



**City of Kingston  
Report to Committee of Adjustment  
Report Number COA-22-002**

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**To:** Chair and Members of the Committee of Adjustment  
**From:** Meghan Robidoux, Intermediate Planner  
**Date of Meeting:** February 14, 2022  
**Application for:** Minor Variance  
**File Number:** D13-049-2021  
**Address:** 276 Helen Street  
**Owner:** Bertrum Barr and Brenda Barr  
**Applicant:** Barr Homes and Fotenn Consultants

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**Council Strategic Plan Alignment:**

Theme: 2. Increase housing affordability

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

**Executive Summary:**

This report provides a recommendation to the Committee of Adjustment regarding an application for minor variances for the property located at 276 Helen Street. The applicant is proposing to demolish the existing one-storey dwelling and redevelop the subject property with a three-storey multiple residential building containing eight dwelling units. The development will provide one 1-bedroom unit, one 2-bedroom unit, five 3-bedroom units, and one barrier free 2-bedroom unit, resulting in a total aggregate of 20 bedrooms. Access is proposed to be maintained off Helen Street to provide access to five parking spaces in the rear yard, including one Type A accessible space. Eight bicycle parking spaces are also proposed beneath the rear stairs. An accessibility ramp is proposed on the south side of the building to provide access from the rear parking area and from the street. Amenity space is provided in the rear yard and a common amenity area in the basement. Upper-level balconies also provide private amenity space to units on the second and third storeys.

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The subject property is situated on the west side of Helen Street. The property is designated as Residential in the Official Plan and is zoned Multiple Family Dwelling 'B3' Zone of Zoning By-Law Number 8499, as amended. The subject property is located adjacent to a variety of residential uses, ranging from one to three storeys in height.

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

**Variance Number 1: Minimum Front Yard**

By-Law Number 8499: Section 16.3(a)

Requirement: 7.5 metres

Proposed: 5.8 metres

Variance Requested: 1.7 metres

**Variance Number 2: Minimum Side Yard**

By-Law Number 8499: Section 16.3(b)

Requirement: 9.3 metres

Proposed: 3.4 metres (north); 1.5 metres (south)

Variance Requested: 5.9 metres (north); 7.8 metres (south)

**Variance Number 3: Minimum Aggregate Side Yard**

By-Law Number 8499: Section 16.3(b)

Requirement: 18.6 metres

Proposed: 4.9 metres

Variance Requested: 13.7 metres

**Variance Number 4: Off-Street Vehicle Parking**

By-Law Number 8499: Section 5.3.A.(a)(ii)(2)

Requirement: 1.4 parking spaces per dwelling unit

Proposed: 0.6 parking spaces per dwelling unit

Variance Requested: 0.8 parking spaces per dwelling unit

**Variance Number 5: Off-Street Vehicle Parking**

By-Law Number 8499: Section 5.3.B.(h)

Requirement: 2.7 metres by 6.0 metres

Proposed: 2.6 metres by 5.2 metres

Variance Requested: 0.1 metres by 0.8 metres

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**Variance Number 6: Projection into Yards, Minimum Setback from Front Lot Line**

By-Law Number 8499: Section 5.8

Requirement: May project 2.5 metres out from main building wall, but not closer than 3.5 metres to the front lot line

Proposed: May project 3.4 metres out from main building wall, but not closer than 2.4 metres to the front lot line

Variance Requested: 5.8 metres

**Recommendation:**

**That** minor variance application, File Number D13-049-2021, for the property located at 276 Helen Street to construct a new three-storey, eight-unit multiple residential building, be approved; and

**That** approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-22-002.

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**Authorizing Signatures:**

ORIGINAL SIGNED BY PLANNER

Meghan Robidoux, Intermediate  
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 August 10, 2021, a minor variance application was submitted by Barr Homes and Fotenn Consultants with respect to the property located at 276 Helen Street. The applicant is proposing to demolish the existing one-storey dwelling and redevelop the subject property with a three-storey multiple residential building containing eight dwelling units (Exhibit F – Site Plan, Floor Plans, Elevations, and Renderings). The development will provide one 1-bedroom unit, one 2-bedroom unit, five 3-bedroom units, and one barrier free 2-bedroom unit. A driveway is proposed to be maintained off Helen Street to provide access to five parking spaces in the rear yard, including one Type A accessible space. Eight bicycle parking spaces are also proposed beneath the rear stairs. An accessibility ramp is proposed on the south side of the building to provide access from the rear parking area and from the street. Amenity space is provided in the rear yard and a common amenity area in the basement. Upper-level balconies also provide private amenity space to units on the second and third storeys.

The following minor variances are requested to facilitate the proposed development:

- To permit a minimum front yard of 5.8 metres, where a minimum of front yard of 7.5 metres is required;
- To permit a minimum side yard of 3.4 metres to the north and 1.5 metres to the south, where a side yard abutting any part of a lot occupied by a one-family dwelling or a two-family dwelling shall be of a width equal to the height of the building (9.3 metres) and fenced with a masonry wall not less than 1.4 metres in height and erected 0.2 metres from the lot line;
- To permit an aggregate side yard of 4.9 metres, where an aggregate side yard width equal to 1.5 times the height of the building is required;
- To permit 0.6 parking spaces per dwelling unit, where 1.4 parking spaces per dwelling unit are required;
- To permit a parking space design standard of 2.6 metres in width by 5.2 metres in length, where 2.7 metres in width by 6.0 metres in length is required; and
- To permit projection into the front yard of 3.4 metres from the main building wall, where projection into the front yard of 2.5 metres from the main building wall is permitted.

The applicant has identified that the removal of two City-owned trees within the boulevard will be required to facilitate the proposed development (Exhibit F – Site Plan). The submitted tree inventory report concluded that these trees are in poor to moderate condition, with poor suitability for preservation. Forestry Staff have advised that they support the findings of the consulting arborist and have no concerns with the removal of the trees as part of the future Site Plan Control application. The applicant will be required to replace the lost trees along the Helen Street frontage with a single tree and forward the appraised values of both trees in the amount of \$2,328.54 as a condition of Site Plan Control approval.

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

- Site Plan (Exhibit F);
- Floor Plans and Elevations (Exhibit F);
- 3D Concept and Rendering (Exhibit F);
- Servicing, Grading, and Removals Plan;
- Noise Impact Study;
- Parking Study;
- Servicing Report;
- Stormwater Management Report;
- Tree Inventory Report;
- Electrical Diagram;
- Survey; and
- Planning Justification Report.

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 west side of Helen Street in the Sunnyside neighbourhood (Exhibit B – Key Map). The subject property currently contains a one-storey single detached dwelling. The property is surrounded by a variety of residential uses, including single detached dwellings, two family dwellings, and multi-residential buildings ranging from one to four stories in height (Exhibit C – Neighbourhood Context). The property abuts a two-storey single detached dwelling to the north, a two-storey single-detached dwelling to the south, a two-and-a-half storey multi-residential building to the east, and a one-storey single detached dwelling to the west.

The subject property is designated Residential in the Official Plan (Exhibit D – Official Plan Map) and zoned Multiple Family Dwelling ‘B3’ Zone in Zoning By-Law Number 8499 (Exhibit E – Zoning By-Law Map).

### **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 Residential in the City of Kingston Official Plan. The goal of the Residential designation is to respond to the housing needs of the City's citizens by retaining and augmenting a broad range of housing at all levels of affordability within a safe, convenient, and stable setting, organized primarily into neighbourhoods. Residential uses include detached, semi-detached, or duplex dwellings, townhouses, and apartments of various types, tenures, and density.

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 subject property is located within a Housing District, as defined on Schedule 2 of the Official Plan. Re-investment and upgrading is encouraged in Housing Districts through minor infilling that can integrate compatibly with the prevailing built form standards of height, density, and amenity that are generally found in the neighbourhood. The proposed development will provide eight new dwelling units of varying size within the City's urban boundary, including one barrier free unit. The proposed building height, density, and amenity area is consistent with the existing neighbourhood character and comply with the provisions of the B3 zone.

The proposed development has a density of approximately 111 units per net hectare. Section 3.3.C.1 of the Official Plan defines high density residential land uses are those with a density of 75 units per net hectare or more. Proposals for new high density residential use which require a zoning by-law amendment or minor variance in support of factors that affect built form must generally satisfy the location criteria specified in Section 3.3.C.3.

The subject property is located in an up-zoned area designed to transition the built form near Princess Street and Bath Road, which is on the periphery of a low to medium density residential neighbourhood. The property is located within walking distance of commercial uses along Princess Street and Bath Road to the north and Compton Park to

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the south. As such, the proposed high-density residential use meets the locational criteria of Section 3.3.C.3.

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 Official Plan defines compatibility as the ability of various land uses, buildings, sites, or urban design treatments to co-exist with one another in a manner that will not have an undue physical or functional adverse effect on existing or proposed development in the area or pose an unacceptable risk to environmental or human health. The proposed building design incorporates mitigation measures to alleviate the potential for undue adverse impacts on the surrounding area. The massing of the building is pushed towards the south of the site in order to maximize setbacks between adjacent buildings. The three-storey building height provides suitable transition in built form between the adjacent two-storey dwellings to the north and south and the two-and-a-half-storey dwelling to the east across Helen Street. While the aggregate and side yard setbacks are proposed to be reduced, the built form is suitable for the site and is consistent with the existing built form of adjacent properties. The abutting property to the north, 284 Helen Street, appears to have a nearly zero metre side yard setback on its south side facing the subject property and will be separated from the proposed building by the driveway leading to the rear yard of 276 Helen Street. The abutting property to the south, 272 Helen Street, also appears to have a nearly zero metre side yard setback on its south side and is separated from the proposed building by a driveway on the north side of 284 Helen Street. Side-facing windows have been limited to a single small window per storey facing the side yards and no balconies will be located in the side yards. The proposed building is architecturally compatible with the existing character of the neighbourhood, with similar scale and massing to other low-rise apartment buildings on Helen Street and Westdale Avenue to the west. Any proposed lighting will be reviewed through Site Plan Control to ensure it does not adversely impact neighbouring properties. The proposed development is consistent with the direction of the B3 zone and existing adjacent development whereby they can coexist compatibility with one another.

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;

Appropriate access and parking facilities are included in the proposed development. The existing driveway off Helen Street will provide vehicular access to the site. Parking will be located in the rear yard, with five parking spaces provided (including one Type A accessible space). Eight bicycle parking spaces will also be provided in the rear yard in accordance with the requirements of the zoning by-law. The main building is located at the front of the building facing Helen Street, with a separate front entrance for the two basement units. A 1.5-metre-wide concrete walkway and accessible ramp will provide pedestrian access to the building, parking area, and landscaped amenity area.



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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 proposal generally conforms with the applicable urban design policies, as outlined in Section 8 of the Official Plan. The proposed development will be subject to Site Plan Control, through which considerations such as exterior design, sustainable design elements, and accessibility will be reviewed. The subject property is not located within a Heritage District and the proposed development is not anticipated to impact any built heritage resources.

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 site is not located in proximity to any designated built heritage resources or cultural significant landscapes.

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 within the urban boundary and is developed with sufficient municipal water and sewage services.

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 multiple residential use and density comply with the provisions of the B3 zone. The application and the cumulative impact of the proposal does not warrant a zoning by-law amendment.

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;

The Committee of Adjustment may attach such conditions as it deems appropriate to the approval of the application. Suggestions conditions are listed in the recommendations in Exhibit A. 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.

The approval of the requested variances will not set an undesirable precedent for the immediate area.

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The proposal meets the intent of the Official Plan, as the proposed 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 Multiple Family Dwelling 'B3' 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. The B3 zone permits a range of residential uses, including multiple family dwellings, to a maximum density of 123 dwelling units per net hectare. As such, the proposed eight-unit dwelling use with a density of 111 units per net hectare is permitted as-of-right.

The proposal seeks relief from select performance standards of the zoning by-law as follows:

### Variance Number 1: Minimum Front Yard

By-Law Number 8499: Section 16.3(a)

Requirement: 7.5 metres

Proposed: 5.8 metres

Variance Requested: 1.7 metres

Minimum Front Yard:

A variance is required from Section 16.3(a) of Zoning By-Law Number 8499 to seek relief for minimum front yard. The proposed development provides a front yard width of 5.8 metres where the zoning by-law requires 7.5 metres. The intent of the minimum front yard provision is to ensure that adequate landscaped open space is provided and that buildings are appropriately situated in relation to the street for a consistent streetscape. The proposed development complies with the landscaped open space requirements on the B3 zone. In addition, the existing dwelling on the subject property has a front yard of 3.7 metres, which is less than the proposed front yard of 5.8 metres. The proposed front yard aligns with the front yards of neighbouring properties to the north along Helen Street, helping to achieve a continuous streetscape. No negative visual impact on the streetscape is anticipated as a result of the requested reduction in minimum front yard.

### Variance Number 2: Minimum Side Yard

By-Law Number 8499: Section 16.3(b)

Requirement: 9.3 metres

Proposed: 3.4 metres (north); 1.5 metres (south)

Variance Requested: 5.9 metres (north); 7.8 metres (south)

### Variance Number 3: Minimum Aggregate Side Yard

By-Law Number 8499: Section 16.3(b)

Requirement: 18.6 metres

Proposed: 4.9 metres

Variance Requested: 13.7 metres

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**Minimum Side Yard and Aggregate Side Yard:**

Variations are requested from Section 16.3(b) to seek relief for minimum side yard and aggregate side yard. Where a side yard abuts any part of a lot occupied by a one-family dwelling or a two-family dwelling, the B3 zone requires a minimum side yard that is equal to the height of the building. Further, such side yards are required to be fenced with a masonry wall not less than 1.4 metres in height and erected 0.2 metres from the lot line. Since the height of the proposed building is 9.3 metres, a minimum side yard of 9.3 metres is required on each side due to the single-family dwellings on the adjacent lots. A minimum aggregate side yard of 1 ½ of the height of the main building is also required. However, since the minimum side yards would each be equal to the height of the building, the minimum aggregate side yard would be two times the height of the building. As such, a minimum aggregate side yard of 18.6 metres is required.

The intent of the required minimum side yard and minimum aggregate side yard provisions is to maintain adequate landscaped amenity area, to prevent loss of privacy from intrusive overlook onto neighbouring properties, and to achieve appropriate separation between buildings. They are also intended to ensure that on-site access is maintained to the rear yard. The proposed development is designed to mitigate the potential for intrusive overlook by providing a height that is contextual with the neighbourhood. The proposed apartment building will only be one storey higher than the neighbouring properties. Overlook will be managed by locating windows to the front and to the rear of each unit, ensuring that as few windows as possible face into the side yard. A wider side yard is proposed on the north side of the property, where the neighbouring dwelling is located closer to the lot line, and a narrower side yard is proposed on the south side of the property, where the neighbouring dwelling is separated from the lot line by a driveway. It should also be noted that many buildings located along Helen Street and in the surrounding neighbourhood pre-date the enactment of Zoning By-Law Number 8499 and do not comply with the side yard and aggregate side yard requirements of the B3 zone. The proposed development effectively mitigates the potential for overlook and loss of privacy and is consistent with the existing character of the neighbourhood.

**Variance Number 4: Off-Street Vehicle Parking**

By-Law Number 8499: Section 5.3.A.(a)(ii)(2)

Requirement: 1.4 parking spaces per dwelling unit

Proposed: 0.6 parking spaces per dwelling unit

Variance Requested 0.8 parking spaces per dwelling unit

**Variance Number 5: Off-Street Vehicle Parking**

By-Law Number 8499:Section 5.3.B.(h)

Requirement: 2.7 metres by 6.0 metres

Proposed: 2.6 metres by 5.2 metres

Variance Requested:0.1 metres by 0.8 metres

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**Off-Street Vehicle Parking:**

A variance is required from Section 5.3.A.(a)(ii)(2) to seek relief for off-street vehicle parking. The proposed development provides 0.6 parking spaces per unit (or five parking spaces) where the zoning by-law requires 1.4 parking spaces per unit (or 12 parking spaces). A Parking Study was prepared by Forefront Engineering in support of the requested reduction in parking spaces. The study concluded that the requested relief is appropriate considering the site's proximity to major amenities, transit, pedestrian and cycling facilities, and observed parking supply and demand characteristics. The property is located within a 600-metre walking distance of Kingston Centre, where Kingston Transit Routes 2, 4, 3, 11, 12, and 16 can be accessed. The site is also located within walking distance of commercial, employment, and open space uses. The requirement for one Type A accessible parking space will be maintained. As such, the requested relief for off-street vehicle parking is suitable given the site's location.

**Vehicle Parking Dimensions:**

Finally, a variance is requested from Section 5.3.B.(h) to seek relief for the minimum design standard of vehicle parking spaces. The zoning by-law requires parking spaces to be 2.7 metres wide and 6.0 metres long. The proposed development provides parking spaces that are 2.6 metres wide and 5.2 metres long. The reduced parking stall size will comfortably accommodate most vehicles and is consistent with the parking stall dimensions used across the City in recent years. The reduced parking stall dimensions will also help maximize site efficiency, while continuing to meet the needs of users and maintaining the functionality of the parking area. Further, the required design standards for accessible parking spaces will be maintained.

**Variance Number 6: Projection into Yards, Minimum Setback from Front Lot Line**

By-Law Number 8499: Section 5.8

Requirement: May project 2.5 metres out from main building wall, but not closer than 3.5 metres to the front lot line

Proposed: May project 3.4 metres out from main building wall, but not closer than 2.4 metres to the front lot line

Variance Requested: 5.8 metres

**Projections into Yards, Minimum Setback from Front Lot Line:**

A related variance is also required from Section 5.8 to seek relief for projection into the front yard. The proposed front porch projects 3.4 metres out from the main building wall and 2.4 metres from the front lot line, where the zoning by-law permits a maximum projection of 2.5 metres out from the main building wall, but not closer than 3.5 metres to the front lot line. Section 5.8(d) of Zoning By-Law Number 8499, Barrier Free Structures, provides that unenclosed structures necessary to ensure that a building can be approached, entered, and used by persons with physical or sensory disabilities in accordance with the Ontario Building Code may project into any required front or side yard, provided that the structure is not closer than 0.3 metres from any side lot line. As such, the proposed ramp complies with the zoning by-law, but a variance is required to accommodate the front porch. The requested variance will

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allow a staircase and accessible ramp to be provided, allowing access to the main building entrances.

**3) The variance is minor in nature**

The proposed variances provide for a compatible development that offers a wider range of unit types, in a location that supports higher density residential uses as the lands are already zoned B3 which allows multi-unit residential development. This application applies only to the subject lands and is a reflection of the site-specific constraints. The variances are considered minor as there are no anticipated negative off-site impacts.

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

The proposed development will provide eight new dwelling units, including one barrier free unit, within the City’s Urban Boundary on lands that are zoned for multi-unit residential development. The required setback variances result in a massing that is compatible with the adjacent existing land uses and is consistent with the existing character and scale of the neighbourhood. The required parking variances are appropriate as the site is located in close proximity to existing transit routes and within walking distance of commercial, employment, and open spaces uses.

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 checked="" 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 checked="" type="checkbox"/> Solid Waste       | <input checked="" type="checkbox"/> Parks Development      | <input type="checkbox"/> Canadian National Railways                         |
| <input checked="" type="checkbox"/> Housing           | <input checked="" type="checkbox"/> District Councillor    | <input type="checkbox"/> Ministry of Transportation                         |
| <input type="checkbox"/> KEDCO                        | <input checked="" type="checkbox"/> Forestry               | <input type="checkbox"/> Parks of the St. Lawrence                          |
| <input 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. In regard to the proposed removal of two City-owned trees within the boulevard, Forestry Staff have advised that they support the findings of the consulting arborist and have no concerns with the removal of the trees as part of the future Site Plan Control application. The applicant will be required to replace the lost trees along the Helen Street frontage with a single

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tree and forward the appraised values of both trees in the amount of \$2,328.54 as a condition of Site Plan Control approval.

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 have been received in regard to the application. 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.

Approval of this application will facilitate the development of a three-storey, eight-unit building in an area that is already zoned to allow multi-residential development and that will add density into a neighbourhood supported by transit and active transportation facilities, near employment and commercial uses, and that is compatible with the surrounding neighbourhood.

**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

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**Notice Provisions:**

A Committee of Adjustment Meeting is going to be held respecting this application on February 14, 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 25 property owners (according to the latest Assessment Roll) within 60 metres of the subject property (Exhibit H – Public Notification Map) 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

Meghan Robidoux, Intermediate Planner, 613-546-4291 extension 1256

**Other City of Kingston Staff Consulted:**

None

**Exhibits Attached:**

- Exhibit A Recommended Conditions
- Exhibit B Key Map
- Exhibit C Neighbourhood Context Map (2021)
- Exhibit D Official Plan Map
- Exhibit E Zoning By-Law Number 8499, Map 20
- Exhibit F Site Plan, Floor Plans, Elevations, and Renderings
- Exhibit G Site Photographs

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Exhibit H    Public Notification Map



## **Recommended Conditions**

### **Application for minor variance, File Number D13-049-2021**

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

#### **1. Limitation**

That the approved minor variances apply only to the proposed three-storey, eight-unit multi-residential 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.


## **5. Maximum Number of Bedrooms**

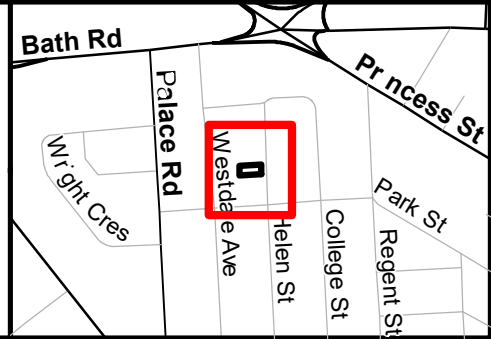
A maximum number of 20 bedrooms in the aggregate may be permitted within an eight-unit dwelling on the subject property.



# Committee of Adjustment Key Map

Address: 276 Helen Street  
File Number: D13-049-2021

 Lands Subject to Minor Variance

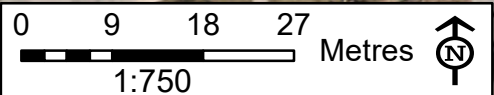




# Committee of Adjustment Neighbourhood Context (2021)

Address: 276 Helen Street  
File Number: D13-049-2021

- Subject Lands
- Property Boundaries
- Proposed Parcels





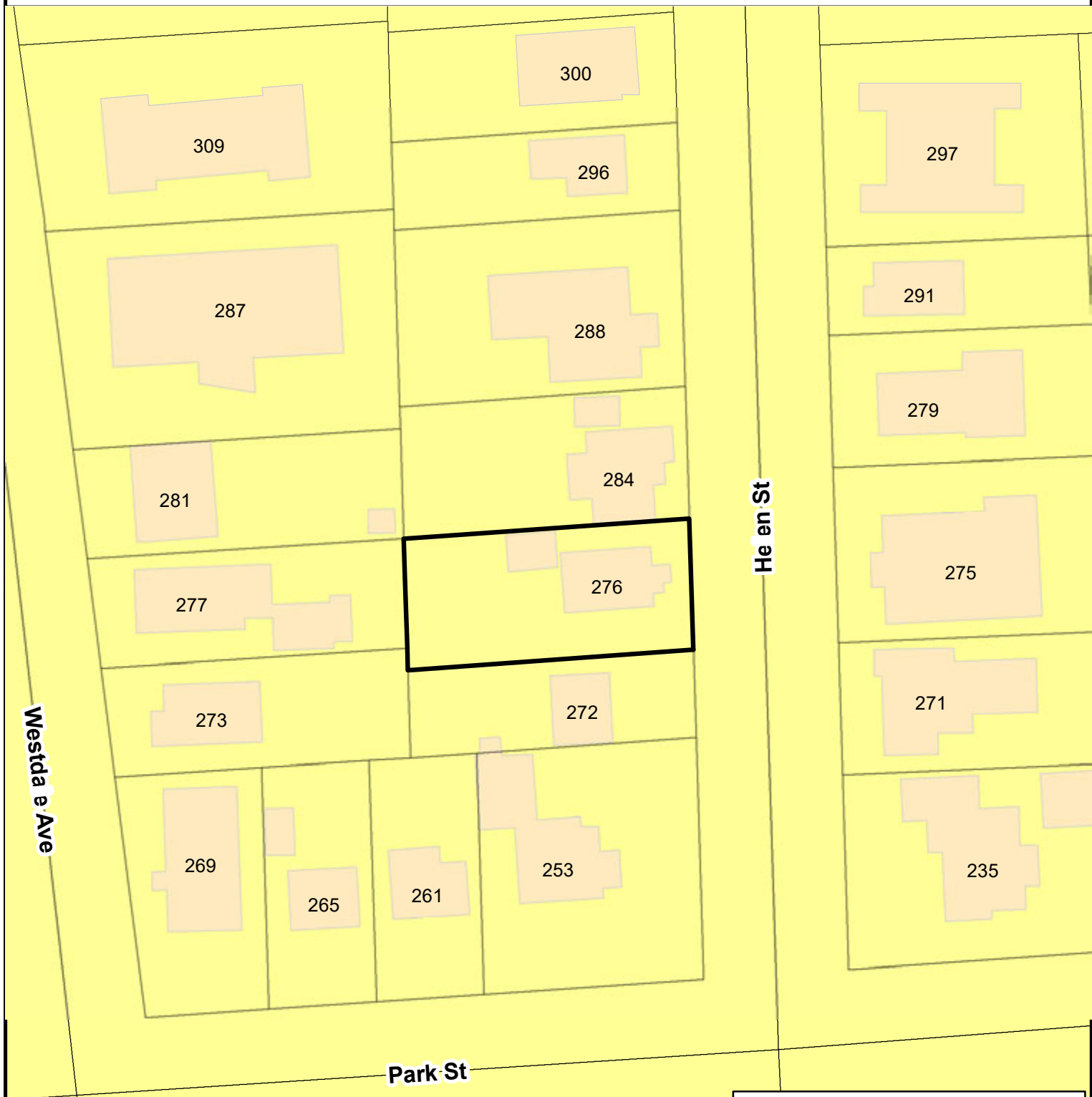


Planning Services

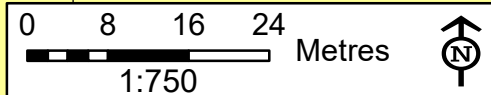
# Committee of Adjustment Official Plan, Existing Land Use

Address: 276 Helen Street  
File Number: D13-049-2021

-  Subject Lands
-  RESIDENTIAL



Prepared By: Ichu  
Date: Sep-09-2021







Planning Services

# Committee of Adjustment Existing Zoning - By-law 8499, Map 20

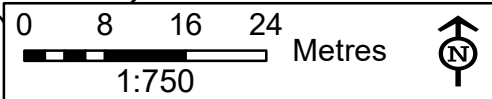
Address: 276 Helen Street  
File Number: D13-049-2021

-  Subject Lands
-  Consolidated Zoning



Prepared By: Ichn  
Date: Sep-09-2021

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The undersigned has reviewed and takes responsibility for this design, and has the qualifications and meets the requirements set out in the Ontario Building Code to be a designer.

STONE & ASSOCIATES DESIGN INC.  
 BCIN 45209

BRYAN STONE BCIN 32123  
 These contract documents are the property of the Designer. The Designer bears no responsibility for the interpretation of these documents by the Contractor. Upon written application, the Designer will provide written / graphic clarification, or supplementary information regarding the intent of the Contract Documents. The Designer will review Shop Drawings submitted by the Contractor for design conformance only.

Drawings are not to be scaled for construction. Contractor to verify all existing conditions and dimensions required to perform the work and report any discrepancies with Contract Documents to the Designer before commencing work.

All work to be carried out under these Contract Documents to conform to local Building Codes.

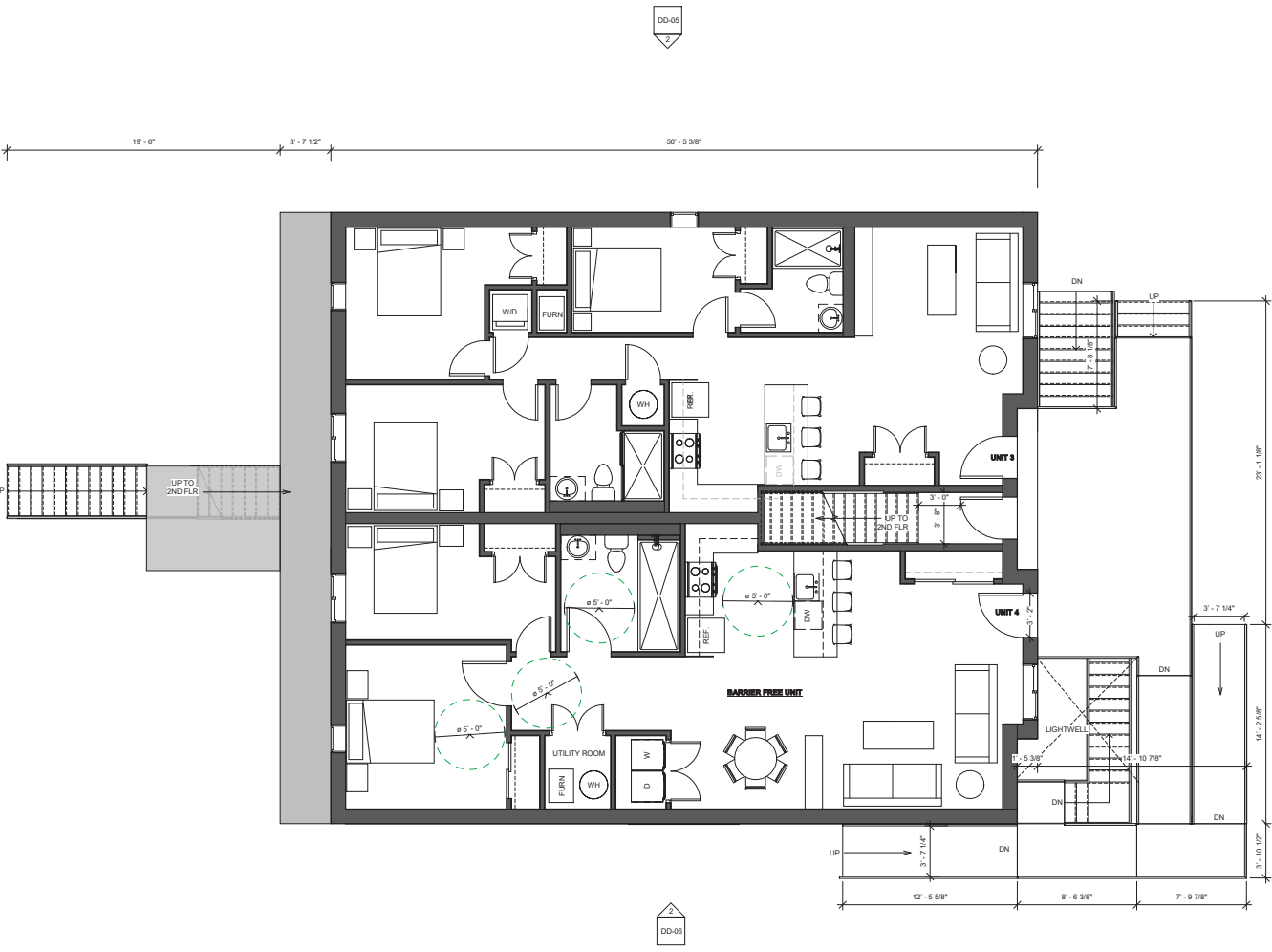
No.	Description	Date
1	PRELIMINARY CONCEPT 2 ISSUED	28/10/20
2	CONCEPT WITH EXTERIOR FINISHES	22/12/20

**BARR**  
**HELEN ST**  
**MULTI UNIT**  
**RESIDENTIAL**

**PRELIMINARY**  
**CONCEPT 2**  
**FIRST FLOOR**

Project Number 43584720543  
 Date 23/10/20  
 Drawn By JR  
 Checked By BCS

**DD-01**  
 Scale 1/4" = 1'-0"



1 FIRST FLOOR CONCEPT  
 1/4" = 1'-0"

11/2/2022 12:25:44 PM



STONE & ASSOCIATES DESIGN  
1863 Sydenham Road • Kingston, Ontario, K7L 6W1  
613-546-6207 • Fax: 613-545-8180  
www.stoneandassociates.com

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STONE & ASSOCIATES DESIGN INC.  
BCIN 45209

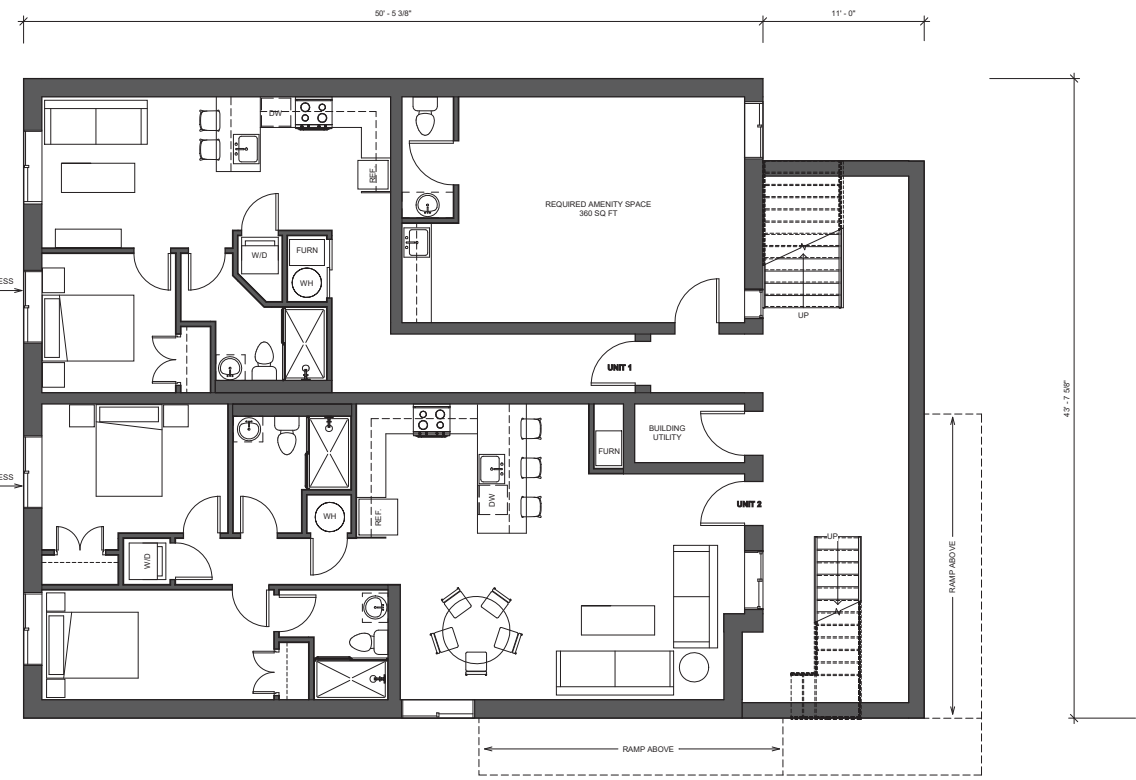
BRYAN STONE BCIN 32123

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No	Description	Date
1	PRELIMINARY CONCEPT	28/10/20
2	ISSUED	
2	CONCEPT WITH EXTERIOR FINISHES	22/12/20



① BASEMENT CONCEPT  
1/4" = 1'-0"

**BARR**  
**HELEN ST**  
**MULTI UNIT**  
**RESIDENTIAL**

**PRELIMINARY**  
**CONCEPT 2**  
**BASEMENT**

Project Number	43584720543
Date	23/10/20
Drawn By	JR
Checked By	BCS
<b>DD-02</b>	
Scale	1/4" = 1'-0"

11/2/2022 12:27:00 PM





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 BCIN 45209

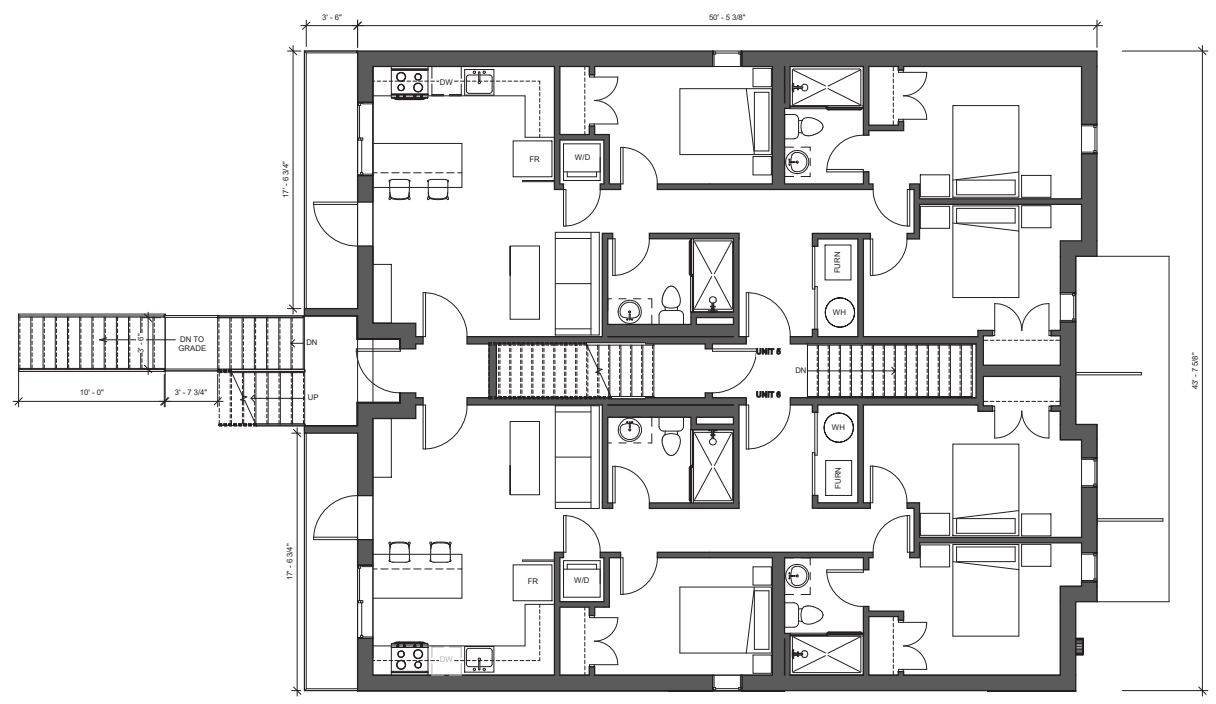
BRYAN STONE BCIN 32123

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No	Description	Date
1	PRELIMINARY CONCEPT 2 ISSUED	28/10/20
2	CONCEPT WITH EXTERIOR FINISHES	22/12/20



① SECOND FLOOR CONCEPT  
 1/4" = 1'-0"

## BARR HELEN ST MULTI UNIT RESIDENTIAL

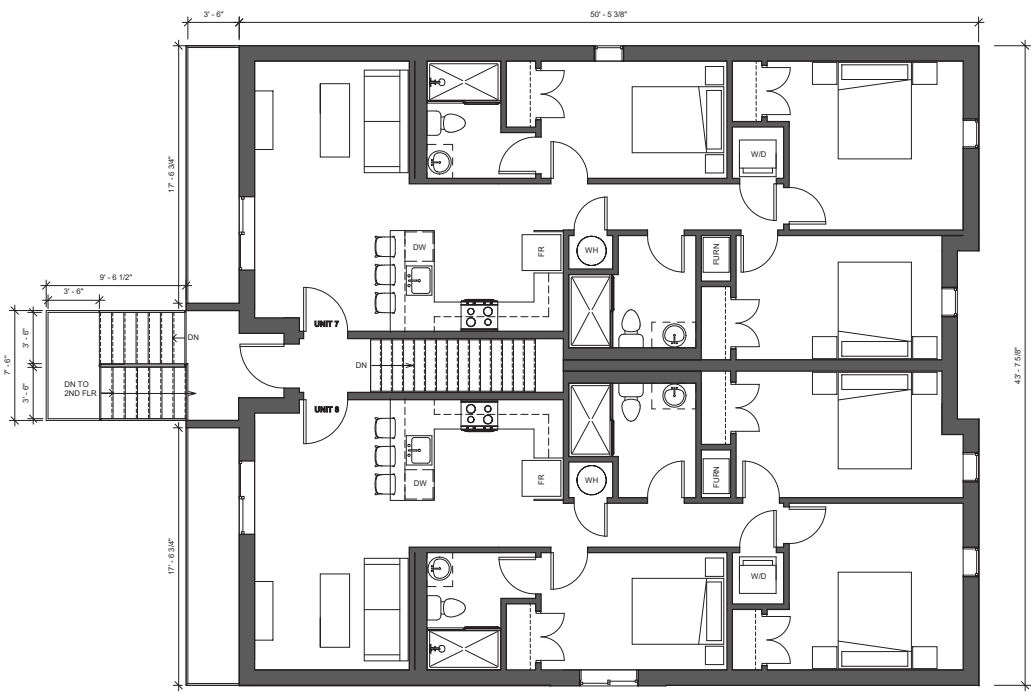
### PRELIMINARY CONCEPT 2 SECOND FLOOR

Project Number	43584720543
Date	23/10/20
Drawn By	JR
Checked By	BCS

# DD-03

Scale 1/4" = 1'-0"

11/2/2022 12:27:42 PM



① THIRD FLOOR CONCEPT  
 1/4" = 1'-0"



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 BCIN 45209

BRYAN STONE BCIN 32123

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No.	Description	Date
1	PRELIMINARY CONCEPT 2 ISSUED	28/10/20
2	CONCEPT WITH EXTERIOR FINISHES	22/12/20

**BARR**  
**HELEN ST**  
**MULTI UNIT**  
**RESIDENTIAL**

**PRELIMINARY**  
**CONCEPT 2**  
**THIRD FLOOR**

Project Number 43584720543  
 Date 23/10/20  
 Drawn By JR  
 Checked By BCS

**DD-04**

Scale 1/4" = 1'-0"

11/2/2022 12:28:08 PM



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**BRYAN STONE** BCIN 32123

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No	Description	Date
1	PRELIMINARY CONCEPT 2 ISSUED	28/10/20
2	CONCEPT WITH EXTERIOR FINISHES	22/12/20

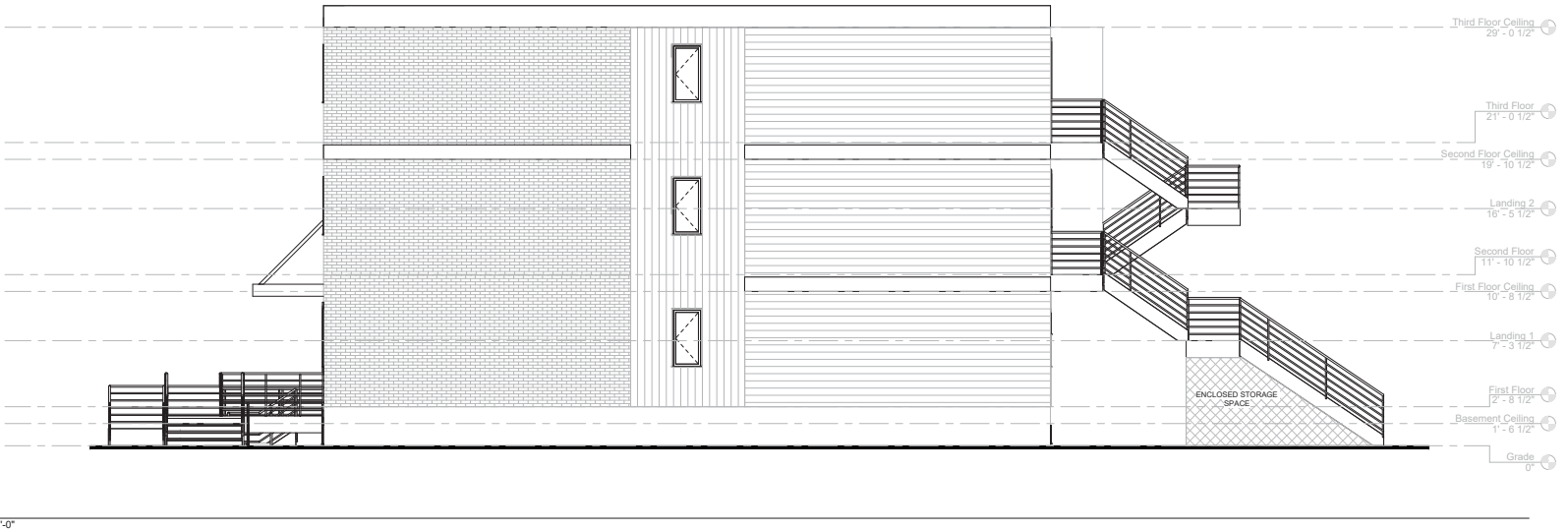
# BARR HELEN ST MULTI UNIT RESIDENTIAL

## EXTERIOR ELEVATIONS

Project Number 43584720543  
 Date 23/10/20  
 Drawn By JR  
 Checked By BCS

# DD-05

Scale 1/4" = 1'-0"



11/2/2022 12:28:45 PM



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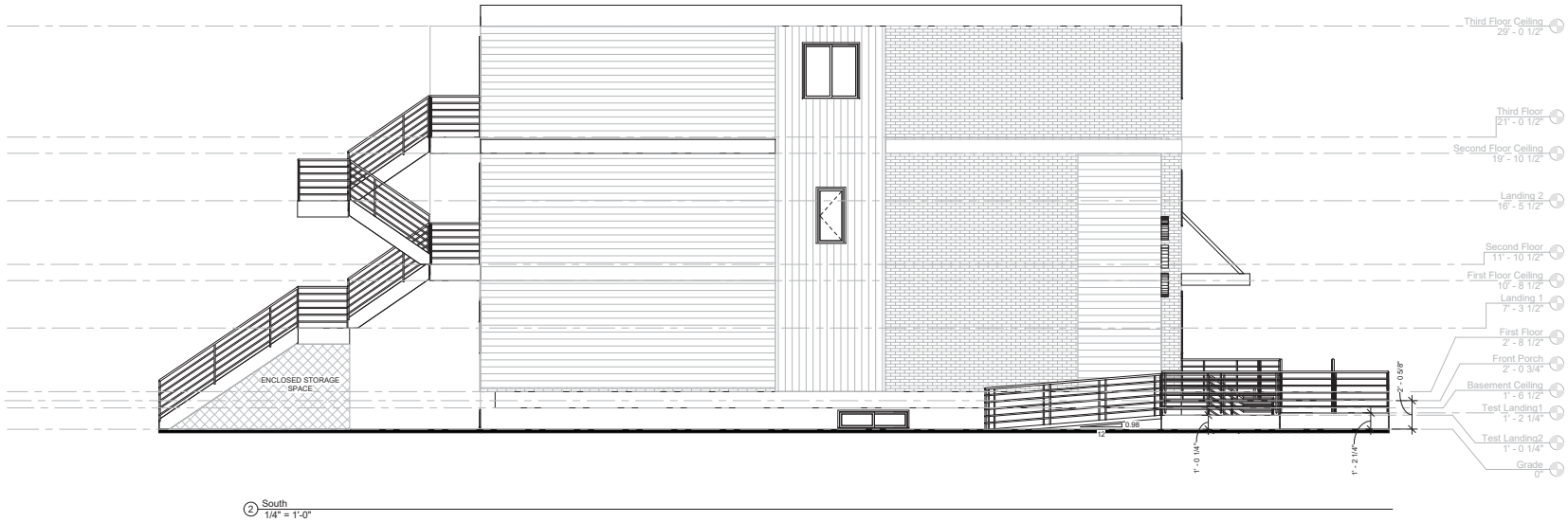
STONE & ASSOCIATES DESIGN INC.  
BCIN 45209

BRYAN STONE BCIN 32123  
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No.	Description	Date
1	PRELIMINARY CONCEPT 2 ISSUED	28/10/20
2	CONCEPT WITH EXTERIOR FINISHES	22/12/20



## BARR HELEN ST MULTI UNIT RESIDENTIAL

### EXTERIOR ELEVATIONS

Project Number 43584720543  
Date 23/10/20  
Drawn By JR  
Checked By BCS

DD-06

Scale 1/4" = 1'-0"

11/2/2022 12:29:27 PM



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BCIN 45209

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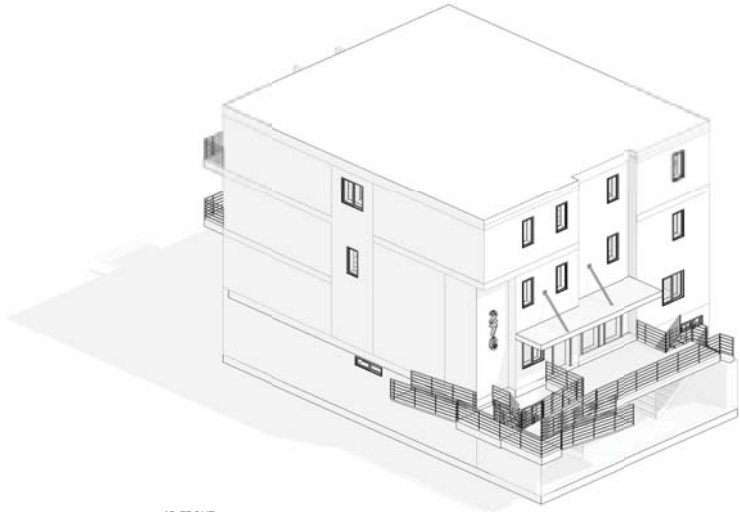
No	Description	Date
1	PRELIMINARY CONCEPT 2 ISSUED	28/10/20
2	CONCEPT WITH EXTERIOR FINISHES	22/12/20

**BARR  
HELEN ST  
MULTI UNIT  
RESIDENTIAL**

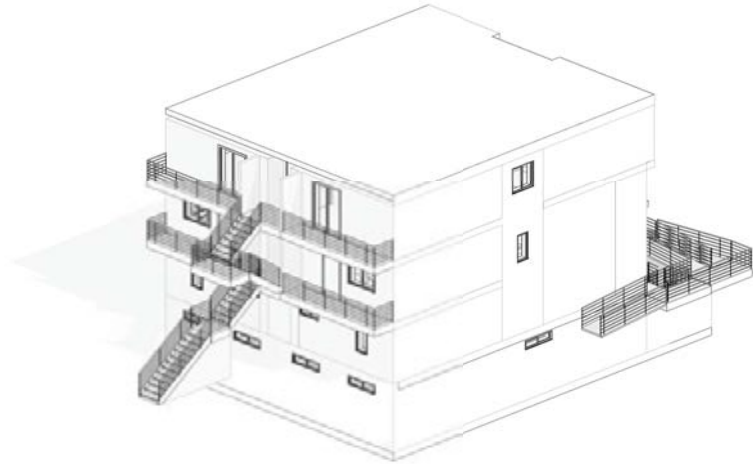
**3D CONCEPT  
VIEWS**

Project Number 43584720543  
Date 23/10/20  
Drawn By JR  
Checked By BCS

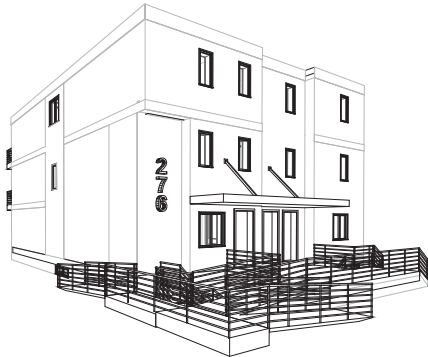
**DD-07**  
Scale



1 3D FRONT



2 3D BACK



3 3D VIEW - From street



4 3D VIEW - BACK

11/2/2022 12:31:28 PM

**SITE INFORMATION**

ZONING	B3
SITE AREA	722.3m <sup>2</sup>
HEIGHT	3 Storeys (9.3m)
<b>SETBACKS</b>	<b>Required</b> / <b>Provided</b>
Front Yard	7.5m / 5.8m
Side Yard	4.7m (N) / 3.4m (S) / 1.5m
Aggregate Side Yard	14m / 4.9m
Rear Yard	9.3m / 18.1m
<b>UNITS</b>	8 Units
<b>PARKING (Multi-Unit Residential)</b>	
Required:	11
Provided:	5
<b>BICYCLE PARKING</b>	
Required:	8
Provided:	8
<b>LOT COVERAGE</b>	
Permitted:	722.3m <sup>2</sup> (100%)
Provided:	202.3m <sup>2</sup> (28%)
<b>LANDSCAPE</b>	
Required:	216.7m <sup>2</sup> (30%)
Provided:	216.7m <sup>2</sup> (30%)
<b>AMENITY</b>	
Required:	148m <sup>2</sup>
Provided:	104m <sup>2</sup> Outdoor +23m <sup>2</sup> balconies + 33m <sup>2</sup> Indoor
Total amenity space:	160m <sup>2</sup>
<b>DENSITY</b>	
Permitted:	123 uph
Provided:	110.8 uph

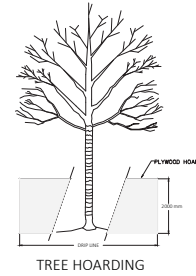
### Tree Report

Address / Lot #: 276 Helen St Kingston, Ont

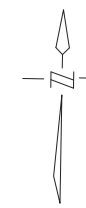
On-site Inventory: May 2021

ID #	Botanical Name	Common Name	DBH (cm)	Condition (Dist., Moisture, Floor)	Proposed Impact (Dist., Removal or Retained)	Preservation (Dist., Mulch, Floor)	Comments (Condition, IVC, treatments...)
1	Acer platanoides	Norway Maple	88.5	Fair	Removal	Floor	Trunk in poor condition with vertical cavity from 5m above grade to 1.8m - 1.6m opening with decay. 1st branch (30cm) cracked and light open space. 1st, 2nd branch (25cm) with included bark at union. Canopy radius extends to existing house.
2	Picea pungens glauca	Blue Spruce	35	Moderate	Removal	Floor	1st of canopy - leaning house side is all deadwood from the bottom up / shade competition. Can't facing canopy moderate to good condition.
3	Acer platanoides	Norway Maple	30 x 27	Fair	Removal	Floor	2 stem. Floor base with grating coils
4	Acer saccharinum	Silver Maple	13 x 16	Moderate	Removal	Floor	
5	Acer negundo	Norfolk Maple	45	Fair	Retained	Moderate	Trunk on property line.
6	Acer platanoides	Norway Maple	23	Good	Removal	Floor	Within proposed construction.

Charles Caravagh ISA Certified Arborist ON# 102334

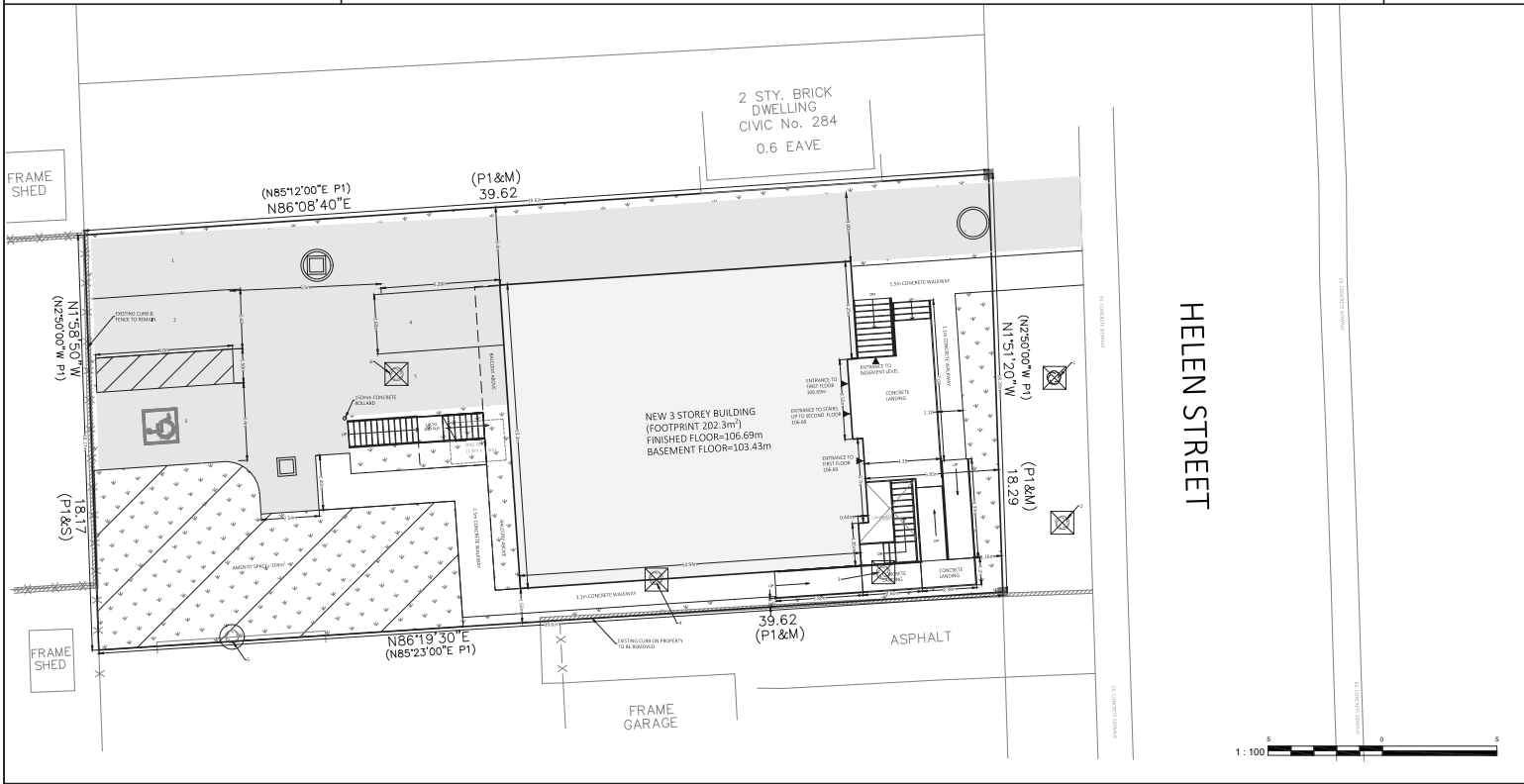


**ALL EXISTING TREES MUST BE REMOVED AS INDICATED ON THE PLAN SHEET OR FULLY PRUNED AND REMOVED SPECIFIC TO THE TREE TYPE AND SIZE. TREE REMOVAL SHALL BE PERFORMED BY A LICENSED TREE REMOVAL CONTRACTOR. TREE REMOVAL SHALL BE PERFORMED IN ACCORDANCE WITH THE CITY OF KINGSTON'S TREE REMOVAL BY-LAW AND THE ONTARIO TREE REMOVAL ACT. TREE REMOVAL SHALL BE PERFORMED IN ACCORDANCE WITH THE CITY OF KINGSTON'S TREE REMOVAL BY-LAW AND THE ONTARIO TREE REMOVAL ACT. TREE REMOVAL SHALL BE PERFORMED IN ACCORDANCE WITH THE CITY OF KINGSTON'S TREE REMOVAL BY-LAW AND THE ONTARIO TREE REMOVAL ACT.**



### KEY PLAN

LEGEND	EXISTING	PROPOSED
CONCRETE DRIVEWAY		
LIGHT DUTY ASPHALT		
LANDSCAPE		
TREE TO BE PRESERVED		
TREE TO BE REMOVED		
TREE		



Rev	By	Date	Revision	Checked
1		2021-08-17	REVISED FRONT YARD SETBACK DIMENSION	MJ
2		2021-09-01	REVISED FRONT YARD SETBACK DIMENSION	MJ
3		2021-09-01	REVISED FRONT YARD SETBACK DIMENSION	MJ
4		2021-09-01	REVISED FRONT YARD SETBACK DIMENSION	MJ
5		2021-09-01	REVISED FRONT YARD SETBACK DIMENSION	MJ
6		2021-09-01	REVISED FRONT YARD SETBACK DIMENSION	MJ
7		2021-09-01	REVISED FRONT YARD SETBACK DIMENSION	MJ
8		2021-09-01	REVISED FRONT YARD SETBACK DIMENSION	MJ
9		2021-09-01	REVISED FRONT YARD SETBACK DIMENSION	MJ
10		2021-09-01	REVISED FRONT YARD SETBACK DIMENSION	MJ

**JE Josselyn Engineering Inc.**

1225 GARDINERS ROAD, #105  
KINGSTON, ONTARIO K7P 0G3  
TEL : 613-634-9278  
FAX : 613-634-9138  
E-MAIL : mjoselyne@josselyn.ca

**OWNER:** BARR HOMES

**PROJECT:** 276 HELEN STREET

**DRAWING TITLE:** SITE & TREE PRESERVATION PLAN

**Drawing No:** 1512-C002

**Design:** M.J. **Date:** 2021-07-26 **Scale:** 1:300

**Drawn:** D.L.

**Checked:** M.J.

Site Photographs – September 8<sup>th</sup>, 2021



Figure 1: East facing view towards the subject property.



Figure 2: North facing view down Helen Street.



Figure 3: West facing view from the subject property towards 275 Helen Street.

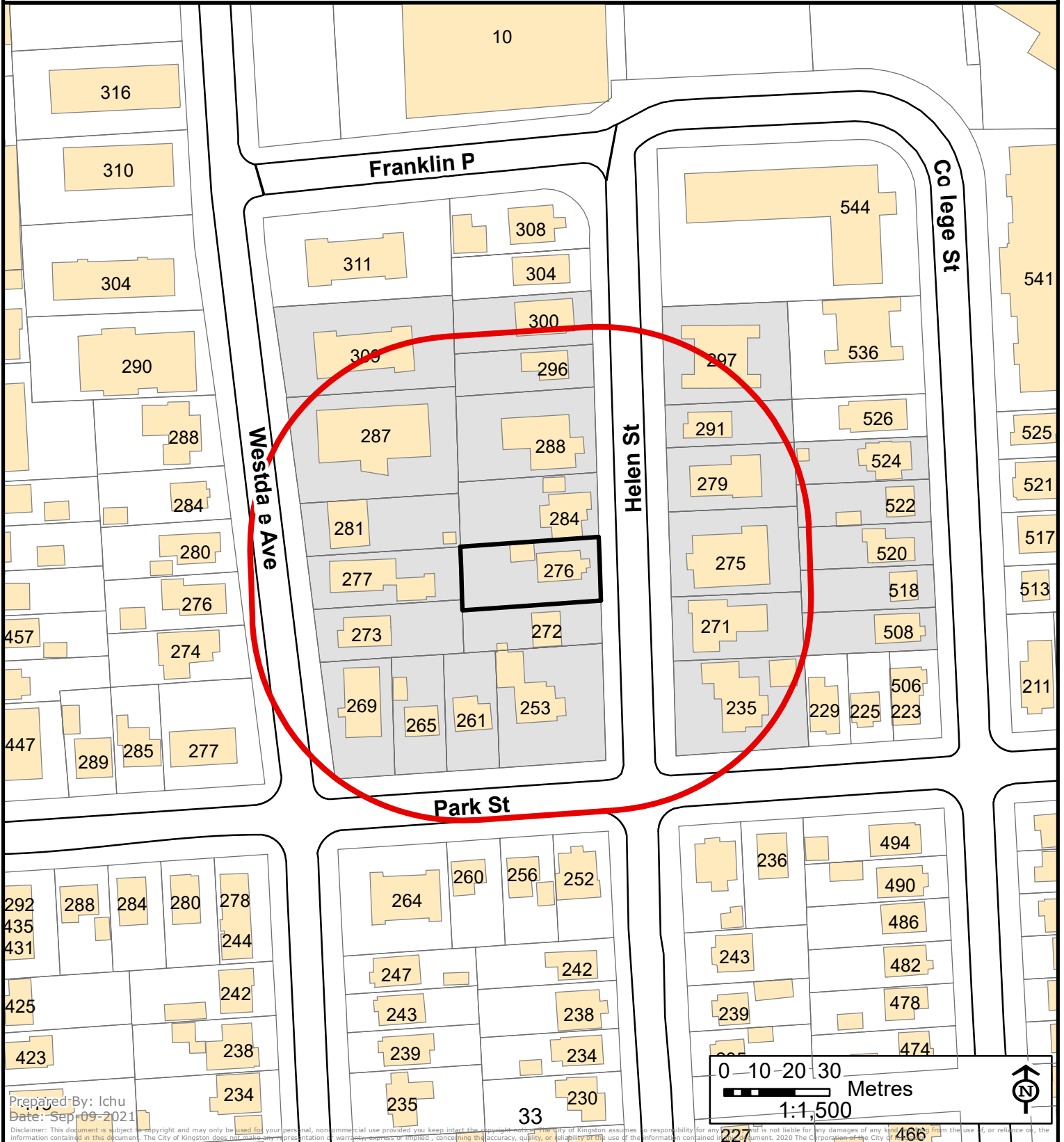




# Committee of Adjustment Public Notice Notification Map

Address: 276 Helen Street  
File Number: D13-049-2021

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



Prepared By: Ichu  
Date: Sep-09-2021

