



**City of Kingston
Report to Committee of Adjustment
Report Number COA-17-052**

To: Chair and Members of Committee of Adjustment
From: Lindsay Sthamann, Intermediate Planner
Date of Meeting: November 27, 2017
Application for: Minor Variance
File Number: D13-047-2017
Address: 103 Valroma Place
Owner: 1809614 Ontario Limited
Applicant: Hector Pickering

Executive Summary:

This report provides a recommendation to the Committee of Adjustment regarding an application for minor variance for the property located at 103 Valroma Place. The applicant is proposing to build a double car detached garage with a maximum height of 7.32 metres. The applicant requires a variance of 2.32 metres for the maximum height of an accessory building.

The requested minor variance is consistent with the general purpose and general intent of both the City of Kingston Official Plan and Zoning By-Law Number 32-74. The variance is considered to be appropriate and minor, and meet all four tests under the *Planning Act*.

Recommendation:

It is recommended that minor variance application, File Number D13-047-2017, to increase the maximum height of an accessory building for the property located at 103 Valroma Place to be approved.

By-Law Number 32-74: Section 5(1)(e)(i)
Requirement: maximum height 5 metres
Proposed: maximum height 7.32 metres
Variance Requested: 2.32 metres

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Approval of the foregoing variance shall be subject to the following conditions:**1. Limitation**

That the approved variance applies only to the proposed detached garage as shown on drawings received on 9/21/2017.

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 Division a copy of the decision of the Committee of Adjustment, together with a copy of the approved drawings, when they make an 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 Cultural Program Branch of the Ministry of Tourism, Culture and Sport (416-314-7132) and the City of Kingston's Planning Division (613-546-4291, extension 3180) must be immediately contacted.

In the event that human remains are encountered, all work must immediately cease and the site must be secured. The Kingston Police (613-549-4660), the Registrar of Cemeteries Regulation Section of the Ontario Ministry of Consumer Business Services (416-326-8404), the Cultural Program Branch of the Ministry of Tourism, Culture and Sport (416-314-7132), and the City of Kingston's Planning Division (613-546-4291, extension 3180) must be immediately contacted.

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Authorizing Signatures:

Original Signed by Planner

Lindsay Sthamann, Intermediate Planner

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

Paige Agnew, Director, Planning, Building & Licensing Services

Lanie Hurdle, Commissioner, Community Services

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Options/Discussion:

On September 21, 2017, a minor variance application was submitted by Hector Pickering with respect to the property located at 103 Valroma Place. The variance is requested to increase the maximum permitted height of a detached garage from 5 metres to 7.32 metres. The subject property is designated rural in the Official Plan and zoned R1-5 in Zoning By-Law Number 32-74. The proposed garage would be located in the interior side yard of the property.

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

- Plot Plan Drawing (Exhibit C); and
- Elevation Drawing (Exhibit D).

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 103 Valroma Place. This is south of Highway 2 and just east of the Ravensview Wastewater Treatment Plant. The property is approximately 4082.1 square metres in area and has approximately 76 metres of road frontage along Valroma Place. A single family dwelling is under construction on the property.

The subject property is designated Rural in the Official Plan and the majority of the parcel is zoned R1-5 in Zoning By-Law Number 32-74. The property abuts two other residential properties in the same zone. An approximately 6.5 metre deep strip of land at the far south end of the rear yard of the property is zoned D – Development Zone. To the rear the property abuts a parcel of land zoned entirely D. The proposed garage will be built entirely within the R1-5 portion of the subject property.

Application

A minor variance is not a mathematical calculation, but rather an assessment of whether the general intent of the Official Plan and zoning by-law are maintained. To do this, the impact of the variance on the surrounding land uses and the appropriateness of the development are considered.

When reviewing applications for minor variance, the approval authority must be satisfied that each of the four tests of the *Planning Act* are met. The following provides this review:

1) The proposal shall be consistent with the Provincial Policy Statement (PPS) and the general intent and purpose of the Official Plan**Provincial Policy Statement**

The Provincial Policy Statement provides policy direction on matters of provincial interest related to land use planning and development which are complemented by local policies

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

Official Plan

The subject property is designated Rural in the City of Kingston Official Plan. Permitted uses in the Rural Area include all agricultural uses and agriculture-related uses as permitted in the Prime Agricultural Area designation, sports and outdoor recreation activities in accordance with Section 3.13.4, and detached dwellings in accordance with Section 3.13.10 and that are compatible with adjacent land uses. Approval of the variance will permit the current owners to construct a 69.7 square metre detached garage that is 7.32 metres in height. The proposed development will not set an undesired precedent for the immediate area.

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 following provides these nine requirements and an assessment of how the proposal is consistent with each.

1. The proposal meets the intent of Section 2 of the Official Plan as the lot will continue to provide the functional needs for the residential use and there will not be any negative impacts on abutting residential properties.
2. The proposed garage is compatible with the Rural Area and will not have any negative impacts on the abutting residential uses.
3. The site will continue to function in an appropriate manner as road access is maintained and parking will be located within the proposed detached garage and driveway.
4. The proposal is not subject to Section 8, Urban Design policies in the Official Plan.
5. The subject lands are not designated under the *Ontario Heritage Act*. The standard archaeological clause has been included as a condition in case the discovery of deeply buried or previously undiscovered archaeological deposits or human remains.
6. The site is developed with private onsite sewage and municipal water. The proposed garage will not alter demands on the services.
7. The application and the cumulative impact of the proposal does not warrant a zoning by-law amendment.
8. The Committee of Adjustment may attach such conditions as it deems appropriate to the approval of the application. Suggested conditions are listed in the recommendation above. The conditions may be added, altered or removed at the Committee's discretion.
9. The approval of the requested variance will not set precedent for the immediate area because each minor variance is reviewed on its own merits.

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The proposal meets the intent of the Official Plan, as the proposed detached garage 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 varied is maintained

The subject property is zoned R1-5 in the City of Kingston Zoning By-Law Number 32-74, entitled "Township of Pittsburgh Zoning By-Law", as amended. The R1-5 zone permits a detached accessory garage to a single family dwelling.

The proposal requires a variance to Section 5.

By-Law Number: 32-74	Section 5(1)(e)(i)
Requirement:	maximum height 5 metres
Proposed:	maximum height 7.32 metres
Variance Requested:	2.32 metres

The intent of the zoning by-law is maintained because the residential use of the property will continue. The detached garage is permitted and the additional height will be compatible with the abutting properties.

3) The variance is minor in nature

The variance is considered minor as no impacts on adjacent properties is anticipated. The R1-5 zone requires a minimum 1.2 metre interior side yard setback for accessory buildings. The proposed garage will have a 9.19 metre interior side yard; there is no impact on the function or privacy of the neighbouring properties. If the garage was attached instead of detached it could be built to a height of 9 metres in the R1-5 zone. The height of the proposed garage will be less than the single family dwelling on the property.

The extra height is to accommodate a high pitched roof to match the architectural style of the single family dwelling on the property. The height is for aesthetic reasons; there will not be a loft or living space in the garage.

It is the opinion of the Planning Division that this variance is minor in nature.

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

The requested variance will not create any adverse effect on abutting properties as there will be no shadowing, loss of privacy due to intrusive overlook, or increase in levels of noise and loss of environmental damage or degradation. The overall access and functionality of the property as a whole will not change. Sufficient parking will be located within the proposed detached garage and driveway. The development maintains clear site access, parking and security.

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Technical Review: Circulated Departments and Agencies

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

Technical Comments

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

Public Comments

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

Previous or Concurrent Applications

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

Conclusion

The requested variance is consistent with the general purpose and general intent of both the City of Kingston Official Plan and Zoning By-Law Number 32-74. The variance meets all four tests under the *Planning Act* and as such the application is being recommended for approval, subject to the proposed conditions.

Approval of this application will allow the owner to build a detached garage.

Existing Policy/By-Law:

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

Provincial

Provincial Policy Statement, 2014

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Municipal

City of Kingston Official Plan
Zoning By-Law Number 32-74

Notice Provisions:

A Committee of Adjustment Meeting is going to be held respecting this application on November 27, 2017. 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 16 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.

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:

Not applicable

Financial Considerations:

Not applicable

Contacts:

Paige Agnew, Director, Planning, Building & Licensing Services 613-546-4291 extension 3252

Marnie Venditti, Manager, Development Approvals 613-546-4291 extension 3256

Lindsay Sthamann, Intermediate Planner 613-546-4291 extension 3185

Other City of Kingston Staff Consulted:

The application was circulated to the relevant internal departments and external agencies for review and comment. The responses to the technical circulation have been addressed in the technical review and included in this report.

Exhibits Attached:

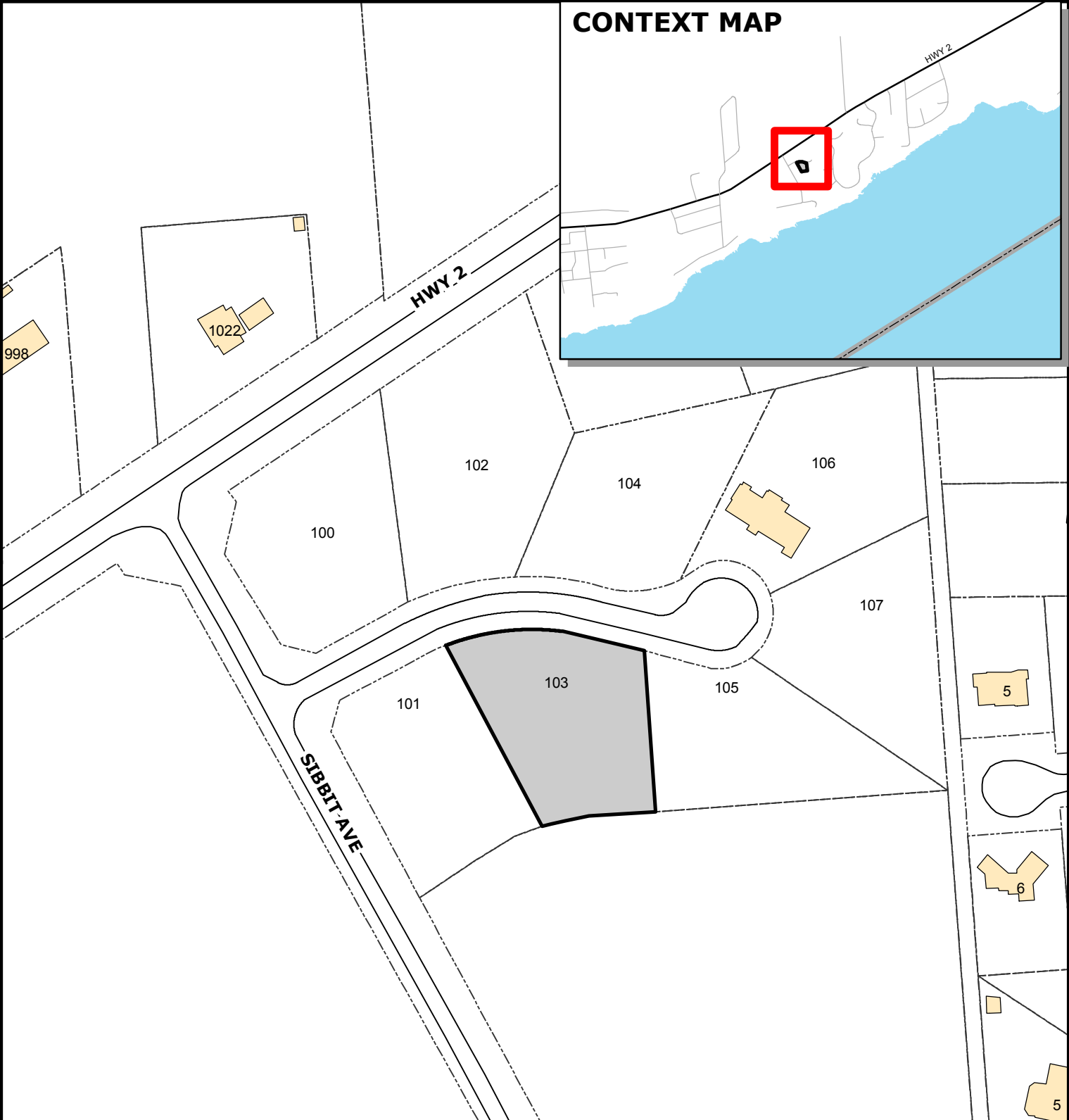
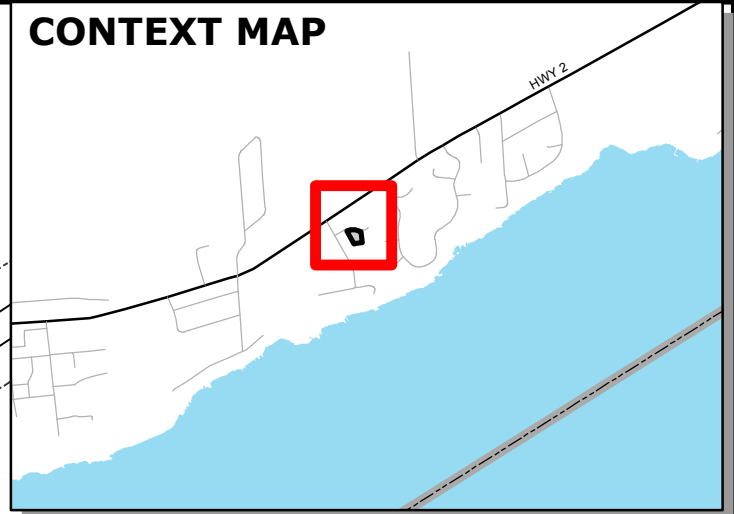
Exhibit A Key Map

Exhibit B Public Notification Map

Exhibit C Plot Plan

Exhibit D Elevation Drawings

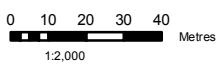
CONTEXT MAP



Planning, Building & Licensing Services
 a department of
 Community Services

COMMITTEE OF ADJUSTMENT KEY MAP

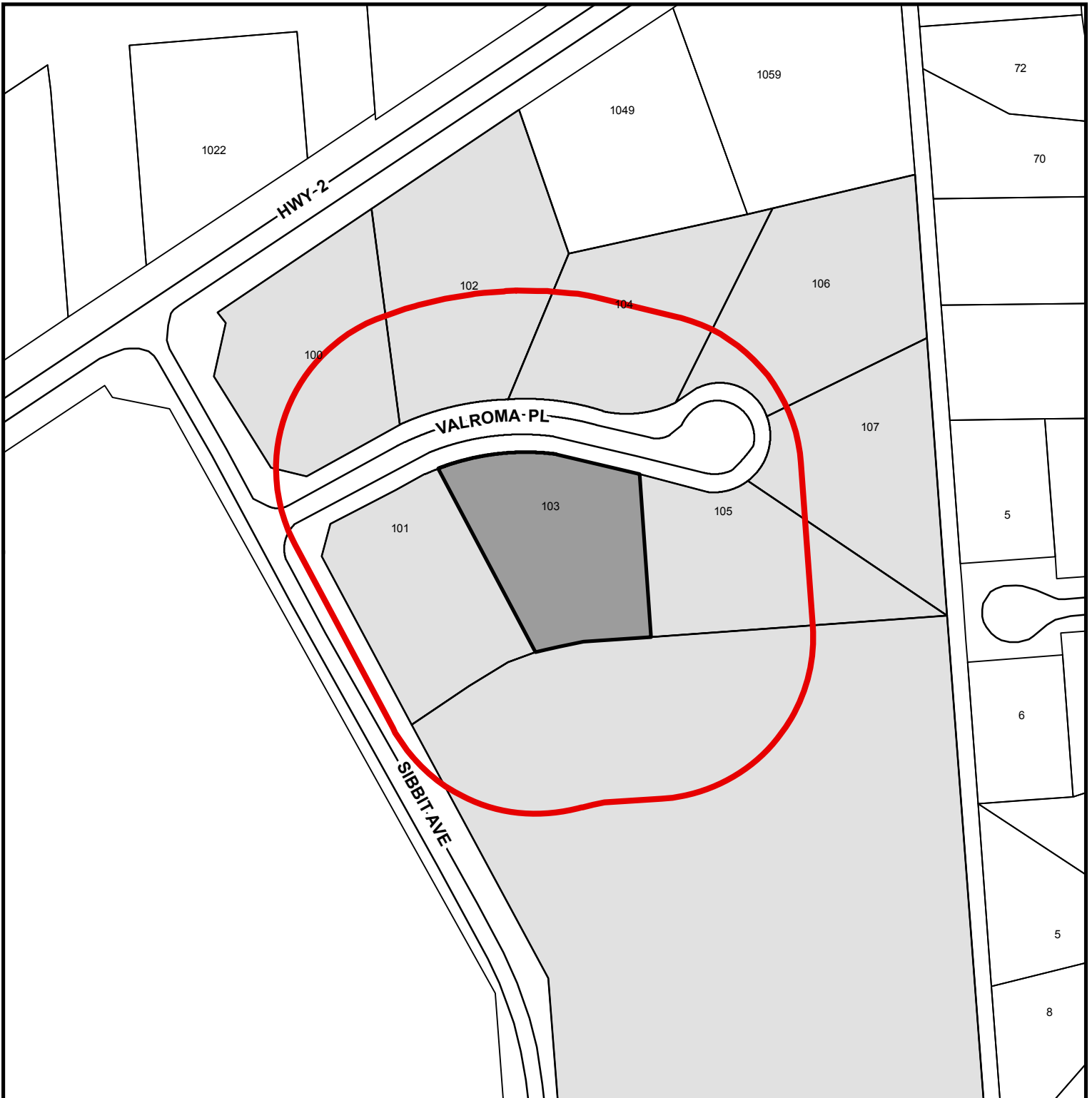
Applicant: Hector Pickering
 Owner: 1809614 ONTARIO LIMITED
 File Number: D13-047-2017
 Address: 103 Valroma Place



LEGEND

Lands Subject to Minor Variance



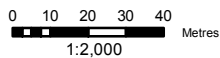


Planning, Building & Licensing Services





a department of
Community Services

COMMITTEE OF ADJUSTMENT
PUBLIC NOTICE NOTIFICATION MAP

Applicant: Hector Pickering
Owner: 1809614 ONTARIO LIMITED
File Number: D13-047-2017
Address: 103 Valroma Place



LEGEND

-  Lands Subject to Minor Variance
-  60 m Public Notice Boundary
-  Property Boundaries
-  9 Properties in Receipt of Notice



BUILDING PERMIT APPLICATION PLOT PLAN

APPLICANT NAME: SSP DEVELOPMENT	PHONE #: 613-560-7800	PROPERTY ADDRESS: 103 VALROMA PLACE
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LEGEND:

<ul style="list-style-type: none"> ◁3R ENTRANCE LOCATION & # OF RISERS TO GRADE ☐ COMMUNITY MAIL BOX ☐ HYDRO TRANSFORMER ☐ BELL PEDESTAL ☐ CABLE PEDESTAL ☐ LIGHT STANDARD ⊙ HYDRANT ⊙ TRAFFIC SIGN ⊙ STREET SIGN — E EASEMENT LINE — OVERHEAD HYDRO LINE ☐ HOUSE ☐ GARAGE ☐ DRIVEWAY 	<ul style="list-style-type: none"> — WATER SERVICE — SANITARY SERVICE — STORM SERVICE ☐ CATCH BASIN ⊙ MANHOLE — [SW] SIDEWALK ▨ CURB 302.2 PROPOSED ELEVATION 302.2 EXISTING ELEVATION 302.2+ PROPOSED ELEVATION TO BE PROVIDED BY APPLICANT → DRAINAGE DIRECTION — DRAINAGE SWALE ⊙ FUSE PEDESTAL ⊙ WATERMAIN VALVE
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DRIVEWAY INFORMATION:
 SLOPE (MAX. 10%): 3.0% WIDTH: 6.0 m.
 BELOW GRADE: Y N X
 SURFACE MATERIAL: GRAVEL (NEW CONSTRUCTION)

DETAILS:

LOT No. 7 PLAN / CONC. 13M-95

PART No. _____ REFERENCE PLAN No. _____

TOP FOUNDATION ELEVATION: 98.60

BOTTOM FOOTING ELEVATION: 95.68

ELEVATION AT GRADE: 98.00 FOUNDATION CUT: 0.60

ZONE: R1-5

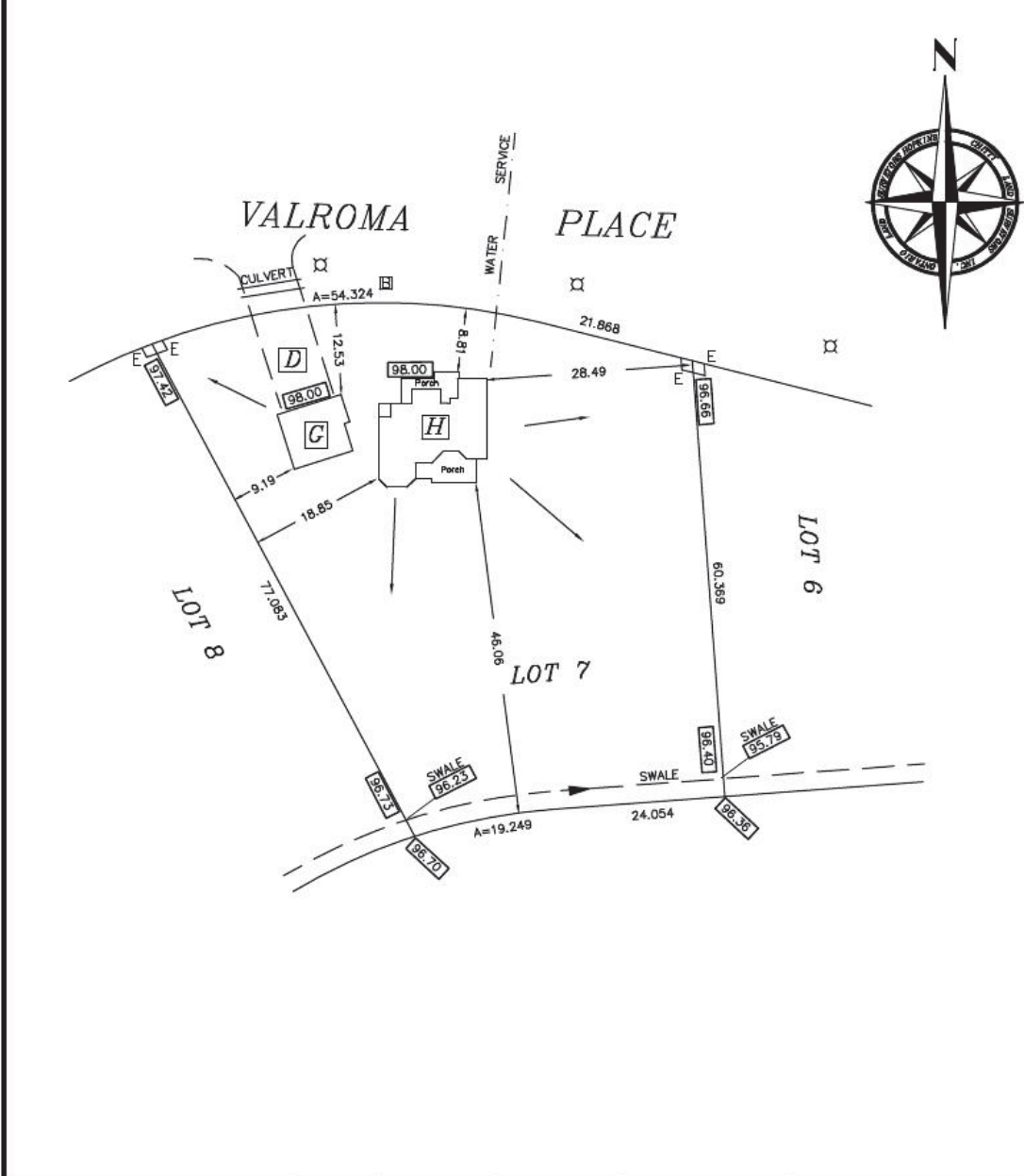
LOT AREA: 4082.1 SQ. Metres

BUILDING FOOTPRINT AREA: 272.7 SQ. Metres

COVERAGE %: PROPOSED: 6.7%

PERMITTED: 33.0%

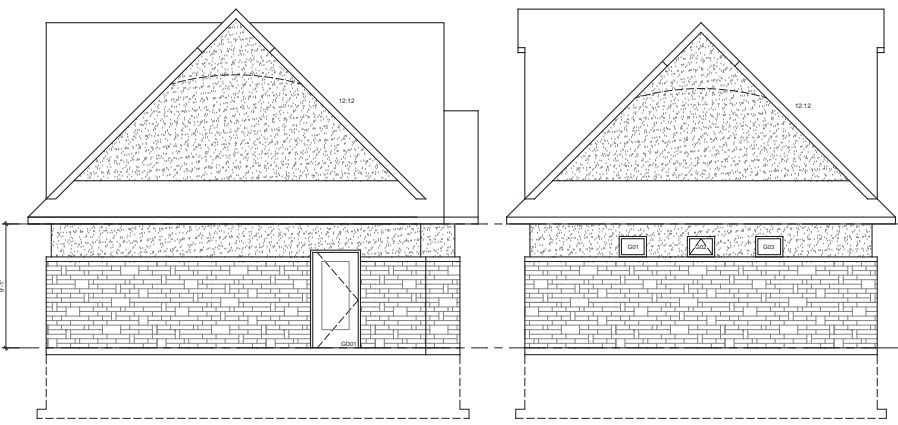
SCALE: **1:1250** DATE: **AUGUST 8, 2017**



REVIEWED BY	DATE	APPROVED	REJECTED: _____ (REASONS AS NOTED)	LOT GRADING SECURITY REQUIRED: YES <input type="checkbox"/> NO <input type="checkbox"/>	AMOUNT REQUIRED
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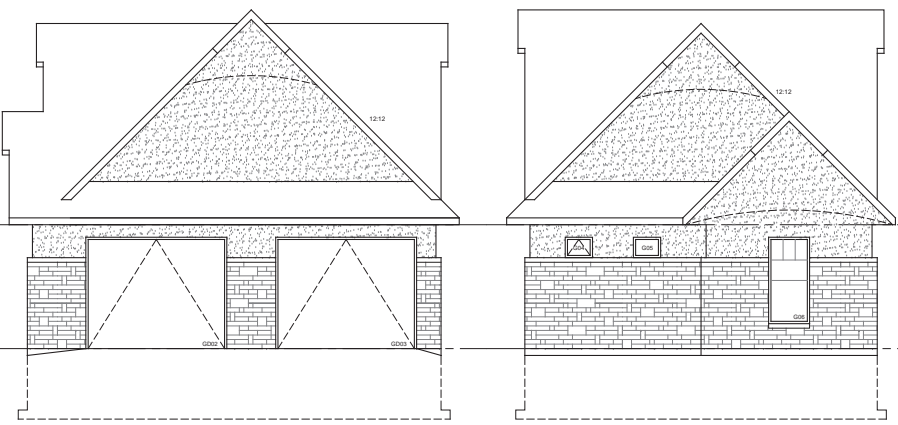
1	ISSUED FOR BUILDING PERMIT	2017/07/16
2	AMENDED TO PERMIT COMMENTS	2017/08/02

- GENERAL NOTES
- CHECK AND VERIFY ALL DIMENSIONS ON SITE BEFORE PROCEEDING WITH CONSTRUCTION.
 - THESE PLANS FORM THE BASIS FOR PERMIT ISSUANCE AND ANY DEVIATIONS FROM THESE PLANS AND DETAILS, INCLUDING THE VENTILATION SYSTEM, HEATING SYSTEM, WOODSTONE, FIREPLACES, DECKS, BALCONIES AND FINISHED BASEMENTS, WILL REQUIRE A REVISED DRAWING AND CLEARANCE BY THE BUILDING DEPARTMENT.
 - ALL SHOWER VALVES TO BE PRESSURE BALANCED OR THERMOSTATICALLY CONTROLLED AS PER 7.4.5.2. (1)
 - ALL TOILETS TO CONFORM TO 7.6.4.2. (3)
 - ALL EXTERIOR CONCRETE (INCLUDING STEPS, PORCH SLABS AND GARAGE SLABS) TO BE MIN 20MPA, 5% TO 8% AIR ENTRAINMENT
 - ALL DOORS FROM A GARAGE TO A DWELLING UNIT TO CONFORM TO 9.10.13.15.
 - ALL PARTITIONS RUNNING PARALLEL TO FLOOR JOISTS SHALL BE SUPPORTED BY 2X4 BLOCKING SPACED NOT MORE THAN 5'-11" (AS PER OBC 9.23.8.5)
 - SUPPORT OF BEAMS TO CONFORM TO 9.23.8.1.
 - ALL FLOOR DRAINS TO CONFORM TO 7.5.1.1. (3)
 - ALL CONNECTIONS OF ROOFING TO VERTICAL SURFACES TO BE FLASHED IN CONFORMANCE TO 9.26.4.4. & 9.26.4.5.
 - SMOKE ALARMS SHALL BE VISIBLE IN CONFORMANCE WITH 9.10.19.1 AND WIRED SO THAT WHEN THE ALARM SOUNDS, ALL ALARMS WILL SOUND.
 - ALL OUTLETS TO BE GFI PROTECTED WHEN WITHIN 18M OF A SOURCE OF WATER, INCLUDING EXTERIOR, EXCLUDING LAUNDRY TUBS.
 - ALL FLOOR DRAINS TO CONFORM TO 7.5.1.1. (3) AND BE EQUIPPED WITH A TRAP SEAL PRIMER IN CONFORMANCE WITH 7.4.5.5.
 - ALL DIVISIONS SEPARATING A GARAGE FROM THE DWELLING UNIT SHALL BE TAPED, MUDDER & SEALED TO CONFORM TO 9.10.9.15.
 - ALL GUARDS TO CONFORM TO 9.8.8.
 - ALL STAIR HANDRAILS TO CONFORM TO 9.8.7.
 - HOT WATER SUPPLY FROM HOT WATER TANK TO BE EQUIPPED WITH MIXING VALVE TO TEMPER WATER TO MAXIMUM 49 C° TEMPERATURE AS PER O.B.C. 7.6.5.1 (1)



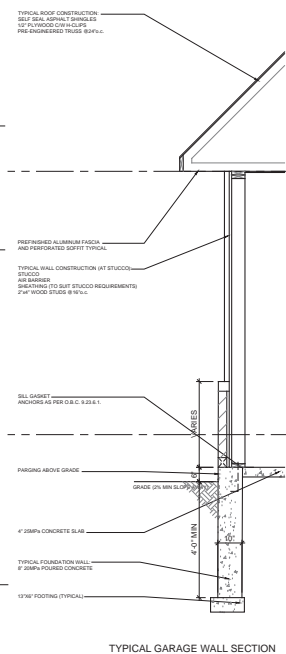
SOUTH ELEVATION

WEST ELEVATION

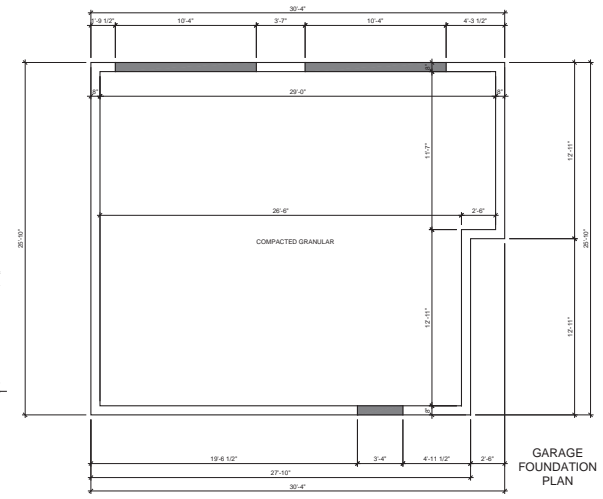


NORTH ELEVATION

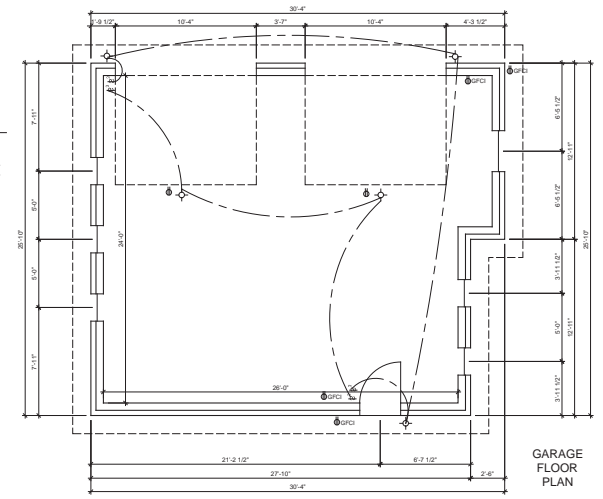
EAST ELEVATION



TYPICAL GARAGE WALL SECTION



GARAGE FOUNDATION PLAN



GARAGE FLOOR PLAN

DANTZER DESIGN

KEN DANTZER B.C.L.N.: 35991 (19907)
 QUALIFIED DESIGNER
 HAS REVIEWED AND TAKES
 RESPONSIBILITY FOR THE DESIGN WORK



LOT 7, 103 VALROMA PLACE
 PICKERING RESIDENCE

SEPTEMBER 12, 2017
 SCALE: 1/4"=1'-0"
 UNLESS OTHERWISE NOTED