



City of Kingston
Committee of Adjustment
Revised Agenda

10-2024
Monday, September 16, 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 09-2024, held on Monday, August 19, 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 - 901 and 915 Alnwick Lane**

5

File Number: D13-051-2024

District: 1 - Countryside

Owner: Alexander and Bonnie Smith

Applicant: Michael Preston

The Report of the Commissioner of Growth & Development Services (COA-24-075) is attached.

Recommendation:

That minor variance application, File Number D13-051-2024, for the property located at 901 and 915 Alnwick Lane to increase the maximum height of an accessory building from 4.6 metres to 7.3 metres, be approved, as described below:

Variance Number 1: Maximum Height of an Accessory Building

By-Law Number 2022-62: 4.1.2.4

Requirement: 4.6 metres

Proposed: 7.3 metres

Variance Requested: 2.7 metres; and

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-075.

2. **Application for Minor Variance and Consent - 757 Front Road**

27

File Number: D10-027-2024 and D13-059-2024

District: 4 - Lakeside

Owner: Richard Beaubien

Applicant: Fotenn Consultants Inc.

The Report of the Commissioner of Growth & Development Services (COA-24-076) is attached.

Recommendation:

That minor variance application, File Number D13-059-2024 for the property located at 757 Front Road to permit the establishment of a new lot containing a single detached house and attached garage, be approved, as described below:

Severed Lot

Variance Number 1:

By-Law Number: 2022-62 Table 11.5.1 (1) - Minimum Lot Area

Requirement: 557.4 square metres

Proposed: 405 square metres

Variance Requested: 152.4 square metres; and,

Retained Lot

Variance Number 2:

By-Law Number: 2022-62 Table 11.5.1 (5) – Minimum Rear Setback

Requirement: 7.6 metres

Proposed: 1.0 metres

Variance Requested: 6.6 metres.

That approval of the minor variance application be subject to the conditions attached as Exhibit A (Recommended Conditions – Minor Variance) to Report Number COA-24-076; and,

That consent application, File Number D10-027-2024, to sever an approximately 405 square metre lot with approximately 16 metres of frontage along Jorene Drive be provisionally approved subject to the conditions included in Exhibit B (Recommended Conditions – Consent) to Report Number COA-24-076.

3. Application for Minor Variance - 590 Cataraqui Woods Drive

54

File Number: D13-065-2024

District: 2 - Loyalist-Cataraqui

Owner: Clermont Investments Inc.

Applicant: The Boulevard Group

The Report of the Commissioner of Growth & Development Services (COA-24-077) is attached.

Recommendation:

That minor variance application, File Number D13-065-2024, for the property located at 590 Cataraqui Woods Drive, Units 1 and 2, to permit a wellness clinic, animal care, animal shelter, and recreation facility as complementary uses, be approved, as described below:

Variance Number 1:

By-Law Number 2022-62: 16.1.2 Permitted Uses in the Employment Zones (M2)

Requirement: Wellness Clinic, Animal Care, Animal Shelter, and Recreation Facility are not identified as a permitted use in the M2 Zone

Proposed: Establish Wellness Clinic, Animal Care, Animal Shelter, and Recreation Facility as a complementary use

Variance Requested: Establish Wellness Clinic, Animal Care, Animal Shelter, and Recreation Facility as a complementary use in accordance with Section 16.3.2.5

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-077.

10. Motions

11. Notices of Motion

12. Other Business

13. Correspondence

- *1. Correspondence received, dated September 3 - September 13, 2024, regarding Application for Minor Variance and Consent - 757 Front Street**

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14. Date of Next Meeting

The next meeting of the Committee of Adjustment is scheduled for Monday, October 21, 2024, at 5:30 p.m.

15. Adjournment



**City of Kingston
Report to Committee of Adjustment
Report Number COA-24-075**

To: Chair and Members of the Committee of Adjustment
From: Lindsay Sthamann, Intermediate Planner
Date of Meeting: September 16, 2024
Application for: Minor Variance
File Number: D13-051-2024
Address: 901 and 915 Alnwick Lane
District: District 2 - Countryside
Owner: Alexander and Bonnie Smith
Applicant: Michael Preston

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 901 and 915 Alnwick Lane. The applicant is proposing to construct a detached accessory building with a height of 7.3 metres . A minor variance is requested to increase the maximum permitted height of the accessory building from 4.6 metres to 7.3 metres. The 80 square meter storage building is proposed to be located on a former tennis court with a 26 metre setback to the nearest property line. The proposed accessory building complies with all other zone provisions.

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

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

Recommendation:

That minor variance application, File Number D13-051-2024, for the property located at 901 and 915 Alwrick Lane to increase the maximum height of an accessory building from 4.6 metres to 7.3 metres, be approved, as described below:

Variance Number 1: Maximum Height of an Accessory Building

By-Law Number 2022-62: 4.1.2.4

Requirement: 4.6 metres

Proposed: 7.3 metres

Variance Requested: 2.7 metres; and

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-075.

September 16, 2024

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Authorizing Signatures:

ORIGINAL SIGNED BY PLANNER

Lindsay Sthamann, Intermediate
Planner

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

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

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Options/Discussion:

On July 10, 2024, a minor variance application was submitted by Michael Preston, on behalf of the owner, Alexander and Bonnie Smith, with respect to the property located at 901 and 915 Alnwick Lane. The variance is requested to increase the maximum permitted height of an accessory building to permit the construction of an 80 square metre, 7.3 metre tall accessory building. The maximum permitted height in Kingston Zoning By-law for an accessory building is 4.6 metres. The requested variance is to accommodate a loft storey and a pitched roof on the accessory structure for additional storage space. The primary purpose of the building is for vehicle, maintenance and gardening equipment storage, no livestock will be kept and no residential component is proposed. The proposed structure complies with all other provisions in the Zoning By-law including setback and lot coverage requirements.

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

- Site Plan (Exhibit G)
- Floor Plans and Elevations (Exhibit H)
- Survey
- Cover Letter
- Lawyers Letter
- Owner's Authorization

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

Site Characteristics

The subject property is located at 901 and 915 Alnwick Lane (Exhibit B – Key Map). These two lots were merged under the Planning Act and are now considered one single lot. The property is accessed by a private road (Alnwick Lane) off of Highway 2. There is an existing house on the portion of the lot addressed 915 Alnwick and an existing detached garage on the portion addressed 901 Alnwick. The single detached house on the portion of the lot addressed 901 Alnwick has been demolished and the intent is to rebuild a larger house as shown on the site plan. Due to the lot merge, two primary dwellings are considered a legal non-conforming use on the lot. The property abuts other residential properties and the St Lawrence River (Exhibit C – Neighbourhood Context Map).

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

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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 Rural 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 accessory building will not have any negative impacts on abutting properties or residential uses or structures. The building will be setback 26 metres from the nearest property line which significantly exceeds the required setback for an accessory building (1.2 metres) and the required setback that would be applied to a primary dwelling (4.5 metres). 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.

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.

The subject property is not a designated property under the Ontario Heritage Act nor is it within a Heritage District. Heritage Planning staff have identified the subject property as having composite potential for archeological resources. However, as the proposed structure is slab on grade and located on top of an existing tennis court, there are no archaeological concerns and an archaeological assessment will not be required.

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

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

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

The subject property is zoned Limited Service Residential (LSR) in Kingston Zoning By-Law Number 2022-62 (Exhibit E – Zoning By-Law Map). The LSR zone permits accessory buildings with a maximum height of 4.6 metres. The proposal requires a variance to Section 4.1.2.4 of the Zoning By-law as follows:

Variance Number 1: Maximum Height of Accessory Building

By-Law Number: 2022-62	Section 4.1.2.4
Requirement:	4.6 metres
Proposed:	7.3 metres
Variance Requested:	2.7 metres

The intent of the maximum height of an accessory building is to prevent intrusive overlook or shadowing 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 has a higher roof pitch and extra space in a loft storey. The requested increase of height of 2.7 metres for the proposed accessory building is not anticipated to cause any adverse impacts or intrusive overlook onto surrounding properties. The proposed accessory building would be located 26 metres from the nearest property line, which exceeds the required interior setback of 1.2 metres and also exceeds the interior setback of 4.5 metres that would apply to a primary dwelling. the single detached house to the west of the property is also setback a large distance from the proposed accessory building and there are existing trees and landscaping along the property line which will provide 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 accessory building is proposed to be located on an existing but abandoned tennis court that is a significant distance from all lot lines. It will not result in intrusive overlook with respect to adjacent properties or create any shadowing concerns. The total area of the proposed accessory building is 80 square metres and does not exceed the permitted lot coverage for accessory buildings. The variance is considered minor as there are no anticipated negative impacts on abutting properties or residential and/or uses or structures.

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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 residential use of the property. The overall density, type of use and scale of activity as proposed is consistent with the existing built form of accessory buildings in this neighbourhood. The resulting built form satisfies all applicable provisions of the zoning by-law, except for the required maximum height. The proposal does not involve a significant alteration to the existing built form on the site. The size of the proposed accessory building is in scale with the size of the lot it will be located on. The variance is desirable and 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.

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Previous or Concurrent Applications

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

Conclusion

The requested variance(s) maintain(s) the general intent and purpose of both the City of Kingston Official Plan and Kingston Zoning By-Law Number 2022-62. The proposal is desirable for the appropriate development or use of the land, building or structure and the requested variance(s) 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 an accessory building with a height of 7.3 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 September 16, 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 12 property owners (according to the latest Assessment Roll) within 60 metres of the subject property and a courtesy notice was placed in The Kingston Whig-Standard (Exhibit F – Public Notification Map).

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

Accessibility Considerations:

None

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Financial Considerations:

None

Contacts:

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

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

Other City of Kingston Staff Consulted:

None

Exhibits Attached:

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

Recommended Conditions

The approval of minor variance application, File Number D13-051-2024, to increase the maximum permitted height of an 80 square metre accessory building from 4.6 metres to 7.3 metres, shall be subject to the following recommended conditions:

1. Limitation

That the approved minor variance applies only to the 80 square metre accessory building as shown on the approved drawings attached to the notice of decision. The accessory building must be slab-on-grade construction and located on the existing tennis court. It does not have the effect of increasing the maximum height for any other accessory building on the lot.

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

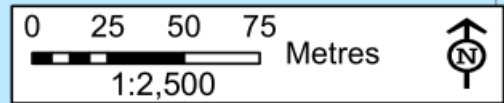
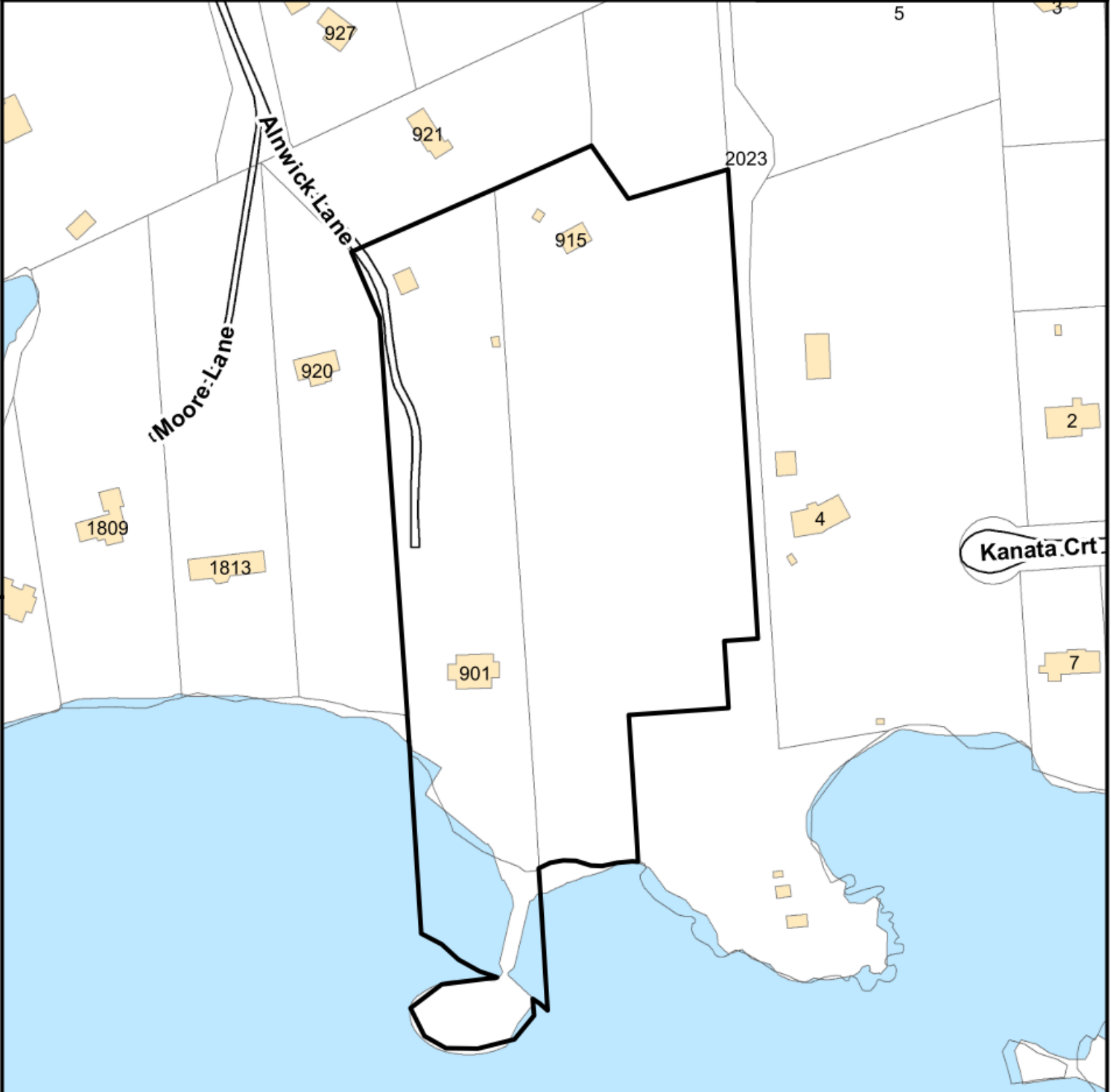
Multiculturalism (archaeology@ontario.ca), and City of Kingston's Planning Services (613-546-4291, extension 3180) must be immediately contacted.



Committee of Adjustment Key Map

Address: 901, 915 Alnwick Lane
File Number: D13-051-2024
Prepared On: Jul-29-2024

 Lands Subject to Minor Variance



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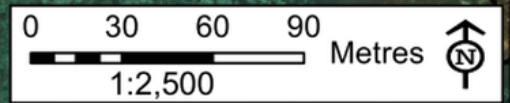
Committee of Adjustment Neighbourhood Context

Address: 901, 915 Alnwick Lane
File Number: D13-051-2024
Prepared On: Jul-29-2024

- Subject Lands
- Property Boundaries
- Proposed Parcels



Prepared By: Ichu
Prepared On: Jul-29-2024



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Planning Services

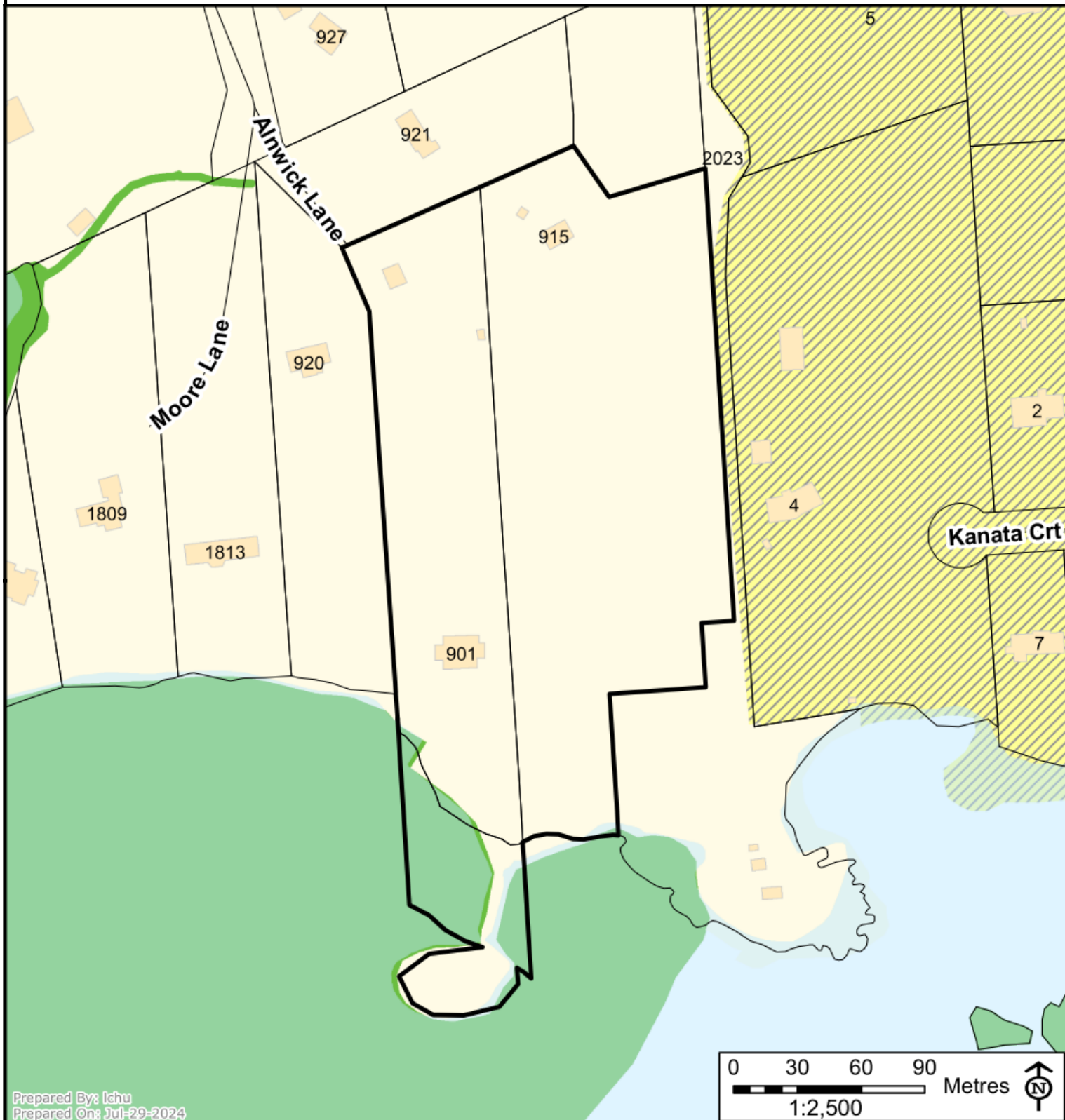
Committee of Adjustment Official Plan, Existing Land Use

Address: 901, 915 Alnwick Lane

File Number: D13-051-2024

Prepared On: Jul-29-2024

-  Subject Lands
-  ENVIRONMENTAL PROTECTION AREA
-  ESTATE RESIDENTIAL
-  RURAL



Prepared By: Ichu
Prepared On: Jul-29-2024

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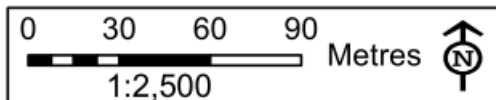
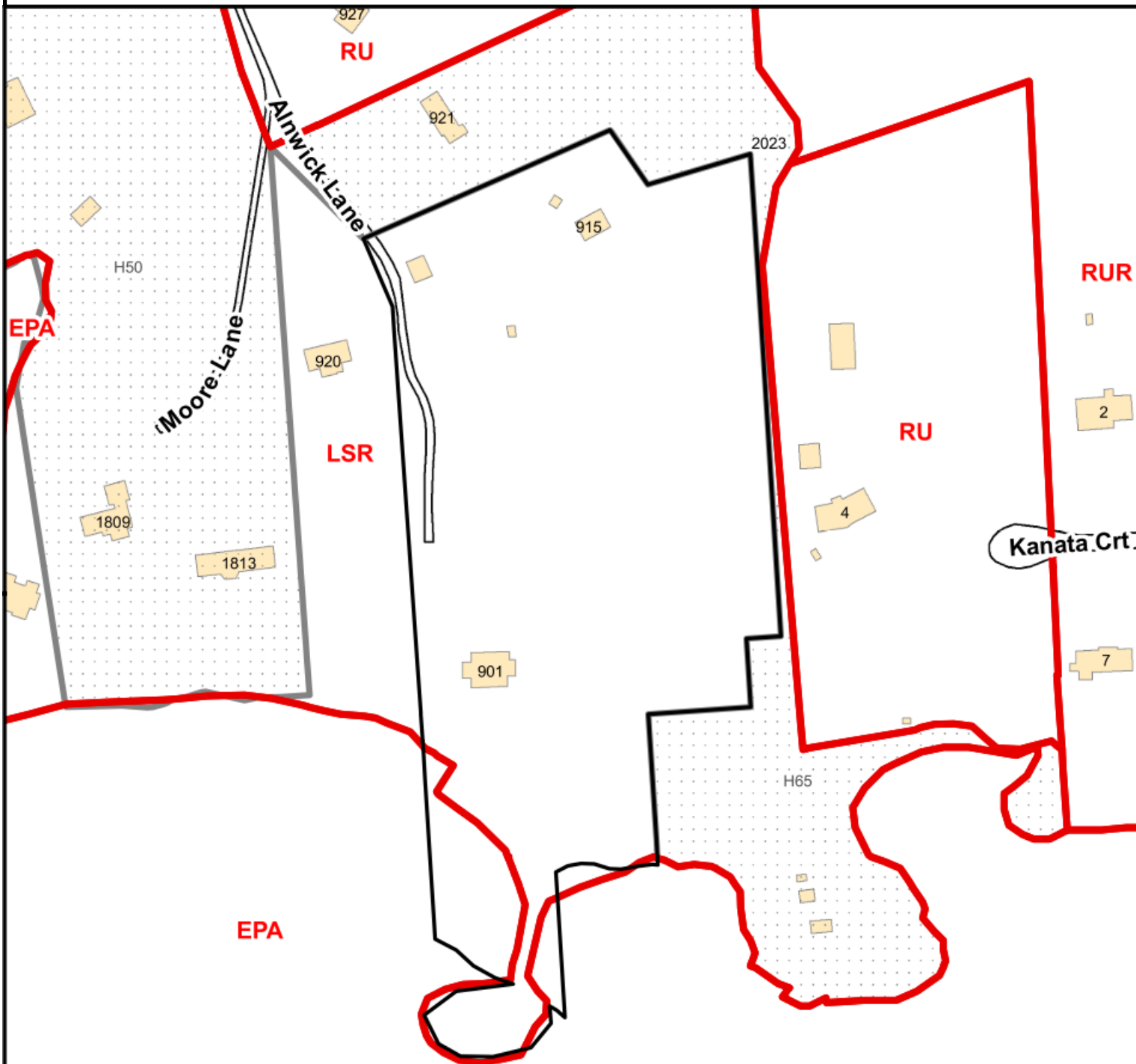
Planning Committee
Existing Zoning
Kingston Zoning By-Law 2022-62

Planning Services

Address: 901, 915 Alnwick Lane
File Number: D13-051-2024
Prepared On: Jul-29-2024

Subject Lands
Schedule 1 Zoning Map
Zone

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

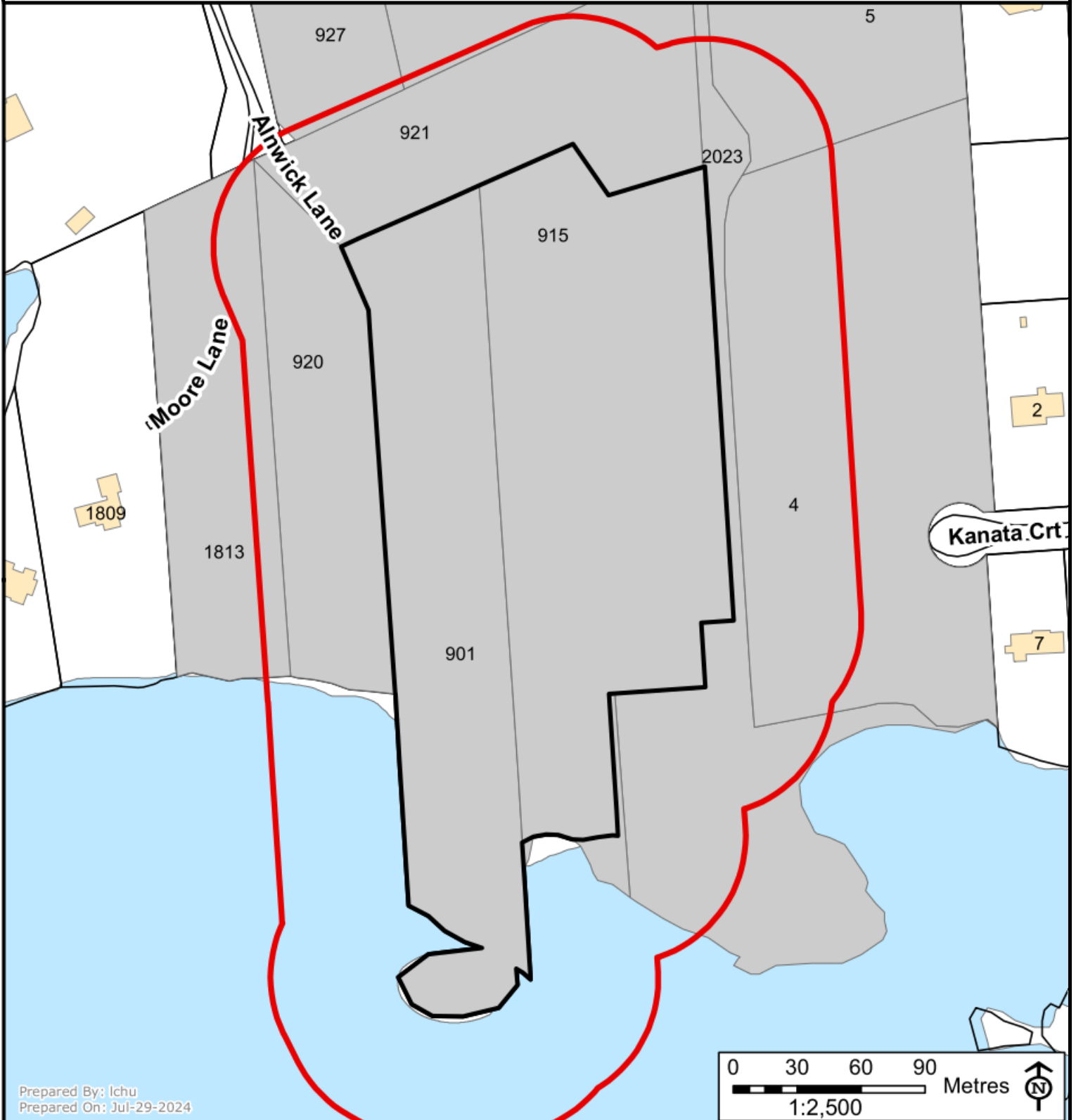




CITY OF KINGSTON Public Notice Notification Map

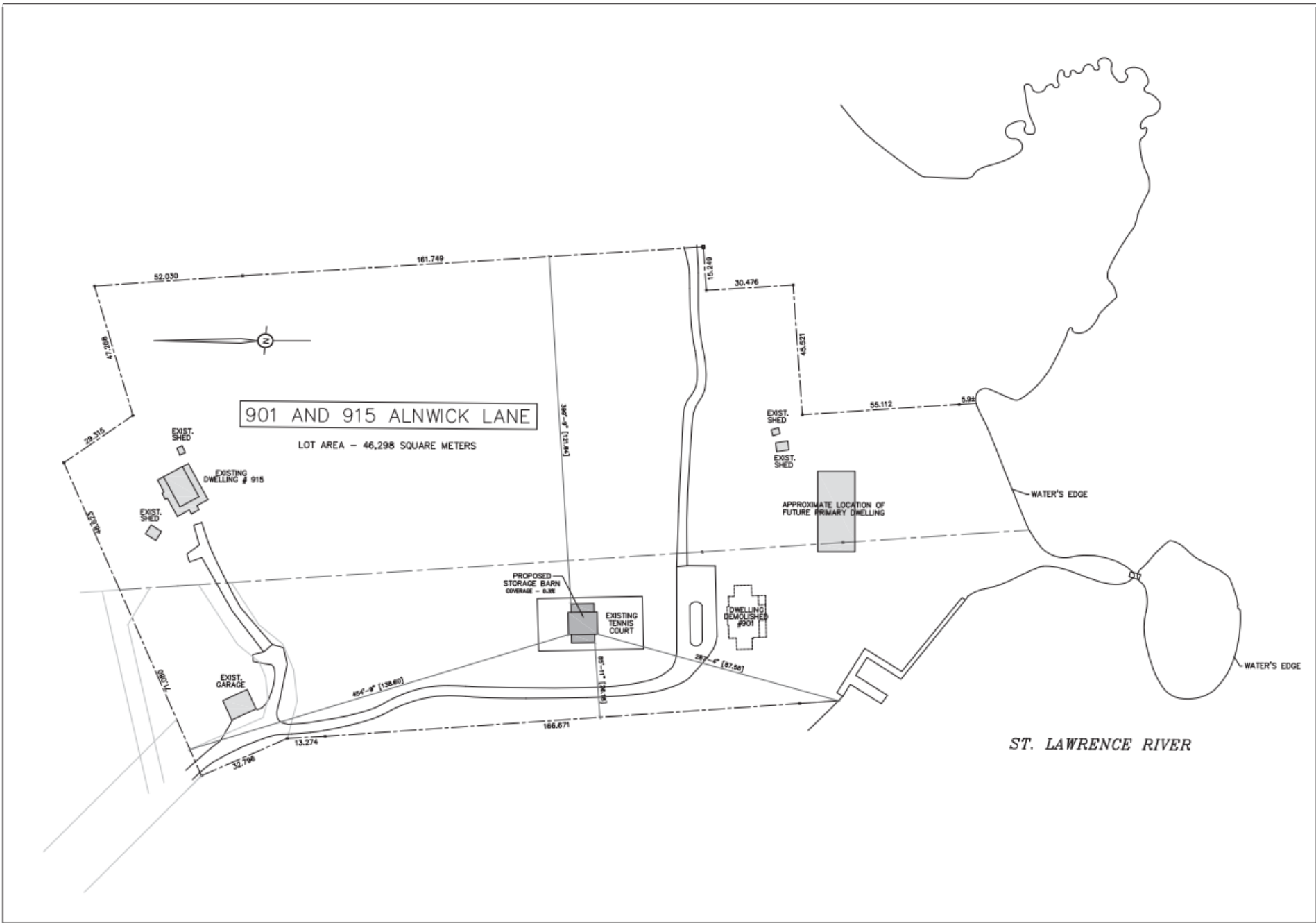
Address: 901 Alnwick Lane
File Number: D13-051-2024
Prepared On: Jul-29-2024

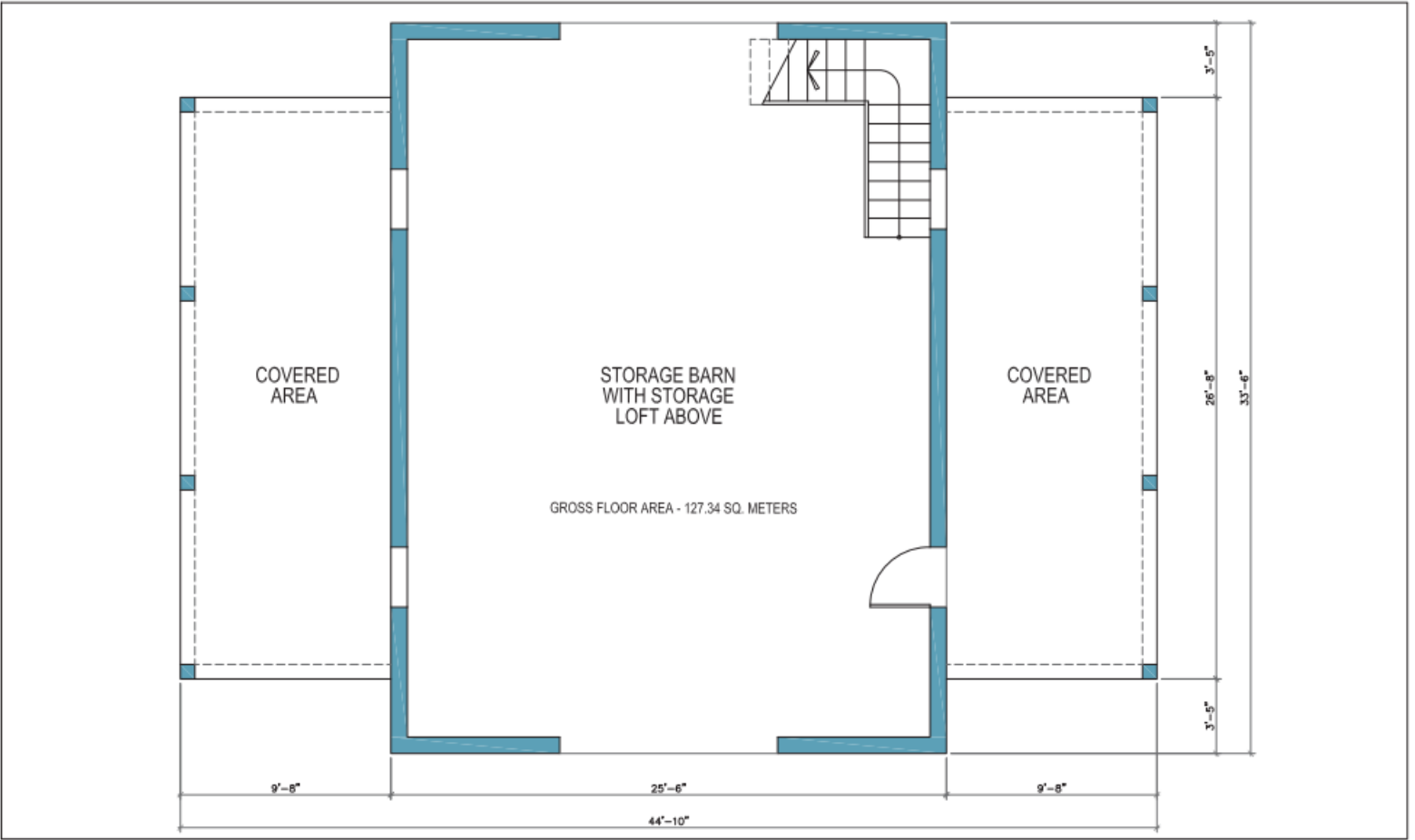
- Lands Subject to Minor Variance
- 60m Public Notification Boundary
- Properties in Receipt of Notice (MPAC) selection



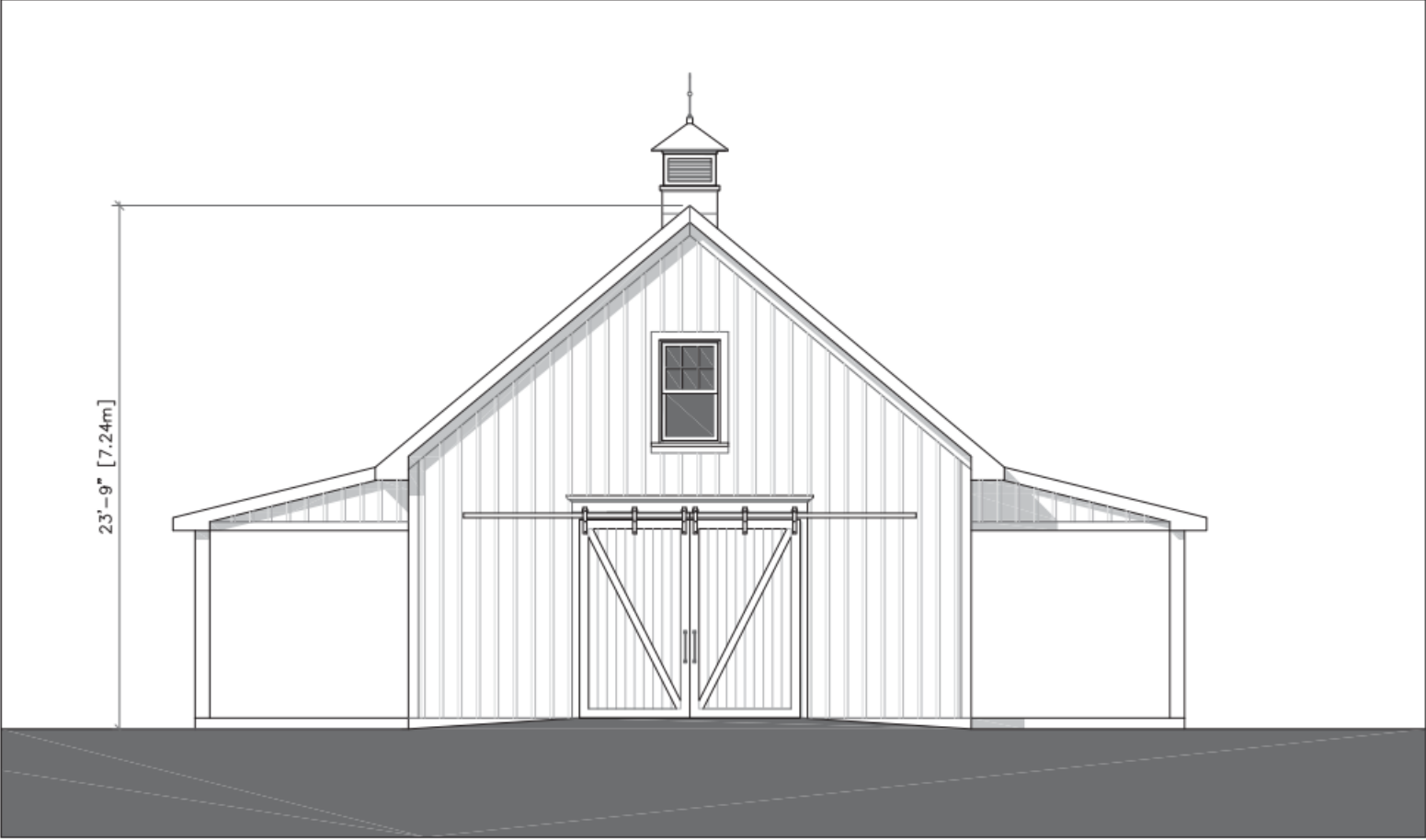
Prepared By: Ichu
Prepared On: Jul-29-2024

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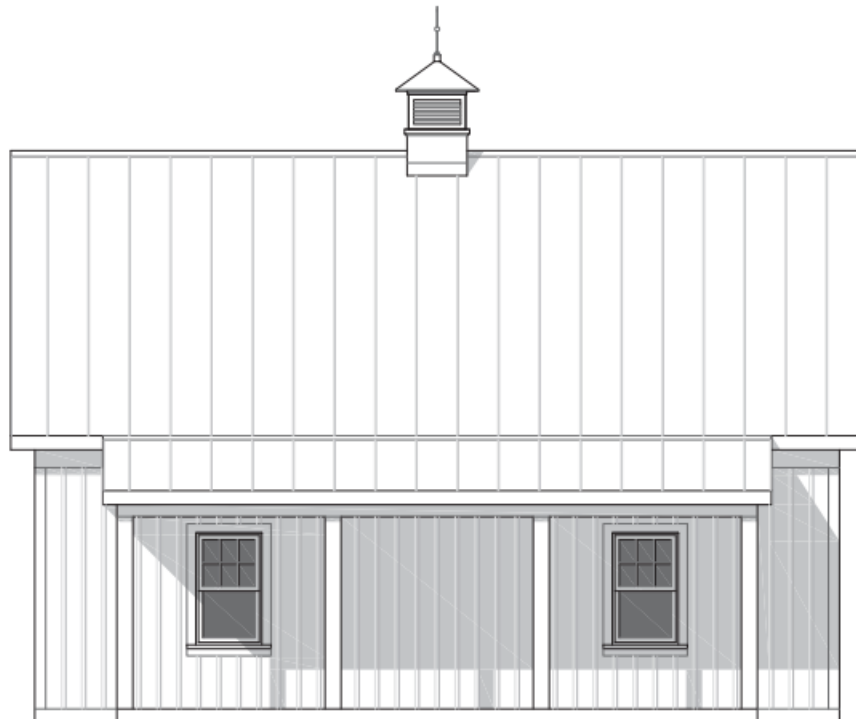


B-1	21 / 06 / 24	1/4"=1'	STORAGE BARN - PLAN	SMITH - ALNWICK LANE	MPD
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B-2 | 21 / 06 / 24 | 1/4"=1' | STORAGE BARN - SOUTH AND NORTH ELEVATIONS | SMITH - ALNWICK LANE





B-3

21 / 06 / 24

1/4"=1'

STORAGE BARN - EAST AND WEST ELEVATIONS

SMITH - ALNWICK LANE









**City of Kingston
Report to Committee of Adjustment
Report Number COA-24-076**

To: Chair and Members of the Committee of Adjustment
From: Annemarie Eusebio, Intermediate Planner
Date of Meeting: September 16, 2024
Application for: Minor Variance and Consent
File Numbers: D10-027-2024 and D13-059-2024
Address: 757 Front Road
District: District 4 - Lakeside District
Owner: Richard Beaubien
Applicant: Fotenn Consultants Inc.

Council Strategic Plan Alignment:

Theme: 1. Support Housing Affordability

Goal: 1.1 Promote increased supply and affordability of housing.

Executive Summary:

This report provides a recommendation to the Committee of Adjustment regarding applications for minor variance and consent submitted by Fotenn Consultants on behalf of the owner, Richard Beaubien for the property located at 757 Front Road.

The purpose of the consent application is to sever the subject property for the purpose of residential development. The property is a corner lot and is currently developed with two-storey single detached house. The severed lot will have an area of approximately 405 square metres and a frontage of approximately 16 metres along Jorene Drive. The severed lot is proposed to be developed with a two-storey single detached house and an attached garage. The retained lot will have an area of approximately 660 square metres and 25 metres of frontage on Front Road and will contain the existing single detached house.

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Minor variances are requested to facilitate the proposed residential development. For the severed lot, relief is required for the minimum lot area. For the retained lot, relief is requested from the minimum rear setback.

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

Recommendation:

That minor variance application, File Number D13-059-2024 for the property located at 757 Front Road to permit the establishment of a new lot containing a single detached house and attached garage, be approved, as described below:

Severed Lot

Variance Number 1:

By-Law Number: 2022-62	Table 11.5.1 (1) - Minimum Lot Area
Requirement:	557.4 square metres
Proposed:	405 square metres
Variance Requested:	152.4 square metres; and,

Retained Lot

Variance Number 2:

By-Law Number: 2022-62	Table 11.5.1 (5) – Minimum Rear Setback
Requirement:	7.6 metres
Proposed:	1.0 metres
Variance Requested:	6.6 metres.

That approval of the minor variance application be subject to the conditions attached as Exhibit A (Recommended Conditions – Minor Variance) to Report Number COA-24-076; and,

That consent application, File Number D10-027-2024, to sever an approximately 405 square metre lot with approximately 16 metres of frontage along Jorene Drive be **provisionally approved** subject to the conditions included in Exhibit B (Recommended Conditions – Consent) to Report Number COA-24-076.

September 16, 2024

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Authorizing Signatures:

ORIGINAL SIGNED BY PLANNER

Annemarie Eusebio, Intermediate
Planner

Consultation with the following Management of the Community Services Group:

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

September 16, 2024

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Options/Discussion:

On July 26, 2024, applications for minor variance and consent were submitted by Fotenn Consultants Inc. on behalf of the owner Richard Beaubien for the subject property located at 757 Front Road.

The purpose of the consent application is to sever the subject property for the purpose of residential development. The property is a corner lot and is currently developed with two-storey single detached house. The severed lot will have an area of approximately 405 square metres and a frontage of approximately 16 metres along Jorene Drive. The severed lot is proposed to be developed with a two-storey single detached house and an attached garage. The retained lot will have an area of approximately 660 square metres and 25 metres of frontage on Front Road and will contain the existing single detached house.

Minor variances are requested to facilitate the proposed residential development. For the severed lot, relief is required for the minimum lot area. For the retained lot, relief is requested from the minimum rear setback.

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

- Site Plan and Survey (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 757 Front Street (Exhibit C – Key Map) within an established residential subdivision within the Lakeside District. The property has an area of approximately 1,070 square metres and a lot frontage of 25 metres along Front Road and 43 metres along Jorene Drive. The property is a corner lot and is currently developed within a single detached dwelling and attached garage. The property has vehicular access from Jorene Drive. Pedestrian access is also provided from Front Road.

The property is in proximity to various commercial, institutional, employment, and open space uses. The site is located within walking distance of Crerar Park, Jorene Park and Everitt Point Park, the Reddendale commercial plaza, and schools including Our Lady of Lourdes Catholic School, RG Sinclair Public School and Welbourne Avenue Public School. The site also near numerous Kingston Transit routes.

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

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Provincial Policy Statement

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

Consent Application

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

The proposal will result in the creation of two separately conveyable parcels. The proposed consent meets the tests set out in the *Planning Act* and plan of subdivision is not required for the proper and orderly development of the property.

Official Plan

The subject property is designated Residential in the City of Kingston Official Plan. Residential uses are primarily forms of housing including detached, semi-detached or duplex dwellings, townhouses, and apartments of various types, tenure, and density that respond to a wide range of housing needs. The goal of the designation is to respond to the housing needs of the City's citizens by retaining and augmenting a broad range of housing at all levels of affordability within a safe, convenient and stable setting, organized primarily into neighbourhoods.

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

The proposed lot area and frontage of the retained lot can adequately accommodate for the existing single-detached house and detached garage. The severed lot has been designed appropriately for the intended two storey single detached dwelling-built form. The retained and severed lots are not anticipated to have any negative impacts on the adjacent residential uses or the neighbourhood, as the new lot is intended to support a future residential use which is in keeping with the character of the neighbourhood and permitted uses in the Official Plan and zoning by-law.

The proposed lot configuration will not result in irregularly shaped lots. The size and shape of each lot will be compatible with the existing lot fabric of neighbouring residential properties. The retained lot and severed lot will have direct vehicular access on Jorene Drive, which is a municipally maintained road. Any new or altered entrances on the severed or retained lot will require an Entrance Permit from Public Works.

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A safe and accessible parking arrangement is proposed on each lot. Existing zone compliant parking spaces will be provided for the retained lot within the existing garage and driveway. A zone compliant parking space will be provided for the severed lot within the proposed driveway.

The proposed single detached house and attached garage to be constructed on the severed lot is compatible with surrounding uses, which include a mix of dwelling types that are primarily low-rise residential in form. This proposal will supply a range of housing options within an established residential neighbourhood. The proposal is not anticipated to have any negative impacts on abutting properties or existing residential uses.

There will be no impact on the natural heritage system, natural heritage features or areas. Heritage Planning staff have advised that there are no cultural heritage concerns associated with the consent application. An archaeological assessment is not required.

The existing and proposed residential development on each resulting lot will be adequately supplied with such municipal services as fire protection, road maintenance, storm drainage and, water supply and sewage disposal facilities. There will be no adverse impact on the City's finances.

Utilities Kingston and Engineering staff have confirmed that a servicing plan and grading plan are required. The servicing plan must show all existing and proposed services and the mains they connect to, and the existing buildings and all proposed and existing property lines. There shall be no encroachment of services. The grading plan must indicate sufficient existing and proposed grades so that it can be confirmed that proposed grading of the property will not adversely affect adjacent properties.

Engineering staff have advised that a noise study is also required to address potential impacts on the proposal due to transportation noise sources in the vicinity. The study is to be prepared by a qualified individual with experience in environmental acoustics and demonstrate compliance with NPC-300.

The applications were circulated to the Cataraqui Region Conservation Authority (CRCA). CRCA does not have concerns with the proposal in terms of erosion or flood risk to the severed lot and future development on the property.

As a condition of provisional consent approval, the applicant will be required to obtain and submit the necessary plans and report for review by Engineering and Utilities Kingston staff. Any recommendations resulting from that undertaking will be required to be included in the future Development Agreement that will be registered on title (Exhibit B – Recommended Conditions – Consent).

In accordance with City of Kingston By-Law Number 2022-145, the Owner shall provide cash-in-lieu of parkland conveyance in the amount of \$2428.00 for the new lot.

The proposal meets the intent of the Official Plan, as the proposed consent to create a new residential lot to facilitate the construction of a new single detached house and attached garage will not result in any negative impacts to adjacent properties or to the neighbourhood.

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Zoning By-Law

The subject property is zoned Urban Residential 4 (UR4) zone in Kingston Zoning By-Law Number 2022-62 (Exhibit F – Zoning By-Law Map). The UR4 zone permits single detached houses.

Concurrent with this application for consent, minor variances are requested to facilitate the proposed severance of the subject property and its future residential development, as described further in the proceeding section.

Minor Variance Application

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

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

The subject property is designated Residential in the City of Kingston Official Plan (Exhibit E – Official Plan Map). In considering whether this proposed variance is desirable, the Committee of Adjustment will have regard to the nine requirements included in Section 9.5.19 of the Official Plan.

The subject site is located within the Housing District in Schedule 2 of the City of Kingston Official Plan. This proposal will supply a range of housing options within the residential neighbourhood and it is not anticipated to have any negative impacts on abutting properties or existing residential uses.

Section 2.7 of the Official Plan provides a discussion with respect to land use compatibility. The proposed variances seek to reduce the lot area for the severed lot and reduce the rear yard setback for the retained lot. Despite a reduced lot area, an appropriate building envelope can be established on the severed lot and the proposed dwellings will comply with applicable zoning provisions.

The proposed variances are not anticipated to result in any compatibility issues such as shadows, loss of privacy, uncomfortable wind speed, increased level of light pollution, noise, odour, dust or vibration, increased traffic levels, environmental degradation, diminished levels of service, reduction in the ability to enjoy a property, visual intrusion, degradation of cultural heritage resources, architectural incompatibility, or loss of significant views.

The proposal would facilitate the construction of a single detached house on the severed lot, which is considered minor infill development as the subject property is located in an established urban residential area.

Vehicular access for the severed and retained lot will be obtained from Jorene Drive. The location of the new attached garage on the severed lot will provide for a zone compliant and

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functional parking space for the residents. A 1.2 metre walkway is proposed for the severed lot, which will provide safe pedestrian access. There will be no significant impact to the function of the site in terms of parking, access routes or universal accessibility.

There will be no impact on the natural heritage system, natural heritage features or areas. Heritage Planning staff have advised that there are no cultural heritage concerns associated with the consent application. An archaeological assessment is not required.

The resulting development has adequate municipal water and sewage services within the Urban Boundary. Utilities Kingston staff have advised that a servicing plan showing any existing and proposed services will be required. Engineering staff has advised that a grading plan is required to demonstrate that there will be no negative drainage impacts to neighbouring properties. As previously noted, a noise study is also required.

The proposed variances are considered minor and the development is consistent with the existing built form along Jorene Drive and Front Road. Recommended conditions of approval are included in Exhibit A of this report. Therefore, a zoning by-law amendment is not required. The proposal is in keeping and compatible with the existing development in the surrounding area and will not set an undesirable precedent

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

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

The subject property is zoned Urban Residential 4 ‘UR4’ in Kingston Zoning By-Law Number 2022-62 (Exhibit F – Zoning By-Law Map). The UR4 zone permits single detached houses.

The proposal requires the following variances to facilitate the proposed development.

Severed Lot

Variance Number 1:

By-Law Number:	2022-62	Table 11.5.1 (1) - Minimum Lot Area
Requirement:		557.4 square metres
Proposed:		405 square metres
Variance Requested:		152.4 square metres.

The intent of the minimum lot area requirement is to protect the functionality of the site and ensure that the property is not overdeveloped. Relief is requested to permit a reduced minimum lot area of 405 square metres from 557.4 square metres. Despite the reduced lot area, the landscaped open space proposed is approximately 63 percent on the severed parcel and approximately 72 percent on the retained lot which exceeds the 30 percent landscaped open space requirement in the UR4 Zone. The proposed reduction in overall lot area is not anticipated to alter the character of the neighbourhood. Further, the submitted concept plan demonstrates that all of the required functional needs of site users can be accommodated on-site, including vehicle parking, outdoor amenity, and access. The proposed development

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represents minor infilling, which will contribute to the City’s housing supply and make efficient use of existing municipal infrastructure and public facilities.

Retained Lot

Variance Number 2:

By-Law Number: 2022-62	Table 11.5.1 (5) – Minimum Rear Setback
Requirement:	7.6 metres
Proposed:	1.0 metres
Variance Requested:	6.6 metres.

The intent of the rear setback provision is to ensure that rear yard amenity area and landscaped open space is maintained on each parcel, in addition to limiting intrusive overlook and establishing a consistent neighbourhood character. Relief is requested to permit a reduced rear yard setback from 7.6 metres to 1.2 metres for the retained lot.

The entire property is located on a corner lot and is currently developed with a single-detached dwelling. In accordance with Kingston Zoning By-Law, in the case of a corner lot, the shorter lot line abutting a street is deemed the front lot line and the longer lot line abutting a street is deemed an exterior lot line. In this instance, the shorter lot line for the retained lot abuts Front Street. As such, the front yard of the retained lot is along Front Road and the exterior yard is along Jorene Drive. Due to the location of the existing driveway on the proposed retained lot, the south yard will function as an interior side yard as opposed to a rear yard. A setback of approximately 6.8 metres will continue to be provided for the exterior side yard. which will continue to function as the ‘backyard’, located on the southwest portion of the retained lot. Additional open space on the property is available on the southeast portion of the property (Exhibit G – Site Plan).

The reduced rear yard setback for the retained lot is not anticipated to affect the functionality of the proposed lot which is sufficiently sized to provide landscaped open space, amenity space and parking, which comply with the zoning requirements. There will be no significant changes to neighbourhood character or impacts relating to intrusive overlook and privacy.

The requested variances maintain the general intent and purpose of the zoning by-law.

3. The variance is minor in nature

The variances are considered minor as there will be no negative impacts on abutting properties or residential and/or uses or structures. The reduced lot area for the retained lot will provide an adequate building envelope to support residential development on municipal servicing. The reduced rear setback from the retained lot is appropriate and will not create intrusive overlook. The proposal will be consistent with the existing built form of the residential development within the established residential neighbourhood. There will be no significant impacts to the existing streetscape.

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

The variances proposed represent a compatible development which supports the creation of a residential lot in a location intended to contribute to the City’s housing supply. The proposal is suitable in scale, massing and density in relation to existing built form within the immediate area of Front Road and Jorene Drive. The proposal will meet the functional needs of site users which include vehicle parking, outdoor amenity, and access. The proposal represents a modest form of infill development will not result in overdevelopment. The proposal is appropriate and compatible with the surrounding residential uses and will not result in significant impacts or changes to the immediate area and surrounding residential area

The variances are desirable and appropriate use of the land.

Technical Review: Circulated Departments and Agencies

- | | | |
|---|---|---|
| <input checked="" type="checkbox"/> Building Division | <input checked="" type="checkbox"/> Engineering | <input 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 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 type="checkbox"/> Parks of the St. Lawrence |
| <input checked="" type="checkbox"/> CRCA | <input type="checkbox"/> KFL&A Health Unit | <input type="checkbox"/> Trans Northern Pipelines |
| <input type="checkbox"/> Parks Canada | <input type="checkbox"/> Eastern Ontario Power | <input type="checkbox"/> CFB Kingston |
| <input type="checkbox"/> Hydro One | <input type="checkbox"/> Enbridge Pipelines | <input type="checkbox"/> TransCanada Pipelines |
| <input type="checkbox"/> Kingston Airport | | |

Technical Comments

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

Public Comments

At the time this report was finalized, no 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.

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Conclusion

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

The requested consent application has regard to the matters set out in subsection 51(24) of the *Planning Act* and a plan of subdivision is not necessary for the proper and orderly development of the property. As such, the requested consent application is recommended for provisional approval.

Provisional approval of these applications will enable the creation of one new residential lot and facilitate the development of a single detached house.

Existing Policy/By-Law:

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

Provincial

Provincial Policy Statement, 2020

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 September 16, 2024 Pursuant to the requirements of the *Planning Act*, a notice of Statutory Public Meeting was provided by advertisement in the form of signs posted on the subject site 14 days in advance of the meeting. In addition, notices were sent by mail to a total number of 15 property owners (according to the latest Assessment Roll) within 60 metres of the subject property and a courtesy notice was placed in The Kingston Whig-Standard (Exhibit I – Public Notification Map).

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

September 16, 2024

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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 – Minor Variance

Exhibit B Recommended Conditions – Consent

Exhibit C Key Map

Exhibit D Neighbourhood Context Map (2022)

Exhibit E Official Plan Map

Exhibit F Zoning By-Law Map

Exhibit G Site Plan and Survey

Exhibit H Site Photos

Exhibit I Public Notification Map

Recommended Conditions

The approval of minor variance application, File Number D13-059-2024, to facilitate the proposed severance at 757 Front Road and to enable the development of single detached house and attached garage on the severed parcel shall be subject to the following recommended conditions:

1. Limitation

That the approved minor variance applies only to the severed and retained lots and to the proposed new single detached house and attached garage as shown on the approved drawings attached to the notice of decision.

2. No Adverse Impacts

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

3. Building Permit Application Requirements

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

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

4. Standard Archaeological Condition

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

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

5. Approval of Consent Application

That the associated Consent Application D10-027-2024 is approved and all attached conditions of approval are fulfilled.

Recommended Conditions

The provisional approval of consent application, File Number D10-027-2024, to sever an approximate 405 square metre lot with approximately 16 metres of frontage on Jorene Drive, shall be subject to the following recommended conditions:

1. Certificate of Official and Deadline

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

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

2. Reference Plan

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

3. Payment of Taxes

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

4. Building Permit Application Requirements

To ensure the structure complies with both the current Ontario Building Code (OBC) requirements and the decision of the Committee of Adjustment, the owner/applicant shall provide to the Building Division a copy of the decision of the Committee of Adjustment, together with a copy of the drawings approved by the Committee of Adjustment in the subject decision. If the Planning, Building and Licensing Division deems that the drawings submitted for the building permit application do not conform to the general intent and description of the plans approved in the decision, the applicant will be required to resubmit the revised drawings to the Committee of Adjustment for approval. This will require a new application and fee to the Committee of Adjustment.

5. 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.

6. Associated Minor Variance

That associated Minor Variance Application D13-059-2024 is approved and all related conditions of approval are fulfilled.

7. Cash-In-Lieu of Parkland

That \$2428.00 shall be paid to the City of Kingston as cash-in-lieu of land dedication for park or public recreational purposes for each new building lot being created. The applicant may choose to pay the fee through their DASH application, provide a certified cheque, or provide payment at the front desk at 1211 John Counter Boulevard, prior to the issuance of the consent certificate.

8. Civic Addressing

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

9. Site Servicing Plan

The owner/applicant is required to submit a Site Servicing Plan for the new lot, which must be prepared by a qualified person. The Servicing Plan must be approved by Utilities Kingston, prior to the issuance of the Certificate of Official.

10. Grading Plan

The applicant/owner must provide a Grading Plan which should indicate sufficient existing and proposed grades so that it can be confirmed that proposed grading of the property will not adversely affect adjacent properties. The Grading Plan must be prepared by a qualified person and must be reviewed to the satisfaction of engineering staff.

11. Noise Study

The applicant/owner must provide a Noise Study to address potential impacts on the proposal due to transportation noise sources in the vicinity. The Study is to be prepared by a qualified individual with experience in environmental acoustics and demonstrate compliance with NPC-300. The Noise Study must be reviewed to the satisfaction of engineering staff.

12. Development Agreement

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

a) Any recommendations resulting from the Noise Study, prepared by a qualified professional, be included within the development agreement for the lands.

b) Compliance with the approved grading and servicing plan prepared by a qualified professional.

c) 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.

d) 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.

e) That the owner be advised that any new or altered entrance to the severed or retained lot will require an entrance permit from Public Works.

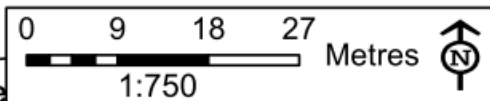
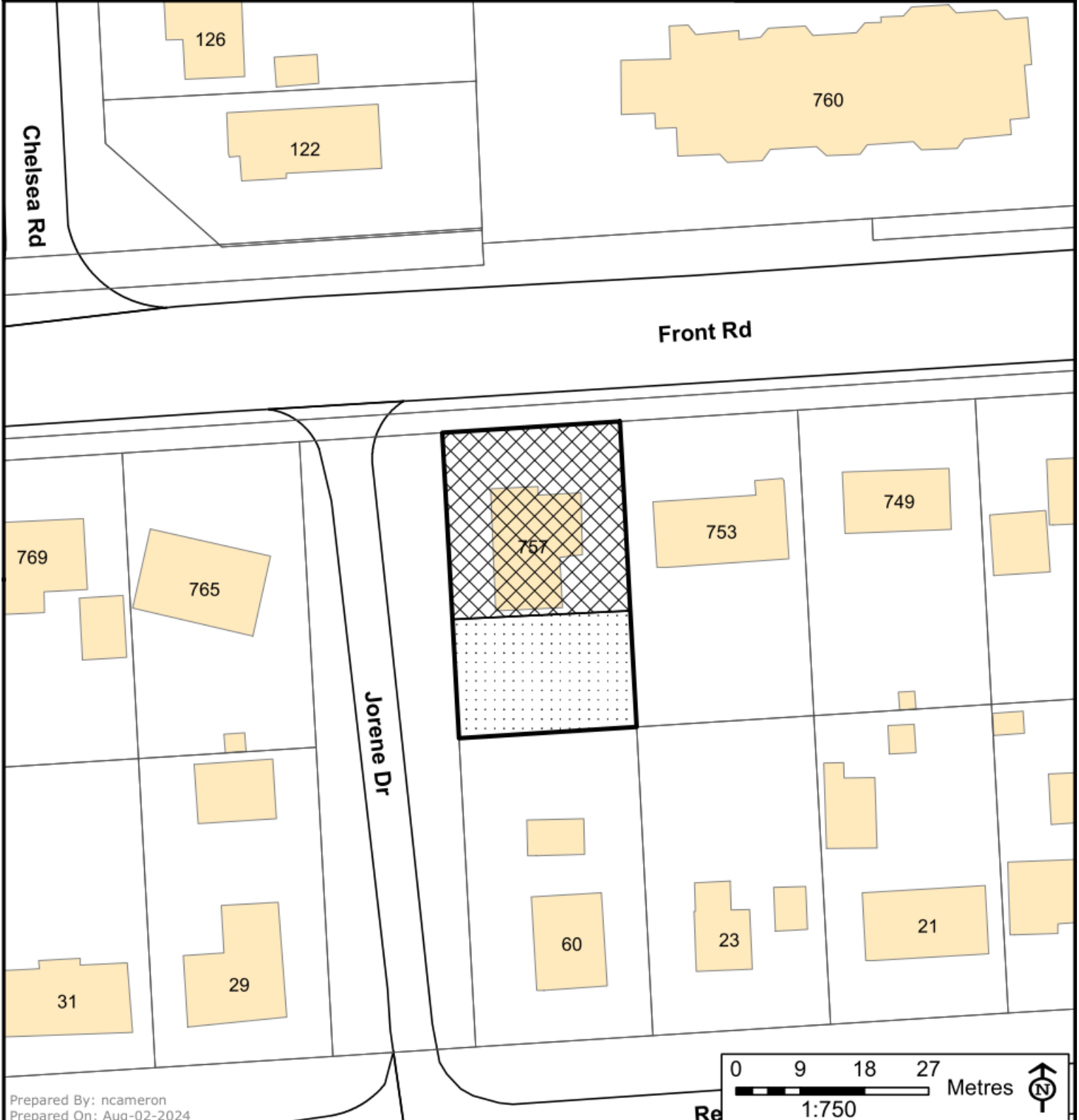
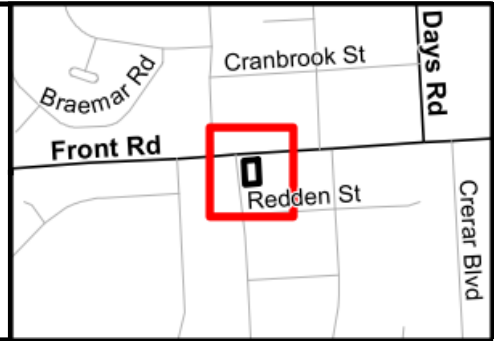
f) That a Building Permit is required prior to the construction or removal of all structures 15 square metres in area or greater. Issues such as but not limited to O.B.C., grading and servicing will be agreed through the permit review process.



Committee of Adjustment Key Map

Address: 757 Front Rd.
File Numbers: D10-027-2024 and D13-059-2024
Prepared On: Aug-02-2024

- Subject Lands
- Severed Lands
- Retained Lands



Prepared By: ncameron
Prepared On: Aug-02-2024

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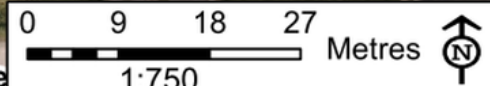
Committee of Adjustment Neighbourhood Context

Address: 757 Front Rd.

File Numbers: D10-027-2024 and D13-059-2024

Prepared On: Aug-02-2024

-  Subject Lands
-  Property Boundaries
-  Proposed Parcels



Prepared By: ncameron
Prepared On: Aug-02-2024

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Planning Services

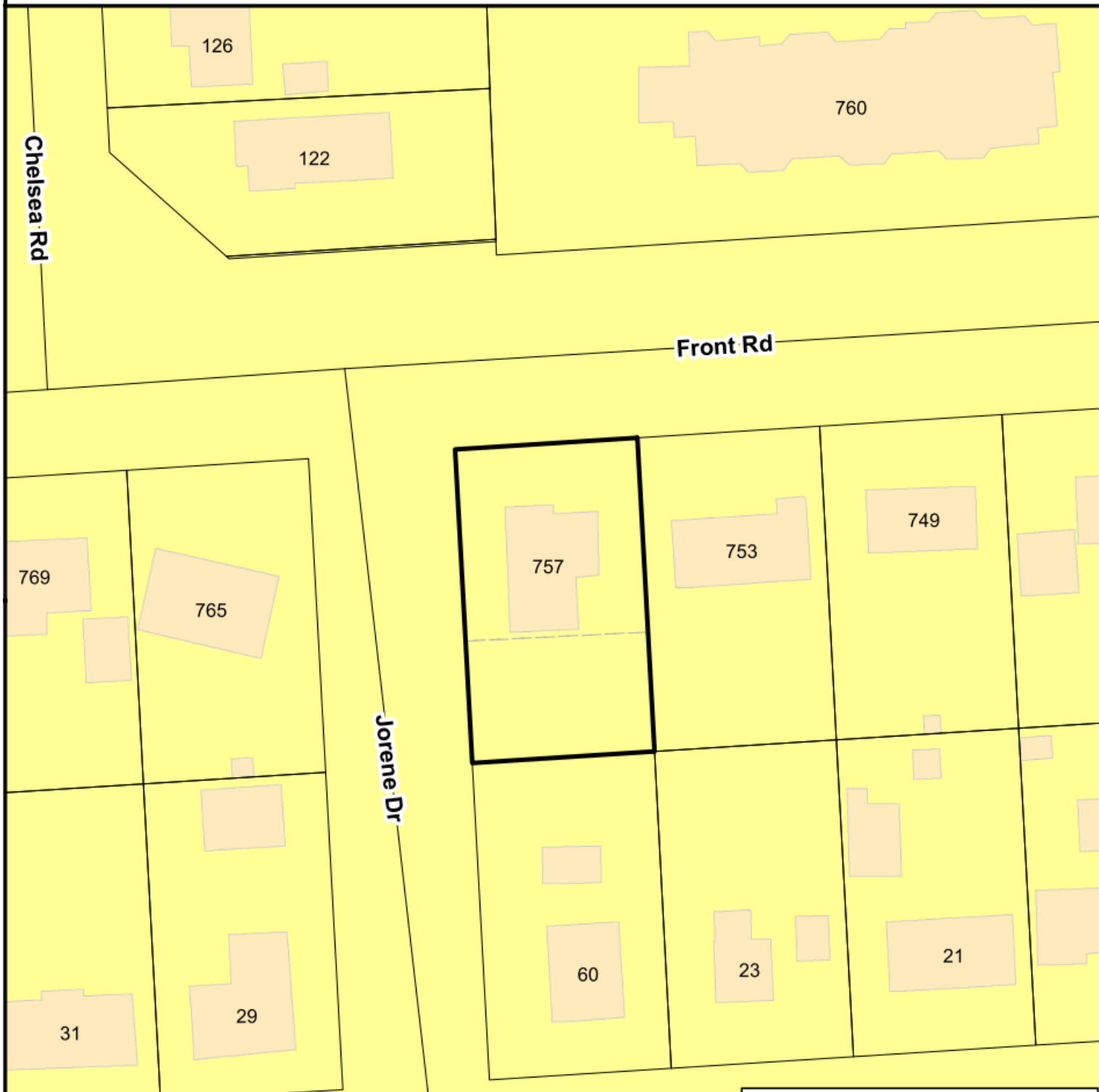
Committee of Adjustment Official Plan, Existing Land Use

Address: 757 Front Rd.

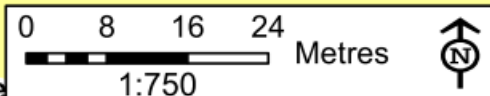
File Numbers: D10-027-2024 and
D13-059-2024

Prepared On: Aug-02-2024

-  Subject Lands
-  RESIDENTIAL



Prepared By: ncameron
Prepared On: Aug-02-2024



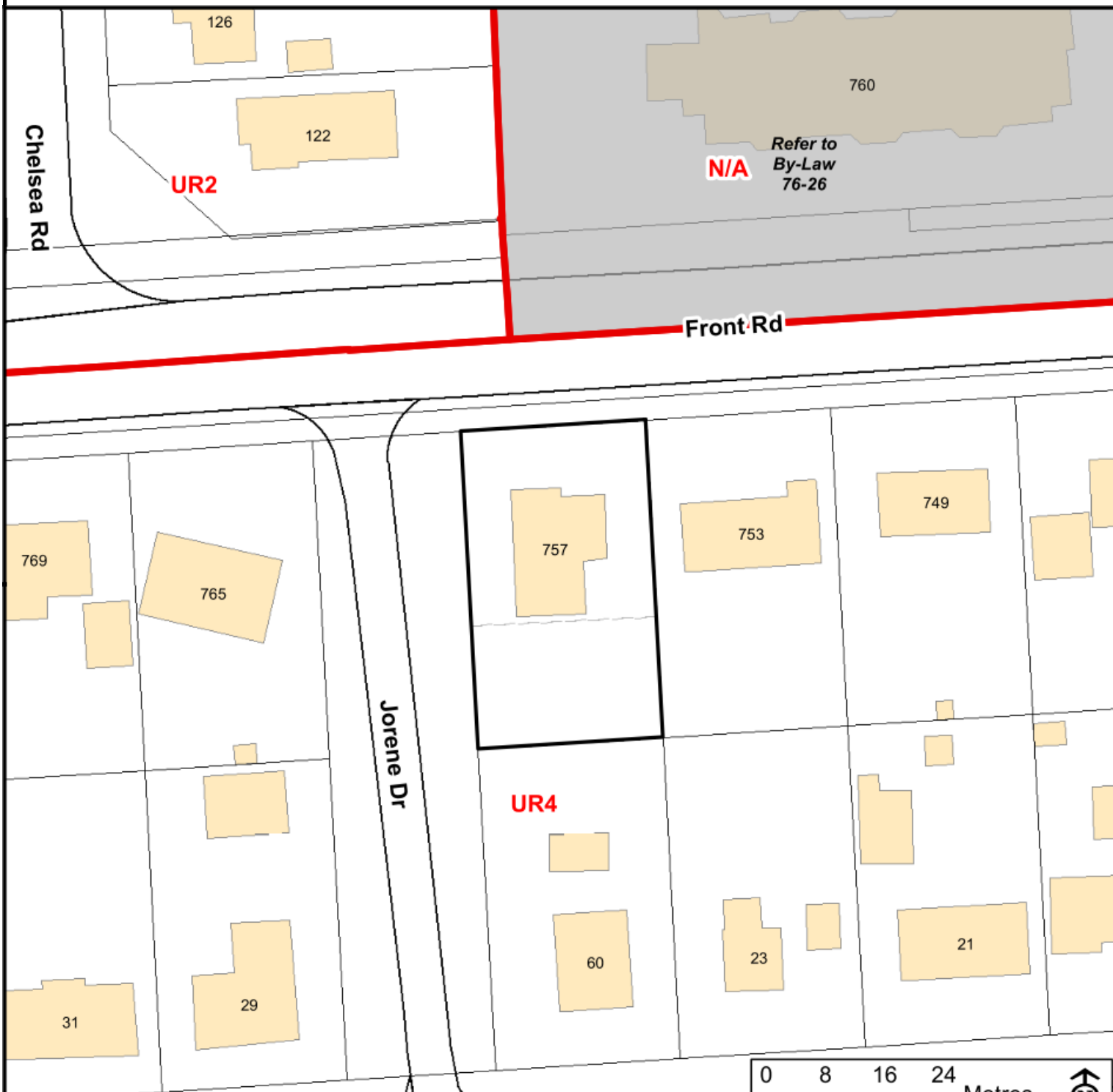


Planning Services

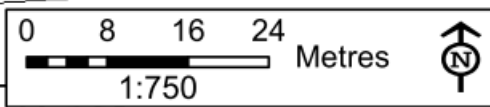
Committee of Adjustment Existing Zoning Kingston Zoning By-Law 2022-62

Address: 757 Front Rd.
File Number: D10-027-2024 and
D13-059-2024
Prepared On: Aug-02-2024

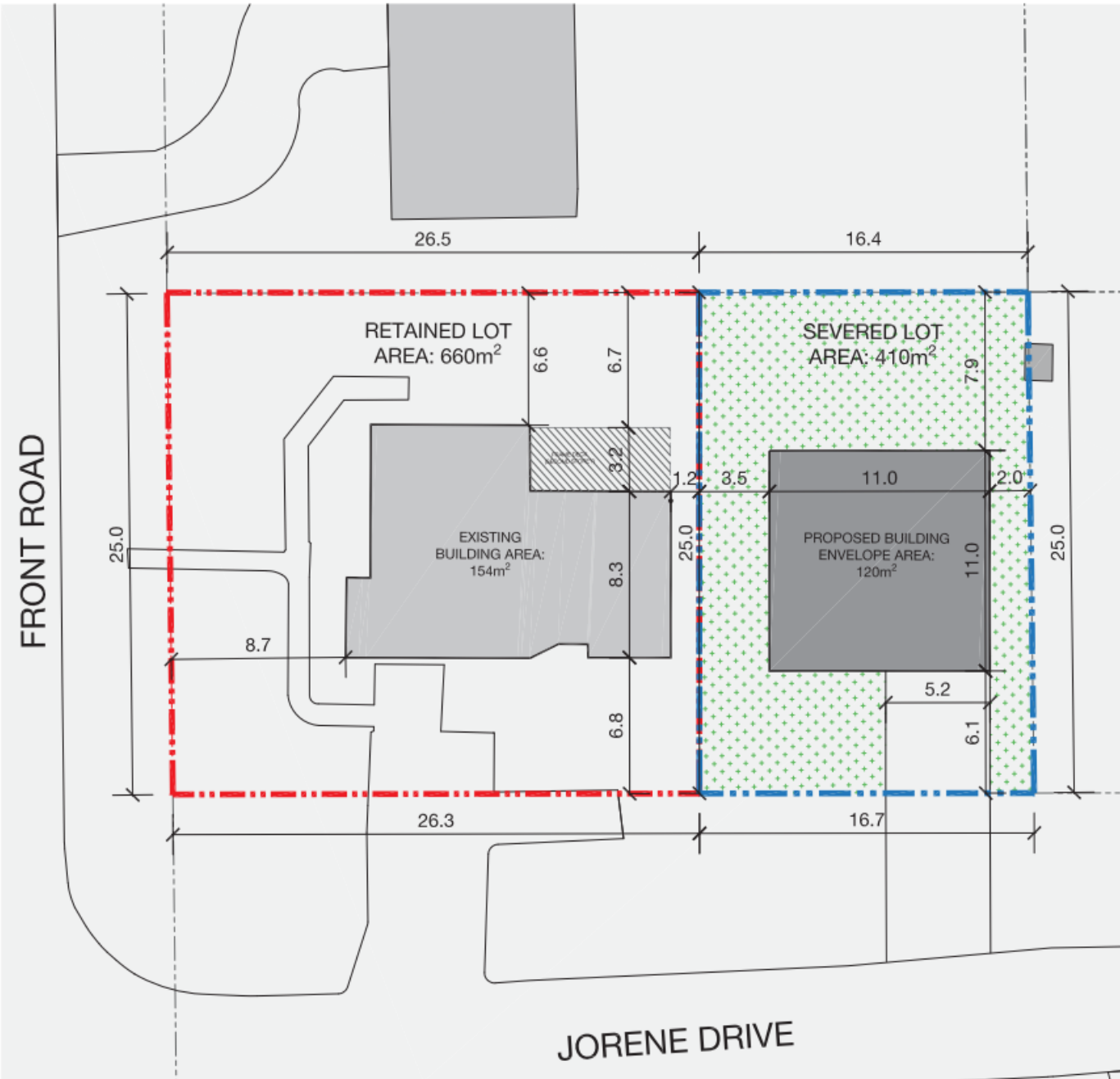
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- Schedule 1 Zoning Map Zone
- Not Subject to the Kingston Zoning By-law
- Schedule E - Exception Overlay Legacy Exceptions (LXXX)
- Exceptions (EXXX)
- Schedule F - Holding Overlay
- Holding Overlay (HXXX)



Prepared By: ncameron
Prepared On: Aug-02-2024



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SITE INFORMATION

ZONING	UR4		
SITE AREA			
Retained Lot:	660m ²		
Severed Lot:	410m ²		
SETBACKS			
	F.Y.	S.Y.	R.Y.
	6.1m	2.0m - 3.5m	7.9m

DEVELOPMENT STATISTICS

LOT FRONTAGE:	16.7 m
LOT COVERAGE:	30%
LANDSCAPE AREA (UP TO):	260m ² (63%)

NOTES

1. This concept is part of a development concept report and should be interpreted as per findings and descriptions of such report. This concept may require minor variances for setback reduction, parking, heights, etc.
2. The base plan (lot lines, existing roads and surrounding areas) is based on the City's Open Data and aerial images. The site area is approximate and all dimensions need to be confirmed by a legal survey.

757 FRONT ROAD KINGSTON, ON
Concept Plan



LEGEND

- - - RETAINED PROPERTY
- - - SEVERED PROPERTY
- EXISTING BUILDING
- PROPOSED BUILDING ENVELOPE
- LANDSCAPED AREA
- SETBACKS



No. REVISION DATE BY

CLIENT
RICHARD BEAUBIEN

FOTENN
Planning + Design

OTTAWA: 3661 Cooper Street, Suite 300, Ottawa, ON K2P 2H7 613.750.0769
KINGSTON: 4 Catherine St., Suite 315, Kingston, ON K7N 1Z7 613.542.5454
TORONTO: 174 Spadina Ave., Suite 304, Toronto, ON M5T 2C2 416.789.4530

DESIGNED	LC
REVIEWED	ET
DATE	2024.07.03

P1

Site Photos

View of front of house and vehicular access on Jorene Drive



View of side of the house and pedestrian access along Front Street.



Northeast portion of the property of the proposed retained lot



Area of the proposed severed lot



Existing residential development along Jorene Drive



Surrounding residential use along Front Road



Surrounding residential use along Front Road

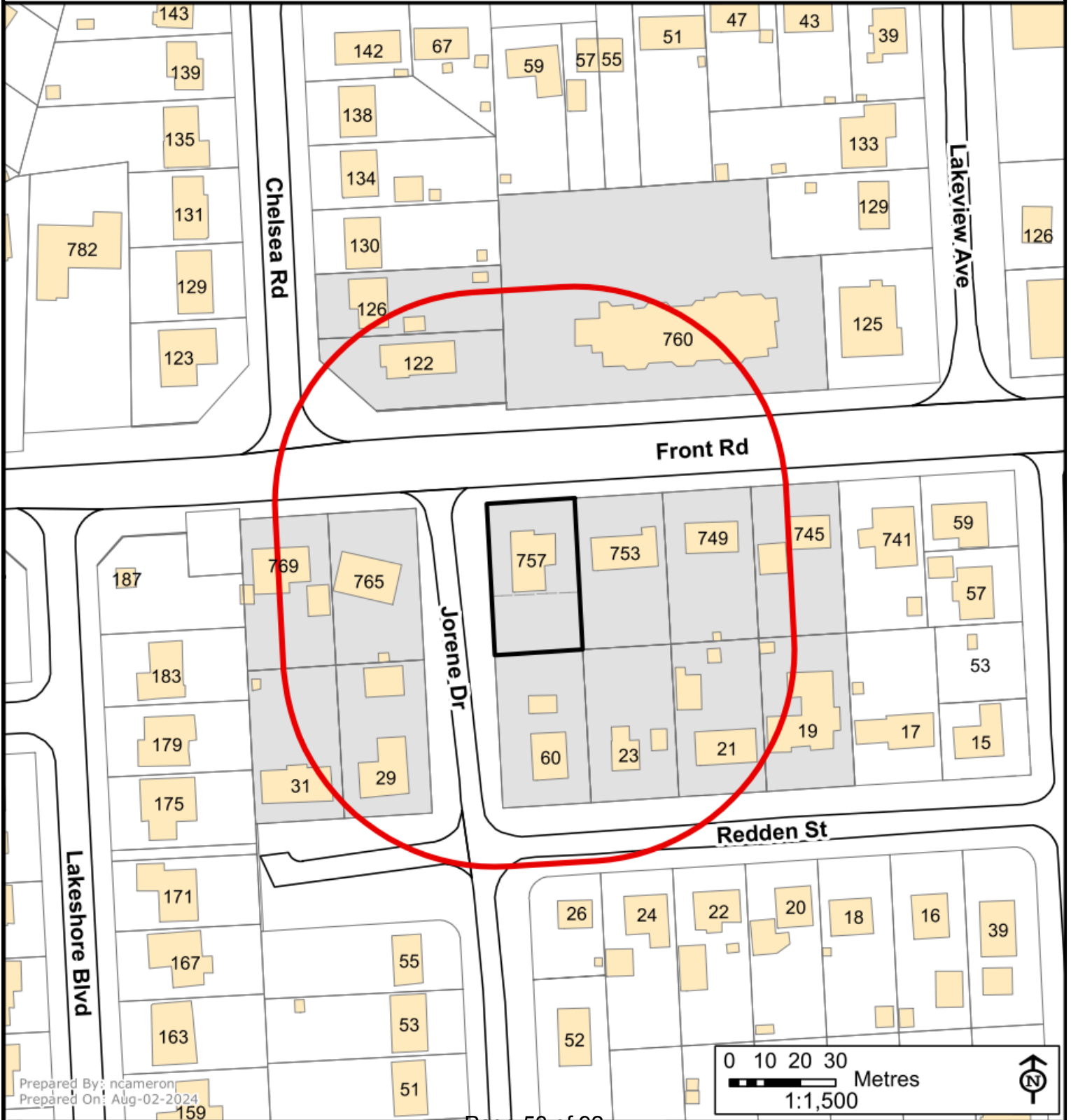




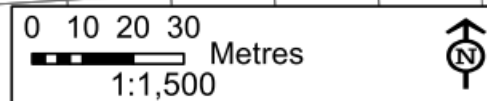
Committee of Adjustment Public Notice Notification Map

Address: 757 Front Rd.
File Number: D10-027-2024 and
D13-059-2024
Prepared On: Aug-02-2024

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



Prepared By: ncameron
Prepared On: Aug-02-2024





**City of Kingston
Report to Committee of Adjustment
Report Number COA-24-077**

To: Chair and Members of the Committee of Adjustment
From: Victoria McCutcheon, Planner
Date of Meeting: September 16, 2024
Application for: Minor Variance
File Number: D13-065-2024
Address: 590 and 598 Cataraqui Woods Drive
Owner: Clermont Investments Inc.
Applicant: The Boulevard Group

Council Strategic Plan Alignment:

Theme: 4. Strengthen economic development opportunities

Goal: 4.1 Support new and existing businesses

Executive Summary:

This report provides a recommendation to the Committee of Adjustment regarding an application for minor variances for the property located at 590 Cataraqui Woods Drive and 598 Cataraqui Woods Drive. The applicant is proposing to expand the permitted complementary uses on the subject property to include a wellness clinic, animal care, animal shelter, and recreation facility, in order to assist with securing a tenant for two vacant units at 590 Cataraqui Woods Drive (Units 1 and 2). The application seeks approval to accommodate the aforementioned complementary uses up to a maximum of 25% gross floor area of the existing buildings.

The proposed complementary uses are not permitted in the M2 zone under the current Zoning By-Law 2022-62 or through the M6-19 Red Exception that applies to the subject property. A minor variance application may be used to establish complementary uses that occupy generally 25 percent of the total floor area of all buildings located on a parcel of land provided they conform with Section 3.6.12(a) of the Official Plan.

September 16, 2024

Page 2 of 10

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.

Recommendation:

That minor variance application, File Number D13-065-2024, for the property located at 590 Cataraqui Woods Drive, Units 1 and 2, to permit a wellness clinic, animal care, animal shelter, and recreation facility as complementary uses, be approved, as described below:

Variance Number 1:

By-Law Number 2022-62: 16.1.2 Permitted Uses in the Employment Zones (M2)

- Requirement: Wellness Clinic, Animal Care, Animal Shelter, and Recreation Facility are not identified as a permitted use in the M2 Zone
- Proposed: Establish Wellness Clinic, Animal Care, Animal Shelter, and Recreation Facility as a complementary use
- Variance Requested: Establish Wellness Clinic, Animal Care, Animal Shelter, and Recreation Facility as a complementary use in accordance with Section 16.3.2.5

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-077.

September 16, 2024

Page 3 of 10

Authorizing Signatures:

ORIGINAL SIGNED BY PLANNER

Victoria McCutcheon, Planner

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

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

September 16, 2024

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Options/Discussion:

On August 28, 2024, a minor variance application was submitted by The Boulevard Group, on behalf of the owner, Clermont Investments Inc., with respect to the property located at 590 and 598 Cataraqui Woods Drive. The variances are requested to enable a wellness clinic, animal care, animal shelter, and recreation facility as complementary uses within the General Industrial (M2) Zone.

The application is seeking to expand the permitted uses applicable to the subject property for the purpose of securing a tenant to occupy two vacant condominium units (Unit 1 and Unit 2) at 590 Cataraqui Woods Drive. The two units occupy 4000 square feet collectively, which would be approximately 13% of the total gross floor area of the two buildings on the subject property.

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

- Floor Plan (Exhibit F)
- Planning Justification
- Servicing Plan
- Owner Authorization

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

Site Characteristics

The subject property is located at 590 and 598 Cataraqui Woods Drive (Exhibit B – Key Map). The property is located within the southern portion of the Cataraqui Estates Business Park and has an area of approximately 1.36 hectares and approximately 70 metres of frontage on Cataraqui Woods Drive, a collector road. There are multiple bus routes that run along Cataraqui Woods Drive with a nearby bus station at the Gardiners Road intersection.

The subject property is currently developed with two standalone buildings containing a total of 24 condominium units (12 units each). 590 Cataraqui Woods Drive has a total gross floor area of approximately 17,500 square feet while 598 Cataraqui Woods Drive has a total gross floor area of 12,500 square feet. The two vacant units are located within the 590 Cataraqui Woods Drive and maintain approximately 4000 square feet collectively. The two buildings accommodate a wide variety of uses including offices, laboratories, light industrial uses, a driving academy, a fitness center, and a bake shop.

The subject property abuts another condominium development to the west which accommodates a similar variety of light industrial and commercial uses. There is a bus and auto service to the east of the property and a larger industrial building located on the other side of Cataraqui Woods Drive (Exhibit C – Neighbourhood Context Map).

September 16, 2024

Page 5 of 10

The subject property is designated General Industrial in the Official Plan (Exhibit D – Official Plan Map) and zoned M2 in Kingston Zoning By-Law Number 2022-62. The property is also subject to the site-specific provisions of Red Exception M6-19 (Exhibit E – Zoning By-Law Map).

Planning Act

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:

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.

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

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

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

A minor variance application may be used to establish complementary uses that occupy up to 25 percent of the total floor area of all buildings located on a parcel of land provided that these uses conform to Section 3.6.12 or 3.6.13, and 3.6.15 of the Official Plan. Permitted complementary uses within the General Industrial area are outlined in Section 3.6.B.2 and include recreation facilities, personal services, convenience commercial uses, medical and paramedical services, office and business service establishments, amongst other uses. As such a wellness clinic, animal care, animal shelter, and recreation facility would be permitted.

The proposed variances will assist with providing a support or service to the employees within the employment area. The subject property is close to lands located within the Regional Commercial designation; however, this designation is not intended to accommodate the proposed complementary uses. The proposed expanded uses will serve

September 16, 2024

Page 6 of 10

to attract additional employment opportunities to the area to support employees within the employment area and fill two vacant units within an existing condominium building.

The proposed variances will not hinder or preclude any employment uses from establishing lands in the employment area due to principles of land use compatibility. The proposed uses are not sensitive uses and specific separation distances are not required as per Section 2.7 of the Official Plan. The application also does not involve any physical changes or modifications to the existing site. The existing building and functionality of the site in terms of parking, access, and loading will be maintained. The application pertains primarily to interior changes to Unit 1 and Unit 2 at 590 Cataraqui Woods Drive.

The property is located within the urban boundary and has adequate access to municipal water and sewage services as has been demonstrated by the servicing plan provided. The proposed change is also not expected to set an undesirable precedent for the immediate area as the change is minor and will serve to support employees within the employment lands.

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

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

The subject property is zoned M2 in Kingston Zoning By-Law Number 2022-62 (Exhibit E – Zoning By-Law Map). The M2 zone permits a wide variety of industrial uses alignment with the General Industrial land use designation including manufacturing, wholesale, transportation activities, workshops, and storage facilities. Heavy industrial uses are not permitted within the M2 zone.

The subject property is also subject to the site-specific provisions of the M6-19 Red Exception which permit an accessory retail use and accessory wholesale establishment.

The proposal requires the following variances to Section 16.1.2 to allow for a wellness clinic, animal care, animal shelter, and recreation facility as complementary uses in accordance with Section 16.3.2.5 of the Kingston Zoning By-Law:

Variance Number 1:

By-Law Number 2022-62: 16.1.2 Permitted Uses in the Employment Zones (M2)

Requirement: Wellness Clinic, Animal Care, Animal Shelter, and Recreation Facility are not identified as a permitted use in the M2 Zone

Proposed: Establish Wellness Clinic, Animal Care, Animal Shelter, and Recreation Facility as a complementary use

Variance Requested: Establish Wellness Clinic, Animal Care, Animal Shelter, and Recreation Facility as a complementary use in accordance with Section 16.3.2.5

September 16, 2024

Page 7 of 10

The permitted uses within the General Industrial (M2) zone include a variety of low to medium-impact employment uses. The aforementioned minor variances would seek to permit a wellness clinic, animal care, animal shelter, or recreation facility as complementary uses, occupying less than 25% of the total gross floor area of the two buildings on site. Section 16.3.2.5 of the Kingston Zoning By-Law contemplates the addition of complementary uses through a minor variance application, in accordance with the Official Plan policies and the provisions of the Planning Act.

The proposed uses are not sensitive uses nor are they anticipated to negatively impact existing or future employment uses on the property. Units 1 and 2 occupy 4000 square feet of the existing buildings or approximately 13% of the total gross floor area. This addition would help to ensure that a wider variety of tenants are able to occupy the vacant units while ensuring that the existing building footprint is maintained.

3) The variance is minor in nature

The variances are considered minor as the General Industrial (M2) zone contemplates the addition of complementary uses in accordance with Official Plan and Planning Act policies. The applicant has demonstrated that there are no anticipated negative impacts in accommodating these uses on site. The only proposed changes are internal within Unit 1 and 2 of the existing buildings.

The addition of a wellness clinic, animal care, an animal shelter, or a recreation facility would not be considered sensitive uses and would not introduce impacts such as noise, dust, or vibration that would be incompatible with the existing and surrounding uses.

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

The variances are desirable and appropriate use of the land as they will facilitate the development of uses that are complementary to the existing employment uses on the subject property and in the surrounding area. The functionality of the site with regard to vehicle parking and loading will remain unchanged. The existing high-quality streetscape that is characteristic of the Cataraqui Estates Business Park will also be maintained.

The variances will help to facilitate a complementary use that will support and service employees within the employment lands while ensuring that the vacant units can be better utilized. The property is not designated under the Ontario Heritage Act and the application will not set an undesirable precedent for the area.

Technical Review: Circulated Departments and Agencies

- Building Services
- Engineering
- Heritage Services
- Public Works
- Utilities Kingston
- Transportation Services
- Fire & Rescue
- Kingston Hydro
- Environment Division

September 16, 2024

Page 8 of 10

- | | | |
|---|---|---|
| <input checked="" type="checkbox"/> Building Services | <input checked="" type="checkbox"/> Engineering | <input checked="" type="checkbox"/> Heritage Services |
| <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.

Public Comments

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

Previous or Concurrent Applications

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

Conclusion

The requested 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 to permit a wellness clinic, animal care, animal shelter, and recreation facility as complementary uses will enable the owners of the subject property to secure tenants for the vacant units of the existing buildings. This application will serve to support the employees of the Cataraqui Estates Business Park and provide a wider variety of employment opportunities on the subject property.

September 16, 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 September 16, 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 19 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

Victoria McCutcheon, Planner, 613-546-4291 extension 3237

Other City of Kingston Staff Consulted:

None

September 16, 2024

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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 Plan
- Exhibit G Site Photos
- Exhibit H Public Notification Map

Recommended Conditions

The approval of minor variance application, File Number D13-065-2024, to permit a wellness clinic, animal care, animal shelter, and recreation facility as complementary uses, shall be subject to the following recommended conditions:

1. Limitation

That the approved minor variance applies only to enable a wellness clinic, animal care, animal shelter, and recreation facility as complementary uses to the General Industrial (M2) Zone in Kingston Zoning By-Law 2022-62 as shown on the approved drawings attached to the notice of decision.

2. No Adverse Impacts

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

3. Building Permit Application Requirements

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

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

4. Standard Archaeological Condition

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

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

5. Maximum Floor Area

The requested complementary uses will be limited to a maximum of 13% of the gross floor area of the buildings on the property, contained within Units 1 and 2 of 590 Cataraqui Woods Drive, as shown on the approved drawings attached to the notice of decision.


6. Utilities Kingston- Discharger Information Report

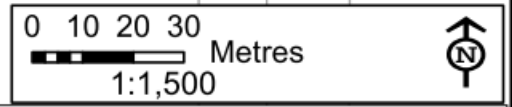
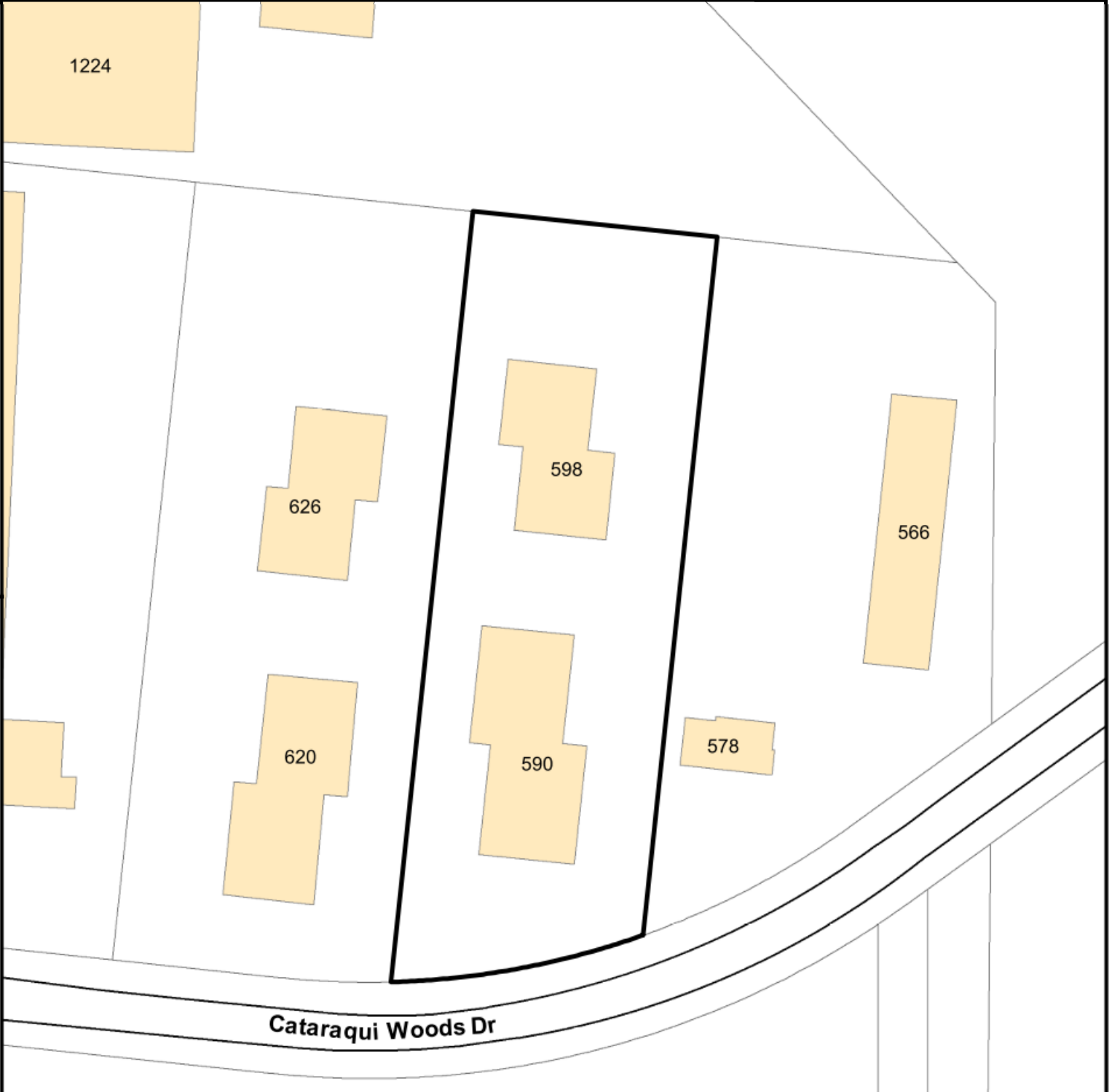
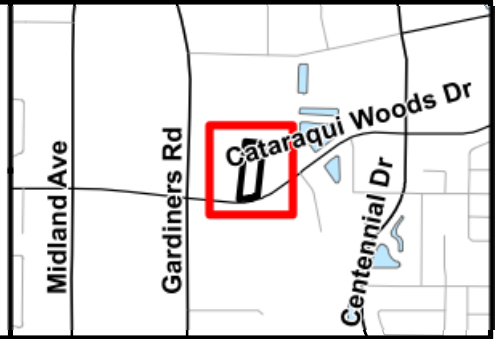
The submission of a Sewer Use By-Law Part 7 – Discharger Information Report (short version) is required for industrial, institutional or commercial developments. Please submit to the contact on the form as well as upload to the application in DASH.



Committee of Adjustment Key Map

Address: 590 Cataraqui Woods Drive
File Number: D13-065-2024
Prepared On: Aug-30-2024

 Lands Subject to Minor Variance



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Committee of Adjustment Neighbourhood Context

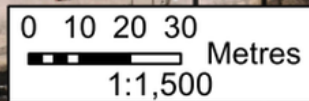
Address: 590 Cataraqui Woods Drive
File Number: D13-065-2024
Prepared On: Aug-30-2024

- Subject Lands
- Property Boundaries
- Proposed Parcels



Cataraqui Woods Dr

Prepared By: ebarratt
Prepared On: Aug-30-2024



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

Planning Services

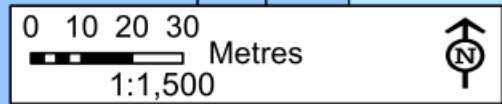
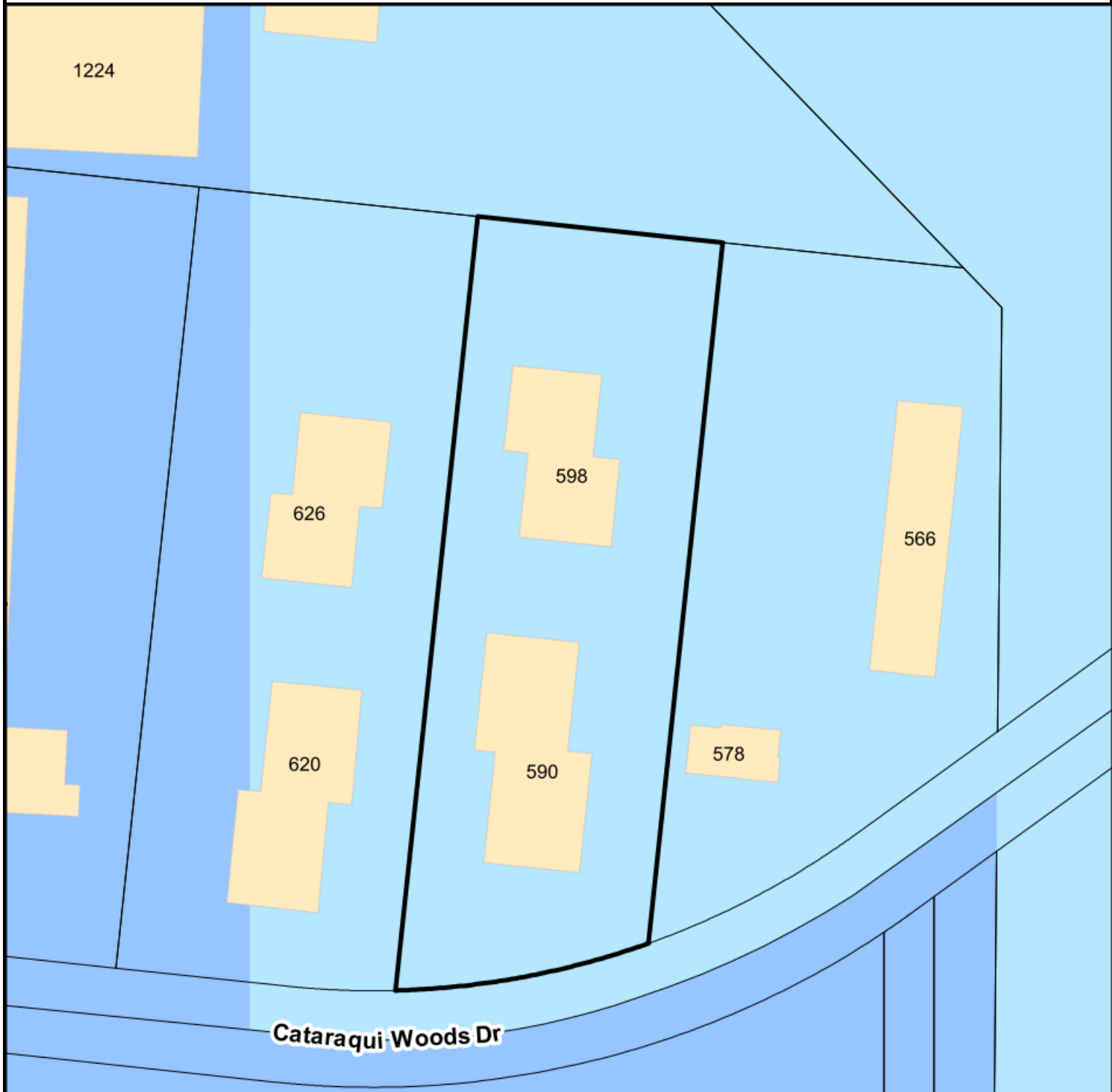
Committee of Adjustment Official Plan, Existing Land Use

Address: 590 Cataraqui Woods Drive

File Number: D13-065-2024

Prepared On: Aug-30-2024

-  Subject Lands
-  BUSINESS PARK INDUSTRIAL
-  GENERAL INDUSTRIAL





Planning Services

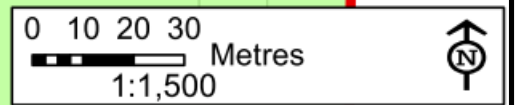
Planning Committee Existing Zoning Kingston Zoning By-Law 2022-62

Address: 590 Cataraqui Woods Drive
File Number: D13-065-2024
Prepared On: Aug-30-2024

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

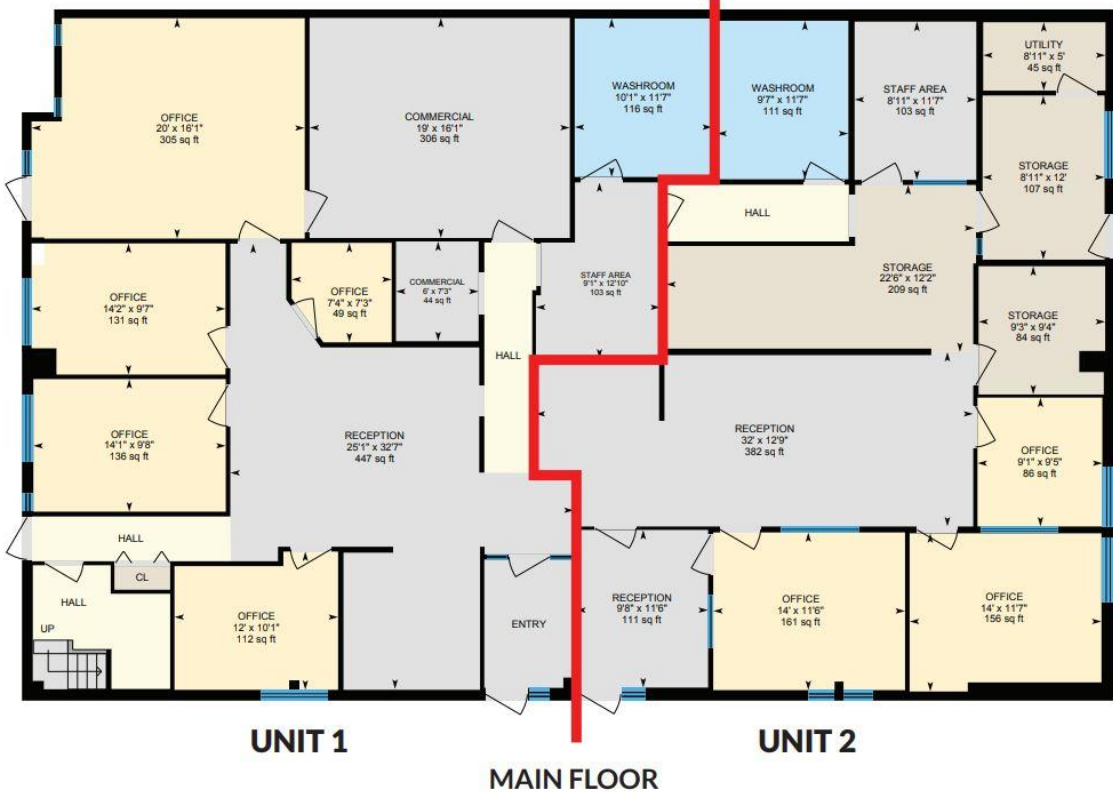


Prepared By: cbarratt
Prepared On: Aug-30-2024



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FOR SALE 590 CATARAQUI WOODS DRIVE, UNIT 1 & 2



Site Photographs- September 3, 2024



Figure 1- 590 Cataraqui Woods Drive- Front



Figure 2- 620 Cataraqui Woods Drive- Adjacent Property



Figure 3- View Across the Street- Industrial Building







Planning Services

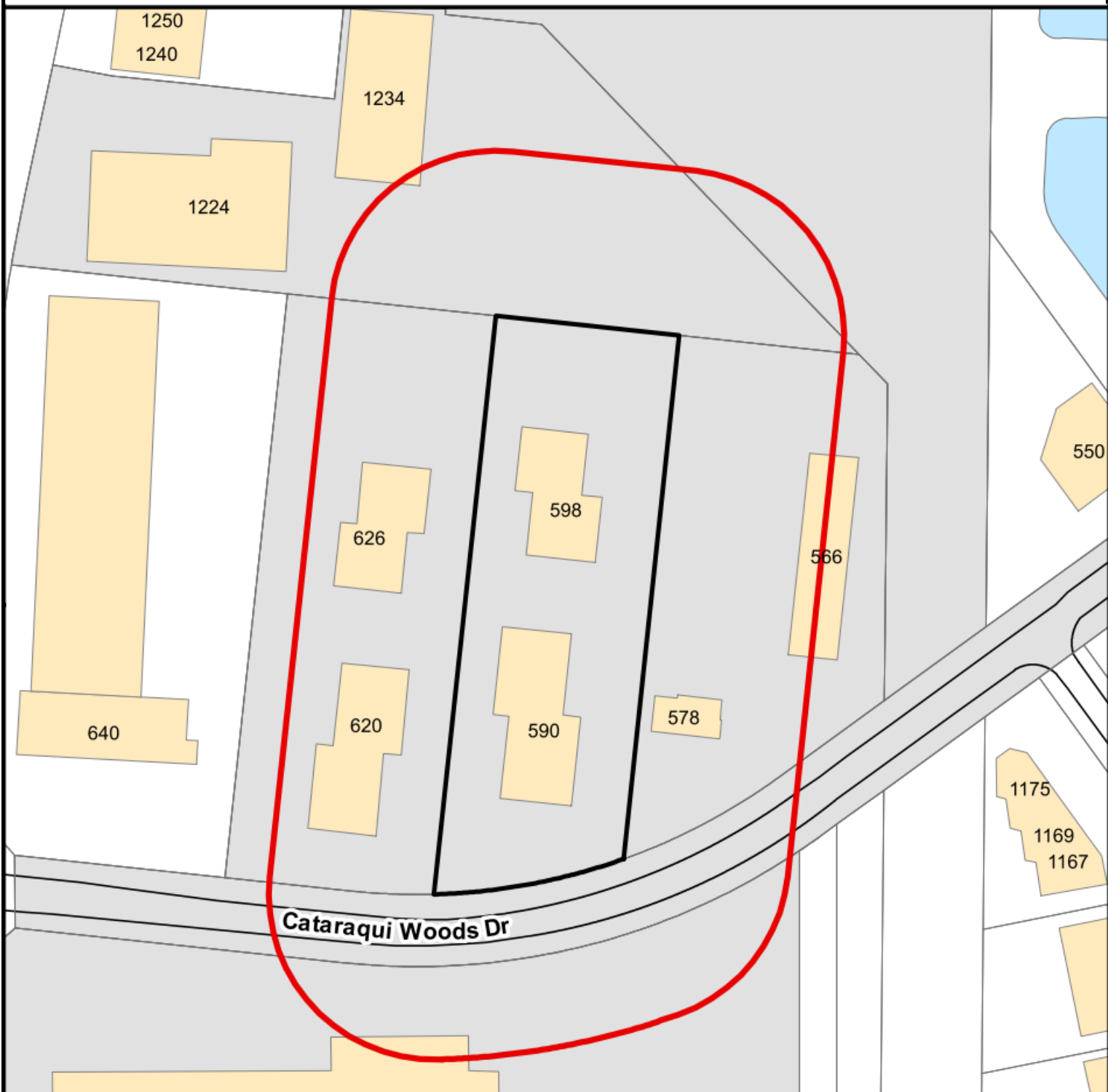
Committee of Adjustment Public Notice Notification Map

Address: 590 Cataraqui Woods Drive

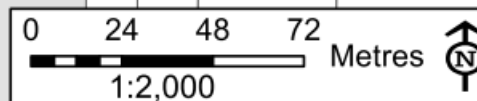
File Number: D13-065-2024

Prepared On: Aug-30-2024

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



Prepared By: cbarratt
Prepared On: Aug-30-2024



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From: Gary Craigen [REDACTED]

Sent: Friday, September 13, 2024 2:13 PM

To: Planning Outside Email <Planning@cityofkingston.ca>; Stephen,Wendy <wstephen@cityofkingston.ca>; vcinanni@cityofkingaton.ca; aeusebio@cityofkingaton.ca; Bar,James <jbar@cityofkingston.ca>

Subject: Severance and Minor Variance, D13-059-2024

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

To the members of the Committee of Adjustment

We are writing to express our opinions concerning the proposed severance and development at 757 Front Road.

In this neighbourhood, current sewer capacity and infrastructure can not support additional development without city investment. For example, a house on Lakeview Avenue was built on a vacant property over an underground river and this has caused continuous drainage issues for several neighbours.

In this neighbourhood, infilling has resulted in many mature trees being cut down, and has affected shade, has increased heat and resulted in decreased water retention. The city seems to spend quite a lot of money planting trees, but does not seem to respect the need to protect and maintain mature trees.

"Minor variances" are required to reduce the minimum lot area for this lot. When does a minor variance become a major imposition on the neighbourhood?

A height restriction should be in place for privacy of the existing neighbours.

We believe that the development should remain within the existing footprint.

Respectfully,
Gary Craigen and Bernadette Laframboise

Members of the Committee of Adjustment

City of Kingston
216 Ontario Street
Kingston, ON
K7L 2Z3

Arcadis Professional Services
(Canada) Inc.
61 Hyperion Court
Suite 6
Kingston, Ontario K7K 7K7
Canada
Phone: 613 531 4440
www.arcadis.com

Date: September 13, 2024

Subject: 757 Front Road - Applications for Consent and Minor Variance (D10-027-2024 & D13-059-2024)

Dear Members of the Committee of Adjustment,

I am writing as the Location Lead for Arcadis' Kingston office. Arcadis, formerly IBI Group, is a professional services firm of architects, planners, designers, engineers, environmental and sustainability experts.

This letter is provided with respect to the above-noted applications, and its purpose is to address a reference made to IBI Group in a submission by a member of the public. For clarity, we have not been retained to review or provide any professional opinion on the applications. However, it has been brought to our attention that a member of the public submitted comments in an email dated September 11, 2024, and therein made reference to "[consulting] with a designer from IBI Group" regarding said applications. The public submission identified that this unnamed and anonymous "designer" offered critiques about both the project and the approach of the applicant's land use planner, Fotenn, in obtaining approvals for its clients.

I would like to take this opportunity to clarify and correct the record by stating that Arcadis (IBI Group) has not been retained by any party to review this application, we have no opinion on its merits and, more importantly, do not agree with the purported statements of the anonymous "designer" regarding the approach and conduct of Fotenn.

Thank you for the opportunity to provide this submission.

Sincerely,
Arcadis Professional Services (Canada) Inc.



Mark Touw, MCIP RPP
Principal, Location Lead - Kingston

[REDACTED]

CC. Councillor Vincent Cinanni, City of Kingston
Councillor Wendy Stephen, City of Kingston
Annemarie Eusebio, Intermediate Planner, City of Kingston
James Bar, Manager, Development Approvals, City of Kingston
Youko Leclerc, Fotenn

From: [REDACTED]
Sent: Friday, September 13, 2024 4:17 PM
To: Eusebio, Annemarie <aeusebio@cityofkingston.ca>
Cc: [REDACTED]
Subject: Proposed severance at 757 Front Road

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Ms Eusebio,

Thank you for providing me with the information which you forwarded earlier. Please pass on this email to the appropriate committee members for consideration. I intend to be present at City Hall on Monday September 16 at 5:30 pm and would like to discuss my concerns with the committee regarding this proposed severance and potential development on the site at that time. I would like the committee to know that the following list contains items with which I am concerned and cause me to object to this application.

- 1 - The current use of 757 Front Road is an AirBNB with its attendant overuse of street parking on Jorene Drive within metres of the intersection of Front Road and Jorene Drive. There are 2 easily foreseen consequences of added residential space: the continuation of vehicles causing congestion at the intersection; and the resultant expansion of the parking zone onto nearby Redden Street and further down Jorene Drive. This congestion and increased road traffic would introduce the very real problems already encountered by pedestrians in a neighbourhood without curbs or sidewalks, especially by children walking to nearby Sinclair Public School.
- 2 - The proposed variance allowing a reduced lot size would create a visible change in the property density of the Reddendale area, a feature which is bound to result in decreased property values of nearby homes.
- 3 - While there is a development plan associated with the severance, there are no assurances that the applicant will not apply for further minor adjustments to increase the height of the development or increase its footprint to increase the revenues from even more residents, further spoiling the quality of life enjoyed in the area. A recent development on Lakeview Avenue conducted by the same owner has proved his intentions to maximize his profit while sacrificing his neighbours.
- 4 - Lastly, the Reddendale South area has a history of comprising single family dwellings

where young families can safely raise their children. I do not agree with sacrificing that for the sake of this development and what would become an avalanche of higher density properties should this be approved.

Respectfully,

Ron Cameron

Ronald D Cameron
52 Jorene Drive
Kingston, ON K7M 3X7

[REDACTED]
[REDACTED]

From: Paul Middaugh [REDACTED]

Sent: Friday, September 13, 2024 6:28 AM

To: Planning Outside Email <Planning@cityofkingston.ca>

Subject: att Secretary Treasurer, Committee of Adjustments Re 757 Front Street Kingston

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757 Front Street

Paul and Linda Middaugh 21 Redden St
Kingston K7M4K9

Committee of Adjustment City of Kingston
216 Ontario Street

Dear Members of the Committee of Adjustments

In Regards to File Numbers D10-027-2024 and D13-059-2024 757 Front Road

I have read your Planning Department's Report Number COA-24-076, and, while the requested variances are considered minor, I am not sure you have taken into account the effect on the neighbours of this proposed project. A very recent similar project on the corner of Lakeview and Redden St. has created a two story multi-unit building that will tower over its neighboring houses and definitely will infringe on the quality of enjoyment and sunlight of its neighbors.

So we would ask the committee to take your job seriously when you decide what restrictions and requirements you put on this project as it will definitely have an effect on its neighbors and our neighborhood going forward. It is always wonderful to welcome new neighbors to this special corner of Kingston but we must ensure that the effect on the neighborhood is for the benefit, not the detriment, of the area.

Two areas that are of particular concern to us are:

1- The street parking on Jorene Drive: This project will now increase the number of driveways to 5 in one small block between Redden Street and Front Street. Perhaps no street parking could help this situation as currently there are

numerous vehicles parked regularly in this area which does cause congestion at times both getting on or off of Front St.

2- We have a concern with the preservation of the existing large trees in the vicinity of the construction. It would appear that some large trees will need to be removed to allow for this project but one would hope there is a plan to protect neighboring trees and root systems that have been established for many decades and add to what make Reddendale such a

delightful neighborhood. We would hope that an arborists report would be required with recommendations to be followed if this project is to go ahead to protect the neighboring trees and root systems.

We thank you for your considerations of our concerns

Paul and Linda Middaugh
21 Redden St, Kingston Ontario

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A large black rectangular redaction box covering the signature area.

From: Margot Jones [REDACTED]

Sent: Tuesday, September 3, 2024 8:28 PM

To: Mayor of Kingston <mayor@cityofkingston.ca>; Stephen, Wendy <wstephen@cityofkingston.ca>

Subject: Consent and Minor Variance at 757 Front Road

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Good Evening,

There is currently an application in review with the City of Kingston to sever and develop a parcel of land at **757 Front Road** (at the top of Jorene Drive). This has already happened, and been approved, on Lakeview Avenue near Front Road.

~~On a side note, the sign at 757 Front Road is so small, without knowing, it could be mistaken for pesticide signage, and vehicles are often parked in front of the sign making it hard to see if, you aren't looking for it.~~ **Could a larger sign please be posted?**

Note: Sign request has already been submitted under Reference Number: 240904-000382.

While we may need housing, severing regular-size lots and building 2 story homes against the property lines of existing neighbours is not the respectful approach to take, both to the property neighbours, and the greenspace the City prides itself on, but is also in contravention of our **Reddendale City By-laws established in 2019 (see below)**. This not only sets precedence for other lots in our neighbourhood if the City disregards its own By-laws and passes variances like these, it removes so much green space that we loved so much when we moved here.

There is also **drainage issues** to be considered when new homes (on lots that required variances such as this) have no space to push water away from their homes on their own properties, it becomes the problem of the homes around them, being flooded with the extra water. Examples can be seen both on Crerar Crescent and Gordon Street where new homes have been recently built, pushing water downward, onto their neighbours (photos below).

As well, the **large trees** in our neighbourhood that have provided shade, air quality, and ground water absorption are compromised when construction development removes these trees, or damages the roots of their neighbours trees during construction. We have some we

are worried about on our property with this variance.

Another consideration is the additional parked traffic the new homes may incur. From a safety perspective, we are very lucky to not have sidewalks cutting through our yards and driveways, so the safety risk for those walking their dogs or cycling up Jorene Drive to cross Front Road is potentially increased with additional on-street parked vehicles. It is already such a busy section of road with vehicles regularly parked on both sides of the street, narrowing the street to one lane. 757 Front Road also appears to be a rooming-house with a regular turnover of different vehicles and their visitors adding to the street congestion when they're booked up.

For some, approved minor variances will impact the sunlight they then can get after large homes are built right against their property line, as well as their personal privacy they once enjoyed. Where does it end, if the City keeps approving minor variances with homes (in this case) a foot and a half from our property lines, disregarding it's own By-laws?

I am kindly requesting your the City look for housing options elsewhere within the City and let our neighbourhood have it's zoned greenspace, safe streets and respect for the neighbours who would prefer that Reddendale not become high density residential.

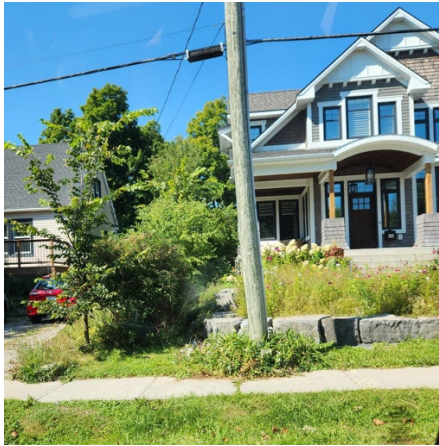
The approved zoning By-law: In October 2019, the City of Kingston passed By-Law number 2019-143 'A By-law to Amend By-law Number 76-26, "A By-law to regulate the use of lands and the character, location and use of buildings and structure in the City of Kingston", as amended (zone Change from R1-3 to R1-74, R1-75 and EPA -17, Reddendale Neighbourhood). To replace the 'R1-3' Zone within the Reddendale Neighbourhood with a special 'R1-74' Zone, a special 'R1-75' Zone and a special Environmental Protection Area 'EPA-17' Zone. The zoning By-law amendment addresses specific provisions such as **maximum lot coverage, the measurement of height, and the minimum setback from the normal high water mark of Lake Ontario**. The zoning by-law amendment was undertaken in response to a Council motion from December 19, 2017 which directed staff to advise them on the feasibility of developing a planning framework to addressing infill development pressures in the Reddendale neighbourhood.

My husband and I do plan to attend the meeting on September 16th and hope we can have a moment to share our concerns with this.

Thank you,

Margot Jones

Property owner at 60 Jorene Drive



From: [REDACTED]
To: [Planning Outside Email](#); [Cinanni,Vincent](#); [Stephen,Wendy](#); [Eusebio,Annemarie](#); [Bar,James](#)
Subject: D10-027-2024: Consent and Record D13-059-2024: Minor Variance / Permission
Date: September 11, 2024 9:02:14 PM
Attachments: [Letter Regarding Record D10-027-2024 Consent and Record D13-059-2024 Minor Variance Permission \(1\).docx](#)
[Reddendale Photos.docx](#)

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Committee of Adjustment
City of Kingston
216 Ontario Street

Dear Members of the Committee of Adjustment,

We, Margot Jones and Kendall Watts, I reside at 60 Jorene Drive (since 2009) are writing to formally express our concerns regarding the applications D10-027-2024: Consent and Record D13-059-2024: Minor Variance / Permission

Upon seeking professional advice, we were informed this severance proposal does not meet the four tests of a minor variance, as detailed in the attached document. Furthermore, the proposed dwelling unit will require additional variances, beyond those related to the severance. Also all noted in the attached document. Another professional consulted, a designer from IBI Group, who spoke on the grounds of anonymity, explained this proposal is quite ambitious for the development and that Fotenn often presents requests that exceed their actual needs, with the expectation that some elements be negotiated down later.

Another source informed us Fotenn commonly requests more than necessary, planning to seek relief after the severance if their initial requests are not granted. Also, misleading on the signage, residents no longer have the right to appeal a decision, unless it's through Utilities Kingston, Hydro One, Bell or another large company (which unfortunately I cannot remember at this time), I was told. Please correct me if this is wrong and we can appeal as individuals.

Should the Committee still vote to approve this application, we respectfully request the following conditions be included in the Development Agreement, but not limited to:

1. ***Privacy Fence***: A 13 foot full privacy (no-see) fence surrounding our property lines, between 60 Jorene Drive and 757 Front Road, at the developers cost, to be constructed prior to any building activity and satisfactory to both parties.
2. ***No Windows / Doors / Glazing***: Zero windows, doors, or glazing of any kind facing our property, to prevent any intrusive views, especially given the close proximity as a result of the many variances

3. ***Noise Study***: Completion of a noise study, in compliance with NPC-300 prior to construction
4. ***Dwelling Size***: The dwelling, whether built by the current property owners, or sold to another developer, should not exceed 11m x 11m.
5. ***Building Height***: The proposed dwelling should not exceed one story in height (bungalow style), to maintain the aesthetic consistency of the immediate area . Nearby properties, include 753 Front Road, 765 Front Road, 60 Jorene Drive and 29 Redden Street (property facing Jorene Drive) are all bungalows, and a two-story dwelling would overlook neighbourhood backyards and be intrusive to privacy. The apartment unit across the street should not be included in this cross-section of height comparisons as they are across 3 lanes of traffic, not affecting sunlight, water drainage, space from neighbours, or parking.
6. ***Protection of Heritage Trees***: No damage to the mature heritage tree belt, including root system, which runs through the property lines. This is crucial to prevent flooding, as outlined in the Lot Drainage and Flooding Agreement.
7. ***Parking Regulations***: Installation of 'No Parking' signage on Jorene Drive between Front Road and Redden Street to alleviate parking congestion on a main feeder route (street section) connected to a main roadway. There is currently 305 feet of roadway on Jorene Drive between Front Road and Redden Street, with 121 feet of combined driveway, plus an additional 15 to 20 feet of driveway space if this proceeds. This reduces on-street parking availability, while increasing potential congestion if this property is developed. Although this will unfortunately affect us, too, we would like to request this regardless of the outcome. This property is also a licensed AirBnb host often with their visitors parked on both sides of Jorene Dr at Front Road narrowing the street to one lane when they are booked, exacerbating on-street parking issues.

Attached you will find pictures that may be helpful in explaining some of the above.

We urge the members of this committee to consider the implications of this development from our perspective (those of us in the immediate area). Imagine living in your home for 16 years, only to face significant changes due to a development that does not adhere to the standards, By-laws and regulations designed to protect property owners. If this was your home next-door, what would you do?

We will be present at the meeting on September 16th to further discuss our concerns. Thank you for considering our input.

Margot Jones and Kendall Watts
60 Jorene Drive
Kingston, Ontario

Dear Committee of Adjustment Members,

We submit this letter in dispute of the proposal for Record D10-027-2024: Consent and Record D13-059-2024: Minor Variance / Permission

The following are the reasons we believe the applications should be denied.

This minor variance application seeks to vary two sections of the UR4 Zone, being a rear yard setback and a lot size setback to facilitate a new lot creation by severance.

Section 45(1) of the *Planning Act* there are four tests a minor variance must meet:

The first test – does the application conform to the general intent of the Official Plan?

Section 9.6.10 expressly states that the Committee of Adjustment or the approval authority may grant consents to sever land in the City in situations where a plan of subdivision is no considered necessary and subject to the following policies”

a. the creation of individual parcels of land by consent will ONLY BE PERMITTED IN CONFORMITY WITH THE POLICIES OF THIS PLAN AND THE PROVISIONS OF THE IMPLEMENTING ZONING BY-LAW.

At no point in this section does the Official Plan permit lot creation that requires variations from the implementing Zoning By-law.

Furthermore, section 9.6.11 stipulates that:

b. the minimum lot areas for consents on lands located within the Urban Boundaries are governed by the provisions of the applicable zone.

Section 6.6.13 stipulates that:

The creation of individual parcels of land by way of consent are subject to the following criteria:

- a. the lot frontage, depth and area of any lot created by consent (severed and retained parcel) must be appropriate for the use proposed for the lot, be in compliance with the provisions of the zoning by-law and consistent, where possible, with adjacent lots;

This application and the application for consent that the Minor Variance would allow, is in direct contravention of this section of the Official Plan. It is NOT in compliance with the provisions of the zoning by-law, hence the requirement for a 27% reduction in lot area, and by reviewing the lot fabric in the area it is no consistent with adjacent lots, the lot size is less than half of most, if not all parcels of land in this neighbourhood.

The application does not meet the first test.

The second test – does the application conform to the general intent of the Zoning by-law?

The zoning by-law seeks to ensure orderly development on parcels of land that can be appropriately developed, serviced and enjoyed by the owner. The Zoning by-law requires that not more than 30% of the lot be developed – this is the maximum lot coverage. The proposed severed lot is 405 square metres, this converts to 4,359.4 square feet. 30% of 4,359.4 square feet is 1,307.8 square feet.

According to Statistics Canada, the average house that was built in Ontario in 2023 was 1,520 square feet. Consideration should also be given to accessory buildings; a modest 100 square foot garden shed is not uncommon for properties in the City of Kingston. These details are important because if this minor variance application and subsequent consent application are approved, it would mean one of two things. The parcel of land would be extremely constrained in what the owner is allowed to develop, or the more likely situation would be that the owner would require further relief from the Zoning By-law. An averaged sized house at 1,520 square feet with a modest accessory building of 100 square feet would result in 37% lot coverage, another Minor Variance application will be required resulting in another section of the recently adopted Zoning By-law that cannot be met.

This does not even begin to take into consideration the relief that may be required from lot setbacks to make a home fit on this extremely undersized lot.

The application does not meet the second test.

The third test – is the application desirable for the appropriate development of the lands in question?

Given that all the other lands around this proposal are more than double the size of this proposed severance, it is not desirable for this neighbourhood, nor does the proposed variance conform with the surrounding lands and how they have been developed.

Development of a new lot as proposed will also result in several mature trees required to be removed and could result in the damage of the adjacent properties tree root system. This is not desirable for the neighbourhood.

The application does not meet the third test.

The fourth test of a Minor Variance – is it ‘minor’?

This test is not based on specific numbers, but it can be said that certain qualities could make a variance minor or not.

The applicant is seeking a variance in the form of a 27% reduction in the lot size as required by the Zoning By-law.

The applicant is also seeking an 86% reduction in the required rear lot setback for the retained parcel of land.

Neither of these reductions are minor, this application does not pass the first fourth.

Other information to consider:

The planning report states that there will not have an impact on the natural heritage system, but tree removal will be undoubtedly required which has a direct impact on the natural heritage system and potentially will have further impacts on surrounding trees and vegetation.

The proposal states that there will be no tree removal, however; as you can see from this satellite view of the property, this would be impossible during the building permit stage. The application states that it is proposed to accommodate a two-story house with a garage. If not the applicant, the purchaser of these lands will develop the lands and will require the removal of several mature trees that are currently thriving on the parcel of land. Unfortunately, if this severance and minor variance are approved, the tree removal will be “part of normal practice” as the development will require this. But, by denying these applications it will promote the livelihood of the natural environment of this neighbourhood by allowing several mature trees to continue to flourish, this would be in keeping with the Tree Preservation and Protection Plan. The City has noted that it’s goal is to maintain, if not increase the amount of tree coverage throughout the city. The approval of these applications would be in direct contravention of this goal.

Prior to the severance being approved there should be a requirement for a root study to ensure that the excavation and construction of a home in the area will not have detrimental impacts to the trees and their root system on the neighbouring properties.

The planning report speaks to an entrance permit being required from Public Works – was there a preliminary review prior to the writing of the report to consider any impacts and if a traffic study should be required?

The planning report states that the intent of the rear setback provision is to ensure that rear yard amenity area and landscaped open space is maintained on each parcel, in addition to limiting intrusive overlook and establishing a consistent neighbourhood character. A 1 metre setback from the primary building to the property line cannot provide adequate landscaping or prevent intrusive overlook from one property to another.

The severance approval states that the Severed parcel will have approximately 16 metres of frontage. This is 0.7 metres less than the requirements in the Zoning By-law.

The conditions should state that the frontage should be “at least 16.7 metres of road frontage”.

The property is within the source water intake protection zone which is not addressed.

The conditions of the Minor Variance state: “It must be noted that additional planning approvals may be required should further zoning deficiencies be identified through the Building Permit application process.”

The proposed development of the lands is a two-story home, with an attached garage. The proposal does not speak to proposed lot coverage, as stated is a maximum of 30% and anything over would require further relief from the by-law. The average home is 1,520 square feet, with on average based on the homes in the area the requirement of, at the very least a 100 square foot garden shed which takes the lot coverage to 37%. Factoring in a driveway for two cars, at minimum would be 600 square feet. This increases the lot coverage for buildings and impermeable (or not landscaped) areas to 51%. Over half of the lot, a modest calculation, will be utilized by structures and impermeable surfaces.

The plan that was submitted with the application is shown as conforming to the by-law, however, there is nothing that requires the development to be in conformity with this plan or with the Zoning By-law.

The full plan for the development is not known, and therefore there could potentially be other variances required. Being that the proposed lot is so constrained, it should be appropriate to have the full plan for the new development approved within the minor variance, and a stipulation that the plans must be followed to ensure no further relief is required.

If the application is approved, the Development Agreement should include provisions to protect the privacy of the neighbouring properties, such a privacy fencing, no windows on the side of the house closest to the neighbouring property and any other privacy measures that can be included.

We respectfully ask that the Committee of Adjustment consider denying the minor variance and the consent that would create an undersized lot that cannot comply with the Zoning By-law in several different areas and could potentially require further relief during the development process.

Thank you for your consideration,

Kendall Watts & Margot Jones

Photo 1: Privacy minimal with current dwelling which would be exacerbated with a 2 story home on our property line (relating to item 2 and 5 of my email) – The existing heritage mature tree line helps with privacy (which is in jeopardy if the tree line is damaged / removed).



Photo group 2: Section of the heritage mature tree line on our shared property line with some new privacy shrubs in front (relating to item 6 of my email)



Photo group 3: the many driveways reducing the on-street parking and adding to congestion (relating to item 7 of my email). Also, tree (large bush) canopy taken down to accommodate paved driveway space. The converted garage photo is a new driveway (shown on the first photo) which will be in use now that it is a rental unit, from an existing garage.

