

## City of Kingston Report to Committee of Adjustment Report Number COA-21-050

То:	Chair and Members of the Committee of Adjustment	
From:	Tim Fisher, Planner	
Date of Meeting:	June 21, 2021	
Application for:	Minor Variance	
File Number:	D13-012-2021	
Address:	85 Connaught Street	
Owner / Applicant:	Vincenzo and Janina Bracciodieta	
Applicant:	Mac Gervan	

#### **Council Strategic Plan Alignment:**

Theme: 2. Increase housing affordability

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

#### **Executive Summary:**

This report provides a recommendation to the Committee of Adjustment regarding an application for minor variances for the property located at 85 Connaught Street. The applicant is requesting relief from requirements regarding the minimum front yard and minimum aggregate side yard setback, to permit a two storey addition with a porch to the front of the dwelling to provide a new entrance and foyer on the main floor and a new bedroom on the second floor. The garage is proposed to be extended 1.2 metres out from the existing garage wall/door.

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

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Variance 1: By-Law Number 8499: Requirement: Proposed: Variance Requested:	11.3(b) Minimum Front Yard Depth 7.5 metres 6.9 metres 0.6 metres
Variance 2: By-Law Number 8499: Requirement: Proposed: Variance Requested:	11.3(c)(ii) Minimum Aggregate Side Yard 3.0 metres 2.7 metres 0.3 metres

#### **Recommendation:**

**That** minor variance application, File Number D13-012-2021, for the property located at 85 Connaught Street to vary the provisions regarding the minimum front yard and minimum aggregate side yard setback in order to permit a two storey addition with a porch on the front of the dwelling and an addition to the front of the garage, be approved; and

**That** approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-21-050.

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Authorizing Signatures:

 $\checkmark$ 

Tim Fisher, Planner

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

Tim Park, Acting Director, Planning Services James Bar, Acting Manager, Development Approvals

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#### **Options/Discussion:**

On April 16, 2021, a minor variance application was submitted by Mac Gervan, on behalf of the owners, Vincenzo and Janina Bracciodieta, with respect to the property located at 85 Connaught Street. The applicant is requesting relief from requirements regarding the minimum front yard and minimum aggregate side yard setback, to permit a two storey addition with porch to the front of the dwelling to provide a new entrance and foyer on the main floor and a new bedroom on the second floor. The garage is proposed to be extended 1.2 metres out from the existing garage wall/door.

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

- Site Plan (Exhibit G)
- Floor Plans (Exhibit H)
- Elevations (Exhibit I)
- Renderings (Exhibit J)

All submission materials are available online through the Development and Services Hub (DASH) at the following link, <u>DASH</u>, 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 site is located at 85 Connaught Street (Exhibit B – Key Map) The site is designated Residential in the Official Plan and zoned One and Two-Family Dwelling 'A5' in Zoning By-Law Number 8499. The site is developed with a single detached dwelling.

The subject site is located north of Concession Street and is within an established residential neighborhood which is developed with one and two storey dwellings. The site is within walking distance to Third Avenue Park and Kingston Memorial Centre, and commercial and industrial uses along Princess Street and Concession Street.

#### Application

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

#### **Provincial Policy Statement**

In addition to the four tests of a minor variance detailed above, Subsection 3(5) of the *Planning Act* requires that a decision in respect of the exercise of any authority that affects a planning matter shall be consistent with the Provincial Policy Statement (the PPS). The PPS provides policy direction on matters of provincial interest related to land use planning and development

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which are complemented by local policies addressing local interests. The application being considered is site specific to accommodate a specific proposal and does not involve any major policy considerations and as such, the proposal conforms to and is consistent with the PPS.

#### 1) The general intent and purpose of the Official Plan are maintained

The subject property is designated Residential in the City of Kingston Official Plan.

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

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

The application meets the intent of Section 2 of the Official Plan, as the proposal will allow for the ongoing use of this existing residential building which is located within the urban boundary on full municipal services. The addition and the continued residential use will not adversely affect this stable neighbourhood.

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 two storey addition to the front of the existing dwelling and the extension of the garage will be compatible with surrounding land uses and neighbouring properties. The proposal has been carefully considered to both integrate into the existing structure and complement it. No adverse impacts related to shadowing or intrusive overlook are expected based on the height of the proposed addition and its massing and position relative to adjacent 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 single-detached dwelling has functioned effectively in the same manner for many years. Vehicular access to a garage is maintained. No changes in the parking or amenity area are proposed. The addition will not alter or impede any of the current function of the site including existing driveway, parking in the garage, and amenity space in the rear yard. The proposed entrance and porch will improve the site function by providing weather protection at the primary entrance.

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 subject site is not a protected heritage property and is not adjacent to any protected heritage properties. The proposal generally conforms to applicable urban design policies, as outlined in Section 8 of the Official Plan. The proposed addition is located at the front of the dwelling and will result in the living space and the front wall of the dwelling to be brough inline with the garage. The addition has been designed to be in keeping with the character of the existing dwelling on the subject property.

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 a protected heritage property and is not adjacent to any protected heritage properties.

The property has also been identified as having "Limited Archaeological Potential" on the City's Archaeological Master Plan. No further studies are required at this time.

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. A service locate may be required through the building permit application process as a result of excavation.

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;

Recommended conditions are included in Exhibit A to this report.

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.

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The proposal meets the intent of the Official Plan, as the proposed addition 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 One-Family Dwelling and Two-Family Dwelling 'A5' Zone in the City of Kingston Zoning By-Law Number 8499, entitled "Restricted Area (Zoning) By-Law of the Corporation of the City of Kingston", as amended. The 'A5' Zone permits one-family dwellings, two-family dwellings, and a number of community institutional uses.

The owner proposes to construct 13.3 square metre two storey addition to the front of the existing two storey single detached dwelling. The addition will create a new bedroom on the second storey and a larger entrance and foyer to the dwelling. The garage is proposed to be extended another 1.2 metres to provide a 7.4-metre-long garage for a vehicle and the storage of household items. Two variances are requested to accommodate the addition.

The first requested variance is to reduce the minimum front yard setback from 7.5 metres to 6.9 metres, being a reduction of 0.6 metres. The dwelling is currently setback 8.3 metres from the front property line to the closest point to the dwelling (garage). The owner proposes to extend the garage and construct an addition to the front of the dwelling which will result in the closest point of the dwelling to be 6.9 metres from the front property line.

The adjacent single detached dwellings to the north (87 Connaught Street) and to the south (83 Connaught Street) are located closer to the front property line. The proposal will remain behind the two adjacent dwelling which will not result in any negative impacts to the streetscape.

Variance 1:	
By-Law Number 8499:	11.3(b) Minimum Front Yard Depth
Requirement:	7.5 metres
Proposed:	6.9 metres
Variance Requested:	0.6 metres

The second requested variance is to reduce the minimum aggregate side yard setback from 3.0 metres to 2.7 metres. The intent of the aggregate side yard setback is to provide an adequate setback along one side of the dwelling to provide parking along the side of the dwelling or access to rear yard parking. The zoning by-law does not provide provisions if a dwelling has an attached garage. The dwelling has an attached garage and a driveway with it street access from Connaught Street therefore there is no need to provide parking in the side yard or provide access to the rear yard.

The 'A5' zone requires a minimum side yard on either side of 1.2 metre. The proposal will provide 1.3 metre from the northern lot line and maintain a 1.4 metre setback along the southern lot line. Access to the rear yard will be maintained long either side of the dwelling.

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Variance 2:By-Law Number 8499:11.3(c)(ii) Minimum Aggregate Side YardRequirement:3.0 metresProposed:2.7 metresVariance Requested:0.3 metres

All other provisions of the 'A5' zone are complied with.

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

The variances are considered minor as the property will remain largely consistent with the built form and size of properties in the immediate vicinity and specifically with the adjacent residential properties. The addition is designed in a manner which will be similar to building façades in the area which will provide additional character which is in keeping with the neighbourhood. No adverse impacts on neighbouring properties are anticipated to result from the proposed development and front porch.

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

The scale, massing and continued single-family dwelling use will be compatible with the existing one and two-storey dwellings in the neighbourhood. The addition to the front of the dwelling will square off the existing dwelling. Currently the garage projects approximately 2 metres from the entrance of the dwelling. The two-storey addition to the front of the dwelling will square off the front wall of the dwelling and is designed to be in keeping with character and design of the existing dwellings in the neighbourhood.

A side yard is provided on either side of the dwelling to provide access to the rear yard. The proposal will maintain its existing road access, driveway and parking in the attached garage and its rear yard amenity space.

The proposal will not be any closer to the front lot line than the two abutting residential dwelling to the north and south (83 and 87 Connaught Street) which will not result in any negative impacts to the character of the neighbourhood or to the streetscape. The variances are desirable and appropriate use of the land.

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# **Technical Review: Circulated Departments and Agencies**

Building Services ⊠ Finance

Fire & Rescue

Solid Waste

- Engineering Department
- ☑ Utilities Kingston
  - ⊠ Kingston Hydro
  - ⊠ Parks Development
- $\boxtimes$  Housing
- □ KEDCO

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- □ Parks Canada
- □ Hydro One
- □ Kingston Airport
- **Technical Comments**

- ⊠ District Councillor
- □ Municipal Drainage
- □ KFL&A Health Unit
- Eastern Ontario Power
- □ Enbridge Pipelines

- Heritage (Planning Services)
- Real Estate & Environmental Initiatives
- ⊠ Citv's Environment Division
- □ Canadian National Railways
- □ Ministry of Transportation
- Parks of the St. Lawrence
- □ Trans Northern Pipelines
- □ CFB Kingston
- □ TransCanada Pipelines

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.

Utilities Kingston stated that if the owner is increasing the gas load, a Gas Load summary should be filled out and submitted to a Utilities Kingston Service Advisor as well as provided with the Building Permit Application. The applicant is encouraged to contact the Utilities Kingston Conservation Department to discuss their development and inquire as to whether there are any water and gas conservation incentives and energy saving options available.

Kington Hydro stated that if the existing electric service mast needs to be relocated to allow the addition at the front of the building, a service request will be required at time of the Building Permit.

# **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 or relevant historic planning applications 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 8499. The proposal is desirable for the appropriate development or use of the land, building or structure and the requested variances are minor in

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nature. As such, the proposed application meets all four tests under Subsection 45(1) of the *Planning Act* and the application is being recommended for approval, subject to the proposed conditions.

Approval of this application will permit the construction of a two storey addition to the front of the existing dwelling that will expand the existing floor area by adding an additional bedroom and a grand foyer, as well as the construction of a covered porch for weather protection at the main entrance.

#### **Existing Policy/By-Law:**

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

#### Provincial

Provincial Policy Statement, 2020

### Municipal

City of Kingston Official Plan

Zoning By-Law Number 8499

#### **Notice Provisions:**

A Committee of Adjustment Meeting is to be held respecting this application on June 21, 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 34 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

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## Contacts:

James Bar, Acting Manager, Development Approvals, 613-546-4291 extension 3213

Tim Fisher, Planner, 613-546-4291 extension 3215

## Other City of Kingston Staff Consulted:

None

## Exhibits Attached:

- Exhibit A Recommended Conditions
- Exhibit B Key Map
- Exhibit C Public Notification Map
- Exhibit D Official Plan Map
- Exhibit E Zoning By-Law 8499, Map 14
- Exhibit F Neighbourhood Context Map
- Exhibit G Site Plan
- Exhibit H Floor Plan
- Exhibit I Elevation Drawings
- Exhibit J Design Renderings

#### **Recommended Conditions**

#### Application for minor variance, File Number D13-012-2021

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

#### 1. Limitation

That the approved minor variance applies only to the proposed two storey addition to the front of the dwelling, expansion of the garage and front porch at 85 Connaught Street 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.

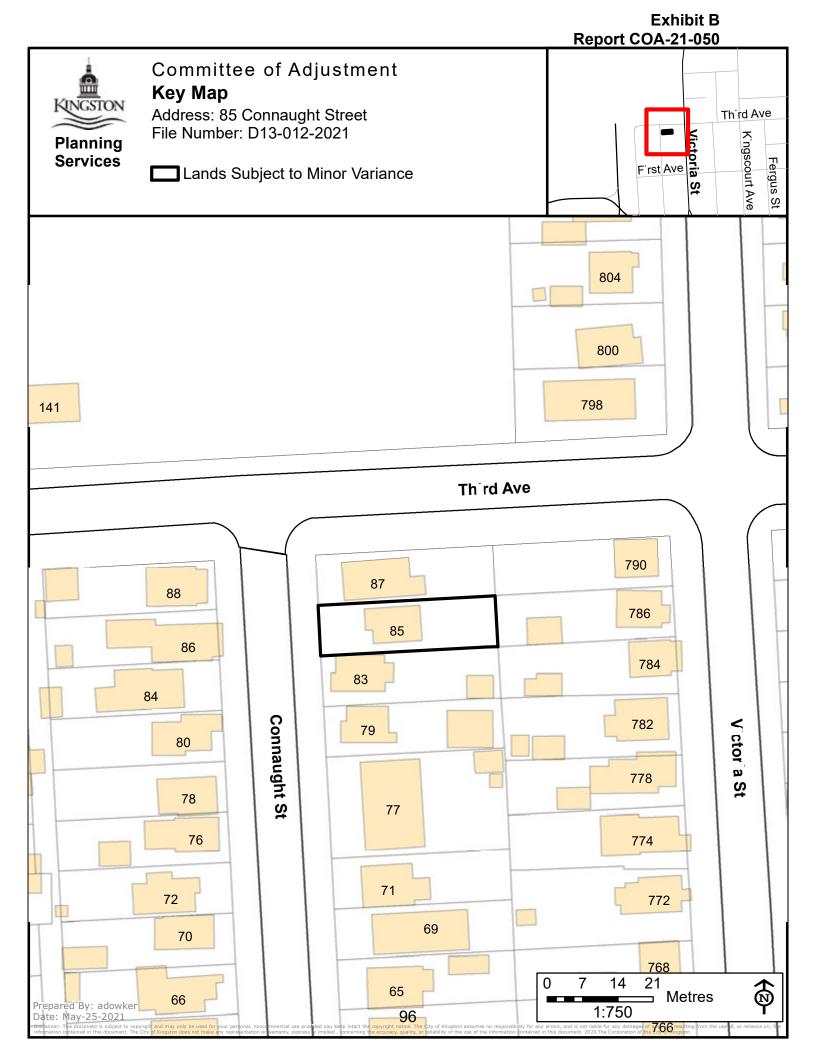
#### 3. Building Permit Application Requirements

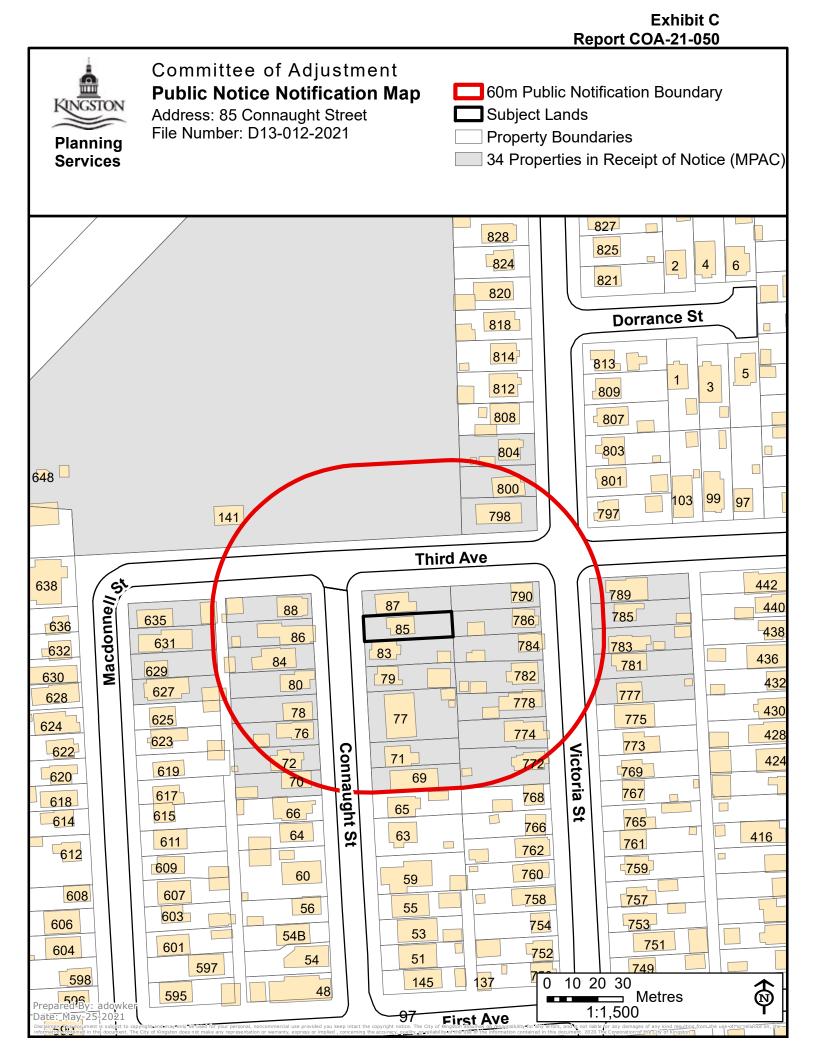
The owner/applicant shall provide to the Building Services a copy of the decision of the Committee of Adjustment, together with a copy of the approved drawings, when they make application for a Building Permit.

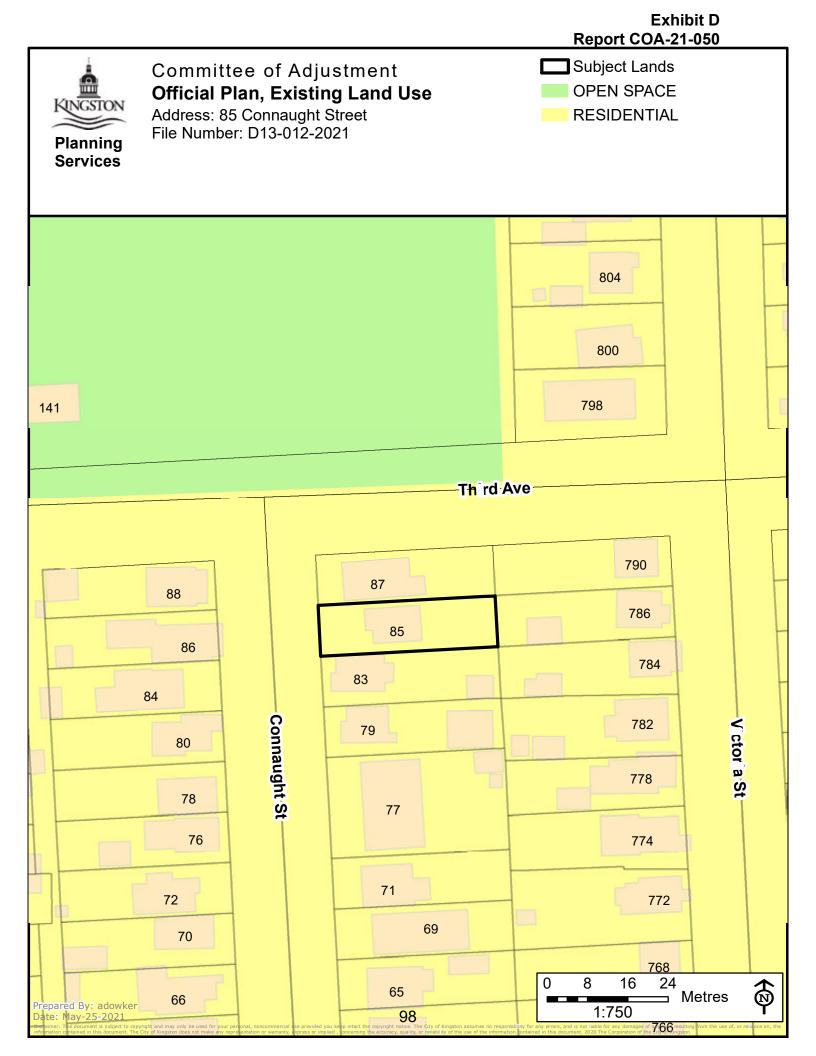
The drawings submitted with the Building Permit application must, in the opinion of the City, conform to the general intent and description of the approved drawing(s), including any amendments and conditions approved by the Committee of Adjustment, as stated in the decision. It must be noted that additional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

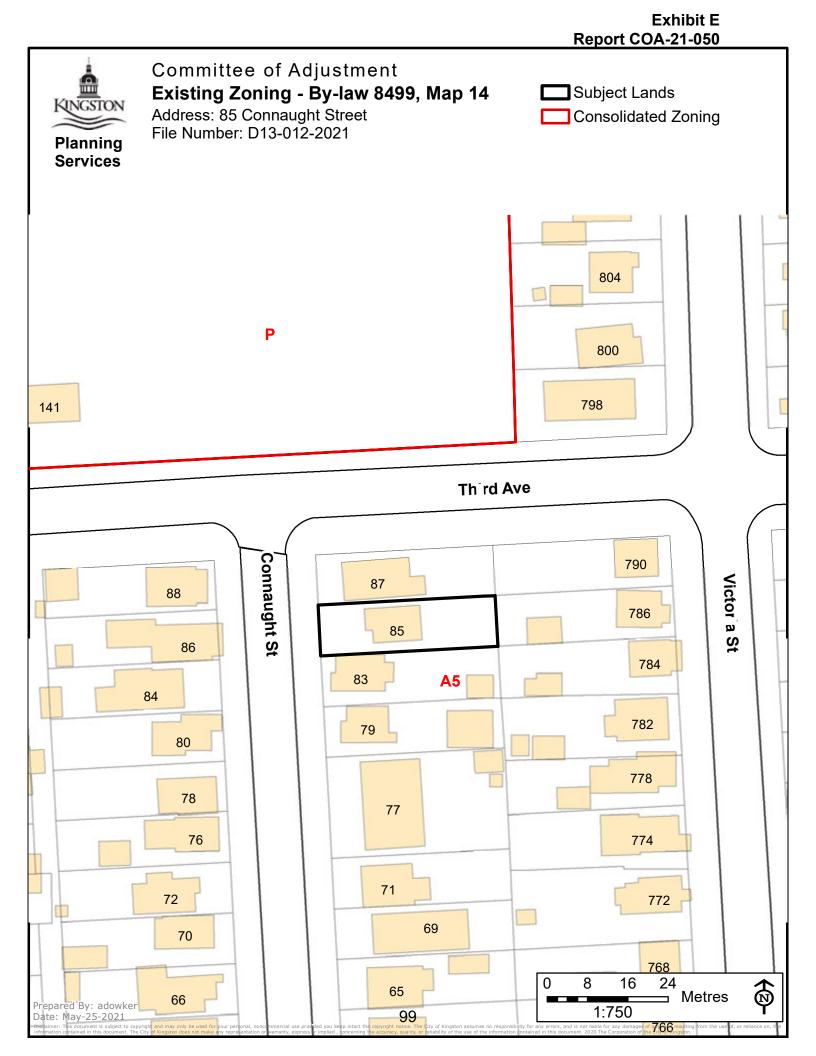
#### 4. Standard Archaeological Condition

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











Services

Committee of Adjustment Neighbourhood Context (2021)

Address: 85 Connaught Street File Number: D13-012-2021 **L**. Subject Lands Property Boundaries

Proposed Parcels



