



**City of Kingston  
Report to Committee of Adjustment  
Report Number COA-20-058**

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**To:** Chair and Members of the Committee of Adjustment  
**From:** Lindsay Sthamann, Planner  
**Date of Meeting:** November 16, 2020  
**Application for:** Minor Variance  
**File Number:** D13-030-2020  
**Address:** 809 Development Drive  
**Owner:** Cliffside Holdings Inc.  
**Applicant:** IBI Group Incorporated – Mark Touw

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**Council Strategic Plan Alignment:**

Theme: 2. Increase housing affordability

Goal: 2.2 Build a significant number of new residential units with a range of affordability.

**Executive Summary:**

This report provides a recommendation to the Committee of Adjustment regarding an application for minor variances for the property located at 809 Development Drive. The applicant is proposing to increase the maximum deck height and reduce the minimum length of accessible parking spaces in order to construct a stacked townhouse development.

An application for zoning by-law amendment (File Number D14-034-2018) was submitted in 2018 to permit townhouse units on this property. The site-specific 'R4-45' zone was approved by Council on December 17th, 2019. The site-specific zone alters several zoning provisions to accommodate the proposed townhouse development on the property. The property is currently subject to an active site plan application (File Number D11-037-2019). The two requested minor variances were identified during the site plan application review process.

The requested minor variances are consistent with the general intent and purpose of both the City of Kingston Official Plan and Zoning By-Law Number 76-26. The requested minor variances

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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.

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**Variance Number 1:**

**By-Law Number 76-26:** Section 15(3)(rr)(6)  
**Requirement:** maximum deck height 1.2 metres  
**Proposed:** maximum deck height 1.6 metres  
**Variance Requested:** 0.4 metres

**Variance Number 2:**

**By-Law Number 76-26:** Section 5(16)(a)(ii)(a)&(b)  
**Requirement:** minimum length of accessible parking space 6.0 metres  
**Proposed:** minimum length of accessible parking space 5.2 metres  
**Variance Requested:** 0.8 metres

**Recommendation:**

**That** minor variance application, File Number TD13-030-2020, for the property located at 809 Development Drive to increase the maximum deck height and reduce the minimum length of accessible parking spaces, be approved; and

**That** approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-20-058.

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**Authorizing Signatures:**



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Lindsay Sthamann, Planner

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

Paige Agnew, Commissioner, Community Services

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**Options/Discussion:**

On July 14, 2020, a minor variance application was submitted by OTIBI Group Incorporated – Mark Touw, on behalf of the owner, Cliffside Holdings Inc., with respect to the property located at 809 Development Drive. The variance is requested to increase the maximum deck height and reduce the minimum length of accessible parking spaces.

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

- Site Plan & Elevations (Exhibit G)
- Planning Letter (Exhibit H)

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

**Site Characteristics**

The subject property is located at 809 Development Drive. The subject property is designated ‘Residential’ and ‘Environmental Protection Area’ in the Official Plan and zoned ‘R4-45 – Site Specific Residential Type 4 Zone’ in zoning By-law 76-26. The property abuts residential zones to the west and south, open space zone to the east, and commercial uses across Development Drive to the North (Exhibit F – Zoning Map).

**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’ and Environmental Protection Area’ in the City of Kingston Official Plan.

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

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

The proposed variances will not have any negative impacts on abutting properties or uses and/or structures. The proposed variances are compatible with the surrounding land uses and will not result in significant impacts or changes to the original townhouse proposal.

2. The proposed *development* will be *compatible* with surrounding uses, buildings or structures and *development* standards associated with adjacent properties, and if necessary, incorporate means of alleviating *adverse effects* on abutting land uses as recommended in Section 2.7 of this Plan;

The proposed variance does not significantly change what was originally considered under the zoning by-law amendment D14-034-2019. There are no anticipated impacts on the adjacent properties resulting from these variances.

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;

Policy 4.6.61 of the Official Plan addresses accessible parking. It states: "The zoning by-law will be used to regulate the supply of accessible parking as required by provincial legislation. The location of accessible parking spaces shall provide enhanced accessibility through a consideration of factors including, but not limited to, the distance between parking spaces and accessible building entrances, security of the parking area, lighting of the area, protection from the weather, and ease of maintenance."

While the Zoning By-law requires a minimum length of 6.0 metres for an accessible parking space the Provincial Regulations do not specify a minimum length. The proposed variance meets the intent of the Official Plan to provide for the functional needs of site users and meets the intent of the OP policies related to accessibility. The proposed reduction in accessible parking space depth is not anticipated to negatively impact the functionality of the accessible parking spaces and is consistent with the Accessibility for Ontarians with Disabilities Act (AODA) Standards for accessible parking. Given the relatively small size of the parking area and minimal turn-over associated with a residential development of this size and nature, it is expected that if a larger accessible vehicle requiring rear loading is using the parking area, there would not be a safety concern about the vehicle extending a further 0.8 m into the double-lane driving aisle during those times of loading/unloading from the rear of the vehicle.

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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 generally conforms to applicable urban design policies, as outlined in Section 8 of the Official Plan. The proposal will result in an 18-unit stacked townhouse structure whose height is permitted in the 'R4-45' zone.

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 nor is it adjacent to a designated property.

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 subject property is located within the Urban Boundary with municipal water and sanitary services. The application was circulated to Utilities Kingston through technical review, who noted that there were no concerns with the application. The owner/applicant is responsible to ensure existing services are sufficient for the proposal. This will be addressed through the Building Permit and Site Plan Agreement application process.

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 proposal meets the four tests of a Minor Variance as outlined in the Planning Act and described herein.

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;

Multiple conditions of approval are recommended in this report in Appendix A.

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

The proposal is in keeping and compatible with the existing development in the surrounding area and will not set an undesirable precedent.

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

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

The subject property is zoned 'R4-45 - Site Specific Residential Type 4 Zone' in the City of Kingston Zoning By-Law Number 76-26, entitled "Township of Kingston Restricted Area By-Law", as amended. The R4-45 zone permits a vertically stacked row-dwelling house with a maximum of 18 dwelling units.

The proposal requires a variance to Section 15 for the maximum height of the front decks and to Section 5 related to the minimum length of an accessible parking space.

**Variance Number 1:**

**By-Law Number 76-26:** Section 15(3)(rr)(6)  
**Requirement:** maximum deck height 1.2 metres  
**Proposed:** maximum deck height 1.6 metres  
**Variance Requested:** 0.4 metres

**Variance Number 2:**

**By-Law Number 76-26:** Section 5(16)(a)(ii)(a)&(b)  
**Requirement:** minimum length of accessible parking space 6.0 metres  
**Proposed:** minimum length of accessible parking space 5.2 metres  
**Variance Requested:** 0.8 metres

The subject lands are subject to site specific zoning provisions and the Kingston Zoning By-law 76-26. The proposed deck height variance meets the intent of the by-law to provide appropriate setbacks and heights for development. The site-specific rezoning did not account for increasing the proportion of the basement that is above grade to allow for larger windows and more light in these lower units. The proposed increase in deck height is consistent with the intent of the zoning by-law as the townhouse buildings will still be under the maximum allowable height at 11.5 metres (12.5 metres is permitted) and the steps will continue to meet the 0.5 metre front yard setback requirement.

The proposed accessible parking space variance meets the intent of the by-law to provide accessible parking spaces of a sufficient size. The variance is requesting to reduce the length of the accessible parking spaces to 5.2 metres, consistent with the approved length of standard parking spaces for the development, and with a width consistent with the AODA standard. The proposed width of accessible parking space and access aisle comply with the by-law. It is noted that parking space length is not identified in the Ontario Regulation 191/11 Integrated Accessibility Standards and an accessible parking space length of 5.2 metres is consistent with other projects in the City of Kingston. As noted above, given the relatively small size of the parking area and minimal turn-over associated with a residential development of this size and nature, it is expected that if a larger accessible vehicle requiring rear loading is using the parking area, there would not be a safety concern about the vehicle extending a further 0.8 m into the double-lane driving aisle during those times of loading/unloading from the rear of the vehicle. As such, the requested variance maintains the intent of the zoning by-law.



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

The determination of whether an application is minor is not based on the degree of the variance requested, but rather on whether the impact of granting the request(s) is minor. This includes how the variance could impact the existing or planned functionality of the subject lands and/or the surrounding lands. The proposed increase in deck height will still allow for safe access to the main floor units while providing larger windows and more light in the basement units. The townhouses will still be under the maximum allowable height at 11.5 metres (12.5 metres is permitted) and the steps will continue to meet the 0.5 metre front yard setback requirement.

The proposed reduction in accessible parking space length is compliant with AODA standards. Given the relatively small size of the parking area and minimal turn-over associated with a residential development of this size and nature, it is expected that if a larger accessible vehicle requiring rear loading is using the parking area, there would not be a safety concern about the vehicle extending a further 0.8 m into the double-lane driving aisle during those times of loading/unloading from the rear of the vehicle.

The variances are a minor re-adjustment to the previously approved site specific zoning amendment.

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

The proposed variances are desirable and appropriate use of land as they facilitate the development of 18 residential units and are not anticipated to have an adverse impact on the streetscape or adjacent properties. This will increase the availability of housing within the urban boundary.

**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 checked="" type="checkbox"/> Forestry          | <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                  | <input checked="" type="checkbox"/> Canadian National Railways              |
| <input checked="" type="checkbox"/> Housing           | <input checked="" type="checkbox"/> District Councillor    | <input type="checkbox"/> Ministry of Transportation                         |
| <input type="checkbox"/> KEDCO                        | <input type="checkbox"/> Municipal Drainage                | <input type="checkbox"/> Parks of the St. Lawrence                          |
| <input checked="" type="checkbox"/> CRCA              | <input type="checkbox"/> KFL&A Health Unit                 | <input type="checkbox"/> Trans Northern Pipelines                           |
| <input type="checkbox"/> Parks Canada                 | <input type="checkbox"/> Eastern Ontario Power             | <input checked="" type="checkbox"/> MAAC                                    |
| <input type="checkbox"/> Hydro One                    | <input type="checkbox"/> Enbridge Pipelines                | <input type="checkbox"/> TransCanada Pipelines                              |
| <input checked="" type="checkbox"/> Kingston Airport  |  |   |

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### Technical Comments

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

### Public Comments

At the time this report was finalized, no public comments 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

An application for zoning by-law amendment (File Number D14-034-2018) was submitted in 2018 to permit townhouse units on this property. The site-specific 'R4-45' zone was approved by Council on December 17th, 2019. The site-specific zone alters several zoning provisions to accommodate the proposed townhouse development on the property.

The property was subject to a consent application (File Number D10-039-2018) to sever it from the parcel addressed 847 Development Drive. This consent application is complete.

The property is currently subject to an active site plan application (File Number D11-037-2019).

Section 45(1.3) of the Planning Act prohibits an applicant from submitting a minor variance application for a site that received approval through a zoning by-law amendment within two years of the passing of the amending by-law. Council approval was received on October 6, 2020 (Report Number [20-202](#)) to exempt this minor variance application from this section of the Planning Act.

### Conclusion

The requested variance(s) maintain(s) the general intent and purpose of both the City of Kingston Official Plan and Zoning By-Law Number 76-26. The proposal is desirable for the appropriate development or use of the land, building or structure and the requested variance(s) are minor in nature. As such, the proposed application meets all four tests under Subsection 45(1) of the *Planning Act* and the application is being recommended for approval, subject to the proposed conditions.

Approval of this application will permit the construction of an 18 unit stacked townhouse dwelling with higher maximum deck height and reduced length accessible parking spaces.

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**Existing Policy/By-Law:**

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

**Provincial**

Provincial Policy Statement, 2020

**Municipal**

City of Kingston Official Plan

Zoning By-Law Number 76-26

**Notice Provisions:**

A Committee of Adjustment Meeting is going to be held respecting this application on November 16, 2020. Pursuant to the requirements of the *Planning Act*, a notice of Statutory Public Meeting was provided by advertisement in the form of signs posted on the subject site 10 days in advance of the meeting. In addition, notices were sent by mail to a total number of 17 property owners (according to the latest Assessment Roll) within 60 metres of the subject property and a courtesy notice was placed in The Kingston Whig-Standard.

Once a decision has been rendered by the Committee of Adjustment, a Notice of Decision will be circulated in accordance with the provisions of the *Planning Act*.

**Accessibility Considerations:**

None

**Financial Considerations:**

None

**Contacts:**

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

Lindsay Sthamann, Planner, 613-546-4291 extension 3287

**Other City of Kingston Staff Consulted:**

None

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**Exhibits Attached:**

- Exhibit A Recommended Conditions
- Exhibit B Key Map
- Exhibit C Neighbourhood Context Map
- Exhibit D Public Notification Map
- Exhibit E Official Plan Map
- Exhibit F Zoning By-Law Map
- Exhibit G Site Plan & Elevations
- Exhibit H Planning Letter

## Recommended Conditions

### Application for minor variance, File Number D13-030-2020

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

#### 1. Limitation

That the approved minor variance applies only to the front decks and accessible 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

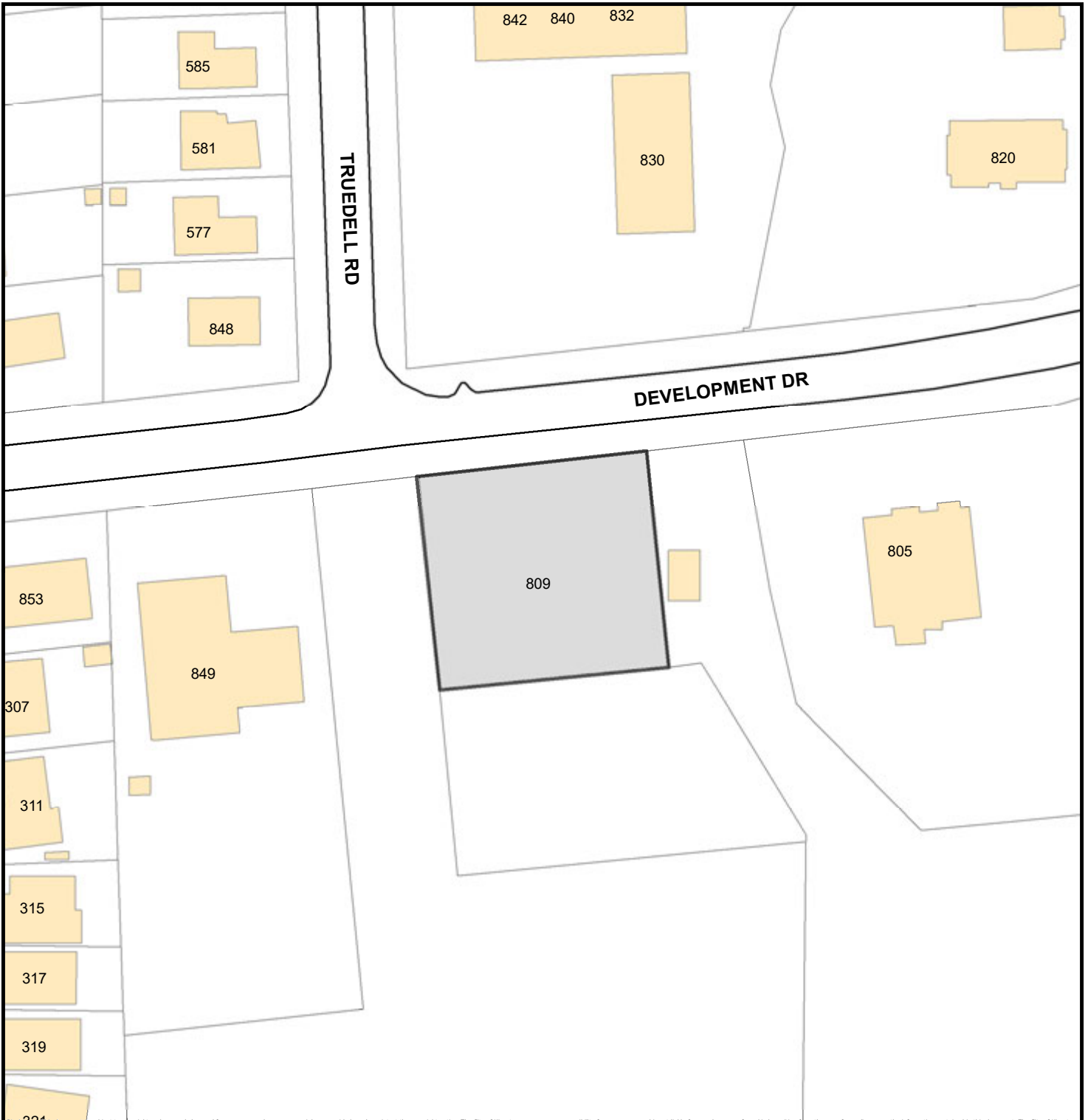
The owner/applicant shall provide to the Building Services a copy of the decision of the Committee of Adjustment, together with a copy of the approved drawings, when they make application for a Building Permit.

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. 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 Program and Services Branch of the Ministry of Heritage, Sport, Tourism and Culture Industries (416-314-7132) and City of Kingston's Planning Services (613-546-4291, extension 3180) must be immediately contacted.

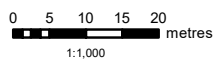
In the event that human remains are encountered, all work must immediately cease and the site must be secured. The Kingston Police (613-549-4660), the Registrar of Cemeteries at the Ministry of Government and Consumer Services (416-212-7499), the Program and Services Branch of the Ministry of Heritage, Sport, Tourism and Culture Industries (416-314-7132), and City of Kingston's Planning Services (613-546-4291, extension 3180) must be immediately contacted.



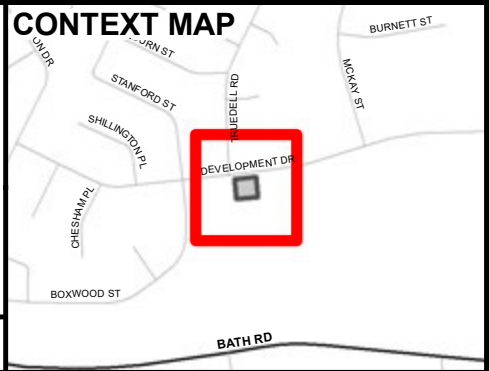
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COMMITTEE OF ADJUSTMENT  
**Key Map**  
File Number: D13-030-2020  
Address: 809 Development Drive



DATE: 2020-08-28  
PREPARED BY: rrochefort



 Lands Subject to Minor Variance



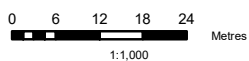
Corporation of the City of Kingston



Planning Services  
a department of  
Community  
Services

COMMITTEE OF ADJUSTMENT  
**Neighbourhood Context (2019)**

File Number: D13-030-2020  
Address: 809 Development Drive



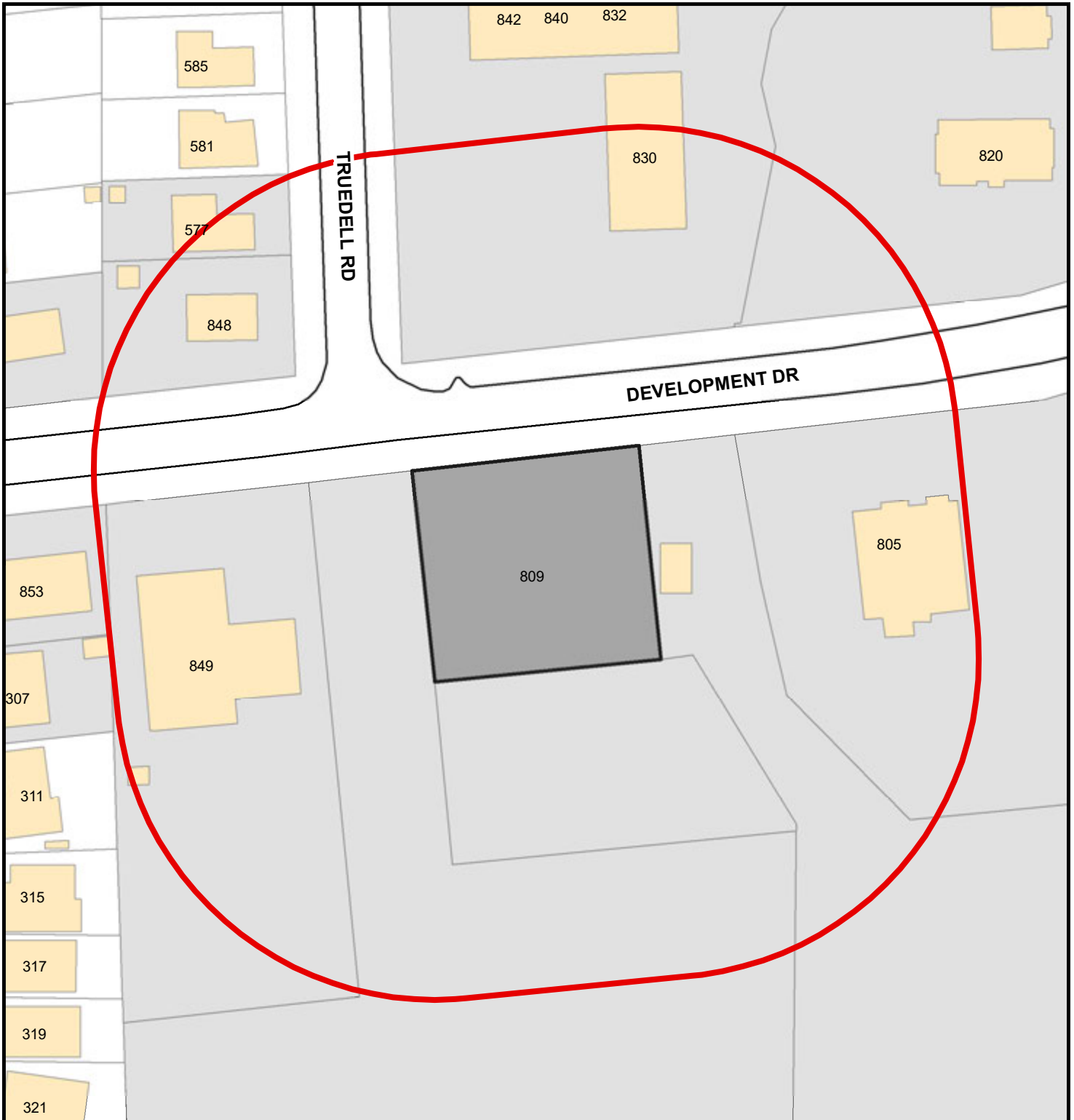
**Legend**

- Subject Lands
- Property Boundaries
- Proposed Parcels



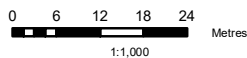
PREPARED BY: rochefort  
DATE: 2020-08-28

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COMMITTEE OF ADJUSTMENT  
**Public Notice Notification Map**

File Number: D13-030-2020  
Address: 809 Development Drive



**Legend**

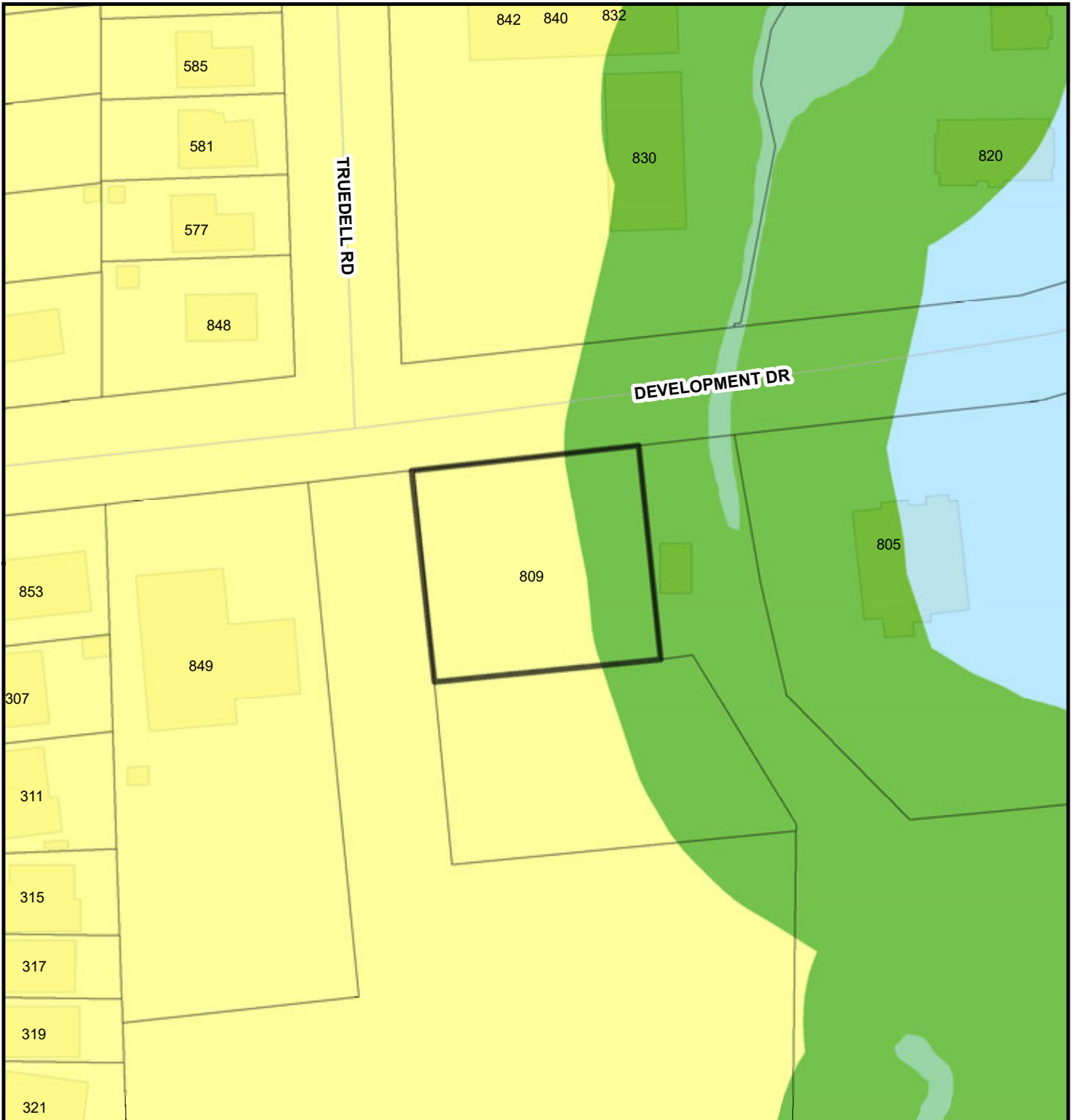
- 60m Public Notification Boundary
- Subject Lands
- Property Boundaries
- Proposed Parcels
- 11 Properties in Receipt of Notice (MPAC)



PREPARED BY: rrochefort  
DATE: 2020-08-28

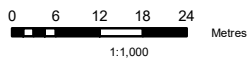
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COMMITTEE OF ADJUSTMENT  
**Official Plan, Existing Land Use**

File Number: D13-030-2020  
Address: 809 Development Drive



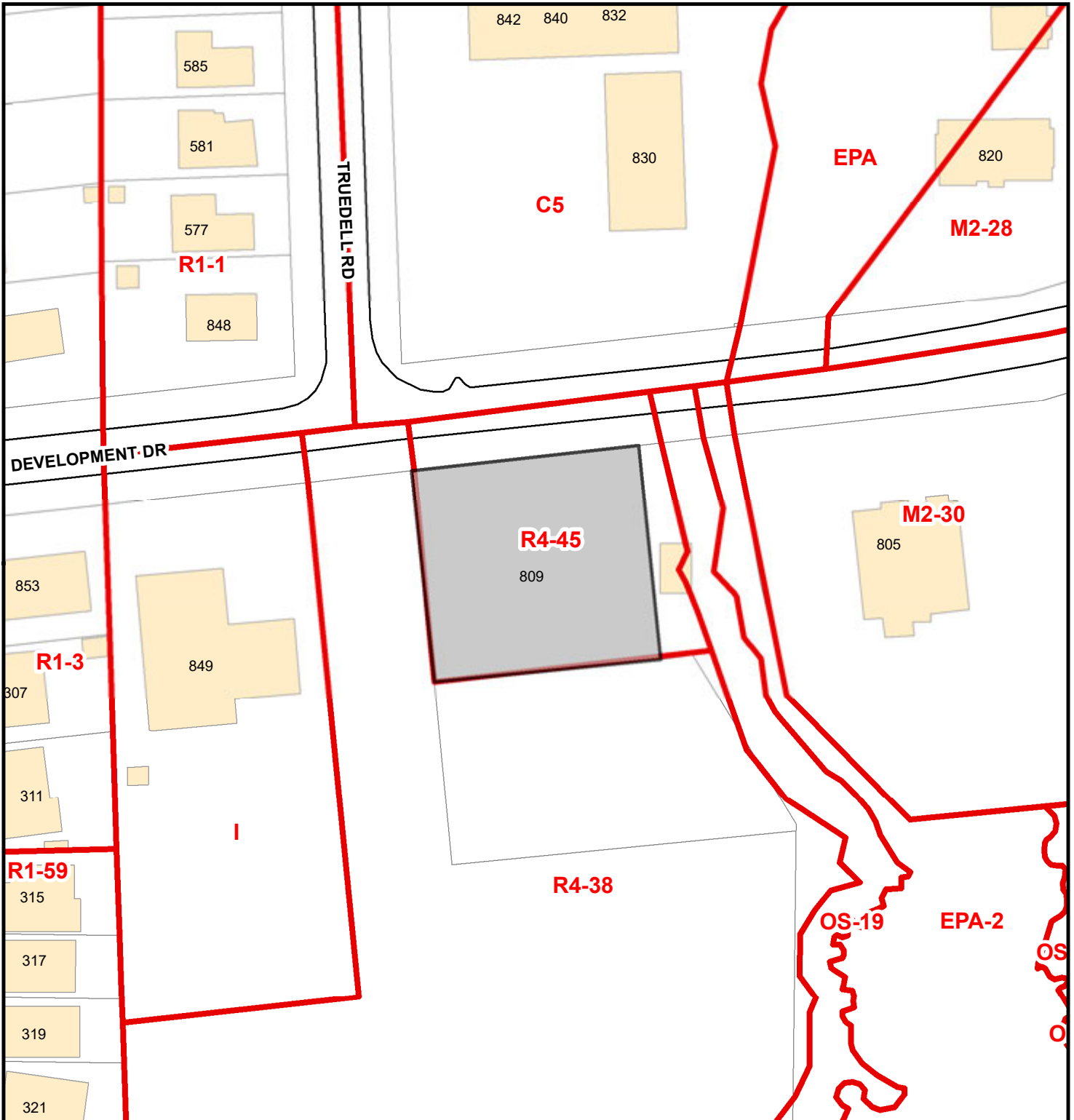
**Legend**

-  Subject Lands
-  ENVIRONMENTAL PROTECTION AREA
-  GENERAL INDUSTRIAL
-  RESIDENTIAL



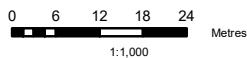
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COMMITTEE OF ADJUSTMENT  
**Existing Zoning - By-law 76-26, Map 5**

File Number: D13-030-2020  
Address: 809 Development Drive



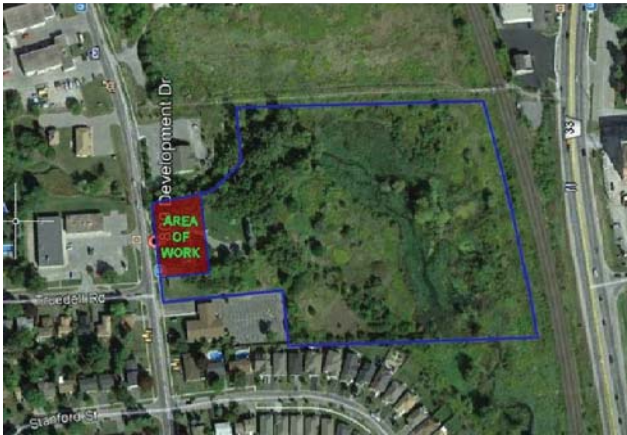
**Legend**

-  Subject Lands
-  Consolidated Zoning



PREPARED BY: rochefort  
DATE: 2020-08-28

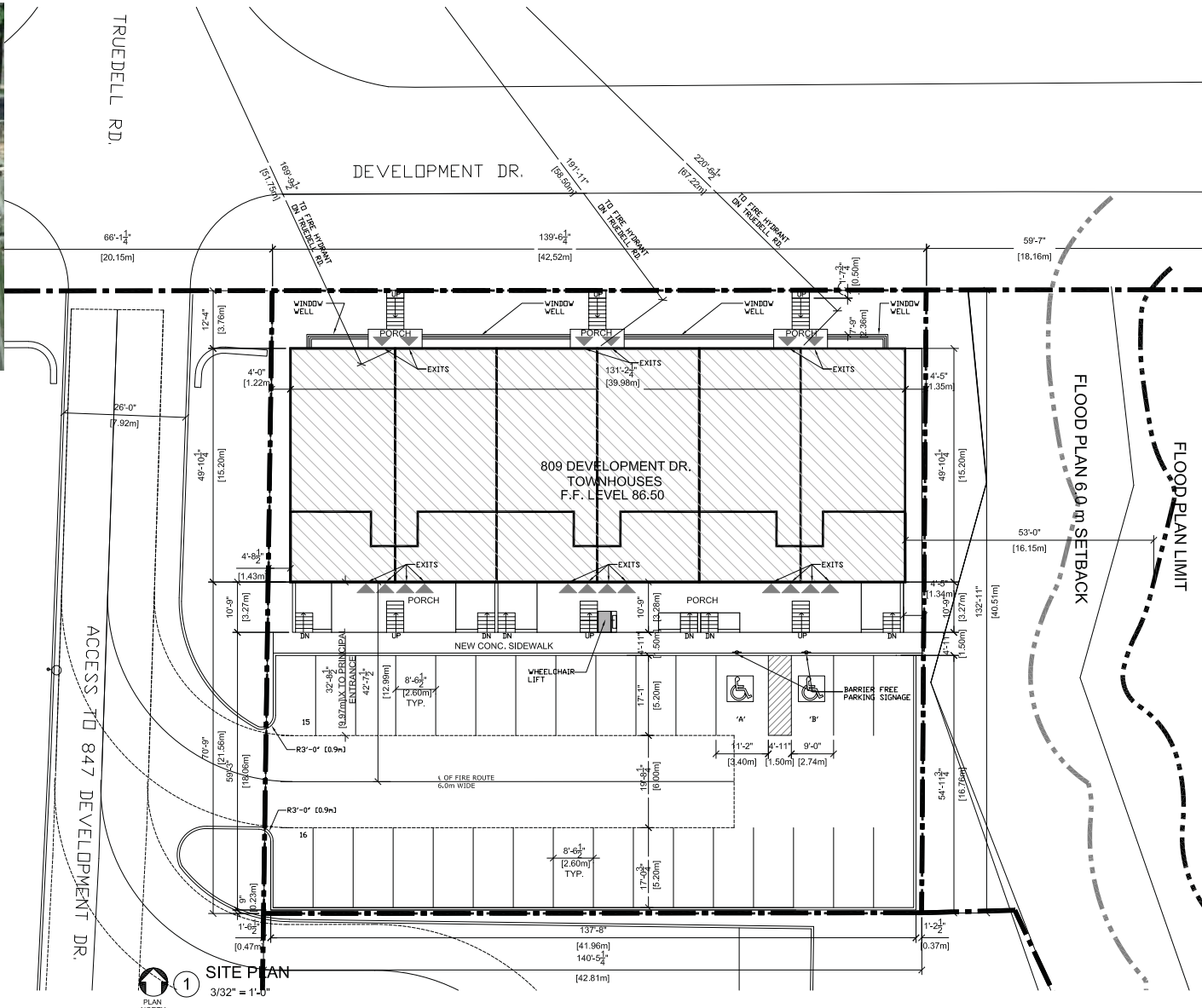
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**SITE STATISTICS - TOWNHOUSES**

KINGSTON TOWNSHIP BY-LAW 76-26  
R4-45 ZONE

ZONING PROVISIONS	SECTION	REQUIRED	PROVIDED
PERMITTED USE	SECTION 15 (3)(r)(2)	DWELLING HOUSE	16-UNIT DWELLING HOUSE
LOT AREA (MINIMUM)	SECTION 15 (3)(r)(3)	232.26m <sup>2</sup> (2,500 ft <sup>2</sup> )	1,729m <sup>2</sup> (18,607ft <sup>2</sup> )
LOT FRONTAGE (MINIMUM)	SECTION 15 (3)(r)(4)	5.49m (18'-2")	42.5m (139'-2")
FRONT YARD DEPTH (MINIMUM)	SECTION 15 (3)(r)(6)	3.5 m (11'-4")	3.76 m (12'-4")
FRONT YARD DEPTH-PROJECTIONS	DECK	SECTION 15 (3)(r)(6)	1.2 m MAX ABOVE GRADE
	BALCONY	SECTION 15 (3)(r)(6)	2.0 m MIN TO THE FRONT LINE
	STAIRS	SECTION 15 (3)(r)(6)	0.5 m MIN. TO THE FRONT LINE
EXTERIOR SIDE YARD DEPTH (MIN.)	SECTION 15 (3)(r)	6.0m (20'-0")	N/A
INTERIOR SIDE YARD DEPTH (MIN.)	SECTION 15 (3)(r)	1.22m (4'-0") PROVIDED THAT AN END WALL CONTAINS NO HABITABLE ROOM WINDOWS	1.22m (4'-0") *END WALL CONTAIN NO HABITABLE ROOM WINDOWS
REAR YARD DEPTH (MINIMUM)	SECTION 15 (3)(r)	7.62m (25'-0")	21.6m (70'-0")
DWELLING UNIT AREAS (MINIMUM)	SECTION 15 (3)(r)	83.61m <sup>2</sup> (900ft <sup>2</sup> )	100.1m <sup>2</sup> (1,078ft <sup>2</sup> )
LANDSCAPE OPEN SPACE (MIN. %)	SECTION 15 (3)(r)(13)	NOT APPLICABLE	391.2m <sup>2</sup> (4,211ft <sup>2</sup> ) = 22.62%
LOT COVERAGE (MAX. %)	SECTION 15 (3)(r)(14)	44% OF 1,729m <sup>2</sup> = 760.7m <sup>2</sup>	606.93m <sup>2</sup> (6,533ft <sup>2</sup> ) = 35.10%
HEIGHT OF BUILDING (MAX.)	SECTION 15 (3)(r)(8)	12.5m (41'-0") TO ROOF MIDPOINT	11.4 m (37'-5") TO ROOF MIDPOINT
AMENITY AREAS (MINIMUM)	SECTION 15 (3)(r)(15)	16.5m <sup>2</sup> X 16 UNITS = 333m <sup>2</sup> (3,594ft <sup>2</sup> )	382.8 m <sup>2</sup> (4,120.2 ft <sup>2</sup> )
		- BACK PORCHES	80.3 m <sup>2</sup> (864.1 ft <sup>2</sup> )
		- FRONT PORCHES	27.0m (291ft <sup>2</sup> )
		- FRONT GRASS AREA	112.8m <sup>2</sup> (1214 ft <sup>2</sup> )
		- ROOF TOP AMENITY	162.7m <sup>2</sup> (1,751ft <sup>2</sup> )
		TOTAL	382.8 m <sup>2</sup> (4,120.2 ft <sup>2</sup> )
PARKING REQUIRED (MIN.)	SEC. 15 (3)(r)(16)(a)	16 (1 PER TOWNHOUSE)	31 SPACES PROVIDED
PARKING SPACE	SEC. 15 (3)(r)(16)(a)	2.6 m X 5.2 m STANDARD SPACE	2.6 m X 5.2 m
ACCESSIBLE PARKING	SECTION 5 (16)(a)	4% OF PARKING	
		4% OF 31 = 1.24 = 2 B.F. SPACES 1 TYPE 'A' REQ'D 1 TYPE 'B' REQ'D TOTAL = 2 REQ'D	1 TYPE 'A' PROVID 1 TYPE 'A' PROVID TOTAL = 2 PROVID
ADDITIONAL SETBACK	SEC. 15 (3)(r)(12)	6.0 m FROM 1:100 FLOODPLAIN OF LITTLE CATARAQUIG CREEK	16.15 m



**1 SITE PLAN**  
3/32" = 1'-0"  
PLAN NORTH

**PROGRESSIVE ARCHITECTS, LTD.**  
3100 TEMPLE DR. SUITE 100, WINDSOR ON. 519-919-7490

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**CLIFFSIDE HOLDINGS**

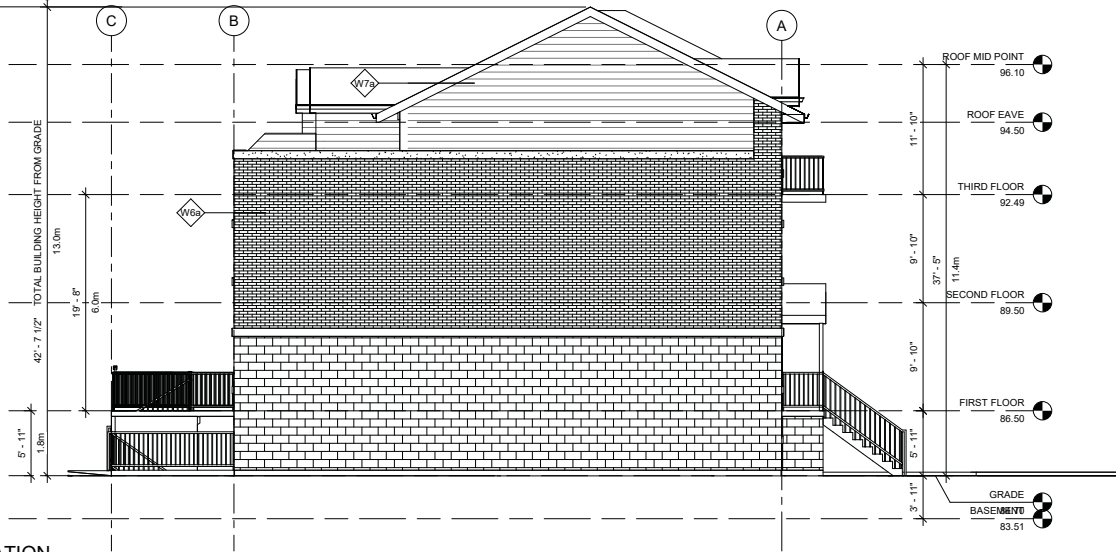
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3	JUL 03.20	SPA	11
2	MAY 18.20	SPA	10
1	APR. 26.20	PERMITS	9
rev.	date	Issued for	rev. date Issued for

project: **CLIFFSIDE PROPERTIES**  
address: 809 DEVELOPMENT DR., KINGSTON, ON  
sheet name: **SITE PLAN**

project no.: **20-0002**  
sheet no.: **A002**



1 NORTH ELEVATION  
1 : 64



2 EAST ELEVATION  
1 : 64



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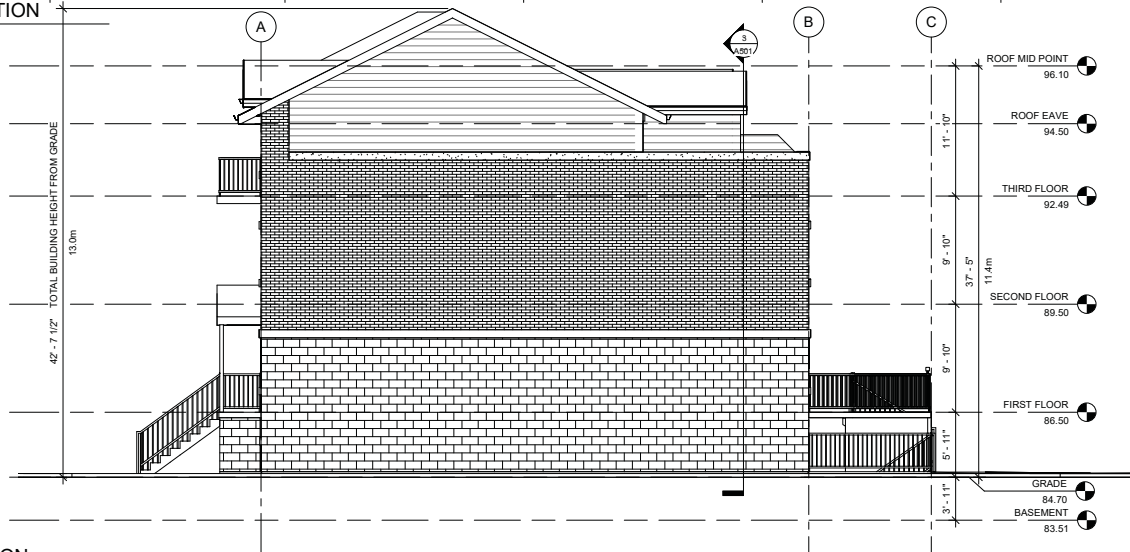
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rev.	date	issued for	rev. date issued for

project:  
**CLIFFSIDE PROPERTIES**  
address: 809 DEVELOPMENT DR., KINGSTON, ON  
sheet name:  
**EXTERIOR ELEVATIONS**

project no.:  
**20-0002**  
sheet no.:  
**A401**



1 SOUTH ELEVATION  
1 : 64



2 WEST ELEVATION  
1 : 64



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**CLIFFSIDE HOLDINGS**

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1	APR 26.20	PERMITS	9
rev.	date	issued for	rev. date issued for

project:  
**CLIFFSIDE PROPERTIES**  
address: 809 DEVELOPMENT DR., KINGSTON, ON  
sheet name:  
**EXTERIOR ELEVATIONS**

project no.:  
**20-0002**  
sheet no.:  
**A402**



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**July 6, 2020**

Ms. Lindsay Sthamann  
Planner  
City of Kingston  
1211 John Counter Blvd  
Kingston, Ontario K7L 2Z3

Dear Ms. Sthamann:

**APPLICATION FOR MINOR VARIANCE  
809 DEVELOPMENT DRIVE - TOWNHOUSES**

**1.0 Introduction**

On behalf of 809 Development Drive Inc. (the “owner”), we are please to submit the enclosed Application for Minor Variance for the lands located at 809 Development Drive in the City of Kingston (the “subject lands”). The subject lands recently rezoned (D14-034-2018) to permit the development of stacked townhouses and are currently in the Site Plan Control Application process. The owner is looking to resolve an issue that arose during the detailed site plan design before responding to the latest SPC comments, specifically the desire to increase the proportion of the basement that is above grade to allow for larger windows and more light in these lower units. This will involve raising the building by 2 feet (0.6m).

The area of the proposed townhouse development on the subject lands is designated Residential as shown on Schedule 3A of the City of Kingston Official Plan and is within a site specific R4-45 Zone (By-Law Number 2020-11) in Zoning By-law 76-26. Based on a review of the applicable zoning and email correspondence with City Staff, we understand two variances from Zoning By-Law 76-26 are required including front porch height and accessible parking space depth. The rezoning application did not account for the increased porch height and the site-specific rezoning allowed standard spaces to be reduced to 5.2 metres but did not decrease the accessible space depth. The requested variances to permit the above development are outlined in **Table 1** below.

**Table 1: Requested Variances**

	SECTION	REQUIRED	PROPOSED
<b>1)</b>	<b>15(3)(rr)(6)</b> Porch Height	1.2 m	1.6 m
<b>2)</b>	<b>5(16)(a)(ii)(a) &amp; (b)</b> Accessible Parking Space Depth	6.0 m	5.2 m

**2.0 Planning Act, R.S.O. 1990, c.P.13**

In support of this application, the following section outlines how the proposed variances satisfy the four (4) tests prescribed by Section 45(1) of the Planning Act. These four tests are as follows:

1. Is the variance minor in nature?
2. Is the variance desirable and appropriate?
3. Does the variance maintain the general intent and purpose of the Official Plan?
4. Does the variance maintain the general intent and purpose of the Zoning By-law?

### 3.0 Justification

#### Variance 1: Porch Height

Section 15(3)(rr)(6) of the Zoning By-law requires a maximum front porch height of 1.2 metres whereas a height of 1.6 metres is proposed. The owner is proposing to bring up the building height by 2 feet (0.6 metres) to increase the proportion of the basement that is above grade to allow for larger windows and more light in these lower units. The building will still be under the maximum allowable height at 11.5 metres (12.5 metres permitted), but this will increase the height of the main floor, which requires taller porches and more steps to provide access to the main floor units. Additional steps will be required, but steps are permitted to encroach into the yards and will continue to meet the 0.5 metre front yard setback required by the by-law.

#### 1. Is the variance minor in nature?

The determination of whether an application is minor is not based on the degree of the variance requested, but rather on whether the impact of granting the request(s) is minor. This includes how the variance could impact the existing or planned functionality of the subject lands and/or the surrounding lands. The proposed increase in porch height will allow for safe access to the main floor units while providing larger windows and more light in the basement units. The townhouses will still be under the maximum allowable height at 11.5 metres (12.5 metres is permitted) and the steps will continue to meet the 0.5 metre front yard setback requirement. If there is a concern about the visual aesthetic of a taller front porch, landscaping around the porch can be provided to soften the appearance from the public sidewalk. As such, the proposed increase in porch height is minor in nature.

#### 2. Is the variance desirable and appropriate?

The proposed variance is desirable and appropriate as it will allow for larger windows and more light in the proposed basement units. It is noted that the proposed building will still be under the maximum allowable height and within the required setbacks outlined by the site-specific zoning. As such, the proposed variance is desirable and appropriate as it facilitates the development of a permitted use and will increase the natural light in the proposed basement units.

#### 3. Does the variance maintain the general intent and purpose of the Official Plan?

The proposed variance meets the intent of the Official Plan to promote residential intensification and to meet the functional needs of site users. The principle of the proposed townhouse development has been previously justified through the rezoning application process (D14-034-2018). The proposed increase in porch height will allow for functional access to be provided to the main floor units while increasing the size of windows in the basement units to provide more light for tenants. As such, it is our opinion that the proposed variance maintains the general intent and purpose of the Official Plan.

#### 4. Does the variance maintain the general intent and purpose of the Zoning By-law?

The subject lands are subject to site specific zoning provisions and the Kingston Zoning By-law 76-26. The proposed variance meets the intent of the by-law to provide appropriate setbacks and heights for development. The site specific rezoning did not account for increasing the proportion of the basement that is above grade to allow for larger windows and more light in these lower units. The proposed increase in porch height is consistent with the intent of the zoning by-law as the townhouse buildings will still be under the maximum allowable height at 11.5 metres (12.5 metres is permitted) and the steps will continue to meet the 0.5 metre front yard setback requirement. If there is a concern about the visual aesthetic of a taller front porch, landscaping around the porch can be provided to soften the appearance from the public sidewalk. The variance is requested in order to facilitate the development of a permitted use in the R4-45 Zone and is, in our opinion, consistent with the intent of the Zoning By-law.

#### Variance 2: Accessible Parking Space Depth

Section 5(16)(a)(ii)(a) and Section 5(16)(a)(ii)(b) requires that Type A and Type B accessible parking spaces have a depth of 6.0 metres whereas a depth of 5.2 metres is proposed. The site-specific zoning allowed standard parking spaces to be reduced to 5.2 metres but no reduction on depth of the two required accessible spaces was requested. The parking spaces located on the north side of the parking area were proposed to be 6.0 metres to be continuous with the 6.0 metre depth of the accessible parking spaces. However, increasing the proportion of the basement that is above grade to allow for larger windows requires increasing the height of the main floor, which requires taller porches, which requires more steps that will extend further into the front and rear yards, thus reducing the amount of space available to provide 6.0 metre parking space depth for the accessible parking spaces while providing required fire route access.

##### 1. Is the variance minor in nature?

The determination of whether or not an application is minor is not based on the degree of the variance requested, but rather on whether the impact of granting the request(s) is minor. This includes how the variance could impact the existing or planned functionality of the subject lands and/or the surrounding lands. The proposed reduction in accessible parking space width is consistent with AODA standards and other recently approved developments in the City of Kingston. Given the relatively small size of the parking area and minimal turn-over associated with a residential development of this size and nature, it is expected that if a larger accessible vehicle requiring rear loading is using the parking area, there would not be a safety concern about the vehicle extending a further 0.8 m into the double-lane driving aisle during those times of loading/unloading from the rear of the vehicle. As such, we are of the opinion that the proposed reduction in accessible parking space depth is minor in nature.

##### 2. Is the variance desirable and appropriate?

The proposed variance is desirable and appropriate as it will allow for larger windows and more light in the proposed basement units while providing safe access to the main floor units. The reduction in accessible parking space depth to 5.2 metres is consistent with the AODA standards and is not anticipated to negatively impact the functionality of the site given that the additional depth would be most likely utilized with a rear loading accessible vehicle, and then only during the times of loading/unloading. Given the modest number of units and parking



spaces, the proposed reduction is not anticipated to impede access to the parking spaces or parking area. As such, the proposed variance is desirable and appropriate.

**3. Does the variance maintain the general intent and purpose of the Official Plan?**

The proposed variance meets the intent of the Official Plan to provide for the functional needs of site users and meets the intent of the OP policies related to accessibility. The proposed reduction in accessible parking space depth is not anticipated to negatively impact the functionality of the accessible parking spaces and is consistent with AODA Standards for accessible parking. In this case, the reduction to the accessible parking space depth is only requested to provide for a more liveable basement unit, which is also a desirable outcome according to OP policies. Given the relatively small size of the parking area and minimal turn-over associated with a residential development of this size and nature, it is expected that if a larger accessible vehicle requiring rear loading is using the parking area, there would not be a safety concern about the vehicle extending a further 0.8 m into the double-lane driving aisle during those times of loading/unloading from the rear of the vehicle. As such, it is our opinion that the proposed variance maintains the general intent and purpose of the Official Plan, as safe access and egress is provided and the liveability of the basement units will be improved as a result.

**4. Does the variance maintain the general intent and purpose of the Zoning By-law?**

The proposed variance meets the intent of the by-law to provide accessible parking spaces of a sufficient size. The variance is requesting to reduce the length of the accessible parking spaces to 5.2 metres, consistent with the approved length of standard parking spaces for the development, and with a width consistent with the AODA standard. The proposed width of accessible parking space and access aisle comply with the by-law. It is noted that parking space length is not identified in the O. Reg 191/11 Integrated Accessibility Standards and an accessible parking space length of 5.2 metres is consistent with other projects in the City of Kingston. As noted above, given the relatively small size of the parking area and minimal turn-over associated with a residential development of this size and nature, it is expected that if a larger accessible vehicle requiring rear loading is using the parking area, there would not be a safety concern about the vehicle extending a further 0.8 m into the double-lane driving aisle during those times of loading/unloading from the rear of the vehicle. As such, the requested variance maintains the intent of the zoning by-law.

**4.0 Closing**

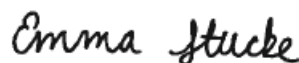
It is our professional opinion that the requested variances satisfy the four test under Section 45 of the *Planning Act*, constitutes good land use planning, and should be approved.

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