



**City of Kingston
Report to Committee of Adjustment
Report Number COA-21-059**

To: Chair and Members of the Committee of Adjustment
From: Sarah Oldenburger, Planner
Date of Meeting: August 16, 2021
Application for: Permission and Minor Variance
File Number: D13-030-2021
Address: 520 Bagot Street
Owner: April Kinghorn
Applicant: Sam Carlstrom

Council Strategic Plan Alignment:

Theme: Business as usual

Goal: See above

Executive Summary:

This report provides a recommendation to the Committee of Adjustment regarding an application for permission and minor variance for the property municipally known as 520 Bagot Street. The applicant is proposing to expand the existing residential dwelling by replacing the existing 6.5 foot by 3 foot (approximately 1.98 metre by 0.91 metre), 19.5 square foot (approximately 1.81 square metre) rear mudroom with an 11 foot by 8 foot (approximately 3.35 metre by 2.44 metre), 88 square foot (approximately 8.18 square metre) one-storey addition and an approximately 5.5 foot by 4 foot (1.68 metre by 1.22 metre) set of steps on the western elevation of the proposed addition.

The existing dwelling has non-complying status and requires permission to expand as it does not meet the current side yard and lot coverage requirements in Zoning By-Law Number 8499. In addition, the proposed expansion would create a new deficiency for landscaped open space, necessitating a minor variance. As such, a minor variance is being requested to vary the

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required minimum landscaped open space from 30% of the total lot area down to 27.2% of the total lot area for 520 Bagot Street.

The requested application for permission under Section 45(2)(a)(i) of the *Planning Act* is consistent with the general purpose and general intent of both the City of Kingston Official Plan and Zoning By-Law Number 8499. The proposed permission is in keeping with the intent of the zoning by-law and represents appropriate and desirable development of the lot. Therefore, it is recommended that this application for permission under Section 45(2)(a)(i) of the *Planning Act* be approved.

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

Variance:

By-Law Number 8499: Minimum Percentage of Landscaped Open Space (Section 6.3(o))

Requirement: 30% of the total lot area

Proposed: 27.2% of the total lot area

Variance Requested: 2.8% of the total lot area

Recommendation:

That the application for permission and minor variance, File Number D13-030-2021, for the property located at 520 Bagot Street to replace the existing 6.5 foot by 3 foot (approximately 1.98 metre by 0.91 metre) rear mudroom with an 11 foot by 8 foot (approximately 3.35 metre by 2.44 metre) one-storey addition and an approximately 5.5 foot by 4 foot (1.68 metre by 1.22 metre) set of steps on the western elevation of the proposed addition, be approved; and

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-21-059.

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Authorizing Signatures:



Sarah Oldenburger, Planner

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 April 30, 2021, an application for permission and minor variance was submitted by Sam Carlstrom, on behalf of the owner, April Kinghorn, with respect to the property located at 520 Bagot Street. The application for permission is requested to expand the existing dwelling by replacing the existing 6.5 foot by 3 foot (approximately 1.98 metre by 0.91 metre) rear mudroom with an 11 foot by 8 foot (approximately 3.35 metre by 2.44 metre) one-storey addition and add an approximately 5.5 foot by 4 foot (1.68 metre by 1.22 metre) set of steps in the rear yard. The existing dwelling has non-complying status and requires permission to expand as the existing dwelling does not meet the current side yard and lot coverage requirements in Zoning By-Law Number 8499. The application for minor variance is requested to vary the required minimum landscaped open space requirements from 30% of the total lot area down to 27.2% of the total lot area for 520 Bagot Street as the proposed expansion would create a new deficiency for landscaped open space.

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

- Site Plan (Exhibit G)
- Survey (Exhibit H)
- Elevations (Exhibit I)
- Existing Floor Plans (Exhibit J)
- Proposed Floor Plans (Exhibit K)
- Photograph (Exhibit L)
- Zoning Matrix
- Planning Justification Letter
- Owner Authorization
- Servicing Plan

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 520 Bagot Street which is within the urban boundary and is located near the intersection of Bagot Street and Ragland Road, two local roads, as shown on Schedule 4 of the City of Kingston Official Plan. The subject property is located in a housing district, as shown on Schedule 2 of the City of Kingston Official Plan. The subject property is designated “Residential” in the Official Plan and zoned “A” in Zoning By-Law Number 8499. The property abuts three other residential uses, also in the “A” zone, Bagot Street (a local road), and Ragland Road (a local road).

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Legal Non-conforming

As stated in Subsection 45(2)(a)(i) of the *Planning Act*, where any land, building or structure, on the day the by-law was passed, was lawfully used for a purpose prohibited by the by-law, the Committee of Adjustment may permit the enlargement or extension of the building or structure, if the use that was made of the building or structure on the day the by-law was passed continued until the date of the application to the committee, but no permission may be given to enlarge or extend the building or structure beyond the limits of the land owned and used in connection therewith on the day the by-law was passed (Section 45(2)(a)(i)).

Zoning By-Law Number 8499 was passed by Council in 1975 and predates the City of Kingston Official Plan which came into effect in 2010. As a general rule, any land use legally existing at the date of approval of the implementing zoning by-law that does not conform to the policies, provisions or schedules of the Official Plan or the zoning by-law is deemed a non-conforming use and should cease to exist in the long run.

Provincial Policy Statement

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.

Official Plan

Schedule 3-A of the City of Kingston Official Plan indicates that the subject property is designated 'Residential'. The predominant use of the 'Residential' designation are residential dwellings, including detached, semi-detached or duplex dwellings, townhouses, and apartments of various types, tenure, and density that respond to a wide range of housing needs. Residential uses imply structures typical to such uses (i.e. mudrooms) and may change over time to meet the needs of residents (i.e. additions and sets of steps).

In certain circumstances, it may be desirable to grant the extension, enlargement or relocation of a non-conforming use as provided by the *Planning Act*. When reviewing an application for such extension, enlargement or relocation, the Committee of Adjustment must be satisfied that the legal non-conforming use continued to the date of the application to the Committee, and that the application would not extend such use beyond the area and site owned or used on the day of passage of the implementing zoning by-law, and that the application complies with the eight criteria as per Section 9.5.13 of the Official Plan regarding the extension or expansion of a non-conforming use. The subject application, requesting permission to expand the existing dwelling by replacing the existing 6.5 foot by 3 foot (approximately 1.98 metre by 0.91 metre) rear mudroom with an 11 foot by 8 foot (approximately 3.35 metre by 2.44 metre) one-storey addition and add an approximately 5.5 foot by 4 foot (1.68 metre by 1.22 metre) set of steps on the

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western elevation of the proposed addition, has been reviewed against these policies, provided below.

1. Consistency with provincial policy in effect at the time of the decision, and general conformity of the proposal with the intent of the policies and schedules of the Plan:

The proposal is consistent with the policies of the Provincial Policy Statement and will not hinder future development intended for the Residential designation in the Official Plan.

2. Compatibility of the proposal with existing uses and zones, the natural heritage system, cultural heritage resources, and with future planned uses in accordance with the Plan:

The continued residential use of the primary building and the proposed one-storey rear addition and set of steps are compatible with the adjacent residential uses. There are no identified cultural heritage resources adjacent to or on the subject property. The site is not located within a Heritage District. The existing residential use will be maintained on the subject property and will not have any adverse impacts on the natural heritage system.

3. Compatibility of proposed buildings or structures with existing buildings and structures, with zoning standards of adjacent sites, with any future planned standards as provided in the Plan, and with any urban design guidelines adopted by the City for the area or for the type of development:

The proposed expansion of the existing dwelling to permit the proposed one-storey rear addition and set of steps will be compatible with the abutting residential uses and the character of the neighbourhood. The proposed addition meets the height requirements of the zoning by-law. The proposed addition would maintain the existing non-complying 0 metre northern side yard setback, however, the proposed set of steps would be set back 0.71 metres (approximately 2.33 feet) from the northern side lot line and would comply with the existing projections into yards requirements under Section 5.8 of Zoning By-Law Number 8499. As such, the proposed expansion of the existing non-complying semi-detached dwelling at 520 Bagot Street would provide more functional interior living space while maintaining the existing non-complying minimum side yard.

4. The extent to which the proposal is warranted in this location and the extent to which areas zoned for the proposed use are available for development:

The subject property is designated 'Residential' in the Official Plan and will remain within the 'A' zone as per Zoning By-Law Number 8499. The proposed expansion of the existing dwelling to permit a one-storey rear addition and a set of steps on the western elevation of the proposed addition is not anticipated to have any adverse impact on the future development/redevelopment of the property or the surrounding neighbourhood.

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5. The suitability of the site for the proposal, including its ability to meet all usual standards of parking for vehicles and bicycles, open space or amenity areas as well as the lack of any potential for noise, odour, traffic conflict or other nuisance from the proposal:

The proposal will not significantly affect the private amenity areas, open space, or parking space on the site. The continued residential use on the property will not create any new noise, odour, traffic conflict or other nuisance.

6. The impact on municipal infrastructure, services and traffic:

The proposal will not have a negative impact on municipal infrastructure, services and traffic.

7. Comments and submissions by staff, agencies and the public:

Utilities Kingston will require a servicing plan showing any existing and proposed services. As per City of Kingston by-laws only one service is permitted per property. Any existing services not being retained are required to be abandoned at the main(s). If 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 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.

Building noted that a Building Permit will be required for the proposed addition. No portion of the building is permitted to overhang the property line including eaves, soffits, or footings. Drainage may not be directed to adjacent properties, it is recommended that the roof pitch be modified to run west to east vs north south. The north wall is required to be constructed as a fire separation with a 45 min. fire resistance rating, cladding is permitted to be combustible provided min. 12mm exterior gypsum wall sheathing is provided under the cladding.

8. The degree to which the proposal may inhibit conforming uses or creates a precedent:

The proposal will not negatively impact the surrounding lands or buildings or inhibit them from developing for their intended uses. The approval of the requested permission will not set a precedent for the immediate area, as each permission is reviewed independently and judged on its own merits and metrics.

The subject property is not designated or listed on the City of Kingston's Heritage Property Register, or adjacent to a property which is designated or listed.

Based on the City of Kingston archaeological potential mapping the property is in an area of "further study required." However, the location of the modest rear addition would likely have been disturbed during the construction of the existing dwelling. As such, an Archaeological Assessment will not be required.

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The requested permission to expand the existing dwelling to permit a one-storey rear addition and set of steps meets the general intent and purpose of the City of Kingston Official Plan. Several properties on this segment of Bagot Street also have rear additions which appear to be built up to the lot line and as such the proposed addition will not set a precedent.

Zoning By-Law

The subject property is zoned "A" in the City of Kingston Zoning By-Law Number 8499, as amended (Exhibit E). The "A" zone requires a side yard of 0.6 metres, an aggregate side yard of 3.6 metres, and permits a maximum lot coverage of 33 1/3%. The existing dwelling would be subject to regulations for dwellings with common party walls, under Section 5.11 of Zoning By-Law Number 8499. As such, this application will consider the side yard, lot area, and lot coverage regulations for both 520 Bagot Street and 518 Bagot Street as they are joined by a common party wall. Lot occupancy is not regulated in zone "A" and there are no changes being proposed to the lot width. As such, lot occupancy and lot width will not be addressed below.

The existing semi-detached dwelling does not meet the current side yard or the current lot coverage provisions in Zoning By-Law Number 8499. The current structure is 0 metres from the side lot line to the north, is 0 metres from the southern lot line, and has a lot coverage of 57.2% for both 520 Bagot Street and 518 Bagot Street based on the zoning matrix submitted by the applicant. The existing semi-detached dwelling is considered non-complying as the semi-detached dwelling existed prior to the passing of Zoning By-Law Number 8499 in 1975 and is not currently a permitted use within the "A" zone.

The applicant is proposing to expand the residential dwelling by replacing the existing 6.5 foot by 3 foot (approximately 1.98 metre by 0.91 metre), 19.5 square foot (approximately 1.81 square metre) rear mudroom with an 11 foot by 8 foot (approximately 3.35 metre by 2.44 metre), 88 square foot (approximately 8.18 square metre) one-storey addition and an approximately 5.5 foot by 4 foot (1.68 metre by 1.22 metre) set of steps on the western elevation of the proposed addition. The proposed expansion of the existing dwelling will be compatible with the abutting residential uses and the character of the neighbourhood. The proposed addition meets the height requirements of the zoning by-law and would significantly increase the functional interior living space while increasing the building footprint by only 68.5 square feet (approximately 6.36 square metres). The proposed rear addition is similar to a number of other homes on this segment of Bagot Street, which also have rear additions built up to the lot line. The proposed set of steps, which would project from the west elevation of the proposed addition, comply with the existing projections into yards provisions in Section 5.8 of Zoning By-Law Number 8499.

The proposed expansion would create a new deficiency for landscaped open space, necessitating a minor variance. As such, a minor variance is being requested to vary the required minimum landscaped open space requirements from 30% of the total lot area down to 27.2% of the total lot area for 520 Bagot Street and will be reviewed below.

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Application for Minor Variance

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

Provincial Policy Statement

In addition to the four tests of a minor variance detailed above, Subsection 3(5) of the *Planning Act* requires that a decision in respect of the exercise of any authority that affects a planning matter shall be consistent with the Provincial Policy Statement (the PPS). The PPS provides policy direction on matters of provincial interest related to land use planning and development which are complemented by local policies addressing local interests. The application being considered is site specific to accommodate a specific proposal and does not involve any major policy considerations and as such, the proposal conforms to and is consistent with the PPS.

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

The subject property is designated “Residential” 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 subject property is designated “Residential” in Schedule 3-A of the Official Plan and this proposal does not seek a significant change that would impact the neighbourhood characteristics. The subject property is located in an area with predominantly residential and supporting uses and the requested reduction in the minimum landscaped open space requirements to permit the proposed rear addition and set of steps would not negatively impact the 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;

Section 2.7.3 discusses land use compatibility matters, such as how structures on one property can affect an abutting property. This application is to reduce the minimum landscaped open space requirements (from the minimum 30% of the total lot area required down to 27.2% of the total lot area) to permit the development of a rear one storey addition and set of steps. In this case, there are no anticipated negative off-site impacts that would result from the proposed changes to the subject property. Due to the fact that the proposed addition would not have any north facing windows (apart from

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skylights) and would not project further than the extent of the existing dwelling or the northern lot line (whichever is lesser), there is no threat of shadowing, loss of privacy due to intrusive overlook, increased levels of light pollution, noise, or odour anticipated from the proposed rear addition or steps. Mitigation measures are not required. In addition, several properties on this segment of Bagot Street also have rear additions which appear to be built up to the lot line.

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;

Section 2.7.6. discusses functional needs and supports only development proposals which meet the long-term needs of the residents. The proposed 88 square foot (approximately 8.18 square metre) one-storey rear addition and approximately 5.5 foot by 4 foot (1.68 metre by 1.22 metre) set of steps are of suitable scale and will replace an existing 19.5 square foot (approximately 1.81 square metre) rear mudroom (Exhibit L). The proposed rear addition will be accessed through a door (on the west elevation of the proposed addition) and the proposed set of steps which comply with the projections into yards provisions under Section 5.8 of Zoning By-Law Number 8499 (Exhibit K). The proposed addition will increase the functional living space within the residential unit while not negatively impacting the functional needs of the current or future residents. The site will continue to function in an appropriate manner and will not negatively impact access, or parking for vehicles or bicycles. Since this is a minor addition to an existing dwelling, universal accessibility cannot be considered in this situation.

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;

This proposal is not subject to Site Plan Control. The property is not within a Heritage Conservation District and is not abutting/adjacent to any registered or listed properties with cultural heritage value. The property is within an area that requires further study. However, given the proximity to the existing dwelling and the modest size of proposed addition, an archaeological assessment is not required.

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 property is not designated under the *Ontario Heritage Act*, nor is it adjacent/abutting listed or designed heritage properties or districts.

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;

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The property utilizes municipal water and sewage services. As this application proposes to build an 88 square foot (approximately 8.18 square metre) one-storey addition and an approximately 5.5 foot by 4 foot (1.68 metre by 1.22 metre) set of steps, no additional service usage is expected.

- 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 application and cumulative impact of the proposal does not warrant a zoning by-law amendment.

- 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;

The Committee of Adjustment may require additional conditions as it deems appropriate to the approval of the application. Recommended conditions are listed in "Exhibit A - Recommended Conditions", attached to this document. 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 approval of the requested variance will not set a precedent for the immediate area, as each minor variance is reviewed independently and judged on its own merits and metrics.

The proposal meets the intent of the Official Plan, as the proposed 88 square foot (approximately 8.18 square metre) one storey rear addition and approximately 5.5 foot by 4 foot (1.68 metre by 1.22 metre) set of steps which necessitate a 2.8% reduction in the minimum landscaped open space requirements will not result in any negative impacts to adjacent properties or to the neighbourhood. The change fills in an underutilized space on the north side of a building and will not create any privacy concerns for the abutting neighbour. It will make better use of the site in an area that already contained a small addition.

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

The subject property is zoned "A" 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" zone permits: one family dwellings; two family dwellings; libraries, art galleries and museums; public or private day schools; community halls; churches, church halls; institutions or homes operated or supervised by a Children's Aid Society; Community Homes; Providence Manor and Rideaucrest Home for the Aged; and, Accessory buildings to any use permitted in A Zones.

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The proposal requires a variance to Section 6.3(o): “Minimum Percentage of Landscaped Open Space.”

Variance:

By-Law Number: 8499 Minimum Percentage of Landscaped Open Space (Section 6.3(o))

Requirement: 30% of the total lot area

Proposed: 27.2% of the total lot area

Variance Requested: 2.8% of the total lot area

The purpose of the landscaped open space regulations in Zoning By-Law Number 8499 is to control for the overdevelopment of a property which can result in negative impacts to streetscapes, drainage patterns, and functional amenity of a property.

The proposed rear addition would be located in such a way that it would “fill in” an existing jog in the building and, given that the proposed addition is one storey in height, it is not anticipated that the proposed one storey addition would be visible from either Bagot Street or Ragland Road. As such, it is not anticipated that the proposed addition and set of steps would have a negative impact on the nearby streetscapes. The existing rear mudroom is 19.5 square foot (approximately 1.81 square metre) and the proposed rear one storey addition is 88 square foot (approximately 8.18 square metre) and would result in an additional 68.5 square feet (or approximately 6.36 square metres) of covered area for the addition. The proposed set of steps would be approximately 21.96 square feet (2.04 square metres) (Exhibit G). The proposed increase in covered area and decrease in landscaped open space is not anticipated to result in any significant changes to the existing drainage patterns on or off site. In addition, the applicant has included a water catchment system in their plans which would help to mitigate any water runoff resulting from the proposed addition (Exhibit I). Finally, the overall functional amenity of the property would be enhanced by the proposed rear addition and set of steps. The rear addition would provide more functional interior living space and would provide more natural lighting and livable space within the existing building. In addition, the proposed rear addition would be replacing an underused portion of the rear yard without reducing the overall functional amenity of the rear outdoor area (Exhibit L).

The general intent and purpose of the Zoning By-Law Number 8499 is maintained.

3)The variance is minor in nature

The requested variance to allow a 2.8% reduction in the required landscaped open space is considered minor as the proposed addition and set of steps: (1) are not anticipated to have any nuisance impacts given the proposed residential use; (2) are being located in the rear yard and the corresponding reduction in landscaped open space is not anticipated to be visible from the street; (3) are not anticipated to have any adverse off-site impacts; (4) would provide more functional interior living space while not significantly decreasing the functional amenity of the exterior landscaped open space within the rear yard; (5) are not

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anticipated to have a negative impact on any cultural heritage resources; and (6) the existing drainage patterns are not anticipated to be adversely impacted on-site or off-site given the minor change between the existing and the proposed development and the addition of a water catchment system to mitigate any excess water runoff resulting from the proposed addition as per the elevations submitted (Exhibit I).

The proposed variance is considered minor in nature.

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

The variance is desirable and appropriate use of the land as it is not anticipated that the requested variance would result in any negative on-site or off-site impacts, the proposed addition would increase the functionality of the interior living space within the existing dwelling, and the proposed addition is compatible with the existing dwelling and the surrounding area in terms of massing and scale.

The proposed 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 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 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 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.

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Previous or Concurrent Applications

There are no concurrent or relevant historic planning applications on the subject property.

Conclusion

The requested application for permission is consistent with the general intent and purpose of both the City of Kingston Official Plan and Zoning By-Law Number 8499. The use and height of the proposed addition is in keeping with the intent of the zoning by-law and represents appropriate and desirable development of the lot and will be functional for the continued residential use.

The requested variance maintains 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 is 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 allow for the existing 19.5 square foot (approximately 1.81 square metre) rear mudroom to be replaced with a rear single storey 88 square foot (approximately 8.18 square metre) addition and an approximately 5.5 foot by 4 foot (1.68 metre by 1.22 metre) set of steps projecting west from the proposed addition.

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 August 16, 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 77 property

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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 of Development Approvals, 613-546-4291 extension 3213

Sarah Oldenburger, Planner, 613-546-4291 extension 3288

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 Number 8499, Map 18
- Exhibit F Neighbourhood Context Map (2021)
- Exhibit G Site Plan
- Exhibit H Survey
- Exhibit I Elevations
- Exhibit J Existing Floor Plans
- Exhibit K Proposed Floor Plans

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Exhibit L Photograph

Recommended Conditions for Approval

Application for Permission and Minor Variance, File Number: D13-030-2021

Approval of the foregoing permission and minor variance shall be subject to the following conditions:

1. Limitation

That the approved permission and minor variance applies only to the proposed approximately 8.2 square metre rear single storey addition and an approximately 2.1 square metres set of steps which project westward from the proposed addition at 520 Bagot Street as shown on the approved plans attached to the Notice of Decision.

2. No Adverse Impacts

The owner/applicant shall ensure that there are no adverse impacts on neighbouring properties as a result of the proposed rear single storey addition and set of steps nor shall there be any increased runoff or grade changes to the property as a result of any excavation or downspout orientation.

3. Encroachments

The owner/applicant shall demonstrate to the satisfaction of the City that there will be no encroachments onto the neighbouring property as a result of the proposed addition or any modifications to the existing building.

4. 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 planning applications may be required should further zoning deficiencies be identified through the Building Permit application process.

5. Standard Archaeological Condition

In the event that deeply buried or previously undiscovered archaeological deposits are discovered in the course of development or site alteration, all work must immediately cease and the site must be secured. The Program and Services Branch of the Ministry of Heritage, Sport, Tourism and Culture Industries (416-314-7132) and City of Kingston's Planning Services (613-546-4291, extension 3180) must be immediately contacted.


In the event that human remains are encountered, all work must immediately cease and the site must be secured. The Kingston Police (613-549-4660), the Registrar of

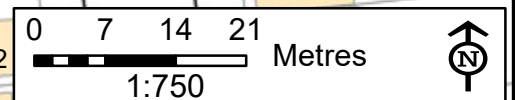
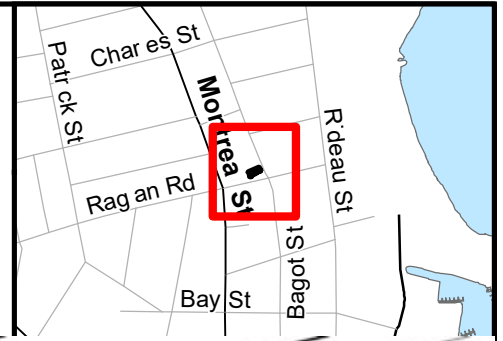
Cemeteries at the Ministry of Government and Consumer Services (416-212-7499), the Program and Services Branch of the Ministry of Heritage, Sport, Tourism and Culture Industries (416-314-7132), and City of Kingston's Planning Services (613-546-4291, extension 3180) must be immediately contacted.



Committee of Adjustment Key Map

Address: 520 Bagot Street
File Number: D13-030-2021

 Lands Subject to Minor Variance

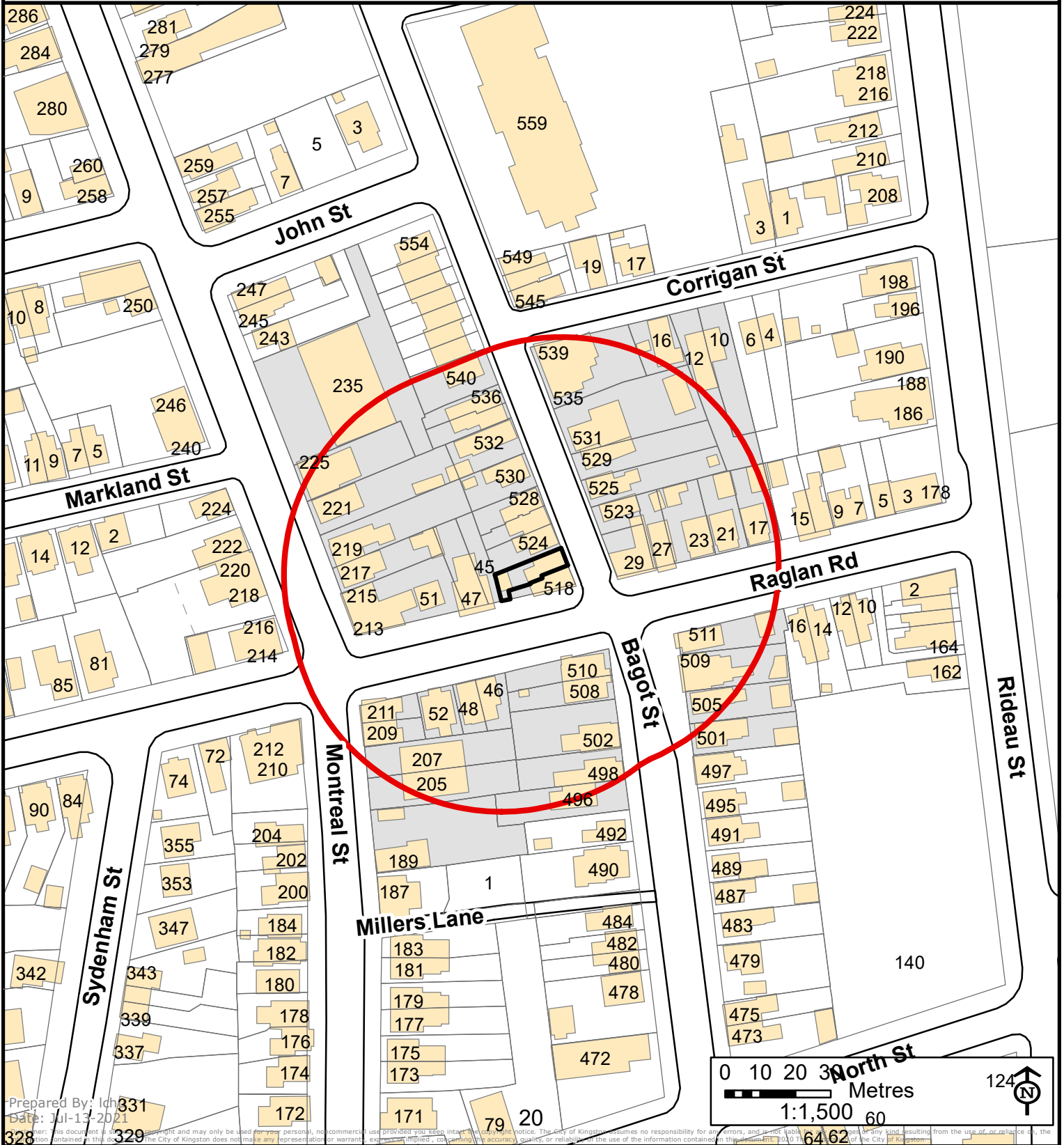




Committee of Adjustment Public Notice Notification Map

Address: 520 Bagot Street
File Number: D13-030-2021

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



Prepared By: Ichn...
Date: Jul-13-2021






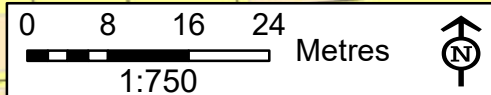
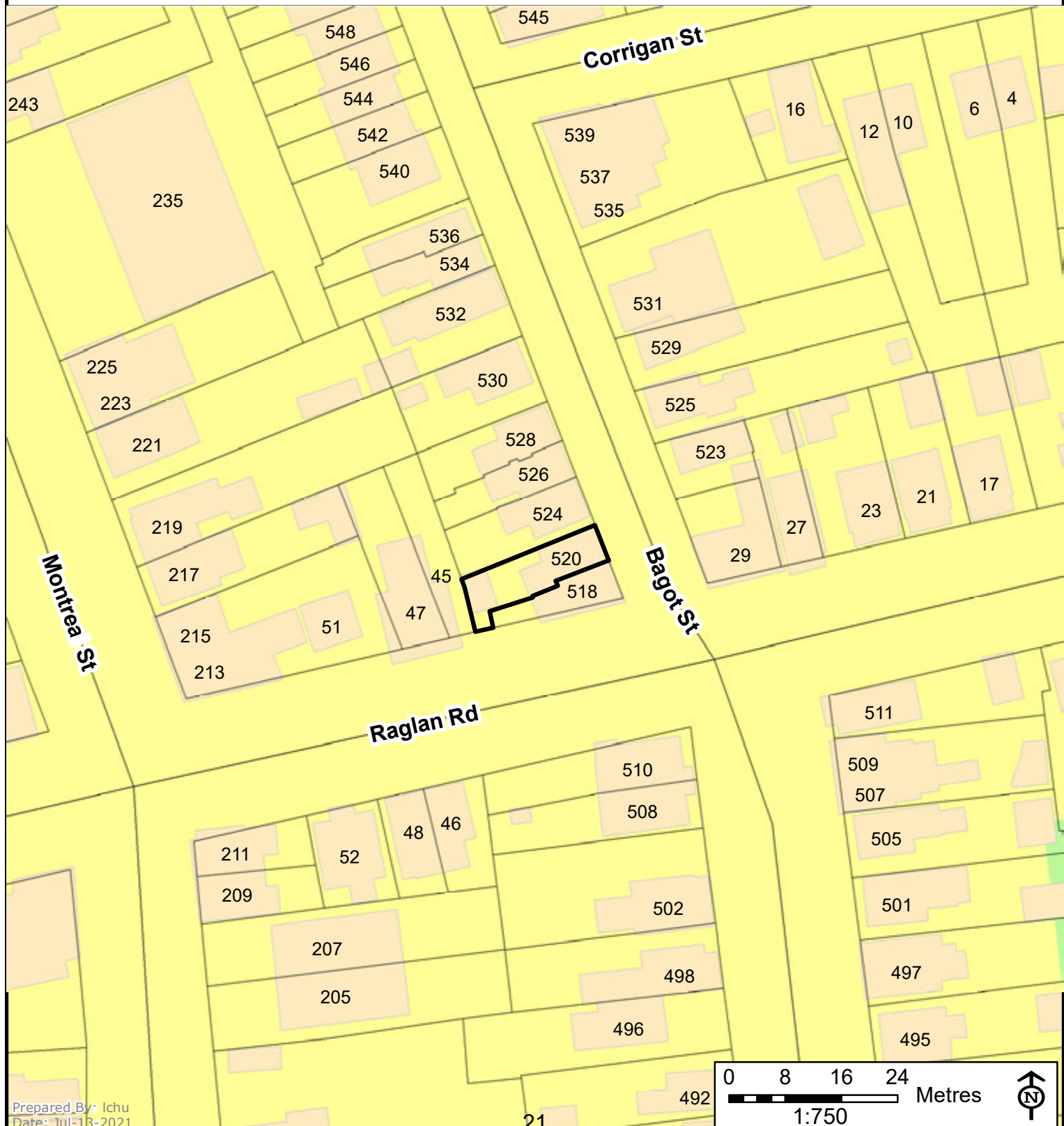


Planning Services

Committee of Adjustment Official Plan, Existing Land Use

Address: 520 Bagot Street
File Number: D13-030-2021

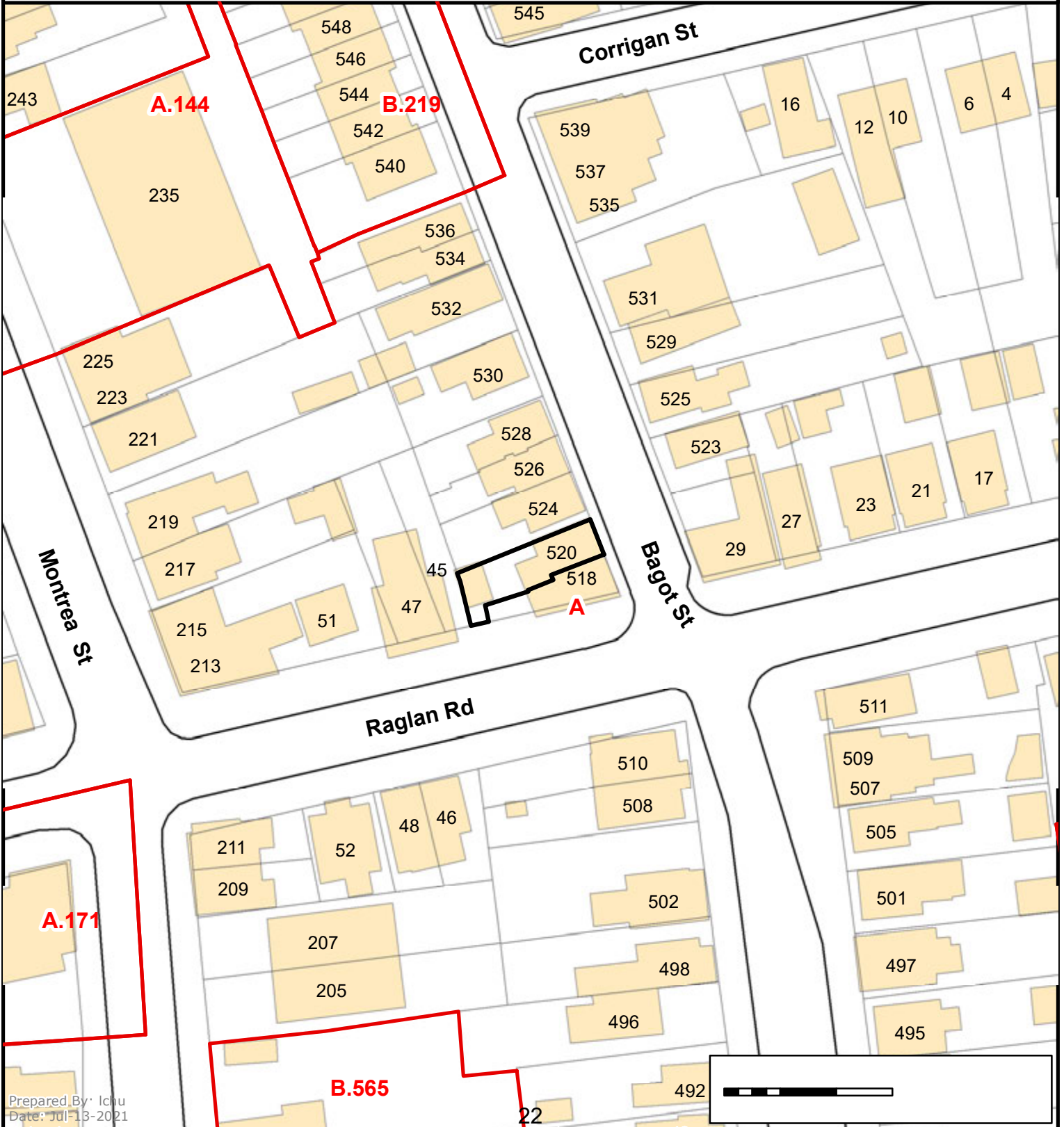
-  Subject Lands
-  OPEN SPACE
-  RESIDENTIAL



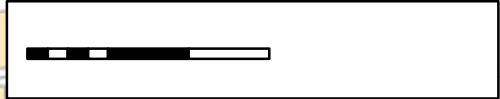


Committee of Adjustment
Existing Zoning - By-law 8499, Map 18
Address: 520 Bagot Street
File Number: D13-030-2021

- Subject Lands
- Consolidated Zoning



Prepared By: lchu
Date: Jul-13-2021

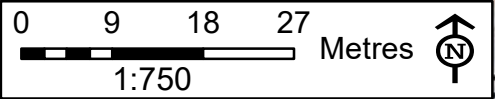




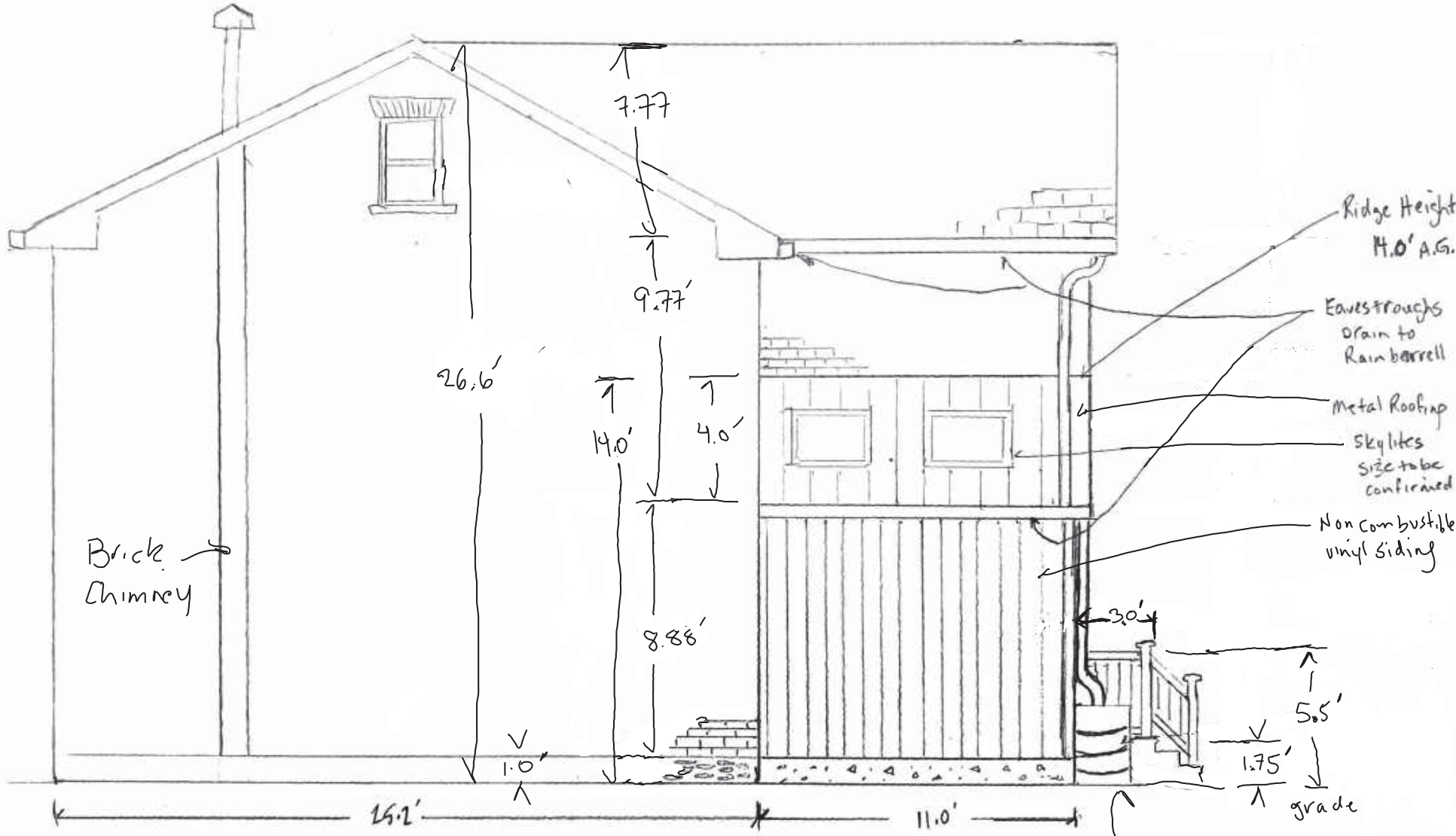
Committee of Adjustment
Neighbourhood Context (2021)

Address: 520 Bagot Street
File Number: D13-030-2021

- Subject Lands
- Property Boundaries
- Proposed Parcels



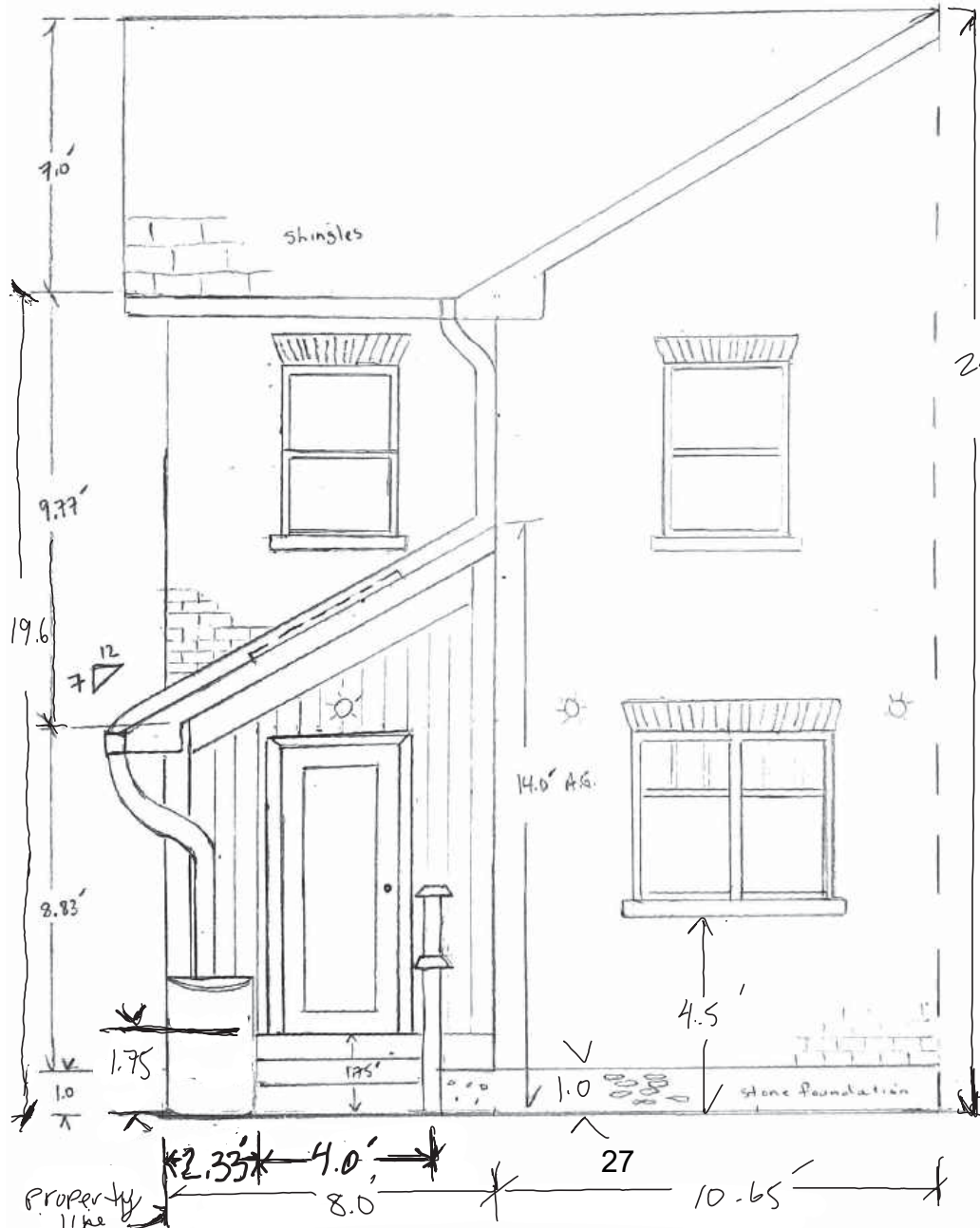
Right (North) Elevation
scale 1/4" = 1.0'



North Elevation
520 BAGOT ST
MAY 1 2021

West Side
Rear Elevation

scale 3/16" = 1.0'

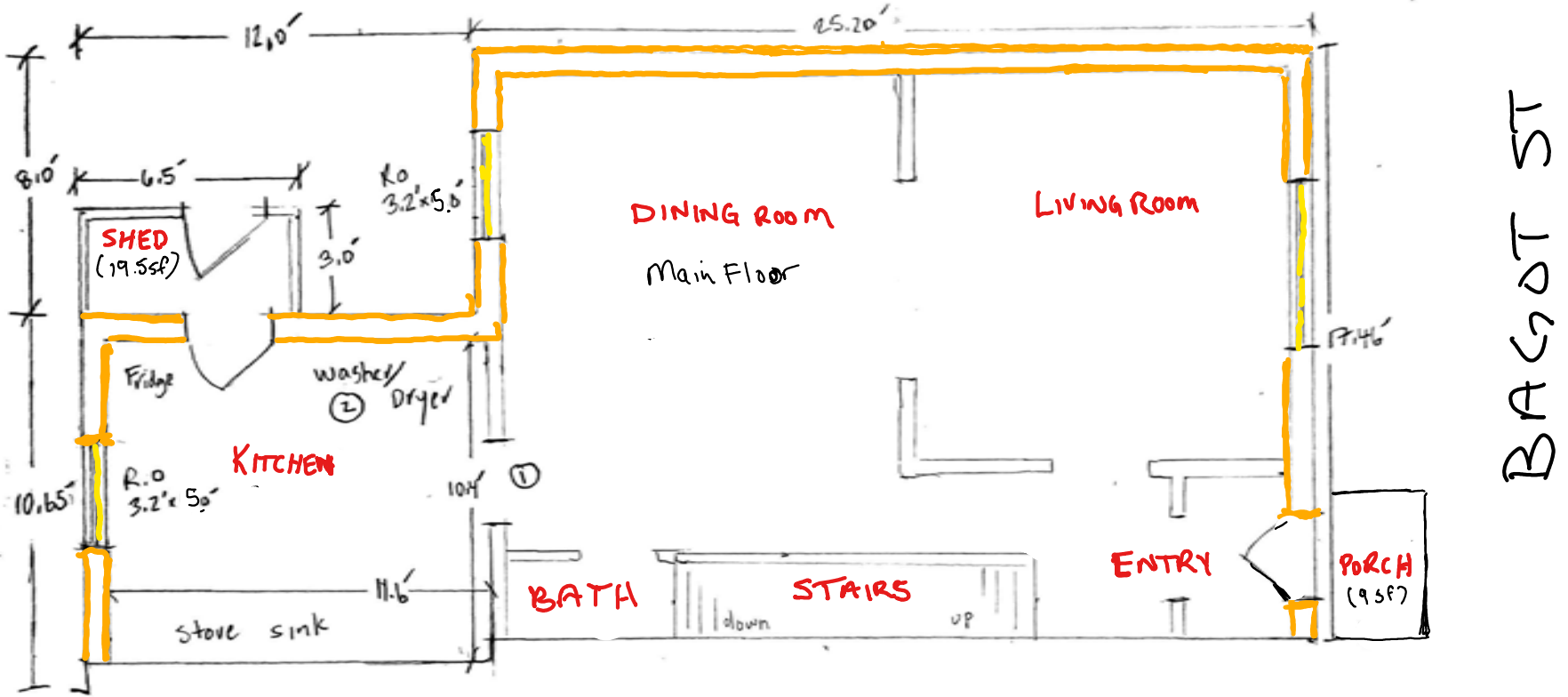


26.6'

- | |
|---|
| Rear Elevation |
| 520 Bagot St |
| West Side |
| • Kitchen window
brick lintel by
mason |
| • wood board &
batten siding
facing west
↳ non-combustible
vinyl on north
side |
| • water shed
to rain barrel
overflow to
garden |
| • metal roof
in addition |
| • 2 skylights |

Property
line

Existing Main Floor Plan

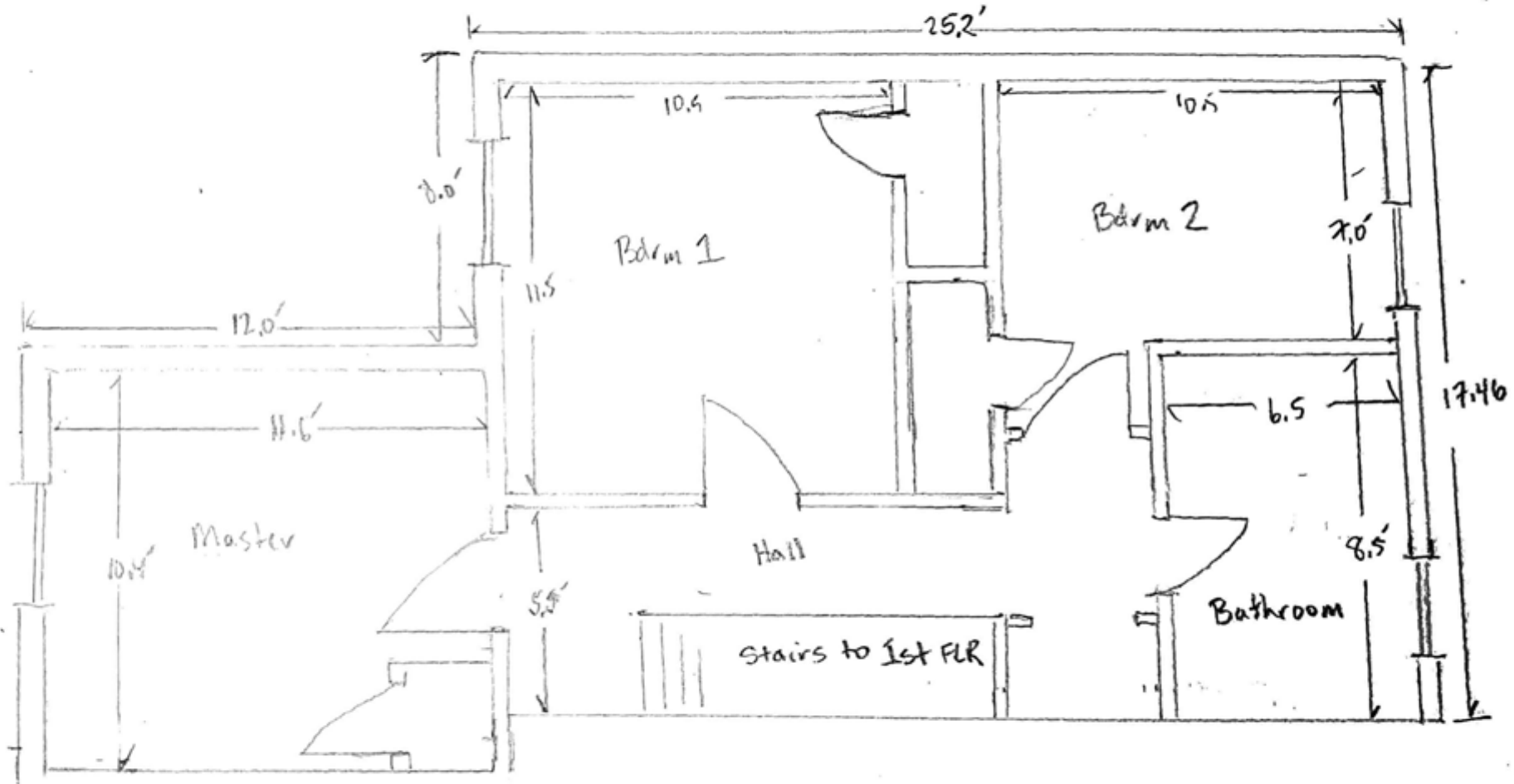


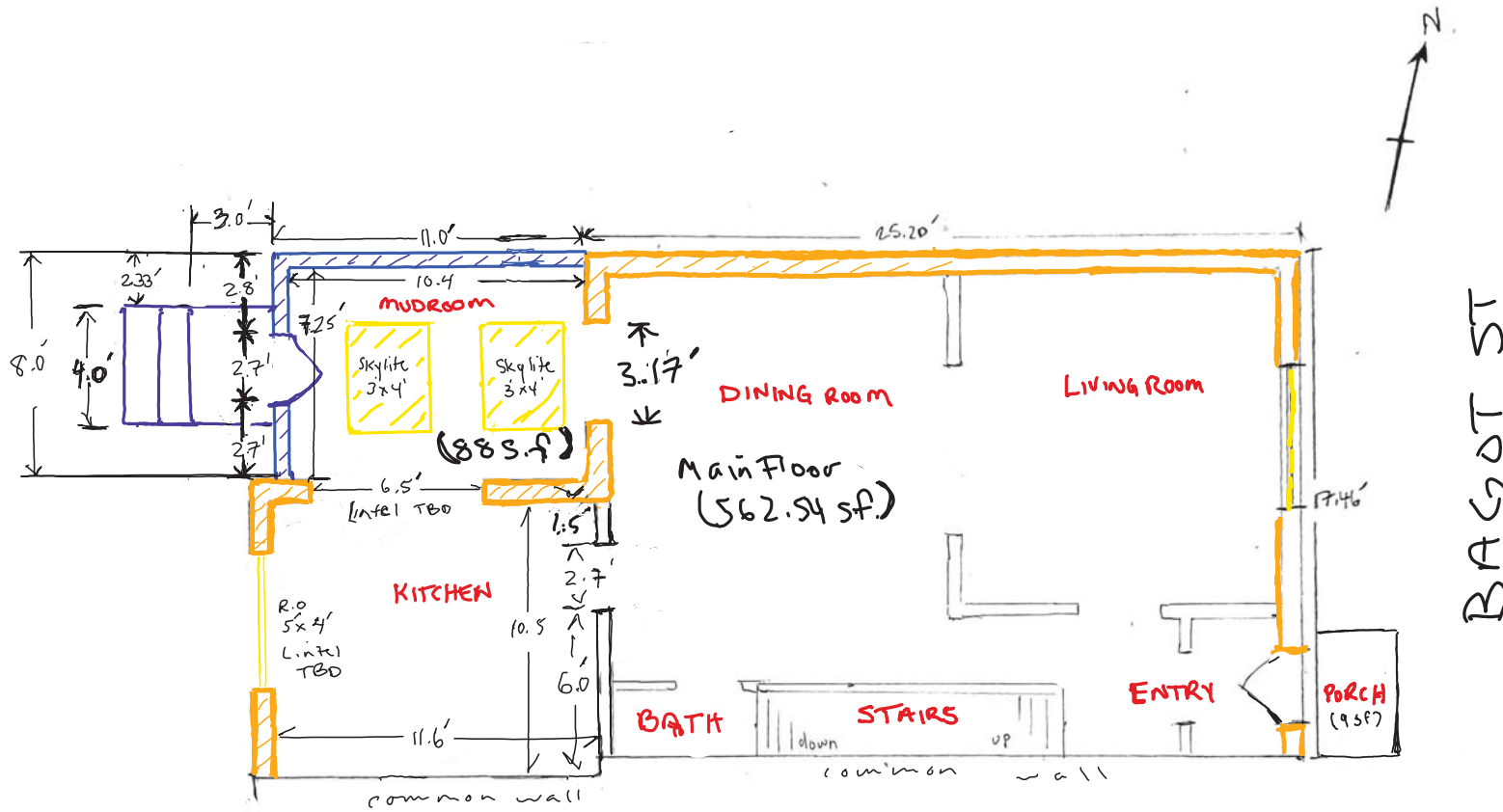
Existing Main Floor Plan
Scale $\frac{1}{4}'' = 1.0'$
Notes:
① Kitchen entrance moving north (see proposed Floor Plan)
② washer/dryer relocated to closet on second floor

520 Bagot St

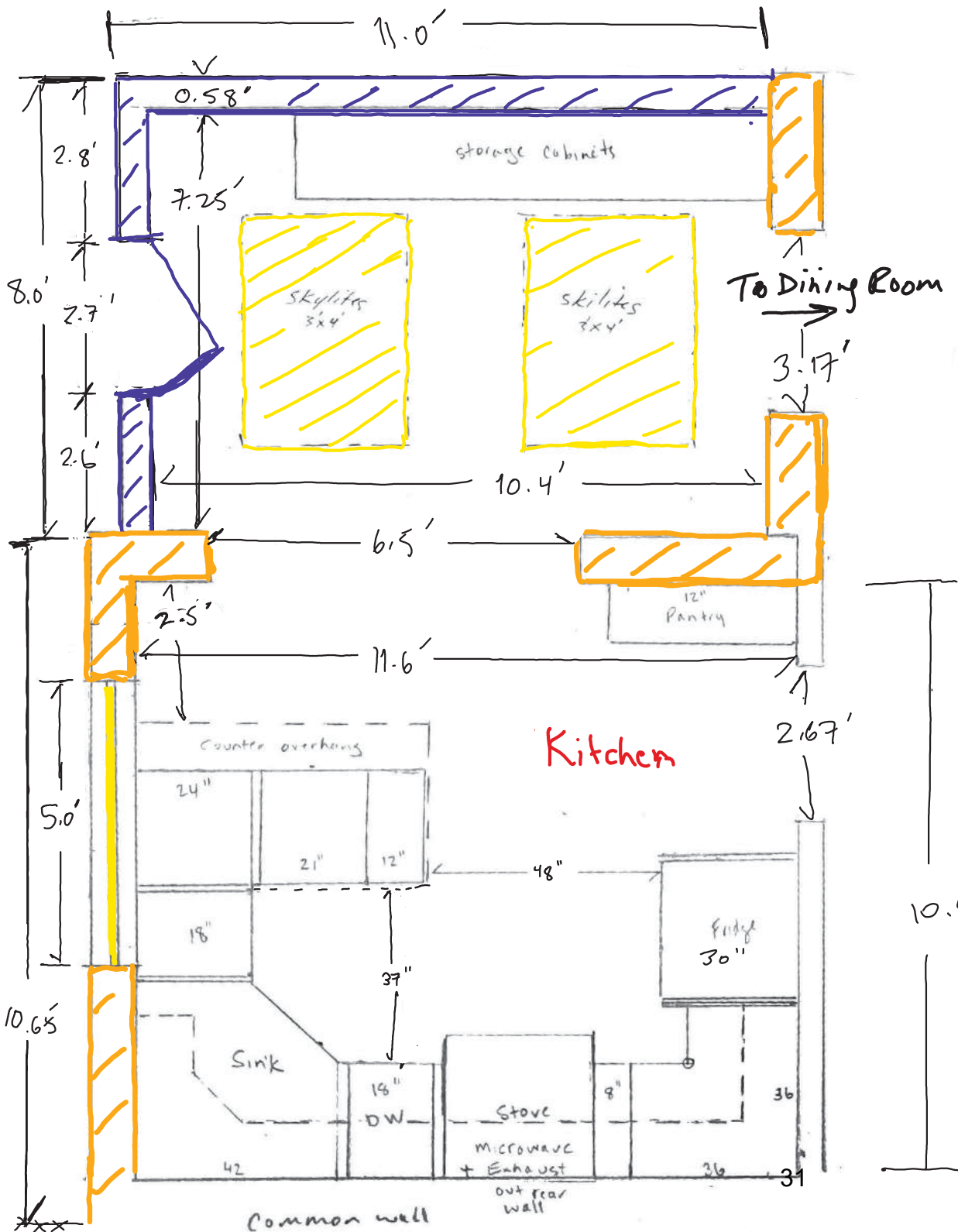


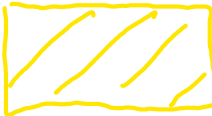


Existing Second Floor Plan
1/4" = 1.0'





PROPOSED FLOOR PLAN
scale $\frac{1}{4}'' = 1.0'$



-  New Skylites + Kitchen window
-  Existing Exterior walls
-  Proposed Addition

KITCHEN + MID ROOM DETAILS

Scale $\frac{1}{2}'' = 1'0''$

520 BAGOT ST

MAY, 2021



