use; or**
- 2) Whether the proposed use is more compatible with the uses permitted in the zoning by-law than the existing legal non-conforming use.**

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Similarity and compatibility are assessed according to the impacts, such as physical or social impacts, created by the proposed use as compared to the existing legal non-conforming use.

The proposed hair salon use is similar and compatible to the existing legal non-conforming grocery store use since the only changed to the existing building will be the signage out front of the building. The brick façade, entrance, windows and lighting will remain the same. Secondary, the City of Kingston's Official Plan 3.4.F describes neighbourhood commercial to permit local retail or personal services that are generally within walking distance of the market being served in the immediate residential neighbourhood. The existing grocery store and proposed hair salon both provide a similar service to immediate residential neighbourhood when compared to section 3.4. Lastly, since the hair salon will be located within the existing building and no modification to the building or the property is proposed, the proposed hair salon use will not create any additional new noise, odour, traffic conflict, or other nuisance.

Provincial Policy Statement

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

Official Plan

The subject property is designated Residential (Exhibit D – Official Plan Map). The goal of 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. Small-scale, local commercial uses such as a convenience shop, coffee shop, hairdresser or barber may be permitted within Residential designations, and in the zoning by-law.

In some circumstances it may be appropriate to grant a change from one non-conforming use to another if the Committee of Adjustment is satisfied that the proposed use complies with the six (6) criteria as per Section 9.5.17 of the Official Plan. The subject application, requesting permission introduce a hair salon as a permitted use in the Urban Residential 'UR5' in Zoning By-Law Number 2022-62, has been reviewed against these policies, provided below.

1. The proposed use is similar to the existing use or more in conformity with the planned use(s);

The proposed hair salon is similar to the existing legal non-conforming grocery store use because it would continue to serve the immediate residential neighbourhood with a service that is within a walkable distance. The proposed hair salon will also be located within the existing building and no modification to the building, or the property is

July 15, 2024

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proposed. The proposed use will not create any adverse impacts to the neighbouring properties. Additionally, the proposed hair salon conforms with the City of Kingston's Official Plan policies for a Neighbourhood Commercial as the hair salon will be located on the ground floor and is intended to serve the University district area and will require no changes to the exterior building or the one residential unit located on the second floor.

2. The site or building conditions will be substantially improved by the proposed change of use and can adequately accommodate the proposal;

Ground floor interior renovations are being proposed to accommodate the hair salon use and will improve the existing condition of the building. No external renovations are being proposed.

Building Services will require a Building Permits for the change of use and public health unit to be notified.

3. The proposed use is generally compatible with surrounding uses and can meet parking for vehicles and bicycles and other site standards of the general area with accessibility considerations as well as those standards necessary for the proposed use;

The proposed use is located in a residential designation which allows for a hair salon use as neighbourhood commercial use. The Neighbourhood Commercial section of the Official Plan permits convenience goods and services that are generally within walking distance of the market being served in the immediate residential neighbourhood. A hair salon use would serve the immediate residential neighbourhood with a walkable commercial use option. The proposed use will not create any additional noise, traffic or operational nuisance that cannot be mitigated to an acceptable level;

4. Municipal infrastructure, roads and access conditions can accommodate the proposed use; and,

The proposal will not have a negative impact on municipal infrastructure, service, and traffic. Utilities Kingston, Kingston Hydro, and Engineering Services reviewed the application and had no concerns with the application.

5. The proposed use will not negatively impact surrounding lands or building or inhibit them from developing for their intended use.

The application is not proposing any exterior modifications and therefore does not affect the character of the area. The proposed hair salon use is complementary and similar to an existing grocery store legal non-conforming use on-site. Additionally, the approval of the requested permission will not set a precedent in the immediate area, as the commercial use on-site was established since 1987 through the committee of adjustment file number A.2246-87.

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The subject property is not designated or listed on the City of Kingston's Heritage Property Register. Based on the City of Kingston archaeological potential mapping the property is in an area of "Composite Archaeological Potential". Heritage Planning was circulated and they noted that since there are no proposed changes to the property that will result in ground disturbance, an Archaeological Assessment is not required.

The requested permission for a hair salon use meets the general intent and purpose of the City of Kingston Official Plan.

Zoning By-Law

The subject property is zoned Urban Residential 'UR5' in Kingston Zoning By-Law Number 2022-62 (Exhibit E – Zoning By-Law Map), which does not permit either the grocery store or hair salon use. However, the existing grocery store use was recognized as a legal non-conforming use on July 17, 1987, the Committee of Adjustment approved application File Number COA-A.2246-87 to enlarge the existing legal non-conforming grocery store to allow the construction of an addition (7.7 metres by 19.83 metres in area). Therefore, the current grocery store has legal non-conforming rights.

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 type="checkbox"/> Municipal Drainage | <input type="checkbox"/> Parks of the St. Lawrence |

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

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Previous or Concurrent Applications

File Number COA-A.2246-87 to enlarge the existing legal non-conforming grocery store to allow the construction of an addition.

Conclusion

The requested application for permission is consistent with the general intent and purpose of both the City of Kingston Official Plan and Zoning By-Law Number 2022-62. The proposed hair salon is complementary and similar to the existing legal non-conforming use as it is intended to serve University District as well as the surrounding neighbourhoods. Additionally, the subject property is located in an area designated for Residential uses and no modification to the building or the property is proposed.

Approval of this application will permit a hair salon use on the subject site.

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 15, 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 33 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*.

July 15, 2024

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Accessibility Considerations:

None

Financial Considerations:

None

Contacts:

James Bar, Manager, Development Approvals, 613-546-4291 extension 1256

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

Other City of Kingston Staff Consulted:

None

Exhibits Attached:

- Exhibit A Recommended Conditions
- Exhibit B Key Map
- Exhibit C Neighbourhood Context Map (2024)
- Exhibit D Official Plan Map
- Exhibit E Zoning By-Law Map
- Exhibit F Floor Plans
- Exhibit G Site Photo
- Exhibit H Public Notification Map

Recommended Conditions

Approval of the permission application, File Number D13-025-2024, to convert an existing ground floor commercial space to a hair salon shall be subject to the following recommended conditions:

1. Limitation

That the approved permission applies only to the property at 395 Earl Street for a ground floor hair salon use 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

A Building Permit is required for the Change of Use and notification to the public health unit prior to the issuance of a Business License.

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 Program and Services Branch of the Ministry of Heritage, Sport, Tourism and Culture Industries (416-314-7132) 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 Registrar of Cemeteries at the Ministry of Government and Consumer Services (416-212-7499), the Program and Services Branch of the Ministry of Heritage, Sport, Tourism and

Culture Industries (416-314-7132), and City of Kingston's Planning Services (613-546-4291, extension 3180) must be immediately contacted.

5. Development Engineering

No parking is permitted on the Albert St Boulevard as it is owned by the City of Kingston.

6. Utilities Kingston

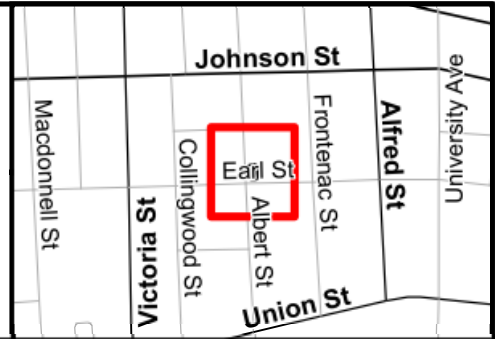
Prior to issuance of a building permit for the hair salon use Utilities Kingston will require a servicing brief for the proposed development assessing required and available domestic and fire flows as well as an evaluation of available existing sanitary capacity at the street and estimated loading on the immediate downstream sewer. System capacity will not be reviewed until a development application with all the required information is made. To service this location would require an Indirect Connection* to a combined sewer. This will require a downstream sewer assessment to validate the capacity of the sanitary sewers.



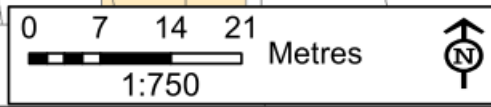
Committee of Adjustment
Key Map

Address: 395 Earl Street
File Number: D13-025-2024
Prepared On: May-06-2024

Lands Subject to Minor Variance



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






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Planning Services

Committee of Adjustment Neighbourhood Context

Address: 395 Earl Street
File Number: D13-025-2024
Prepared On: May-06-2024

-  Subject Lands
-  Property Boundaries
-  Proposed Parcels



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

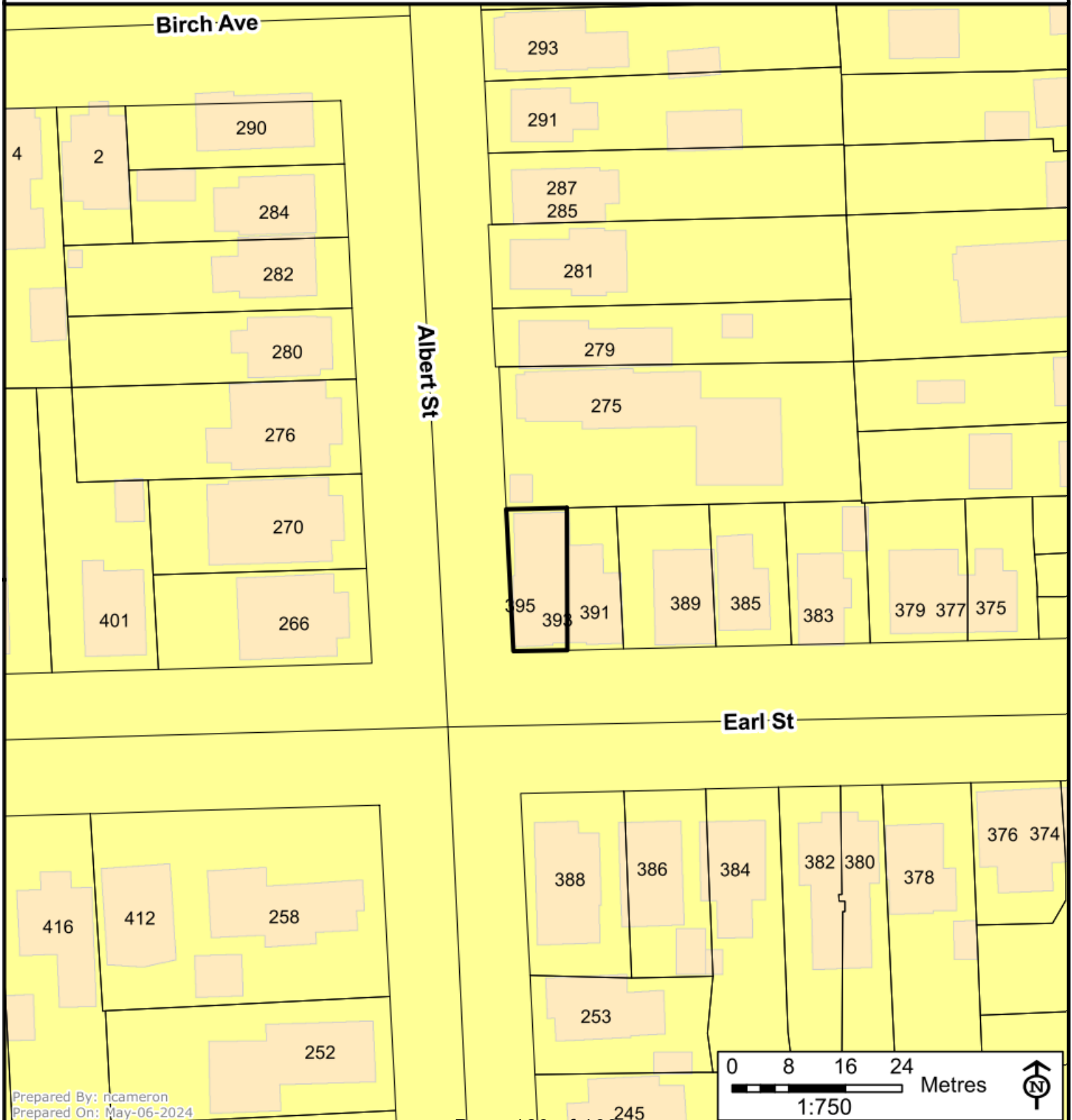
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Committee of Adjustment Official Plan, Existing Land Use

Address: 395 Earl Street
File Number: D13-025-2024
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: 395 Earl Street
File Number: D13-025-2024
Prepared On: May-06-2024

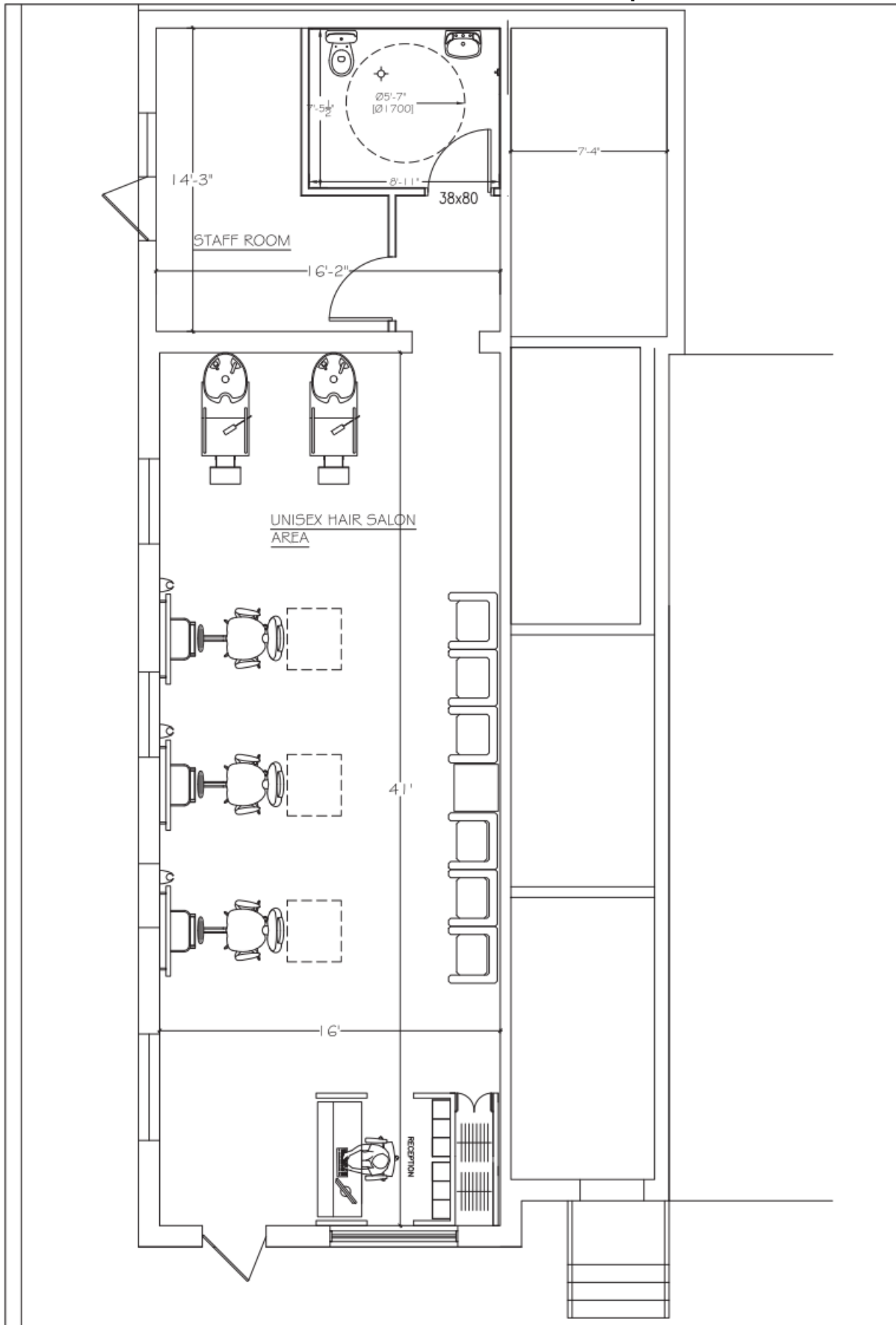
Subject Lands
Schedule 1 Zoning Map
Zone

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



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

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<p>The undersigned has prepared and takes responsibility for this design and has the qualifications and meets the requirements set out in the Ontario Building Code to design the work shown:</p> <p>QUALIFICATION INFORMATION</p> <p>CARLOS MARQUES 202211 Name BCMP</p> <p>CARLOS MARQUEL MARQUES 202211 Name BCMP REGISTRATION #</p>	<p>C.M.MARQUES BUILDING CONSULTING SERVICES 107 Sutherland Drive Kingston, Ontario K7K 5W1 Phone: 613-325-8481 E-mail: carlos.marques@sympatico.ca</p>	PROJECT: 393-395 EARL STREET NEW UNISEX HAIR SALON	TITLE: PROPOSED LAYOUT
		LOCATION: KINGSTON, ONTARIO	SCALE: 1/4"=1'-0"
		FOR: HELEN SENIS	DATE: MAR. 2024
			A.1

393-395 Earl Street—June 14, 2024



(North facing view of the subject property)

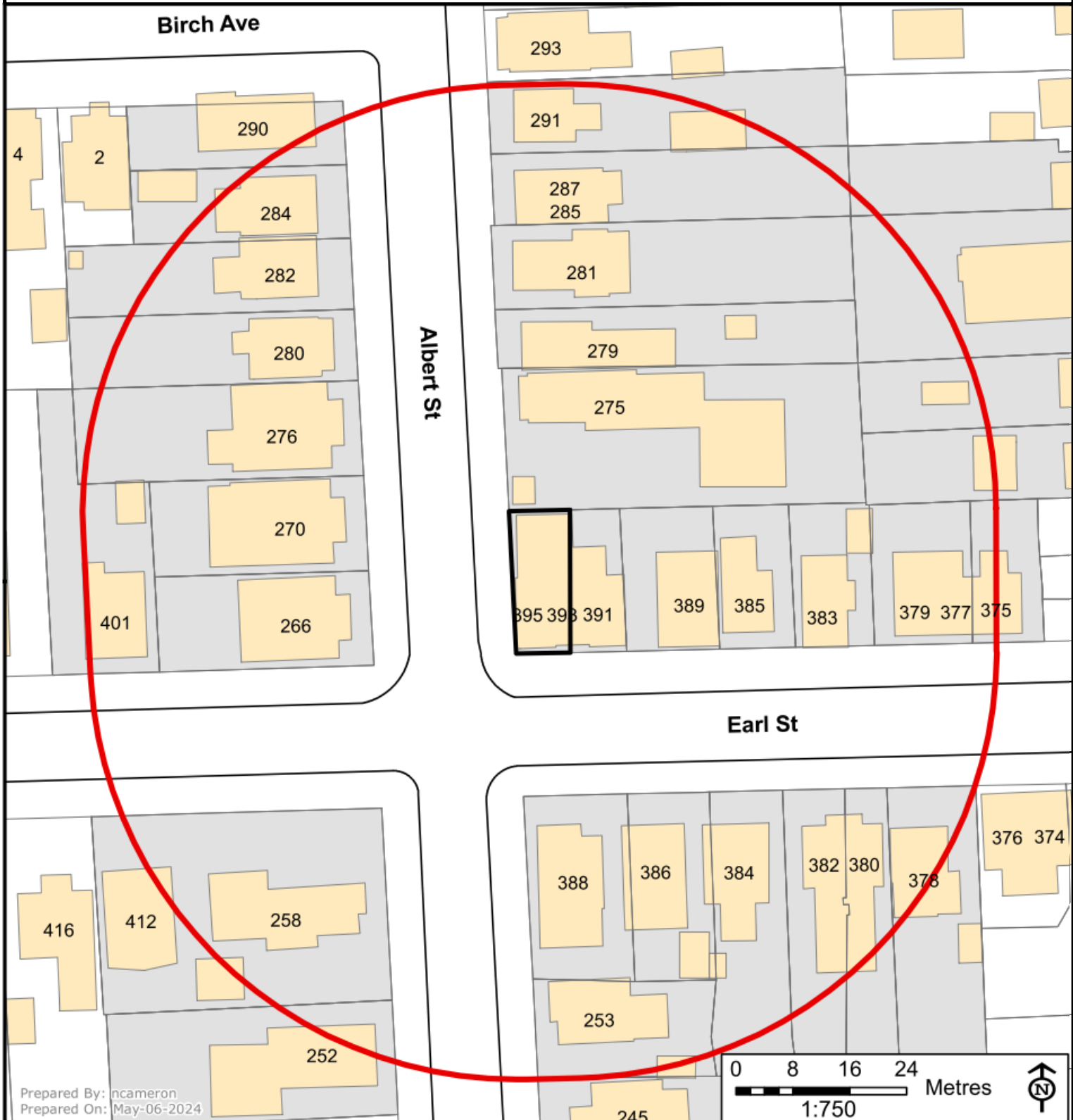


Planning Services

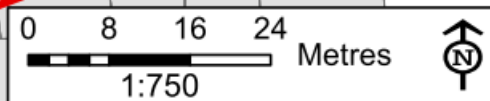
Committee of Adjustment Public Notice Notification Map

Address: 395 Earl Street
File Number: D13-025-2024
Prepared On: May-06-2024

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



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



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**City of Kingston
Report to Committee of Adjustment
Report Number COA-24-061**

To: Chair and Members of the Committee of Adjustment
From: Jacob Slevin, Planner
Date of Meeting: July 15, 2024
Application for: Minor Variance
File Number: D13-040-2024
Address: 780 Gardiners Road
District: District 6 - Trillium
Owner: 2832719 Ontario Inc.
Applicant: The Boulevard Group

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 780 Gardiners Road. The applicant is seeking a minor variance to exempt a proposed automatic car wash from the requirement to provide a loading space.

The property at 780 Gardiners Road currently contains an unused commercial building. The applicant has proposed to demolish the vacant building and redevelop the site for use as an automatic car wash. This proposal is currently going through technical review as part of a Site Plan Control application ([File Number D11-009-2024](#)). The Kingston Zoning By-law specifies that commercial uses with between 300 and 2,500 square metres of gross floor area, a minimum of one loading space must be provided. The new car wash building would have a gross floor area of more than 494 square metres, and as such a loading space is required by

July 15, 2024

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the Kingston Zoning By-Law. Despite this zoning requirement, the applicant has advised that a loading space is not necessary for the proposed automatic car wash. The proposed commercial activities on site are limited to a car wash and several vacuum cleaning units. Given the nature of the proposed use, a dedicated space for the loading and unloading of vehicles on site is considered to be unnecessary in this case.

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.

Recommendation:

That minor variance application, File Number D13-040-2024, for the property located at 780 Gardiners Road to exempt a proposed automatic car wash from the requirement to provide a loading space, be approved, as described below:

Variance Number 1:

By-Law Number 2022-62:Table 7.5.1

- Requirement: 1 loading space required for commercial uses with 300 to 2,500 square metres of gross floor area
- Proposed: 0 loading spaces required for commercial uses with 300 to 2,500 square metres of gross floor area
- Variance Requested: 1 loading space; and

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-061.

July 15, 2024

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Authorizing Signatures:

ORIGINAL SIGNED BY PLANNER

Jacob Slevin, Planner

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

Tim Park, Director, Planning Services

James Bar, Manager, Development Approvals

July 15, 2024

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Options/Discussion:

The applicant is proposing to develop an automated car wash on the property at 780 Gardiners Road. A site plan control application to permit the proposal is currently undergoing a technical review by City Staff (File Number D11-009-2024). Staff advised the applicant that for commercial developments with a gross floor area between 300 and 2,500 square metres, the Kingston Zoning By-Law requires that a loading space be provided on the property to allow a dedicated space for the loading and unloading of vehicles. Given the nature of the proposed car wash use a loading space is considered to be unnecessary for this form of development. Instead of providing an unnecessary loading space, the applicant intends to seek an exemption from the loading space requirement through a minor variance.

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

- Site Plan (Exhibit F)
- 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, known municipally as 780 Gardiners Road, is located at the northeast corner of the intersection of Gardiners Road and Taylor-Kidd Boulevard (Exhibit B – Key Map). The property has an approximate area of 3983 square metres, with roughly 177 metres of frontage onto Taylor-Kidd Boulevard and 51 metres of frontage onto Gardiners Road. Vehicular access to the property is provided from the Gardiners Road frontage.

The property is surrounded by commercial land uses to the north, south, east and west. The built form of these uses primarily consists of individual one-storey commercial buildings and commercial plazas. The RioCan Centre, a major shopping centre containing numerous commercial uses, is located to the south (Exhibit C – Neighbourhood Context Map).

The subject property is designated Arterial Commercial in the Official Plan (Exhibit D – Official Plan Map) and zoned General Commercial (CG) in Kingston Zoning By-Law Number 2022-62 (Exhibit E – Zoning By-Law Map). The proposed car wash at 780 Gardiners Road is a permitted use for the CG zone and the Arterial Commercial land use designation. The subject lands are serviced using municipal water and wastewater infrastructure. The property is within walking distance of multiple bus stops, which provides access to Kingston Transit Routes 11 and 14, as well as Express Route 701.

July 15, 2024

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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:

The general intent and purpose of the Official Plan are maintained

The subject property is designated Arterial Commercial 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 site at 780 Gardiners Road is within a designated Business District on Schedule 2 – City Structure of the Official Plan. The primary intention of Business Districts is to create opportunities for employment opportunities and service commercial uses which serve business activities. The applicant's proposal for a car wash at this site is a service commercial use and is therefore consistent with the intention of the Official Plan. The removal of the requirement for a loading space will help to facilitate the development of this proposed car wash use. Additionally, as the proposal would involve the conversion of an unused commercial property into an active business, this proposal supports the Official Plan's economic development policies as expressed in Section 2.9.

The proposed car wash development is expected to be compatible with the surrounding land uses. Commercial uses are the predominant land use for the area surrounding the subject property, and as such the addition of another commercial use such as a car wash would be suitable for the character of the area. Nothing relating to the proposed removal of the loading space requirement is anticipated to raise concerns with any of the land use compatibility matters listed in Section 2.7.

Nothing in this proposed variance will inhibit the functionality of the site in terms of access, parking, or accessibility. The applicant has proposed adequate parking and accessible parking spaces for a car wash, and bicycle parking is not required for a car wash intended to service vehicles. Accessibility matters will continue to be assessed in greater detail through the ongoing Site Plan Control application. Given that the site has limited area and requires adequate space

July 15, 2024

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to allow for functional circulation of vehicles, the provision of an unnecessary loading space could disrupt the flow of vehicles through the site. As such, the removal of a loading space requirement contributes to an improvement in the site’s functionality.

The property at 780 Gardiners Road is fully serviced with municipal infrastructure and sewage services. The property is not designated under the *Ontario Heritage Act*, contains no archeological resources, and is not adjacent to any built heritage resources or any heritage districts.

The proposed car wash complies with all applicable provisions of the Kingston Zoning By-Law aside from the loading space requirement. As the sole purpose of this application is to exempt the applicant from the requirement to provide a single loading space while complying with all other zoning requirements, a minor variance is considered to be a more appropriate means of seeking zoning relief, rather than a zoning by-law amendment.

The proposal to relieve the applicant from the requirement to provide a loading space is not anticipated to set an undesirable precedent. For this type of commercial use, a loading space is not needed and would be superfluous to the functioning of the proposed car wash. For other types of commercial uses, such as a retail or grocery store, loading and unloading of goods would clearly be necessary element of the use. As such, relief from loading space requirements would not be applicable to such commercial uses that actually require a dedicated loading space, and therefore this proposal will not set any undesirable precedents.

The proposal meets the intent of the Official Plan, as the proposal to remove the requirement for a loading space for this automatic car wash development 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 General Commercial (CG) in Kingston Zoning By-Law Number 2022-62 (Exhibit E – Zoning By-Law Map). The CG zone permits a car wash, which the applicant has proposed to develop on the subject property.

The proposal requires a variance to Section 7.5.1, which directs that for commercial developments with 300 to 2,500 square metres of gross floor area, a loading space is required.

Variance Number 1:

By-Law Number 2022-62:Table 7.5.1

Requirement:	1 loading space required for commercial uses with 300 to 2,500 square metres of gross floor area
Proposed:	0 loading spaces required for commercial uses with 300 to 2,500 square metres of gross floor area
Variance Requested:	1 loading space

The intent of the loading space requirements established in the Kingston Zoning By-law is to ensure that sites containing employment and commercial uses can function effectively. Many

July 15, 2024

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commercial and employment uses, such as warehouses or retail stores, require the frequent loading and unloading of trucks and vehicles in order to keep these businesses supplied. The purpose of the loading space requirement is to ensure that a given commercial or employment use will have a dedicated area on site to be used specifically for loading and unloading.

Given that the intent of the loading space requirement is to ensure that delivery vehicles do not interfere with the functioning of a site containing an employment or commercial use, the applicant's proposal to remove the loading space requirement for the proposed car wash is consistent with the intent of the zoning by-law because a car wash use does not require regular loading and unloading of any goods. There is no retail component to the automatic car wash, the applicant's Site Plan indicates that the only services on site will be an automatic car wash and a vacuum cleaning service. The nature of these services does not require frequent loading and unloading of goods, and therefore a dedicated loading space is unnecessary to ensure site functionality in terms of maintaining open customer parking spaces and unobstructed flow of vehicles.

As such, 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 the removal of a loading space requirement for the car wash development is not expected to have any effect on the functioning of the car wash use, nor will there be any effect on any adjacent properties. Since a loading space is not necessary to ensure the functioning of the proposed car wash, the removal of the loading space requirement will not alter the operations of the car wash in any way. Based on a review of the applicant's Site Plan, all other applicable zoning provisions are being complied with by the proposed development and the only variance requested is to remove the requirement for the one required loading space.

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

The proposed variance is desirable, as it will help to facilitate the redevelopment of an under-utilized commercial property. The site at 780 Gardiners Road is located at a key intersection between two arterial roads, Gardiners Road and Taylor-Kidd Boulevard. Despite this location, the property is currently vacant and unused. Approval of this variance will advance the redevelopment process of this site and avoid any delays associated with revising the applicant's plans to provide a loading space which is not necessary to the functioning of the car wash. Additionally, the applicant has proposed to design the site in a manner that permits the smooth flow of traffic throughout the site. A requirement to provide a loading space could complicate efforts to ensure that the car wash maintains a functional vehicular flow if the internal drive aisles needed to be narrowed or re-arranged to accommodate a loading space. Considering that a loading space is not needed to ensure site functionality, it is more desirable to remove the requirement for an unnecessary loading space and maintain the more efficient site design that is currently proposed.

July 15, 2024

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As such, the variance is desirable and will support an appropriate use of the land.

Technical Review: Circulated Departments and Agencies

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

Technical Comments

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

Public Comments

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

Previous or Concurrent Applications

A Zoning By-Law Amendment for the subject property was approved for the subject property by City Council on April 2, 2024 ([File Number D14-001-2024](#)). Prior to this rezoning, the subject property was zoned as C2-25, a commercial zone in the former Kingston Township Zoning By-Law 76-26. The property was rezoned to the current General Commercial (CG) zoning in the Kingston Zoning By-Law to encourage redevelopment by rezoning to a more modern commercial zone which allowed for a wider range of permitted uses.

July 15, 2024

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A Consent application for the subject property received provisional approval on April 5, 2024 ([File Number D10-003-2024](#)). The purpose of this application is to facilitate a lot addition to the adjacent property at 790 Gardiners Road. The property at 780 Gardiners Road is irregularly shaped with a triangular portion of land to the east of the lot, and the effect of this Consent application would be to regularize the lot fabric of the area by transferring this unnecessary triangular portion to the adjacent lot. This Consent has received provisional approval and will come into effect when all conditions of approval are fulfilled.

The proposal for a new car wash is currently subject to a Site Plan Control application ([D11-009-2024](#)). The applicant will be required to obtain a completed Site Plan Control agreement prior to obtaining a building permit and developing this car wash.

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 help to facilitate the development of a new car wash at the property at 780 Gardiners Road, which is currently unused. Removing the requirement to provide a loading space for this project will enable the applicant to proceed with obtaining approval for the proposed car wash through the existing Site Plan Control application (File Number D11-009-2024).

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

July 15, 2024

Page 10 of 11

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 July 15, 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

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

Other City of Kingston Staff Consulted:

None

Exhibits Attached:

Exhibit A Recommended Conditions

Exhibit B Key Map

Exhibit C Neighbourhood Context Map

Exhibit D Official Plan Map

July 15, 2024

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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 D13-040-2024, to exempt a proposed car wash at 780 Gardiners Road from the requirement to provide a parking space, shall be subject to the following recommended conditions:

1. Limitation

That the approved minor variance applies only to the proposed car wash development at 780 Gardiners Road 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.

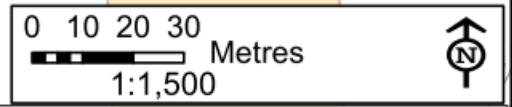
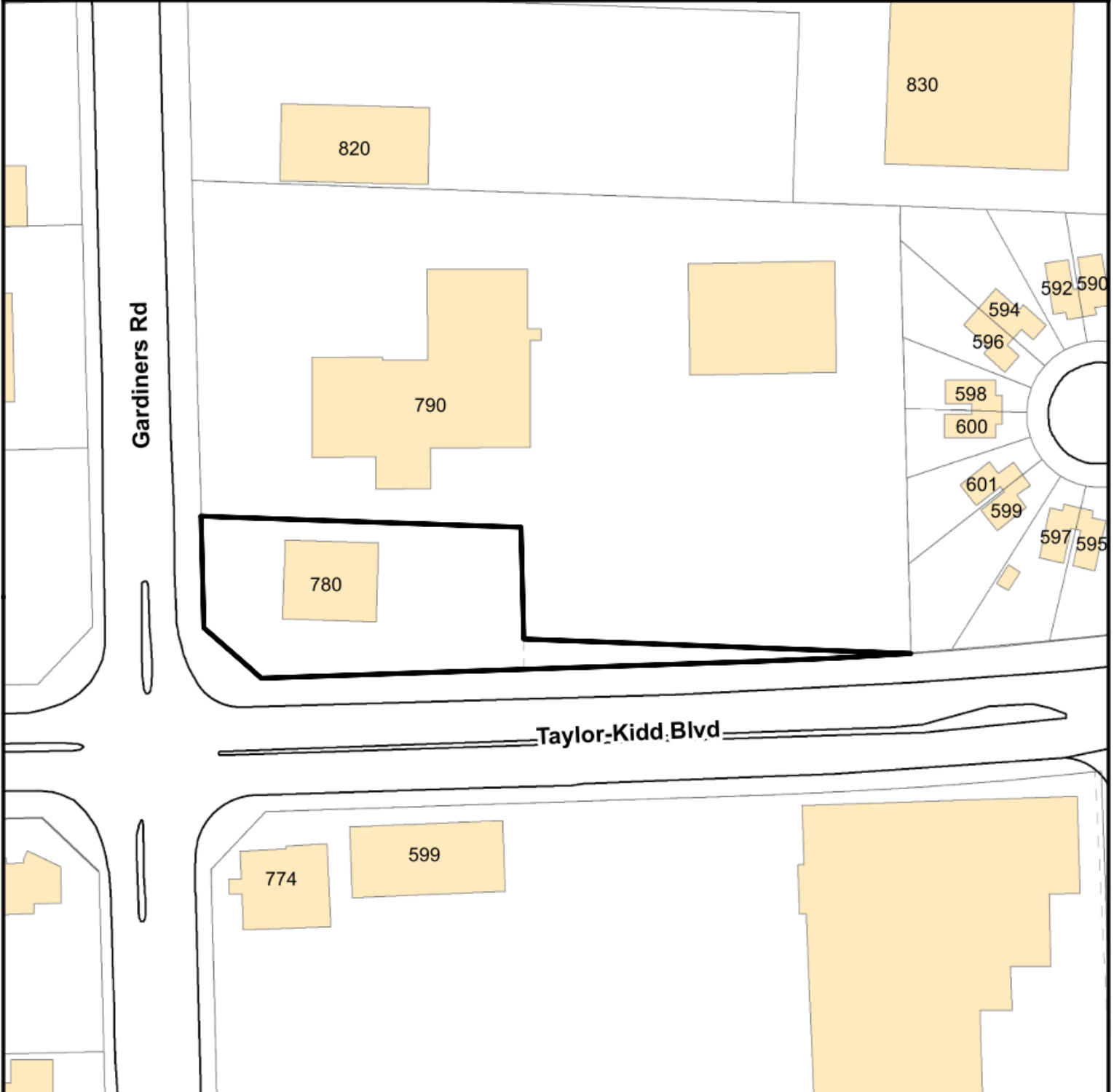
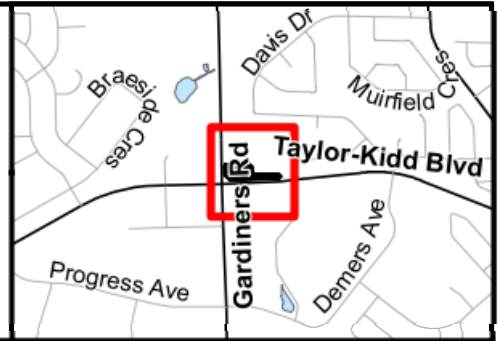
In the event that human remains are encountered, all work must immediately cease, and the site must be secured. The Kingston Police (613-549-4660), the Office of the Chief Coroner as a part of the Ontario Ministry of the Solicitor General (1-877-991-9959), the Archaeology Program Unit of the Ministry 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: 780 Gardiners Road
File Number: D13-040-2024
Prepared On: May-29-2024

Lands Subject to Minor Variance



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Committee of Adjustment Neighbourhood Context

Address: 780 Gardiners Road
File Number: D13-040-2024
Prepared On: May-29-2024

- Subject Lands
- Property Boundaries
- Proposed Parcels







Prepared By: ebarratt
Prepared On: May-29-2024

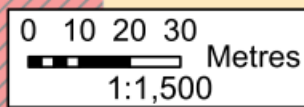
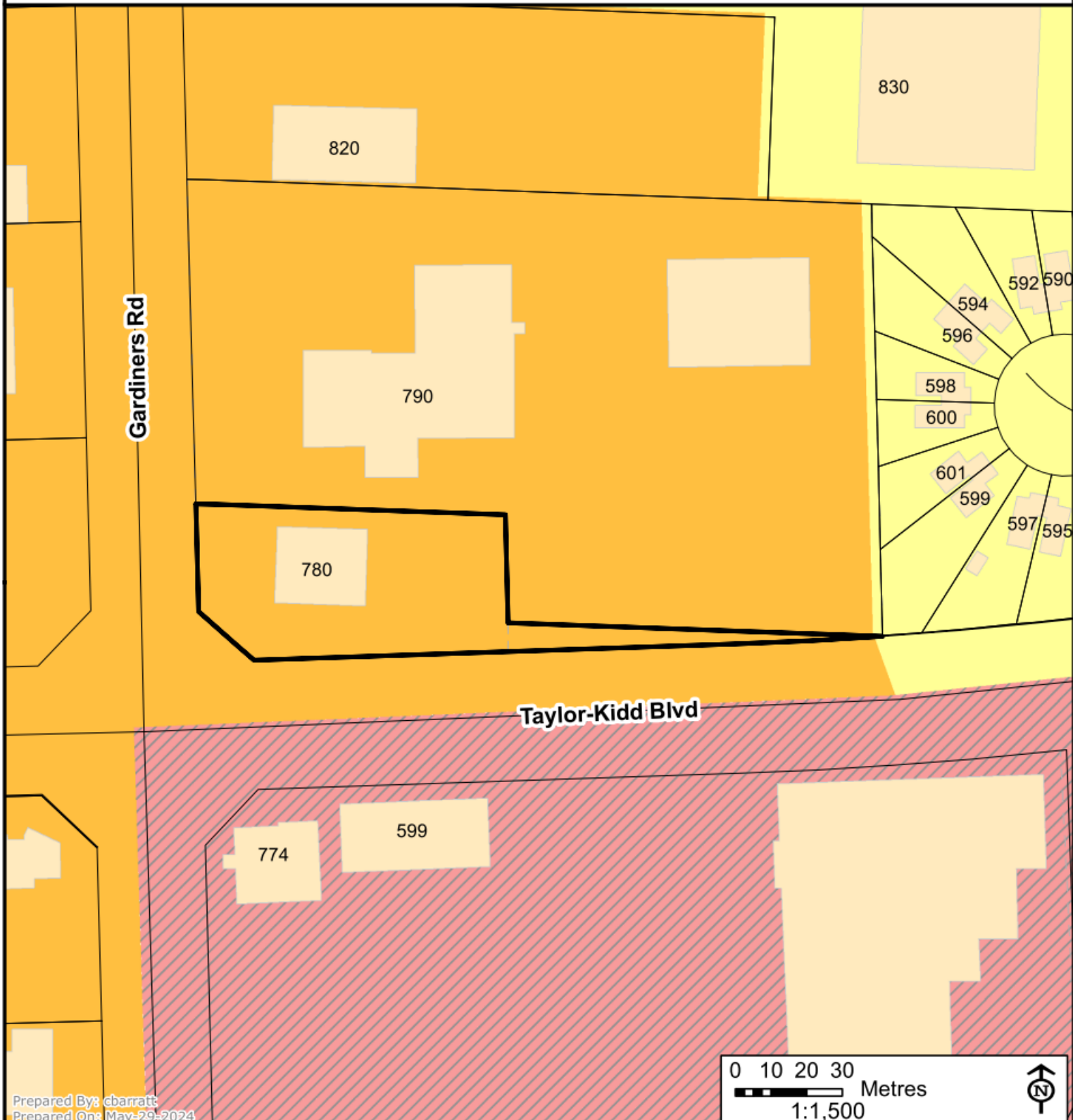
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Committee of Adjustment Official Plan, Existing Land Use

Address: 780 Gardiners Road
File Number: D13-040-2024
Prepared On: May-29-2024

-  Subject Lands
-  ARTERIAL COMMERCIAL
-  REGIONAL COMMERCIAL
-  RESIDENTIAL



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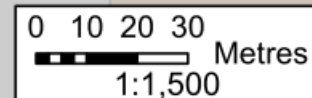
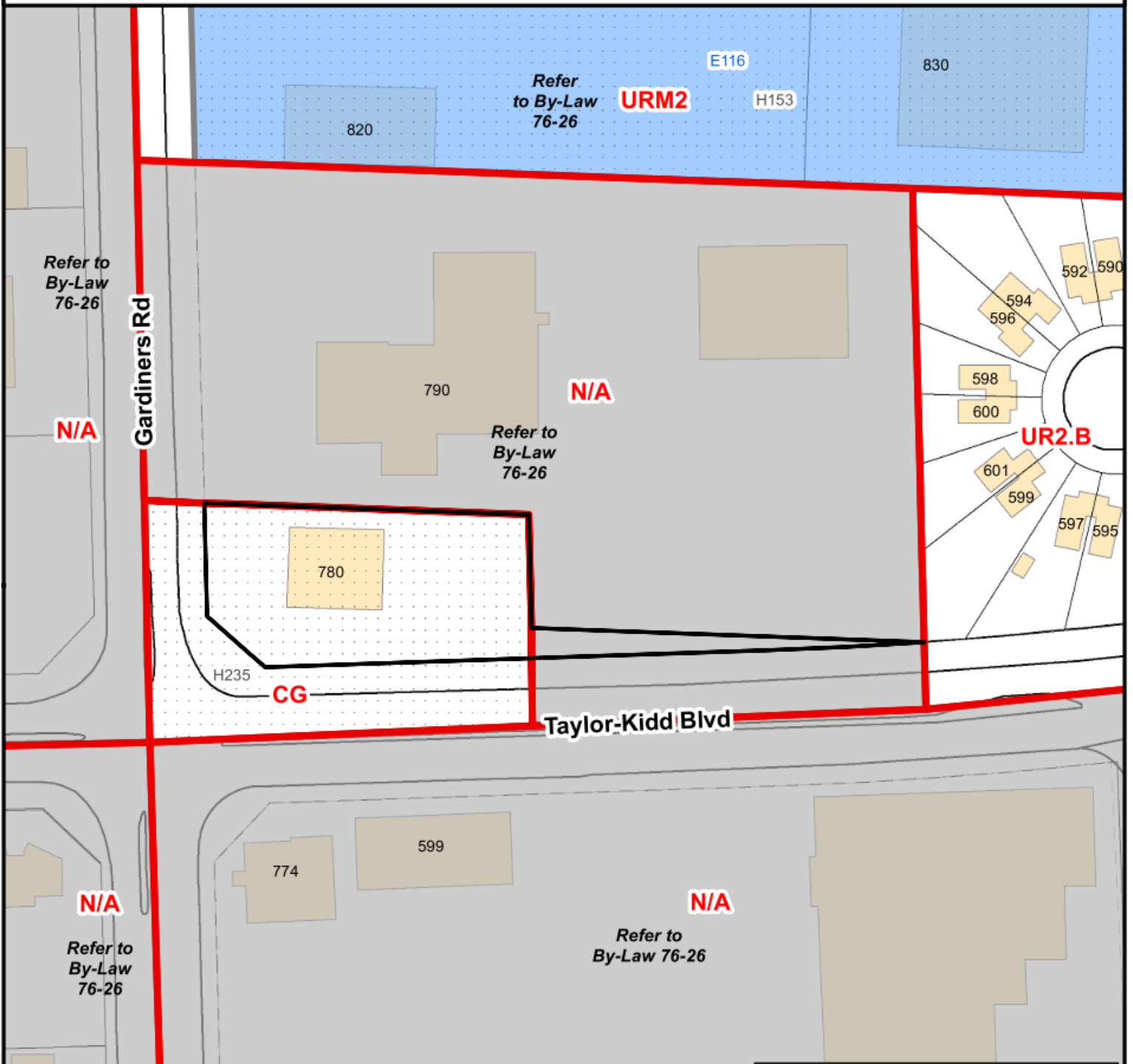


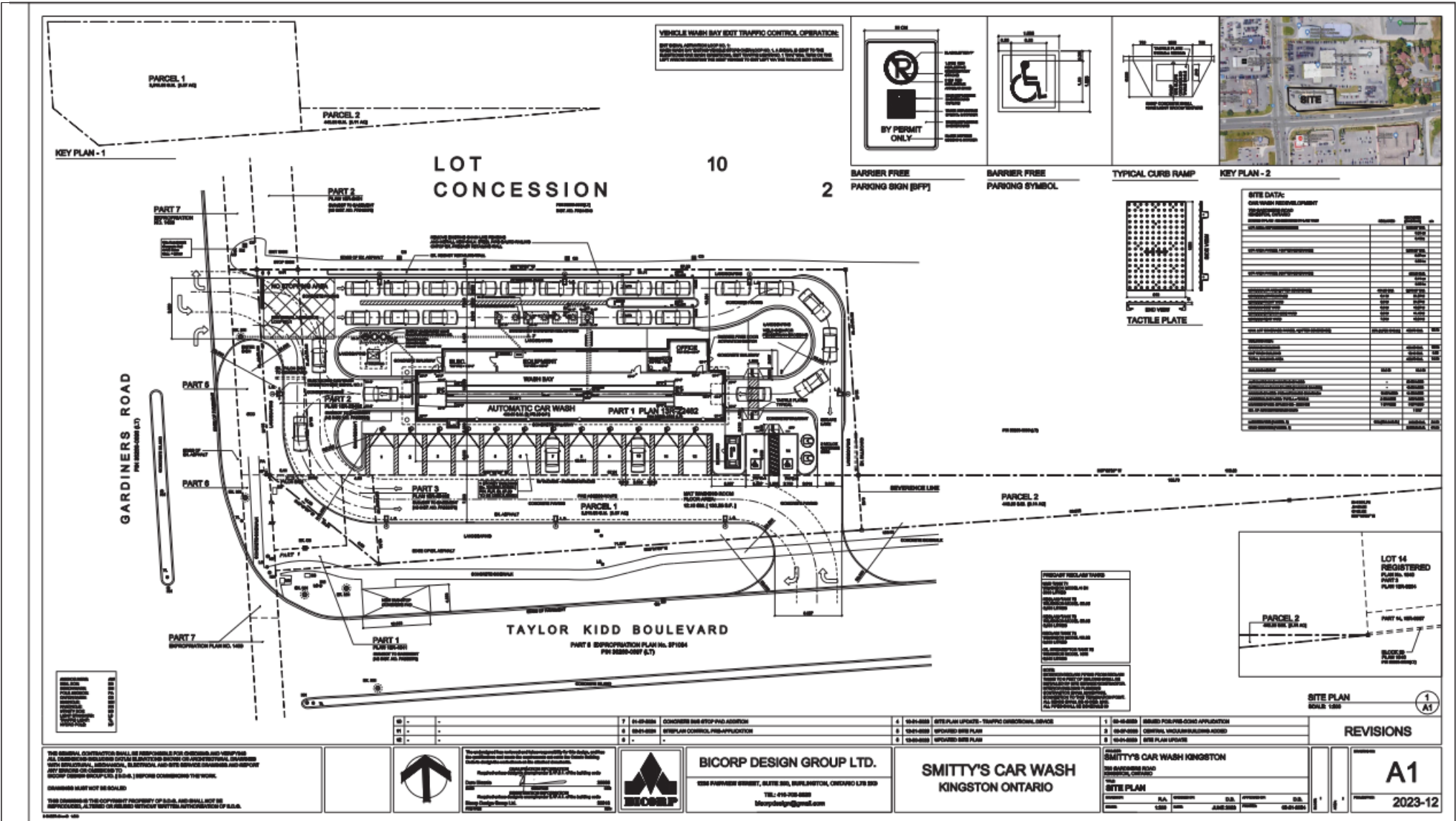
Committee of Adjustment
Existing Zoning
Kingston Zoning By-Law 2022-62

Planning Services

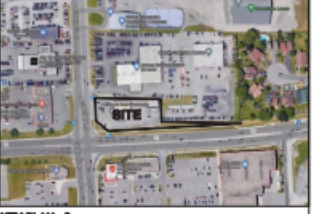
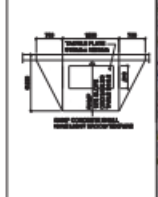
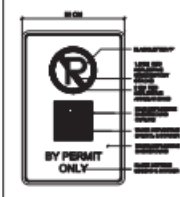
Address: 780 Gardiners Road
File Number: D13-040-2024
Prepared On: May-29-2024

- 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)





VEHICLE WASH BAY EXIT TRAFFIC CONTROL OPERATION
 SEE PERMIT APPLICATION FOR
 TRAFFIC CONTROL PLAN. THIS PLAN IS SUBJECT TO THE
 APPROVAL OF THE MUNICIPAL ENGINEER. THE OPERATOR
 SHALL BE RESPONSIBLE FOR THE PROPER OPERATION OF THE
 TRAFFIC CONTROL PLAN TO THE SATISFACTION OF THE
 MUNICIPAL ENGINEER.

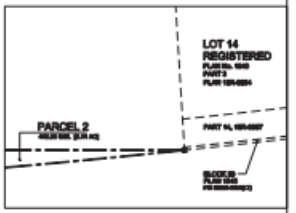


SITE DATA:

DESCRIPTION	DATE	BY
CONCEPT PLAN	2023-10-10	SMITTY'S
PRELIMINARY PLAN	2023-10-10	SMITTY'S
FINAL PLAN	2023-10-10	SMITTY'S
AS-BUILT PLAN		
REVISIONS		
1. CORRECTED PERMIT APPLICATION	2023-10-10	SMITTY'S
2. CORRECTED PERMIT APPLICATION	2023-10-10	SMITTY'S
3. CORRECTED PERMIT APPLICATION	2023-10-10	SMITTY'S
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5. CORRECTED PERMIT APPLICATION	2023-10-10	SMITTY'S
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7. CORRECTED PERMIT APPLICATION	2023-10-10	SMITTY'S
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9. CORRECTED PERMIT APPLICATION	2023-10-10	SMITTY'S
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19. CORRECTED PERMIT APPLICATION	2023-10-10	SMITTY'S
20. CORRECTED PERMIT APPLICATION	2023-10-10	SMITTY'S

PROXY REGULATIONS

REGULATION	DATE	BY
1. CORRECTED PERMIT APPLICATION	2023-10-10	SMITTY'S
2. CORRECTED PERMIT APPLICATION	2023-10-10	SMITTY'S
3. CORRECTED PERMIT APPLICATION	2023-10-10	SMITTY'S
4. CORRECTED PERMIT APPLICATION	2023-10-10	SMITTY'S
5. CORRECTED PERMIT APPLICATION	2023-10-10	SMITTY'S
6. CORRECTED PERMIT APPLICATION	2023-10-10	SMITTY'S
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9. CORRECTED PERMIT APPLICATION	2023-10-10	SMITTY'S
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11. CORRECTED PERMIT APPLICATION	2023-10-10	SMITTY'S
12. CORRECTED PERMIT APPLICATION	2023-10-10	SMITTY'S
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15. CORRECTED PERMIT APPLICATION	2023-10-10	SMITTY'S
16. CORRECTED PERMIT APPLICATION	2023-10-10	SMITTY'S
17. CORRECTED PERMIT APPLICATION	2023-10-10	SMITTY'S
18. CORRECTED PERMIT APPLICATION	2023-10-10	SMITTY'S
19. CORRECTED PERMIT APPLICATION	2023-10-10	SMITTY'S
20. CORRECTED PERMIT APPLICATION	2023-10-10	SMITTY'S



NO.	DATE	DESCRIPTION	BY
1	2023-10-10	CONCEPT PLAN	SMITTY'S
2	2023-10-10	PRELIMINARY PLAN	SMITTY'S
3	2023-10-10	FINAL PLAN	SMITTY'S
4	2023-10-10	AS-BUILT PLAN	
5	2023-10-10	REVISIONS	
6	2023-10-10	REVISIONS	
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18	2023-10-10	REVISIONS	
19	2023-10-10	REVISIONS	
20	2023-10-10	REVISIONS	

BICORP DESIGN GROUP LTD.
 6250 PARKWAY CORNER, SUITE 201, BURLINGTON, ONTARIO L7R 3B3
 TEL: 416-735-8820
 bicorpdsgn@gmail.com

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REVISIONS

A1

2023-12



Figure 1: Frontal view of the subject property at 780 Gardiners Road. Existing building was formerly used as an automotive centre and is currently vacant.



Figure 2: View of the rear and side of the existing vacant building from the sidewalk adjacent to Taylor-Kidd Boulevard. Existing building will be demolished before the construction of the new car wash.



Figure 3: View of the adjacent auto dealership use at 790 Gardiners Road. A previous Consent application (File Number D10-003-2024) seeks to transfer the irregular triangular lot portion at the east of 780 Gardiners Road to this adjacent property at 790 Gardiners Road to regularize the irregular parcel fabric.



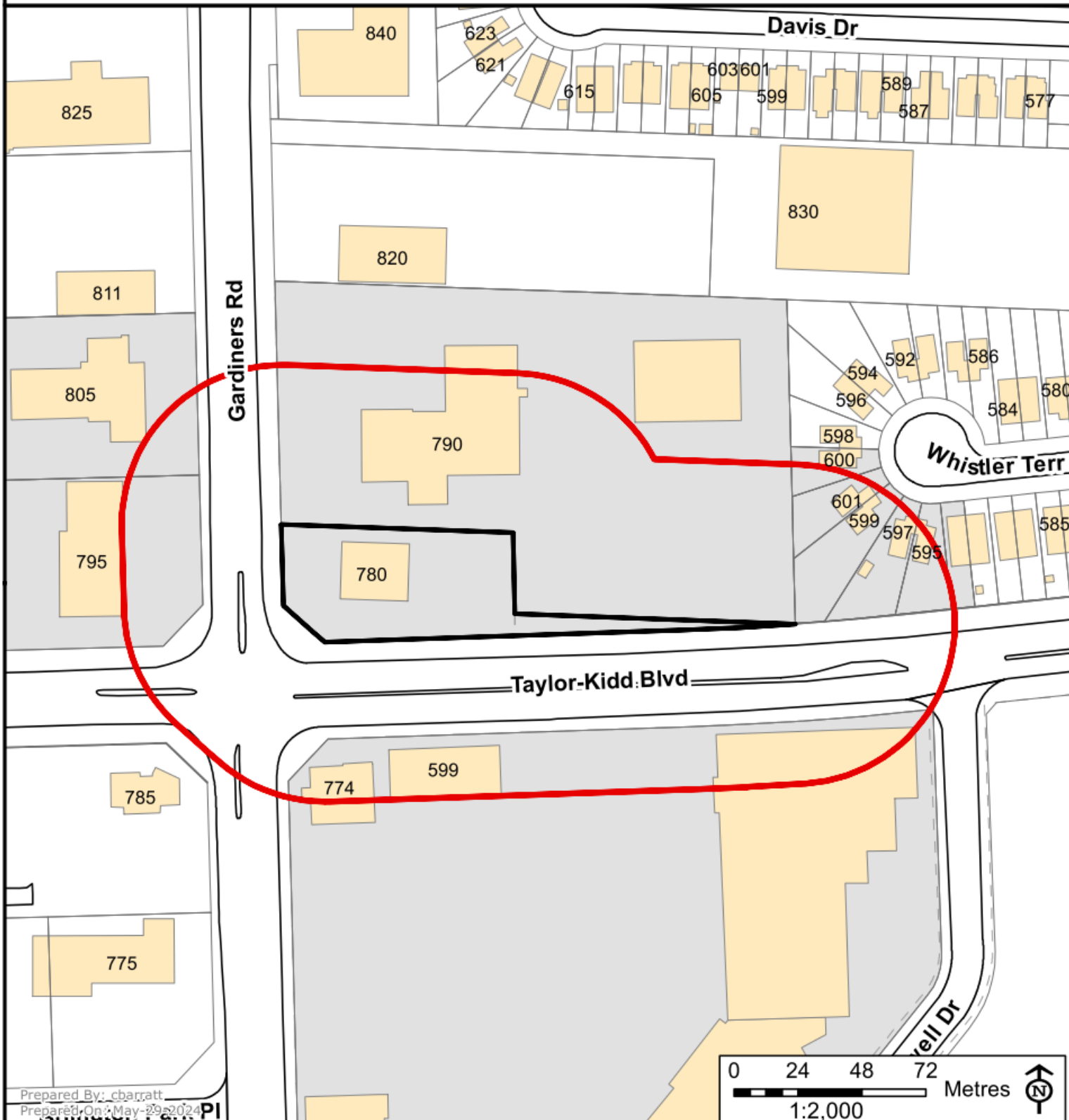
Figure 4: View of other commercial properties at 795 Gardiners Road, across the road from the subject property.



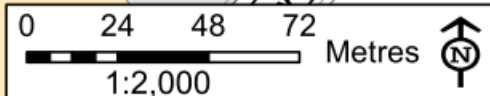
Committee of Adjustment Public Notice Notification Map

Address: 780 Gardiners Road
File Number: D13-040-2024
Prepared On: May-29-2024

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



Prepared By: cbarratt
Prepared On: May-29-2024



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**City of Kingston
Report to Committee of Adjustment
Report Number COA-24-064**

To: Chair and Members of the Committee of Adjustment
From: Jason Partridge, Planner
Date of Meeting: July 15, 2024
Application for: Minor Variance
File Number: D13-041-2024
Address: 1813 Moore Lane
District: District 1 - Countryside
Owner: Krishan Jai Subash Nathan
Applicant: Boulevard Group

Council Strategic Plan Alignment:

Theme: Policies & by-laws

Goal: 2.3 Maintain the City's natural heritage and environmental assets.

Executive Summary:

This report provides a recommendation to the Committee of Adjustment regarding an application for minor variances at 1813 Moore Lane. The applicant is requesting relief from the maximum height of an accessory building and the accessory building yard location requirement of the Kingston Zoning By-Law 2022-62 to construct a front yard accessory building. The proposed accessory building is to be 6.5 metres in height whereas the permitted height of an accessory building is 4.6 metres. The new front yard accessory building complies with all minimum interior side yard setback, rear yard setback, and lot coverage requirements.

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

July 15, 2024

Page 2 of 10

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

Recommendation:

That minor variance application, File Number , for the property located at 1813 Moore Lane to construct a 147.72 square metre front yard accessory building, be approved, as described below:

Variance Number 1:

By-Law Number 2022-62:4.1.2.1 Accessory building yard location

Requirement: Rear yard, Interior yard, and the Exterior yard

Proposed: Front yard

Variance Requested: Front yard

Variance Number 2:

By-Law Number :2022-62:4.1.2.3 Maximum height of an accessory building

Requirement: 4.6 metres

Proposed: 6.5 metres

Variance Requested: 1.9 metres; and

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-064.

July 15, 2024

Page 3 of 10

Authorizing Signatures:

ORIGINAL SIGNED BY PLANNER

Jason Partridge, Planner

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

Tim Park, Director, Planning Services

James Bar, Manager, Development Approvals

July 15, 2024

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Options/Discussion:

On May 26, 2024, a minor variance application was submitted by the Boulevard Group, on behalf of the owner, Krishan Jai Subash Nathan, with respect to the property located at 1813 Moore Lane. The variances are requested to construct a 147.72 square metre front yard accessory building. The applicant is requesting relief from the maximum height of an accessory building and the accessory building yard location requirement of the Kingston Zoning By-Law 2022-62 to construct a front yard accessory building. The proposed accessory building is to be 6.5 metres in height whereas the permitted height of accessory building is 4.6 metres. The requested variances are to accommodate an accessory building that can contain a car lift for personal car repairs and storage associated to the single detached house. The new front yard accessory building complies with all minimum interior side yard setback, rear yard setback and landscaped open space requirements.

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

- Site Plan (Exhibit F)
- Elevations (Exhibit G)

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

Site Characteristics

The subject property is located 1813 Moore Lane (Exhibit B – Key Map) and has a lot area of approximately 1.33 hectares with approximately 0 metres of frontage along a municipal road, but gains access to Highway 2 from a private lane. The property is currently developed with a single detached house, and abuts other single detached houses to the east, west and north. The subject property is also located in proximity to various community and open space uses, local schools and the St Lawrence River. (Exhibit C – Neighbourhood Context Map).

The subject property is designated Rural and EPA in the Official Plan (Exhibit D – Official Plan Map) and zoned LSR with a holding overlay layer (H50) 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

July 15, 2024

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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:

The general intent and purpose of the Official Plan are maintained

The subject property is designated Rural and Environmental protection Area in the City of Kingston Official Plan (Exhibit 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 front yard accessory building will not have any negative impacts on abutting properties or residential and/or uses or structures. The proposal is compatible with the surrounding residential uses and will not result in significant impacts or changes to the surrounding area. No additional dwelling units are proposed and there is no increase in density or intensity of uses. The proposed front yard accessory building is consistent with the intent of this policy.

No land use compatibility concerns as outlined in Section 2.7 of the Official Plan are expected to arise resulting from approval of this application, relating to increased shadowing, intrusive overlook, increased traffic, architectural incompatibility, or any other concerns outlined in the Official Plan. All functional needs are met as the building will not constrain the parking of vehicles and bicycles or generate issues relating to accessibility.

1813 Moore Lane is not a designated property under the Ontario Heritage Act, nor is it within a Heritage District. No impacts to any built heritage resources are anticipated as a result of this proposal, and as such, no Heritage Impact Statement is required. Furthermore, Heritage Planning staff have identified the subject property as having composite potential for archeological resources. However, Heritage Planning has agreed that the archaeological assessment can be done during the holding overlay (H50) removal application. A condition will be included within the Notice of Decision that will require an archeological assessment to be completed during the holding overlay removal application.

The site is located outside of the Urban Boundary and is currently connected to private sewage and well water systems. The proposed front yard accessory building will not require any additional private sewage or water service for its use.

July 15, 2024

Page 6 of 10

The proposed variances meet the four tests of a minor variance under the Planning Act and the development is consistent with the existing built form along Moore Lane. Therefore, a zoning by-law amendment is not required.

The proposal meets the intent of the Official Plan, as the proposed 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 Limited Service Rural Residential (LSR) in Kingston Zoning By-Law Number 2022-62 (Exhibit E – Zoning By-Law Map). A single detached house with an accessory building is a permitted use within the ‘LSR’ zone.

The proposal requires variances to Section 4.1.2.1 and 4.1.2.3 of the zoning by-law, as follows:

Variance Number 1:

By-Law Number 2022-62:4.1.2.1 Accessory building yard location

Requirement: Rear yard, Interior yard, and the Exterior yard

Proposed: Front yard

Variance Requested: Front yard

The intent of the accessory building location provision is to prevent the over development of the front yards and to maintain a consistent character throughout the City of Kingston. 1813 Morre Lane is a waterfront lot and accessed by a laneway near the northern property line. Waterfront lots traditionally have the dwellings located closest to the waterbody leaving a large undeveloped front yard. Permitting an accessory building in the front yard under the Kingston Zoning By-law is considered appropriate because of the large front yard space and keeping any development away from the floodplain or sensitive environmental habitats. The proposed front yard accessory building is consistent with the existing front yard built-form of several residential buildings located east and west of the subject property along 1813 Moore Lane.

Variance Number 2:

By-Law Number :2022-62:4.1.2.3 Maximum height of an accessory building

Requirement: 4.6 metres

Proposed: 6.5 metres

Variance Requested: 1.9 metres; and

The intent of the maximum height of an accessory building is to prevent intrusive overlook onto surrounding properties and to provide for a consistent built form and massing on residential properties. The requested height increase is required to accommodate an accessory building that can contain a car lift for personal car repairs. The requested increase of height of 1.9 metres for the proposed accessory building is not anticipated to cause any adverse impacts or intrusive overlook onto surrounding properties. The proposed accessory building exceeds the required interior setback of 1.2 metres and the single detached house to the east of the property is also setback a large distance from the proposed accessory building which will provide

July 15, 2024

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additional protection from any intrusive overlook onto the property. The increased maximum building height maintains the general intent and the purpose of the by-law.

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

The variance is minor in nature

The proposed front yard accessory building will result in a development that is consistent with the existing built form of residential development along Moore Lane. The accessory building will be located within the front yard of a water lot property and will not result in intrusive overlook with respect to adjacent properties. The variance will not alter the character of the neighbourhood or the existing streetscape. The total area of the proposed accessory building is 147.72 square metres and does not exceed the permitted lot coverage for accessory buildings.

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

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

The proposed development will support the functional needs of the existing residential use. The form of residential development is long established. Thus, the overall density, type of use and scale of activity as proposed is consistent with the existing built form of accessory building along Moore Lane.

The resulting built form satisfies all applicable provisions of the zoning by-law, except for the required maximum height setback and accessory building permitted yard location. 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 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 type="checkbox"/> Municipal Drainage | <input checked="" type="checkbox"/> Parks of the St. Lawrence |
| <input checked="" type="checkbox"/> CRCA | <input type="checkbox"/> KFL&A Health Unit | <input type="checkbox"/> Trans Northern Pipelines |
| <input type="checkbox"/> Parks Canada | <input type="checkbox"/> Eastern Ontario Power | <input type="checkbox"/> CFB Kingston |
| <input checked="" type="checkbox"/> Hydro One | <input type="checkbox"/> Enbridge Pipelines | <input type="checkbox"/> TransCanada Pipelines |

July 15, 2024

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

Previous or Concurrent Applications

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

Conclusion

The requested variance(s) maintain(s) the general intent and purpose of both the City of Kingston Official Plan and Kingston Zoning By-Law Number 2022-62. The proposal is desirable for the appropriate development or use of the land, building or structure and the requested variance(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 permit the construction of a new 147.72 square metre accessory building within the front yard of the subject property. The proposed front yard accessory building and will improve the function of the existing residential use on the site and represents good land use planning.

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

July 15, 2024

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Notice Provisions:

A Committee of Adjustment Meeting is going to be held respecting this application on July 15, 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 8 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 1256

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

Other City of Kingston Staff Consulted:

None

Exhibits Attached:

- Exhibit A Recommended Conditions
- Exhibit B Key Map
- Exhibit C Neighbourhood Context Map (2024)
- Exhibit D Official Plan Map
- Exhibit E Zoning By-Law Map
- Exhibit F Site Plan
- Exhibit G Elevations

July 15, 2024

Page 10 of 10

Exhibit H Site Photos

Exhibit I Public Notification Map

Recommended Conditions

The approval of minor variance application, File Number D13-041-2024, to reduce the minimum waterbody separation setback shall be subject to the following recommended conditions:

1. Limitation

That the approved variance applies only to the front yard accessory building as shown on the attached drawing within 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 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. Holding Overlay Layer H50

Prior to the issuance of a building permit for the front yard accessory building at 1813 Moore Lane the owner must successfully complete a Holding Overlay removal application H50. All necessary studies, as determined by the city, have been

completed and accepted by the City. Required studies may include but are not limited to studies related to servicing capacity, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact assessments, environmental constraints or a Record of Site Condition; and (b) All agreements required by the City, including development, site plan control and subdivision agreements, have been executed and registered on title, as appropriate.


6. Planning Services

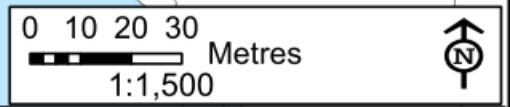
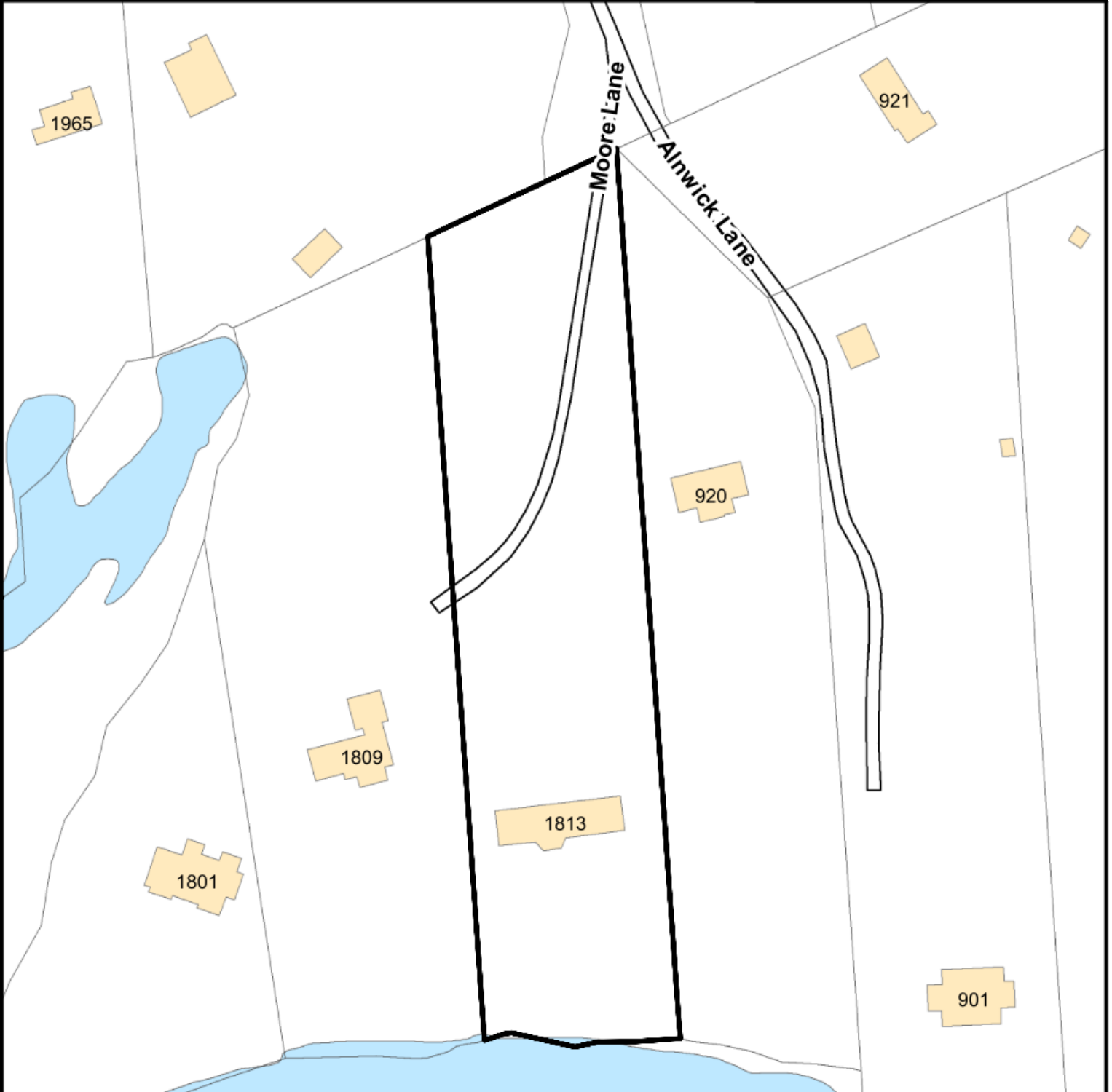
Prior to issuance of the building permit for the front yard accessory building the owner must remove or relocate the existing sea container on the subject property. If the owner chooses to relocate the sea container, the sea container must comply with all zoning requirements of Kingston Zoning By-Law Number 2022-62 and acquire proper building permits.



Committee of Adjustment Key Map

Address: 1813 Moore Lane
File Number: D13-041-2024
Prepared On: Jun-03-2024

 Lands Subject to Minor Variance



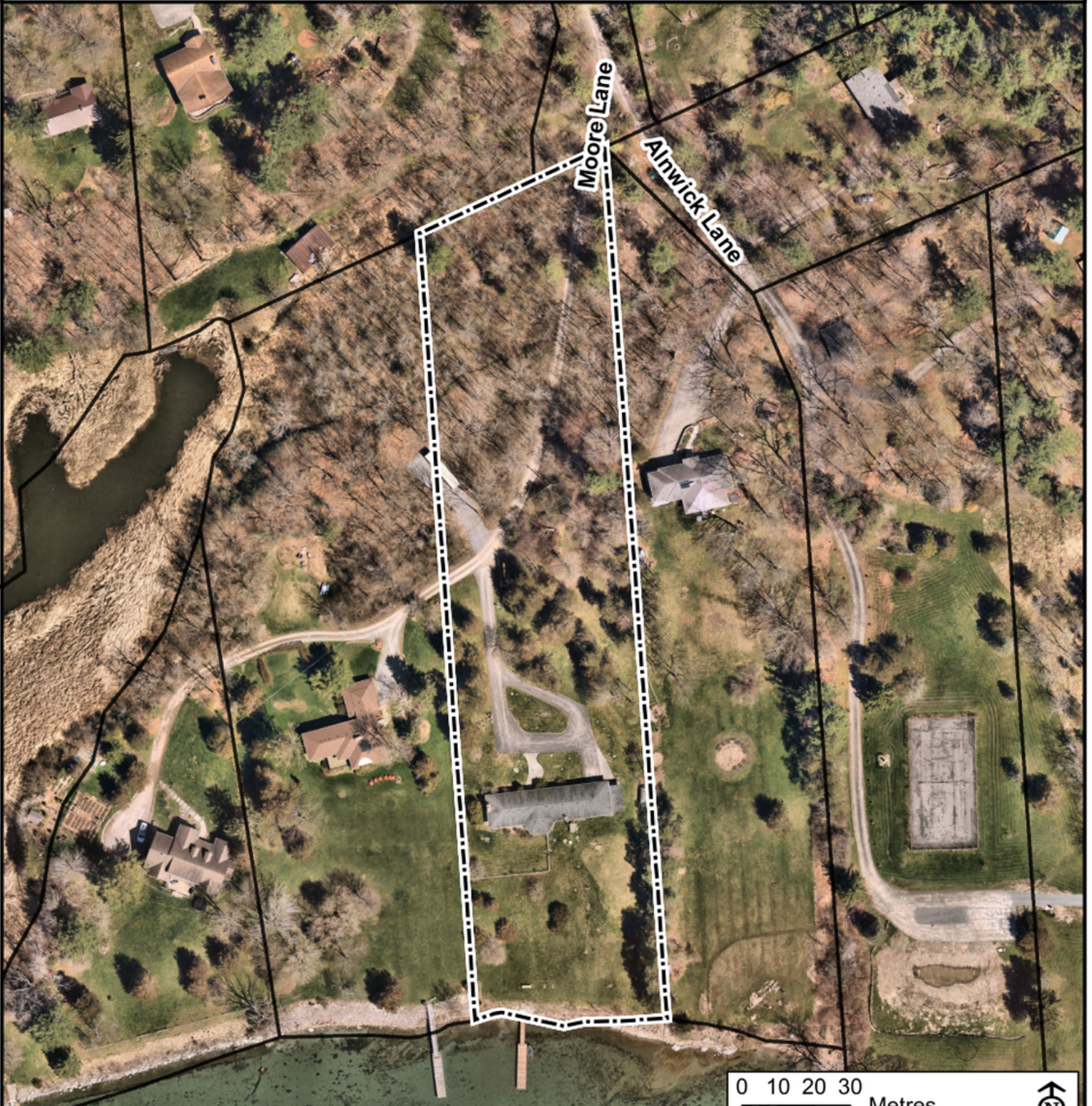
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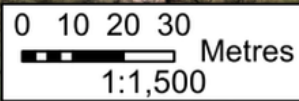
Committee of Adjustment Neighbourhood Context

Address: 1813 Moore Lane
File Number: D13-041-2024
Prepared On: Jun-03-2024

- Subject Lands
- Property Boundaries
- Proposed Parcels



Prepared By: ebaratt
Prepared On: Jun-03-2024






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Planning Services

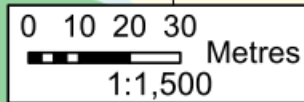
Committee of Adjustment
Official Plan, Existing Land Use

Address: 1813 Moore Lane
File Number: D13-041-2024
Prepared On: Jun-03-2024

-  Subject Lands
-  ENVIRONMENTAL PROTECTION AREA
-  RURAL



Prepared By: cbarratt
Prepared On: Jun-03-2024



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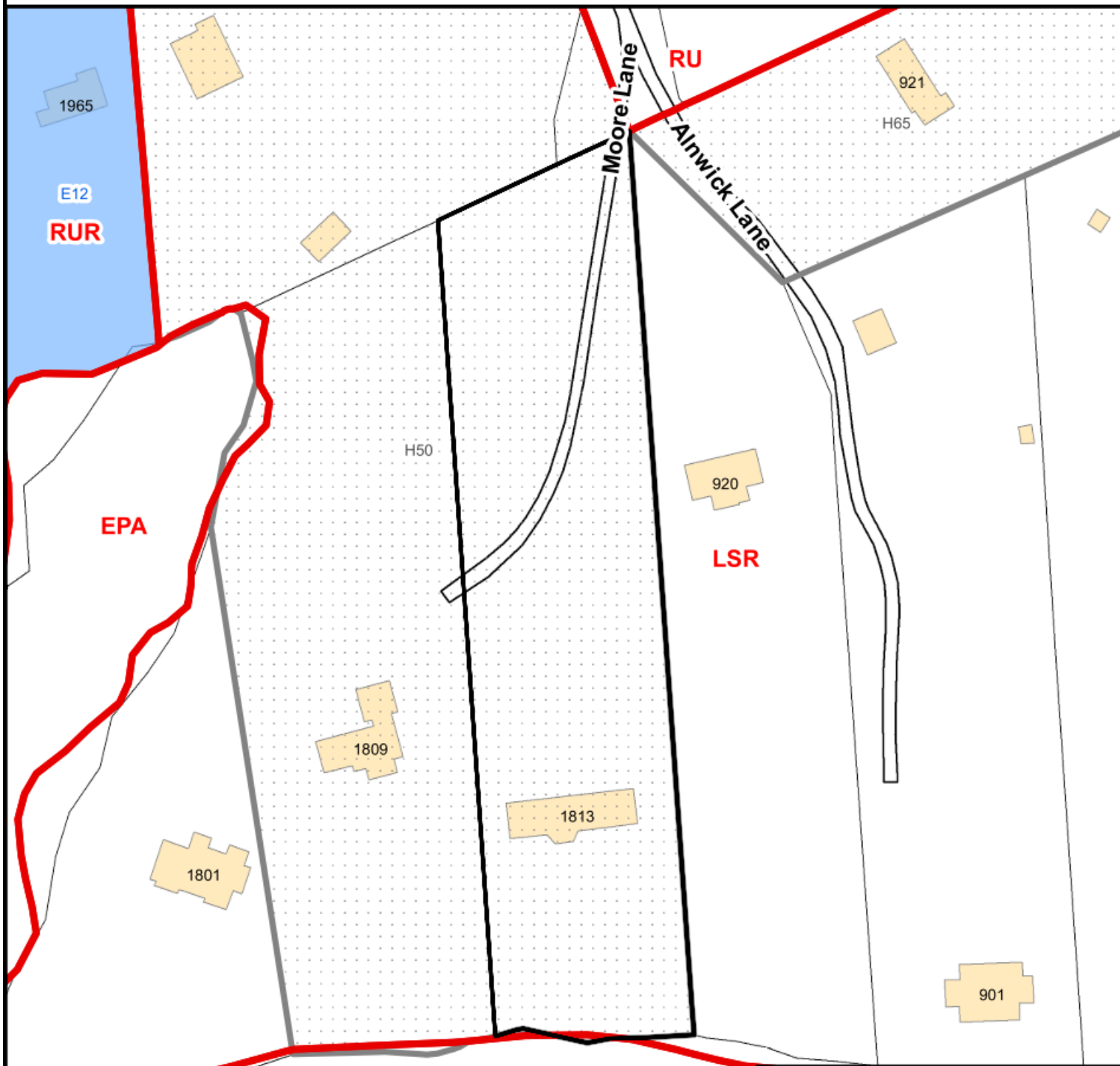
Planning Committee
Existing Zoning
Kingston Zoning By-Law 2022-62

Planning Services

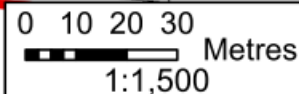
Address: 1813 Moore Lane
File Number: D13-041-2024
Prepared On: Jun-03-2024

Subject Lands
Schedule 1 Zoning Map
Zone

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

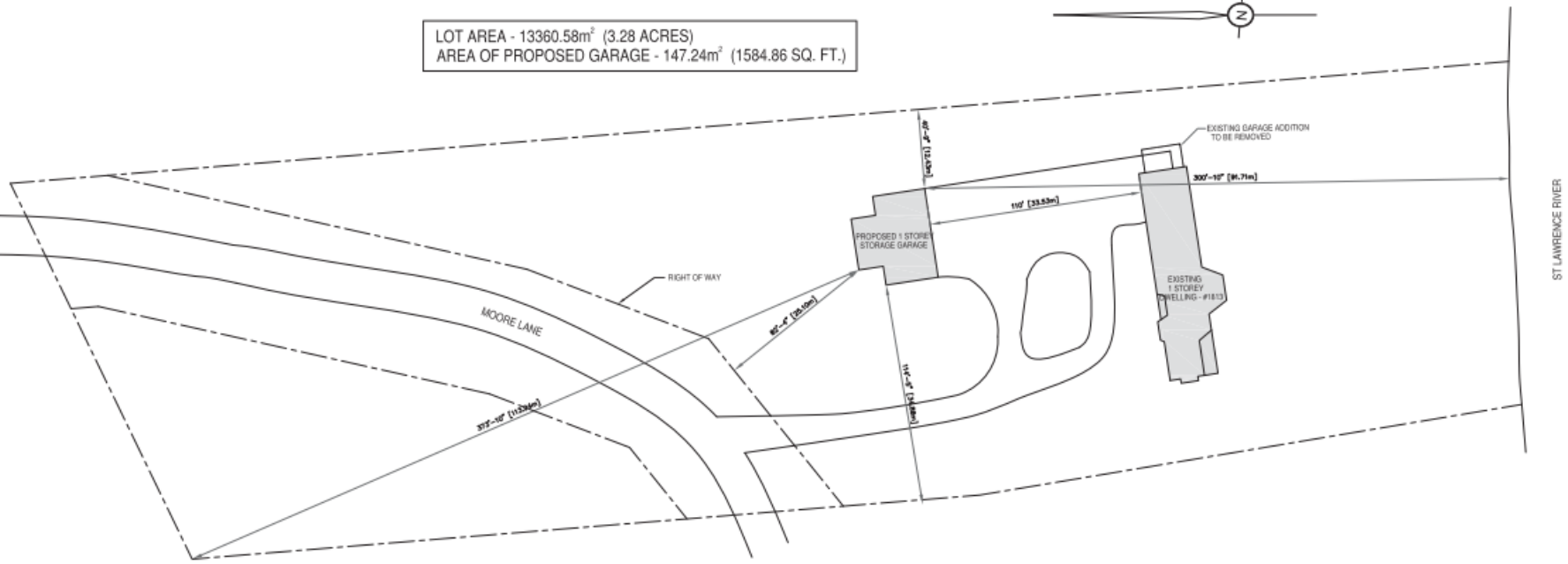


EPA



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LOT AREA - 13360.58m² (3.28 ACRES)
AREA OF PROPOSED GARAGE - 147.24m² (1584.86 SQ. FT.)



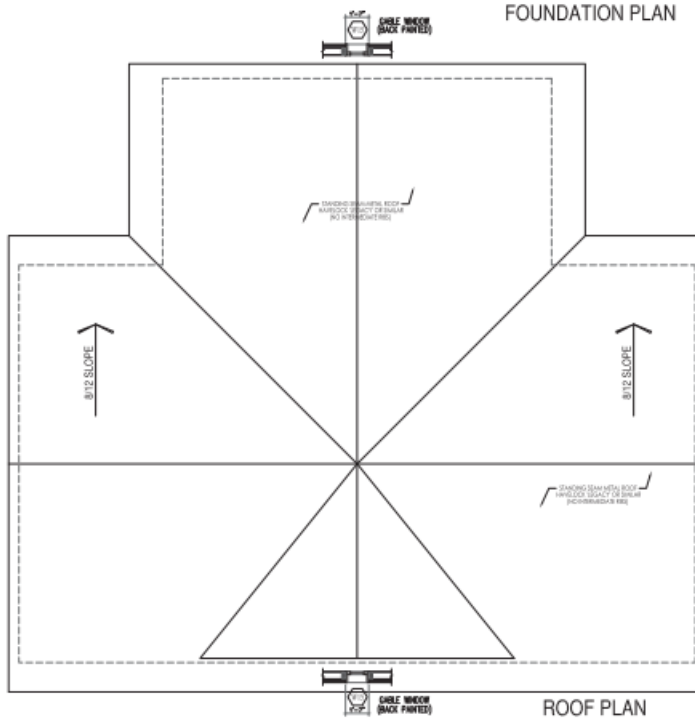
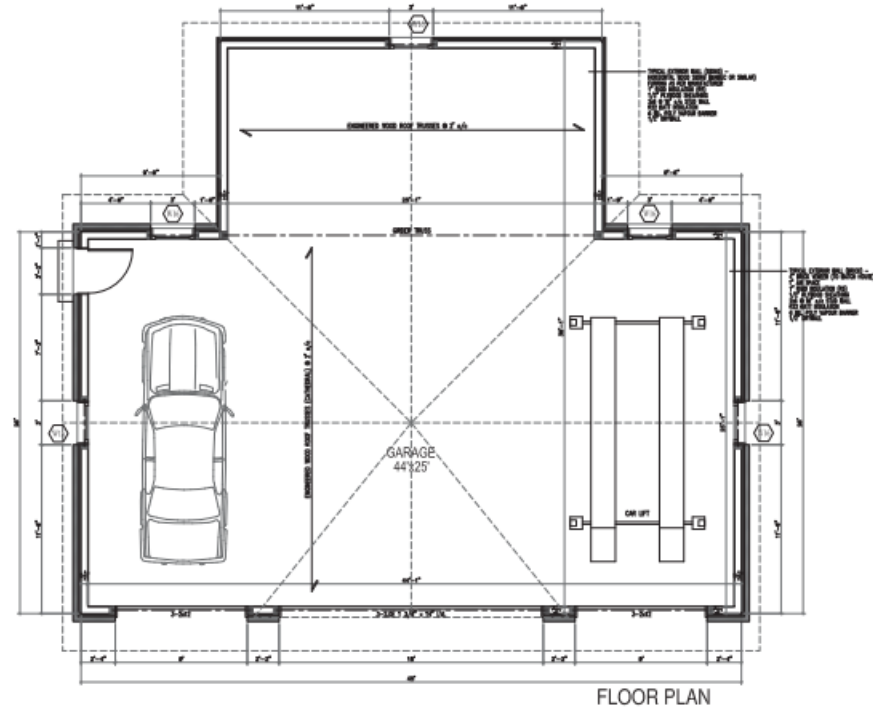
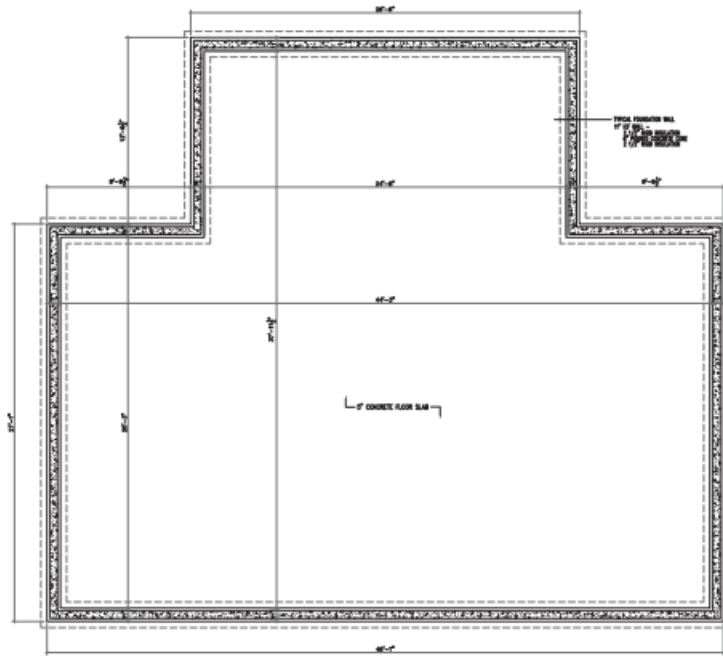
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DATE: _____ TITLE: _____
SCALE: 1/4" = 1' DRAWN: M.P. PROJECT: _____

SHEET: **A-1**

SITE PLAN
NATHAN - 1813 MOORE LANE

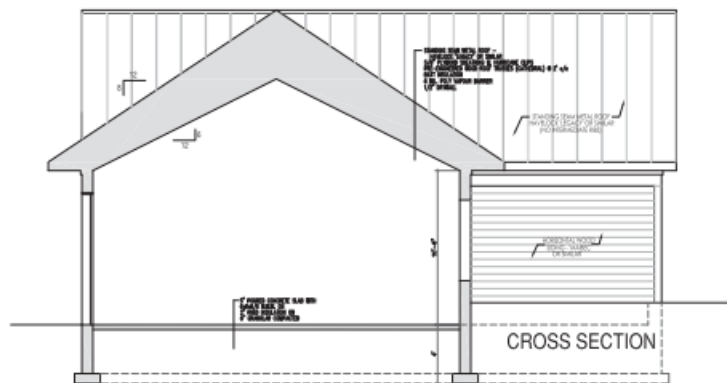
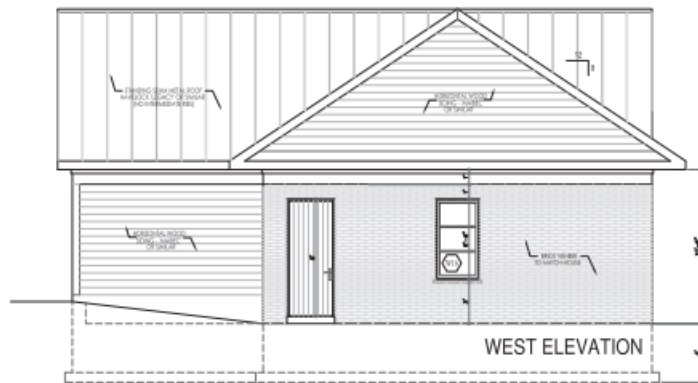
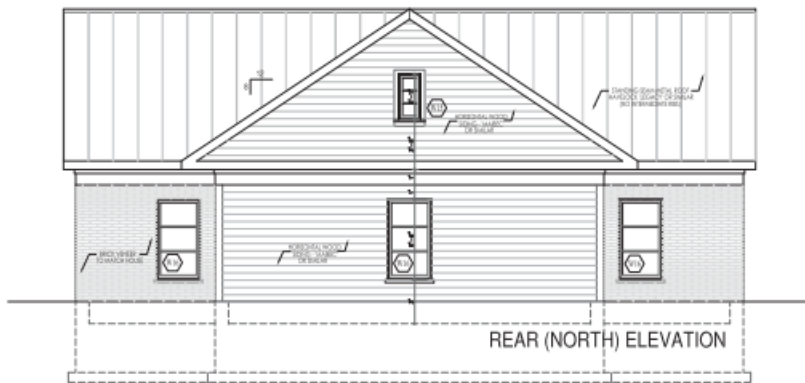
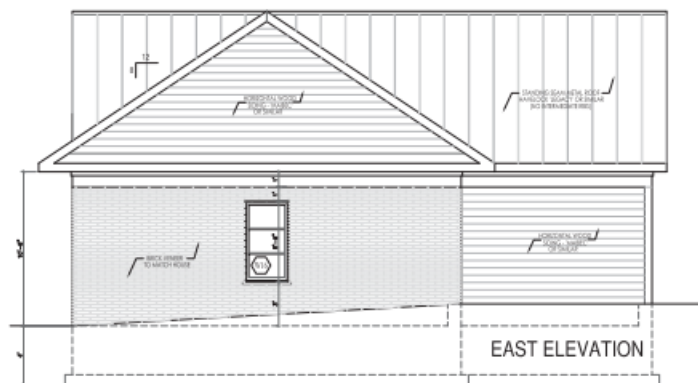
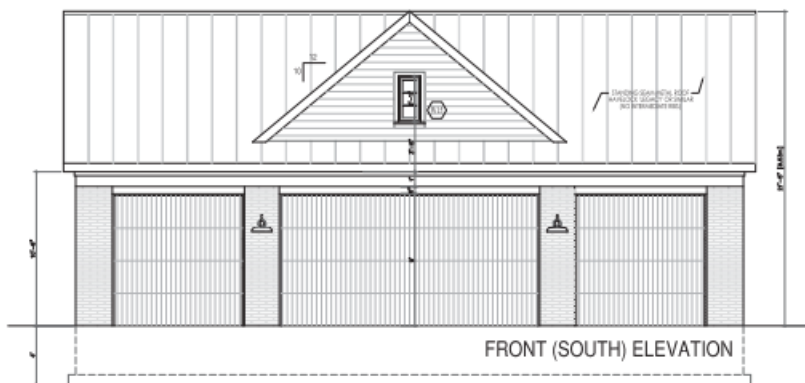


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DATE: _____ SCALE: 1/4" = 1'-0" DRAWN: M.P. PROJECT: NATHAN - 1813 MOORE LANE

TITLE: GARAGE - FOUNDATION, GROUND FLOOR AND ROOF PLANS

SHEET: G-2



1813 Moore Lane – June 14, 2024



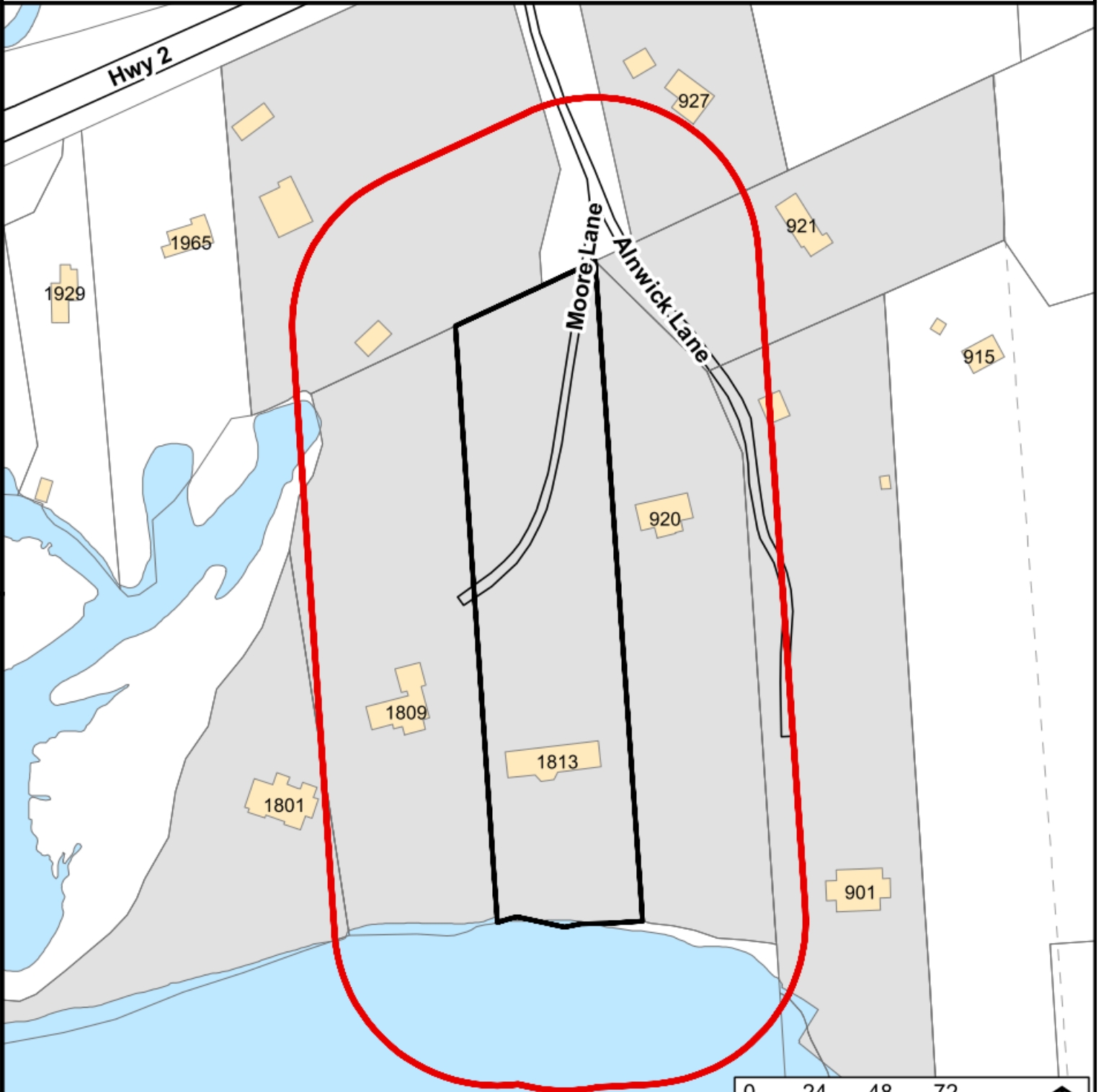
(South facing view of the subject property)



Committee of Adjustment Public Notice Notification Map

Address: 1813 Moore Lane
File Number: D13-041-2024
Prepared On: Jun-03-2024

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



Prepared By: cbarratt
Prepared On: Jun-03-2024

