



**City of Kingston
Report to Committee of Adjustment
Report Number COA-21-022**

To: Chair and Members of the Committee of Adjustment
From: Golsa Kheir-Moghadam, Planner
Date of Meeting: April 19, 2021
Application for: Minor Variance
File Number: D13-003-2021
Address: 60 Kenwoods Circle
Owner: Carolyn Blommestyn-Mcdonald, Owen Patrick Mcdonald
Applicant: Fotenn Consultants Inc.

Council Strategic Plan Alignment:

Theme: Policies & by-laws

Goal: See above

Executive Summary:

This report provides a recommendation to the Committee of Adjustment regarding an application for minor variances for the property located at 60 Kenwoods Circle.

The applicant has constructed a new inground swimming pool and a pool shed and is proposing a pergola. Variance from Zoning By-Law Number 32-74 is required to reduce minimum setback from a floodplain for the proposed development.

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 32-74. The requested minor variances are desirable for the appropriate development or use of the land, building or structure and is minor in nature. As such, the proposed application meets all four tests under Subsection 45(1) of the *Planning Act* and is recommended for approval.

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Variance Number 1:

By-Law Number 32-74: Section 5(22)

Requirement: No building or structure other than a marine facility or a marina shall be located less than 15 metres from a flood plain.

Proposed: Swimming Pool: 6.7 metres

Variance Requested: 8.3 metres

Variance Number 2:

By-Law Number 32-74: Section 5(22)

Requirement: No building or structure other than a marine facility or a marina shall be located less than 15 metres from a flood plain.

Proposed: Pool shed: 10 metres

Variance Requested: 5 metres

Variance Number 3:

By-Law Number 32-74: Section 5(22)

Requirement: No building or structure other than a marine facility or a marina shall be located less than 15 metres from a flood plain.

Proposed: Pergola: 11 metres

Variance Requested: 4 metres

Recommendation:

That minor variance application, File Number D13-003-2021, for the property located at 60 Kenwoods Circle to reduce minimum setback requirement from a floodplain in order to permit a new inground swimming pool, a pool shed and a pergola, be approved; and

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-21-022.

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Authorizing Signatures:



Golsa Kheir-Moghadam, Planner

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

Tim Park, Acting Director, Planning Services

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Options/Discussion:

On November 19, 2020, a minor variance application was submitted by Fotenn Consultants Inc., on behalf of the owner, Carolyn Blommestyn-Mcdonald and Owen Patrick Mcdonald, with respect to the property located at 60 Kenwoods Circle. The applicant has constructed a new 30 square metre inground swimming pool, a 3.7 square metre pool shed and is proposing a 20.8 metre pergola. Variance from Zoning By-Law Number 32-74 is required to reduce minimum setback requirements from a floodplain for subject development.

In 1998, a Minor Variance application was approved by the Committee of Adjustment to permit a setback of 10 metres from the flood plain to accommodate a swimming pool and an accessory pool shed on the subject property. The construction of the new swimming pool, a pool shed, and a pergola involved the removal of the existing swimming pool and pool shed.

A new 1.8 metre wood fence is to be erected along the north, south, and west property lines. A new deck is proposed within the existing deck footprint at the rear of the house. An existing retaining wall is proposed to be further built up, in the same location as the existing retaining wall.

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

- Conceptual Site Plan (Exhibit F)
- Grading Plan (Exhibit G)
- Architectural Elevations (Exhibit H)

All submission materials are available online through the Development and Services Hub (DASH) at the following link, [DASH](#), using "Look-up a Specific Address". If there are multiple addresses, search one address at a time, or submission materials may also be found by searching the file number.

Site Characteristics

The subject property is located at 60 Kenwoods Circle. The property is designated 'Residential' and 'Environmental Protection Area' in the City of Kingston's Official Plan and zoned Special Residential Type 1 (R1-25) Zone and Special Flood Plain (FP-1) Zone in the Zoning By-Law Number 32-74.

The property has an area of approximately 969.5 square metres and is currently developed with a 2-storey single-detached dwelling, an inground swimming pool, and a detached accessory structure, used as a pool shed. The subject property is located on the west side of Kenwoods Circle with approximately 19.8 metres of road frontage. The property abuts Cataraqui River to the west, and single-detached dwelling houses to the north, east, and south, many of which have inground swimming pools and accessory structures. The site is primarily surrounded by residential land uses.

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Application

The review of an application for minor variances is not a simple mathematical calculation, but rather a detailed assessment of whether the variances requested, both separately and together, meet the four tests of a minor variance outlined in Subsection 45(1) of the *Planning Act*. The following provides this review:

Provincial Policy Statement

In addition to the four tests of a minor variance detailed above, Subsection 3(5) of the *Planning Act* requires that a decision in respect of the exercise of any authority that affects a planning matter shall be consistent with the Provincial Policy Statement (the PPS). The PPS provides policy direction on matters of provincial interest related to land use planning and development which are complemented by local policies addressing local interests. The application being 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' and 'Environmental Protection Area' in the City of Kingston's Official Plan (Exhibit D - Official Plan Map).

Residential uses are primarily form of housing in 'Residential' designation, including detached dwellings. The primary use of the subject property is single-family dwelling which is proposed to remain unchanged.

Uses within the 'Environmental Protection Area' are limited to those related to open space, conservation or flood protection, and must be approved in consultation with the Cataraqui Region Conservation Authority (CRCA), the Ministry of Natural Resources and Forestry, and/or Parks Canada as appropriate. The new swimming pool and accessory structures have been reviewed by CRCA and the applicant/owner has been informed about the required permit.

Section 3.9 of the Official Plan speaks to the long-term protection of and recognition of the important role that waterfront areas play in the City's sense of place, cultural heritage, recreational, social and spiritual needs, natural heritage system, as well as a valuable source of water.

Section 3.9.2 requires the protection of a 30-metre naturalized buffer along the waterfront, also referred to as the "ribbon of life". It is intended to provide a buffer of undisturbed soil and vegetation along the shoreline, which will help to filter runoff, prevent soil erosion, and provide wildlife habitat. The swimming pool, pool shed, and pergola have replaced an existing development on the property. The new pool is located closer to the water than the original pool, however the new pool remains behind the existing retaining wall at the shoreline.

Section 4.3 of the Official Plan speaks to stormwater management to control the quality and quantity of surface runoff. The applicant has submitted a grading plan for the subject property

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which identifies the proposed grading of the site. The existing retaining wall is proposed to be increased in height to prevent runoff to the Cataraqui River. Engineering Services has requested a revised grading plan to further ensure that the drainage will be prevented from flowing onto adjacent properties.

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

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

The subject site is located within the Urban Boundary, a Housing District and on municipal services. Development within the Urban Boundary and on a site with municipal services is meant to be the focus of growth/development within the City. Housing Districts can be compatible with minor development activities so long as the prevailing built form standards are generally found in the neighbourhood. The swimming pool and accessory structures in the rear yard of the property are in keeping with the waterfront nature of surrounding residential development, where several properties contain swimming pool and accessory structures. The proposed variances from the floodplain setback requirement will create minimal land use compatibility impacts on the neighbouring properties.

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

Subject property is surrounded by single detached dwellings, most of which contain swimming pools and accessory structures in the rear yard (Exhibit I – Neighbourhood Context Map). The redevelopment of the swimming pool and accessory structures are compatible with the surrounding waterfront development. The reduced floodplain setback is not anticipated to create any negative impacts on the adjacent land uses.

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 site layout provides for adequate and desirable amenity and landscaped area. The development will meet all requirements of the Ontario Building Code which will ensure the accessibility features. The renovation of the rear yard will not result in changes to the existing parking and access to the dwelling.

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;

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

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

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

- 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 development is limited to the renovation of the rear yard and will not create intrusive overlook or negative impact with respect to adjacent residential properties. The proposed variances will not alter the character of the neighbourhood or the existing streetscape.

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

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

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

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

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

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

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

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

- g. Foster developments that are context appropriate;

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

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- 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. Encourage environmentally sustainable development;

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

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 however it is adjacent to a portion of the Rideau Canal World Heritage Site (WHS). Pools and accessory structures are common along this portion of the WHS, including on the subject property. The reorientation of the pool should have no further impact on the heritage value of the WHS. Therefore, a heritage impact statement will not be 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. 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.

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

The proposal meets the intent of the Official Plan, as the proposed floodplain setback reduction will not result in any negative impacts to the surrounding land uses.

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

The subject property is zoned Special Residential Type 1 (R1-25) Zone and Special Flood Plain (FP-1) Zone in the Zoning By-Law Number 32-74.

The R1-5 zone permits a detached single-family dwelling house, a church, a home occupation, and a public use.

As per section 5(22) of the Zoning By-Law, no building or structure other than a marine facility or a marina shall be located less than 15 metres from a flood plain. Zoning By-Law defines "Flood Plain" as the area below the high watermark of a waterbody.

The proposal requires three variances to Section 5(22) in the Zoning By-Law Number 32-74.

Variance Number 1:

By-Law Number 32-74: Section 5(22)

Requirement: No building or structure other than a marine facility or a marina shall be located less than 15 metres from a flood plain.

Proposed: Swimming Pool: 6.7 metres

Variance Requested: 8.3 metres

Variance Number 2:

By-Law Number 32-74: Section 5(22)

Requirement: No building or structure other than a marine facility or a marina shall be located less than 15 metres from a flood plain.

Proposed: Pool shed: 10 metres

Variance Requested: 5 metres

Variance Number 3:

By-Law Number 32-74: Section 5(22)

Requirement: No building or structure other than a marine facility or a marina shall be located less than 15 metres from a flood plain.

Proposed: Pergola: 11 metres

Variance Requested: 4 metres

The above variances are requested to permit a new inground swimming pool, a pool shed and a pergola. The proposed variances meet the intent of the Zoning By-Law and flood plain setback to prevent natural hazards associated with the Cataraqui River.

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As per CRCA comments, “The new pool remains outside the hazard and well above the flood level, allowing for adequate protection from damage during flood events. Access for safe ingress and egress is primarily intended for buildings and structures and is not a concern in this circumstance”; “The pool, shed and pergola are located outside the erosion hazard limit”; “Given the amount of previous disturbance at the site, and the fact that new development does not encroach closer than the existing retaining wall near the water, it is not anticipate to impose negative impacts to the Provincially Significant Wetland, as a result of the new development.”

The proposed variances conform to the general intent of the flood plain setback. The development meets all other provisions of the FP-1 and R1-25 zones. The requested variances maintain the general intent and purpose of the zoning by-law.

3) The variance is minor in nature

The proposed reduction of minimum setback from flood plain is considered a minor change to the existing development. The variances are proposed in order to accommodate the new inground swimming pool, a pool shed and a pergola. The variances will have no adverse impact on the functionality of the dwelling and the site. The proposed setbacks from the flood plain are not anticipated to create any natural hazard or negatively impact the safety of the site. The proposed variances are considered minor in nature as they will not have a negative impact on the character of waterfront development in the surrounding area.

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

The variances are desirable and appropriate use of the land as it will allow the renovation of the amenities of the rear yard and provides for a more desirable and functional design of the swimming pool and accessory structures on the site. The proposed development is consistent with the nature of waterfront development in the area.

Technical Review: Circulated Departments and Agencies

- | | | |
|---|--|---|
| <input checked="" type="checkbox"/> Building Services | <input checked="" type="checkbox"/> Engineering Department | <input checked="" type="checkbox"/> Heritage (Planning Services) |
| <input type="checkbox"/> Finance | <input checked="" type="checkbox"/> Utilities Kingston | <input checked="" type="checkbox"/> Real Estate & Environmental Initiatives |
| <input checked="" type="checkbox"/> Fire & Rescue | <input type="checkbox"/> Kingston Hydro | <input checked="" type="checkbox"/> City’s Environment Division |
| <input checked="" type="checkbox"/> Solid Waste | <input checked="" type="checkbox"/> Parks Development | <input type="checkbox"/> Canadian National Railways |
| <input checked="" type="checkbox"/> Housing | <input checked="" type="checkbox"/> District Councillor | <input type="checkbox"/> Ministry of Transportation |
| <input type="checkbox"/> KEDCO | <input type="checkbox"/> Municipal Drainage | <input type="checkbox"/> Parks of the St. Lawrence |
| <input checked="" type="checkbox"/> CRCA | <input checked="" 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 checked="" type="checkbox"/> Hydro One | <input type="checkbox"/> Enbridge Pipelines | <input type="checkbox"/> TransCanada Pipelines |
| <input type="checkbox"/> Kingston Airport | | |

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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.

Engineering:

Applicant should demonstrate how drainage will be prevented from flowing onto adjacent properties, based on the grading plan provided the properties on either side do not have retaining walls which this retaining wall will tie into. The retaining wall will require returns at the ends so that flows can be conveyed via a swale on the common property line. Existing grades are to be maintained within 0.6 metres of the side lot lines in order to ensure that flows are not directed onto adjacent properties and the required drainage swales can be maintained as per municipal standards.

Heritage:

The subject property is not on the City's Heritage Register however it is adjacent to a portion of the Rideau Canal World Heritage Site. Pools and accessory structures are common along this portion of the WHS, including on the subject property. The reorientation of the pool should have no further impact on the heritage value of the WHS; a heritage impact statement will not be required. We recommend Parks Canada be circulated for comment on this proposal.

The Master Plan indicates that further archaeological study is required; however, during construction of the house and pool it is likely that deep disturbance has already occurred. We encourage the applicant to consult with an archaeologist prior to excavation, however we do not require an assessment as part of the planning application.

Cataraqui Region Conservation Authority:

The application involves relief from the 15 metre setback from the flood plain in Zoning By-Law Number 32-74 in order to legalize an in-ground swimming pool and shed constructed without approvals and for a new pergola structure.

For clarification, the Zoning By-Law defines the flood plain as the area below the highwater mark of a waterbody. A more accurate delineation for the flood plain is the 1:100-year flood level plus a factor for wave uprush, known as the regulatory flood plain. So, while the proposed variance seeks a reduction to 6.7 metres and 10 metres for the pool and accessory structures, respectively, the actual setback from the regulatory flood plain (as discussed below) is approximately 2 and 5 metres, respectively.

The main interests of Cataraqui Conservation in this application are the avoidance of natural hazards (flooding and erosion) associated with the Cataraqui River, protection of the Greater

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Cataraqui Marsh Provincially Significant Wetland, and the protection of surface water features through adequate riparian buffers.

Natural Hazards

Cataraqui Conservation, through our implementation of Ontario Regulation 148/06 and, in accordance with the natural hazards policies of the 2020 Provincial Policy Statement (PPS), directs development away from lands subject to natural hazards, such as flooding and erosion.

Flooding

The regulatory flood plain of the Cataraqui River has an elevation of 76.3 metres GSC in the area of the subject lands based on the Cataraqui River floodplain mapping (1977). The flood plain extends partway up the rear yard of the subject property to the base of the retaining wall, as shown on the conceptual site plan submitted by the applicant.

New development and site alteration are prohibited in the flood plain per Section 5.5 of the City of Kingston Official Plan and Section 6.3.3.2(1) of CRCA Guidelines for Implementing Ontario Regulation 148/06. CRCA's Guidelines require a minimum horizontal setback of 6 m from the regulatory flood plain.

The intent of the 6 m setback is to provide safe access between buildings and structures and the flood plain and to provide an appropriate factor for safety.

The new pool replaces a previously existing pool at the property. While the new pool has shifted closer to the flood plain, the pool remains outside the hazard and well above the flood level, allowing for adequate protection from damage during flood events. Access for safe ingress and egress is primarily intended for buildings and structures and is not a concern in this circumstance.

Based on the above, Cataraqui Conservation staff can support approvals for the pool. This is consistent with our review of similar proposals along Kenwoods Circle in the past.

As previously requested, the applicant proposes to shift the pool shed further from the flood plain to achieve a minimum 6 m setback as shown on the site plan.

Erosion

The extent of the erosion hazard along this section of the Cataraqui River based on the type of shoreline is estimated at approximately 7.5 metres measured from the toe of slope. Based on our measurements, the proposed pool, shed and pergola will be outside the erosion hazard limit.

Provincially Significant Wetland & Water Quality Protection

The Cataraqui River in front of the subject lands is part of the provincially significant Cataraqui Marsh, which consists of submerged vegetation in this location. The Natural Heritage 'A' overlay is applied to the marsh on Schedule 7A of the Official Plan. Section 6.1.8 of the Official Plan indicates that development and site alteration are not permitted on adjacent lands to Natural

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heritage 'A' features unless it has been demonstrated that there will be no negative impacts on the features or on their ecological functions.

As noted in the discussion above, the proposed pool, shed and pergola replace existing development on the subject property. Given the amount of previous disturbance at the site, and the fact that new development does not encroach closer than the existing retaining wall near the water, staff do not anticipate negative impacts to the Provincially Significant Wetland, as a result of the new development. We do not feel an Environmental Impact Study is justified in this situation.

Further, the development is consistent with Cataraqui Conservation regulatory policies for development within 30 metres of a Provincially Significant Wetland.

Water Quality

The City of Kingston Official Plan seeks to protect the shoreline ecology by way of a natural area setback of 30 metres or a "ribbon of life" adjacent to the water (section 2.8.3). The intent of the setback is to provide a buffer of undisturbed soil and vegetation along the shoreline, which will help to filter runoff, prevent soil erosion, and provide wildlife habitat. City of Kingston Zoning By-Law Number 32-74 requires a minimum 15 metre setback from the high-water mark of a waterbody, including the Cataraqui River.

We note that in accordance with the Cataraqui Conservation's Environmental Planning Policies (2015), staff may support development within the water setback area where the new building or structure is no closer to the waterbody than existing development and would meet the CRCA's Guidelines for Implementing Ontario Regulation 148/06 as they relate to natural hazards.

As noted, the new pool will extend slightly closer to the water than the original pool but, in terms of disturbance to the riparian buffer, there is essentially no change from the previous condition. The pool remains behind the retaining wall at the shoreline, which is effectively the line of development at this property – as is also the case on other properties along Kenwoods Circle.

The pool shed is proposed to be shifted further from the water to all for an adequate setback.

Cataraqui Conservation encourages the maintenance and enhancement of a healthy vegetated shoreline buffer between existing development on the property and the Cataraqui River. We recommend a shoreline buffer of native plants augmented by active planting of native low-growing species, shrubs and/or trees. Such a buffer would provide plant and animal habitat, and contribute to the health of the shoreline ecosystem, as well as screen views of the development from the water.

To this end, we recommend, as a condition of minor variance approval, that the applicant submit a landscape plan demonstrating how the area between the pool and accessory structures and the retaining wall will be vegetated, along with the area between the retaining wall and shoreline.

Lastly, we note that the pool should never be drained directly into the Cataraqui River.

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Once the variance is granted, the landscape plan is submitted, and the appeal period is over we will be able to issue a permit to bring the work into compliance with our regulation.

Cataraqui Conservation has no objection to application File Number: D13-003-2021 provided:

1. That a condition of approval be added requiring submission of a landscape plan demonstrating how the area between the pool and retaining wall and between the retaining wall and shoreline will be vegetated to the satisfaction of CRCA and City staff; and,
2. That a condition of approval be added that the applicant obtain a permit from CRCA under Ontario Regulation 148/06 to complete the proposed work, including the structures, retaining wall changes and associated site alteration (placement of fill, grading and excavation).

Public Comments

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

Previous or Concurrent Applications

There are no concurrent planning applications on the subject property. In 1998, a minor variance application was approved by the Committee of Adjustment to permit a setback of 10 metres from the flood plain to accommodate a swimming pool and an accessory pool shed on the subject property.

Conclusion

The requested variances maintain the general intent and purpose of both the City of Kingston Official Plan and Zoning By-Law Number 32-74. 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.

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

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Municipal

City of Kingston Official Plan

Zoning By-Law Number 32-74

Notice Provisions:

A Committee of Adjustment Meeting is going to be held respecting this application on April 18, 2021. Pursuant to the requirements of the *Planning Act*, a notice of Statutory Public Meeting was provided by advertisement in the form of signs posted on the subject site 10 days in advance of the meeting. In addition, notices were sent by mail to a total number of 16 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

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

Other City of Kingston Staff Consulted:

None

Exhibits Attached:

- Exhibit A Recommended Conditions
- Exhibit B Key Map
- Exhibit C Public Notice Notification Map
- Exhibit D Official Plan Map
- Exhibit E Zoning By-Law Number 32-74, Map 4

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- Exhibit F Conceptual Site Plan
- Exhibit G Grading Plan
- Exhibit H Architectural Elevations
- Exhibit I Neighbourhood Context Map (2020)

Recommended Conditions

Application for minor variance, File Number D13-003-2020

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

1. Limitation

That the approved minor variance applies only to 60 Kenwoods Circle 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. Grading Plan

The owner/applicant shall submit to the City, for its written approval, a drainage plan, which shall identify, without limitation, how drainage will be prevented from flowing onto adjacent properties. Existing grades are to be maintained within 0.6 metres of the side lot lines to ensure that flows are not directed onto adjacent properties and the required drainage swales can be maintained as per municipal standards.

4. Landscape Plan

The owner/applicant shall submit a landscape plan demonstrating how the area between the pool and retaining wall and between the retaining wall and shoreline will be vegetated to the satisfaction of CRCA and City staff.

5. Cataraqui Conservation Permit

The owner/applicant shall obtain a permit from Cataraqui Region Conservation Authority under Ontario Regulation 148/06 to complete the proposed work, including the structures, retaining wall changes and associated site alteration (placement of fill, grading and excavation).

6. 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.

7. 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 Program and Services Branch of the Ministry of Heritage, Sport, Tourism and Culture Industries (416-314-7132) and City of Kingston's Planning Services (613-546-4291, extension 3180) must be immediately contacted.

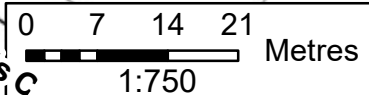
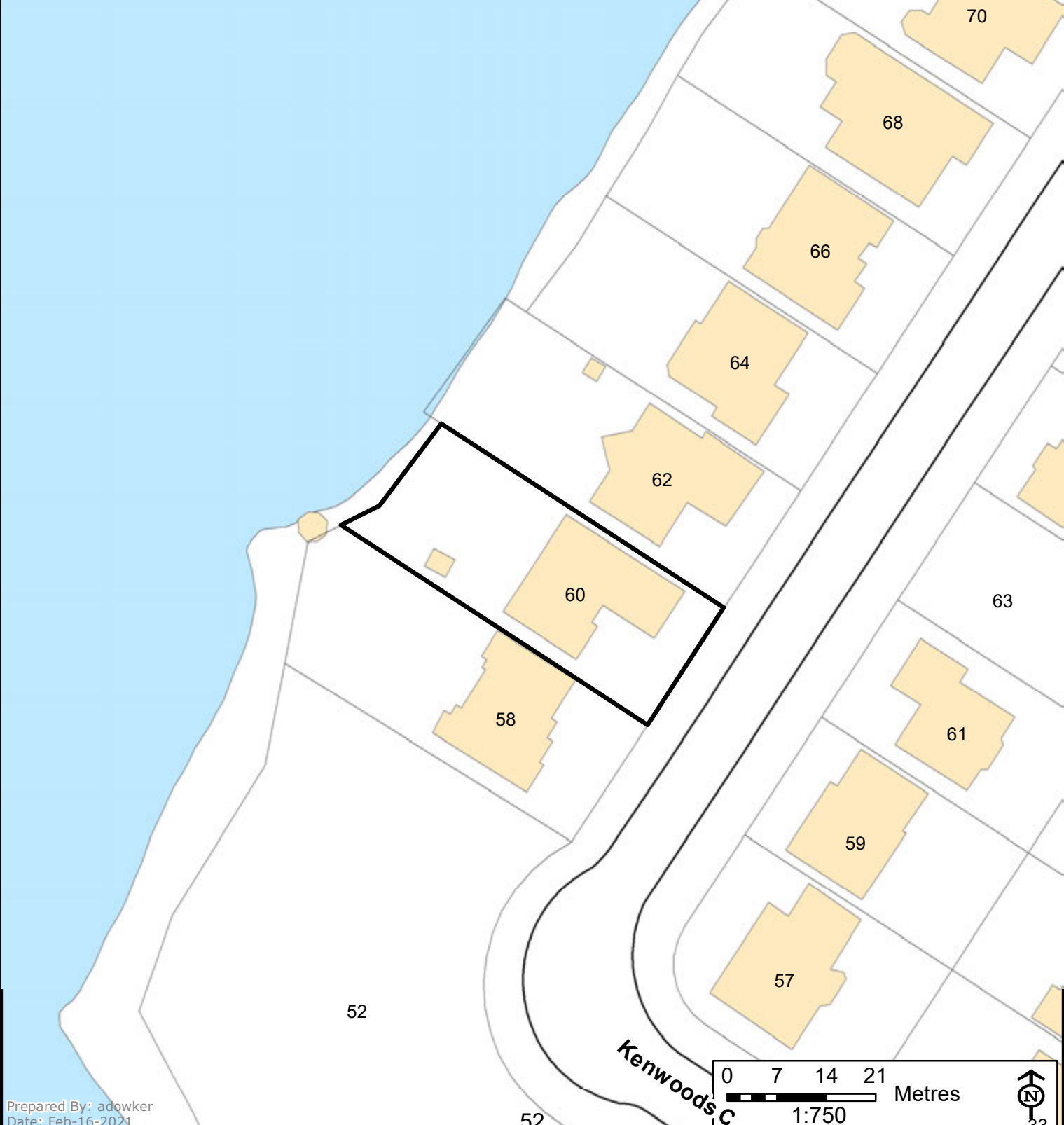
In the event that human remains are encountered, all work must immediately cease and the site must be secured. The Kingston Police (613-549-4660), the Registrar of Cemeteries at the Ministry of Government and Consumer Services (416-212-7499), the Program and Services Branch of the Ministry of Heritage, Sport, Tourism and Culture Industries (416-314-7132), and City of Kingston's Planning Services (613-546-4291, extension 3180) must be immediately contacted.



Committee of Adjustment Key Map

Address: 60 Kenwoods Ct
File Number: D13-003-2021

 Lands Subject to Minor Variance





Committee of Adjustment
Public Notice Notification Map

Address: 60 Kenwoods Cl
File Number: D13-003-2021

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



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Metres
1:1,500

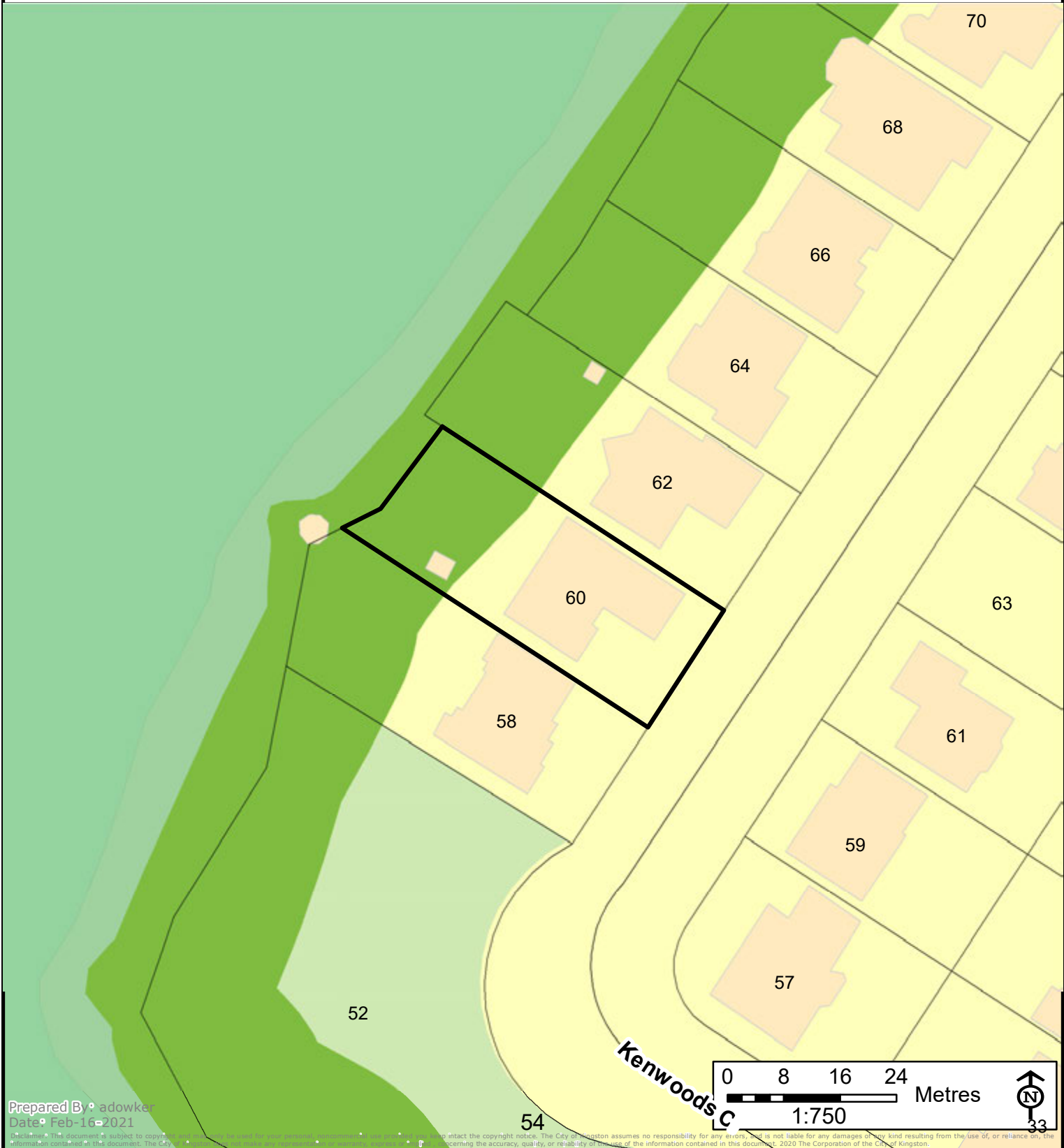
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Committee of Adjustment Official Plan, Existing Land Use

Address: 60 Kenwoods Ct
File Number: D13-003-2021

- Subject Lands
- ENVIRONMENTAL PROTECTION AREA
- SECONDARY PLAN AREA
Rideau Community Secondary Plan
- LOW DENSITY RESIDENTIAL
- ENVIRONMENTAL PROTECTION AREA
- OPEN SPACE





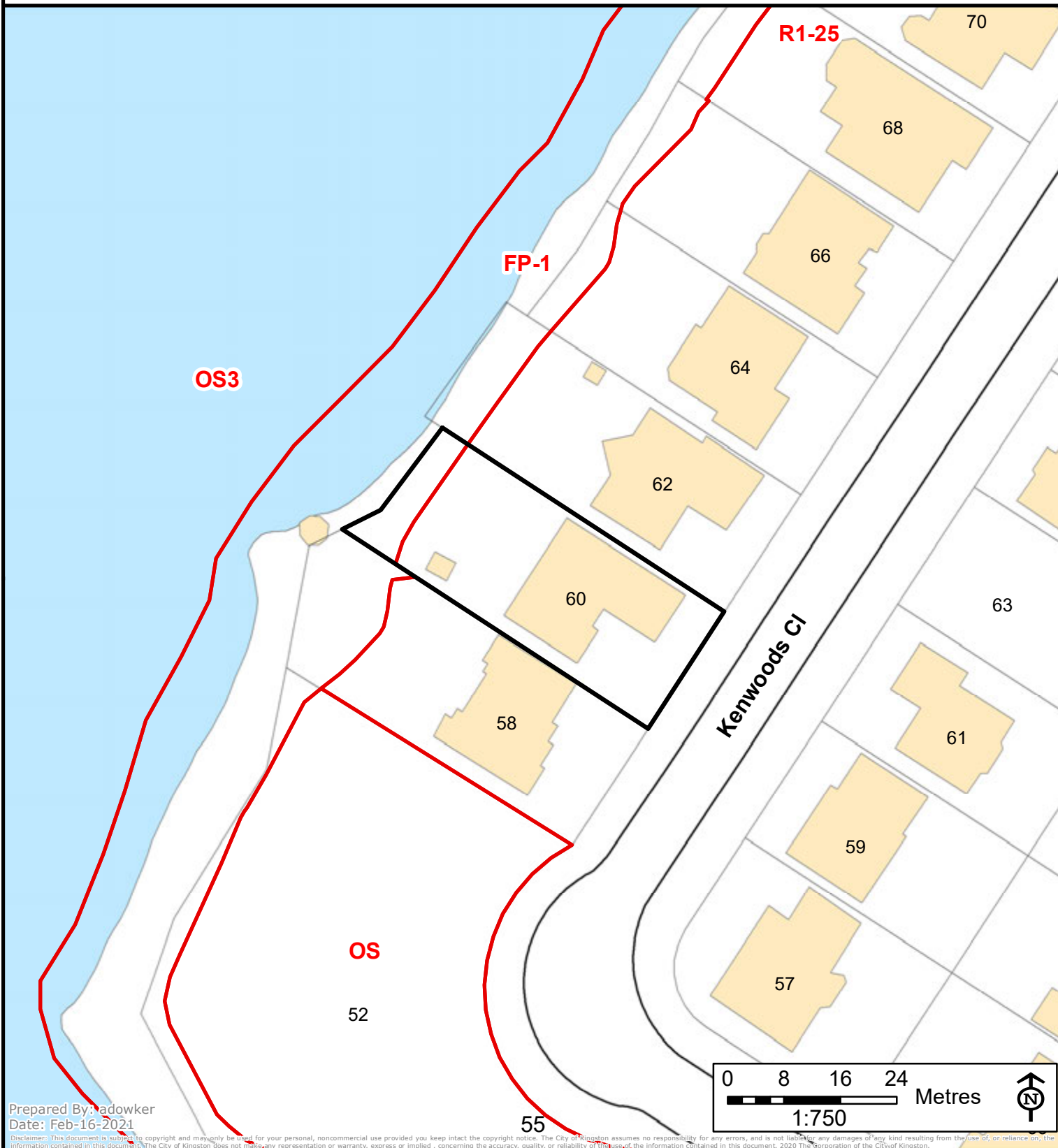


Planning Services

Committee of Adjustment Existing Zoning - By-law 32-74, Map 4

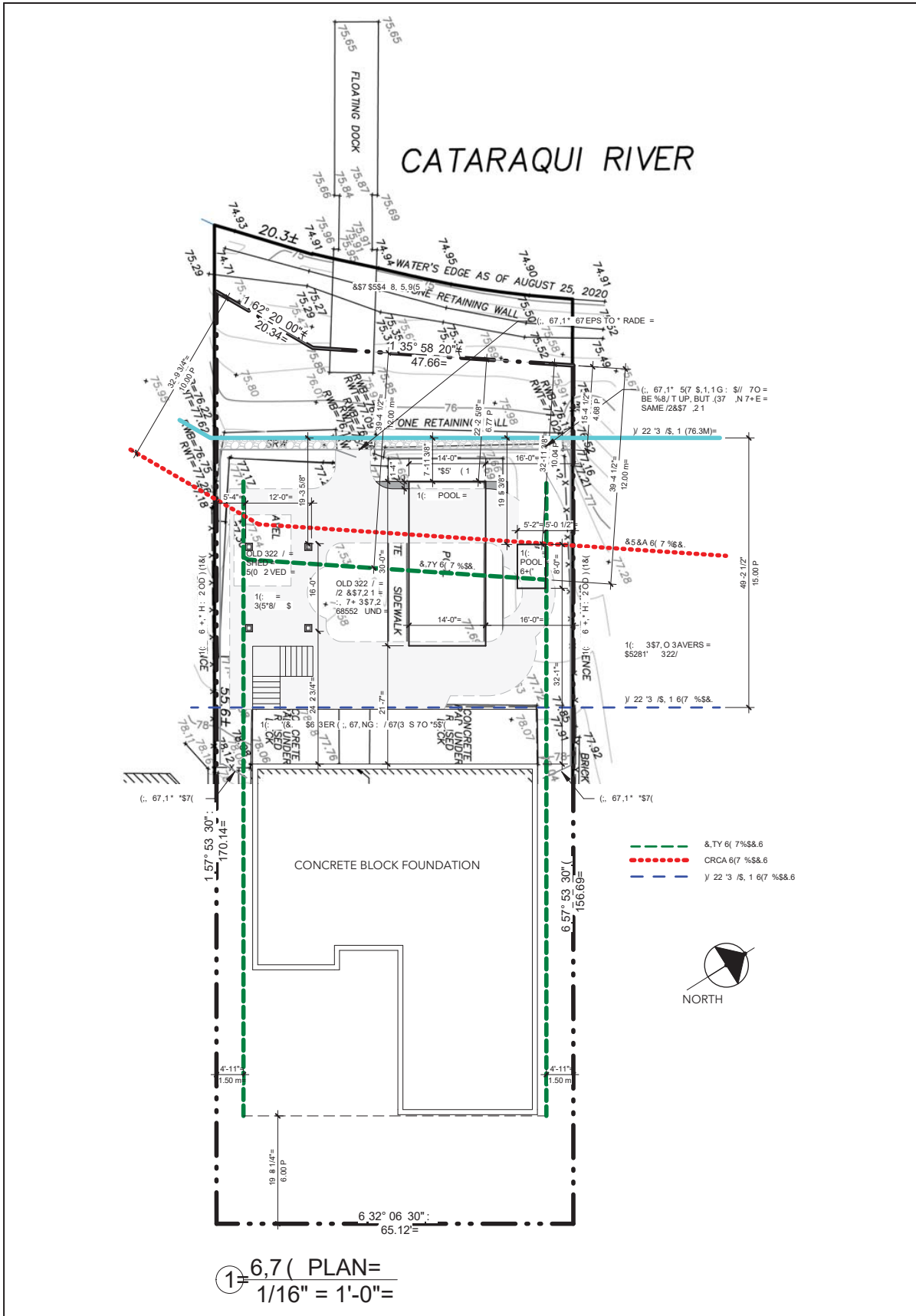
Address: 60 Kenwoods Cl
File Number: D13-003-2021

-  Subject Lands
-  Consolidated Zoning



Prepared By: adowker
Date: Feb-16-2021

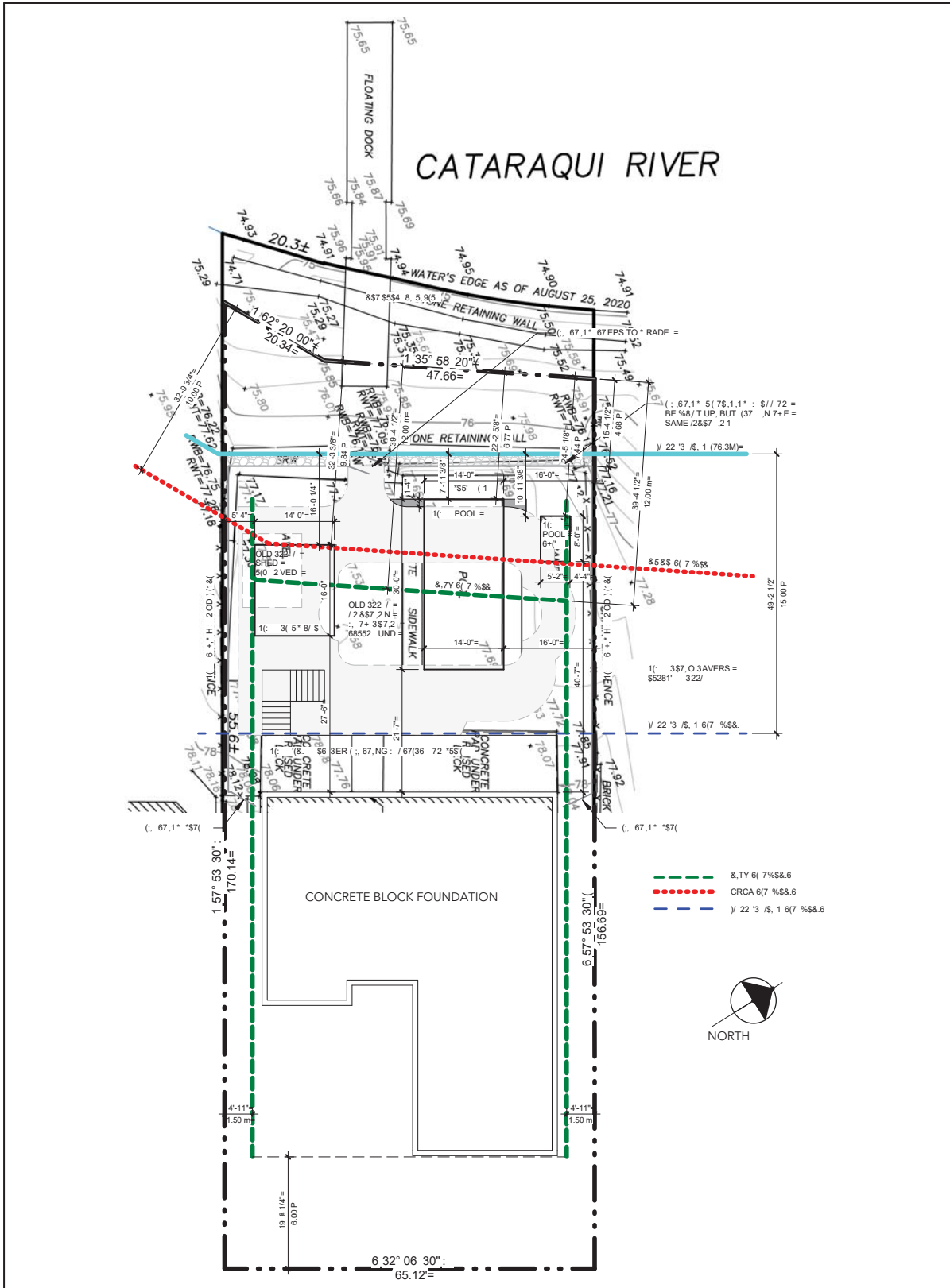
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Committee of Adjustment
Neighbourhood Context (2020)

Address: 60 Kenwoods Ct
File Number: D13-003-2021

- Subject Lands
- Property Boundaries
- Proposed Parcels

