



**City of Kingston
Report to Committee of Adjustment
Report Number COA-21-003**

To: Chair and Members of the Committee of Adjustment
From: Meghan Robidoux, Planner
Date of Meeting: December 14, 2020
Application for: Minor Variance
File Number: D13-052-2020
Address: 101 College Street
Owner: Christopher Howard & Danielle Kain
Applicant: Chris Howard

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 variance for the property located at 101 College Street (Exhibit B – Key Map). The subject property is approximately 570 square metres in size with frontage on both College and Hill Streets. The subject property is currently occupied by a two-storey, single-detached dwelling. The applicant is proposing to increase the permitted projection into the exterior side yard to construct a new covered porch facing Hill Street (Exhibit G – Proposed Site Plan).

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 8499. 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.

December 14, 2020

Page 2 of 12

Variance Number 1:

By-Law Number: 8499

Section 5.8(c) Projection into Yards, Minimum Setback from Exterior Side Lot Line

Requirement:

3.5 metres

Proposed:

3.2 metres

Variance Requested:

0.3 metres

Recommendation:

That minor variance application, File Number D13-052-2020, for the property located at 101 College Street to increase the permitted projection into the exterior side yard to construct a new covered porch, be approved; and

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-21-003.

December 14, 2020

Page 3 of 12

Authorizing Signatures:



Meghan Robidoux, Planner

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

Paige Agnew, Commissioner, Community Services

December 14, 2020

Page 4 of 12

Options/Discussion:

On October 21, 2020, a minor variance application was submitted by OTChris Howard, the property owner, with respect to the property located at 101 College Street. The applicant is requesting to increase the permitted projection into the exterior side yard to construct a new covered porch facing Hill Street (Exhibit G – Proposed Site Plan). The existing porch in this location was deteriorating and in need of repair (Exhibit G – Existing Site Plan). As such, the existing side porch was recently demolished. The proposed new covered porch maintains the same setback from the exterior side yard line as the recently demolished legal non-complying porch. A slight increase in size is proposed from 15.9 square metres to 19.2 square metres.

A variance is required from Section 5.8(c) of Zoning By-Law Number 8499 to seek relief from the minimum permitted setback from an exterior side lot line for a covered porch in a Residential Zone. Under the General Provisions of Zoning By-Law Number 8499, unenclosed porches, decks, balconies, steps, and verandas, covered or uncovered, are permitted in any Residential Zone, in accordance with the provisions of Section 5.8(c). A covered porch with a height above finished grade level less than 1.2 metres may project 2.5 metres out from the main building wall, but not closer than 3.5 metres to the exterior side lot line. The proposed covered porch is located 3.2 metres from the exterior side lot line, which does not comply with the projection into yards provisions of Section 5.8. As such, the applicant is seeking a variance of 0.3 metres.

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

- Existing Site Plan (Exhibit G);
- Proposed Site Plan (Exhibit G); and
- Proposed South Elevation (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 located on the northeast corner of College Street and Hill Street and is situated in the Sunnyside neighbourhood (Exhibit B – Key Map). The subject property is currently developed with a two-storey single-detached dwelling (Exhibit H – Site Photos). The property is located adjacent to single-detached dwellings in all directions on College Street and Hill Street (Exhibit C – Neighbourhood Context).

The subject property is designated ‘Residential’ in the Official Plan (Exhibit E – Official Plan Map) and zoned One-Family Dwelling and Two-Family Dwelling ‘A’ Zone in Zoning By-Law Number 8499 (Exhibit F – Zoning By-Law Map).

December 14, 2020

Page 5 of 12

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

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 covered porch in the exterior side yard will result in a development that is consistent with the existing built form of several residential buildings located adjacent to the subject property along College Street and Hill Street. The overall design and scale of the proposal is not anticipated to cause any adverse impacts on the adjacent residential properties.

December 14, 2020

Page 6 of 12

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 proposed alterations will not result in any concerns with respect to vehicle or bicycle parking or issues relating to accessibility. One parking space is currently provided on-site, off College Street, which will be unaltered by the proposed covered porch.

4. The conformity of the proposal to any applicable urban design policies endorsed by Council, particularly if the site includes or could impact a *built heritage resource* or is within a Heritage District;

The Official Plan contains the following policies with respect to urban design in Section 8.3 to ensure that new residential development is integrated into the existing built fabric and conducive of active transportation:

- a. Protect and preserve stable residential communities (in accordance with Section 2.6 of this Plan);

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

The existing use and density of the subject property will be unaltered by this application. The existing single-detached dwelling on the property is consistent with the built form of residential dwellings along College and Hill Streets.

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

The proposed covered side porch is consistent with the existing architectural and streetscape character of the neighbourhood. The proposal will not result in intrusive overlook with respect to adjacent residential properties, as the exterior side yard is largely screened from view by existing mature vegetation (Exhibit H – Site Photos).

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

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

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

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

December 14, 2020

Page 7 of 12

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

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

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

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

- b. foster developments that are context appropriate;

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

- c. foster attractive developments which add to the existing sense of place;

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

- d. provide a variety of housing types;

The existing single-detached dwelling on the site provides housing which contributes to meeting the City's housing demand.

- e. ensure compact, accessible mixed-use development;

The proposal contributes to the compact nature of the neighbourhood.

- f. encourage environmentally sustainable development; and,

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

- g. integrate and highlight cultural heritage resources.

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

- 5. If the site is designated under the *Ontario Heritage Act*, the application shall be reviewed by Heritage Kingston for approval. If the property is adjacent to a designated property under the *Ontario Heritage Act* or shown as a Heritage Area feature, or is affected by the

December 14, 2020

Page 8 of 12

protected views shown on Schedule 9 of this Plan, then a heritage impact statement may be required to assist staff to determine if the resulting *development* is desirable;

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

6. The resulting *development* has adequate *municipal water and sewage services* within the *Urban Boundary*, or is capable of providing *individual on-site water and sewage services* outside the *Urban Boundary*;

The site is located within the Urban Boundary and is developed with sufficient municipal water and sewage services.

7. Whether the application and the cumulative impact of the proposed variances would be more appropriately addressed by a zoning amendment to the applicable zoning by-law;

The proposed variance is considered minor and the development is consistent with the existing built form along College and Hill Streets. Therefore, a zoning by-law amendment is not required.

8. The Committee of Adjustment may attach such conditions as it deems appropriate to the approval of the application for a minor variance including any reasonable requirements, recommendations of City departments, or the submission of studies as listed in Section 9.12 of this Plan that may be required to properly evaluate the application;

As part of the recommendation, suggested conditions have been listed (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.

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

The proposal meets the intent of the Official Plan, as the proposed covered porch 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 One-Family Dwelling and Two-Family Dwelling 'A' Zone 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 'A' Zone permits a single-detached dwelling subject to the requirements of Section 6 of Zoning By-Law Number 8499.

December 14, 2020

Page 9 of 12

The proposal requires a variance to Section 5.8(c) Projection into Yards, Minimum Setback from Exterior Side Lot Line.

Variance Number 1:

By-Law Number: 8499	Section 5.8(c) Projection into Yards, Minimum Setback from Exterior Side Lot Line
Requirement:	3.5 metres
Proposed:	3.2 metres
Variance Requested:	0.3 metres

The application meets all other requirements of the One-Family Dwelling and Two-Family Dwelling 'A' Zone and Zoning By-Law Number 8499. The general intent and purpose of the zoning by-law are maintained. The proposed variances meet the intent of the zoning by-law.

3) The variance is minor in nature

The proposal will result in a development that is consistent with the existing built form of residential development along College Street and Hill Street. The proposed covered porch will not result in intrusive overlook with respect to adjacent residential properties. The variance will not alter the character of the neighbourhood or the existing streetscape. The variances are considered minor as there will be no negative impacts on abutting properties or residential and/or uses or structures.

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

The proposal will provide for the functional needs for the existing residential use on the subject property. The resulting built form satisfies all applicable provisions of the zoning by-law save and except for the minimum setback from the exterior side lot line, which is largely intended to maintain the existing streetscape character. Existing mature vegetation in the exterior side yard screens the location of the proposed side porch from view, mitigating the potential for any impacts on the streetscape.

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

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 |

December 14, 2020

Page 10 of 12

- Building Services Engineering Department Heritage (Planning Services)
- CRCA KFL&A Health Unit Trans Northern Pipelines
- Parks Canada Eastern Ontario Power CFB Kingston
- Hydro One Enbridge Pipelines TransCanada Pipelines
- Kingston Airport

Technical Comments

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

Public Comments

At the time this report was finalized, no comments or concerns had been received. Any public comments received after the publishing of this report will be included as an addendum to the Committee of Adjustment agenda.

Previous or Concurrent Applications

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

Conclusion

The requested variance(s) maintain(s) the general intent and purpose of both the City of Kingston Official Plan and Zoning By-Law Number 8499. 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.

Approval of this application will permit the construction of a new covered porch in the exterior side yard of the subject property. The covered porch will improve the function of the existing residential use on the site.

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

December 14, 2020

Page 11 of 12

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 December 14, 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 52 property owners (according to the latest Assessment Roll) within 60 metres of the subject property (Exhibit D – Public Notification Map) 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

Meghan Robidoux, Planner, 613-546-4291 extension 1256

Other City of Kingston Staff Consulted:

None

Exhibits Attached:

Exhibit A Recommended Conditions

Exhibit B Key Map

Exhibit C Neighbourhood Context Map (2019)

Exhibit D Public Notification Map

December 14, 2020

Page 12 of 12

Exhibit E Official Plan Map

Exhibit F Zoning By-Law Map

Exhibit G Existing Site Plan, Proposed Site Plan, and Proposed South Elevation

Exhibit H Site Photos

Recommended Conditions

Application for minor variance, File Number D13-052-2020

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

Limitation

That the approved variance applies only to the covered porch in the exterior side yard as shown on the approved drawings attached to the notice of decision.

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.

Building Permit Application Requirements

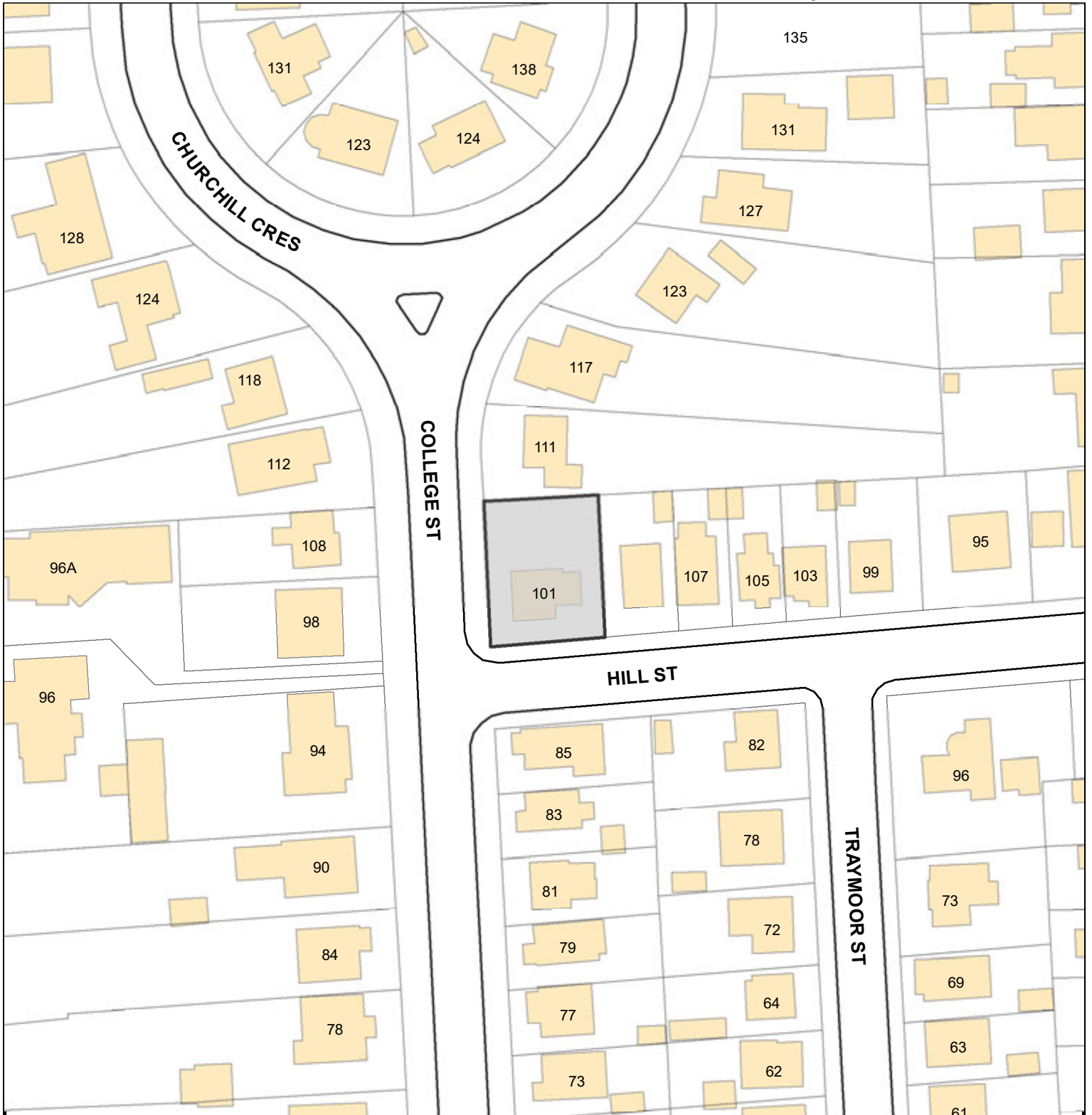
The owner/applicant shall provide to the Building Services a copy of the decision of the Committee of Adjustment, together with a copy of the approved drawings, when they make an application for a Building Permit.

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.

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 Service (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 Service (613-546-4291, extension 3180) must be immediately contacted.

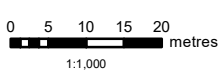


Disclaimer: This document is subject to copyright and may only be used for your personal, noncommercial use. If you keep intact the copyright notice, the City of Kingston assumes no responsibility for any errors, and is not liable for any damages of any kind resulting from the use of or reliance on the 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. © 2018 The Corporation of the City of Kingston.



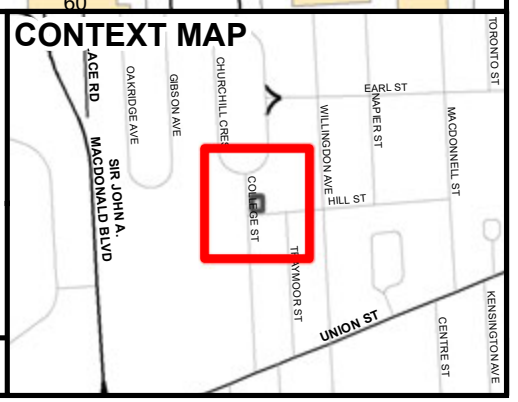
COMMITTEE OF ADJUSTMENT
Key Map

File Number: D13-052-2020
Address: 101 COLLEGE ST



DATE: 2020-11-12
PREPARED BY: akeeping

Lands Subject to Minor Variance







Corporation of the City of Kingston, INCLUDES MATERIAL © 2019 BY THE QUEEN'S PRINTER FOR ONTARIO. ALL RIGHTS RESERVED.

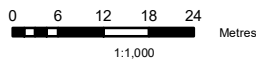


COMMITTEE OF ADJUSTMENT
Neighbourhood Context (2019)

File Number: D13-052-2020
Address: 101 COLLEGE ST

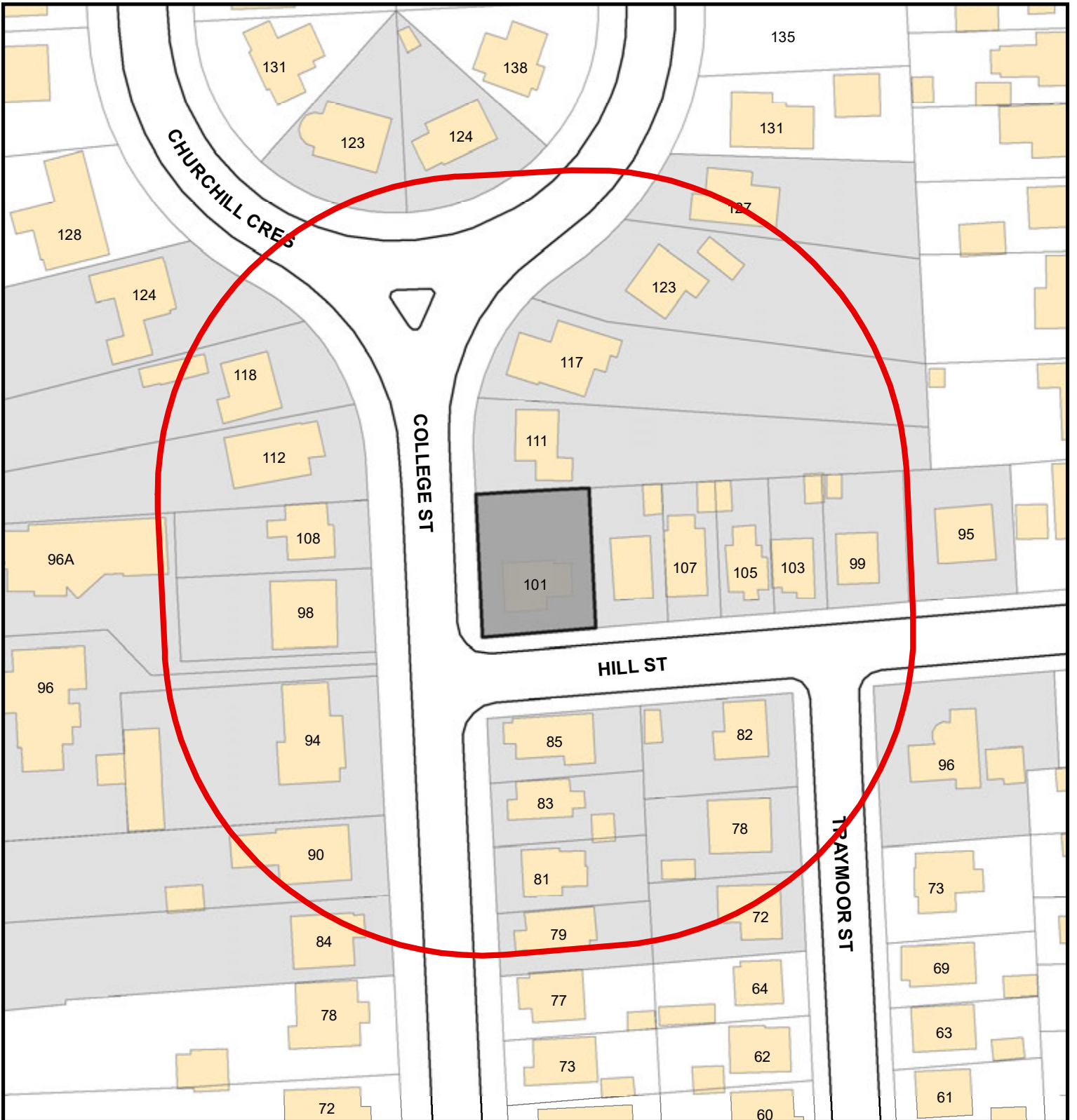
Legend

-  Subject Lands
-  Property Boundaries



PREPARED BY: akeeping
DATE: 2020-11-12

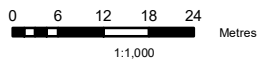
Disclaimer: This document is subject to copyright and may only be used for your personal, noncommercial use provided you keep intact the copyright notice. The Corporation of Kingston assumes no responsibility for any errors, and is not liable for any damages of any kind resulting from the use of or reliance 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.



Planning Services
a department of
Community
Services

COMMITTEE OF ADJUSTMENT
Public Notice Notification Map

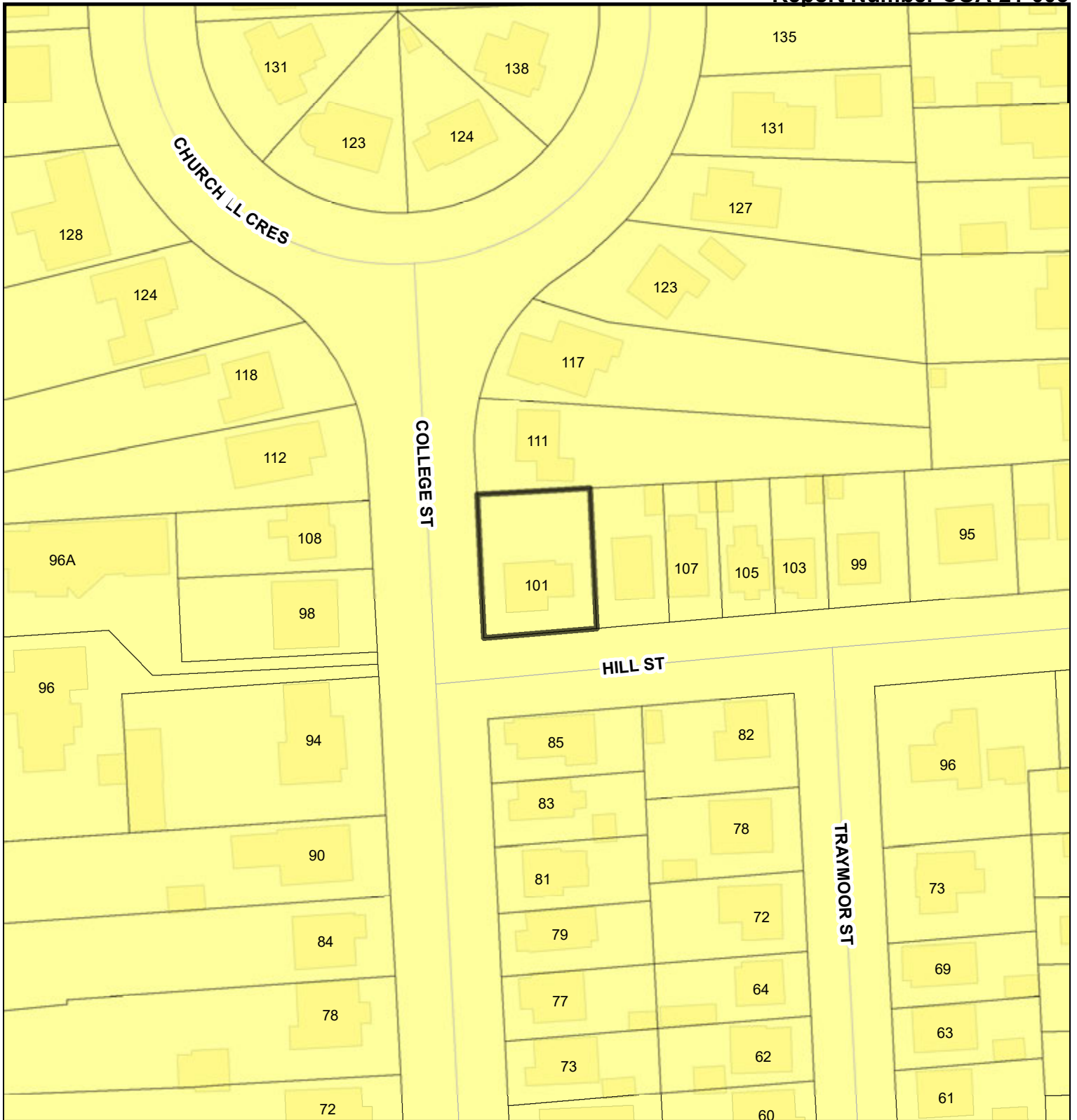
File Number: D13-052-2020
Address: 101 COLLEGE ST



Legend

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

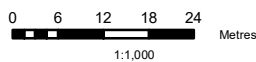






Planning Services
a department of
Community
Services

COMMITTEE OF ADJUSTMENT
Official Plan, Existing Land Use

File Number: D13-052-2020
Address: 101 COLLEGE ST

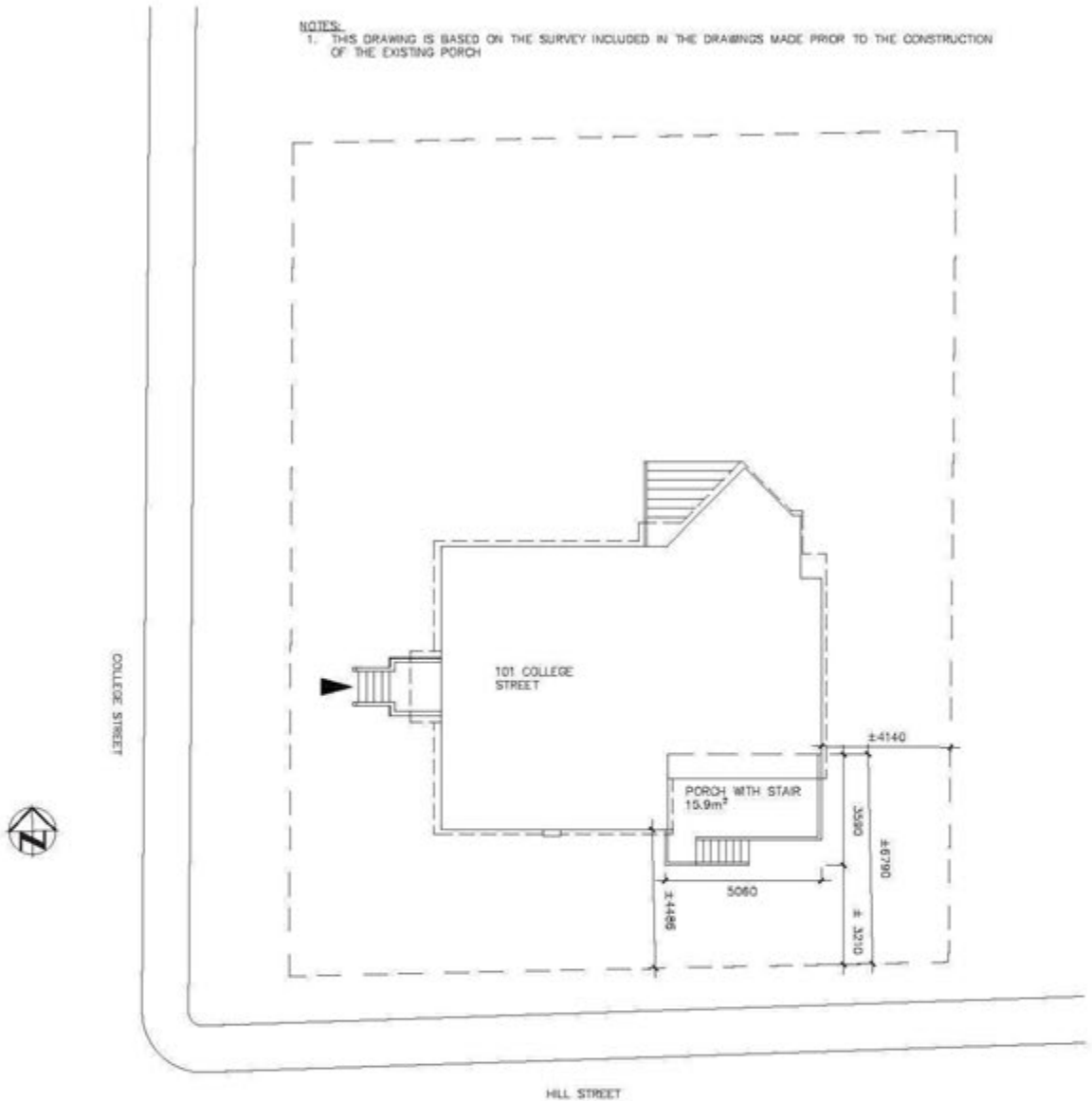


Legend

-  Subject Lands
-  RESIDENTIAL



NOTES:
1. THIS DRAWING IS BASED ON THE SURVEY INCLUDED IN THE DRAWINGS MADE PRIOR TO THE CONSTRUCTION OF THE EXISTING PORCH



1 Site Plan with Existing Porch
A 0.2 1:150

Project
HOWARD / KAIN DECK WITH ROOF

Location
101 COLLEGE STREET, KINGSTON, ON

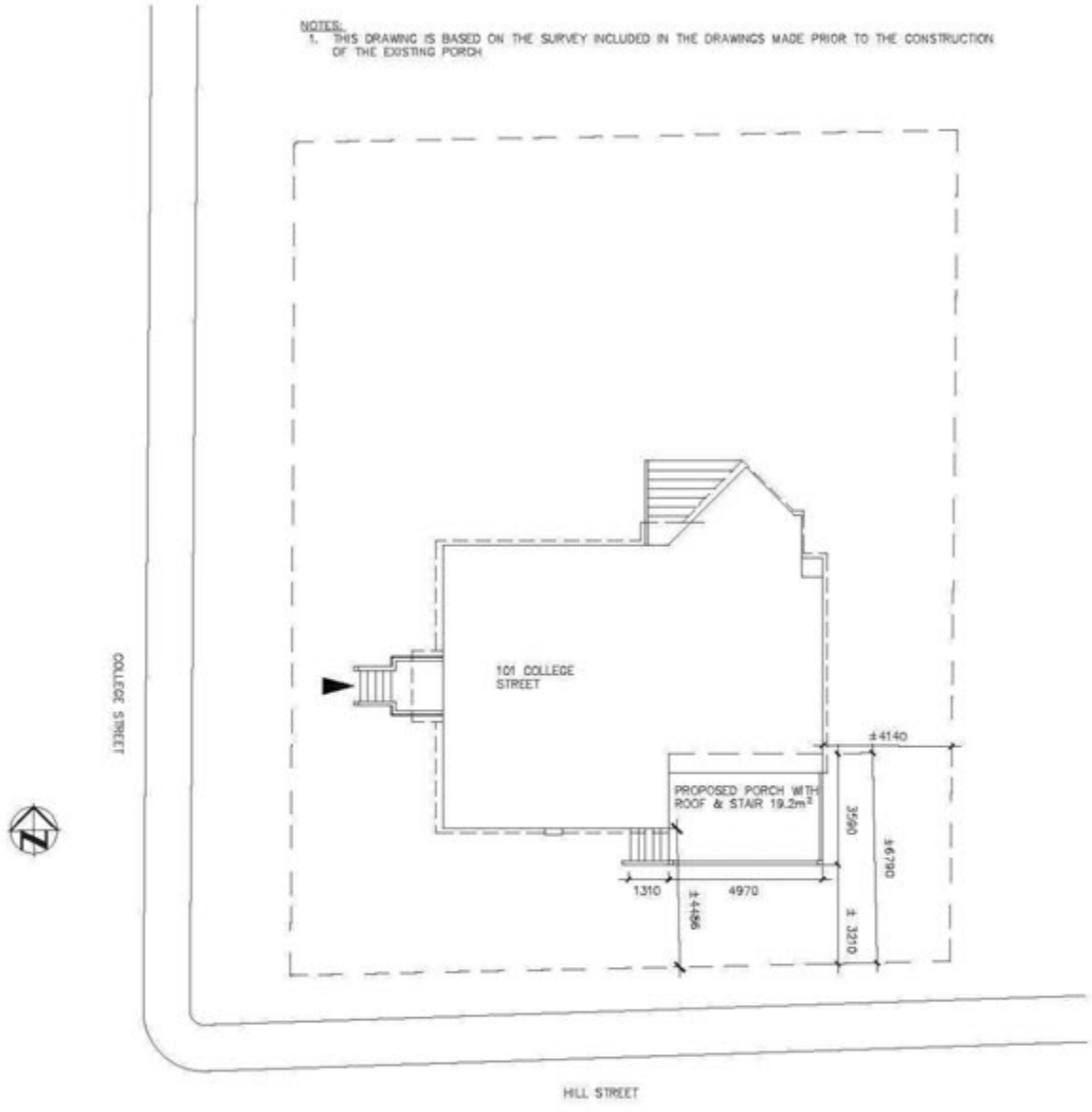
Drawing
SITE PLAN WITH EXISTING DECK

Client
HOWARD / KAIN

Drawn by CJH	Checked by	Date 2020-10-20
File Name 101 COLLEGE_Deck	Scale As Noted	
	Drawing Number	

2020 / 10 / 20 4:58 PM C:\Users\CJH\Desktop\101 COLLEGE_Deck.dwg

NOTES:
1. THIS DRAWING IS BASED ON THE SURVEY INCLUDED IN THE DRAWINGS MADE PRIOR TO THE CONSTRUCTION OF THE EXISTING PORCH.

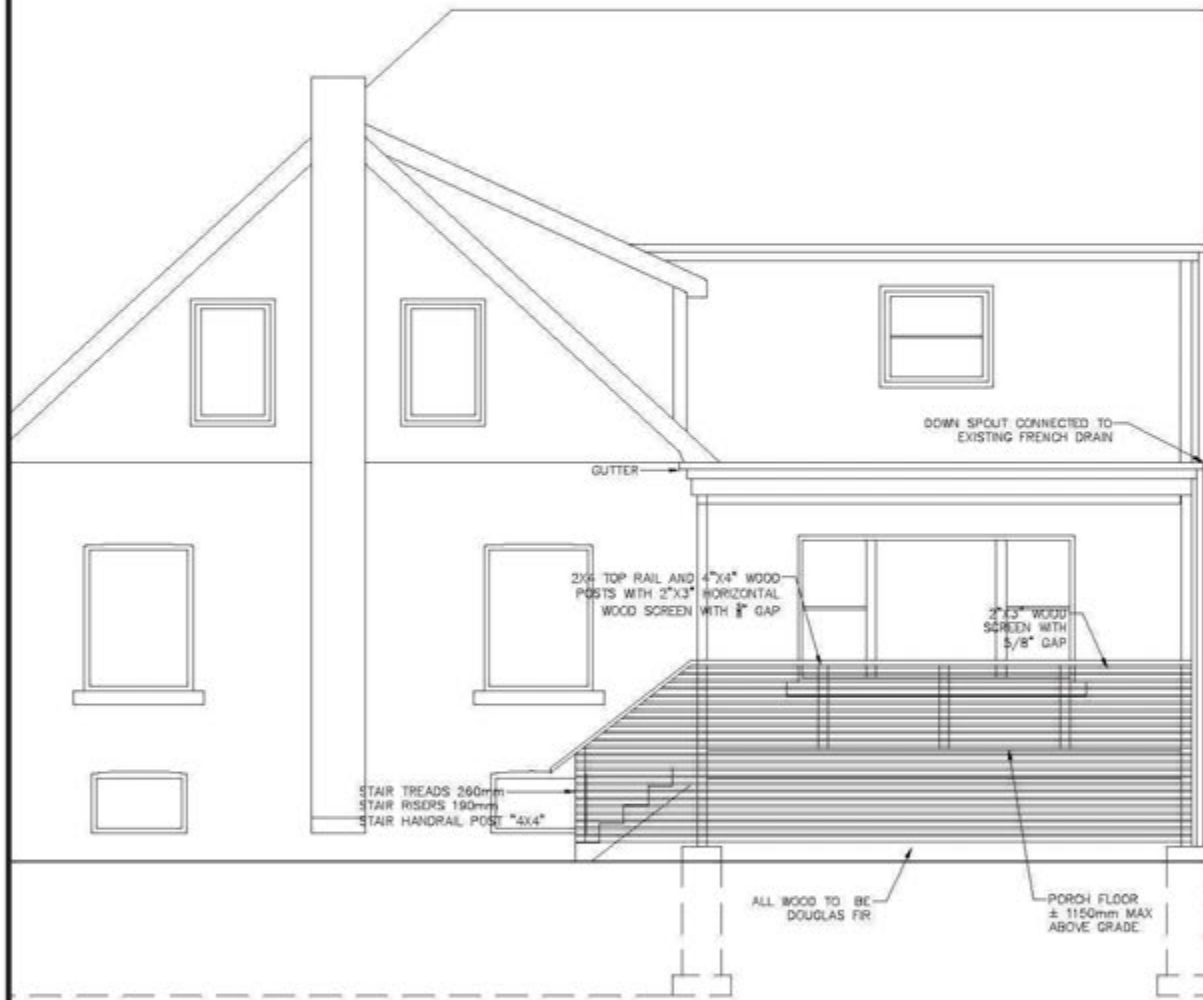


1 Site Plan with Proposed Deck
A 0.21 1:150

© 2020 Bentley Systems, Incorporated. All rights reserved. Bentley and the "B" Bentley logo are registered trademarks of Bentley Systems, Incorporated or Bentley Software, Inc.

Project	HOWARD / KAIN DECK WITH ROOF
Location	101 COLLEGE STREET, KINGSTON, ON K7L4L7
Drawing	SITE PLAN WITH PROPOSED PORCH
Client	HOWARD / KAIN

Drawn by	Checked by	Date
CJH		2020-10-20
File Name	Scale	
101 COLLEGE_Deck	As Noted	
	Drawing Number	
	A 0.21	



1 South Elevation
A 201 1:50

Project
HOWARD / KAIN DECK WITH ROOF

Location
101 COLLEGE STREET, KINGSTON, ON

Drawing
SOUTH ELEVATION

Client
HOWARD / KAIN

Drawn by CJH	Checked by	Date 2020-10-20
File Name 101 COLLEGE_Deck	Scale As Noted	
	Drawing Number	

© 2020 University of Ontario Institute of Technology. All rights reserved.

Site Photographs – November 9th, 2020



Figure 1: Existing two-storey dwelling College Street frontage.



Figure 2: Existing two-storey dwelling Hill Street frontage.



Figure 3: Location of proposed covered porch facing Hill Street.