



**City of Kingston  
Report to Committee of Adjustment  
Report Number COA-20-050**

---

**To:** Chair and Members of the Committee of Adjustment  
**From:** Phillip Prell, Planner  
**Date of Meeting:** September 21, 2020  
**Application for:** Minor Variance  
**File Number:** D13-038-2020  
**Address:** 800 Riverview Way  
**Owners:** Cynthia Louise Cameron & Robert Miller  
**Applicant:** Emma Stucke (IBI Group Incorporated)

---

**Council Strategic Plan Alignment:**

Theme: Business as usual

Goal: See above

**Executive Summary:**

This report provides a recommendation to the Committee of Adjustment regarding an application for minor variance for the property located at 800 Riverview Way. The applicant is proposing to add a 66 square metre deck across the back of the existing residential dwelling that is in excess of the 30 square metre maximum permitted for a structure above 1.2 metres from finished grade in a residential zone.

The requested minor variance is consistent with the general intent and purpose of both the City of Kingston Official Plan and Zoning By-Law Number 32-74. The requested minor variance is desirable for the appropriate development or use of the land, building or structure and is 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.

September 21, 2020

Page 2 of 11

**Variance Number 1: Yard Encroachments in Residential Zones**

By-Law Number 32-74: Section 5(23)(b)

Requirement: That unenclosed decks in residential zones above 1.2 metres from finished grade be limited to an area of 30 square metres.

Proposed: To permit a 66 square metre unenclosed deck that is above 1.2 metres from finished grade.

Variance Requested: To allow a 36 square metre increase in the maximum area of an unenclosed deck that is above 1.2 metres from finished grade.

**Recommendation:**

**That** minor variance application, File Number D13-038-2020, to permit an increase in the maximum area of an unenclosed deck for the property located at 800 Riverview Way be approved; and

**That** approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-20-050.

September 21, 2020

Page 3 of 11

**Authorizing Signatures:**



---

**Phillip Prell, Planner**

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

Paige Agnew, Commissioner, Community Services

September 21, 2020

Page 4 of 11

**Options/Discussion:**

On August 12, 2020, a minor variance application was submitted by Emma Stucke (IBI Group Incorporated), on behalf of the owners, Cynthia Louise Cameron & Robert Miller, with respect to the property located at 800 Riverview Way. The variance is requested to permit a 66 square metre unenclosed deck where only a 30 square metre deck would be permitted as of right.

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

- Site Survey (Exhibit E);
- Deck Elevations (Exhibit F); and
- IBI Minor Variance Cover Letter (Exhibit G).

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 designated “Low Density Residential” in the Rideau Community Secondary Plan as shown on Schedule RC-1 (listed as section 10B. in the City’s Official Plan) and zoned “Residential Type 12 Zone (R12) – Site Specific R12-5” in Zoning By-Law Number 32-74. The subject property is located within a residential subdivision that is still being built out and abuts a detached dwelling unit to the east. Additionally, the property abuts a Utilities Kingston access lane to the northwest and a required drainage swale setback to the south. Further south is abandoned quarry lands and further west are flood plain lands, both prohibit residential uses as the main property use (Exhibit D – Zoning By-Law Map). The site’s grading, slopes down from the northeast to southwest and is the reason for this variance. The property has 12.5 metres of frontage along Riverview Way.

**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.

September 21, 2020

Page 5 of 11

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

The subject property is designated “Low Density Residential” in the Rideau Community Secondary Plan as shown on Schedule RC-1 in the City’s 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 property is within the Urban Boundary, which is to be the focus of additional development of land and structures within the City of Kingston. As this application is requesting additional area for a deck that will be 2.75 metres above finished grade compatibility with surrounding uses and consideration of site characteristics was reviewed. The Cataraqui Region Conservation Authority (CRCA) has no concerns with the proposal as the proposed deck is more than 6 metres away from the top of the bank of the nearby drainage swale located to the south of the property.

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;

As the application is proposing a 66 square metre deck where only a 30 square metre deck is permitted in a residential zone that is above 1.2 metres from finished grade, privacy/overlooking impacts on neighbouring residential properties is an important consideration. The existing property can utilize multiple existing site characteristics to mitigate these concerns: (1) the Utilities Kingston access lane adds approximately 9 metres to the setback distance from the northern neighbours, (2) the land use to the south is buffered by a required drainage swale setback and the uses further south and west do not permit residential uses as the main property use, (3) as the property is a pie shape, there should be less direct overlook potential into nearby yards, and (4) the proposal exceeds the required 1.2 metre side yard setback that abuts the nearby residential use and provides an additional 4.3 metre setback from the property line (Exhibits D & G). These existing measures should minimize loss of privacy due to intrusive overlook, reduce shadowing effects and limit additional light pollution on adjacent properties from the elevated deck.

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;

September 21, 2020

Page 6 of 11

The application for 800 Riverview Way is not proposing any changes to the existing driveway and parking space. Since Riverview Way is a local street and facilitates local traffic volumes, there should be no access/exit or parking concerns.

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 proposal is not subject to urban design policies as the variance focuses on yard encroachments for unenclosed decks in residential areas for a single-family home. There are no abutting designated heritage buildings surrounding 800 Riverview Way. The property is not within a heritage district.

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 designated under the *Ontario Heritage Act*. The property is cleared of archeological potential.

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 property is serviced with both municipal water and sewage services. As the variance is related to unenclosed deck regulations, there should be no change in service demand.

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 and cumulative impact of the proposal does not warrant a zoning by-law amendment.

8. The Committee of Adjustment may attach such conditions as it deems appropriate to the approval of the application 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;

The Committee of Adjustment may require additional conditions as it deems appropriate to the approval of the application. Recommended conditions are listed in Exhibit A-Recommended Conditions, attached to this document. 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.

September 21, 2020

Page 7 of 11

The approval of the requested variances will not set a precedent for the immediate area, as each minor variance is reviewed independently and judged on its own merits and metrics.

The proposal meets the intent of the Official Plan, as the proposed increase in permitted area for unenclosed decks above 1.2 metres from finished grade will not result in any negative impacts to adjacent properties or to the neighbourhood. Additionally, there are multiple existing decks on nearby adjacent residential properties, therefore the addition of a rear yard deck should not be out of character for the neighbourhood.

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

The subject property is zoned "Residential Type 12 Zone (R12) – Site Specific R12-5" in the City of Kingston Zoning By-Law Number 32-74, entitled "Township of Pittsburgh Zoning By-Law", as amended. The "R12-5" zone permits the following types of dwelling house: linked (subject to site specific provisions), detached single family, semi-detached, and row. The "R12-5" zone also permits the following non-residential uses: a public use and a home occupation.

The proposal requires a variance to Section 5(23)(b) – Yard Encroachment regulations.

### Variance Number 1: Yard Encroachments in Residential Zones

By-Law Number 32-74:	Section 5(23)(b)
Requirement:	That unenclosed decks in residential zones above 1.2 metres from finished grade be limited to an area of 30 square metres.
Proposed:	To permit a 66 square metre unenclosed deck that is above 1.2 metres from finished grade.
Variance Requested:	To allow a 36 square metre increase in the maximum area of an unenclosed deck that is above 1.2 metres from finished grade.

The purpose of the yard encroachment regulations in residential zones is to control for potential neighbouring property privacy/overlook concerns that could result in a reduction of the ability to enjoy one's property. Once a proposed unenclosed deck exceeds the 1.2 metre height threshold above finished grade, these regulations along with the, typically, more onerous building setback regulations are triggered to further control these potential impacts. In addition, a maximum size of 30 square metres is also implemented after the 1.2 metre threshold and is the subject of this variance. The variance to permit a 36 metre increase in the maximum area of an unenclosed deck that is above 1.2 metres from finished grade maintains the general intent and purpose of the zoning by-law since the property provides more space than required by the building setback requirements, there are existing mitigation measures, and existing site characteristics that affect the property and neighbourhood.

The subject property is proposing a deck that would provide a greater setback than required by the by-law. Once a proposed unenclosed deck exceeds 1.2 metres above finished grade it must conform to the minimum setback from the interior side lot line of the

September 21, 2020

Page 8 of 11

respective zone, in this case there must be a setback of at least 0.6 metres on one side of the property and 1.2 metres on the other. The proposal provides for 3.0 metres on the side that abuts the Utilities Kingston access lane and 5.5 metres on the abutting residential side (Exhibit G – IBI Minor Variance Cover Letter). In addition, a minimum of 4 metres is required from the rear lot line and the proposal provides for approximately 12.5 metres at its nearest point. The proposal provides generous setbacks well in excess of those required in the by-law.

There are also multiple mitigation measures and site characteristics that further buffer the neighbouring residential properties from potential negative effects. To the northwest is a Utilities Kingston access lane that adds approximately 9 metres to the already generous 3.0 metre setback and further west are flood plain lands that do not permit residential uses as the principal use. To the south is a required drainage swale setback and even further south is an abandoned quarry that permits no residential uses. As the property is in a pie shape, this further reduces the direct overlook potential into the easterly neighbour's rear yard (Exhibits B & D). These existing measures and site characteristics provide additional buffering to mitigate potential overlook/privacy issues on residential properties.

The subject property is situated on a slope that begins from the northeast and continues to the southwest. The intent of the yard encroachment provisions of the by-law is to prevent overdeveloping of decks, patios, balconies, etc. in terms of area and height. It is assumed that if the patio is above 1.2 metres from finished grade there is a greater potential for intrusive overlook, so a maximum area of 30 square metres is implemented. However, this appears to assume that neighbouring residential properties have the same finished grade as the subject property and have the same potential for overlook despite the significant grade change. In this case, if the property's finished grade at the front of the house were applied instead of the rear grade, the proposed deck size of 66 square metres would be permitted as of right since it could occupy up to 50% of the yard in which it is located (Exhibit F - Deck Elevations). The slope of the property necessitates the variance but overlook concerns should be controlled.

The general intent and purpose of Zoning By-Law Number 32-74 is maintained.

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

The requested variance is considered minor as there is a generous setback between the abutting residential property, there are multiple mitigation measures and site characteristics to buffer other nearby residential properties from negative effects and the deck size would be permitted as of right if the slope on the backyard matched the front yard and did not create a finished grade in excess of the 1.2 metres regulation.

The setbacks, 3.0 metres on the northwest side with the Utilities Kingston access lane and 5.5 metres on eastern side with the abutting neighbour, are in excess of the 0.6 and 1.2 metres required for the main building on the lot. The easements and setbacks to the northwest and south respectively provide additional setback area, and the northern Utilities Kingston easement further buffers the future residential use to the northwest of the subject



September 21, 2020

Page 9 of 11

property (Exhibit D – Zoning By-Law Map). The neighbours to the east also benefit from reduced direct overlook as the subject property is a pie shape and the adjacent properties are not oriented in a straight line from 800 Riverview Way. Meaning only portions of the neighbouring property are visible from the backyard of the subject property. Finally, as there is a substantial grading change on the property, the regulations requiring a maximum area when above 1.2 metres from finished grade are better suited to lands with a relatively consistent grade as this regulation relates to intrusive overlook. If the grade were to be measured on the front of the property, the unenclosed deck size would be permitted as of right (Exhibit F – Deck Elevations).

The proposed variance is considered minor in nature.

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

The requested variance is desirable for the appropriate development and use of land as the property abuts only one residential property (and provides the larger approximate 5.5 metre setback along the abutting residential property), controls for potential overlook by appropriately setting back the rear unenclosed deck from the side and rear lot lines and due to the pie shaped lot fabric, and abuts several non-residential zones/uses (easements, Extractive Industrial – Processing Operations, and Flood Plain Zones) that are not the focus of yard encroachment regulation protections as they are not residential uses (Exhibits D & G).

The variance is desirable and an appropriate use of the land.

**Technical Review: Circulated Departments and Agencies**

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

**Technical Comments**

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

September 21, 2020

Page 10 of 11

**Public Comments**

At the time this report was finalized, August 21<sup>st</sup>, 2020. 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 maintains the general intent and purpose of both the City of Kingston Official Plan and Zoning By-Law Number 32-74. The proposal is desirable for the appropriate development or use of the land, building or structure and the requested variance(s) is 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.

**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 32-74

**Notice Provisions:**

A Committee of Adjustment Meeting is going to be held respecting this application on September 21, 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

September 21, 2020

Page 11 of 11

**Contacts:**

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

Phillip Prell, Planner 613-564-4291 extension 3219

**Other City of Kingston Staff Consulted:**

None

**Exhibits Attached:**

- Exhibit A Recommended Conditions
- Exhibit B Key Map
- Exhibit C Official Plan Map
- Exhibit D Zoning By-Law Map
- Exhibit E Site Survey
- Exhibit F Deck Elevations
- Exhibit G IBI Minor Variance Cover Letter

## **Recommended Conditions of Approval**

### **Application for Minor Variance, File Number: D13-038-2020**

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

#### **1. Limitation**

That the approved variance applies only to the proposed unenclosed deck at 800 Riverview Way 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**

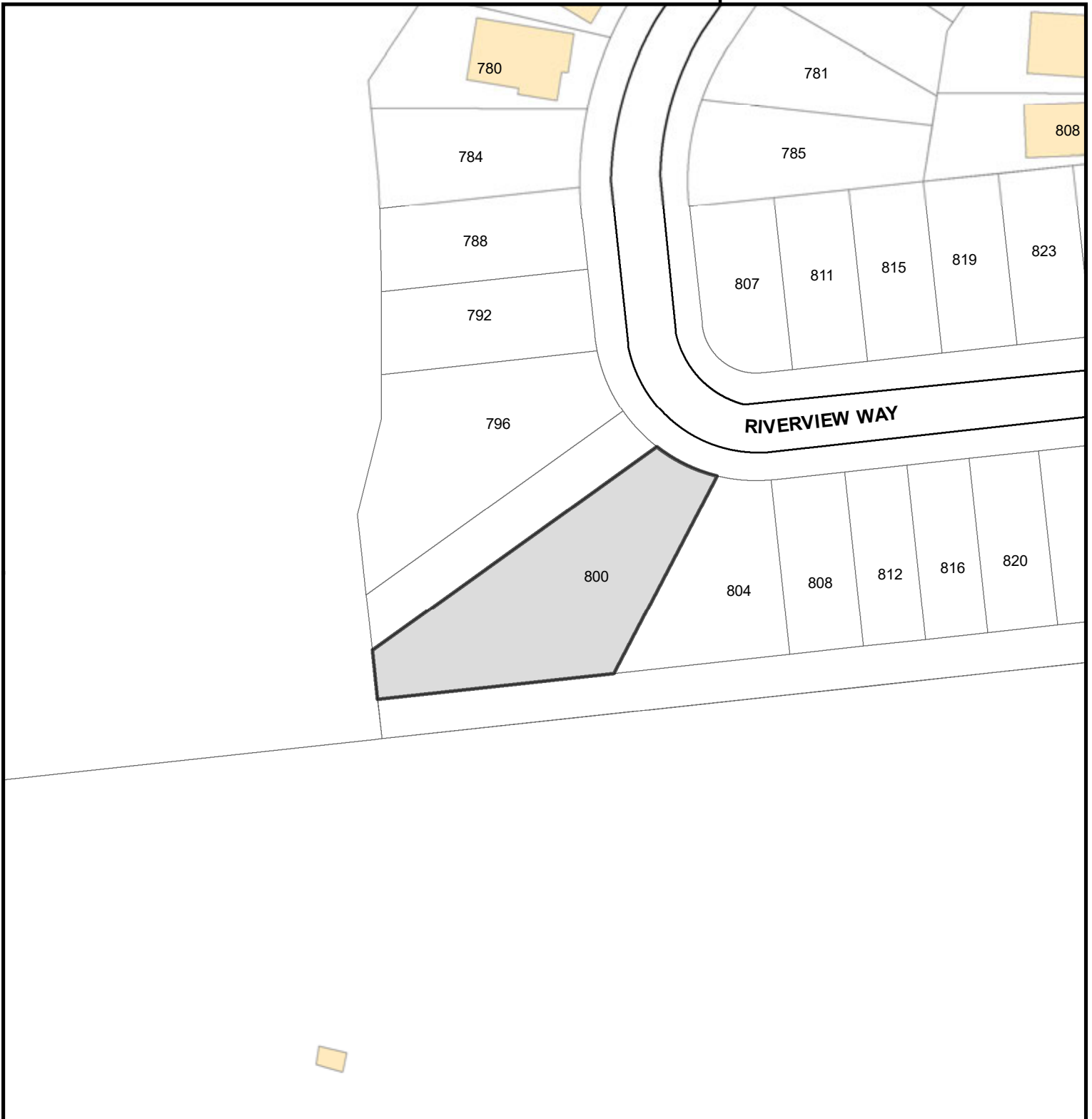
The owner/applicant shall provide to the Building Services a copy of the decision of the Committee of Adjustment, together with a copy of the approved drawings, when they make an application for a Building Permit.

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.

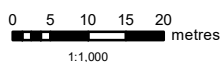


Disclaimer: This document is subject to copyright and may only be used for your personal, noncommercial use provided you keep intact the copyright notice. The City of Kingston assumes no responsibility for any errors, and is not liable for any damages of any kind resulting from the use of, or reliance on, the information contained in this document. The City of Kingston does not make any representation or warranty, express or implied, concerning the accuracy, quality, or reliability of the use of the information contained in this document. 2019 The Corporation of the City of Kingston.



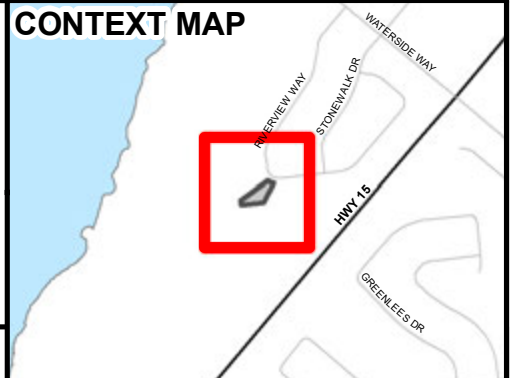
COMMITTEE OF ADJUSTMENT  
**Key Map**


File Number: D13-038-2020  
Address: 800 Riverview Way

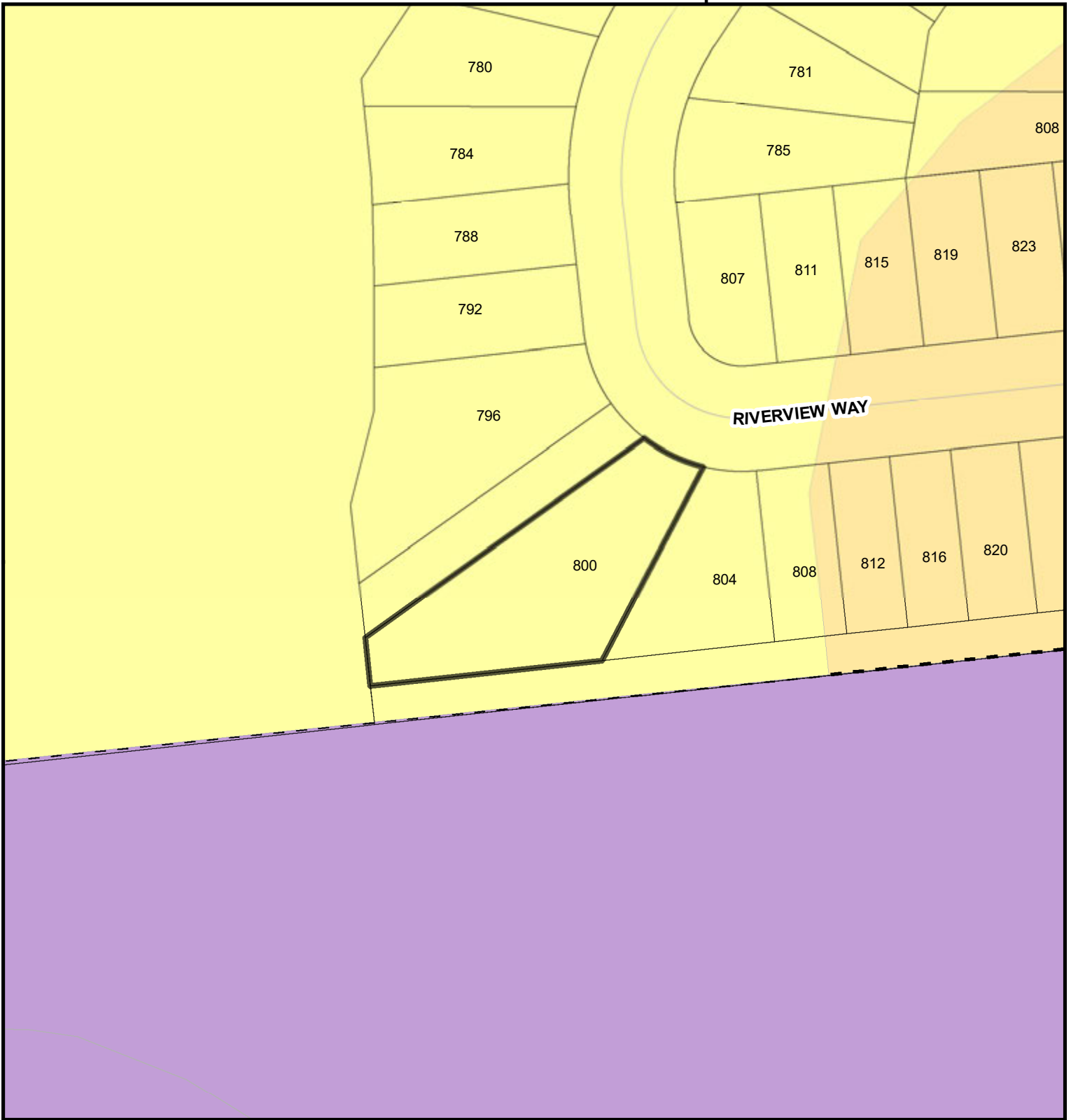


DATE: 2020-08-14  
PREPARED BY: rrochefort

**CONTEXT MAP**



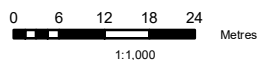
 Lands Subject to Minor Variance



Planning Services  
a department of  
Community  
Services

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

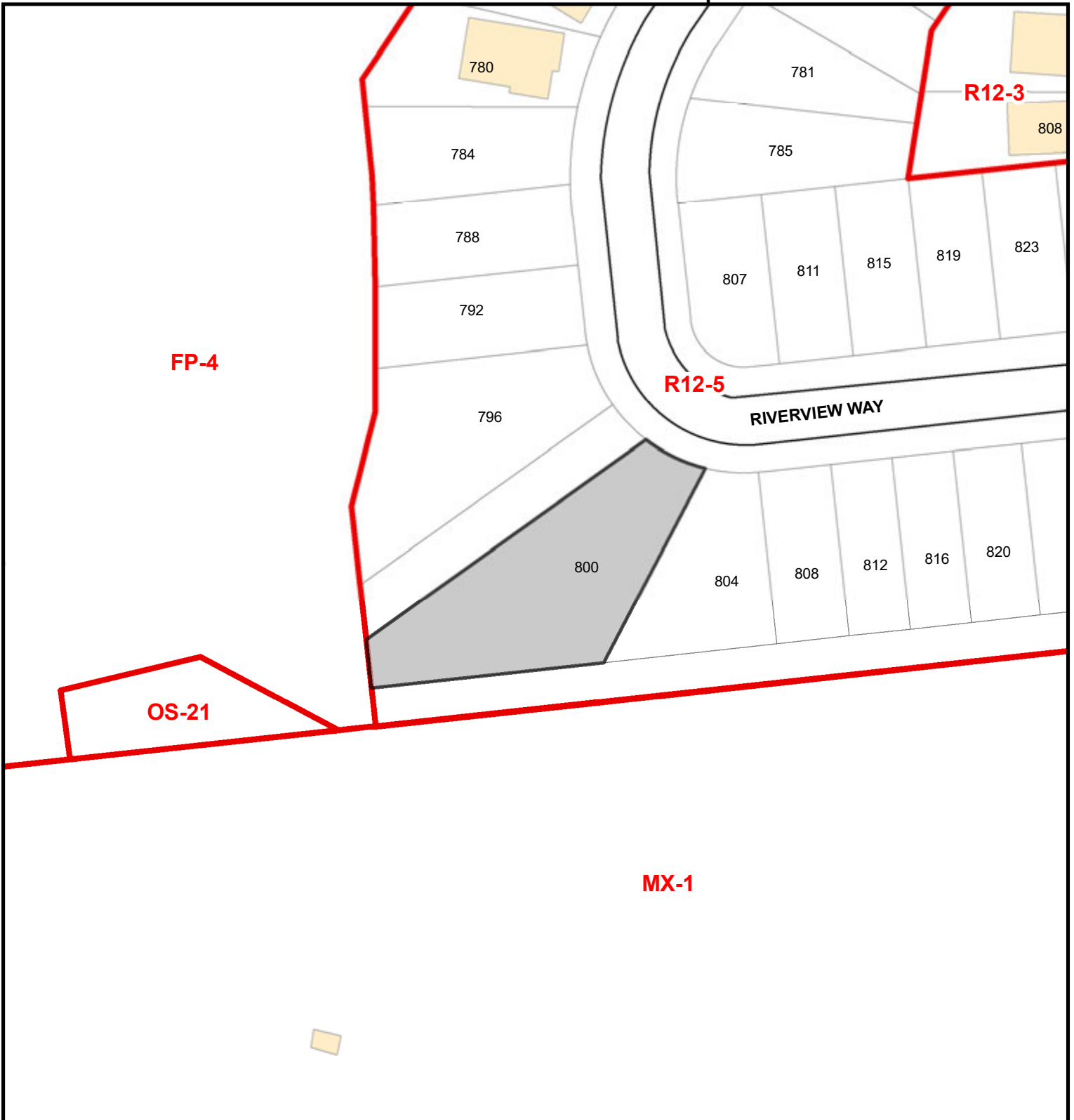
File Number: D13-038-2020  
Address: 800 Riverview Way



**Legend**

- Subject Lands
- SECONDARY PLAN AREA
- Rideau- Low Density Residential
- Rideau- Medium Density Residential
- Rideau- Special Study Area
- Rideau- Existing Quarry

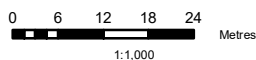




Planning Services  
a department of  
Community  
Services

COMMITTEE OF ADJUSTMENT  
**Existing Zoning - By-law 32-74, Map 4**

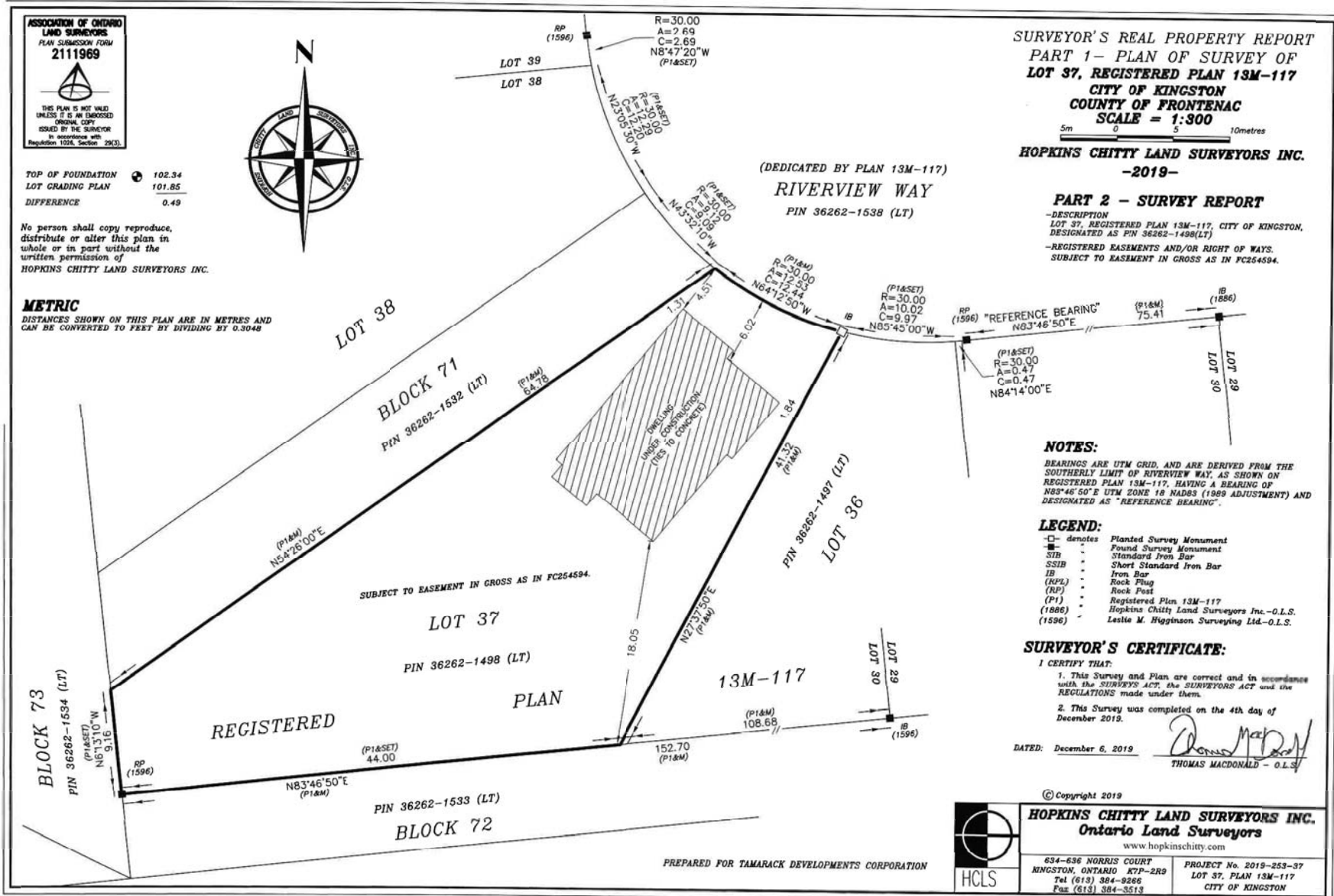
File Number: D13-038-2020  
Address: 800 Riverview Way



**Legend**

- Subject Lands
- Consolidated Zoning





ASSOCIATION OF ONTARIO  
LAND SURVEYORS  
PLAN SUBMISSION FORM  
2111969



TOP OF FOUNDATION 102.34  
LOT GRADING PLAN 101.85  
DIFFERENCE 0.49

No person shall copy, reproduce, distribute or alter this plan in whole or in part without the written permission of HOPKINS CHITTY LAND SURVEYORS INC.

**METRIC**  
DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

SURVEYOR'S REAL PROPERTY REPORT  
PART 1 - PLAN OF SURVEY OF  
LOT 37, REGISTERED PLAN 13M-117  
CITY OF KINGSTON  
COUNTY OF FRONTENAC  
SCALE = 1:300

5m 0 5 10metres

HOPKINS CHITTY LAND SURVEYORS INC.  
-2019-

**PART 2 - SURVEY REPORT**  
-DESCRIPTION  
LOT 37, REGISTERED PLAN 13M-117, CITY OF KINGSTON, DESIGNATED AS PIN 36262-1498(LT)  
-REGISTERED EASEMENTS AND/OR RIGHT OF WAYS  
SUBJECT TO EASEMENT IN GROSS AS IN FC254594.

**NOTES:**  
BEARINGS ARE UTM GRID, AND ARE DERIVED FROM THE SOUTHERLY LIMIT OF RIVERVIEW WAY, AS SHOWN ON REGISTERED PLAN 13M-117, HAVING A BEARING OF N85°46'50"E UTM ZONE 18 NAD83 (1989 ADJUSTMENT) AND DESIGNATED AS "REFERENCE BEARING".

**LEGEND:**  
 - [Symbol] - denotes Planted Survey Monument  
 - [Symbol] - Found Survey Monument  
 - SIB - Standard Iron Bar  
 - SSB - Short Standard Iron Bar  
 - IB - Iron Bar  
 - (RP) - Rock Plug  
 - (RP) - Rock Post  
 - (P1) - Registered Plan 13M-117  
 - (1886) - Hopkins Chitty Land Surveyors Inc. - O.L.S.  
 - (1596) - Leslie M. Hugginson Surveying Ltd. - O.L.S.

**SURVEYOR'S CERTIFICATE:**  
I CERTIFY THAT:  
1. This Survey and Plan are correct and in accordance with the SURVEYORS ACT, the SURVEYORS ACT and the REGULATIONS made under them.  
2. This Survey was completed on the 4th day of December 2019.

DATED: December 6, 2019

*Thomas Macdonald*  
THOMAS MACDONALD - O.L.S.

© Copyright 2019  
HOPKINS CHITTY LAND SURVEYORS INC.  
Ontario Land Surveyors  
www.hopkinschitty.com

634-636 NORRIS COURT  
KINGSTON, ONTARIO K7P-2R9  
Tel: (613) 384-9266  
Fax: (613) 384-5513

PROJECT No. 2019-253-37  
LOT 37, PLAN 13M-117  
CITY OF KINGSTON

PREPARED FOR TAMARACK DEVELOPMENTS CORPORATION





August 12, 2020

Mr. Tim Park  
 Manager, Development Approvals  
 City of Kingston  
 1211 John Counter Blvd  
 Kingston, Ontario K7L 2Z3

Dear Mr. Park:

**APPLICATION FOR MINOR VARIANCE**  
**800 RIVERVIEW WAY**

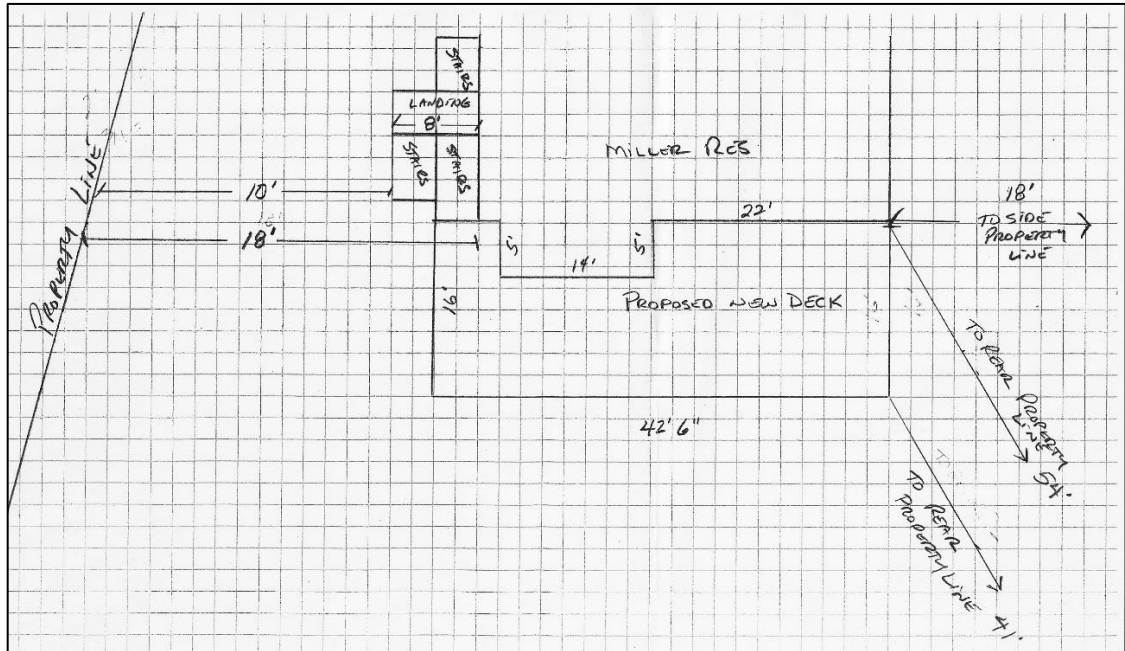
On behalf of Rob Miller (the “owner”), we are pleased to submit the enclosed Application for Minor Variance for the lands located at 800 Riverview Way in the City of Kingston (the “subject lands”). The owner is proposing to construct an elevated deck at the second floor level of their new dwelling. The subject lands have a sloping back yard with a walk out basement, and the proposed deck is to accommodate access from the second level. The subject lands are pie-shaped and back onto lands used for a quarry. There is one neighbouring dwelling to the east of the subject lands. To the west of the subject lands is a Utilities Kingston access lane that leads to pump station. Further west are undeveloped residential lots. The proposed development is not anticipated to have any adverse impacts on neighbouring properties due to the lot configuration, including generous setbacks and rear yard size, and the proximity and nature of surrounding development.

The proposed development includes the construction of a 65.5 sq. m (16 x 44 ft.) deck across the back of their existing dwelling off of the main floor. The proposed deck is 2.75 m (108 in.) above finished grade. A reduced copy of the deck plan is included in **Figure 1** below. Based on our review of the applicable zoning and correspondence from the City of Kingston, we understand that a variance from Pittsburgh Township Zoning By-law No. 32-74 is required in order to allow for the construction of the proposed deck, which exceeds the maximum area of 30 sq. m permitted for decks over 1.2 metres above finished grade. Due to the sloping nature of the backyard, the deck must be elevated to 2.75 m above finished grade in order to accommodate the walkout basement with doors and windows above the finished grade. It is noted that the by-law would allow this size of deck if it were 1.2 m or less above the finished grade due to the large rear yard. The requested variance to permit the proposed deck is outlined in **Table 1** below.

**Table 1: Requested Variances**

	SECTION	PERMITTED	PROPOSED
1)	<b>5(23)(b)</b> Maximum Area	30 sq. m	65.5 sq. m (16' x 44')

Figure 1: Proposed Deck



The owner had contemplated a “tiered” deck such that only a portion of the proposed deck is at an increased height, but we understand that a deck at a lower height would then be located in the approximate middle of the walkout basement level, hampering the access to light, views and access to the walkout basement.

Should you have any questions or require further information, please do not hesitate to contact the undersigned.

Sincerely,

**IBI Group**

Mark Touw MCIP, RPP  
Associate Director

Emma Stucke BCD  
Planner