

City of Kingston Report to Committee of Adjustment Report Number COA-22-007

То:	Chair and Members of the Committee of Adjustment
From:	Tim Fisher, Planner
Date of Meeting:	December 13, 2021
Application for:	Minor Variance
File Number:	D13-006-2021
Address:	464 Barrie Street
Owner:	Dr. Aaron McGregor and Tara McGregor
Applicant:	Dr. Aaron McGregor

Council Strategic Plan Alignment:

Theme: 2. Increase housing affordability

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 464 Barrie Street. The applicant is proposing to remove the existing 3/4 storey above the ground floor and construct a full second storey with living space in the attic. A two and a half storey rear addition is also proposed. Variances are requested to recognize the second storey to be constructed on the existing building footprint and to recognize proposed dormers on the new roof. The end result will be a two and a half storey, single family dwelling containing a total of three bedrooms.

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 1: Minimum Side Yard

By-Law Number 8499: Section 6.3(2)(c)(i) Requirement: 0.6 metres Proposed: 0 metres Variance Requested: 0.6 metres

Variance 2: Minimum Aggregate Side Yard

By-Law Number 8499: Section 6.3(2)(c)(i) Requirement: 2.9 metres Proposed: 2.4 metres Variance Requested: 0.5 metres

Variance 3: Sidewalls of Dormer(s) setback from end of roof (North Dormer)

By-Law Number 8499: 6.3(2)(f)(ii)(4)(b) Requirement: 1.1 metres Proposed: 0.4 metres Variance Requested: 0.7 metres

Variance 4: Sidewalls of Dormer(s) setback from end of roof (West Dormer)

By-Law Number 8499: 6.3(2)(f)(ii)(4)(b) Requirement: 1.1 metres Proposed: 0.4 metres Variance Requested: 0.7 metres

Variance 5: Dormer Width not to exceed half of the main roof and not exceed 4.6 metres (West Dormer)

By-Law Number 8499: 6.3(2)(f)(ii)(4)(c) Requirement: 2.7 metres Proposed: 4.6 metres Variance Requested: 1.9 metres

Recommendation:

That minor variance application, File Number D13-006-2021, for the property located at 464 Barrie Street to permit a two and a half storey, single family dwelling containing a total of three (3) bedrooms, be approved; and

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-22-007.

Authorizing Signatures:

ORIGINAL SIGNED BY PLANNER

Tim Fisher, Planner

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

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

Options/Discussion:

On January 26, 2021, a minor variance application was submitted by Dr. Aaron McGregor, on behalf of the owner, Dr. Aaron McGregor and Tara McGregor, with respect to the property located at 464 Barrie Street. The variance is requested to remove the existing 3/4 storey above the ground floor and construct a full second storey with living space in the attic. A two and a half storey rear addition is also proposed. Variances are requested to recognize the second storey to be constructed on the existing building footprint and to recognize proposed dormers on the new roof. The end result will be a two and a half storey, single family dwelling containing a total of three (3) bedrooms.

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

- Planning Justification;
- Archaeological Assessment;
- Revised Plot Plan (Exhibit G);
- Elevation Drawings; (Exhibit H); and
- Floor Plans; (Exhibit I).

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 addresses, search one address at a time, or submission materials may also be found by searching the file number.

Site Characteristics

The subject site is located at 464 Barrie Street (Exhibit B). The site has approximately 323 square metres in area and has approximately 9.97 metres of frontage on the west side of Barrie Street. The subject property is designated Residential in the Official Plan and is zoned One-Family Dwelling and Two-Family Dwelling "A" Zone in Zoning By-Law Number 8499. The site is developed with a 1 and 3/4 storey single family dwelling containing three (3) bedrooms.

The subject property is located in a residential neighbourhood consisting of a mixture of one storey to two and a half storey dwellings. The subject property is adjacent to a two and a half storey dwelling to the north, a two-storey dwelling to the east, a two-storey dwelling to the south and a two and a half storey dwelling to the west.

Application

The review of an application for minor variances is not a simple mathematical calculation, but rather a detailed assessment of whether the variances 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 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 D).

In considering whether the proposed variances are 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 application meets the intent of Section 2 of the Official Plan, as the proposal will allow for the ongoing use of this existing residential building which is located within the urban boundary on full municipal services. The additions and the continued residential use will not adversely affect this stable 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;

The proposed two and a half storey dwelling is in keeping with the existing built form and height along Barrie Street. The height of the dwelling will comply with the maximum height requirement in the 'A' zone in Zoning By-Law Number 8499. The multiple peeked roofs and use of dormer windows are similar to existing development in the neighbourhood. The height of the dwelling and design of the roofline will appear to have no negative impacts regarding shadowing or the result in increased and uncomfortable wind speed.

The two and a half storey rear addition and the second storey addition over the existing dwelling will not result in any loss of privacy due to intrusive outlook. The existing dwelling is located 0.0 metres at the rear corner and the rear addition will be stepped back to 0.84 metres. The elevation drawings (Exhibit H) indicated only one window will be included along the north elevation. The proposed window is located where an existing window is currently provided therefore no new overlook or privacy issue will be created.

Windows are located primarily on the east (front), south (left side) and west (rear) of the dwelling. The amount of glazed openings on a building are governed under the Ontario Building Code and are determined based on how close a wall is it a lot line. This will be reviewed during the Building Permit Application process. It is anticipated the at the new windows and their placement will not result in any loss of privacy or intrusive overlook onto the adjacent residential uses or their continued use.

The design of the additions and its roofline will not result in any visual intrusion that will disrupt the street scape or buildings. The design and material used is similar to the existing architecture in the neighbourhood. The dwelling will not be located any closer to the street or to the abutting residential development to the north and south therefore the streetscape will not be adversely impacted.

The existing dwelling contains three bedrooms within the second storey. The proposal will maintain the three bedrooms however the second storey rear addition will provide a larger master bedroom suite and renovations to the existing second storey will provide an updated bathroom, laundry room and stairway to the living space in the attic. The attic area will provide a den, office area and a recreation room. The design of the interior of the dwelling appears to be functional and will provide additional living space for the residential use.

The use of the proposed dormers is intended to provide natural light and ventilation to the living space in the attic Dormers are proposed on the north, south and west roof lines. Dormers providing windows are only provided on the south and western roofline. The use of the dormers is not anticipated to have any negative impacts on the continued use and privacy of the abutting residential uses.

3. The ability of the site to function in an appropriate manner in terms of access, parking for vehicles and bicycles or any other matter and means of improving such function including considerations for universal accessibility;

The existing and proposed development provides one parking space located with the driveway on the south side of the dwelling. The driveway will continue to maintain is road access on Barrie Street. Rear yard access will be maintained along the southern lot line. A rear yard and deck are provided for outdoor amenity space for the residential use. An entrance at the front of the dwelling and an entrance along south side of the dwelling will be maintained as primary access to the dwelling. The new addition will provide sliding doors along the rear wall on the ground floor to access the rear deck from the living room.

The existing dwelling contains three bedrooms within the second storey. The proposal will maintain the three bedrooms however the second storey rear addition will provide a larger master bedroom suite and renovations to the existing second storey will provide an updated bathroom, laundry room and stairway to the living space in the attic. The attic area will provide a den, office area and a recreation room. The design of the interior of the dwelling appears to be functional and will provide additional living space for the residential use.

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

The subject property is not located within a heritage district or adjacent to any designated properties under the *Ontario Heritage Act*. The design and materials proposed are similar to existing development in the neighbourhood and therefore will not have any negative impacts or alter the character of the neighbourhood along Barrie Street

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 protected under the *Ontario Heritage Act.* The Archaeological Master Plan indicated that the subject property has composite archaeological potential. The applicant completed a Stage 1 and 2 Archaeological Assessment which has been received and filed with the Ministry of Heritage, Sport, Tourism and Culture Industries. The area is now cleared of archaeology. It is recommended that the standard archaeological warning clause be provided in the notice of decision to inform the owner/applicant of their obligation if artifacts or remains are found during exaction.

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 existing single detached dwelling is serviced with full municipal water and sewage services and proposes to maintain the current services. Utilities Kingston reviewed the application and has no comments. Hydro Kingston advises that if the mast is to be relocated or upgraded then a permit will be required. Any new or altered water, sewage or hydro service will be addressed through the Building Permit application process.

7. Whether the application and the cumulative impact of the proposed variances would be more appropriately addressed by a zoning amendment to the applicable zoning by-law;

The proposal meets the four tests of a Minor Variance as outlined in the *Planning Act*, and described herein and therefore does not require a Zoning By-Law Amendment.

 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;

Recommended conditions are included in Exhibit A to this report.

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

The proposal is in keeping and compatible with the existing development in the surrounding area and will not set an undesirable precedent.

The proposal meets the intent of the Official Plan, as the proposed two and a half rear addition and the second storey and half storey (attic) and the use of dormer 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 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 E). The 'A' zone permits a one or two family dwelling subject to the performance standards of Section 6.3 of the zoning by-law.

Variance 1: Minimum Side Yard

By-Law Number 8499: Section 6.3(2)(c)(i) Requirement: 0.6 metres Proposed: 0 metres Variance Requested: 0.6 metres

The proposal requires a variance to the Minimum Side Yard setback of 0.6 metres to recognize the existing building footprint to construct the full second storey above the existing dwelling as all new development is to comply with the performance standards of the Zoning By-Law. The reduction is to recognize the northwest corner of the existing dwelling which is approximately 0 metres from the northern lot line. The second storey addition will not be any closer to the lot line than what currently exists. The rear addition will comply with the minimum side yard setback as it will be setback approximately 0.8 metres from the northern lot line.

Variance 2: Minimum Aggregate Side Yard

By-Law Number 8499: Section 6.3(2)(c)(i) Requirement: 2.9 metres Proposed: 2.4 metres Variance Requested: 0.5 metres

The proposal requires a variance to the Minimum Aggregate Side Yard Requirement of 2.9 metres which is three-tenth of the width of the lot. The aggregate side yard requirement is calculated as the sum of both side yards measured from the closest point of the structure to each side lot line. The side yard setback along the northern lot line is 0 metres while the setback along the southern lot line is 2.4 metres at their closest point, therefore the sum of the setbacks is 2.4 metres.

It is the intent of the Aggregate Side Yard Setback to provide parking and access to the rear yard within a side yard. The variance is to recognize the location of the existing structure, second storey addition and the rear addition. Rear yard access will be maintained between the southern lot line and the dwelling. Parking will be maintained within the existing driveway located at eh southeast corner of the lot.

Variance 3: Sidewalls of Dormer(s) setback from end of roof (North Dormer)

By-Law Number 8499: 6.3(2)(f)(ii)(4)(b) Requirement: 1.1 metres Proposed: 0.4 metres Variance Requested: 0.7 metres

Variance 4: Sidewalls of Dormer(s) setback from end of roof (West Dormer)

By-Law Number 8499: 6.3(2)(f)(ii)(4)(b) Requirement: 1.1 metres Proposed: 0.4 metres Variance Requested: 0.7 metres

Variance 5: Dormer Width not to exceed half of the main roof and not exceed 4.6 metres (West Dormer)

By-Law Number 8499: 6.3(2)(f)(ii)(4)(c) Requirement: 2.7 metres Proposed: 4.6 metres Variance Requested: 1.9 metres

The next three variances relate to the proposed dormers on the new roof. The intent of the dormer provisions is to avoid large or shed like dormers which result in the modification of the majority of the roof to accommodate living space in the attic. The height of the proposed new roof will provide adequate height for living space.

Three dormers are proposed on the roof which are intended to provide natural light and ventilation in the attic space. The dormer located on the north side will have no windows and is requested in order to provide ceiling height to accommodate the stairway and its landing. The dormer requires a variance from the setback from the end of the roof. The dormer cannot be relocated or shrunk in size as a result of the location of the stairway.

The third dormer is located on the south roof line which complies with the dormer provisions. The dormer will provide natural light and ventilation to the office area.

The second dormer is located on the west roof line and will provide ventilation and natural light to the den in the attic. The roofline is approximately 7.3 metres in width however the roofline tapers smaller to 4.5 metres where the dormer is located therefore the width of the

dormer is based on the 4.5 metre width. This permits a dormer width of 2.7 metres. The applicant proposes a width of 4.6 metres which requires a variance.

As a result of the reduced width in the roof, an additional variance is required to reduce the setback of the dormer from the end of the roof. The dormer would comply with this provision if the 7.3 metre width of the roof was applied however the taper roof requires the measurement to be taken from the tapered portion of the roof at 5.5 metres. A variance is therefore requested to reduce the setback from the end of the roof to 0.4 metres for either side of the dormer.

The third dormer is located on the south roof line which complies with the dormer provisions. The dormer will provide natural light and ventilation to the office area.

The proposal complies with the remaining zoning provisions of the One- and Two-Family Dwelling 'A' Zone in Zoning By-Law Number 8499.

3) The variance is minor in nature

The variance is considered minor as the proposed additions will comply with the maximum height of the dwelling and maximum building depth provision in the 'A' zone and will be similar in scale and design of other two and a half storey dwellings along Barrie Street and within the residential neighbourhood.

The proposal and its requested variances are not anticipated to have any negative impacts on the continued use or privacy of the abutting residential uses. The development will not result in a negative impact on the character of the neighbourhood or to the streetscape.

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

The proposed two and a half storey dwelling is similar to the existing massing, character and architecture in the residential neighbourhood. The rear addition will provide common living space (living room) for the residential use and will provide access to the rear yard deck through sliding doors along the rear wall. The existing dwelling contains a maximum of three bedrooms. The proposed additions will maintain the three bedrooms on the second storey however as a result of the rear addition, a master bedroom suite will be created within the new second storey while the remaining second floor will be renovated to provide two bedrooms, an updated washroom, a laundry room and a stairway leading to the attic space. A crawlspace is proposed in the rear addition therefore additional living space is proposed within the attic space. The attic will provide an office area, recreational room and a den. The proposed dormers will provide natural light and ventilation to the attic space and headroom for the stairway and its landing.

Parking will be maintained within the existing driveway located at the southeast corner of the lot. Rear yard access will be maintained between the southern lot line and the dwelling and a rear yard and deck will be provided for outdoor amenity area for the residential use.

The variance is desirable and appropriate use of the land. The proposed two and a half storey dwelling will provide additional living space for the long-term needs and use for the residential dwelling and its occupants. No new bedrooms or units will result from the approval of the application and no new negative impacts are anticipated for the abutting residential uses or the character of the neighbourhood or the streetscape.

Technical Review: Circulated Departments and Agencies

- Building Services
- Engineering Department ☑ Utilities Kingston
- ⊠ Kingston Hydro
- ⊠ Parks Development
 - ⊠ District Councillor
 - □ Municipal Drainage

 - □ KFL&A Health Unit
 - Eastern Ontario Power
 - Enbridge Pipelines

- Heritage (Planning Services)
- ☑ Real Estate & Environmental Initiatives
- □ City's Environment Division
- □ Canadian National Railways
- □ Ministry of Transportation
- □ Parks of the St. Lawrence
- □ Trans Northern Pipelines
- □ CFB Kingston
- □ TransCanada Pipelines

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, there were no written public concerns or objects 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

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 are minor in nature. As such, the proposed application meets all four tests under Subsection 45(1) of the Planning Act and the application is being recommended for approval, subject to the proposed conditions.

- ⊠ Finance Fire & Rescue
- Solid Waste
- ⊠ Housing
- □ KEDCO
- Parks Canada
- □ Hydro One
- □ Kingston Airport

Approval of this application will provide additional living space to an existing single detached dwelling and is anticipated to have no negative impacts on the abutting residential uses or their continued use and function on their lots.

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 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 37 property owners (according to the latest Assessment Roll) within 60 metres of the subject property (Exhibit C) 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, Manager, Development Approvals, 613-546-4291 extension 3213

Tim Fisher, Planner, 613-546-4291 extension 3215

Other City of Kingston Staff Consulted:

None

Exhibits Attached:

Exhibit A	Recommended Conditions
Exhibit B	Кеу Мар
Exhibit C	Public Notification Map
Exhibit D	Official Plan Map
Exhibit E	Zoning By-Law Number 8499, Map 19
Exhibit F	Neighbourhood Context Map (2020)
Exhibit G	Revised Plot Plan
Exhibit H	Elevation Drawings
Exhibit I	Floor Plans
Exhibit J	Photos

Recommended Conditions

Application for minor variance, File Number D13-006-2021

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

1. Limitation

That the approved minor variance applies only to the two and a half storey, three bedroom dwelling and its dormers, 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

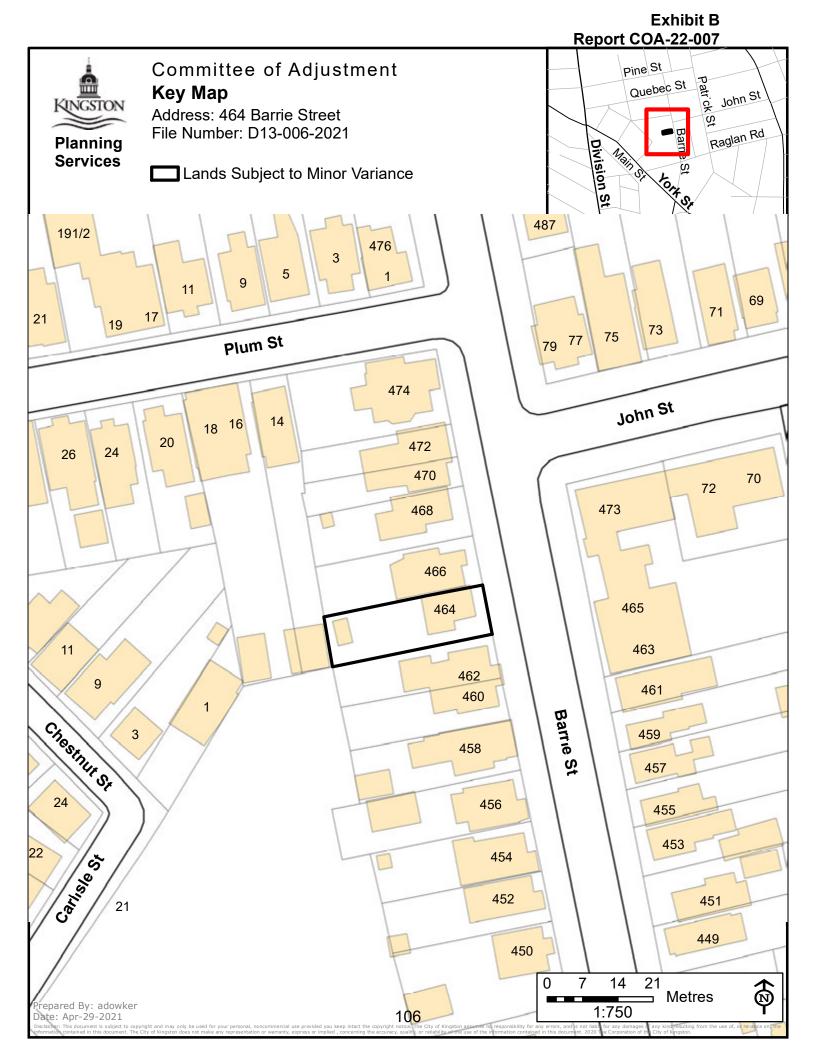
The owner/applicant shall provide to the Building Services a copy of the decision of the Committee of Adjustment, together with a copy of the approved drawings, when they make application for a Building Permit.

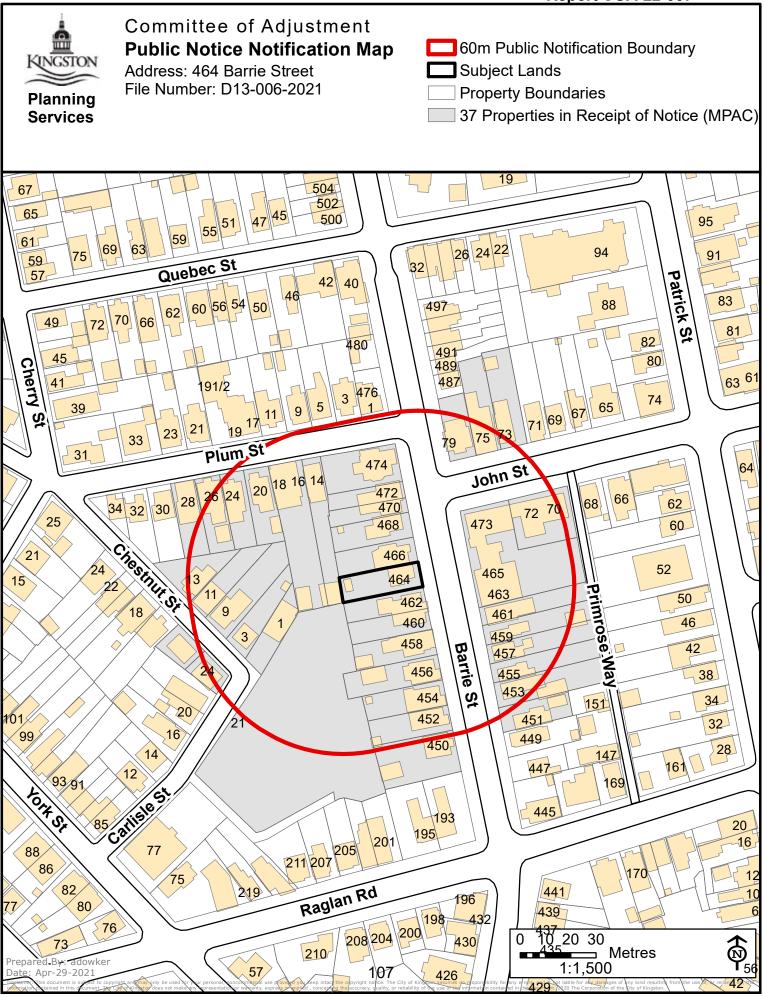
The drawings submitted with the Building Permit application must, in the opinion of the City, conform to the general intent and description of the approved drawing(s), including any amendments and conditions approved by the Committee of Adjustment, as stated in the decision. It must be noted that additional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

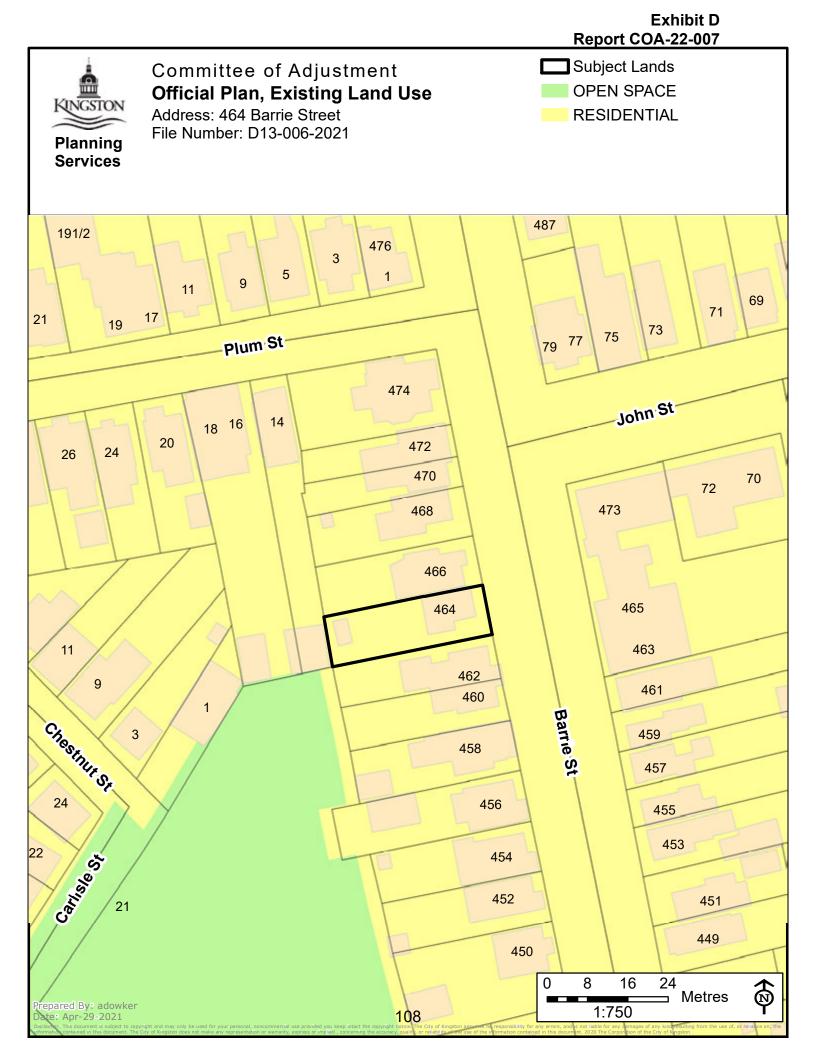
4. Standard Archaeological Clause

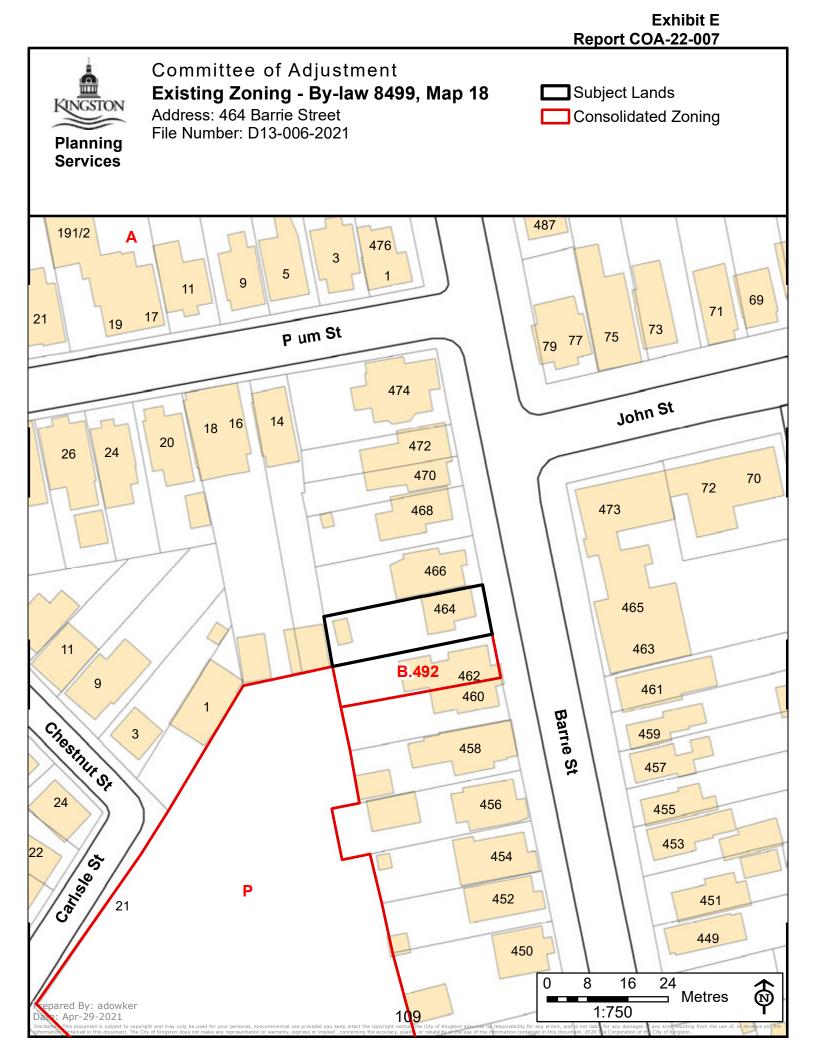
In the event that deeply buried or previously undiscovered archaeological deposits are discovered in the course of development or site alteration, all work must immediately cease and the site must be secured. The Program and Services Branch of the Ministry of Heritage, Sport, Tourism and Culture Industries (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 Neighbourhood Context (2020)

Planning Services Address: 464 Barrie Street File Number: D13-006-2021 Property Boundaries

Proposed Parcels



Exhibit G Report COA-22-007

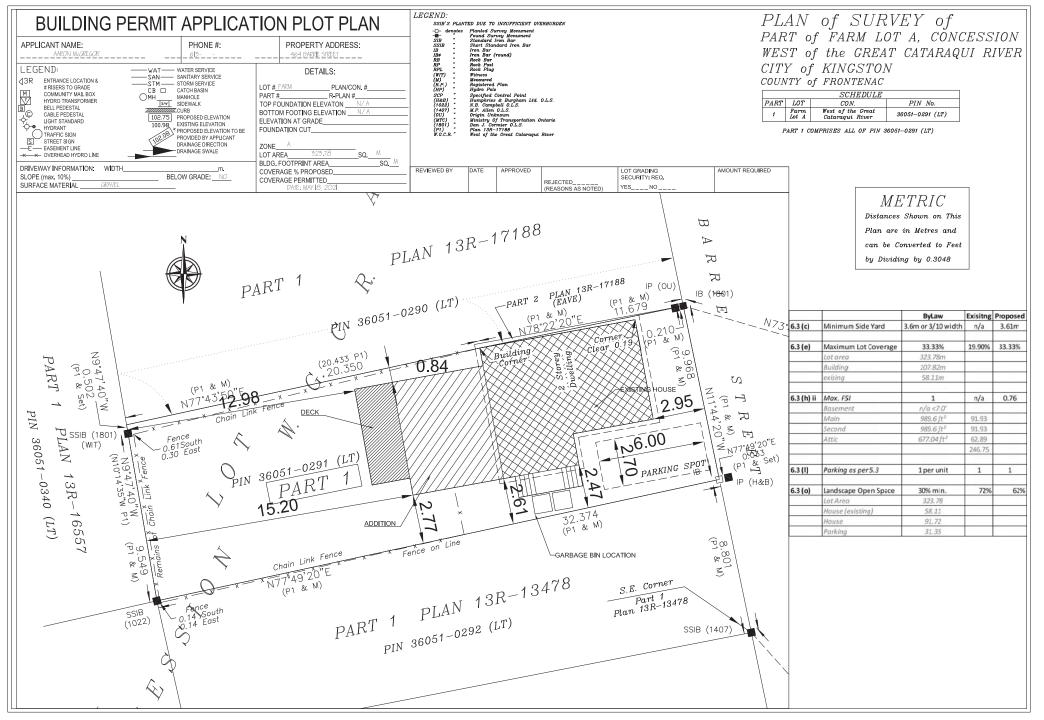


Exhibit H Report COA-22-007

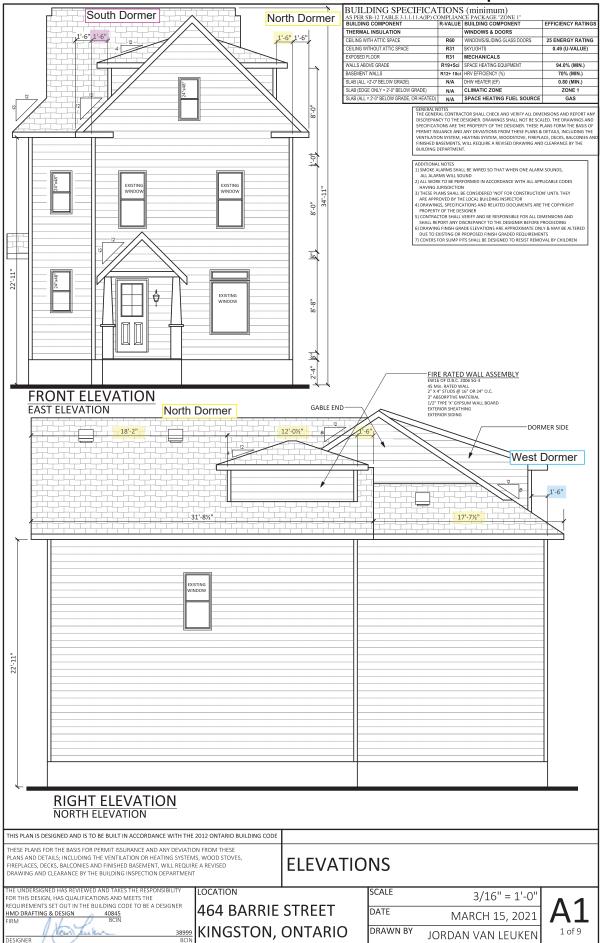


Exhibit H Report COA-22-007

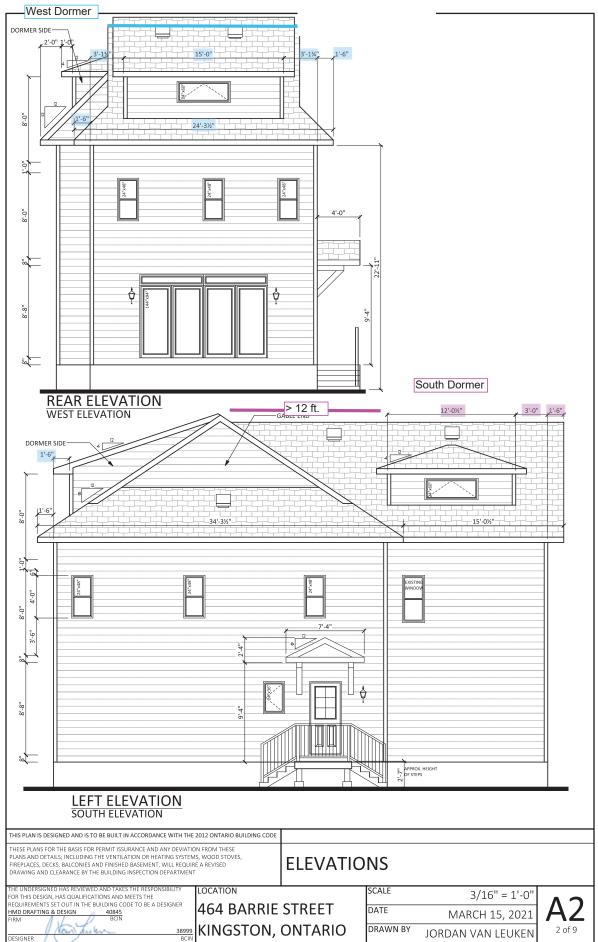
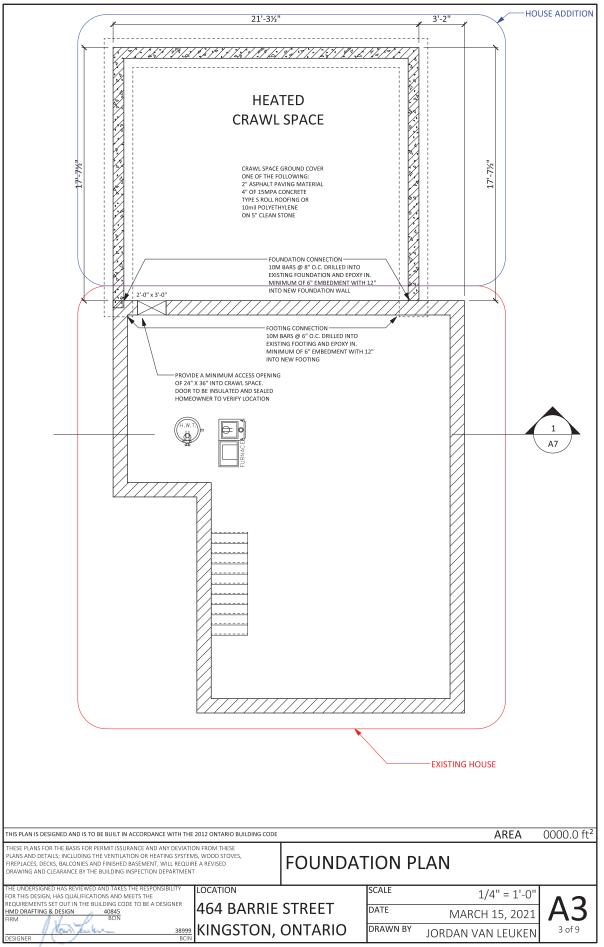


Exhibit I Report COA-22-007



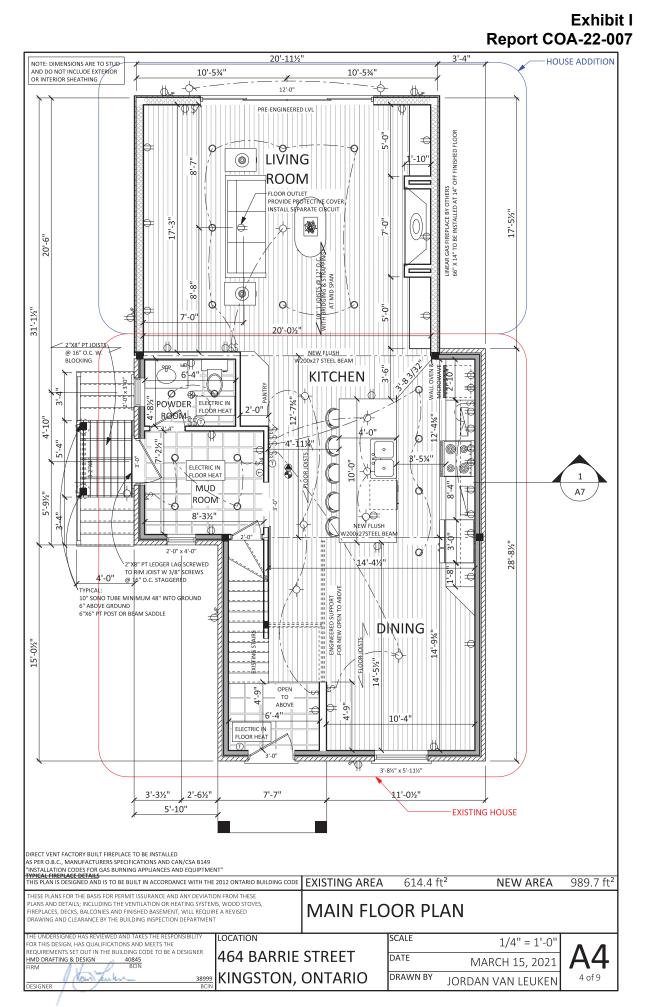


Exhibit I Report COA-22-007

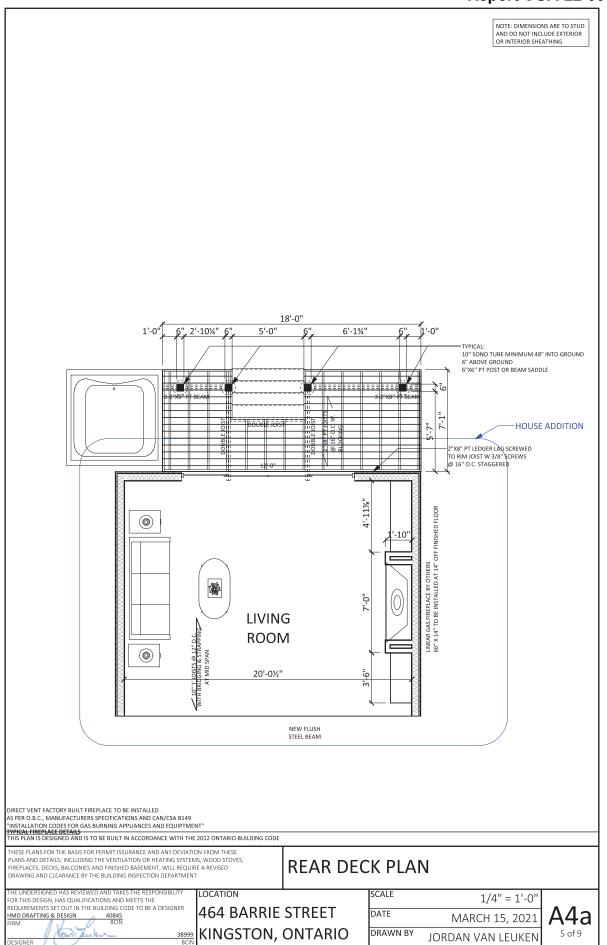


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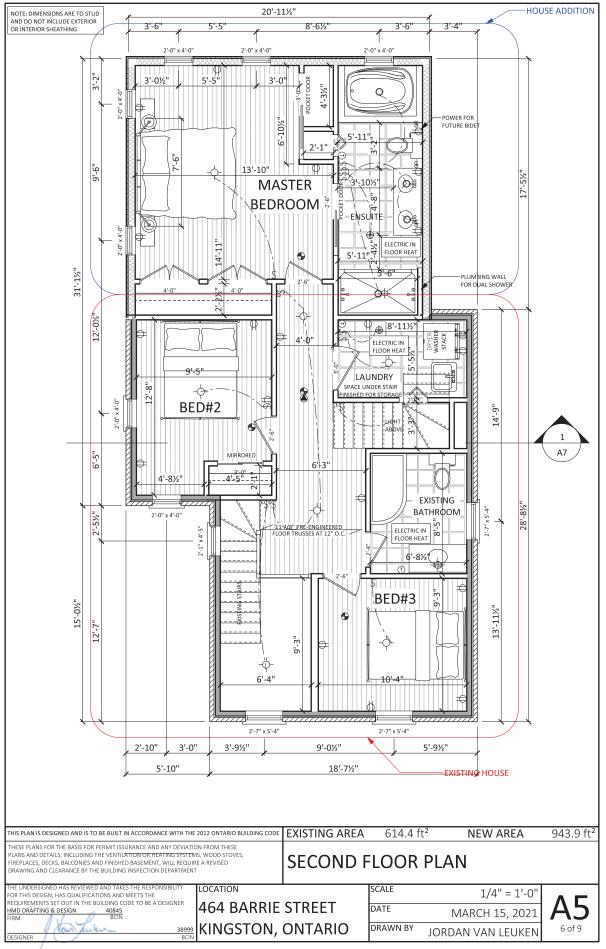


Exhibit I Report COA-22-007

