



**City of Kingston
Report to Committee of Adjustment
Report Number COA-20-013**

To: Chair and Members of Committee of Adjustment
From: James Bar, Senior Planner
Date of Meeting: February 24, 2020
Application for: Minor Variance
File Number: D13-059-2019
Address: 153 Van Order Drive
Owner: Limestone District Board of Education
Applicant: Fotenn Consultants Inc.

Council Strategic Plan Alignment:

Theme: 3. Improve walkability, roads and transportation

Goal: 3.1 Repair roads and enhance the usability of sidewalks, walkways and paths to increase connections across the city through supporting our active transportation master plan.

The minor variances to permit front yard parking and reduced parking lot widths will reconfigure onsite parking and internalize bus movements. This change will aid in the separation of vehicular and bus traffic, improving pedestrian and vehicular connections to and from the school.

Executive Summary:

This report provides a recommendation to the Committee of Adjustment regarding an application for minor variances for the property located at 153 Van Order Drive. Through variances to permit a select number of vehicle parking spaces in the front yard and reduce the length of a parking space, the applicant proposes changes to the site to introduce a new internal drive aisle for buses, reconfigure the layout of the existing parking areas to improve traffic flow, increase parking supply to meet the needs of staff and visitors, and to locate the bus loading internal to the site.

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The requested minor variances are consistent with the general intent and purpose of both the City of Kingston Official Plan and Zoning By-Law Number 8499. 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:

It is recommended that minor variance application, File Number D13-059-2019, for the property located at 153 Van Order Drive to allow vehicular parking in the front yard and reduce the parking stall dimensions, be approved.

Variance Number 1:

By-Law Number 8499:	5.3.B(e)(ii) Vehicular parking in the front yard
Requirement:	Parking facilities shall be located on the same lot as the use and must be located no closer to any street line than the nearest wall of the main building to the street line when this main building is situated on a lot which abuts two streets or more.
Proposed:	Allowing 4 parking spaces between the main wall and Bath Road, 12 parking spaces between the main wall and Machar Place, and 7 parking spaces between the main wall and Van Order Drive.
Variance Requested:	Allowing parking closer on three frontages.

Variance Number 2:

By-Law Number 8499:	5.3.B(h) Parking stall dimensions
Requirement:	2.7 metres wide by 6 metres long.
Proposed:	2.7 metres wide by 5.5 metres long
Variance Requested:	0 metres and 0.5 metres

Approval of the foregoing variance shall be subject to the following conditions:

1. Limitation

That the approved variance(s) applies only to 153 Van Order Drive 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 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.

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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:

James Bar, Senior Planner

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

Paige Agnew, Commissioner, Community Services

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Options/Discussion:

On December 12, 2019, a minor variance application was submitted by Fotenn Consultants Inc., on behalf of the owner, Limestone District Board of Education, with respect to the property located at 153 Van Order Drive (Exhibit A – Key Map).

The application proposes to introduce a new internal drive aisle for buses only, reconfigure the layout of the existing parking areas to improve traffic flow, increase parking supply to meet the needs of staff and visitors, and to locate the bus loading internal to the site. These changes will enable a bus loop to be created around the school, with a new bus loading zone created in the southern parking lot. The total number of parking spaces on site will increase from 136 to 147 to meet the demands from staff and visitor parking.

The bus loop will remove bus queuing from Van Order Drive, allowing for additional on street parking for parent drop off and pick up in front of the school. Parent pick-up and drop-off will continue to use the central loop at the front entrance.

In order to facilitate these changes, the variances requested to seek relief from the zoning by-law to allow parking in the front yard for multiple frontages, and to reduce the length of vehicular parking stalls. Allowing relief from the front yard parking requirements for the existing parking area will formalize and expand parking to permit 7 parking spaces between the front wall of the building and Van Order Drive (including two accessible spaces), 12 parking spaces between the main wall of the building and Machar Place, and 4 parking spaces between the main wall of the Building and Bath Road. The reduced parking stall depth is proposed to facilitate a wider drive aisle of 7 metres to accommodate the buses.

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

- Site Plan (Exhibit B);
- Planning Justification Letter; and
- Survey.

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

Site Characteristics

The subject property is located at the southwest corner of Bath Road and Sir John A. MacDonald Boulevard. The site has frontage onto Bath Road, Van Order Drive, and Machar Place. A 0.3 metre (one foot) reserve along the frontage of Sir John A. MacDonald Boulevard means that technically the site does not have frontage onto this road. The subject property is designated Residential in the Official Plan and zoned B1 in Zoning By-Law Number 8499. Van Order Drive is classified as a Local Road on Schedule 4 – Transportation. Bath Road and Sir John A. MacDonald Boulevard are classified as Arterial Roads on Schedule 4 – Transportation.

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The site has four vehicular entrances: a two-way vehicular entrance for the northern parking lot; a one-way entrance and one-way exit that supports the central loop; and a two-way entrance for the southern parking lot. The lands are bordered by low density and higher density residential uses to the east, north, and west and south. The Limestone Community Education building is located across the street on Van Order Drive. Kingston Centre, located northeast of the site contains a variety of commercial uses.

The lands are developed with a building that contains the Loyalist Colligate Vocational Institute (LCVI) and Calvin Park Public School. Vehicular access to the site is provided from Van Order Drive, while numerous pedestrian pathways connect the site to the intersection of Bath Road and Sir John A. MacDonald Boulevard, and the neighbourhoods to the west, south, and east. Bus loading and unloading currently occurs along the frontage of the site. Parent pickup and drop off also occurs at the front of the school in the central loop off Van Order Drive.

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:

Provincial Policy Statement

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

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

The subject property is designated Residential in the City of Kingston Official Plan.

In considering whether this proposed variance is desirable, the Committee of Adjustment will have regard to the nine requirements included in Section 9.5.19 of the Official Plan. The following provides these nine requirements and an assessment of how the proposal is consistent with each.

1. The proposed development meets the intent of Section 2 Strategic Policy Direction, and all other applicable policies of this Plan;

The subject lands are located within a Housing District on Schedule 2 – City Structure, and designated Residential on Schedule 3 – Land Use, in the Official Plan. The intent of the designation is to facilitate the development of different residential uses, and areas of open space, community facilities, and commercial uses. Secondary schools are considered community facilities in the Official Plan.

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Section 4.6.60 provides direction for front yard parking in existing residential areas. For existing residential areas, front yard parking spaces are discouraged, with parking locations restricted to rear yards, side yards, and garages. It is the intent of the Plan to preserve the character of existing neighbourhoods and maintain the designed character of new neighbourhoods. However, consideration may be given to allow front yard parking in exceptional circumstances such as:

- c. for multi-unit buildings that were developed in accordance with past regulations that do not comply with existing parking requirements, consideration may be given to allowing limited front yard parking spaces.

While not directly applicable as this is an existing institutional development, the policy contains direction to consider when reviewing applications that propose front yard parking in residential areas.

The review of requests to establish front yard parking spaces must address the following criteria:

- the unique circumstances of the proposal in the neighbourhood are to be established;
- the lack of parking space has a negative impact on the neighbourhood;
- the parking spaces shall not create a hazard or danger to the use of the roadway or sidewalk by vehicles or people;
- the parking area will minimize the front yard area used for parking and in no case shall the parking area cover the entire front yard area;
- the front yard parking space(s) shall meet the size, dimension and surface treatment standards of the zoning by-law;
- there is no loss of on-street parking;
- the residual portion of the front yard shall be landscaped and consist of grass or similar groundcover, trees, or shrubs to provide for suitable streetscape enhancement, buffering from adjacent properties and visual relief from the paved areas;
- the parking space(s) are located entirely on the same lot as the subject building or residential unit;
- clear separation is provided between the parking area and the road, and where necessary, a change of material at the City sidewalk must indicate to other users the potential for vehicular activity nearby; and
- permission to locate parking within the front yard shall receive appropriate zoning permission through minor variance or zoning by-law amendment.

The site has unique circumstances that play into the consideration of permitting parking in the front yard. The site has frontage onto three roads (Bath Road, Machar Place, and Van Order Drive), limiting the locations on-site available for parking facilities. New regulations regarding accessible parking put emphasis on locating accessible spaces nearest main entrances to the building. The existing location of the parking areas

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maximizes lands available for the outdoor recreation areas on-site and small expansions to each parking facility will not have a negative impact on the surrounding area and will not reduce the availability of on-street parking. Providing additional parking on-site reduces demands for on-street parking throughout the neighbourhood. The parking spaces are set back from the roadway, allowing space for buffering and landscaping. These detailed elements will be reviewed through the site plan control application.

2. 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 subject lands are already developed with the school building and associated parking areas. The rearranged and expanded parking area at the north end of the property will not have any negative impacts on the adjacent low rise residential uses. The proposed bus lane located along Sir John A. MacDonald Boulevard is behind the school building and is not directly adjacent to residential or other sensitive land uses. While trees will be removed for the development of the bus lane, new landscaping will be proposed along the lot line to buffer the bus lane from the roadway.

3. 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;

The site has four existing access points that will be maintained through this application. The total number of parking spots is being increased by 11 for a total of 147 parking spaces in order to meet the demands from staff and visitors. The bus loop is proposed to remove bus queuing from Van Order Drive to increase on-street traffic circulation. The reconfigured northern and southern parking lot areas and new bus loop have increased consideration for pedestrian connections to and from the school. Formalizing the accessible parking spaces in front of the school locates the spaces nearest to the front doors of the building. Overall, the application improves legibility and accessibility for both vehicles and pedestrians.

4. 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;

The subject lands are not designed under Part IV or V of the *Ontario Heritage Act* and they are not within a heritage character area.

5. 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;

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The subject lands are not designated under Part IV or V of the *Ontario Heritage Act*, or located within an affected view as shown on Schedule 9 of the Official Plan.

6. 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 proposed changes to the property will not have an impact on the demand for municipal water and sewage services.

7. 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 application does not propose new uses. The cumulative nature of the application is minor and does not warrant consideration through a zoning by-law amendment.

8. 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;

Conditions of approval have been included within the Notice of Decision.

9. The degree to which such approval may set an undesirable precedent for the immediate area.

The site faces unique development constraints with frontage onto multiple roads. The wider access aisles to accommodate bus traffic are a site-specific request to accommodate the new bus loop in an existing parking area. The front yard parking does not detract from the character of the neighbourhood. The variances proposed for this site do not set an undesirable precedent.

The proposal meets the intent of the Official Plan, as the proposed variances for front yard parking and reduced parking stall length 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 B1 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 B1 zone permits residential uses, public or private day schools, churches, libraries, and community halls.

The proposal requires a variance to Section 5.3.B(e)(ii) and 5.3.B(h) as follows:

Variance Number 1:

By-Law Number: 8499 5.3.B(e)(ii) Vehicular parking in the front yard

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Requirement: Parking facilities shall be located on the same lot as the use and must be located no closer to any street line than the nearest wall of the main building to the street line when this main building is situated on a lot which abuts two streets or more.

Proposed: Allowing 4 parking spaces between the main wall and Bath Road, 12 parking spaces between the main wall and Machar Place, and 7 parking spaces between the main wall and Van Order Drive.

Variance Requested: Allowing parking closer on three frontages.

Variance Number 2:

By-Law Number: 8499 5.3.B(h) Parking stall dimensions
 Requirement: 2.7 metres wide by 6 metres long
 Proposed: 2.7 metres wide by 5.5 metres long
 Variance Requested: 0 metres and 0.5 metres

The subject sites development considerations are unique. The provision to restrict parking between a front wall and street seeks to reduce the impact that large surface parking areas may have on the character of a neighbourhood by pushing parking to the side and rear yards. With a higher demand for parking than a residential site, there are increased pressures to locate parking on the subject lands, which becomes difficult if the location for parking is restricted. The application proposes a limited number of parking spaces between the main wall and the street, with the vast majority of parking located behind the building. The intent of the zone provision is maintained by restricting the number of parking spaces permitted in front of each building wall, maintaining green large areas of unobstructed green space.

The reduction in the parking stall depth is a variance that the City has supported for a variety of developments. The reduction is being proposed here to help increase the size of the drive aisles to accommodate the bus movements on site.

The proposed variances meet the intent of the zoning by-law. The application meets all other requirements of the B1 Zone and Zoning By-Law Number 8499.

3) The variance is minor in nature

The requested variances to permit parking for a select number of parking spaces between the building and the street, and a reduced parking stall depth to support wider drive aisles for bus movements is considered minor in nature. Approval of the variances for this site will not set an undesirable precedent as this site is challenged by a unique set of constraints. There are no anticipated offsite impacts as a result of the changes.

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

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The proposed variances represent desirable and appropriate development of the land in order to accommodate staff and visitor parking and bus queuing, loading, and unloading on-site. With the new configuration, the parent drop-off and pick-up area will be separated from the bus loading and unloading zone. Parent traffic will continue to use the loop at the front of the school. The former bus loading spaces along Van Order Drive will be resigned to allow for vehicular parking. Bus traffic will be internal to the site, with a new bus loading and unloading zone in the southern parking lot, adjacent to the school.

Technical Review: Circulated Departments and Agencies

- | | | |
|---|--|--|
| <input type="checkbox"/> Building Division | <input checked="" type="checkbox"/> Engineering Department | <input type="checkbox"/> Heritage (Planning Division) |
| <input type="checkbox"/> Finance | <input checked="" type="checkbox"/> Utilities Kingston | <input type="checkbox"/> Real Estate & Environmental Initiatives |
| <input checked="" type="checkbox"/> Fire & Rescue | <input checked="" type="checkbox"/> Kingston Hydro | <input type="checkbox"/> City’s 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 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 pieces of 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. A future Site Plan Control application is required to enact the changes on site.

Conclusion

The requested variance(s) maintain(s) the general intent and purpose of both the City of Kingston Official Plan and Zoning By-Law Number 8499. The proposal is desirable for the appropriate development or use of the land, building or structure and the requested variance(s) are minor in nature. As such, the proposed application meets all four tests under Subsection 45(1) of the *Planning Act* and the application is being recommended for approval, subject to the proposed conditions.

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Approval of this application will facilitate new vehicular parking spaces on-site, as well as the development of a new internal bus loop and loading/unloading area.

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

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 February 24, 2020. 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 24 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:

Tim Park, Manager of Development Approvals 613-546-4291 extension 3223

James Bar, Senior Planner 613-564-4291 extension 3213

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.

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Exhibits Attached:

Exhibit A Key Map

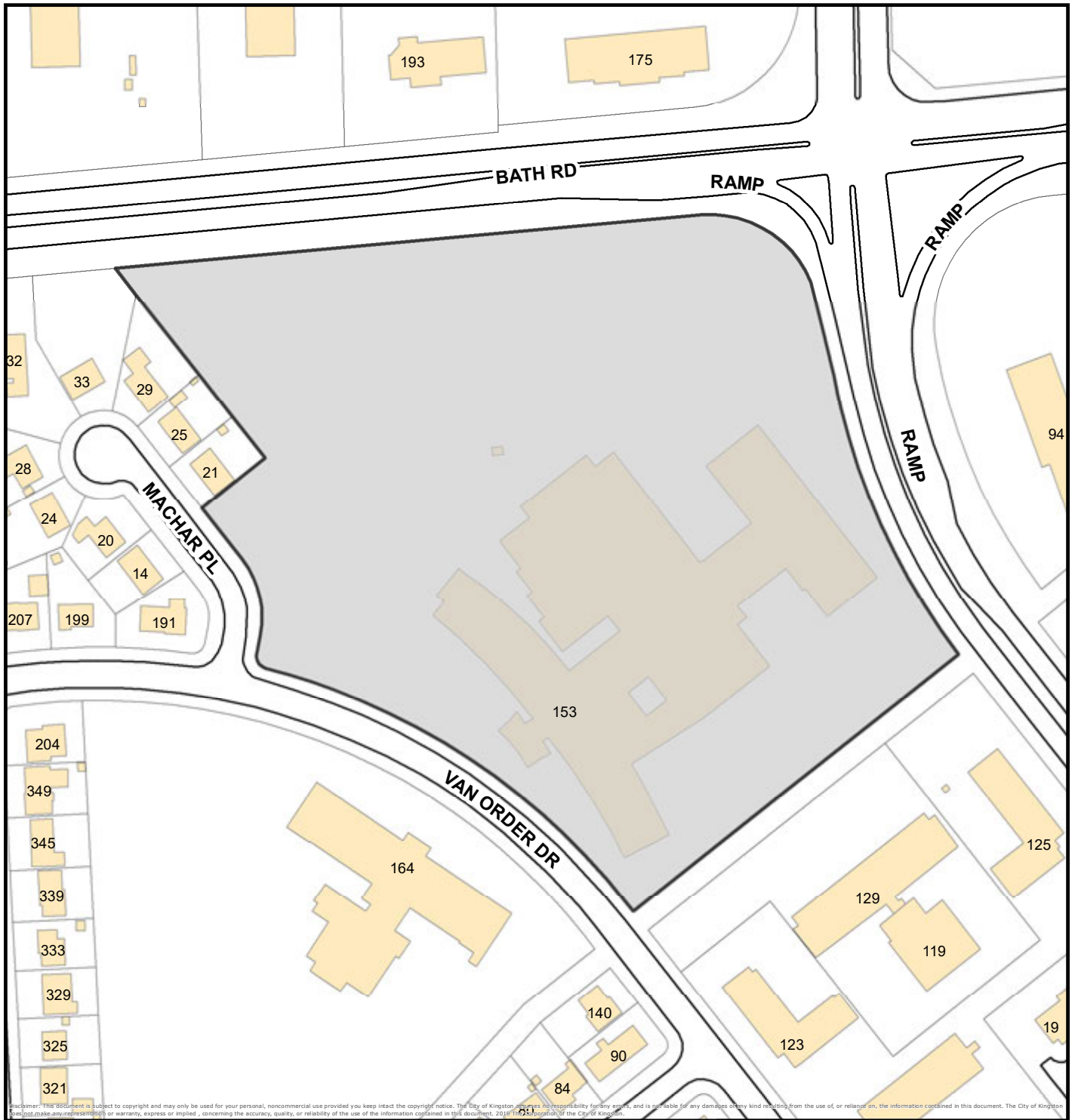
Exhibit B Site Plan

Exhibit C Neighbourhood Context (2018)

Exhibit D Official Plan Map

Exhibit E Zoning By-Law Map

Exhibit F Public Notice Notification Map



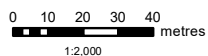
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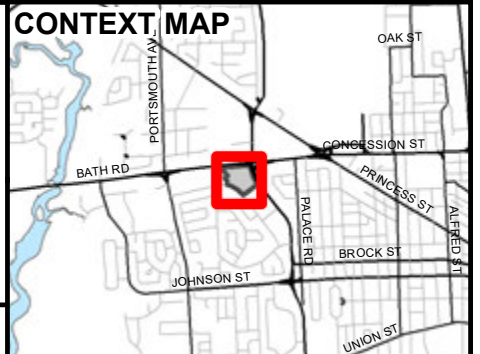
COMMITTEE OF ADJUSTMENT
Key Map

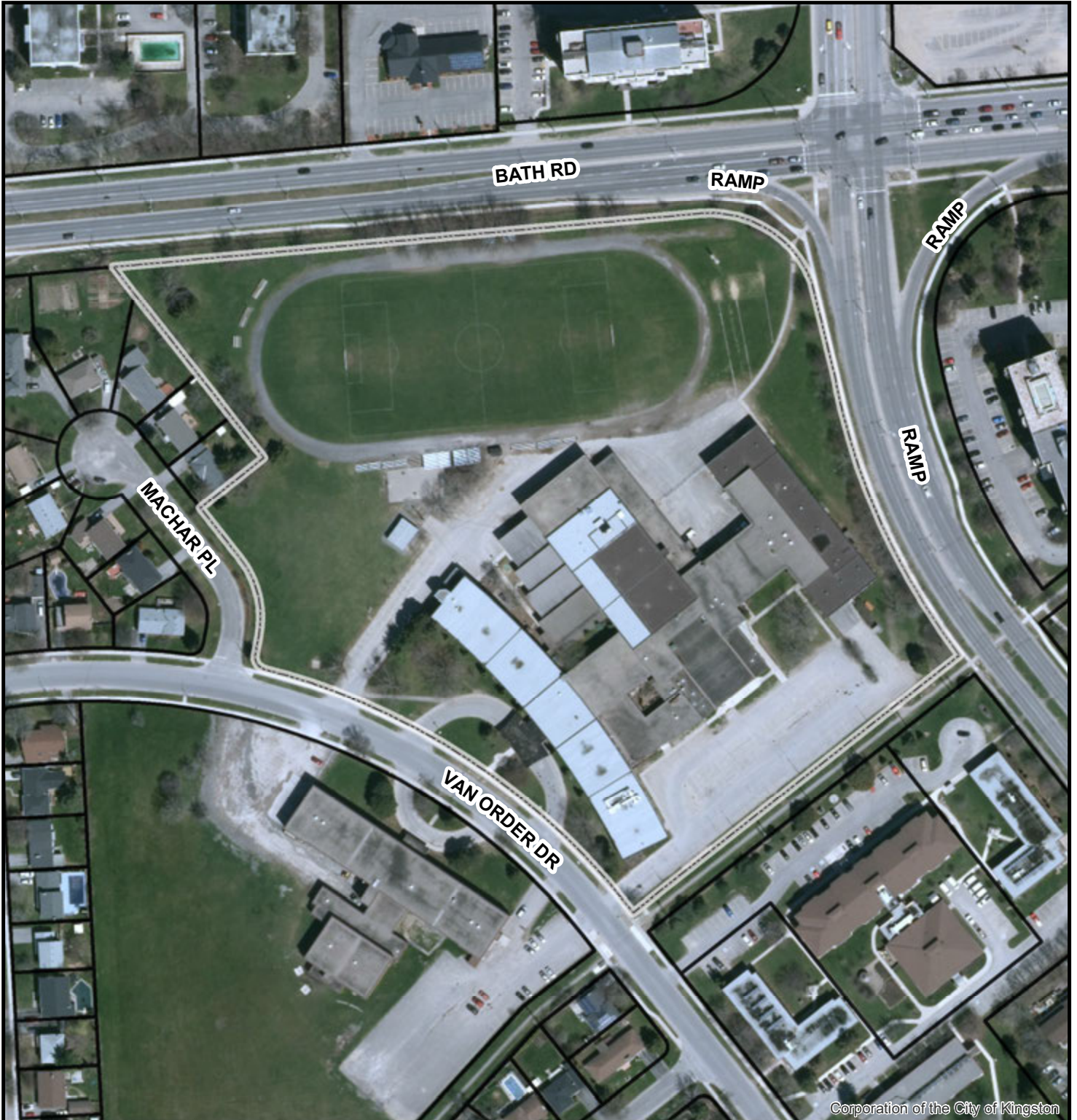
File Number: D13-059-2019
Address: 153 VAN ORDER DR



DATE: 2019-12-20
PREPARED BY: akeeping

Lands Subject to Minor Variance





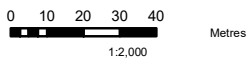
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CITY OF KINGSTON
Neighbourhood Context (2018)

File Number: D13-059-2019
Address: 153 VAN ORDER DR



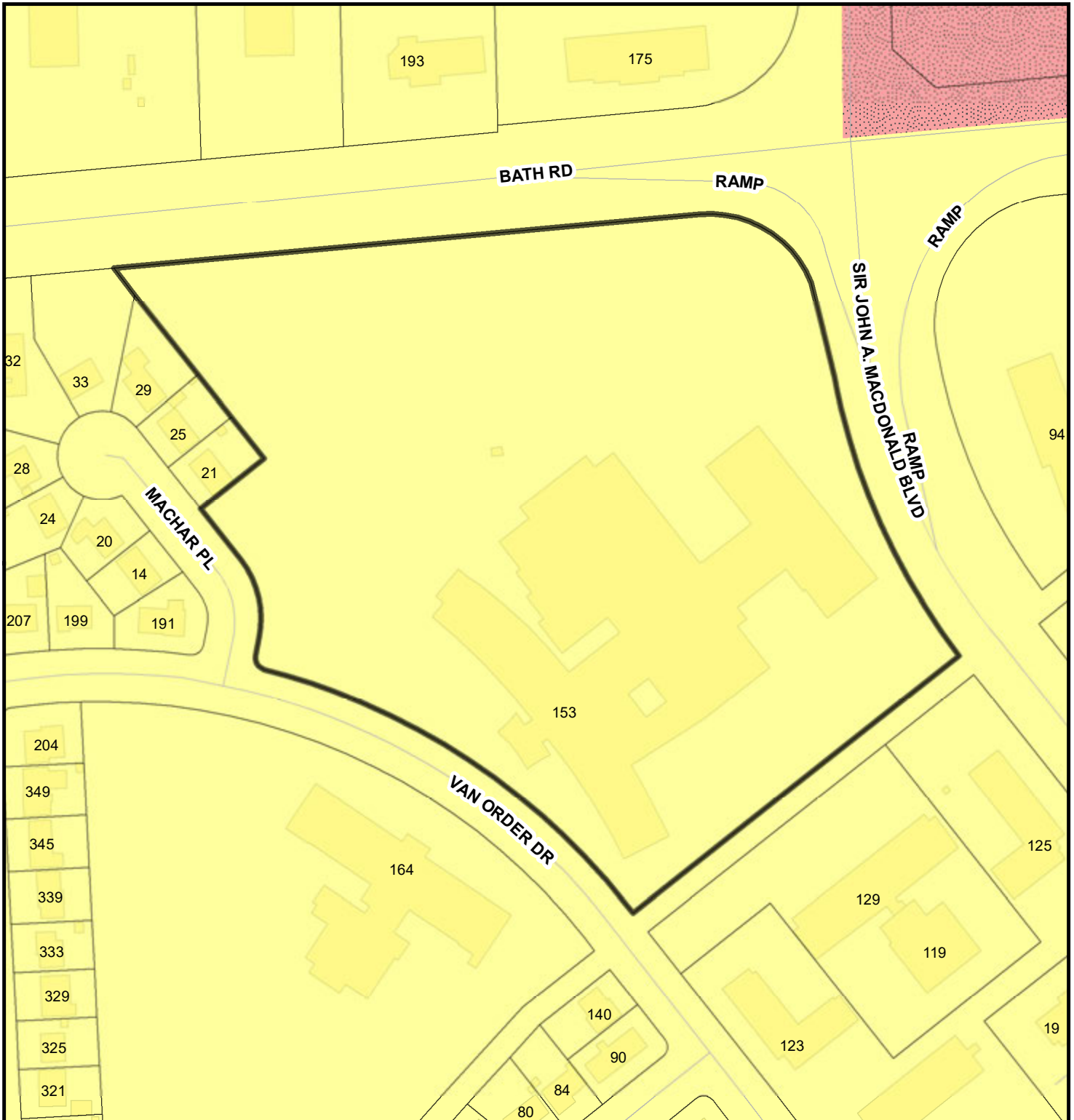
Legend

-  Subject Lands
-  Property Boundaries



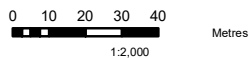
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CITY OF KINGSTON
Official Plan, Existing Land Use

File Number: D13-059-2019
Address: 153 VAN ORDER DR



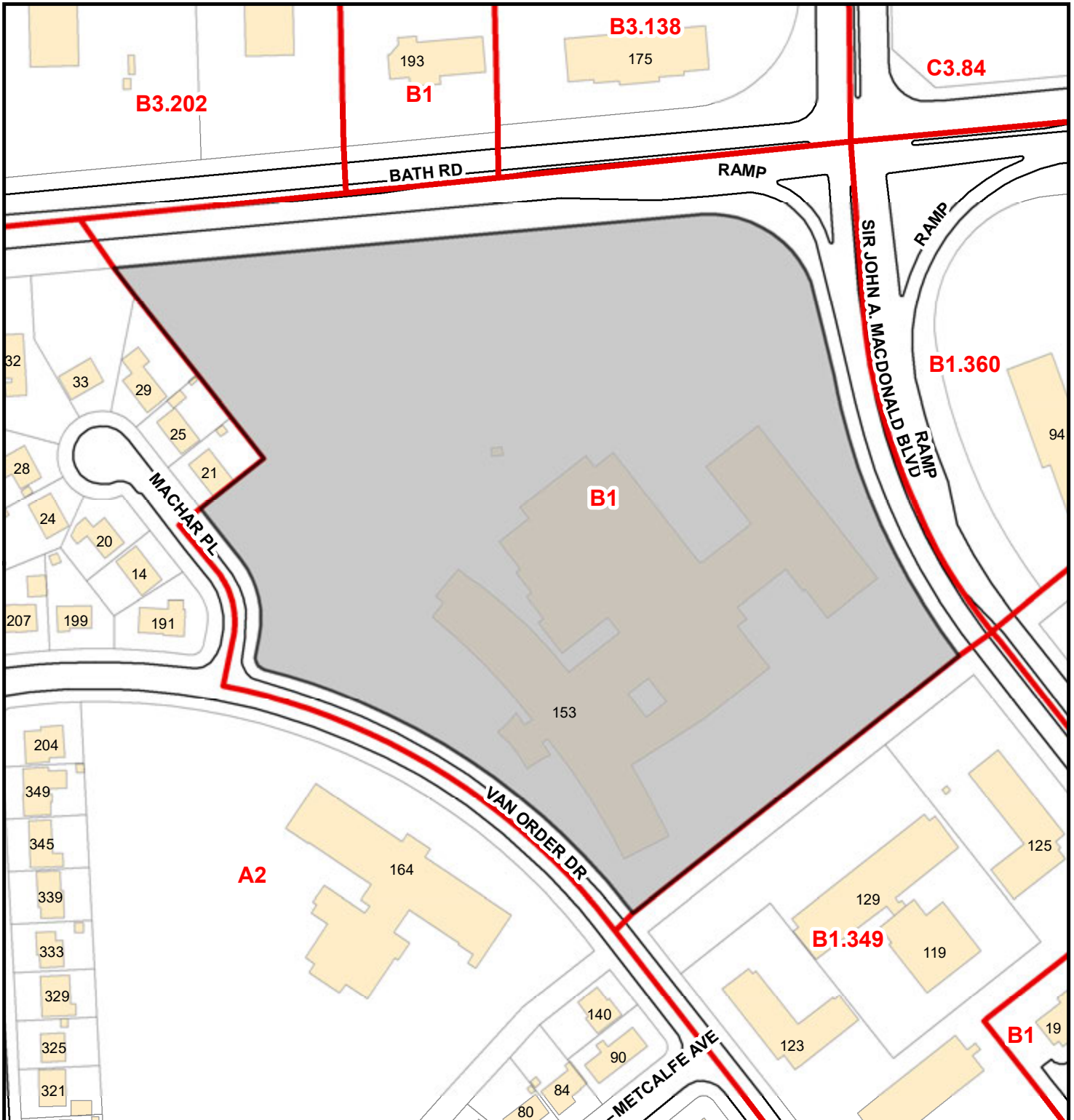
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-  Subject Lands
-  DISTRICT COMMERCIAL
-  RESIDENTIAL



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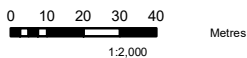
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CITY OF KINGSTON
Existing Zoning - By-law 8499, Map 21

File Number: D13-059-2019
Address: 153 VAN ORDER DR



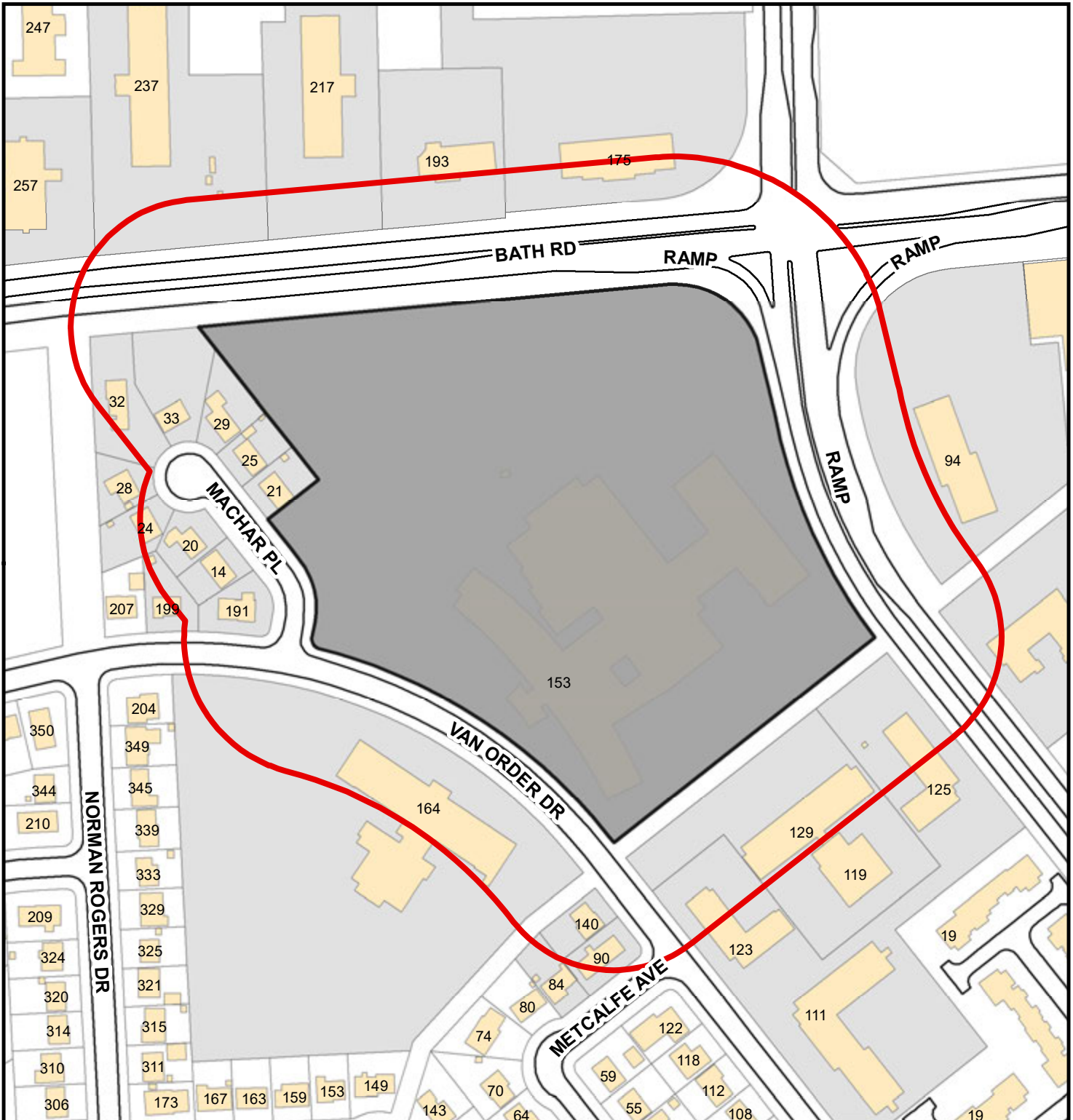
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- Subject Lands
- Consolidated Zoning



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DATE: 2019-12-20

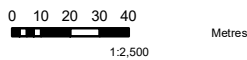
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CITY OF KINGSTON
Public Notice Notification Map

File Number: D13-059-2019
Address: 153 VAN ORDER DR



Legend

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



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