

City of Kingston Report to Committee of Adjustment Report Number COA-22-008

To: Chair and Members of the Committee of Adjustment

From: Tim Fisher, Planner

Date of Meeting: December 13, 2021

Application for: Minor Variance

File Number: D13-060-2021

Address: 140 Collingwood Street

Owner: David Ross Drummond and Arletta Ruth Ranson

Applicant: Joe Ruffolo, KB Homes

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 140 Collingwood Street. The applicant is proposing to increase the maximum building depth requirement in the 'A' Zone in Zoning By-Law Number 8499, to permit the construction of a 21 square metre, four-season room at the rear of the existing one storey dwelling.

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

Page 2 of 11

Variance 1: Maximum Permitted Residential Building Depth

By-Law Number 8499: Section 6.3(2)(g)(ii)(1)(a)

Requirement: 15 metres Proposed: 18 metres

Variance Requested: 3 metres

Recommendation:

That minor variance application, File Number D13-060-2021, for the property located at 140 Collingwood Street to increase the maximum building depth requirement in the 'A' Zone in Zoning By-Law Number 8499, to permit the construction of a 21 square metre, four-season room at the rear of the existing one storey dwelling, be approved; and

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-22-008.

Page 3 of 11

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

Page 4 of 11

Options/Discussion:

On September 28, 2021, a minor variance application was submitted by Joe Ruffolo, KB Homes, on behalf of the owner, David Ross Drummond and Arletta Ruth Ranson, with respect to the property located at 140 Collingwood Street. The variance is requested to permit the construction of a 21 square metre, four-season room at the rear of the existing one storey dwelling.

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

- Site Plan (Exhibit G);
- Elevations (Exhibit H);
- Main Floor Plan (Exhibit I); and
- Foundation Plan (Exhibit J).

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 property is located at 140 Collingwood Street (Exhibit B) and has a lot area of 585.6 square metres with approximately 14.5 metres of road frontage on Collingwood Street. The property is designated Residential in the Official Plan (Exhibit D) and zoned One and Two Family Dwelling 'A' Zone in Zoning By-Law Number 8499 (Exhibit E). The property is developed with a one storey, single detached dwelling with its road access from Collingwood Street.

The site is located in a residential neighbourhood which consists of a mixture of single detached dwellings, semi-detached, duplexes and multiple family dwellings. Queen's University is located one block to the east of the subject site and the former St. Mary's on the Lake is four blocks to the west.

Application

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

Page 5 of 11

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 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 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 one storey rear addition (four-season sunroom) 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 subject property is developed with a one storey, single detached dwelling within a residential neighbourhood with a mixture of dwelling types and heights. The proposed one storey, four-season sunroom at the rear of the dwelling will provide additional living space to the owner. The sunroom will not be any higher than the existing dwelling and will not be visible from the street, therefore the streetscape will not be impacted.

Windows are proposed along the rear elevation and the south elevation while the north elevation will be a solid wall. The sunroom will not result in any loss of privacy or loss of enjoyment of the adjacent residential properties.

The perimeter of the rear yard is fenced with a wooden fence which will provided privacy and buffering from 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 four-season sunroom will provide additional living space to the existing single-family dwelling. The construction of the sunroom is not anticipated to have any negative impacts on the continued function of the residential use. Parking will be maintained in the front

Page 6 of 11

yard on a driveway having access on Collingwood Street. A deck is proposed at the rear of the sunroom which will provide defined amenity space access from the dwelling. The sunroom will be setback approximately 10 metres from the rear lot line and therefore will maintain landscape open space for additional amenity area.

The scale and massing of the dwelling and sunroom will be similar to existing residential development in the neighbourhood. No additional units or bedrooms will result from the construction of the sunroom.

- 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;
- 5. 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 complement the built form and materials of the existing dwelling and neighbouring properties.
- 6. 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 sunroom will be constructed using Helical Piers which are pillars which are screwed into the ground to anchor the structure which will result in no excavation. As no soil disturbance (excavation) is proposed, an Archaeological Assessment is not required.
 - 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 excavation.
- 7. 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. No concerns or comments were raised regarding servicing during technical review process.
- 8. 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.

Page 7 of 11

9. 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.

10. 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 four-season sunroom at the rear of the existing single detached dwelling will not result in any negative impacts to adjacent properties or to the neighbourhood and maintain the existing residential use on the subject property.

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 one- or two-family dwellings subject to the performance standards to Section 6.3 of the Zoning By-Law.

Variance 1: Maximum Permitted Residential Building Depth

By-Law Number 8499: Section 6.3(2)(g)(ii)(1)(a)

Requirement: 15 metres Proposed: 18 metres

Variance Requested: 3 metres

The proposal requires a variance to the maximum permitted residential building depth requirement. The maximum average residential building depth is calculated based on the building depth of the two adjacent residential dwellings from front wall to the rear wall of the dwelling. Based on the building depth at 146 Collingwood Street (20 metres) and 134 Collingwood Street (10 metres), the average building depth is 15 metres. The applicant is requesting an increased building depth of 18 metres being an increase of 3 metres to construct the one storey, four-season sunroom at the rear of the existing single family dwelling.

The intent of the maximum average residential building depth is to ensure development on a lot is in keeping with the existing abutting residential development and not result in large rear additions which overpower adjacent residential development, making development more unified and in scale and character of a residential neighbourhood.

Page 8 of 11

The requested increase in building depth will not result in the one storey dwelling and its four season sunroom to overpower the adjacent residential development or will result in the increase of the number of units or bedrooms. The proposed 18 metre building depth will not exceed the 20 metre building depth of the two storey residential dwelling to the north and is not anticipated to have any negative impacts on the one and a half storey dwelling to the south. The proposal will be in keeping with the scale and massing of existing residential development in the neighbourhood.

The proposal complies with all other performance standards 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 it the development is in keeping with the scale and design of the existing residential development in the neighbourhood. The proposal is not anticipated to have any negative impacts on the abutting residential uses. The sunroom is located in the rear yard and will not be visible from the street therefore, it will not have any impacts on the streetscape or character of the neighbourhood.

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

The subject property is developed with a one-storey single detached dwelling. The proposed 21 square metre, four-season sunroom at the rear of the dwelling will provide additional living space to the residential use. The proposal will not result in any new units or bedrooms.

The sunroom is located at the rear of the dwelling and will not be seem from the street. The rear yard is fenced with a wooden privacy fence which will provide buffering from adjacent residential uses. A rear yard is maintained for outdoor amenity space.

The height of the sunroom will not exceed the existing height of the dwelling and will provide a similar roof pitch as the dwelling. The increase in residential building depth will be in keeping with the scale and building depth of other residential development in the neighbourhood.

Approval of the variance will not result in the increase of the building depth for the entire lot. The variance is only applied to the building depth and location of the proposed sunroom at the rear of the dwelling. Any future development on the subject property is to comply with the performance standards of the zoning by-law.

The variance is desirable and appropriate use of the land.

Page 9 of 11

Technical Review: Circulated Departments and Agencies

\boxtimes	Building Services		\boxtimes	Heritage (Planning Services)
\boxtimes	Finance	□ Utilities Kingston	\boxtimes	Real Estate & Environmental Initiatives
\boxtimes	Fire & Rescue			City's Environment Division
\boxtimes	Solid Waste	□ Parks Development		Canadian National Railways
\boxtimes	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, there were no written public concerns or objections 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 variance maintains the general intent and purpose of both the City of Kingston Official Plan and Zoning By-Law Number 8499. The proposal is desirable for the appropriate development or use of the land, building or structure and the requested variance 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 21 square metre, four-season sunroom to be constructed at the rear of the existing single-family dwelling.

Page 10 of 11

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 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*.

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

Page 11 of 11

Exhibits Attached:

Exhibit A Recommended Conditions

Exhibit B Key Map

Exhibit C Public Notification Map

Exhibit D Official Plan Map

Exhibit E Zoning By-Law Number 8499, Map 30

Exhibit F Neighbourhood Context Map (2021)

Exhibit G Site Plan

Exhibit H Elevations

Exhibit I Main Floor Plan

Exhibit J Foundation Plan

Exhibit K Photo

Recommended Conditions

Application for minor variance, File Number D13-060-2021

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

1. Limitation

That the approved minor variance applies only to the 21 square metre, one storey, four-season sunroom at the rear of the single detached dwelling, 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

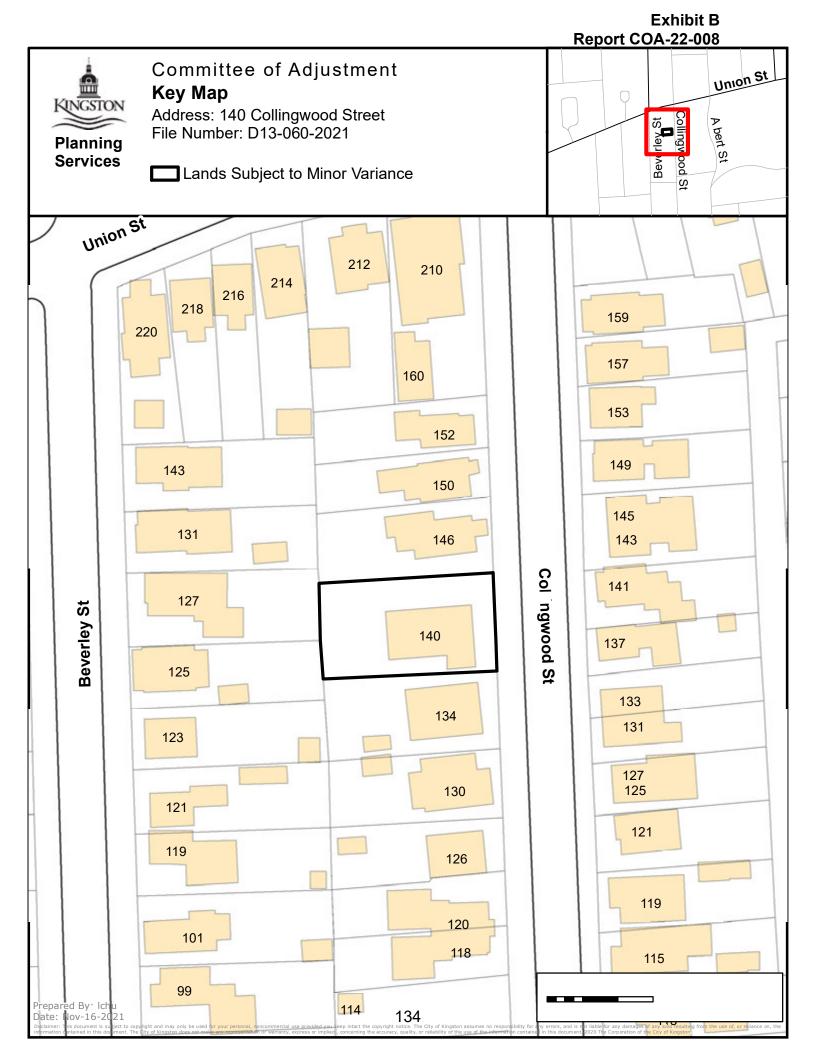
The owner/applicant shall provide to the Building Services a copy of the decision of the Committee of Adjustment, together with a copy of the approved drawings, when they make application for a Building Permit.

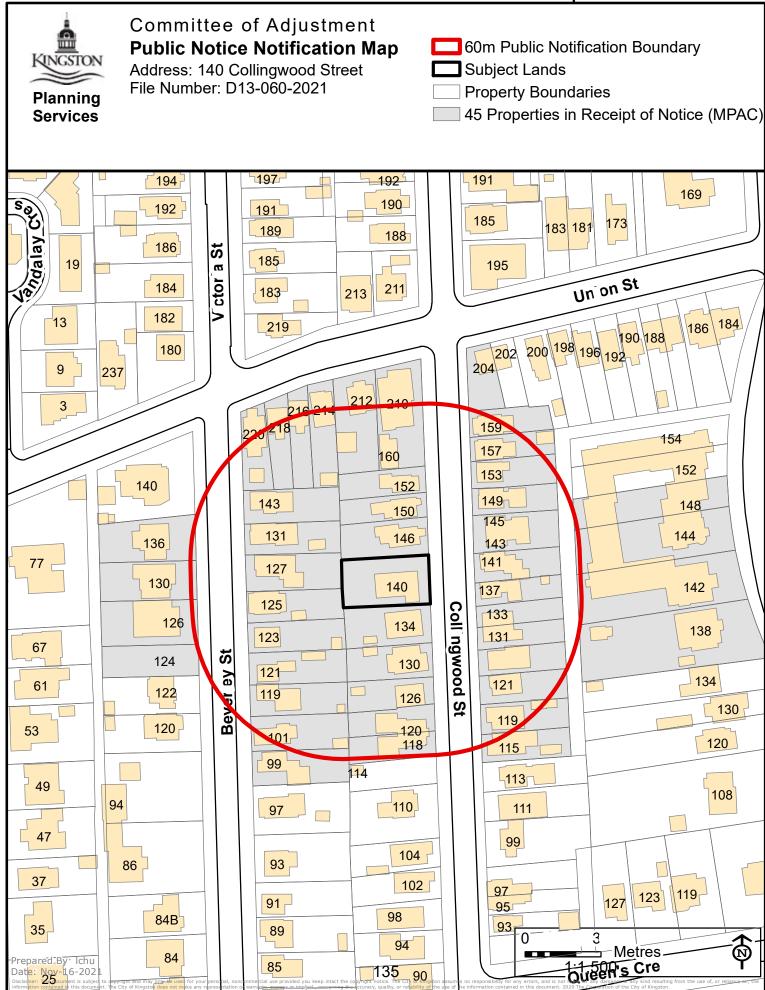
The drawings submitted with the Building Permit application must, in the opinion of the City, conform to the general intent and description of the approved drawing(s), including any amendments and conditions approved by the Committee of Adjustment, as stated in the decision. It must be noted that additional 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.





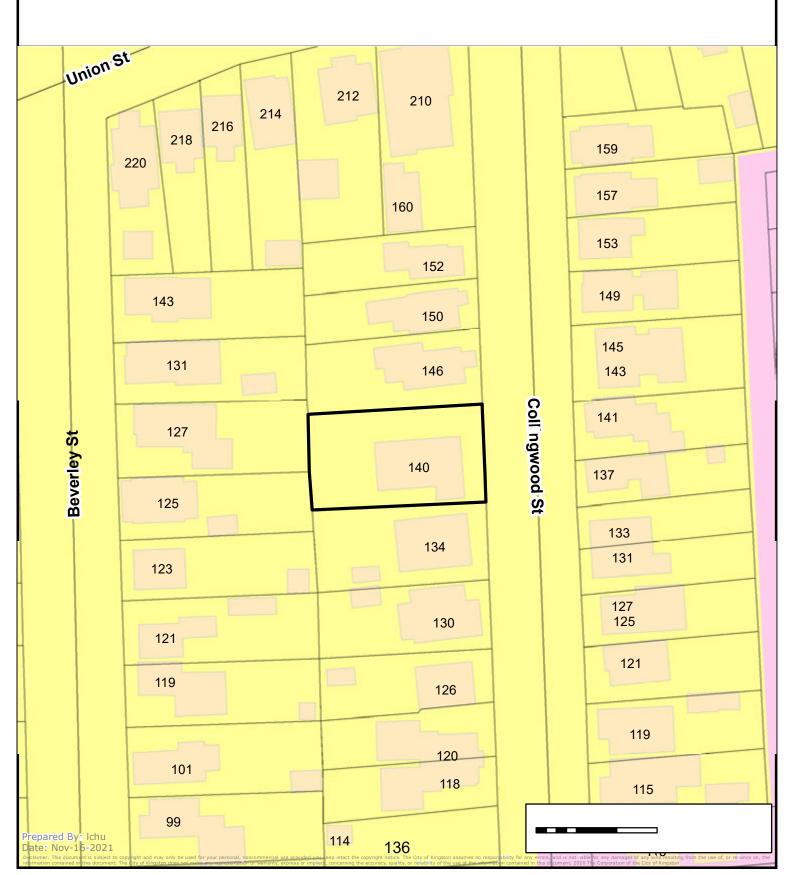


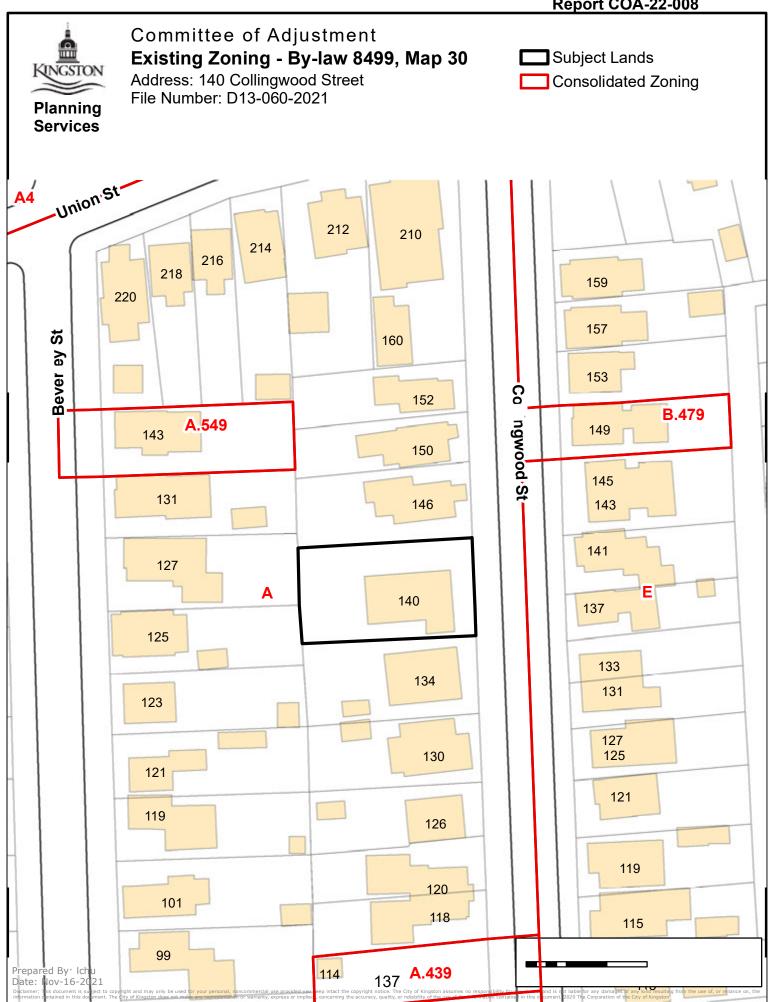
Committee of Adjustment Official Plan, Existing Land Use

Address: 140 Collingwood Street File Number: D13-060-2021

Subject Lands
INSTITUTIONAL

RESIDENTIAL







Committee of Adjustment Neighbourhood Context (2021)

Address: 140 Collingwood Street File Number: D13-060-2021

L Subject Lands
Property Boundaries
Proposed Parcels



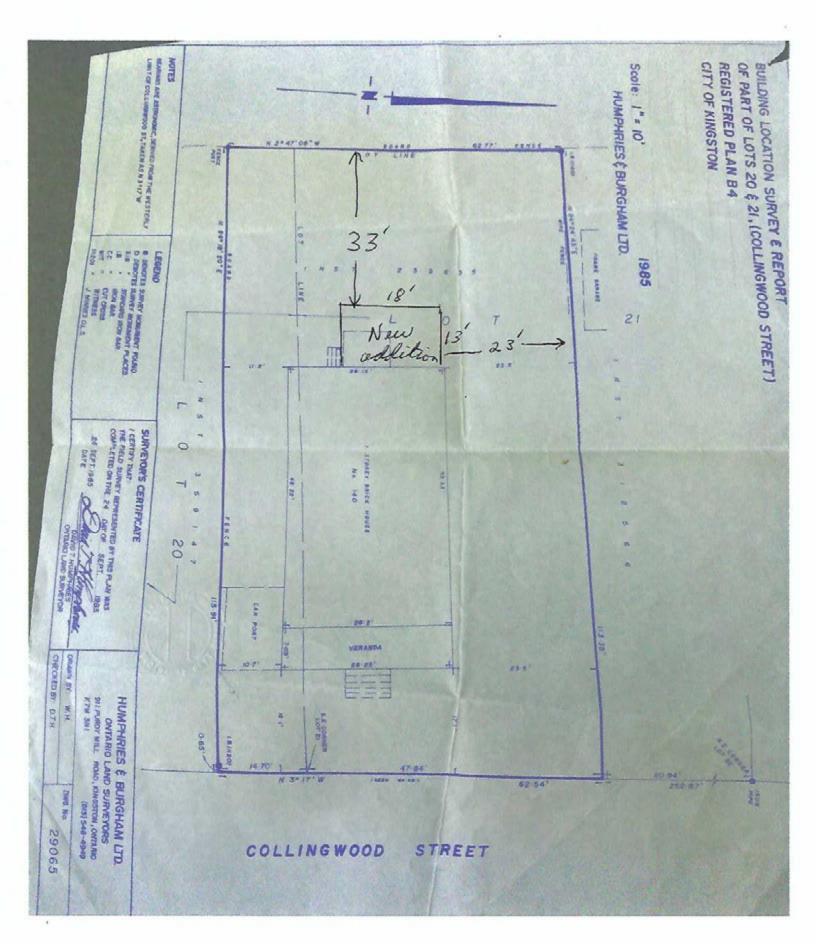


Exhibit H Report COA-22-008

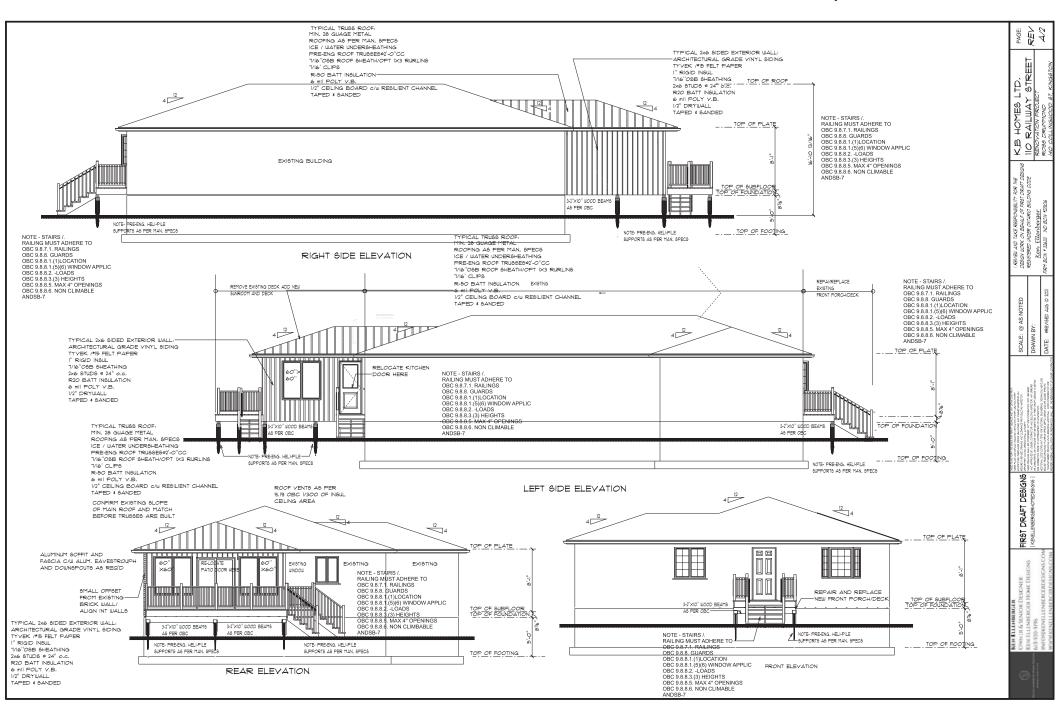


Exhibit I Report COA-22-008

