

City of Kingston Report to Committee of Adjustment Report Number COA-21-064

To: Chair and Members of the Committee of Adjustment

From: Annemarie Eusebio, Intermediate Planner

Date of Meeting: September 20, 2021

Application for: Permission and Minor Variance

File Number: D13-046-2021

Address: 254 Alfred Street

Owner: Daniel Welsh

Applicant: Fotenn Consultants Inc.

Council Strategic Plan Alignment:

Theme: 2. Increase housing affordability

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

Executive Summary:

This report provides a recommendation to the Committee of Adjustment regarding an application for permission and variances for the property located at 254 Alfred Street. The applicant is proposing to construct a three-storey, four-bedroom second residential unit in the form of a 213 square metre addition to the northern side of the existing semi-detached dwelling.

The second residential unit will be three storeys and will contain four bedrooms, three washrooms, a kitchen and living space. Vehicular access to the site will remain from Alfred Street. A new paved driveway will be constructed which will lead to two tandem parking spaces. The existing detached garage will be demolished. The existing semi-detached dwelling contains seven bedrooms and the second residential unit will contain four bedrooms. Overall, it is proposed that there will be eleven bedrooms on the subject property.

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The subject property is located within the One-Family Dwelling and Two-Family Dwelling 'A' Zone of Zoning By-Law Number 8499 and designated 'Residential' in the City of Kingston Official Plan. The existing semi-detached residential building on the subject property is not a permitted use in the One-Family Dwelling and Two-Family Dwelling 'A' Zone of the City of Kingston's 8499 Zoning By-Law. However, this use existed before the zoning by-law came into effect. As such, the semi-detached residential building is a legal non-conforming use. Permission to expand the legal non-conforming use is required to allow a second residential unit to be added to the semi-detached dwelling.

In order to facilitate the construction of the proposed second residential unit, two variances are requested. The subject property is also subject to Section 11 – Regulations for dwellings with common party walls in Zoning By-Law Number 8499. The applicant is requesting to reduce the minimum aggregate side yard width from the required 3.6 metres to 3 metres and increase the maximum lot coverage from the required 33 and 1/3 percent to 37 percent.

The requested application for permission under Section 45(2)(a)(ii) of the *Planning Act* similar to the existing use and compatible with the uses permitted in the zone. Therefore, it is recommended that this application for permission under Section 45(2)(a)(ii) of the *Planning Act* be approved.

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.

Variance Number 1:

By-Law Number 8499: Regulations for Dwellings with Common Party Walls - Minimum

aggregate side yard width - Section 5 (11)

Requirement: 3.6 metres
Proposed: 3 metres
Variance Requested: 0.6 metres

Variance Number 2:

By-Law Number 8499: Regulations for Dwellings with Common Party Walls - Maximum

percentage of lot coverage – Section 5 (11)

Requirement: 33 and 1/3 percent

Proposed: 37 percent Variance Requested: 4 percent

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Recommendation:

That the application for permission and minor variances, File Number D13-046-2021, for the property located at 254 Alfred Street to construct a second residential unit with a maximum of four bedrooms to the northern side of the existing semi-detached dwelling, be approved; and

That approval of the applications be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number D13-046-2021.

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Annemarie Eusebio, Intermediate Planner

Consultation with the following Management of the Community Services Group:

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

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Options/Discussion:

On August 5, 2021, an application for permission and an application for minor variances were submitted by Fotenn Consultants Inc., on behalf of the owner, Daniel Welsh, with respect to the property located at 254 Alfred Street. The application for permission and minor variances are requested to construct a second residential unit to the northern side of the existing semi-detached dwelling. The second residential unit will be in the form of an addition and will have an area of 213 square metres.

The second residential unit will be three storeys tall and will contain four bedrooms, three washrooms, a kitchen and living space. Vehicular access to the site will remain from Alfred Street. The existing detached garage will be demolished and a new paved driveway will be constructed which will lead to two tandem parking spaces. The existing semi-detached dwelling contains seven bedrooms and the proposed second residential unit will contain four bedrooms. Overall, it is proposed that there will be eleven bedrooms on the subject property. The subject property is located within the One-Family Dwelling and Two-Family Dwelling 'A' Zone of Zoning By Law Number 8499 and designated 'Residential' in the City of Kingston Official Plan.

The existing semi-detached residential building on the subject property is not a permitted use in the One-Family Dwelling and Two-Family Dwelling 'A' Zone of the City of Kingston's 8499 Zoning By-Law. However, this use existed before the zoning by-law came into effect. As such, the semi-detached residential building is a legal non-conforming use. Permission to expand the legal non-conforming use is required to allow a second residential unit to be added to the semi-detached dwelling.

In order to facilitate the construction of the proposed second residential unit, two variances are requested. The subject property is also subject to Section 11 – Regulations for dwellings with common party walls in Zoning By- Law Number 8499. The applicant is requesting to reduce the minimum aggregate side yard width from the required 3.6 metres to 3 metres and to increase the maximum lot coverage from the required 33 and 1/3 percent to 37 percent.

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

- Site Plan (Exhibit B)
- Construction Drawings (Exhibit C)
- Topographic Survey (Exhibit D)
- Planning Justification Letter
- Noise Study
- Tree Inventory
- Stage 1 and 2 Archaeological Assessment
- Servicing and Grading Plan

All submission materials are available online through the Development and Services Hub (DASH) at the following link, <u>DASH</u>, using "Look-up a Specific Address". If there are multiple

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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 on the west side of Alfred Street, south of Brock Street, and north of Johnson Street in the Queen's University District neighbourhood. The site has an area of approximately 479.9 square metres and approximately 14.1 metres of frontage on Alfred Street and is currently developed with a two-storey semi-detached dwelling and a detached garage. The surrounding area is predominantly characterized by residential development with some nearby commercial and parkland uses. Residential units include single detached dwellings and semi-detached dwellings.

The site is within 600 metres of the Williamsville Main Street commercial area and Kingston's Downtown which include multiple commercial uses such as grocery stores, banks, pharmacies, restaurants, personal services, retail stores, and offices. Multiple parks and open spaces are located in proximity to the site, including Victoria Park, Churchill Park, and the Memorial Centre. Queen's University is located less than 400 metres south of the site and three public elementary schools are located just over 600 metres west, southwest, and southeast of the site (Exhibit E – Key Map), (Exhibit F – Neighbourhood Context), (Exhibit G – Site Photos).

The subject property is designated 'Residential' in the Official Plan and located within the One-Family Dwelling and Two-Family Dwelling 'A' zone in Zoning By-Law Number 8499.

Legal Non-conforming

Pursuant to Subsection 45(2)(a)(ii) of the *Planning Act*, the Committee of Adjustment may permit the use of any land, building or structure for a purpose that, in the opinion of the Committee, is similar to the purpose for which it was used on the day the zoning by-law was passed or is more compatible with the uses permitted by the zoning by-law than the purpose for which it was used on the day the zoning by-law was passed, so long as the use has continued until the date of the application to the Committee. In determining whether to grant a permission pursuant to Subsection 45(2)(a)(ii), the relevant test is:

- a. Whether the proposed use is similar to the existing legal non-conforming use; or
- b. Whether the proposed use is more compatible with the uses permitted in the zoning bylaw than the existing legal non-conforming use.

Similarity and compatibility are assessed according to the impacts, such as physical or social impacts, created by the proposed use as compared to the existing legal non-conforming use.

The subject property is located within a One-Family Dwelling and Two-Family 'A' zone. The permitted uses in this zone include 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 as defined by the Child Welfare Act, or its legal successor, for the temporary

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shelter and protection of Children, Community Homes, Providence Manor and Rideaucrest Home for the Aged and accessory buildings to any use permitted in A Zones.

The semi-detached dwelling located at 254 Alfred Street is an existing legal non-conforming use within an established residential community. The proposal is to construct a second residential unit as an addition to the existing semi-detached dwelling. The proposed second residential unit will function as an additional residential use on the site. The existing residential neighbourhood primarily consists of single detached and semi-detached dwellings. However, there are also multi-unit apartments, and row dwellings nearby, which are located north of Brock Street. The proposed second residential unit is similar in use with respect to the existing semi-detached dwelling and existing residential uses within the immediate neighbourhood.

Furthermore, the siting, massing and scale of the proposed second residential unit will be compatible with the existing residential neighbourhood and will not result in adverse impacts. The four-bedroom second residential unit is in walking distance to parks and open spaces, commercial uses, and major employers such as Queen's University. The subject property is also in close proximity to multiple transit stops surrounding the area. The proposed second residential unit will contribute to intensification and housing affordability within the city. The proposed second residential unit is desirable for the appropriate and efficient use of the land.

Official Plan

The subject property is designated 'Residential' in the City of Kingston Official Plan (Exhibit H – Official Plan Map).

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 construct a second residential unit as an addition onto the existing semi-detached dwelling, 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.

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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 second residential unit are compatible with the adjacent residential uses. The site is not located within a Heritage District.

The subject property has been identified to be on the City's list of properties of potential heritage value, however there are no immediate plans for evaluation or designation. A Stage 1 and 2 Archaeological Assessment has been submitted in support of this permission and minor variance application. The Ministry of Heritage, Sport, Tourism, and Culture Industries has provided written clearance of the Stage 1 and 2 Archaeological Assessment.

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 semi-detached dwelling to permit the proposed second residential unit will be compatible with the abutting residential uses and the character of the neighbourhood. The proposed height of the second residential unit is not anticipated to produce shadowing that would negatively impact surrounding uses to the west or to the north. There will be no significant impact to the streetscape along Alfred Street. The development will provide sufficient floor space area, landscaped open space, and parking on the subject property.

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 second residential unit is not anticipated to have any adverse impact on the future development/redevelopment of the property or the surrounding neighbourhood.

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:

Two parking spaces will be provided in a tandem fashion, with one space for the principal unit and one for the second residential unit. A Noise Study was submitted in support of this permission and minor variance application. Through the technical review provided by the City's engineering staff, it has been confirmed that the continued residential use on

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

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 revised servicing plan showing details with regards to existing and proposed services. Engineering staff has advised that the applicant is required to provide a revised grading and servicing plan. The applicant will be required to replace the existing depressed curb and sidewalk with a barrier faced curb and sidewalk for the portion that will no longer be used as a driveway. The applicant will be required to reinstate the municipal boulevard with topsoil and sod where the old driveway is being removed. The revised plan should indicate additional existing grades so that it can be confirmed that the adjacent property will not be adversely affected.

These requirements will be included as conditions to this application (Exhibit A – Recommended Conditions).

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 and variances will not set a precedent for the immediate area, as each permission is reviewed independently and judged on its own merits and metrics.

The requested permission to expand a legal non-conforming use in order to permit the proposed second residential unit on the subject property meets the general intent and purpose of the City of Kingston Official Plan.

Minor Variance 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

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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 (Exhibit H – 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;

Section 2 provides policies to affect the physical structure of the City and direct the organization of future development. The subject property is located within a Housing District. Housing Districts are designated for residential uses of different types and intended to remain stable but will continue to mature and adapt as the City evolves. This section encourages re-investment and upgrading in Housing Districts through minor infill and minor developments which are compatible with the prevailing built form in the area.

The proposed second residential unit will not have any negative impacts on abutting properties or residential and/or uses or structures. The proposal is similar in scale, massing and height of existing dwellings along Alfred Street. The proposal is compatible with the surrounding residential uses and will not result in significant impacts or changes to the immediate area.

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 application meets the intent and purpose of Section 2 by providing minor infill development in a manner that is compatible with the established built form context of the area.

Sections 2.7.1 and 2.7.2 of the Official Plan require that any development proposals demonstrate that the proposed form, function and use of the land are compatible with surrounding uses and consider the potential for adverse effects. Section 2.7.3 outlines a number of land use compatibility matters which should be considered to assess the potential for adverse effects on abutting land uses. Below is a listing of the adverse effects from Section 2.7.3 and a response in terms of their applicability to the proposed development:

a) shadowing;

It is anticipated that there will be minimal shadowing impacts as a result of the height and massing of the proposed second residential unit. The windows of the

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new second residential unit have been placed to minimize any loss of privacy and intrusive overlook. In addition, the proposed entrance to the primary dwelling unit and the entrance to the second residential unit will not result in any privacy issues.

b) increased levels of light pollution, noise, odour, dust or vibration;

The proposed residential use is not anticipated to have any increased effects related to dust, odor or vibration once construction is complete.

c) increased and uncomfortable wind speed;

The proposed residential development will not result in any significant changes to wind speed.

d) increased level of traffic that can disrupt the intended function or amenity of a use or area or cause a decrease in the functionality of active transportation or transit;

The proposal is not likely to increase traffic in the area or cause environmental degradation, as the proposed use is residential with only a minor increase in occupancy from the second residential unit. The development proposes to accommodate an on-site parking ratio of 1 parking space per dwelling unit. The site is well serviced by public transit as there are multiple separate transit stops available in the immediate area.

e) environmental damage or degradation;

No environmental damage or degradation is expected as a result of the proposed development on the subject property.

diminished service levels because social or physical infrastructure necessary to support a use or area are overloaded;

The proposal is to add a second residential unit onto the existing semi-detached dwelling. No infrastructure is expected to be overloaded as a result of this development.

g) reduction in the ability to enjoy a property, or the normal amenity associated with it, including safety and access, outdoor areas, heritage or setting;

The outdoor areas and setting of the building are anticipated to provide amenity for the residents. The minimum amount of landscaped open space required by the zoning by-law (30 percent of the lot area) will be met. The principal dwelling and the proposed second residential unit will be sufficiently and safely accessed from the street.

h) visual intrusion that disrupts the streetscape or buildings;

The proposed second residential unit will provide adequate separation from the street and align with the existing streetscape.

i) degradation of cultural heritage resources;

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The subject property has been identified to be on the City's list of properties of potential heritage value, however there are no immediate plans for evaluation or designation. A Stage 1 and 2 Archaeological Assessment has been submitted in support of this permission and minor variance application. The Ministry of Heritage, Sport, Tourism, and Culture Industries has provided written clearance of the Stage 1 and 2 Archaeological Assessment.

- j) architectural incompatibility in terms of scale, style, massing and colour; or The proposed second residential unit will be similar in style, scale and massing to the existing buildings within the immediate area.
- k) the loss or impairment of significant views of cultural heritage resources and natural features and areas to residents.
 - The Official Plan does not identify any significant views or natural features and areas in the immediate vicinity of the subject site. None of these impacts are anticipated as a result of the proposed development.
- 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;
 - There will be no significant impact to the function of the site in terms of access routes, parking or universal accessibility. The proposed setback of the second residential unit from the front lot line will maintain functionality of the site. Two parking spaces will be provided which will serve the principal dwelling and second residential dwelling in a safe and accessible manner.
- 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 property is not designated under Part IV or Part V of the *Ontario Heritage Act*, nor is it adjacent to any designated properties. The site is not within a Heritage Character Area. The proposed residential development is appropriate for the site and purpose.
- 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 on the City's list of properties of potential heritage value, however there are no immediate plans for evaluation or designation. A Heritage Impact Statement is not required.

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 The resulting development has adequate municipal water and sewage services within the Urban Boundary, or is capable of providing individual on-site water and sewage services outside the Urban Boundary;

The subject property is within the urban boundary. Utilities Kingston will require a revised servicing plan showing details with regards to existing and proposed services. This requirement has been included as a condition as part of this application (Exhibit A – Recommended Conditions).

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 and the development is consistent with the existing built form along Alfred Street. Therefore a zoning by-law amendment is not required.

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;

There are several recommended conditions of approval associated with the recommendation, as outlined in Exhibit A.

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

The proposed development is consistent with the existing built form of the immediate area. It is not anticipated that an undesirable precedent will be set based on the approval of the requested variances.

The proposal meets the intent of the Official Plan, as the proposed principal dwelling and second residential unit will not result in any negative impacts to adjacent properties or to the neighbourhood.

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

The subject property is zoned One-Family Dwelling and Two-Family Dwelling 'A' zone in the City of Kingston Zoning By-Law Number 8499, entitled "Restricted Area (Zoning) By-Law of the Corporation of the City of Kingston", as amended (Exhibit H – Zoning By-law Map). Any new development is subject to the requirements of 'A' zone and must comply with Section 5.11 – Dwellings with Common Party Walls of the Zoning By-law.

The proposal requires the following variances to Section 5 of Zoning By- Law Number 8499.

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Variance Number 1:

By-Law Number 8499: Minimum aggregate side yard width - Section 5.11 – Dwellings

with common party walls

Requirement: 3.6 metres
Proposed: 3.0 metres
Variance Requested: 0.6 metres

Section 5.11 of Zoning By-law 8499 for dwellings with common party walls indicates that the minimum aggregate side yard width is 3.6 metres. The applicant is requesting to reduce aggregate side yard width to 3.0 metres. The proposed variance will result in the removal of the existing detached garage, and the accommodation of two tandem parking spots and sufficient separation to the abutting property north of the development. The reduction of the minimum aggregate side yard width will meet the functional needs of future residents with respect to safe and accessible parking.

Variance Number 2:

By-Law Number 8499: Maximum percentage of lot coverage – Section 5.11 –

Dwellings with common party walls

Requirement: 33 and 1/3 percent

Proposed: 37 percent Variance Requested: 4 percent

Section 5.11 of Zoning By-Law Number 8499 for dwellings with common party walls indicates that the maximum percentage of lot coverage is 33 and 1/3 percent. The proposed increase is not anticipated to negatively impact the dwelling nor existing neighbouring dwellings, as the proposal will continue to comply with minimum landscape open space and parking requirements. The increased lot coverage is appropriate for the proposed development and will not result in overdevelopment of the site or a built form which is incompatible with the surrounding area.

3) The variances are minor in nature

The variances are considered minor as there will be no negative impacts on abutting properties or residential and/or uses or structures. The requested variances will result in a development that is consistent with the existing built form of residential development along Alfred Street. The proposal is considered as minor infill development which is similar to the massing, style and character of adjacent residential dwellings. The variances will not significantly alter the streetscape of the neighbourhood.

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

The existing semi-detached dwelling contains seven bedrooms and the proposed second residential unit will contain four bedrooms. Overall, it is proposed that there will be eleven bedrooms on the subject property. It is recommended that the maximum number of bedrooms permitted on the property will be eleven bedrooms. It is intended that this

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limitation will mitigate any undue adverse impacts that may result from the expansion of the legal non-conforming use, being that of the semi-detached dwelling. This limitation has been included in Exhibit A – Recommended Conditions.

The proposal is appropriate and compatible with the surrounding residential uses and will not result in significant impacts or changes to the surrounding area. The proposed second residential unit will be compatible with the existing residential neighbourhood. The proposed second residential unit will contribute to intensification and housing affordability within the city. Adequate amenity space, parking and landscaped area will be provided and the functional needs for residents will be met.

Technical Review: Circulated Departments and Agencies

| \boxtimes | Building Services | | □ Heritage (Planning Services) |
|-------------|-------------------|-------------------------|---|
| \boxtimes | Finance | □ Utilities Kingston | ☐ Real Estate & Environmental Initiatives |
| \boxtimes | Fire & Rescue | | ☐ City's Environment Division |
| | Solid Waste | □ Parks Development | □ Canadian National Railways |
| | Housing | □ District Councillor | ☐ Ministry of Transportation |
| | KEDCO | ☐ Municipal Drainage | □ Parks of the St. Lawrence |
| | CRCA | ☐ KFL&A Health Unit | ☐ Trans Northern Pipelines |
| | Parks Canada | ☐ Eastern Ontario Power | □ CFB Kingston |
| | Hydro One | ☐ Enbridge Pipelines | ☐ TransCanada Pipelines |
| | 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 comments from the public have been received. Any public comments received after the publishing of this report will be included as an addendum to the Committee of Adjustment Agenda.

Previous or Concurrent Applications

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

Conclusion

An application for permission to expand a legal non-conforming use is requested to allow the second residential unit to be added to the existing legal non-conforming use, which is the semi-

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detached dwelling. The requested application for permission is consistent with the tests under Section 45(2)(a)(ii) of the Planning Act. The use, scale and height of the proposed second residential unit is similar to and compatible with the existing uses. It is recommended that the maximum number of bedrooms permitted on the property will be eleven bedrooms. It is intended that this limitation will mitigate adverse impacts that may result from the expansion of the legal non-conforming use, being that of the semi-detached dwelling.

The requested variances maintain the general intent and purpose of both the City of Kingston Official Plan and Zoning By-Law Number 8499. The proposal is desirable for the appropriate development or use of the land, building or structure and the requested variances 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 construction of a four bedroom second residential unit which will be 213 square metres in area. The proposal also includes the construction of a parking area in which two parking spaces will be arranged in a tandem manner. The applications for permission and minor variances are appropriate and represent good planning.

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 September 20, 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 45 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, Manager of Development Approvals, 613-546-4291 extension 3213

Annemarie Eusebio, Intermediate Planner, 613-546-4291 extension 3183

Other City of Kingston Staff Consulted:

None

Exhibits Attached:

Exhibit A Recommended Conditions

Exhibit B Site Plan

Exhibit C Construction Drawings

Exhibit D Topographic Survey

Exhibit E Key Map

Exhibit F Neighbourhood Context

Exhibit G Site Photos

Exhibit H Official Plan Map

Exhibit I Zoning Map

Exhibit J Public Notification Map

Recommended Conditions

Application for permission and minor variance, File Number D13-046-2021

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

1. Limitation

That the approved permission and minor variance applies only to the proposed semi-detached dwelling and second residential unit with a maximum of four bedrooms, as shown on the approved drawings attached to the notice of decision for 254 Alfred Street. The existing semi-detached dwelling contains seven bedrooms. A maximum of eleven bedrooms is permitted on the subject property.

2. No Adverse Impacts

The owner/applicant shall demonstrate to the satisfaction of the City that there are no adverse impacts on neighbouring properties as a result of any modifications to on-site grading or drainage.

3. Building Permit Application Requirements

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

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

4. Standard Archaeological Condition

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

In the event that human remains are encountered, all work must immediately cease and the site must be secured. The Kingston Police (613-549-4660), the Registrar of Cemeteries at the Ministry of Government and Consumer Services (416-212-7499), the Program and Services Branch of the Ministry of Heritage, Sport, Tourism and

Culture Industries (416-314-7132), and City of Kingston's Planning Services (613-546-4291, extension 3180) must be immediately contacted.

5. Utilities Services

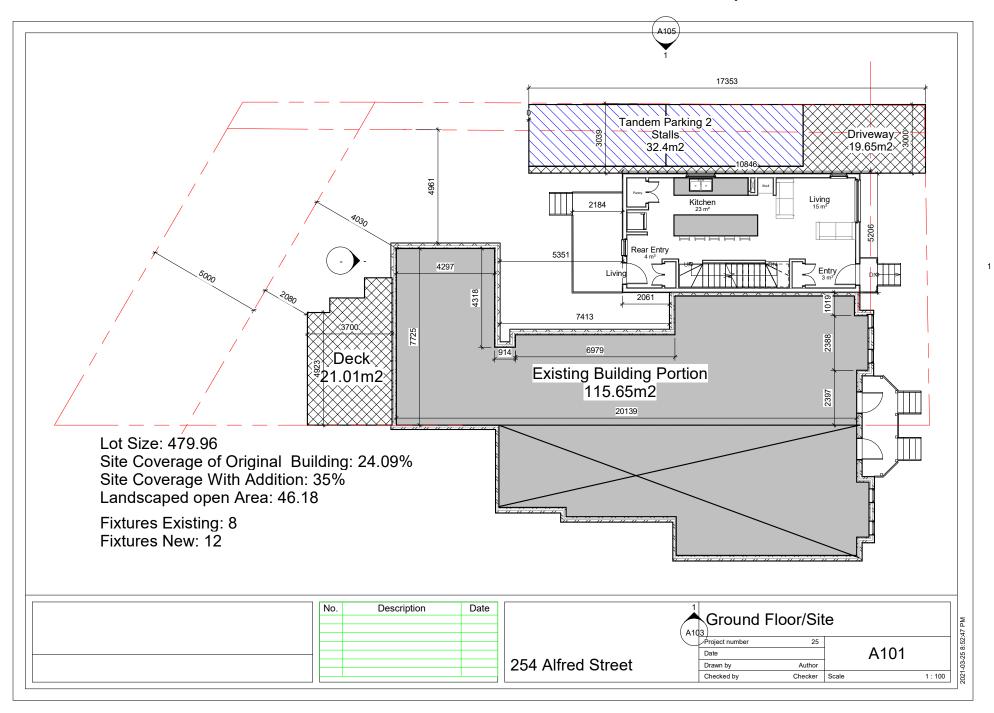
Prior to the issuance of the Certificate of Official, the owner/applicant shall provide written approval from Utilities Kingston to the Secretary-Treasurer Committee of Adjustment, that Utilities Kingston is satisfied that the existing services are properly connected to the property.

6. Noise Study

The applicant will be required to insert the warning clause which is contained in Appendix C of the Noise Study into all agreements of purchase and sale or occupancy agreement for each apartment unit. "Occupants are advised that sound levels due to increasing road traffic may occasionally interfere with some activities of the dwelling occupants as the sound levels exceed the Municipality's and the Ministry of the Environment, Conservation and Parks' noise criteria. This dwelling unit has been fitted with a central air conditioning system. Installation of central air conditioning by the occupant will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the Municipality's and the Ministry of the Environment, Conservation and Parks' noise criteria."

7. Revised Grading and Servicing Plan

The applicant is required to provide a revised grading and servicing plan. The applicant will be required to replace the existing depressed curb and sidewalk with a barrier faced curb and sidewalk for the portion that will no longer be used as a driveway. The applicant will be required to reinstate the municipal boulevard with topsoil and sod where the old driveway is being removed. The revised plan should indicate additional existing grades so that it can be confirmed that the adjacent property will not be adversely affected.



254 Alfred Street

DRAWING LIST

A001 - TITLE SHEET

A100 - SITE PLAN

A101 - BASEMENT & GROUND FLOOR PLANS

A102 - SECOND * THIRD FLOOR PLANS

A103 - ELECTRICAL PLANS

A201 - ELEVATIONS

A301 - SECTIONS

A302 - ASSEMBLIES



ZONING & CODE ANALYSIS

1 PROJECT DESCRIPTION ADDITION ONTO EXISTING BUILDING

2 CIVIC ADDRESS 254 ALFRED STREET, KINGSTON ON

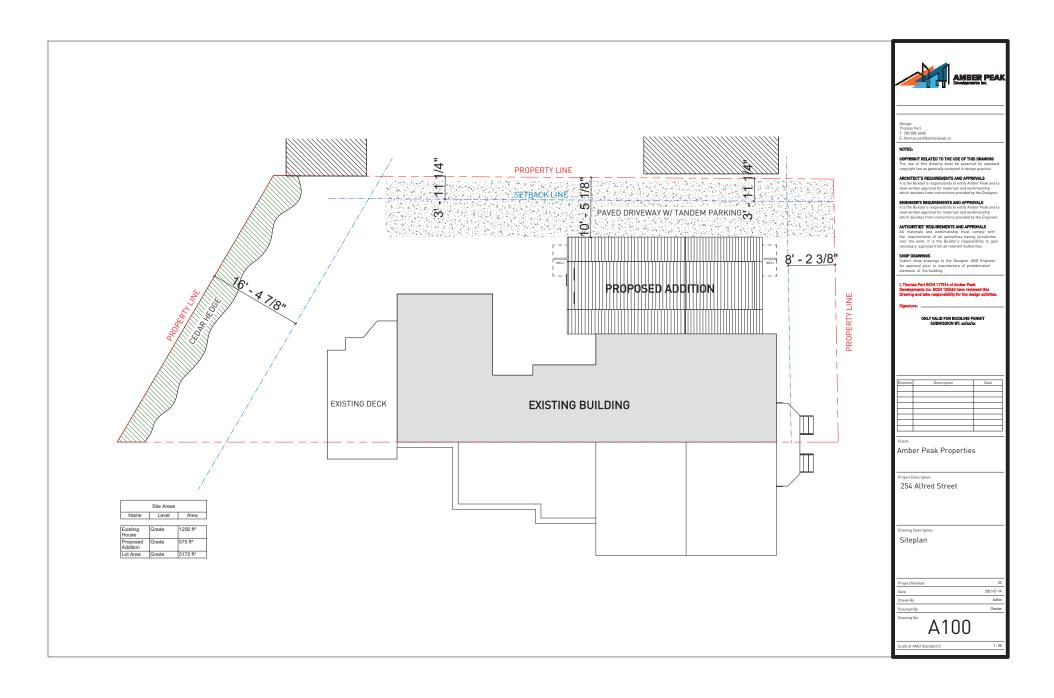
3 ZONING TYPE A

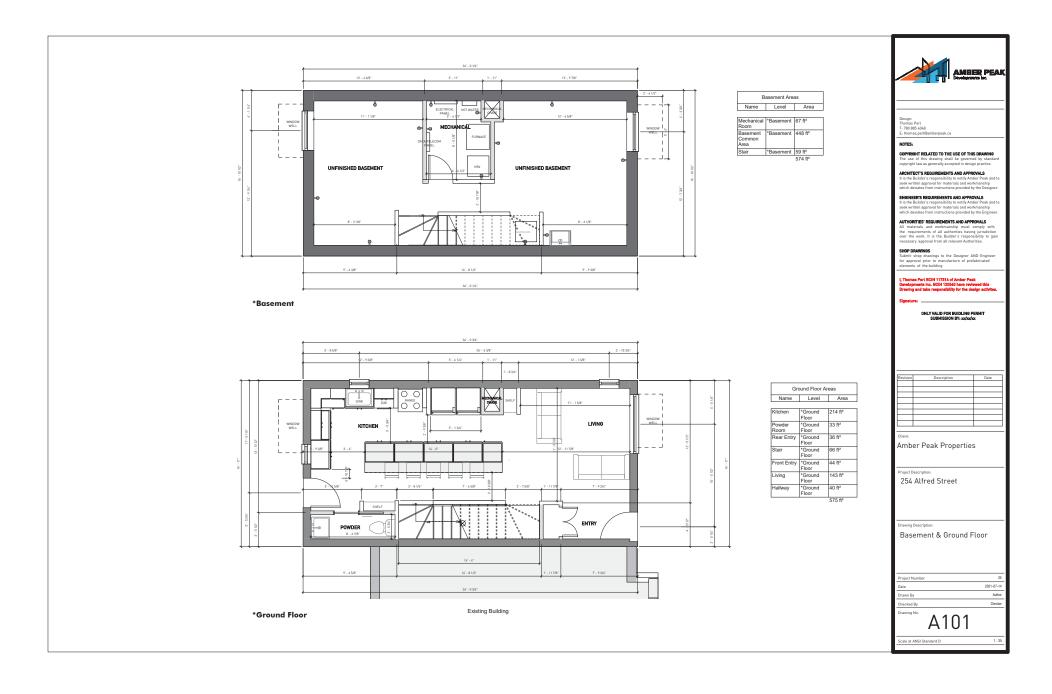
4 SITE AREA 5172 Sq.Ft

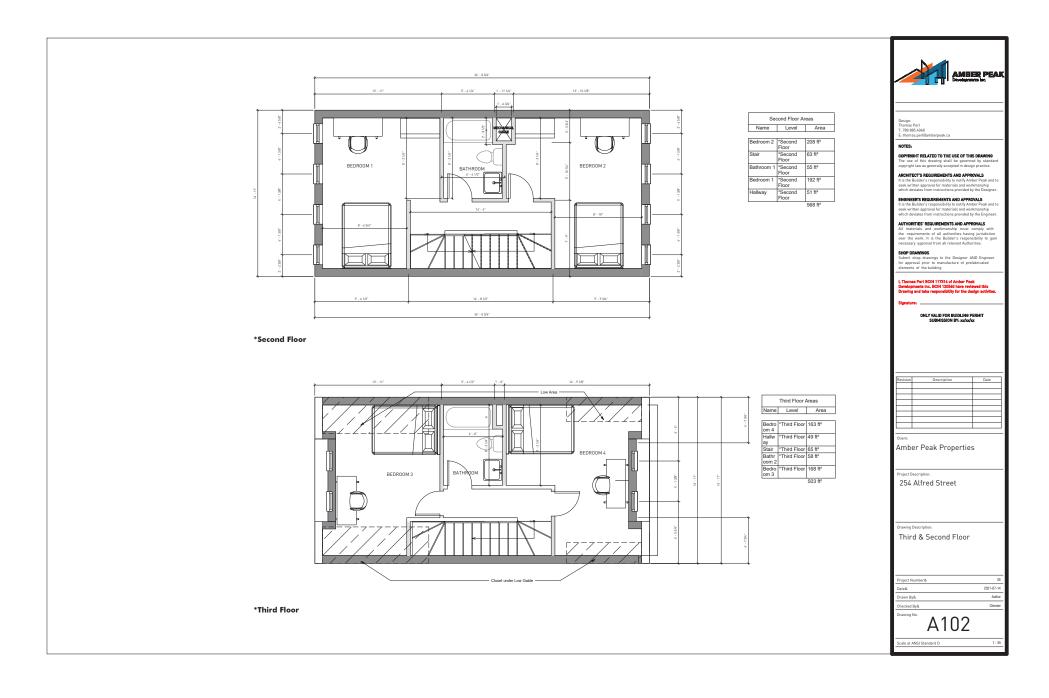
5 MAJOR OCCUPANCY RESIDENTIAL (PART 9)

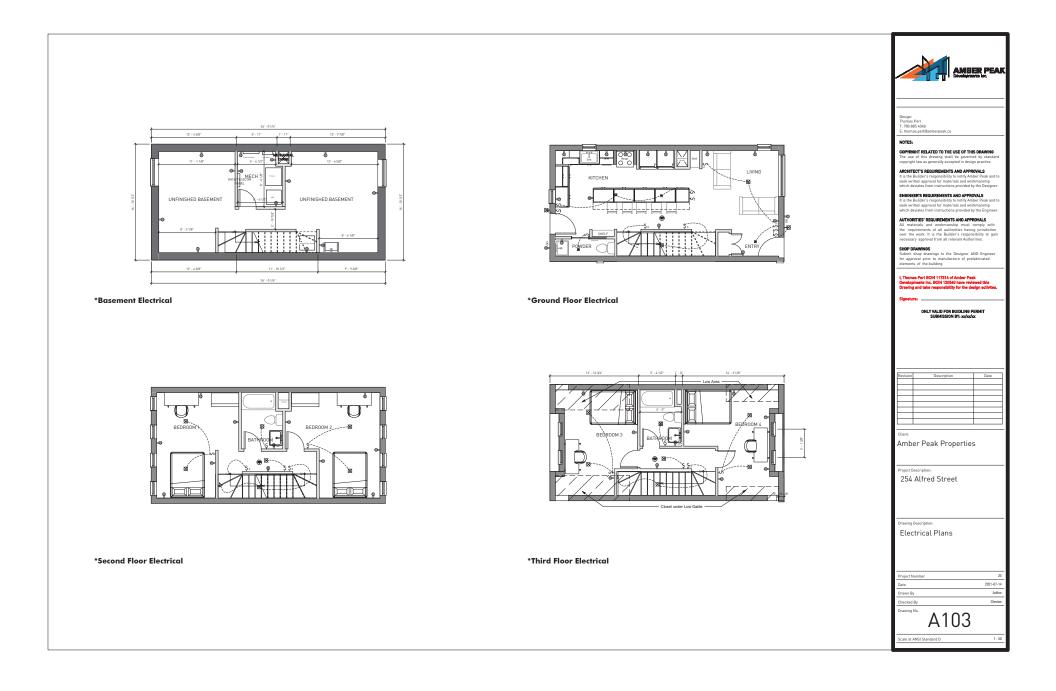
6 BUILDING AREA 575 Sq.Ft

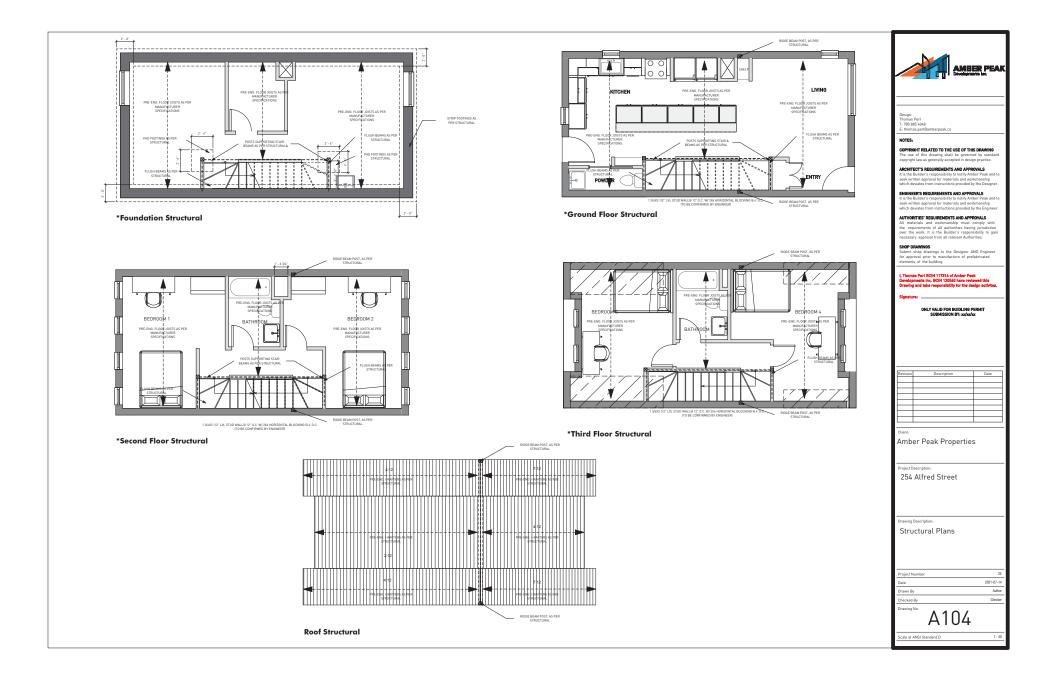




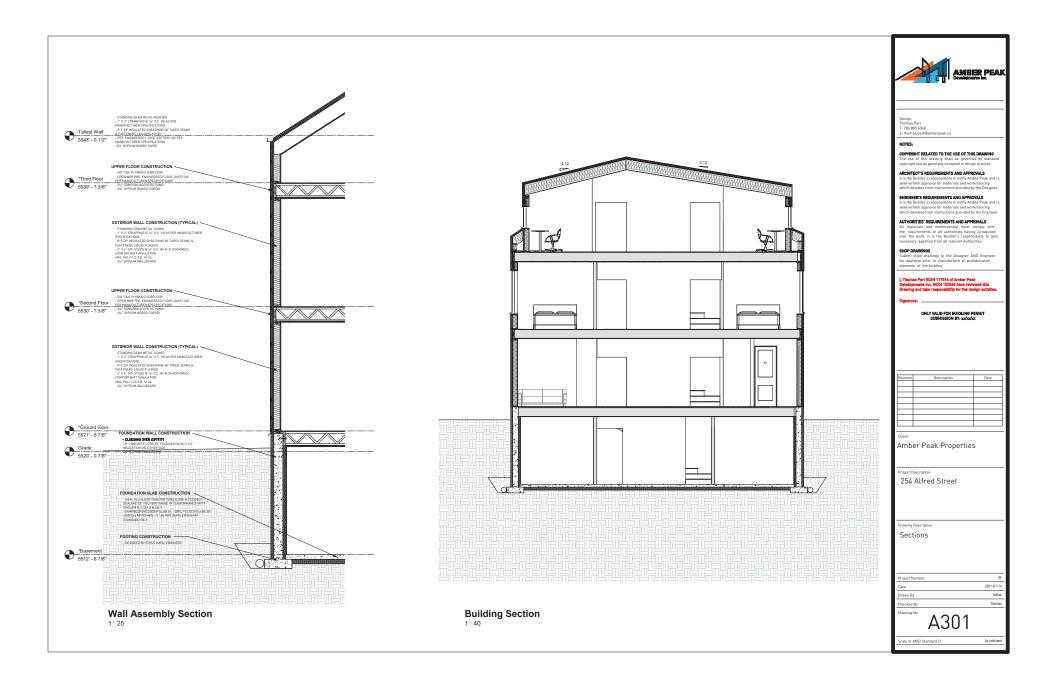


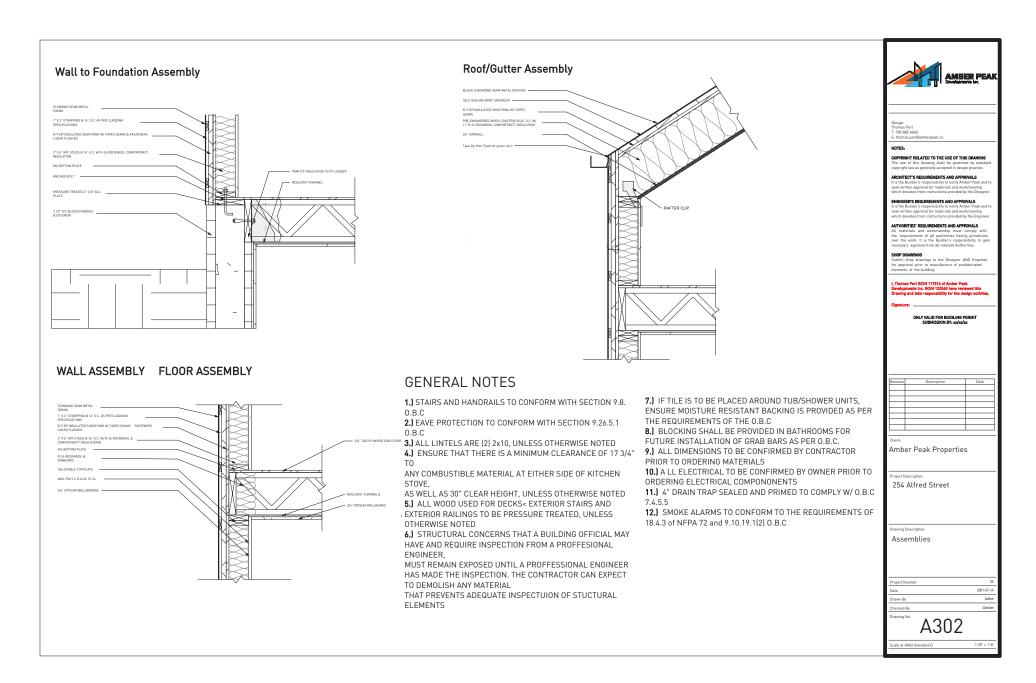


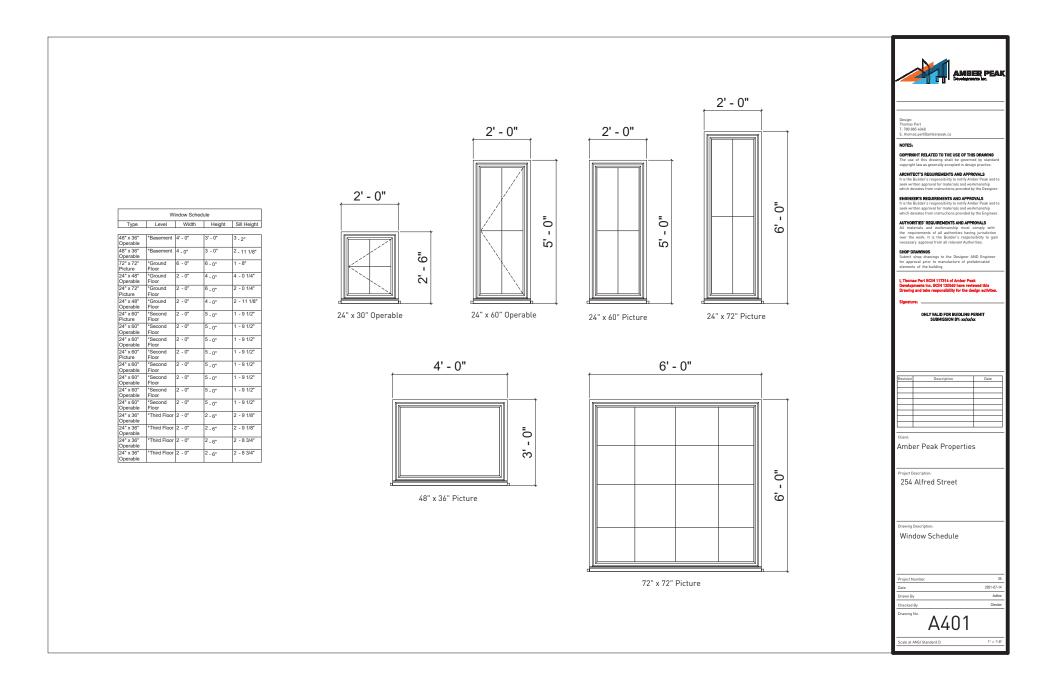


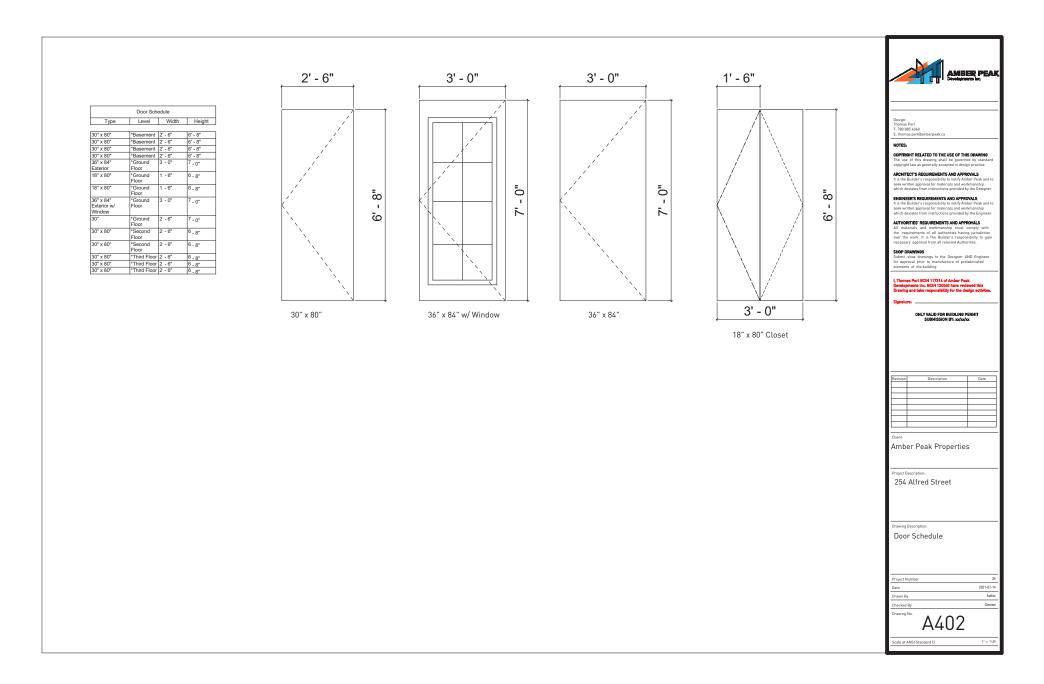


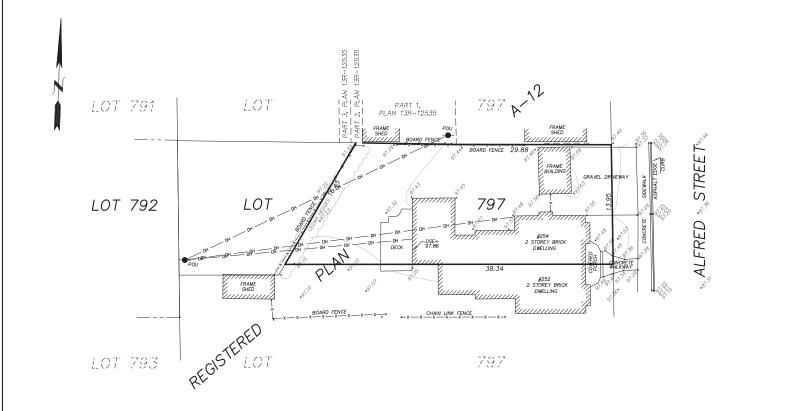












CONTOURS

CONTOURS SHOWN HEREON ARE DRAWN AT 0.20 METRE INTERVALS.

ELEVATIONS

ELEVATIONS ARE GEODETIC AND REFERRED TO THE CANADIAN GEODETIC VERTICAL DATUM (CGVD28) BY DIRECT MEASUREMENT TO A REAL TIME NETWORK.

DISTANCE NOTES — METRIC
DISTANCES ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999766.

COORDINATES
COORDINATE VALUES AND DIGITAL FILE ARE IN GRID SYSTEM,
UTM ZONE 18 (75' WEST LONGITUDE), NAD83(CSRS)(2010).

LEGEND

◆ POU DENOTES UTILITY POLE

-OH- DENOTES OVERHEAD UTILITY WIRES DENOTES SPOT ELEVATION



KEY PLAN - NOT TO SCALE

AERIAL IMAGERY SHOWN IS FOR ILLUSTRATIVE PURPOSES ONLY AND MAY NOT DEPICT CURRENT FEATURES.

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254 ALFRED STREET CITY OF KINGSTON

SCALE 1: 250 METRES

CAUTION

THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED EXCEPT FOR THE PURPOSE INDICATED IN THE TITLE BLOCK. THE WORK AND DRAWINGS HEREIN WERE COMPLETED FOR THE EXCLUSIVE USE OF OUR CLIENT AND NO LIABILITY IS ASSUMED TO ANY THIRD PARTIES OR SUBSEQUENT OWNERS.

NOTE
PROPERTY DIMENSIONS SHOWN HEREON ARE IN ACCORDANCE
WITH IBW SURVEYORS RECORDS. (PROJECT NUMBER A-026019)
AND REGISTERED PLAN A-12



IBWSURVEYORS.COM | 1.800.667.0696

PARTY CHIEF: RD DRAWN BY: WS CHECKED BY: * PLOT DATE: FEB. 26, 2021

Exhibit E Report Number COA-21-064 Princess St Albert St Victoria St Committee of Adjustment **Key Map** Division/St KINGSTON Brock St o Address: 254 Alfred Street File Number: D13-046-2021 **Planning** Johnson St **Services** Lands Subject to Minor Variance **Brock St** 468 466 464 462 Alfred St Metres Prepared By Ichu Date: Aug-10-202 1:750



Committee of Adjustment Neighbourhood Context (2021)

Address: 254 Alfred Street File Number: D13-046-2021

| Subject Lands |
|---------------------|
| Property Boundaries |
| Proposed Parcels |



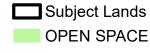
Site Photos – 254 Alfred Street



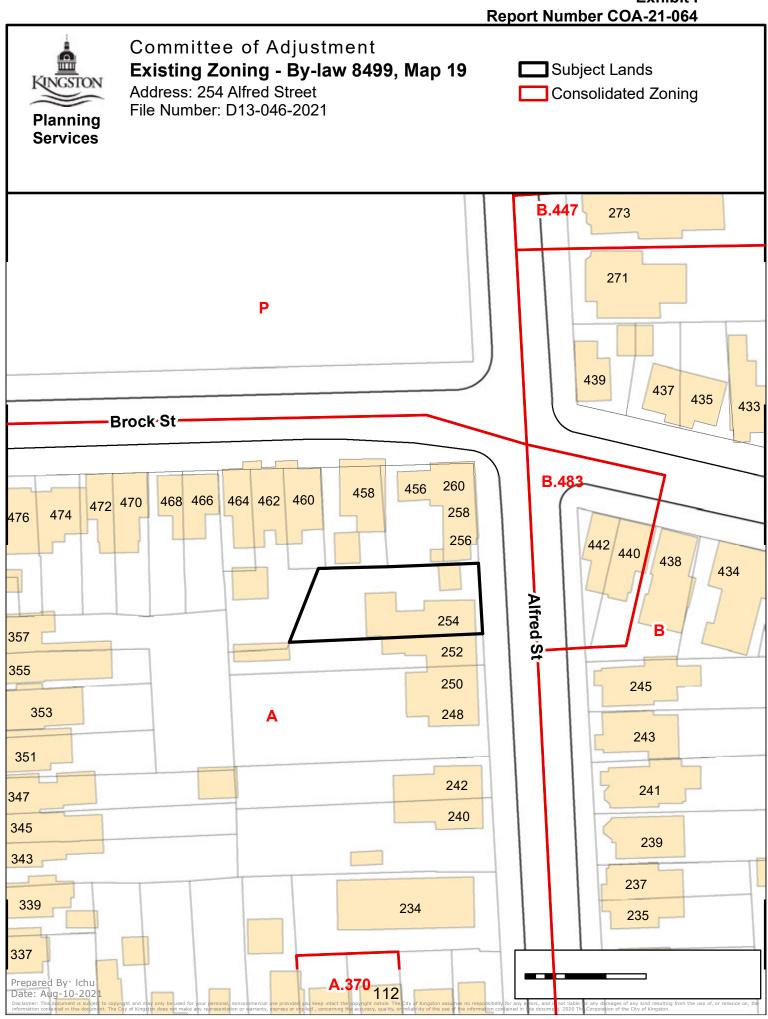
KINGSTON **Planning**

Committee of Adjustment Official Plan, Existing Land Use

Address: 254 Alfred Street



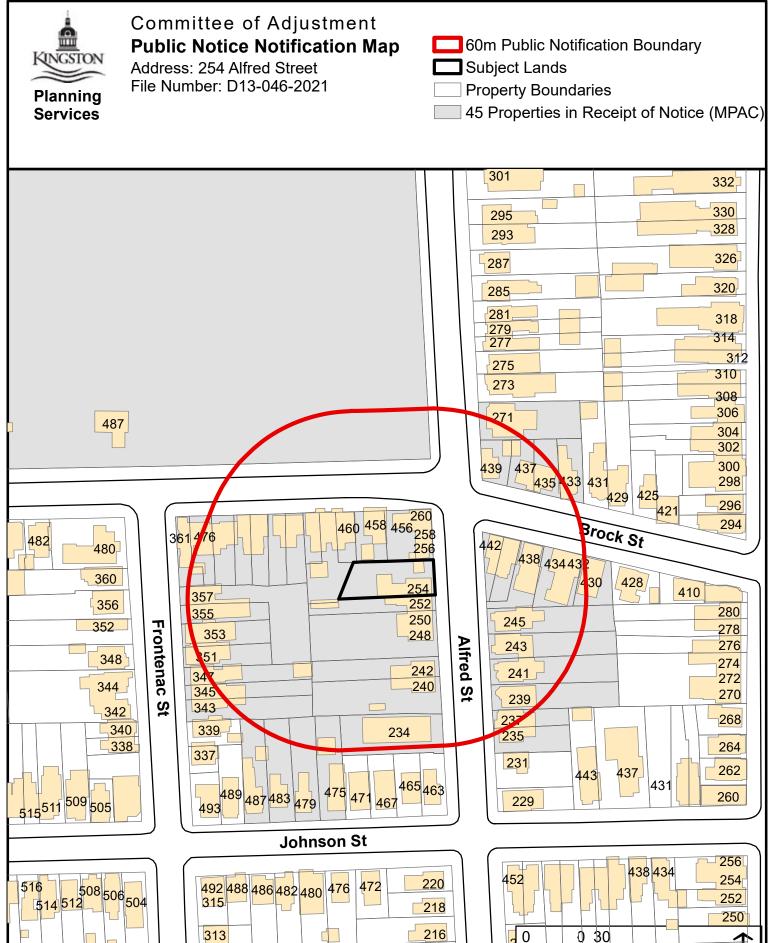




N

Metres

1:1,500



214

212

113

309

Prepared By: Ichu Date. Aug-10-202

306