



**City of Kingston  
Report to Committee of Adjustment  
Report Number COA-20-033**

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**To:** Chair and Members of Committee of Adjustment  
**From:** Jason Partridge, Planner  
**Date of Meeting:** May 11, 2020  
**Application for:** Minor Variance  
**File Number:** D13-013-2020  
**Address:** 1072 Redwood Crescent  
**Owner/Applicant:** Stephen Evans

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**Council Strategic Plan Alignment:**

Theme: Policies & by-laws

Goal: See above

**Executive Summary:**

This report provides recommendations to the Committee of Adjustment regarding a minor variance application for the property located at 1072 Redwood Crescent. The applicant is proposing to build an accessory building on the property and legalize an existing accessory building near the western property line. The total area of the proposed accessory building will be 55.8 square metres. The total area of the existing accessory building is 11.15 square metres. The resulting new accessory building complies with all minimum side/rear/front yard and landscaped open space requirements.

A variance is required from Section 5 (1)(b) of Zoning By-Law Number 76-26 to seek relief from the maximum lot coverage section 5 (1)(b) provision for an accessory building. Within section 5 (1)(b), the maximum lot coverage for an accessory building is 10% of the lot area. The proposed accessory building and existing accessory building will cover 10.01% of the lot area, which does not comply with the maximum lot coverage of section 5 (1)(b). As such, the applicant is seeking a variance of .01% (6.12 square metres).

A second variance is required from Section 5 (1)(c) of Zoning By-Law Number 76-26 to seek relief from the maximum height section 5 (1)(c) provision for the proposed accessory building.

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Within section 5 (1)(c), the maximum height for an accessory building is 15 feet/4.57 metres. The proposed accessory building will be 17 feet/5.18 metres in height, which does not comply with the maximum height of section 5 (1)(c). As such, the applicant is seeking a variance of 2 feet/0.6 metres.

A third variance is required from Section 5 (1)(e)(i) of Zoning By-Law Number 76-26 to seek relief from the western minimum interior side lot line setback section 5 (1)(e)(i) provision for an accessory building. Within section 5 (1)(e)(i), the minimum interior side lot line setback for an accessory building is 4 feet/1.2 metres. The proposed accessory building will be 2.63 feet/0.8 metres from the western interior side lot line, which does not comply with the minimum interior side lot line setback of section 5 (1)(e). As such, the applicant is seeking a variance of 1.37 feet/0.4 metres.

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 76-26. 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 D13-013-2020, for the property located at 1072 Redwood Crescent be approved.

**Variance Number 1:**

By-Law Number 76-26:	Section 5 (1) (b) Maximum lot coverage
Requirement:	10%
Proposed:	10.01%
Variance Requested:	.01% (6.12 square metres)

**Variance Number 2:**

By-Law Number 76-26:	Section 5 (1) (c) Maximum height
Requirement:	15 feet/4.57 metres
Proposed:	17 feet/5.18 Metres
Variance Requested:	2 feet/0.6 metres

**Variance Number 3:**

By-Law Number 76-26:	Section 5 (1) (e) (i) Minimum interior side lot line
Requirement:	4 feet/1.2 metres
Proposed:	2.63 feet/0.8 metres
Variance Requested:	1.37 feet/0.4 metres

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

That the approved variance(s) applies only to 1072 Redwood Crescent as shown on the approved drawings attached to the notice of decision.

**2. No Adverse Impacts**

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

**3. Building Permit Application Requirements**

The owner/applicant shall provide to the Building Services a copy of the decision of the Committee of Adjustment, together with a copy of the approved drawings, when they make 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 Services (613-546-4291, extension 3180) must be immediately contacted.

In the event that human remains are encountered, all work must immediately cease and the site must be secured. The Kingston Police (613-549-4660), the 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 Services (613-546-4291, extension 3180) must be immediately contacted.

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**Authorizing Signatures:**

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**Jason Partridge, Planner**

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

Paige Agnew, Commissioner of Community Services

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**Options/Discussion:**

On February 2, 2020, a minor variance application was submitted by the owner, Stephen Evans, with respect to the property located at 1072 Redwood Crescent.

The purpose of the application is to permit the construction of an accessory building within the rear yard of the property. The total area of the proposed accessory building is 55.8 square metres. In addition, the application will legalize an existing accessory building within the rear yard. The total lot area of the existing accessory building is 11.15 square metres.

A variance is required from Section 5 (1)(b) of Zoning By-Law Number 76-26 to seek relief from the maximum lot coverage section 5 (1)(b) provision for an accessory building . Within section 5 (1)(b), the maximum lot coverage for an accessory building is 10% of the lot area. The proposed accessory building and existing accessory building will cover 10.01% of the lot area, which does not comply with the maximum lot coverage of section 5 (1)(b). As such, the applicant is seeking a variance of .01% (6.12 square metres).

A second variance is required from Section 5 (1)(c) of Zoning By-Law Number 76-26 to seek relief from the maximum height section 5 (1)(c) provision for the proposed accessory building. Within section 5 (1)(c), the maximum height for an accessory building is 15 feet/4.57 metres. The proposed accessory building will be 17 feet/5.18 metres in height, which does not comply with the maximum height of section 5 (1)(c). As such, the applicant is seeking a variance of 2 feet/0.6 metres.

A third variance is required from Section 5 (1)(e)(i) of Zoning By-Law Number 76-26 to seek relief from the western minimum interior side lot line setback section 5 (1)(e)(i) provision for an accessory building . Within section 5 (1)(e)(i), the minimum interior side lot line setback for an accessory building is 4 feet/1.2 metres The proposed accessory building will be 2.63 feet/0.8 metres from the western interior side lot line, which does not comply with the minimum interior side lot line setback of section 5 (1)((i)e). As such, the applicant is seeking a variance of 1.37 feet/0.4 metres.

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

- Site Plan (Exhibit A)

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 on the south side of Redwood Crescent and is situated within an established residential area in Cataraqui Westbrook (Exhibit B – Key Map and Exhibit C – Neighbourhood Context). The site is currently developed with a semi-detached dwelling on

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municipal services. The surrounding area includes single-family dwellings and semi-detached dwelling.

The subject property is designated Residential in the Official Plan (Exhibit D) and zoned R2-11 in Zoning By-Law Number 76-26 (Exhibit E)

### **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 proposed accessory building and existing accessory building will not have any negative impacts on abutting properties or residential and/or uses or structures. The proposal is compatible with the surrounding residential uses and will not result in significant impacts or changes to the surrounding area.

The proposed accessory building and existing accessory building is for a permitted residential use. Section 2.2.5 (Housing Districts) states that these areas are:

“...planned to remain stable in accordance with Section 2.6 of this Plan, but will continue to mature and adapt as the City evolves. Reinvestment and upgrading will be encouraged through minor in-filling and minor development (i.e. that which can integrate compatibility within the prevailing built form standards of height, density and amenity that are generally found in the neighbourhood.”

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The proposed accessory building and existing accessory building represent a reinvestment to the property that will result in a minor development on the subject property. No additional dwelling units are proposed. There is no increase in density or intensity of uses. The proposed accessory building and existing accessory building are consistent with the intent of this policy.

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 proposed accessory building and existing accessory building will result in a development that is consistent with the existing built form of several residential buildings with accessory buildings located in their rear yards located north/west/east of the subject property along Redwood Crescent. The overall design and scale of the proposal is not anticipated to cause any adverse impacts on the adjacent residential properties.

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 proposal involves the construction of an accessory building in the rear yard of the subject property. There will be no concerns with respect to the parking of vehicles and bicycles or issues relating to accessibility. One parking space is required and provided, which can be located at the side of the dwelling or inside the new accessory building.

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 Official Plan also contains policies with respect to urban design in Section 8.3 to ensure that new residential development is integrated into the existing built fabric and conducive to active transportation: Protect and preserve stable residential communities (in accordance with Section 2.6 of this Plan);

- a. A well-established land use pattern in terms of density, type of use(s) and activity level;

The form of residential development is long established. Thus, the overall density, type of use and scale of activity as proposed is consistent with the existing built form of residential buildings along Redwood Crescent.

- b. A common or cohesive architectural and streetscape character, in terms of massing and built form, architectural expression, age of building stock, and street cross-section;

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The proposed development will not create intrusive overlook with respect to adjacent residential properties. The height of the proposed accessory building does exceed the maximum permitted height in the zoning by-law for accessory buildings. However, the proposed accessory building will contain no dwelling units and will be setback further than the zoning provision requires. It will also be compatible with the style, colour and massing of other accessory buildings in the area. The existing accessory building will not exceed the maximum permitted height in the zoning bylaw. The proposed variances will not alter the character of the neighbourhood or the existing streetscape.

- c. A stable pattern of land ownership or tenure;

The proposal will result in a stable pattern of land ownership.

- d. A consistent standard of property maintenance with relatively little vacancy in land or building occupancy;

All properties are subject to the City's Property Standards By-Law and Yards By-Law. This proposal does not change the enforcement or applicability of the by-laws.

- e. A limited number of applications for development that would alter the established pattern of land assembly and built form;

The proposed variances will not significantly alter the established pattern of land assembly and built form.

- f. A sufficient base of social and physical infrastructure to support existing and planned development;

No deficiencies in social infrastructure were identified to limit this application. The appropriate level of physical infrastructure is present to support the development permitted by the draft by-law.

- g. Foster developments that are context appropriate;

The proposal does not involve a significant alteration to the existing built form on the site and will not cause any adverse impacts on adjacent properties.

- h. Foster attractive developments which add to the existing sense of place;

The proposal will not alter the existing character of the established surrounding residential neighbourhood.

- i. Provide a variety of housing types;



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The existing semi-detached dwelling on the site will provide housing which will assist in meeting the housing demand in the City.

- j. Ensure compact, accessible mixed-use development;

The proposal contributes to the compact nature of the neighbourhood.

- k. Encourage environmentally sustainable development;

The proposal will not create a significant impact on the existing built form along Redwood Crescent. The subject property is located within a serviced area which supports the sustainable use of lands, infrastructure and resources.

- l. Integrate and highlight cultural heritage resources;

The subject lands are not designated cultural heritage and there are no identified cultural heritage resources in the immediate area.

The existing residential use will be maintained on the subject property. The site is not located within a Heritage District. The site is not identified on the City of Kingston Heritage Register, therefore, there will be no impact on built heritage resources.

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;

The subject property is not on the City's Heritage Register and as such a Heritage Impact Statement is not required.

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 site is located within the Urban Boundary and is developed with sufficient 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 proposed variances are considered minor and the development is consistent with the existing built form along Redwood Crescent. Therefore a zoning by-law amendment is not required.

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,

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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;

As part of the recommendation, suggested conditions have been listed. The conditions may be added, altered or removed at the Committee’s discretion.

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

The surrounding residential uses include semi-detached dwellings. The approval of the requested variance is considered minor and will not set a precedent for the immediate area.

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

**2) The general intent and purpose of the zoning by-law are maintained**

The subject property is zoned Residential Type 2 ‘R2-11’ in the City of Kingston Zoning By-Law Number 76-26, entitled "Township of Kingston Restricted Area By-Law", as amended. The R2-11 zone permits a converted dwelling house, single-family dwelling house, duplex dwelling house, semi-detached dwelling house. The existing semi-detached dwelling house with accessory buildings is a permitted use in the ‘R2-11’ zone (Exhibit F).

The proposal requires the following variances:

**Variance Number 1:**

By-Law Number 76-26:	Section 5 (1) (b) Maximum lot coverage
Requirement:	10%
Proposed:	10.01%
Variance Requested:	.01%/6.12 square metres

**Variance Number 2:**

By-Law Number 76-26:	Section 5 (1) (c) Maximum height
Requirement:	15 feet/4.57 metres
Proposed:	17 feet/5.18 metres
Variance Requested:	2 feet/0.6 metres

**Variance Number 3:**

By-Law Number 76-26:	Section 5 (1) (e) (i) Minimum interior side lot line
Requirement:	4 feet/1.2 metres
Proposed:	2.63 feet/.8 metres
Variance Requested:	1.37 feet/0.4 metres

The general intent and purpose of the zoning by-law are maintained

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

The proposed accessory building and existing accessory building will result in a development that is consistent with the existing built form of residential development along Redwood Crescent. The proposed accessory building is one and half-storeys in height will not result in intrusive overlook with respect to adjacent residential properties. The variances will not alter the character of the neighbourhood or the existing streetscape.

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

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

The proposed development will provide the functional needs for the proposed residential use. The resulting built form satisfies all applicable provisions of the zoning by-law save and except for the accessory buildings maximum lot coverage, maximum height and minimum interior side lot line setback.

The proposal is appropriate and compatible with the surrounding residential uses and will not result in significant impacts or changes to the surrounding area.

The variance is desirable and appropriate use of the land.

**Technical Review: Circulated Departments and Agencies**

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

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**Technical Comments**

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

**Public Comments**

At the time this report was finalized, no public comments 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(s) maintain(s) the general intent and purpose of both the City of Kingston Official Plan and Zoning By-Law Number 76-26. The proposal is desirable for the appropriate development or use of the land, building or structure and the requested variance(s) are minor in nature. As such, the proposed application meets all four tests under Subsection 45(1) of the *Planning Act* and the application is being recommended for approval, subject to the proposed conditions.

Approval of this application is consistent with the general purpose and intent of both the City of Kingston Official Plan and Zoning By-Law Number 76-26. The proposed application represents good land use planning.

**Existing Policy/By-Law:**

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

**Provincial**

Provincial Policy Statement, 2020

**Municipal**

City of Kingston Official Plan  
Zoning By-Law Number 76-26

**Notice Provisions:**

A Committee of Adjustment Meeting is going to be held respecting this application on May 11, 2020 Pursuant to the requirements of the Planning Act, notices were placed in The Kingston Whig-Standard, and additional courtesy notices were placed on the City's Committee of Adjustment webpage and on the City's "Get Involved Kingston" webpage.

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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.

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**Accessibility Considerations:**

None

**Financial Considerations:**

None

**Contacts:**

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

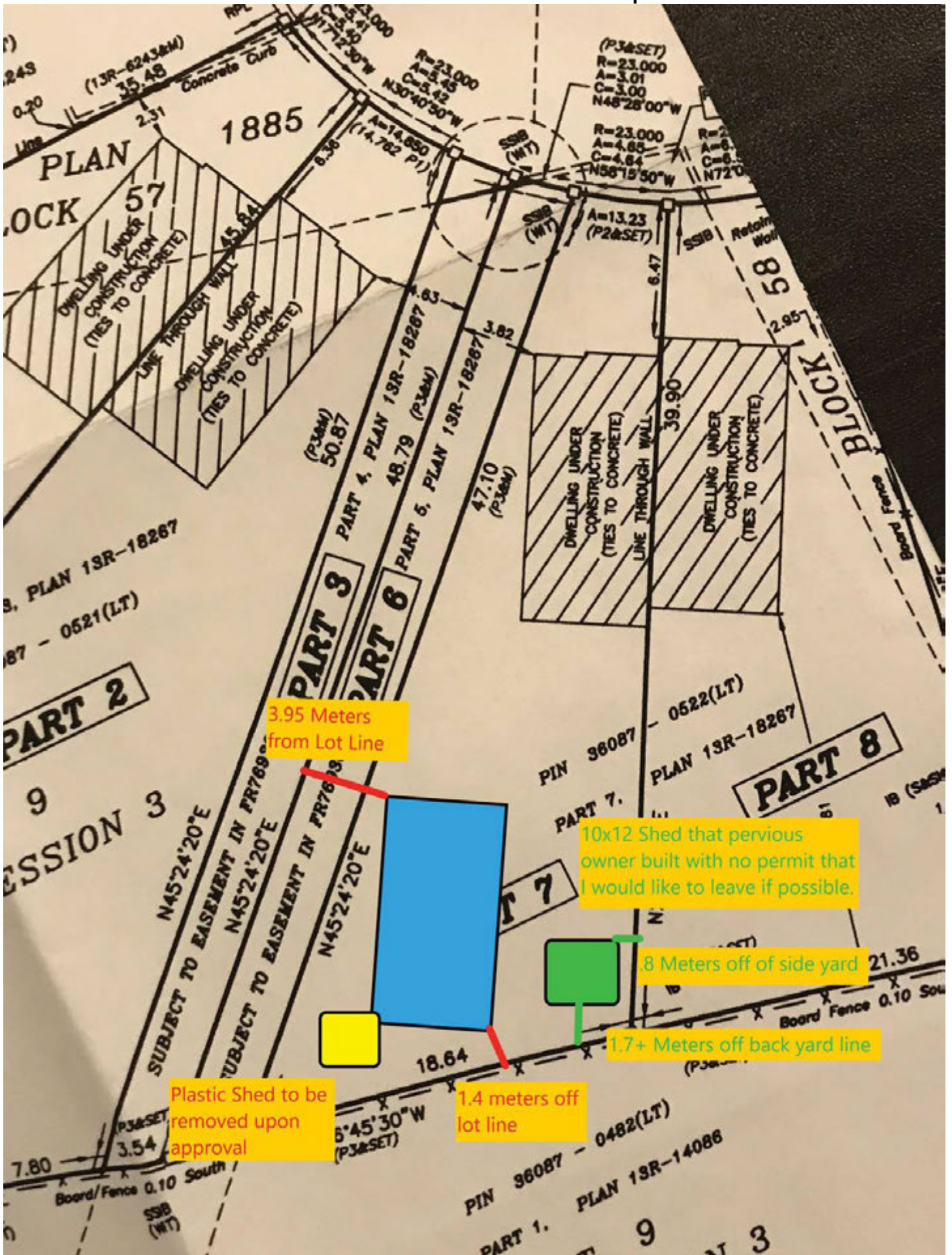
Jason Partridge, Planner 613-564-4291 extension 3216

**Other City of Kingston Staff Consulted:**

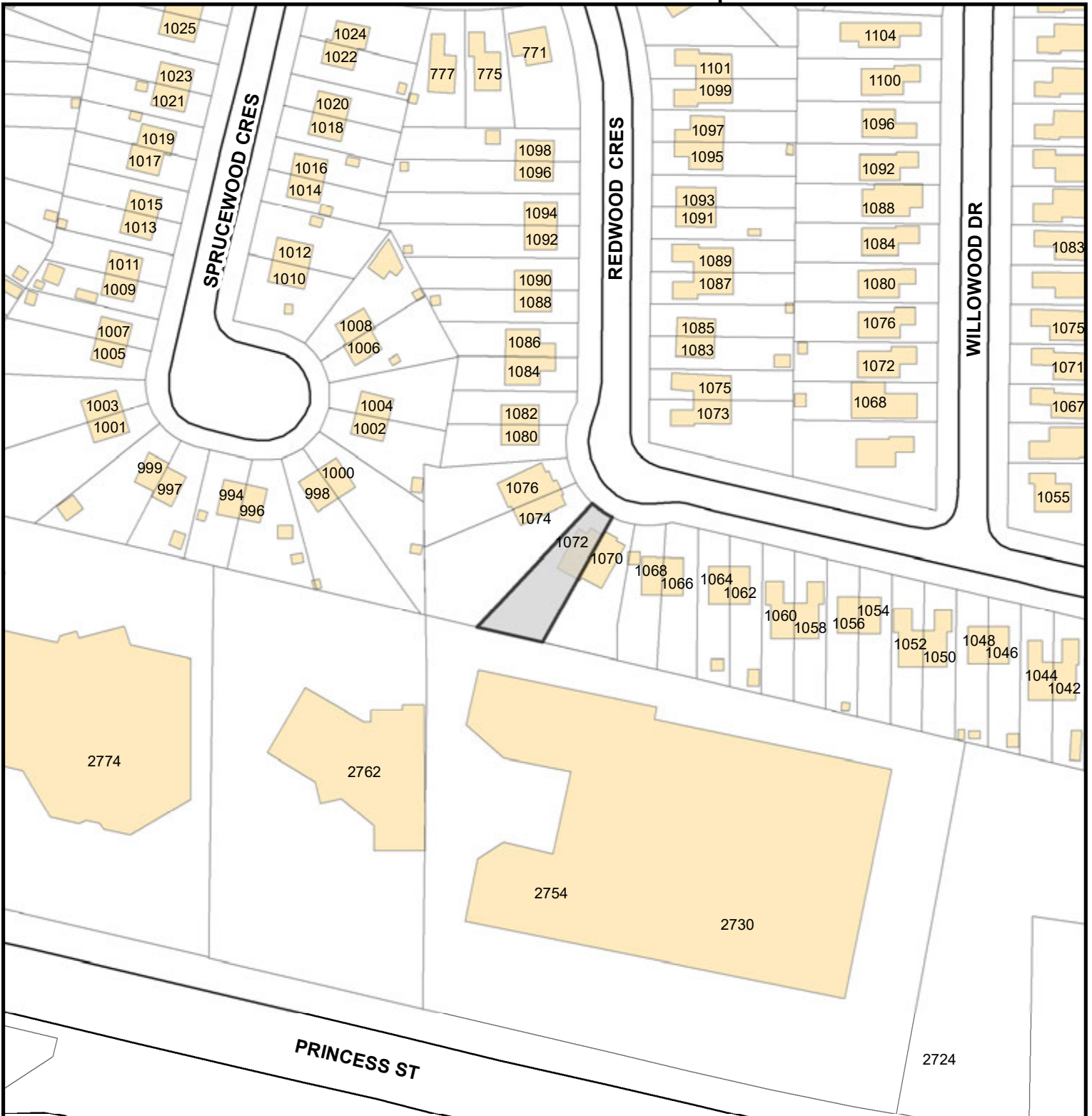
The application was circulated to the relevant internal departments and external agencies for review and comment. The responses to the technical circulation have been addressed in the technical review and included in this report.

**Exhibits Attached:**

- Exhibit A Site Plan
- Exhibit B Key Map
- Exhibit C Neighbourhood Context
- Exhibit D Official Plan
- Exhibit E Existing Zoning
- Exhibit F Photo





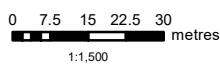


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COMMITTEE OF ADJUSTMENT  
**Key Map**

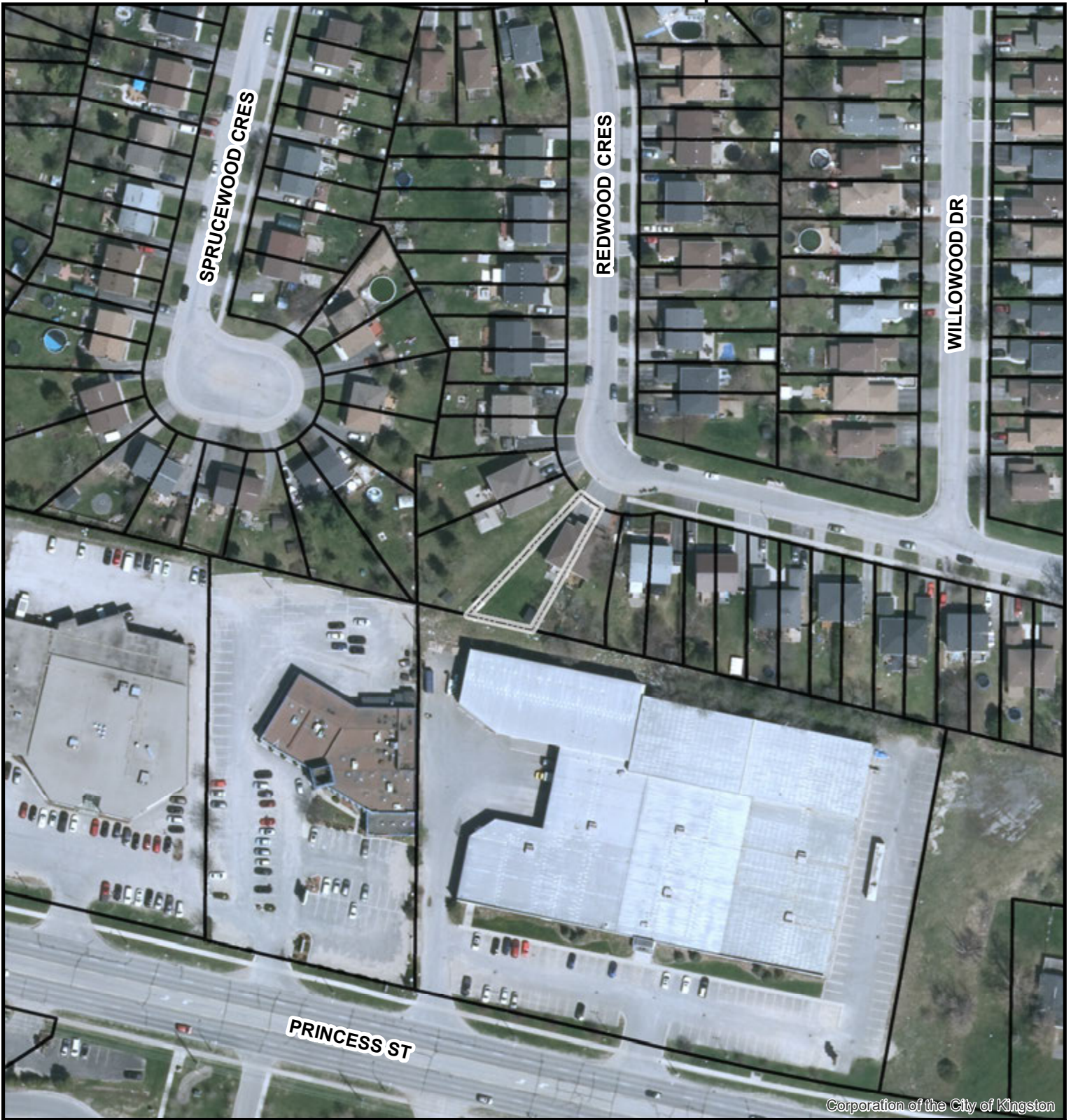
File Number: D13-013-2020  
Address: 1072 Redwood Cres



DATE: 2020-03-16  
PREPARED BY: akeeping



 Lands Subject to Minor Variance



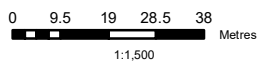
Corporation of the City of Kingston





Planning Services  
a department of  
Community  
Services

COMMITTEE OF ADJUSTMENT  
**Neighbourhood Context (2018)**

File Number: D13-013-2020  
Address: 1072 Redwood Cres

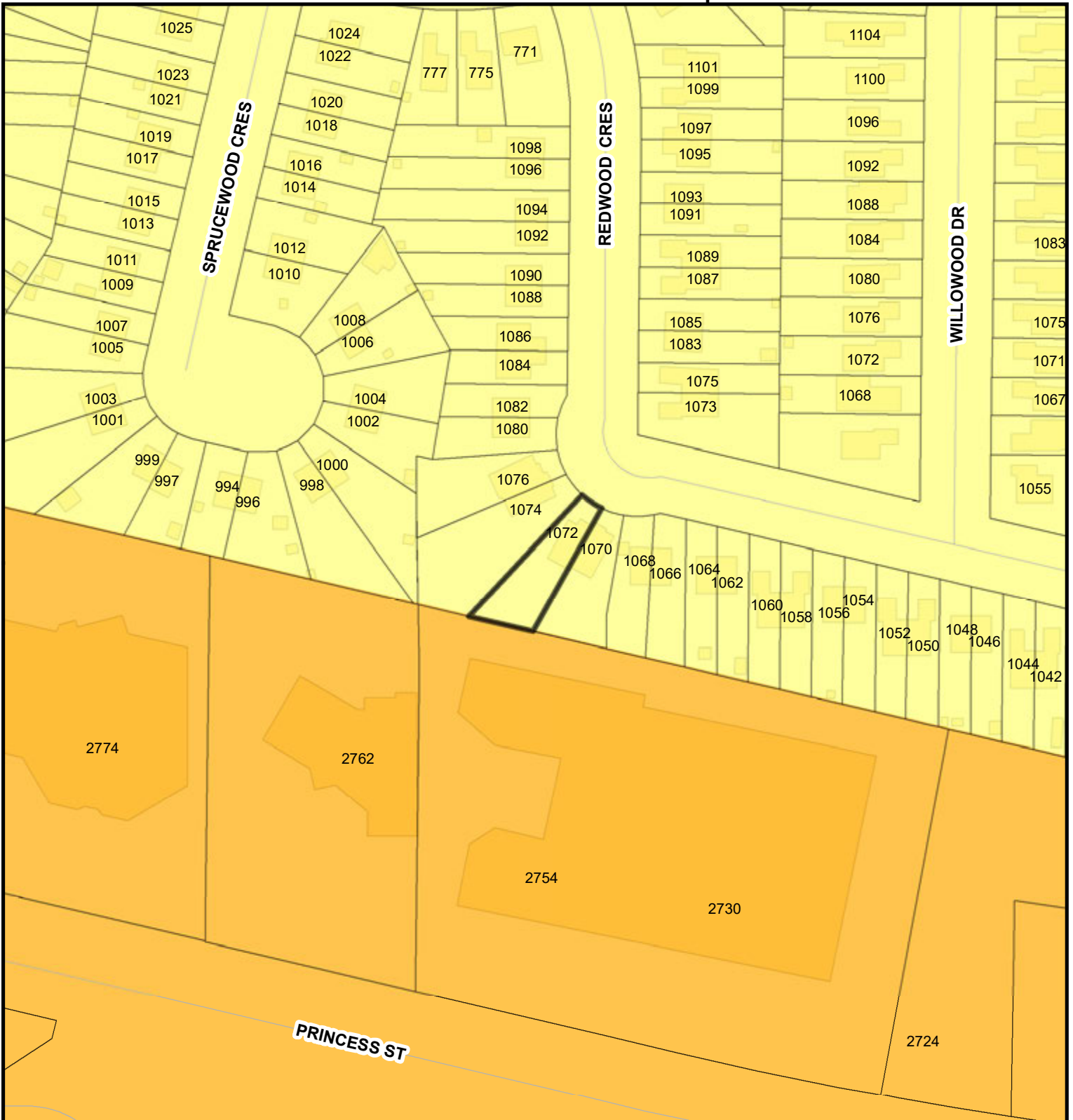


**Legend**

-  Subject Lands
-  Property Boundaries

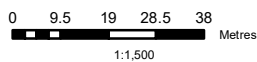






COMMITTEE OF ADJUSTMENT  
**Official Plan, Existing Land Use**

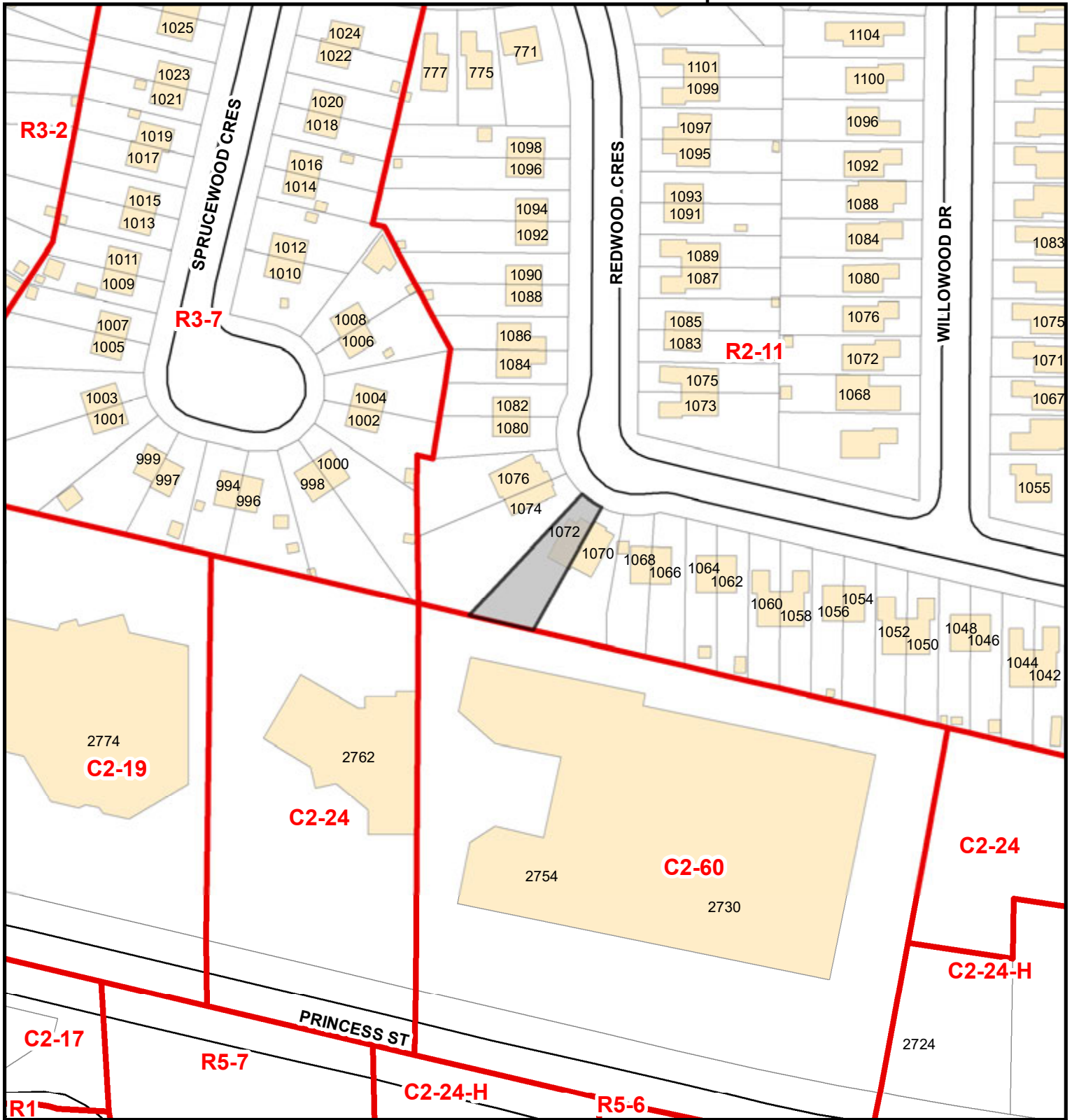
File Number: D13-013-2020  
Address: 1072 Redwood Cres



**Legend**

- Subject Lands
- ARTERIAL COMMERCIAL
- RESIDENTIAL







COMMITTEE OF ADJUSTMENT  
**Existing Zoning - By-law 76-26, Map 3**

File Number: D13-013-2020  
Address: 1072 Redwood Cres

**Legend**

-  Subject Lands
-  Consolidated Zoning

