



**City of Kingston
Report to Committee of Adjustment
Report Number COA-17-053**

To: Chair and Members of Committee of Adjustment
From: Sajid Sifat, Intermediate Planner
Date of Meeting: November 27, 2017
Application for: Minor Variance
File Number: D13-048-2017
Address: 46 Warne Crescent
Owner: 1799760 Ontario Inc.
Applicant: IBI Group Incorporated

Executive Summary:

This report provides a recommendation to the Committee of Adjustment regarding an application for Minor Variance for the property located at 46 Warne Crescent. The applicant is proposing to reduce the required number of on-site parking stalls from 12 parking stalls to 9 parking stalls for a proposed 218 square metre commercial building for a drive through oil-change facility – Mr. Lube.

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 8499. 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 D13-048-2017, for the property located at 46 Warne Crescent to be approved.

Variance Number 1:

By-Law Number 8499: 5.3A (b)(ii)
Requirement: 12 parking stalls
Proposed: 9 parking stalls
Variance Requested: 3 parking stalls

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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 reduction in parking stalls as shown on the drawings received on 10/17/2017.

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

Sajid Sifat, 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 October 16, 2017, a minor variance application was submitted by IBI Group Incorporated, on behalf of the owner, 1799760 Ontario Inc., with respect to the property located at 46 Warne Crescent. The variance is requested to reduce the required number of parking stalls from 12 parking stalls to 9 parking stalls for a proposed 218 square metre commercial building for a drive through oil-change facility – Mr. Lube. The proposed building meets other standards of the zoning by-law including parking stall dimensions for both regular and the barrier-free parking stalls. One barrier-free parking stall is provided as per the requirement.

The parking requirement for the Automotive Service Station use is calculated at a rate of one parking stall per 18.5 square metres of gross floor area which is a generic parking ratio applied to commercial uses where a use specific parking ratio is not specified. Base on this parking requirement, the proposed 218 square metre oil-change facility requires 12 on-site parking stalls.

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

- Cover Letter;
- Survey; and
- Site Plan (Exhibit C).

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 east of Division Street south of Highway 401 at the intersection of Dalton Avenue and Warne Crescent.

The subject property is designated ‘Arterial Commercial’ in the Official Plan and zoned Environmentally Protected Area & site specific Commercial Arterial Zone – ‘C2.187’ in Zoning By-Law Number 8499. The subject property is adjacent to the Little Cataraqui Creek which is why there is an EPA zone on a portion of the site, however, the proposed building and parking areas are all within with the site specific C2 zone.

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:

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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 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 'Arterial Commercial' in the City of Kingston Official Plan.

The City of Kingston Official Plan requires that the four tests of a minor variance, as required by the *Planning Act*, be satisfied (Section 9.5.18). These four tests are discussed and satisfied in the body of this body of this report.

Also, as per Section 9.5.19 of the Official Plan, in considering whether the variance is desirable for the appropriate development or use of land, building or structure, the Committee of Adjustment will have regard to the following:

- a. The proposed development meets the intent of Section 2 Strategic Policy Direction, and all other applicable policies of this Plan;
 - The subject proposal is in an 'Arterial Commercial' designation. This proposal meets the intent of Section 2 by proposing a use that is allowed by this designation. The four tests that assess the functional characteristics and compatibility of the proposed development are satisfied and discussed below.
- b. The proposed development will be compatible with surrounding uses, buildings or structures and development standards associated with adjacent properties, and if necessary, incorporate means of alleviating adverse effects on abutting land uses as recommended in Section 2.7 of this Plan;
 - The proposal development is a permitted use in the zone and the proposal has been reviewed to ensure compatibility with adjacent properties. The proposed development will not cause any adverse impacts.
- c. The ability of the site to function in an appropriate manner in terms of access, parking for vehicles and bicycles or any other matter and means of improving such function including considerations for universal accessibility;
 - Sufficient on-site parking is provided to service the development. A barrier free stall is also provided which meets barrier free parking requirement appropriate for this development.
- d. The conformity of the proposal to any applicable urban design policies endorsed by Council, particularly if the site includes or could impact a built heritage resource or is within a Heritage District;
 - No urban design guidelines apply to this proposal. This proposal is not within a Heritage District.

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- e. If the site is designated under the *Ontario Heritage Act*, the application shall be reviewed by Heritage Kingston for approval. If the property is adjacent to a designated property under the *Ontario Heritage Act* or shown as a Heritage Area feature, or is affected by the protected views shown on Schedule 9 of this Plan, then a Heritage Impact Statement may be required to assist staff to determine if the resulting development is desirable;
 - This property is not designated or adjacent to a designated property.
- f. The resulting development has adequate municipal water and sewage services within the Urban Boundary, or is capable of providing individual on-site water and sewage services outside the Urban Boundary;
 - The proposal is located on a fully serviced lot. A servicing plan has been reviewed to the satisfaction of the city as part of the concurrent site plan application.
- g. Whether the application and the cumulative impact of the proposed variances would be more appropriately addressed by a zoning amendment to the applicable zoning by-law;
 - The proposed parking reduction meets the four tests of a minor variance as stated in the *Planning Act* and therefore, a minor variance application is appropriate.
- h. The Committee of Adjustment may attach such conditions as it deems appropriate to the approval of the application for a minor variance including any reasonable requirements, recommendations of city departments, or the submission of studies as listed in Section 9.12 of this Plan that may be required to properly evaluate the application;
 - Standard set of conditions that are appropriate to this proposal are included on page 2 of this report as well as the notices of decision.
- i. The degree to which such approval may set an undesirable precedent for the immediate area.
 - The approval of this variance will not set an undesirable precedent for the immediate area. The applicant is seeking this variance to reduce parking due to the EPA zone on a portion of the property. The EPA zone limits the ability to develop on this property.

The 'Arterial Commercial' designation allows for commercial uses such as the proposed Automotive Service Station use subject to meeting functional requirements of the provision of on-site parking that is clearly defined and provided on safe locations on site.

The 'Arterial Commercial' designation aims to minimize impacts on abutting properties and those within the surrounding neighbourhood, by ensuring land use compatibility, providing appropriate separation distances, ensuring the functionality of the site, and integrating design considerations as per the Urban Design policies of Section 8 of the Official Plan.

The intent of the Official Plan with regards to parking is to ensure that a sufficient amount of parking is provided on-site for each development. Although a parking reduction is requested, the proposed development meets this intent by providing a sufficient amount of parking stalls on-site to meet the parking demands of the proposed development. The Official Plan also discourages over-supply of on-site parking to balance the use of on-site parking demand with active transportation (Section 4.6.47). The proposed parking area is

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located at the rear of the building setback from Dalton Avenue. A landscape buffer is also provided between the proposed parking area and the sidewalk (Section 4.6.49).

This proposal meets the intent of the Official Plan, as the proposed on-site parking reduction and will not result in any negative impacts to adjacent properties.

2) The general intent and purpose of the zoning by-law varied is maintained

The subject property is zoned 'EPA & C2.187' in the City of Kingston Zoning By-Law Number 8499, entitled "Restricted Area (Zoning) By-Law of the Corporation of the City of Kingston", as amended. The C2.187 zone permits Automobile Service Stations as a listed use.

The proposal requires a variance to Section 5.3A (b)(ii) of Zoning By-Law Number 8499.

Variance Number 1:

By-Law Number: 8499	5.3A (b)(ii)
Requirement:	12 parking stalls
Proposed:	9 parking stalls
Variance Requested:	3

The Automotive Service Station is not subject to specific parking requirements in Zoning By-Law Number 8499 section 5.3A (b)(ii). The parking requirement for the Automotive Service Station Use is calculated on a requirement of one parking stall per 18.5 square metres of gross floor area which is a general requirement for any commercial use that is not specified in section 5.3 of the by-law. This generic parking ratio contemplates a variety of traditional commercial uses which require parking based on gross floor area. This same standard is used to calculate parking for a drive through oil-change facility that is designed for the customers to remain in their cars and not use on-site parking. The proposed site plan drawing also shows stacking lanes for each of the 3-bays to allow queuing of vehicles while they wait for service. The intent of the zoning by-law is to implement policies of the Official Plan which require providing adequate parking for any development that is met through the provision of 9 on-site parking stalls. There will be no negative impact from the reduction of 3 parking stalls based on the type of use and the scale of the development.

3) The variance is minor in nature

The variance is considered minor as the reduction of 3 parking stalls will not have any negative impact on the subject property or the surrounding properties. The case specific review of the development allows us to determine that the on-site parking provided is sufficient for the proposed development.

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

Given the nature of the use (drive-through oil-change facility), on-site parking stalls will be used to park employee vehicles. Also, based on the scale of the use, the supply of on-site parking is sufficient for the demands generated by this development. Also, the over-supply of parking and hard-surfacing is not desirable from an environmental and maintenance perspective. The provided parking ratio will allow the site to function as intended without any negative impacts to the adjacent properties.

This property is currently subject to site plan application. The minor variance to reduce the parking requirement will allow for the property to be developed and utilized for one of the intended uses of the zone. About 30% subject parcel is zoned EPA which does not permit the location of building or parking areas within this zone due to concerns such as flooding, etc. The applicant would have been able to meet the full parking requirement if a portion of the site was not designated EPA. Therefore, the applicant is seeking this zoning relief from the parking requirement to work within the portion of the property that zoned commercial and is allowed to be developed.

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 checked="" type="checkbox"/> Kingston Hydro | <input checked="" type="checkbox"/> City's Environment Division |
| <input 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 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 correspondence was 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

This proposal is also subject to concurrent Site Plan Control application.

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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 8499. 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 development of a proposed 218 square metre commercial building for a drive through oil-change facility – Mr. Lube.

Existing Policy/By-Law:

The proposed application was reviewed against the policies of the Province of Ontario and the 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

Municipal

City of Kingston Official Plan
Zoning By-Law Number 8499

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 12 property owners (according to the latest Assessment Roll) within 60 metres of the subject property and a courtesy notice was placed in The Kingston Whig-Standard.

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

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Sajid Sifat, Intermediate Planner 613-546-4291 extension 3126

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:

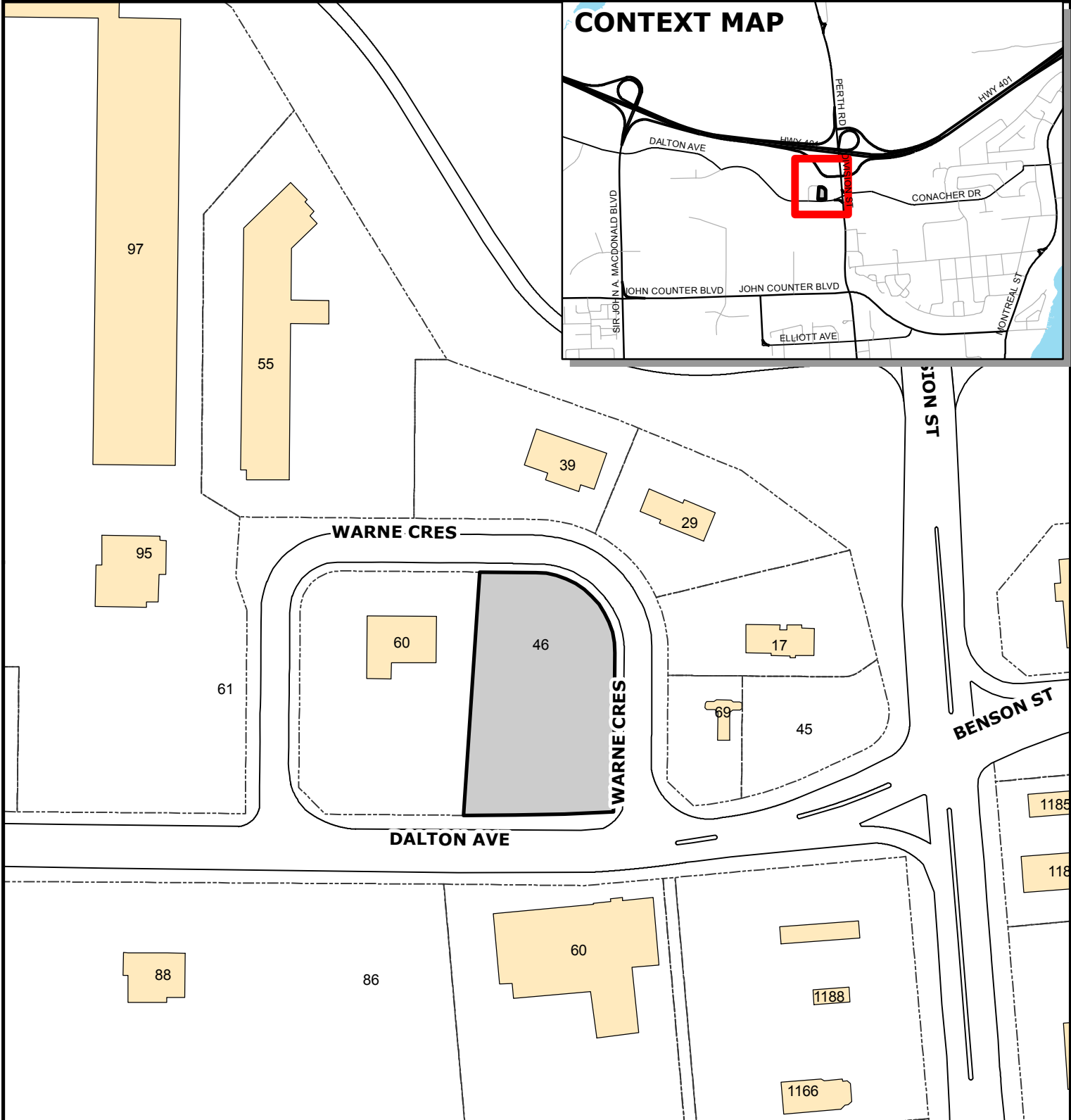
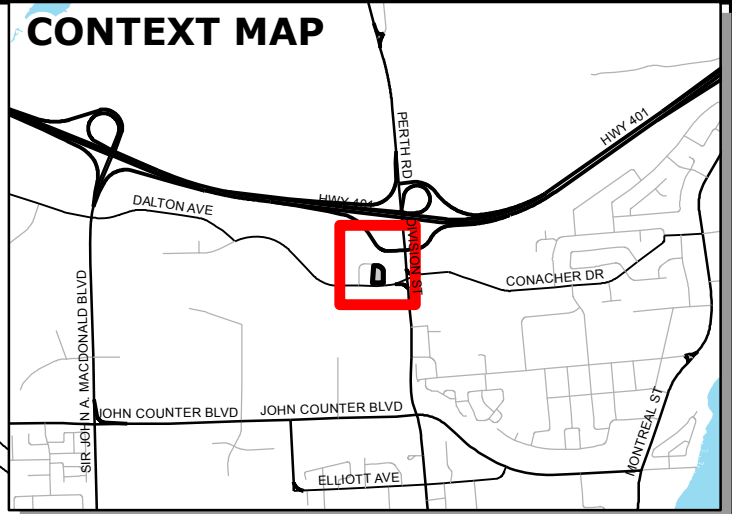
Exhibit A Key Map

Exhibit B Public Notification Map

Exhibit C Site Plan

Exhibit D Cover Letter


CONTEXT MAP



COMMITTEE OF ADJUSTMENT
KEY MAP

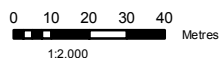
Applicant: IBI Group Incorporated
 Owner: 1799760 Ontario Inc.
 File Number: D13-048-2017
 Address: 46 Warne Cres

LEGEND

 Lands Subject to Minor Variance



Planning, Building
& Licensing Services
 a department of
 Community
 Services



PREPARED BY: J. Partridge
 DATE: 10/27/2017





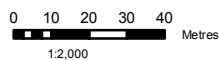
Planning, Building & Licensing Services
 a department of Community Services

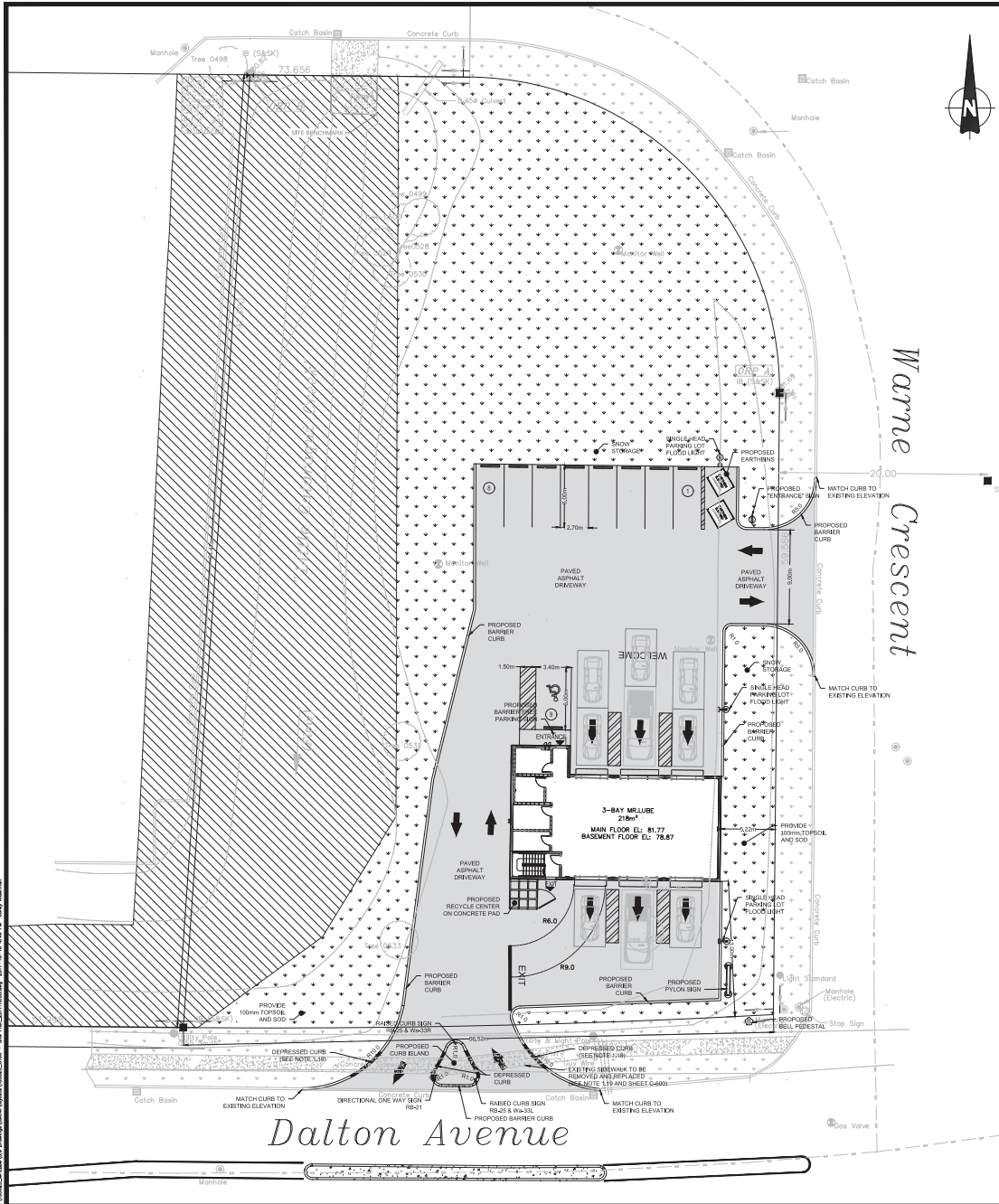
COMMITTEE OF ADJUSTMENT
NEIGHBOURHOOD CONTEXT (2015)

Applicant: IBI Group Incorporated
 Owner: 1799760 Ontario Inc.
 File Number: D13-048-2017
 Address: 46 Warne Cres

LEGEND

-  Lands Subject to Minor Variance
-  Property Boundaries





- 1.0 GENERAL**
- LEGAL SURVEY AND TOPOGRAPHIC INFORMATION ILLUSTRATED WAS OBTAINED FROM HORNBY CHITTY LTD. Project No. 2017-038.
 - THE SITE IS LOCATED AT 46 WARNE CRESCENT, CITY OF KINGSTON, COUNTY OF FRONTENAC.
 - THE PROPOSED USE OF THE SITE IS FOR AUTOMOTIVE SERVICE STATION.
 - CONTRACTOR TO ENSURE EROSION AND SEDIMENT CONTROL MEASURES ARE INSTALLED PRIOR TO THE COMMENCEMENT OF CONSTRUCTION. ACCORDING TO THEIR MANUFACTURERS' GUIDELINES AND ANY SPECIAL NOTES TO BE CHECKED ON A DAILY BASIS AND SHALL BE REMOVED ALONG WITH ACCUMULATED SEDIMENT, IMMEDIATELY FOLLOWING THE EFFECTIVE STABILIZATION OF THE SITE.
 - CONTRACTOR SHALL OBTAIN LOCATES FOR ALL EXISTING UTILITY SERVICES AND REPORT ANY DISCREPANCIES TO THE ENGINEER PRIOR TO COMMENCEMENT OF CONSTRUCTION.
 - ALL CONCRETE CURBS AND SIDEWALKS TO CONFORM TO O.P.S. AND CONSTRUCTED TO DETAILS PROVIDED. ALL CONCRETE SHALL BE NORMAL PORTLAND CEMENT IN ACCORDANCE WITH O.P.S.E. 1350 AND SHALL ACHIEVE A MINIMUM STRENGTH OF 30MPa AT 28 DAYS.
 - ALL DISTURBED AREAS BEYOND PROPERTY LIMITS TO BE REINSTATED TO MATCH EXISTING CONDITIONS AS DIRECTED BY ENGINEER. ALL SOILMASSURES TO BE BLENDED TO EXISTING CONDITIONS.
 - THE CONTRACTOR SHALL KEEP PUBLIC ROADWAYS FREE OF DEBRIS DURING CONSTRUCTION. ANY MATERIAL TRACKED FROM THE SITE SHALL BE PROMPTLY REMOVED FROM ROADWAYS AT THE CONTRACTORS EXPENSE.
 - REASONABLE ACCESS TO BE MAINTAINED ALONG ALL PUBLIC ROADS AT ALL TIMES.
 - NOTIFY ADJACENT PROPERTIES OR BUSINESSES 48 HOURS BEFORE DISRUPTION TO ACCESS.
 - UTILITY LOCATES TO BE INSTALLED PRIOR TO ROAD BASE CONSTRUCTION AND CAPED TO BELL. CONTACT A KINGSTON HYDRO SPECIFICATIONS.
 - FOR DETAILS ON GEOTECHNICAL INVESTIGATION REFER TO REPORT PREPARED BY OBA ENGINEERING LTD. JUNE 3, 2008, TITLED DALTON AVENUE 1 ACRE SITE.
 - FOR DETAILS ON PHASE I ENVIRONMENTAL SITE ASSESSMENT REFER TO REPORT PREPARED BY ASL ENVIRONMENTAL INC. JANUARY 6, 2011, TITLED 46 WARNE CRESCENT, KINGSTON, ONTARIO.
 - FOR DETAILS ON NOISE ASSESSMENT REFER TO LETTER PREPARED BY CAMBIUM INC. MARCH 9, 2017, TITLED 46 WARNE CRESCENT, KINGSTON, ONTARIO. MR. LUBE MAINTENANCE OPERATIONS.
 - FOR DETAILS ON TRANSPORTATION STUDY REFER TO REPORT PREPARED BY: BI GROUP, MARCH 8, 2017, TITLED TRANSPORTATION STUDY FOR 46 WARNE CRESCENT, KINGSTON, ONTARIO.
 - FOR DETAILS ON STORMWATER MANAGEMENT REFER TO REPORT PREPARED BY: BI GROUP, MARCH XX, 2017, TITLED STORMWATER MANAGEMENT REPORT 46 WARNE CRESCENT, KINGSTON, ONTARIO, PROPOSED MR. LUBE.
 - SERVE LATERALS SHALL NOT BE CONNECTED DIRECTLY TO CITY'S MAINTENANCE HOLES.
 - ALL CURBING WITHIN 5.0m OF A CITY SIDEWALK IS TO BE DEPRESSURED TO THE ELEVATION OF THE CITY SIDEWALK.
 - HEAVY DUTY SIDEWALKS TO BE CONTINUOUS THROUGH INDUSTRIAL/COMMERCIAL SITE ENTRANCES USING 100mm x 150mm STEEL MESH REINFORCEMENT.
- 2.0 SANITARY**
- ALL MATERIALS AND WORKMANSHIP SHALL BE IN ACCORDANCE WITH THE ONTARIO BUILDING CODE.
 - ALL SANITARY SEWER AND BUILDING SERVICES TO BE CSA CERTIFIED PVC SORE 35 TO BE 100MM (GREEN) BELL AND SPIGOT TYPE, WITH ELASTOMERIC GASKET AS PER OPS 1844 AND CSA B182.2 M1990. ONLY FACTORY FITTINGS TO BE USED. SEWER TO BE INSTALLED AS PER OPS 1005.01.
 - MINIMUM DEPTH OF COVER FOR SANITARY SEWER MAINS AND LATERALS IS 1.5m.
 - SANITARY LATERAL TO BE CONNECTED TO EXISTING SEWER WITH WYE FITTING AND A LONG RADIUS BEND.
 - CONTRACTOR TO VERIFY EXISTING SANITARY SERVICE CONNECTION PIPE CONDITION, LOCATION, AND ELEVATION FOR SUITABILITY FOR RE-USE PRIOR TO CONSTRUCTION AND TO PROVIDE GRAVITY DRAIN FOR PROPOSED BUILDING BASEMENT LEVELS.
- 3.0 WATER**
- ALL MATERIALS AND WORKMANSHIP SHALL BE IN ACCORDANCE WITH THE ONTARIO BUILDING CODE.
 - SANITARY PIPE AND SERVICES TO BE PER OPS 1844 AND PER ONTARIO BUILDING CODE. ALL PIPE AND FITTINGS SHALL BE CERTIFIED CSA B131.3. PROVIDE A MINIMUM COVER OF 1.8m AND INSTALL AS PER OPS 1102.02 TYPE 2. PROVIDE A MINIMUM OF 0.3m VERTICAL SEPARATION BETWEEN WATER MAIN CROWN AND SEWER INLET AT ALL CROSSINGS.
 - WATER SERVICE CONNECTION TO BE PERFORMED BY CONTRACTOR AS PER CITY OF KINGSTON SUBDIVISION DESIGN GUIDELINES (APPENDIX 2B - WATER DISTRIBUTION SYSTEM CONNECTION). LIFT/STEP CONNECTION TO BE COMPLETED BY UTILITIES KINGSTON.
 - ALL VALVES TO COMPLY WITH CITY OF KINGSTON SUBDIVISION DESIGN GUIDELINES (APPENDIX 2B - WATER DISTRIBUTION SYSTEM, SECTION 4.0 SERVICE CONNECTION).
- 4.0 UTILITIES**
- EXISTING LOCATIONS ILLUSTRATED ARE APPROXIMATE. CONTRACTOR TO VERIFY LOCATIONS AND REPORT ANY DISCREPANCIES TO ENGINEER PRIOR TO COMMENCEMENT OF WORKS.
 - ALL NEW UTILITY WORKS TO BE IN ACCORDANCE WITH REQUIREMENTS OF UTILITIES KINGSTON, BELL CANADA AND COGECO.
 - TELEPHONE AND CABLE TELEVISION SERVICES TO BE PROVIDED AS PER RESPECTIVE PROVIDERS REQUIREMENTS.
- 5.0 CONSTRUCTION NOTES - ENVIRONMENT**
- WHILE UNDERTAKING CLEARING, EXCAVATION OR CONSTRUCTION THE OWNER AND THEIR CONTRACTORS SHALL BE VIGILANT FOR THE POTENTIAL PRESENCE OF UNDERGROUND FUEL TANKS, POTENTIALLY CONTAMINATED SOIL OR GROUNDWATER, BURIED WASTES OR ABANDONED WATER WELLS. IF ANY OF THE ABOVE ARE ENCOUNTERED OR SUSPECTED, THE OWNER SHALL ENSURE THAT:
- THE CITY OF KINGSTONS ENVIRONMENT DIVISION IS ADVISED THAT CONTAMINANTS OR WASTES HAVE BEEN DISCOVERED OR ARE SUSPECTED.
 - ANY SOIL OR GROUNDWATER CONTAMINATION ENCOUNTERED IS REMEDIATED TO APPLICABLE STANDARDS AS REFERRED WITHIN OPS 1354 OR AS REVISED.
 - ANY WASTES GENERATED BY SITE CLEAN UPS ARE MANAGED IN ACCORDANCE WITH APPLICABLE LAWS AND STANDARDS.
 - ANY ABANDONED FUEL TANKS ENCOUNTERED ARE DECOMMISSIONED IN ACCORDANCE WITH APPLICABLE LAWS AND STANDARDS.
 - ANY UNUSED WATER WELLS (DILLED OR DUG) ARE PROPERLY ABANDONED IN ACCORDANCE WITH ONTARIO REGULATION 600 - WELLS OR AS REVISED.
 - IF IT APPEARS LIKELY THAT CONTAMINATION EXTENDS BEYOND THE BOUNDARIES OF THE SUBJECT PROPERTY, THE OWNER NOTIFIES THE LOCAL OFFICE OF THE MINISTRY OF THE ENVIRONMENT AND THE CITY OF KINGSTONS ENVIRONMENT DIVISION.
 - CONSTRUCTION WASTES ARE NOT TO BE BURIED WITHIN THE PROPERTY THAT IS THE SUBJECT OF THIS AGREEMENT, AND
 - THAT THE OWNER AND THEIR CONTRACTORS REPORT ALL SPILLS TO THE MINISTRY OF THE ENVIRONMENT'S SPILLS ACTION CENTER (800-288-6086) AND TO THE MUNICIPALITY (519-246-2011 EXT. 1388) FORTHWITH.

- LEGEND:**
- ENVIRONMENTAL PROTECTION AREA
 - PROPOSED HEAVY DUTY ASPHALT AREA
 - PROPOSED GRASS AREA
 - PROPOSED LINE PAINTING
 - PROPOSED CONCRETE
 - EXISTING CONCRETE
 - EXISTING GRASS AREA
 - TRAFFIC FLOW
 - BENCHMARK
 - PROPOSED BELL PEDESTAL
 - PROPOSED LIGHT STANDARD
 - PROPOSED EXTENTRANCE SIGN
 - DENOTES PARKING SPACE NUMBER

PRELIMINARY
NOT FOR CONSTRUCTION

No.	By	Date	Revisions
1	IBA	MAR 28, 2017	FOR REVIEW AND APPROVAL
2	IBA	OCT 2017	SECOND SUBMISSION

IBA GROUP
650 Dalton Avenue
Kingston ON K7M 6N7 Canada
Tel: 613 531 4440 Fax: 613 531 7789
ibatgroup.com

MR. LUBE
46 WARNE CRESCENT
KINGSTON, ON

SITE PLAN

Designed:	N.A.	Date:	1/20/2017
Drawn By:	N.A.	Drawing File:	105025_010_Site Plan 2017 10/20/17.dwg
Checked:	A.C.	Project No.:	105025
Date:	JAN 2017	Drawing No.:	C-100

SECTION	ZONE	PROVISION	CL-187 ZONE REQUIREMENT	PROPOSED
CL-187		PERMITTED USES	AUTOMOBILE SERVICE STATION / SHOPPING CENTRE RETAIL	AUTOMOBILE SERVICE STATION
22.3 (4)		HEIGHT (MAX)(m)	13.70	8.58
22.3 (5)		FRONT YARD (MIN)(m)	15 (3.22 - SEE NOTE 1) WARNE CRESCENT	5.22
			15 (7.08 - SEE NOTE 1) DALTON AVENUE	15.00
			15 (5.00 - SEE NOTE 1) WARNE CRESCENT (REAR)	28.12
22.3 (4)		SIDE YARD (MIN)(m) - ABUTTING OPEN SPACE OR	6.00	15.00
22.3 (4)		LOT OCCUPANCY (MAX)(%)	50% OF LOT AREA WITHIN THE C2-ZONE	4.70%
22.3 (5)		LOT DEPTH (MIN)(m)	45	56.5
22.3 (6)		MINIMUM GROUND FLOOR AREA (m²)	MIN. BUILDING 50m²	218
5.34 (a)		PARKING SPACES REQUIRED (MIN)	1/28.67 m² OF WORKING LOT AREA	8
5.34 (b)(i)		BARRIER FREE VEHICLE PARKING REQUIRED (MIN)	1 PER 5-10 REQUIRED PARKING SPACES	1
5.34 (b)(ii)(a)		BARRIER FREE DIMENSIONS (MIN) & CLEAR DIMENSIONS	3.4m x 1.2m x 4.2 m & 2.7 m x 4.6 m	3.4m x 1.5m x 4.6m
5.38 (b)		PARKING DESIGN STANDARDS	2.7 m x 4.6 m	2.7 m x 4.6 m

NOTE 1: DIMENSIONS AS PER MINOR VARIANCE APPLICATION 210-067-2014

BASIC SITE STATISTICS

DESCRIPTION	AREA (m²)	LOT COVERAGE (%)
LOT AREA	438	98.7
LOT AREA IN C2-187	382	87.2
ENVIRONMENTAL PROTECTION AREA	149	33.8
GROSS FLOOR AREA	438	-
ASPHALT AREA	120	27.4
SOFT LANDSCAPE	302	68.6
CONCRETE AREA	31	7.1
BUILDING FOOTPRINT	218	47.7





IBI GROUP
 650 Dalton Avenue
 Kinston ON K7M 8N7 Canada
 tel 613 531 4440 fax 613 531 7789
ibigroup.com

October 16, 2017

Mr. Sajid Sifat
 Intermediate Planner
 City of Kingston
 1211 John Counter Blvd.
 Kingston, ON K7K6C7
 e: ssifat@cityofkingston.ca

Dear Mr. Sifat:

46 WARNE CRESCENT - APPLICATION FOR MINOR VARIANCE IN SUPPORT OF PROPOSAL FOR MR. LUBE FRANCHISE RELATED CITY FILE NO. D11-013-2017 (SITE PLAN CONTROL) IBI FILE NO. 105025

Further to our application for Site Plan Control (City File No. D11-013-2017) in support of development of the site for a Mr. Lube franchise operation, we are filing this application for minor variance in order to reduce the minimum number of required vehicular parking spaces on the site. This letter provides a summary of the proposal and a brief commentary on the four tests of a minor variance under Section 45 of the Planning Act. Also included is a draft Site Plan showing the proposed layout of the site, consistent with the forthcoming revised SPC submission (responding to May 19, 2017 Technical Review Comments).

SUMMARY

The subject property is located at 46 Warne Crescent and is bounded by Dalton Avenue to the south. The total lot area is 4,681 m², with approximately 70% of the lot being in a site specific Arterial Commercial C2-187 zone and the remaining 30% zoned as Environmental Protection Area (EPA). This is consistent with the Official Plan designations of the subject property, being Arterial Commercial and Environmental Protection Area, as per Schedule 3-A of the City of Kingston Official Plan.

The proposed use of the subject property, specifically the portion zoned C2.187, is for a Mr. Lube automobile service station. Mr. Lube operations are drive-through oil-change facilities, and therefore it is expected that parking demand generated by customers will be minimal. The minimum barrier free parking space requirement will be met, and it is anticipated that the primary user of the parking on-site will be employees. A reduction in the minimum parking space requirement from 12 to 9 spaces should not detrimentally affect the ability of the site to satisfy its parking demands.

SITE STATISTICS

The statistics of the site are given in Table 1 and on the submitted Site Plan.

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Table 1: Site Statistics

Section	Zone Provision	C2.187 Zone Requirement	Proposed
C2.187	Permitted Uses	"Additional retail"	Automobile Service Station
22.3 (a)	Height (Max)(m)	13.70	9.59
22.3 (b)	Front Yard (Min.)(m)	15 (5.22 – See Note 1) Warne Crescent	5.22
		15 (7.08 – See Note 1) Dalton Avenue	13.74
		15 (6.00 – See Note 1) Warne Crescent (North)	38.19
22.3 (c)	Side Yard (Min.)(m) – Abutting Open Space or Street	9.00	15.00
5.3A (b)	Parking Spaces Required (Min.)	1/18.5m ² of Gross Leasable Area = 12	9
5.3A (d)(i)	Barrier Free Vehicle Parking Required (Min.)	1 per 5-19 required parking spaces = 1	1
Note 1: Dimensions as per minor variance application D10-067-2014			

PROPOSAL

The development seeks to build a 218 square meter (m²) facility on the subject property. The following variance from City of Kingston By-Law Number 8499 is required:

- Section 5.3A(b) – Decrease the minimum required parking spaces from 12 to 9.

DISCUSSION

All four (4) tests for a minor variance application under section 45 of the Planning Act must be satisfied for the application to be approved. To meet approval, the variance sought must:

1. Maintain the general intent and purpose of the Official Plan;
2. Maintain the general intent and purpose of the Zoning By-law;
3. Be desirable for the appropriate development or use of the land, building or structure; and
4. Be minor.

The following discusses how the requested variance meets all four (4) tests.

1. Is the request consistent with the general intent and purpose of the Official Plan?

The intention of the Official Plan in regards to parking is to provide an appropriate amount of parking for current and future needs, as well as providing parking in clearly defined and safe locations on a site. Appropriate parking includes balancing the supply of parking. This balance should weigh the current and future demands of parking against the extent to which an oversupply would discourage public transit use or active transportation (Policy 4.6.47). The subject site is providing parking spaces, although at a small reduction to the requirement, which will sufficiently address the expected parking demands of the site. The Arterial Commercial designation also identifies that a landscape buffer should be provided between parking areas and sidewalks. The request is considered to be consistent with the general intent and purpose of the Official Plan.

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2. Is the request consistent with the general intent and purpose of the Zoning By-law?

Section 5.3(A)(b)(ii) identifies the minimum standard parking requirement for general C2 (Arterial Commercial) uses not otherwise specifically identified in the zoning by-law as being subject to a specific parking requirement. Based on the “gross leasable area” of the proposed commercial use, a total of 12 parking spaces are required. The zoning by-law does not appear to contemplate parking requirements appropriate for drive-through facilities, and so the same standard that would apply to a variety of more traditional commercial uses is also applied to a use that is designed to keep customers in their cars and not use on-site parking. The overall intention of the zoning by-law is to implement the policies of the official plan, which (as outlined above) are to ensure that an adequate supply of parking is provided. Given the nature of the use (drive-through oil change facility), providing 9 parking spaces, including one barrier free space, should be more than sufficient for the demands generated by the site. On this basis, we are of the opinion that the requested variance satisfies the intent and purpose of the Zoning By-law.

3. Is the application desirable for the appropriate development or use of the land?

The application seeks a variance to reduce the number of required parking spaces. This will allow the property to be developed with a suitable supply of parking for the proposed use, and not “oversupply” parking, as warned against in the Official Plan (Policy 4.6.47). On this basis, we are of the opinion that the application is desirable for the development of the land.

4. On balance, is the application minor?

The determination of whether or not an application is “minor” is not based on the degree of variation requested, but rather on whether the impact of granting the request(s) is “minor”. This includes considering how the application could impact the existing or planned functionality of the subject lands or of adjacent lands. Impacts can include, but are not limited to: environmental, nuisance (noise, vibration, dust, etc.), visual, and functional attributes. In considering the subject application, we are of the opinion that the proposed reduction in on-site parking supply will not result in any negative impacts, and that it will improve the site by not oversupplying parking given the nature of the proposed use. On balance, we are of the opinion that the application is minor.

CONCLUSION

Based on our assessment above, we are of the opinion that the proposed variance from the parking provisions of the zoning by-law satisfies the four-fold tests for a minor variance application under Section 45 of the Planning Act, and request that the City consider and approve the application on this basis.

Sincerely,
IBI Group



Mark Touw MCIP, RPP
 Planner