



**City of Kingston
Report to Committee of Adjustment
Report Number COA-21-016**

To: Chair and Members of the Committee of Adjustment
From: Meghan Robidoux, Planner
Date of Meeting: February 22, 2021
Application for: Minor Variance
File Number: D13-001-2021
Address: 370 Brock Street
Owner: Jeffrey Peck & Stephanie Baxter
Applicant: Paul Hungler

Council Strategic Plan Alignment:

Theme: 2. Increase housing affordability

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

Executive Summary:

This report provides a recommendation to the Committee of Adjustment regarding an application for minor variances for the property located at 370 Brock Street (Exhibit B – Key Map). The subject property is approximately 370 square metres in size with approximately 9.1 metres of frontage on Brock Street. The subject property currently contains a two-and-a-half-storey, four-unit dwelling. The applicant is proposing to demolish the existing one-storey rear addition and replace that with a new one-storey, 45 square metre rear addition (Exhibit G – Proposed Site Plan). The proposed addition contains two bedrooms, a bathroom, and a laundry area. The new rear addition is proposed to facilitate the conversion of the existing four-unit dwelling containing a total of six bedrooms to a more functional two-unit dwelling containing a total of eight bedrooms. Private access to both units will be provided at the front of the existing building, off Brock Street. Two parking spaces are to be maintained in the rear yard and accessed via an existing right-of-way easement across the neighbouring property to the west.

February 22, 2021

Page 2 of 12

Variances are requested for maximum lot coverage and maximum residential building depth. The subject property is designated 'Residential' and is located in the Three to Six Family Dwelling 'B' Zone of Zoning By-Law Number 8499.

The requested minor variances are consistent with the general intent and purpose of both the City of Kingston Official Plan and Zoning By-Law Number 8499. The requested minor variances are desirable for the appropriate development or use of the land, building or structure and are minor in nature. As such, the proposed application meets all four tests under Subsection 45(1) of the *Planning Act* and is recommended for approval.

Variance Number 1:

By-Law Number 8499:	Section 6.3(e) Maximum Percentage of Lot Coverage
Requirement:	33.3% of the total lot area
Proposed:	46% of the total lot area
Variance Requested:	12.7%

Variance Number 2:

By-Law Number 8499:	Section 6.3(g) Maximum Permitted Residential Building Depth
Requirement:	21 metres
Proposed:	24.5 metres
Variance Requested:	3.5 metres

Recommendation:

That minor variance application, File Number OTD13-001-2021, for the property located at 370 Brock Street to increase the permitted lot coverage and residential building depth to construct a new one-storey, 45 square metres rear addition, be approved; and

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-21-016.

February 22, 2021

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

February 22, 2021

Page 4 of 12

Options/Discussion:

On January 2, 2021, a minor variance application was submitted by OTPaul Hungler, on behalf of the owners, Jeffrey Peck and Stephanie Baxter, with respect to the property located at 370 Brock Street. The applicant is proposing to demolish the existing one-storey rear addition and replace that with a new one-storey, 45 square metre rear addition (Exhibit G – Proposed Site Plan). The proposed addition contains two bedrooms, a bathroom, and a laundry area. The new rear addition is proposed to facilitate the conversion of the existing four-unit dwelling containing a total of six bedrooms to a more functional two-unit dwelling containing a total of eight bedrooms. Private access to both units will be provided at the front of the existing building, off Brock Street. Two parking spaces are to be maintained in the rear yard and accessed via an existing right-of-way easement across the neighbouring property to the west.

A variance is requested from Section 6.3(e) of Zoning By-Law Number 8499 to seek relief from the maximum percentage of lot coverage provision. Section 6.3(e) of Zoning By-Law Number 8499 permits a maximum percentage of lot coverage of 33.3% of the total lot area. The proposed rear addition would result in lot coverage of approximately 46% of the subject property, which does not comply with the maximum percentage of lot coverage provision of Section 6.3(e). As such, the applicant is seeking a variance of 12.7%.

In addition, a variance is requested from Section 6.3(g) of Zoning By-Law Number 8499 to seek relief from the maximum permitted residential building depth provision. As stated in Section 6.3(g) of Zoning By-Law Number 8499, the maximum permitted building depth for any permitted residential building is the average distance between the established front building lines and the established rear building lines of the two nearest permitted residential buildings on the nearest lots on the same block on opposite sides of the subject building. Based on these criteria, the maximum permitted residential building depth for the subject site is 21 metres. The proposed rear addition will result in a building depth of 24.5 metres, which does not comply with the maximum permitted residential depth of Section 6.3(g). As such, the applicant is seeking a variance of 3.5 metres.

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

- Proposed Site Plan (Exhibit G);
- Existing Elevations and Floor Plans;
- Proposed Elevations and Floor Plans (Exhibit G);
- Existing and Proposed Dwelling Unit Area Allocation;
- Planning Justification Letter;
- Stage 1 & 2 Archaeological Assessment; and
- Owner Authorization Letter.

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.

February 22, 2021

Page 5 of 12

Site Characteristics

The subject property is located on the south side of Brock Street and is situated in the Williamsville District (Exhibit B – Key Map). The subject property is approximately 370 square metres in size with approximately 9.1 metres of frontage on Brock Street. The subject property currently contains a two-and-a-half-storey, four-unit dwelling (Exhibit F – Site Photographs).

The subject property is designated 'Residential' in the Official Plan and zoned Three to Six Family Dwelling 'B' Zone in Zoning By-Law Number 8499. The property abuts two to two-and-a-half-storey residential dwellings in all directions, ranging from single-detached to multi-unit residential dwellings (Exhibit C – Neighbourhood Context).

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 or 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

February 22, 2021

Page 6 of 12

necessary, incorporate means of alleviating *adverse effects* on abutting land uses as recommended in Section 2.7 of this Plan;

The proposed one-storey rear addition will result in a development that is consistent with the existing built form of residential buildings located adjacent to the subject property on Brock Street. The rear building wall of the adjacent dwelling to the east at 368 Brock Street is located at approximately the same depth as the proposed rear addition wall. No adverse effects in regards to overlook or loss of privacy are anticipated, as the proposed addition has no side facing windows on the rear addition walls. The proposed one-storey rear addition is anticipated to have no impact on the existing streetscape, as it will not be visible from Brock Street.

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. Two parking spaces are currently provided in the rear yard and accessed by way of an access easement across the neighbouring property to the west, which will be unaltered by the proposed rear addition.

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 form of residential development along Brock Street is long established. The existing two-and-a-half-storey dwelling on the property and the proposed rear addition is consistent with the built form of residential dwellings in the surrounding neighbourhood. The density on the subject property will be reduced by this application.

- 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 rear addition will have no impact on the existing character of the streetscape as it will not be visible from Brock Street.

February 22, 2021

Page 7 of 12

- 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.

- 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 significantly alter the established pattern of land assembly and built form. The design of the proposed rear addition is in keeping with the existing built form of the neighbourhood.

- 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 proposed rear addition.

- 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 proposed conversion of the existing four-unit dwelling to a two-unit dwelling will improve the safety and functionality of the dwelling units, while providing two additional bedrooms, thereby contributing to the range and type of housing available in the City.

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

The proposal contributes to the compact nature of the neighbourhood.

- f. Encourage environmentally sustainable development; and

February 22, 2021

Page 8 of 12

The subject property is located within a serviced area which supports the sustainable use of lands, infrastructure, and resources. Further, the subject property is also located within walking distance of the Downtown and along an express transit route.

- 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 and is not identified on the City of Kingston Heritage Register. A Stage 1 & 2 Archeological Assessment was included as part of the submission, which indicated that a Stage 3 assessment is not required.

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.

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 Brock Street. 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.

February 22, 2021

Page 9 of 12

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

The proposal meets the intent of the Official Plan, as the proposed one-storey rear addition and 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 Three to Six Family Dwelling ‘B’ 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 ‘B’ Zone permits those uses permissible in One-Family Dwelling and Two-Family Dwelling ‘A’ Zone, subject to the provisions for the ‘A’ Zone. As such, the proposed two-family dwelling is subject to Section 6.3 of Zoning By-law 8499.

The proposal requires the following variances to Section 6.3 of Zoning By-Law Number 8499:

Variance Number 1:

By-Law Number 8499:	Section 6.3(e) Maximum Percentage of Lot Coverage
Requirement:	33.3% of the total lot area
Proposed:	46% of the total lot area
Variance Requested:	12.7%

Variance Number 2:

By-Law Number 8499:	Section 6.3(g) Maximum Permitted Residential Building Depth
Requirement:	21 metres
Proposed:	24.5 metres
Variance Requested:	3.5 metres

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

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 Brock Street. The proposed rear addition 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.

February 22, 2021

Page 10 of 12

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

The proposed rear addition will improve the functionality of the subject property and allow for the conversion of the existing residential building from a four-unit dwelling to a more functional two-unit dwelling. The resulting built form satisfies all applicable provisions of the zoning by-law save and except for the maximum percentage of lot coverage and maximum residential building depth provisions, which is largely intended to ensure the development will adequately function on the site. The proposal is compatible with the surrounding residential uses and will not result in significant impacts or changes to the surrounding area. The variance is desirable and appropriate use of the land.

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

Technical Comments

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

Public Comments

At the time this report was finalized, no correspondence has been received regarding this application. 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.

February 22, 2021

Page 11 of 12

Conclusion

The requested variances maintain the general intent and purpose of both the City of Kingston Official Plan and Zoning By-Law Number 8499. The proposal is desirable for the appropriate development or use of the land, building or structure and the requested variances are minor in nature. As such, the proposed application meets all four tests under Subsection 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 one-storey, 45 square metre addition in the rear yard of the subject property. The proposed rear addition will improve the function of the existing residential use on the site and represents good land use planning.

Existing Policy/By-Law:

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

Provincial

Provincial Policy Statement, 2020

Municipal

City of Kingston Official Plan

Zoning By-Law Number 8499

Notice Provisions:

A Committee of Adjustment Meeting is going to be held respecting this application on February 22, 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 54 property owners (according to the latest Assessment Roll) within 60 metres of the subject property (Exhibit H – Public Notice Notification Map) and a courtesy notice was placed in The Kingston Whig-Standard on February 9th, 2021.

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

February 22, 2021

Page 12 of 12

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 (2019)
- Exhibit D Official Plan Map
- Exhibit E Zoning By-Law 8499, Map 19
- Exhibit F Site Photographs
- Exhibit G Proposed Site Plan, Floor Plan, and Elevations
- Exhibit H Public Notice Notification Map

Recommended Conditions

Application for minor variance, File Number D13-001-2021

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

1. Limitation

That the approved minor variance applies only to proposed one-storey rear addition 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

The City of Kingston is in receipt of an Archaeological Assessment for the property located at 370 Brock Street prepared by Abacus Archaeological Services dated December 31st, 2020. This report is on file with the Ministry of Heritage, Sport, Tourism and Culture Industries. The City has received and relies upon the report of the professional archaeologist as filed but reserves the right to require further reports should further evidence be uncovered.

The applicant may be required to further review the state of archaeological resources on the property depending on the recommendations of the report and subject to input and review from the Ministry of Heritage, Sport, Tourism and Culture Industries. The City shall not be restricted in its ability to determine requirements related to review, assessment and/or protection should archaeological resources be found on site. Any costs arising from such requirements of the City or any other duly authorized Government body shall be borne solely by the applicant.

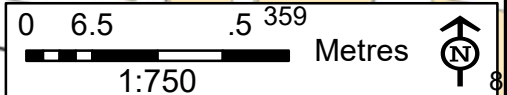
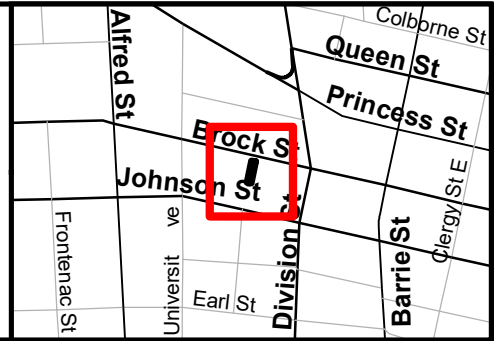


COMMITTEE OF ADJUSTMENT

Key Map

Address: 370 Brock St
File Number: D13-001-2021

Lands Subject to Minor Variance

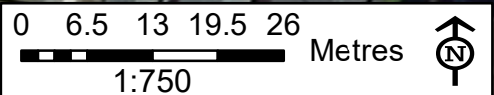




COMMITTEE OF ADJUSTMENT
Neighbourhood Context (2019)

Address: 370 Brock St
File Number: D13-001-2021

- Subject Lands
- Property Boundaries
- Proposed Parcels



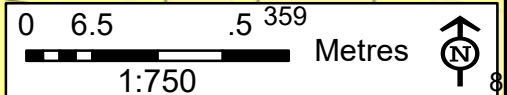
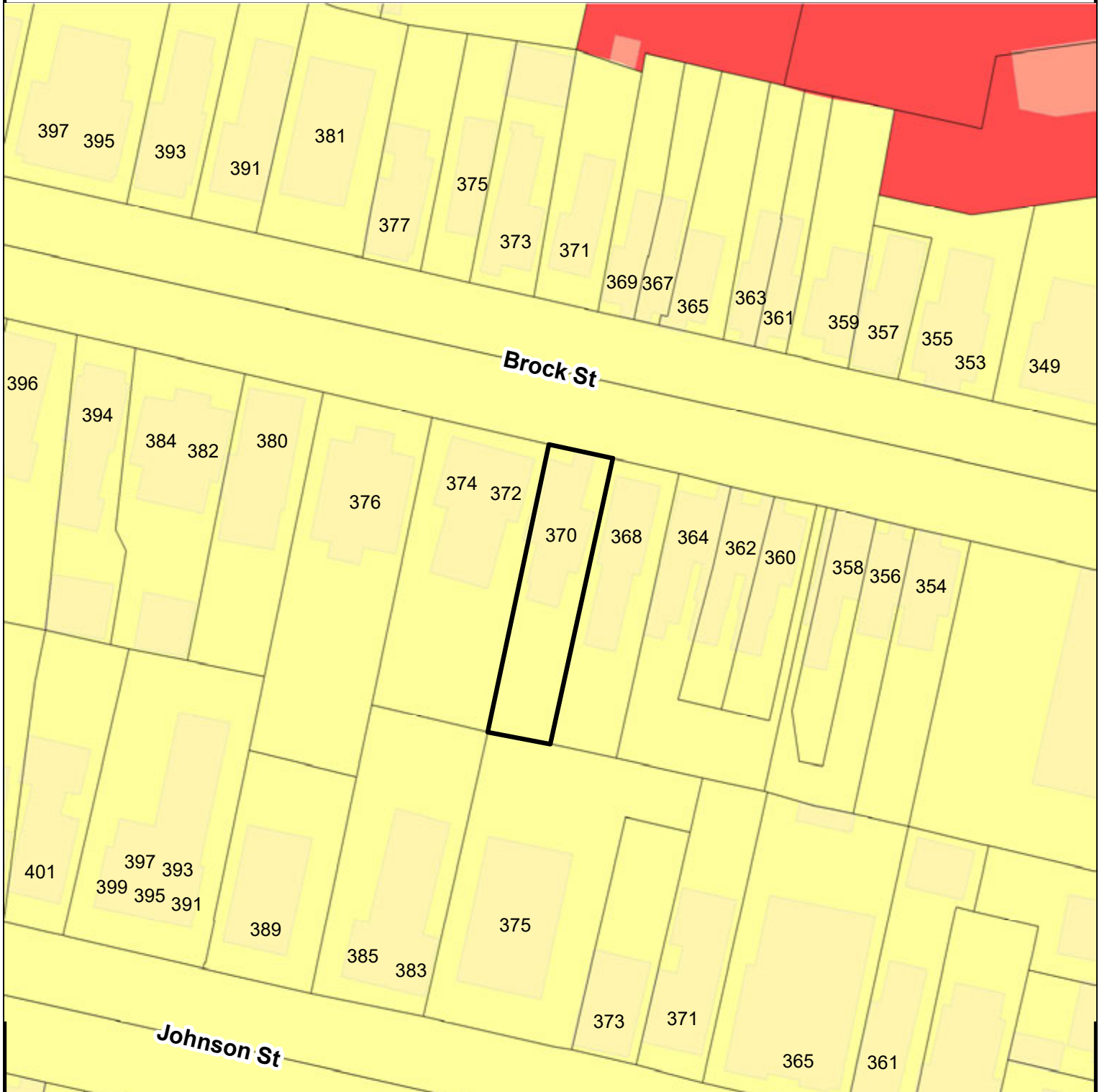


Planning Services

COMMITTEE OF ADJUSTMENT
Official Plan, Existing Land Use



Address: 370 Brock St
File Number: D13-001-2021

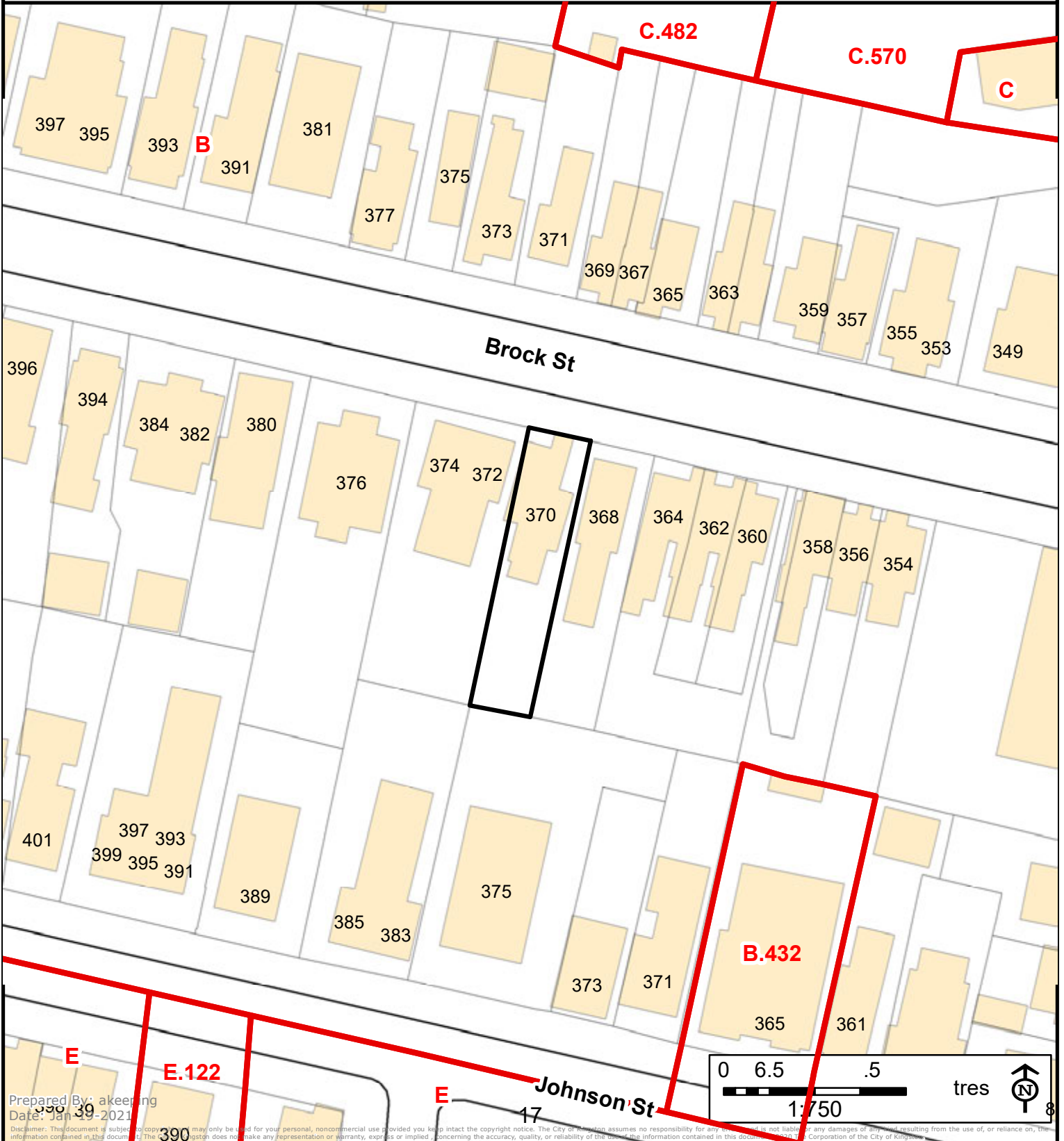
-  Subject Lands
-  MAIN STREET COMMERCIAL
-  RESIDENTIAL





COMMITTEE OF ADJUSTMENT
Existing Zoning - By-Law 8499, Map
19 Address: 370 Brock St
File Number: D13-001-2021

-  Subject Lands
-  Consolidated Zoning



Site Photographs – 370 Brock Street



Figure 1: 370 Brock Street existing façade facing Brock Street.

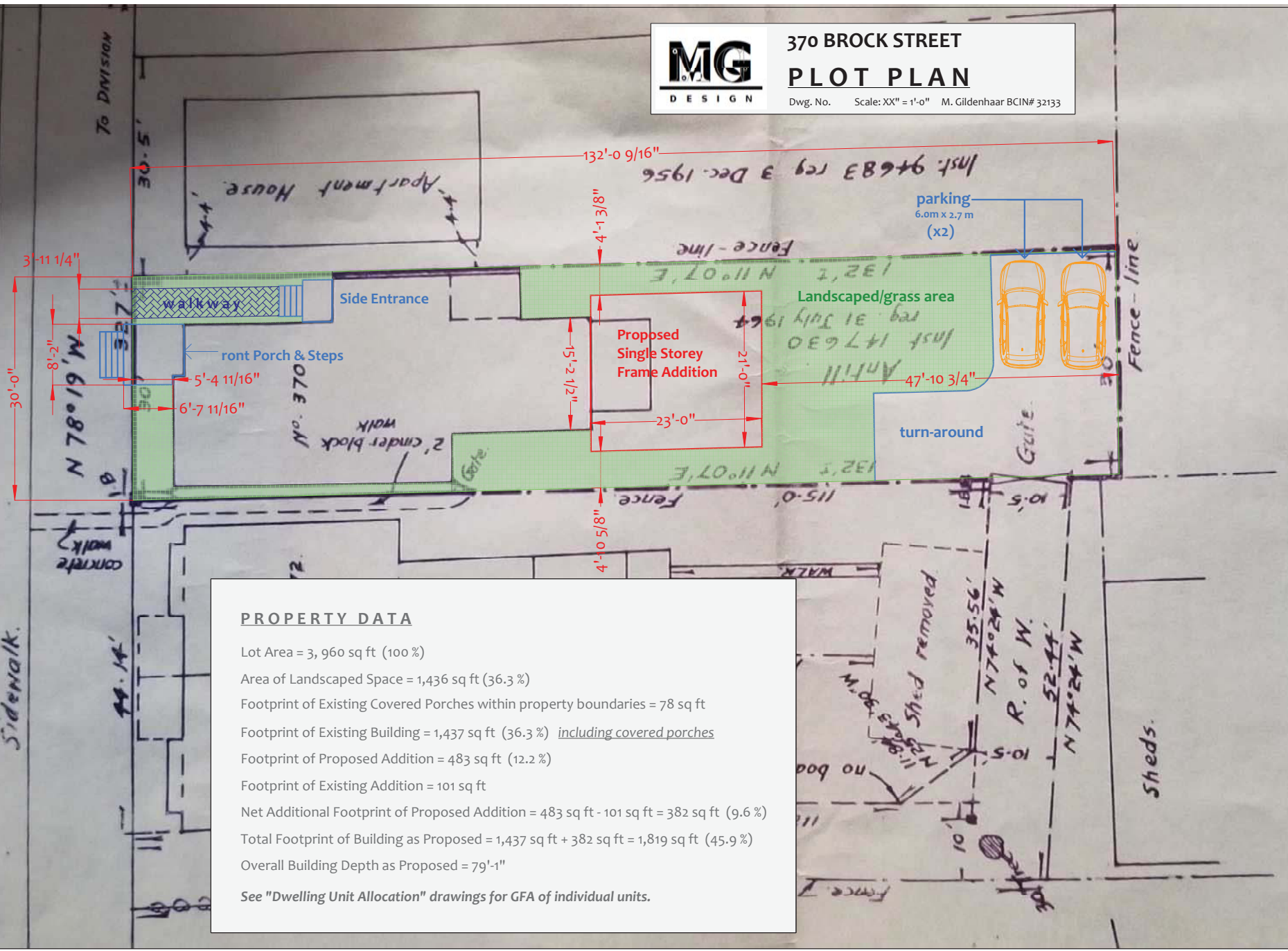


Figure 2: 370 Brock Street existing rear yard and one-storey rear addition.

MG
DESIGN

370 BROCK STREET
PLOT PLAN

Dwg. No. Scale: XX" = 1'-0" M. Gildenaar BCIN# 32133



PROPERTY DATA

Lot Area = 3,960 sq ft (100%)

Area of Landscaped Space = 1,436 sq ft (36.3%)

Footprint of Existing Covered Porches within property boundaries = 78 sq ft

Footprint of Existing Building = 1,437 sq ft (36.3%) *including covered porches*

Footprint of Proposed Addition = 483 sq ft (12.2%)

Footprint of Existing Addition = 101 sq ft

Net Additional Footprint of Proposed Addition = 483 sq ft - 101 sq ft = 382 sq ft (9.6%)

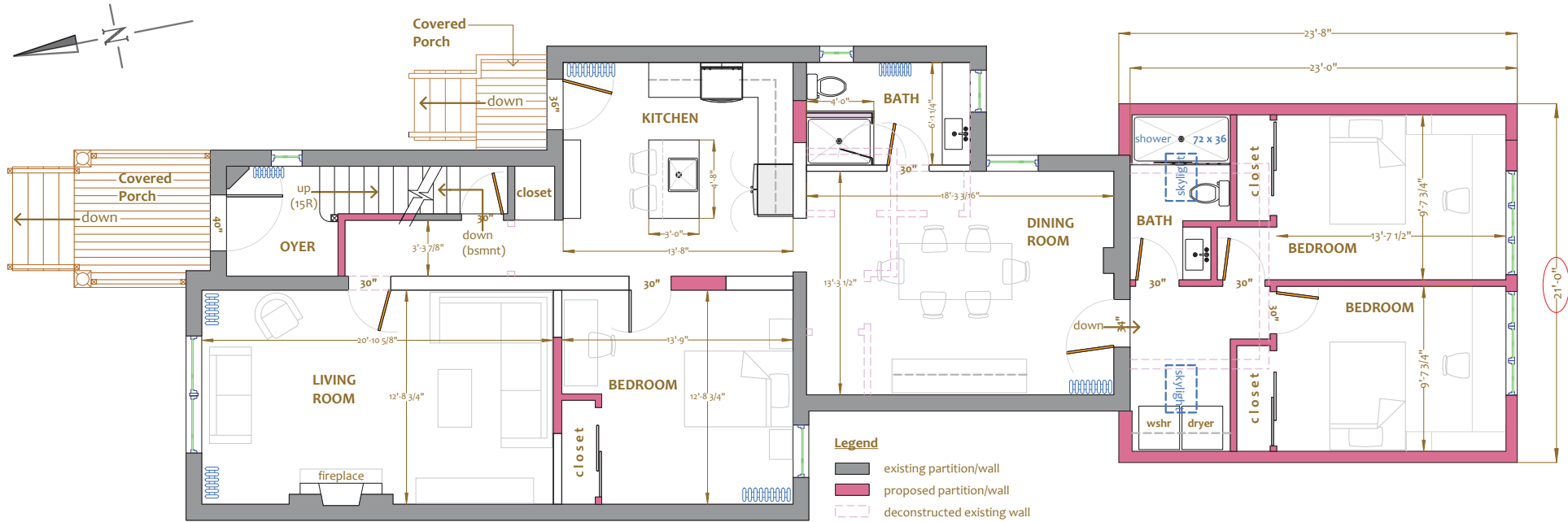
Total Footprint of Building as Proposed = 1,437 sq ft + 382 sq ft = 1,819 sq ft (45.9%)

Overall Building Depth as Proposed = 79'-1"

See "Dwelling Unit Allocation" drawings for GFA of individual units.

BROCK ST.

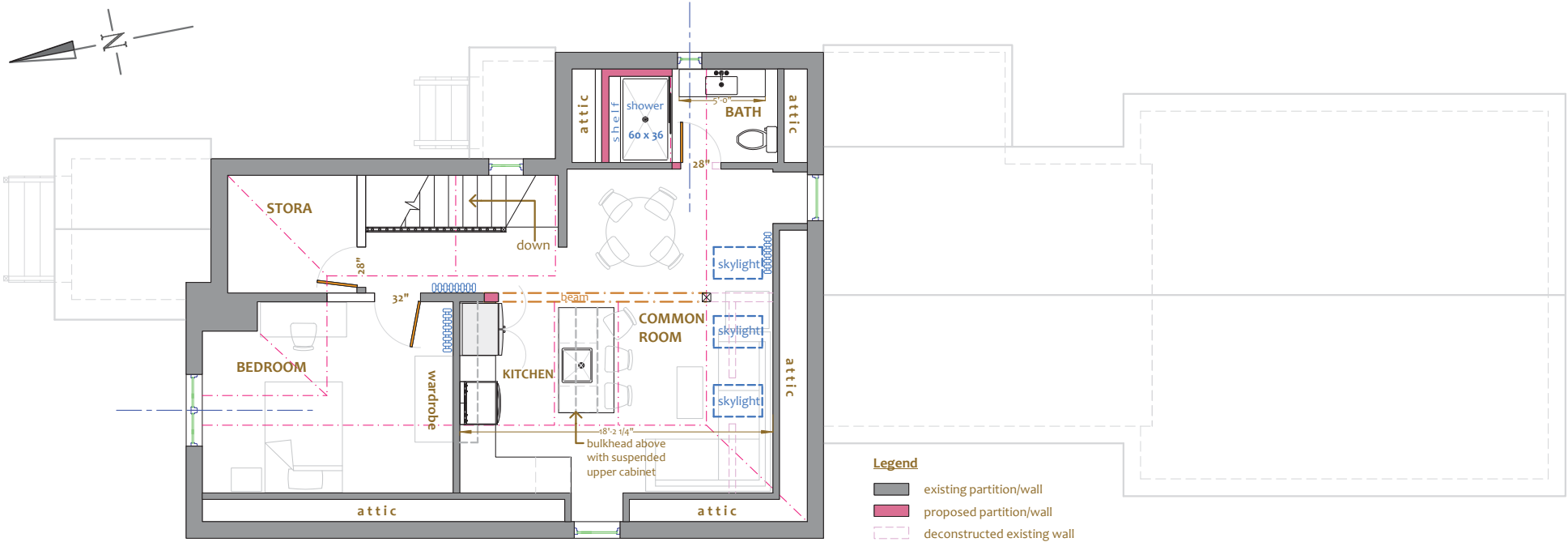
BROCK STREET

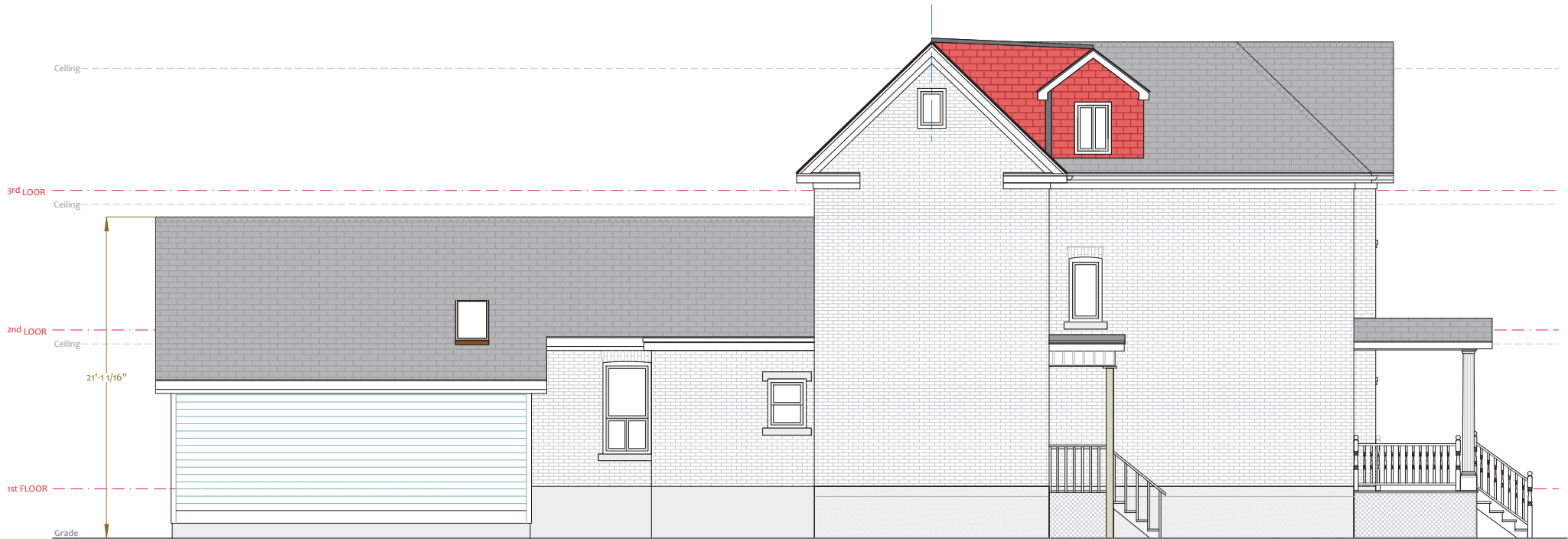


BROCK STREET

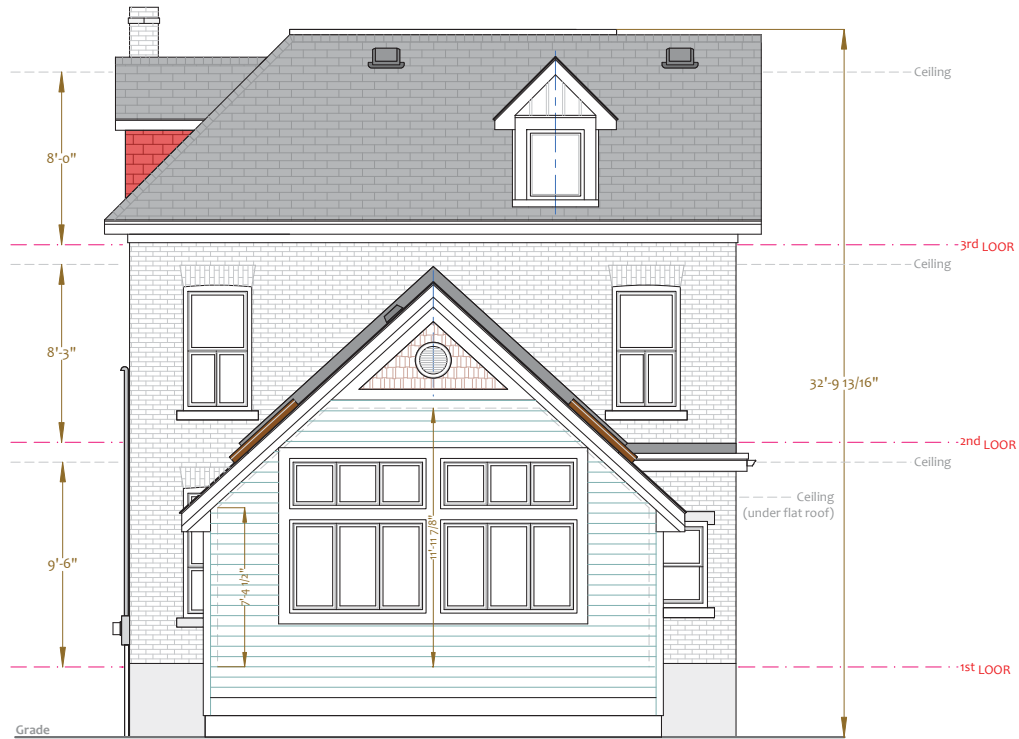


BROCK STREET



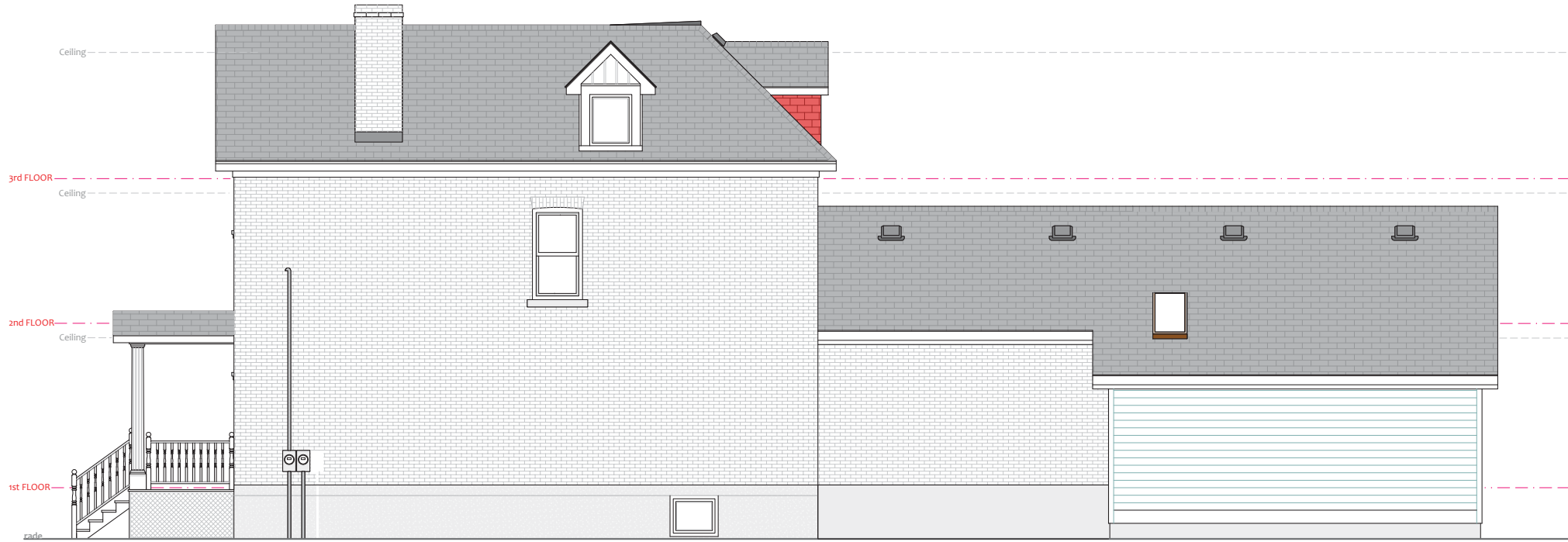


EAST (LEFT) ELEVATION
Showing Proposed Rear Addition



SOUTH (REAR) ELEVATION

Showing Proposed Rear Addition



WEST (RIGHT) ELEVATION

Showing Proposed Rear Addition







370 BROCK STREET
Elevations - PROPOSED

Dwg. No. A2.1 Scale: XX" = 1'-0" M. Gildenhaar BCIN# 32133



COMMITTEE OF ADJUSTMENT
Public Notice Notification Map

Address: 370 Brock St
File Number: D13-001-2021

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

