

## City of Kingston Report to Committee of Adjustment Report Number COA-21-014

То:	Chair and Members of the Committee of Adjustment
From:	Golsa Kheir-Moghadam, Planner
Date of Meeting:	January 18, 2021
Application for:	Minor Variance
File Number:	D13-056-2020
Address:	1719, 1721, 1723, 1725, 1731, 1733 Bath Rd. & 509, 511 Days Rd.
Owner:	Kenlar Investments Inc
Applicant:	IBI Group Incorporated

## **Council Strategic Plan Alignment:**

Theme: Policies & by-laws

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

## **Executive Summary:**

This report provides a recommendation to the Committee of Adjustment regarding an application for minor variances for the property located at 1719, 1721, 1723, 1725, 1731, 1733 Bath Road and 509, 511 Days Road. The applicant is proposing to create seven additional units in the existing floor areas of the existing apartment buildings, through internal conversion of the existing storage and locker space. No additions to the existing buildings or changes to the site layout are proposed. Variance from Zoning By-Law Number 76-26 is required in order to reduce minimum dwelling unit area for three of the seven proposed units. Four of the seven units comply with the requirements of the zoning by-law.

The requested minor variances are consistent with the general intent and purpose of both the City of Kingston Official Plan and Zoning By-Law Number 76-26. The requested minor variances are desirable for the appropriate development or use of the land, building or structure and are

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minor in nature. As such, the proposed application meets all four tests under Subsection 45(1) of the *Planning Act* and is recommended for approval.

#### Variance Number 1:

511 Days Road By-Law Number 76-26: Section 15(H)(i) Requirement: Minimum Bachelor Unit Area: 400 Square Feet Proposed: Bachelor Unit Area: 314 Square Feet Variance Requested: 86 Square Feet

## Variance Number 2:

1719 Bath Road By-Law Number 76-26: Section 15(H)(i) Requirement: Minimum Bachelor Unit Area: 400 Square Feet Proposed: Bachelor Unit Area: 336 Square Feet Variance Requested: 64 Square Feet

## Variance Number 3:

1731 Bath Road By-Law Number 76-26: Section 15(H)(i) Requirement: Minimum Bachelor Unit Area: 400 Square Feet Proposed: Bachelor Unit Area: 310 Square Feet Variance Requested: 90 Square Feet

#### **Recommendation:**

**That** minor variance application, File Number D13-056-2020, for the property located at 1719, 1721, 1723, 1725, 1731, 1733 Bath Road & 509, 511 Days Road to reduce the minimum dwelling unit area for three new bachelor units, be approved; and

**That** approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-21-014.

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Authorizing Signatures:

 $\checkmark$ 

Golsa Kheir-Moghadam, Planner

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

Paige Agnew, Commissioner, Community Services

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## **Options/Discussion:**

On November 19, 2020, a minor variance application was submitted by 0TIBI Group Incorporated, on behalf of the owner, Kenlar Investments Inc, with respect to the property located at 1719, 1721, 1723, 1725, 1731, 1733 Bath Road and 509, 511 Days Road. The applicant is proposing to create seven additional units in the existing floor areas of the existing apartment buildings, through internal conversion of the existing storage and locker space. No additions to the existing buildings or changes to the site layout are proposed. Variance from Zoning By-Law Number 76-26 is required in order to reduce minimum dwelling unit area for three of the seven proposed units. Four of the seven units comply with the requirements of the zoning by-law.

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

- Site Plan (Exhibit F);
- Amenity and Parking Map (Exhibit G); and
- Floor Plans (Exhibit I).

All submission materials are available online through the Development and Services Hub (DASH) at the following link, <u>DASH</u>, 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 1719, 1721, 1723, 1725, 1731, 1733 Bath Road and 509, 511 Days Road. The property is designated 'Arterial Commercial' in the Official Plan and zoned 'Residential Type 4 Zone' (R4) in Zoning By-Law Number 76-26. The property abuts single-detached dwelling houses to the south and west, and commercial land uses to the north and east. The property is located along Days Road and Bath Road and is currently developed with multi-unit residential buildings containing a total of 127 dwelling units.

## Application

The review of an application for minor variances is not a simple mathematical calculation, but rather a detailed assessment of whether the variances 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

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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 'Arterial Commercial' in the City of Kingston Official Plan. Residential development of outmoded or under-utilized arterial commercial sites for medium or high-density residential use may be permitted without amendment to the Official Plan.

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

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

The subject site is located within the Urban Boundary, a Housing District and on municipal services. Development within the Urban Boundary and on a site with municipal services is meant to be the focus of growth/development within the City. Housing Districts can be compatible with minor development activities so long as the prevailing built form standards are generally found in the neighbourhood. The proposed additional bachelor units within the existing floor area of the existing buildings will complement what already exists in the site and will create minimal land use compatibility impacts on the neighbouring properties.

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 proposal intends to create seven additional dwelling units, three of which have reduced unit area. The additional units will be made through internal conversion of the existing floor area which does not create any negative impacts on the adjacent land uses.

The proposed additions are subject to section 2.7 "Land Use Compatibility Principles" in the Official Plan. Considering that no exterior alterations are proposed, it is anticipated that he proposed reduction in dwelling unit area will not create any negative impacts on current occupants, abutting apartment buildings, adjacent properties, or streetscape. Adequate parking and amenity area currently exist on the site which accommodate the exiting and proposed additional units (Exhibit G - Amenity and Parking Map)

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;

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Current site layout and parking configuration provides for adequate regular and accessible parking, amenity and landscaped area. The proposed additional units will meet all requirements of the Ontario Building Code which will ensure the accessibility features.

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

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

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

 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 development will be entirely internal to the existing building and will not create intrusive overlook or negative impact with respect to adjacent residential properties. The proposed variances will not alter the character of the neighbourhood or the existing streetscape.

c. A stable pattern of land ownership or tenure;

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

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

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

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

The proposed variances will not 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;

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

g. Foster developments that are context appropriate;

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

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

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

i. Provide a variety of housing types;

The proposed variances support the City's goals related to providing a range and mix of housing options as bachelor units are typically the most affordable unit type.

j. Ensure compact, accessible mixed-use development;

The proposal contributes to the compact, accessible mixed-use development nature of the neighbourhood.

k. Encourage environmentally sustainable development;

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

I. Integrate and highlight cultural heritage resources;

The subject lands are not designated cultural heritage and there are no identified cultural heritage resources in the immediate area. The existing residential development will be maintained on the subject property. The site is not located within a Heritage District. The site is not identified on the City of Kingston Heritage Register, therefore, there will be no impact on built heritage resources.

5. If the site is designated under the *Ontario Heritage Act*, the application shall be reviewed by Heritage Kingston for approval. If the property is adjacent to a designated property under the *Ontario Heritage Act* or shown as a Heritage Area feature, or is affected by the protected views shown on Schedule 9 of this Plan, then a heritage impact statement may be required to assist staff to determine if the resulting *development* is desirable;

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

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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. 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. The conditions may be added, altered or removed at the Committee's discretion.

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

The surrounding residential uses include single family dwellings, multi-family dwellings, and commercial land uses. The approval of the requested variances is considered minor and will not set a precedent for the immediate area.

The proposal meets the intent of the Official Plan, as the proposed additional dwelling units within the existing multi-unit residential buildings will not result in any negative impacts to adjacent properties or to the neighbourhood.

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

The subject property is zoned 'Residential Type 4 Zone' (R4) in the City of Kingston Zoning By-Law Number 76-26, entitled "Township of Kingston Restricted Area By-Law", as amended.

The R4 zone permits a single-family dwelling house; a converted dwelling house; a semidetached dwelling house; a duplex dwelling house; a triplex dwelling house; a quadruplex dwelling house; a row dwelling house; a maisonette dwelling house; an apartment dwelling house; group housing; a boarding or lodging house; a home occupation; and a public use.

The proposal requires three variances to Section 15(H)(i) in the Zoning By-Law Number 76-26.

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The above variances are requested in order to facilitate the internal alteration of a use that is permitted in the R4 Zone The proposed variances meet the intent of the Zoning By-law to ensure that units are functional. The additional units will meet all requirements of the Ontario Building Code which will ensure the functionality of the proposed units. The proposed additional units comply with the parking and amenity space requirements.

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

The proposed reduction of dwelling unit area is considered a minor change to the existing development. The variance is proposed in order to accommodate additional dwelling units in the existing apartment buildings. No additions to the existing buildings or changes to the site layout are proposed. The variances will have no adverse impact on the functionality of the dwelling unit or the apartment building and the site. There is adequate lot area, parking spaces and amenity space to accommodate the additional dwelling units.

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

The variances are desirable and appropriate use of the land as it will allow the conversion of underutilized space in the existing apartment buildings into livable spaces without the need for additions to the existing buildings or changes to the site layout. Creating additional dwelling units will contribute to a range and mix of housing options that are available in the city. The proposed reduction in unit size is appropriate as the intended function of the proposed bachelor apartment unit is not compromised, and adequate amenity space and

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parking spaces are currently available on the site to accommodate the proposed additional units as well as the existing units, and

## **Technical Review: Circulated Departments and Agencies**

- $\boxtimes$  Building Services
- $\boxtimes \$  Engineering Department

⊠ Parks Development

⊠ District Councillor

□ Municipal Drainage

⊠ KFL&A Health Unit

□ Enbridge Pipelines

□ Eastern Ontario Power

- □ Finance
- Utilities Kingston
- $\boxtimes$  Fire & Rescue  $\square$  Kingston Hydro
- Solid Waste
- ⊠ Housing

- Parks Canada
- ⊠ Hydro One
- ⊠ 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 public comments have been received. Any public comments received after the publishing of this report will be included as an addendum to the Committee of Adjustment agenda.

## **Previous or Concurrent Applications**

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

## Conclusion

The requested variances maintain 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 variances 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.

- ⊠ Heritage (Planning Services)
- Real Estate & Environmental Initiatives
- ☑ City's Environment Division
- □ Canadian National Railways
- □ Ministry of Transportation
- □ Parks of the St. Lawrence
- □ Trans Northern Pipelines
- □ CFB Kingston
- □ TransCanada Pipelines

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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 January 18, 2021. 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 44 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

Golsa Kheir-Moghadam, Planner, 613-546-4291 extension 3183

#### Other City of Kingston Staff Consulted:

None

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## **Exhibits Attached:**

- Exhibit A Recommended Conditions
- Exhibit B Key Map
- Exhibit C Public Notice Notification Map
- Exhibit D Official Plan Map
- Exhibit E Zoning By-Law Number 72-26, Map 5
- Exhibit F Site Plan
- Exhibit G Amenity and Parking Map
- Exhibit H Neighbourhood Context Map (2019)
- Exhibit I Floor Plans

## **Recommended Conditions of Approval**

## Application for Minor Variance, File Number: D13-056-2020

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

## 1. Limitation

That the approved variances apply only to the three bachelor units at 1719, 1721, 1723, 1725, 1731, 1733 Bath Road and 509, 511 Days Road 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.

Exhibit B Report Number COA-21-014

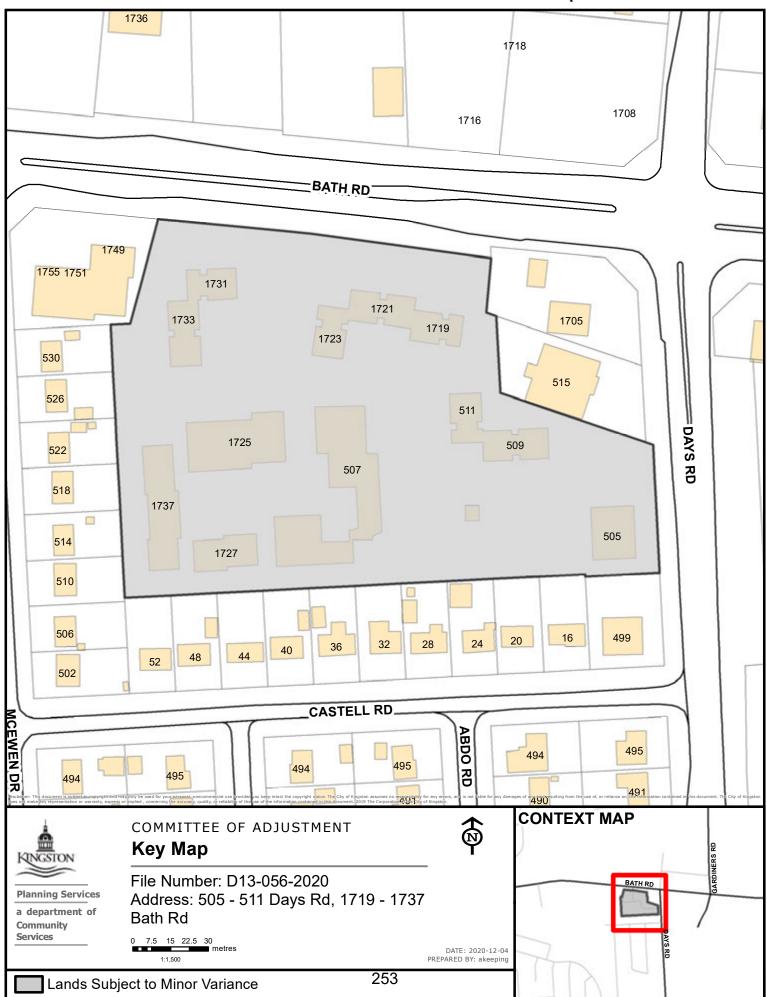


Exhibit C Report Number COA-21-014

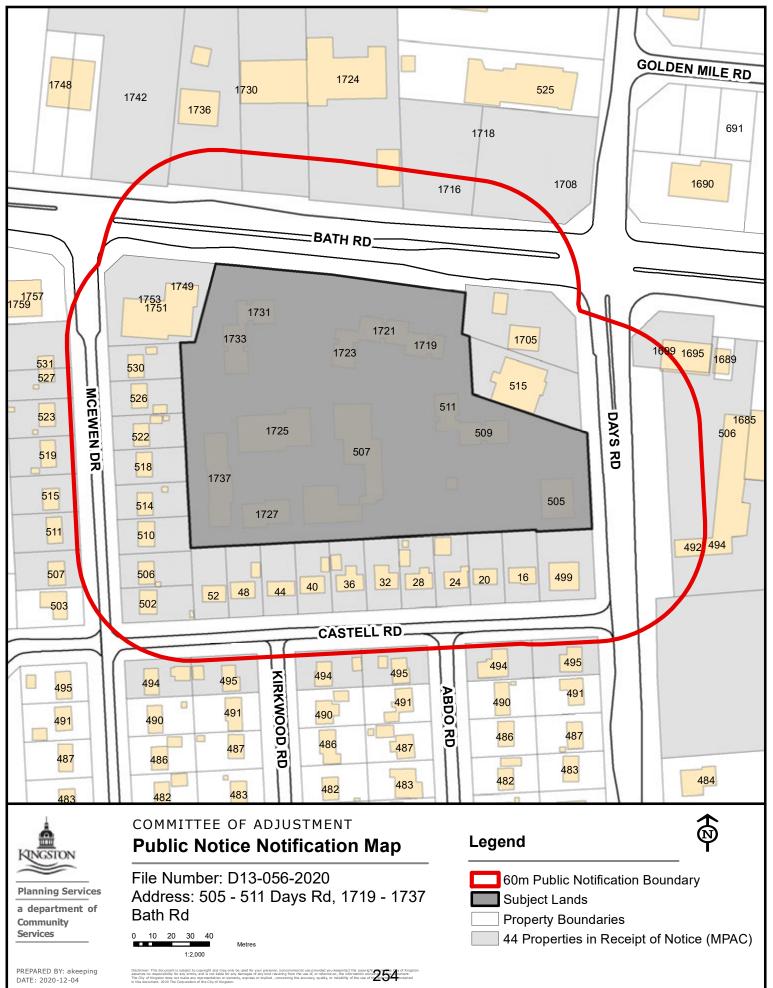


Exhibit D Report Number COA-21-014

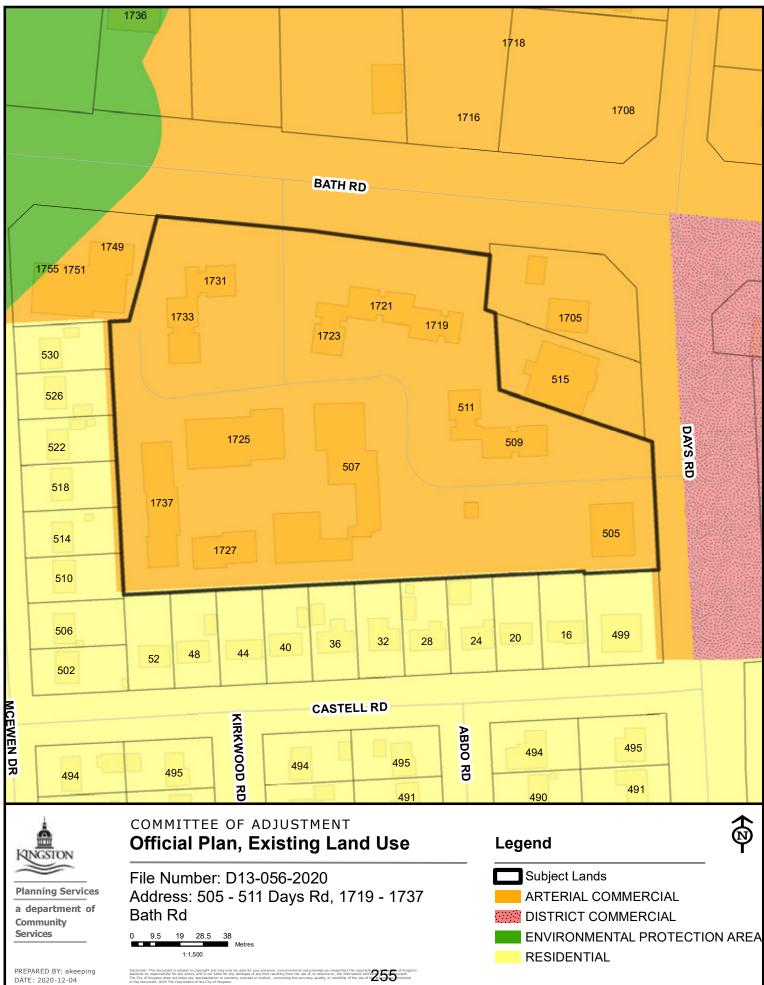
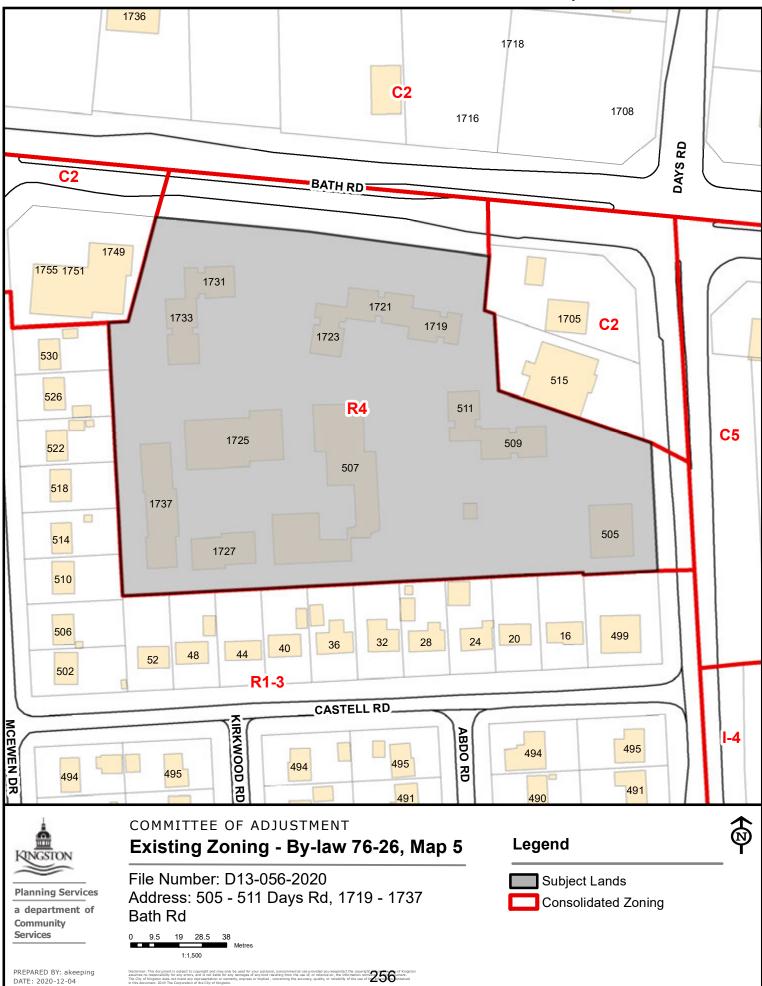


Exhibit E Report Number COA-21-014





SITE PLAN

LEGEND B Hydrant



## **Days and Bath - Amenity and Parking Map**

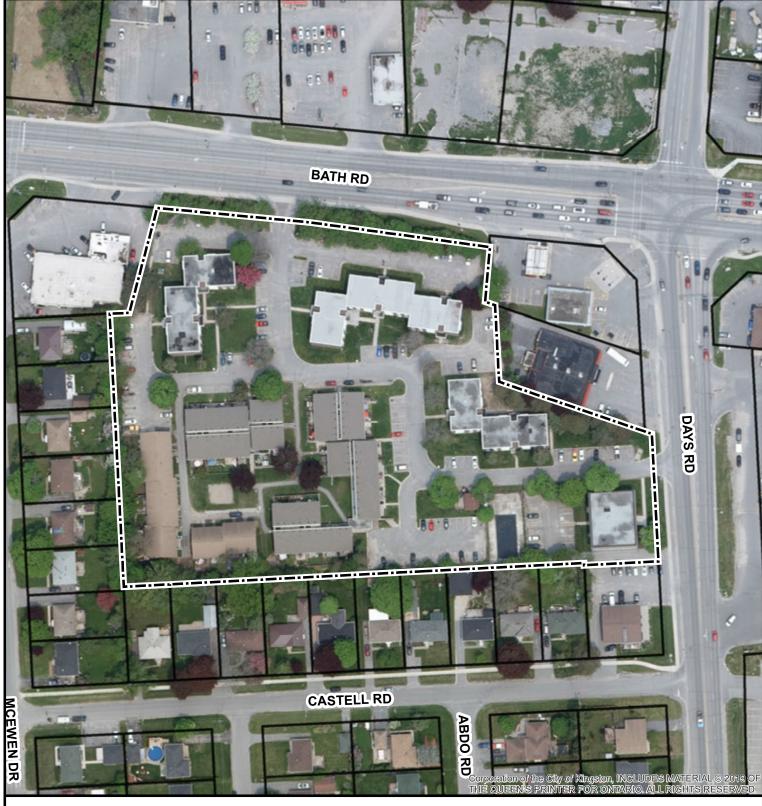
5,842 m<sup>2</sup> - Total Amenity Area



ocation of proposed units 258

Site Area ± 2.24 ha
Total Parking 171 Spots
6 Accessible Parking Stalls

## Exhibit H Report Number COA-21-014





**Planning Services** 

a department of

PREPARED BY: akeeping

DATE: 2020-12-04

Community

Services

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

File Number: D13-056-2020 Address: 505 - 511 Days Rd, 1719 - 1737 Bath Rd 9.5 19 28.5 38 0

Metres 1:1,500

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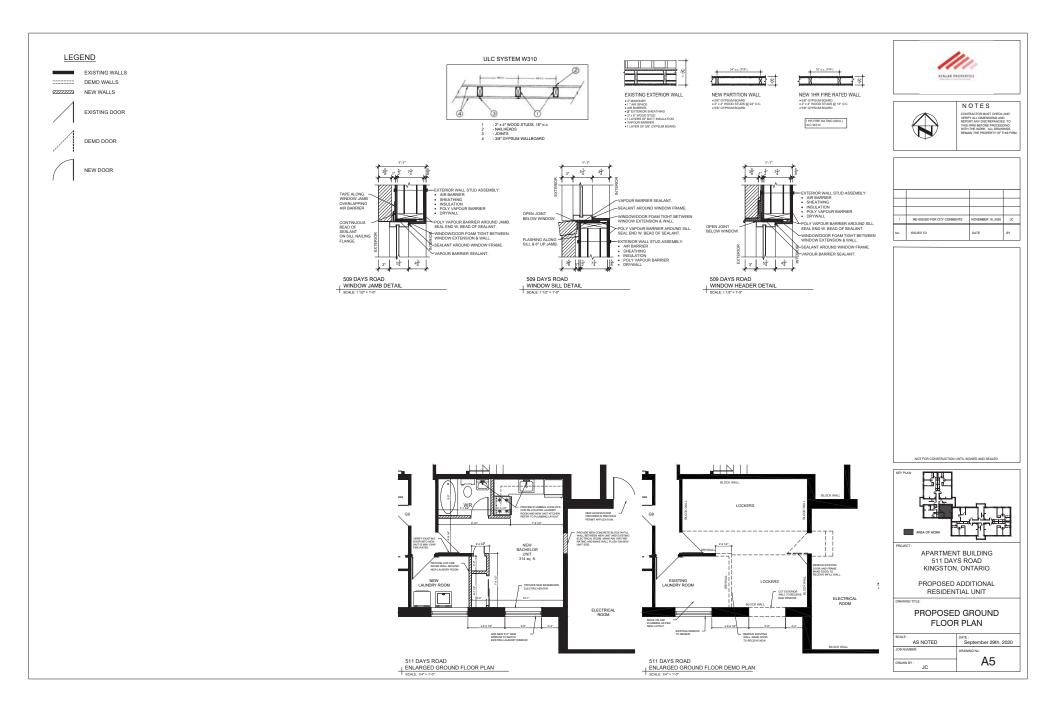
#### Legend

Subject Lands

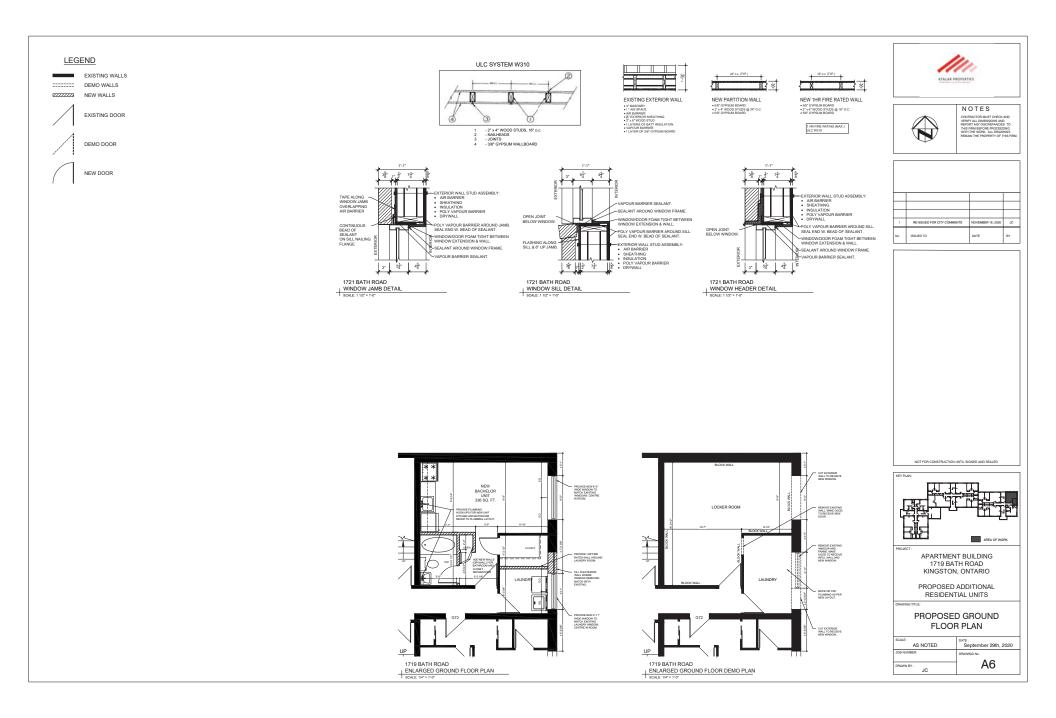


Property Boundaries

#### Exhibit I Report Number COA-21-014



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