



**City of Kingston
Report to Committee of Adjustment
Report Number COA-20-038**

To: Chair and Members of the Committee of Adjustment
From: Niall Oddie, Planner
Date of Meeting: July 20, 2020
Application for: Minor Variance
File Number: D13-014-2020
Address: 194 Johnson Street
Owner: Dietrich Rohde
Applicant: Mark Touw, IBI Group Incorporated

Council Strategic Plan Alignment:

Theme: 2. Increase housing affordability

Goal: 2.1 Pursue development of all types of housing city-wide through intensification and land use policies.

Executive Summary:

This report provides a recommendation to the Committee of Adjustment regarding an application for minor variances for the property located at 194 Johnson Street, which are required to permit the adaptive reuse of a heritage dwelling. The applicant is proposing to construct an addition to connect the existing heritage dwelling to the existing detached garage. The garage would be enlarged with an addition to the front and rear of the structure and a partial second storey. The front portion of the garage would continue to contain a parking space, while the rear and upper portion of the enlarged garage would be transitioned into living space. The property will function as a rooming house, which is a permitted use within the 'B' Zone for an existing building of this age.

This proposal is also subject to a heritage permit approval process under the *Heritage Act*.

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

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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.

Variance Number 1:

By-Law Number 8499:Section 13.3 (c) Minimum Side Yard Width
Requirement:3.3 metres, being 2/5 the height of main building
Proposed:0 metres (east) and 0.38 metres (west)
Variance Requested:3.3 metres (east) and 2.9 metres (west)

Variance Number 2:

By-Law Number 8499:Section 13.3 (c) (i) Aggregate Side Yard Width
Requirement:8.3 metres, being equal to height of main building
Proposed:0.38 metres
Variance Requested:7.9 metres

Variance Number 3:

By-Law Number 8499:Section 13.3 (f) Court Dimensions
Requirement:8.3 metres, being equal to height of main building
Proposed:0.6 metres
Variance Requested:7.7 metres

Variance Number 4:

By-Law Number 8499:Section 13.3 (g) Lot Coverage
Requirement:33.33% (266 square metres)
Proposed:41.6% (333 square metres)
Variance Requested:8.3% (66 square metres)

Variance Number 5:

By-Law Number 8499:Section 5.3B (d) Parking Location
Requirement: Within enclosed building or to the rear of a point midway between the front and rear wall of the main building
Proposed:Permit two parking spaces within front yard
Variance Requested:Permit two parking spaces within front yard

Variance Number 6:

By-Law Number 8499:Section 5.3B (h) Design Standards
Requirement: Parking areas shall be provided with adequate driveways and aisles for the removal of a vehicle without the necessity of moving any other vehicle
Proposed:Permit two tandem parking spaces
Variance Requested:Permit two tandem parking spaces

Variance Number 7:

By-Law Number 8499:Section 5.3A (d) Accessible Parking
Requirement:1 Type A Space Required
Proposed:Zero accessible parking spaces

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Variance Requested: One accessible parking space

Recommendation:

That minor variance application, File Number D13-014-2020, for the property located at 194 Johnson Street to: reduce minimum side yard setback; reduce minimum aggregate side yard setback; reduce minimum court dimensions; increase maximum lot coverage; permit front yard parking spaces; permit tandem parking spaces; and reduce accessible parking space requirements; be approved; and

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-20-038.

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Authorizing Signatures:

Niall Oddie, Planner

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

Paige Agnew, Commissioner, Community Services

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Options/Discussion:

On March 4, 2020, a minor variance application was submitted by IBI Group Incorporated, on behalf of the owner, Dietrich Rohde, with respect to the property located at 194 Johnson Street. The application proposes to convert the existing single-detached dwelling and detached garage into a rooming house with a total of seven (7) habitation units; the plans contained within Exhibit I – Floor Plans and Elevations indicate a total of six habitation units, however in accordance with the definition of a habitation unit contained in the zoning by-law, Habitation Unit 1 is considered to be two habitation units, resulting in a total of seven (7) habitation units. The application proposes to connect the two existing structures with an addition, which would contain a common room for the habitation units. The front and rear of the detached garage would be extended to increase the footprint of the structure and a partial second storey would be added above the rear portion of the enlarged garage (Exhibit H - Floor Plans and Elevations). A total of three (3) parking spaces would be provided; one within the enlarged garage and two within an existing driveway (Exhibit F – Site Plan). The subject lands are designated under Parts IV and V of the Ontario Heritage Act and a concurrent heritage permit (P18-049-2020) has been submitted. The application requires seven (7) variances from Zoning By-Law Number 8499, which are described as follows:

1. Section 13.3 (c) requires minimum side yard width to be 2/5th the height of the main building, which translates to 3.3 metres for the subject lands. The existing dwelling is situated 0.38 metres from the western side lot line, while the detached garage is located on the eastern lot line with a setback of 0 metres. A variance is required to recognize the side yard setbacks established by the existing heritage structures;
2. Section 13.3 (c) (i) requires minimum aggregate side yard width to be equal to the height of the main building, which translates to 8.3 metres for the subject lands. As noted above, the existing dwelling is situated 0.38 metres from the western side lot line, while the detached garage is located on the eastern lot line with a setback of 0 metres. A variance is required to recognize the aggregate side yard setback established by the existing heritage structures;
3. Section 13.3 (f) requires the minimum horizontal dimension of any court to be equal to the height of the main building, which translates to 8.3 metres for the subject lands. The proposed addition to connect the existing dwelling and existing detached garage would form a court, however at the closest point these existing structures are separated by 0.6 metres. A variance is required to recognize the existing separation between the dwelling and detached garage;
4. Section 13.3 (g) establishes a maximum lot coverage of 33.3%, which translates to 266 square metres for the subject lands. The existing lot coverage of the dwelling and detached garage is 34.3% or 274 square metres, which exceeds the permitted lot coverage. The additions proposed by the applicant would increase the lot coverage to 41.6% or 333 square metres. A variance is required to permit the additional lot coverage;

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5. Section 5.3 B (d) requires parking within the 'B' zone to be within an enclosed building or to the rear of a point midway between the front and rear wall of the main building. The applicant proposes to locate one parking space within the enlarged garage and two parking spaces in the front yard. A variance is required to permit the two parking spaces within the front yard;
6. Section 5.3 B (h) requires parking areas to be provided with adequate driveways and aisles for the removal of a vehicle without the necessity of moving any other vehicle. One of the parking spaces proposed within the front yard would be in tandem with the parking space proposed within the enlarged garage. A variance is required to permit a tandem parking space; and
7. Section 5.3 A (d) requires the proposed development to provide one Type A accessible parking space, with minimum dimensions of 3.4 metres by 6 metres, with a 1.5m access aisle. The applicant has requested a variance from this requirement in order to provide zero accessible parking spaces.

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

- Site Plan (Exhibit F);
- Floor Plans and Elevations (Exhibit H);
- Tree Inventory and Protection Plan (Exhibit I);
- Heritage Impact Statement (DASH);
- Archaeological Assessment – Stage 2 (DASH);
- Servicing Report (DASH); and
- Planning Justification (DASH).

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 Johnson Street between Sydenham and Bagot Streets, within the Sydenham Ward neighbourhood (Exhibit B - Key Map and Exhibit C – Neighbourhood Context Map). The subject lands are approximately 800 square metres in area with approximately 20.5 metres frontage on Johnson Street. The subject lands are currently developed with an existing two-storey dwelling and single-storey detached garage (Exhibit G – Photographs).

The subject property is designated Residential in the Official Plan (Exhibit D – Official Plan Map) and zoned 'B – Three to Six-Family Dwelling' in Zoning By-Law Number 8499 (Exhibit E – Zoning By-Law Map). The property abuts existing residential dwellings to the east, west and south that range from two- to three-storeys in height. Hotel Dieu Hospital is located opposite the subject lands on the northside of Johnson Street. The subject property is designated under

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Parts IV and V of the *Ontario Heritage Act*, which recognize the significance of the individual property and of the greater heritage district.

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 within a Housing District on Schedule 2 – City Structure, and designated Residential on Schedule 3 – Land Use, which permit a broad range of residential uses within the urban area. Schedule 9 indicates the subject lands are located within the Old Sydenham Heritage Conservation District, which provides detailed direction on heritage conservation and design.

Section 2.2.5 indicates Housing Districts are anticipated to remain stable in accordance with Section 2.6, but continue to mature and adapt as the City evolves, noting that with minor development will be encouraged that is compatible with the prevailing built form standards of height, density and amenity that are generally found within the neighbourhood. Several policies throughout Section 2 of the Official Plan promote residential intensification and improving the efficiency of infrastructure, while conserving cultural and built heritage resources. Section 2.6 seeks to protect stable areas from incompatible development and rates of change that may be destabilizing, however identifies situations in which development and intensification would generally be considered appropriate, such as proposals that are compatible with existing development

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taking in account the policies of Section 2.7 which outline the principles of land use compatibility. Examples of land use compatibility measures considered include shadowing, loss of privacy due to intrusive overlook and architectural incompatibility in terms of scale, style, massing and colour.

The proposed development would continue the existing residential nature of the subject lands, while transitioning from a single-detached dwelling to a rooming house with seven habitation units. The majority of the additions proposed by the development proposal are focused within the rear yard and would largely be screened from public view due to the configuration of the existing heritage structures (Exhibit G – Photographs). The application has demonstrated careful window placement (Exhibit H – Floor Plans and Elevations) and proposes to retain much of the existing vegetation (Exhibit I – Tree Inventory and Protection Plan), both of which help to reduce impacts of the proposed development on abutting properties. The development proposes to conserve and adaptively reuse two existing heritage structures, as directed by the Heritage Conservation District Plan. The proposed development is not anticipated to negatively impact the cultural heritage of the site or district, it supports the heritage buildings' long-term use and conservation, and a concurrent heritage permit has been submitted to Council via Heritage Kingston for review and approval.

Accordingly, the proposed development meets the intent of Section 2 of the Official Plan.

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;

Johnson Street and the immediately surrounding area within the Sydenham Ward neighbourhood contain a variety of residential dwellings, typically ranging from one- to three-storeys in height and constructed in a variety of architectural styles. The applicant proposes to operate the subject lands as a rooming house, which is a residential use in which tenants share a communal kitchen or bathroom facilities. The operation of a rooming house is compatible with the surrounding residential uses and the adjacent Hotel Dieu Hospital.

The applicant proposes to construct additions onto the front and rear of the existing detached garage, while also constructing a partial second storey above the rear portion of the garage. An addition would also be constructed to join the detached garage and the dwelling, which would form an interior courtyard. Windows have been located within the proposed additions to avoid excessive overlook of adjacent properties. The addition to connect the detached garage and the dwelling will be kept to a single storey, which will limit visibility from the public realm (Exhibit H – Floor Plans and Elevations). Similarly, the partial second storey above the garage would be setback from the front of the garage, which helps to minimize the visual impact of the proposed addition. Much of the existing vegetation will remain, which offers screening and privacy for the properties abutting the south and west property lines (Exhibit I – Tree Inventory and Protection Plan).

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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 Plan (Exhibit F) submitted by the applicant indicates that a total of three (3) parking spaces would be provided; one (1) within the expanded garage and two (2) surface parking spaces located within the existing 6-metre wide driveway. Variances have been requested relating to parking, which include: permission to provide front yard parking within the 'B' zone; permission to utilize a tandem parking space for a rooming house; and reduction in accessible parking space from one to zero spaces. It is noted that none of these parking variances are required for the existing single-detached dwelling. The location of the existing heritage structures prevent rear yard parking and it would not be preferred to expand the existing driveway beyond the existing 6 metre maximum to accommodate additional parking spaces within the front yard as it has the potential to impact the heritage character of the structure and streetscape and would impact a municipal street tree. The subject lands are located on a transit route and within walking distance of the Downtown Transfer Point, which provides transit service throughout the urban boundary.

The rear yard is currently accessed through the existing 0.6 metre separation between the dwelling and detached garage, with additional access provided through the larger garage doors. The construction of the common room would not hinder access to the rear yard as the addition will have large doors on the north and south sides, facilitating access through the addition into the rear yard.

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;

Section 8.3 establishes the following guiding principles to ensure new residential development is integrated into the existing built fabric and is conducive to active transportation:

- a. Protect and preserve stable residential communities (in accordance with Section 2.6 of this Plan);
- b. Foster developments that are context appropriate;
- c. Foster attractive developments which add to the existing sense of place;
- d. Provide a variety of housing types;
- e. Ensure compact, accessible mixed-use development;
- f. Encourage environmentally sustainable development; and
- g. Integrate and highlight cultural heritage resources.

The preservation of the existing structures represents culturally and environmentally sustainable development as these resources will be protected from demolition. As noted above, much of the proposed development will be within the rear yard and screened from public view, and as such, the subject lands will maintain the existing attractive

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streetscape that helps define the neighbourhood. Finally, the proposed development maintains the residential use of the subject lands, which is compatible with the surrounding neighbourhood, but transitions from a single-detached dwelling to a rooming house with seven habitation units, which seeks to improve the variety of housing types available within the community.

It is noted that heritage planning staff offered no objection to the minor variances, as the variances themselves will not have an impact on the cultural heritage value of the property or district. It is further noted that a concurrent Heritage Permit (P18-049-2020) has been submitted by the applicant, which requires conformity of the proposal to the Old Sydenham Heritage Conservation District Plan.

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 lands are designated under Parts IV and V of the *Ontario Heritage Act*. The applicant has submitted a concurrent heritage application (P18-049-2020) for review and approval; it is anticipated that the permit will be heard at the July 15, 2020 Heritage Kingston meeting. The applicant submitted a Heritage Impact Statement in support of the minor variance application, which has been reviewed by heritage planning staff. It was determined that the proposed minor variances themselves would not have an impact on the cultural heritage value of the property or district. It was noted that the potential heritage impacts of the proposal and conformity with the Old Sydenham Heritage Conservation District Plan would be evaluated through the heritage permit process.

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 development is located on full municipal services. It is noted that the applicant submitted a servicing report prepared by a professional engineer in support of the application. The report indicated that water and sanitary services had recently been upgraded to the dwelling and were adequate to service the proposed development. Utilities Kingston was circulated on the application and requested that a servicing plan be submitted showing the existing and proposed services. Acknowledging that a servicing report was submitted with the application, Utilities Kingston is amenable to this being submitted as a condition of approval for the minor variance to be satisfied prior to obtaining a building permit.

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;

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The proposed variances to reduce minimum side yard setback, reduce minimum aggregate side yard setback, reduce minimum court dimensions, increase maximum lot coverage, permit front yard parking spaces, permit tandem parking spaces, and reduce accessible and non-accessible parking space requirements represent minor and compatible changes to facilitate a desirable infill development. The application does not propose to add additional uses or density to the site beyond what is already permitted in the 'B' Zone within City of Kingston Zoning By-Law Number 8499, as amended. It is noted that the size and location of the existing heritage structures on the subject lands contributes to the number of variances this development proposal requires. A zoning by-law amendment is not required to consider this application.

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;

Recommended conditions to be applied to the approval of the application are provided in Exhibit A – Recommended Conditions. 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.

Context appropriate infill and adaptive reuse of heritage structures have the potential to assist with the conservation efforts of these structures. A degree of flexibility is required when considering the redevelopment of heritage designated properties, as the existing conditions often do not conform to the current zoning requirements. Conversely, substantial alterations to the structure in an attempt to better conform to the current zoning requirements would likely adversely impact cultural heritage and are discouraged. The proposed development is not anticipated to set an undesirable precedent for the immediate area as the proposed development is compatible with the surrounding land uses and is not anticipated to adversely impact the streetscape.

The proposal meets the intent of the Official Plan, as the proposed variances 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 'B' Three to Six-Family Dwelling 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 'B' zone identifies 'Rooming House' as a permitted use for a structure of this age, subject to the requirements of Sections 13 and 5.21. The plans submitted with the application indicate six of the seven habitation units would contain a 'kitchenette', while retaining access to the main communal kitchen. It is important that the 'kitchenette' within the habitation units not contain full cooking facilities, as this would transition the development into multi-unit residential which is subject to

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additional regulations. A condition has been added to Exhibit A – Conditions of Approval to ensure the kitchenettes do not contain a stove or oven.

As noted previously in this report, the proposed development requires a total of seven (7) variances to Zoning By-law Number 8499, as described below:

Variance Number 1:

By-Law Number 8499:Section 13.3 (c) Minimum Side Yard Width

Requirement:3.3 metres, being 2/5 the height of main building

Proposed:0 metres (east) and 0.38 metres (west)

Variance Requested:3.3 metres (east) and 2.9 metres (west)

Section 13.3 (c) requires minimum side yard width to be 2/5th the height of the main building, which translates to 3.3 metres for the subject lands. The existing dwelling is situated 0.38 metres from the western side lot line, while the detached garage is located on the eastern lot line with a setback of 0 metres. A variance is required to recognize the location of the existing structures on the subject lands, which do not conform with the requirements of the zoning by-law. The proposed development would not further reduce the existing side yard setbacks established by the existing development.

Variance Number 2:

By-Law Number 8499:Section 13.3 (c) (i) Aggregate Side Yard Width

Requirement:8.3 metres, being equal to height of main building

Proposed:0.38 metres

Variance Requested:7.9 metres

Section 13.3 (c) (i) requires minimum aggregate side yard width to be equal to the height of the main building, which translates to 8.3 metres for the subject lands. As noted above, the existing dwelling is situated 0.38 metres from the western side lot line, while the detached garage is located on the eastern lot line with a setback of 0 metres. A variance is required to recognize the location of the existing structures on the subject lands, which do not conform with the requirements of the zoning by-law. The proposed development would not further reduce the existing aggregate side yard setbacks established by the existing development.

Variance Number 3:

By-Law Number 8499:Section 13.3 (f) Court Dimensions

Requirement:8.3 metres, being equal to height of main building

Proposed:0.6 metres

Variance Requested:7.7 metres

Section 13.3 (f) requires the minimum horizontal dimension of any court to be equal to the height of the main building, which translates to 8.3 metres for the subject lands. The proposed addition to connect the existing dwelling to the existing detached garage would form a court, however these existing structures are separated by 0.6 metres at the closest point. The dimensions of the main portion of the court would be 4.4 metres by 6.2 metres,

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which is much closer to the 8.3 metre dimension required by the zoning by-law. A variance is required to recognize the existing separation between the dwelling and detached garage, which does not conform with the requirements of the zoning by-law.

Variance Number 4:

By-Law Number 8499:Section 13.3 (g) Lot Coverage

Requirement:33.33% (266 square metres)

Proposed:41.6% (333 square metres)

Variance Requested:8.3% (66 square metres)

Section 13.3 (g) establishes a maximum lot coverage of 33.3%, which translates to 266 square metres for the subject lands. The existing lot coverage is 34.3% or 274 square metres, which exceeds the permitted lot coverage by 1% or 12 square metres. The proposed development would increase lot coverage to 41.6% or 333 square metres, an increase of 8.3% or 66 square metres above the requirement. As shown on Schedule H- Floor Plans and Elevations, the proposed increase in lot coverage is composed of the following:

- | | |
|-----------------|-------------------------------------|
| 1. Common Room | 30.4 square metres (interior) |
| 2. Rear Garage | 14.8 square metres (interior) |
| 3. Front Garage | <u>8.9 square metres (interior)</u> |
| | 54.1 square metres (interior) |

The common kitchen to be used by each of the seven habitation units is located at the rear of the existing structure. The applicant proposes to construct an addition to connect the common kitchen to the existing detached garage, which would be utilized as a common amenity space for each of the seven habitation units. The length of this addition is determined by the existing separation between the two structures and is proposed to be 4.9 metres in width (interior dimension), resulting in an area of 30.4 square metres. In order for this communal amenity space to be functional, the space must be of sufficient dimensions to accommodate common activities, such as lounging or dining areas, for the residents of the seven habitation units. To maximize the size of the courtyard that the common room addition creates between the existing dwelling and detached garage, the common room was situated to encroach closer towards the rear lot line than the existing dwelling.

The applicant proposes to extend the rear of the garage by 3.7 metres (interior dimension) towards the rear lot line to the same depth as the common room addition. Further, the applicant proposes to extend the front of the existing detached garage by 2.4 metres (interior dimension) towards Johnson Street. These two additions to the existing detached garage would enable the structure to continue to function as a garage and storage area, while facilitating the rear portion of the structure to transition into living space and function as one of the habitation units. A partial second storey addition would be constructed above the rear portion of the enlarged garage, which does not contribute to the lot coverage variance.

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It is noted that of the proposed additions, only the front garage addition would be prominently visible from the public realm and thus the overall impact of the increased lot coverage to the streetscape and character of the area would be minimized. It is further recognized that the size and location of the existing heritage structures would prohibit any additions to the subject lands without a minor variance for lot coverage. The increase in lot coverage would improve the functionality of the lands and contribute to the preservation of the heritage structures through maintenance, repair and improvements to the interior and exterior of the structures.

Variance Number 5:

By-Law Number 8499:Section 5.3B (d) Parking Location

Requirement: Within enclosed building or to the rear of a point midway between the front and rear wall of the main building

Proposed:Permit two parking spaces within front yard

Variance Requested:Permit two parking spaces within front yard

Section 5.3 B (d) requires parking within the 'B' zone to be within an enclosed building or to the rear of a point midway between the front and rear wall of the main building. The applicant proposes to locate one parking space within the enlarged garage and two parking spaces in the front yard. A variance is required to permit the two parking spaces within the front yard.

The location of the existing heritage structures prevents the applicant from being able to locate parking to the rear of the midway point between the front and rear wall of the main building as there is insufficient space between the structure and the side lot lines to accommodate a parking space. It is acknowledged that the length of the garage structure could accommodate two parking spaces within the structure, rather than the single parking space shown by the applicant, but this approach would prevent any ground floor living space within the garage and would still require one parking space to be located in the front yard. If two parking spaces were provided within the garage and one within the driveway, it would be difficult to remove either vehicles within the garage as it would first require the vehicle parked within the driveway to be relocated. The approach of having a single vehicle within the garage and two vehicles parked side-by-side in the front yard improves the functionality of the site. Finally, if two parking spaces were required within the garage the proposed second storey addition above the garage would likely be increased in size, which may impact the character of the dwelling from the street.

The width of the existing driveway was widened in late 2019 and already accommodates two front-yard parking spaces, which is permitted for the current use of the structure as a 'single-detached dwelling' under Section 5.3B(l) of the zoning by-law. The widening of the driveway was approved through Heritage Permit P18-0774-2019 and was determined to not impact the heritage character of the structure or district.

The current parking configuration includes one parking space within the existing garage and two parking spaces within the 6-metre-wide driveway, which is permitted for single-detached dwellings within this zone. As the proposal transitions the use of the property into

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a rooming house, which is a permitted use within the 'B' zone for a structure of this age, the parking requirements of the zoning by-law change. While the proposed development requires a variance to allow front yard parking, it is acknowledged that the parking scenario sought by the variance will not physically differ from the existing parking configuration.

Variance Number 6:

By-Law Number 8499:Section 5.3B (h) Design Standards

Requirement: Parking areas shall be provided with adequate driveways and aisles for the removal of a vehicle without the necessity of moving any other vehicle

Proposed:Permit two tandem parking spaces

Variance Requested:Permit two tandem parking spaces

Section 5.3 B (h) requires parking areas to be provided with adequate driveways and aisles for the removal of a vehicle without the necessity of moving any other vehicle. One of the parking spaces proposed within the front yard would be in tandem with the parking space proposed within the enlarged garage. A variance is required to permit a tandem parking space.

As discussed above, the location of the existing heritage structures presents a challenge for locating the required number of parking spaces on the subject lands without requiring a variance. It is recognized that tandem parking spaces do not represent the most functional layout for parking spaces as one vehicle may need to be relocated to enable access for a second vehicle, however, in certain circumstances, tandem spaces may be appropriate. The applicant proposes to park two vehicles side-by-side in the front yard, while the third space would be within the enclosed garage; in this scenario, one of the parking spaces within the driveway would be in tandem with the parking space within the garage. If this approach were not supported, the alternative may be for the applicant to seek a further widening of the driveway to permit three parking spaces side-by-side across the front of the heritage dwelling, which would impact the heritage character of the structure and streetscape. Overall, the approach proposed by the applicant strikes a balance between preserving the character and the functionality of the site.

It is further noted that the subject lands are currently operated as a single-detached dwelling, which permits tandem parking. As a rooming house is not included within the list of uses permitted to utilize tandem parking, the proposed development requires a variance, however it is acknowledged that the proposed parking scenario will not physically differ from the existing parking configuration.

Variance Number 7:

By-Law Number 8499:Section 5.3A (d) Accessible Parking

Requirement: 1 Type A Space Required

Proposed:Zero accessible parking spaces

Variance Requested:One accessible parking space

Section 5.3A(d) requires residential land uses to provide accessible parking spaces at a rate of 4% of the required parking spaces, with a minimum of one Type A accessible space

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being required. There are various residential uses that are exempted from satisfying this requirement, however, a 'rooming house' is not identified within the list of exemptions.

The applicant has requested a variance from this requirement to provide zero accessible parking spaces for the proposed development. As discussed above, the space available for parking on the subject lands is constrained by the location of the existing heritage structures. The driveway has been widened to 6 metres, which is the maximum width for a residential driveway permitted by the zoning by-law. It is noted that the dimensions of the two parking spaces provided within the widened driveway exceed the minimum dimensions required for non-accessible parking spaces, however they do not achieve the minimum requirements for accessible spaces. As discussed above, widening of the driveway beyond the existing 6 metres may detract from the heritage character of the structure and streetscape by emphasizing the front yard parking and would adversely impact a City-owned tree (Exhibit I – Tree Preservation Plan). Further, the interior renovations associated with the proposed development do not include retrofitting the heritage structure to achieve accessibility standards.

The location and dimension of the existing heritage structures prevents the proposal from conforming to the current zoning requirements, however the application has demonstrated an effort to maintain the general purpose and intent of the zoning by-law.

3) The variance is minor in nature

The variances are considered minor as the proposed development will reinforce the residential nature of the subject lands while mitigating negative impacts on the abutting residential properties. The proposed development has located windows to reduce overlook of the abutting properties (Exhibit H – Floor Plans and Elevations) and the retention of the existing vegetation within the rear yard will further reduce the impact of the proposed development on abutting properties (Exhibit I – Tree Protection Plan). The proposed development is primarily focused within the rear yard and uses the existing structures to screen much of the proposed development from public view. As such, the proposed development is not anticipated adversely impact the surrounding properties or streetscape.

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

The variances are desirable for the appropriate use of the lands as the proposed development maintains the residential nature of the property while appropriately integrating and preserving existing heritage structures. The proposed development has been focused towards the rear of the property, which minimizes potential impacts to the heritage protected streetscape within Old Sydenham Ward. The application has demonstrated that the site will continue to function appropriately for a residential use.

July 20, 2020

Page 17 of 19

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 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 checked="" type="checkbox"/> Solid Waste | <input checked="" type="checkbox"/> Parks Development | <input type="checkbox"/> Canadian National Railways |
| <input checked="" type="checkbox"/> Housing | <input checked="" type="checkbox"/> District Councillor | <input type="checkbox"/> Ministry of Transportation |
| <input type="checkbox"/> KEDCO | <input 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. The following technical comments have been received and appropriate conditions have been included within Exhibit A:

1. Forestry: A tree permit will be required to ensure the tree protection and preservation measures will be implemented for the two municipal street trees prior to any development or site alteration (Exhibit I – Tree Protection Plan);
2. Building Services: Additional information will be required by the architect to satisfy exiting requirements under the Ontario Building Code, but those details can be finalized through the building permit process; and
3. Utilities Kingston: the applicant will need to provide a servicing plan demonstrating the location of existing and any proposed services.

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 have been received. Any public comments received after the publishing of this report will be included as an addendum to the Committee of Adjustment agenda.

Previous or Concurrent Applications

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

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 variances are minor in nature. As such, the proposed application meets all four tests under Subsection

July 20, 2020

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45(1) of the *Planning Act* and the application is being recommended for approval, subject to the proposed conditions.

Approval of this application will enable additions to be made to the existing dwelling and detached garage to transition the structure from a single-detached dwelling into a rooming house with seven habitation units that respects the heritage designated structures. The proposed development is not anticipated to have any adverse impacts on the abutting residential properties or streetscape.

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 8499

Notice Provisions:

A Committee of Adjustment Meeting is going to be held respecting this application on July 20, 2020. Pursuant to the requirements of the *Planning Act*, a notice of the Statutory Public Meeting was provided by advertisement in the Kingston Whig Standard at least 10 days in advance of the Public Meeting. A courtesy notice was also 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:

None

Financial Considerations:

None

Contacts:

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

Niall Oddie, Planner 613-564-4291 extension 3259

July 20, 2020

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Other City of Kingston Staff Consulted:

None

Exhibits Attached:

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

Recommended Conditions

Application for minor variance, File Number D13-014-2020

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

1. Limitation

That the approved minor variance applies only to the additions and parking spaces as shown on the approved drawings attached to the notice of decision.

2. No Adverse Impacts

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

3. Building Permit Application Requirements

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

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

4. Tree Permit

Prior to any site alteration or development, the Owner shall obtain a tree permit to address conditions for the Tree Preservation Zones for the two municipal trees along Johnson Street in accordance with the following report:

“Tree Inventory and Preservation Plan for 194 Johnson Street, Kingston, Ontario” prepared by Arborsphere Arboriculture and Urban Forestry Consulting and dated February 3, 2020.

5. Servicing Plan

Prior to any site alteration or development, the Owner shall provide Utilities Kingston with a servicing plan showing any existing or proposed services.

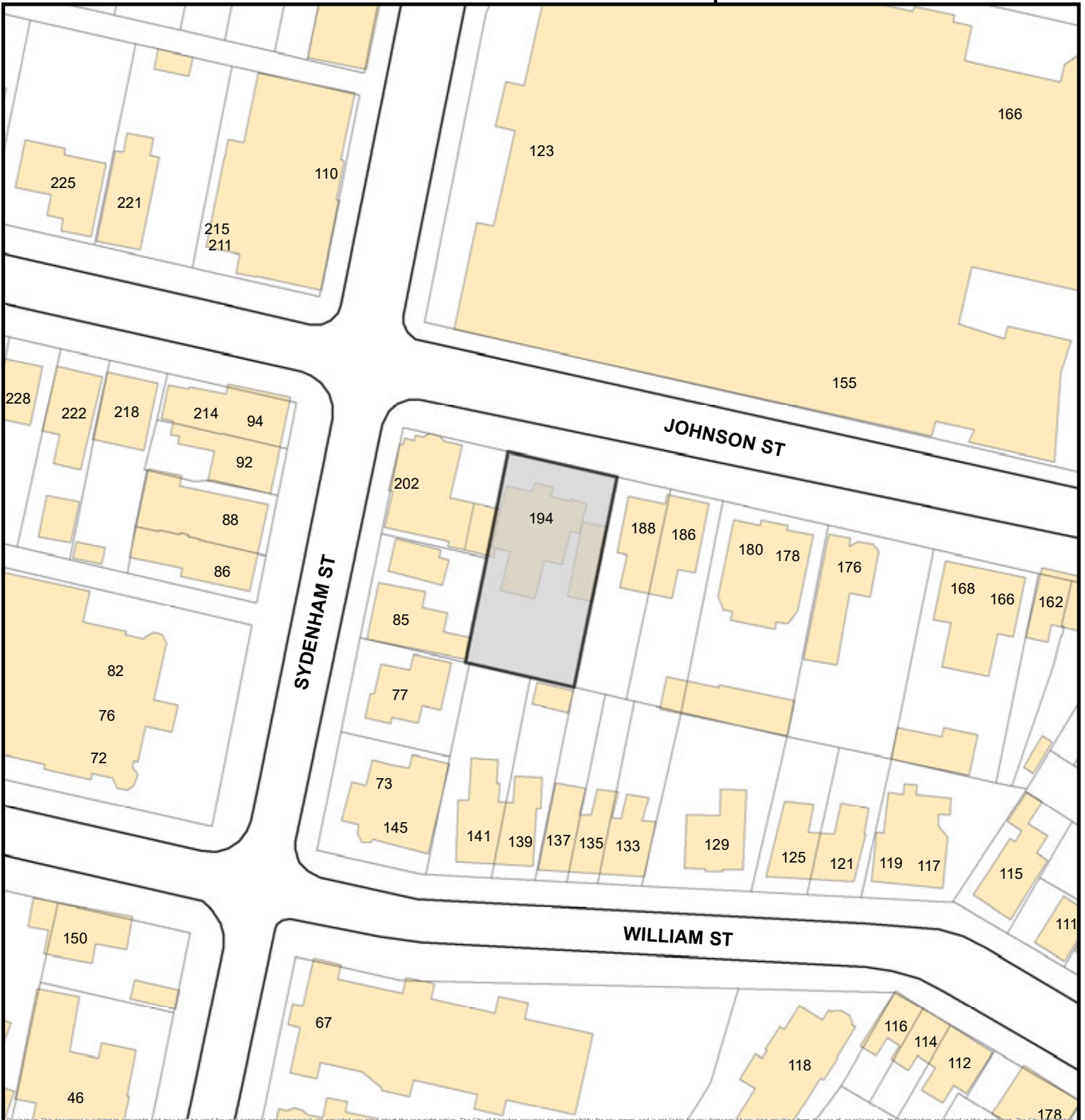
6. Kitchenettes

The applicant understands that the habitation units shown in the drawings submitted with the application are permitted to contain a kitchenette, but not a full kitchen. The kitchenettes are intended to function as accessory to the main communal kitchen, and as such, are not permitted to contain a stovetop or oven.

7. 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.

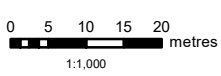



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COMMITTEE OF ADJUSTMENT
Key Map

File Number: D13-014-2020
Address: 194 Johnson Street



 Lands Subject to Minor Variance



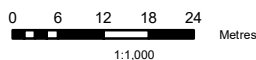
Corporation of the City of Kingston





Planning Services
a department of
Community
Services

COMMITTEE OF ADJUSTMENT
Neighbourhood Context (2018)

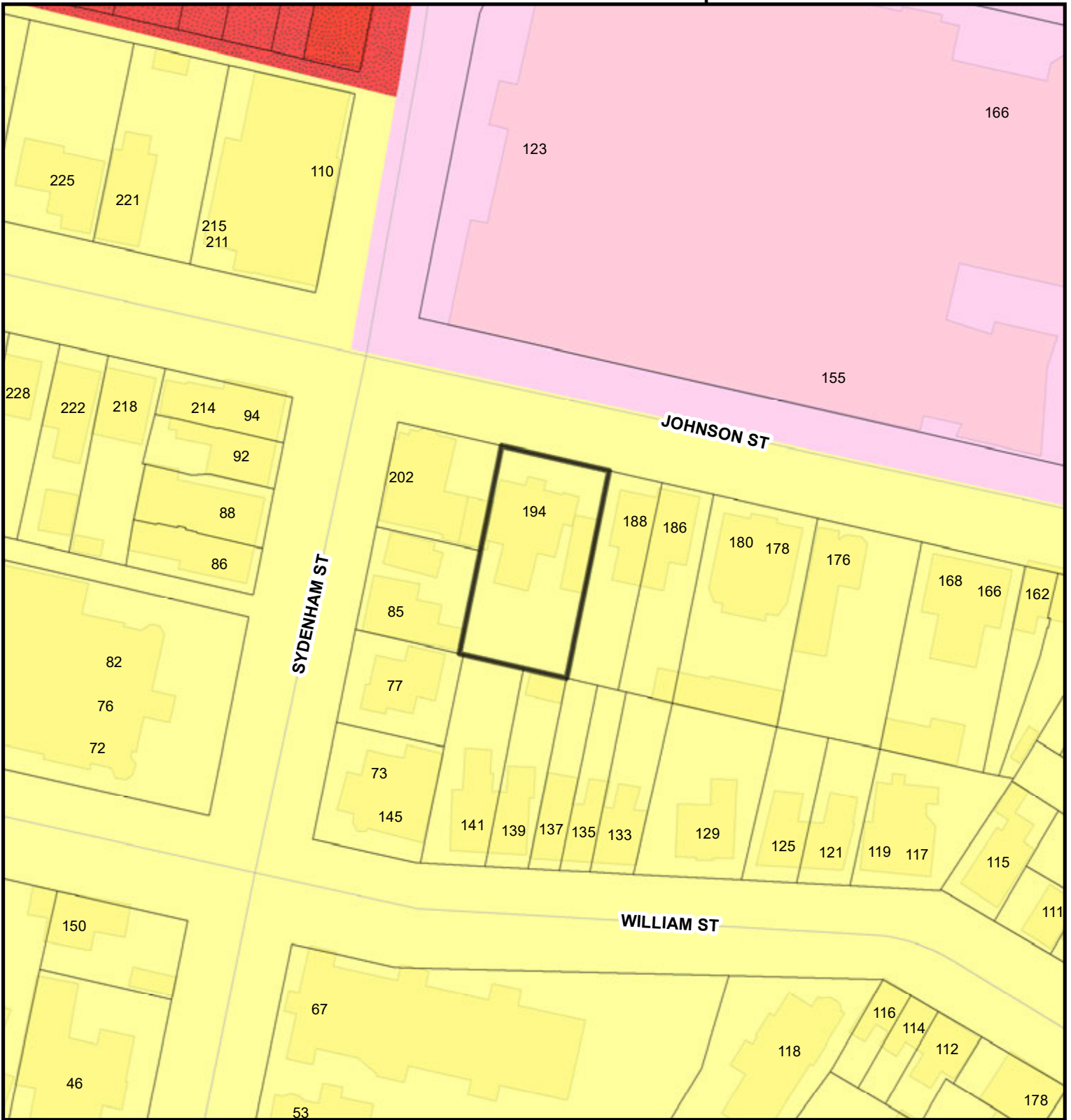
File Number: D13-014-2020
Address: 194 Johnson Street



Legend

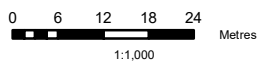
-  Subject Lands
-  Property Boundaries





COMMITTEE OF ADJUSTMENT
Official Plan, Existing Land Use

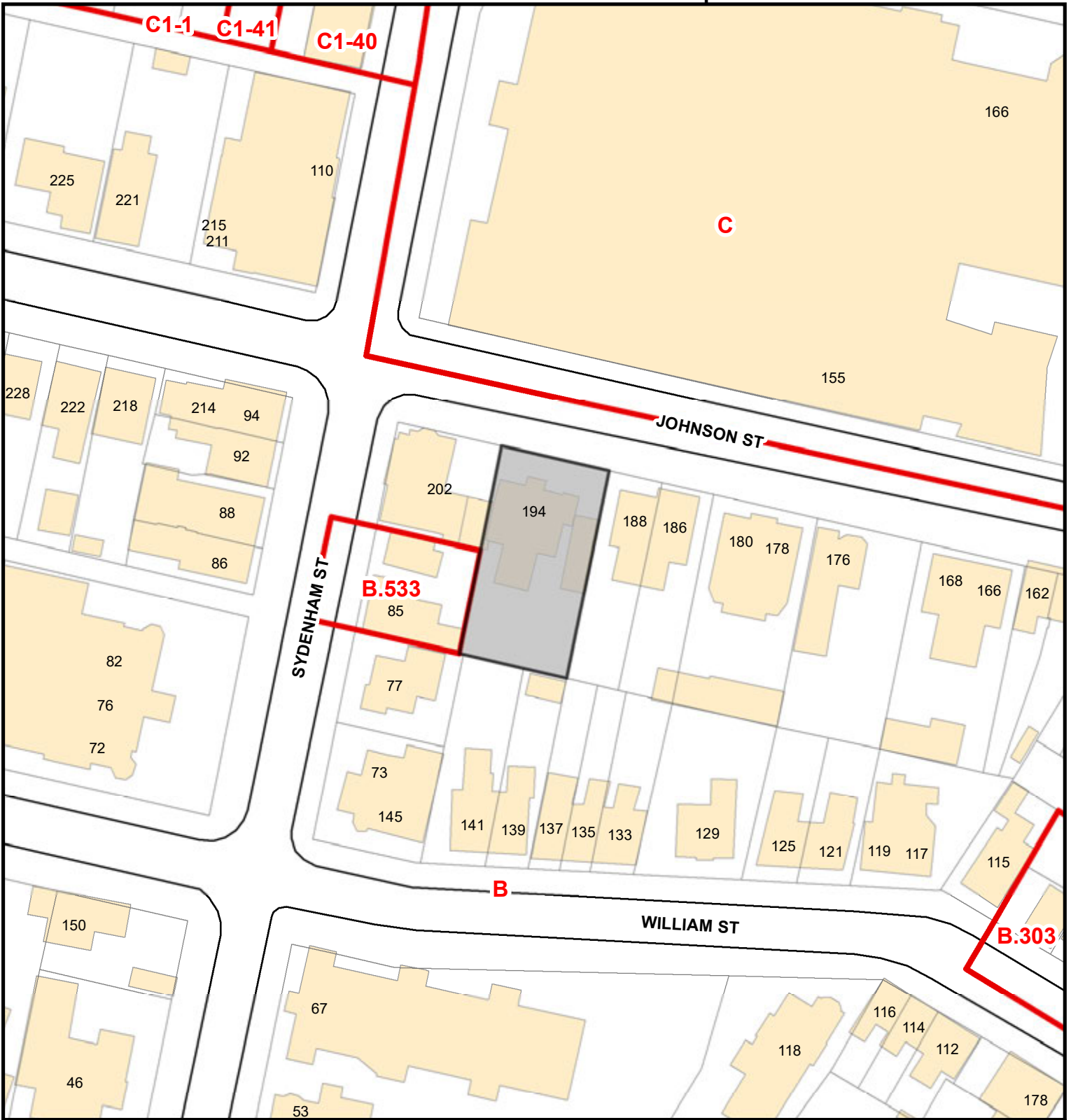
File Number: D13-014-2020
Address: 194 Johnson Street



Legend

- Subject Lands
- CENTRAL BUSINESS DISTRICT
- INSTITUTIONAL
- RESIDENTIAL







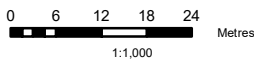
Planning Services
a department of
Community
Services

COMMITTEE OF ADJUSTMENT
Existing Zoning - By-law 8499, Map 31

File Number: D13-014-2020
Address: 194 Johnson Street

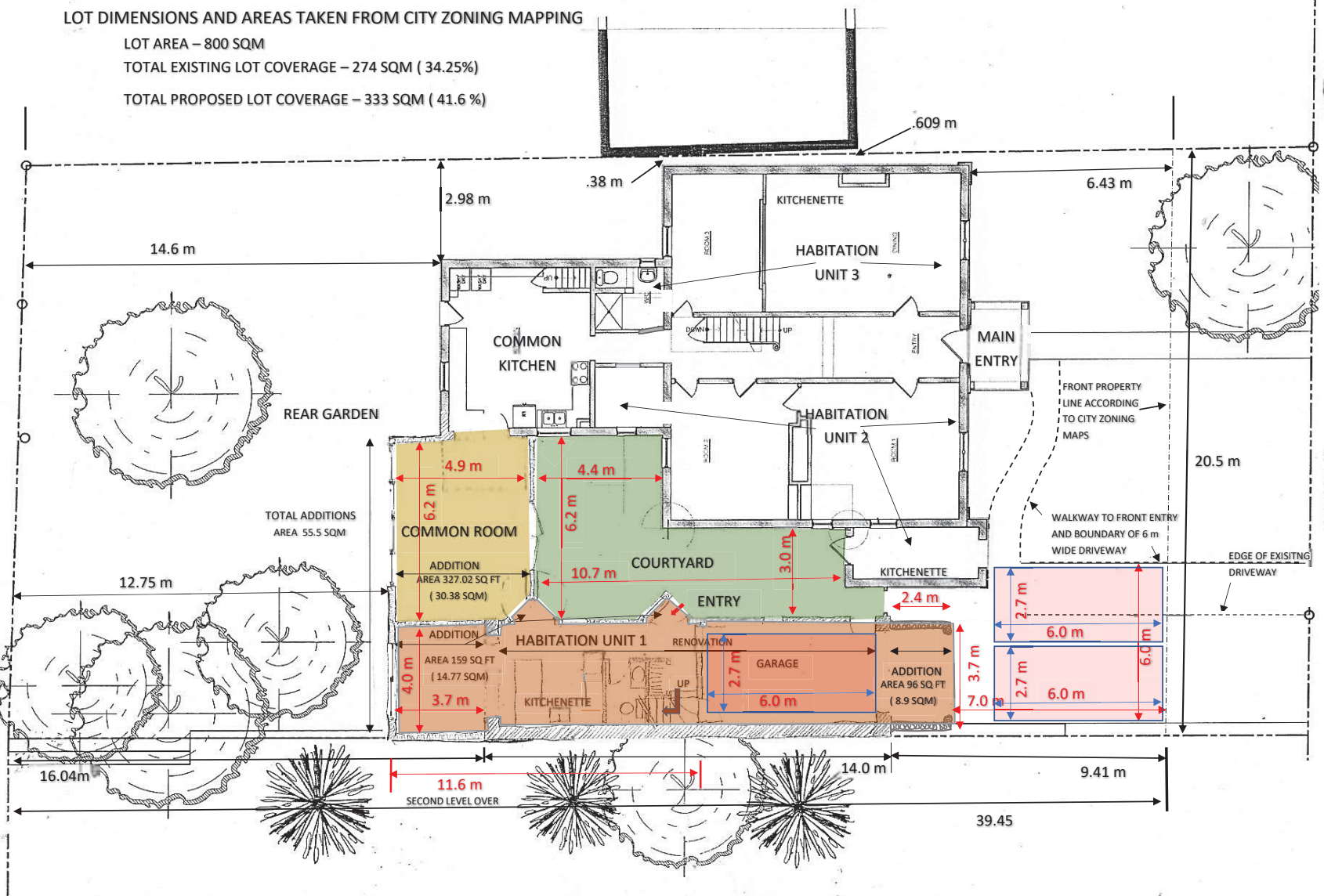
Legend

-  Subject Lands
-  Consolidated Zoning



LOT DIMENSIONS AND AREAS TAKEN FROM CITY ZONING MAPPING

LOT AREA – 800 SQM
TOTAL EXISTING LOT COVERAGE – 274 SQM (34.25%)
TOTAL PROPOSED LOT COVERAGE – 333 SQM (41.6 %)



ONTARIO ASSOCIATION
of
ARCHITECTS

MIKAELA J. HUGHES
LICENCE
5615
mikaela@kos.net

PROJECT
194 JOHNSON ST

DRAWING
SITE PLAN

DRAWN BY **RBD**
DATE **SEPT 2019** REVISED
SCALE **MARCH 23 2020**
N.T.S. REV **APRIL 30, 2020**

JOB NO.
1909

DWG. NO. **SK-1** REV. NO.

Mikaela Hughes Architect Inc.
82 OAK POINT ROAD, WOLFE ISLAND ON K0H 2Y0 813-544-9183

Site Photographs – June 24, 2020



Figure 1 – Streetscape



Figure 2 - Rear Yard



Figure 3 - Interior of Site



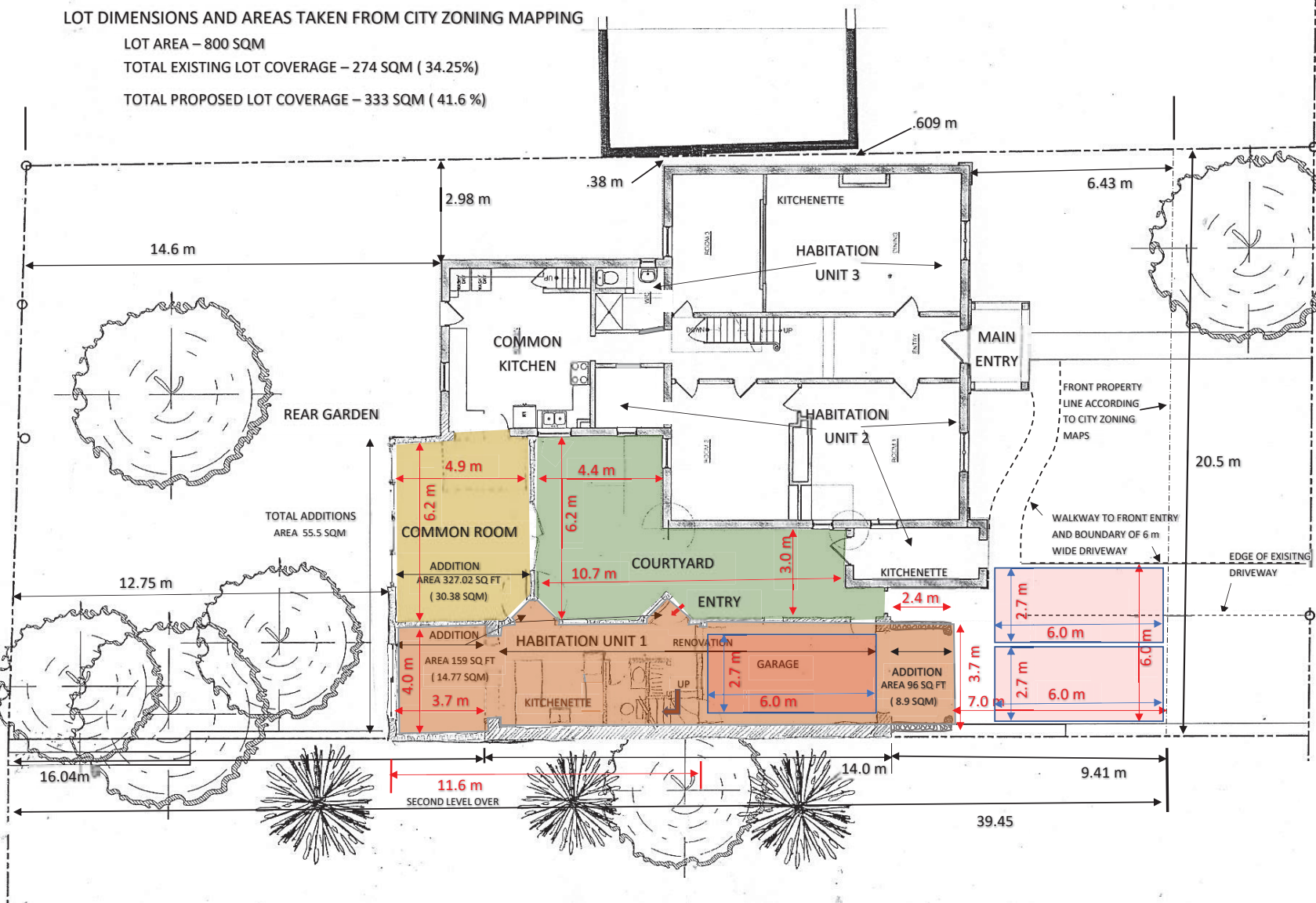
Figure 4 - Rear of Garage



Figure 5 - Side Lot Line

LOT DIMENSIONS AND AREAS TAKEN FROM CITY ZONING MAPPING

LOT AREA – 800 SQM
TOTAL EXISTING LOT COVERAGE – 274 SQM (34.25%)
TOTAL PROPOSED LOT COVERAGE – 333 SQM (41.6 %)



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MIKAELA J. HUGHES
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mikaela@kos.net

PROJECT
194 JOHNSON ST

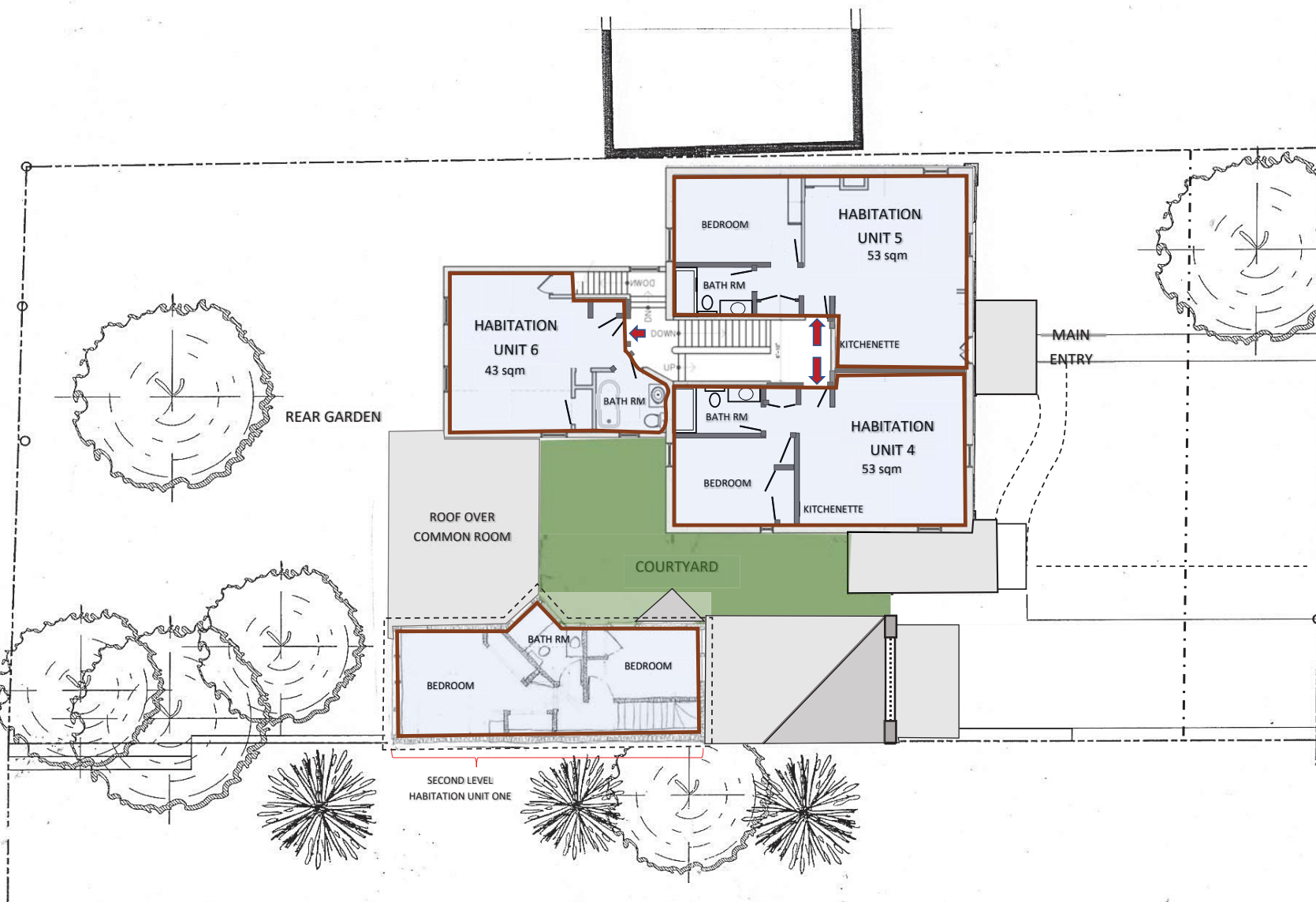
DRAWING
SITE PLAN

DRAWN BY RBD
DATE **SEPT 2019** REVISED
SCALE **MARCH 23 2020**
N.T.S. REV **APRIL 30, 2020**

JOB NO.
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DWG. NO. **SK-1** REV. NO.

Mikaela Hughes Architect Inc.
82 OAK POINT ROAD, WOLFE ISLAND ON K0H 2Y0 813-544-9183



CONFIRM SCALE

**ONTARIO ASSOCIATION
of
ARCHITECTS**

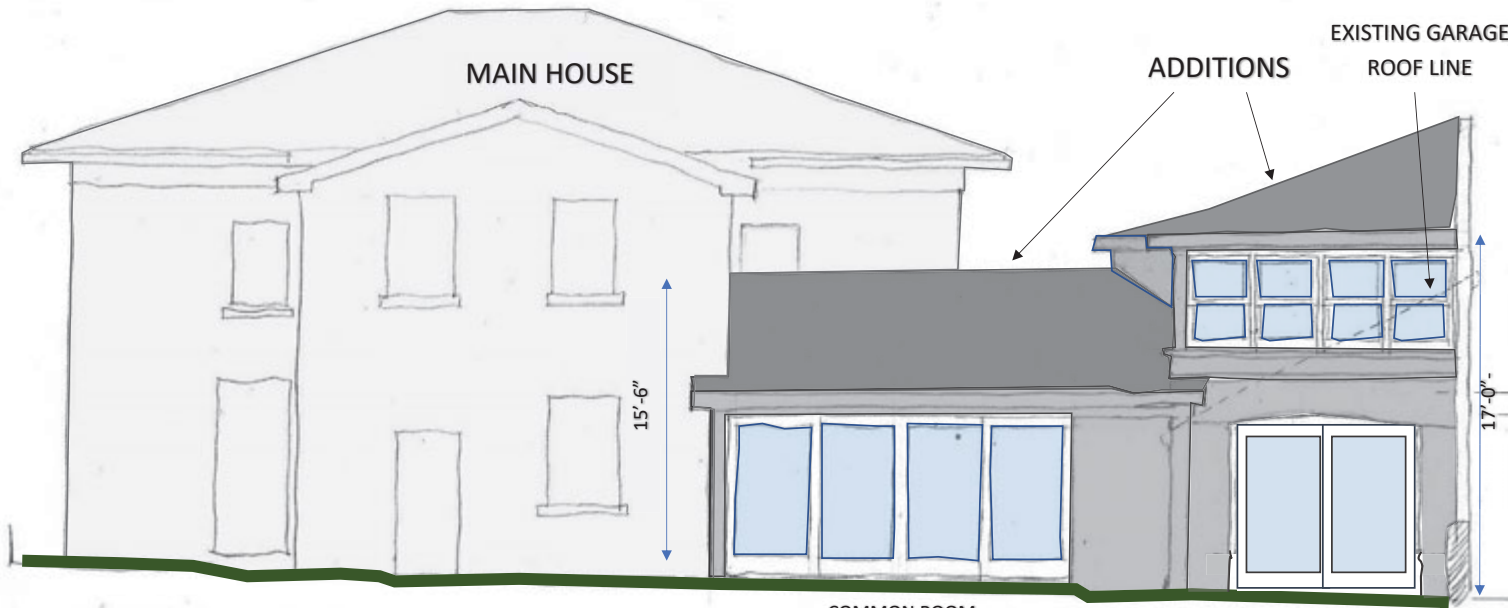
MIKAELA J. HUGHES
LICENCE
5615
mikaela@kos.net

PROJECT
194 JOHNSON ST

DRAWING
**SECOND LEVEL
UNITS**

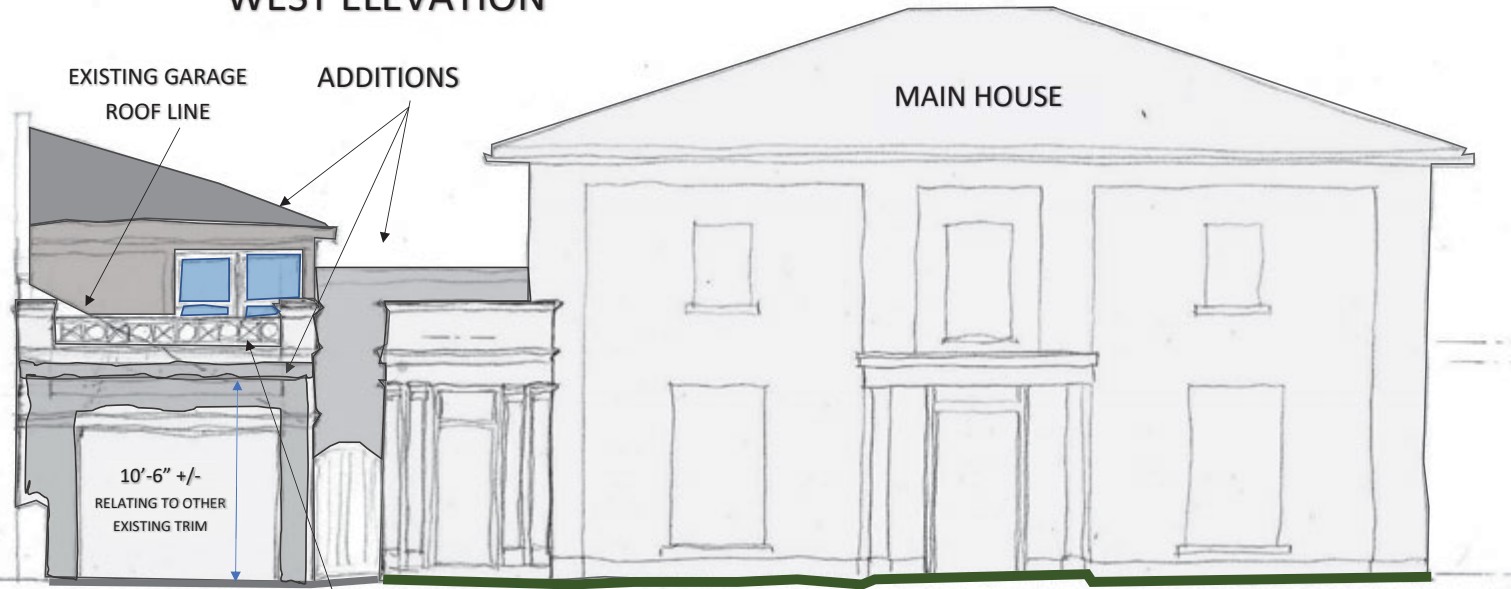
DRAWN BY RBD
DATE DEC 2019
SCALE N.T.S.
JOB NO. 1909
DWG. NO. SK-2
REV. NO.

Mikaela Hughes Architect Inc.
82 OAK POINT ROAD, WOLFE ISLAND ON N0H 2Y0 813-544-9183



WEST ELEVATION

COMMON ROOM



EAST ELEVATION JOHNSON ST.

CONFIRM SCALE

ONTARIO ASSOCIATION
of
ARCHITECTS

MIKAELA J. HUGHES
LICENCE
5615

mikaela@kos.net

PROJECT
194 JOHNSON ST

DRAWING
ELEVATIONS

DRAWN BY RBD
DATE SEPT 2019
SCALE N.T.S.
JOB NO. 1909
DWG. NO. SK-3
REV. NO.

Mikaela Hughes Architect Inc.
82 OAK POINT ROAD, WOLFE ISLAND ON K0H 2Y0 613-544-9163

TREE PROTECTION SPECIFICATIONS

1. THIS TREE PRESERVATION AND PROTECTION PLAN IS CONSISTENT WITH PROPOSED GRADING AND INFRASTRUCTURE WORKS AS SUBMITTED BY THE CONSULTING ENGINEER.

2A. ALL EXISTING TREES, WHICH ARE TO REMAIN, SHALL BE FULLY PROTECTED WITH STAKED AND ANCHORED FENCING TO CITY STANDARDS. ERECTED A MINIMUM OF 1.5 METRES (5 FEET) BEYOND THE "DIAPHRANE" AT THE DISCRETION OF CITY STAFF. BARRIER SHALL BE 1.2 METRES (4 FEET) IN HEIGHT, WITH A 2" X 4" FRAME THAT IS SOLIDLY BRACED. ALL SUPPORTS AND BRACING USED TO SAFELY SECURE THE BARRIER SHALL BE LOCATED OUTSIDE THE TPZ. ALL SUPPORTS AND BRACING SHOULD MINIMIZE DAMAGE TO ROOTS. BARRIER MATERIAL WITHIN CITY ROAD ALLOWANCES SHALL BE PLASTIC ORANGE FENCING (I.E. OPEN TO MAINTAIN SIGHT LINES). ALL OTHER BARRIERS SHALL BE CLOSED, CONSISTING OF EXTERIOR GRADE PLYWOOD AFFIXED WITH SCREWS.



TREE PROTECTION ZONE

2B. ALL TREE PROTECTION ZONES WILL BE IDENTIFIED WITH TPZ SIGNAGE. NO OTHER SIGNAGE, INCLUDING CORPUS LOGOS AND ADVERTISEMENTS, SHALL BE AFFIXED TO ANY TREE PROTECTION BARRIER. A SIGN THAT IS SIMILAR TO THE ILLUSTRATION BELOW MUST BE MOUNTED ON ALL SIDES OF A TREE PROTECTION BARRIER. THE SIGN SHOULD BE A MINIMUM OF 40 CM X 50 CM (15.7" X 23.6") AND MADE OF WHITE GATOR BOARD OR EQUIVALENT MATERIAL.



TREE PROTECTION ZONE (TPZ)

No grade change, storage of materials, vehicles or equipment is permitted within this TPZ. This tree protection barrier must not be removed without the written authorization of the City of Kingston, Planning & Development Department.

For information, call the Planning & Development Department at 613-548-4291, ext. 3180.

3. GROUPS OF TREES AND OTHER EXISTING PLANTINGS TO BE PROTECTED SHALL BE TREATED IN A LIKE MANNER WITH FENCING AROUND THE ENTIRE CLUMPS. AREAS WITHIN THE PROTECTIVE FENCING SHALL REMAIN UNDISTURBED AND SHALL NOT BE USED FOR THE STORAGE OF BUILDING MATERIALS OR EQUIPMENT, OR PARKING OF VEHICLES.

4. NO RIGGING CABLES SHALL BE WRAPPED AROUND OR INSTALLED IN TREES. SURPLUS SOIL, EQUIPMENT, DEBRIS OR MATERIALS SHALL NOT BE PLACED OVER ROOT SYSTEMS OF THE TREE(S) WITHIN THE PROTECTIVE FENCING. THERE SHALL BE DESIGNATED AREAS, WELL AWAY FROM ANY TPZ, FOR STORING EQUIPMENT, VEHICLES, DEBRIS, CONSTRUCTION MATERIALS, AND EXCAVATED SOIL.

5. NO CONTAMINANTS WILL BE DUMPED OR FLUSHED WHERE FEEDER ROOTS OF TREES EXIST.

6. THE DEVELOPER OR HIS/HER AGENT(S) SHALL MAINTAIN THE BARRIER AND SIGNAGE THROUGHOUT ALL PHASES OF THE PROJECT AND SHALL TAKE EVERY PRECAUTION NECESSARY TO PREVENT DAMAGE TO THE TREES TO BE RETAINED.

7. WHERE LIMBS OR OTHER PORTIONS OF RETAINED TREES MUST BE REMOVED TO ACCOMMODATE CONSTRUCTION WORK, OR LIMBS/ROOTS/HAVES BEEN INADVERTENTLY DAMAGED, THEY SHALL BE ATTENDED TO IN ACCORDANCE WITH ACCEPTED ARBORICULTURAL PRACTICES.

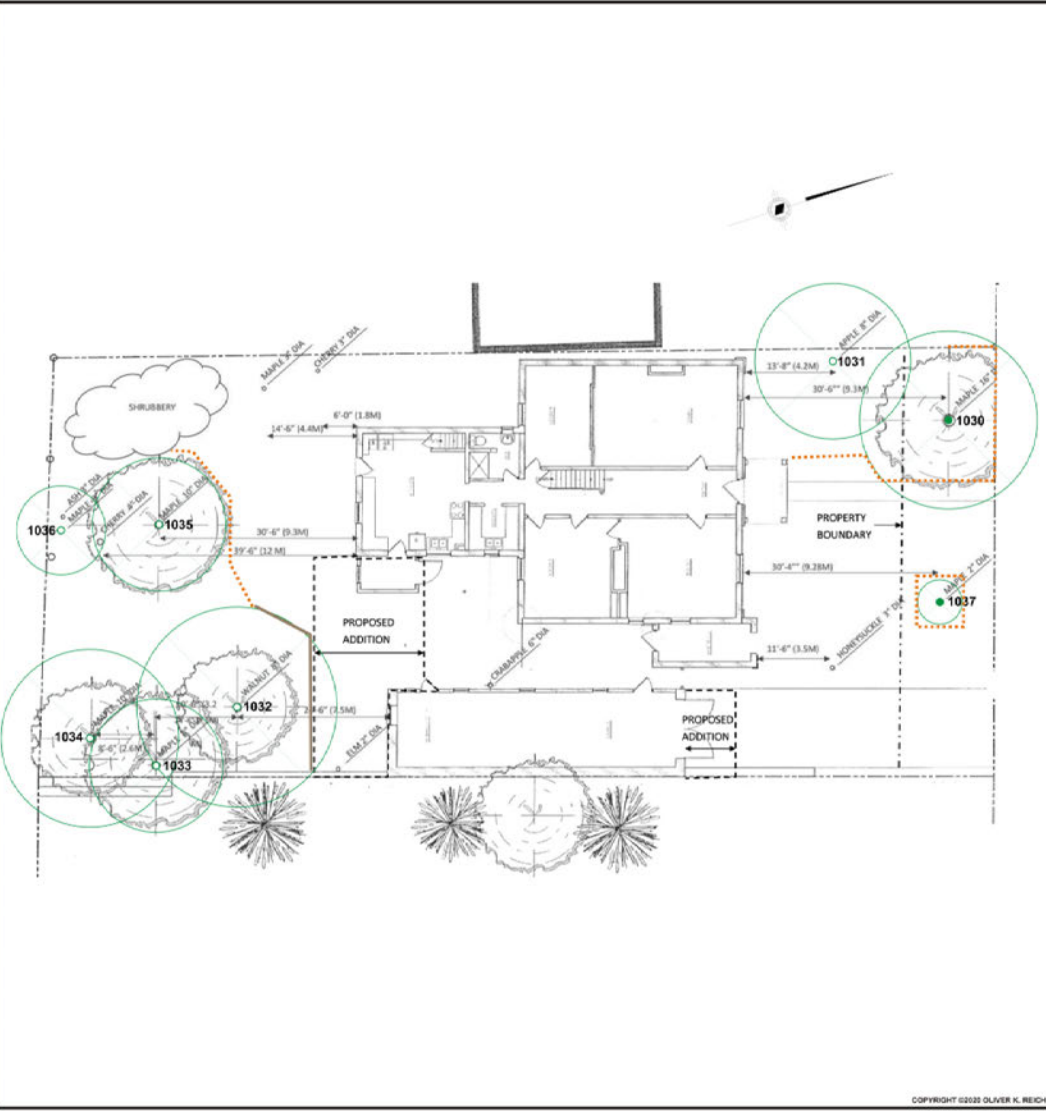
8. WHERE ROOF SYSTEMS OF TREES ARE EXPOSED DIRECTLY ADJACENT TO OR ARE DAMAGED BY CONSTRUCTION WORK, THEY SHALL BE TRIMMED NEATLY AND THE AREA BACKFILLED WITH APPROPRIATE MATERIAL TO PREVENT DESIGNATION.

9. WHERE NECESSARY, THE TREES WILL BE GIVEN AN OVERALL PRUNING TO RESTORE THE BALANCE BETWEEN ROOTS AND TOP GROWTH OR TO RESTORE THE APPEARANCE OF THE TREES.

10. TREES THAT HAVE DIED OR HAVE BEEN DAMAGED BEYOND REPAIR SHALL BE REMOVED AND REPLACED BY THE OWNER AT THEIR OWN EXPENSE, WITH TREES OF EQUAL SIZE AND SPECIES.

11. IF GRASSES AROUND TREES TO BE PROTECTED ARE LIKELY TO CHANGE, THE OWNER SHALL BE REQUIRED TO TAKE SUCH PRECAUTIONS AS DRY-WELLING, RETAINING WALLS AND ROOT FEEDING, TO THE SATISFACTION OF THE CITY.

12. ANY AND ALL REMEDIAL TREE WORK, SUCH AS REMOVALS, PRUNING, LIMBS/ROOTS, OR TRUNK BARK WOUNDS, SHALL BE COMPLETED BY AN ISA CERTIFIED ARBORIST IN ACCORDANCE WITH ACCEPTED ARBORICULTURAL PRACTICES.



TREE PRESERVATION PLAN
194 JOHNSON STREET
GEOGRAPHIC TOWNSHIP OF KINGSTON
CITY OF KINGSTON
COUNTY OF FRONTENAC

LEGEND:

TREES:

- PRIVATE TREE SUITABLE FOR PRESERVATION (WITH APPROX. DIAPHRANE SHOWN)
- CITY TREE SUITABLE FOR PRESERVATION (WITH APPROX. DIAPHRANE SHOWN)

TREE PROTECTION ZONES:

- OPEN TREE PROTECTION BARRIER (PLASTIC OR BICOLOUR STEEL FENCING)
- CLOSED TREE PROTECTION BARRIER (PLYWOOD)

NOTES:

ADAPTED FROM A 2020 DRAWING BY MIKAELA HUGHES ARCHITECTS INC.

REVISIONS:

NO.	DATE	REVISION

PREPARED BY:
Oliver Reichl
OLIVER K. REICHL, B.E.S. (Hons), R.C.A. #553
I.S.A. CERTIFIED ARBORIST NON-1784

DATE: FEBRUARY 3, 2020.

ARBORSPHERE
Arboriculture & Urban Forestry Consulting
16 LARUE MILLS RD. MALLORYTOWN, ON, K0E 1R0
(844)608-7337, arborosphere@gmail.com
www.arborosphere.ca

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