



**City of Kingston  
Report to Committee of Adjustment  
Report Number COA-21-019**

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**To:** Chair and Members of the Committee of Adjustment  
**From:** Jason Partridge, Planner  
**Date of Meeting:** April 19, 2021  
**Application for:** Minor Variance and Consent  
**File Numbers:** D10-034-2020 & D13-040-2020  
**Address:** 1444 Sproule Street  
**Owner:** Mark Willadsen  
**Applicant:** Mark Willadsen

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**Council Strategic Plan Alignment:**

Theme: Policies & by-laws

Goal: See above

**Executive Summary:**

This report provides a recommendation to the Committee of Adjustment regarding applications for minor variance and consent submitted by Mark Willadsen on behalf of the owner, Mark Willadsen for the property located at 1444 Sproule Street.

The purpose of the consent application (File Number (D10-034-2020) is to sever the lands municipally known as 1444 Sproule Street to create a new parcel of land. The severed parcel is proposed to have an area of 454.9 square metres with 19.9 metres frontage on Sproule Street. The retained parcel will have an area of 646.0 square metres and 21.1 metres frontage on Sproule Street and 22.8 metres frontage on Westbrook Road. The retained parcel contains an existing Single-Family Dwelling and an attached rear yard deck.

The minor variance (File Number D13-040-2020) is requested to reduce the minimum lot area, rear yard setback for main structures/decks and minimum front yard setbacks for decks and steps in the 'R1' zone in Zoning By-Law Number 76-26. The variance is requested in order to

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sever a 454.9 square metres lot with 19.9 metres frontage on Sproule Street and construct a 128.2 square metre two storey Single Family Dwelling with a two-story front yard balcony/deck on the newly created lot. The minor variances will also permit the current location of the existing Single-Family Dwelling and the attached deck with the newly formed lot lines.

The site is situated on the north side of Sproule Street. The property is developed with a Single-Family Dwelling. The property is currently designated as Residential in the Official Plan and is zoned R1 in Zoning By-Law Number 76-26.

The requested minor variance and consent applications are consistent with the Provincial Policy Statement and conform with the general intent and purpose of both the City of Kingston Official Plan and Zoning By-Law Number 76-26. The requested minor variance is desirable for the appropriate development or use of the land, building or structure and is minor in nature. The proposed minor variance application meets all four tests under Subsection 45(1) of the *Planning Act* and is recommended for approval. The requested consent application has regard to the matters set out in subsection 51(24) of the *Planning Act* and a plan of subdivision is not necessary for the proper and orderly development of the property, as such, is recommended for provisional approval.

**Variance: 1**

By-Law Number 76-26:	12(2)(a)(i) – Lot Area(minimum)(Single Family Dwelling New Lot)
Requirement:	464.5 square metres
Proposed:	454.9 square metres
Variance Requested:	9.6 square metres

**Variance: 2**

By-Law Number 76-26:	5(25)(b) – Setback from front lot line(minimum)(More than 1.2 meters New Single Family Dwelling Deck/Porch)
Requirement:	6.1 metres
Proposed:	3.1 metres
Variance Requested:	3.0 metres

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**Variance: 3**

By-Law Number 76-26: 12(2)(F) – Setback from rear lot line(minimum)(Existing Single Family Dwelling)  
Requirement: 7.6 metres  
Proposed: 4.2 metres  
Variance Requested: 3.4 metres

**Variance: 4**

By-Law Number 76-26: 5(25)(b) – Setback from front lot line(minimum)(More than 1.2 Metres for the Deck attached to the Existing Single Family Dwelling)  
Requirement: 4.0 metres  
Proposed: 2.0 metres  
Variance Requested: 2.0 metres

**Recommendation:**

**That** minor variance application, File Number D13-040-2020 for the property located at 1444 Sproule Street to reduce the minimum lot area requirement, rear yard setback requirement for main structures/decks and front yard setbacks for decks/steps in order to construct a two storey Single Family Dwelling with a two story front yard balcony/deck on the newly created lot and permit the location of the existing Single Family Dwelling/attached deck, be approved; and

**That** approval of the Minor Variance application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-21-019; and

**That** consent application, File Number D10-034-2020, to sever a parcel of land with an area of 454.9 square metres with 19.9 metres frontage on Sproule Street, be approved; and

**That** approval of the Consent application be subject to the conditions included in Exhibit B (Recommended Conditions) to Report Number COA-21-019.

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**Authorizing Signatures:**

[place signature here]



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Jason Partridge, Planner

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

Tim Park, Acting Director, Planning Services

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**Options/Discussion:**

On August 4, 2020, applications for minor variance and consent were submitted by Mark Willadsen on behalf of the owner Mark Willadsen for the subject property located at 1444 Sproule Street.

The purpose of the consent application (File Number (D10-034-2020) is to sever a parcel of land with an area of 454.9 square metres with 19.9 metres frontage on Sproule Street. The retained parcel will have an area of 646 square metres and 21.1 metres frontage on Sproule Street and 22.8 metres frontage on Westbrook Road.

The minor variance (File Number D13-040-2020) is requesting a reduction in the minimum lot area, rear yard setback requirement for main structures and minimum front yard setbacks for decks/steps in the 'R1' zone in Zoning By-Law Number 76-26. The variance is requested in order to sever a 454.9 square metres lot with 19.9 metres frontage on Sproule Street and construct a 128.2 square metre two storey Single Family Dwelling with a two-story front yard balcony/deck on the newly created lot.

**Site Characteristics**

The subject property is located on the north side of Sproule Street with frontage both on Sproule Street and Westbrook Road. The lands are currently developed with a Single-Family Dwelling on municipal services and abuts similar Single Family Dwellings

The subject property is designated Residential in the Official Plan and zoned R1 in Zoning By-Law Number 76-26.

**Application**

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

- Site Plan (Exhibit H);
- Elevations (Exhibit I);

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.

**Provincial Policy Statement**

The Provincial Policy Statement (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 much, the proposal conforms to and is consistent with the PPS.

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## Consent Application

The review of an application for consent is subject to Section 53 of the *Planning Act*. The Committee of Adjustment may grant a consent if it is satisfied that a plan of subdivision of the land is not necessary for the proper and orderly development of the municipality and shall have regard to matters under Subsection 51(24) when granting a provisional consent, including:

- the effect of development on matters of provincial interest;
- whether the proposed consent is premature or in the public interest;
- whether the plan conforms to the Official Plan;
- the suitability of the land for the purposes for which it is to be subdivided;
- the dimensions and shapes of the proposed lots;
- the proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;
- conservation of natural resources and flood control;
- the adequacy of utilities and municipal services;
- the adequacy of school sites;
- the area of land, if any, that is to be conveyed or dedicated for public purposes;
- the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and

## Official Plan

The subject property is designated Residential in the City of Kingston Official Plan. The residential uses within the 'Residential' designation include detached, semi-detached or duplex dwellings, townhouses, and apartments of various types, tenure, and density that respond to a wide range of housing needs. In addition to the various forms of housing, community facilities such as schools and places of worship are also permitted. The proposed consent application complies with the residential uses permitted within the 'Residential' designation (Exhibit D – Official Plan Mapping).

The creation of individual parcels of land by way of consent is subject to the consent policies of the Official Plan. In considering whether the proposal is appropriate, the Committee of Adjustment will have regard for the requirements included within the Official Plan, specifically section 9.6.13 titled: "Criteria for Consent Approval". The following lists these requirements and is an assessment of how the proposal is consistent with each relevant policy.

1. The lot frontage, depth and area of any lot created by consent (severed and retained parcel) must be appropriate for the use proposed for the lot, be in compliance with the provisions of the zoning by-law and consistent, where possible, with adjacent lots;

The severed and retained parcel conforms with the minimum lot frontage requirements in the 'R1' zone in Zoning By-Law 76-26. The retained lot conforms with the minimum lot area requirements. However, the severed lot is subject to a minor variance for lot area and front yard setback for decks within this application. The undeveloped severed parcel of

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land will be subject to the setback requirements of the Zoning By-law at time of development. The retained parcel and its current development complies with the 'R1' zone requirements expect for the rear yard main building setback and rear yard deck setback. Both items are subject to minor variances within this application.

2. Proposed severances that would result in irregularly shaped lots are to be avoided where possible

The severed and retained lots will not result in any irregularly shaped lot.

3. Consents may be granted only when each parcel of land has frontage and direct access from an assumed road, except for conservation lands such as those held by the Conservation Authority or a land trust that can be accessed through an easement or right-of-way on abutting lands;

Each resulting lot will have frontage on an opened and maintained road.

4. Direct access from major roads is limited and is subject to the terms of any permits or approvals required from an agency having jurisdiction, with particular attention to controlled areas subject to Ministry of Transportation review and approval;

Any new or altered entrances on the severed or retained lot will require an Entrance Permit from the Engineering Department prior to any excavation or work within the road allowance.

5. New access points or driveways must be located where they would not create a traffic hazard because of sight lines on curves, grades or corners;

The severed and retained lot and its frontages have good sight lines and even grades. The severance should not result in any negative traffic hazards.

6. Minor infilling of residential development is permitted except where the new lots would result in ribbon development of more than four non-farm residential lots that takes the form of a single depth of houses or other land uses fronting along roads in Rural Areas;

The severed lot is located within the urban boundary and is considered infill as it will be created between two existing residential lots within a residential neighbourhood.

7. Infill residential development is permitted within Rural Areas where there is a distance of 100 metres or less of frontage between two non-farm residential lots on the same side of the road and the lot can meet all of the other policies of the Plan and requirements of the zoning by-law;

The subject lot is located within the urban boundary and is not subject to this provision.

8. Compatibility and any separation distances required between the proposed land uses for the lot and the neighbouring land uses located in Rural Areas must be considered;

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The subject lot is located within the urban boundary. The severed and retained lot and their intended residential use will not result in any adverse impacts on the abutting residential uses or their continued use. The resulting lots and its residential use will maintain the character of the neighbourhood and will not have any negative impacts on traffic.

9. Any application for a consent must assess the impact on the natural heritage system, natural heritage features and areas, natural hazards, cultural heritage resources and areas of archaeological potential, or areas of archaeological significance as set out in Sections 5, 6 and 7 of the Plan; and,

The subject property is located within a plan of subdivision within the Village of Westbrook. There are no concerns regarding impacts on the natural heritage system, natural heritage features and areas. An archaeological assessment is not required.

10. The City must be satisfied that any development lots created by consent can be supplied with such municipal services as fire protection, road maintenance, storm drainage and where applicable, water supply and sewage disposal facilities, such that the provision of services does not adversely affect the City's finances.

The existing properties are currently on full municipal services. No proposed changes.

This application complies with the policies of the Official Plan, the Provincial Policy Statement and is in keeping with the intent and purpose of the zoning by-law.

### **Zoning By-Law**

The subject lot is zoned Residential Type One 'R1' in Zoning By-Law Number 76-26. The severed and retained parcels comply with the minimum lot frontage requirements within the R1 zone. The retained lot conforms with the minimum lot area requirements. However, the severed lot is subject to a minor variance for lot area and front yard setback for decks within this application. The undeveloped severed parcel of land will be subject to the setback requirements of the Zoning By-law at time of development. The retained parcel and its current development complies with the 'R1' zone requirements expect for the rear yard main building setback and rear yard deck setback. Both items are subject to minor variances within this application.

A minor variance is requested to reduce minimum lot area requirement, minimum rear yard setback requirement for main structures and minimum front yard setbacks for decks and steps in the 'R1' zone in Zoning By-Law Number 76-26. The variance is requested in order to sever a 454.9 square metres lot with 19.9 metres frontage on Sproule Street and construct a 128.2 square metre, two storey Single Family Dwelling on the newly created lot.

### **Minor Variance 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



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together, meet the four tests of a minor variance outlined in Subsection 45(1) of the *Planning Act*. The following provides this review:

### **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 128.3 square metre two-story Single-Family Dwelling with a two-story balcony/deck on the newly created lot will provide additional housing supply within the City of Kingston urban boundary. The overall scale and massing of the new Single-Family Dwelling is in keeping with the existing one and two story residential dwellings along Sproule Street. The site will maintain its outdoor amenity space in the rear yard.

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

The proposed severed lot containing a two story Single Family Dwelling with a two-story balcony/deck within the front yard will result in a development that is consistent with the existing front yard built form of several residential buildings located, west and east of the subject property along Sproule Street. The overall design and scale of the proposal is not anticipated to cause any adverse impacts on the adjacent residential properties.

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 proposal involves the construction of a two-story Single Family Dwelling with a two-story balcony/deck in the front yard of the subject property. There will be no concerns with respect to the parking of vehicles and bicycles or issues relating to accessibility. One parking spaces are required and provided.

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 also 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

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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. Thus, the overall density, type of use and scale of activity as proposed is consistent with the existing built form of residential buildings along Sproule Street.

- 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 development will not create intrusive overlook with respect to adjacent residential properties. The proposed two story Single Family Dwelling with a two-story balcony/deck within the front yard won't exceed the maximum permitted height in the zoning by-law. It will also be compatible with the style, colour and massing of other Single Family Dwellings and balcony's/decks in the area. 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 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 variance will not significantly alter the established pattern of land assembly and built form.

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

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

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- g. Foster developments that are context appropriate;

The proposal does not involve a significant 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 existing and proposed Single Family Dwelling on the site will provide housing which will assist in meeting the housing demand in the City.

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

The proposal contributes to the compact nature of the neighbourhood.

- k. Encourage environmentally sustainable development;

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

- l. 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 use will be maintained on the subject property. The site is not located within a Heritage District. The site is not identified on the City of Kingston Heritage Register, therefore, there will 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.

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;

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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 variances are considered minor and the development is consistent with the existing built form along Sproule 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. 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. The approval of the requested variance 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 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 R1 in the City of Kingston Zoning By-Law Number 76-26, entitled "Township of Kingston Restricted Area By-Law", as amended. The R1 zone permits Single Family Dwelling. The existing Single-Family Dwelling with a side yard deck is a permitted use within the ‘R1’ zone. The proposed newly severed lot with a two-story balcony/deck within the front yard is also a permitted use.

The proposal requires a variance to the following sections:

**Variance: 1**

By-Law Number 76-26:	12(2)(a)(i) – Lot Area(minimum)(Single Family Dwelling New Lot)
Requirement:	464.5 square metres
Proposed:	454.9 square metres
Variance Requested:	9.6 square metres

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**Variance: 2**

By-Law Number 76-26: 5(25)(b) – Setback from front lot line(minimum)(More than 1.2 meters New Single Family Dwelling Deck/Porch)  
 Requirement: 6.1 metres  
 Proposed: 3.1 metres  
 Variance Requested: 3.0 metres

**Variance: 3**

By-Law Number 76-26: 12(2)(F) – Setback from rear lot line(minimum)(Existing Single Family Dwelling)  
 Requirement: 7.6 metres  
 Proposed: 4.2 metres  
 Variance Requested: 3.4 metres

**Variance: 4**

By-Law Number 76-26: 5(25)(b) – Setback from front lot line(minimum)(More than 1.2 Metres for the Deck attached to the Existing Single Family Dwelling)  
 Requirement: 4.0 metres  
 Proposed: 2.0 metres  
 Variance Requested: 2.0 metres

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

The proposed two-story Single-Family Dwelling with a two-story balcony/deck within the front yard of the newly created lot will result in a development that is consistent with the existing built form of residential development along Sproule Street. The existing Single-Family Dwelling with the existing deck will also result in a development that is consistent with the existing built form of residential development along Sproule Street. The proposed two-story balcony/deck will be located within the front yard and will not result in intrusive overlook with respect to adjacent residential properties. The proposed new Single-Family Dwelling will comply with all yard and height setbacks within the R1 zone and will not result in any intrusive overlook with respect to adjacent properties. The variances will not alter the character of the neighbourhood or the existing streetscape.

The variances are considered minor as there will be no negative impacts on abutting properties or residential and/or uses or structures.

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

The proposed development will provide the functional needs for the proposed residential use. The resulting built form satisfies all applicable provisions of the zoning by-law, except for the proposed new lot/Single Family Dwelling with a front yard two Story balcony/deck and existing Single-Family Dwelling with a deck to the rear lot line of the property.

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The proposal is appropriate and 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**

- Building Division
- 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**

The applications were circulated to external agencies and internal departments for their review and comment and there were no comments or concerns raised that would preclude the applications 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 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 consent applications meet the tests under Subsection 51(24) of the *Planning Act*; a Plan of Subdivision is not required to advance the land division. The consent applications are consistent with the Provincial Policy Statement and conform to the City’s Official Plan and represent logical and orderly development of the lands.

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 variance(s) are minor in nature. As such, the proposed application meets all four tests under Subsection 45(1) of the

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*Planning Act* and the application is being recommended for approval, subject to the proposed conditions.

Approval of the consent and minor variance applications will create one new parcel of land with a proposed Single Family Dwelling with a two-story balcony/deck within the front yard and permit the existing location of the Single Family Dwelling with a side yard deck on it's own parcel of land. The proposed applications represent good land use planning.

**Existing Policy/By-Law:**

The proposed applications were 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 April 19, 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 14 days in advance of the meeting. In addition, notices were sent by mail to a total number of 19 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, Acting Director, Planning Services, 613-546-4291 extension 3223

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Jason Partridge, Planner, 613-546-4291 extension 3216

**Other City of Kingston Staff Consulted:**

None

**Exhibits Attached:**

- Exhibit A Recommended Conditions – Minor Variance
- Exhibit B Recommended Conditions – Consent
- Exhibit C Key Map
- Exhibit D Official Plan Map
- Exhibit E Zoning By-Law Number 76-26, Map 2
- Exhibit F Public Notification Map
- Exhibit G Neighbourhood Context Map (2019)
- Exhibit H Site Plan
- Exhibit I Elevations
- Exhibit J Site Photos



## Recommended Conditions

### Application for minor variance, File Number D13-040-2020

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

#### 1. Limitation

That the approved permission applies only to the existing Single Family Dwelling with the attached deck within the rear yard and the new Single Family Dwelling and two story balcony/deck on the newly formed lot as shown on the approved drawings attached to the notice of decision.

#### 2. No Adverse Impacts

The owner/applicant shall demonstrate to the satisfaction of the City that there are no adverse impacts on neighbouring properties as a result of any modifications to on-site grading or drainage.

#### 3. Building Permit Application Requirements

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

The drawings submitted with the Building Permit application must, in the opinion of the City, conform to the general intent and description of the approved drawing(s), including any amendments and conditions approved by the Committee of Adjustment, as stated in the decision. It must be noted that additional planning approvals may be required should further zoning deficiencies be identified through the Building Permit application process.

#### 4. Standard Archaeological Condition

In the event that deeply buried or previously undiscovered archaeological deposits are discovered in the course of development or site alteration, all work must immediately cease and the site must be secured. The 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.

## 5. Engineering

Prior to the stamping of the deeds the applicant should provide a noise study to the City for review and approval and ensure that any required mitigation requirements are completed.

Entrance permits are required for any new or altered entrances.

## Recommended Conditions

### Application for minor variance, File Number D10-034-2020

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

#### 1. Limitation

That the approved permission applies only to the existing Single Family Dwelling with the attached deck within the rear yard and the new Single Family Dwelling and two story balcony/deck on the newly formed lot as shown on the approved drawings attached to the notice of decision.

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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.

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#### 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.

## **5. Engineering**

Prior to the stamping of the deeds the applicant should provide a noise study to the City for review and approval and ensure that any required mitigation requirements are completed.

Entrance permits are required for any new or altered entrances.

## **6. Parks**

Cash-in-lieu of parkland will be required for the creation of one residential lot. The rate as of January 1<sup>st</sup> 2021 will be \$1,968.70

## **7. Forestry**

The applicant will require a Tree Permit before building permit is issued to address the Tree preservation of the city owned and city owned/joint ownership trees located at 1444 Sproule Street

## **8. Site Services Plan**

Prior to the issuance of the Certificate of Official, the owner/applicant is to complete a Site Servicing Plan to the satisfaction of Utilities Kingston showing any existing and proposed services, City of Kingston By-Laws only one service is permitted per property and that any existing services not being retained are required to be abandoned at the main(s).

Prior to the issuance of the Certificate of Official, Utilities Kingston will require a proposed site servicing drawing for review and approval for the new severed lot. The sanitary lateral because of the length, Utilities Kingston will require a Plan Profile drawing. Laterals must be 2% slope at a minimum.

The owner/applicant may connect to the watermain along Sproule Street. However, the sanitary service must be connected along Westbrook Road. The sanitary line to serve the severed parcel may be required to cross the retained lands. A servicing easement may be required over the retained parcel to accommodate servicing to the severed lot.

## **9. Servicing Easement**

A private servicing easement may be required in favor of the severed parcel over the retained parcel subject to the satisfaction of Utilities Kingston, Building Services and the Engineering Department for the location of the sanitary service which may cross the retained lot. The location of the easement and its width will be assessed through the Site Servicing plan process.

## **10. Decommission of existing Septic System**

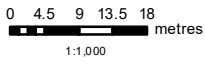
Prior to the issuance of the Certificate of Official, the owner/applicant must abandon the existing on-site sewage disposal system (septic system) and connect to full municipal services to satisfactory of Utilities Kingston.



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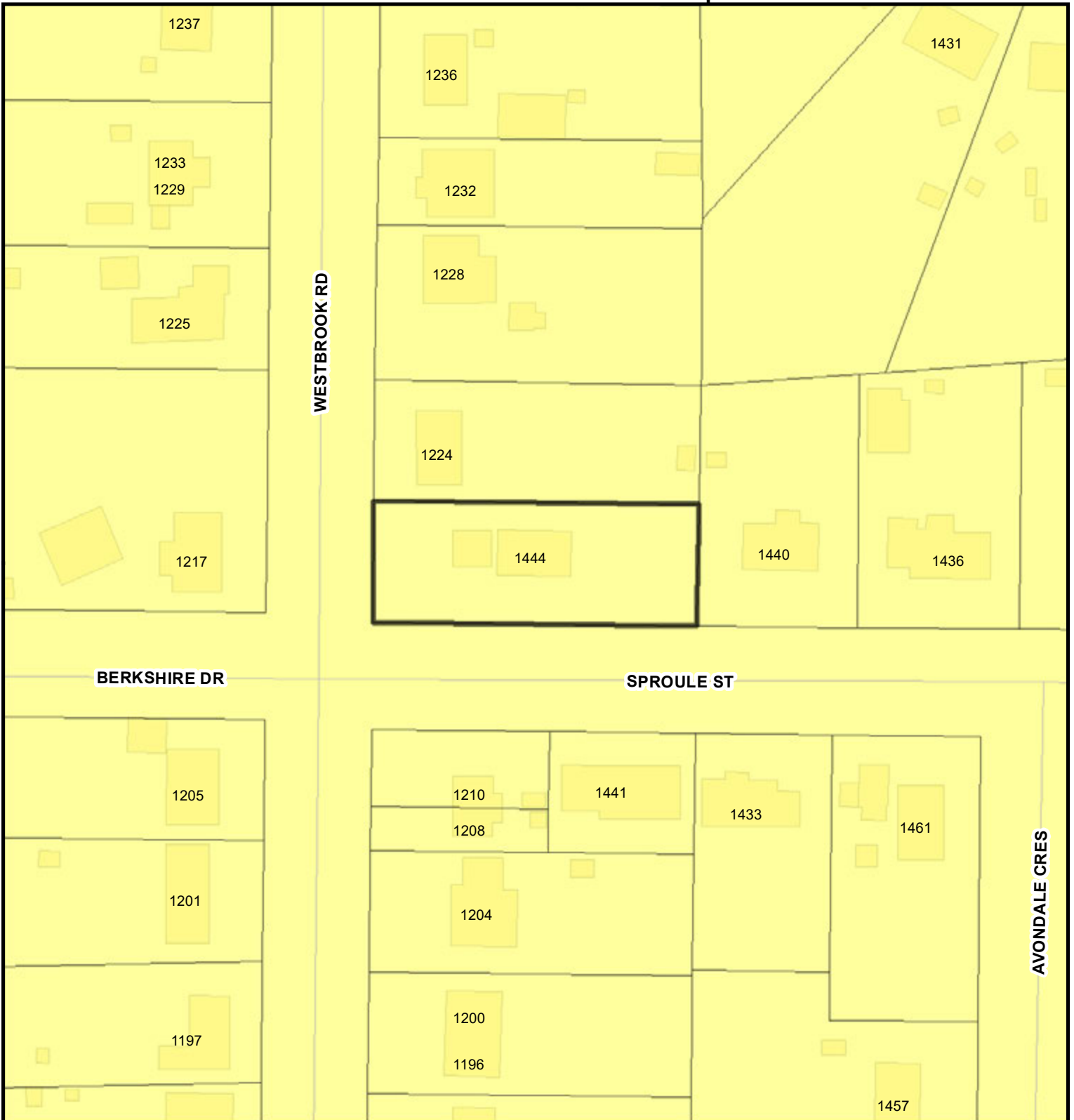
COMMITTEE OF ADJUSTMENT  
**Key Map**  
File Numbers: D10-034-2020, D13-040-2020  
Address: 1444 Sproule Street



DATE: 2020-12-29  
PREPARED BY: a keeping

Subject Lands Retained Lands Severed Lands







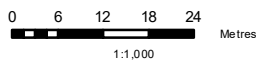
Planning Services  
a department of  
Community  
Services

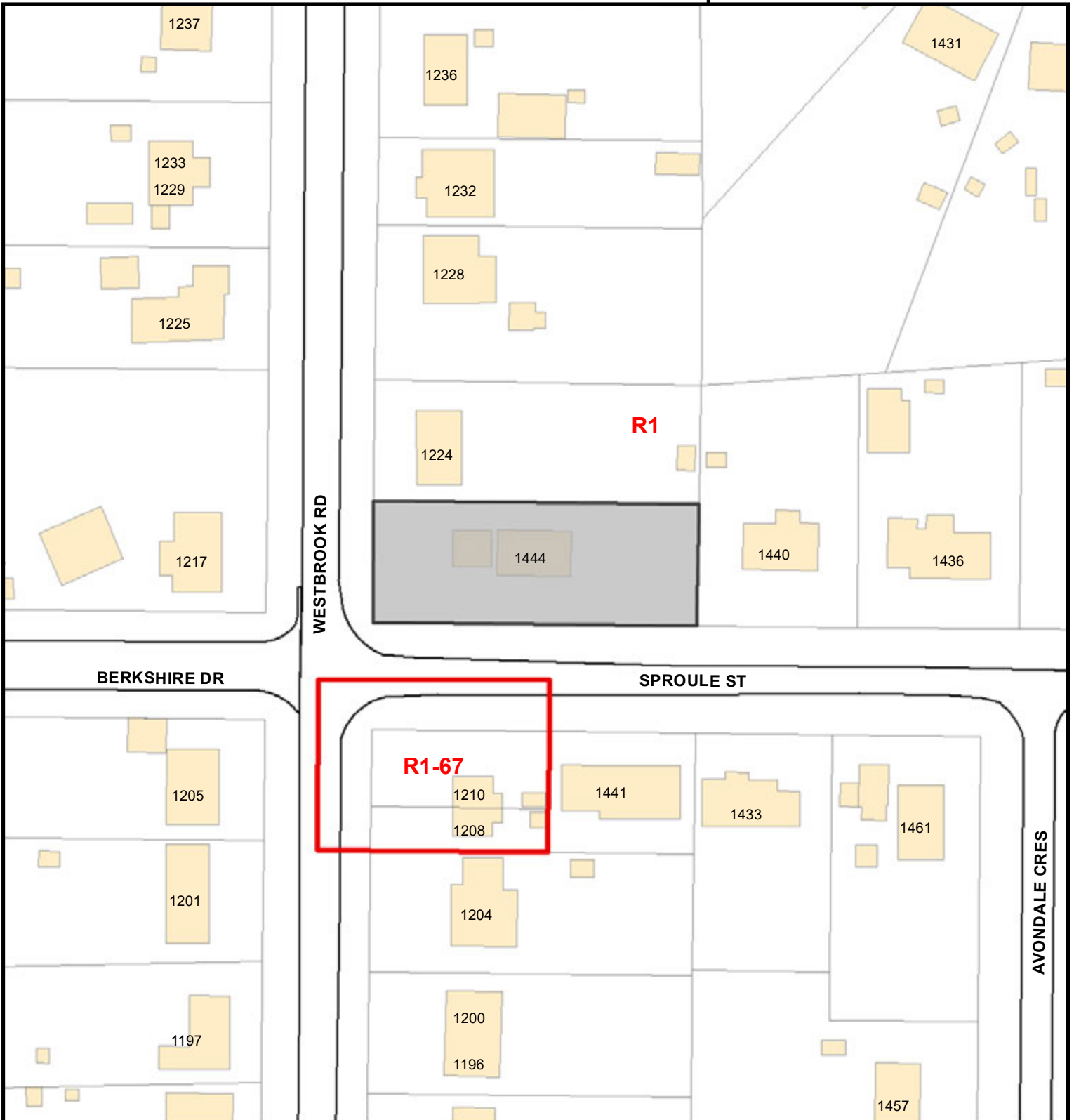
COMMITTEE OF ADJUSTMENT  
**Official Plan, Existing Land Use**

File Numbers: D10-034-2020, D13-040-2020  
Address: 1444 Sproule Street

**Legend**

-  Subject Lands
-  RESIDENTIAL





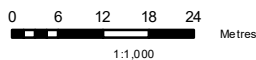


COMMITTEE OF ADJUSTMENT  
**Existing Zoning - By-law 76-26, Map 2**

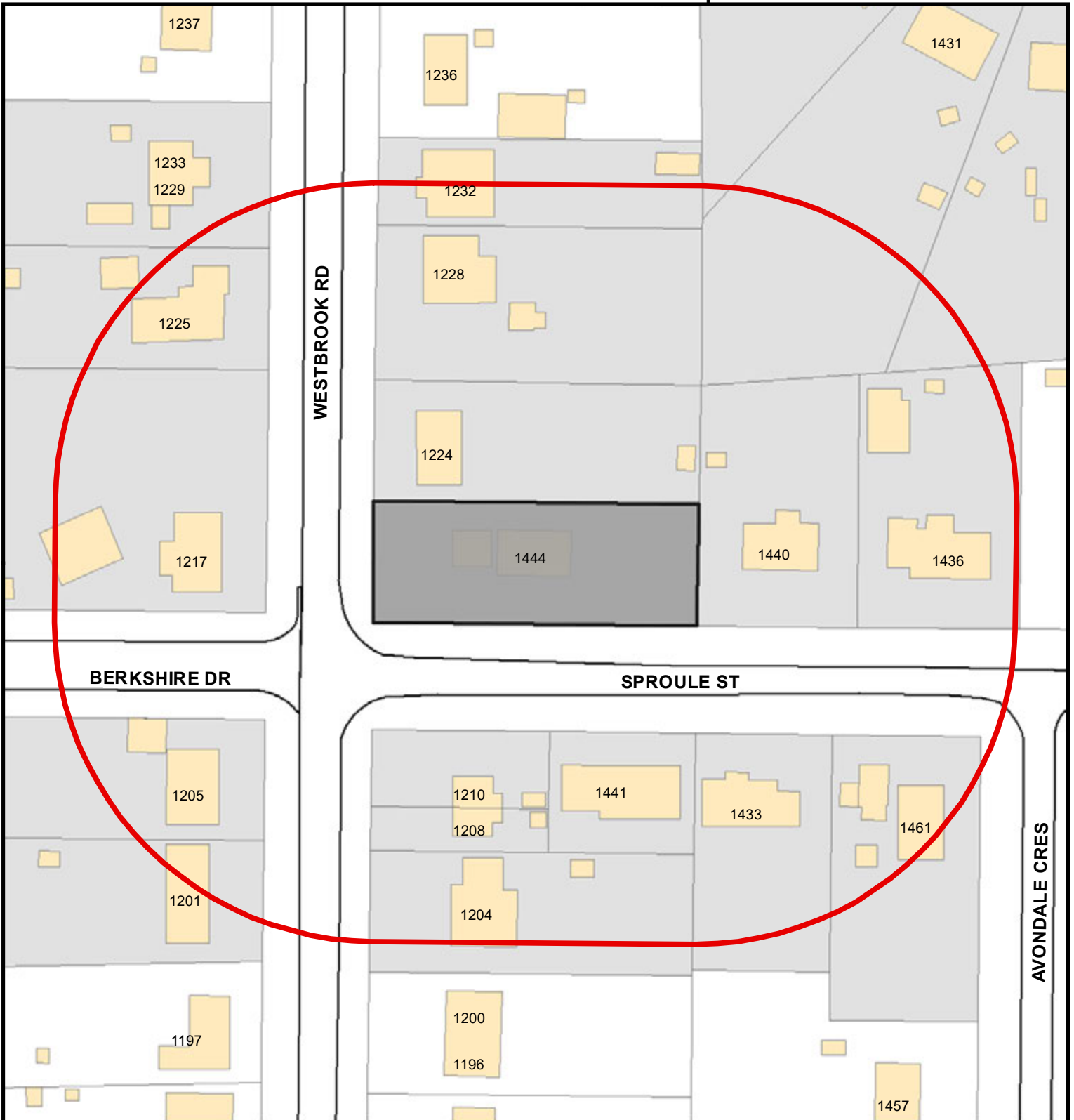
File Numbers: D10-034-2020, D13-040-2020  
Address: 1444 Sproule Street

**Legend**

-  Subject Lands
-  Consolidated Zoning

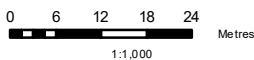






COMMITTEE OF ADJUSTMENT  
**Public Notice Notification Map**

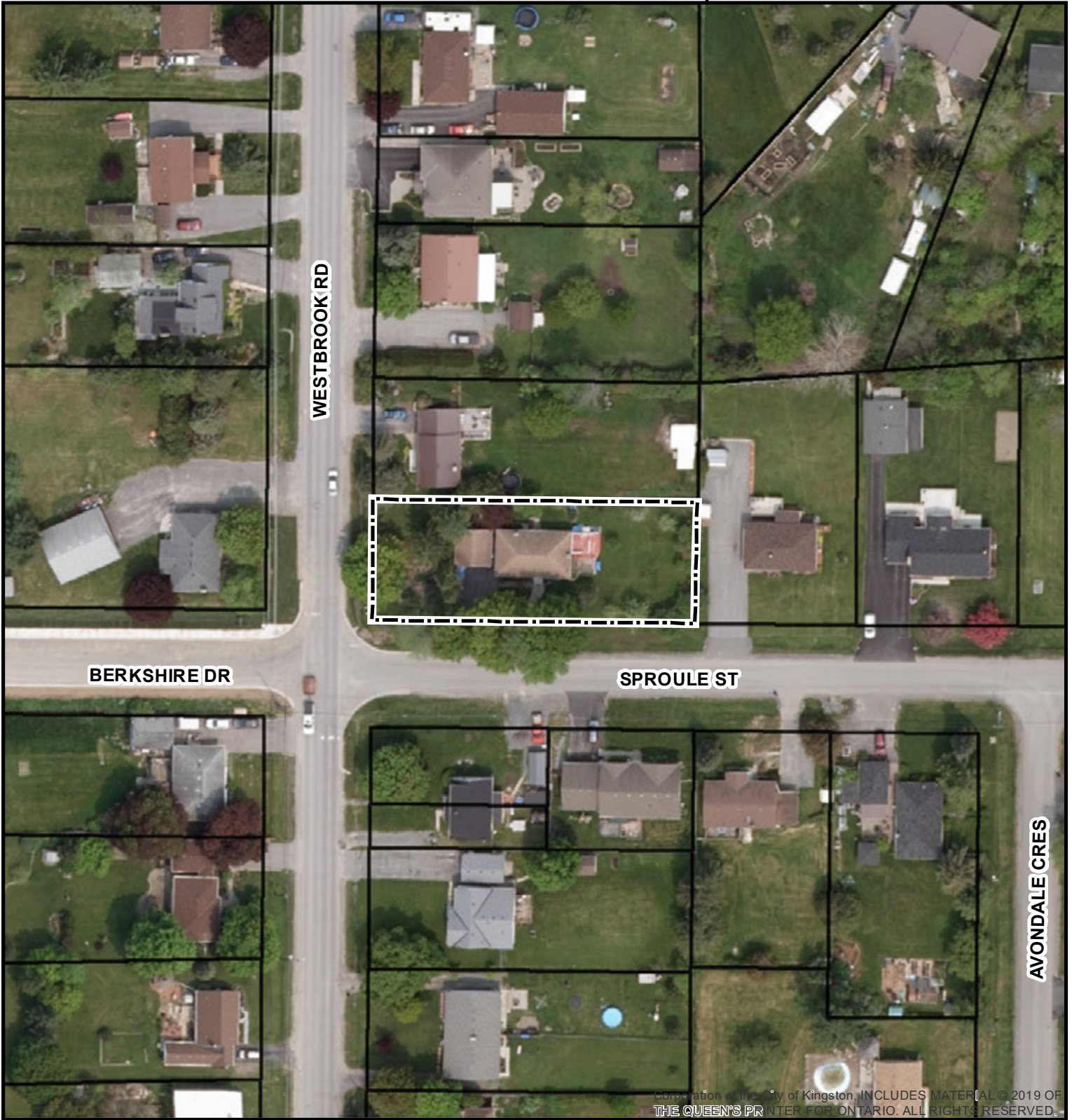
File Numbers: D10-034-2020, D13-040-2020  
Address: 1444 Sproule Street



**Legend**

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





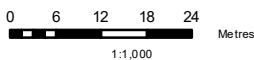
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Planning Services  
a department of  
Community  
Services

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

File Numbers: D10-034-2020, D13-040-2020  
Address: 1444 Sproule Street



**Legend**

-  Subject Lands
-  Property Boundaries







T/O ROOF  
30'-7 1/2" AFF

12  
5'

3'-2" HIGH WOOD RAILING ON BALCONY

20 YEAR ASPHALT SHINGLES

EAVES: ALUMINUM VENTED SOFFIT 2x6"  
FASCIA BACKING ALUMINUM FASCIA WITH  
ALUMINUM EAVES TROUGHS AND  
DOWNSPOUTS

6" WOOD WINDOW TRIM

WOOD VERTICAL SIDING FINISH

24" CANTILEVER FROM FACE  
OF FRONT WALL

RECESS POT LIGHTS, TYP. OF (6)

24" CANTILEVER FROM FACE  
OF FRONT WALL

T/O SECOND FLOOR  
13'-11 1/2" AFF

WOOD SIDING WALL  
SHEATHING PAPER LAYERS TO OVERLAP  
EXTERIOR SHEATHING 5/8" OSB  
2x6" WOOD STUD FRAMING @ 16" o.c.  
R19 INSULATION AND CONTINUOUS 6mil. POLY  
VAPOUR BARRIER  
INTERIOR WALL FINISH  
DOUBLE PLATE AT TOP WITH SOLE PLATE AT BOTTOM

T/O FIRST FLOOR  
4'-0 1/4" AFF

GLASS GARAGE DOORS

T/O FOUNDATION  
0'-0" AFF

GRADE  
±0'-8" AFF

CONCRETE STEPS

10'-0"  
PROPOSED EASMENT

31'-2 7/8"  
24'-1 7/8"

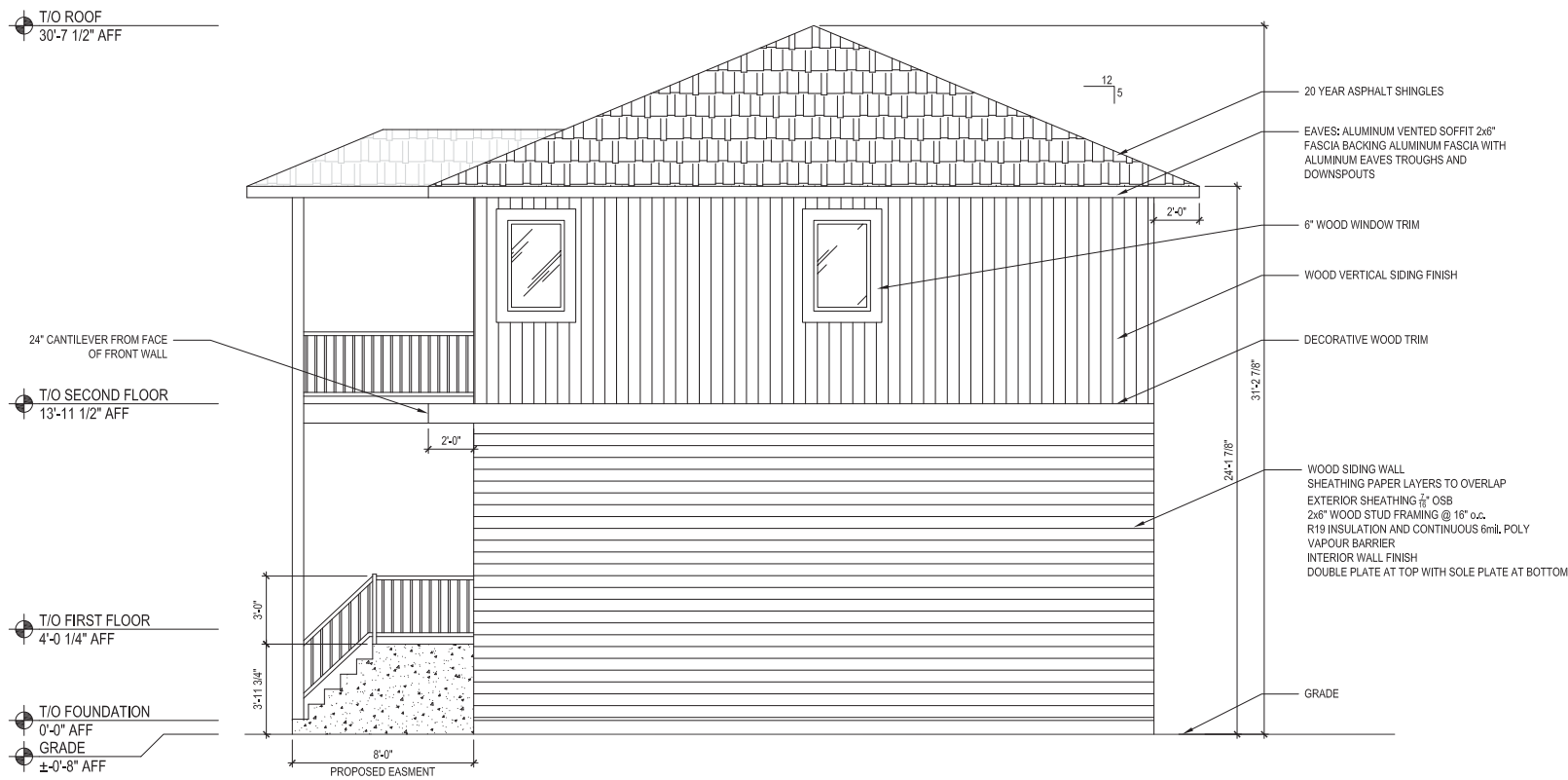
1444 SPROULE STREET  
KINGSTON, ON, K7P 2V3  
2020-11-16  
DATE

PROPOSED HOUSE  
SOUTH ELEVATION

PROJECT	REVISION
MW	MW
DRAWN	REVIEWED
3/16	
SCALE	

**A-301**

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1444 SPROULE STREET  
KINGSTON, ON, K7P 2V3  
2020-11-16  
DATE

PROPOSED HOUSE  
EAST ELEVATION

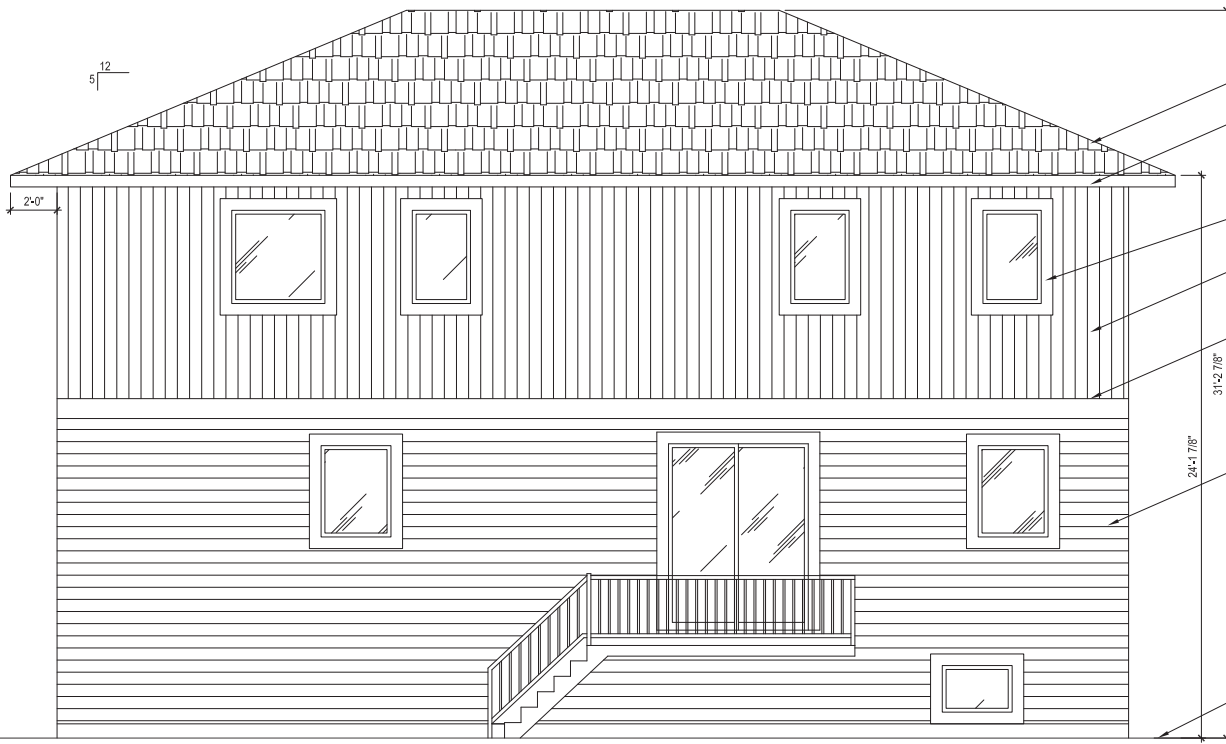
PROJECT	REVISION
MW	MW
DRAWN	REVIEWED
$\frac{3}{16}'' = 1'-0''$	
SCALE	

**A-302**

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T/O ROOF  
30'-7 1/2" AFF

12  
5'



T/O SECOND FLOOR  
13'-11 1/2" AFF

T/O FIRST FLOOR  
4'-0 1/4" AFF

T/O FOUNDATION  
0'-0" AFF  
GRADE  
±0'-8" AFF

- 20 YEAR ASPHALT SHINGLES
- EAVES: ALUMINUM VENTED SOFFIT 2x6"  
FASCIA BACKING ALUMINUM FASCIA WITH  
ALUMINUM EAVES TROUGH AND  
DOWNSPOUTS
- 6" WOOD WINDOW TRIM
- WOOD VERTICAL SIDING FINISH
- DECORATIVE WOOD TRIM
- 31'-2 7/8"
- 24'-1 7/8"
- WOOD SIDING WALL  
SHEATHING PAPER LAYERS TO OVERLAP  
EXTERIOR SHEATHING 5/8" OSB  
2x6" WOOD STUD FRAMING @ 16" o.c.  
R19 INSULATION AND CONTINUOUS 6mil. POLY  
VAPOUR BARRIER  
INTERIOR WALL FINISH  
DOUBLE PLATE AT TOP WITH SOLE PLATE AT BOTTOM
- GRADE

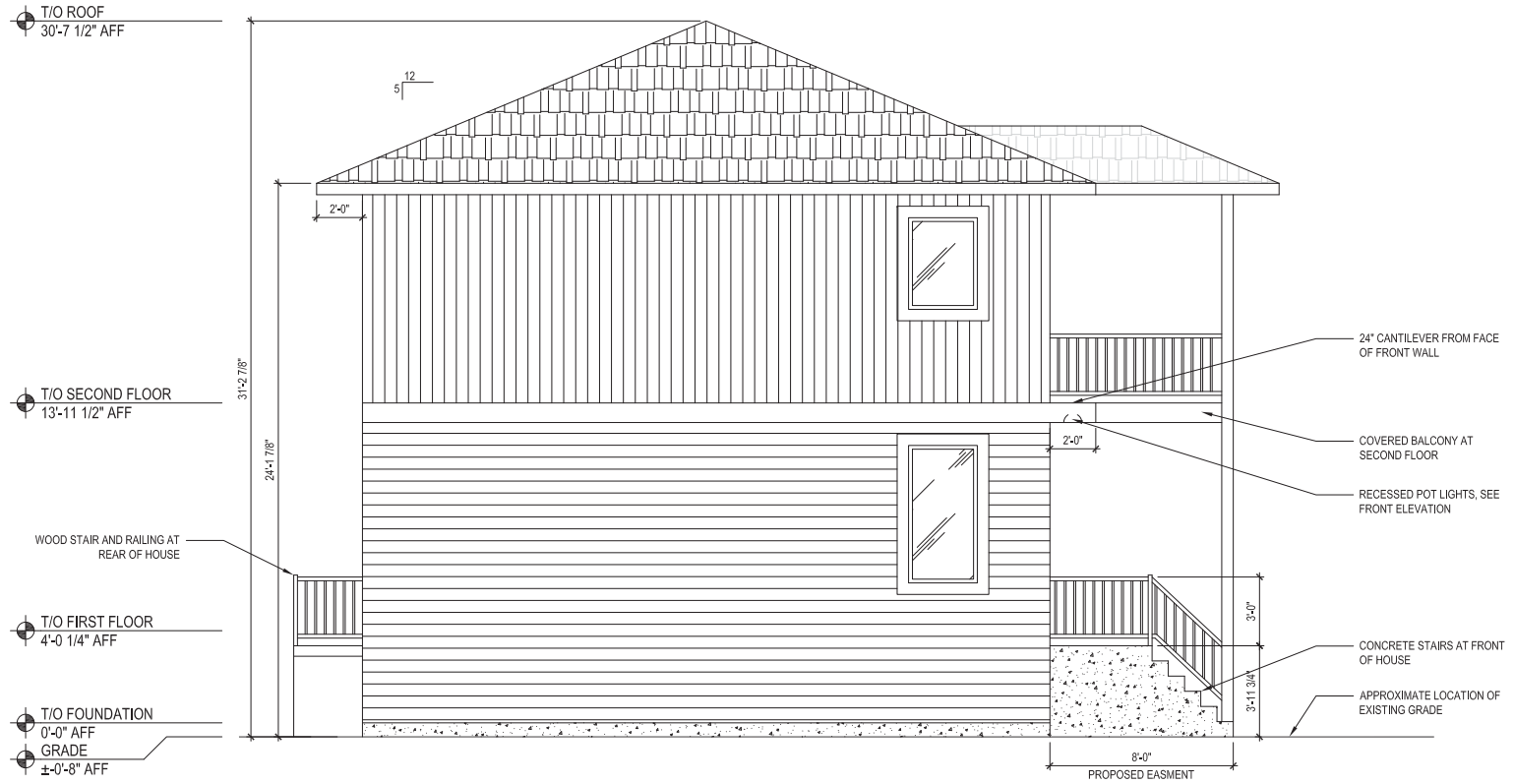
1444 SPROULE STREET  
KINGSTON, ON, K7P 2V3  
2020-11-16  
DATE

PROPOSED HOUSE  
NORTH ELEVATION

PROJECT	REVISION
MW	MW
<b>DRAWN</b>	<b>REVIEWED</b>
$\frac{3}{16}'' = 1'-0''$	
<b>SCALE</b>	

**A-303**

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1444 SPROULE STREET  
KINGSTON, ON, K7P 2V3  
2020-11-16  
DATE

PROPOSED HOUSE  
WEST ELEVATION

PROJECT	REVISION
MW	MW
DRAWN	REVIEWED
$\frac{3}{16}$ " = 1'-0"	
SCALE	

**A-304**

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