



**City of Kingston
Report to Committee of Adjustment
Report Number COA-22-021**

To: Chair and Members of the Committee of Adjustment
From: Jason Partridge, Planner
Date of Meeting: January 17, 2022
Application for: Minor Variance
File Number: D13-075-2021
Address: 1660 Sydenham Road
Owner: Self Storage Matters Inc
Applicant: IBI Group

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 1660 Sydenham Road. The applicant is proposing to reduce the minimum loading and parking spaces ratio requirement for the proposed 1-storey self-storage buildings comprised of approximately 3,372 square metres in size across five buildings, and a large open storage area located behind the buildings. The application proposed to reduce the parking requirement from 56 parking spaces to 6 parking spaces, and three loading spaces to zero loading spaces. The zoning for the site permits a self-storage facility and open storage area.

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 76-26. 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.

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Variance Number 1: Minimum Loading Spaces

By-Law Number 76-26: Section 5(12)(a)

Requirement: 3 Loading Spaces per 2322.58 -7432.24 Square Metres of Gross Floor Area

Proposed: 0 Loading Spaces per 2322.58 -7432.24 Square Metres of Gross Floor Area

Variance Requested: 3 Loading Spaces per 2322.58 -7432.24 Square Metres of Gross Floor Area

Variance Number 2: Minimum Parking Spaces

By-Law Number 76-26: Section 5(16)(a)

Requirement: 1.66 Parking Spaces per 100 Square Metres of Gross Floor Area

Proposed: 0.18 Parking Spaces per 100 Square Metres of Gross Floor Area

Variance Requested: 1.48 Parking Spaces per 100 Square Metres of Gross Floor Area

Recommendation:

That minor variance application, File Number D13-075-2021, for the property located at 1660 Sydenham Road to reduce the minimum loading and parking spaces requirement for the proposed five, 1-storey self-storage buildings comprised of approximately 3,372 square metre of gross floor area, be approved; and

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-22-021.

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Authorizing Signatures:

ORIGINAL SIGNED BY PLANNER

Jason Partridge, 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 December 1, 2021, a minor variance application was submitted by IBI Group, on behalf of the owner, Self Storage Matters Inc, with respect to the property located at 1660 Sydenham Road. The variance is requested to reduce the minimum loading and parking spaces ratio requirement for the proposed 1-storey self-storage buildings comprised of approximately 3,372 square metres in size across five buildings and a large open storage area located behind the buildings. The application proposed to reduce the parking requirement from 56 parking spaces to six parking spaces, and three loading spaces to zero loading spaces.

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

- Site Plan (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 along Sydenham Road and is situated within an established rural residential area (Exhibit B – Key Map and Exhibit F – Neighbourhood Context). The site is currently developed with a single-family dwelling that is proposal to be demolished on the property. The surrounding area includes single family dwellings, rural industrial uses and on municipal owned roads. The subject property is designated Rural Industrial in the Official Plan and zoned M1-14 in Zoning By-Law Number 76-26. The subject property is in proximity to various community and open space uses, local schools and commercial/rural industrial uses.

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 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.

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

The subject property is designated Rural Industrial in the City of Kingston Official Plan.

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

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

The proposal is consistent with the general intent of the Official Plan, including Section 2, Strategic Policy Direction. The site is located within a Rural Lands area, as per Schedule 2 of the Official Plan. The proposed minor variances support and are compatible with a resource based local economy and sustainable practices

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 development is compatible with surrounding rural industrial and residential uses, buildings and structures along Sydenham Road. Adverse impacts to the Natural Heritage Features and the wetland to the east of the property are mitigated by siting the building towards the western part of the property along Sydenham Road and by meeting Cataraqui Region Conservation Authority (CRCA) requirements for stormwater, flooding and erosion management. The proposed reduction in parking also mitigates negative environmental impacts as less surface area is consumed for parking. The construction of the proposed self-storage buildings will be subject to Site Plan Control and meeting CRCA requirements.

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 proposed parking reduction is supported by a visitor log in the Planning Justification Report from a similar Self Storage business at 95 Terry Fox Drive which determined that, given the nature of the business, there is a rate of 2.1-2.8 parking spaces used per hour. Therefore, the site will be able to function in an appropriate manner with regards to the provision of 6 parking spaces, two of which is accessible. The proposed self-storage building is also accessible, as it does not have stairs or other barriers that prevent 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;

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The subject site is not a protected heritage property and is not adjacent to any protected heritage properties. The development of this site is consistent with similar land uses along Sydenham Road.

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;

As noted in the preceding section, the subject site is not a protected heritage property and is not adjacent to any protected heritage properties.

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 subject site is located outside the urban boundary and will have to demonstrate it's capable of providing individual on-site water and sewage services at the Site Plan Control application stage

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 site is zoned M1-14, which permits rural industrial uses and the proposed self-storage warehousing use. The proposal meets the four tests of a Minor Variance as outlined in the Planning Act and described herein.

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;

Conditions of approval are recommended in this report in Exhibit A

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

The surrounding properties along Sydenham Road include rural industrial and residential uses. The approval of the requested variances are considered minor and will not set a precedent for the immediate area.

The proposal meets the intent of the Official Plan, as the proposed self storage facility will not result in any negative impacts to adjacent properties or to the neighbourhood.

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

The subject property is zoned M1-14 in the City of Kingston Zoning By-Law Number 76-26, entitled "Township of Kingston Restricted Area By-Law", as amended. The M1-14 zone permits a self-service storage facility, open storage area, warehouse and an accessory dwelling unit uses.

The proposal requires variances to Section 5(12)(a) and Section 5(16)(a).

Variance Number 1: Minimum Loading Spaces

By-Law Number 76-26: Section 5(12)(a)

Requirement: 3 Loading Spaces per 2322.58 -7432.24 Square Metres of Gross Floor Area

Proposed: 0 Loading Spaces per 2322.58 -7432.24 Square Metres of Gross Floor Area

Variance Requested: 3 Loading Spaces per 2322.58 -7432.24 Square Metres of Gross Floor Area

A variance is required from Section 5 (12) (a) of Zoning By-Law Number 76-26 to seek relief from the minimum loading spaces provision which is 3 loading spaces per 2322.58 - 7432.24 square metres of gross floor area. The proposed self-storage facility will provide 0 loading spaces, which does not comply with the minimum loading spaces provision of 3 loading spaces. As such, the applicant is seeking a variance of 3 loading spaces to construct the self-storage facility.

The intent of the minimum loading spaces rate is to increase the functionality of industrial property and provide a safe area to unload large vehicles. Given the nature of the of a self-storage facility, it is not expected to need dedicated areas for loading spaces. Customers will park in front of their storage unit to load and unload their property. The reduction in loading spaces is not anticipated to have any negative onsite or offsite impacts.

Variance Number 2: Minimum Parking Spaces

By-Law Number 76-26: Section 5(16)(a)

Requirement: 1.66 (56) Parking Spaces per 100 Square Metres of Gross Floor Area

Proposed: 0.18 (6) Parking Spaces per 100 Square Metres of Gross Floor Area

Variance Requested: 1.48 Parking Spaces per 100 Square Metres of Gross Floor Area

Another variance is required from Section 5 (16) (a) of Zoning By-Law Number 76-26 to seek relief from the minimum parking spaces rate which is 1.66 per 100 square metres of gross floor area. The proposed self-storage facility will be providing a parking rate at 0.18, which does not comply with the minimum parking spaces rate. As such, the applicant is seeking a variance of 1.48 parking spaces per 100 square metres of gross floor area to construct the self-storage facility.

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The intent of regulating the minimum parking space for an industrial building is to ensure that a property provides its customers with safe/secure parking spots and prevent the need for on street parking overflow. Due to the nature of self-storage facilities and their external-access storage units, customers typically drive directly to their unit after checking-in at a gate (if applicable), ultimately bypassing the need to park in a designated space. The reduction in parking spaces is not anticipated to have any negative onsite or offsite impacts. The general intent and purpose of the by-law is maintained.

3) The variance is minor in nature

The variances are considered minor in nature as the proposed reduction in parking spaces and loading spaces has been demonstrated to be reasonable and appropriate for the proposed development. The reduction is not expected to contribute to on-street parking along Sydenham Road and will help reduce any negative impacts towards the wetlands east of the property. There are no anticipated adverse impacts with regards to the proposed reductions parking or loading spaces, as there will still be ample parking spaces provided on the property.

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

The proposed parking and loading spaces rate reduction is desirable for the appropriate development and use of the subject site, as it encourages local economic development within a rural area. The reduction in parking will leave more open space on the subject property and will consume less land for a use that has been deemed unnecessary. The reduction will also help protect the natural heritage features and wetlands surrounding the property.

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 type="checkbox"/> Kingston Hydro | <input type="checkbox"/> City’s Environment Division |
| <input type="checkbox"/> Solid Waste | <input checked="" type="checkbox"/> Parks Development | <input type="checkbox"/> Canadian National Railways |
| <input type="checkbox"/> Housing | <input checked="" type="checkbox"/> District Councillor | <input type="checkbox"/> Ministry of Transportation |
| <input type="checkbox"/> KEDCO | <input 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 | | |

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Technical Comments

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

Public Comments

At the time this report was finalized, no public comments 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(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 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.

Approval of this application will permit the construction of 3372 square metres of 1-storey self-storage buildings and a large open storage area located behind the buildings on the lot. The single-family dwelling on the property will be demolished to make room for the self-storage facility. The proposed self-storage facility will be a reinvestment to the property 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

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Notice Provisions:

A Committee of Adjustment Meeting is going to be held respecting this application on January 17, 2022. 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 6 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

Jason Partridge, Planner, 613-546-4291 extension 3216

Other City of Kingston Staff Consulted:

None

Exhibits Attached:

- Exhibit A Recommended Conditions
- Exhibit B Key Map
- Exhibit C Public Notification Map
- Exhibit D Official Plan Map
- Exhibit E Zoning By-Law Number 76-26, Map 1
- Exhibit F Neighbourhood Context Map (2021)
- Exhibit G Site Plan

Recommended Conditions

Application for minor variance, File Number D13-075-2021

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

1. Limitation

That the approved minor variance applies only to the subject lands located at 1660 Sydenham Road for the proposed 1-storey self-storage buildings comprised of approximately 3,372 square metres in size and open storage area 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 Cultural Program Branch of the Ministry of Tourism, Culture and Sport (416-314-7132) and the 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 Regulation Section of the Ontario Ministry of Consumer Business Services (416-326-8404), the Cultural Program Branch of the Ministry of Tourism, Culture and Sport (416-314-7132), and the City of Kingston's Planning Services (613-546-4291, extension 3180) must be immediately contacted.




Planning Services

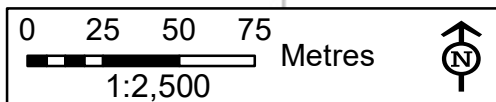
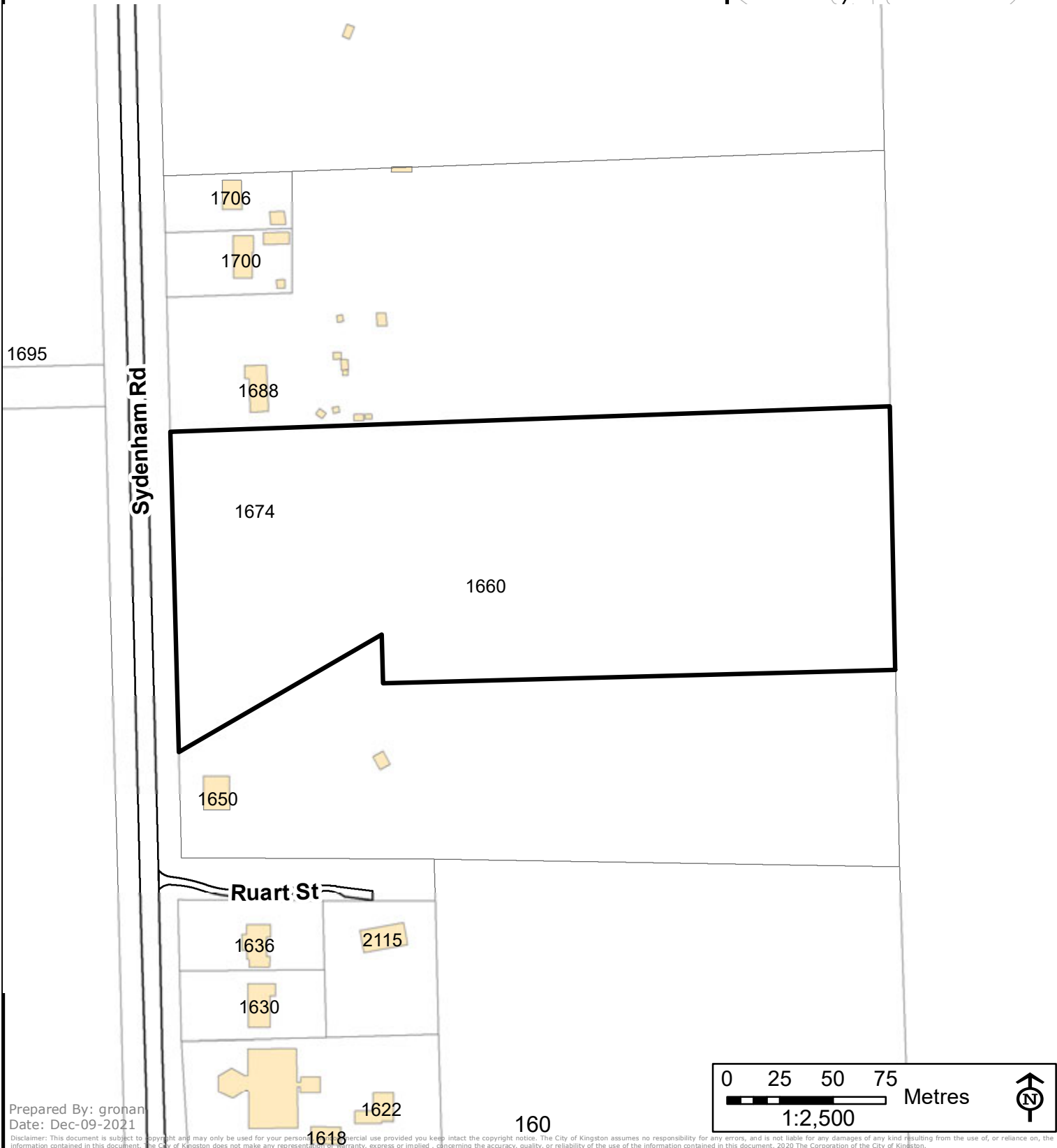
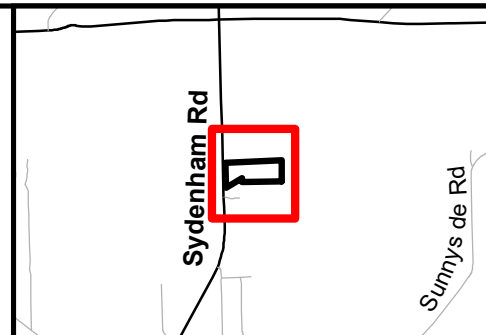
Committee of Adjustment

Key Map

Address: 1660 Sydenham Road

File Number: D13-075-2021

 Lands Subject to Minor Variance








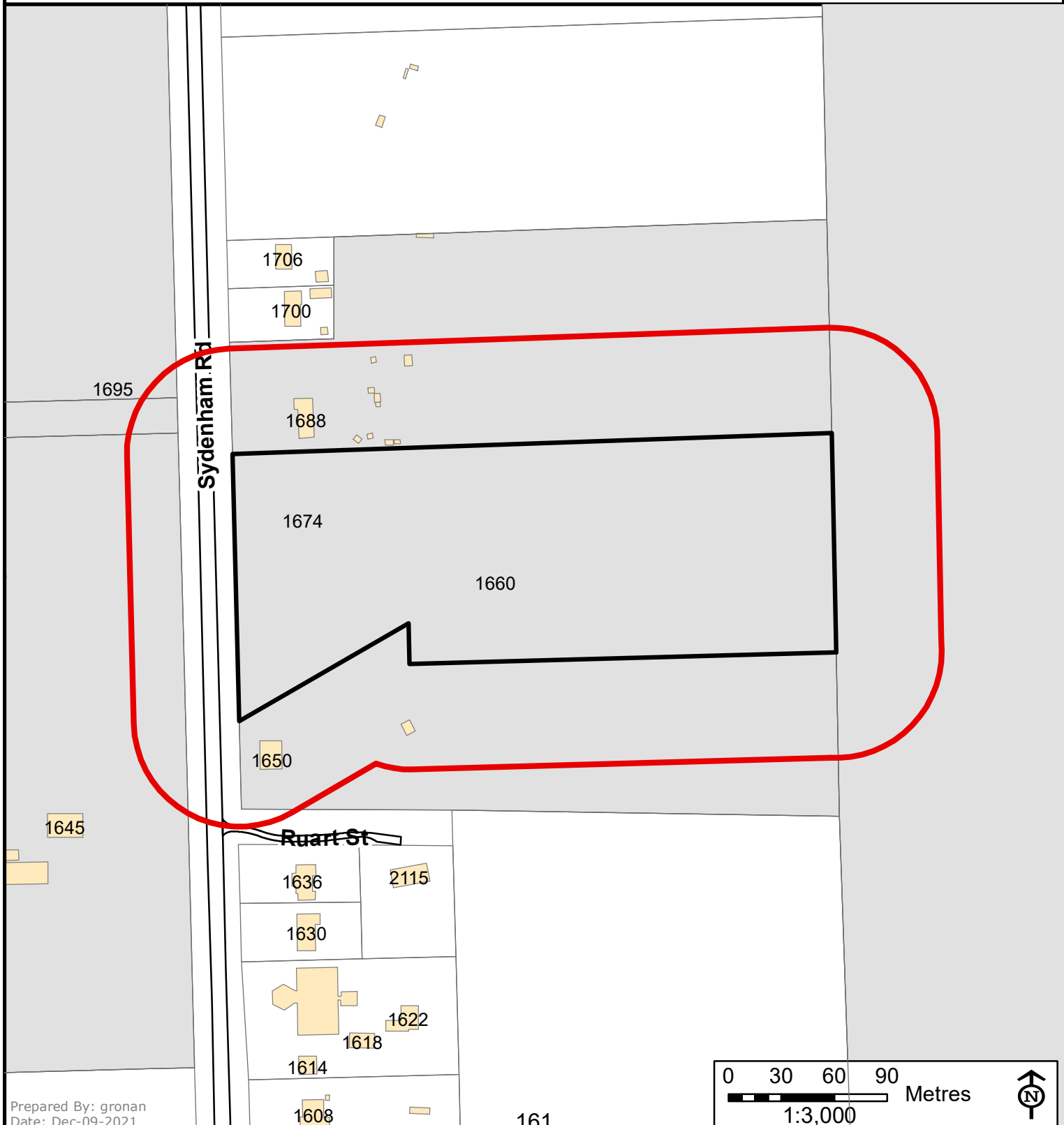


Planning Services

Committee of Adjustment Public Notice Notification Map

Address: 1660 Sydenham Road
File Number: D13-075-2021

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



Prepared By: gronan
Date: Dec-09-2021






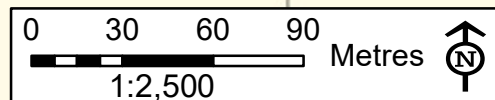
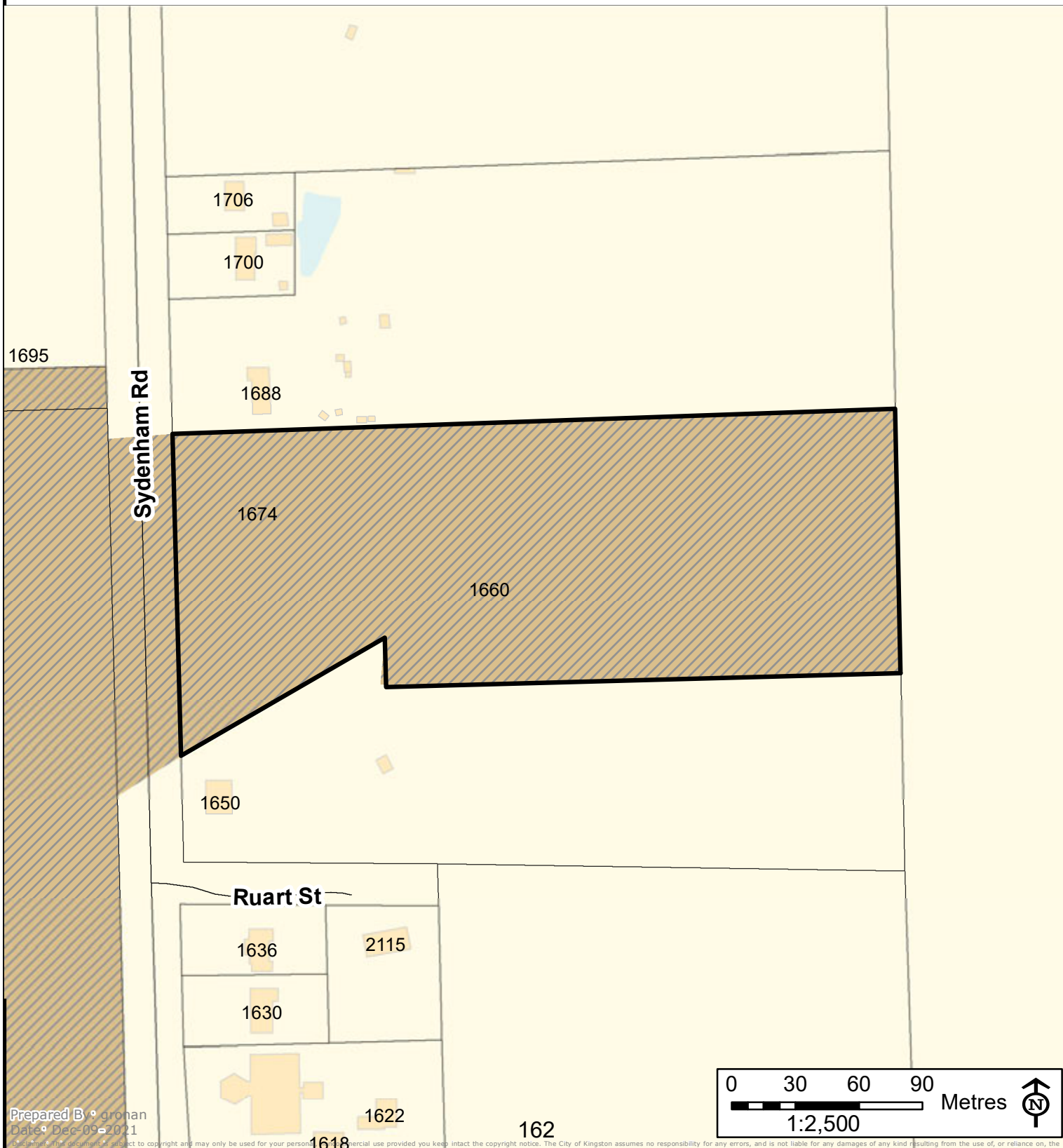
Planning Services

Committee of Adjustment Official Plan, Existing Land Use

Address: 1660 Sydenham Road

File Number: D13-075-2021

-  Subject Lands
-  RURAL
-  RURAL INDUSTRIAL







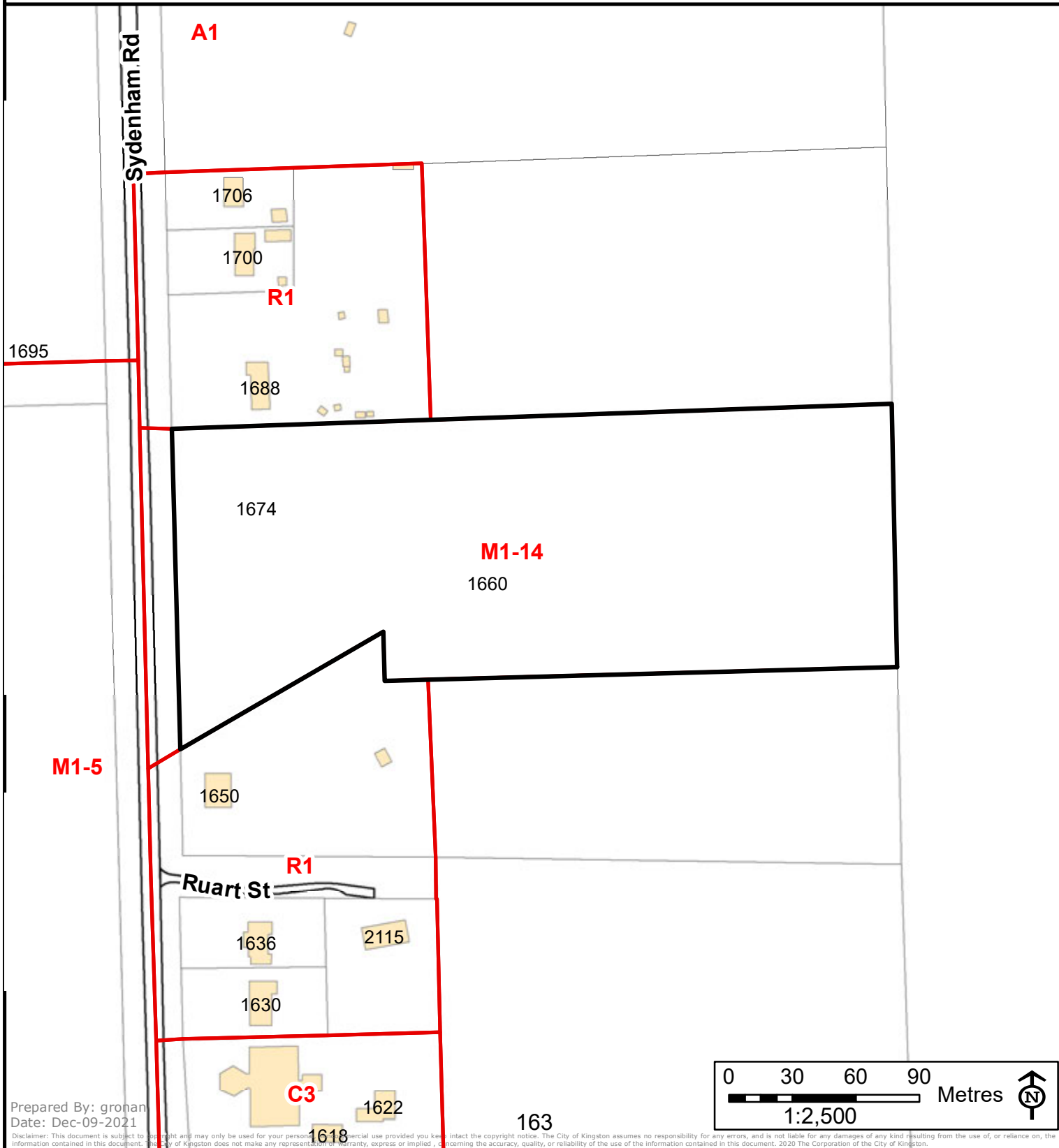
Planning Services

Committee of Adjustment Existing Zoning - By-law 76-26, Map 1

Address: 1660 Sydenham Road

File Number: D13-075-2021

-  Subject Lands
-  Consolidated Zoning





Committee of Adjustment
Neighbourhood Context (2021)

Address: 1660 Sydenham Road
File Number: D13-075-2021

- Subject Lands
- Property Boundaries
- Proposed Parcels



