



**City of Kingston
Report to Committee of Adjustment
Report Number COA-22-005**

To: Chair and Members of the Committee of Adjustment
From: InGi Kim, Planner
Date of Meeting: December 13, 2021
Application for: Minor Variance
File Number: D13-064-2021
Address: 1451 Westbrook Road
Owner: Michael Deano
Applicant: Rod Stokes Consulting Inc.

Council Strategic Plan Alignment:

Theme: Policies & by-laws

Goal: See above

Executive Summary:

This report provides a recommendation to the Committee of Adjustment regarding an application for minor variance for the property located at 1451 Westbrook Road (Exhibit B – Key Map). The subject property is designated ‘Rural’ and ‘Environmental Protection Area’ and is located in the General Agricultural ‘A2’ Zone in the City of Kingston Zoning By-Law Number 76-26 (Exhibit C – Official Plan Map and Exhibit D – Zoning By-Law 76-26, Map 2).

The subject property currently contains a single-family dwelling with an attached private garage, a barn in the rear yard, and a shed in the side yard. The variance is requested to increase the maximum height allowed for accessory buildings from 15 feet to 20 feet to construct a new 160 square metre detached garage. The proposal complies with all minimum front and rear yard depth, side yard width, and lot coverage requirement.

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 76-26. The requested minor variance is

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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 Number 1: Height for Accessory Uses

By-Law Number 76-26: Section 5(1)(c)

Requirement: 15 feet

Proposed: 20 feet

Variance Requested: 5 feet

Recommendation:

That minor variance application, File Number D13-064-2021, for the property located at 1451 Westbrook Road to increase the maximum height from 15 feet to 20 feet, be approved; and

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-22-005.

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Authorizing Signatures:

ORIGINAL SIGNED BY PLANNER

InGi Kim, Planner

In 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 October 11, 2021, a minor variance application was submitted by Rod Stokes Consulting Inc., on behalf of the owner, Michael Deano, with respect to the property located at 1451 Westbrook Road. The variance is requested to construct a 160 square metre detached accessory building in the rear yard. The proposed development is intended to be used as a personal garage and a workshop (Exhibit F – Proposed Site Plan and Exhibit G – Proposed Building Elevations).

A variance is requested from the accessory building height provisions of Zoning By-Law Number 76-26 to build a new detached garage. As stated in Section 5(1)(c) of Zoning By-Law Number 76-26, the maximum height for an accessory building or structure is 15 feet. The proposed accessory building is 20 feet in height, and as such, the applicant is seeking a variance of 5 feet in height. The proposal complies with all minimum front and rear yard depth, side yard width, and lot coverage requirements.

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

- Proposed Site Plan (Exhibit F)
- Proposed Building Elevations (Exhibit G)

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 on the southwest of Westbrook Road and is situated within a rural area known as Cataraqui Westbrook (Exhibit E – Neighbourhood Context Map). The site is currently developed with a single-family dwelling with an attached private garage, a barn in the rear yard, and a shed in the side yard.

The subject property is designated ‘Rural’ and ‘Environmental Protection Area’ in the Official Plan and zoned General Agricultural ‘A2’ in Zoning By-Law Number 76-26. The property abuts Westbrook Road to the northeast, vacant lands to the east, west and south, and Kingston 1000 Islands Sportsplex to the northwest.

Application

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

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Provincial Policy Statement

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

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

The subject property is designated Rural and Environmental Protection Area in the City of Kingston Official Plan (the proposed development is outside of the Environmental Protection Area).

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

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

The proposal will not have any negative impacts on abutting properties or residential uses and/or structures as the building is located in the middle of the lot and is sufficiently set back from all neighbouring uses. The proposal is compatible with the surrounding residential uses and will not result in significant impacts or changes to the surrounding area. There are no additional dwelling units proposed. Therefore, there is no increase in density or intensity of uses.

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 subject property abuts Westbrook Road to the northeast, vacant lands to the east, west and south, and Kingston 1000 Islands Sportsplex to the northwest. The closest residential dwelling is located approximately 170 metres away from the location of the proposed development. Therefore, the overall design and scale of the proposal is not anticipated to cause any adverse impacts on the adjacent properties. Additionally, it is anticipated that the proposed development will have no impact on the existing streetscape as it is located 24 metres away from Westbrook Road.

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;

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The proposed detached accessory building is intended to be used as a private garage and a workshop. An attached garage to the existing single-family dwelling and the existing driveway will continue to be used for parking of vehicles. Therefore, there will be no concerns with respect to the parking of vehicles and bicycles or issues relating to accessibility.

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 size and location of the proposed accessory building has no impact on urban design; and there are no matters of built heritage on this property. The site is not located within a Heritage Conservation District.

5. If the site is designated under the *Ontario Heritage Act*, the application shall be reviewed by Heritage Kingston for approval. If the property is adjacent to a designated property under the *Ontario Heritage Act* or shown as a Heritage Area feature, or is affected by the protected views shown on Schedule 9 of this Plan, then a heritage impact statement may be required to assist staff to determine if the resulting development is desirable;

The subject property is not on the City's Heritage Register and as such a Heritage Impact Statement is not required. The proposed development area for the new detached accessory building is cleared of archaeological potential.

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

The site is located outside of the Urban Boundary and is developed with sufficient private services. The proposed garage expansion will not require any private services for its intended use.

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 variance is considered minor the detached garage is a permitted accessory use to the dwelling. 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;

As part of the recommendation, suggested conditions have been listed in Exhibit A – Recommended Conditions. The conditions may be added, altered, or removed at the Committee's discretion.

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

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The approval of the requested variance is considered minor and will not set a precedent for the immediate area. The increased height will not impact the streetscape as the proposed structure is located 24 metres away from Westbrook Road. Additionally, there are no residential building within a 150-metre radius from the location of the proposed structure.

The proposal meets the intent of the Official Plan, as the proposed development 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 General Agricultural ‘A2’ in the City of Kingston Zoning By-Law Number 76-26, entitled "Township of Kingston Restricted Area By-Law", as amended. The proposed accessory building is permitted within the ‘A2’ zone.

The proposal requires a variance to Section 5(1)(c) of Zoning By-Law 76-26:

Variance Number 1:	Height for Accessory Uses
By-Law Number 76-26:	Section 5(1)(c)
Requirement:	15 feet
Proposed:	20 feet
Variance Requested:	5 feet

A variance is requested from Section 5(1)(c) of Zoning By-Law Number 76-26 to allow increase to the maximum height provision. As stated in Section 5(1)(c) of Zoning By-Law Number 76-26, the maximum height for an accessory building or structure is 15 feet. The proposed accessory building is 20 feet in height, which exceeds the maximum height allowed by Section 5(1)(c). As such, the applicant is seeking a variance of 5 feet in height. The purpose and intent of a maximum accessory building height is to ensure that they do not dominate a property and do not have any undue adverse impacts on abutting properties. This site is sufficiently large, and the building is well set back from neighbouring properties and lot lines reducing its overall impact on the surrounding area.

The proposal complies with all other requirements of the ‘A2’ Zone and Zoning By-Law Number 76-26.

3) The variance is minor in nature

The approval of the requested variance is considered minor as there will be no negative impacts on surrounding properties. The subject property abuts Westbrook Road to the northeast, vacant lands to the east, west and south, and Kingston 1000 Islands Sportsplex to the northwest. The increased height will not alter the character of the neighbourhood or the existing streetscape as the proposed structure is located 24 metres away from Westbrook Road and there is no residential dwelling within a 150-metre radius.

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

The proposed development will provide the functional needs for the existing residential use. The resulting built form satisfies all applicable provisions of the zoning by-law, except for the height allowed. The proposal is appropriate and compatible with the surrounding land uses and will not result in significant impacts or changes to the surrounding area. The variance is desirable and appropriate use of the land

Technical Review: Circulated Departments and Agencies

- | | | |
|---|--|--|
| <input checked="" type="checkbox"/> Building Services | <input checked="" type="checkbox"/> Engineering Department | <input checked="" type="checkbox"/> Heritage (Planning Services) |
| <input type="checkbox"/> Finance | <input checked="" type="checkbox"/> Utilities Kingston | <input 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 type="checkbox"/> Solid Waste | <input type="checkbox"/> Parks Development | <input type="checkbox"/> Canadian National Railways |
| <input type="checkbox"/> Housing | <input checked="" type="checkbox"/> District Councillor | <input type="checkbox"/> Ministry of Transportation |
| <input type="checkbox"/> KEDCO | <input type="checkbox"/> Municipal Drainage | <input type="checkbox"/> Parks of the St. Lawrence |
| <input checked="" type="checkbox"/> CRCA | <input type="checkbox"/> KFL&A Health Unit | <input type="checkbox"/> Trans Northern Pipelines |
| <input type="checkbox"/> Parks Canada | <input type="checkbox"/> Eastern Ontario Power | <input type="checkbox"/> CFB Kingston |
| <input type="checkbox"/> Hydro One | <input type="checkbox"/> Enbridge Pipelines | <input type="checkbox"/> TransCanada Pipelines |
| <input type="checkbox"/> Kingston Airport | | |

Technical Comments

This application was circulated to external agencies and internal departments for their review and comment and there were no comments or concerns raised that would preclude this application from moving forward. Any technical comments that are received after the publishing of this report will be included as an addendum to the Committee of Adjustment Agenda.

Cataraqui Region Conservation Authority (CRCA) have reviewed the minor variance application File Number D13-064-2021 and has no objections to the proposal since the garage is proposed at greater than 30 m from the nearby watercourse (creek) to the north. This was confirmed at the site last fall. If the proposal changes or if any work is proposed within 30 m of the creek, CRCA will need to review further, and the applicant would require a permit from our office.

Public Comments

At the time this report was finalized, no public comments have been received. Any public comments received after the publishing of this report will be included as an addendum to the Committee of Adjustment Agenda.

Previous or Concurrent Applications

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

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Conclusion

The requested variance(s) maintain(s) the general intent and purpose of both the City of Kingston Official Plan and Zoning By-Law Number 76-26. The proposal is desirable for the appropriate development or use of the land, building or structure and the requested variance(s) 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 permit the construction of a 160 square metre detached accessory building in the rear yard. The proposed development is intended to be used as a personal garage and a workshop. The proposed development will improve the function of the existing residential use on the site and represents good land use 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 76-26

Notice Provisions:

A Committee of Adjustment Meeting is going to be held respecting this application on December 13, 2021. Pursuant to the requirements of the *Planning Act*, a notice of Statutory Public Meeting was provided by advertisement in the form of signs posted on the subject site 10 days in advance of the meeting. In addition, notices were sent by mail to a total number of 14 property owners (according to the latest Assessment Roll) within 60 metres of the subject property and a courtesy notice was placed in The Kingston Whig-Standard on December 7, 2021 (Exhibit H – Public Notice Notification Map).

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

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Financial Considerations:

None

Contacts:

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

InGi Kim, Planner, 613-546-4291 extension 3277

Other City of Kingston Staff Consulted:

None

Exhibits Attached:

Exhibit A Recommended Conditions

Exhibit B Key Map

Exhibit C Official Plan Map

Exhibit D Zoning By-Law Number 76-26, Map 2

Exhibit E Neighbourhood Context Map (2021)

Exhibit F Proposed Site Plan

Exhibit G Proposed Building Elevations

Exhibit H Public Notice Notification Map

Exhibit I Site Photo (retrieved from Google Maps on November 9, 2021)

Recommended Conditions

Application for minor variance, File Number D13-064-2020

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

1. Limitation

That the approved minor variance applies only to the property located at 1451 Westbrook Road for a proposed detached accessory building as shown on the approved drawings attached to the notice of decision.

2. No Adverse Impacts

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

3. Building Permit Application Requirements

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

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

4. Standard Archaeological Condition


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

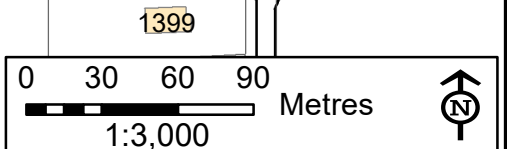
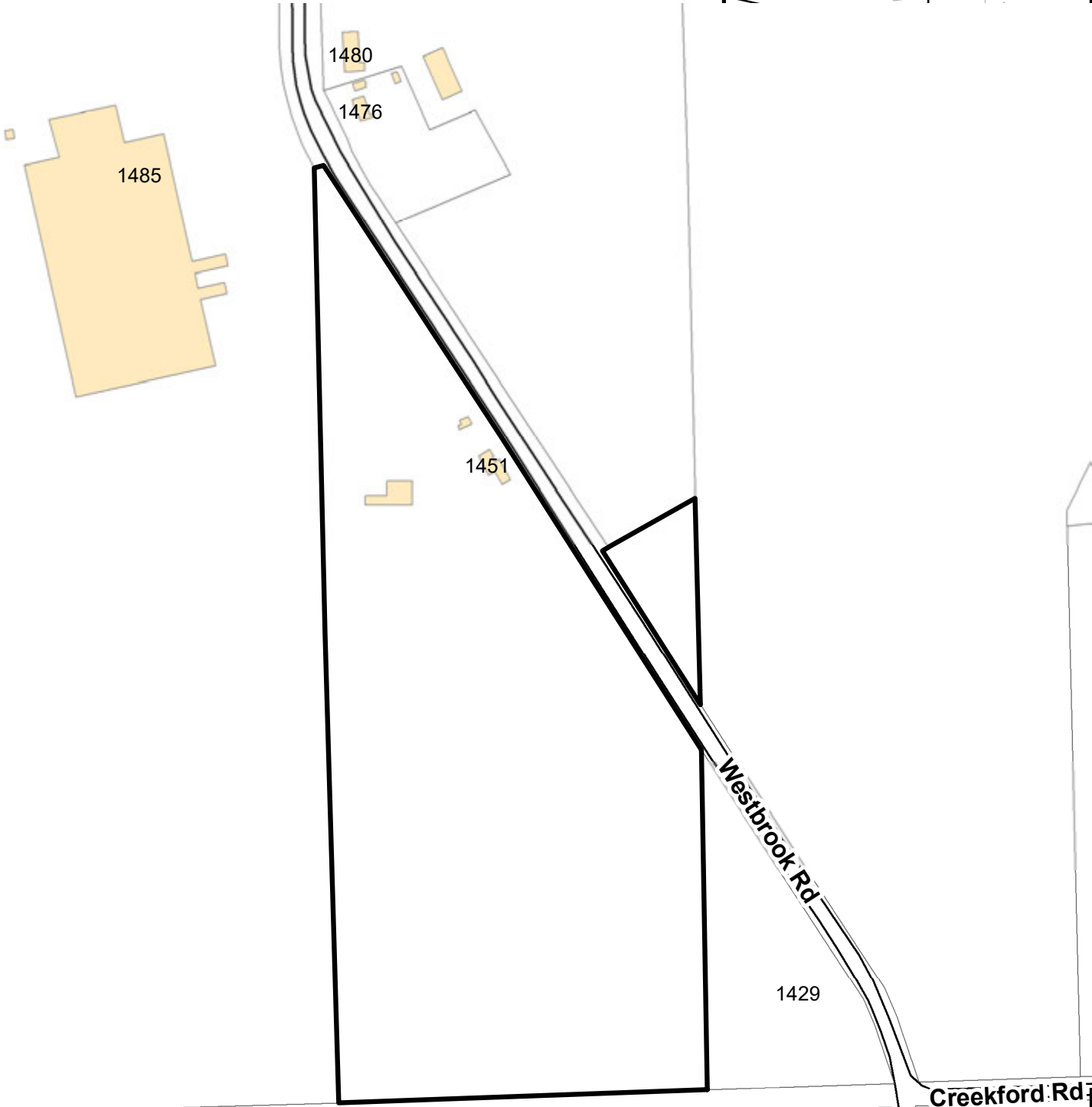
In the event that human remains are encountered, all work must immediately cease and the site must be secured. The Kingston Police (613-549-4660), the Registrar of Cemeteries at the Ministry of Government and Consumer Services (416-212-7499), the Program and Services Branch of the Ministry of Heritage, 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: 1451 Westbrook Road
File Number: D13-064-2021

 Lands Subject to Minor Variance





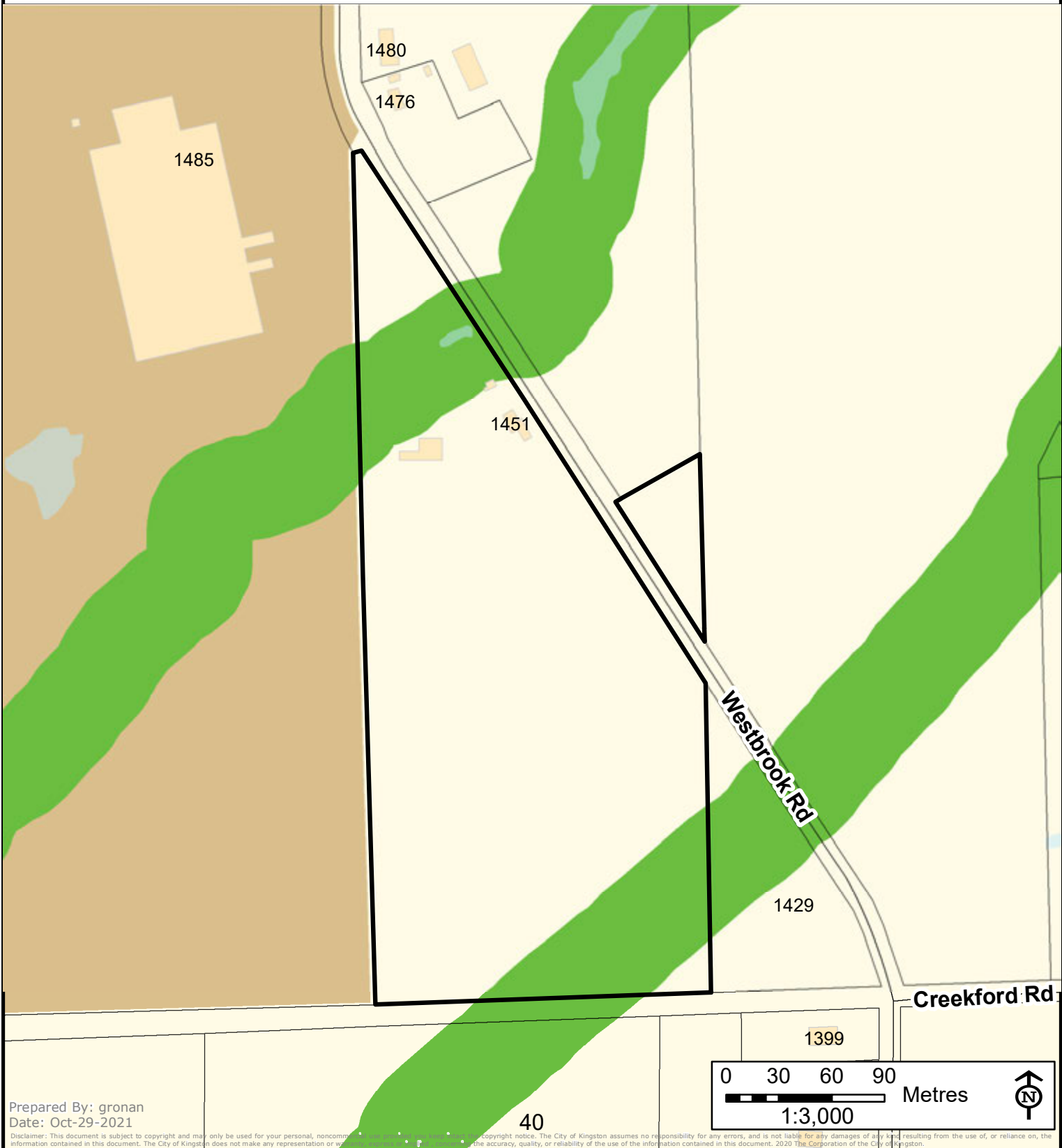


Planning Services

Committee of Adjustment Official Plan, Existing Land Use

Address: 1451 Westbrook Road
File Number: D13-064-2021

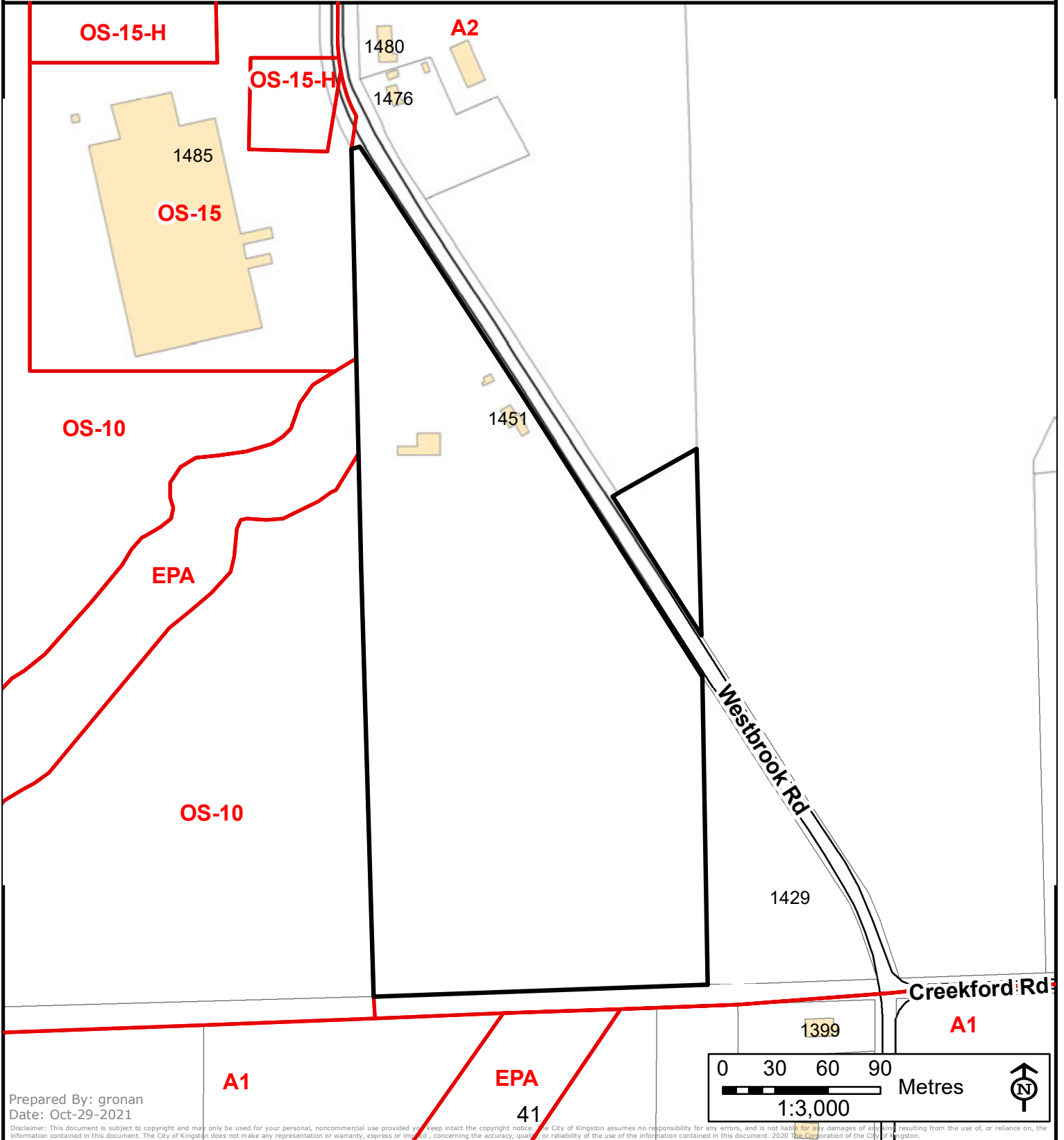
-  Subject Lands
-  ENVIRONMENTAL PROTECTION AREA
-  RURAL
-  RURAL COMMERCIAL





Committee of Adjustment
Existing Zoning - By-law 76-26, Map 2
Address: 1451 Westbrook Road
File Number: D13-064-2021

- Subject Lands
- Consolidated Zoning



Prepared By: gronan
Date: Oct-29-2021

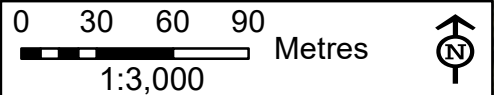
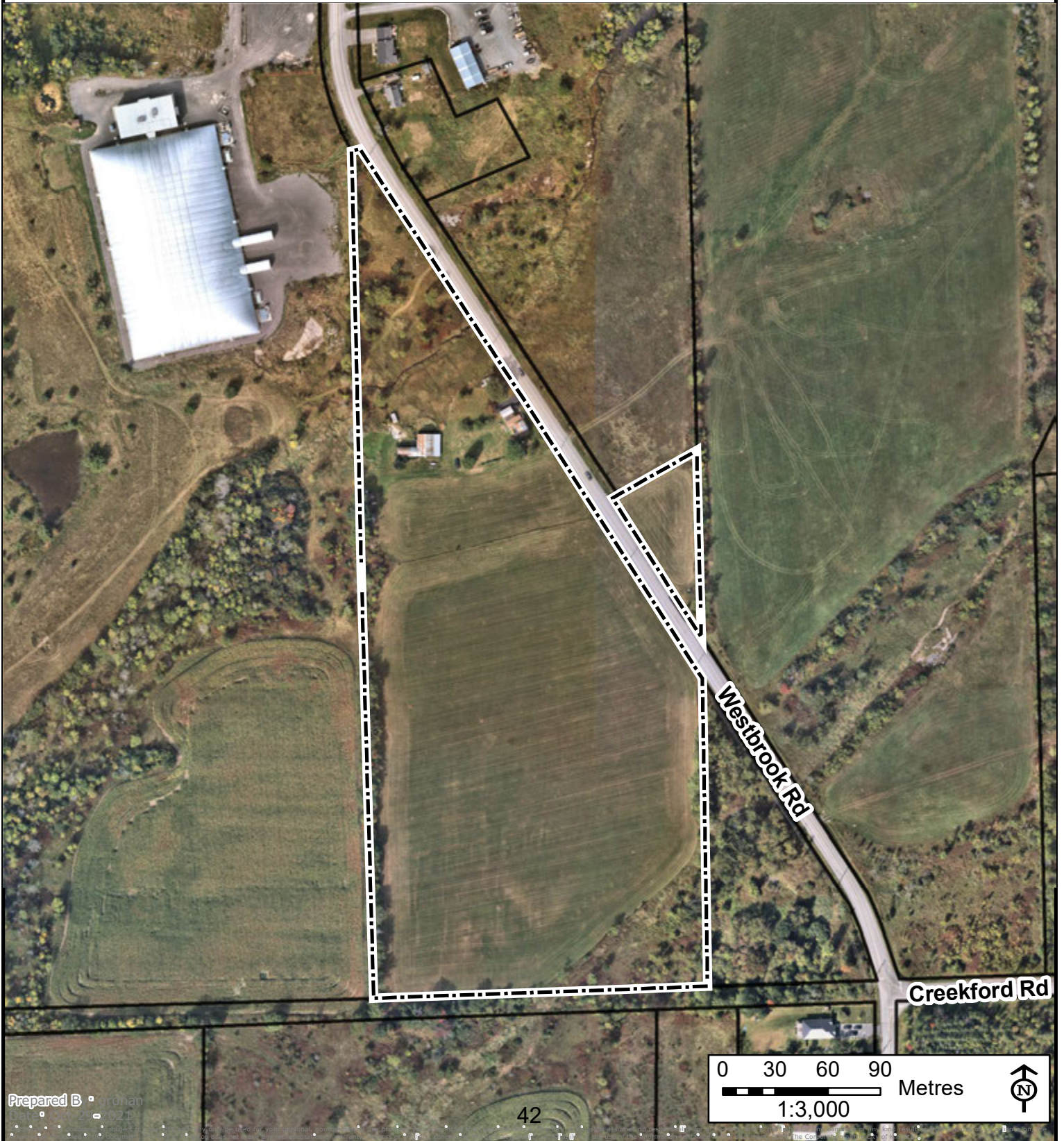
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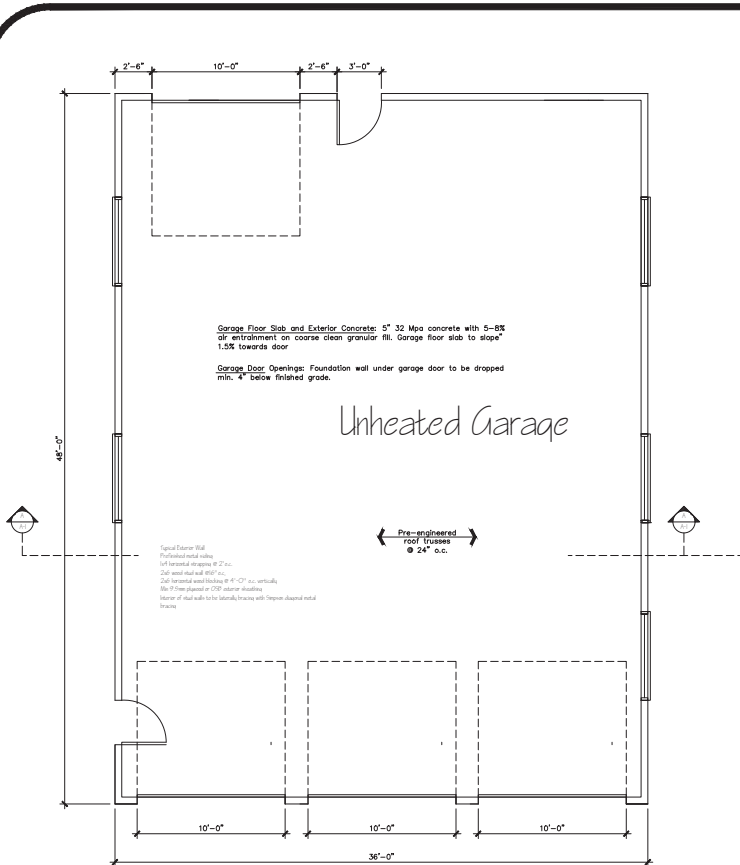


Committee of Adjustment
Neighbourhood Context (2021)

Address: 1451 Westbrook Road
File Number: D13-064-2021

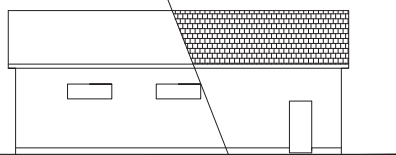
- Subject Lands
- Property Boundaries
- Proposed Parcels





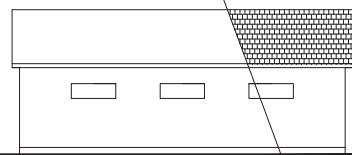
Ground Floor Plan

Scale 1/4"=1'-0"



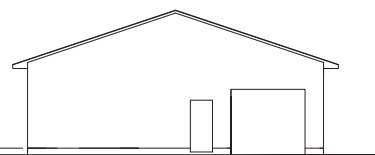
South Elevation

Scale 1/8"=1'-0"



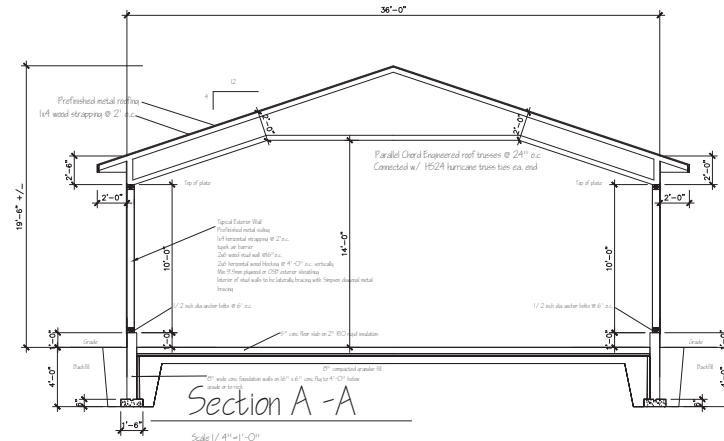
North Elevation

Scale 1/8"=1'-0"



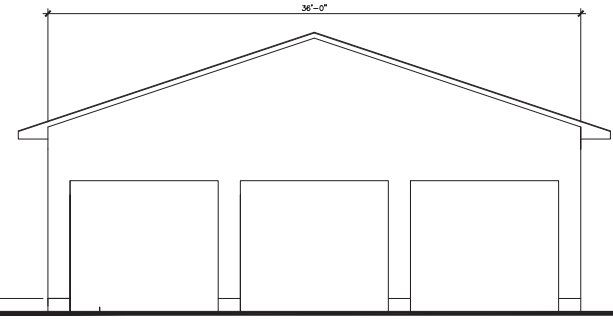
West Elevation

Scale 1/8"=1'-0"



Section A-A

Scale 1/4"=1'-0"



East Elevation

Scale 1/4"=1'-0"

Roof Types

- (1) Garage Roof / Ceiling Assembly
Asph/Flt shingles
Building paper
1/2" OSB sheathing
Engineered roof trusses @ 24" o.c.
R24 Roxul ceiling insulation
6 mil poly vapor barrier
1x6 ceiling strapping @ 16" o.c.
1/2" drywall ceiling finish

Wall Types

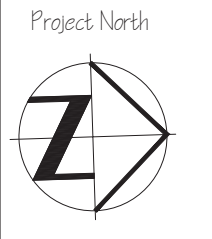
- (1) Garage Wall Assembly, E-29
Horizontal siding
Spack house wrap
1" rigid insulation sheathing R9
2" OSB Sheathing
2x6 wood studs @ 16" o.c.
R24 Roxul Comfort Ducts insulation
6 mil poly vapor barrier
1/2" drywall
- (2) Foundation Wall Assembly
Free draining backfill
6" poured concrete foundation walls

Floor Types

- (1) 5" conc floor slab
2" R20 Roxul insulation
min. 6" granular base

General Notes:
These plans were developed in accordance with the requirements of the Ontario Building Code. Drawings must not be scaled.
Contractor shall verify and be responsible for all dimensions and minimum code requirements and shall report any discrepancies to the Client, before proceeding with any work.
Plans are copyrighted and any allowall for use without company's express and written permission.
These plans form the basis for the permit issuance and any deviations from these plans and details including ventilation system, heating system, woodstove, fireplaces, decks, balconies and finish basements will require a revised drawing and clearance by the Building Department.

DESIGNER INFORMATION
I, Rod Stokes of Rod Stokes Consulting review and take responsibility for the design work, and am qualified in the appropriate categories as "Designer" under Division C Part 3 Section 3.2.4 of the Ontario Building Code.
Firm B.C.I.N.: 38482
Individual B.C.I.N.: 31134
Signed:
Rod Stokes
October 3, 2020



Rev	Revision/ Issue	Date
1		
2		
3		
4		







Proposed Heated Garage
for Mike and Karan Deano
1451 Westbrook Road
Knoxton, Ontario

Drawing
Floor Plans,
Section & Elevations

Project	Sheet
Date	A-1
Scale	As noted



Committee of Adjustment
Public Notice Notification Map
Address: 1451 Westbrook Road
File Number: D13-064-2021

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

