



**City of Kingston
Report to Committee of Adjustment
Report Number COA-21-055**

To: Chair and Members of the Committee of Adjustment
From: Matthew LeBlanc, Planning Intern
Date of Meeting: July 19, 2021
Application for: Minor Variance
File Number: D13-036-2021
Address: 9 Morton Way
Owner: James Brown, Joseph Philip Brown, Alan Kennedy
Applicant: IBI Group Incorporated

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 variance for the property located at 9 Morton Way.

Due to the irregular parcel fabric in the area, the front lot line is defined in the site-specific zoning (A.445) as the west property line abutting Morton Way, while the opposite yard (east) is considered to be the rear yard. Variance from Zoning By-Law Number 8499 is required to decrease both the front and rear yard setbacks to accommodate the desired footprint of the proposed two-storey dwelling. Additional variances have also been requested to accommodate the desired style and width of the dormers to be located on the attached garage, as proposed.

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

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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: Front yard setback

By-Law Number 8499:Section 6.3(b)(ii)

Requirement:4.5 metres

Proposed:1.2 metres

Variance Requested:3.3 metres

Variance Number 2: Rear Yard setback

By-Law Number 8499:Section 6.3(d)(i)

Requirement: 7 metres.

Proposed:To decrease the rear yard (east yard) setback from 7 metres to 5.8 metres

Variance Requested:1.2 metres

Variance Number 3: Dormer setback from front wall

By-Law Number 8499:Section 6.3(f)(ii)(4)(a)

Requirement:40.6cm (16 inches);

Proposed:0 centimetres

Variance Requested:40.6 centimetres

Variance Number 4: Dormer Dimensions – Combined length

By-Law Number 8499:Section 6.3(f)(ii)(4)(c)

Requirement:4.6 metres(15 feet) or one-half (1/2) of the main roof's length, whichever is shorter.

Proposed:6.07 metres

Variance Requested:1.47 metres

Recommendation:

That minor variance application, File Number D13-036-2021, for the property located at 9 Morton Way to reduce minimum setback requirements for the front (west) and rear (east) yards, to decrease the front wall setback of the dormer from the building's main wall, and to increase the combined length of all proposed dormers be Approved; and

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-21-055.

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Authorizing Signatures:



Matthew LeBlanc, Planning Intern

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

Tim Park, Director, Planning Services

James Bar, Acting Manager, Development Approvals

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Options/Discussion:

On May 31, 2021, a minor variance application was submitted by OTIBI Group Incorporated, on behalf of the owner, James Brown, Joseph Philip Brown, and Alan Kennedy, with respect to the property located at 9 Morton Way. The variance is requested to decrease both the front (west) and rear (east) yard setbacks to accommodate the desired footprint of the proposed two-storey dwelling. Additional variances have also been requested to accommodate the desired style and width of the proposed attached garage's three partial dormers, as indicated in the conceptual plan submitted by the applicant.

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

- Landscaping Plan (Exhibit G)
- Conceptual Plan and Drawings (Exhibit H)
- Planning Justification Report

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 9 Morton Way. The property is designated 'Residential' and 'Environmental Protection Area' in the Official Plan and zoned One-Family Dwelling and Two-Family Dwelling A.445 'Morton Way' in Zoning By-Law Number 8499.

The property has a total area of approximately 2,000 square metres and is currently developed with a single-detached dwelling with an attached deck extending towards Lake Ontario and a garden shed located at the rear. The property has approximately 27 metres of frontage on Lake Ontario and is accessed by a private right-of-way over the Tett Centre/Isabelle Bader properties at 370 and 390 King Street West. The parcel fabric for the subject property is irregular in that it does not have frontage on a public road and is located between the dwelling municipally recognized as 356 King Street and Lake Ontario. Given this and as detailed in the site-specific zone, the parcel is considered to have "road frontage" on Morton Way.

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:

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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 Official Plan (Exhibit D - Official Plan Map).

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 development meets the intent of the Official Plan in that the existing housing stock will be maintained, only rebuilt to better suit the needs of the owners. Furthermore, the existing dwelling to be replaced and the majority of the proposed new dwelling are located within the portion of the property designated 'Residential' under this Plan, of which is intended to meet the housing needs of the municipality by providing a range of housing types within safe neighbourhoods.

The subject property 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. According to Section 2.2.5 of the Official Plan, re-investment and upgrading is to be encouraged through minor development activities within Housing Districts, so long as the prevailing built form standards are generally found in the neighbourhood. The proposed variances from both the front and rear yard setback requirement, as well as the proposed variances regarding the shape and design of the three dormers will create minimal land use compatibility impacts on the neighbouring properties.

A small portion of the proposed dwelling is proposed to be located within lands designated as "Environmental Protection Area (EPA)" under the Official Plan. As per Section 3.10.3.1 of the Plan, "where an EPA designation is solely tied to riparian corridors as illustrated in Schedule 7 to this Plan, permitted land uses on lots existing as of the date of adoption of this Plan include: the permitted land uses of another land use designation applicable to the lot; and legally non-conforming land uses". As per Schedule 7, the EPA designation on-site reflects the "riparian corridor" hence this exception applies

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to the subject property and development is permitted in accordance with the 'Residential' policies. The Official Plan states that an Environmental Impact Assessment is required for development on adjacent lands to EPA features unless otherwise directed by the City or CRCA. In this case, an EIS was not required by the City or CRCA, given the scale and location of development proposed.

Furthermore, the Official Plan identifies a 30 metre setback along the waterfront as the "ribbon of life" (Section 3.9.2). While new development is required to be located outside of the 30 metre "ribbon of life", enlargements to existing structures are permitted provided the enlargement does not further encroach into the existing water setback, subject to Section 3.9.8. The proposed dwelling will be located roughly in the same location of the existing dwelling and deck as shown in the Concept Plan. While the proposal is not an enlargement, in light of the as-of-right permissions of the property and given the reconstruction on adjacent lands, it is the City's understanding that the intent of this policy is upheld. Additionally, a Landscape Plan submitted by the applicant (Exhibit G) outline improvements to existing landscaping to enhance natural vegetation within the ribbon of life.

In regard to Natural Hazards (as outlined in Section 5 of the Official Plan), a Wave Uprush Study was completed and reviewed by the CRCA. The report identified a refined flooding hazard elevation from which a 6 m horizontal setback would be required. The proposed dwelling location complies with this requirement as confirmed by the CRCA.

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 meets the intent of Section 2.7 of the Official Plan in that its design is consistent with the architectural character and scale of development along King Street (of which is comprised predominantly of single-detached residential properties).

Additionally, while the subject property is located adjacent to a designated heritage property (Tett Centre/Isabelle Bader properties at 370 and 390 King Street West) heritage staff determined that an HIS would not to be required given the proposed development replaces an existing dwelling.

In accordance with Official Plan Section 2.7.3(e), given the site already accommodates an existing dwelling, no increase in traffic will be created from its redevelopment.

With respect to shadowing and privacy along the west property line (the site abutting Morton Way and the Tett Centre), there are windows proposed along the west façade, however, Morton Way offers separation and the windows are of an appropriate size and scale for a residential development of this nature. Additionally, vegetation and increased fencing is proposed along the west property line for the purpose of mitigating potential impacts, and window coverings can be utilized within the subject residence as deemed necessary. Shadowing impacts are not anticipated given the height and location of the building.

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With respect to shadowing and privacy along the east property line (rear yard), the reduced “rear yard” (east yard) is required to accommodate the stairwell and fireplace, with the remainder of the dwelling complying with the required rear yard. Despite the requested variance, the proposed setback will retain a substantial separation between the proposed dwelling and the side yard of the abutting property (350 King St W). It should also be noted that the abutting property to the east is well removed from the mutual property line, as their side yard is occupied by a detached garage, placing their dwelling on the east side of that property and further from the subject property. Given the height of the proposed dwelling, adverse effects such as shadowing, and privacy are not anticipated to result in incompatibility.

Additionally, the proposed dormers satisfy the applicable land use compatibility policies of Section 2.7 of the Official Plan, as they are in keeping with the architectural character of the subject property’s surrounding neighbourhood, respect the scale of the building, will not create incompatibility by providing an opportunity for overlook and privacy impacts, and are not anticipated to have determinantal effects on the streetscape, given that they will not be visible from the public realm and separated by an enhanced vegetated buffers.

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;

With respect to Official Plan Section 2.7.6 Functional Needs, no adverse impacts are anticipated. While the driveway is proposed to be relocated to the north end of the subject property, it will provide clearly defined and safe site access and will not be adversely impacted by the reduced front yard setback, as there will be adequate room for the driveway to provide safe turning movements and access within the site outside of the proposed building envelope.

Amenity space that is typically provided in the rear yard is, in this case, appropriately provided in the north, east and south yards, given the property’s irregular parcel fabric. The proposed widths of the east and west yards are sufficient to serve their intended purposes (as side yards) from a functional perspective. The development will meet all requirements of the Ontario Building Code which will ensure the accessibility features.

4. The conformity of the proposal to any applicable urban design policies endorsed by Council, particularly if the site includes or could impact a *built heritage resource* or is within a Heritage District;

The Official Plan 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);

The proposed density, type of use, and scale of activity occurring at the redeveloped site will not be altered by the proposed redevelopment. The proposed development’s scale and built form will not adversely impact adjacent residential properties (350 King Street

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West & 356 King Street West) or the Tett Centre/Isabelle Bader properties at 370 and 390 King Street West. Additionally, the proposed variances will not alter the character of the subject property's streetscape or surrounding neighbourhood.

In line with Section 2.7.6 of the Official Plan, the proposed development and requested variances are context appropriate as they will create minimal land-use compatibility impacts on neighbouring properties and will function to better suit the long-term needs of the owners/occupants.

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 a designated heritage property (Tett Centre/Isabelle Bader properties at 370 and 390 King Street West). The proposal was reviewed by heritage staff and a Heritage Impact Study was determined not to be required given the proposed development replaces an existing dwelling.

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 variances are considered minor in nature as the redevelopment will not alter the site's density, use, and/or scale of activity.

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 (Exhibit A). The conditions may be added, altered, or removed at the Committee's discretion.

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

The subject property's immediate surrounding uses include single-family dwellings and institutional land uses. The approval of the requested variances is considered minor and will not set a precedent for the immediate area.

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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 (A.445 – Morton Way) 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 A.445 zone permits the following uses:

- a) One-family dwellings
- b) Two-family dwellings
- c) Libraries, art galleries and museums
- d) Public or private day schools
- e) Community halls
- f) Churches, church halls
- g) Institutions or homes operated or supervised by a Children's Aid Society as defined by the Child Welfare Act, or its legal successor, for the temporary shelter and protection of Children
- h) Community Homes, subject to the provisions of Section 5.32 of this by-law
- i) Providence Manor and Rideaucrest Home for the Aged
- j) Accessory buildings to any use permitted in A Zones

The proposal requires variances to Section 6.3(b)(ii), Section 6.3(d)(i), Section 6.3(f)(ii)(4)(a), and Section 6.3(f)(ii)(4)(c) of Zoning By-Law 8499.

Variance Number 1: Front yard setback

By-Law Number 8499:Section 6.3(b)(ii)

Requirement:4.5 metres

Proposed:1.2 metres

Variance Requested:3.3 metres

Variance Number 2: Rear Yard setback

By-Law Number 8499:Section 6.3(d)(i)

Requirement:7 metres.

Proposed:To decrease the rear yard (east yard) setback from 7 metres to 5.8 metres

Variance Requested:1.2 metres

Variance Number 3: Dormer setback from front wall

By-Law Number 8499:Section 6.3(f)(ii)(4)(a)

Requirement: 40.6cm (16 inches);

Proposed:0 centimetres

Variance Requested:40.6 centimetres

Variance Number 4: Dormer Dimensions – Combined length

By-Law Number 8499:Section 6.3(f)(ii)(4)(c)

Requirement:4.6 metres (15 feet) or one-half (1/2) of the main roof's length, whichever is shorter.

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Proposed:6.07 metres**Variance Requested:**1.47 metres

The proposed variances outlined above maintain the general intent and purpose of Zoning By-Law Number 8499. The intent of the minimum front yard setback is to maintain continuity in the streetwall and by extension a visually attractive streetscape. It is also intended to provide a transition between the public and private realms. The intent of the minimum rear yard setback is to provide for sufficient amenity space and separation between other adjacent rear yards.

Given this, the proposed reduced front (west) yard setback will not be visible from the public realm and will not negatively impact the streetscape, as the lot is not located along an established streetscape. Additionally, there are no adjacent dwellings fronting onto Morton Way, hence there is no need to maintain the rhythm of front yard setbacks on the street. Additionally, amenity space is proposed within the north, east and south yards, thereby fulfilling the intended function of the rear yard. Given that the lot's irregular parcel fabric causes the front (west) and rear (east) yards to function as side yards, the proposed 1.2 metre (west) and 5.8 metre (east) setbacks are greater than both the minimum required side yard setback of 0.6 metres and the aggregate side yard requirements for the A Zone under Zoning By-Law Number 8499.

With respect to the proposed dormers, the general purpose and intent of Section 6.3(f)(ii)(4) is to ensure that dormers are appropriately located and sized relative to a building, and do not function to create an additional floor beyond what was intended by the building height limitations outlined in this by-law. In saying this, the dormers are appropriately sized (as they will occupy less than 50% of the length of the roof in the section they are proposed in), will not be visible from the public realm, and will not have a detrimental impact on the architectural design of the building.

With respect to the front wall setback of the dormers, the attached garage includes three "partial dormers" (part in the wall and part in the roof). Given this style of dormer, the front wall of the dormer cannot be setback from the main wall. The partial dormers have been utilized to enhance the architectural design of the dwelling, rather than adding a full second storey to the garage which is permitted under the as-of-right zoning given the maximum height limitations and the height of the proposed dwelling and garage.

3) The variances are minor in nature

Variances 1 & 2 (Front and Rear Yard Setbacks)

The impact resulting from granting the variances listed above are minor in nature. No nuisance impacts are anticipated given the proposed residential use and type of variances being requested. In terms of visual impacts, the subject lot's frontage on a "private road" means that the proposed reduced front (west) yard setback will not be visible from the public realm and will therefore, not negatively impact the streetscape. Additionally, existing vegetation is to be maintained along the west property line, thereby creating an additional visual buffer between Morton Way and the subject property.

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Functionally, no adverse impacts are anticipated as the proposed widths of the east and west yards are sufficient to serve their intended purposes (as side yards). Furthermore, while the driveway is proposed to be relocated to the north end of the subject property, it will provide clearly defined and safe site access and will not be adversely impacted by the reduced front yard setback, as there will be adequate room for the driveway to provide safe turning movements and access within the site outside of the proposed building envelope. Amenity space typically provided within rear yards will be appropriately provided within the north, east, and south yards given the subject property's irregular parcel fabric.

With respect to environmental impacts, although the proposed new dwelling is to be within 30m of Lake Ontario's shoreline, it will be located within the as-of-right building envelope with respect to the setback from the water, and will largely occupy the portion of the site that accommodates the existing development (including the existing deck, dwelling, shed, parking area, etc.). Further, the existing vegetative shoreline buffer is proposed to be enhanced, hence resulting in an overall improvement to the ecological value of plantings on site and greater filtration of surface run off. Lastly, no environmental impacts on water quality and fish habitat are anticipated given the proposed vegetation improvements and large size of Lake Ontario (as supported by preliminary comments provided by the CRCA).

Variations 3 & 4 (Dormers)

No environmental, nuisance or functional impacts are anticipated given the types of variations being requested. In terms of visual impacts, the dormers will not be visible from the public realm (as the subject property fronts a private laneway between which a visual vegetation buffer will be maintained) and are intended to enhance the architectural design of the dwelling to better suit the needs of the owners.

The dormers proposed to be located at the east side of the garage will primarily overlook the subject property given the garage's location relative to the adjacent residential property. This location will allow for an approximate 14 metre east yard setback between the subject property's proposed garage and the abutting yard to the east of 350 King Street, of which is also occupied by a detached garage – thereby further reducing the sensitivity of this area of the lot. The dormers on the west side of the proposed garage will look towards the Tett Centre but result in no intrusive overlook given that their view will be towards a laneway and a large institutional building taller than the proposed dwelling and garage. Furthermore, compatibility issues due to intrusive overlook and privacy impacts are not anticipated given the existing vegetation to be maintained and given the function of the west yard as a "side yard".

4) The variations are desirable for the appropriate development or use of the land, building or structure

Variations 1 & 2 (Front and Rear Yard Setbacks)

The variations requested for reduced front (west) and rear (east) yard setbacks are desirable and appropriate as both will continue functionally operating as side yards, will not

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have detrimental effects on the streetscape, have little to no visual impact on surrounding properties, and will function to better suit the needs of the owners/occupants, as per Section 2.7.6 of the Official Plan.

Variations 3 & 4 (Dormers)

The variations requested to accommodate the shape and size of the proposed dormers are desirable and appropriate in that they are intended to increase the architectural interest of the dwelling and respect the scale of the garage, are not anticipated to result in intrusive overlook or privacy concerns given the adjacent uses, proposed setbacks, and proposed height relative to the Tett Centre located on the adjacent lot (west). Additionally, the proposed dormers will not negatively impact the streetscape as they will not be visible from a public street or the public realm and will be separated from Morton Way by a maintained landscaped visual buffer. Further, the proposed ‘partial dormer style’ will add visual interest to the dwelling and avoid the need for a full second storey.

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 checked="" 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 checked="" 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 | <input checked="" type="checkbox"/> Forestry | |

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.

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Previous or Concurrent Applications

There are no concurrent planning applications on the subject property. In 2014, a site-specific Zoning By-Law Amendment was approved by Council to confirm that the permitted uses on the property are those uses permitted in the 'A' Zone of By-Law Number 8499.

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 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 the replacement of the existing dwelling located on the subject property with a new two-storey dwelling that is better suited to meet the long-term needs of the owners.

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 14 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*.

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Accessibility Considerations:

None

Financial Considerations:

None

Contacts:

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

Matthew LeBlanc, Planning Intern, 613-546-4291 extension 3237

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, 29

Exhibit F Neighbourhood Map (2021)

Exhibit G Landscaping Plan

Exhibit H Conceptual Plan and Drawings

Recommended Conditions

Application for minor variance, File Number D13-036-2021

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

1. Limitation

That the approved minor variance applies only to 9 Morton Way as shown on the approved drawings attached to the notice of decision to decrease the required front and rear yard setbacks and to accommodate the proposed style and width of the proposed dormers, and to increase the combined length of all proposed dormers from 4.6 metres to 6.07 metres.

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 Division a copy of the decision of the Committee of Adjustment, together with a copy of the approved drawings.

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 drawings, including any amendments and conditions approved by the Committee of Adjustment, as stated in the decision. Additional variances may be required should further zoning deficiencies be identified through the Building Permit application process.

4. Archaeological Assessment

An Archaeological Assessment (beginning with a Stage One Assessment) and any subsequent or supporting studies are required on the property prior to the issuance of a Building Permit, as the site falls under several of the criteria for archaeological potential. Any area of development or site alteration, including access routes, on lands containing archaeological resources or areas of archaeological potential will need to be assessed by an archaeologist licensed in the Province of Ontario. The applicant shall contact the Planning Division to confirm their requirements for approval of this condition.

Two (2) copies of the study and all relative information shall be provided to the Building Division. The report shall be registered with the Ministry of Tourism, Culture and Sport or an acceptance letter shall be obtained by the Ministry prior to the issuance of a Building Permit.

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 Tourism, Culture and Sport. 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.

5. No Adverse Impacts

The owner/applicant shall ensure that there are no adverse impacts on neighbouring properties as a result of the existing dwelling and attached garage nor shall there be any increased runoff or grade changes to the property as a result of any excavation or downspout orientation.

6. Building Permit Application Requirements


To ensure the structure complies with both the current *Ontario Building Code* (OBC) requirements and the decision of the Committee of Adjustment, the owner/applicant shall provide to the Building Division a copy of the decision of the Committee of Adjustment, together with a copy of the drawings approved by the Committee of Adjustment in the subject decision, and the Archaeological Assessment sign off.

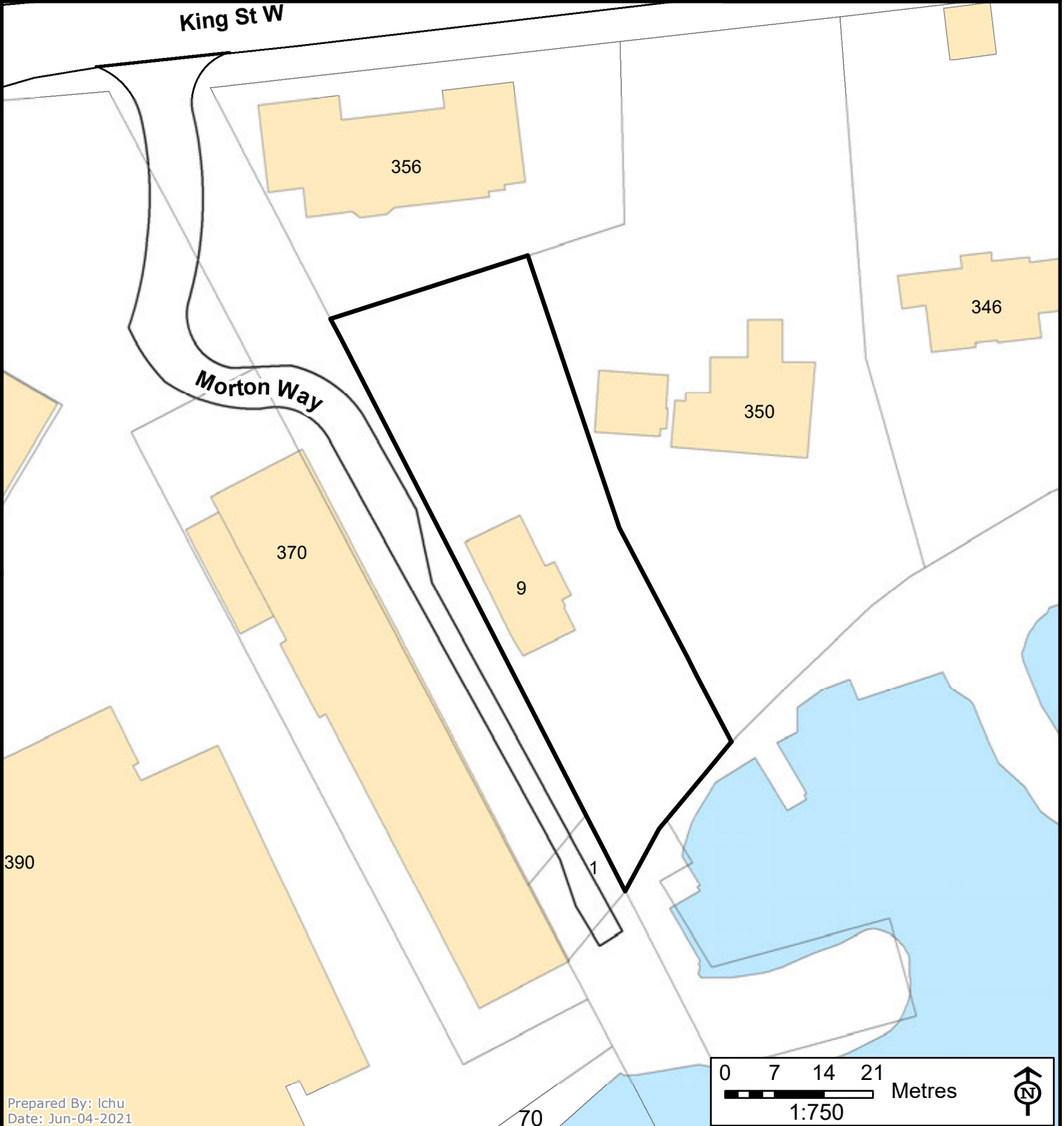
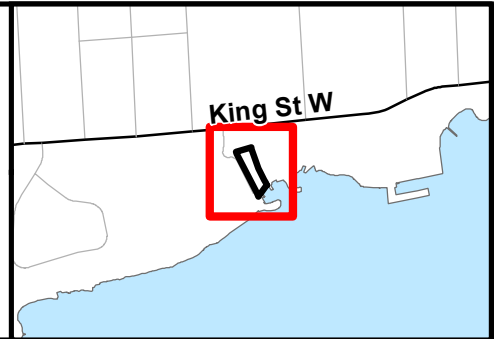
If the Planning, Building and Licensing Division deems that the drawings submitted for the building permit application do not conform to the general intent and description of the plans approved in the decision, the applicant will be required to resubmit the revised drawings to the Committee of Adjustment for approval. This will require a new application and fee to the Committee of Adjustment.



Committee of Adjustment Key Map

Address: 9 Morton Way
File Number: D13-036-2021

 Lands Subject to Minor Variance

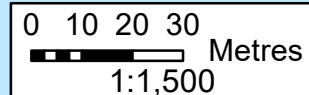
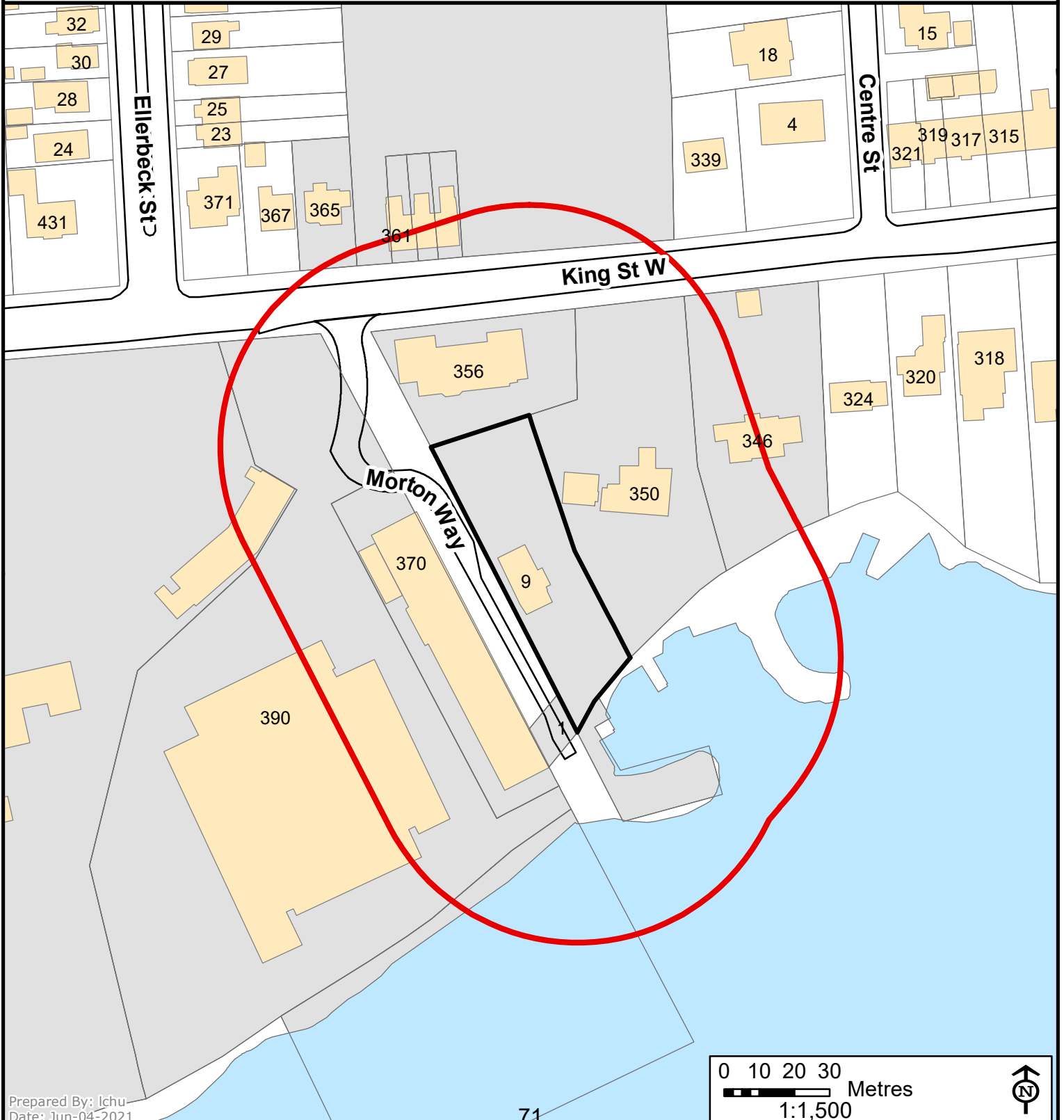




Committee of Adjustment Public Notice Notification Map

Address: 9 Morton Way
File Number: D13-036-2021

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



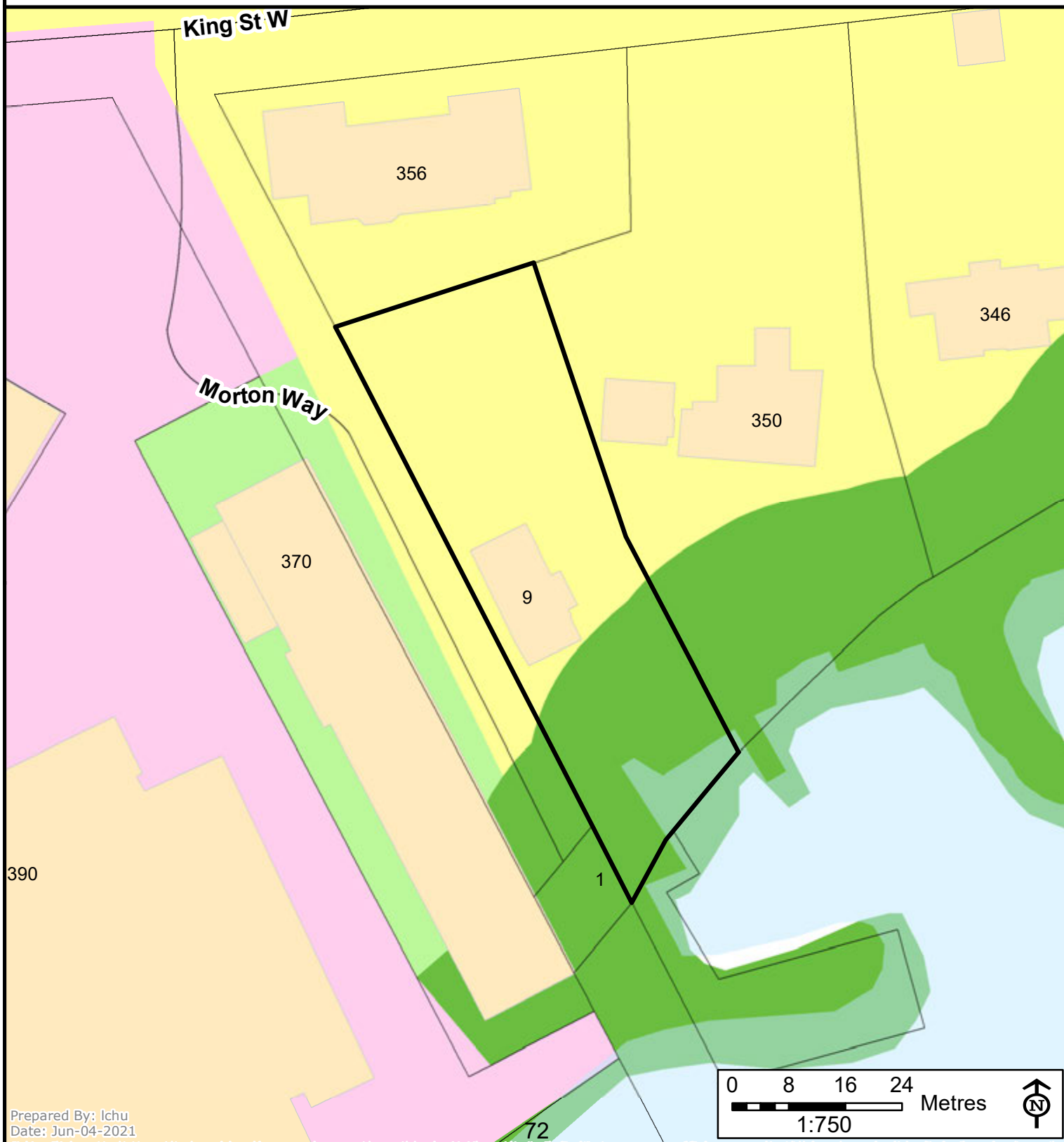


Planning Services

Committee of Adjustment Official Plan, Existing Land Use

Address: 9 Morton Way
File Number: D13-036-2021

-  Subject Lands
-  ENVIRONMENTAL PROTECTION AREA
-  INSTITUTIONAL
-  OPEN SPACE
-  RESIDENTIAL



Prepared By: Ichu
Date: Jun-04-2021

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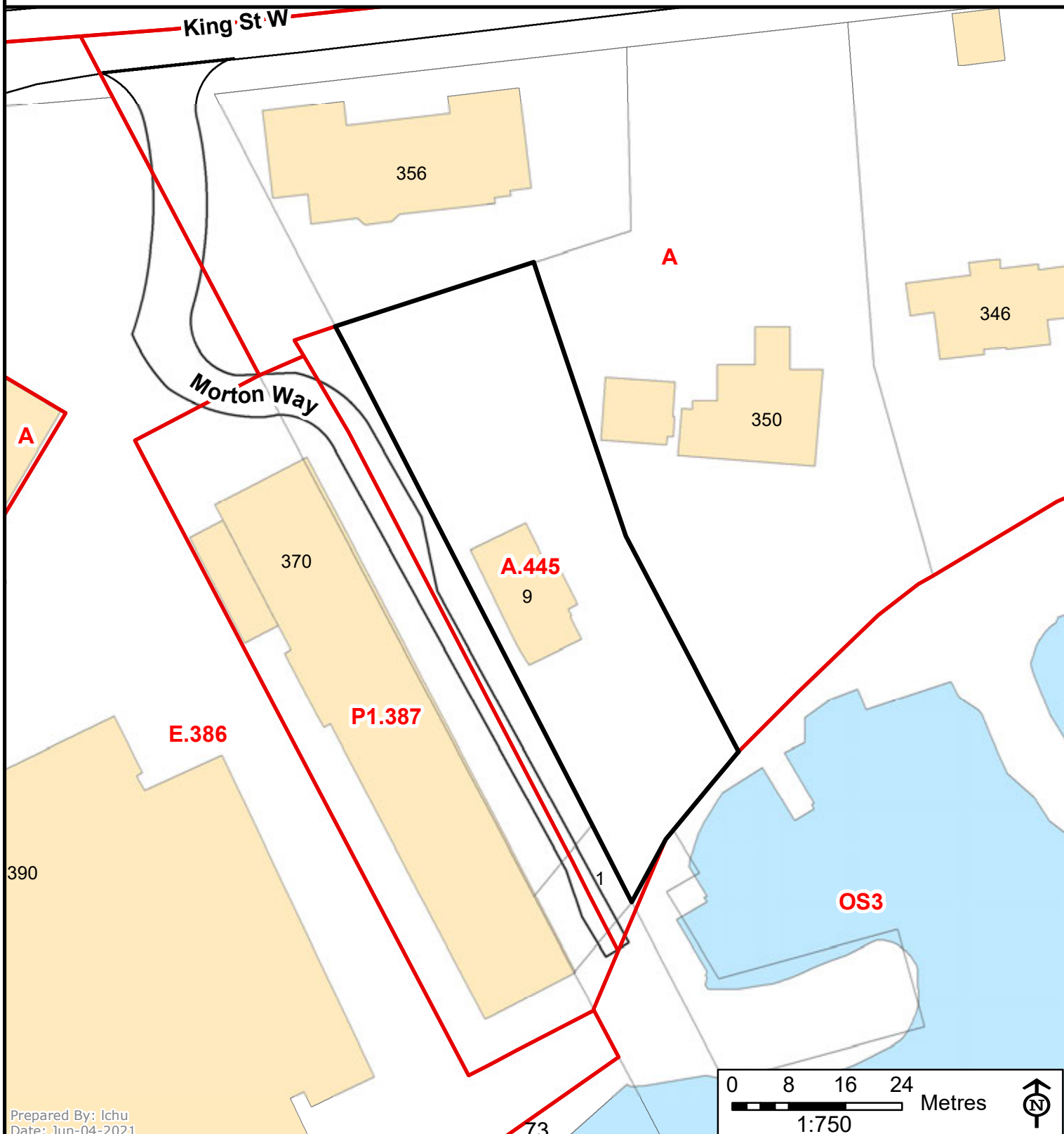


Planning Services

Committee of Adjustment Existing Zoning - By-law 8499, Map 29

Address: 9 Morton Way
File Number: D13-036-2021

- Subject Lands
- Consolidated Zoning



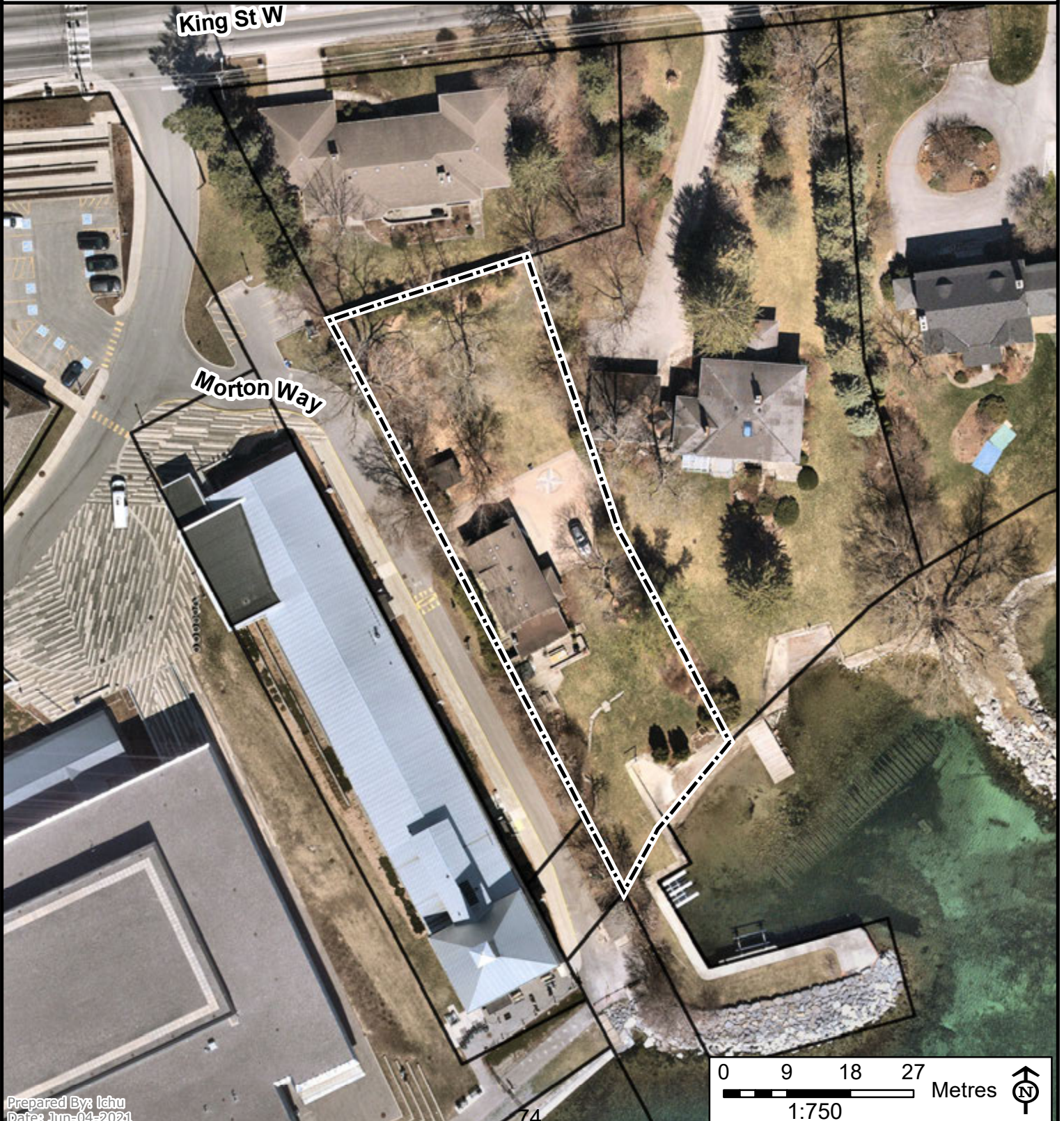
Prepared By: Ichu
Date: Jun-04-2021



Committee of Adjustment
Neighbourhood Context (2021)

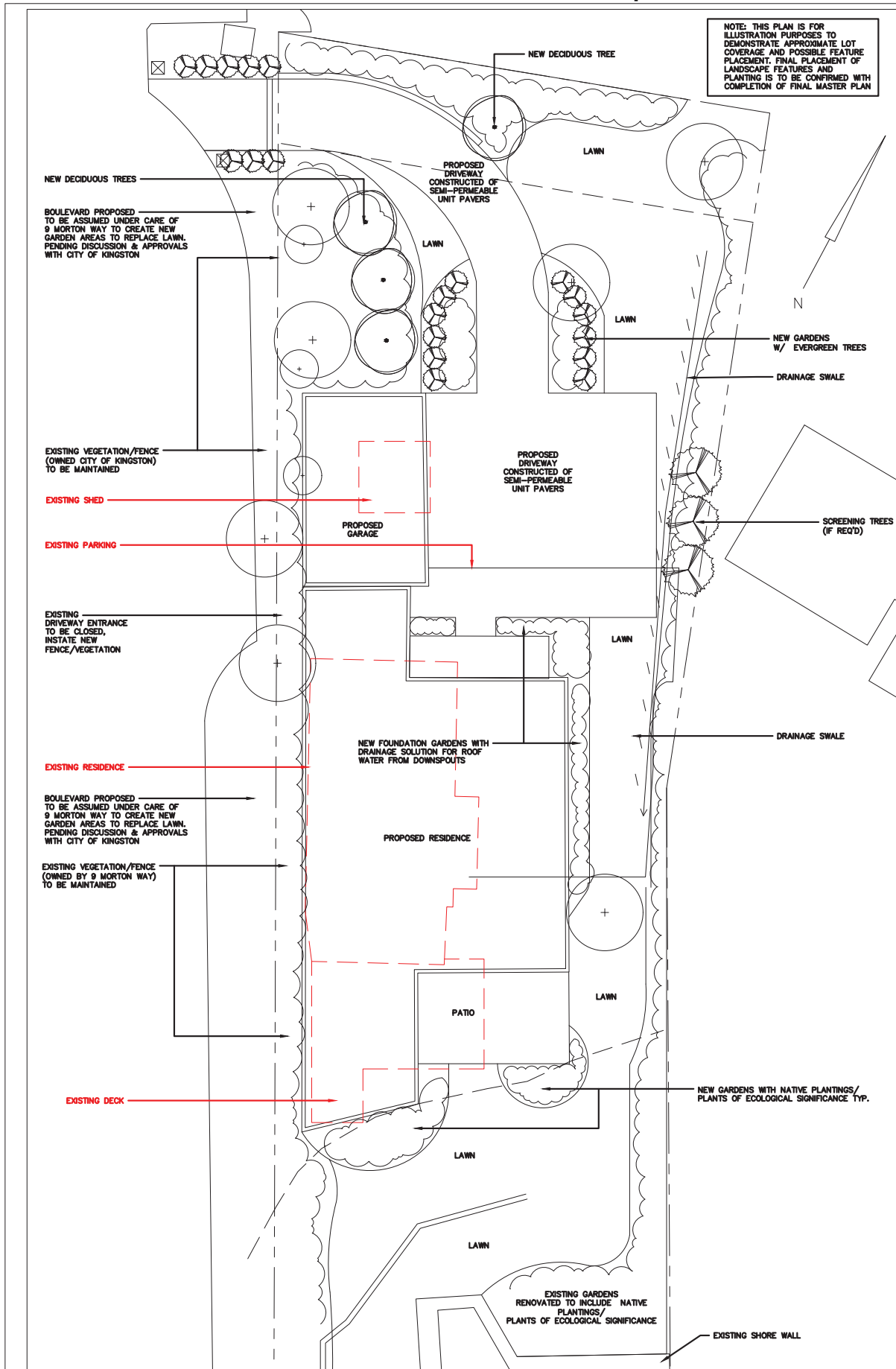
Address: 9 Morton Way
File Number: D13-036-2021

- Subject Lands
- Property Boundaries
- Proposed Parcels



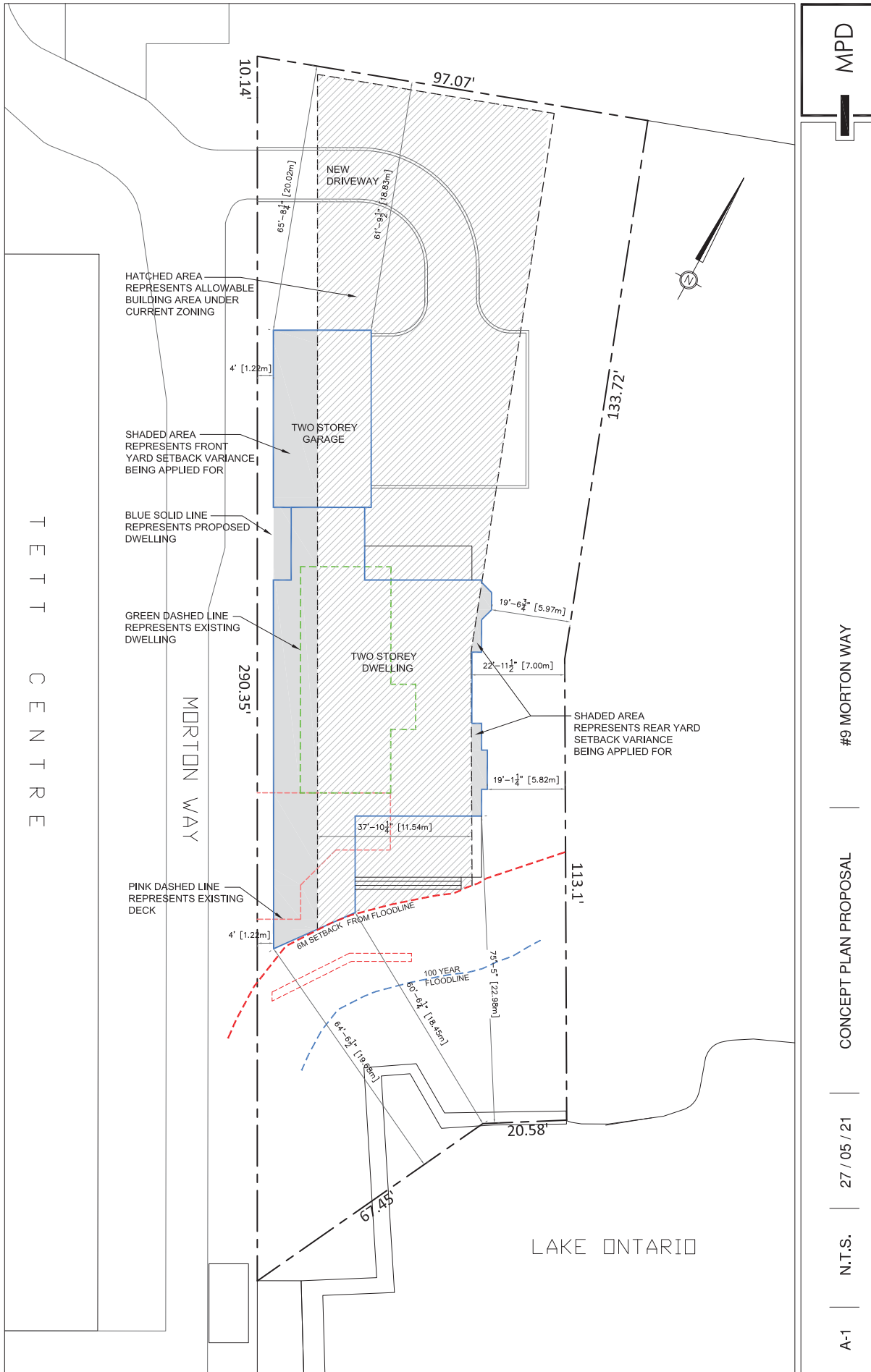
Prepared By: lchu
Date: Jun-04-2021

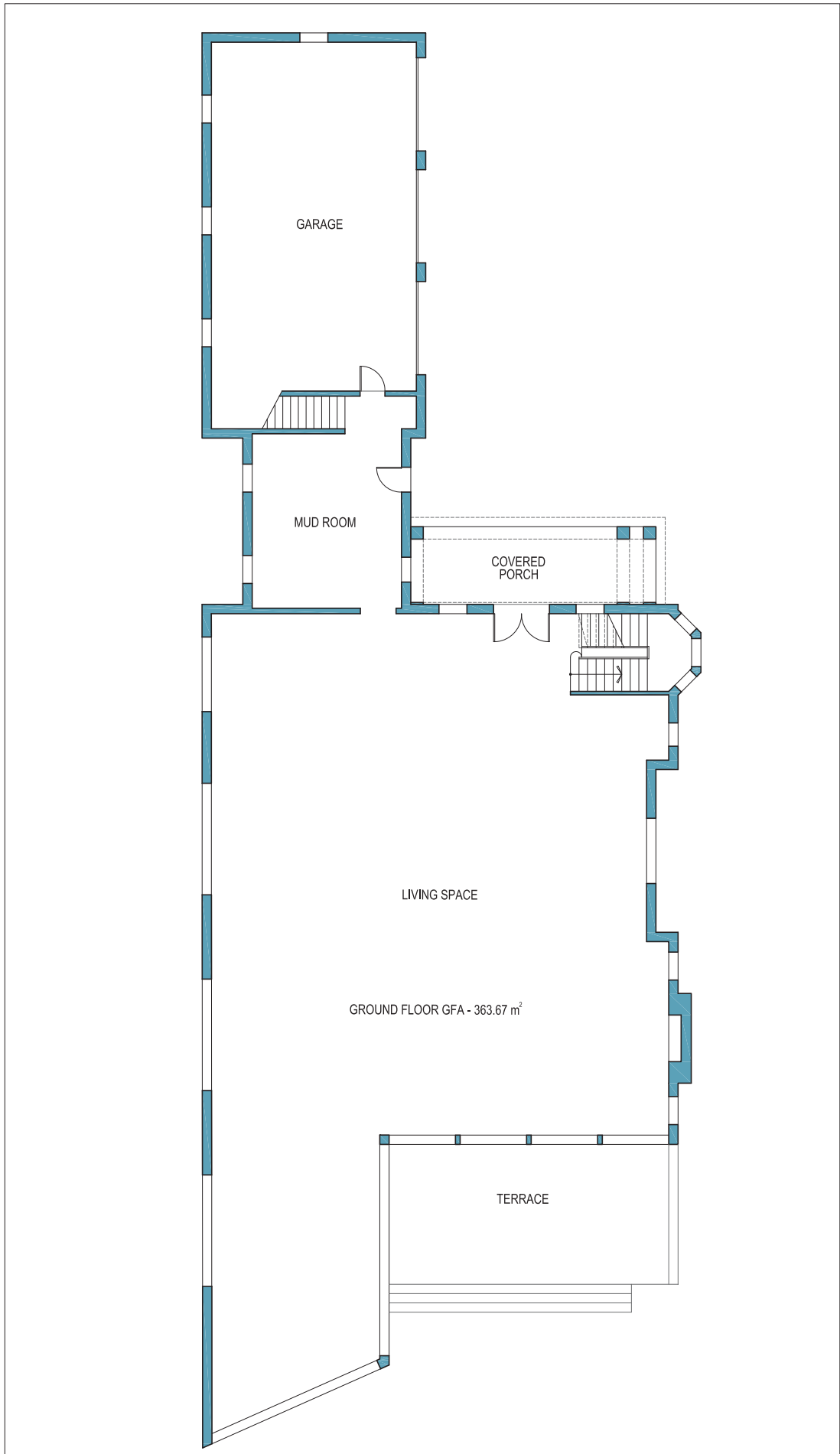
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9 MORTON WAY, KINGSTON ONTARIO
LANDSCAPE CONCEPT PLAN
DATE: MAY.26TH, 2021
SCALE: 1/8" = 1'-0"







MPD

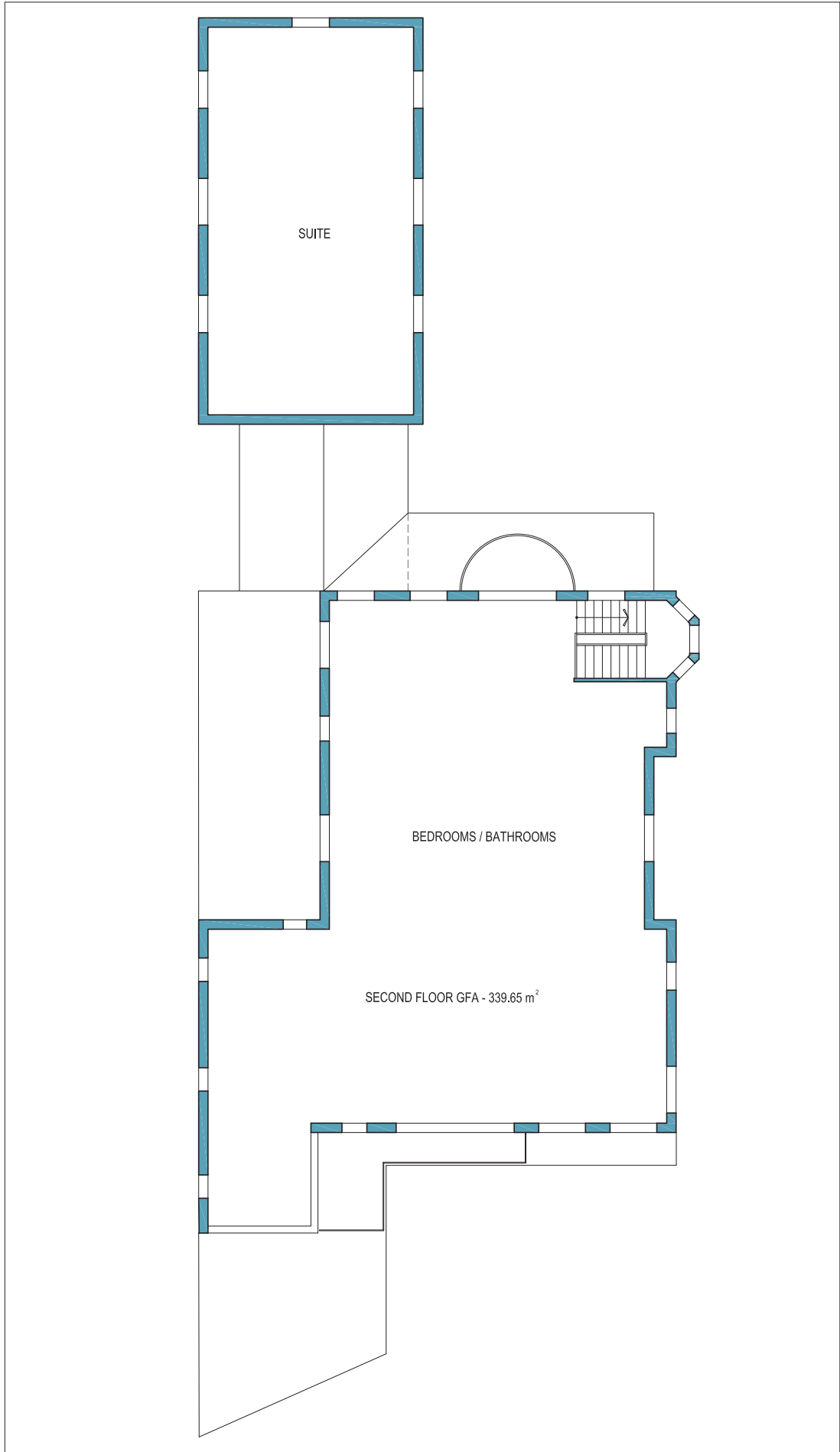
MORTON WAY

CONCEPTUAL GROUND FLOOR PLAN PROPOSAL

27 / 05 / 21

N.T.S.

A-2



MPD

MORTON WAY

CONCEPTUAL SECOND FLOOR PLAN PROPOSAL

27 / 05 / 21

N.T.S.

A-3



NORTH ELEVATION



SOUTH ELEVATION





EAST ELEVATION



WEST ELEVATION