



City of Kingston  
Committee of Adjustment  
Agenda

2025-02  
Monday, January 27, 2025  
5:30 p.m.  
Council Chamber

**Committee Composition**

Peter Skebo, Chair  
Councillor Cinanni  
Lisa Osanic  
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](mailto:ahannah1@cityofkingston.ca).  
Watch live on the [City of Kingston website](#) or register to receive the [Zoom](#) link.

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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 01-2025, held on Monday, December 16, 2025, be approved.

5. **Disclosure of Pecuniary Interest**
6. **Delegations**
7. **Request for Deferral**

## 8. Returning Deferral Items

### 1. Application for Minor Variance - 9 George Street

10

File Number: D13-078-2024

District: 12 - Pittsburgh

Owner: George and Morgan Mainguy

Applicant: Mikaela Hughes Architect Inc.

The Report of the Commissioner of Growth & Development Services (COA-25-002) is attached.

#### **Recommendation:**

**That** minor variance application, File Number D13-078-2024, for the property located at 9 George Street to permit a raised foundation, a second-floor addition, a new covered front porch, a new carport, and two new decks, be approved, as described below:

#### **Variance Number 1: Maximum height**

By-Law Number 2022-62: Table 13.2.2.3

Requirement: Height existing as of the date of passing of this By-law

Proposed: 6.3 metres

Variance Requested: 0.3 metres

#### **Variance Number 2: Minimum interior setback**

By-Law Number 2022-62: Table 13.2.2.7

Requirement: Interior setback existing as of the date of passing of this By-law

Proposed: 1.2 metres

Variance Requested: 0.6 metres

#### **Variance Number 3: Maximum lot coverage**

By-Law Number 2022-62: Table 13.2.2.10

Requirement: Lot coverage existing as of the date of passing of this By-law

Proposed: 38%

Variance Requested: 6%

#### **Variance Number 4: Projections into Setbacks – Architectural**



**Features in Other Zones**

By-Law Number 2022-62: Section 4.19.2

Requirement: 0.5 metres

Proposed: 0.3 metres

Variance Requested: 0.2 metres

**Variance Number 5: Projections into Setbacks – Exterior Stairs in Other Zones**

By-Law Number 2022-62: Section 4.19.3

Requirement: 0.5 metres

Proposed: 0.3 metres

Variance Requested: 0.2 metres

**Variance Number 6: Decks and Porches – Minimum front setback**

By-Law Number 2022-62: Table 4.20.4.2

Requirement: The lesser of the Zone provision or 3.5 metres

Proposed: 0.6

Variance Requested: 2.9 metres

**Variance Number 7: Decks and Porches – Minimum exterior setback**

By-Law Number 2022-62: - Table 4.20.4.4

Requirement: The lesser of the Zone provision or 3.5 metres

Proposed: 1.6 metres

Variance Requested: 1.9 metres

**Variance Number 8: Minimum garage setback to street line**

By-Law Number 2022-62: Section 7.4.8.8

Requirement: 6.0 metres

Proposed: 2.5 metres

Variance Requested: 3.5 metres; and

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-25-002.

**9. Business**

1. Application for Minor Variance - 10 Catarqui Street

File Number: D13-060-2024

District: 11 - King's Town

Owner: Inner Harbour Land Development LP

Applicant: Fotenn Planning and Design

The Report of the Commissioner of Growth & Development Services (COA-25-005) is attached.

**Recommendation:**

**That** minor variance application, File Number D13-060-2024, for the property located at 10 Cataraqui Street to construct a six-storey mixed use building, be approved, as described below:

Variance Number 1: Rooftop Projections

By-Law Number 2022-62: Section 4.18.2

Requirement: Setback from the edge of the roof of a building component equal to the height of such component

Proposed: 0 metres

Variance Requested: 3.5 metres

**Variance Number 2: Balconies**

By-Law Number 2022-62: Section 4.20.1.2

Requirement: 45% of each face of the main wall of each storey may be occupied by balconies

Proposed: 75%

Variance Requested: 30%

**Variance Number 3: Maximum Number of Units**

By-Law Number 2022-62: Section 20.1.1.L378.b.i

Requirement: 50 dwelling units

Proposed: 75 dwelling units

Variance Requested: 25 dwelling units

**Variance Number 4: Maximum Ground Floor Area**

By-Law Number 2022-62: Section 20.1.1.L378.b.iii

Requirement: 860 square metres.

Proposed: 996 square metres

Variance Requested: 136 square metres

**Variance Number 5: Maximum Gross Floor Area**

By-Law Number 2022-62: Section 20.1.1.L378.b.iv

Requirement: 5,000 square metres.

Proposed: 5,431 square metres

Variance Requested: 431 square metres;

**Variance Number 6: Minimum Waterbody Separation**

By-Law Number 2022-62: Section 4.23.1.

Requirement: 30.0 metres.

Proposed: 23.0 metres.

Variance Requested: 7.0 metres;

**Variance Number 7: Off-site Parking**

By-Law Number 2022-62: Section 7.1.1.

Requirement: Parking spaces must be located on the same lot as the corresponding use or building.

Proposed: Parking spaces may be located through off-site parking spaces located within 60.0 metres of the lot.

Variance Requested: Off site permitted;

**Variance Number 8: Off-site Loading**

By-Law Number 2022-62: Section 7.5.1.

Requirement: Loading spaces must be provided on the same lot as the corresponding use or building.

Proposed: Loading spaces may be located through off-site loading spaces located within 6.0 metres of the lot.

Variance Requested: Off site permitted; and

**That** approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-25-005.

**2. Application for Minor Variance - 2250 Highway 38**

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File Number: D13-091-2024

District: 1 - Countryside

Owner: Jeff and Kristy Schwartzentruber

Applicant: Jeff Schwartzentruber

The Report of the Commissioner of Growth & Development Services (COA-25-015) is attached.

**Recommendation:**

**That** minor variance application, File Number D13-091-2024, for the property located at 2250 Highway 38 to construct a 26.76 square metre accessory building within the front and interior yards of the property, be approved, as described below:

**Variance Number 1: Minimum interior setback**

By-Law Number 2022-62:8.3.1.7

Requirement: 9 metres

Proposed: 2.4

Variance Requested: 6.6 metres

**That** approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-25-015.

**3. Application for Minor Variance - 23 Traymoor Street**

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File Number: D13-087-2024

District: 10 - Sydenham

Owner: Shoshanna Green

Applicant: Asterisk Engineering Corporation

The Report of the Commissioner of Growth & Development Services (COA-25-017) is attached.

**Recommendation:**

**That** minor variance application, File Number D13-087-2024, for the property located at 23 Traymoor Street to permit a front porch and an enclosed entry on the existing dwelling, be approved, as described below:

**Variance Number 1: Deck and porch minimum front setback**

By-Law Number: 2022-62: Table 4.20.4.2

Requirement: 3.5 metres

Proposed: 2.2 metres

Variance Requested: 1.3 metres

**That** approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-25-017.

4. **Application for Minor Variance - 1110 Westbrook Road** 107

File Number: D13-089-2024

District: 3 - Collins-Bayridge

Owner: Cathy Goodfellow

Applicant: Chris Gyuk – Northern Cardinal Construction

The Report of the Commissioner of Growth & Development Services (COA-25-018) is attached.

**Recommendation:**

**That** minor variance application, File Number D13-089-2024, for the property located at 1110 Westbrook Road to permit the construction of a new detached garage, be approved, as described below:

**Variance Number 1: Minimum Interior Setback**

By-Law Number 2022-62: Table 8.3.1.7

Requirement: 9 metres

Proposed: 1.3 metres

Variance Requested: 7.7 metres; and

**That** approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-25-018.

5. **Application for Minor Variance - 1149, 1173, 1177 Montreal Street** 126

File Number: D13-084-2024

District: 7 - Kingscourt-Rideau

Owner: P&P Land Corporation and Pitcher Randolph D in Trust

Applicant: Rogers & Trainor

The Report of the Commissioner of Growth & Development Services (COA-25-019) is attached.

**Recommendation:**

**That** minor variance application, File Number D13-084-2024, for the property located at 1149, 1173, and 1177 Montreal Street to increase the permitted unit count, reduce the parking requirement, reduce the number of required loading spaces, permit parking in a front yard, and reduce side and rear yard setbacks, be approved, as described below:

**Variance Number 1: Maximum Number of Units**

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

Subsection (iii)

Requirement: Maximum of 63 dwelling units

Proposed: Maximum of 102 dwelling units

Variance Requested: 39 dwelling units

**Variance Number 2: Maximum Number of Units**

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

Requirement: Maximum of 63 dwelling units

Proposed: Maximum of 93 dwelling units

Variance Requested: 30 dwelling units

**Variance Number 3: Parking Spaces**

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

Requirement: Minimum of 0.8 parking spaces per dwelling unit

Proposed: Minimum of 0.6 parking spaces per dwelling unit

Variance Requested: 0.2 parking spaces per dwelling unit

**Variance Number 4: Loading Spaces**

By-Law Number 2022-62: Section 7.5.3

Requirement: One loading space is required per building

Proposed: 1 loading space serving two buildings

Variance Requested: 1 loading space

**Variance Number 5: Parking Location**

By-Law Number 2022-62: Section 7.4.9 (3)

Requirement: Resident parking spaces must be located in a rear or interior side yard

Proposed: Permit resident parking spaces in a front yard

Variance Requested: Permit resident parking spaces in a front yard

**Variance Number 6: Rear Yard Setback**

By-Law Number 2022-62: Table 12.3.1 (5)

Requirement: Rear yard setback is the greater of 7.5 metres or 25% of the lot depth (equivalent to 34.5 metres on the subject site)

Proposed: 30 metres

Variance Requested: 4.5 metres

**Variance Number 7: Interior Side Yard Setback**

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

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

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

Variance Requested: 1.0 metre; and

**That** approval of the application be subject to the conditions attached as  
Exhibit A (Recommended Conditions) to Report Number COA-25-019.

**10. Motions**

**11. Notices of Motion**

**12. Other Business**

**13. Correspondence**

- 1. Correspondence received, dated January 14, regarding the function and processes of the Committee of Adjustment**

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**14. Date of Next Meeting**

The next meeting of the Committee of Adjustment is scheduled for Monday,  
February 24, 2025, at 5:30 p.m.

**15. Adjournment**



**City of Kingston  
Report to Committee of Adjustment  
Report Number COA-25-002**

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**To:** Chair and Members of the Committee of Adjustment  
**From:** Chris Wicke, Senior Planner  
**Date of Meeting:** December 16, 2024  
**Application for:** Minor Variance  
**File Number:** D13-078-2024  
**Address:** 9 George Street  
**District:** District 12 - Pittsburgh  
**Owner:** George and Morgan Mainguy  
**Applicant:** Mikaela Hughes Architect Inc.

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**Council Strategic Plan Alignment:**

Theme: Regulatory & compliance

Goal: See above

**Executive Summary:**

This report provides a recommendation to the Committee of Adjustment regarding an application for minor variances for the property located at 9 George Street. The applicant is proposing to make a number of modifications to the existing house including the construction of the following: a new approximately 0.3 metre raised foundation clad in limestone; a second-floor addition above an existing one storey addition; a new covered porch that faces Wellington Street; a new carport over the existing driveway; and two new decks that face the rear yard. An associated heritage permit application was approved on September 18, 2024.

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



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

**Recommendation:**

**That** minor variance application, File Number D13-078-2024, for the property located at 9 George Street to permit a raised foundation, a second-floor addition, a new covered front porch, a new carport, and two new decks, be approved, as described below:

**Variance Number 1: Maximum height**

By-Law Number 2022-62: Table 13.2.2.3

Requirement: Height existing as of the date of passing of this By-law

Proposed: 6.3 metres

Variance Requested: 0.3 metres

**Variance Number 2: Minimum interior setback**

By-Law Number 2022-62: Table 13.2.2.7

Requirement: Interior setback existing as of the date of passing of this By-law

Proposed: 1.2 metres

Variance Requested: 0.6 metres

**Variance Number 3: Maximum lot coverage**

By-Law Number 2022-62: Table 13.2.2.10

Requirement: Lot coverage existing as of the date of passing of this By-law

Proposed: 38%

Variance Requested: 6%

**Variance Number 4: Projections into Setbacks – Architectural Features in Other Zones**

By-Law Number 2022-62: Section 4.19.2

Requirement: 0.5 metres

Proposed: 0.3 metres

Variance Requested: 0.2 metres

**Variance Number 5: Projections into Setbacks – Exterior Stairs in Other Zones**

By-Law Number 2022-62: Section 4.19.3

Requirement: 0.5 metres

Proposed: 0.3 metres

Variance Requested: 0.2 metres

**Variance Number 6: Decks and Porches – Minimum front setback**

By-Law Number 2022-62: Table 4.20.4.2

Requirement: The lesser of the Zone provision or 3.5 metres

Proposed: 0.6

Variance Requested: 2.9 metres

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**Variance Number 7: Decks and Porches – Minimum exterior setback**

By-Law Number 2022-62: - Table 4.20.4.4

Requirement: The lesser of the Zone provision or 3.5 metres

Proposed: 1.6 metres

Variance Requested: 1.9 metres

**Variance Number 8: Minimum garage setback to street line**

By-Law Number 2022-62: Section 7.4.8.8

Requirement: 6.0 metres

Proposed: 2.5 metres

Variance Requested: 3.5 metres; and

**That** approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-25-002.

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**Authorizing Signatures:**

ORIGINAL SIGNED BY PLANNER

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Chris Wicke, Senior Planner

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

Tim Park, Director, Planning Services

James Bar, Manager, Development Approvals

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**Options/Discussion:**

On September 30, 2024, a minor variance application was submitted by Mikaela Hughes Architect Inc., on behalf of the owners, George and Morgan Mainguy, with respect to the property located at 9 George Street. The variance is requested to make a number of alterations and additions to the existing house including the following: raising the house approximately 0.3 metres on a new foundation clad in limestone; constructing a second-floor addition above an existing one storey addition to accommodate up to three bedrooms and two bathrooms; adding a new covered front porch that faces Wellington Street; constructing a new carport over the existing driveway; and adding two new decks that face the rear yard.

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

- Site Plan (Exhibit F)
- Planning Justification Report
- Owner Authorization
- Heritage Impact Statement
- Survey
- Floor Plans
- Elevations
- Site Photos
- Letter to address Grading Plan requirements

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 9 George Street in the Village of Barriefield. (Exhibit B – Key Map). The property is at the southwest corner of the intersection of George Street and Wellington Street, and it abuts single detached houses to the south and west, vacant lands to the east, and a residential subdivision that is under construction to the north (Exhibit C – Neighbourhood Context Map). The property contains a one-and-a-half storey house with a gable roof and an accessory building (shed). As part of the Barriefield Heritage Conservation District, the subject property is designated and is also surrounded by Part V heritage designated properties

**Provincial Planning 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 Planning Statement (the PPS). The PPS provides policy direction on matters of provincial interest related to land use planning and development

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which are complemented by local policies addressing local interests. The application being considered is site specific to accommodate a specific proposal and does not involve any major policy considerations and as such, the proposal conforms to and is consistent with the PPS.

### **Minor Variance Application**

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

#### **The general intent and purpose of the Official Plan are maintained**

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

The subject property is located within a Housing District on Schedule 2 – City Structure of the Official Plan. This proposal does not seek a significant change that would impact the surrounding properties or neighbourhood characteristics. The subject property is located in an area of the City whereby the land use is residential in a varied built form and consisting of a well-preserved heritage block of homes. The proposal to raise the house with a new foundation below, add a second-floor addition over an existing one-storey structure, build a new carport over an existing driveway, add a new covered front porch and construct two new decks is compatible with the surrounding area. The modifications are not anticipated to have any negative impacts on the neighbourhood. The proposed alterations and additions are to take place on multiple parts of the property including the front yard, exterior, interior and rear yards. No change to the primary use of the property is proposed as a result of the minor variance. An expansion to the building footprint is proposed, and it is in keeping with the surrounding heritage residences.

This proposal to permit the house to be raised, to add a second-floor addition, a carport, a new porch and two new decks meets all compatibility criteria and will not result in any negative off-site impacts to abutting properties. The proposed alterations and additions have been carefully positioned to diminish potential impacts and mitigate loss of privacy due to intrusive overlook. Increased levels of light pollution, noise, or odour are not anticipated. Adverse effects due to shadowing are also not anticipated as the proposed addition is the same height as the existing building, which will in its entirety be raised a nominal 0.3 metres. It is situated such that there is minimal potential for shadows to affect the adjacent property. No significant shadows will be created by the raising of the structure, the introduction of the second-floor addition, or the construction of a carport or front porch.

While the location of some of the proposed construction will be readily visible from the street and surrounding area due to the location of the home, no adverse impacts to the streetscape along George Street or Wellington Street are anticipated. Additional exterior changes are

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proposed to 9 George Street including historically-influenced windows, surrounds, trim and doors for all openings, metal roofing, two skylights that face the rear yard, new wood horizontal siding and trim, and new openings on the vestibule and east elevation and a reconfiguration of the window on the north elevation. No zoning relief is required for these elements. There is an existing vestibule on the George Street frontage of the house that encroaches into the City's right-of-way. An encroachment permit will be sought as part of this *Planning Act* application process.

The proposed addition, decks, porch and carport are of a suitable scale and will provide for a total of three bedrooms and two bathrooms within the house, weather-protected storage of vehicles, an improved entrance through the front porch, and additional amenity space on the decks. While designed to be sympathetic to the heritage characteristics of the house, the placement of the addition is on the west side of the house where it is located away from the prominent street views, and it will not be taller than the existing structure. The new covered front porch is located along Wellington Street, and it is designed to reflect a period porch and will not conceal any existing openings or architectural detailing of the property. The decks and carport are located to the side and rear of the house where their visibility from the prominent street views is reduced.

The proposal will not negatively impact the functional needs of the current or future residents. While the footprint of the principal building will not be increased through the introduction of the second-floor addition, the footprint of the principal building will be increased through the addition of the carport, front porch and two decks.

The proposed structures will have no negative impact to the site functioning in terms of access, parking for vehicles or bicycles, or universal accessibility. The existing provision of parking spaces will not be reduced and will be improved by weather protection. This proposal is not subject to Site Plan Control.

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

The property is designated under Part V of the *Ontario Heritage Act*, and it is part of the Barriefield Heritage Conservation District (HCD) through By-Law Number 17-80. It is located adjacent to similarly designated properties. The property is classified as having "Heritage" value within the District. This work was subject to a heritage permit (P18-084-2022) which was approved by the Kingston Heritage Properties Committee on September 18, 2024 ([Report Number HP-24-038](#)). Consideration was given to how the property plays a role in the Barriefield Heritage Conservation District. The report reviewed the site's heritage value in detail and considered the alterations and additions to the site. Heritage Services staff found that the proposed development would not negatively impact the District and that the overall objectives of the HCD Plan will be upheld.

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The property is within an area of archaeological potential identified as 'Further Study Required'; however, Heritage Services have determined that no archaeological assessment will be required at this time given the scale of additions proposed and that the principal structure likely resulted in subsurface disturbance during its construction. The property uses municipal water and sewage services. As this application proposes to permit alterations and additions to the existing structure with no new services and an existing dwelling, no additional service usage is expected.

The cumulative impact of the variance requested for this proposal does not warrant a zoning by-law amendment. The Committee of Adjustment may require additional conditions as it deems appropriate to the approval of the application. Recommended conditions are listed in "Exhibit A – Recommended Conditions", attached to this report. Conditions may be added, altered, or removed at the Committee's discretion.

The proposal meets the intent of the Official Plan, as the proposed second-floor addition, new porch, new carport, raised foundation and two new decks will not result in any negative impacts to adjacent properties or to the neighbourhood.

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

The subject property is zoned Heritage Zone 1 – Village of Barriefield (HCD1) in Kingston Zoning By-Law Number 2022-62 (Exhibit E – Zoning By-Law Map). The HCD1 zone permits a range of residential uses including a house.

The proposal requires variances to several sections of the Kingston Zoning By-law. The following describes the required relief:

#### **Variance Number 1: Maximum height**

By-Law Number 2022-62: Table 13.2.2.3

Requirement: Height existing as of the date of passing of this By-law

Proposed: 6.3 metres

Variance Requested: 0.3 metres

The variance requested maintains the general purpose and intent of the applicable provisions of the by-law which is to limit the height of buildings and to ensure that in this zone they remain architecturally compatible with the heritage context. The definition of height in the by-law for principal buildings with a residential use means the vertical distance from finished grade to, in the case of a sloped roof, the average level between the eaves and the highest point of the building. In this instance, the existing building measures 6.0 metres to the average level between the eaves and the highest point of the building.

The built form of the area is primarily single-detached and semi-detached residential dwellings having a traditional range in height from one to two storeys. The structure is a one-and-a-half story home and is proposed to be elevated 0.3 metres in the process of creating a new foundation for the dwelling, which will ensure the long-term integrity of the structure. The proposed addition will be constructed to the same ultimate height as the existing house. The

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additional height also better protects the building from potential foundation damage as the ground level of the house is currently very close to grade and has potential to experience water damage. In addition, the foundation will be clad in limestone to better reflect the heritage context.

**Variance Number 2: Minimum interior setback**

By-Law Number 2022-62: Table 13.2.2.7

Requirement: Interior setback existing as of the date of passing of this By-law

Proposed: 1.2 metres

Variance Requested: 0.6 metres

The variance requested maintains the general purpose and intent of the applicable provisions of the by-law which is to ensure that there is an interior setback to create visual separation and to permit access and maintenance. In this instance, the reduction is to accommodate the proposed carport, which is to be constructed to the west of the dwelling.

For clarity, while the subject property is oriented towards, and addressed on, George Street, the northern lot line along the Wellington Street frontage is the front lot line. The eastern frontage on George Street is the exterior lot line; the western lot line is the interior lot line; and the southern lot line is the rear lot line.

The driveway is existing at this location, and locating the carport here both retains the existing function and places it in an area that is less visible from the street, with some separation retained between the proposed structure and the adjacent property.

**Variance Number 3: Maximum lot coverage**

By-Law Number 2022-62: Table 13.2.2.10

Requirement: Lot coverage existing as of the date of passing of this By-law

Proposed: 38%

Variance Requested: 6%

The variance requested maintains the general purpose and intent of the applicable provisions of the by-law which is to ensure that lots are not overdeveloped with structures and that there is sufficient permeable area on a lot to permit stormwater to infiltrate.

Due to the heritage characteristics of the area, lot areas in Barriefield are typically small, which increases the likelihood of a higher proportion of lot coverage. The lot in question measures 309 square metres, and in addition to the principal building there is a shed measuring approximately 20 square metres. The proposed additions to the property are located on the existing footprint of the house as much as possible. The second-floor addition is proposed on top of an existing single storey addition. The new front porch is slightly enlarging the existing structure with an attractive and functional entrance feature. The largest area of change from a lot coverage perspective is the carport, which is located over an existing impermeable driveway area. The areas under the rear decks will continue to be permeable, and the balance of the lot will remain unchanged, with permeable landscaped open space excepting the shed and patio. No relief is



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required regarding provision of landscaped open space. Both the carport and the front porch are also covered but unenclosed, retaining current extents of visual openness of the property.

**Variance Number 4: Projections into Setbacks – Architectural Features in Other Zones**

By-Law Number 2022-62: Section 4.19.2

Requirement: 0.5 metres

Proposed: 0.3 metres

Variance Requested: 0.2 metres

The variance requested maintains the general purpose and intent of the applicable provisions of the by-law which is to reduce the projection of architectural element into required yards to avoid obstructions, visual discontinuity, or issues of access for maintenance.

In this instance, the relief is associated with the eaves of both the proposed front porch and carport, which have been carefully designed to be sympathetic to the heritage context and are in keeping with similar projections into the front and exterior yards as other buildings in proximity. They have also been sized to retain a small setback to the lot line for maintenance and access.

**Variance Number 5: Projections into Setbacks – Exterior Stairs in Other Zones**

By-Law Number 2022-62: Section 4.19.3

Requirement: 0.5 metres

Proposed: 0.3 metres

Variance Requested: 0.2 metres

The variance requested maintains the general purpose and intent of the applicable provisions of the by-law which, in a manner related to the previous variance, is to reduce the projection of exterior stairs into required yards to avoid obstructions or visual discontinuity.

In this instance, the relief is again associated with the stairs for the proposed front porch, which has been carefully designed to be sympathetic to the heritage context, is aligned with the eaves, and is in keeping with similar projections into the front and exterior yards as other buildings in proximity and has been sized to retain a small setback to the lot line.

**Variance Number 6: Decks and Porches – Minimum front setback**

By-Law Number 2022-62: Table 4.20.4.2

Requirement: The lesser of the Zone provision or 3.5 metres

Proposed: 0.6

Variance Requested: 2.9 metres

The variance requested maintains the general purpose and intent of the applicable provisions of the by-law which is to locate decks and porches in areas where a spatial separation is retained from the lot line for visual separation, access and maintenance.

A new covered front porch is proposed in the front yard of the home adjacent to Wellington Street. Due to the historic placement of the existing home in close proximity to the lot line, the

December 16, 2024

Page 11 of 15

proposed porch would be located approximately 0.6 metres from the front lot line. This would still allow for sufficient space for access and maintenance, and the proposed front porch is designed to be consistent with the heritage characteristics of surrounding buildings and the District on general.

**Variance Number 7: Decks and Porches – Minimum exterior setback**

By-Law Number 2022-62: Table 4.20.4.4

Requirement: The lesser of the Zone provision or 3.5 metres

Proposed: 1.6 metres

Variance Requested: 1.9 metres

The variance requested maintains the general purpose and intent of the applicable provisions of the by-law which is to locate decks and porches in areas where a spatial separation is retained from the lot line for visual separation, access and maintenance.

While two decks are proposed in the rear yard to the south of the house, one is proposed to be in the area close to an existing enclosed porch located in the exterior yard along George Street and at the terminus of an existing walkway. Due to the placement of the existing home in close proximity to the lot line, the proposed deck would be located 1.6 metres from the exterior lot line at the terminus of a walkway. This would still allow for sufficient space for access and maintenance, and the area is currently screened by landscaping as well, providing additional privacy to users.

**Variance Number 8: Minimum setback from a private garage to the street line**

By-Law Number 2022-62: Section 7.4.8.8

Requirement: 6.0 metres

Proposed: 2.5 metres

Variance Requested: 3.5 metres

The minimum required setback from a private garage to the street line where the driveway gains access to a street is 6.0 metres. The variance requested maintains the general purpose and intent of the applicable provisions of the by-law which is to provide separation between the lot line and the structure used for parking.

The carport is proposed to be set back from the street line by 2.5 metres to align approximately with the face of the existing building, with some additional relief being provided beyond the 1.95 metre separation between the house and the front lot line. This positioning of the carport retains the functionality of the existing parking configuration while permitting a sympathetic addition to the house for covered parking in a location that is less visible from the streetscape.

The proposed design of the proposed changes has been deemed compatible with the heritage characteristics of the HCD. Further analysis in this regard can be found in [Report Number HP-24-038](#) pertaining to the heritage permit application.

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

December 16, 2024

Page 12 of 15

**The variance is minor in nature**

The requested variances to permit the proposed second-floor addition, decks, covered porch and carport are considered minor as they are related to the historic siting of the building on the lot, they will be limited to the site and are limited in the potential for any impacts. The additions and alterations are compatible with the principal dwelling, the surrounding properties and the existing neighbourhood, and they will support the residential use of the property. The property is in an area characterized as a heritage residential neighbourhood and designated as part of a Heritage Conservation District. The proposed raised foundation, second-floor addition, covered front porch, rear decks and carport are designed with an attention to detail and quality of construction that is in keeping with the adjacent structures and the surrounding neighbourhood. The proposed alterations and additions have received a heritage permit and are not anticipated to result in any adverse effects to the surrounding Heritage Conservation District.

The proposed raised foundation, second-floor addition, front porch, decks and carport comply with all other applicable zone provisions, including rear setback, aggregate interior setbacks, landscaped open space, number of storeys and number of dwelling units per lot. The proposal will not change the fundamental design characteristics of the neighbourhood. No impact on the surrounding land uses is anticipated.

The variance is considered minor in nature.

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

The requested variance is desirable and appropriate use of the land as the scale and design of the second-floor addition, front covered porch, decks in the rear yard and carport are appropriate for the dwelling size, and the structures have been carefully detailed to be compatible with the heritage characteristics of the home and surrounding properties within the Barriefield Heritage Conservation District.

The proposed additions and alterations have been located such that they minimize the potential for impacts on both surrounding properties and the streetscape, while improving the liveability and function of the property for the residents, with increased living space, improved amenity space, and covered parking spaces without undue impact in a manner that is sensitive to and supportive of the heritage context.

The variance is desirable and appropriate use of the land.

**Technical Review: Circulated Departments and Agencies**

- |   |  |  |
|---|--|--|
| <input checked="" type="checkbox"/> Building Services | <input checked="" type="checkbox"/> Engineering        | <input checked="" type="checkbox"/> Heritage Services    |
| <input type="checkbox"/> Finance                      | <input checked="" type="checkbox"/> Utilities Kingston | <input checked="" type="checkbox"/> Real Estate          |
| <input type="checkbox"/> Fire & Rescue                | <input checked="" type="checkbox"/> Kingston Hydro     | <input checked="" type="checkbox"/> Environment Division |
| <input checked="" type="checkbox"/> Solid Waste       | <input checked="" type="checkbox"/> Parks Development  | <input type="checkbox"/> Canadian National Railways      |

December 16, 2024

Page 13 of 15

- |   |   |   |
|---|---|---|
| <input checked="" type="checkbox"/> Building Services | <input checked="" type="checkbox"/> Engineering         | <input checked="" type="checkbox"/> Heritage Services |
| <input checked="" type="checkbox"/> Housing           | <input checked="" type="checkbox"/> District Councillor | <input type="checkbox"/> Ministry of Transportation   |
| <input type="checkbox"/> KEDCO                        | <input checked="" type="checkbox"/> Municipal Drainage  | <input type="checkbox"/> Parks of the St. Lawrence    |
| <input 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**

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

**Public Comments**

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

**Previous or Concurrent Applications**

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

**Conclusion**

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

Approval of this application will permit the construction of a raised foundation, a second-floor addition, a new covered front porch, a new carport, and two new decks.

**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:

December 16, 2024

Page 14 of 15

**Provincial**

Provincial Planning Statement, 2024

**Municipal**

City of Kingston Official Plan

Kingston Zoning By-Law Number 2022-62

**Notice Provisions:**

A Committee of Adjustment Meeting is going to be held respecting this application on December 16, 2024. Pursuant to the requirements of the *Planning Act*, a notice of Statutory Public Meeting was provided by advertisement in the Kingston Whig Standard on Friday November 29, 2024. The notice was also placed on the City’s website and a sign was placed on the subject site.

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, Supervisor, Development Approvals, 613-546-4291 extension 3213

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

**Other City of Kingston Staff Consulted:**

None

**Exhibits Attached:**

Exhibit A Recommended Conditions

Exhibit B Key Map

Exhibit C Neighbourhood Context Map (2022)

Exhibit D Official Plan Map

December 16, 2024

Page 15 of 15

- Exhibit E Zoning By-Law Map
- Exhibit F Public Notification Map
- Exhibit G Site Plan, Floor Plans and Elevations
- Exhibit H Site Photos

## Recommended Conditions

The approval of minor variance application, File Number D13-078-2024, to permit a new approximately 0.3 metre raised foundation clad in limestone; a second-floor addition above an existing one storey addition; a new covered porch that faces Wellington Street; a new carport over the existing driveway; and two new decks that face the rear yard, shall be subject to the following recommended conditions:

### 1. Limitation

That the approved minor variance applies only to the proposed alterations and additions to 9 George Street as shown on the plot plan 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. Civic Addressing**

The Owner shall be required to apply for a D20 Civic Addressing Application through DASH to recognize the change in orientation of the entrance of the unit.

#### **6. Encroachment Agreement**

It shall be the responsibility of the applicant to enter into an encroachment agreement with the City of Kingston. The encroachment agreement will require the submission of the associated reference plan and will need to showcase the area where encroachment will occur following the proposed development.

The owner / applicant shall provide written approval from Transportation Services to the Secretary-Treasurer Committee of Adjustment that Transportation Services is satisfied with the location of the encroachment.

#### **7. Grading Plan**


The owner/applicant is required to submit correspondence confirming that no extensive changes to grade are proposed including notes on the plot plan or a grading plan with their Building Permit which demonstrates that there will be no negative drainage impacts to neighbouring properties. The building form shall be suitable for adequate lot drainage.

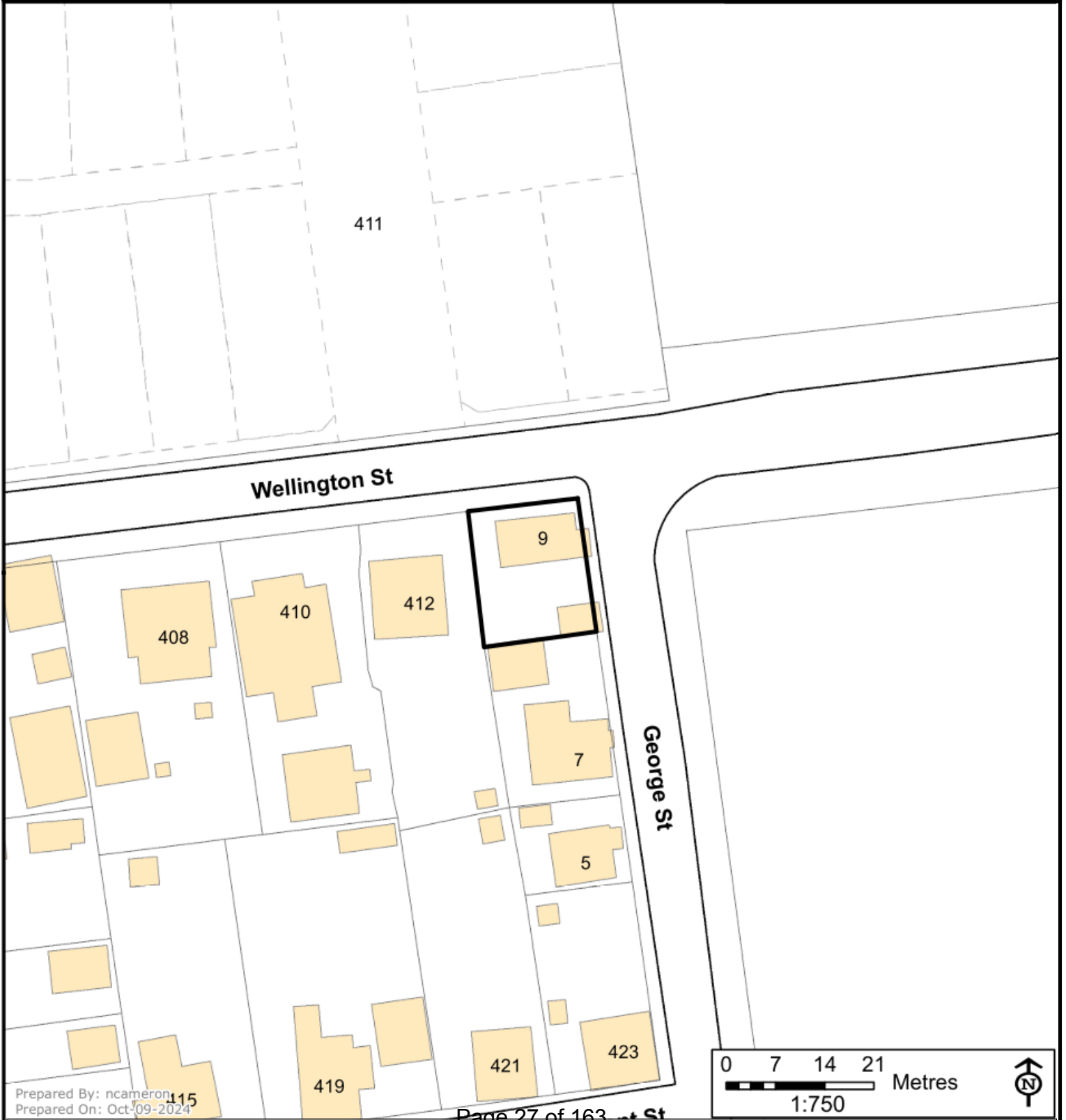
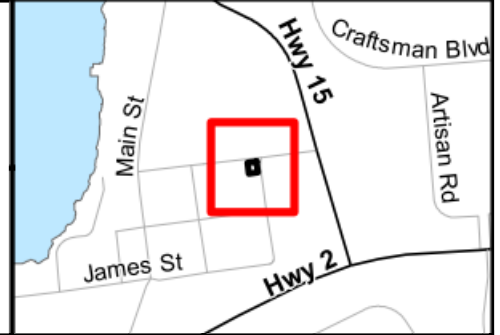




# Committee of Adjustment Key Map

Address: 9 George Street  
File Number: D13-078-2024  
Prepared On: Oct-09-2024

 Lands Subject to Minor Variance



Prepared By: ncameron  
Prepared On: Oct-09-2024

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Committee of Adjustment  
**Neighbourhood Context**

Address: 9 George Street  
File Number: D13-078-2024  
Prepared On: Oct-09-2024

- Subject Lands
- Property Boundaries
- Proposed Parcels







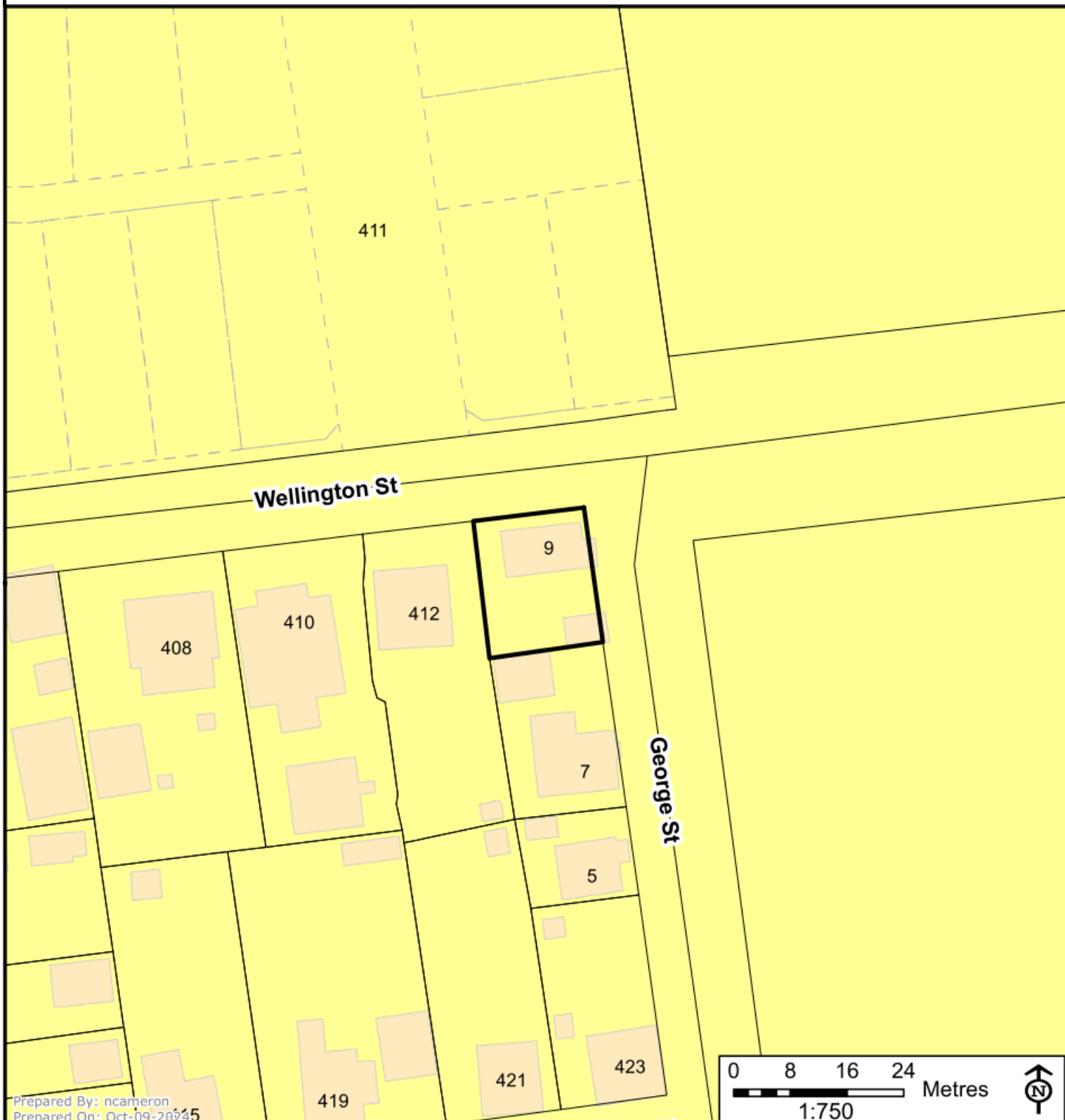


Planning Services

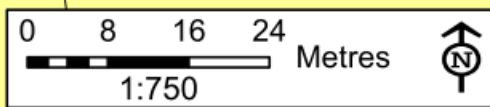
# Committee of Adjustment Official Plan, Existing Land Use

Address: 9 George Street  
File Number: D13-078-2024  
Prepared On: Oct-09-2024

-  Subject Lands
-  RESIDENTIAL



Prepared By: ncameron  
Prepared On: Oct-09-2024





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

Planning Services

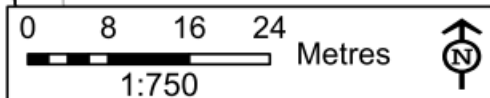
Address: 9 George Street  
File Number: D13-078-2024  
Prepared On: Oct-09-2024

Subject Lands  
Schedule 1 Zoning Map  
Zone

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



Prepared By: -ncameron  
Prepared On: Oct-09-2024

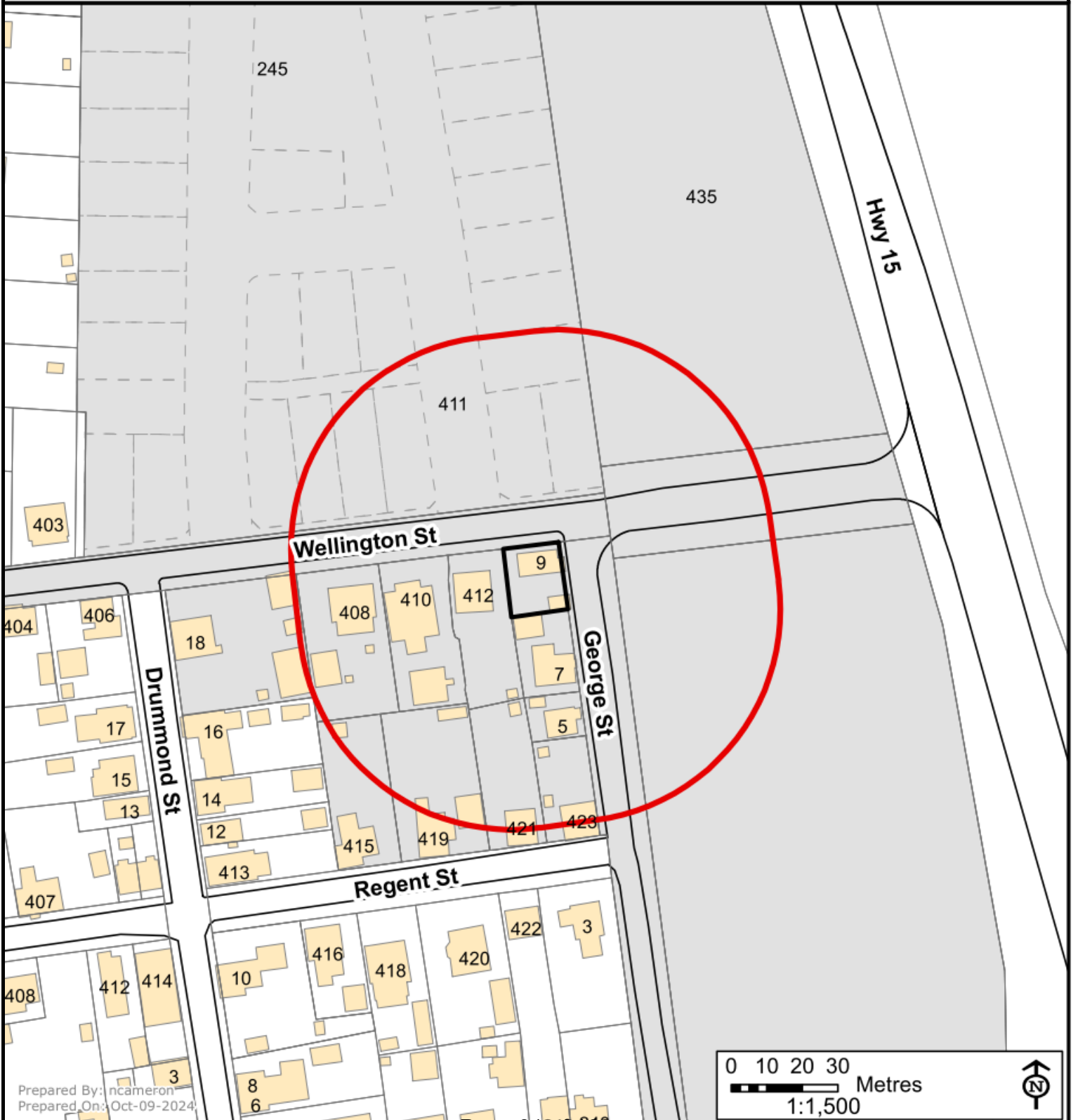




# Committee of Adjustment Public Notice Notification Map

Address: 9 George Street  
File Number: D13-078-2024  
Prepared On: Oct-09-2024

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



Prepared By: incameron  
Prepared On: Oct-09-2024

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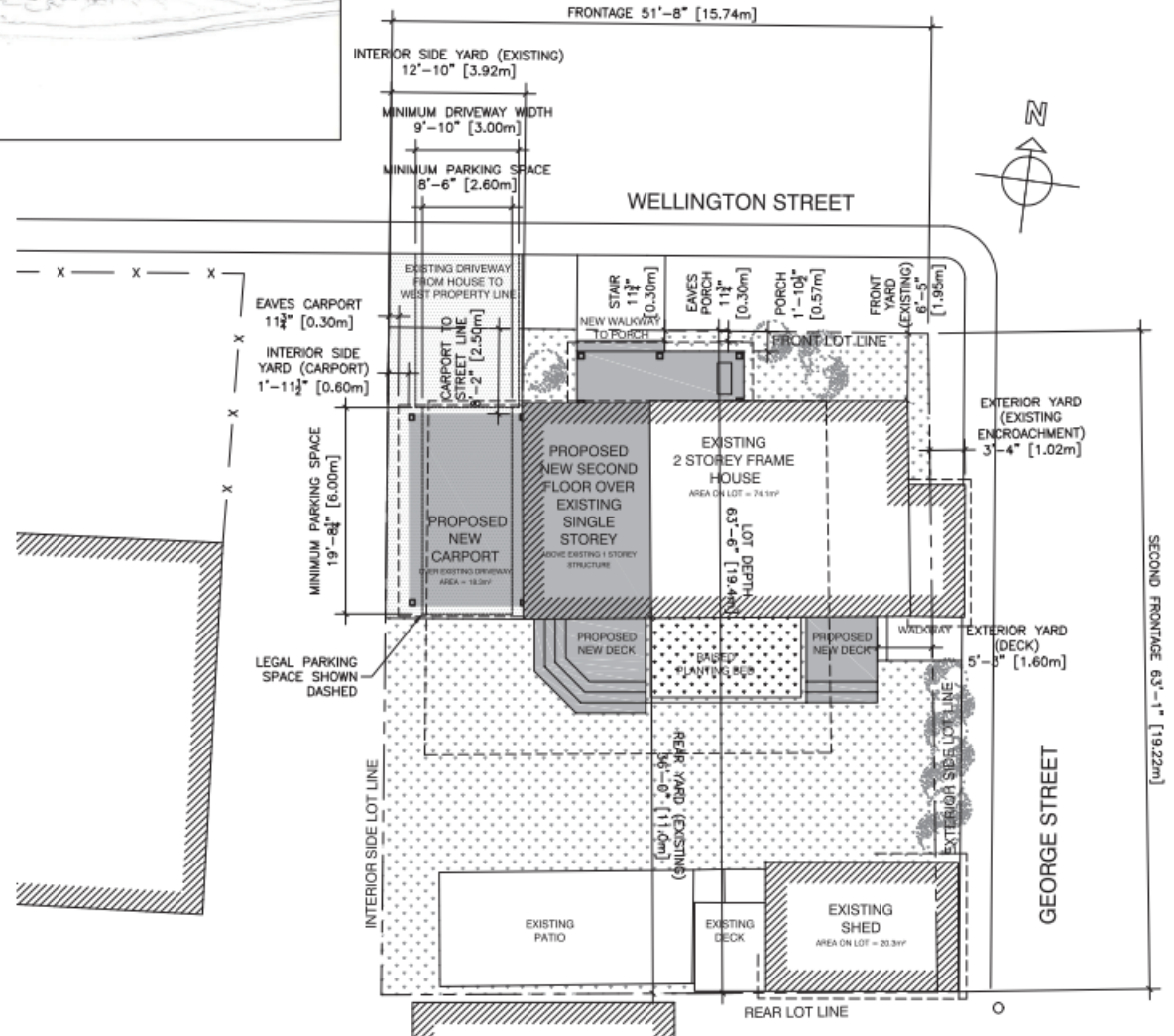
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Certificate of Practice 3867

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WITH ALL OTHER CONSULTANTS'  
DOCUMENTS



SKETCH  
NOT TO SCALE

**9 GEORGE STREET**  
LOT AREA = 309.7m<sup>2</sup>  
EXISTING LOT COVERAGE = 32%  
NEW LOT COVERAGE INCLUDING CARPORT = 38%  
LANDSCAPED OPEN SPACE = 59%  
  
GRADES AND DRAINAGE ON SITE NOT TO BE ALTERED BY  
CONSTRUCTION



**PLOT PLAN NOTES AND KEY**

1. SITE PLAN, PROPERTY LINES AND LOCATION OF BUILDINGS ARE BASED ON A SURVEY BY HOPKINS CHITTY LAND SURVEYORS INC. DATED SEPT. 27, 2024.

- EXISTING BUILDING
- PROPOSED NEW STRUCTURE (SECOND STOREY ADDITION, PORCH, DECKS AND CARPORT)
- LANDSCAPING
- DRIVEWAY (EXISTING)

**SITE PLAN**  
1/8" = 1'-0"

DESIGN ONLY - NOT FOR CONSTRUCTION  
PLOTTED: Oct 21, 2024, 4:14pm

4	30/09/24	MINOR VARIANCE
3	25/07/24	HERITAGE CHANGES
2	27/05/24	HEAT PUMP MOVED
1	13/02/24	PLANNING REVIEW
#	DMY	REVISION DETAILS

PROJECT  
RENOVATIONS TO THE  
**MAINGUY HOUSE**  
9 GEORGE ST.  
BARRIEFIELD, KINGSTON

DRAWING  
PROPOSED  
**SITE PLAN AND  
SKETCH**

DRAWN BY MJH  
DATE 13 FEB., 2024  
SCALE AS NOTED  
PRINT ON 18x24 PAPER

JOB NO.  
**2309**

DWG. NO.  
**MV-1**

REV. NO.  
**4**

Mikaela Hughes Architect Inc.  
82 OAK POINT ROAD, WOLFELF ISLAND ON K0H 2Y0 613-544-9183



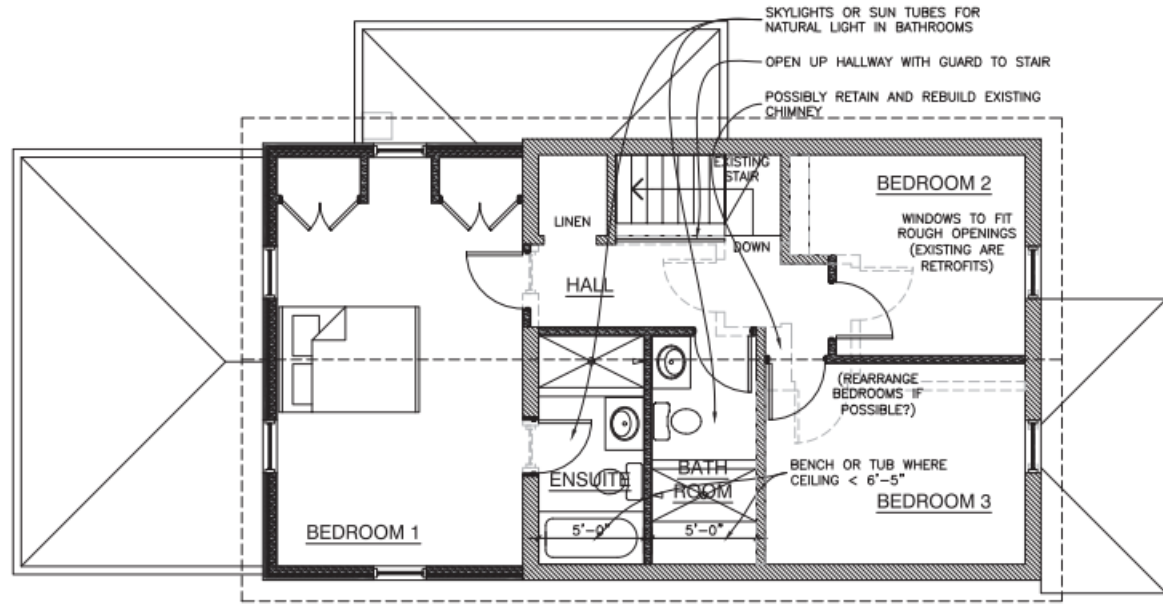


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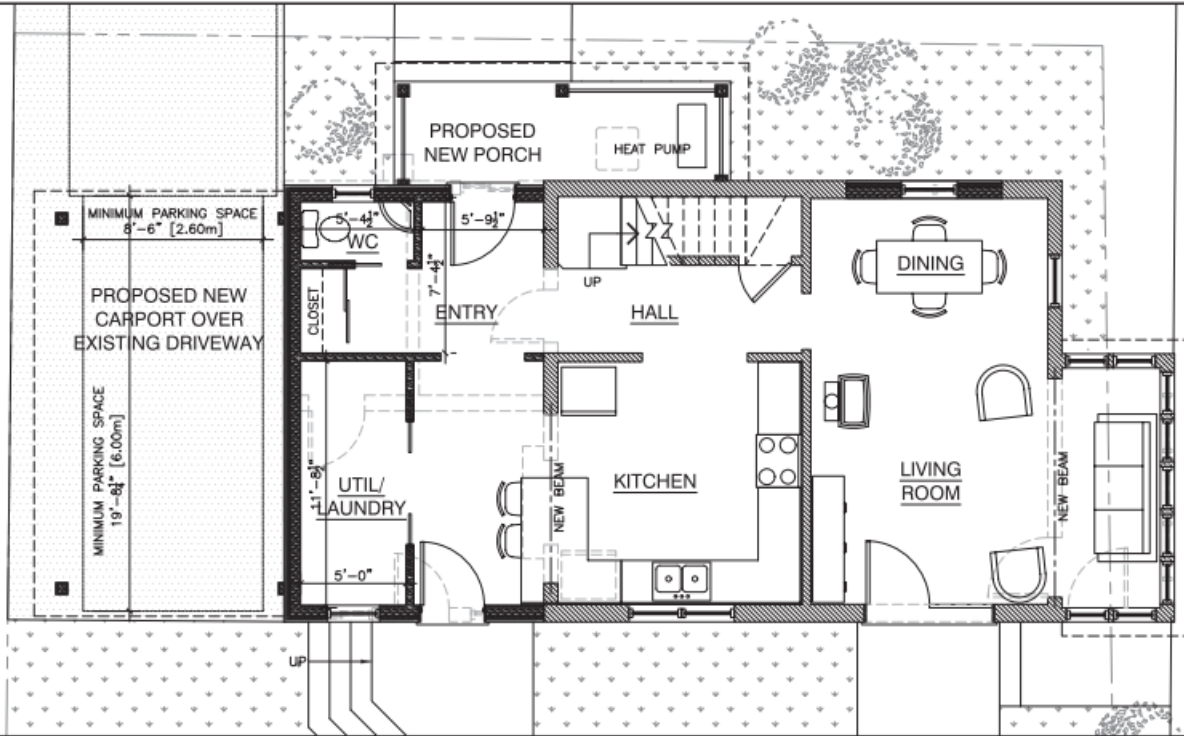
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**FLOOR PLAN NOTES**  
1. INTERIOR OF HOUSE WAS NOT MEASURED AND HAVE NOT BEEN VERIFIED. THEY ARE TO THE BEST OF OUR KNOWLEDGE AND BASED ON DRAWINGS AND DIMENSIONS PROVIDED BY REAL ESTATE AGENT.  
2. FLOOR PLANS ARE DIAGRAMMATIC TO ILLUSTRATE OVERALL DESIGN INTENTIONS.

**WALL KEY**  
  
 EXISTING WALL RETAINED  
 EXISTING WALL REMOVED  
 NEW WALL



SECOND FLOOR PLAN  
1/4" = 1'-0"



GROUND FLOOR PLAN  
1/4" = 1'-0"

DESIGN ONLY - NOT FOR CONSTRUCTION  
 PLOTTED: Oct 21, 2024, 4:14pm

4	30/09/24	MINOR VARIANCE
3	25/07/24	HERITAGE CHANGES
2	27/05/24	HEAT PUMP MOVED
1	13/02/24	PLANNING REVIEW
#	DMV	REVISION DETAILS

PROJECT  
 RENOVATIONS TO THE  
 MAINGUY HOUSE  
 9 GEORGE ST.  
 BARRIEFIELD, KINGSTON  
 DRAWING  
 PROPOSED  
 FLOOR PLANS

DRAWN BY MJH  
 DATE 13 FEB., 2024  
 SCALE 1/4" = 1'-0"  
 PRINT ON 18x24 PAPER

JOB NO.  
**2309**  
 DWG. NO.  
**MV-2**  
 REV. NO.  
**4**

Mikaela Hughes Architect Inc.  
 82 OAK POINT ROAD, WOLFE ISLAND ON R0M 2Y0 613-544-9183



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EXISTING SOUTH ELEVATION  
1/4" = 1'-0"



PROPOSED SOUTH ELEVATION  
1/4" = 1'-0"

DESIGN ONLY - NOT FOR CONSTRUCTION  
PLOTTED: Oct 21, 2024, 4:14pm

4	30/09/24	MINOR VARIANCE
3	25/07/24	HERITAGE CHANGES
2	27/05/24	HEAT PUMP MOVED
1	13/02/24	PLANNING REVIEW
#		REVISION DETAILS

PROJECT  
RENOVATIONS TO THE  
MAINGUY HOUSE  
9 GEORGE ST.  
BARRIEFIELD, KINGSTON  
DRAWING  
EXISTING & PROPOSED  
SOUTH ELEVATION

DRAWN BY MJH  
DATE 13 FEB., 2024  
SCALE AS NOTED  
PRINT ON 18x24 PAPER

JOB NO.  
**2309**  
DWG. NO.  
**MV-3**

REV. NO.  
**4**

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82 OAK POINT ROAD, WOLFE ISLAND ON N0H 2Y0 613-344-9183





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EXISTING EAST ELEVATION  
1/4" = 1'-0"



EXISTING WEST ELEVATION  
1/4" = 1'-0"



PROPOSED EAST ELEVATION  
1/4" = 1'-0"



PROPOSED WEST ELEVATION  
1/4" = 1'-0"

APPROX. 19'-8" [6.00m]  
AVERAGE LEVEL BETWEEN THE EAVES AND HIGHEST POINT OF THE BUILDING

APPROX. 25'-0" [7.62m] TO PEAK

REINSTATE WINDOW IN ORIGINAL ROUGH STUD OPENING. TO BE SIZED AND LOCATED WHEN FRAMING IS EXPOSED.

FINISHED GRADE (AVERAGE ELEVATION OF THE GROUND SURFACE AT THE BASE OF THE MAIN WALL, MEASURED AT THE FOUR MOST DISTANT POINTS REPRESENTING THE OUTERMOST CORNERS OF THE BUILDING).

DESIGN ONLY - NOT FOR CONSTRUCTION  
PLOTTED: Oct 21, 2024, 4:14pm

4	30/09/24	MINOR VARIANCE
3	25/07/24	HERITAGE CHANGES
2	27/05/24	HEAT PUMP MOVED
1	13/02/24	PLANNING REVIEW
#		REVISION DETAILS

PROJECT  
RENOVATIONS TO THE  
MAINGUY HOUSE  
9 GEORGE ST.  
BARRIEFIELD, KINGSTON  
DRAWING  
EXISTING & PROPOSED  
EAST AND WEST  
ELEVATIONS

DRAWN BY MJH  
DATE 13 FEB., 2024  
SCALE AS NOTED  
PRINT ON 18x24 PAPER

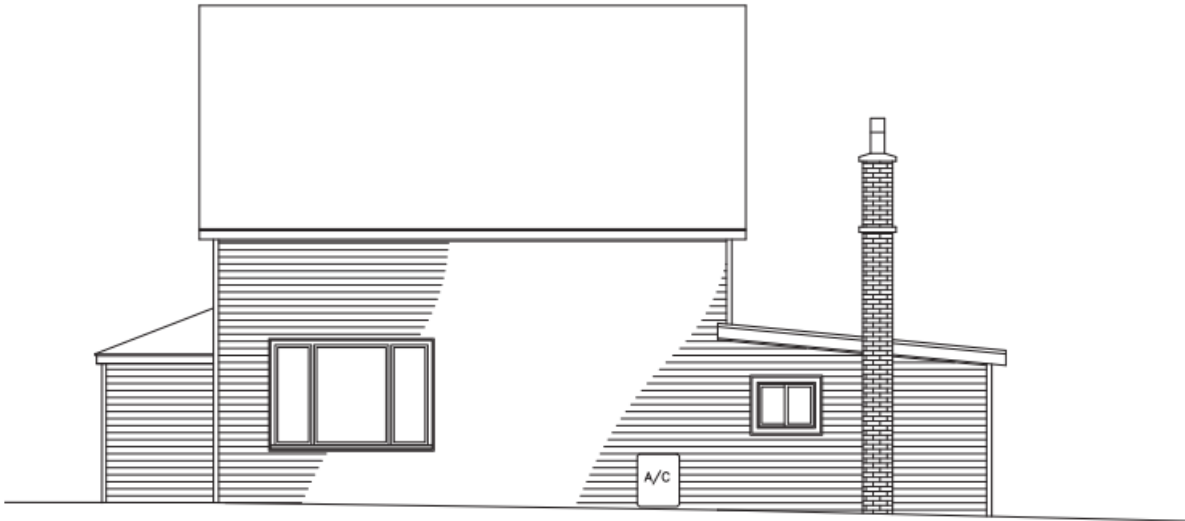
JOB NO.  
**2309**  
DWS. NO.  
**MV-4**  
REV. NO.  
**4**

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EXISTING NORTH ELEVATION  
1/4" = 1'-0"



PROPOSED NORTH ELEVATION  
1/4" = 1'-0"

DESIGN ONLY - NOT FOR CONSTRUCTION  
PLOTTED: Oct 21, 2024, 4:19pm

4	30/09/24	MINOR VARIANCE
3	25/07/24	HERITAGE CHANGES
2	27/05/24	HEAT PUMP MOVED
1	13/2/24	PLANNING REVIEW
#	DMY	REVISION DETAILS

PROJECT  
RENOVATIONS TO THE  
MAINGUY HOUSE  
9 GEORGE ST.  
BARRIEFIELD, KINGSTON  
DRAWING  
EXISTING & PROPOSED  
NORTH ELEVATION

DRAWN BY MJH  
DATE 13 FEB., 2024  
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JOB NO.  
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DWS. NO.  
**MV-5**  
REV. NO.  
**4**

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82 OAK POINT ROAD, WOLFELIFE ISLAND ON N0H 2Y0 613-344-8183





Figure 1: Looking west at the front of the subject property.



Figure 2: Looking southeast at the side and rear yards of the subject property.



Figure 3: Vacant lands east of the subject property across George Street.



Figure 4: Subdivision under construction north of the subject property across Wellington Street.



Figure 5: Looking south along George Street at the property adjacent to the subject property.



Figure 6: Looking east along Wellington Street from the frontage of the subject property.





**City of Kingston  
Report to Committee of Adjustment  
Report Number COA-25-005**

---

**To:** Chair and Members of the Committee of Adjustment  
**From:** Ian Clendening, Senior Planner  
**Date of Meeting:** January 27, 2025  
**Application for:** Minor Variance  
**File Number:** D13-060-2024  
**Address:** 10 Cataraqui Street  
**District:** King's Town  
**Owner:** Inner Harbour Land Development LP  
**Applicant:** Fotenn

---

**Council Strategic Plan Alignment:**

Theme: 3. Build an Active and Connected Community

Goal: 1.1 Promote increased supply and affordability of housing.

**Executive Summary:**

This report provides a recommendation to the Committee of Adjustment regarding an application for minor variances for the property located at 10 Cataraqui Street. The applicant is proposing to construct a six-storey mixed-use building containing 75 homes and 90 square metres of ground floor commercial space.

The subject property measures approximately 0.63 hectares in size and is flanked along the west side by an unopened road allowance which connects Cataraqui Street, at the property's north end, with the K&P Trail, at the property's south end. To the east of the subject property is the Woolen Mill building which is designated under Part IV of the Ontario *Heritage Act*. In addition to the 0.63 hectares of lot area, the subject lands also benefit from a permanent easement measuring approximately 0.28 hectare which allows for parking and access upon, and across, the abutting Woolen Mill property. The easement lands include a 7.9 metre wide

January 27, 2025

Page 2 of 13

segment of frontage along Cataraqi Street which compliments the subject property’s 6 metres of frontage at the site’s west end.

The subject property is designated District Commercial and Open Space and is subject to Site-Specific Policy Number 17 (“SSP Number 17”). The site is zoned Neighbourhood Commercial (CN) and is subject to Exception Overlay L378 in the Kingston Zoning By-law which permits the use of a mixed commercial/residential development subject to certain requirements.

The owner has applied for minor variances to the Kingston Zoning By-law so as to allow an increase in the number of dwelling units, and the ground floor and gross floor areas. The owner is also seeking relief from certain provisions related to the building’s design including the amount of balcony space along each storey and the setback of the proposed elevator over-run and a patio encroachment into the water setback. Finally, with regards to parking and loading, the applicant seeks relief from the Kingston Zoning By-law to allow these features to be provided off-site where parking and loading spaces would be located on the abutting lands over which the subject lands have easement over.

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 D13-060-2024, for the property located at 10 Cataraqi Street to construct a six-storey mixed use building, be approved, as described below:

**Variance Number 1: Rooftop Projections**

By-Law Number 2022-62: Section 4.18.2

Requirement: Setback from the edge of the roof of a building component equal to the height of such component

Proposed: 0 metres

Variance Requested: 3.5 metres

**Variance Number 2: Balconies**

By-Law Number 2022-62: Section 4.20.1.2

Requirement: 45% of each face of the main wall of each storey may be occupied by balconies

Proposed: 75%

Variance Requested: 30%

**Variance Number 3: Maximum Number of Units**

By-Law Number 2022-62: Section 20.1.1.L378.b.i

Requirement: 50 dwelling units

Proposed: 75 dwelling units

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Variance Requested: 25 dwelling units

**Variance Number 4: Maximum Ground Floor Area**

By-Law Number 2022-62: Section 20.1.1.L378.b.iii

Requirement: 860 square metres.

Proposed: 996 square metres

Variance Requested: 136 square metres

**Variance Number 5: Maximum Gross Floor Area**

By-Law Number 2022-62: Section 20.1.1.L378.b.iv

Requirement: 5,000 square metres.

Proposed: 5,431 square metres

Variance Requested: 431 square metres;

**Variance Number 6: Minimum Waterbody Separation**

By-Law Number 2022-62: Section 4.23.1.

Requirement: 30.0 metres.

Proposed: 23.0 metres.

Variance Requested: 7.0 metres;

**Variance Number 7: Off-site Parking**

By-Law Number 2022-62: Section 7.1.1.

Requirement: Parking spaces must be located on the same lot as the corresponding use or building.

Proposed: Parking spaces may be located through off-site parking spaces located within 60.0 metres of the lot.

Variance Requested: Off site permitted;

**Variance Number 8: Off-site Loading**

By-Law Number 2022-62: Section 7.5.1.

Requirement: Loading spaces must be provided on the same lot as the corresponding use or building.

Proposed: Loading spaces may be located through off-site loading spaces located within 6.0 metres of the lot.

Variance Requested: Off site permitted; and

**That** approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-25-005.

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**Authorizing Signatures:**

ORIGINAL SIGNED BY PLANNER

---

Ian Clendening, Senior Planner

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

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

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**Options/Discussion:**

On July 29, 2024, a minor variance application was submitted by Fotenn, on behalf of the owner, Inner Harbour Land Development LP, with respect to the property located at 10 Cataraqi Street. The variance is requested to construct a six-storey mixed-use building containing 75 homes and 90 square metres of ground floor commercial space.

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

- Planning Justification Letter
- Site Plan (Exhibit F)
- Conceptual Site Plan;
- Conceptual Elevations;
- Servicing Report;
- Heritage Impact Assessment

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 10 Cataraqi Street (Exhibit B – Key Map) and is an irregularly shaped lot with 6 metres of frontage along Cataraqi Street. To the east of the subject property abuts the Woolen Mill building which is designated under Part IV of the Ontario *Heritage Act*. The subject property lot also benefits from an approximately 0.28 hectare easement in favour of both parking and access over the Woolen Mill property with the easement area occupying the vacant area between the existing Woolen Mill parking area and the northern limit of the subject lands (Exhibit C – Neighbourhood Context Map).

The subject property is designated District Commercial and Open Space in the Official Plan (Exhibit D – Official Plan Map) and is subject to Site-Specific Policy Number 17 (SSP Number 17). The site is zoned Neighbourhood Commercial (CN) and is subject to Exception Overlay L378 in Kingston Zoning By-Law Number 2022-62 (Exhibit E – Zoning By-Law Map).

The surrounding area consists of a mix of commercial, residential, and recreational uses together with limited industrial and institutional uses within the general area. The built form ranges from the low rise residential and commercial of up to four stories within the immediate area to mid rise further south, where the Rideaucrest Towers measure seven storeys in height.

**Provincial Planning 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



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matter shall be consistent with the Provincial Planning 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 District Commercial and Open Space on Schedule 3-A and is subject to a Site-Specific Policy (SSP Number 17) in the City of Kingston Official Plan (Exhibit D – Official Plan Map).

Within a District Commercial designation, mid-rise residential developments are permitted subject to appropriate heights, setbacks, density, access and linkages, provided that the residential uses have adequate amenity in terms of open space, access, and protection from noise or other impacts.

Site Specific Policy Area Number 17 is in place to recognize the importance of the development of this site in conjunction with its waterfront location, the historic Woolen Mill building, and the linear park system along the shoreline. Policies recognize a mixed-use development of up to six storeys directing respect for the historical context of the surrounding area. The applicant has submitted a Heritage Impact Statement which found, to the satisfaction of the City's Heritage Services Department, that the siting, orientation and massing of the building will not visually overwhelm or detract from the visual prominence of the Woolen Mill.

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

The proposed development achieves the Strategic Policy Direction set out in the Official Plan by providing for an appropriate density of development in an area which is services already exist and which fosters transit and active transportation through the site's proximity to both existing transit routes and the K&P Trail.

The built form of being proposed is consistent with the surrounding area which is already defined by taller buildings within the surrounding area; while also being sympathetic to the Woolen Mill building which sits to the east. While no relief is sought for the height of the building, it will stand 10 metres lower than the chimney stack of the Woolen Mill allowing that structure to remain prominent part of the skyline. In regards to the balconies, the proposed delineated

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stacks of balconies and the use of colour blocked sections has the effect of visually breaking up the wall's massing further helping it to integrate with the building's surroundings.

The off-site parking, which utilizes an existing easement for access and parking across the abutting property will allow the site to function appropriately with all services provided in an accessible and convenient manner for the residents and visitors of the site.

The Official Plan recognizes the importance of waterfront areas including the benefits of protecting a 30-metre naturalized buffer along a waterbody, often termed the "ribbon of life. This naturalized buffer can help to enhance water quality, minimize soil erosion, provide plant and animal habitat, establish connectivity and wildlife corridors, and contribute to the overall health of shoreline ecosystems, particularly fish habitat. The buffer may also be used to screen views of development from the water, and to create natural spaces for passive recreation. The minor encroachment of the building's outdoor patio into, which at its closest point is more than 23 metres from the high water mark, is not anticipated to have adverse impacts on the waterbody as the commercial patio component is to be constructed of permeable precast patio blocks while being further offset through the use of a rain garden. Similarly, the use of native pollinator gardens replacing the existing grass meadow areas are intended to provide a net benefit to the area more than offsetting the approximately 180 square metres of patio which is proposed within the 30 metre setback.

The proposal meets the intent of the Official Plan, as the proposed mixed-use building has been designed in a manner sympathetic to the surrounding heritage resources and has appropriate services for the anticipated residents and will not result in any negative impacts to adjacent properties or to the neighbourhood. Based on the impact both cumulatively and individually, the variances sought are appropriately addressed through the Minor Variance process and do not create an undesirable president for the area.

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

The subject property is zoned Neighbourhood Commercial (CN) in Kingston Zoning By-law Number 2022-62 and is subject to Exception Overlay L378 (Exhibit E – Zoning By-Law Map). The Neighbourhood Commercial zone permits a dwelling unit in a mixed-use building together with a variety of commercial uses while L378 allows additional uses and establishes additional provisions for the development of the site.

The proposal requires a variance to provisions within Section 20, regulating development within the Legacy Exception Overlay L378 zone, and Sections 7 and 4, as outlined below.

**Variance Number 1: Rooftop Projections**

By-Law Number 2022-62: Section 4.18.2

Requirement: Setback from the edge of the roof of a building component equal to the height of such component.

Proposed: metres from the edge of the roof.

Variance Requested: 3.5 metres.

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**Variance Number 2: Balconies**

By-Law Number 2022-62: Section 4.20.1.2

Requirement: 45% of each face of the main wall of each storey may be occupied by balconies

Proposed: 75%

Variance Requested: 30%

Variances 1 and 2 relate to the overall design and form of the building. The intent of the Kingston Zoning By-law in regulating rooftop projections is to allow for certain features such as mechanical and service equipment to project above the remainder of the building which generally defines the height and massing of the structure. The provisions require setbacks from the building wall so as to have a visual delineation between the building itself and the projecting components so that the building 'reads' as the permitted number of storeys. The projecting elevator shaft maintains the overall intent of this section by way of its location at an interior corner of the building which positions this projecting element away from the walls that otherwise define the building's six-storey height. Of further note, the length of the elevator shaft along the main wall measures approximately two metres.

With regards to the extent of balconies along the various main walls, regulations within the Kingston Zoning By-law which restrict the coverage along a wall are intended to help animate the building wall while also ensuring that balconies do not adversely impact the overall massing of the building. As the site does not overlook adjacent residential properties, there are fewer privacy concerns, thus making a limitation on balcony size less necessary. The increase in the extent of projections would not detract from the built form given that the design choice of having the balconies in a series of 'blocked sections' was noted in the Heritage Impact Statement as having an effect of breaking up the wall's massing helping it to integrate with the building's surroundings.

**Variance Number 3: Maximum Number of Units**

By-Law Number 2022-62: Section 20.1.1.L378.b.i

Requirement: 50 dwelling units.

Proposed: 75 dwelling units.

Variance Requested: 25 dwelling units.

**Variance Number 4: Maximum Ground Floor Area**

By-Law Number 2022-62: Section 20.1.1.L378.b.iii

Requirement: 860 square metres.

Proposed: 996 square metres.

Variance Requested: 136 square metres.

**Variance Number 5: Maximum Gross Floor Area**

By-Law Number 2022-62: Section 20.1.1.L378.b.iv

Requirement: 5,000 square metres.

Proposed: 5,431 square metres.

Variance Requested: 431 square metres.

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The Legacy Exception Overlay provisions relating to gross and ground floor area as well as the number of units are intended to limit the development of the site to the proposal contemplated in zoning by-law amendment application D09-11-00 which rezoned the subject lands to permit a similarly styled mixed-use six-storey building in 2001. Numeric limits for gross floor area, and ground floor area for which relief is now being sought were used to ensure that the plans submitted to demonstrate the proposed building would blend in with the Woolen Mill site were adhered to. Similarly, the residential unit limit of the amending by-law was implemented to ensure a density consistent with the Inner Harbour Study (1984). Despite the significant time which has elapsed since the amending zoning by-law, the deviation from the original building plans have been relatively minimal and reflect the evolution of the housing market as well as the broader residential intensification of this and other areas while the building continues to ensure compatibility with the abutting Woolen Mill site.

**Variance Number 6: Minimum Waterbody Separation**

By-Law Number 2022-62: Section 4.23.1.

- Requirement: 30.0 metres.
- Proposed: 23.0 metres.
- Variance Requested: 7.0 metres.

Waterbody separation distances have been established in the Kingston Zoning By-law as a means of implementing Official Plan policies to protect and enhance a 30 metre naturalized buffer and to screen views of development from the water, and to create natural spaces for passive recreation. The proposed encroachment to a distance of 23 metres maintains the intent of the Kingston Zoning By-law as the existing area is area currently occupied by manicured grass, while the proposed outdoor patio areas will be offset by other features such as a rain garden and native wildflower meadow plantings. These features have an added benefit of helping conceal turtle nesting sites from predators and reduce human interactions with turtle nests providing thereby fulfilling the intent of the waterbody separation distance.

**Variance Number 7: Off-site Parking**

By-Law Number 2022-62: Section 7.1.1.

- Requirement: Parking spaces must be located on the same lot as the corresponding use or building.
- Proposed: Parking spaces may be located through off-site parking spaces located within 60.0 metres of the lot.
- Variance Requested: Off site permitted.

**Variance Number 8: Off-site Loading**

By-Law Number 2022-62: Section 7.5.1.

- Requirement: Loading spaces must be provided on the same lot as the corresponding use or building.
- Proposed: Loading spaces may be located through off-site loading spaces located within 6.0 metres of the lot.
- Variance Requested: Off site permitted.

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Variations Number 4 and 5 relate to the location of parking and loading which the applicant proposes to provide, in the required quantity, on the abutting property over which the site already has an easement over. The proposal to allow off-site parking is consistent with the intent of the Kingston Zoning By-law which is to ensure that parking is provided in a logical and coherent manner. Generally this represents a requirement for on-site parking, however; the by-law affords as-of-right permission for more common situations, such as residential conversions, where providing on-site parking can be difficult or impossible where off site parking may be provided while still achieving a unified and functional parking assembly that 'reads' as one connected site given the distance constraint of 60 metres for such situations.

While the current proposal does not consist of a residential conversion, the proposal does make efficient use of the existing site and provides a functional parking layout. Accordingly, the proposal to provide parking and loading spaces on the abutting property would equally achieve the Kingston Zoning By-law's objective of facilitating residential intensification of commercial sites.

The requested variations, both individually and cumulatively, maintain the general intent and purpose of the zoning by-law.

**The variance is minor in nature**

The variance is considered minor as the building will not have an adverse impact on the abutting Woolen Mill or other heritage features, and through the use of landscaping any potential environmental impacts are offset through enhancements to the existing manicured grass area. As the site will continue to provide parking and loading areas in the required numbers, but off site upon the abutting property, it is not anticipated that the development will result in any off-site impacts.

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

The proposed development is compatible with the surrounding area including the heritage features and buildings which define this area and no adverse impacts are expected as a result of the variations being sought. The proposed development allows residential intensification in an area with existing services and within an area of numerous outdoor and commercial amenity space. The variations are therefore a desirable and appropriate use of the land.

**Technical Review: Circulated Departments and Agencies**

- |   |   |   |
|---|---|---|
| <input checked="" type="checkbox"/> Building Services | <input checked="" type="checkbox"/> Engineering         | <input checked="" type="checkbox"/> Heritage Services         |
| <input type="checkbox"/> Finance                      | <input checked="" type="checkbox"/> Utilities Kingston  | <input type="checkbox"/> Real Estate                          |
| <input type="checkbox"/> Fire & Rescue                | <input checked="" type="checkbox"/> Kingston Hydro      | <input checked="" type="checkbox"/> Environment Division      |
| <input checked="" type="checkbox"/> Solid Waste       | <input checked="" type="checkbox"/> Parks Development   | <input type="checkbox"/> Canadian National Railways           |
| <input type="checkbox"/> Housing                      | <input checked="" type="checkbox"/> District Councillor | <input type="checkbox"/> Ministry of Transportation           |
| <input type="checkbox"/> KEDCO                        | <input type="checkbox"/> Municipal Drainage             | <input checked="" type="checkbox"/> Parks of the St. Lawrence |

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

**Technical Comments**

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

**Public Comments**

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

**Previous or Concurrent Applications**

The site’s regulations associated with the site’s L248 zoning were drafted to accommodate a development proposal contemplated through Zoning By-law Amendment application D14-083-2000 which was approved in 2001 and contemplated a building and site layout similar to that which is currently proposed. The lot is currently subject to Site Plan Control Application D11-022-2024 which is currently under technical review. The lot was created through consent application D10-044-2022.

**Conclusion**

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

Approval of this application will provide compatible mixed-use intensification where services and amenities exist and in a manner compatible with the surrounding landscape.

**Existing Policy/By-Law:**

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



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**Provincial**

Provincial Planning Statement, 2024

**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 October 21, 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 17 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

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

**Other City of Kingston Staff Consulted:**

None

**Exhibits Attached:**

Exhibit A Recommended Conditions

Exhibit B Key Map

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- Exhibit C Neighbourhood Context Map (2022)
- Exhibit D Official Plan Map
- Exhibit E Zoning By-Law Map
- Exhibit F Site Plan
- Exhibit G Site Photos
- Exhibit H Public Notification Map



## Recommended Conditions

The approval of minor variance application, File Number D13-060-2024, to construct a mixed-use building with not more than 75 dwelling units, shall be subject to the following recommended conditions:

### 1. Limitation

That the approved minor variance applies only to the construction of a mixed-use building as shown on the approved drawings attached to the notice of decision.

### 2. No Adverse Impacts

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

### 3. Building Permit Application Requirements

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

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

### 4. Standard Archaeological Condition

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


**5. Heritage Compatibility**

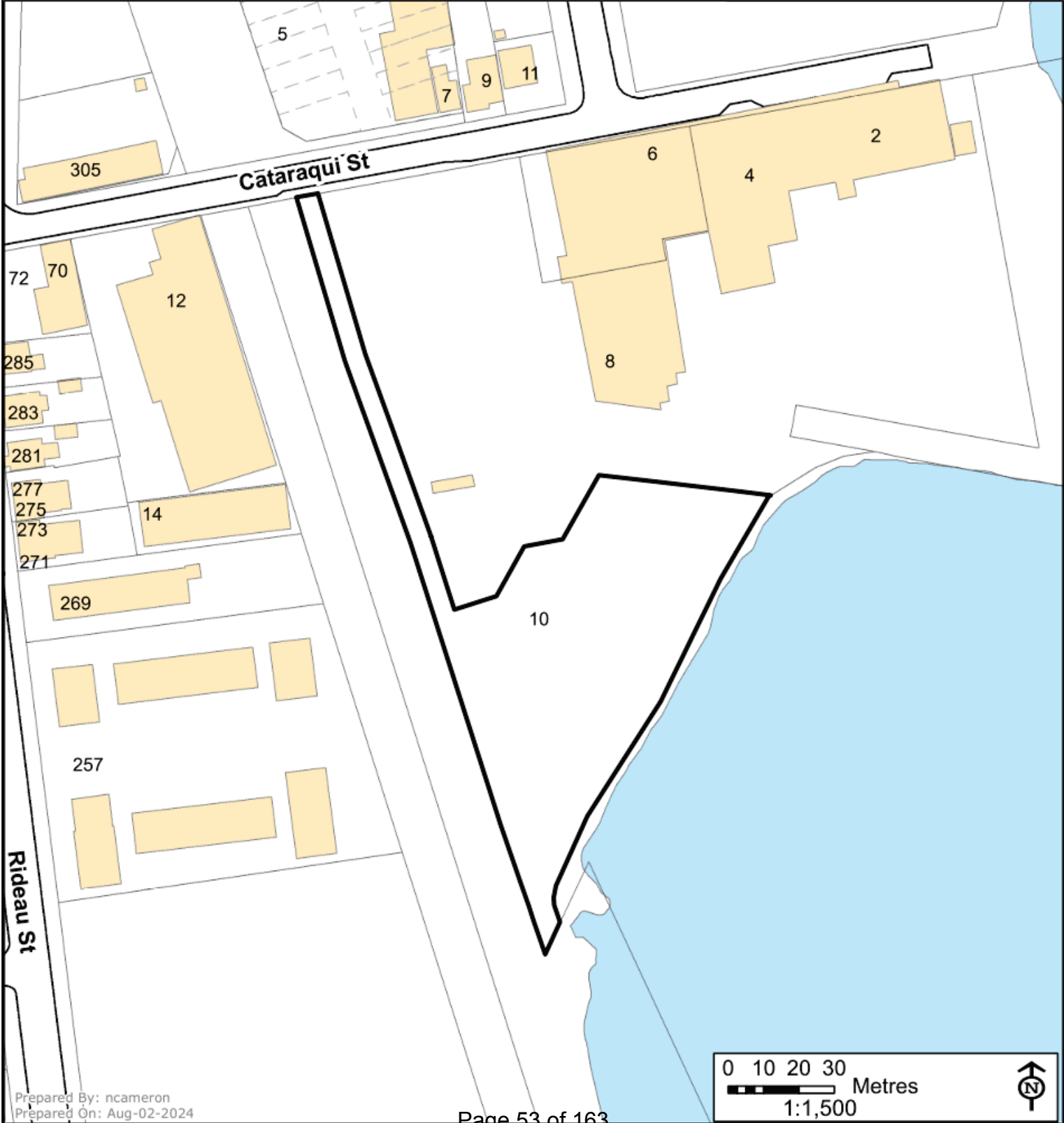
The owner/applicant shall ensure that the building is oriented towards the Rideau Canal, as depicted in the approved drawings.



# Committee of Adjustment Key Map

Address: 10 Cataraqi St.  
File Number: D13-060-2024  
Prepared On: Aug-02-2024

 Lands Subject to Minor Variance







# Committee of Adjustment Neighbourhood Context

Address: 10 Cataraqi St.  
File Number: D13-060-2024  
Prepared On: Aug-02-2024

- Subject Lands
- Property Boundaries
- Proposed Parcels



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

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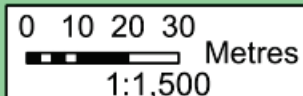
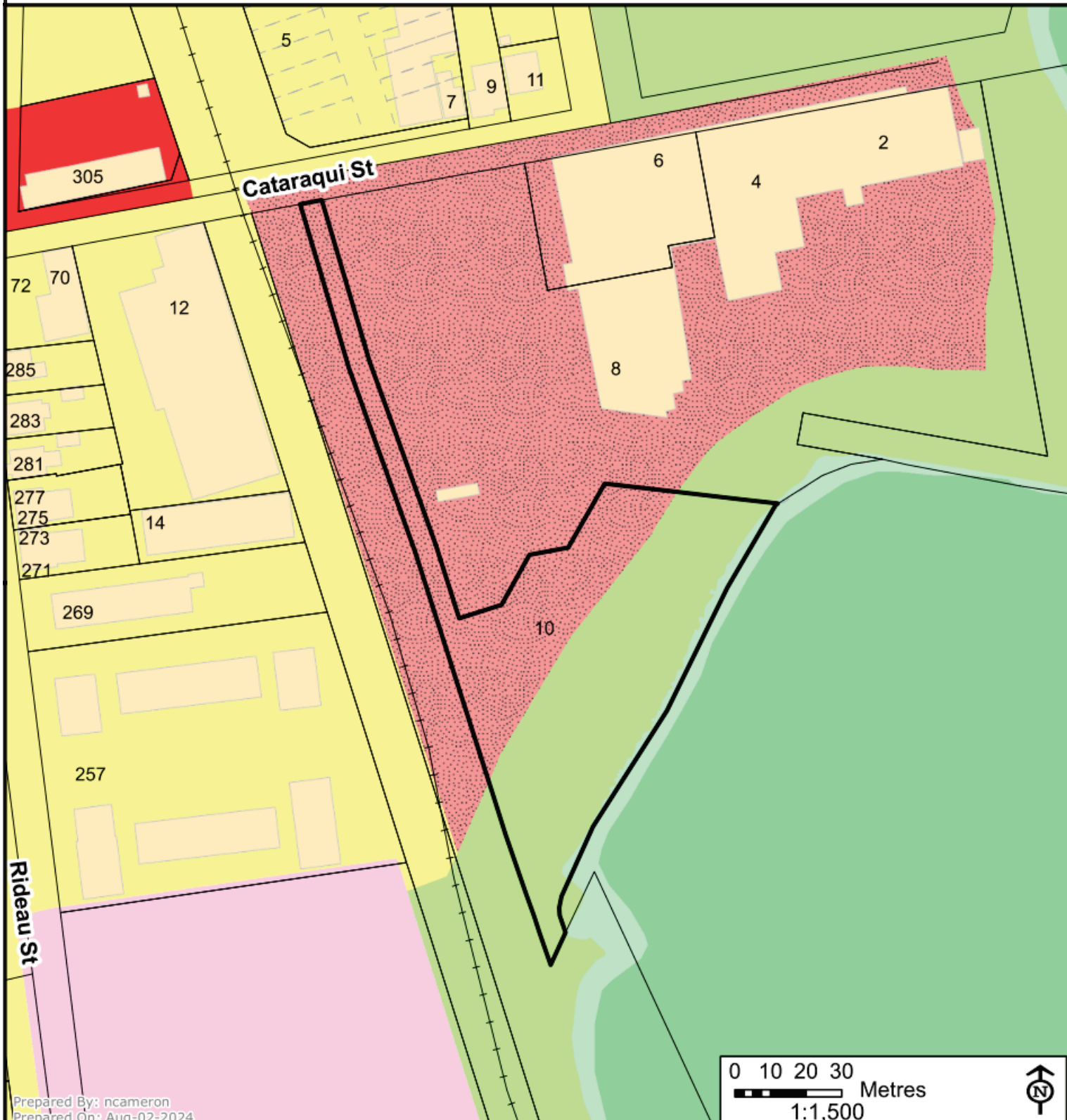




# Committee of Adjustment Official Plan, Existing Land Use

Address: 10 Cataraqui St.  
File Number: D13-060-2024  
Prepared On: Aug-02-2024

- Subject Lands
- DISTRICT COMMERCIAL
- ENVIRONMENTAL PROTECTION AREA
- INSTITUTIONAL
- MAIN STREET COMMERCIAL
- OPEN SPACE
- RESIDENTIAL



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

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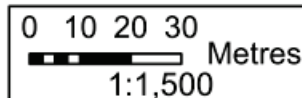


Planning Services

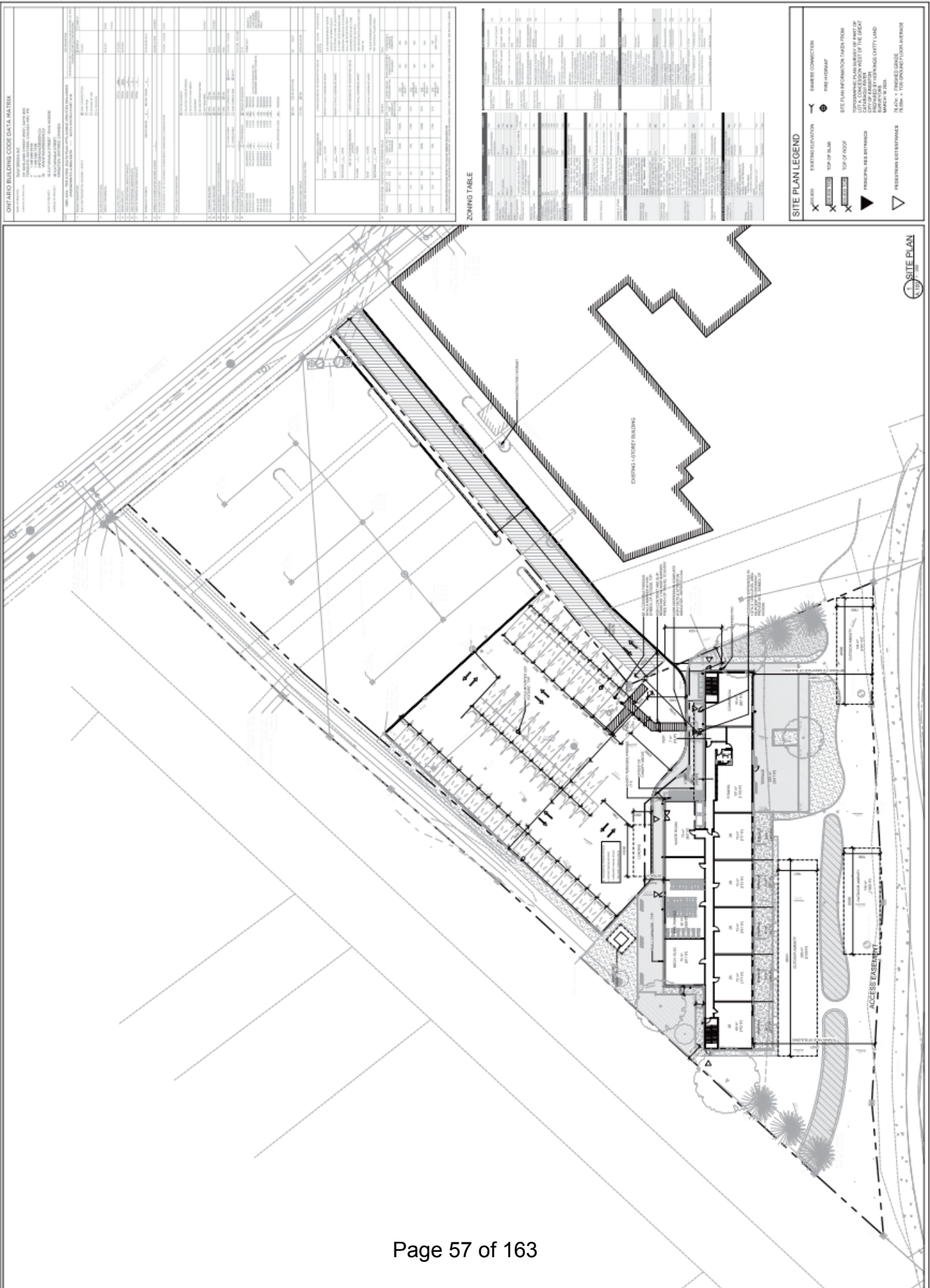
Planning Committee  
Existing Zoning  
Kingston Zoning By-Law 2022-62

Address: 10 Cataraqui St.  
File Number: D13-060-2024  
Prepared On: Aug-02-2024

- 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)



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ONTARIO BUILDING CODE DATA MATRIX

SECTION	SECTION TITLE	SECTION NUMBER	SECTION DESCRIPTION
1	GENERAL NOTES	1.01	GENERAL NOTES
2	FOUNDATION	2.01	FOUNDATION
3	FLOOR SLAB	3.01	FLOOR SLAB
4	WALLS	4.01	WALLS
5	ROOF	5.01	ROOF
6	MECHANICAL	6.01	MECHANICAL
7	ELECTRICAL	7.01	ELECTRICAL
8	PLUMBING	8.01	PLUMBING
9	FINISHES	9.01	FINISHES
10	PAINTS	10.01	PAINTS
11	GLAZING	11.01	GLAZING
12	DOORS	12.01	DOORS
13	WINDOWS	13.01	WINDOWS
14	STAIRS	14.01	STAIRS
15	ELEVATIONS	15.01	ELEVATIONS
16	SECTION CUTS	16.01	SECTION CUTS
17	DETAILS	17.01	DETAILS
18	GENERAL CONTRACTOR	18.01	GENERAL CONTRACTOR
19	MECHANICAL CONTRACTOR	19.01	MECHANICAL CONTRACTOR
20	ELECTRICAL CONTRACTOR	20.01	ELECTRICAL CONTRACTOR
21	PLUMBING CONTRACTOR	21.01	PLUMBING CONTRACTOR
22	PAINT CONTRACTOR	22.01	PAINT CONTRACTOR
23	GLAZING CONTRACTOR	23.01	GLAZING CONTRACTOR
24	DOOR CONTRACTOR	24.01	DOOR CONTRACTOR
25	WINDOW CONTRACTOR	25.01	WINDOW CONTRACTOR
26	STAIR CONTRACTOR	26.01	STAIR CONTRACTOR
27	ELEVATION CONTRACTOR	27.01	ELEVATION CONTRACTOR
28	SECTION CUT CONTRACTOR	28.01	SECTION CUT CONTRACTOR
29	DETAIL CONTRACTOR	29.01	DETAIL CONTRACTOR
30	GENERAL CONTRACTOR	30.01	GENERAL CONTRACTOR

ZONING TABLE

SECTION	SECTION TITLE	SECTION NUMBER	SECTION DESCRIPTION
1	GENERAL NOTES	1.01	GENERAL NOTES
2	FOUNDATION	2.01	FOUNDATION
3	FLOOR SLAB	3.01	FLOOR SLAB
4	WALLS	4.01	WALLS
5	ROOF	5.01	ROOF
6	MECHANICAL	6.01	MECHANICAL
7	ELECTRICAL	7.01	ELECTRICAL
8	PLUMBING	8.01	PLUMBING
9	FINISHES	9.01	FINISHES
10	PAINTS	10.01	PAINTS
11	GLAZING	11.01	GLAZING
12	DOORS	12.01	DOORS
13	WINDOWS	13.01	WINDOWS
14	STAIRS	14.01	STAIRS
15	ELEVATIONS	15.01	ELEVATIONS
16	SECTION CUTS	16.01	SECTION CUTS
17	DETAILS	17.01	DETAILS
18	GENERAL CONTRACTOR	18.01	GENERAL CONTRACTOR
19	MECHANICAL CONTRACTOR	19.01	MECHANICAL CONTRACTOR
20	ELECTRICAL CONTRACTOR	20.01	ELECTRICAL CONTRACTOR
21	PLUMBING CONTRACTOR	21.01	PLUMBING CONTRACTOR
22	PAINT CONTRACTOR	22.01	PAINT CONTRACTOR
23	GLAZING CONTRACTOR	23.01	GLAZING CONTRACTOR
24	DOOR CONTRACTOR	24.01	DOOR CONTRACTOR
25	WINDOW CONTRACTOR	25.01	WINDOW CONTRACTOR
26	STAIR CONTRACTOR	26.01	STAIR CONTRACTOR
27	ELEVATION CONTRACTOR	27.01	ELEVATION CONTRACTOR
28	SECTION CUT CONTRACTOR	28.01	SECTION CUT CONTRACTOR
29	DETAIL CONTRACTOR	29.01	DETAIL CONTRACTOR
30	GENERAL CONTRACTOR	30.01	GENERAL CONTRACTOR

**SITE PLAN LEGEND**

- EXISTING ELEVATION
- EMERGENCY CONNECTION
- PROPOSED ELEVATION
- PROPOSED CONNECTION
- TOP OF SLAB
- TOP OF ROOF
- PRINCIPAL RISER ENTRANCE
- RESIDENTIAL ENTRANCE
- PROPOSED 75-UNIT RESIDENTIAL DEVELOPMENT
- SITE PLAN / OBC MATRIX
- SCALE: As indicated

23006  
CATARAQUI STREET, KINGSTON, ON.

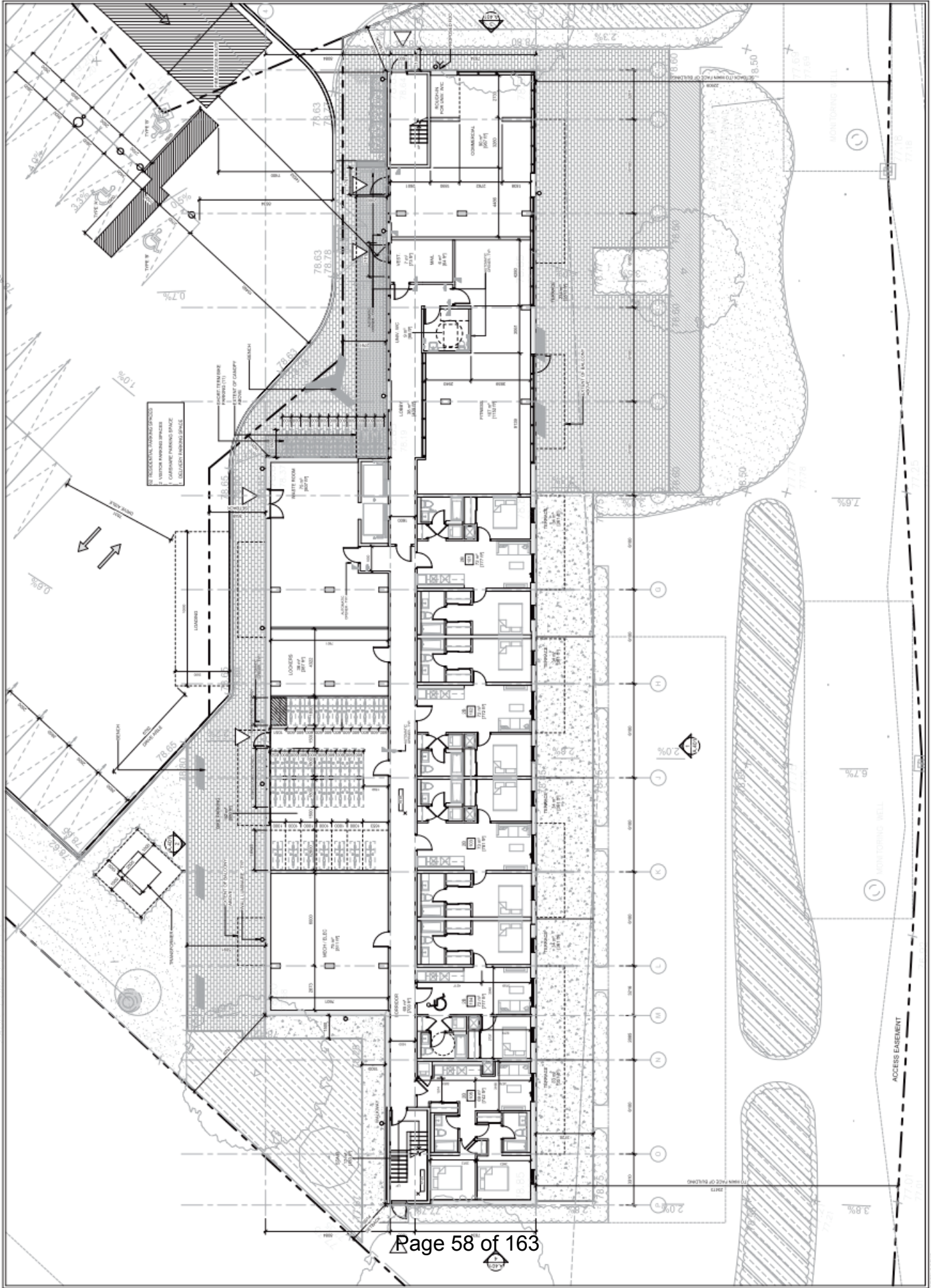
PROPOSED 75-UNIT RESIDENTIAL DEVELOPMENT

SITE PLAN / OBC MATRIX

SCALE: As indicated

A.100





PROPOSED 75-UNIT RESIDENTIAL DEVELOPMENT  
GROUND FLOOR PLAN

SCALE: 1 : 100

A.201

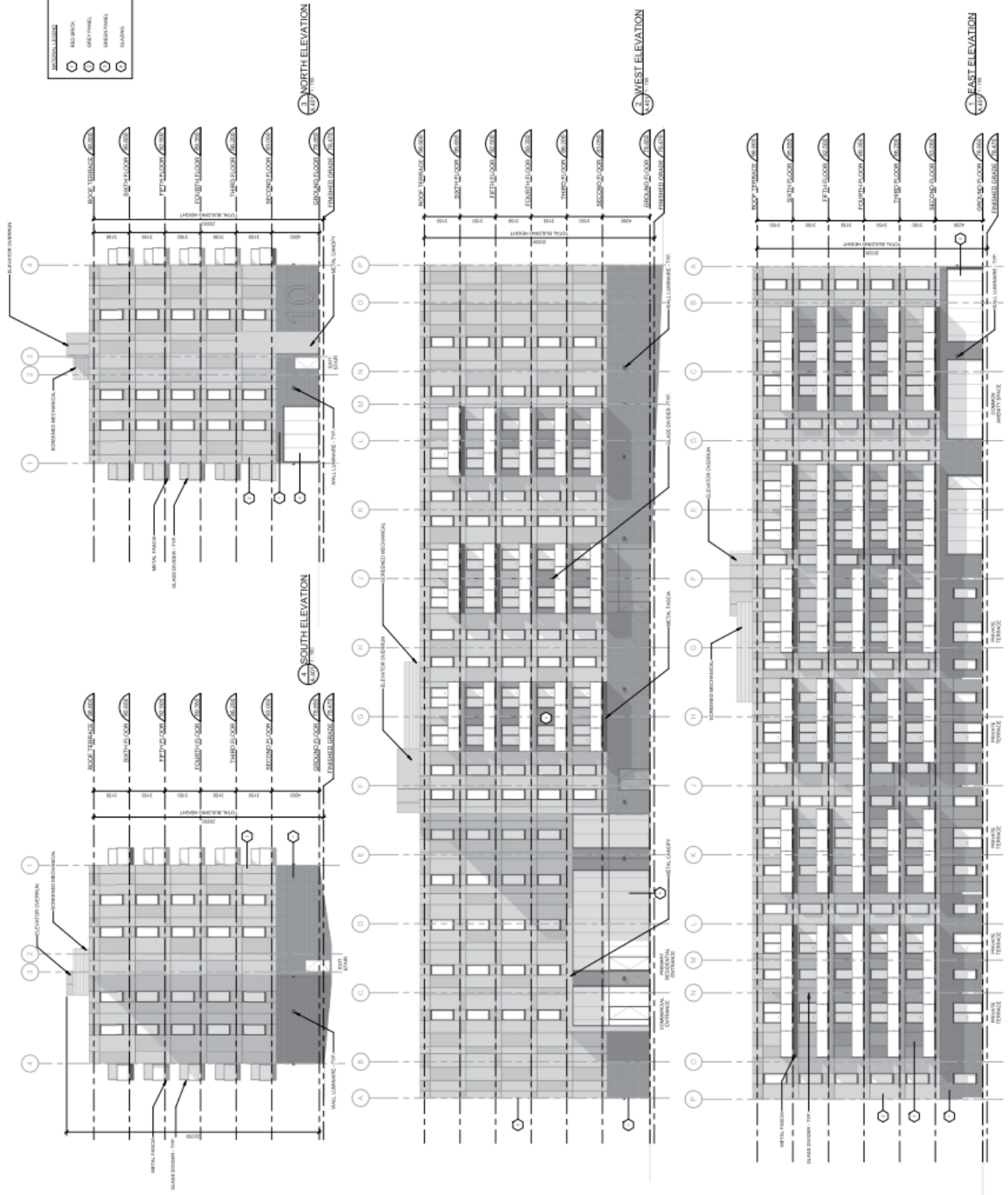
23006  
10 CATARAQUI STREET, KINGSTON, ON.

RAW  
REGISTERED ARCHITECT  
10 CATARAQUI STREET, KINGSTON, ON.  
K7L 1R7  
TEL: 343-5555  
WWW.RAWARCHITECTS.COM

DATE: 2024-08-15  
DRAWN BY: J. SMITH  
CHECKED BY: M. JONES  
APPROVED BY: R. BROWN



FINISH SCHEDULE	
1	RED BRICK
2	GRAY PANEL
3	GREEN PANEL
4	GLASSING



PROPOSED 75-UNIT RESIDENTIAL DEVELOPMENT  
STREET, KINGSTON, ON.  
23006  
SCALE: 1 : 150  
A.401



PROPOSED 75-UNIT  
RESIDENTIAL  
DEVELOPMENT  
BUILDING  
ELEVATIONS  
SCALE: 1 : 150  
A.401

**Site Photos**

**View from Cataraqui Street at northwest corner of Site looking south**



**View from Woolen Mill looking east towards the development site.**



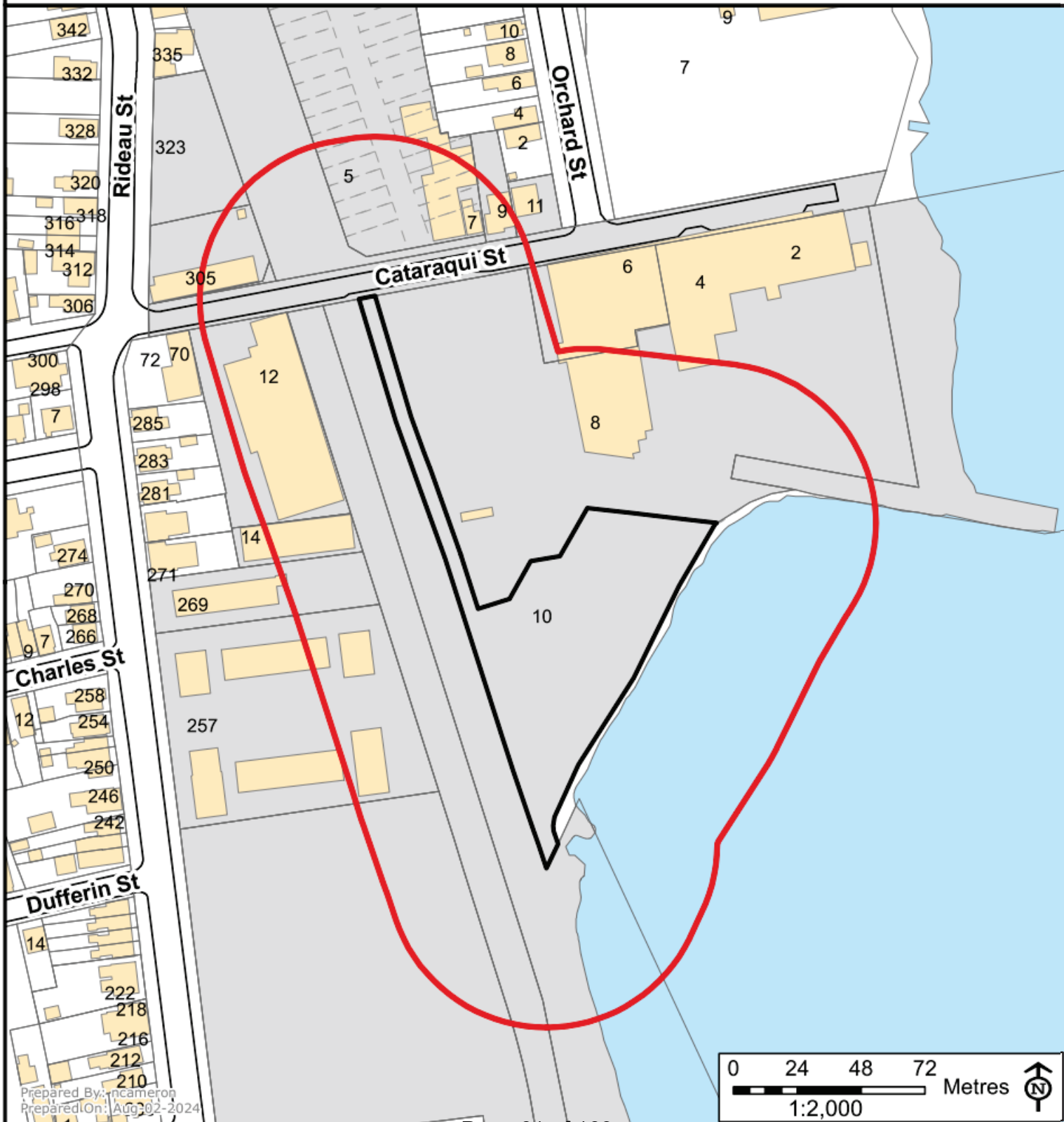




# Committee of Adjustment Public Notice Notification Map

Address: 10 Cataraqi St.  
File Number: D13-060-2024  
Prepared On: Aug-02-2024

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



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

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**City of Kingston  
Report to Committee of Adjustment  
Report Number COA-25-015**

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**To:** Chair and Members of the Committee of Adjustment  
**From:** Jason Partridge, Planner  
**Date of Meeting:** January 27, 2025  
**Application for:** Minor Variance  
**File Number:** D13-091-2024  
**Address:** 2250 Highway 38  
**District:** D13-091-2024  
**Owner:** Jeff and Kristy Schwartzentruber.  
**Applicant:** Jeff Schwartzentruber

---

**Council Strategic Plan Alignment:**

Theme: Policies & by-laws

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

**Executive Summary:**

This report provides a recommendation to the Committee of Adjustment regarding an application for a minor variance for the property located at 2250 Highway 38. The applicant is proposing to construct a 26.76 square metre accessory building within the front yard of the property. The new accessory building will comply with all maximum accessory building height, front/rear yard setbacks and landscaped open space requirements.

The proposed accessory building requires relief from the minimum interior setback requirement of 9 metres, whereas 2.4 metres is proposed. 2250 Highway 38 is not subject to section 4.1.2.1 and allows for accessory buildings to be located within the front yard because the lot is located within an 'RU' zone and the lot is over 1 hectare in size.

January 27, 2025

Page 2 of 10

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

**Recommendation:**

**That** minor variance application, File Number D13-091-2024, for the property located at 2250 Highway 38 to construct a 26.76 square metre accessory building within the front and interior yards of the property, be approved, as described below:

**Variance Number 1: Minimum interior setback**

By-Law Number 2022-62:8.3.1.7

Requirement: 9 metres

Proposed: 2.4 metres

Variance Requested: 6.6 metres

**That** approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-25-015.

January 27, 2025

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**Authorizing Signatures:**

ORIGINAL SIGNED BY PLANNER

---

Jason Partridge, Planner

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

Tim Park, Director, Planning Services

Malcolm Norwood, Supervisor, Development Approvals

January 27, 2025

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**Options/Discussion:**

On December 6, 2024, a minor variance application was submitted by Jeff Schwartzentruber, on behalf of the owners, Jeff and Kristy Schwartzentruber, with respect to the property located at 2250 Highway 38. The variance is requested to construct a 26.76 square metre accessory building. The accessory building is proposed to be approximately 8 feet in height. The applicant is requesting relief from the minimum interior setback requirement of the Kingston Zoning By-Law 2022-62 to construct an accessory building. The proposed accessory building is to be 2.4 metres setback from eastern interior lot line whereas the permitted interior setback of an accessory building is 9.0 metres. The requested variance is to accommodate an accessory building that will provide additional storage associated to the single detached house. The new accessory building complies with all minimum height, rear, front yard setbacks and landscaped open space requirements.

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

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

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

**Site Characteristics**

The subject property is located 2250 Highway 38 (Exhibit B – Key Map) and has a lot area of approximately 1.7 hectares with approximately 90 metres of frontage along Highway 38. The property is currently developed with a single detached house, and abuts other single detached houses to the east, west and south. The subject property is also located in proximity to various community and open space uses, local schools and Highway 401. (Exhibit C – Neighbourhood Context Map).

The subject property is designated Rural Lands in the Official Plan (Exhibit D – Official Plan Map) and is located in the ‘RU’ zone in Kingston Zoning By-Law (Exhibit E – Zoning By-Law Map 32-74).

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

January 27, 2025

Page 5 of 10

**Minor Variance Application**

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

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

The subject property is designated Rural 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. The proposal is compatible with the surrounding residential uses and will not result in significant impacts or changes to the surrounding area. No additional dwelling units are proposed and there is no increase in density or intensity of uses. The proposed accessory building is consistent with the intent of this policy.

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

2250 Highway 38 is not a designated property under the Ontario Heritage Act, nor is it within a Heritage District. No impacts to any built heritage resources are anticipated as a result of this proposal, and as such, no Heritage Impact Statement is required. Furthermore, Heritage Planning staff have identified the subject property as having composite potential for archeological resources. However, as the development will not result in ground disturbance an archeological assessment is not required.

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

The Cataraqui Region Conservation Authority (CRCA) was circulated the minor variance application and noted that they had no concerns with the reduction of the interior setback based on natural hazards and wetland protection policies.

The subject property contains a significant woodland and unevaluated wetland feature in the area of the proposed accessory structure. The Environmental Department was circulated the application and noted the photos from the applicant depict an upland woodland habitat and not a wetland habitat which the CRCA concurred with. Therefore, no waterbody separation distance



January 27, 2025

Page 6 of 10

setback was assessed within 30 metres of the proposed area of development. The proposed accessory building construction is unlikely to negatively impact the significant woodland and will not require a scoped or detailed Environmental Impact Assessment.

The Forestry Department was circulated the minor variance application and noted that the proposed construction of the accessory building will require a Tree Permit to address tree preservation concerns within the significant woodland portion of the property. A recommended condition for the tree permit will be placed within the Notice of Decision. This will assist in mitigating any potential impacts to the woodland.

The proposed variance meets the four tests of a minor variance under the Planning Act and the development is consistent with the existing built form along Highway 38. Therefore, a zoning by-law amendment is not required.

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

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

The subject property is zoned General Rural Area (RU) in Kingston Zoning By-Law Number 2022-62 (Exhibit E – Zoning By-Law Map). A single detached house with an accessory building is a permitted use within the ‘RU’ zone.

The proposal requires a variance to Section 8.3.1.7 of the zoning by-law, as follows

**Variance Number 1: Minimum interior setback**

By-Law Number 2022-62:8.3.1.7

Requirement: 9 metres

Proposed: 2.4 metres

Variance Requested: 6.6 metres

The intent of the interior setback within an ‘RU’ zone is to maintain sufficient space around the periphery of any building to provide for functional access, to mitigate the potential for adverse impacts from adjacent agricultural operations, and to prevent intrusive overlook onto surrounding properties. A reduced interior side yard width of 2.4 metres will continue to provide sufficient space to allow for the functional movements of vehicles, equipment, and people to occur around the proposed accessory building. Existing vegetation along the eastern interior lot line serves to provide some buffering from the adjacent residential use to the east, which is currently only used as a driveway into the neighbouring property. The accessory building is intended to provide additional storage space associated to the permitted single detached house use. No adverse impacts in terms of intrusive overlook are anticipated as a result of the proposed accessory building. The decreased interior setback maintains the general intent and the purpose of the by-law.

January 27, 2025

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**The variance is minor in nature**

The proposed accessory building will result in a development that is consistent with the existing built form of residential development along Highway 38. The accessory building will be located within the front yard and will not result in intrusive overlook with respect to adjacent properties. The variance will not alter the character of the neighbourhood or the existing streetscape. There are no anticipated impacts to the significant woodland on the subject property with the recommended condition for a tree management plan. The total area of the proposed accessory building is 26.76 square metres and does not exceed the permitted lot coverage for accessory buildings.

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

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

The proposed development will support the functional needs of the existing residential use. The form of residential development is long established. Thus, the overall density, type of use and scale of activity as proposed is consistent with the existing built form of accessory building along Highway 38.

The resulting built form satisfies all applicable provisions of the zoning by-law, except for the required minimum interior setback. The proposal does not involve a significant alteration to the existing built form on the site and will not cause any adverse impacts on adjacent properties.

The variance is desirable and appropriate use of the land

**Technical Review: Circulated Departments and Agencies**

- |   |   |  |
|---|---|--|
| <input checked="" type="checkbox"/> Building Services | <input checked="" type="checkbox"/> Engineering         | <input checked="" type="checkbox"/> Heritage Services    |
| <input type="checkbox"/> Finance                      | <input type="checkbox"/> Utilities Kingston             | <input type="checkbox"/> Real Estate                     |
| <input type="checkbox"/> Fire & Rescue                | <input type="checkbox"/> Kingston Hydro                 | <input checked="" type="checkbox"/> Environment Division |
| <input checked="" type="checkbox"/> Solid Waste       | <input 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**

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

January 27, 2025

Page 8 of 10

application from moving forward. Any technical comments that are received after the publishing of this report will be included as an addendum to the Committee of Adjustment Agenda.

**Public Comments**

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

**Previous or Concurrent Applications**

**D10-191-2015 Consent application for a 1 lot consent on the property**

D10-029-2016 Consent application for a 1 lot consent on the property

**Conclusion**

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

Approval of this application will permit the construction of a new 26.76 square metre accessory building within the front yard of the subject property. The proposed front yard accessory building and will improve the function of the existing residential use on the site and represents good land use planning.

**Existing Policy/By-Law:**

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

**Provincial**

Provincial Planning Statement, 2024

**Municipal**

City of Kingston Official Plan

Kingston Zoning By-Law Number 2022-62

January 27, 2025

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**Notice Provisions:**

A Committee of Adjustment Meeting is going to be held respecting this application on January 27, 2025 Pursuant to the requirements of the *Planning Act*, a notice of Statutory Public Meeting was provided by advertisement in the form of signs posted on the subject site 10 days in advance of the meeting. In addition, notices were sent by mail to a total number of 9 property owners (according to the latest Assessment Roll) within 60 metres of the subject property and a courtesy notice was placed in The Kingston Whig-Standard (Exhibit I – Public Notification Map).

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

**Accessibility Considerations:**

None

**Financial Considerations:**

None

**Contacts:**

Malcolm Norwood, Supervisor, Development Approvals, 613-546-4291 extension 3236

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

**Other City of Kingston Staff Consulted:**

None

**Exhibits Attached:**

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

January 27, 2025

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Exhibit I      Public Notification Map

## Recommended Conditions

### Application for minor variance, File Number D13-091-2024

Approval of the foregoing application shall be subject to the following recommended conditions:

#### 1. Limitation

That the approved variance applies only to the minimum interior setback to construct a 26.76 front yard accessory building at 2250 Highway 38.

#### 2. No Adverse Impacts

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

#### 3. Building Permit Application Requirements

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

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

#### 4. Standard Archeological Condition

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

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

#### 5. Forestry


Prior to the issuance of a building permit, the owner must apply for a Tree permit that includes a Tree Preservation Plan prepared by an ISA Certified Arborist with

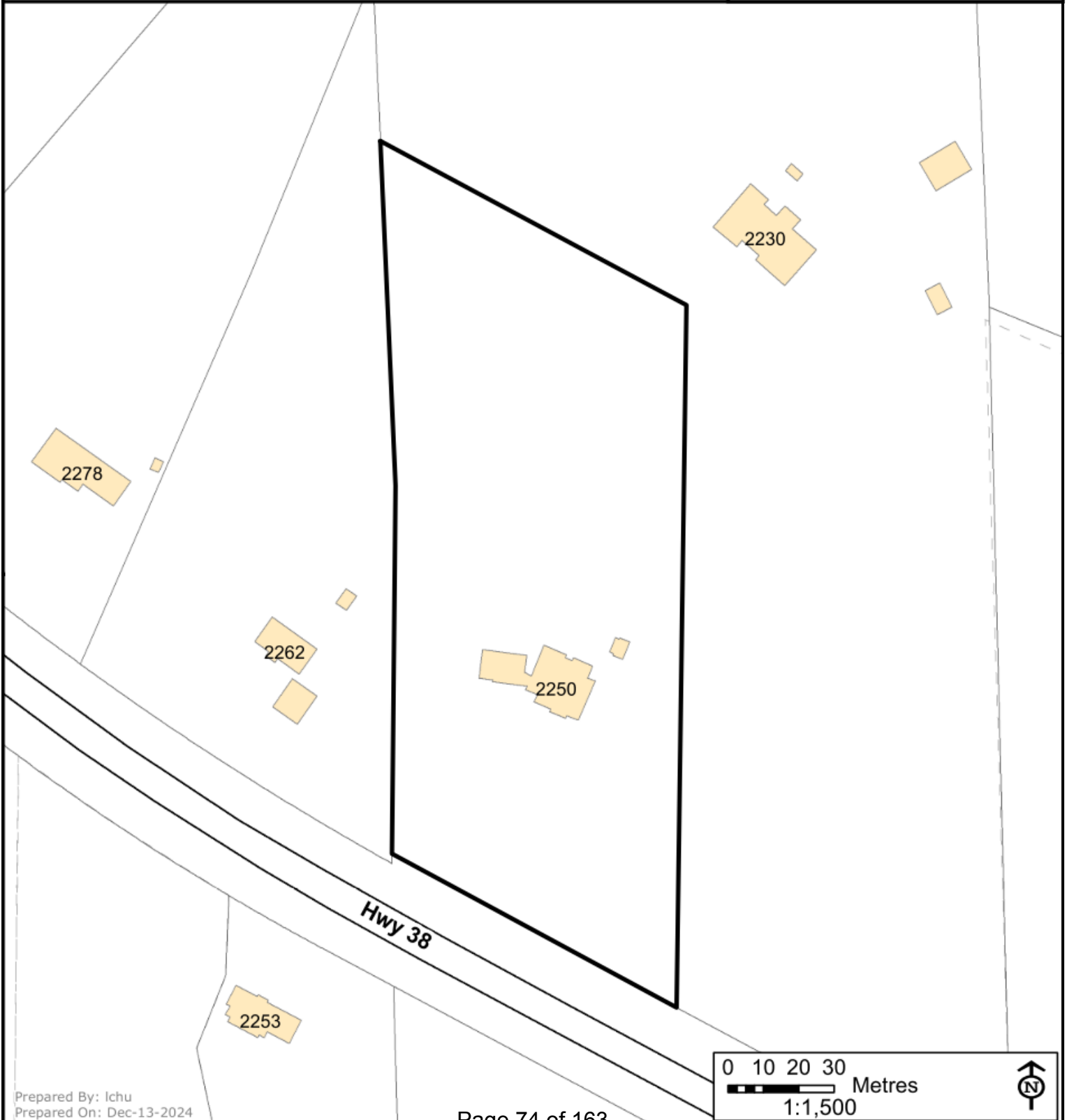
supporting documentation for the Tree permit submission that outlines specific measures to further minimize impacts, i.e. staging and placement of materials, mulch layers to minimize compaction within the treed areas, etc.



# Committee of Adjustment Key Map

Address: 2250 HWY 38  
File Number: D13-091-2024  
Prepared On: Dec-13-2024

 Lands Subject to Minor Variance



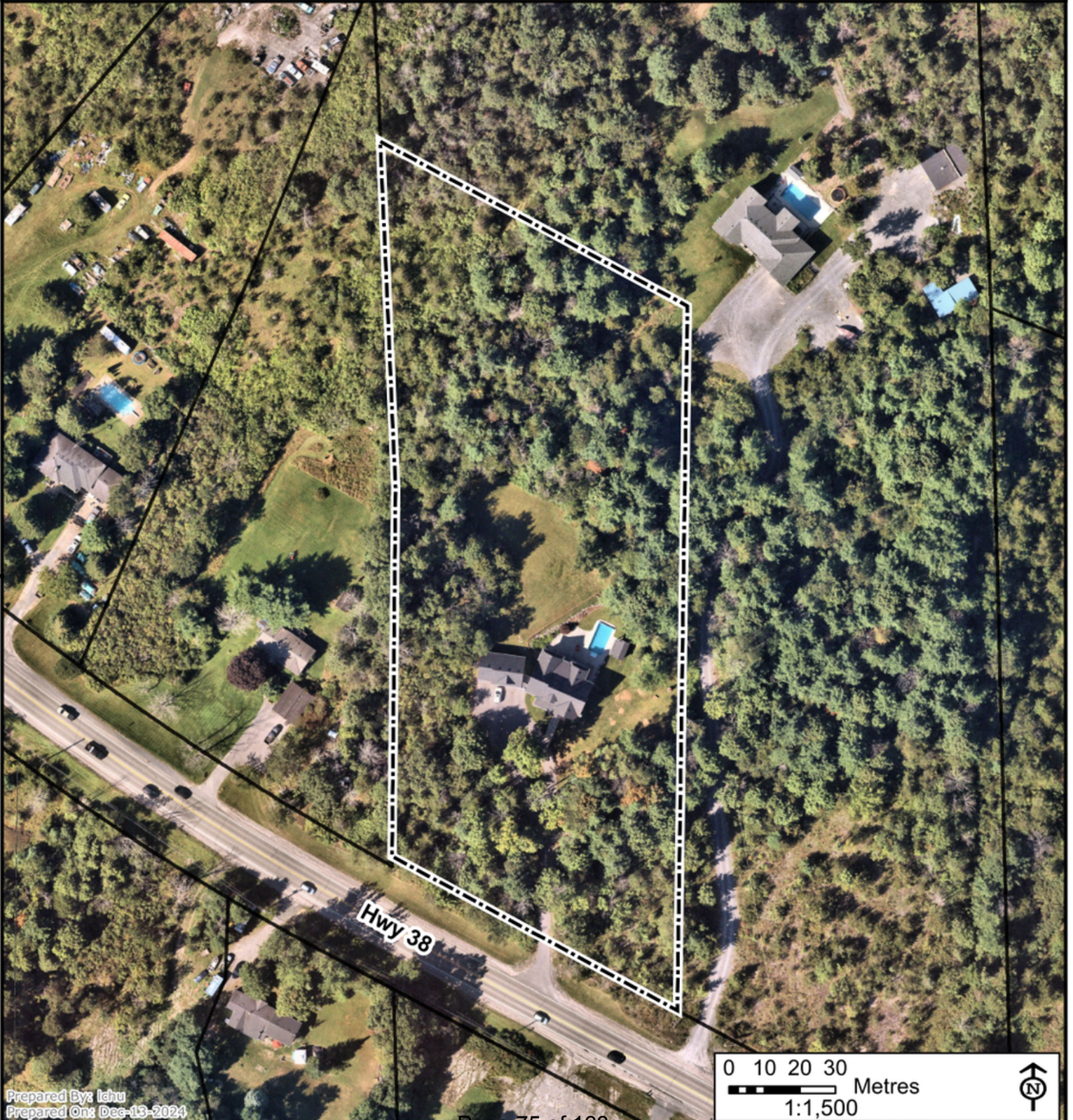




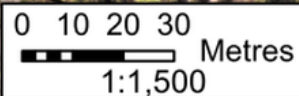
# Committee of Adjustment Neighbourhood Context

Address: 2250 HWY 38  
File Number: D13-091-2024  
Prepared On: Dec-13-2024

- Subject Lands
- Property Boundaries
- Proposed Parcels



Prepared By: lchu  
Prepared On: Dec-13-2024





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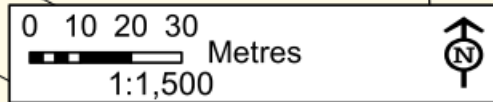
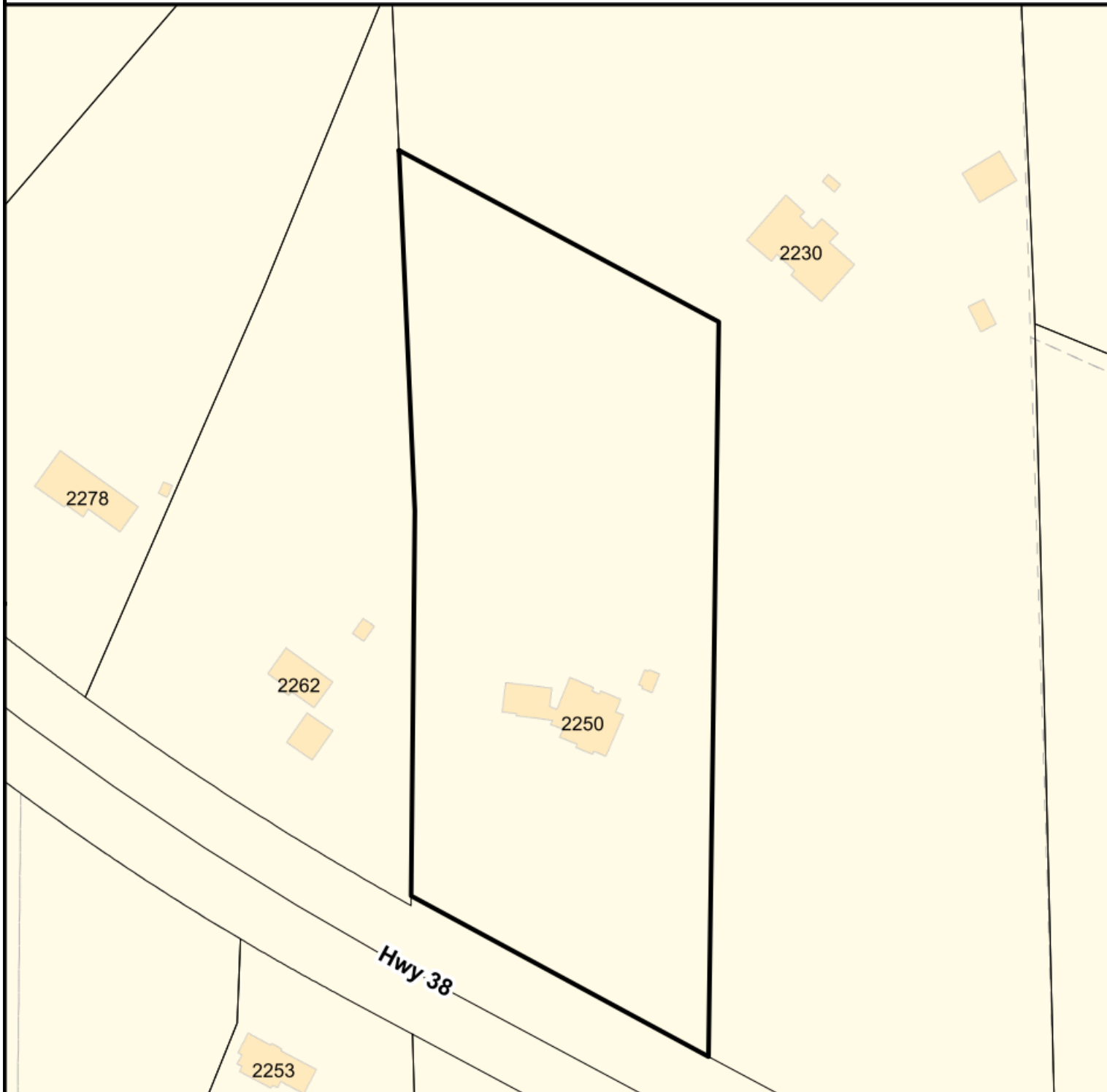




# Committee of Adjustment Official Plan, Existing Land Use

Address: 2250 HWY 38  
File Number: D13-091-2024  
Prepared On: Dec-13-2024

-  Subject Lands
-  Rural Lands



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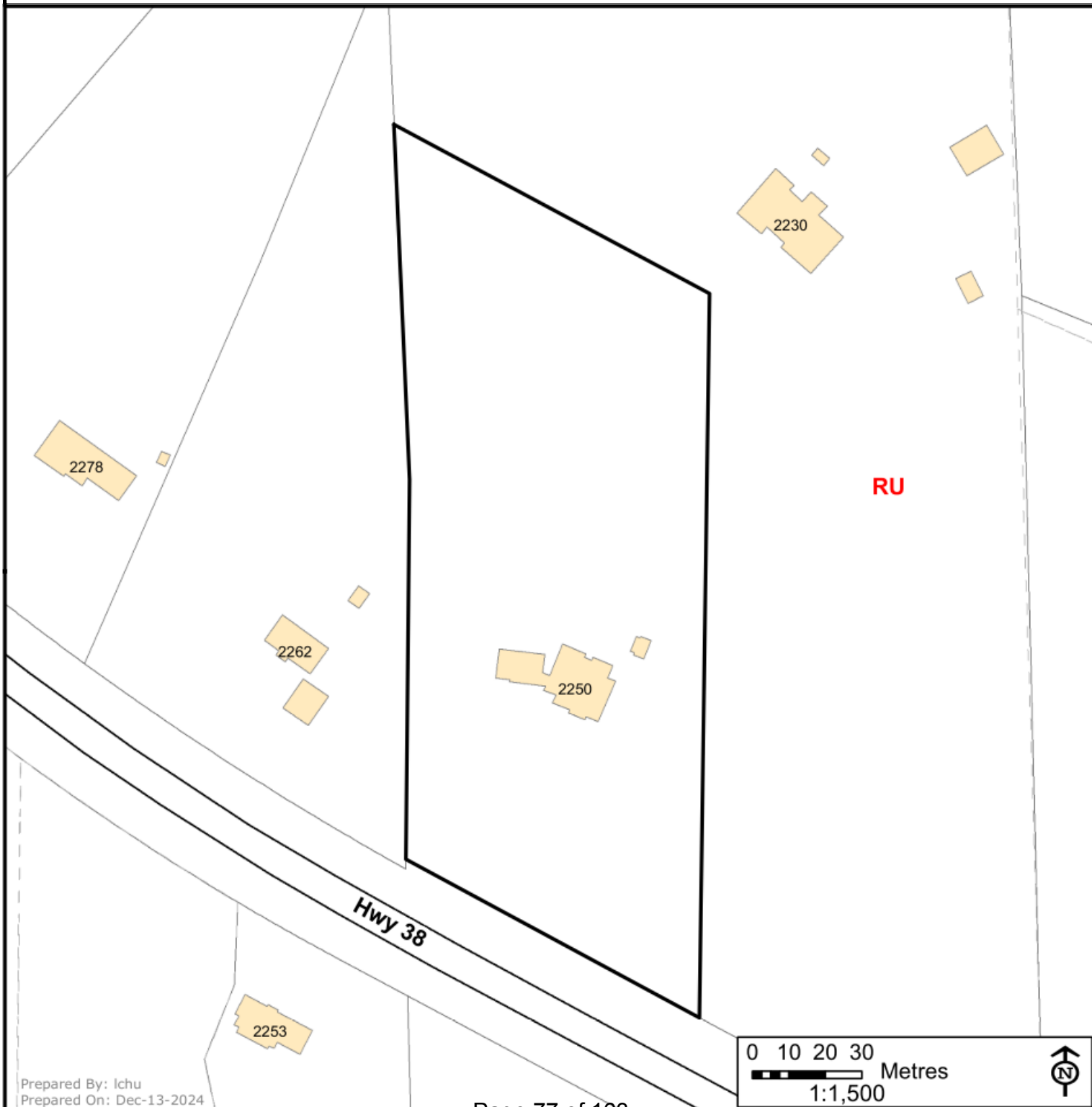
Planning Committee  
Existing Zoning  
Kingston Zoning By-Law 2022-62

Planning Services

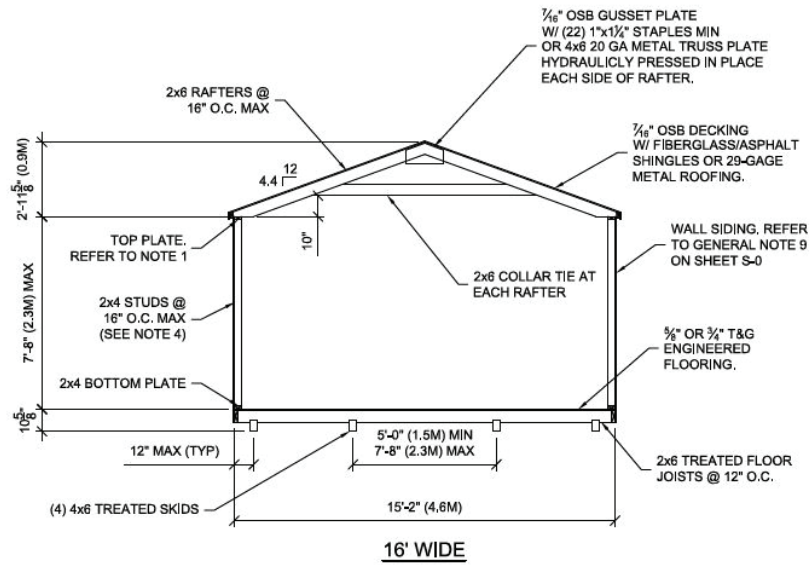
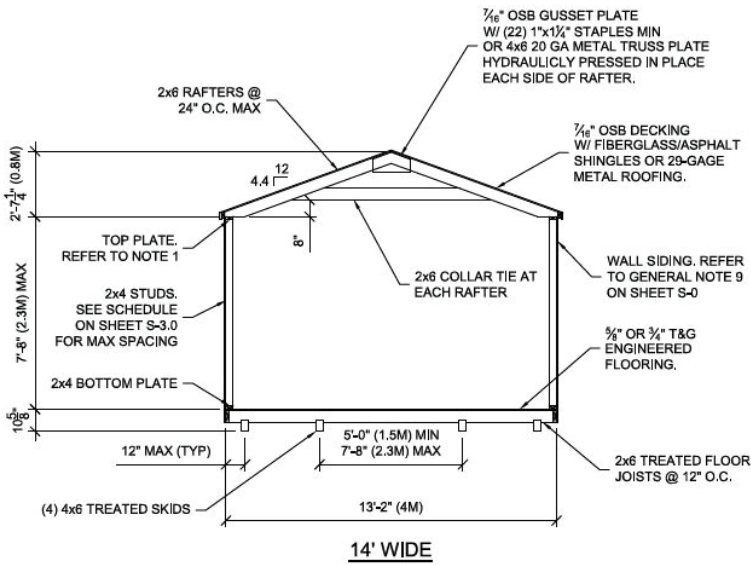
Address: 2250 HWY 38  
File Number: D13-091-2024  
Prepared On: Dec-13-2024

Subject Lands  
Schedule 1 Zoning Map  
Zone

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







- NOTES: 1. PROVIDE A DOUBLE TOP PLATE ALONG THE SIDE WALLS WHEN THE RAFTER SPACING DOES NOT MATCH THE WALL STUD SPACING.  
 2. ACTUAL SKID SPACING MAY VARY PROVIDED THAT THE CENTER TO CENTER SPACING IS WITHIN THE MAX/MIN SPACING STATED.  
 3. 2x6 FRAMING MAY BE SUBSTITUTED FOR THE 2x4 FRAMING SHOWN. THE SPACING OF THE 2x6 FRAMING SHALL BE AS SHOWN FOR THE 2x4.  
 4. WALL STUDS ARE PERMITTED TO BE SPACED AT 24" O.C. FOR 3/4" T1-11 SIDING PROVIDED A DOUBLE TOP PLATE IS USED ALONG THE SIDE WALLS.

**BUILDING SECTIONS**



**UTILITY SHED w/ ROLL-UP DOOR--ONTARIO--2012 OBC**



PROJECT NO:	
DATE:	06-04-2024
DRAWN BY:	KLN
CHECKED BY:	KLN
REVISION:	

SHEET NUMBER	
<b>S-31</b>	
SCALE:	1/4" = 1'-0"



2250 Highway 38– December 16, 2024



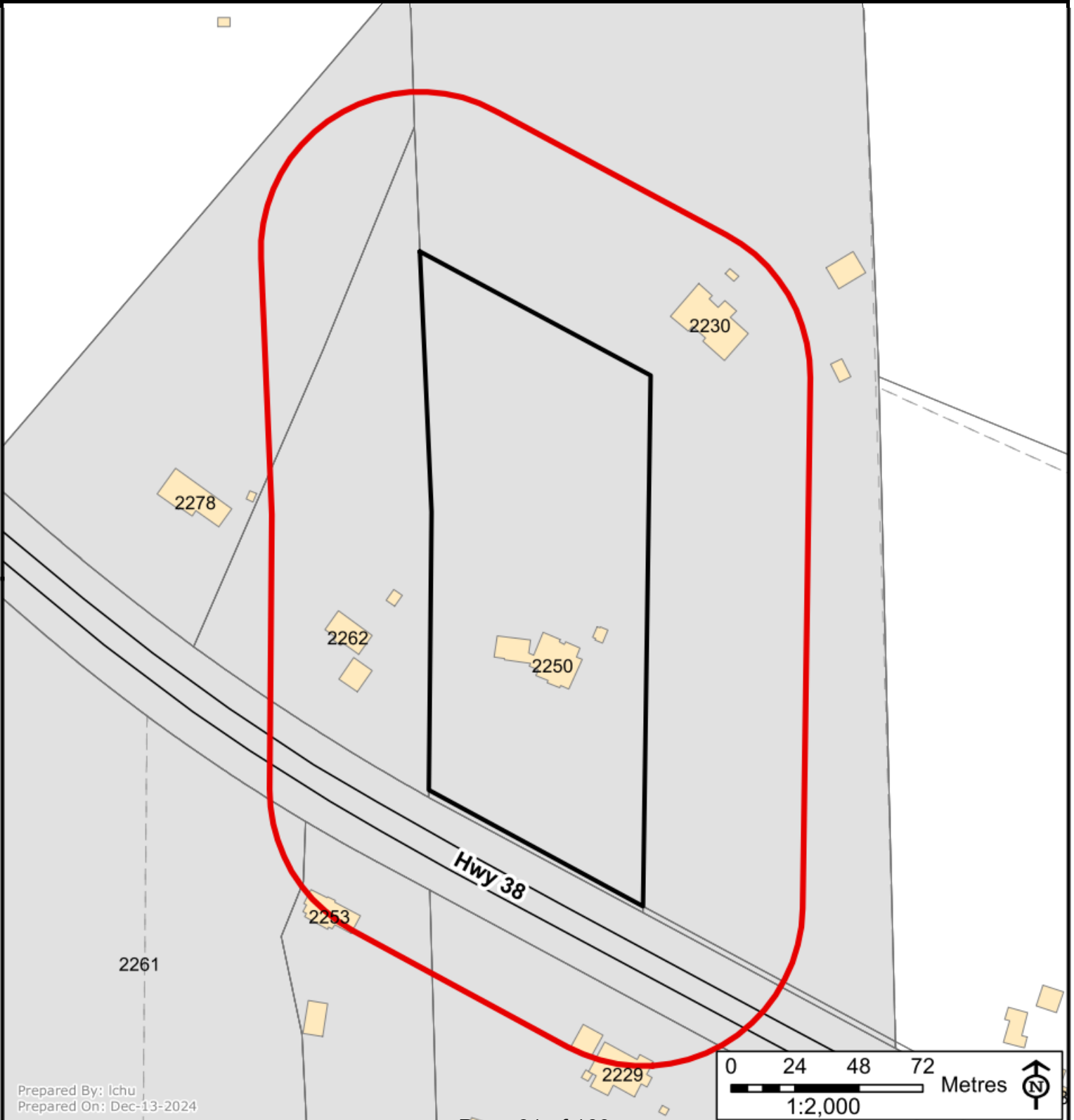
(South facing view of the proposed location of the accessory building)



# Committee of Adjustment Public Notice Notification Map

Address: 2250 HWY 38  
File Number: D13-091-2024  
Prepared On: Dec-13-2024

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



Prepared By: Ichu  
Prepared On: Dec-13-2024

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**City of Kingston  
Report to Committee of Adjustment  
Report Number COA-25-017**

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**To:** Chair and Members of the Committee of Adjustment  
**From:** Chris Wicke, Senior Planner  
**Date of Meeting:** January 27, 2025  
**Application for:** Minor Variance  
**File Number:** D13-087-2024  
**Address:** 23 Traymoor Street  
**District:** District 10 - Sydenham  
**Owner:** Shoshanna Green  
**Applicant:** Asterisk Engineering Corporation

---

**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 a minor variance for the property located at 23 Traymoor Street. The applicant is proposing to construct a front porch and an enclosed entry onto the existing dwelling.

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

January 27, 2025

Page 2 of 10

**Recommendation:**

**That** minor variance application, File Number D13-087-2024, for the property located at 23 Traymoor Street to permit a front porch and an enclosed entry on the existing dwelling, be approved, as described below:

**Variance Number 1: Deck and porch minimum front setback**

By-Law Number: 2022-62: Table 4.20.4.2

Requirement: 3.5 metres

Proposed: 2.2 metres

Variance Requested: 1.3 metres

**That** approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-25-017.

January 27, 2025

Page 3 of 10

**Authorizing Signatures:**

ORIGINAL SIGNED BY PLANNER

---

Chris Wicke, Senior Planner

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

Tim Park, Director, Planning Services  
Malcolm Norwood, Supervisor, Development Approvals

January 27, 2025

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**Options/Discussion:**

On November 18, 2024, a minor variance application was submitted by Asterisk Engineering Corporation, on behalf of the owner, Shoshanna Green, with respect to the property located at 23 Traymoor Street. The variance is requested to permit the construction of a covered front porch and an enclosed entry onto the existing dwelling. The existing dwelling currently has a small concrete front porch with steps that are oriented parallel to the front face of the house. The existing dwelling is set back 6.28 metres from the front lot line, meeting the minimum setback requirements. The enclosed entrance is proposed to project 1.75 metres from the front face of the dwelling, meeting the minimum front setback requirement. However, the proposed covered porch and stairs would project an additional approximately 2.3 metres toward the front lot line. As such, a reduction is required from the general provision specifying the minimum front setback for decks and porches of 3.5 metres to 2.2 metres. No relief is required from the provisions of the applicable zone.

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

- Site Plan (Exhibit F)
- Planning Justification Report
- Owner Authorization
- Elevations
- Floor Plans

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 23 Traymoor Street (Exhibit B – Key Map). The property is north of Union Street, south of Hill Street and west of Ellerbeck Street. The property contains a two-storey single detached house with an existing small front porch, with a deck and a detached garage in the rear yard. The property is located in an established urban residential area surrounded by single detached houses (Exhibit C – Neighbourhood Context Map).

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

**Provincial Planning 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 Planning Statement (the PPS). The PPS provides

January 27, 2025

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

### **Minor Variance Application**

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

#### **The general intent and purpose of the Official Plan are maintained**

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

The subject property is located within a Housing District on Schedule 2 – City Structure of the Official Plan. This proposal does not seek a significant change that would impact the surrounding properties or neighbourhood characteristics. The subject property is located in a residential area of the City consisting of predominately detached houses of varied built form. The proposal to construct a covered front porch and an enclosed entrance is compatible with the surrounding area. The modifications are not anticipated to have any negative impacts on the neighbourhood. The proposed entrance features are to take place in the front yard. No change to the primary use of the property is proposed as a result of the minor variance. An expansion to the building footprint is proposed, and it is in keeping with the size and form of the surrounding houses.

This proposal to permit the construction of a covered front porch and an enclosed entrance meets all compatibility criteria and will not result in any negative off-site impacts to abutting properties. The proposed entrance elements have minimal potential for impacts and will not result in a loss of privacy due to intrusive overlook. Increased levels of light pollution, noise, or odour are not anticipated. Adverse effects due to shadowing are also not anticipated as the proposed entrance features at approximately one-storey in height are well below the overall height of the existing two-storey building. Located on the southern portion of the front face of the building, no significant shadows will be created by the proposed structure and there is minimal potential for shadows from the entrance features to affect the adjacent property.

While the location of the proposed entrance features will be readily visible from the street and surrounding area due to the location in the front yard of the home, no adverse impacts to the streetscape along Traymoor Street are anticipated. There is an existing concrete porch on the Traymoor Street frontage of the house. No additional zoning relief is required beyond the requested minor variance for the front yard setback.

January 27, 2025

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The proposed covered front porch and enclosed entrance are of a suitable scale and will provide for an improved entrance with weather-protection and additional storage, with improved covered amenity space. The entrance features are designed to be complementary to the characteristics of the existing house and the broader streetscape.

The proposal will not negatively impact the functional needs of the current or future residents. The footprint of the principal building will be increased by a small amount through the introduction of the enclosed entrance.

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

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

The property is not a designated heritage resource, nor is it located adjacent to designated properties.

The property is within an area of archaeological potential identified as ‘Composite Archaeological Potential’. However, Heritage Services has determined that no archaeological assessment will be required at this time as the principal structure likely resulted in subsurface disturbance during its construction. The property uses municipal water and sewage services. As this application proposes to permit an addition to the existing structure with no new services and an existing dwelling, no additional service usage is expected.

The cumulative impact of the variance requested for this proposal does not warrant a zoning by-law amendment. The Committee of Adjustment may require additional conditions as it deems appropriate to the approval of the application. Recommended conditions are listed in “Exhibit A – Recommended Conditions”, attached to this report. Conditions may be added, altered, or removed at the Committee’s discretion.

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

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

The subject property is zoned Urban Residential 5 Zone (UR5) in Kingston Zoning By-Law Number 2022-62 (Exhibit E – Zoning By-Law Map). The UR5 zone permits a range of residential uses including a house. The property is also subject to the general provisions of the By-Law including those of Section 4.20 regarding decks, porches and balconies.

The proposal requires a variance to Table 4.20.4 of the Kingston Zoning By-law. The following describes the required relief:

January 27, 2025

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**Variance Number 1: Deck and porch minimum front setback**

By-Law Number: 2022-62: Table 4.20.4.2

Requirement: 3.5 metres

Proposed: 2.2 metres

Variance Requested: 1.3 metres

The variance requested maintains the general purpose and intent of the applicable provisions of the zoning by-law which is to avoid the construction of deck and porch structures in the front yard which result in obstructions, visual discontinuity, or issues of access for maintenance.

The enclosed entrance meets the minimum front setback requirements of the UR5 zone. However, the proposed covered porch and reoriented stairs would project an additional approximately 2.3 metres toward the front lot line. As such, a reduction of 1.3 metres is required from the general provision requiring a minimum front setback for decks and porches of 3.5 metres, permitting the porch and stairs to be located 2.2 metres from the front lot line. The proposed entrance features are actually placed further back from the front lot line than the porches and entrances on many of the nearby properties. Again, no relief is required from the provisions of the applicable UR5 zone for the proposed development.

The covered porch and enclosed entry have been carefully designed to be appropriate for the context and are in keeping with similar projections into the front yard as other buildings in proximity. They are proposed to be a height of 0.72 metres from grade to the floor, with an area of approximately 13.4 square metres.

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

**The variance is minor in nature**

The requested variance to permit the proposed covered porch and enclosed entrance are considered minor as they are in keeping with similar features on the street, they will be limited to the site, and they are limited in the potential for any impacts. The proposed entrance elements are compatible with the principal dwelling, the surrounding properties and the existing neighbourhood, and they will support the residential use of the property. The proposed covered front porch and enclosed entrance would replace an existing small front porch. They are designed with an attention to detail and quality of construction that is in keeping with the adjacent structures and the surrounding neighbourhood. The proposed alterations are not anticipated to result in any adverse effects to the surrounding neighbourhood.

The proposed front porch and enclosed entrance comply with all other applicable zone provisions, including the front yard setback for the principal structure, interior and aggregate interior setbacks, landscaped open space, number of storeys and number of dwelling units per lot. The proposal will not change the fundamental design characteristics of the neighbourhood. No impact on the surrounding land uses is anticipated.

The variance is considered minor in nature.

January 27, 2025

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

The requested variance is desirable and appropriate use of the land as the scale and design of the covered front porch and enclosed entrance is appropriate for the dwelling size, and they have been carefully detailed to be compatible with the existing characteristics of the home and surrounding properties. The proposed entrance features have minimal potential for impacts on both surrounding properties and the streetscape, while improving the liveability and function of the property for the residents, with improved weather protection and amenity space and in a manner that is sensitive to the existing residential context. The variance is desirable and appropriate use of the land.

The variance is desirable and appropriate use of the land.

**Technical Review: Circulated Departments and Agencies**

- |   |   |  |
|---|---|--|
| <input checked="" type="checkbox"/> Building Services | <input checked="" type="checkbox"/> Engineering         | <input checked="" type="checkbox"/> Heritage Services    |
| <input type="checkbox"/> Finance                      | <input checked="" type="checkbox"/> Utilities Kingston  | <input checked="" type="checkbox"/> Real Estate          |
| <input type="checkbox"/> Fire & Rescue                | <input checked="" type="checkbox"/> Kingston Hydro      | <input checked="" type="checkbox"/> Environment Division |
| <input checked="" type="checkbox"/> Solid Waste       | <input checked="" type="checkbox"/> Parks Development   | <input type="checkbox"/> Canadian National Railways      |
| <input checked="" type="checkbox"/> Housing           | <input checked="" type="checkbox"/> District Councillor | <input type="checkbox"/> Ministry of Transportation      |
| <input type="checkbox"/> KEDCO                        | <input checked="" type="checkbox"/> Municipal Drainage  | <input type="checkbox"/> Parks of the St. Lawrence       |
| <input 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**

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

**Public Comments**

At the time this report was finalized, no comments 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.



January 27, 2025

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**Conclusion**

The requested variance(s) maintain(s) the general intent and purpose of both the City of Kingston Official Plan and Kingston Zoning By-Law Number 2022-62. The proposal is desirable for the appropriate development or use of the land, building or structure and the requested variance 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 the construction of a covered front porch and an enclosed entrance on existing single detached house.

**Existing Policy/By-Law:**

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

**Provincial**

Provincial Planning Statement, 2024

**Municipal**

City of Kingston Official Plan

Kingston Zoning By-Law Number 2022-62

**Notice Provisions:**

A Committee of Adjustment Meeting is going to be held respecting this application on January 27, 2025 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 50 property owners (according to the latest Assessment Roll) within 60 metres of the subject property and a courtesy notice was placed in The Kingston Whig-Standard (Exhibit I – Public Notification Map).

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

**Accessibility Considerations:**

None

**Financial Considerations:**

None

January 27, 2025

Page 10 of 10

**Contacts:**

Malcolm Norwood, Supervisor, Development Approvals, 613-546-4291 extension 3236

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

**Other City of Kingston Staff Consulted:**

None

**Exhibits Attached:**

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

## Recommended Conditions

The approval of minor variance application, File Number D13-087-2024, to construct a covered front porch and enclosed entrance, shall be subject to the following recommended conditions:

### 1. Limitation

That the approved minor variance applies only to the proposed front porch and enclosed entrance at 23 Traymoor Street as shown on the plot plan 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](mailto: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](mailto: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: 23 Traymoor St.  
File Number: D13-087-2024  
Prepared On: Dec-16-2024

 Lands Subject to Minor Variance







# Committee of Adjustment Neighbourhood Context

Address: 23 Traymoor St.  
File Number: D13-087-2024  
Prepared On: Dec-16-2024

- Subject Lands
- Property Boundaries
- Proposed Parcels



Prepared By: neameron  
Prepared On: Dec-16-2024




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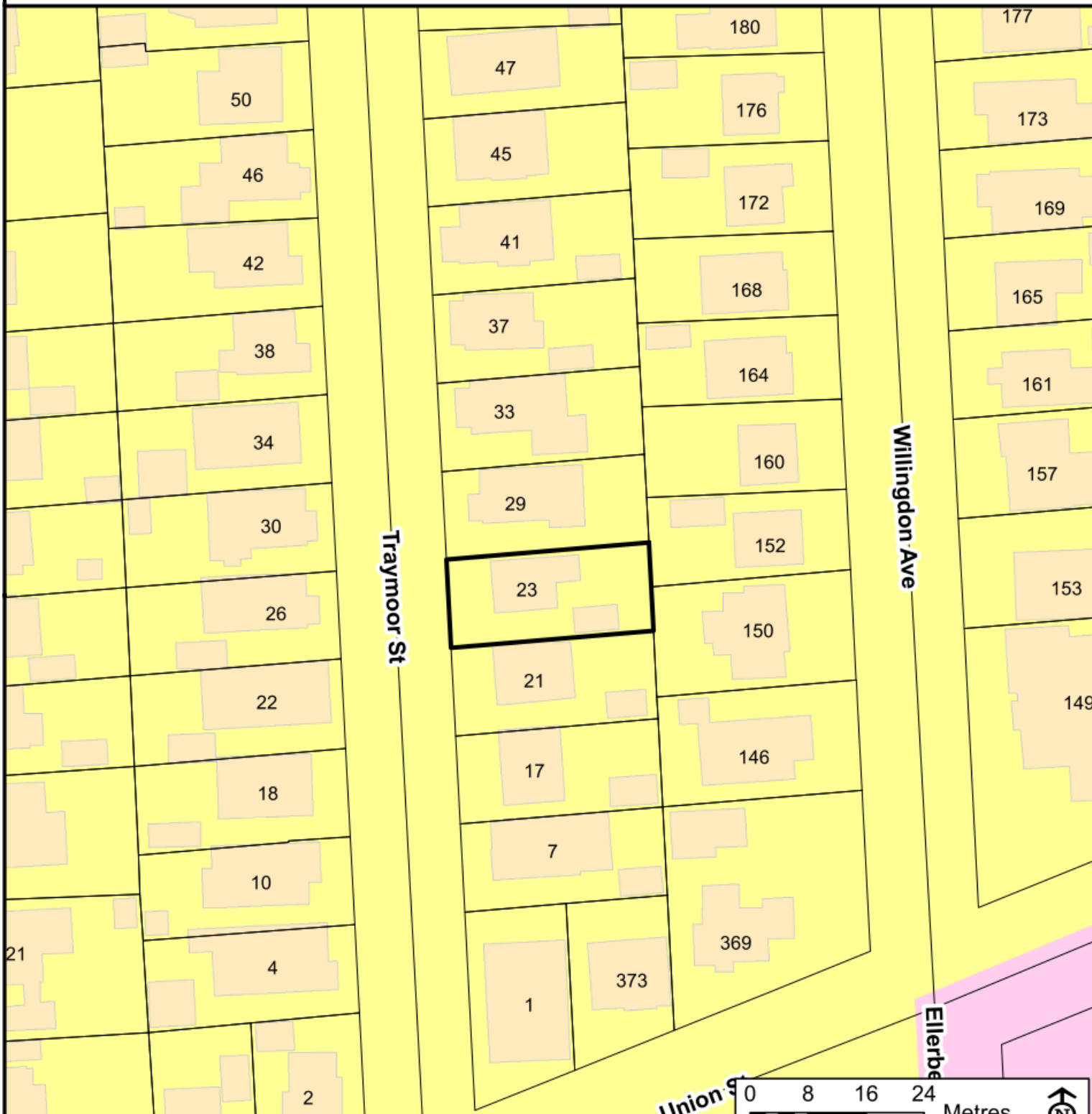




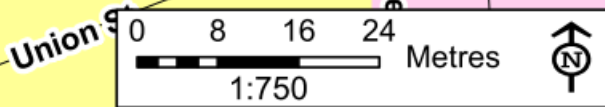
# Committee of Adjustment Official Plan, Existing Land Use

Address: 23 Traymoor St.  
File Number: D13-087-2024  
Prepared On: Dec-16-2024

-  Subject Lands
-  Institutional
-  Residential



Prepared By: ncameron  
Prepared On: Dec-16-2024



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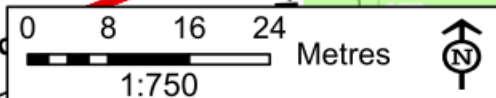
Planning Committee  
Existing Zoning  
Kingston Zoning By-Law 2022-62

Planning Services

Address: 23 Traymoor St.  
File Number: D13-087-2024  
Prepared On: Dec-16-2024

Subject Lands  
Schedule 1 Zoning Map  
Zone

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



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**Exhibit F**  
**Report Number COA-25-017**



BUILDING SCHEDULE SUMMARY		
DESCRIPTION	AREA	sqm
EXISTING BUILDING TO REMAIN	734.73	68.20
NEW DECK/PORCH TO BUILD	143.66	13.34
<b>TOTAL PROPOSED BUILDING AREA</b>	<b>878.39</b>	<b>81.54</b>

The total site area is 13,349 sq ft (1,235 sqm).



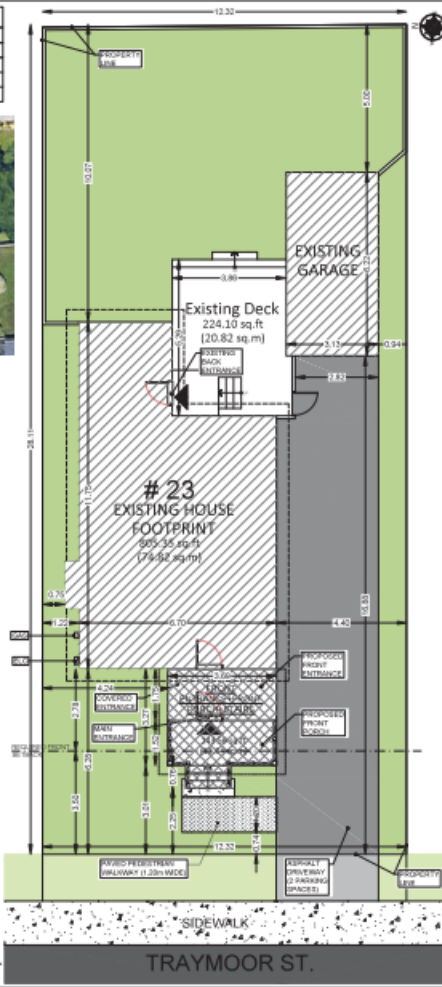
**1 EXISTING KEY PLAN**  
AR-01 SCALE: N.T.S.

BUILDING SCHEDULE (Zone URS - RESIDENTIAL)						
Kingston Township Zoning By-Law Number 2022-62						
23 TRAYMOOR ST. - KINGSTON, ON (Single detached house, duplex)						
DESCRIPTION	EXISTING	PROPOSED	REQUIRED	EXISTING	PROPOSED	REQUIRED
Minimum Lot area (m <sup>2</sup> )	345.59	345.59	370.00	---	---	---
Total Building area (m <sup>2</sup> )	128.46	188.03	---	---	---	---
Total Footprint area (m <sup>2</sup> )	68.20	74.82	---	---	---	---
Max. Building coverage (%)	33.33%	21.60%	N/A	---	---	---
Min. Lot coverage area (m <sup>2</sup> )	330.15	49.70%	305.47	98.88%	---	---
Proposed surface area (m <sup>2</sup> )	125.44	36.30%	142.12	41.12%	---	---
Max. Building height (m)	7.83	7.83	10.7	---	---	---
Min. Front setback (m)	6.38	6.38	4.90	---	---	---
Min. Rear setback (m)	10.07	10.07	N/A	---	---	---
Min. Side setback (m)	N/A	N/A	4.90	---	---	---
Min. Side setback (m)	0.75 / 4.40	0.75 / 4.40	0.60	---	---	---
Min. Side setback (m)	5.15	5.15	9.60	---	---	---
Max. # of principal buildings per lot (units)	1	1	1	---	---	---
Max. Building depth (m)	11.75	13.5	18.00	---	---	---
# Car space (units)	2	2	2	---	---	---
Min. Lot Frontage (m)	12.25	12.25	10.00	---	---	---
Max. Deck coverage (%)	20.83	8.00%	37.58	9.82%	---	10.00%

BUILDING SCHEDULE (Table 4.20.4. - Decks and Porches)						
Kingston Township Zoning By-Law Number 2022-62						
23 TRAYMOOR ST. - KINGSTON, ON (Single detached house, duplex)						
DESCRIPTION	EXISTING	PROPOSED	REQUIRED	EXISTING	PROPOSED	REQUIRED
Maximum surface area of Deck/Porches*	---	2.89%	2.70%	---	---	10.00%
Minimum front setback**	6.75	---	0.60	---	---	---
Minimum side setback**	0.75 / 4.40	---	0.60	---	---	---
Minimum rear setback**	N/A	---	4.90	---	---	---
Minimum rear setback**	N/A	---	3.00	---	---	---

**2 EXISTING SITE PLAN**  
AR-01 SCALE: 3/32" = 1'-0"

**3 PROPOSED SITE PLAN**  
AR-01 SCALE: 3/32" = 1'-0"



**HOME ADDITION**  
23 Traymoor St.,  
Kingston, Ontario  
K7K 4K9

CLIENT:  
Roald Smith Construction

**ASTERISK**  
ENGINEERING CORPORATION  
1480 Bath Rd. Suite 201  
Kingston, ON, K7M 4W6  
Phone: (613) 542-2040  
www.asteriskengineering.com

ISSUED FOR	REV	DATE
APPROVAL	0	SEP 09, 2024
CITY COMMENTS	1	OCT 09, 2024
CITY COMMENTS	2	NOV 14, 2024

**DESIGN NOTES:**  
Do not scale drawings. Refer to Architectural drawings for dimensions. All elevations/dimensions shall be verified with Architectural drawings and any discrepancy shall be reported immediately to consultant. Read this drawing in conjunction with ALL applicable Architectural, Structural, Mechanical, Electrical and other disciplines involved. This drawings are "design drawings" only and are not intended to be used as shop drawings.

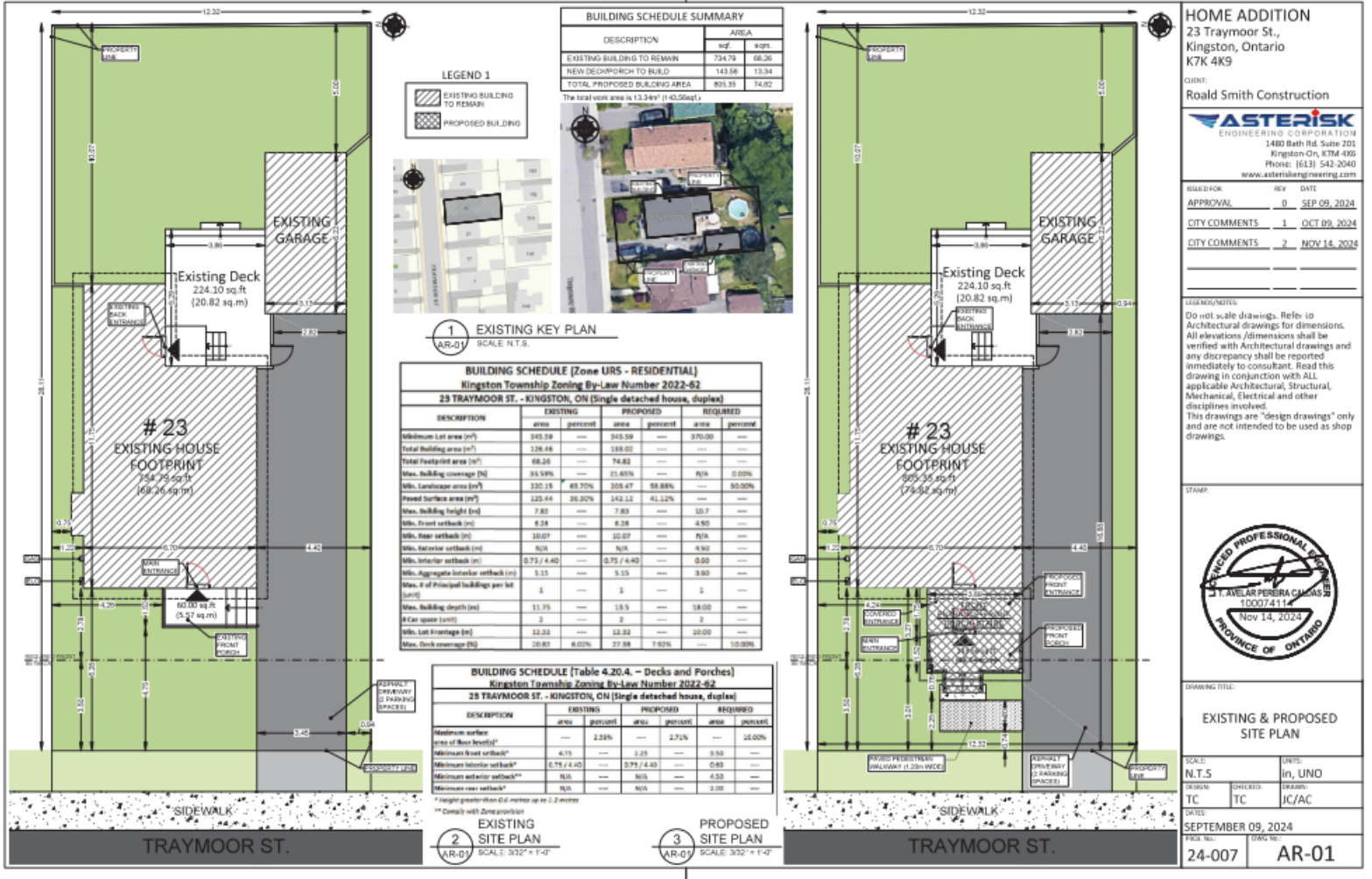


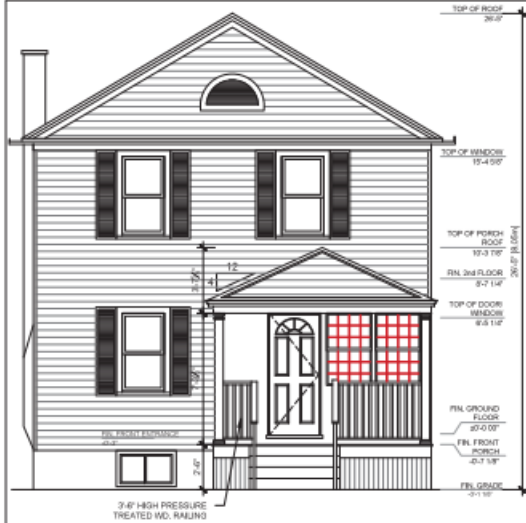
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**EXISTING & PROPOSED SITE PLAN**

SCALE:	UNITS:
N.T.S.	in, UNO

DESIGN:	DRAWN:
TC	TC

DATE: SEPTEMBER 09, 2024  
PAGE NO: 24-007  
DRAWING NO: AR-01





2 PROPOSED FRONT ELEVATION (WEST)  
AR-02 SCALE 3/16" = 1'-0"



PROPOSED FRONT ELEVATION IMAGE

Table 9.10.15.4. (MAXIMUM AREA OF GLAZED OPENINGS IN EXTERIOR WALLS OF HOUSES)

SPATIAL SEPARATION: (TO LOT LINE) - SOUTH ELEVATION

WALL AREA	988.58 sqft (90.61 sqm)
LIMITING DISTANCE	14'-0" (4.27m) @ 18%
MAX. ALLOWABLE OPENINGS	107.62 sqft (10.00 sqm)
PROPOSED OPENINGS	58.54 sqft (5.46 sqm) (GLASS AREA ONLY)



1 EXISTING FRONT ELEVATION (WEST)  
AR-04 SCALE 3/16" = 1'-0"



EXISTING FRONT ELEVATION IMAGE



3 PROPOSED SIDE ELEVATION (SOUTH)  
AR-02 SCALE 3/16" = 1'-0"

HOME ADDITION  
23 Traymoor St.,  
Kingston, Ontario  
K7K 4K9

CLIENT:  
Roald Smith Construction

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Kingston-On, K7M 4X6  
Phone: (613) 542-2040  
www.asteriskengineering.com

ISSUED FOR	REV	DATE
APPROVAL	0	SEP 09, 2024
CITY COMMENTS	1	OCT 09, 2024
CITY COMMENTS	2	NOV 14, 2024

LEGEND/NOTES:  
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DRAWING TITLE:  
EXISTING & PROPOSED ELEVATIONS

SCALE: N.T.S	UNITS: in, UNO
DESIGN: TC	CHECKED: TC
DRAWN: JC/AC	DATES: SEPTEMBER 09, 2024
PRICE NO.:	TITLE NO.:
24-007	AR-02

HOME ADDITION  
23 Traymoor St.,  
Kingston, Ontario  
K7K 4K9

CLIENT:  
Roald Smith Construction

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DATE FOR	REV	DATE
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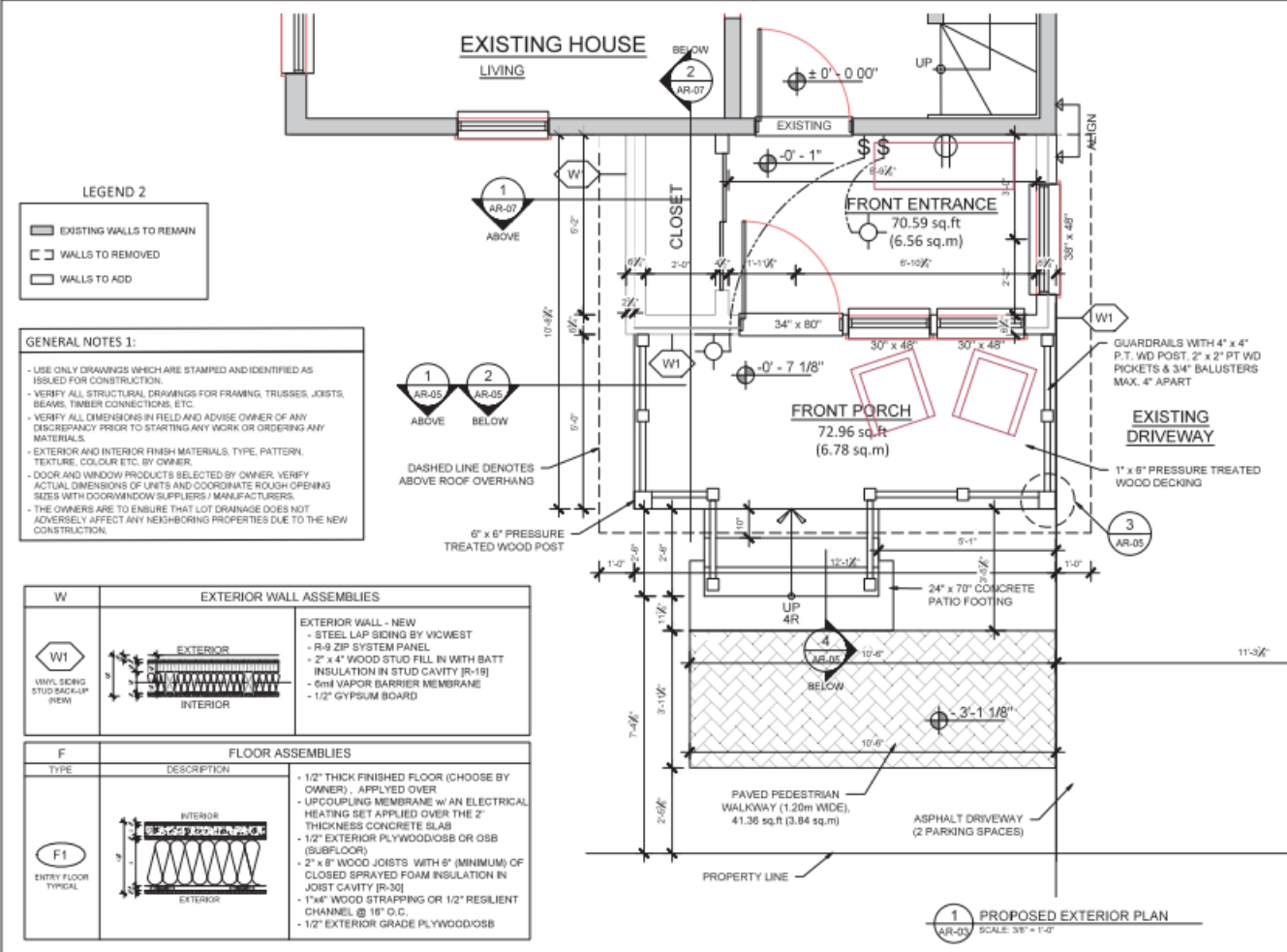
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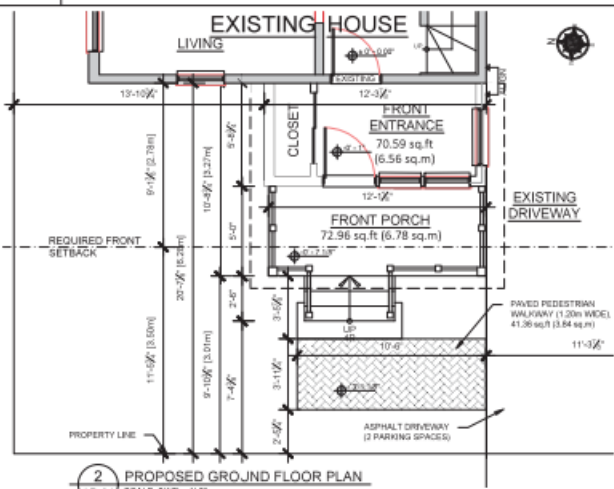
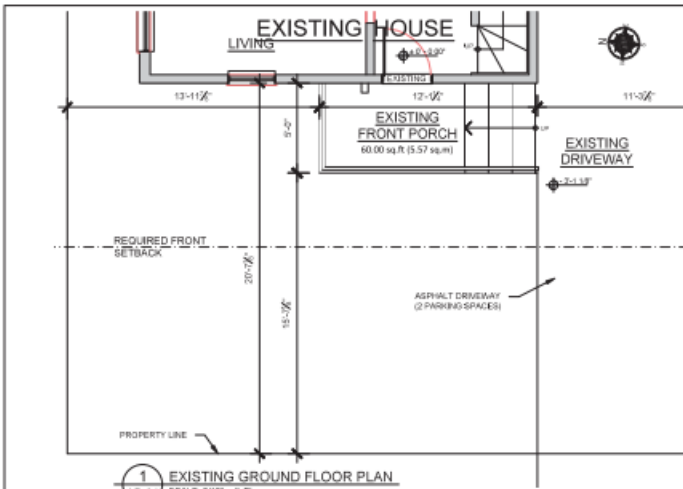
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PROPOSED EXTERIOR PLAN

SCALE:	UNITS:
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DESIGN: TC	CHECKED: IC/AC
DATE: SEPTEMBER 09, 2024	DRAWN BY: AR-03
FILE NO: 24-007	DWG NO: AR-03







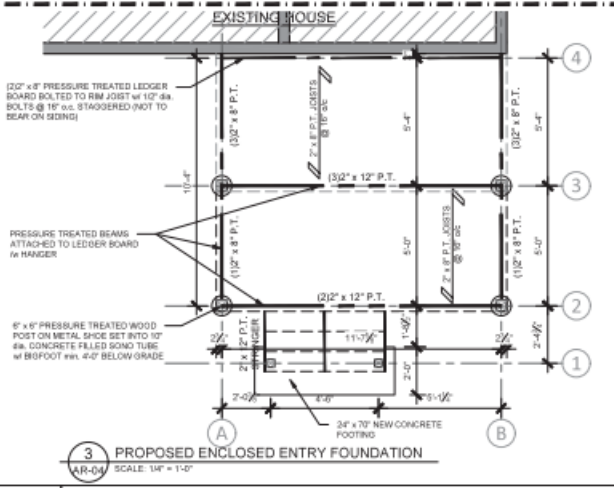
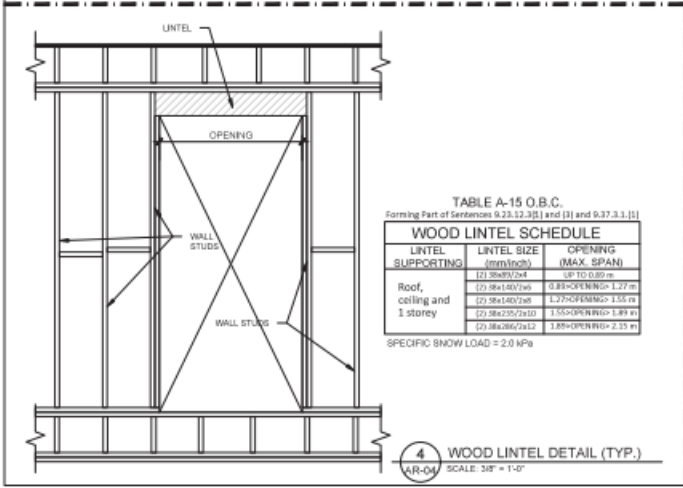
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ISSUED FOR	REV	DATE
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CITY COMMENTS	2	NOV 14, 2024

**LEGEND/NOTES:**  
Do not scale drawings. Refer to Architectural drawings for dimensions. All elevations/dimensions shall be verified with Architectural drawings and any discrepancy shall be reported immediately to consultant. Read this drawing in conjunction with ALL applicable Architectural, Structural, Mechanical, Electrical and other disciplines involved. This drawings are "design drawings" only and are not intended to be used as shop drawings.



Stamp: **PROFESSIONAL ENGINEER**  
J. AVELAR PERERA C.M.A.S.T.  
100074111  
Nov 14, 2024  
PROVINCE OF ONTARIO

DRAWING TITLE:  
**EXISTING & PROPOSED GROUND FLOOR PLANS, PROPOSED ENTRY FOUNDATION AND DETAILS**

SCALE: N.T.S.	UNITS: in, UNO
DESIGN: TC	CHECKED: TC
DATE: SEPTEMBER 09, 2024	DATE: JC/AC
PROJECT NO.: 24-007	DRAWING NO.: AR-04

**HOME ADDITION**  
23 Traymoor St.,  
Kingston, Ontario  
K7K 4K9

CLIENT:  
**Roald Smith Construction**



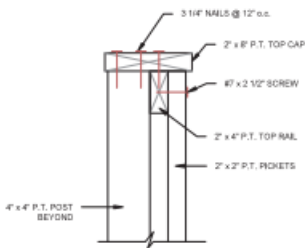
RAISED FOR	REV	DATE
APPROVAL	0	SEP 09, 2024
CITY COMMENTS	1	OCT 09, 2024
CITY COMMENTS	2	NOV 14, 2024

LEGEND/NOTES:  
Do not scale drawings. Refer to Architectural drawings for dimensions. All elevations/dimensions shall be verified with Architectural drawings and any discrepancy shall be reported immediately to consultant. Read this drawing in conjunction with ALL applicable Architectural, Structural, Mechanical, Electrical and other disciplines involved. This drawings are 'design drawings' only and are not intended to be used as shop drawings.



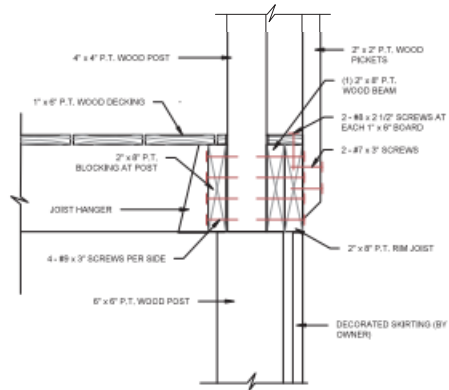
DRAWING TITLE:  
**GENERAL DETAILS (1)**

SCALE	UNITS
N.T.S	in, UNO
DRAWN	CHECKED
TC	TC
DATE:	DESIGNED
SEPTEMBER 09, 2024	JC/AC
PROJECT NO.:	DRAWING NO.:
24-007	AR-05



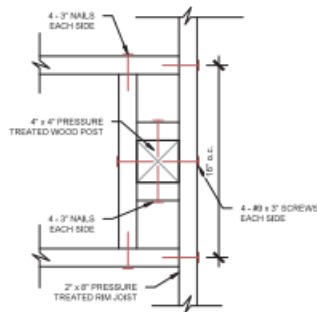
NOTE: THE CONTRACTOR TO VERIFY OBC SB-7 CONFORMITY

**1 PORCH DETAIL**  
AR-05 SCALE: 1 1/2" = 1'-0"



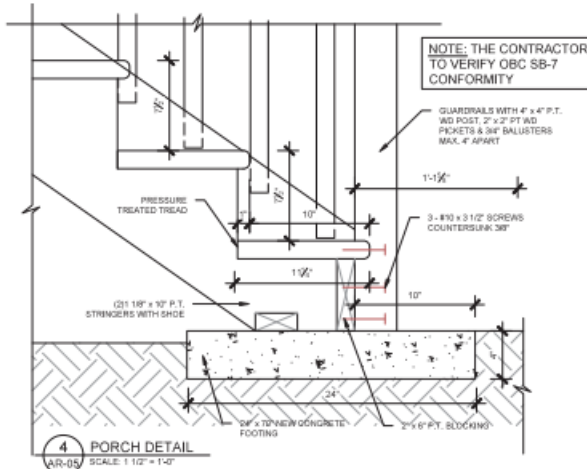
NOTE: THE CONTRACTOR TO VERIFY OBC SB-7 CONFORMITY

**2 PORCH DETAIL**  
AR-05 SCALE: 1 1/2" = 1'-0"



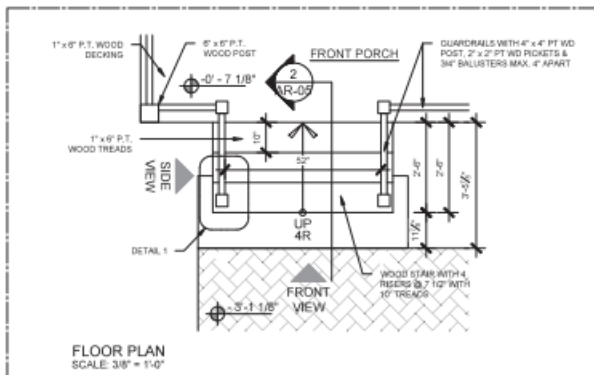
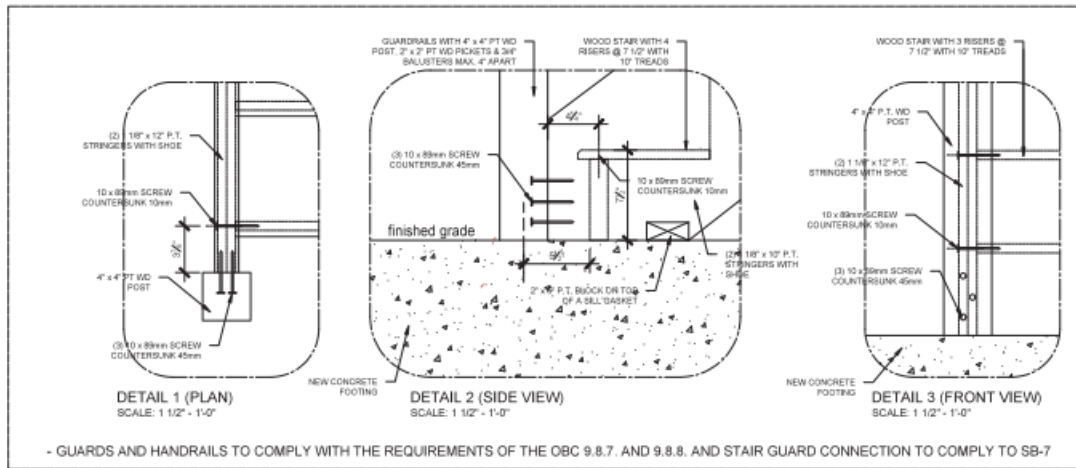
NOTE: THE CONTRACTOR TO VERIFY OBC SB-7 CONFORMITY

**3 PORCH DETAIL**  
AR-05 SCALE: 1 1/2" = 1'-0"

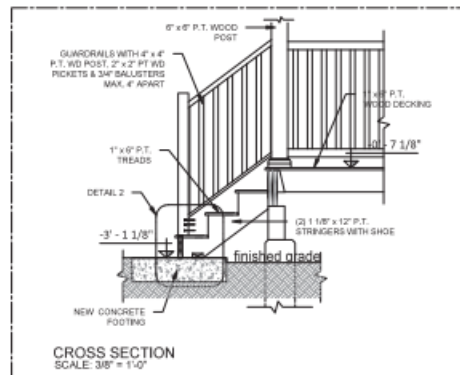


**4 PORCH DETAIL**  
AR-05 SCALE: 1 1/2" = 1'-0"





1 STAIRS DETAIL - PLAN  
SCALE: N.T.S.



2 STAIRS DETAIL - CROSS SECTION  
SCALE: N.T.S.

HOME ADDITION  
23 Traymoor St.,  
Kingston, Ontario  
K7K 4K9

CLIENT:  
Roald Smith Construction



REVISION	REV	DATE
APPROVAL	0	SEP 09, 2024
CITY COMMENTS	1	OCT 09, 2024
CITY COMMENTS	2	NOV 14, 2024

TERMS/NOTES:  
Do not scale drawings. Refer to Architectural drawings for dimensions. All elevations/dimensions shall be verified with Architectural drawings and any discrepancy shall be reported immediately to consultant. Read this drawing in conjunction with ALL applicable Architectural, Structural, Mechanical, Electrical and other disciplines involved. This drawings are 'design drawings' only and are not intended to be used as shop drawings.



DRAWING TITLE:  
GENERAL DETAILS (2)

SCALE	UNITS
N.T.S	in, UNO
DESIGN	DRAWN
TC	JC/AC
DATE:	SEPTEMBER 09, 2024
FILE NO.:	24-007
DWG NO.:	AR-06







Figure 1: Looking east at the front of the subject property.



Figure 2: Looking north along the Traymoor Street toward the subject property.



Figure 3: Looking north along the east side of the streetscape beyond the subject property.



Figure 4: Looking south along the east side of the streetscape beyond the subject property.



Figure 5: Looking north on the west side of the street opposite the subject property.



Figure 6: Looking south on the west side of the street opposite the subject property.

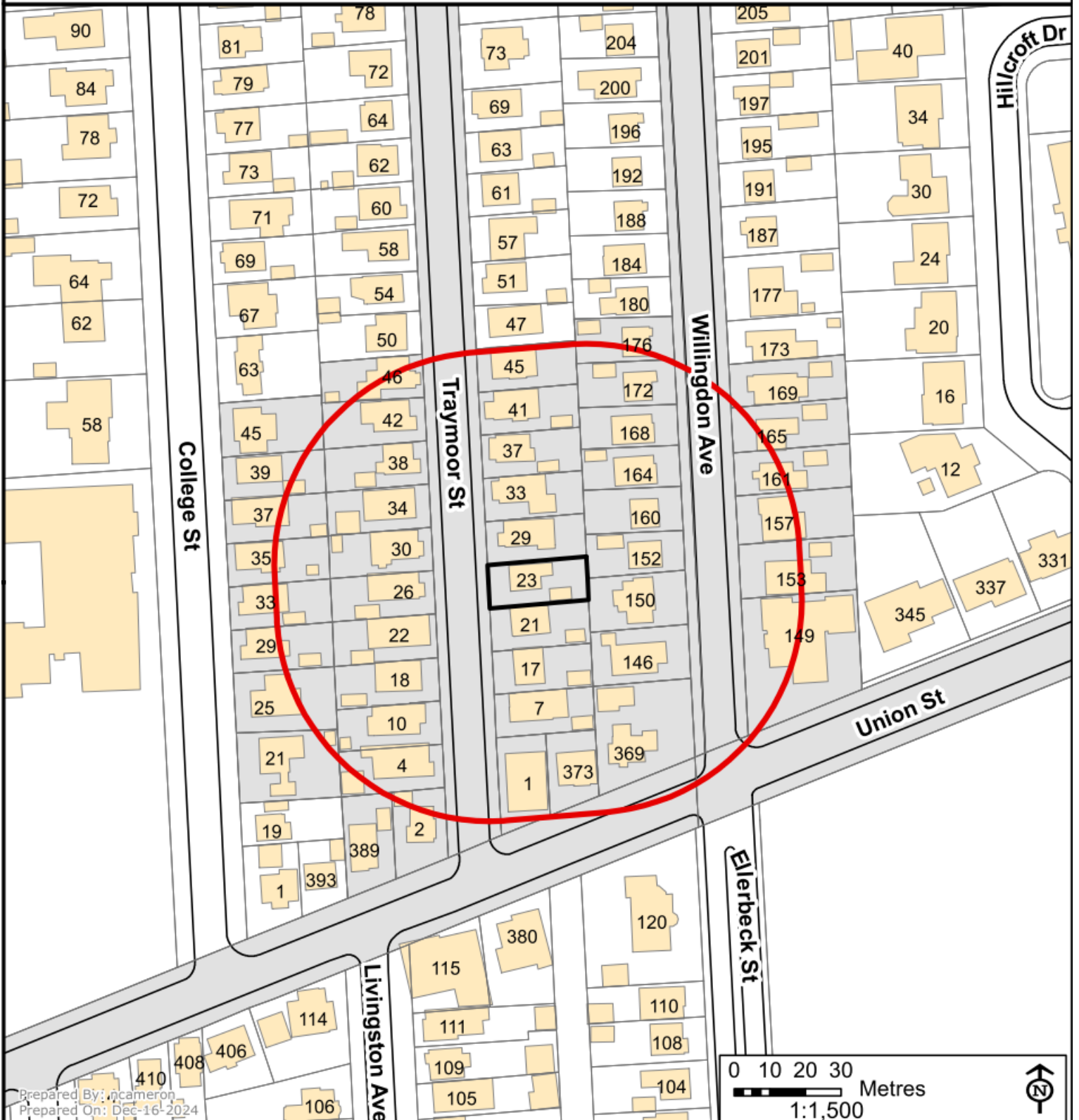




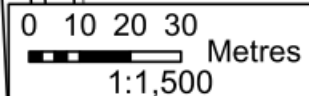
# Committee of Adjustment Public Notice Notification Map

Address: 23 Traymoor St.  
File Number: D13-087-2024  
Prepared On: Dec-16-2024

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



Prepared By: incameron  
Prepared On: Dec-16-2024



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**City of Kingston  
Report to Committee of Adjustment  
Report Number COA-25-018**

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**To:** Chair and Members of the Committee of Adjustment  
**From:** Jacob Slevin, Planner  
**Date of Meeting:** January 27, 2025  
**Application for:** Minor Variance  
**File Number:** D13-089-2024  
**Address:** 1110 Westbrook Road  
**District:** 3 – Collins-Bayridge  
**Owner:** Cathy Goodfellow  
**Applicant:** Chris Gyuk – Northern Cardinal Construction

---

**Council Strategic Plan Alignment:**

Theme: Policies & by-laws

Goal: See above

**Executive Summary:**

This report provides a recommendation to the Committee of Adjustment regarding an application for a minor variance for the property located at 1110 Westbrook Road. The applicant is proposing to construct a new detached garage within the existing driveway on the subject property. A minor variance to permit a reduced setback from the interior lot line is required to enable the proposed development.

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

January 27, 2025

Page 2 of 10

**Recommendation:**

**That** minor variance application, File Number D13-089-2024, for the property located at 1110 Westbrook Road to permit the construction of a new detached garage, be approved, as described below:

**Variance Number 1: Minimum Interior Setback**

By-Law Number 2022-62: Table 8.3.1.7

Requirement: 9 metres

Proposed: 1.3 metres

Variance Requested: 7.7 metres; and

**That** approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-25-018.



January 27, 2025

Page 3 of 10

**Authorizing Signatures:**

ORIGINAL SIGNED BY PLANNER

---

Jacob Slevin, Planner

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

Tim Park, Director, Planning Services

James Bar, Manager, Development Approvals

January 27, 2025

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**Options/Discussion:**

On December 3, 2024, a minor variance application was submitted by Chris Gyuk – Northern Cardinal Construction, on behalf of the owner, Cathy Goodfellow, with respect to the property located at 1110 Westbrook Road. The variance is requested to enable the construction of a 41.6 square metre detached garage with a reduced setback from the interior property line.

The applicant is proposing to construct the detached garage within the existing driveway for the house at 1110 Westbrook Road. The General Rural Area (RU) Zone applicable to this property would require the detached garage to be developed with a 9 metre setback from the interior lot line. Given that the existing driveway is located closer than 9 metres to the interior lot line, the applicant requires a minor variance to permit a reduction to the interior setback requirements.

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

- Concept Plan (Exhibit F)
- Elevation Plan (Exhibit G)

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

**Site Characteristics**

The subject property is located at 1110 Westbrook Road, within the Collins-Bayridge District (Exhibit B – Key Map). The property abuts a number of rural residential uses on all sides (Exhibit C – Neighbourhood Context Map).

The subject property is designated Rural in the Official Plan (Exhibit D – Official Plan Map). The property is primarily zoned as a General Rural Area (RU) Zone in Kingston Zoning By-Law Number 2022-62 (Exhibit E – Zoning By-Law Map). The rear of property abuts Glenvale Creek and this rear portion of the property is zoned as an Environmental Protection Area (EPA) Zone.

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

January 27, 2025

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### Minor Variance Application

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

#### 1) 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 subject property is located in a Rural Area, outside of the Urban Boundary identified in Schedule 2 of the Official Plan. Rural Areas are comprised of a mix of land uses supporting residential uses, employment uses, and commercial uses. Rural Areas also often contain natural heritage features within Environmental Protection Area designations. The subject property is currently developed as a residential use with natural heritage features at the rear of the property near Glenvale Creek. This application is seeking to enable the addition of a detached garage to a developed portion of the subject property, which will not alter the residential use of the land or impact the natural heritage features at the rear of the lot.

The proposed development is anticipated to be compatible with all surrounding uses in the surrounding area. All properties adjacent to the subject lands are developed as rural residential land uses. The addition of a detached garage to the subject property will not create any adverse impacts based on the land use compatibility matters outlined in Section 2.7 of the Official Plan.

Nothing in this proposal will alter the site's ability to function in terms of access or parking, except that the proposed detached garage will allow for indoor vehicle parking options on the property. The detached garage will not be connected to municipal water or sewage services, and the existing house on the property will continue to function using its existing services.

The property is not designated under the *Ontario Heritage Act*, nor is it adjacent to any designated heritage properties. Recommended conditions of approval for this application are attached in Exhibit A.

Given the facts that no change of land use is proposed for the subject property, that only a single variance to reduce the interior setback requirement is proposed to enable this development, and that the proposed detached garage complies with all other applicable provisions of the Kingston Zoning By-law, a zoning by-law amendment is not required for this proposal.

The requested variance to reduce an interior setback for a detached garage will not set an undesirable precedent for the surrounding area, given that all adjacent properties are subject to

January 27, 2025

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Rural Residential (RUR) Zones, which establish interior setback requirements of 1.2 metres for accessory structures such as detached garages. Because the subject property is zoned as General Rural Area (RU) Zone, an interior setback of 9 metres is required, and therefore a minor variance is required to permit the applicant’s proposed 1.3 metre interior setback for the garage. If any of the surrounding residential properties were to develop a detached garage set 1.3 metres from an interior lot line, no zoning relief would be required. Under these circumstances, the requested minor variance would not set a negative precedent for the area.

The proposal meets the intent of the Official Plan, as the proposed detached garage is compatible with all applicable policies of the Official Plan and will not result in any negative impacts to adjacent properties or to the neighbourhood.

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

The subject property is zoned General Rural Area (RU) in Kingston Zoning By-Law Number 2022-62 (Exhibit E – Zoning By-Law Map). The RU zone permits a variety of uses, including residential uses. The property at 1110 Westbrook Road is developed with a single detached home, which is a permitted use within the RU Zone.

The proposal requires a variance to Table 8.3.1.7, which requires a minimum interior setback of 9 metres. As the proposed detached garage would have an interior setback of 1.3 metres from the interior lot line, a variance of 7.7 metres is requested.

**Variance Number 1: Minimum Interior Setback**

By-Law Number 2022-62: Table 8.3.1.7

Requirement:	9 metres
Proposed:	1.3 metres
Variance Requested:	7.7 metres

The intent of Table 8.3.1.7, which establishes a minimum interior setback for development in the RU Zone, is to ensure that buildings and structures are adequately separated from each other and to ensure a generally consistent development pattern within rural areas.

For many residential zones, including the Rural Residential (RUR) Zone, accessory structures such as detached garages are governed by Section 4.1 of the Kingston Zoning By-law. This section establishes setback requirements for accessory structures which are often more modest than the setback requirements for primary structures. As per Section 4.1, accessory structures are required to be setback only 1.2 metres from all lot lines.

Properties within the General Rural Area (RU) are not regulated by Section 4.1. All accessory structures developed in the RU Zone must comply with the same requirements which apply to primary structures. As such, the Zoning By-law requires the proposed detached garage on the subject property to have a 9 metre setback from the interior lot line, rather than a 1.2 metre setback.

January 27, 2025

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As mentioned above, all surrounding properties along Westbrook Road are zoned as RUR properties (Exhibit E – Zoning By-law Map). If the subject property were zoned as RUR instead of RU, the proposed setback of 1.3 metres from the interior lot line would exceed the minimum requirements of the zoning provision.

The subject property is developed in a highly similar manner to these adjacent properties within the surround residential cluster, despite the different zoning designation (Exhibit C – Neighbourhood Context Map). Given the similarity of the subject property to the other surrounding properties, allowing a reduced interior setback for an accessory structure is considered to meet the intent and purpose of the Kingston Zoning By-law. The proposed interior setback of 1.3 metres provides an appropriate separation between the nearest adjacent property and will not adversely impact any other properties. The addition of a detached garage to this property will not alter the general character and development pattern of the residential cluster along Westbrook Road.

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

**3) The variance is minor in nature**

The variance is considered minor, given that this variance is requested solely to enable the construction of a one-storey detached garage within the driveway of the subject property. The proposed development will not alter the residential use of the property, nor will it disrupt the existing pattern of built form in the surrounding area. Furthermore, the proposed development is not anticipated to cause any adverse impacts to any nearby properties. As such, the proposed variance is considered to be minor in nature.

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

The variance is considered to be desirable, as it will enable the development of a detached garage which will provide users of this property with improved vehicle parking facilities and area for potential storage. Currently, the property does not have a garage, and as such this proposal would improve the useability of the lands. As shown throughout the body of the report, the addition of a detached garage in this location would be a minor addition that would not adversely affect any nearby properties or disrupt the character of the neighbourhood.

Given the above, the variance is desirable and appropriate use of the land.

**Technical Review: Circulated Departments and Agencies**

- |   |   |  |
|---|---|--|
| <input checked="" type="checkbox"/> Building Services | <input checked="" type="checkbox"/> Engineering         | <input checked="" type="checkbox"/> Heritage Services    |
| <input checked="" type="checkbox"/> Finance           | <input checked="" type="checkbox"/> Utilities Kingston  | <input checked="" type="checkbox"/> Real Estate          |
| <input checked="" type="checkbox"/> Fire & Rescue     | <input checked="" type="checkbox"/> Kingston Hydro      | <input checked="" type="checkbox"/> Environment Division |
| <input checked="" type="checkbox"/> Solid Waste       | <input checked="" type="checkbox"/> Parks Development   | <input type="checkbox"/> Canadian National Railways      |
| <input type="checkbox"/> Housing                      | <input checked="" type="checkbox"/> District Councillor | <input type="checkbox"/> Ministry of Transportation      |



January 27, 2025

Page 8 of 10

- |   |   |   |
|---|---|---|
| <input checked="" type="checkbox"/> Building Services | <input checked="" type="checkbox"/> Engineering | <input checked="" type="checkbox"/> Heritage Services |
| <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 were received. Any public comments received after the publishing of this report will be included as an addendum to the Committee of Adjustment Agenda.

**Previous or Concurrent Applications**

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

**Conclusion**

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

Approval of this application will enable the construction of a new detached garage on the subject property.

**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 Planning Statement, 2024

January 27, 2025

Page 9 of 10

**Municipal**

City of Kingston Official Plan

Kingston Zoning By-Law Number 2022-62

**Notice Provisions:**

A Committee of Adjustment Meeting is going to be held respecting this application on January 27, 2025 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 62 property owners (according to the latest Assessment Roll) within 60 metres of the subject property and a courtesy notice was placed in The Kingston Whig-Standard (Exhibit I – Public Notification Map).

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

**Accessibility Considerations:**

None

**Financial Considerations:**

None

**Contacts:**

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

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

**Other City of Kingston Staff Consulted:**

None

**Exhibits Attached:**

Exhibit A Recommended Conditions

Exhibit B Key Map

Exhibit C Neighbourhood Context Map

Exhibit D Official Plan Map

Exhibit E Zoning By-Law Map

January 27, 2025

Page 10 of 10

Exhibit F Site Plan

Exhibit G Elevation Plan

Exhibit H Site Photos

Exhibit I Public Notification Map

## Recommended Conditions

The approval of minor variance application, File Number D13-089-2024, to reduce the interior setback requirement for a new detached garage, shall be subject to the following recommended conditions:

### 1. Limitation

That the approved minor variance applies only to the detached 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.

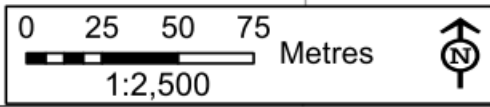
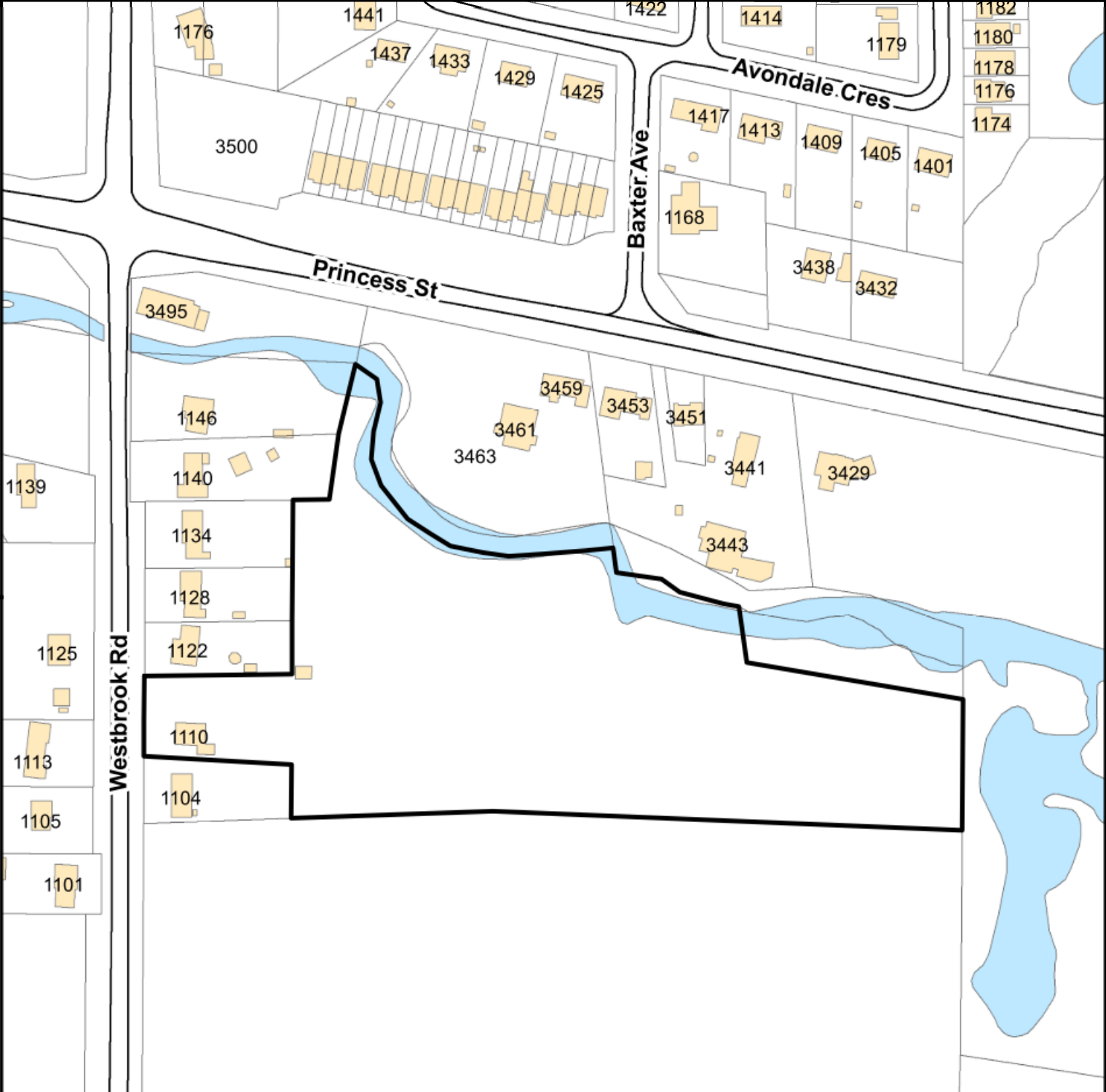
In the event that human remains are encountered, all work must immediately cease and the site must be secured. The Kingston Police (613-549-4660), the Office of the Chief Coroner as a part of the Ontario Ministry of the Solicitor General (1-877-991-9959), the Archaeology Program Unit of the Ministry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



# Committee of Adjustment Key Map

Address: 1110 Westbrook Rd.  
File Number: D13-089-2024  
Prepared On: Dec-16-2024

Lands Subject to Minor Variance



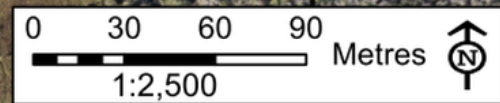




# Committee of Adjustment Neighbourhood Context

Address: 1110 Westbrook Rd.  
File Number: D13-089-2024  
Prepared On: Dec-16-2024

- Subject Lands
- Property Boundaries
- Proposed Parcels



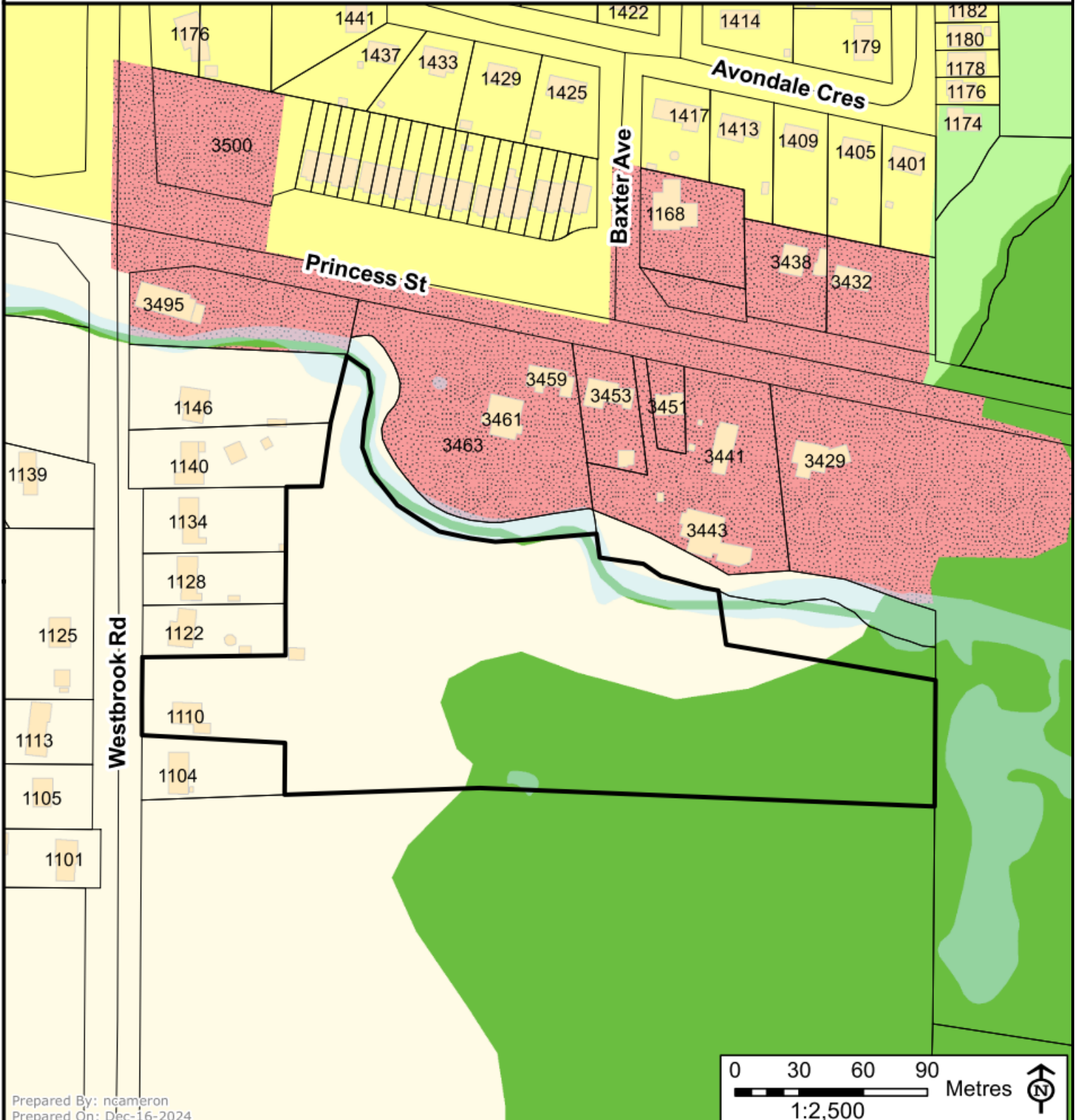




# Committee of Adjustment Official Plan, Existing Land Use

Address: 1110 Westbrook Rd.  
File Number: D13-089-2024  
Prepared On: Dec-16-2024

- Subject Lands
- District Commercial
- Environmental Protection Area
- Open Space
- Residential
- Rural Lands



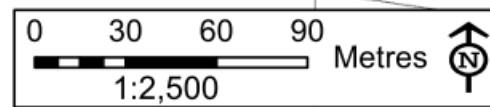
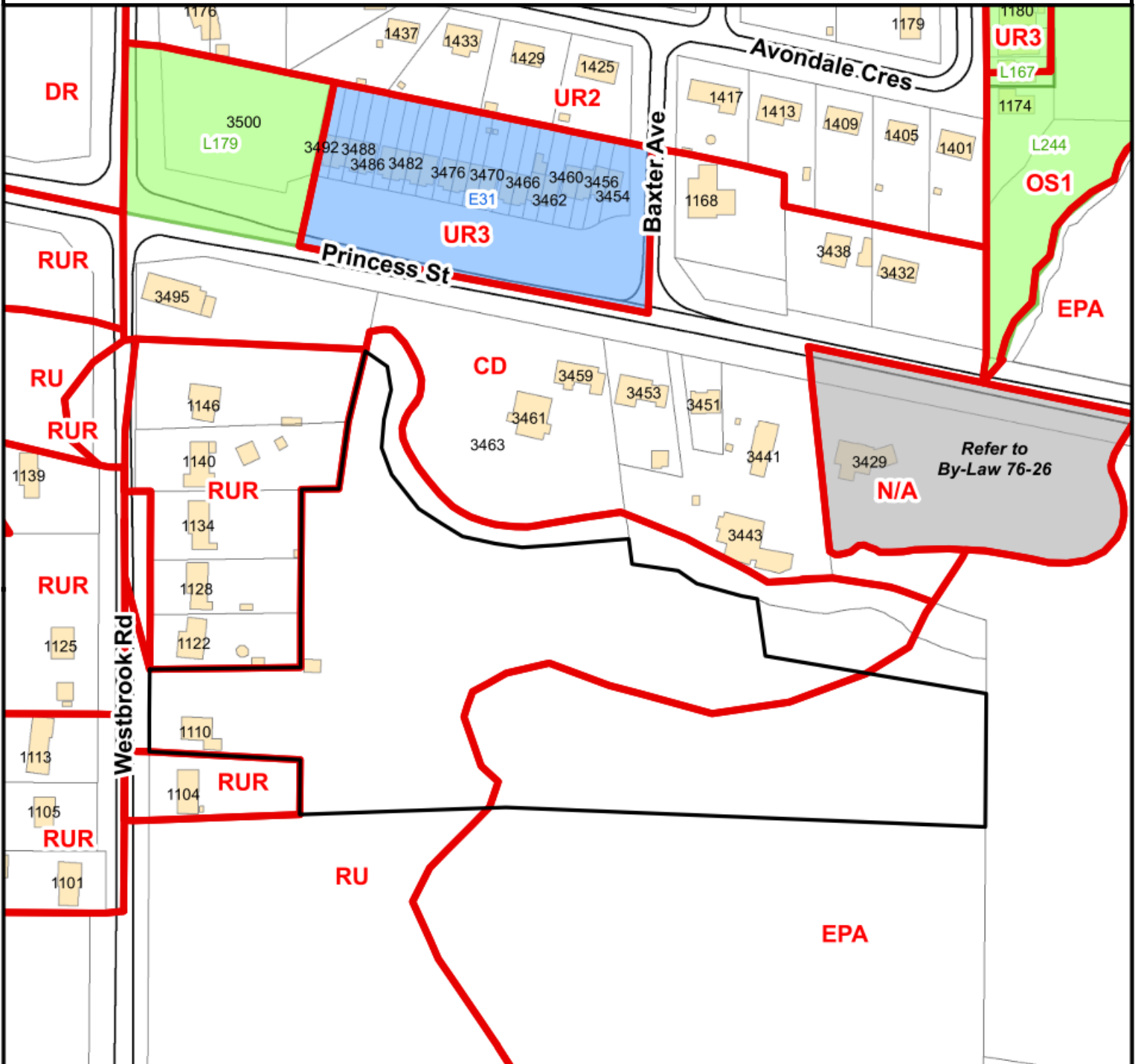


Planning Services

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

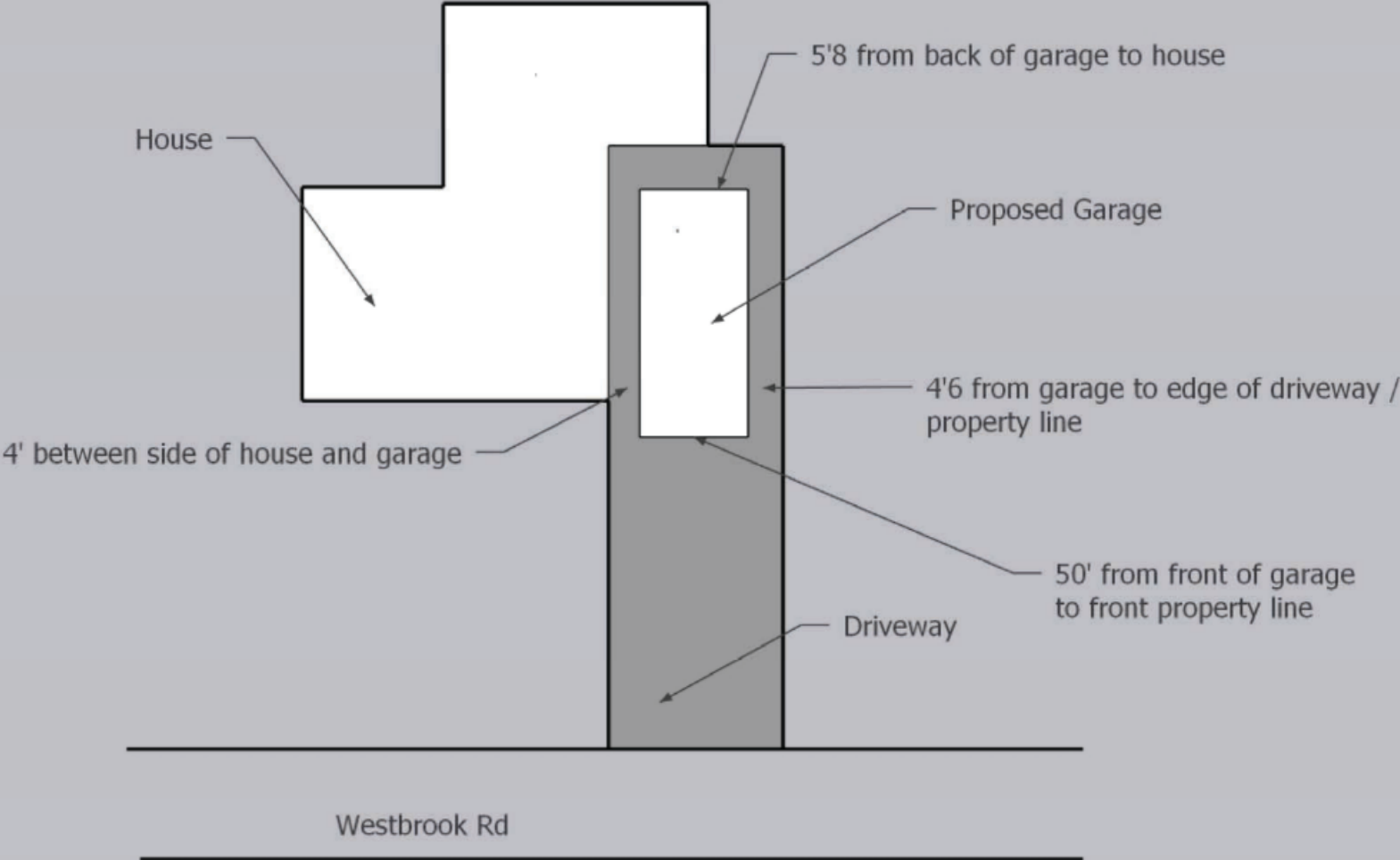
Address: 1110 Westbrook Rd.  
File Number: D13-089-2024  
Prepared On: Dec-16-2024

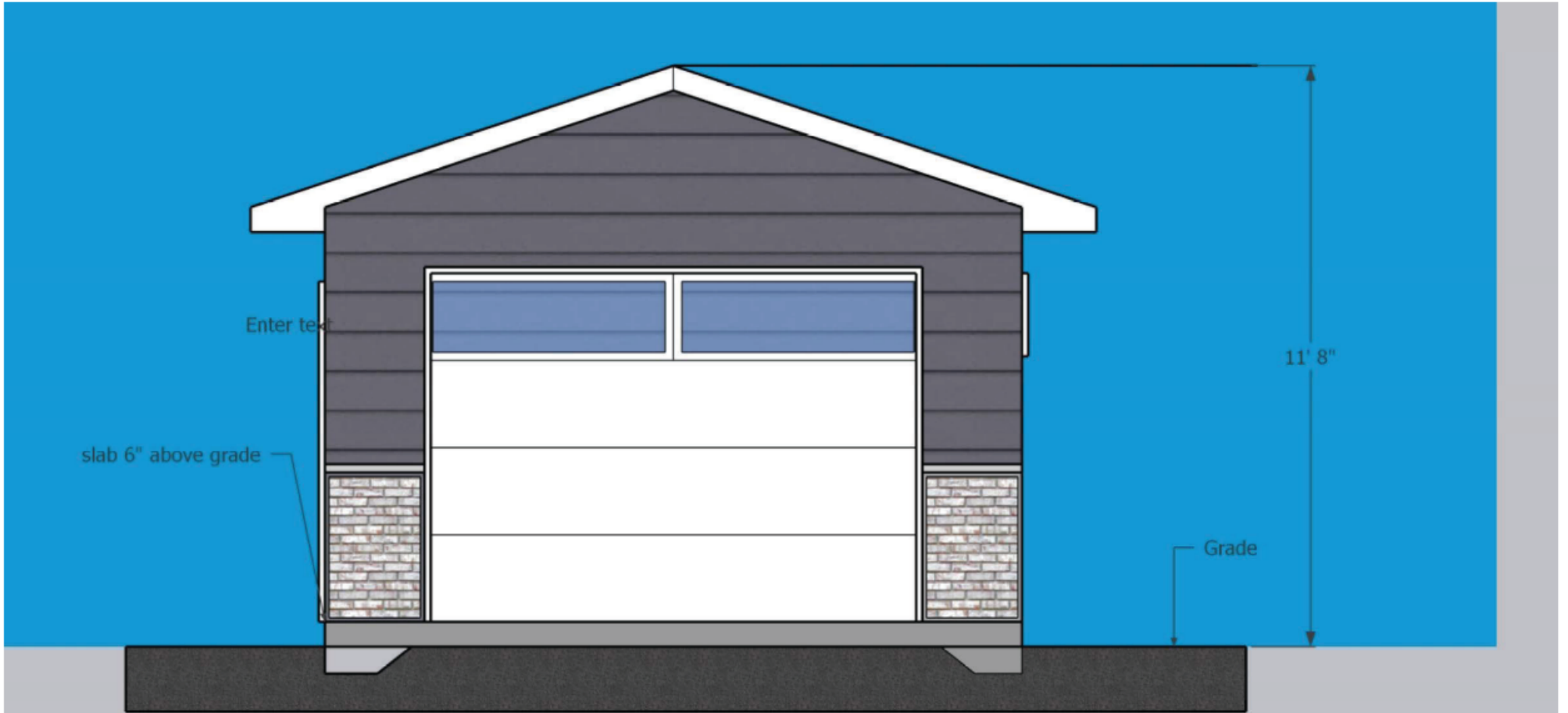
- Subject Lands
- Schedule 1 Zoning Map
- Zone
- Not Subject to the Kingston Zoning By-law
- Schedule E - Exception Overlay
- Legacy Exceptions (LXXX)
- Exceptions (EXXX)
- Schedule F - Holding Overlay
- Holding Overlay (HXXX)



Prepared By: incameron  
Prepared On: Dec-16-2024

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**Figure 1:** Frontal view of the subject property at 1110 Westbrook Road.



**Figure 2:** View of the existing driveway. The new detached garage would be located on this developed area.

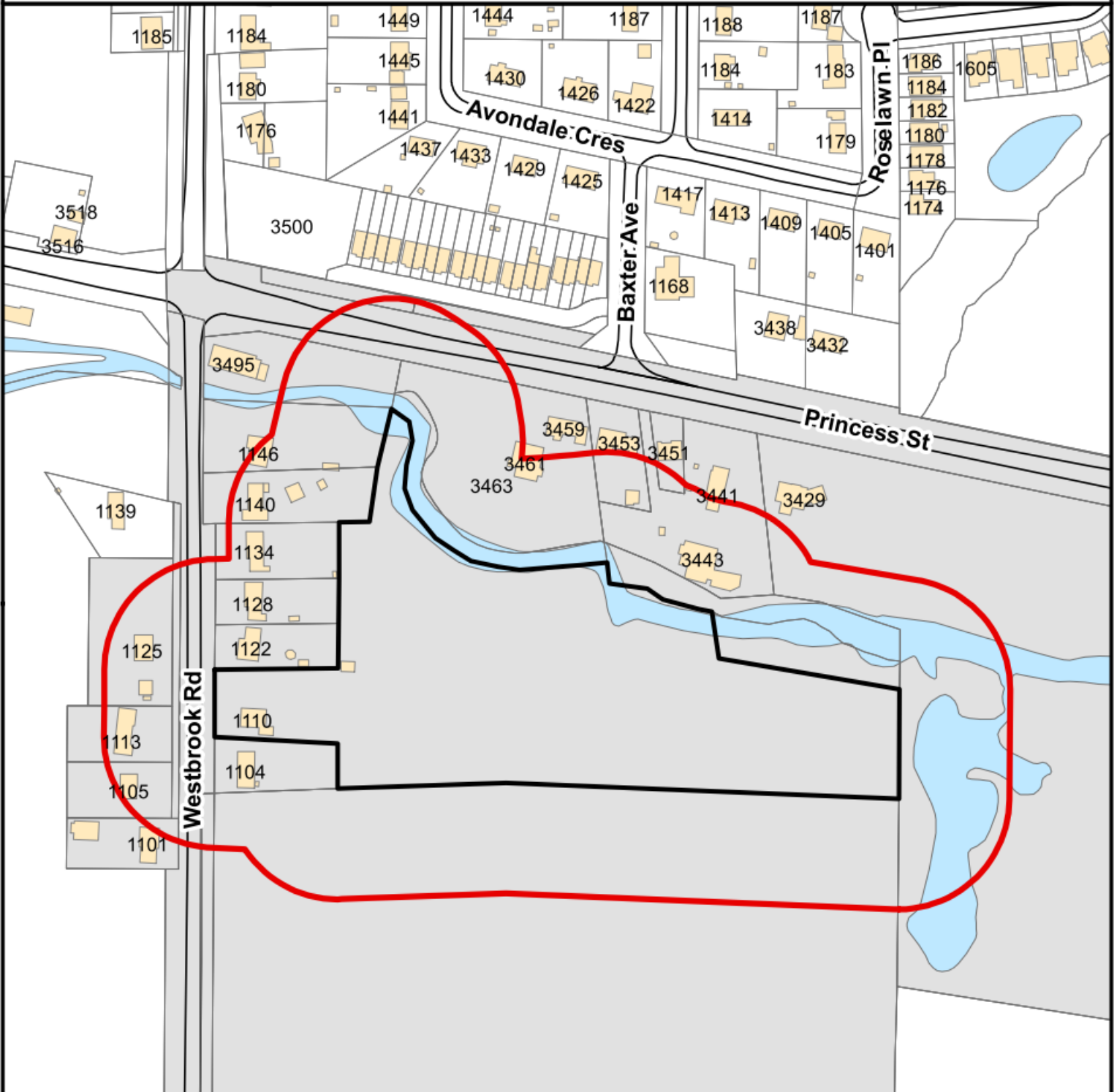




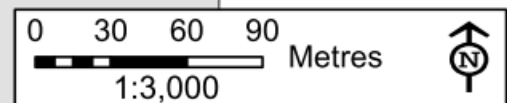
# Committee of Adjustment Public Notice Notification Map

Address: 1110 Westbrook Rd.  
File Number: D13-089-2024  
Prepared On: Dec-16-2024

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



Prepared By: ncameron  
Prepared On: Dec-16-2024



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**City of Kingston  
Report to Committee of Adjustment  
Report Number COA-25-019**

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**To:** Chair and Members of the Committee of Adjustment  
**From:** Chris Booth, Senior Planner  
**Date of Meeting:** January 27, 2025  
**Application for:** Minor Variance  
**File Number:** D13-084-2024  
**Address:** 1149, 1173, 1177 Montreal Street  
**District:** District 7 - Kingscourt-Rideau  
**Owner:** P&P Land Corporation and Pitcher Randolph D in Trust  
**Applicant:** Rogers & Trainor

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**Council Strategic Plan Alignment:**

Theme: 1. Support Housing Affordability

Goal: 1.1 Promote increased supply and affordability of housing.

**Executive Summary:**

This report provides a recommendation to the Committee of Adjustment regarding an application for minor variances for the property located at 1149, 1173, and 1177 Montreal Street. This site obtained minor variance approvals in January 2024 to enable an increase in unit count from 130 to 174, as well as relief to required resident parking and an interior side yard setback. The applicant is now seeking to further increase the unit count to 195, along with relief from the rear yard setback, required number of loading spaces, and – to enable an expanded parking lot – permission to locate parking in the front yard.

As the Committee is unable to consider further relief to a zone provision that has already been varied, this application requests an increase from 130 units to 195 units. It is therefore also necessary to request re-consideration of certain previously-approved variances, specifically relief from the required parking to permit a total of 117 resident parking spaces (0.6 spaces per

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unit). The previous request for a reduction to the interior side yard setback from 7.0 to 6.0 metres for Building B is also being re-requested so that all variances can be contained in a single approval for ease of reference.

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 D13-084-2024, for the property located at 1149, 1173, and 1177 Montreal Street to increase the permitted unit count, reduce the parking requirement, reduce the number of required loading spaces, permit parking in a front yard, and reduce side and rear yard setbacks, be approved, as described below:

**Variance Number 1: Maximum Number of Units**

By-Law Number 2022-62: E117, Subsection (b) Building A, Subsection (iii)  
Requirement: Maximum of 63 dwelling units  
Proposed: Maximum of 102 dwelling units  
Variance Requested: 39 dwelling units

**Variance Number 2: Maximum Number of Units**

By-Law Number 2022-62: E117, Subsection (c) Building B, Subsection (iii)  
Requirement: Maximum of 63 dwelling units  
Proposed: Maximum of 93 dwelling units  
Variance Requested: 30 dwelling units

**Variance Number 3: Parking Spaces**

By-Law Number 2022-62: Table 7.1.1 (1) (a) (i)  
Requirement: Minimum of 0.8 parking spaces per dwelling unit  
Proposed: Minimum of 0.6 parking spaces per dwelling unit  
Variance Requested: 0.2 parking spaces per dwelling unit

**Variance Number 4: Loading Spaces**

By-Law Number 2022-62: Section 7.5.3  
Requirement: One loading space is required per building  
Proposed: 1 loading space serving two buildings  
Variance Requested: 1 loading space

**Variance Number 5: Parking Location**

By-Law Number 2022-62: Section 7.4.9 (3)  
Requirement: Resident parking spaces must be located in a rear or interior side yard  
Proposed: Permit resident parking spaces in a front yard

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Variance Requested: Permit resident parking spaces in a front yard

**Variance Number 6: Rear Yard Setback**

By-Law Number 2022-62: Table 12.3.1 (5)

Requirement: Rear yard setback is the greater of 7.5 metres or 25% of the lot depth (equivalent to 34.5 metres on the subject site)

Proposed: 30 metres

Variance Requested: 4.5 metres

**Variance Number 7: Interior Side Yard Setback**

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

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

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

Variance Requested: 1.0 metre; and

**That** approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-25-019.

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**Authorizing Signatures:**

ORIGINAL SIGNED BY PLANNER

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Chris Booth, Senior Planner

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

James Bar, Manager, Planning Services

Tim Park, Director, Planning Services



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**Options/Discussion:**

On October 30, 2024, a minor variance application was submitted by Rogers & Trainor, on behalf of the owners, P&P Land Corporation and Pitcher Randolph D in Trust, with respect to the property located at 1149, 1173, and 1177 Montreal Street.

A Zoning By-Law Amendment (File number D14-015-2021) for the subject lands was previously approved by Council on August 8<sup>th</sup>, 2023 ([Report Number PC-23-022](#)), which had the effect of transferring the lands into the Kingston Zoning By-Law and introducing Exception Number E117 to facilitate the development of two, six-storey apartment buildings each accommodating 63 units, and one, two-storey fourplex, for a total of 130 dwelling units on the site. Subsequently, when performing detailed design as part of the Site Plan Control application, the applicant found that a more efficient unit mix and layout was possible for the two apartment buildings.

This resulted in the submission of a minor variance application in November 2023, seeking approval for an additional 44 units spread evenly between the two apartment buildings, amounting to 85 units per apartment building. Including the fourplex, this yielded a total of 174 units onsite. To facilitate this, a reduction to the required parking ratio of 0.8 resident spaces per unit was also sought to allow a rate of 0.6 spaces per unit (for a total of 104 resident spaces), along with a 1 metre reduction to the interior side yard of Building B to enable a slight lengthening of the building. All requested variances were approved by the Committee of Adjustment in its January 22, 2024 meeting ([Report Number COA-24-015](#)).

Throughout the past year, the Site Plan Control application has continued to be refined, and the applicant has found further efficiencies in the layout of the apartment buildings. Floorplans have been redesigned to accommodate one new unit on each floor, but one notable change would see half of the lower level of Building A accommodate 9 additional units, which – due to the sloping topography – would be at-grade, similar to a walkout basement in a house. These changes would result in a total of 21 new units, bringing the unit count from 174 (approved through the January 2024 minor variance) to 195.

However, as the Committee cannot further vary a pre-existing variance to add these additional units, the current application must capture the previous variances in addition to the latest request for relief. Therefore, this application requests an increase from 130 residential units (as established in Exception Number E117) to 195 residential units.

The following tables provide a breakdown of the number and type of housing units contemplated at the time of the rezoning as compared to the minor variance approved in January 2024, and to the current proposal:

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Number of Units					
	Original Proposal	2024 Minor Variance	Change from Original	Current Proposal	Change from Original
<b>Building A</b>	63	85	22	102	+39
<b>Building B</b>	63	85	22	93	+30
<b>Fourplex</b>	4	4	0	0 (removed)	-4
<b>Total</b>	<b>130</b>	<b>174</b>	<b>44</b>	<b>195</b>	<b>+65</b>

Unit Type	Original Proposal	2024 Minor Variance	Current Proposal
Studio	0	8	26
One-bedroom	58	44	58
One-bedroom plus den	2	54	63
Two bedroom	62	48	28
Two bedroom plus den	8	20	20
Total aggregate bedrooms	200	262 *	263 *
Total number of units	130	174	195

\* Dens in all two-bedroom-plus-den units meet the definition of a bedroom and have been added to the bedroom count.

To facilitate the increased number of dwelling units while continuing to meet the parking ratio of 0.6 spaces per unit established through the January 2024 minor variance, the proposal seeks to add 6 new resident parking spaces. The site-specific Exception E117 in the Zoning By-Law requires at least 0.8 spaces per unit (resulting in 156 resident parking spaces), whereas the requested variance would see a total of 117 resident parking spaces provided for all 195 units

While the parking ratio would remain unchanged, it is again included in the current minor variance as the number of parking spaces would change to support the unit increase. Given that the increase would continue to remain non-compliant with Exception E117, it is important to assess whether the proposed ratio of 0.6 continues to be appropriate.

The addition of 6 new parking spaces necessitated the removal of the fourplex previously proposed along Montreal Street. As all parking was previously situated to the rear of the fourplex, the building’s removal introduces the need for a variance enabling parking in a front yard. Through further detailed review of the revised Site Plan application, it was found that variances were also required to the rear yard setback and number of loading spaces. These had not been previously accounted for and required addressing to ensure that a zone-compliant Site Plan can be approved.

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

- Site Plan (Exhibit F)
- Floor Plans and Architectural Elevations (Exhibit G)

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- Servicing Report
- Traffic Impact Study Addendum
- Planning Justification
- Owner Authorization Letter

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

### Site Characteristics

The subject property is located within the Rideau Heights neighbourhood and is comprised of three parcels known municipally as 1149, 1173 and 1177 Montreal Street (Exhibit B – Key Map). Totalling 1.5 hectares, the site has just over 30 metres of frontage along Montreal Street, which is a major north-south corridor within the urban boundary that is classified in Schedule 4 of the Official Plan as an arterial road. Both express and local transit service are provided on Montreal Street (Routes 801/802 and Route 1 respectively), and dedicated bike lanes exist alongside a sidewalk on both sides of the road. The property abuts low-rise residential properties to the north, south and west, and the CN railway to the east (Exhibit C – Neighbourhood Context Map). Residential apartments exist in close proximity to the south along the west side of Montreal Street, while Shannon Park – a major city park – and Rideau Heights Public School and community centre are approximately 200 metres to the west down MacCauley Street.

The site is currently vacant and heavily treed, its lands sloping downward from west to east. Its topography and location make it visible from the Rideau Canal, which is a designated UNSECO World Heritage Site. The Canal forms part of the Great Cataraqui River and associated Great Cataraqui Marsh, which sits near the base of the site, along the CN railway line.

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

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

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**Minor Variance Application**

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

**The general intent and purpose of the Official Plan are maintained**

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

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

The proposed development meets the Strategic Policy Direction of the Official Plan by proposing higher density residential development on an underutilized parcel within the Urban Boundary. Making better use of a vacant property along Montreal Street will help the Municipality maximize its infrastructure investments, foster increased use of the public transit system, and encourage active transportation along existing bike lanes. Site design has considered surrounding heritage features and the changes proposed have been deemed suitably minor as to warrant a minor variance as opposed to a new zoning by-law amendment.

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

This report provides a helpful lens through which to review the Official Plan's residential density targets for major residential infill projects (which are to provide at least 37.5 units per hectare). With the Official Plan now being seven years old (and currently undergoing a review and re-write to better reflect current conditions), the above-noted study provides support for enabling additional density well beyond the Plan's stated minimum targets. The proposal on the

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subject lands would raise the approved density of 84 units per hectare to 123 units per hectare, which helps fulfil not only the intent of the Plan, but addresses the more recent housing crisis being experienced in Kingston. Given the additional density proposed, it was necessary for water and sanitary services to be assessed, and so an updated servicing report was supplied by the Applicant and accepted by Utilities Kingston.

The Official Plan establishes informative parameters to provide for responsible growth and ensure that density is provided in a functional and compatible manner. Through specific site-design choices such as locating the six storey buildings on portions of the site that are at lower elevations, the impact of the buildings on existing homes along Montreal Street (which is at a higher elevation) is reduced. The proposed apartment buildings are therefore set as far back on the site as possible, while still adhering to allowable setbacks from the CN railway. While this necessitates a slight (4.5 metre) reduction to the rear yard setback, it still maintains the required buffer from the railway. The proposed minor variances would not result in any height increases or significant exterior changes to the apartment buildings, thus ensuring they remain compatible with surrounding properties.

The site is proposed to take access from Montreal Street via a private road, and residents would have access to 117 vehicular parking spaces, 8 visitor parking spaces, 2 car-share parking spaces, 195 long-term bike parking spaces, and 19 short term bike parking spaces. While only six additional vehicular parking spaces are proposed for the additional 65 housing units, the reduction is offset by an increased amount of long-term bike parking (195 spaces compared to 176 required by the Kingston Zoning By-law). A reduction in parking is supported by an updated Traffic Impact Study (TIS), which found that the project would integrate well with the transportation network, and that there would be no need for off-site road modifications. The updated TIS also assessed site functionality, and confirmed that a single loading space would still easily service both buildings thanks to its central location between Building A and B.

Furthermore, the proposed supply of parking is supported by the results of the City's 2019 Household Travel Survey, which found the Rideau Heights neighbourhood to have higher rates of cycling (nearly 4% of all trips) and public transit use (nearly 10% of all trips) than many other areas of the City. The site is fortunate to benefit from local and express buses operating along Montreal Street, along with bike lanes on both sides of the road, affording residents quick and easy access to alternate modes of travel. Such convenience makes it more likely that residents will use these options, thus reducing the need for automobiles and the associated parking. While overall parking supply may be reduced, seven barrier free spaces are being provided in compliance with the Kingston Zoning By-law.

Reductions in parking were also supported by Parks Canada, who reviews impacts to the UNESCO-designated Rideau Canal and sought to ensure that surface parking did not detract from the visual character of the riverside. This supports the requested reduction in parking, but also informs the requested variance for siting parking in a front yard. Given the need to locate parking away from the river's edge, the parking lot was instead expanded westward, toward Montreal Street. This necessitated the removal of the fourplex and thus triggered the need for relief from the By-law's requirement that all resident parking be located in a side or rear yard.



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The Official Plan (in Sections 4.6.59 and 4.6.60) provides specific guidance for parking that is proposed in the front yard of a residential property, and allows it to be permitted through a minor variance, subject to meeting various requirements. These requirements generally seek to ensure there is an appropriate justification, adverse impacts have been minimized, and appropriate mitigation techniques are employed. A synopsis of how these requirements have been addressed is provided below:

- In this circumstance, it is necessary to locate parking in the front yard as the apartment buildings were previously approved at the rear of the property with parking situated between them and the fourplex on Montreal Street. As previously mentioned, this was a necessary response to a unique combination of site constraints including topography, surrounding residential uses, and the site's location along the UNESCO-designated Rideau Canal. There is effectively no ability to locate parking in a side or rear yard without being inconsistent with approved zoning and the expectations of Parks Canada.
- It is necessary to locate parking in the front yard to ensure a suitable supply of resident parking can be accommodated onsite, rather than on-street in the surrounding neighbourhood. By locating six new parking spaces on the area formerly planned for the fourplex (and maintaining the previously approved 0.6 space-per-unit parking ratio), the applicant is continuing to balance vehicular parking with other modes of transportation.
- The additional spaces are simply an extension of the existing planned parking lot, and appropriate pedestrian connections have already been contemplated in the site design, providing safe and direct access from Montreal Street to the apartment buildings. No deviations to parking space dimensions are necessary, and there will be no disturbance to the Montreal Street right-of-way to accommodate the parking spaces as the parking would be located approximately six metres from the front lot line. The parking area would be accessed from a private lane, requiring no additional entrances from Montreal Street; on-street parking would not be affected as it is not currently allowed on Montreal Street.
- Parking spaces would be located wholly on the subject site and thanks to the landscaped buffer, there would be clear separation between not just the parking area and the road, but also between the parking lot and sidewalk.

A review of the proposal has found the proposed changes to be of low impact, thus making a minor variance a suitable mechanism through which to facilitate development as compared to a zoning by-law amendment. Most of the proposed density and site design were reviewed and approved via a robust zoning by-law amendment process, which culminated in approval by City Council in August 2023. With site modifications being limited to six new parking spaces and a minor lengthening of the apartment buildings (requiring a one-metre reduction to the interior side yard of Building B), there is little in the way of visual change.

The variances to allow a reduced rear yard setback and only one loading space have no visual impact and also enable the buildings to remain sited as previously approved through Exception E117. The severity of the site changes were therefore primarily an assessment of the impact of adding 65 additional units from a traffic and servicing perspective. The submission of the Traffic Impact Study showed there to be no additional impact, and the servicing report and plan demonstrated that 65 new units could be supported. Given these conclusions, another zoning

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by-law amendment would be a lengthy and costly burden to place on the developer, further exacerbating the city’s housing and affordability crisis.

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

The proposal therefore meets the intent of the Official Plan, as there are no anticipated adverse impacts arising from the proposed increase to the permitted unit count from 130 residential units to 195, along with relief to allow 117 resident parking spaces and one loading space. A reduction of the interior side yard setback from 7.0 to 6.0 metres for Building B and a 30-metre rear yard setback for both buildings will not result in any negative impacts to adjacent properties or to the neighbourhood. The siting of six new parking spaces in the front yard is sensitively designed, such that they will not project into the previously defined front yard setback and will be adequately buffered from the street.

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

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

The applicant is seeking variances to the following zone provisions to provide for the proposed 65 additional dwelling units:

**Variance Number 1: Maximum Number of Units**

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

Requirement:	Maximum of 63 dwelling units
Proposed:	Maximum of 102 dwelling units
Variance Requested:	39 dwelling units

**Variance Number 2: Maximum Number of Units**

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

Requirement:	Maximum of 63 dwelling units
Proposed:	Maximum of 93 dwelling units
Variance Requested:	30 dwelling units

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

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amendment established one for the purpose of ensuring responsible and orderly development. The minor variance is in keeping with the purpose and intent of this approach by ensuring a limit continues to remain, and that it is supported by appropriate studies.

Furthermore, the Kingston Zoning By-law seeks to ensure that higher density development occurs in conjunction with the provision of suitable amounts of amenity space at the rate of 18.5 square metres per dwelling unit. With more than 4,588 square metres of amenity area proposed on the subject site, the proposed minor variance to add 65 dwelling units would significantly exceed the required 3,607.5 square metres. The proposal therefore meets the purpose and intent of the Kingston Zoning By-law in ensuring residents have abundant recreation opportunities onsite, and even goes a step further by providing both indoor and outdoor space.

**Variance Number 3: Parking Spaces**

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

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

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

As previously described, the subject site is in close proximity to express and local transit, and dedicated bicycle lanes on Montreal Street. The proposal takes advantage of this infrastructure and compensates for the reduction in automobile parking by providing 19 more long-term bike parking spaces than are required. This supports the purpose and intent of the Zoning By-law in ensuring new development makes use of, and is easily accessed through, surrounding transportation infrastructure (whether that be roads, transit routes, or cycle lanes). The proposal therefore provides a balance of automobile and bike parking and makes public transit an attractive and viable option.

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

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**Variance Number 4: Loading Spaces**

By-Law Number 2022-62: Section 7.5.3

Requirement: One loading space is required per building

Proposed: 1 loading space serving two buildings

Variance Requested: 1 loading space

This variance would grant relief from the requirement to provide two loading spaces, allowing the site to function with a single loading space. The By-Law requires that for buildings containing between 51 and 399 units, a single loading space can be provided, while the need for two loading spaces is only necessary for a building with more than 400 units. While the site as a whole does not have enough units to require a second loading space, Section 7.5.3 stipulates that on sites where more than one building is proposed, each building must be treated as if it were on its own lot for the purposes of calculating the required number of loading spaces.

The intent of the provision is to ensure that multi-building sites provide adequate space for garbage pick-up, as well as residents moving in and out of a building. As the proposed loading space is centrally located between Building A and Building B and accessed via sidewalks, it can easily serve both buildings. This was further confirmed through the submitted Traffic Impact Study addendum, which assessed the functionality of the site with a single loading space. It is worth noting that garbage pick-up is not required to occur from the loading space, and can also occur from the curbside of the private road, directly in front of each building. The TIS demonstrates that the private road has been adequately designed to accommodate either method.

**Variance Number 5: Parking Space Location**

By-Law Number 2022-62: Section 7.4.9 (3)

Requirement: Resident parking spaces must be located in a rear or interior side yard

Proposed: Permit resident parking spaces in a front yard

Variance Requested: Permit resident parking spaces in a front yard

This variance would permit resident parking spaces to be located in a front yard. As previously described, the Official Plan allows such a variance to occur subject to meeting specific criteria. In addition to satisfying the Plan's criteria, this variance also meets the intent of the zoning provision, which is to ensure that large amounts of vehicular parking do not dominate front yards at the expense of an animated streetscape. Critical to this assessment is the fact that the By-Law does not prohibit parking in a front yard; visitor parking spaces are expressly allowed so long as appropriate setbacks are provided.

It is good planning to minimize the impact and dominance of cars in favour of pedestrians and other modes of active transportation. The shape of the property and design of the parking areas ensure that there would be minimal impact on the pedestrian experience when walking along Montreal Street. The parking area is oriented perpendicular to the street (and slopes down towards the river), such that most of the parking spaces in the front yard would be unnoticeable from the street or sidewalk. The parking area would also be set back 5 to 6 metres from the front lot line (which is itself about 4 metres back from the sidewalk), and this setback area would be

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landscaped to provide a more aesthetically pleasing buffer for pedestrians. The planting details for this area have been designed and submitted as part of Site Plan Control and currently contemplate seven trees of three varieties. This buffer area would be required as a condition of approval of the minor variance.

This setback also ensures that the western edge of the parking area would align with the front façades of the neighbouring buildings, thus forming a consistent built-up edge. In practical terms, it would mean that the parking lot will not project out beyond the front face of neighbouring buildings along Montreal Street. Also worth noting is that the approved zoning (Exception E117) established a 3.8 metre front yard setback for the fourplex; the parking area would be set back even further. The parking area has therefore been designed in such a way that it meets the intent of the By-Law in ensuring that parking does not negatively infringe upon, or detract from, the front yard.

#### **Variance Number 6: Rear Yard Setback**

By-Law Number 2022-62: Table 12.3.1 (5)

Requirement:	Rear yard setback is the greater of 7.5 metres or 25% of the lot depth (equivalent to 34.5 metres on the subject site)
Proposed:	30 metre
Variance Requested:	4.5 metres

This variance relates to the rear yard setback. The building positions were reviewed and approved through Exception E117, which afforded an opportunity to ensure that they were appropriately sited. A site-specific rear-yard was not established in Exception E117, instead relying on the rear yard setback in the Urban Multi-Residential Type 2 (URM2) zone. The rear yard provision in the URM2 zone is written such that the setback is deemed to be whichever is greater: 7.5 metres or 25% of the lot depth. 25% of the lot depth would equal 34.5 metres, making it the necessary setback. When assessing the building locations, consideration was given to their potential impact on the UNESCO designated Rideau Canal, along with potential impacts arising from the railway. Parks Canada had no concerns with their location, and the setback was deemed appropriate by CN, which requires a minimum setback of 30 metres from rail lines.

Measuring the rear setback as a percentage of lot depth is typically most relevant to infill development where neighbours are present to the rear, and is a method of ensuring that new development fits sensitively within its context. In this case, the only neighbour to the rear is CN, which has already been involved in the review and recommends approval of the site as designed. The variance therefore meets the intent of the Zoning By-Law.

#### **Variance Number 7: Interior Yard Setback**

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

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

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

**The variance is minor in nature**

The variances are considered minor as the subject site was already rezoned to accommodate a high-density residential development and the addition of 65 new units is not anticipated to increase the impacts beyond what was assessed and approved in the rezoning. Through a review by City staff, the added density merely warranted updates to existing studies, as opposed to comprehensive new reports. Furthermore, those updates did not find there to be a need for any upgrades to surrounding infrastructure to accommodate the density, thereby making it suitably minor.

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

The variances necessary to facilitate this increase in density are also considered minor in nature. The slight lengthening of the apartment buildings only result in a one-metre reduction to an interior side yard setback for Building B – a change that will not be appreciably noticeable on or off-site. The reduction of the rear yard setback by 4.5 metres does not change the building location and still maintains the required 30 metre buffer from the adjacent rail line. It is not, in effect, a new deviation as the building locations were previously approved in the 2023 rezoning; it was not discovered until detailed design review occurred through the Site Plan Control application, and is required to ensure a zone-compliant Site Plan approval. Similarly, the necessary relief to allow a single loading space was also discovered through the latter stages of detailed Site Plan review, and it too is minor as site functionality is unaffected thanks to its central location.

The request for relief to allow resident parking in the front yard is likewise minor, as the edge of the parking area still respects the front yard setback outlined through Exception E117 for the previously planned fourplex. While parking may technically be proposed in the front yard now that the apartment buildings are planned to be the sole principal buildings onsite, it would not protrude any further toward the street than neighbouring buildings and would be generally in line with their front façades, making it suitably minor.



January 27, 2025

Page 16 of 19

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

The proposed minor variances would see a currently vacant and well-serviced parcel of land within the City’s urban limits better utilized. The site has already undergone a rezoning process through which a high-density residential proposal was deemed appropriate for the land, and the addition of further density is supported by existing services and transportation infrastructure. As the 65 new units would be contained within the two apartment buildings and not result in any significant changes beyond a slight lengthening of each building, the increase will be compatible with the surroundings. The rear yard setback for the apartment buildings has already been assessed through the re-zoning process and so has been deemed appropriate.

The proposed change in density is facilitated through the addition of six new parking spaces to ensure the previously approved parking ratio is maintained, and the removal of the fourplex to accommodate these spaces. This is a reasonable and balanced response for a site that is afforded close and easy access to the City’s express transit routes and bike lanes. The applicant has taken advantage of the latter by providing more bike parking than is required, thus further advancing the City’s goals for encouraging active transportation. Allowance for parking in the front yard and a single, centrally located loading space helps ensure an efficient use of land and enables the site to be developed in accordance with the approved zoning.

The proposed minor variances will be a helpful step towards addressing Kingston’s current housing crisis, and are a desirable and appropriate use of the land.

**Technical Review: Circulated Departments and Agencies**

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

January 27, 2025

Page 17 of 19

**Public Comments**

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

**Previous or Concurrent Applications**

There are two concurrent and one relevant historic planning application on the subject property. As referenced above, the site was subject to a zoning by-law amendment to rezone the lands from B1.226 in Zoning By-law 8499 to URM2 with Site Specific Exception E117 in the new Kingston Zoning By-law (File number D14-015-2021). This application was approved by Kingston City Council in August 2023. The owner’s agent submitted an application for Site Plan Control concurrent with the re-zoning application (File number D11-032-2021), which is still under review and will continue to advance pending the outcome of the minor variance application. As the Site Plan review process has nearly concluded, an application has also been submitted to lift the Hold still in place on the property (File number D28-001-2024); this is currently being processed.

**Conclusion**

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

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

**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 Planning Statement, 2024

**Municipal**

City of Kingston Official Plan

Kingston Zoning By-Law Number 2022-62

January 27, 2025

Page 18 of 19

**Notice Provisions:**

A Committee of Adjustment Meeting is going to be held respecting this application on January 27, 2025 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 55 property owners (according to the latest Assessment Roll) within 60 metres of the subject property and a courtesy notice was placed in The Kingston Whig-Standard (Exhibit I – Public Notification Map).

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

**Accessibility Considerations:**

None

**Financial Considerations:**

None

**Contacts:**

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

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

**Other City of Kingston Staff Consulted:**

None

**Exhibits Attached:**

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

January 27, 2025

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Exhibit I      Public Notification Map

## Recommended Conditions

The approval of minor variance application, File Number D13-084-2024, to vary the maximum number of dwelling units per building, reduce a rear and interior side yard setback, reduce the minimum required car parking and loading spaces, and allow parking in the front yard shall be subject to the following recommended conditions:

### 1. Limitation

That the approved minor variance applies only to the proposed apartment buildings (Building A and B), limited to a maximum of 195 dwelling units, and built in a manner consistent with the plans depicted on the approved drawings attached to the notice of decision.

### 2. No Adverse Impacts

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

### 3. Building Permit Application Requirements

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

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

### 4. Standard Archaeological Condition

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

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

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

**5. Number of Bike Parking Spaces**

The owner/applicant shall provide a minimum of 195 long-term bike parking spaces for the 195 dwelling units to compensate for the reduction in vehicle parking spaces.

**6. Maximum Number of Bedrooms**

The apartment buildings on the subject property shall contain a maximum, in the aggregate, of 263 bedrooms.

**7. Landscape Buffer**

A landscaped buffer shall be provided between the Montreal Street right-of-way and the parking lot, as shown on the Landscape Plan submitted for Site Plan Control.





Planning Services

### Committee of Adjustment

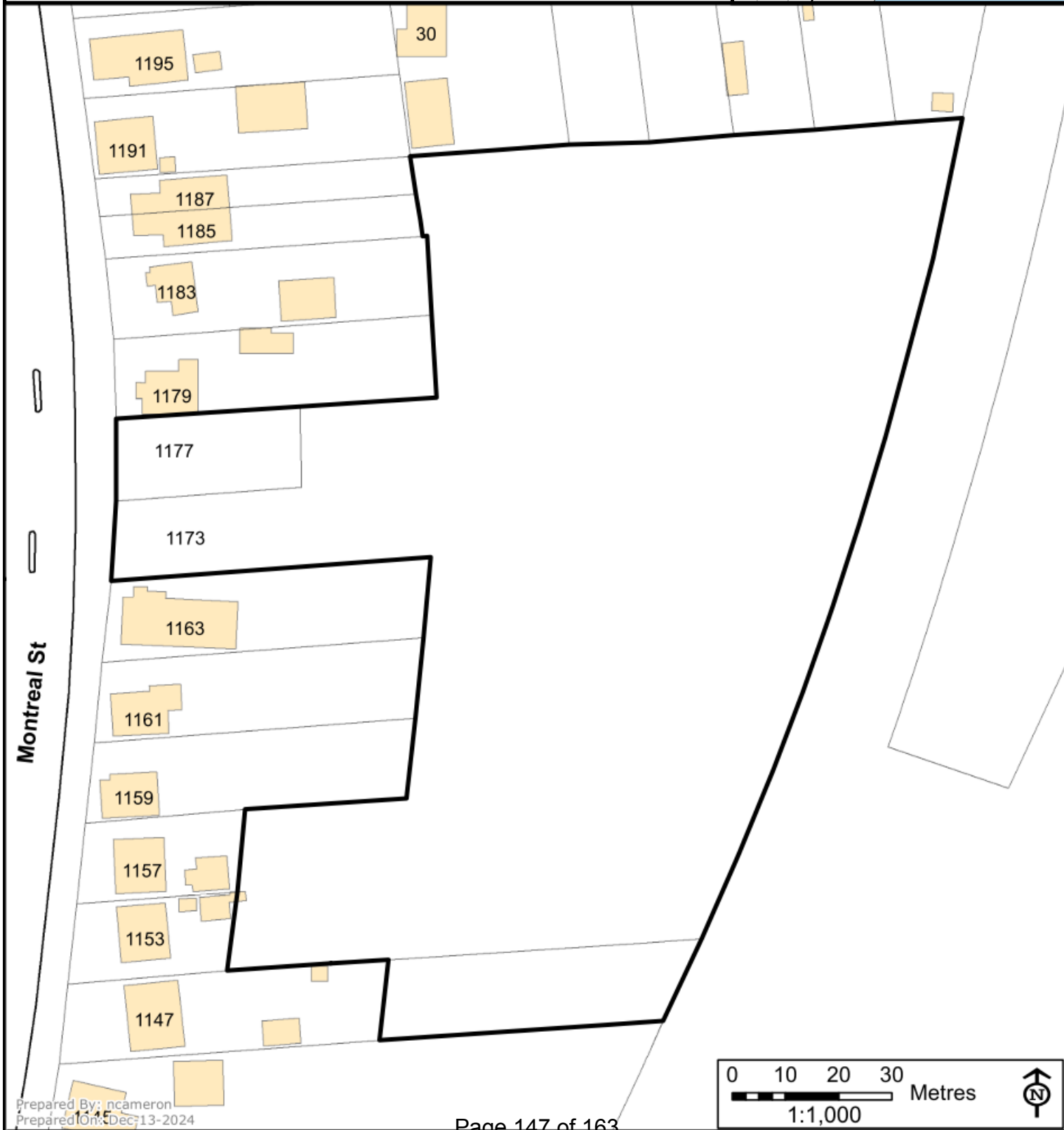
### Key Map

Address: 1177 Montreal Street

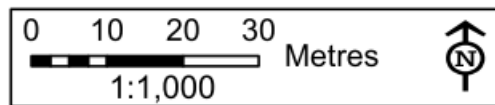
File Number: D13-084-2024

Prepared On: Dec-13-2024

Lands Subject to Minor Variance



Prepared By: ncameron  
Prepared On: Dec-13-2024







# Committee of Adjustment Neighbourhood Context

Address: 1177 Montreal Street  
File Number: D13-084-2024  
Prepared On: Dec-13-2024

- Subject Lands
- Property Boundaries
- Proposed Parcels



Prepared By: neameron  
Prepared On: Dec-13-2024

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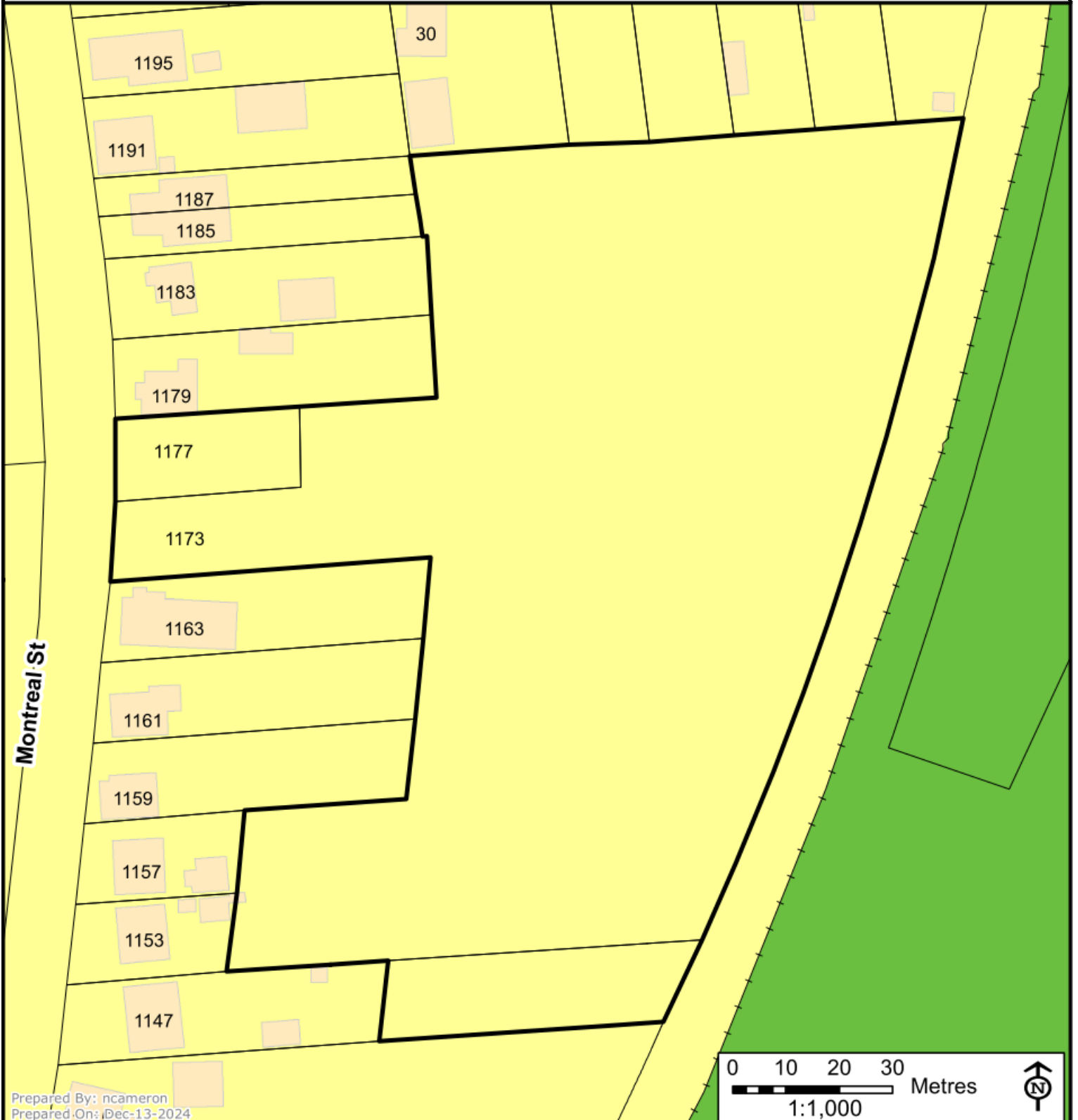




# Committee of Adjustment Official Plan, Existing Land Use

Address: 1177 Montreal Street  
File Number: D13-084-2024  
Prepared On: Dec-13-2024

- Subject Lands
- Environmental Protection Area
- Residential



Prepared By: ncameron  
Prepared On: Dec-13-2024

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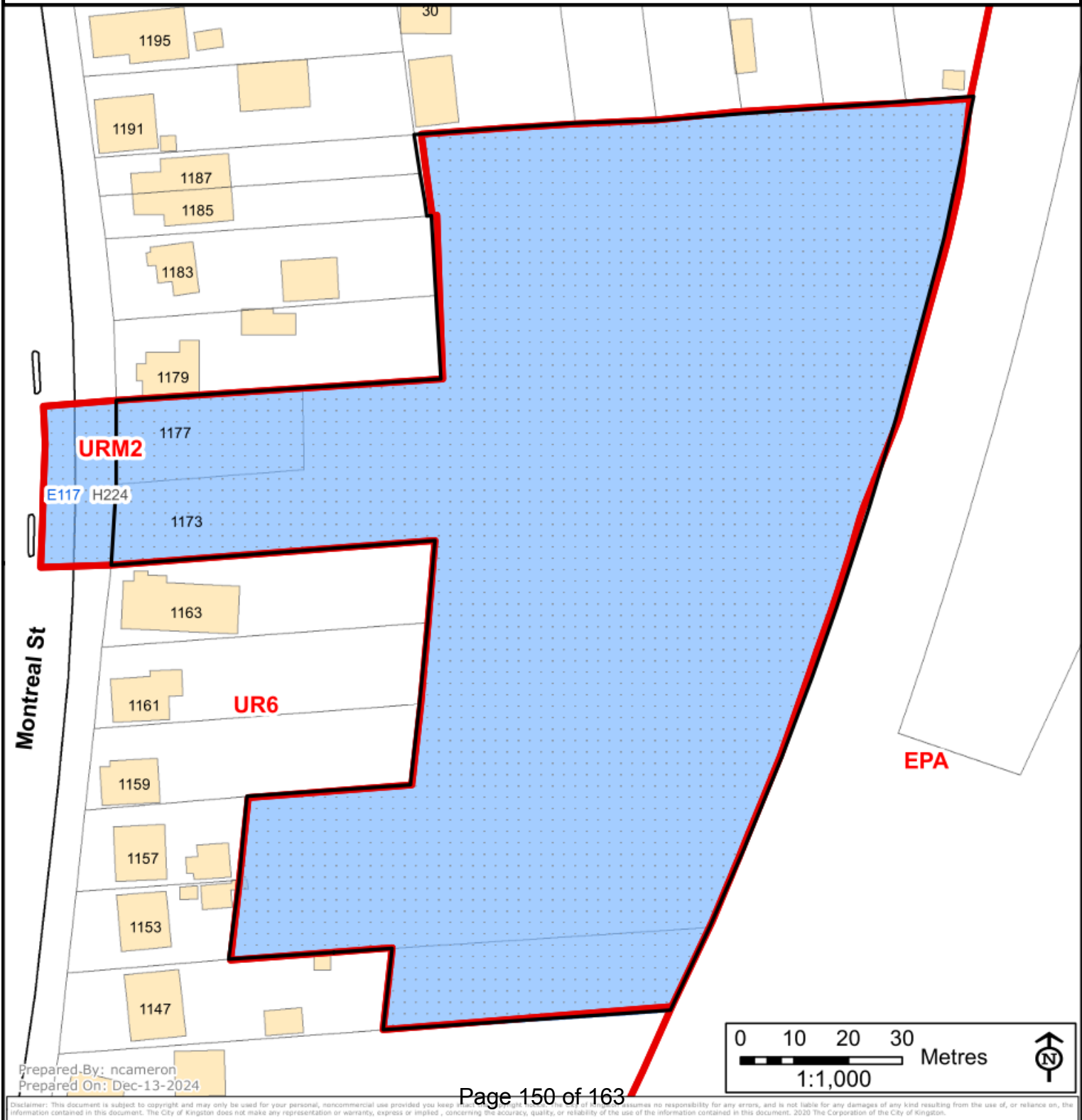
Planning Committee  
**Existing Zoning**  
**Kingston Zoning By-Law 2022-62**

**Planning Services**

Address: 1177 Montreal Street  
File Number: D13-084-2024  
Prepared On: Dec-13-2024

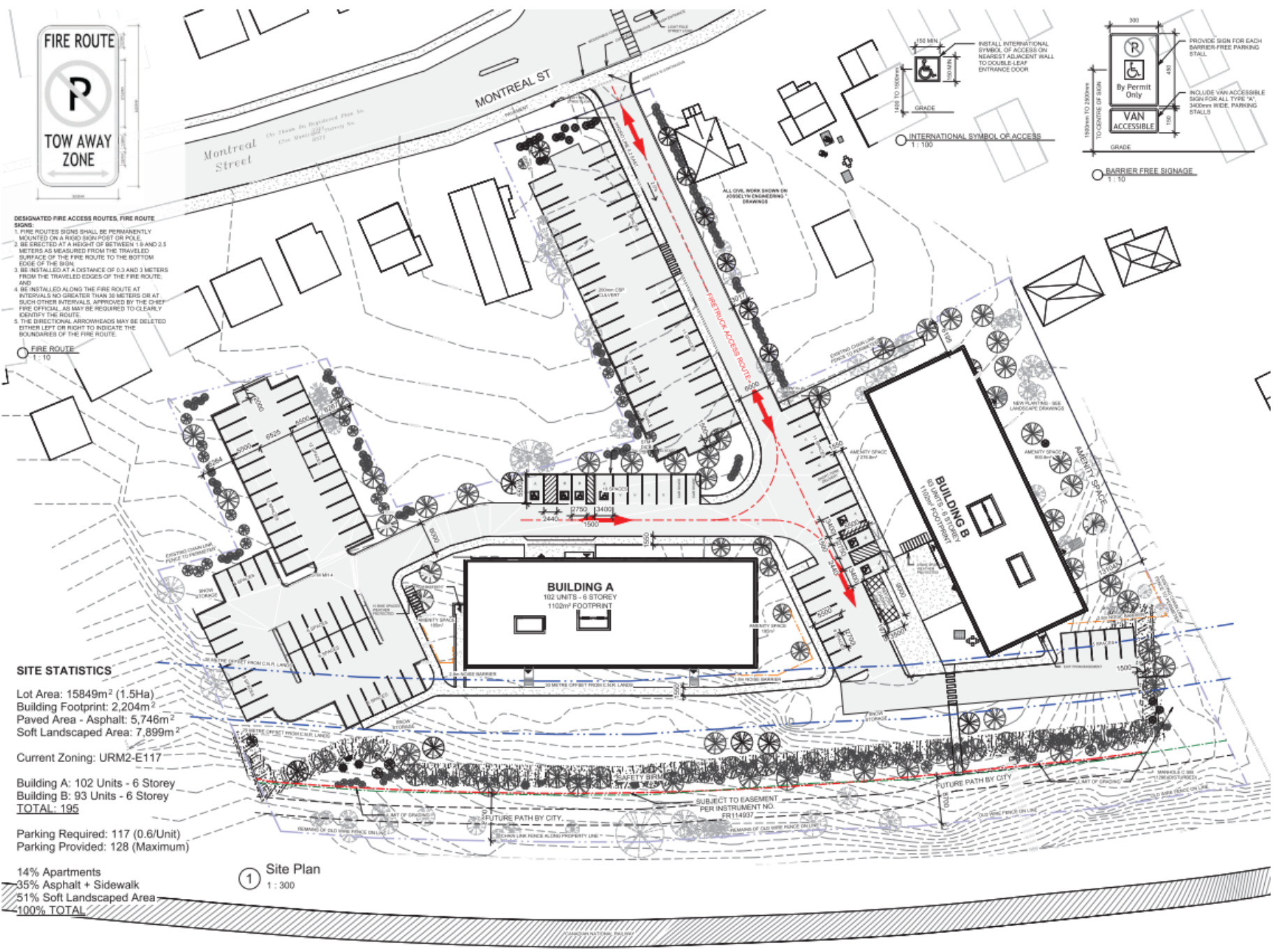
Subject Lands  
Schedule 1 Zoning Map  
 Zone

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



Prepared By: ncameron  
Prepared On: Dec-13-2024

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CHECK AND VERIFY ALL DIMENSIONS BEFORE PROCEEDING WITH THE WORK.  
DRAWINGS NOT TO BE USED FOR CONSTRUCTION UNLESS STAMPED AND SIGNED BY THE CONSULTANT.  
THESE DRAWINGS HAVE BEEN DESIGNED IN COMPLIANCE WITH THE ONTARIO BUILDING CODE.

Revisions		
Revision Number	Revision Date	Revision Description
1	2021.08.11	39 TYPINGS ADDED
2	2022.08.14	ISSUED FOR SITE PLAN
3	2023.03.09	REVISION FOR SITE PLAN
4	2023.08.21	REVISION FOR SITE PLAN
5	2024.11.07	ISSUED FOR FINAL COORDINATION
6	2025.12.04	REVISION FOR SITE PLAN
7	2024.08.13	REVISION FOR SITE PLAN
8	2025.07.26	REVISION FOR SITE PLAN
9	2024.11.19	REVISION FOR SITE PLAN

**Barrier Free Signage**

INSTALL INTERNATIONAL SYMBOL OF ACCESS ON NEAREST ADJACENT WALL TO DOUBLE LEAF ENTRANCE DOOR

150 MIN. CLEARANCE

1500mm TO 2000mm TO CENTRE OF SIGN

300

400

100

By Permit Only

VAN ACCESSIBLE

PROVIDE SIGN FOR EACH SHORTEN-FREE PARKING STALL

INCLUDE VAN ACCESSIBLE SIGN FOR ALL TYPE "A", "B" AND "C" PARKING STALLS

INTERNATIONAL SYMBOL OF ACCESS 1:100

BARRIER FREE SIGNAGE 1:10

**Legend:**

- HEAVY DUTY PAVEMENT
- GRASS
- GRASS BED
- HEATED AREA
- C.I.P. CONCRETE
- ASPHALT PAVING
- CIVIL
- FIRE ROUTE
- PROP. LINE
- TRAFFIC DIRECTION
- LIGHT STANDARD
- FIRE GYFT CONNECTION
- ENTRANCE SIGN
- FIRE HYDRANT

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

**Professional Engineer**  
 Alexander Wilson  
 License No. 10000  
 Ontario Professional Engineers Association

**RIVERSIDE HOUSING**

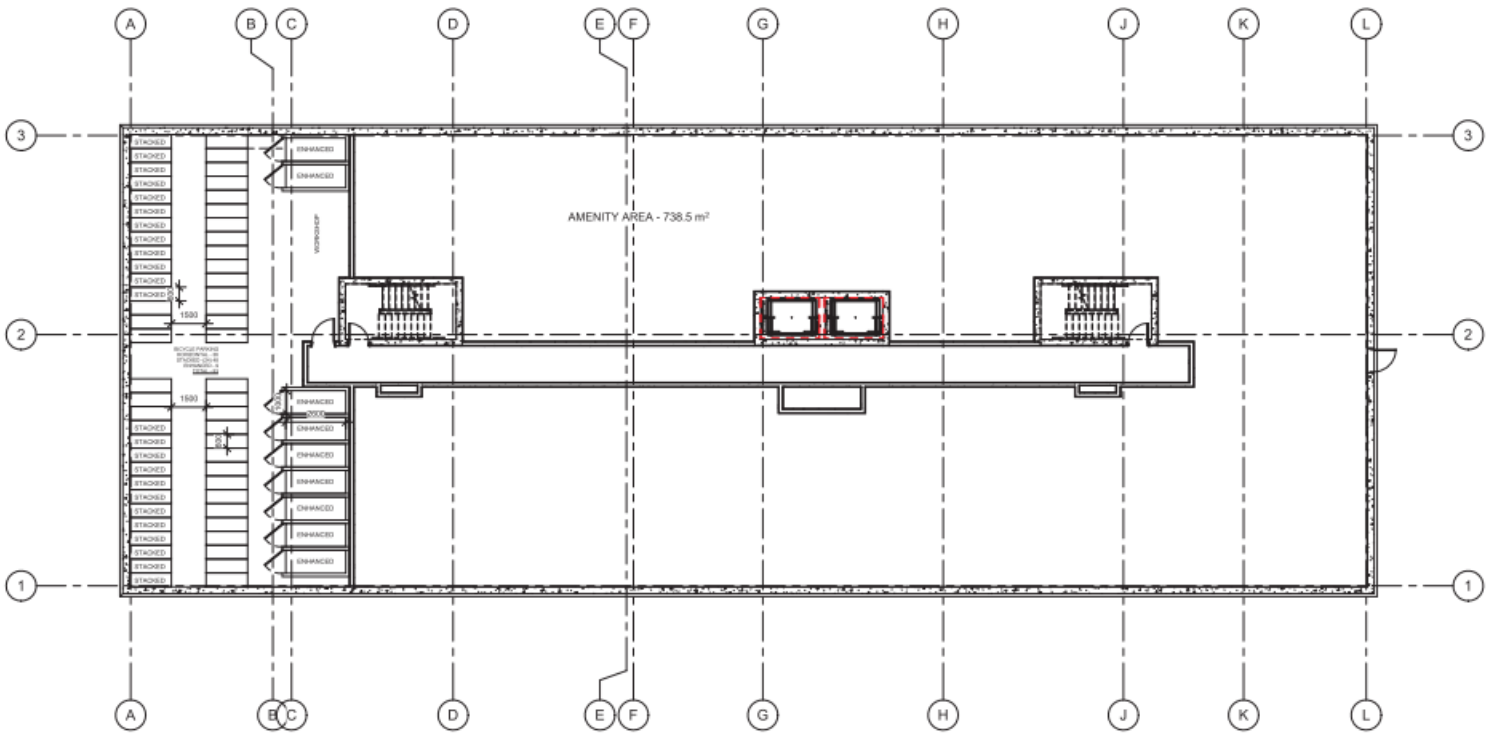
1177 MONTREAL ST.  
 KINGSTON, ONTARIO, K7N 3K8

**SITE PLAN**

Drawn By: [ ] Checked By: [ ]  
 Title: [ ] Date: [ ]  
 Project No: [ ] Revision: [ ]  
 Drawing No: **A010**

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Revisions		
Revision Number	Revision Date	Revision Description
1	2024.12.20	ISSUED FOR PERMITS



**Alexander Wilson Architects Inc.**  
 Address: 1345  
 135-20 Gore Street  
 Kingston, Ontario, K7K 3R3  
 T: 613.545.3744 ext 212  
 F: 613.545.1411

Project:  
**RIVERSIDE HOUSING  
 BUILDING B**

1177 MONTREAL ST.  
 KINGSTON, ONTARIO, K7K 3R3

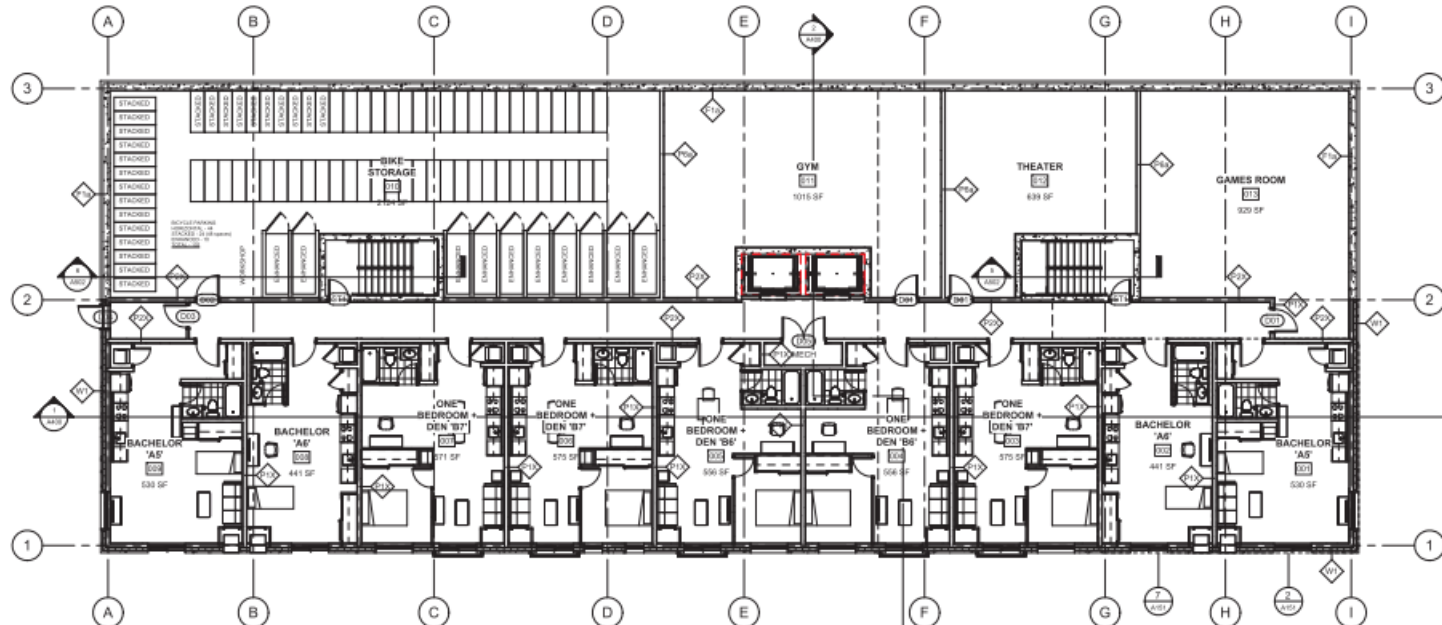
Sheet:  
**BASEMENT FLOOR PLANS**

Drawn By	Checked By
Scale: 1:100	Date: 2024-12-20 13:00:00 PM
Project No: 2024	Revision: 1
Drawing No: <b>A100</b>	

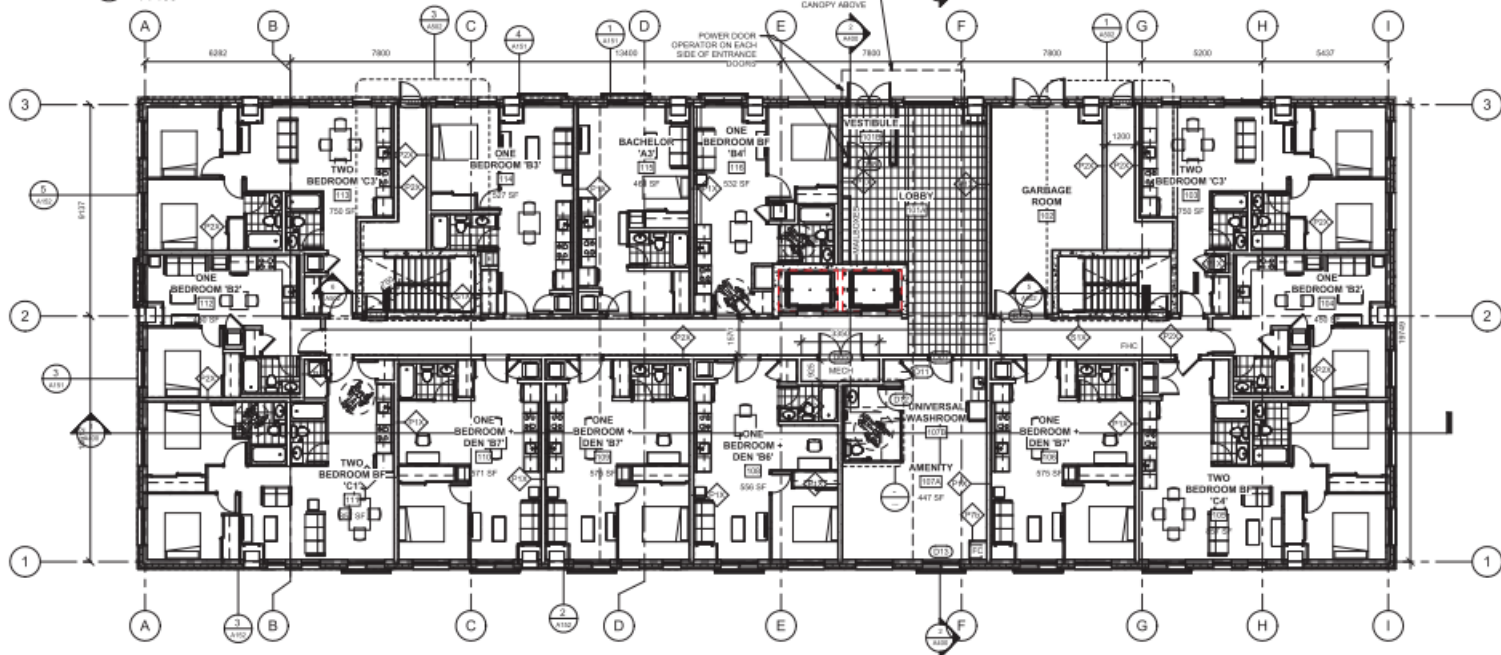


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CODE.

Revisions		
Revision Number	Revision Date	Revision Description
1	2024.12.28	ISSUED FOR P&C (R)



1 LOWER LEVEL FLOOR PLAN  
1:100



2 GROUND FLOOR PLAN  
1:100

Alexander Wilson Architect Inc  
Attn: Project Manager  
103-25 Gore Street  
Kingston, Ontario, K7L 5L1  
T 613 545 3744 ext 313  
F 613 545 1411

RIVERSIDE HOUSING  
BUILDING A

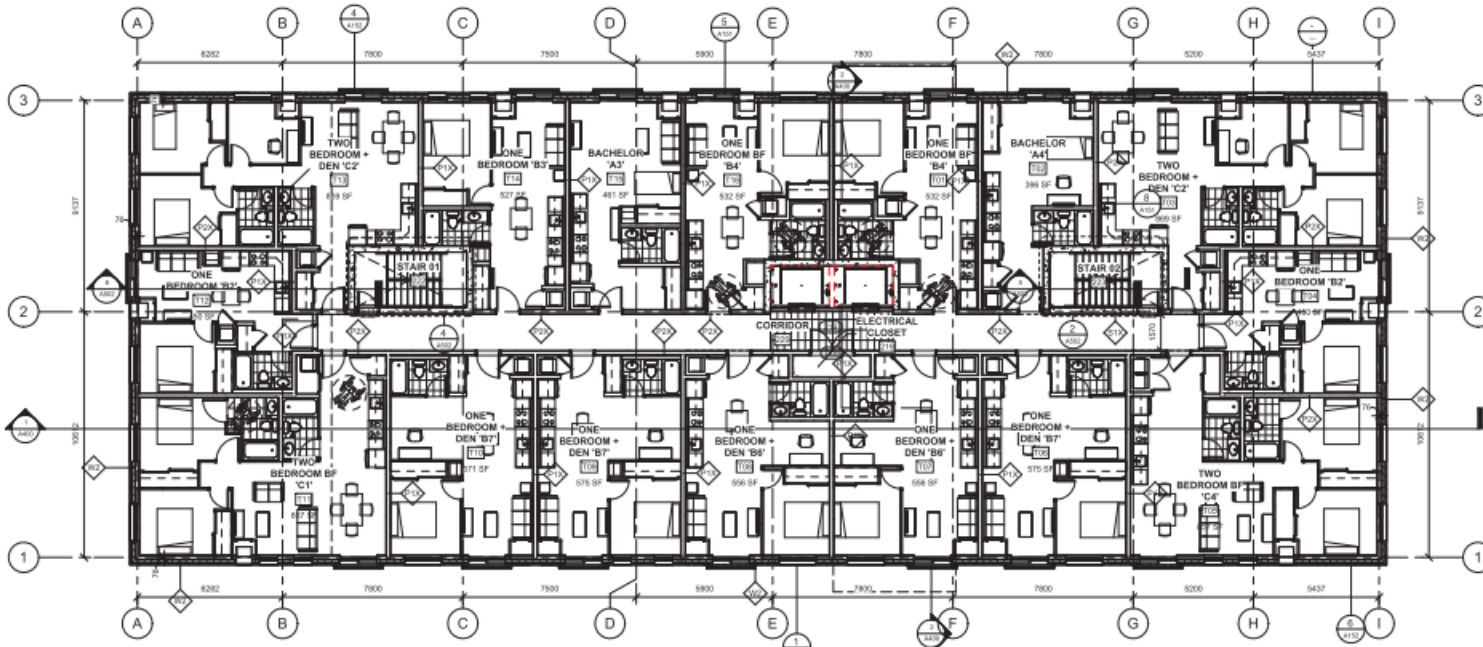
1177 MONTREAL ST.  
KINGSTON, ONTARIO, K7L 3A8

BASEMENT AND GROUND  
FLOOR PLANS

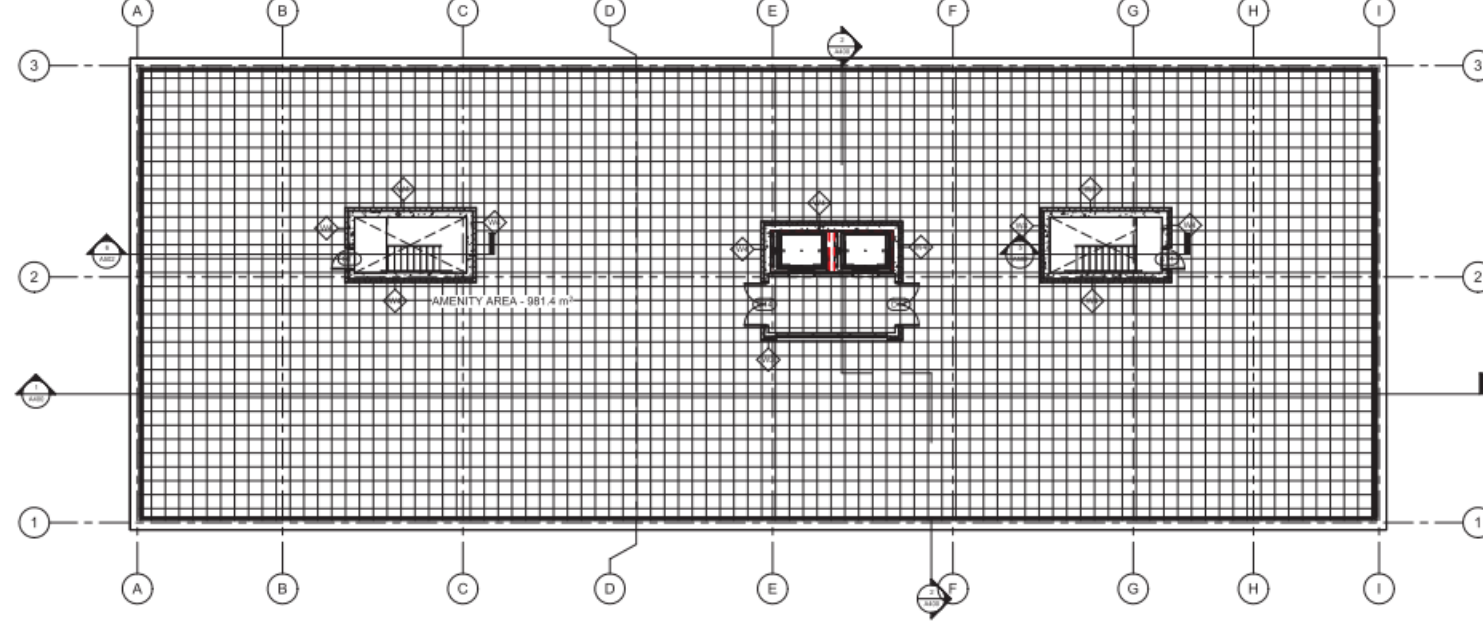
Drawn By:	Checked By:
Date:	Date:
Project No.:	Revision:
Sheet No.:	A100

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CODE.

Revisions		
Revision Number	Revision Date	Revision Description
01	2024.12.28	ISSUED FOR PROCEED



2 TYPICAL FLOOR PLAN  
1: 100



1 ROOF PLAN  
1: 100

Alexander Wilson Architect Inc.  
Address: 103-20 Gore Street  
Kingston, Ontario, K7L 3L1  
T: 613.545.3744 ext 213  
F: 613.545.1411

Project:  
RIVERSIDE HOUSING  
BUILDING A

1177 MONTREAL ST.  
KINGSTON, ONTARIO, K7K 3K8

TYPICAL AND ROOF  
FLOOR PLANS

Drawn By:	Checked By:
Date:	Date:
Project No.:	Revision:
Sheet No.:	A102





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Revisions		
Revision Number	Revision Date	Revision Description
1	2024.12.28	ISSUED FOR PROPOSAL



**A** Alexander Wilson Architect Inc  
Admiralty Place  
103-20 Gore Street  
Kingston, Ontario, K7L 3L1  
T 613.545.5744 ext. 213  
F 613.545.1617

Project  
**RIVERSIDE HOUSING BUILDING A**

1177 MONTREAL ST.  
KINGSTON, ONTARIO, K7K 3A9

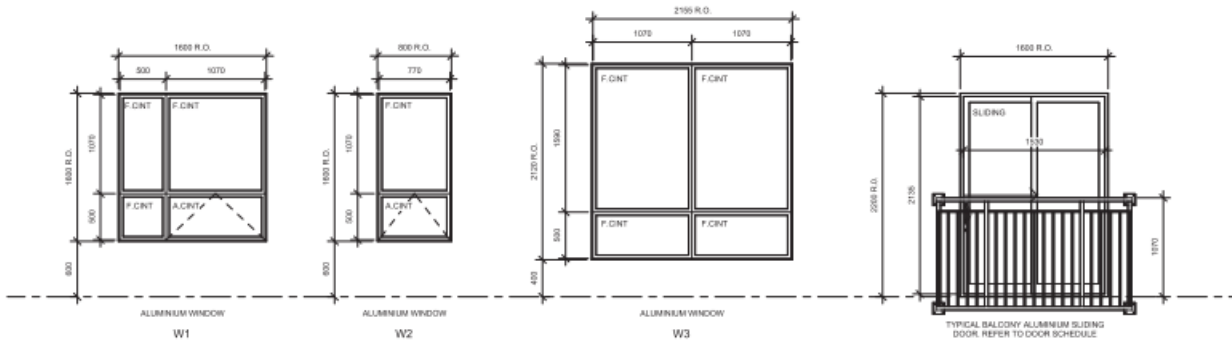
ELEVATIONS - EAST & WEST

Drawn By:	Checked By:
Date:	Scale:
Project No.:	Revision:
Drawing No.:	A300

① WEST ELEVATION  
1:100

DO NOT SCALE DRAWINGS  
CHECK AND VERIFY ALL DIMENSIONS BEFORE PROCEEDING WITH THE WORK.  
DRAWINGS NOT TO BE USED FOR CONSTRUCTION UNLESS STAMPED AND SIGNED BY THE CONSULTANT.  
THESE DRAWINGS HAVE BEEN DESIGNED IN CONFORMANCE WITH THE ONTARIO BUILDING CODE.

Revisions		
Revision Number	Revision Date	Revision Description
1	2024.12.28	ISSUED FOR PRICING



- A ALUM
- ALUM ALUMINUM
- ANCD ANODIZED
- CNT CLEAR INSULATED TEMPERED GLASS
- ED EDGAL
- EX EXISTING
- F FIXED GLAZING
- FR FROSTED
- G CLEAR GLASS
- GALV GALVANIZED STEEL
- GW GEORGIAN WIRE GLASS
- HC HOLLOW CORE
- HM HOLLOW METAL
- INSUL INSULATED
- R.O. ROUGH OPENING
- OH OVERHEAD DOOR
- PAINT PAINT
- SC SOLID CORE WOOD
- ST STEEL
- STA STAIN
- CT CLEAR TEMPERED GLASS
- TED TO BE DETERMINED (SITE MEASURED)
- WD WOOD

**WINDOW NOTES:**

- CONTRACTOR SHALL PROVIDE SIGNED AND SEALED DRAWINGS FOR THE SUPPORT OF GLAZING IN INTERIOR PARTITIONS.

**WINDOW SCHEDULE**

1 : 25



**2 NORTH ELEVATION**  
1 : 100

**1 SOUTH ELEVATION**  
1 : 100

Alexander Wilson Architect Inc  
Address: 103-20 Gore Street  
Kingston, Ontario, K7L 3L1  
T: 613.565.3744 ext 213  
F: 613.565.1411

Project:  
**RIVERSIDE HOUSING BUILDING A**

1177 MONTREAL ST.  
KINGSTON, ONTARIO, K7K 3K9

ELEVATIONS - NORTH & SOUTH

Drawn By:	Checked By:
Date: 05.10.2024	Date: 2024.12.28 11:27:00 AM
Project No: 2024	Revision: 1
Drawing No: <b>A301</b>	



## Site Photos

Due to winter conditions and seasonal constraints at the time of writing, the subject site and its surroundings are best represented through the following photographs, taken July 28, 2023.

### Site Photograph



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



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





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





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









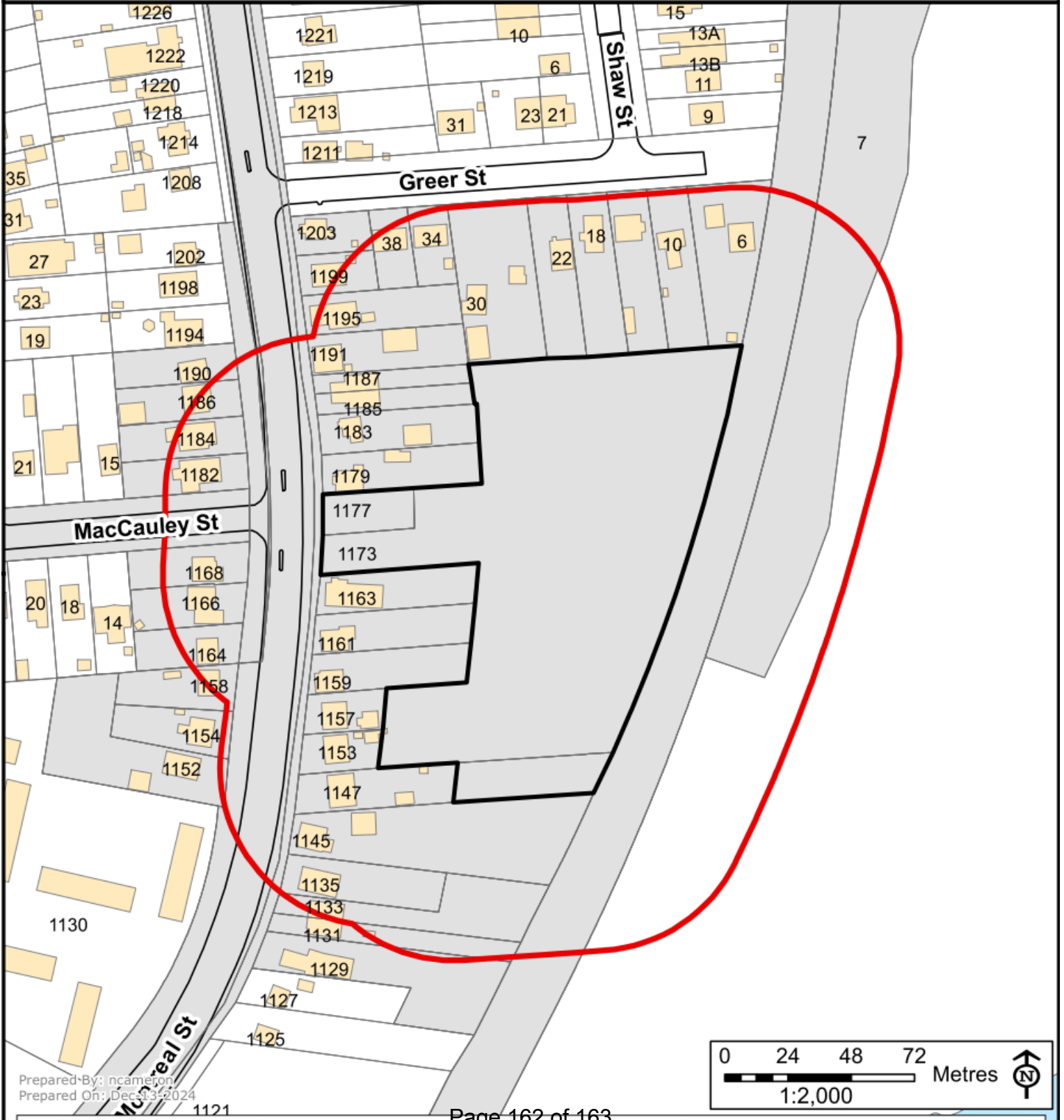
**Figure 5:** The CN rail line, looking south, abuts the eastern boundary of the site, pictured here to the right. The development will be set back 30 metres from the rail corridor, within which a treed berm is proposed for enhanced safety measures, along with the already significant grade change between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



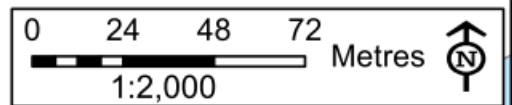
Committee of Adjustment  
**Public Notice Notification Map**

Address: 1177 Montreal Street  
File Number: D13-084-2024  
Prepared On: Dec-13-2024

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



Prepared By: incameron  
Prepared On: Dec-13-2024



**From:**   
**To:** [Hannah Allison](mailto:Hannah.Allison)  
**Subject:** Fw: Committee of Adjustment Questions  
**Date:** January 14, 2025 8:50:27 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)

Caution: This email is from an external source. Please exercise caution when opening attachments or clicking links, especially from unknown senders.  
here is the same email as last month with the questions.

Thanks  
Doug

---

**From:** Douglas Perkins <can7264496@outlook.com>  
**Sent:** December 5, 2024 9:53 AM  
**To:** Hannah Allison <ahannah1@cityofkingston.ca>  
**Subject:** Re: Committee of Adjustment Questions

Caution: This email is from an external source. Please exercise caution when opening attachments or clicking links, especially from unknown senders.  
Here you go. It was in the addendum of Oct meeting.

Doug

\*\*\*\*\*

**Mr. Chairperson:** I would like to submit some questions to Staff regarding the function of the COA process to help me make more informed decisions in the future.

- 1) What happens when an applicant/developer files an appeal of a Committee of Adjustment decision?
- 2) Does staff defend the Committee's decision?
- 3) How does a settlement come about?
- 4) Who must approve the terms?
- 5) What is the role of Council in this process?
- 6) Could a draft settlement come back to the Committee for approval?
- 7) Can the Committee hire its own lawyer and planner to defend its decision and be a party in the appeal process?

Thank you

Douglas Perkins  
Committee of Adjustment.