



**City of Kingston
Report to Committee of Adjustment
Report Number COA-21-026**

To: Chair and Members of the Committee of Adjustment
From: Lindsay Sthamann, Planner
Date of Meeting: April 19, 2021
Application for: Minor Variance
File Number: D13-066-2020
Address: 809 Development Drive
Owner: Cliffside Holdings Inc
Applicant: IBI Group (Mark Touw)

Council Strategic Plan Alignment:

Theme: 2. Increase housing affordability

Goal: 2.2 Build a significant number of new residential units with a range of affordability.

Executive Summary:

This report provides a recommendation to the Committee of Adjustment regarding an application for minor variances for the property located at 809 Development Drive. The applicant is proposing to reduce the width of the parking aisle from 6.5 metres to 6.0 metres and reduce the overall combined dimension of the parking spaces and parking aisle from 18.5 metres to 16.4 metres in order to accommodate the parking for a stacked townhouse development.

An application for zoning by-law amendment (File Number [D14-034-2018](#)) was submitted in 2018 to permit townhouse units on this property. The site-specific 'R4-45' zone was approved by Council on December 17, 2019. The site-specific zone alters several zoning provisions to accommodate the proposed townhouse development on the property. The property is currently subject to an active site plan application (File Number D11-037-2019) which is awaiting final approval. A minor variance application (File Number [D13-030-2020](#)) was approved in November 2020 to permit modifications to the front deck height and the length of accessible parking

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spaces. The two new requested minor variances were identified during the site plan application review process and were not addressed in the previous minor variance application.

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

By-Law Number 76-26: Section 5(16)(d)(ii) Schedule C

Requirement: 6.5 metres

Proposed: 6.0 metres

Variance Requested: 0.5 metres

Variance Number 2: Minimum Combined Parking Space Length and Drive Aisle Width

By-Law Number 76-26: Section 5(16)(d)(ii) Schedule C

Requirement: 18.5 metres

Proposed: 6.4 metres

Variance Requested: 2.1 metres

Recommendation:

That minor variance application, File Number D13-066-2020, for the property located at 809 Development Drive to reduce the width of the parking aisle from 6.5 metres to 6.0 metres and reduce the overall combined dimension of the parking spaces and parking aisle from 18.5 metres to 16.4 metres in order to accommodate the parking for a stacked townhouse development, be approved; and

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-21-026.

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Authorizing Signatures:



Lindsay Sthamann, 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 March 2, 2021, a minor variance application was submitted by IBI Group (Mark Touw), on behalf of the owner, Cliffside Holdings Inc, with respect to the property located at 809 Development Drive. The variance is requested to reduce the width of the parking aisle from 6.5 metres to 6.0 metres and reduce the overall combined dimension of the parking spaces and parking aisle from 18.5 metres to 16.4 metres in order to accommodate the parking for a stacked townhouse development.

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

- Site Plan (Exhibit G)
- Parking Review Letter (Exhibit H)
- Planning Letter (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.

Site Characteristics

The subject property is located at 809 Development Drive (Exhibit C – Neighbourhood Context Map). The subject property is designated ‘Residential’ and ‘Environmental Protection Area’ in the Official Plan (Exhibit E – Official Plan Map) and zoned ‘R4-45 – Site Specific Residential Type 4 Zone’ in Zoning By-Law Number 76-26. The property abuts residential zones to the west and south, open space zone to the east, and commercial uses across Development Drive to the North (Exhibit F – Zoning Map).

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.

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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 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 proposed variances will not have any negative impacts on abutting properties or uses and/or structures. The proposed variances are compatible with the surrounding land uses and will not result in significant impacts or changes to the original townhouse proposal.

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 variances do not significantly change what was originally considered under the zoning by-Law amendment File Number D14-034-2019. There are no anticipated impacts on the adjacent properties resulting from these variances.

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 functionality of the parking lot, spaces, and accessible spaces is not anticipated to be impacted by these variances.

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 proposal generally conforms to applicable urban design policies, as outlined in Section 8 of the Official Plan. The proposal will result in an 18-unit stacked townhouse structure whose height is permitted in the 'R4-45' zone.

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;

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The subject property is not designated under the Ontario Heritage Act nor is it adjacent to a designated property.

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 subject property is located within the Urban Boundary with municipal water and sanitary services. The application was circulated to Utilities Kingston through technical review, who noted that there were no concerns with the application. The owner/applicant is responsible to ensure existing services are sufficient for the proposal. This will be addressed through the Building Permit and Site Plan Agreement application process.

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 proposal meets the four tests of a Minor Variance as outlined in the Planning Act and described herein.

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;

Multiple conditions of approval are recommended in this report in Exhibit A.

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

The proposal is in keeping and compatible with the existing development in the surrounding area and will not set an undesirable precedent.

The proposal meets the intent of the Official Plan, as the proposed variances to the parking area 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 'R4-45 – Site Specific Residential Type 4 Zone' in the City of Kingston Zoning By-Law Number 76-26, entitled "Township of Kingston Restricted Area By-Law", as amended. The R4-45 zone permits a vertically stacked row-dwelling house with a maximum of 18 dwelling units.

The proposal requires a variance to Section 15 for the minimum width of a drive aisle and the minimum combined width of a drive aisle and parking spaces.

Variance Number 1: Minimum Parking Aisle Width

By-Law Number 76-26: Section 5(16)(d)(ii) Schedule C

Requirement: 6.5 metres

Proposed: 6.0 metres

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Variance Requested: 0.5 metres**Variance Number 2: Minimum Combined Parking Space Length and Drive Aisle Width****By-Law Number 76-26:** Section 5(16)(d)(ii) Schedule C**Requirement:** 18.5 metres**Proposed:** 16.4 metres**Variance Requested:** 2.1 metres

The intention of the subject zone provision for a minimum parking aisle width of 6.5 metres is to ensure that vehicles can be maneuvered in/out of parking spaces without excessive turning movements or require that other cars be moved. The applicant has provided a letter from Josselyn Engineering Inc. (Exhibit H) that demonstrates the ability of the proposed parking area to function with a reduced aisle width of 6.0 metres. Their letter recommended the deletion of parking space #29 to facilitate exit from space BF2. This change was adopted by the applicant and is illustrated on the site plan.

Variance number 2 for the combined width of parking spaces and drive aisle width is a technical variance required due to the other reductions in parking space and drive aisle width. The Engineer's letter also took into account the previously reduced length of the parking spaces in their review. The parking spaces and aisle width are typical of many projects in the City of Kingston in recent years and are adequate for the intended purpose.

3) The variance is minor in nature

The determination of whether an application is minor is not based on the degree of the variance requested, but rather on whether the impact of granting the request(s) is minor. This includes how the variance could impact the existing or planned functionality of the subject lands and/or the surrounding lands. A 6.0 metre aisle width will still allow adequate room to maneuver vehicles in and out of parking spaces without excessive turning movements or the need to move other vehicles. The second variance for the combined width of parking spaces and drive aisle width is a technical variance required due to the reductions in parking space and drive aisle width.

The variances are a minor re-adjustment to the previously approved site-specific zoning amendment.

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

The proposed variances are desirable and appropriate use of land as they facilitate the development of 18 residential units and are not anticipated to have an adverse impact on the streetscape or adjacent properties. This will increase the availability of housing within the urban boundary.

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

Technical Comments

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

Public Comments

At the time this report was finalized, no 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

An application for zoning by-law amendment (File Number D14-034-2018) was submitted in 2018 to permit townhouse units on this property. The site-specific ‘R4-45’ zone was approved by Council on December 17th, 2019. The site-specific zone alters several zoning provisions to accommodate the proposed townhouse development on the property.

The property was subject to a consent application (File Number D10-039-2018) to sever it from the parcel addressed 847 Development Drive. This consent application is complete.

The property was subject to a minor variance application (File Number D13-030-2020) to reduce the length of accessible parking spaces and to increase the maximum height of a front porch. This variance was approved by the Committee of Adjustment at the November 16th, 2020 meeting.

The property is currently subject to an active site plan application (File Number D11-037-2019).

Section 45(1.3) of the Planning Act prohibits an applicant from submitting a minor variance application for a site that received approval through a zoning by-law amendment within two

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years of the passing of the amending by-law. Council approval was received on March 2, 2021 (Report Number 21-070) to exempt this minor variance application from this section of the Planning Act.

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

Approval of this application will permit modifications to the parking area of the associated 18 unit stacked townhouse dwelling.

Existing Policy/By-Law:

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

Provincial

Provincial Policy Statement, 2020

Municipal

City of Kingston Official Plan

Zoning By-Law Number 76-26

Notice Provisions:

A Committee of Adjustment Meeting is going to be held respecting this application on 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 10 days in advance of the meeting. In addition, notices were sent by mail to a total number of 15 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

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Financial Considerations:

None

Contacts:

Tim Park, Acting Director, Planning Services, 613-546-4291 extension 3223

Lindsay Sthamann, Planner, 613-546-4291 extension 3287

Other City of Kingston Staff Consulted:

None

Exhibits Attached:

- Exhibit A Recommended Conditions
- Exhibit B Key Map
- Exhibit C Neighbourhood Context Map (2019)
- Exhibit D Public Notification Map
- Exhibit E Official Plan Map
- Exhibit F Zoning By-Law Number 76-26, Map 5
- Exhibit G Site Plan
- Exhibit H Parking Review Letter
- Exhibit I Planning Letter

Recommended Conditions

Application for minor variance, File Number D13-066-2020

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

1. Limitation

That the approved minor variance applies only to the parking spaces and drive aisle 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

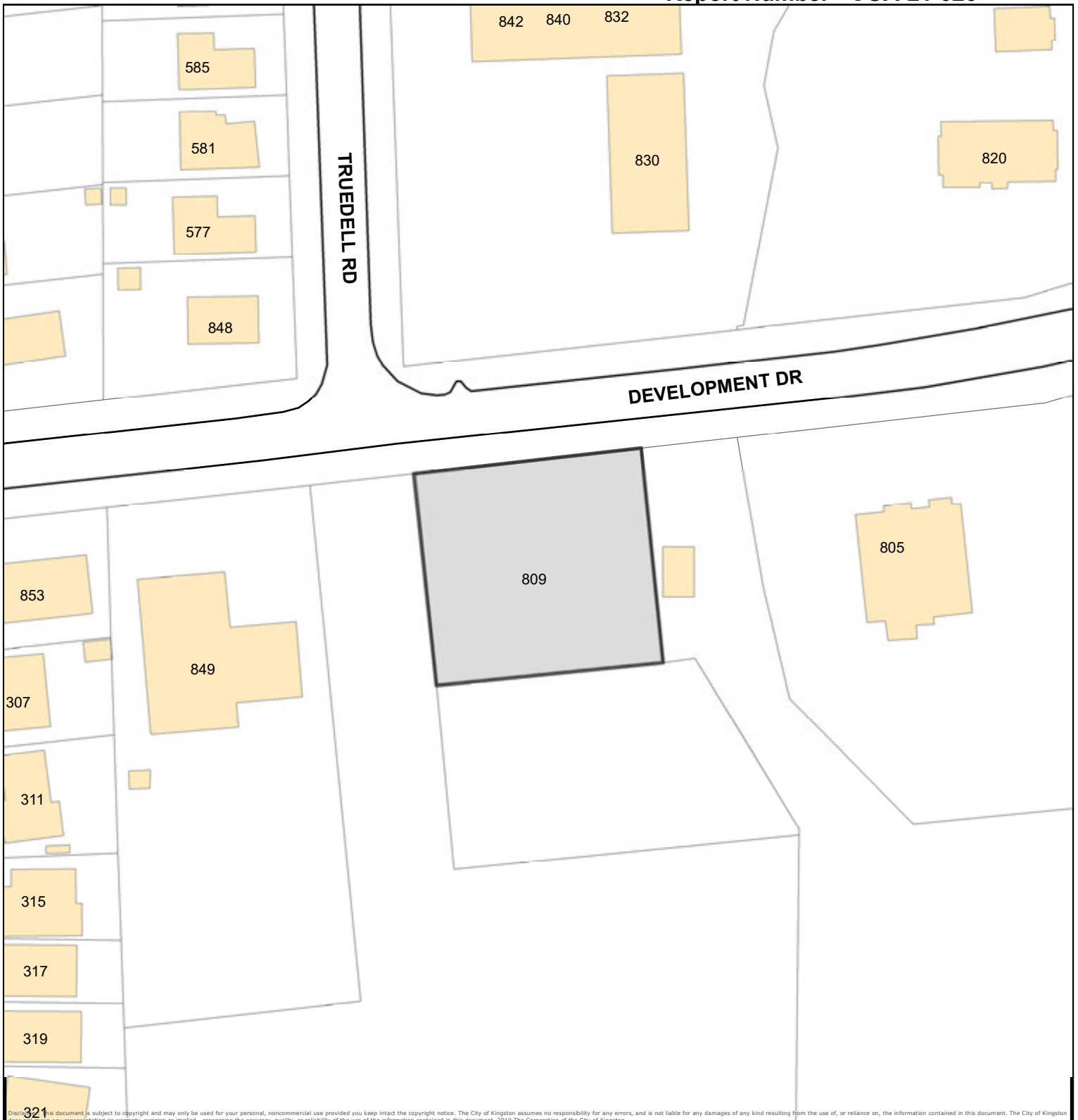
The owner/applicant shall provide to the Building Services a copy of the decision of the Committee of Adjustment, together with a copy of the approved drawings, when they make application for a Building Permit.

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 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.

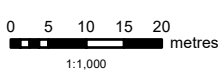


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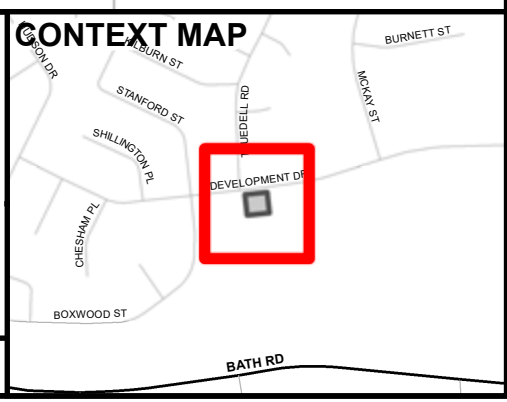
COMMITTEE OF ADJUSTMENT
Key Map

File Number: D13-066-2020
Address: 809 Development Drive



DATE: 2021-01-27
PREPARED BY: lchu

 Lands Subject to Minor Variance





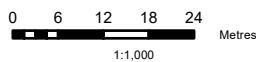
Corporation of the City of Kingston






Planning Services
a department of
Community
Services

COMMITTEE OF ADJUSTMENT
Neighbourhood Context (2019)

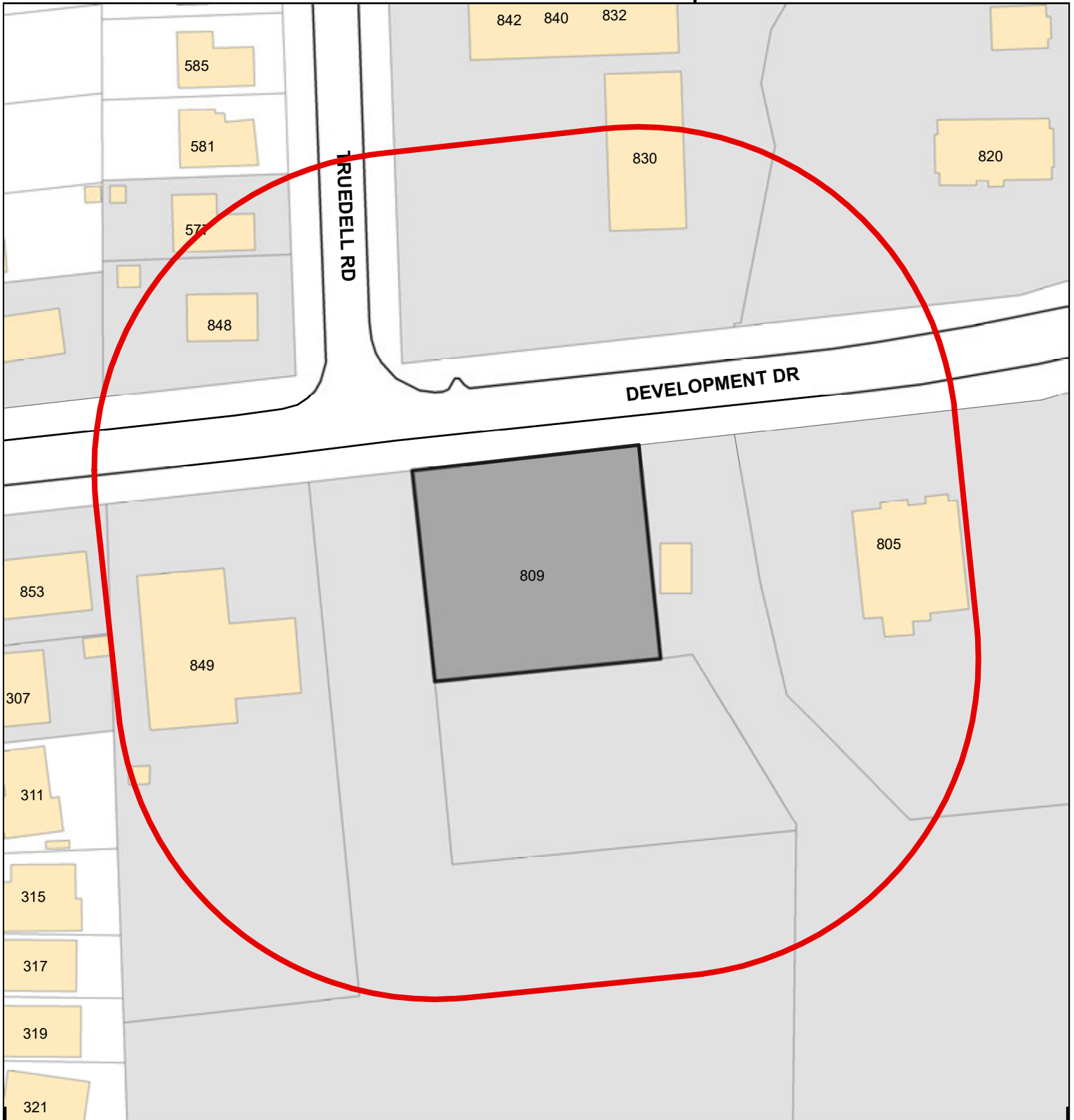
File Number: D13-066-2020
Address: 809 Development Drive



Legend

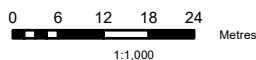
-  Subject Lands
-  Property Boundaries
-  Proposed Parcels





COMMITTEE OF ADJUSTMENT
Public Notice Notification Map

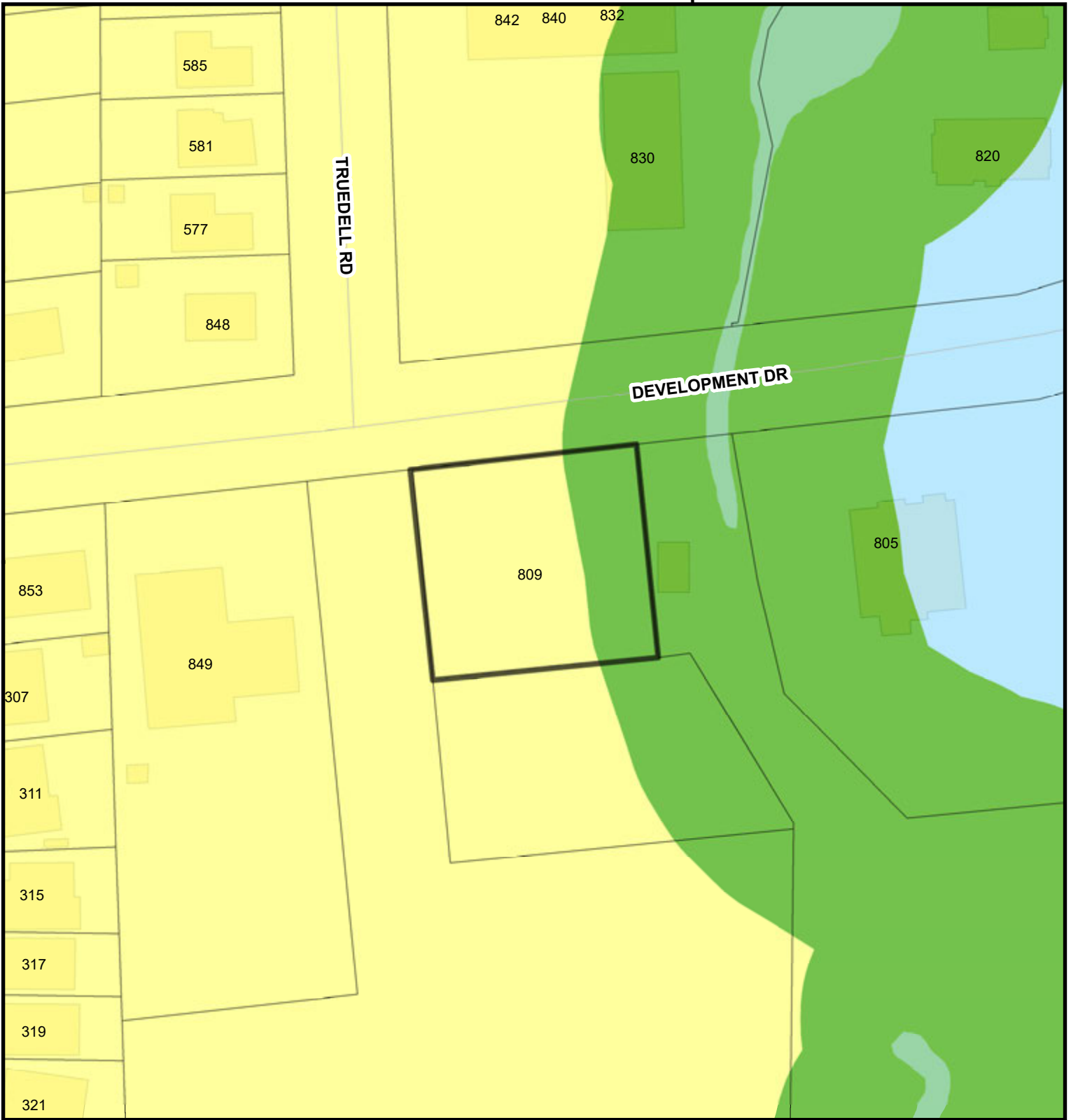
File Number: D13-066-2020
Address: 809 Development Drive



Legend

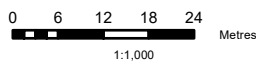
- 60m Public Notification Boundary
- Subject Lands
- Property Boundaries
- Proposed Parcels
- 11 Properties in Receipt of Notice (MPAC)





COMMITTEE OF ADJUSTMENT
Official Plan, Existing Land Use

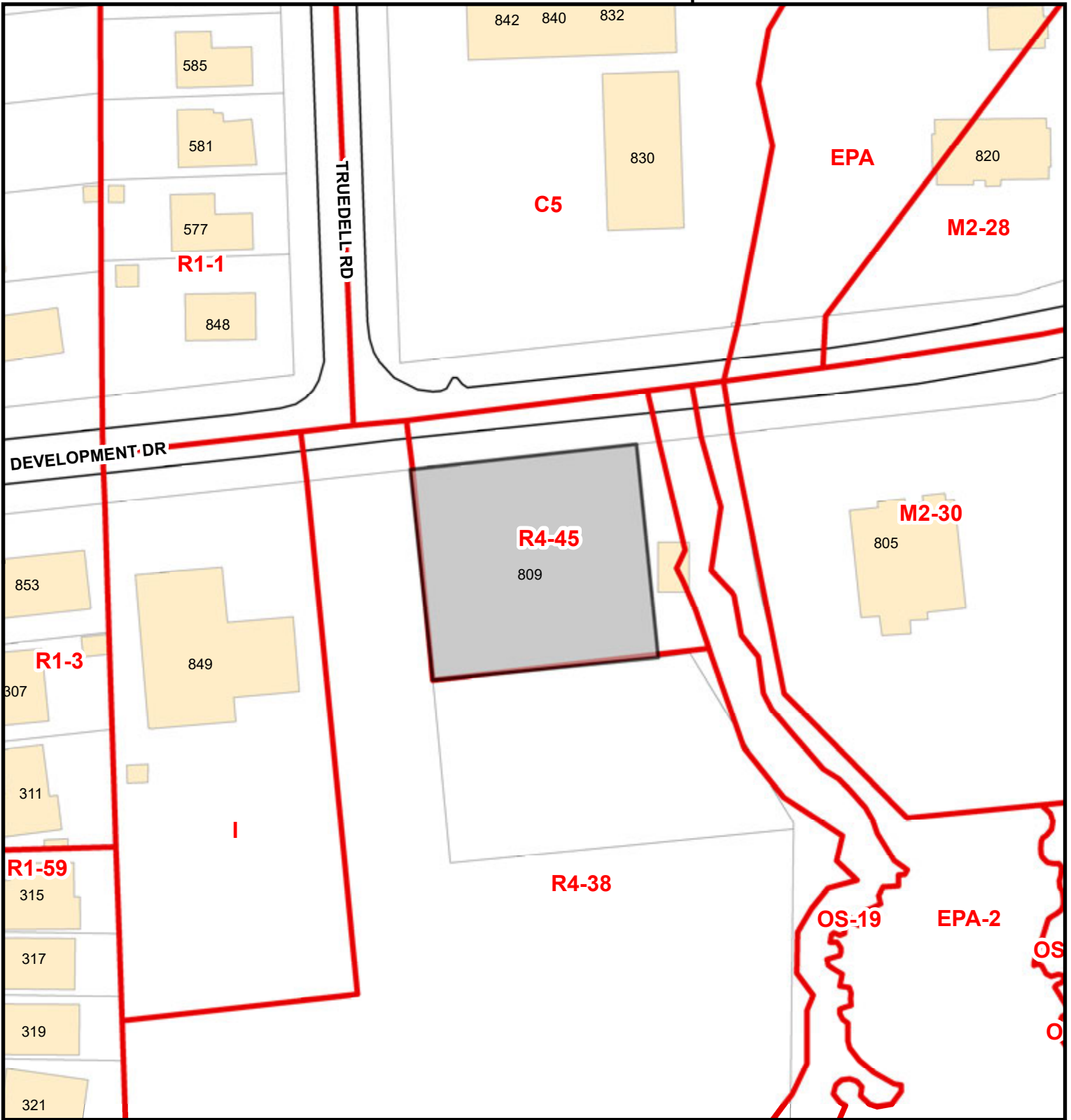
File Number: D13-066-2020
Address: 809 Development Drive



Legend

- Subject Lands
- ENVIRONMENTAL PROTECTION AREA
- GENERAL INDUSTRIAL
- RESIDENTIAL





COMMITTEE OF ADJUSTMENT
Existing Zoning - By-law 76-26, Map 5

File Number: D13-066-2020
Address: 809 Development Drive

Legend

- Subject Lands
- Consolidated Zoning

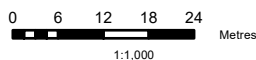
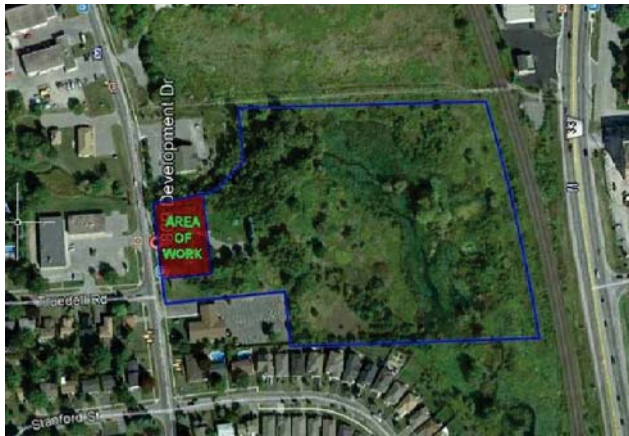


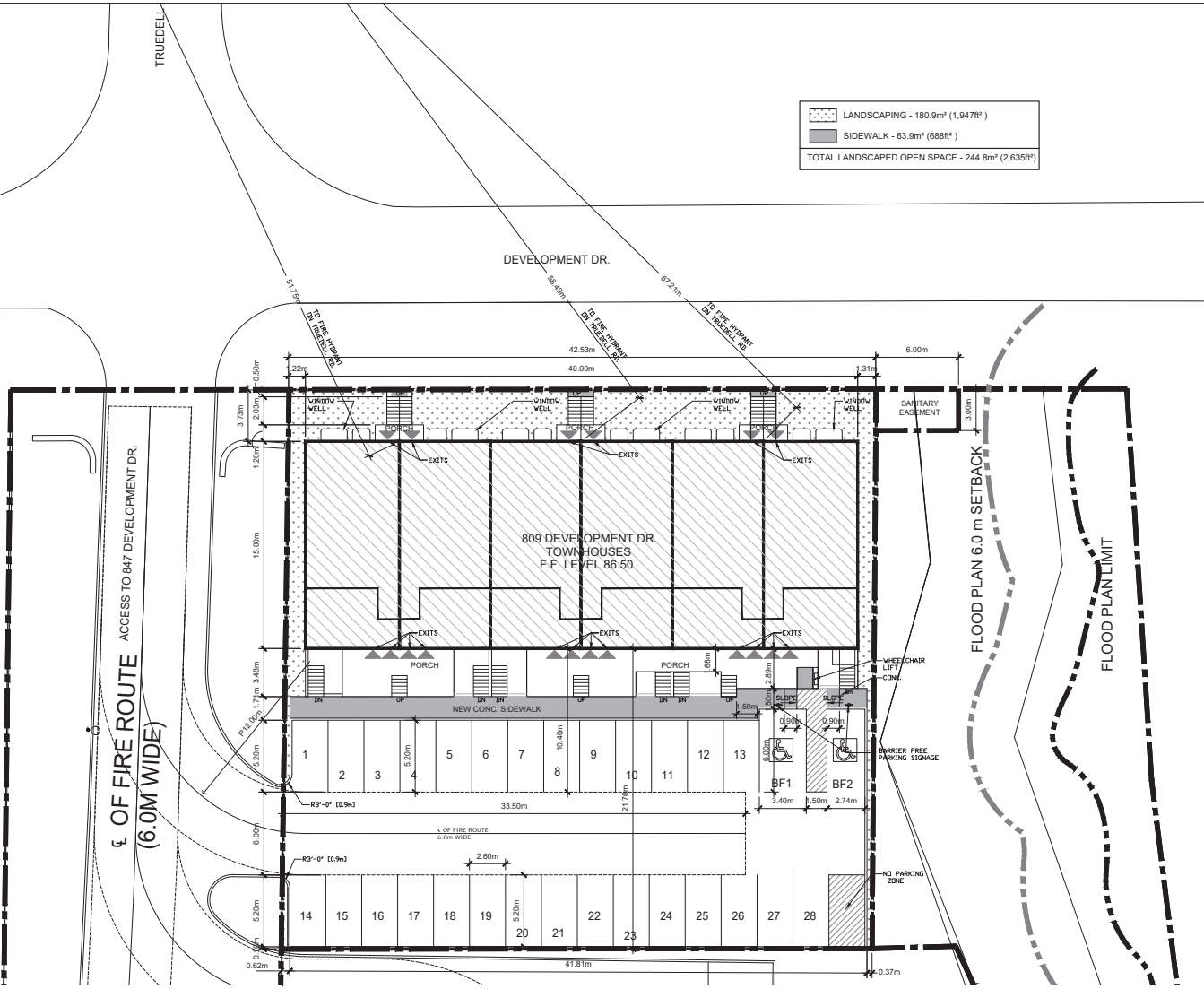
Exhibit G
Report Number - COA-21-026



SITE STATISTICS - TOWNHOUSES
KINGSTON TOWNSHIP BY-LAW 76-26
R4-45 ZONE

ZONING PROVISIONS	SECTION	REQUIRED	PROVIDED
PERMITTED USE	SECTION 15 (3)(r)(2)	DWELLING HOUSE	18-UNIT DWELLING HOUSE
LOT AREA (MINIMUM)	SECTION 15 (3)(r)(3)	232.26m ² (2,500 ft ²)	1,729m ² (18,607ft ²)
LOT FRONTAGE (MINIMUM)	SECTION 15 (3)(r)(4)	5.49m (18'-0")	42.5m (139'-6")
FRONT YARD DEPTH (MINIMUM)	SECTION 15 (3)(r)(6)	3.5 m (11'-6")	3.73 m (12'-3")
FRONT YARD DEPTH PROJECTIONS	DECK	1.6 m MAX ABOVE GRADE *PER MINOR VARIANCE*	1.6 m
	BALCONY	2.0 m MIN TO THE FRONT LINE	2.56 m
	STAIRS	0.5 m MIN. TO THE FRONT LINE	0.5 m
EXTERIOR SIDE YARD DEPTH (MIN.)	SECTION 15 (3)(r)	6.0m (20'-0")	N/A
INTERIOR SIDE YARD DEPTH (MIN.)	SECTION 15 (3)(r)	1.22m (4'-0") PROVIDED THAT AN END WALL CONTAINS NO HABITABLE ROOM WINDOWS	1.22m (4'-0") *END WALL CONTAIN NO HABITABLE ROOM WINDOWS
REAR YARD DEPTH (MINIMUM)	SECTION 15 (3)(r)	7.62m (25'-0")	21.76 m (71'-5")
DWELLING UNIT AREAS (MINIMUM)	SECTION 15 (3)(r)	83.61m ² (900ft ²)	99.24 m ² (1,068ft ²)
LANDSCAPE OPEN SPACE (MIN. %)	SECTION 15 (3)(r)(13)	NOT APPLICABLE	244.80m ² (2,635ft ²) = 14.16%
LOT COVERAGE (MAX. %)	SECTION 15 (3)(r)(14)	44% OF 1,729m ² = 760.7 m ²	600.00m ² (6,458 ft ²) = 34.7 %
HEIGHT OF BUILDING (MAX.)	SECTION 15 (3)(r)(8)	12.5m (41'-0") TO ROOF MIDPOINT	12.37 m (40'-7") TO ROOF MIDPOINT
AMENITY AREAS (MINIMUM)	SECTION 15 (3)(r)(15)	18.5m ² x 18 UNITS = 333m ² (3,584ft ²)	334.3 m ² (3,589 ft ²)
		- BACK PORCHES - FRONT PORCHES - FRONT GRASS AREA - ROOF TOP AMENITY	78.3 m ² (843 ft ²) 12.6m (136ft ²) 111.3m ² (1,189ft ²) 132.0m ² (1,421 ft ²)
		TOTAL	334.3 m ² (3,589 ft ²)
PARKING REQUIRED (MIN.)	SEC. 15 (3)(r)(16)(a)	18 (1 PER TOWNHOUSE)	30 SPACES PROVIDED
PARKING SPACE	SEC. 15 (3)(r)(16)(a)	2.6 m x 5.2 m STANDARD SPACE	2.6 m x 5.2 m
ACCESSIBLE PARKING	SECTION 5 (16)(a)	4% OF PARKING 4% OF 31 = 1.24 = 2 B.F. SPACES 1 TYPE 'A' REQ'D (3.4m x 5.2m) 1 TYPE 'B' REQ'D (2.7m x 5.2m) TOTAL = 2 REQ'D ACCESS AISLE REQ'D (1.5m x 5.2m) *PER MINOR VARIANCE*	1 TYPE 'A' PROVIDED (3.4m x 6.0m) 1 TYPE 'A' PROVIDED (2.74m x 6.0m) TOTAL = 2 PROVIDED ACCESS AISLE PROVIDED (1.5m x 6.0m)
PARKING AISLE WIDTH	SECTION 5 (16)(d)(ii)	6.5 m	6.0 m
ADDITIONAL SETBACK	SEC. 15 (3)(r)(12)	6.0 m FROM 1:100 FLOODPLAIN OF LITTLE CATARAQUI CREEK	16.15 m

	LANDSCAPING - 180.9m ² (1,947ft ²)
	SIDEWALK - 63.9m ² (688ft ²)
TOTAL LANDSCAPED OPEN SPACE - 244.8m ² (2,635ft ²)	



1 SITE PLAN
1:150

PLAN NORTH ACTUAL NORTH

PROGRESSIVE ARCHITECTS, LTD.
5255 COUNTY RD 42, UNIT C, WINDSOR ON. 519-256-1607 x 201

ALL DRAWINGS, SPECIFICATIONS AND OTHER RELATED DOCUMENTS ARE THE PROPERTY OF THE CONSULTANT AND SHALL BE RETURNED UPON REQUEST. REPRODUCTION OR TRANSMISSION OF ANY DOCUMENTS IN WHOLE OR IN PART IS PROHIBITED WITHOUT THE WRITTEN PERMISSION OF THE CONSULTANT.

THE CONTRACTOR SHALL CHECK AND VERIFY ALL INFORMATION AND CONDITIONS BEFORE ANY COMMENCEMENT OF WORK AND NOTIFY THE CONSULTANT BEFORE PROCEEDING WITH THE WORK.

THIS DRAWING SHALL NOT BE USED FOR CONSTRUCTION UNLESS IT IS CORRECTED BY THE CONSULTANT. THIS DRAWING IS NOT TO BE SCALED. USE DIMENSIONS ONLY.

ONTARIO ASSOCIATION OF ARCHITECTS
FEB 05 21
REGISTERED ARCHITECT

CLIFFSIDE HOLDINGS

rev.	date	issued for	rev.	date	issued for
8	OCT. 02.20	PERMITS	16		
7	SEPT 23.20	PERMITS	15		
6	AUG. 07.20	PERMITS	14		
5	JUL. 24.20	SPA	13		
4	JUL. 19.20	SPA	12		
3	JUL. 03.20	SPA	11	FEB. 05.21	SPA
2	MAY 19.20	SPA	10	DEC. 18.20	PERMITS
1	APR. 26.20	PERMITS	9	NOV. 05.20	PERMITS

project: **CLIFFSIDE PROPERTIES**
address: 809 DEVELOPMENT DR., KINGSTON, ON

sheet name: **SITE PLAN**

project no.: **20-0002**
sheet no.: **A002**



Josselyn Engineering Inc.

February 2, 2021

City of Kingston
P. O. Box 790
1211 John Counter Boulevard
Kingston, Ontario. K7L 4X7

Attn: Lindsay Sthamann
Planner, Planning Services

Re: 809 Development Drive
City file - D11-037-2019
Our File No. 1458

We have reviewed the proposed parking configuration for this project, as shown on the site plan by Progressive Architects Ltd., revision 8 dated October 2, 2020. The plan shows 31 total spaces provided, two of which are designated accessible parking. A typical parking space is 2.6 metres wide by 5.2 metres deep, perpendicular to a 6 metre wide aisle. Barrier free spaces are 2.74 and 3.40 metres wide respectively, by 6 metres deep, separated by a painted 1.5 m wide space for vehicle access/egress. Aisle requirements in the City of Kingston are summarized below:

ZONING BY-LAW	REQUIREMENT
76-26 [Section 5(16)(d)(ii) Schedule C]	Dimension D: Parking Aisle Width (min) for a standard 90 degree parking alignment: 6.5 m
8499 [Section 5.3B(h)]	No specific dimension, only that: "Where four or more parking spaces are required, such parking areas shall be provided with at least one entrance lane and one exit lane for vehicles. All parking areas shall be provided with adequate driveways and aisles for the removal of a vehicle without the necessity of moving any other vehicle."
96-259 [Section 5.22.4.3.1]	Aisle width for 90 degree parking alignment: 6.0 m
97-102	No specific dimension or requirement listed.
32-74 [5.15(e)(ii)]	"The aisles between parking spaces within a parking area shall have a minimum width of 6 metres."

City of Kingston
Attn: Lindsay Sthamann

- 2 -

February 2, 2021

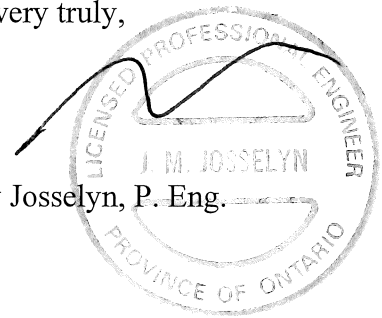
Re: 809 Development Drive

The parking spaces and aisle provided on this plan are typical of many projects constructed in the City of Kingston in recent years, and are adequate for the intended purpose, with one exception. Deletion of parking space 29 is recommended, to facilitate exit from BF2.

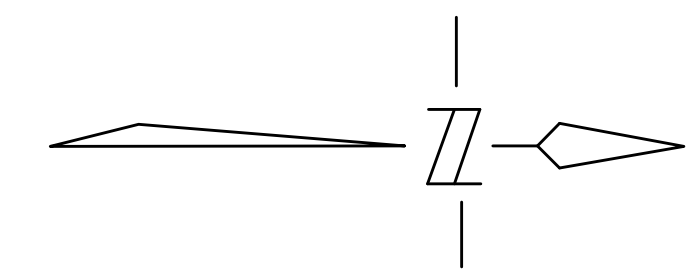
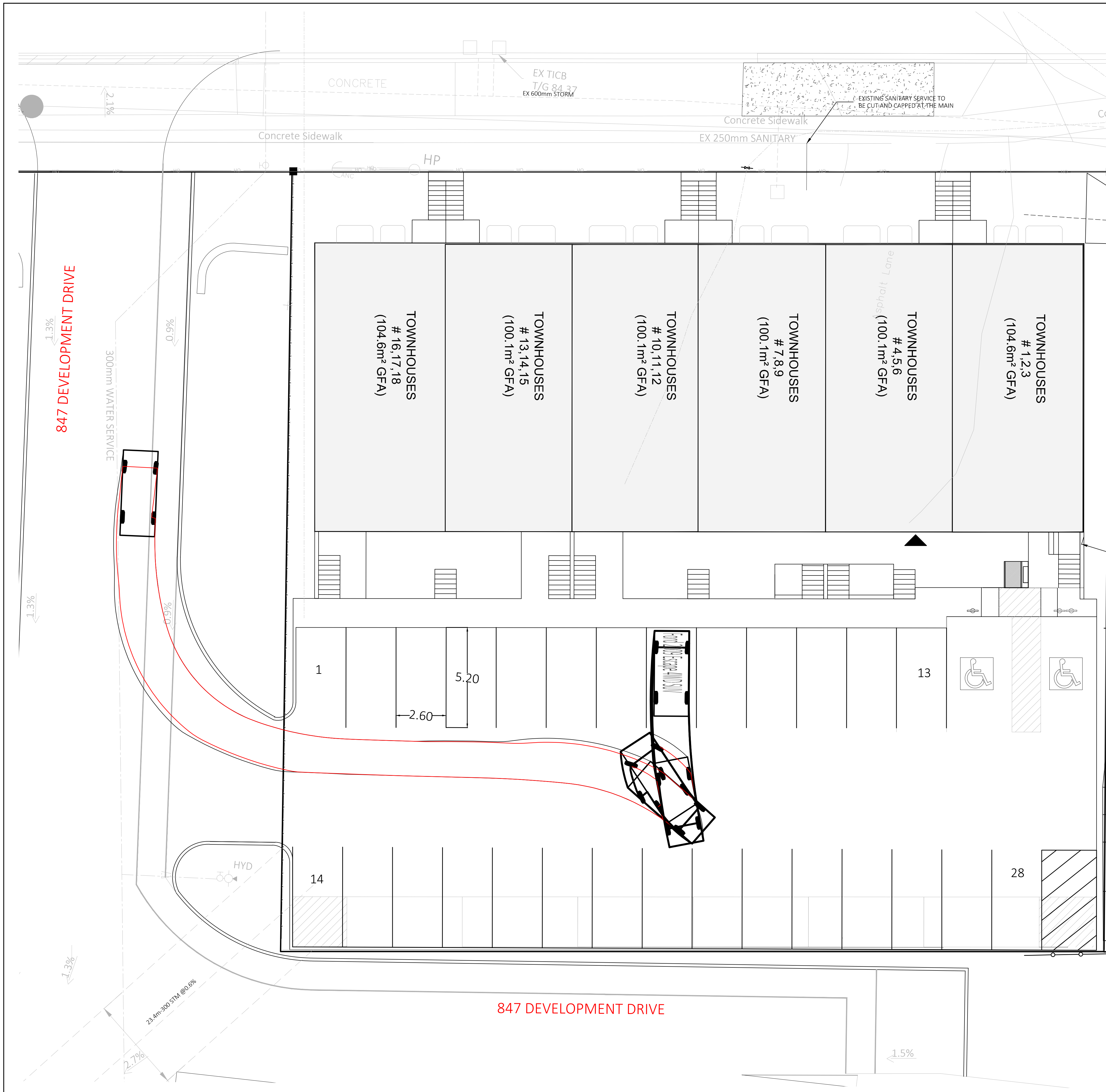
Typical egress movements for a passenger car from a standard space (Ford 2009 Escape), and a van from BF2 are shown on the attached. It is noted that the design vehicle used is a typical dimension, larger vehicles may require more maneuvering to access a space, whereas smaller vehicles may require less.

Yours very truly,

Murray Josselyn, P. Eng.



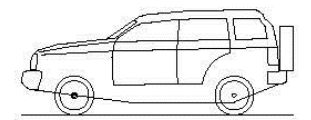
JMJ/m



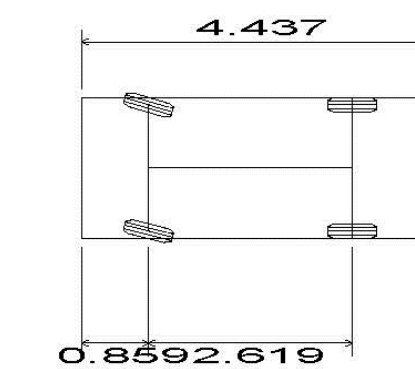
Vehicle Tracking v19.00 - World Wide Real Vehicles

Vehicle Tracking Vehicle Details

Ref:

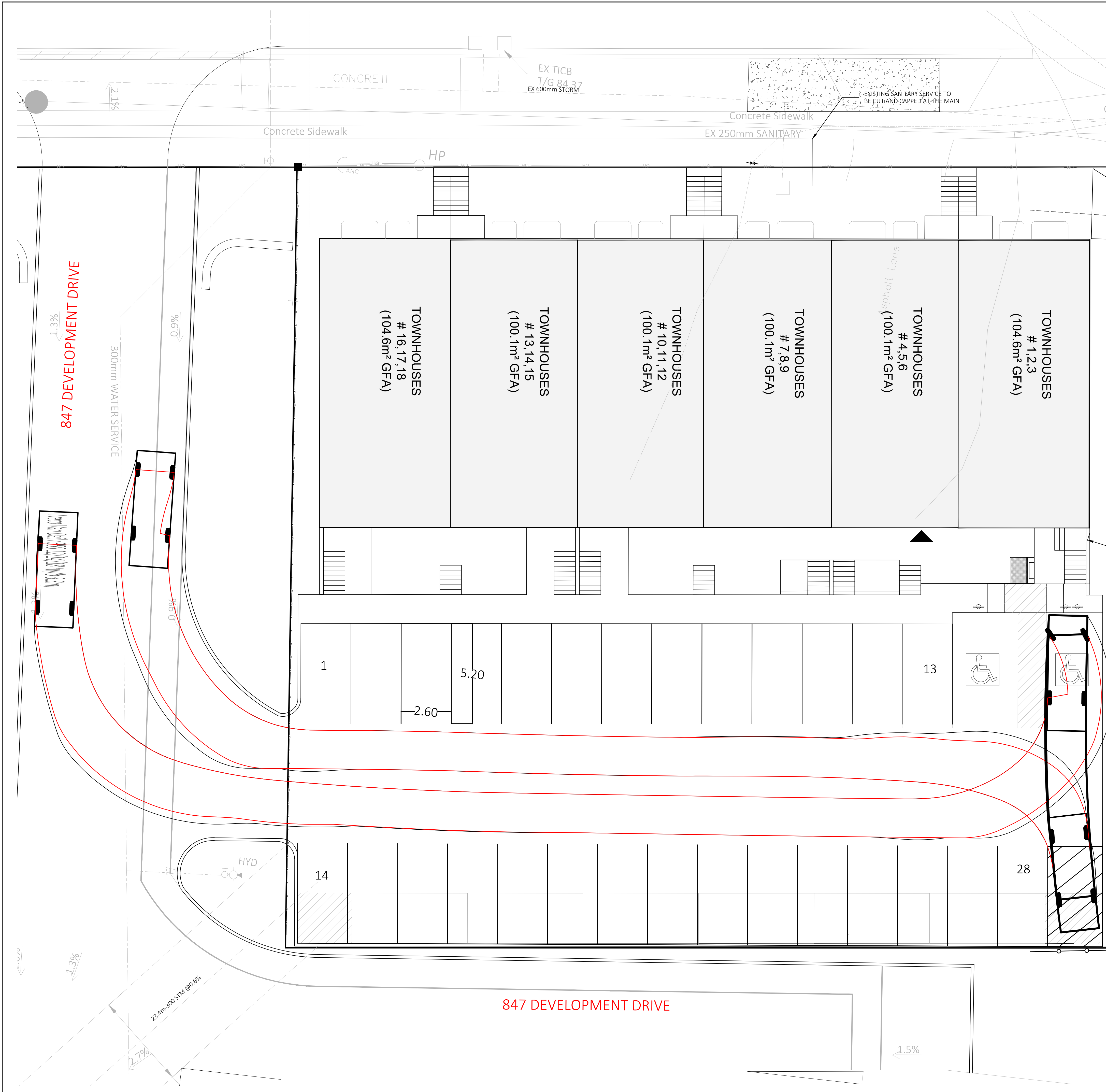


Vehicle Name:	Ford 2009 Escape 4WD SUV
Type:	Passenger car
Category:	Autodesk
Classification:	Autodesk
Source:	Ford
Description:	
Notes:	
Unit 1 Name:	Ford 2009 Escape 4WD SUV Tractor



Ford 2009 Escape 4WD SUV	
Overall Length	4.437m
Overall Width	1.806m
Overall Body Height	1.722m
Min Body Ground Clearance	0.206m
Track Width	1.806m
Lock-to-lock time	4.00s
Curb to Curb Turning Radius	5.593m

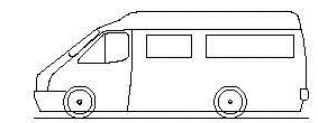
Every Effort Has Been Made To Ensure The Accuracy Of This Information
Please Check Data From Your Own Sources



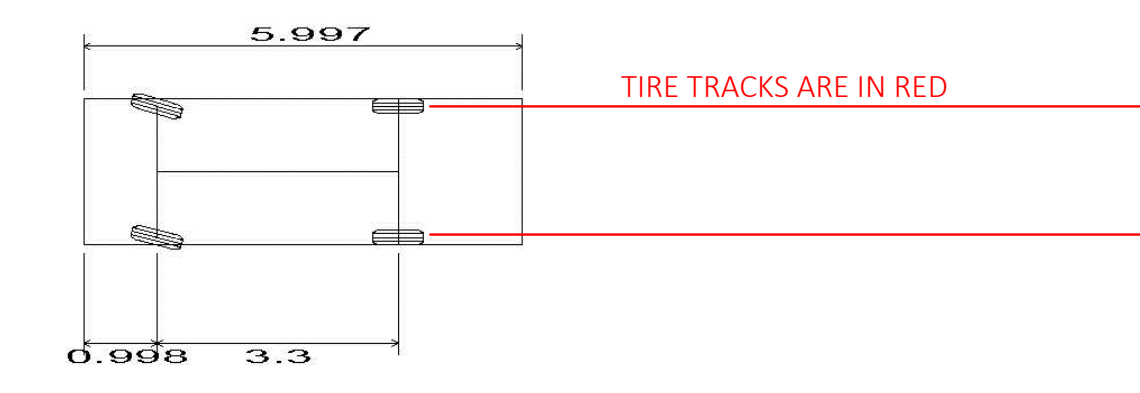
Vehicle Tracking v19.00 - Pool

Vehicle Tracking Vehicle Details

Ref:



Vehicle Name:	Iveco Van Daily 35S 12/14/18 (w/b 3.3m)
Type:	Rigid vehicle
Category:	(Unspecified)
Classification:	(Unspecified)
Source:	Manufacturer's Datasheet
Description:	http://www.iveco-trucks.co.uk/pdf/daily_van/spec/daily3.pdf date: 2013/02/15
Notes:	
Unit 1 Name:	Iveco Van Daily 35S 12/14/18 (w/b 3.3m) Tractor



Iveco Van Daily 35S 12/14/18 (w/b 3.3m)	
Overall Length	5.997m
Overall Width	1.996m
Overall Body Height	2.335m
Min Body Ground Clearance	0.154m
Track Width	1.996m
Lock-to-lock time	6.00s
Curb to Curb Turning Radius	5.600m

Every Effort Has Been Made To Ensure The Accuracy Of This Information
Please Check Data From Your Own Sources



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Kingston ON K7M 8N7 Canada
tel 613 531 4440
ibigroup.com

December 21, 2020

Ms. Lindsay Sthamann
Planner
City of Kingston
1211 John Counter Blvd
Kingston, Ontario K7L 2Z3

Dear Ms. Sthamann:

APPLICATION FOR MINOR VARIANCE
809 DEVELOPMENT DRIVE - TOWNHOUSES
IBI FILE NO. 115239-7

On behalf of 809 Development Drive Inc. (the “owner”), we are please to submit the enclosed Application for Minor Variance for the lands located at 809 Development Drive in the City of Kingston (the “subject lands”). The subject lands were rezoned in January 2020 (City File No. D14-034-2018) to permit the development of stacked townhouses and received a minor variance in November 2020 to reduce the accessible parking space depth and increase the front porch height (D13-030-2020). The proposed stacked townhouse development is anticipated to receive Site Plan approval in the near future (D11-037-2019).

The subject minor variance application is to resolve a zoning compliance issue that was only identified during the detailed site plan design stage. Specifically, a variance is required to reduce the width of the parking aisle and the overall combined dimension of the parking spaces and parking aisle. These variances should have been included as part of the original rezoning as this element of the site layout is unchanged from the plans included as part of that approval. The requested variances and their respective zone provisions are identified in the table below:

	SECTION	REQUIRED	PROPOSED
1	5(16)(d)(ii) Schedule C – Dimension D: Parking Aisle Width (min)	6.5 m	6.0 m
2	5(16)(d)(ii) Schedule C – Dimension E: Centre to Centre Width of Double Row with Aisle Between (min)	5.2 m + 6.5 m + 5.2 m = 16.9 m (6.0 m parking space depth reduced to 5.2 m through previous ZBA and MV)	16.4 m

With respect to the four tests for these two variances, our opinion is below. Because the second variance for the combined dimension of the parking space depth and the driving aisle width is simply the sum of these two dimensions, we will not specifically rationalize this variance on the

grounds that if the parking space depth and driving aisle width are appropriate and meet the four tests, then the overall dimension is also appropriate and meets the four tests.

As a point of reference, we note that Zoning By-law No. 76-26 is the only Zoning By-law in the City with a requirement of 6.5 m for a standard 90 degree parking space (per table below), and this requirement appears to be unchanged since the creation of the By-law in 1976.

ZONING BY-LAW	REQUIREMENT
8499 [Section 5.3B(h)]	No specific dimension, only that: “Where four or more parking spaces are required, such parking areas shall be provided with at least one entrance lane and one exit lane for vehicles. All parking areas shall be provided with adequate driveways and aisles for the removal of a vehicle without the necessity of moving any other vehicle.”
96-259 [Section 5.22.4.3.1]	Aisle width for 90 degree parking alignment: 6.0 m
97-102	No specific dimension or requirement listed.
32-74 [5.15(e)(ii)]	“The aisles between parking spaces within a parking area shall have a minimum width of 6 metres.”

Based on these other by-law standards, the requirement for a 6.5 m wide aisle width in the Kingston Township zoning by-law is unique within the City.

1. Is the variance minor in nature?

The determination of whether an application is minor is not based on the degree of the variance requested, but rather on whether the impact of granting the request(s) is minor. This includes how the variance could impact the existing or planned functionality of the subject lands and/or the surrounding lands. In this case, based on experience in other areas of the City where a 6.0 m standard (or less) has been applied, a reduction in the width of 0.5 m to 6.0 m is not anticipated to negatively impact the functionality of the parking lot or to affect adjacent properties as a result. A 6.0 m aisle width will still allow adequate room to maneuver vehicles in and out of parking spaces without excessive turning movements or the need to move other vehicles. Therefore, it is our opinion that the reduction is minor in nature.

2. Is the variance desirable and appropriate?

The variance is desirable and appropriate as it does not negatively impact the functionality of the parking lot and will reduce the amount of paved area on the site and the size of the parking lot. The proposed standard is also consistent with the requirements of other Zoning By-laws in the City and it is understood that the reduced 6.0 m standard is functional in those areas. It is our opinion that the variance is desirable and appropriate.

3. Does the variance maintain the general intent and purpose of the Official Plan?

Requirements for minimum parking space dimensions and access to/from parking areas is to ensure functionality of a site. The Official Plan speaks to parking functionality in policies testing appropriateness of intensification, such as in 2.6.5(f), and as one of the tests for a development to meet the “Functional Needs” of users of the site under 2.7.6(c). The proposed reduction in aisle width from 6.5 m to 6.0 m is not anticipated to negatively

Ms. Lindsay Sthamann – December 21, 2020

impact the usability of the parking lot and access to parking spaces, or to make the parking lot unsafe or dysfunctional. It is our opinion that the variance maintains the intent and purpose of the Official Plan.

4. Does the variance maintain the general intent and purpose of the Zoning By-law?

The intention of the subject zone provision requiring a minimum parking aisle width of 6.5 m is to ensure that vehicles can be maneuvered in/out of parking spaces without excessive turning movements or require that other cars be moved. Based on the provisions of other zoning by-law provisions in the City (as noted above) and application of 6.0 m (or lesser) aisle widths on other developments, it is evident that the reduced width will be functional and maintain the intent of the provision. On this basis, it is our opinion that the variance maintains the general intent and purpose of the Zoning By-law.

CLOSING

Based on the analysis above, it is our professional opinion that the two requested variances to reduce the parking aisle width from 6.5 m to 6.0 m and the overall dimension of parking spaces and the parking aisle from 16.9 m to 16.4 m meet the four tests for a minor variance and should be approved.

Sincerely,
IBI Group



Mark Touw | MCIP, RPP
Associate Director