



**City of Kingston
Report to Committee of Adjustment
Report Number COA-21-054**

To: Chair and Members of the Committee of Adjustment
From: Ashley Anastasio, Planning Intern
Date of Meeting: July 19, 2021
Application for: Minor Variance
File Number: D13-033-2021
Address: 95 Terry Fox Drive
Owner: Paul Martin
Applicant: Curtis Branscombe

Council Strategic Plan Alignment:

Theme: 4. Strengthen economic development opportunities

Goal: 4.1 Support new and existing businesses

Executive Summary:

This report provides a recommendation to the Committee of Adjustment regarding an application for minor variances for the property located at 95 Terry Fox Drive. The applicant is proposing to construct a new 1-storey self-storage building on the southern portion of the subject lands. The building is 35 metres x 61 metres (115 feet x 200 feet) and will have an approximate maximum height of 5.5 metres (18 feet). In order to accommodate the construction of a new self-storage building on site, the applicant is seeking relief from side yard and rear yard setback provisions as well as a reduction in parking requirements.

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.

July 19, 2021

Page 2 of 10

Variance Number 1: Side yard setback

By-Law Number 8499: M Zone

Requirement:7.5 metres

Proposed: 4.5 metres

Variance Requested: 3.0 metres

Variance Number 2: Rear yard setback

By-Law Number 8499: M Zone

Requirement:7.5 metres

Proposed: 4.5 metres

Variance Requested: 3.0 metres

Variance Number: Parking requirements

By-Law Number 8499: M Zone

Requirement:42 spaces

Proposed: 8 spaces

Variance Requested: 34 spaces

Recommendation:

That minor variance application, File Number D13-033-2021, for the property located at 95 Terry Fox Drive to accommodate the construction of a new self-storage building, be approved; and

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-21-054.

July 19, 2021

Page 3 of 10

Authorizing Signatures:



Ashley Anastasio, Planning Intern

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

Tim Park, Director, Planning Services

James Bar, Acting Manager, Development Approvals

July 19, 2021

Page 4 of 10

Options/Discussion:

On May 7, 2021, a minor variance application was submitted by Curtis Branscombe, on behalf of the owner, Paul Martin, with respect to the property located at 95 Terry Fox Drive. The variance is requested to seek relief from side yard and rear yard setback provisions as well as parking requirements to accommodate the construction of a new self-storage building.

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

- Site Plan & Floor Plan (Exhibit G);
- A Letter from SNC Lavalin stating superior subgrade soil conditions can be found along the eastern boundary of the property;
- A Planning Justification Letter;
- Renderings of the proposed building (Exhibits H & I); and
- A Natural Constraints Map.

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 95 Terry Fox Drive, northwest of John Counter Boulevard and Sir John A. MacDonald Boulevard, in the Clyde Industrial Park. The property is approximately 1.2 hectares, with frontage on Terry Fox Drive. The property contains an existing self-storage building with approximately 2,167.3 square metres of gross floor area.

The subject property is designated General Industrial in the Official Plan and zoned "M", Industrial, in Zoning By-Law Number 8499. The property abuts Little Cataraqui Creek, which is designated an Environmental Protection Area in the City's Official Plan.

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

July 19, 2021

Page 5 of 10

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 General Industrial 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 proposal is consistent with the general intent of the Official Plan, including Section 2, Strategic Policy Direction. The site is located within a Business District, as per Schedule 2 of the Official Plan. The proposed minor variance facilitates the growth of an existing commercial use in the Clyde Industrial Park.

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 development is compatible with surrounding commercial and industrial uses, buildings and structures within the Clyde Industrial Park and on John Counter Boulevard. Adverse impacts to the Environmental Protection Area to the northwest of the property are mitigated by siting the building to the southeast, closer to John Counter Boulevard, and by meeting CRCA requirements for stormwater, flooding and erosion management. The proposed reduction in parking also mitigates negative environmental impacts as less surface area is consumed for parking. The construction of the proposed self-storage building will be subject to Site Plan Control and meeting CRCA requirements.

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 proposed parking reduction is supported by a visitor log in the Planning Justification Report which determined that, given the nature of the business, there is a rate of 2-3 visitors per hour. Therefore, the site will be able to function in an appropriate manner with regards to the provision of 8 parking spaces, one of which is accessible. The proposed self-storage building is also accessible, as it does not have stairs or other barriers that prevent accessibility.

July 19, 2021

Page 6 of 10

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 subject site is not a protected heritage property and is not adjacent to any protected heritage properties. The development of this site is consistent with the Design Guidelines for the Clyde Industrial Park.

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;

As noted in the preceding section, the subject site is not a protected heritage property and is not adjacent to any protected heritage properties.

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 site is located within the urban boundary and the previous applications have confirmed that there is sufficient servicing capacity for the existing facility and proposed facility.

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;

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 self-storage facility will not result in any negative impacts to adjacent properties or to the neighbourhood.

July 19, 2021

Page 7 of 10

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

The subject property is zoned M, Industrial, 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 "M" zone permits distributing plants, trucking or freighting terminals, wholesale businesses, storage buildings and warehouses, among other commercial and industrial uses as set out in the zoning by-law.

The proposal requires a variance to Section 31A.

Variance Number 1: Side yard setback**By-Law Number 8499: M Zone****Requirement:** 7.5 metres**Proposed:** 4.5 metres**Variance Requested:** 3.0 metres**Variance Number 2: Rear yard setback****By-Law Number 8499: M Zone****Requirement:** 7.5 metres**Proposed:** 4.5 metres**Variance Requested:** 3.0 metres**Variance Number 3: Parking requirements****By-Law Number 8499: M Zone****Requirement:** 45 spaces**Proposed:** 8 spaces**Variance Requested:** 32 spaces**3) The variance is minor in nature**

The variance is considered minor in nature as the proposed reduction in parking spaces has been demonstrated to be reasonable and appropriate for the proposed development, and the reduction is not expected to contribute to on-street parking on Terry Fox Drive. There are no anticipated adverse impacts with regards to the proposed setback reductions in the side and rear yard, as there will still be ample clearance on both sides of the new building.

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

The proposed parking rate and setback reduction is desirable for the appropriate development and use of the subject site, as it encourages local economic development within a City-owned Business Park. The reduction in parking will leave more open space on the subject property and will consume less land for a use that has been deemed unnecessary. A parking reduction may encourage active transportation, but that is unlikely given the nature of the business.

July 19, 2021

Page 8 of 10

The variance is desirable and appropriate use of the land.

Technical Review: Circulated Departments and Agencies

- | | | |
|---|--|---|
| <input checked="" type="checkbox"/> Building Services | <input checked="" type="checkbox"/> Engineering Department | <input 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 checked="" type="checkbox"/> Kingston Hydro | <input type="checkbox"/> City’s Environment Division |
| <input type="checkbox"/> Solid Waste | <input checked="" type="checkbox"/> Parks Development | <input type="checkbox"/> Canadian National Railways |
| <input 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 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

The property is the subject of the following previous applications:

- File Number A-SPC-4.0569-89: Site Plan Control Application for Martin’s Storage;
- File Number D00-053-2021: Pre-Application Consultation to seek relief from setbacks and parking requirements in order to accommodate the construction of a second self-storage building.

Conclusion

The requested variance(s) maintain(s) the general intent and purpose of both the City of Kingston Official Plan and Zoning By-Law Number 8499. The proposal is desirable for the appropriate development or use of the land, building or structure and the requested 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.

July 19, 2021

Page 9 of 10

Approval of this application will encourage efficient land use and encourage local economic development in the City of Kingston.

Existing Policy/By-Law:

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

Provincial

Provincial Policy Statement, 2020

Municipal

City of Kingston Official Plan

Zoning By-Law Number 8499

Notice Provisions:

A Committee of Adjustment Meeting is going to be held respecting this application on July 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 8 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:

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

Ashley Anastasio, Planning Intern, 613-546-4291 extension 3183

July 19, 2021

Page 10 of 10

Other City of Kingston Staff Consulted:

Phillip Prell, Planner

Exhibits Attached:

- Exhibit A Recommended Conditions
- Exhibit B Key Map
- Exhibit C Neighbourhood Context Map (2021)
- Exhibit D Official Plan Map
- Exhibit E Zoning By-Law Number 8499, Map 10
- Exhibit F Public Notice Map
- Exhibit G Site Plan
- Exhibit H Rendering – Front View
- Exhibit I Rendering – Side View

Recommended Conditions

Application for minor variance, File Number

D13-033-2021 Approval of the foregoing application shall be subject to the following recommended conditions:

1. Limitation

That the approved minor variance applies only to 95 Terry Fox Drive 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

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

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


The City relies upon the report of the professional archaeologist as filed, but reserves the right to require further reports should further evidence be uncovered. The applicant may be required to further review the state of archaeological

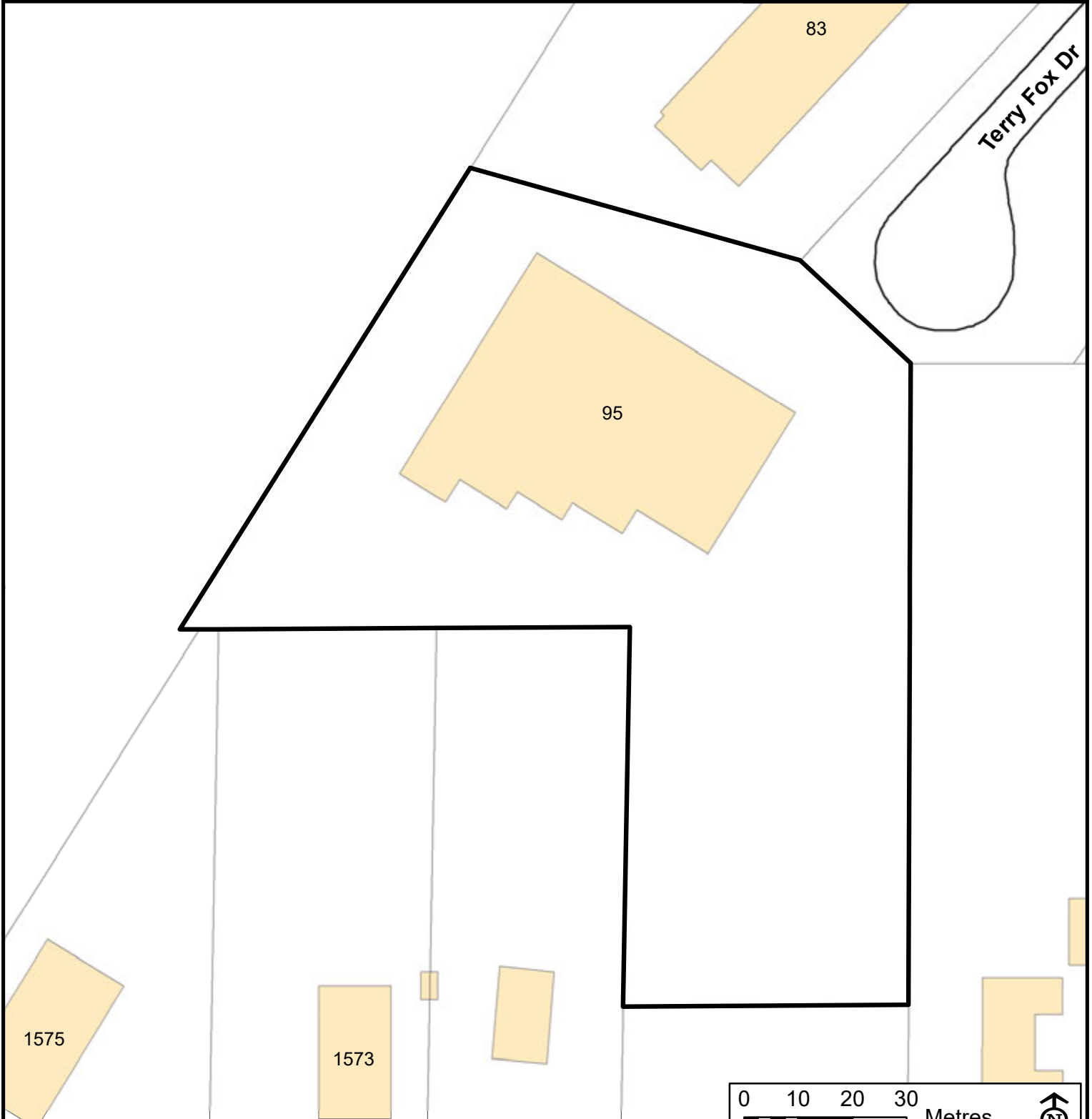
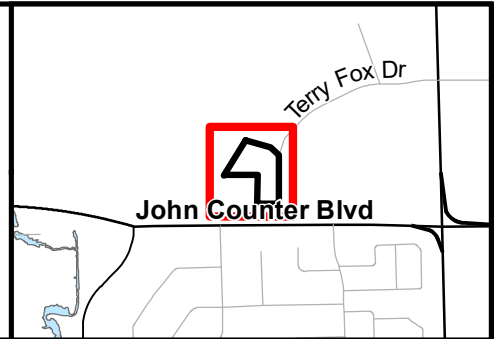
resources on the property depending on the recommendations of the report and subject to input and review from the Ministry of Heritage, Sport, Tourism, and Culture Industries. The City shall not be restricted in its ability to determine requirements related to review, assessment and/or protection should archaeological resources be found on site. Any costs arising from such requirements of the City, or any other duly authorized Government body, shall be borne solely by the applicant.



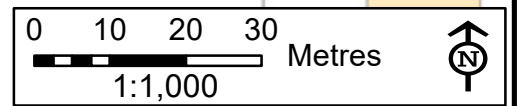
Committee of Adjustment Key Map

Address: 95 Terry Fox Drive
File Number: D13-033-2021

 Lands Subject to Minor Variance



Prepared By: Ichu
Date: Jun-04-2021





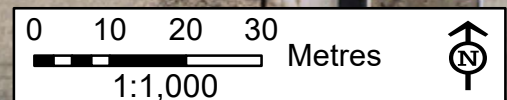
Committee of Adjustment
Neighbourhood Context (2021)

Address: 95 Terry Fox Drive
File Number: D13-033-2021

- Subject Lands
- Property Boundaries
- Proposed Parcels



Prepared By: lchu
Date: Jun-04-2021






Disclaimer: This document is subject to copyright and may only be used for your personal, non-commercial use provided you keep intact the copyright notice. The City of Kingston assumes no responsibility for any errors, and is not liable for any damages of any kind resulting from the use of, or reliance on, the information contained in this document. The City of Kingston does not make any representation or warranty, express or implied, concerning the accuracy, quality, or reliability of the use of the information contained in this document. ©2021 The Corporation of the City of Kingston.

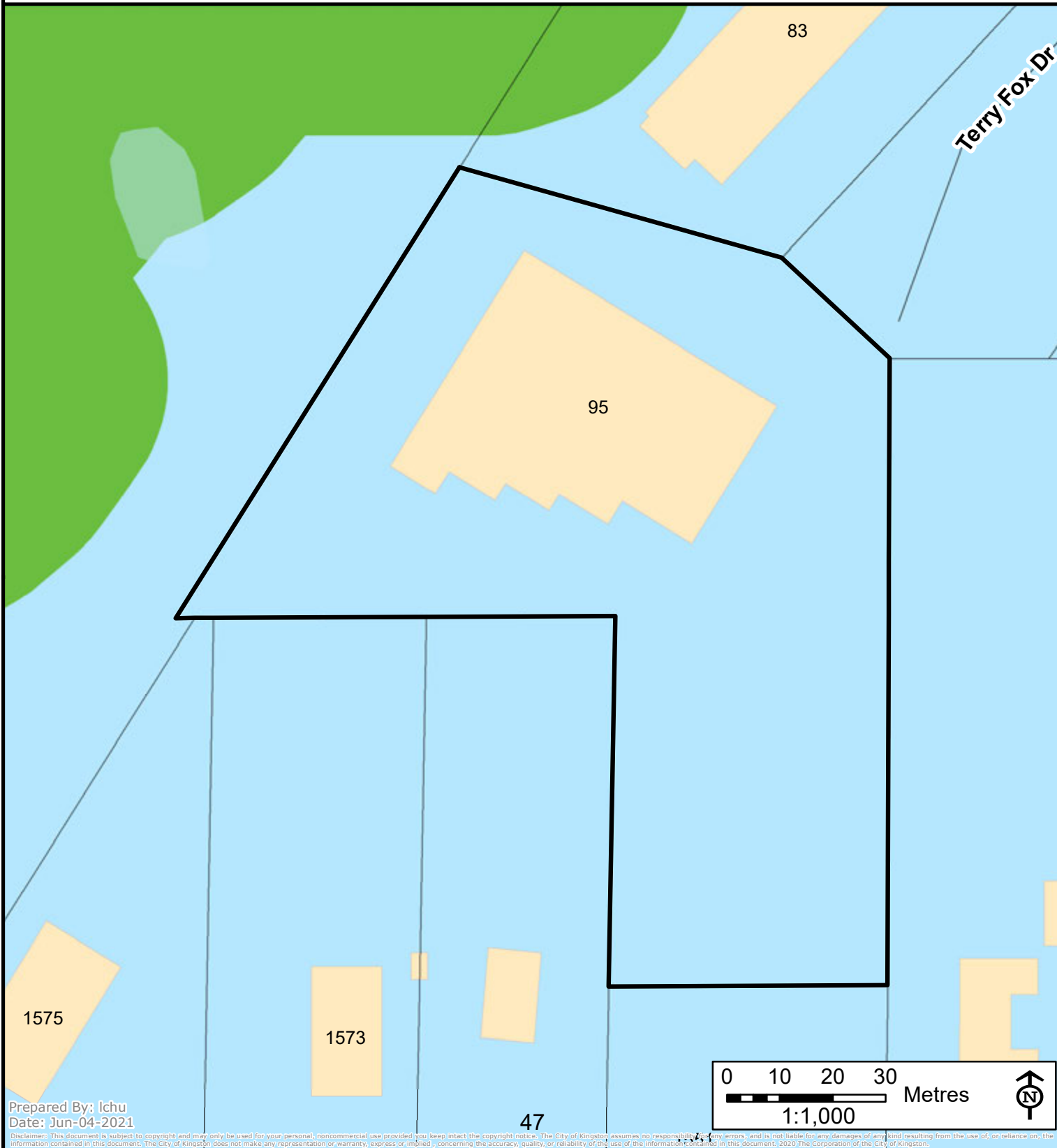


Planning Services

Committee of Adjustment Official Plan, Existing Land Use

Address: 95 Terry Fox Drive
File Number: D13-033-2021

-  Subject Lands
-  ENVIRONMENTAL PROTECTION AREA
-  GENERAL INDUSTRIAL



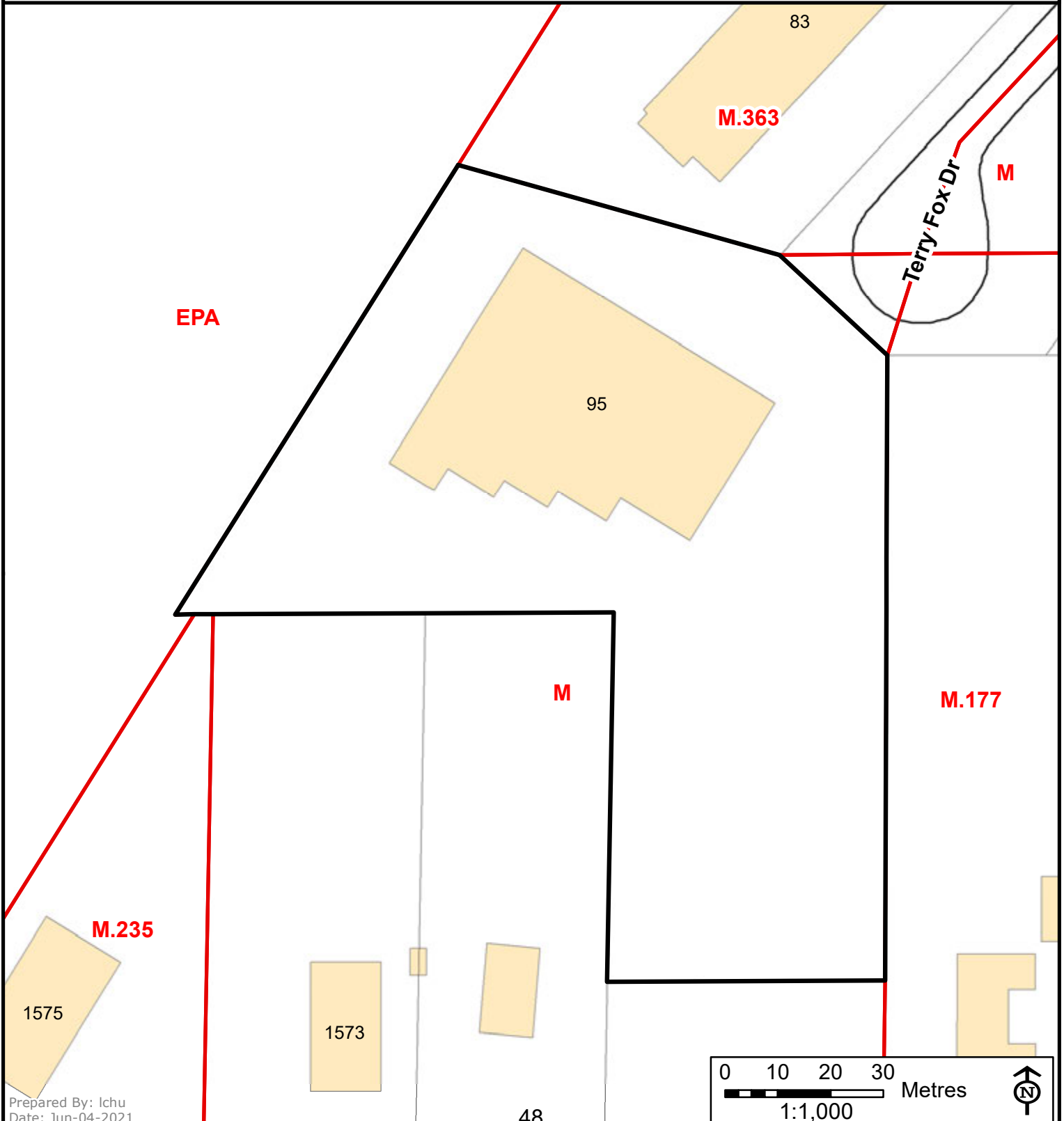
Prepared By: Ichu
Date: Jun-04-2021

Disclaimer: This document is subject to copyright and may only be used for your personal, noncommercial use provided you keep intact the copyright notice. The City of Kingston assumes no responsibility for any errors, and is not liable for any damages of any kind resulting from the use of, or reliance on, the information contained in this document. The City of Kingston does not make any representation or warranty, express or implied, concerning the accuracy, quality, or reliability of the use of the information contained in this document. ©2020 The Corporation of the City of Kingston.



Committee of Adjustment
Existing Zoning - By-law 8499, Map 10
Address: 95 Terry Fox Drive
File Number: D13-033-2021

- Subject Lands
- Consolidated Zoning



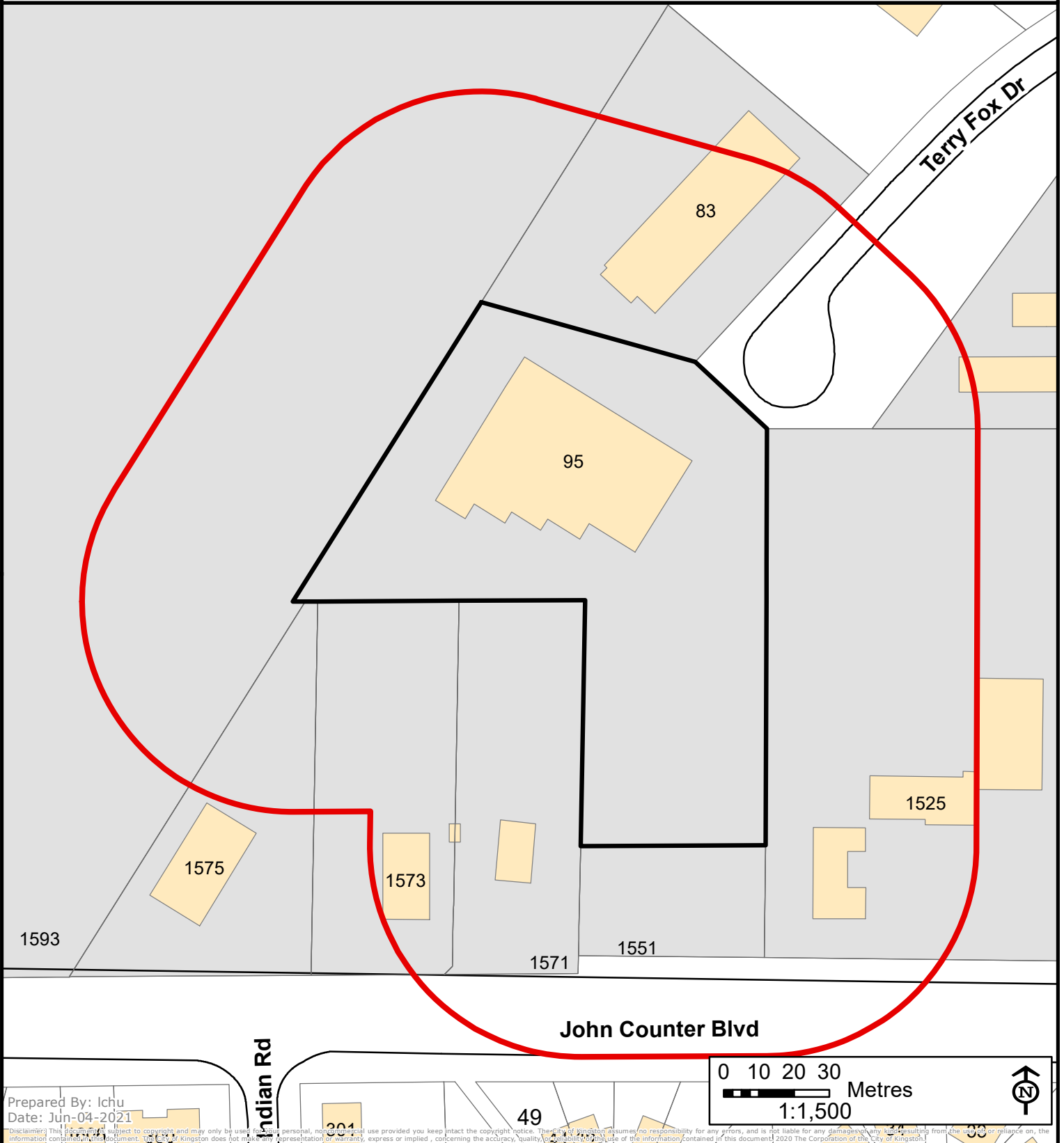
Prepared By: Ichu
Date: Jun-04-2021



Committee of Adjustment Public Notice Notification Map

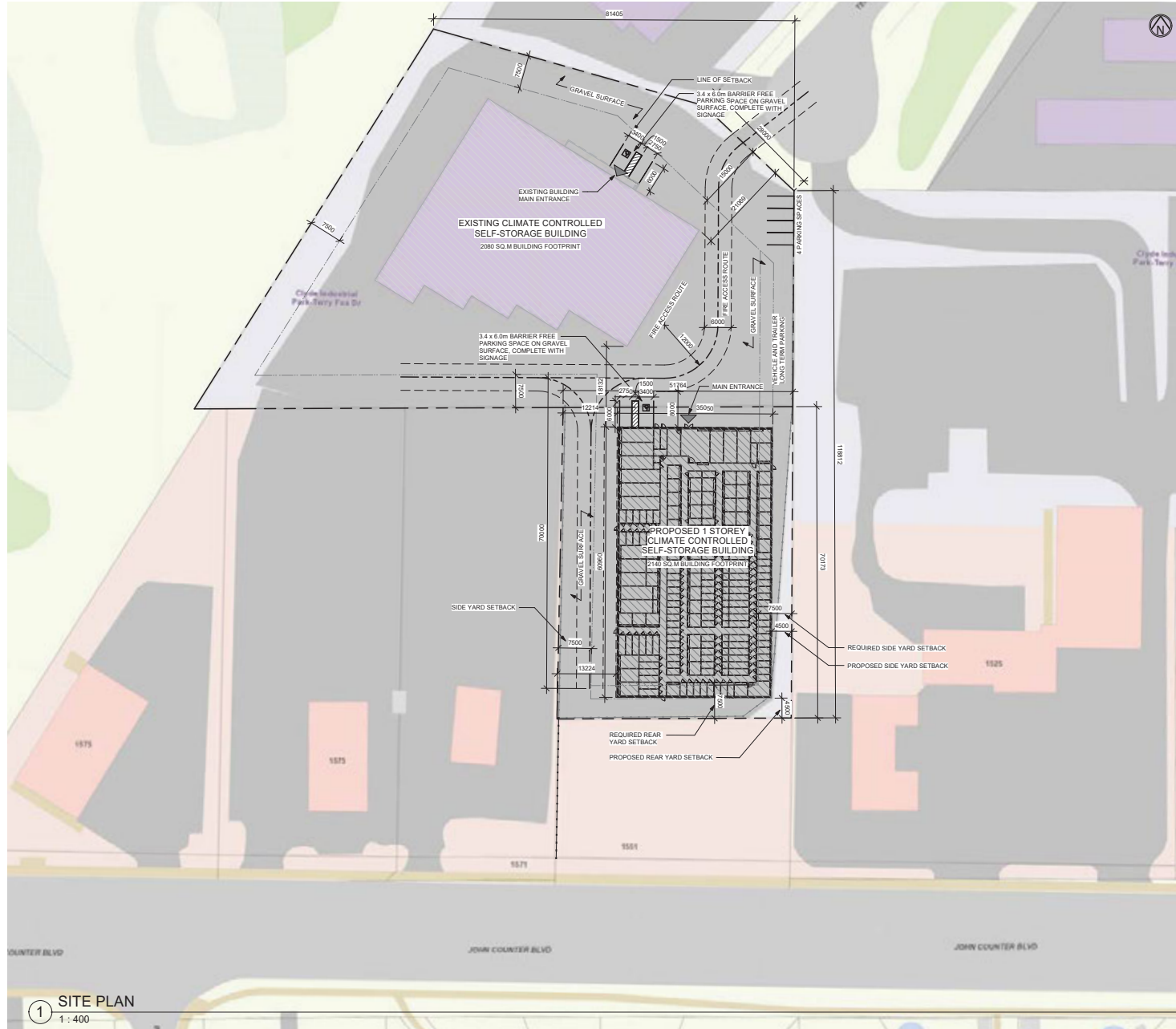
Address: 95 Terry Fox Drive
File Number: D13-033-2021

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



Prepared By: Ichu
Date: Jun-04-2021

Disclaimer: This document is subject to copyright and may only be used for your personal, non-commercial use provided you keep intact the copyright notice. The City of Kingston assumes no responsibility for any errors, and is not liable for any damages or any loss resulting from the use of or reliance on, the information contained in this document. The City of Kingston does not make any representation or warranty, express or implied, concerning the accuracy, quality or timeliness of the information contained in this document. © 2020 The Corporation of the City of Kingston.



① SITE PLAN
1:400

ZONING

USE	REQUIRED	PROPOSED
31A(1) STORAGE BUILDINGS	31A(1) SELF-STORAGE BUILDING	
MAX. HEIGHT	31A.2(a) 13.5m	<13.5m ✓
MIN. FRONT YARD	31A.2(b) 15.0m	21.0m x
MIN. SIDE YARD	31A.2(c) 7.5m	4.5m x
MIN. REAR YARD	31A.2(c) 7.5m	4.5m x
MIN. LOT AREA	31A.2(d) 2,200m ²	-11,800m ² ✓
MIN. LOT WIDTH	31A.2(f) 36.5m	-51.4m ✓
MIN. LOT DEPTH	31A.2(g) 60.0m	-118.8m ✓
MAX. LOT COVERAGE	31A.2(h) 60%	36% ✓
OFF-STREET PARKING	5.3(A)(b)(i) Storage: N/A	0 ✓
LOADING FACILITIES	5.4(a) 0 required.	1 ✓

DO NOT SCALE DRAWINGS
CHECK AND VERIFY ALL DIMENSIONS BEFORE PROCEEDING WITH THE WORK.
DRAWINGS NOT TO BE USED FOR CONSTRUCTION UNLESS STAMPED AND SIGNED BY THE CONSULTANT.
THESE DRAWINGS HAVE BEEN DESIGNED IN CONFORMANCE WITH THE ONTARIO BUILDING CODE.

Revisions

Revision Number	Revision Date	Revision Description

Alexander Wilson Architects Inc.
Architects/Planners
150 St. George Street
Kingston Ontario K7L 2L1
P 613.346.1744 ext.273
F 613.346.1741

Project: 95 TERRY FOX DR

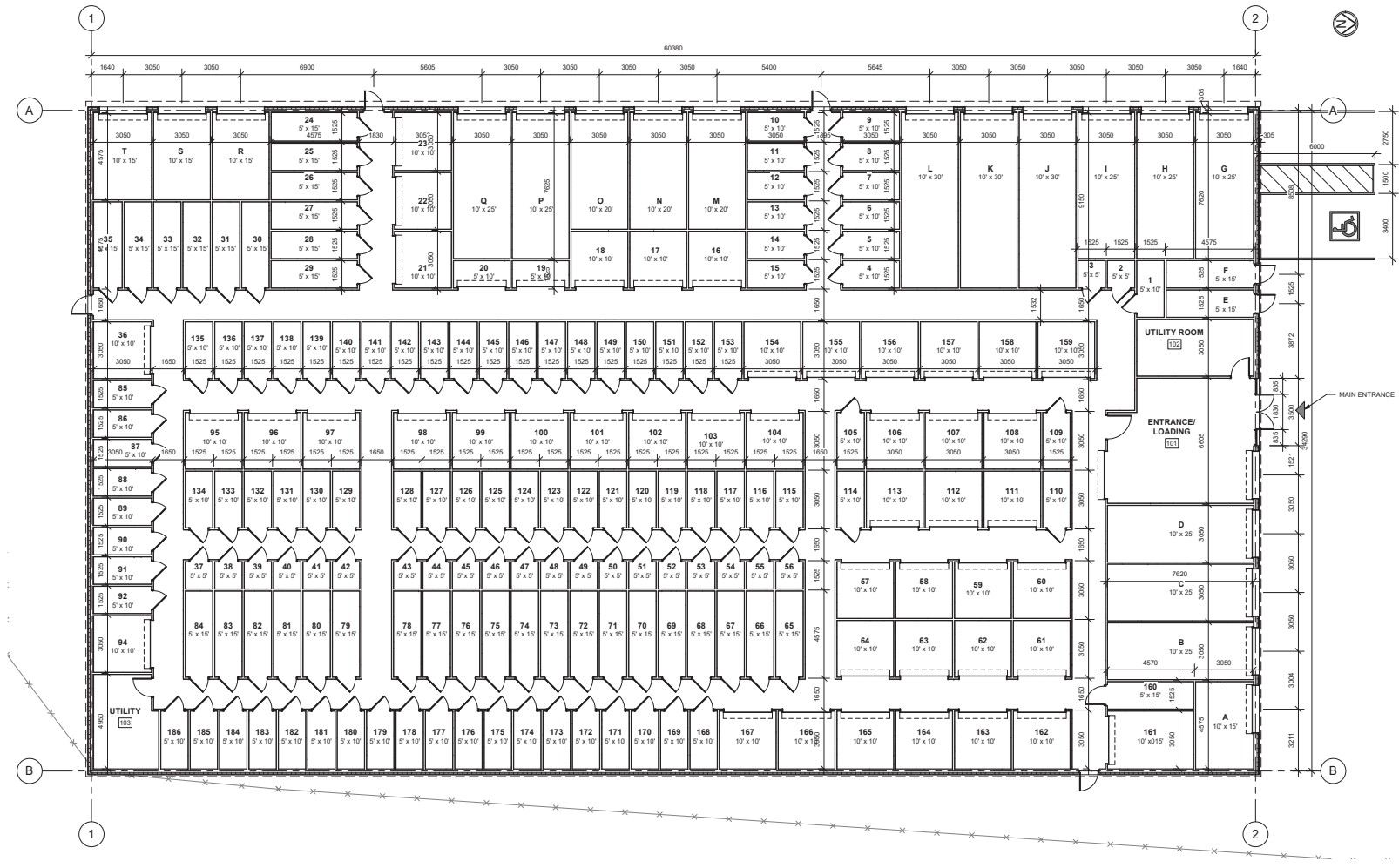
Drawing: SITE PLAN SKETCH

Drawn By: _____ Checked By: _____
Scale: 1:400 Date: 2021-05-06 12:20:28 PM

Project No: 0000
Drawing No: A010

DO NOT SCALE DRAWINGS
CHECK AND VERIFY ALL DIMENSIONS BEFORE PROCEEDING WITH THE WORK
DRAWINGS NOT TO BE USED FOR CONSTRUCTION UNLESS STAMPED AND SIGNED BY THE CONSULTANT
THESE DRAWINGS HAVE BEEN DESIGNED IN CONFORMANCE WITH THE ONTARIO BUILDING CODE.

Revisions		
Revision Number	Revision Date	Revision Description



1 GROUND FLOOR PLAN
1 : 100



Project: 95 TERRY FOX DR

GROUND FLOOR PLAN

Drawn By	Checked By
Scale	Date
Project No.	Revision
Drawing No.	A101



