



**City of Kingston  
Report to Committee of Adjustment  
Report Number COA-21-021**

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**To:** Chair and Members of the Committee of Adjustment  
**From:** Niall Oddie, Planner  
**Date of Meeting:** March 22, 2021  
**Application for:** Minor Variance  
**File Number:** D13-068-2020  
**Address:** 9 Birch Avenue  
**Owner:** AND Estates Inc.  
**Applicant:** BLVD Group

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**Council Strategic Plan Alignment:**

Theme: 2. Increase housing affordability

Goal: 2.4 Promote secondary suites and tiny homes.

**Executive Summary:**

This report provides a recommendation to the Committee of Adjustment regarding an application for minor variances for the property located at 9 Birch Avenue. The applicant is proposing to construct a two-storey rear addition with a basement to accommodate a five-bedroom second residential unit with a total gross floor area of approximately 169 square metres. The entrance to second residential unit would be located along the eastern side of the structure and would be accessible from the existing driveway. Two tandem parking spaces would be located north of the entrance to the second residential unit, which will help to ensure the driveway remains free and clear for pedestrian and emergency service access to the second residential unit. An accessory structure will be provided to accommodate five (5) secure bicycle parking spaces and storage for garbage and recycling. Staff are recommending a development agreement as a condition of development to ensure the removal of the existing gravel parking area in the rear yard and to require the construction of the accessory structure.

March 22, 2021

Page 2 of 14

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(g) Maximum Building Depth  
Requirement:18.2 metres (maximum)  
Proposed:19.13 metres (maximum)  
Variance Requested:0.93 metres

**Variance Number 2:**

By-Law Number 8499:Section 5.3(k)(i) Minimum Driveway Width  
Requirement:3.0 metres  
Proposed:2.5 metres  
Variance Requested:0.5 metres

**Variance Number 3:**

By-Law Number 8499:Section 5.45(xvi) Minimum Access Aisle Width  
Requirement:1.2 metres  
Proposed:0.6 metres  
Variance Requested:0.6 metres

**Recommendation:**

**That** minor variance application, File Number D13-068-2020, for the property located at 9 Birch Avenue to allow the construction of a rear addition to accommodate an attached second residential unit, be approved; and

**That** approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-21-021.

March 22, 2021

Page 3 of 14

**Authorizing Signatures:**



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Niall Oddie, Planner

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

Paige Agnew, Commissioner, Community Services

March 22, 2021

Page 4 of 14

**Options/Discussion:**

On December 23, 2020, a minor variance application was submitted by BLVD Group, on behalf of the owner, AND Estates Inc., with respect to the property located at 9 Birch Avenue. The applicant proposes to construct a two-storey rear addition with a basement to accommodate a five-bedroom second residential unit with a total gross floor area of approximately 169 square metres. As shown in Exhibit F – Plot Plan, the entrance to the second residential unit would be located on the east side of the proposed structure and would be accessed by the existing driveway, which will function as a driveway and the required access aisle. Two (2) tandem parking spaces will be provided in the driveway to the north of the entrance to the second residential unit with the intention that the driveway remain free and clear for pedestrian and emergency service access to the second residential unit. The rear roof of the existing structure will be transitioned into a gable-roof. Two new windows will be introduced to the eastern elevation of the existing structure. A detached accessory structure is proposed within the rear yard to provide five (5) secure bicycle parking spaces and storage for garbage and recycling bins.

To facilitate the proposed development, the applicant has requested three (3) variances: an increase to the maximum permitted building depth; reduction in minimum driveway width; and reduction in the minimum access aisle width required for second residential units. In support of the application, the applicant has submitted the following:

- Planning Justification;
- Plot Plan (Exhibit F);
- Floor Plans and Elevation Drawings (Exhibit H); and
- Survey (Exhibit J).

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**

As shown in Exhibit B – Key Map and Exhibit I – Neighbourhood Context (2019), the subject lands are located on the north side of Birch Avenue, between Albert and Collingwood Streets, within the Sunnyside Neighbourhood. The property is currently developed with an existing single-detached dwelling, accessed by a driveway on the east side of the structure (Exhibit G – Photographs). Approximately half of the existing rear yard has been converted to a gravel parking area (Exhibit I – Neighbourhood Context (2019)).

The subject property is designated Residential in the Official Plan (Exhibit D – Official Plan Map) and zoned One- and Two-Family Dwelling ‘A’ Zone in Zoning By-Law Number 8499 (Exhibit E – Zoning By-law Map). The property abuts similar residential development to the east, west, north and south, with aerial imagery suggesting that rear additions have been common within the

March 22, 2021

Page 5 of 14

neighbourhood. Both abutting structures at 11 Birch Avenue and 7 Birch Avenue have previously been enlarged with large rear additions (Exhibit I – Neighbourhood Context Map). The subject lands are within proximity to the main campus of Queen’s University, recreational amenities of Victoria Park and public transportation routes. The subject lands are located approximately 600 metres south of the various commercial uses located on Princess Street.

## 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;

Section 2.2.1 of the Official Plan indicates that focus of growth within the municipality is to occur mostly within the urban boundary. The subject lands are shown as being within a Housing District on Schedule 2 of the Official Plan, with Section 2.2.5 indicating that these areas are planned to remain stable. Section 2.6 establishes criteria for compatible intensification within stable areas and notes that second residential units and development requiring minor variances are generally considered compatible, provided the development complies with the land use compatibility criteria outlined in Section 2.7.

Section 2.7.3 provides example land use compatibility matters to be considered, including: shadowing; loss of privacy due to intrusive overlook; reduction in ability to

March 22, 2021

Page 6 of 14

enjoy a property or the normal amenity associated with it; visual intrusion that disrupts the streetscape or buildings; architectural incompatibility in terms of scale, style or massing.

Section 2.7.6 requires proposed development to be functional for the long-term needs of the intended users, including: appropriate landscaping that meets or improves the characteristic green space amenity of the site and surroundings; clearly defined and safe pedestrian access to the building, parking spaces and appropriate bicycle facilities.

The proposed development seeks to establish a second residential unit within the urban boundary of the municipality, helping to increase the net residential density within the urban boundary and facilitate more efficient delivery of municipal services. The proposed second residential unit has been designed to be narrower than the existing dwelling and will maintain a lower overall roofline, which minimizes the impact of the proposed development on the existing streetscape. The windows in the proposed second residential unit have been arranged to avoid instructive overlook of the abutting residential buildings and their private outdoor amenity space. The applicant indicates that an accessory structure will provide five (5) secure bicycle parking spaces and storage for garbage and recycling. Further, the proposed application would remove the rear gravel parking area in favour of landscaped open space, which will help ensure that the site will satisfy the long-term landscaping and amenity requirements of the future residents, while conforming to parking regulations in the zoning by-law.

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

As discussed above, the surrounding lands are utilized for similar residential uses, with the two immediately abutting residential structures having received large rear additions in previous years. The proposed development will match the existing building depth of the abutting structure to the west, known municipally as 11 Birch Avenue. The windows in the proposed second residential unit have been arranged to avoid intrusive overlook of abutting residential structures and their private outdoor amenity space (Exhibit H – Floor Plans and Elevations). As such, the proposed development is considered compatible with the surrounding uses and structures.

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;

As shown in Exhibit F – Plot Plan, the applicant will provide two tandem parking spaces within the existing driveway. The applicant indicates that an accessory structure within the rear yard will provide five (5) secure bicycle parking spaces, which will promote active transportation and highlight the sites proximity to commercial uses along Princess Street and Queen's University. Variances 2 and 3 relate to reduced widths for the driveway and

March 22, 2021

Page 7 of 14

access aisle for the second residential unit. These variances are not anticipated to impact the functionality of the site, as vehicles will continue to have appropriate access to the two tandem parking spaces and the location of the two tandem parking spaces will ensure that the driveway and access aisle for the second residential unit will remain free and clear of parked vehicles. Although the access aisle will be reduced in width, it is intended that pedestrians and emergency services will be able to utilize the driveway on an as-needed basis. The reduced width of the driveway is less than the minimum width of a legal parking space, which will help ensure the parking spaces remain north of the entrance to the second residential unit.

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;

Section 8.3 of the Official Plan references the Design Guidelines for Residential Lots. These guidelines are supportive of gentle intensification, such as the introduction of second residential units, provided rear additions are context appropriate and avoid overpowering the existing buildings. Further, additions are encouraged to maintain a consistent scale and height for roofs, with appropriately sized dormers. The design guidelines encourage an appropriate amount of useable and functional amenity space and encourages new development to be designed so as to not impact the functionality or privacy of adjacent amenity areas.

As shown in Exhibit H – Floor Plans and Elevations, the proposed development is generally consistent with these guidelines as the rear addition has been designed to be narrower and to maintain a lower overall roofline than the existing structure, which will help minimize impact on the streetscape. The proposed dormer on the east side of the existing dwelling is modest in size and is similar to examples found on adjacent dwellings on Birch Avenue. The windows within the rear addition have been configured to minimize intrusive overlook of the adjacent amenity areas.

The subject lands do not contain any built heritage resources and are not located within a Heritage District. As such, the proposed development is not anticipated to impact a built heritage resource.

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 lands are not designated under Parts IV or V of the *Ontario Heritage Act*, nor are any of the surrounding lands. The proposed development is not affected by the protected views shown on Schedule 9 of the Official Plan. As such, the proposed development will not adversely affect heritage resources.

March 22, 2021

Page 8 of 14

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 application was circulated to Utilities Kingston for review and comment. Utilities Kingston indicated that the applicant should verify the size of the existing service, and that if larger services are required, that the applicant would be required to prepare a servicing plan and incur all costs associated with the installation of a larger service. The applicant has elected to defer this until the Building Permit stage.

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 current application seeks relief from three sections of the zoning by-law in order to establish a second residential unit, which are generally permitted for single-detached dwellings within Zoning By-Law 8499. The application and the cumulative impact of the proposed variances are appropriately dealt with through the minor variance process and 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;

The recommended conditions for the proposed development are provided in Exhibit A. Further to the standard conditions relating to the requirement for Building Permit, drainage not to adversely affect neighbouring properties and the preparation of an archaeological assessment prior to ground disturbance, Staff are recommending that the applicant be required to enter into a development agreement with the municipality prior to obtaining a Building Permit.

The purpose of the development agreement is to ensure that the applicant:

1. removes the existing gravel parking area within the rear yard and replaces that area with landscaped open space as defined in Zoning By-law 8499; and
2. constructs the accessory structure to provide five (5) secure bicycle parking spaces and provide storage for garbage and recycling bins.

The existing gravel parking area is required to be removed to satisfy the limitation on the maximum parking area permitted within the 'A' zone, which is limited to 40 square metres within a rear or interior side yard by Section 5.3B(cc) of Zoning By-Law 8499. Exhibit K overlays the plot plan provided by the applicant on top of the neighbourhood context map to illustrate the amount of gravel parking area that would need to be removed to comply with the requirements of Section 5.3B(cc) of Zoning By-law 8499. As the existing gravel parking area was added in contravention to the zoning by-law, it is Staff's opinion that it is



March 22, 2021

Page 9 of 14

appropriate to use a development agreement to ensure that the redevelopment of the property proposed through this minor variance application conforms with the requirements of the zoning by-law.

The accessory structure to provide secure bicycle parking and storage for garbage would help ensure the property can appropriately accommodate the intensity of use associated with the twelve (12) bedrooms that would be contained within the existing and proposed units. As the provision of bicycle parking spaces and garbage enclosures are not requirements within the 'A' Zone, it is Staff's opinion that it is appropriate to use a development agreement to ensure the functional benefits associated with the accessory structure are implemented and achieved.

The applicant does not support this condition as it is their contention that the conversion of the former gravel parking area is already required by the zoning by-law and as such there is no need for a development agreement or for their client to incur additional legal costs.

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

The municipality has supported several applications that sought relief from the maximum building depth regulation of the 'A' zone in the past. The current application is uncommon in that both abutting structures have previously been enlarged with rear additions, which increases the maximum building depth for the subject lands as-of-right. There was concern that a precedent could be set by varying the building depth regulation to permit an addition deeper than the two previously enlarged abutting structures. The application was revised through the technical review process to reduce the proposed building depth to match the existing depth of 11 Birch Avenue (Exhibit F – Plot Plan). As such, the proposed development would not extend farther than the two previously enlarged structures and the application is not anticipated to set an undesirable precedent for the immediate area.

The proposal meets the intent of the Official Plan, as the proposed second residential unit has been designed to be compatible with the surrounding land uses and is not anticipated to 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 and Two-Family '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 (Exhibit E – Zoning By-Law Map). The 'A' zone permits single-detached dwellings and second residential unit, subject to the requirements of Sections 5 and 6 of the zoning by-law.

It has been determined that the proposed development requires relief from the following three sections of Zoning By-Law Number 8499:

March 22, 2021

Page 10 of 14

**Variance Number 1:**

By-Law Number 8499:Section 6.3(g) Maximum Building Depth

Requirement:18.2 metres (maximum)

Proposed:19.13 metres (maximum)

Variance Requested:0.93 metres

**Variance Number 2:**

By-Law Number 8499:Section 5.3B(k)(i) Minimum Driveway Width

Requirement:3.0 metres

Proposed:2.5 metres

Variance Requested:0.5 metres

**Variance Number 3:**

By-Law Number 8499:Section 5.45(xvi) Minimum Access Aisle Width

Requirement:1.2 metres

Proposed:0.6 metres

Variance Requested: 0.6 metres

Within the 'A' Zone, maximum permitted building depth for any permitted residential building is calculated based on the average distance between the established front building line and the established rear building line of the two nearest permitted residential structures on the nearest lots on the same block on opposite sides of the subject property. In this case, maximum building depth was calculated to be 18.2 metres and was based on the depth of the two abutting structures at 11 Birch Avenue and 7 Birch Avenue. The intent of this regulation is to ensure the scale of proposed development is consistent with the established scale in proximity to the proposed development. Although the proposed development exceeds the maximum permitted building depth for the subject lands, the requested variance maintains the intent of the zoning by-law by maintaining the existing building depth established by 11 Birch Avenue not introducing a scale of development that is out of character for the block or neighbourhood. The proposed development is not anticipated to establish a new precedent for development within the block.

Variances 2 and 3 relate to reductions in driveway width and the access aisle required for the proposed second residential unit. Section 5.45(xvi) of the zoning by-law requires second residential units to be accessible by a 1.2 metre unobstructed pathway from the front of the house to the second residential unit entrance, whereas Section 5.3B(k)(i) requires a minimum driveway width of 3 metres to facilitate vehicular access to parking spaces. The intent of these minimum widths is to ensure functional access to parking areas and functional access to the second residential unit for pedestrians and emergency services is maintained. The entrance to the proposed second residential unit has been located along the eastern side of the structure and would be accessed by an access aisle and the existing driveway (Exhibit F – Plot Plan). As the existing dwelling is situated approximately 3.1 metres from the eastern side lot line, there is insufficient space to accommodate a full-width 3 metre driveway and a full-width 1.2 metre access aisle (Exhibit J – Survey). As the two proposed parking spaces will be situated north of the entrance to

March 22, 2021

Page 11 of 14

the second residential unit, it is anticipated that the driveway will remain free and clear of vehicles and additional space can be devoted to the access aisle on an as-needed basis. To help ensure parking occurs in the approved locations north of the entrance to the second residential unit, the driveway width has been reduced to be less than the legal width of a parking space but will remain functional for vehicular access. These proposed variances maintain the intent of the by-law as the site will remain functional for vehicular and pedestrian traffic.

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

Variance 1 seeks relief from the maximum building depth regulation to establish a building depth of 19.14 metres, whereas the average of the two abutting structures would limit the building depth to 18.2 metres, resulting in a variance of 0.93 metres. The variance has been requested to establish a second residential unit. The Official Plan identifies second residential units as being a compatible form of intensification within stable areas. Further, intensification through the creation of second residential units is supported by provincial policy and is identified as being a priority within the City of Kingston's Strategic Plan 2019-2022. The variance is considered minor in nature as the proposed building depth matches the existing building depth of 11 Birch Avenue and appears generally consistent with the existing built form found on Birch Avenue and the immediately surrounding blocks of Albert, Collingwood and Johnson Streets. The depth of the proposed rear addition is not anticipated to establish an undesirable precedent within the neighbourhood.

Variances 2 and 3 relate to the reduced widths for the driveway and access aisle for the second residential unit. These features will be located beside each other within the existing driveway, with the two parking spaces being located north of the entrance to the second residential unit. The reduction in minimum width for these features is required due to the location of the existing dwelling relative to the property line (Exhibit J – Survey). To help ensure that the access aisle to the second residential unit remains free and clear, the driveway width has been reduced to 2.5 metres, which is less than the width of a legal parking space. As such, any parking that occurs within the driveway south of the entrance to the second residential unit would not conform with the requirements of the zoning by-law and could be subject to enforcement. Variances 2 and 3 are considered minor in nature as the access aisle and driveway will both remain functional, as both features will be able to utilize extra width when required and not be impacted by the required parking spaces.

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

The variances are required to facilitate the development of a second residential unit, which is identified within the Official Plan as being a compatible form of intensification within stable areas. The subject lands are an appropriate location for intensification, as the lands are located within the urban boundary, serviced by existing municipal infrastructure, walking distance to public transportation, open space and Queen's University (Exhibit B – Key Map and Exhibit I – Neighbourhood Context (2019)). The proposed building depth has been

March 22, 2021

Page 12 of 14

designed to match the existing building depth of the abutting structure located at 11 Birch Avenue and will not introduce built form that would establish a precedent for the neighbourhood. The rear addition has been designed to be narrower in width than the existing dwelling and will maintain a lower overall roofline than the existing unit, therefore reducing the impact of the proposed development on the streetscape (Exhibit H – Floor Plans and Elevations). The driveway and access aisle for the second residential unit have been designed to ensure that the driveway remains free and clear of vehicles and that access to the second residential unit remains unobstructed. By ensuring that the driveway remain free and clear, the access aisle will be able to utilize additional width on an as-needed basis. This report has demonstrated that the proposed development conforms to the requirements of Sections 2.7 and 9.5.19 of the Official Plan and the variances are therefore considered to be desirable for the appropriate use of the land.

**Technical Review: Circulated Departments and Agencies**

- Building Services
- Finance
- Fire & Rescue
- Solid Waste
- Housing
- KEDCO
- CRCA
- Parks Canada
- Hydro One
- Kingston Airport
- Engineering Department
- Utilities Kingston
- Kingston Hydro
- Parks Development
- District Councillor
- Municipal Drainage
- KFL&A Health Unit
- Eastern Ontario Power
- Enbridge Pipelines
- 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

**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, there have not been any public comments received in support of, or opposition to the proposed 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.

March 22, 2021

Page 13 of 14

**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) 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 facilitate the development of a second residential unit, which is a compatible form of intensification within stable neighbourhoods.

**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 March 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 48 property owners (according to the latest Assessment Roll) within 60 metres of the subject property (Exhibit C – 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

March 22, 2021

Page 14 of 14

**Financial Considerations:**

None

**Contacts:**

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

Niall Oddie, Planner, 613-546-4291 extension 3259

**Other City of Kingston Staff Consulted:**

None

**Exhibits Attached:**

- Exhibit A Recommended Conditions
- Exhibit B Key Map
- Exhibit C Public Notification Map
- Exhibit D Official Plan Map
- Exhibit E Zoning By-Law Map
- Exhibit F Plot Plan
- Exhibit G Photographs
- Exhibit H Floor Plans and Elevation Drawings
- Exhibit I Neighbourhood Context (2019)
- Exhibit K Overlay Map

## Recommended Conditions

### Application for minor variance, File Number D13-068-2020

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

#### 1. Limitation

That the approved minor variance applies only to the rear addition to accommodate a second residential unit 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 shall provide sufficient information to confirm Floor Space Index under Section 6.3(h) of Zoning By-law 8499, as sufficient detail was not provided through the minor variance application.

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

Archaeological clearance of the subject property is required, beginning with a Stage One Archaeological Assessment and including any subsequent assessments as required by the Ministry of Heritage, Sport, Tourism, and Culture Industries' Standards and Guidelines for Consultant Archaeologists, as amended from time to time, prior to any soil disturbance.

One digital copy of the assessment report(s) and any acceptance letter(s) from the Ministry of Heritage, Sport, Tourism, and Culture Industries shall be provided to the Secretary-Treasurer of the Committee of Adjustment, prior to the issuance of the Certificate of Official.

The City 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.

## **5. Development Agreement**

The owner/application shall enter into a development agreement satisfactory to the City to be registered on title with the subject lands. All legal costs associated with the preparation and registration of the agreement shall be borne by the owner. The applicant shall provide a copy of the registered executed agreement to the Secretary-Treasurer, Committee of Adjustment and shall include a copy of the registered executed agreement when they make application for a Building Permit. The agreement shall contain conditions to ensure:

- a) That the existing gravel surfaces within the rear yard that are not required for vehicular parking shall be converted from parking area into landscaped open space in accordance with Sections 5.3B(cc) and 6.3(o) of Zoning By-law 8499; and
- b) That the accessory structure shown on the approved drawings attached to the notice of decision shall be constructed prior to occupancy of the second residential unit. The accessory structure shall provide storage space for garbage and recycling bins and a minimum of five (5) secure bicycle parking spaces.

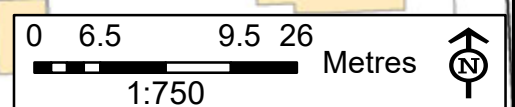
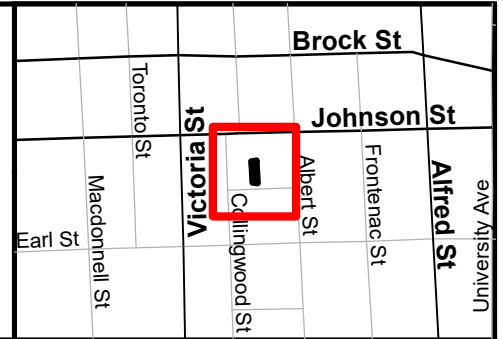




Committee of Adjustment  
**Key Map**

Address: 9 Birch Avenue  
File Number: D13-068-2020

Lands Subject to Minor Variance

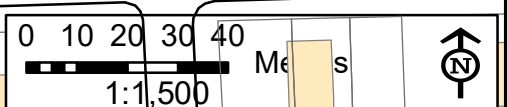
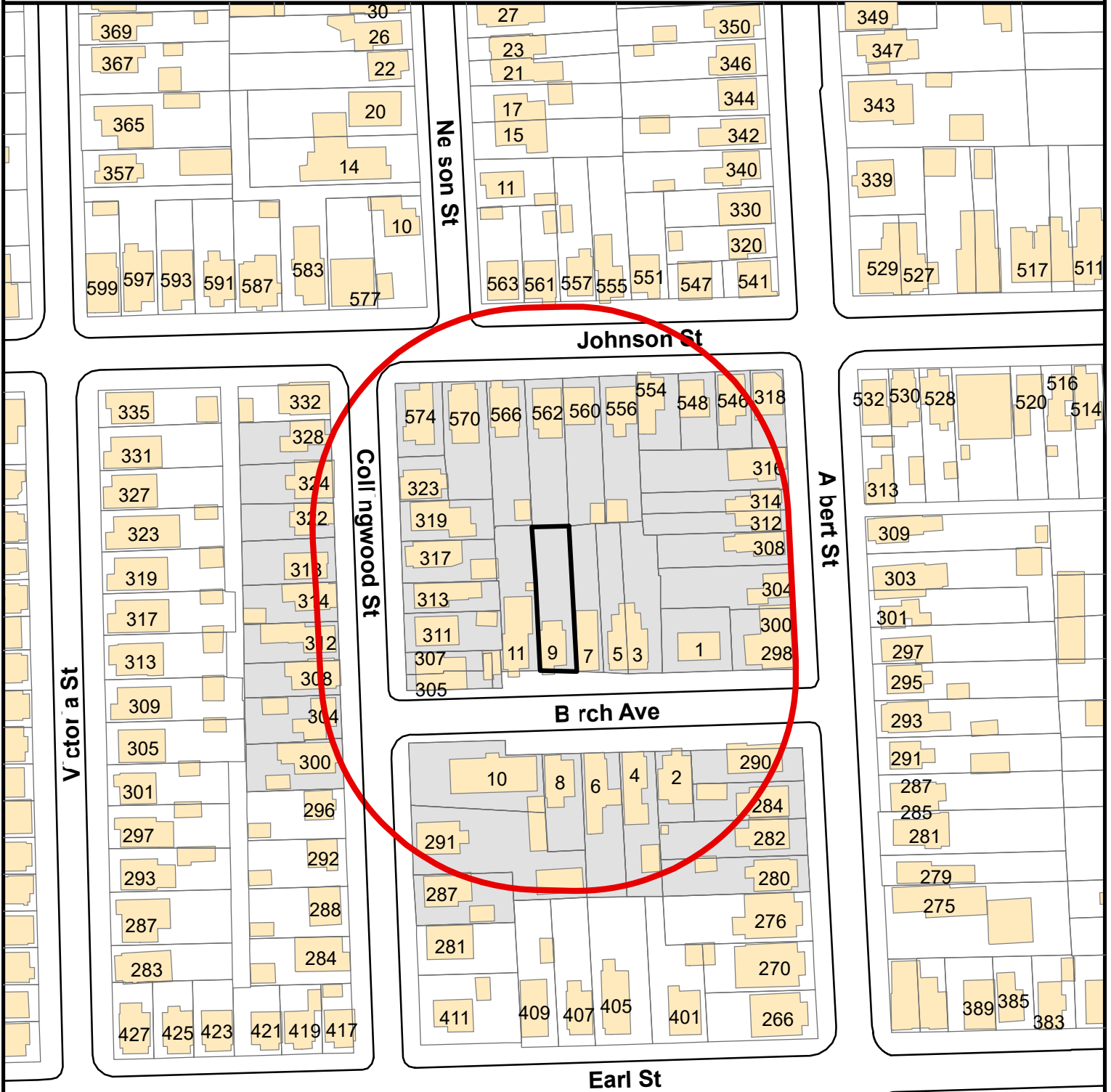




Committee of Adjustment  
**Public Notice Notification Map**

Address: 9 Birch Avenue  
File Number: D13-068-2020

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

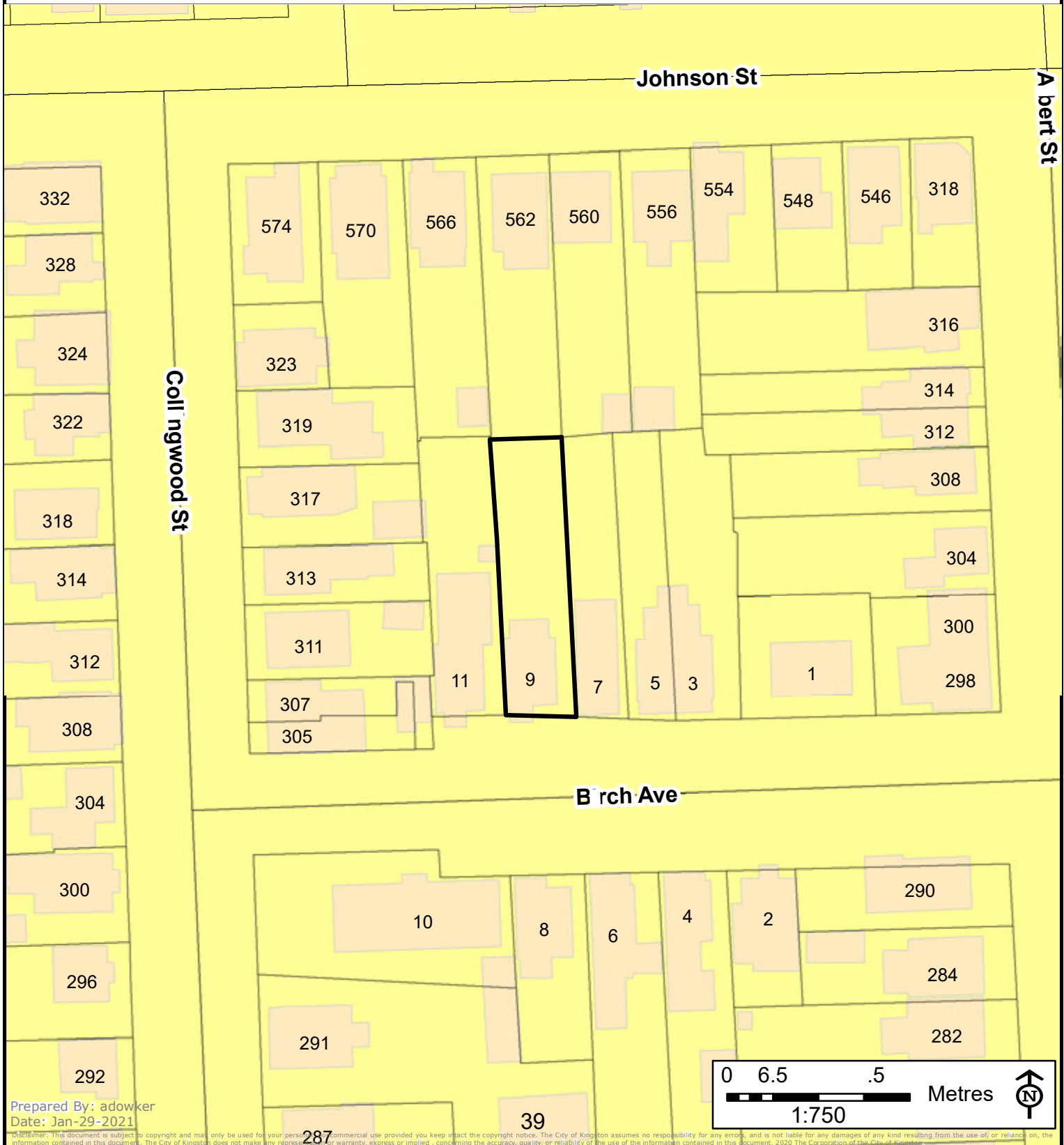




# Committee of Adjustment Official Plan, Existing Land Use

Address: 9 Birch Avenue  
File Number: D13-068-2020

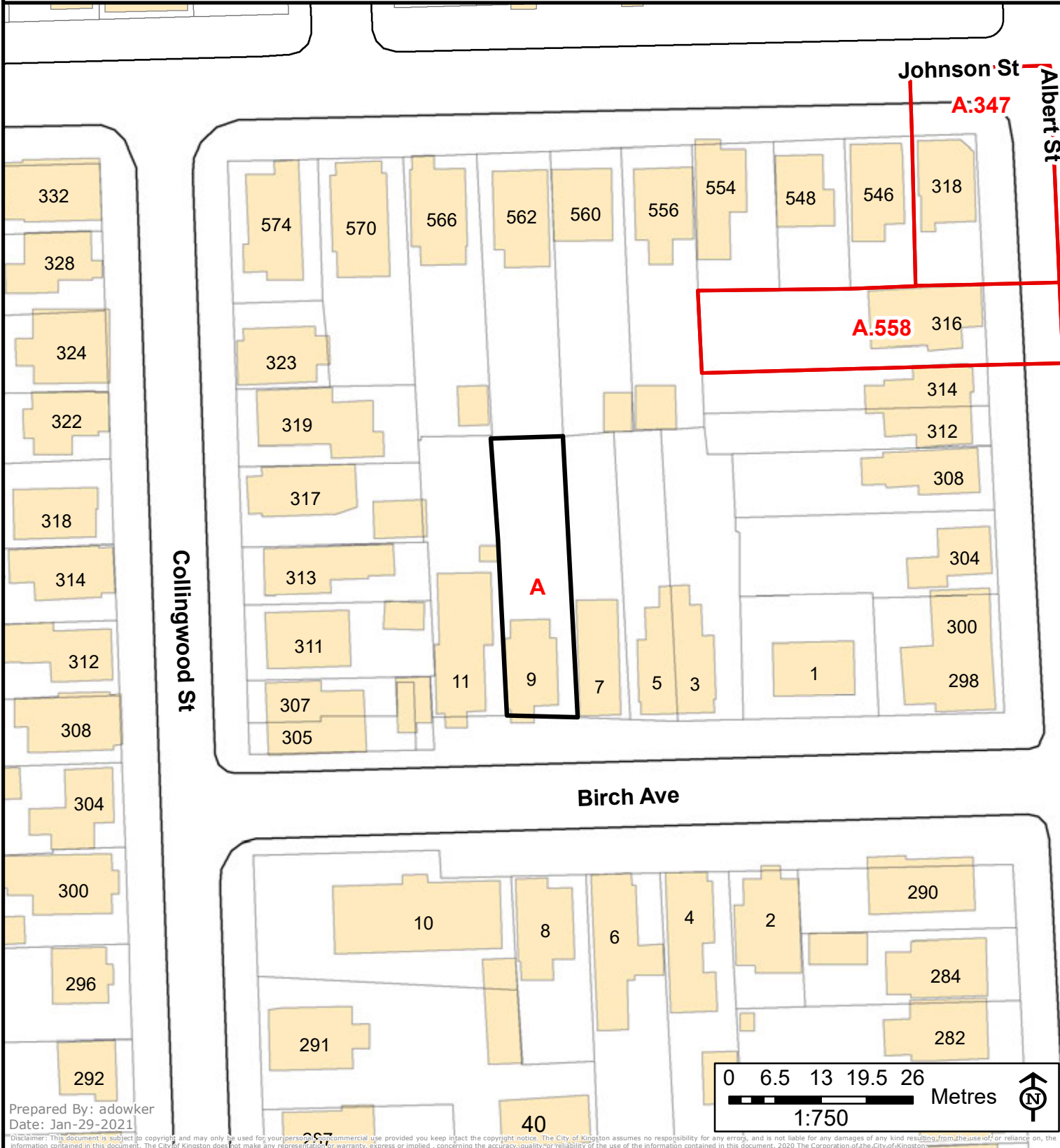
Subject Lands  
 RESIDENTIAL





Committee of Adjustment  
Existing Zoning - By-law 8499, Map 30  
Address: 9 Birch Avenue  
File Number: D13-068-2020

- Subject Lands
- Consolidated Zoning



Prepared By: adowker  
Date: Jan-29-2021

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# BUILDING PERMIT APPLICATION PLOT PLAN

**APPLICANT NAME:**  
The Boulevard Group

**PHONE #:**  
613-531-2539

**PROPERTY ADDRESS:**  
9 Birch Ave

**LEGEND:**

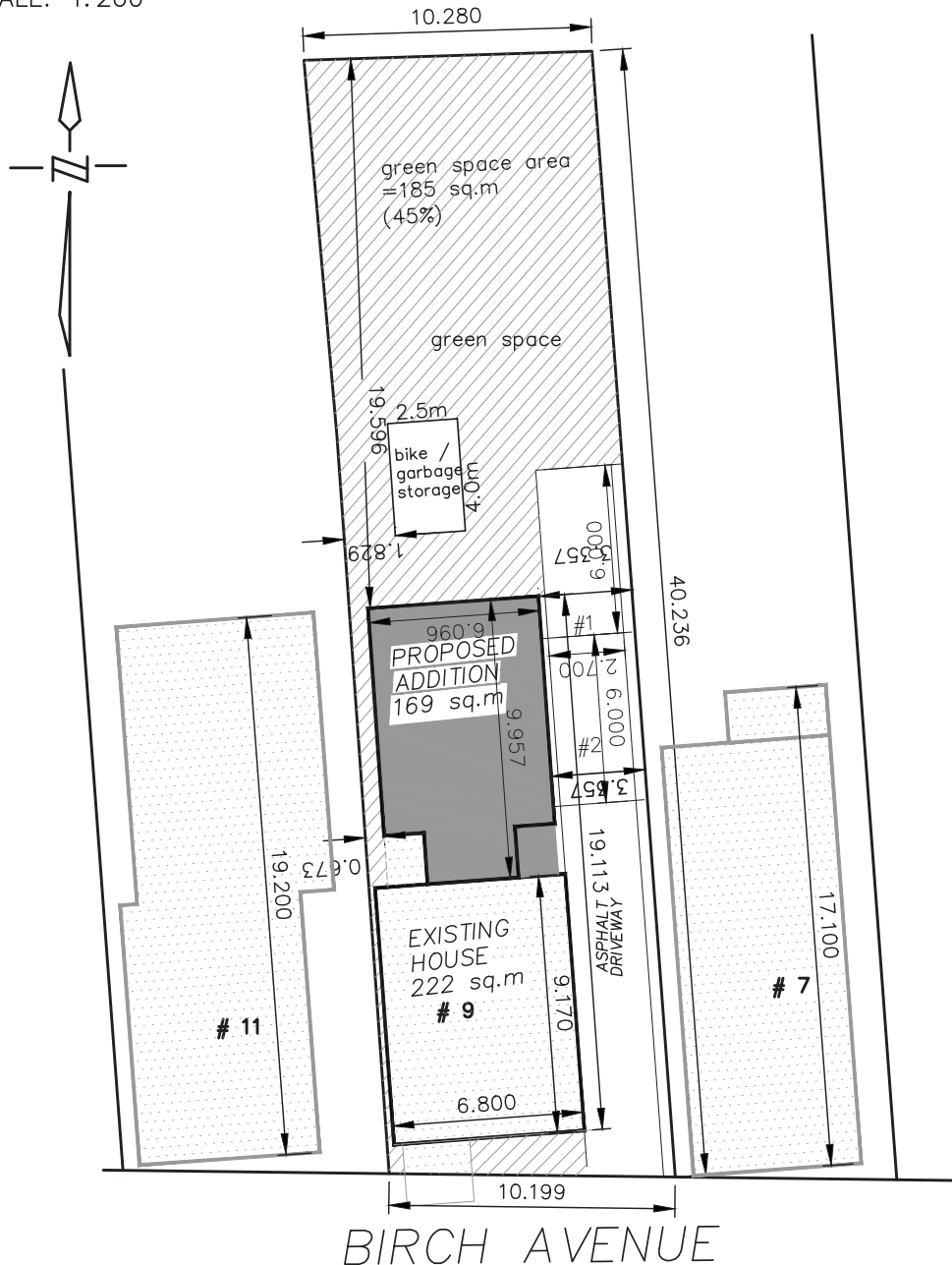
- ENTRANCE LOCATION & # RISERS TO GRADE
- COMMUNITY MAIL BOX
- HYDRO TRANSFORMER
- BELL PEDESTAL
- CABLE PEDESTAL
- LIGHT STANDARD
- HYDRANT
- TRAFFIC SIGN
- STREET SIGN
- EASEMENT LINE
- OVERHEAD HYDRO LINE
- WAT — WATER SERVICE
- SAN — SANITARY SERVICE
- STM — STORM SERVICE
- CB □ CATCH BASIN
- MH ○ MANHOLE
- S/W SIDEWALK
- CURB
- PROPOSED ELEVATION
- EXISTING ELEVATION
- PROPOSED ELEVATION TO BE PROVIDED BY APPLICANT
- DRAINAGE DIRECTION
- DRAINAGE SWALE

**DETAILS:**

LOT 818 PLAN/CON. # \_\_\_\_\_  
 PART # \_\_\_\_\_ R-PLAN # \_\_\_\_\_  
 TOP FOUNDATION ELEV. \_\_\_\_\_  
 BOTTOM FOOTING ELEV. \_\_\_\_\_  
 ELEVATION AT GRADE \_\_\_\_\_  
 FOUNDATION CUT \_\_\_\_\_  
 ZONE A \_\_\_\_\_  
 LOT AREA 405.87 sq.m  
 BLDG. FOOTPRINT AREA 123.25 sq.m  
 COVERAGE % PROPOSED 30.4% \_\_\_\_\_  
 PERMITTED \_\_\_\_\_  
 DATE : February 10, 2021

**DRIVEWAY INFORMATION:** WIDTH (max. 6m) \_\_\_\_\_  
 SLOPE (max. 10%) \_\_\_\_\_ BELOW GRADE: \_\_\_\_\_  
 SURFACE MATERIAL \_\_\_\_\_

SCALE: 1:200



REVIEWED BY	DATE	APPROVED	REJECTED _____ (Reasons As Noted)	LOT GRADING SECURITY REQUIRED: YES _____ NO _____	AMOUNT REQUIRED

Site Photographs

February 18, 2021 and Google Streetview



Figure 1 - 9 Birch Avenue



Figure 2 - Building Depth of 11 Birch Avenue

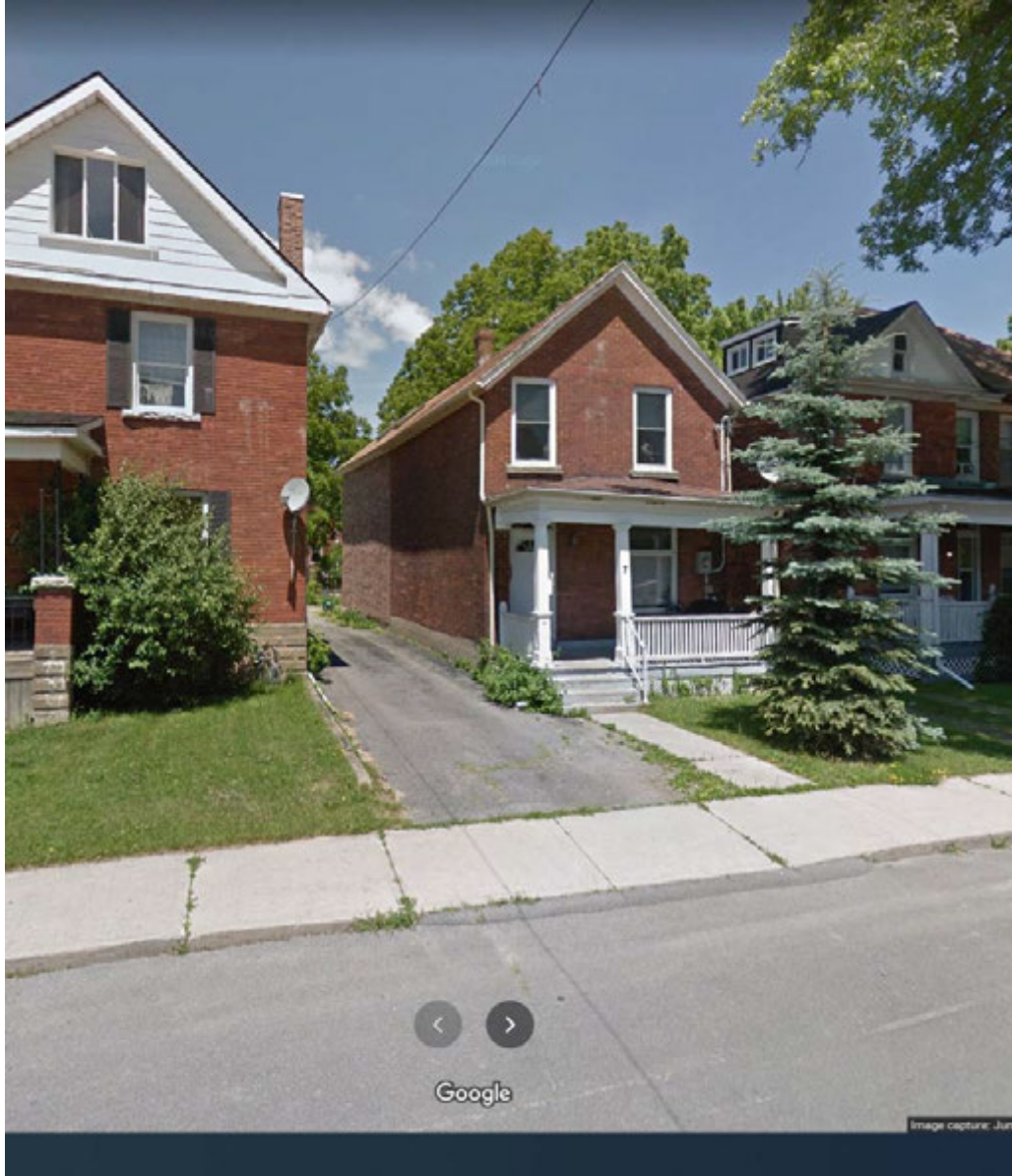
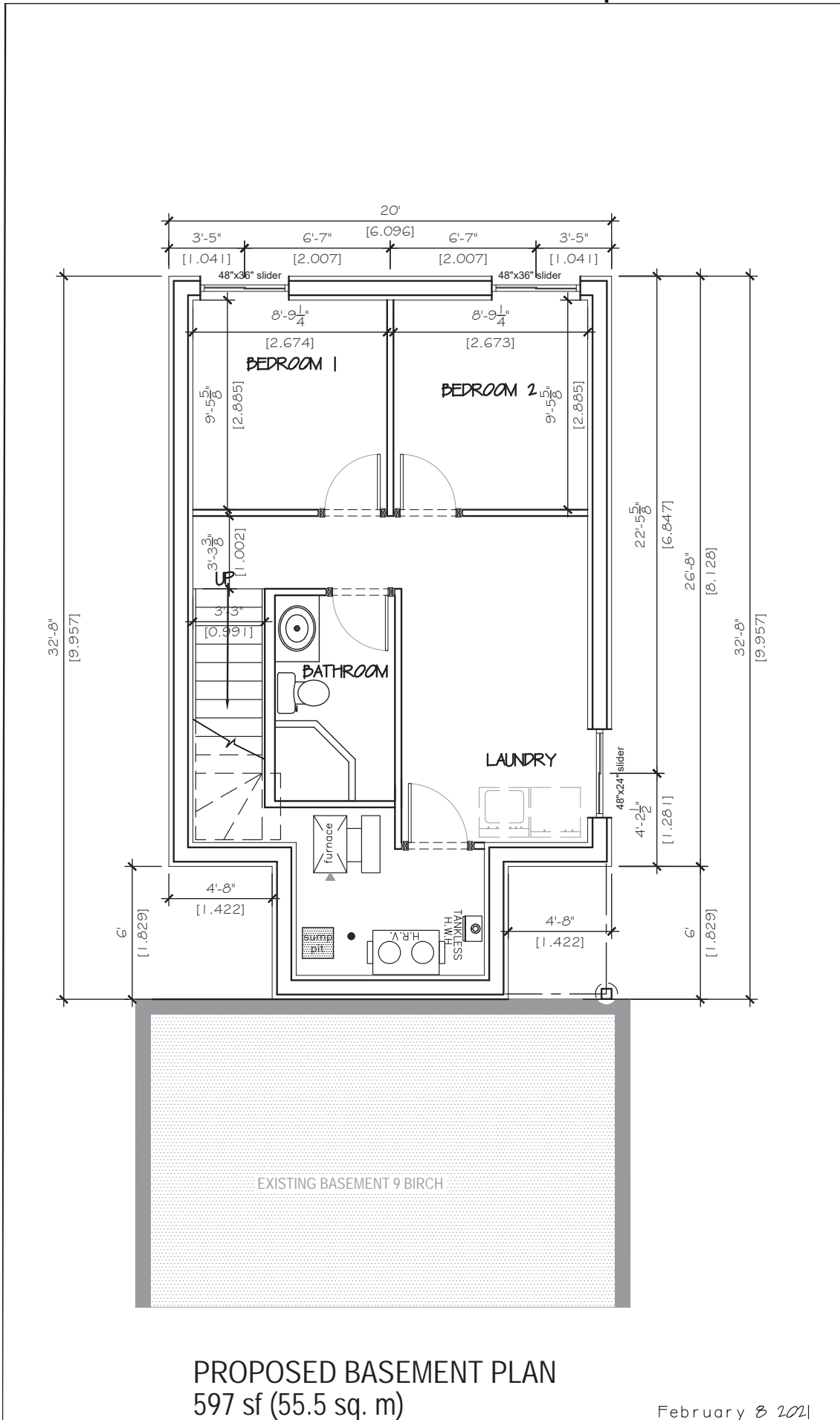


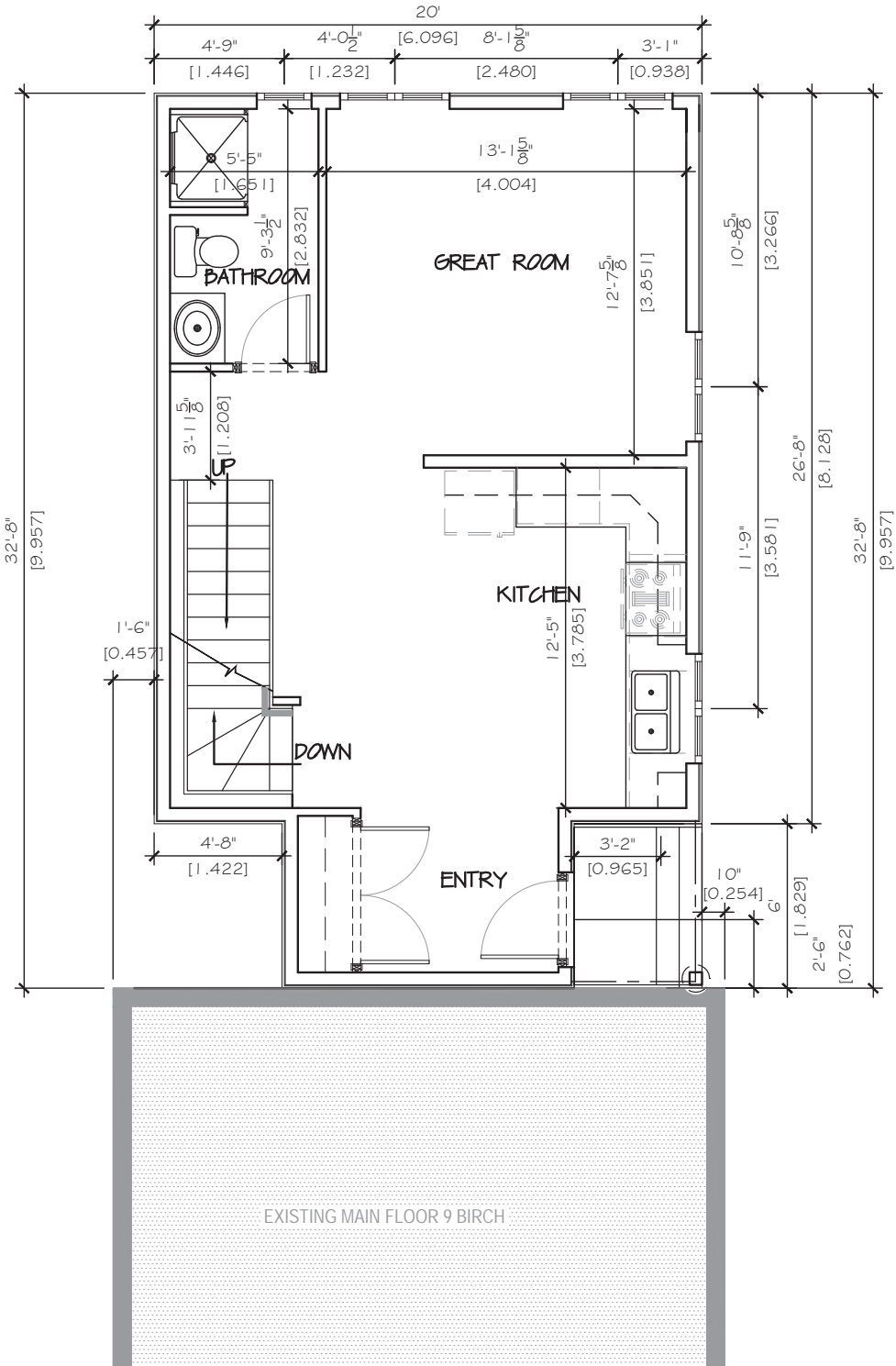
Figure 3 - Building Depth of 7 Birch Avenue





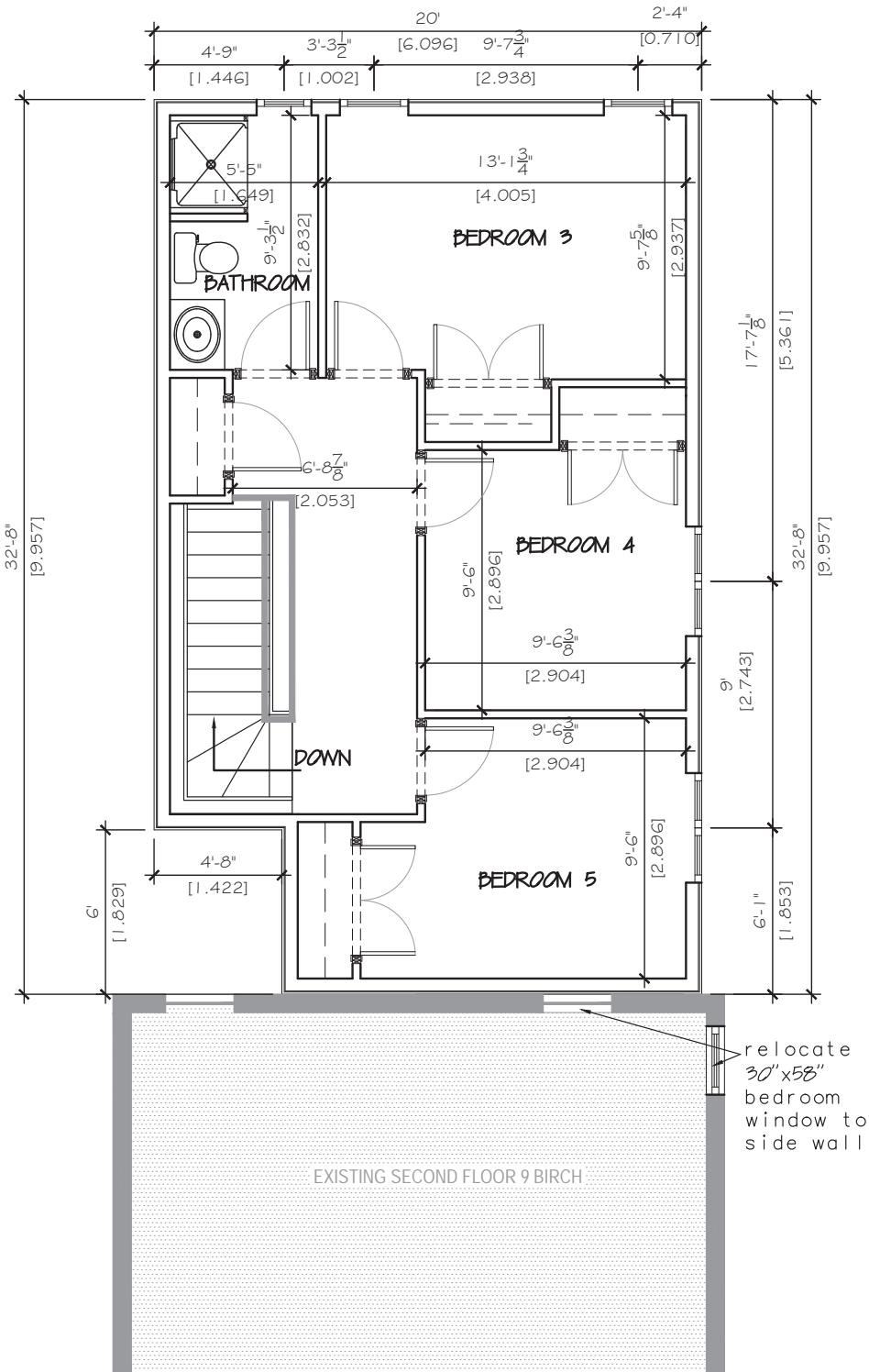
PROPOSED BASEMENT PLAN  
597 sf (55.5 sq. m)

February 3 2021



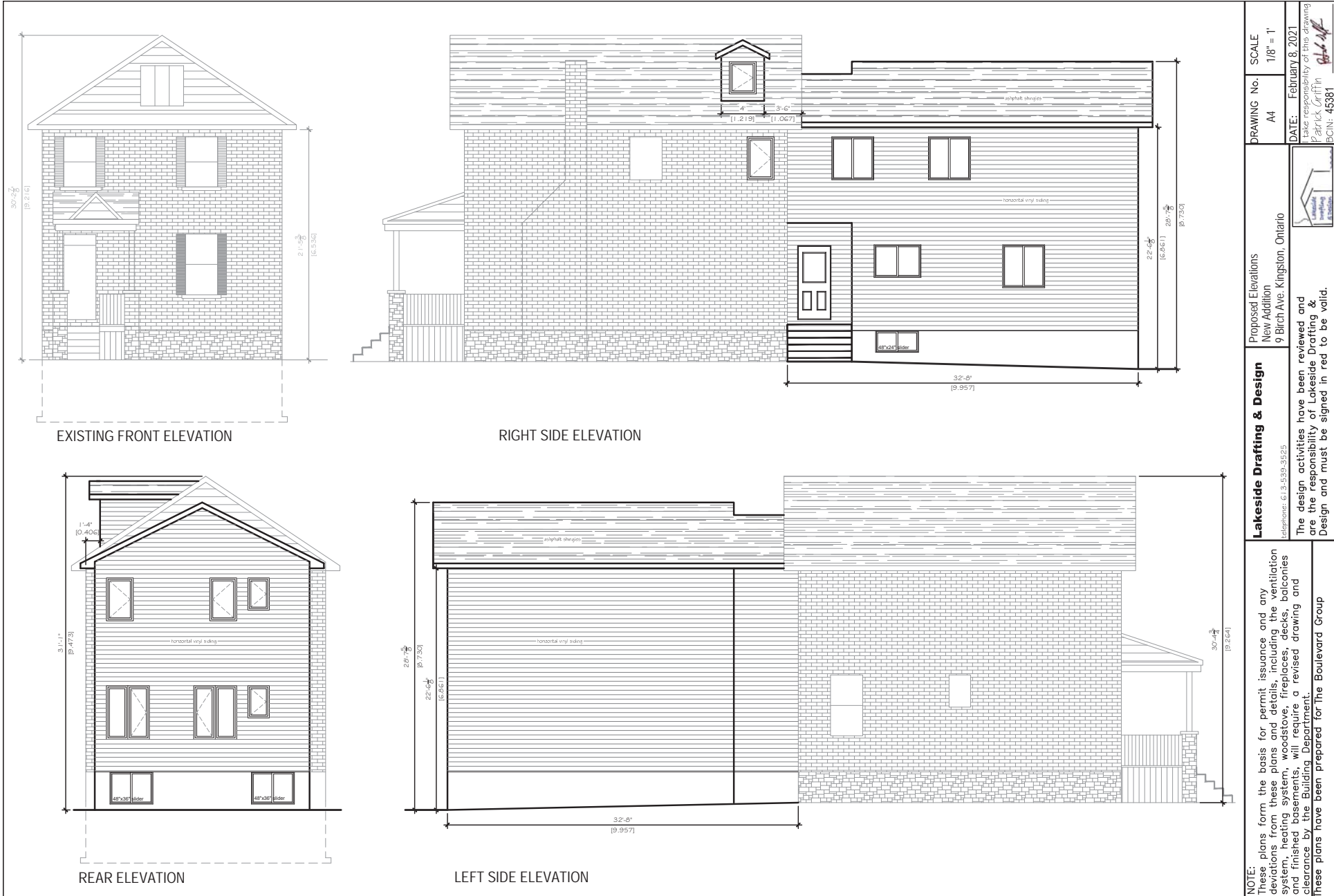
PROPOSED MAIN FLOOR PLAN  
597 sf (55.5 sq. m)

February 8 2021



PROPOSED SECOND FLOOR PLAN  
625 sf (58.1 sq. m)

February 8 2021



<p><b>Lakeside Drafting &amp; Design</b> Telephone: 613-539-3525</p>	<p>Proposed Elevations New Addition 9 Birch Ave. Kingston, Ontario</p>	<p>DRAWING No. A4</p>	<p>SCALE 1/8" = 1'</p>
	<p>The design activities have been reviewed and are the responsibility of Lakeside Drafting &amp; Design and must be signed in red to be valid.</p>	<p>DATE: February 8, 2021</p> <p>Take responsibility of this drawing Patrick Griffin BCIN: 45381</p>	<p>DATE: February 8, 2021</p> <p>Take responsibility of this drawing Patrick Griffin BCIN: 45381</p>

**NOTE:** These plans form the basis for permit issuance and any deviations from these plans and details, including the ventilation system, heating system, woodstove, fireplaces, decks, balconies and finished basements, will require a revised drawing and clearance by the Building Department. These plans have been prepared for The Boulevard Group

# 9 Birch Ave, Kingston, ON

Main Floor Total Exterior Area 73.9 m<sup>2</sup>  
Total Interior Area 64.1 m<sup>2</sup>



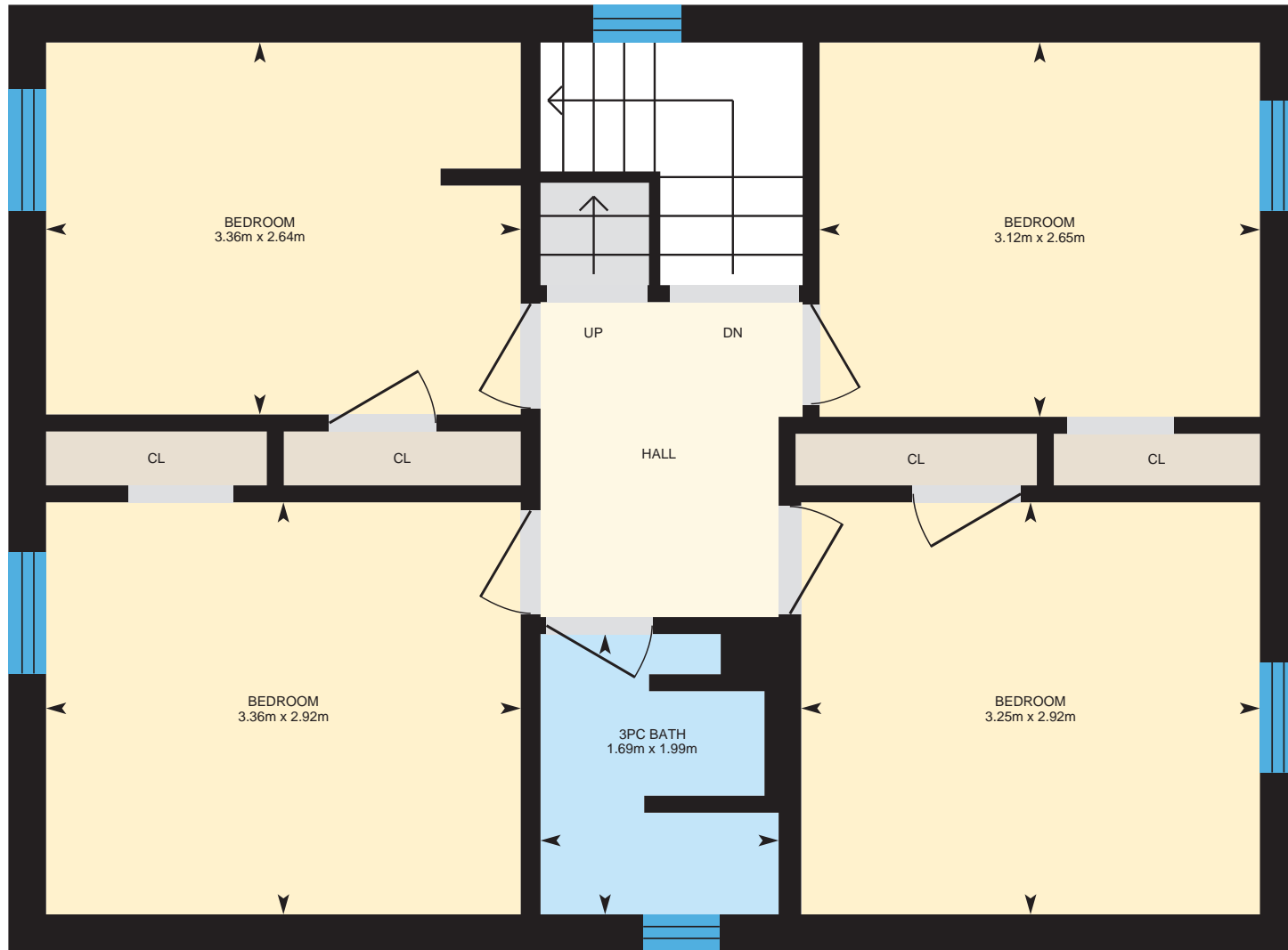
PREPARED: Dec 2020



White regions are excluded from total floor area in iGUIDE floor plans. All room dimensions and floor areas must be considered approximate and are subject to independent verification.

# 9 Birch Ave, Kingston, ON

2nd Floor Total Exterior Area 61.3 m<sup>2</sup>  
Total Interior Area 53.1 m<sup>2</sup>

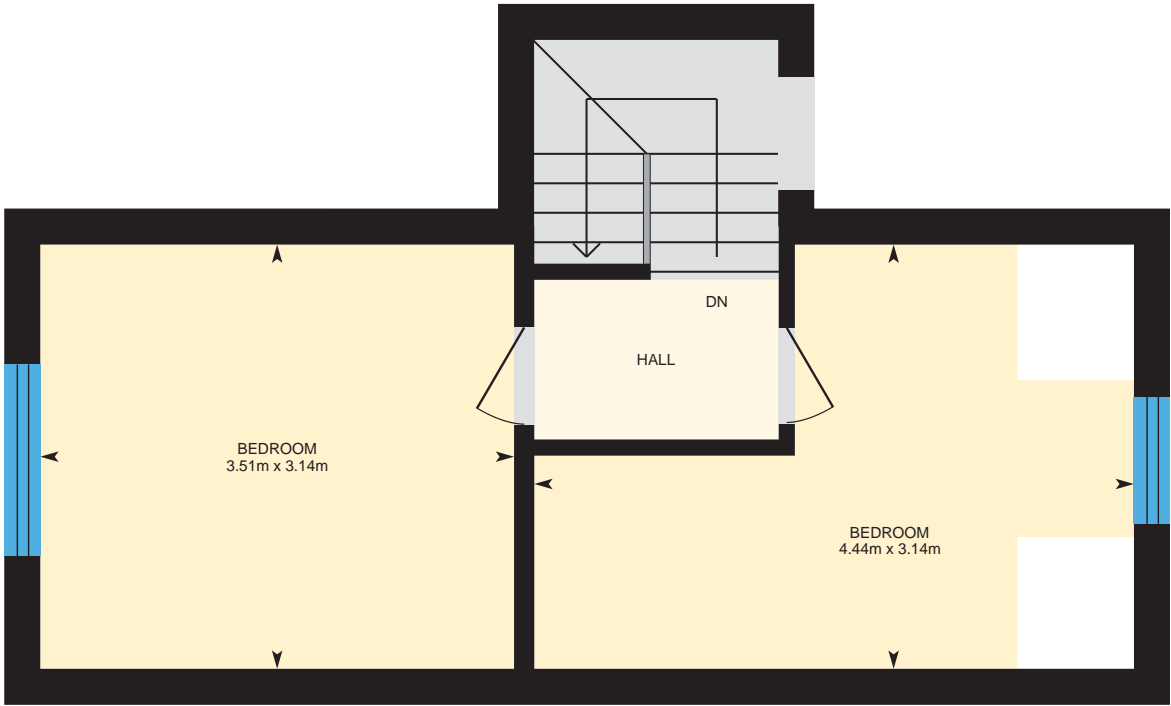


PREPARED: Dec 2020



# 9 Birch Ave, Kingston, ON

3rd Floor Total Exterior Area 33.6 m<sup>2</sup>  
Total Interior Area 26.5 m<sup>2</sup>



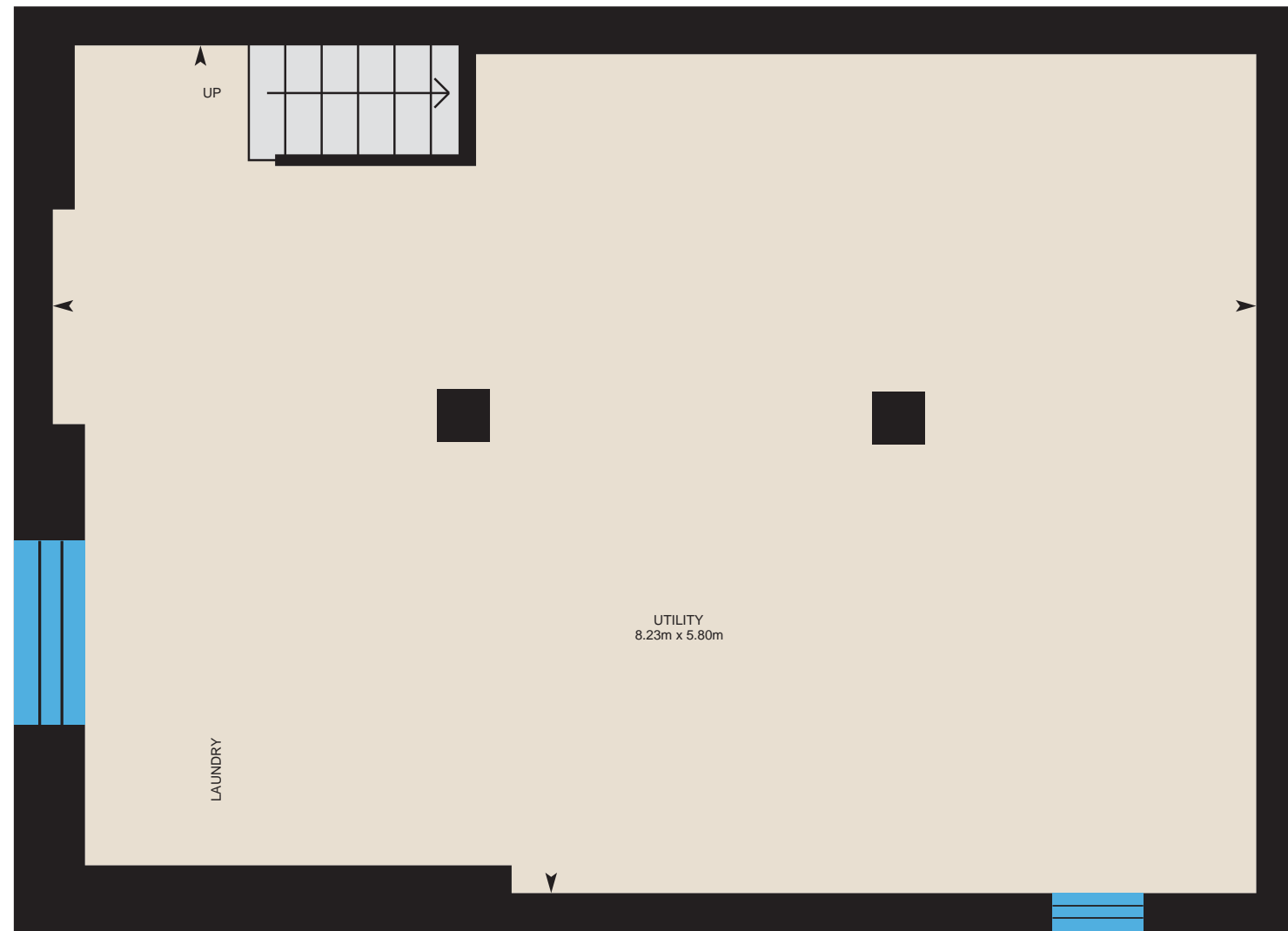
PREPARED: Dec 2020



White regions are excluded from total floor area in iGUIDE floor plans. All room dimensions and floor areas must be considered approximate and are subject to independent verification.

# 9 Birch Ave, Kingston, ON

**Basement** Total Exterior Area 53.8 m<sup>2</sup>  
Total Interior Area 46.0 m<sup>2</sup>



PREPARED: Dec 2020



White regions are excluded from total floor area in iGUIDE floor plans. All room dimensions and floor areas must be considered approximate and are subject to independent verification.





# Committee of Adjustment Neighbourhood Context (2019)

Address: 9 Birch Avenue  
File Number: D13-068-2020

- Subject Lands
- Property Boundaries
- Proposed Parcels



SURVEYOR'S  
 REAL PROPERTY REPORT  
 PART 1  
 PLAN OF  
 PART OF LOT 818  
 REGISTERED PLAN No. A-12  
 CITY OF KINGSTON  
 COUNTY OF FRONTENAC  
 GRANGE W. ELLIOTT LTD.  
 SCALE: 1" = 10'  
 1995

THIS REPORT WAS PREPARED FOR  
 R. GUTHRIE & THE  
 UNDERSIGNED ACCEPTS NO RESPONSIBILITY  
 FOR USE BY OTHER PARTIES

SURVEYOR'S CERTIFICATE:  
 I CERTIFY THAT THE FIELD SURVEY REPRESENTED  
 ON THIS PLAN WAS COMPLETED ON THE 1ST.  
 DAY OF MARCH, 1995  
 GRANGE W. ELLIOTT LTD. *[Signature]*  
 KINGSTON, ONTARIO  
 MARCH 2, 1995  
 DATE \_\_\_\_\_  
 M. PETER ALLEN  
 ONTARIO LAND SURVEYOR

NOTE & LEGEND:  
 BEARINGS ARE ASTRONOMIC DERIVED FROM THE  
 EASTERLY LIMIT OF PLAN 13R-3833  
 HAVING A BEARING OF N4°03'W  
 AS SHOWN HEREON.

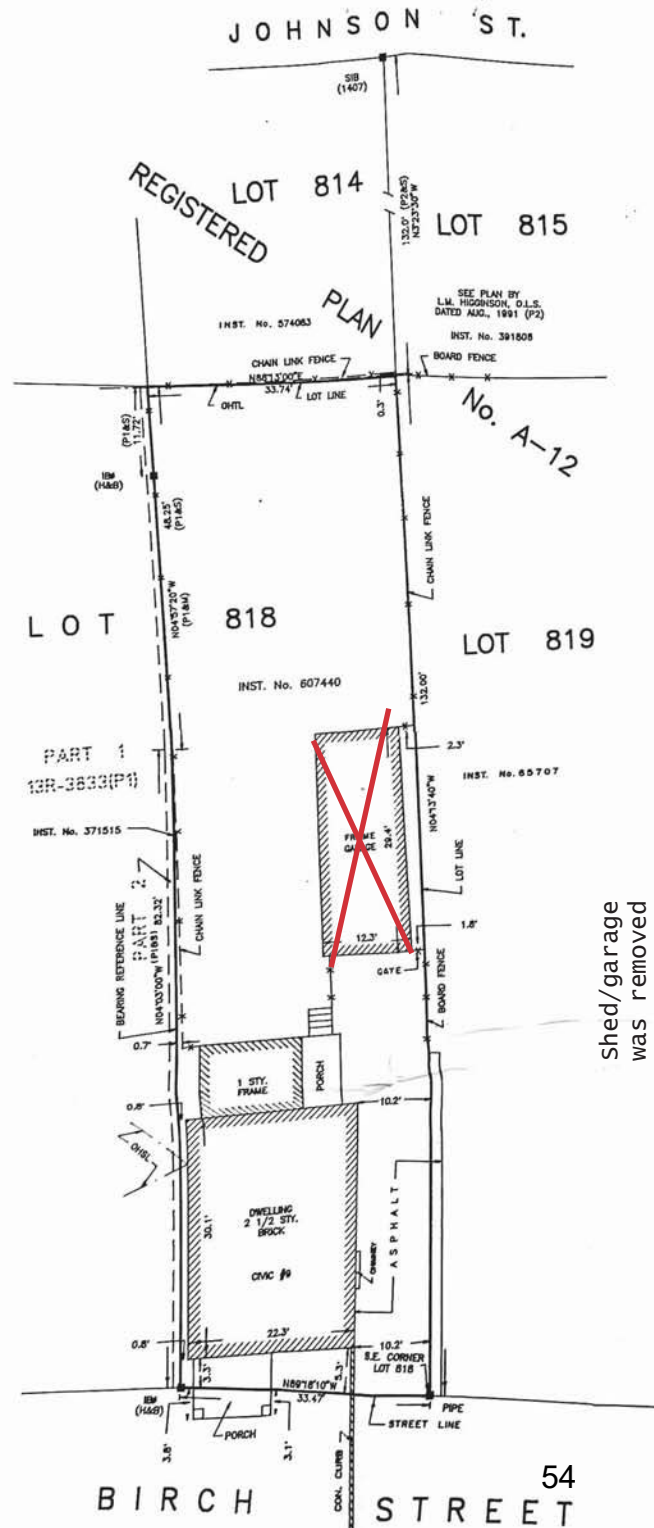
- DENOTES SURVEY MONUMENT PLANTED
- SSIB/SIB SURVEY MONUMENT FOUND
- IB/IBS SHORT STANDARD IRON BAR
- WB/WBS IRON BAR / ROUND
- WB IRON BAR
- WT WITNESS
- Calc. CALCULATED
- 1407 M. PETER ALLEN, O.L.S.
- 1489 HUMPHRIES & BURGHAM LTD.
- S SET
- M MEASURED
- P1 PLAN BY L.M. HIGGINSON, O.L.S.
- P2 DATED AUG., 1991
- OHL OVERHEAD SERVICE LINE

PART 2  
 THIS PLAN MUST BE READ IN  
 CONJUNCTION WITH SURVEY REPORT  
 DATED MARCH 2, 1995

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 M. PETER ALLEN, O.L.S. 1995  
 L.M. HIGGINSON, O.L.S. 1995

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GRANGE W. ELLIOTT LTD. O.L.S.  
 122 WELLINGTON STREET  
 KINGSTON, ONTARIO K7L 3C7  
 (813) 542-6449, 548-4848 or 542-3864 (Toll Free)  
 M.F.S. 1992 M7889F



shed/garage  
 was removed  
 years back

DS  
 JK





Committee of Adjustment  
Neighbourhood Context (2019) - Plot Plan

Address: 9 Birch Avenue  
File Number: D13-068-2020

- Subject Lands
- Property Boundaries
- Proposed Parcels

