



**City of Kingston
Report to Committee of Adjustment
Report Number COA-22-048**

To: Chair and Members of the Committee of Adjustment
From: Meghan Robidoux, Intermediate Planner
Date of Meeting: June 20, 2022
Application for: Minor Variance and Consent
File Numbers: D13-026-2022 and D10-014-2022
Address: 100 Napier Street
Owner: Kingston Lawn Bowling Club
Applicant: Rogers & Trainor

Council Strategic Plan Alignment:

Theme: 4. Strengthen economic development opportunities

Goal: 4.1 Support new and existing businesses

Executive Summary:

This report provides a recommendation to the Committee of Adjustment regarding applications for minor variance and consent submitted by Rogers and Trainor on behalf of the owner, the Kingston Lawn Bowling Club, for the property located at 100 Napier Street.

The site is situated on the west side of Napier Street and is currently home to the Kingston Lawn Bowling Club. The property is developed with a central, one-storey building with large lawns on either side. The subject property is located adjacent to single detached dwellings in all directions, fronting on Earl Street to the south, Willingdon Avenue to the west, Johnson Street to the north, and Napier Street to the east.

The applicant has submitted applications for minor variance (File Number D13-026-2022) and consent (File Number (D10-014-2022) to facilitate the severance of an approximately 1,800 square metre lot on the south side of the subject property with approximately 34.9 metres of frontage on Napier Street. The proposed retained parcel would have a frontage of approximately

June 20, 2022

Page 2 of 17

67 metres on Napier Street and a lot area of approximately 3,800 square metres. The severed parcel is proposed to accommodate a private tennis court use with one court and four vehicle parking spaces.

The property is currently designated as Open Space in the Official Plan and is zoned Private Open Space 'OS2' Zone in Zoning By-Law Number 8499. The property is zoned General Open Space 'OS2' in the new Zoning By-Law Number 2022-62. The final draft of the City's new Zoning By-Law was approved by Council at its meeting held on April 26, 2022 and is under appeal. As this application is scheduled for a Committee of Adjustment meeting subsequent to that date, the application has been reviewed against both the current Zoning By-Law Number 8499, as well as new Zoning By-Law Number 2022-62.

For the retained parcel, under Zoning By-Law Number 8499, variances for side yard width, aggregate side yard width, rear yard, lot width, and lot area are required to facilitate the proposed severance. Under the new Zoning By-Law Number 2022-62, the retained parcel will require reliefs for rear setback and interior setback only.

Retained Parcel under Zoning By-Law Number 8499:

Variance Number 1: Minimum Side Yard Width

By-Law Number: 8499	Section 36.3(c)(iii.)
Requirement:	23 metres
Proposed:	3 metres
Variance Requested:	20 metres

Variance Number 2: Aggregate Side Yard Width

By-Law Number: 8499	Section 36.3(c)(ii.)
Requirement:	61 metres
Proposed:	53 metres
Variance Requested:	8 metres

Variance Number 3: Minimum Rear Yard

By-Law Number: 8499	Section 36.3(d)
Requirement:	15 metres
Proposed:	3 metres
Variance Requested:	12 metres

Variance Number 4: Minimum Lot Width

By-Law Number: 8499	Section 36.3(e)
Requirement:	91 metres
Proposed:	67.0 metres
Variance Requested:	24.0 metres

June 20, 2022

Page 3 of 17

Variance Number 5: Minimum Lot Area

By-Law Number: 8499	Section 36.3(f)
Requirement:	8,000 square metres
Proposed:	3,060 square metres
Variance Requested:	4,940 square metres

Retained Parcel under new Zoning By-Law Number 2022-62:

Variance Number 1: Minimum Rear Setback

By-Law Number: 2022-62	Section 18.3.1(5)
Requirement:	7.5 metres
Proposed:	3.0 metres
Variance Required:	4.5 metres

Variance Number 2: Minimum Interior Setback

By-Law Number: 2022-62	Section 18.3.1(7)
Requirement:	7.5 metres
Proposed:	3.0 metres
Variance Requested:	4.5 metres

For the severed parcel, under the Zoning By-Law Number 8499, relief for lot width and lot area are required to facilitate the proposed lot severance. Under the new Zoning By-Law Number 2022-62, the severed parcel complies with all applicable provisions of the zoning by-law.

Severed Parcel under Zoning By-Law Number 8499:

Variance Number 1: Minimum Lot Width

By-Law Number: 8499	Section 36.3(e)
Requirement:	91 metres
Proposed:	39.4 metres
Variance Requested:	51.6 metres

Variance Number 2: Minimum Lot Area

By-Law Number: 8499	Section 36.3(f)
Requirement:	8,000 square metres
Proposed:	1,800 square metres
Variance Requested:	6,200 square metres

The requested minor variance and consent applications are consistent with the Provincial Policy Statement and conform with the general intent and purpose of the City of Kingston Official Plan, Zoning By-Law Number 8499. The proposed minor variance application meets all four tests under Subsection 45(1) of the *Planning Act* and is recommended for approval. The requested consent application has regard to the matters set out in subsection 51(24) of the *Planning Act* and a plan of subdivision is not necessary for the proper and orderly development of the property, as such, is recommended for provisional approval.

June 20, 2022

Page 4 of 17

Recommendation:

That minor variance application, File Number D13-026-2022 for the property located at 100 Napier Street to facilitate the proposed lot severance and the development of a private tennis court use, be approved subject to the conditions attached as Exhibit A (Recommended Conditions – Minor Variance) to Report Number COA-22-048; and

That consent application, File Number D10-014-2022, to sever an 1,800 square metre parcel of land with 34.9 metres of frontage on Napier Street and retain a 3,800 square metre parcel of land with 67.0 metres of frontage on Napier Street containing the Kingston Lawn Bowling Club, be provisionally approved subject to the conditions included in Exhibit B (Recommended Conditions – Consent) to Report Number COA-22-048.

June 20, 2022

Page 5 of 17

Authorizing Signatures:

ORIGINAL SIGNED BY PLANNER

Meghan Robidoux,
Intermediate Planner

Consultation with the following Management of the Community Services Group:

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

June 20, 2022

Page 6 of 17

Options/Discussion:

On April 27, 2022, applications for minor variance and consent were submitted by Rogers and Trainor on behalf of the owner the Kingston Lawn Bowling Club for the subject property located at 100 Napier Street.

The applicant has submitted applications for minor variance (File Number D13-026-2022) and consent (File Number D10-014-2022) to facilitate the severance of an approximately 1,800 square metre lot on the south side of the subject property with approximately 34.9 metres of frontage on Napier Street. The proposed retained parcel would have a frontage of approximately 67 metres on Napier Street and a lot area of approximately 3,800 square metres. The severed parcel is proposed to accommodate a private tennis court use with one court and four vehicle parking spaces (Exhibit I – Severance Sketch and Concept Plan).

Site Characteristics

The subject property is located on the west side of Napier Street and is currently home to the Kingston Lawn Bowling Club (Exhibit C – Key Map). The property is developed with a central, one-storey building with large lawns on either side (Exhibit J – Site Photograph). The property is approximately 5,600 square metres in area with approximately 101.9 metres of frontage on Napier Street.

The subject property is located adjacent to single detached dwellings in all directions, fronting on Earl Street to the south, Willingdon Avenue to the west, Johnson Street to the north, and Napier Street to the east (Exhibit D – Neighbourhood Context).

Application

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

- Severance Sketch (Exhibit I); and
- Planning Justification Letter.

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.

Provincial Policy Statement

The Provincial Policy Statement (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.

June 20, 2022

Page 7 of 17

Consent Application

The review of an application for consent is subject to Section 53 of the *Planning Act*. The Committee of Adjustment may grant a consent if it is satisfied that a plan of subdivision for the land is not necessary for the proper and orderly development of the municipality. An application for consent was determined to be appropriate for the creation of one new lot.

Official Plan

The subject property is designated Open Space in the City of Kingston Official Plan (Exhibit E – Official Plan). The goal of the Open Space designation is to support the critical role that Open Space areas play in responding to the diverse recreational and leisure needs of City residents, in sustaining the natural heritage system, and in contributing to cultural landscapes, heritage settings and to the City’s quality of life and sense of place.

The creation of individual parcels of land by way of consent is subject to the consent policies of the Official Plan. In considering whether the proposal is appropriate, the Committee of Adjustment will have regard for the requirements included within the Official Plan, specifically section 9.6.13 titled: “Criteria for Consent Approval”. The following lists these requirements and is an assessment of how the proposal is consistent with each relevant policy.

1. The lot frontage, depth and area of any lot created by consent (severed and retained parcel) must be appropriate for the use proposed for the lot, be in compliance with the provisions of the zoning by-law and consistent, where possible, with adjacent lots;

The proposed consent will result in a total of two lots, one severed and one retained parcel. The existing Zoning By-Law Number 8499 requires a minimum lot width of 91.0 metres and a minimum lot area of 8,000 square metres (0.8 hectares) for lots within the Private Open Space ‘OS2’ Zone. The new Zoning By-Law does not provide a minimum lot width or lot area requirements for the General Open Space ‘OS2’ Zone. The proposed severed and retained lots have been designed appropriately for the use of each. The surrounding neighbourhood contains a range of lot areas and widths and the proposed severance is consistent with the existing lot fabric of the neighbourhood.

2. Proposed severances that would result in irregularly shaped lots are to be avoided where possible

The proposed severance will create a regularly shaped lot that is similar in shape and area to those in the surrounding area.

3. Consents may be granted only when each parcel of land has frontage and direct access from an assumed road, except for conservation lands such as those held by the Conservation Authority or a land trust that can be accessed through an easement or right-of-way on abutting lands;

June 20, 2022

Page 8 of 17

The severed lot will have approximately 34.9 metres of frontage on Napier Street and the retained lot will have approximately 67 metres of frontage on Napier Street. Napier Street is a municipal road.

4. Direct access from major roads is limited and is subject to the terms of any permits or approvals required from an agency having jurisdiction, with particular attention to controlled areas subject to Ministry of Transportation review and approval;

The severed and retained lots will have direct access from Napier Street, which is classified as a Local Road on Schedule 4 – Transportation of the Official Plan.

5. New access points or driveways must be located where they would not create a traffic hazard because of sight lines on curves, grades or corners;

The retained lot currently does not contain a vehicle access point or driveway and is proposed to remain as such. The proposed private tennis court use will be subject to a future application for Site Plan Control. The application of Site Plan Control will be subject to the review of Engineering and Transportation staff to ensure that any proposed access point will not create a traffic hazard.

6. Minor infilling of residential development is permitted except where the new lots would result in ribbon development of more than four non-farm residential lots that takes the form of a single depth of houses or other land uses fronting along roads in Rural Areas;

The subject property is located within the Urban Boundary and is currently designated and zoned for Open Space uses. Applications for Official Plan Amendment and Zoning By-Law Amendment would be required to contemplate residential uses on the subject property. The present applications for minor variance and consent will not incur the potential for consideration of any future land uses changes.

7. Infill residential development is permitted within Rural Areas where there is a distance of 100 metres or less of frontage between two non-farm residential lots on the same side of the road and the lot can meet all of the other policies of the Plan and requirements of the zoning by-law;

The subject property is located in the Urban Area and is not subject to this provision.

8. Compatibility and any separation distances required between the proposed land uses for the lot and the neighbouring land uses located in Rural Areas must be considered;

The subject property is located in the Urban Area. The proposed private tennis court use is permitted in the zoning by-law and is compatible with the surrounding neighbourhood.

9. Any application for a consent must assess the impact on the natural heritage system, natural heritage features and areas, natural hazards, cultural heritage resources and areas of archaeological potential, or areas of archaeological significance as set out in Sections 5, 6 and 7 of the Plan; and,

The subject site is not located in proximity to any natural heritage features or areas, natural hazards, or significant environmental features as identified on Schedule 7-A and

June 20, 2022

Page 9 of 17

8-A of the Official Plan. An archaeological assessment will be required at the Site Plan Control stage for the proposed development of the severed lot.

10. The City must be satisfied that any development lots created by consent can be supplied with such municipal services as fire protection, road maintenance, storm drainage and where applicable, water supply and sewage disposal facilities, such that the provision of services does not adversely affect the City's finances.

As indicated Exhibit B – Recommended Conditions, prior to the issuance of a Certificate of Official it shall be necessary for Utilities Kingston to receive, review and approve, a Site Servicing Plan for the proposed severed lot.

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

Zoning By-Law

The subject property is zoned Private Open Space 'OS2' Zone under the current Zoning By-Law Number 8499, entitled "Restricted Area (Zoning) By-Law of the Corporation of the City of Kingston" (Exhibit F -Zoning By-Law Number 8499), which permits farms, market gardens, nurseries, green houses, parks, golf courses, playgrounds, tennis courts, bowling greens, swimming pools, sanitariums, churches and religious institutions, public or private day schools, community homes, cemeteries, and accessory buildings to permitted uses (Section 36.2).

Under the new Zoning By-Law Number 2022-62, the property is similarly zoned General Open Space 'OS2' Zone (Exhibit G – Zoning By-Law Number 2022-62), which permits a campground, cemetery, club, community centre, elementary school, fitness centre, forestry use, golf course, library, marina, museum, office park, recreation facility, and secondary school (Section 18.1).

A minor variance is required to permit the proposed lot severance to facilitate the development of new private tennis court use on the severed parcel. The final draft of the City's new Zoning By-Law was approved by Council at its meeting held on April 26, 2022. As this application is scheduled for a Committee of Adjustment meeting subsequent to that date, the application has been reviewed against both the current Zoning By-Law Number 8499, as well as new Zoning By-Law Number 2022-62.

Minor Variance 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:

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

The subject property is designated Open Space in the City of Kingston Official Plan (Exhibit E – Official Plan).

June 20, 2022

Page 10 of 17

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. Housing Districts are designated for residential uses of different types, but also contain areas of open space, community facilities and commercial uses. 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 requested minor variances will provide for re-investment in an underutilized Open Space lot and for the lawn bowling club in a form that complies with all applicable policies of the Official Plan. The proposed private tennis court use is compatible the adjacent residential and recreational uses.

2. The proposed development will be compatible with surrounding uses, buildings or structures and development standards associated with adjacent properties, and if necessary, incorporate means of alleviating adverse effects on abutting land uses as recommended in Section 2.7 of this Plan;

The proposed private tennis court use is permitted in the zoning by-law and is compatible with adjacent residential and recreational uses. The proposed variances are not anticipated to result in any land use compatibility issues and will support the optimal use of the site.

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 provided concept plan in Exhibit I details four vehicle parking spaces, in compliance with the requirements of the zoning by-law. Considerations for universal accessibility and the details of the proposed site entrance will be reviewed through a future Site Plan Control application for the severed lands.

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 development of the severed lands will be subject to future Site Plan Control application, through which considerations such as site design, landscaping, lighting, grading, and accessibility will be reviewed.

June 20, 2022

Page 11 of 17

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 subject property is located within the Urban Boundary. As indicated in Exhibit B – Recommended Conditions, prior to the issuance of a Certificate of Official it shall be necessary for Utilities Kingston to receive, review and approve, a Site Servicing Plan for the proposed severed lot.

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 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 Exhibits A and B. 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 a precedent for the immediate area.

The proposal meets the intent of the Official Plan, as the proposed private tennis court 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 Private Open Space 'OS2' 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" (Exhibit F – Zoning By-Law Number 8499). The OS2 zone permits tennis court uses, such as the proposed.

June 20, 2022

Page 12 of 17

Under the new Kingston Zoning By-Law Number 2022-62, the property is similarly zoned General Open Space 'OS2' Zone (Exhibit G – Zoning By-Law Number 2022-62.

For the retained parcel, under Zoning By-Law Number 8499, variances for side yard width, aggregate side yard width, rear yard, lot width, and lot area are required to facilitate the proposed severance. Under the new Zoning By-Law Number 2022-62, the retained parcel will require reliefs for rear setback and interior setback only.

Retained Parcel under Zoning By-Law Number 8499:

Variance Number 1: Minimum Side Yard Width

By-Law Number: 8499	Section 36.3(c)(iii.)
Requirement:	23 metres
Proposed:	3 metres
Variance Requested:	20 metres

Variance Number 2: Aggregate Side Yard Width

By-Law Number: 8499	Section 36.3(c)(ii.)
Requirement:	61 metres
Proposed:	53 metres
Variance Requested	8 metres

Variance Number 3: Minimum Rear Yard

By-Law Number: 8499	Section 36.3(d)
Requirement:	15 metres
Proposed:	3 metres
Variance Requested:	12 metres

Variance Number 4: Minimum Lot Width

By-Law Number: 8499	Section 36.3(e)
Requirement:	91 metres
Proposed:	67.0 metres
Variance Requested:	24.0 metres

June 20, 2022

Page 13 of 17

Variance Number 5: Minimum Lot Area

By-Law Number: 8499	Section 36.3(f)
Requirement:	8,000 square metres
Proposed:	3,060 square metres
Variance Requested:	4,940 square metres

Retained Parcel under new Zoning By-Law Number 2022-62:

Variance Number 1: Minimum Rear Setback

By-Law Number: 2022-62	Section 18.3.1(5)
Requirement:	7.5 metres
Proposed:	3.0 metres
Variance Required:	4.5 metres

Variance Number 2: Minimum Interior Setback

By-Law Number: 2022-62	Section 18.3.1(7)
Requirement:	7.5 metres
Proposed:	3.0 metres
Variance Requested:	4.5 metres

For the severed parcel, under the Zoning By-Law Number 8499, relief for lot width and lot area are required to facilitate the proposed lot severance. Under the new Zoning By-Law Number 2022-62, the severed parcel complies with all applicable provisions of the zoning by-law.

Severed Parcel under Zoning By-Law Number 8499:

Variance Number 1: Minimum Lot Width

By-Law Number: 8499	Section 36.3(e)
Requirement:	91 metres
Proposed:	39.4 metres
Variance Requested:	51.6 metres

Variance Number 2: Minimum Lot Area

By-Law Number: 8499	Section 36.3(f)
Requirement:	8,000 square metres
Proposed:	1,800 square metres
Variance Requested:	6,200 square metres

Minimum Side Yard Width and Aggregate Side Yard Width:

Variations are required from Section 36.3(c) of Zoning By-Law Number 8499 and Section 18.3.1(7) of the new Kingston Zoning By-Law Number 2022-62 to seek relief for side yard width, or interior setback. Relief for aggregate side yard with is also required under Zoning By-Law Number 8499 only. The intent of the required side yard, or interior setback, provisions is to maintain adequate landscaped open space, to prevent loss of privacy from intrusive overlook

June 20, 2022

Page 14 of 17

onto neighbouring properties, and to achieve appropriate separation between buildings. These provisions are also intended to ensure access can be provided to the rear yard.

No new buildings are proposed on the retained or severed lots. The proposed 3.0 metre side yard setback on the retained lands will abut the proposed private tennis court use and will have no impact on the privacy of adjacent residential properties. The proposed minimum 3.0 metres side yard width on the retained lot will provide sufficient space for access into the rear yard.

Minimum Rear Yard:

A variance is required from Section 36.3(d) of Zoning By-Law Number 8499 and Section 18.3.1(5) of the new Zoning By-Law Number 2022-62 to seek relief for minimum rear yard on the retained lands. Zoning By-Law Number 8499 requires a minimum rear yard of 15 metres and the new Zoning By-Law Number 2022-62 requires a minimum rear setback of 7.5 metres. A rear yard of 3.0 metres currently exists on the retained lands, which will be unchanged by the proposed severance. The variance is requested to recognize the legal non-complying condition of the existing building on the retained lands.

Minimum Lot Area and Minimum Lot Width:

Variances are required from Section 36.3(e) and 36.3(f) of Zoning By-Law Number 8499 to seek relief for minimum lot width and minimum lot area. A minimum lot width of 91 metres is required, where lot widths of approximately 39.4 metres and approximately 67.0 metres are proposed on the severed and retained lots respectively. A minimum lot area of 8,000 square metres is required, where a lot area of approximately 1,800 square metres and approximately 6,200 square metres is proposed on the severed and retained lots respectively.

The intent of the minimum lot width and lot area provisions in the OS2 Zone of Zoning By-Law Number 8499 is to ensure that open space lots are of sufficient size to accommodate a variety of open spaces uses. Under the new Zoning By-Law Number 2022-62, a minimum lot width and lot area is not specified for the OS2 Zone. In addition, the new Kingston Zoning By-Law Number 2022-62 introduces a wider range of permitted recreational uses in the OS2 Zone to reflect the current and future needs of communities. As such, the requested reliefs will continue to provide for the functional use of both the severed and retained lots for permitted open space uses in a compatible form.

3)The variance is minor in nature

The proposed variances will apply only to the subject property and are required to provide for re-investment into this underutilized open space lot. A variance for rear yard is required to recognize the existing condition of the retained lot. Variances for lot width and size are required to address the provisions of Zoning By-Law Number 8499, which have not been carried forward to the new Zoning By-Law Number 2022-62. The requested variances are considered minor as there are no anticipated negative off-site impacts and the proposed use is permitted within the zoning by-law.

June 20, 2022

Page 15 of 17

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

The requested variances will facilitate the redevelopment of an underutilized open space lot to meet the recreation needs of the community. The proposed private tennis court use is permitted under both Zoning By-Law Number 8499 and the new Zoning By-Law Number 2022-62 and is compatible with surrounding residential and recreational uses. The proposal will provide for the continued operation of the existing lawn bowling club, in the same neighbourhood where it has existed for many years. The variance is desirable for the appropriate use of the land.

Technical Review: Circulated Departments and Agencies

- | | | |
|---|--|---|
| <input checked="" type="checkbox"/> Building Division | <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 type="checkbox"/> Municipal Drainage | <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

The applications were circulated to external agencies and internal departments for their review and comment and there were no comments or concerns raised that would preclude the applications 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 comments have been received regarding these applications. 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 proposal has regard to the matters under subsection 51(24) of the *Planning Act*, is consistent with the Provincial Policy Statement, conforms with all applicable policies of the Official Plan, is in keeping with the general intent and purpose of the zoning by-law and a plan of

June 20, 2022

Page 16 of 17

subdivision is not necessary for the proper and orderly development of the property, as such, is recommended for provisional approval.

Provisional approval of this application will result in the creation of one new 1,800 square metre lot with approximately 34.9 metres of frontage on Napier Street for the development of a private tennis court use containing one court and four off-street vehicle parking spaces. Approval of these applications will not incur the potential for consideration of any future land uses changes on the severed or retained lots.

The requested variances maintain the general intent and purpose of the City of Kingston Official Plan, Zoning By-Law Number 8499, and the new Zoning By-Law Number 2022-62. 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.

Existing Policy/By-Law:

The proposed applications were 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

Zoning By-Law Number 2022-62

Notice Provisions:

A Committee of Adjustment Meeting is going to be held respecting this application on June 20, 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 14 days in advance of the meeting. In addition, notices were sent by mail to a total number of 55 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*.

June 20, 2022

Page 17 of 17

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 – Minor Variance
- Exhibit B Recommended Conditions – Consent
- Exhibit C Key Map
- Exhibit D Neighbourhood Context Map (2021)
- Exhibit E Official Plan Map
- Exhibit F Zoning By-Law Number 8499, Map 26
- Exhibit G Kingston Zoning By-Law Number 2022-62 Map
- Exhibit H Public Notification Map
- Exhibit I Severance Sketch and Concept Plan
- Exhibit J Site Photograph

Recommended Conditions

Application for minor variance, File Number D13-026-2022

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

1. Limitation

That the approved minor variance applies only to subject property 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

Archaeological clearance of the subject property is required, beginning with a Stage One Archaeological Assessment and including any subsequent assessments as required by the Ministry of Heritage, Sport, Tourism, and Culture Industries' Standards and Guidelines for Consultant Archaeologists, as amended from time to time, prior to any soil disturbance.

One digital copy of the assessment report(s) and any acceptance letter(s) from the Ministry of Heritage, Sport, Tourism, and Culture Industries shall be provided to the Secretary-Treasurer of the Committee of Adjustment, prior to the issuance of the Certificate of Official.

The City relies upon the report of the professional archaeologist as filed, but reserves the right to require further reports should further evidence be uncovered. The applicant may be required to further review the state of archaeological

resources on the property depending on the recommendations of the report and subject to input and review from the Ministry of Heritage, Sport, Tourism, and Culture Industries. The City shall not be restricted in its ability to determine requirements related to review, assessment and/or protection should archaeological resources be found on site. Any costs arising from such requirements of the City, or any other duly authorized Government body, shall be borne solely by the applicant.

Recommended Conditions

The provisional approval of consent application, File Number D10-014-2022, to sever an approximately 1,800 square metre lot with approximately 34.9 metres on frontage on Napier Street, is subject to the following recommended conditions:

1. Certificate of Official and Deadline

That all conditions are satisfied and the Certificate of Official be presented to the Secretary-Treasurer, Committee of Adjustment for certification under Section 53(42) of the Planning Act, R.S.O. 1990 as amended, within one year of mailing of this notice. We suggest that the Land Registry Office be consulted for preapproval of the Certificate of Official to avoid delays.

The Certificate must be registered within two years from the issuance of the certificate as required under Section 53(43) of the Planning Act, R.S.O. 1990, as amended. A copy of the registered transfer certificate shall be provided to the Secretary-Treasurer, Committee of Adjustment to complete the file.

2. Reference Plan

That a digital version of a Reference Plan be provided in a PDF and AutoCAD Windows readable format on a compact disc (CD), USB memory stick or by email, illustrating the severed parcel be prepared and presented to the Secretary-Treasurer, Committee of Adjustment prior to the issuance of the Certificate of Official.

3. Payment of Taxes

The owner/applicant shall contact the Tax Department at tax@cityofkingston.ca and secure in writing from the Treasurer or the Manager of Taxation and Revenue, proof of payment of current taxes and any special charges (not simply a copy of the tax bill) required to be paid out and a statement of proof that is received and shall be provided to the Secretary-Treasurer Committee of Adjustment, prior to the issuance of the consent certificate. The owner/applicant must pay any outstanding realty taxes and all local improvement charges levied against the property.

4. Standard Archaeological Condition

Archaeological clearance of the severed parcel is required, beginning with a Stage One Archaeological Assessment and including any subsequent assessments as required by the Ministry of Heritage, Sport, Tourism, and Culture Industries' Standards and Guidelines for Consultant Archaeologists, as amended from time to time, prior to any soil disturbance.

One digital copy of the assessment report(s) and any acceptance letter(s) from the Ministry of Heritage, Sport, Tourism, and Culture Industries shall be provided to the Secretary-Treasurer of the Committee of Adjustment, prior to the issuance of the Certificate of Official.

The City relies upon the report of the professional archaeologist as filed, but reserves the right to require further reports should further evidence be uncovered.

The applicant may be required to further review the state of archaeological resources on the property depending on the recommendations of the report and subject to input and review from the Ministry of Heritage, Sport, Tourism, and Culture Industries. The City shall not be restricted in its ability to determine requirements related to review, assessment and/or protection should archaeological resources be found on site. Any costs arising from such requirements of the City, or any other duly authorized Government body, shall be borne solely by the applicant.

5. Servicing

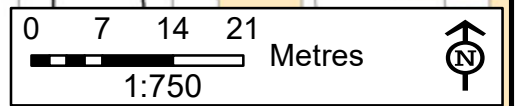
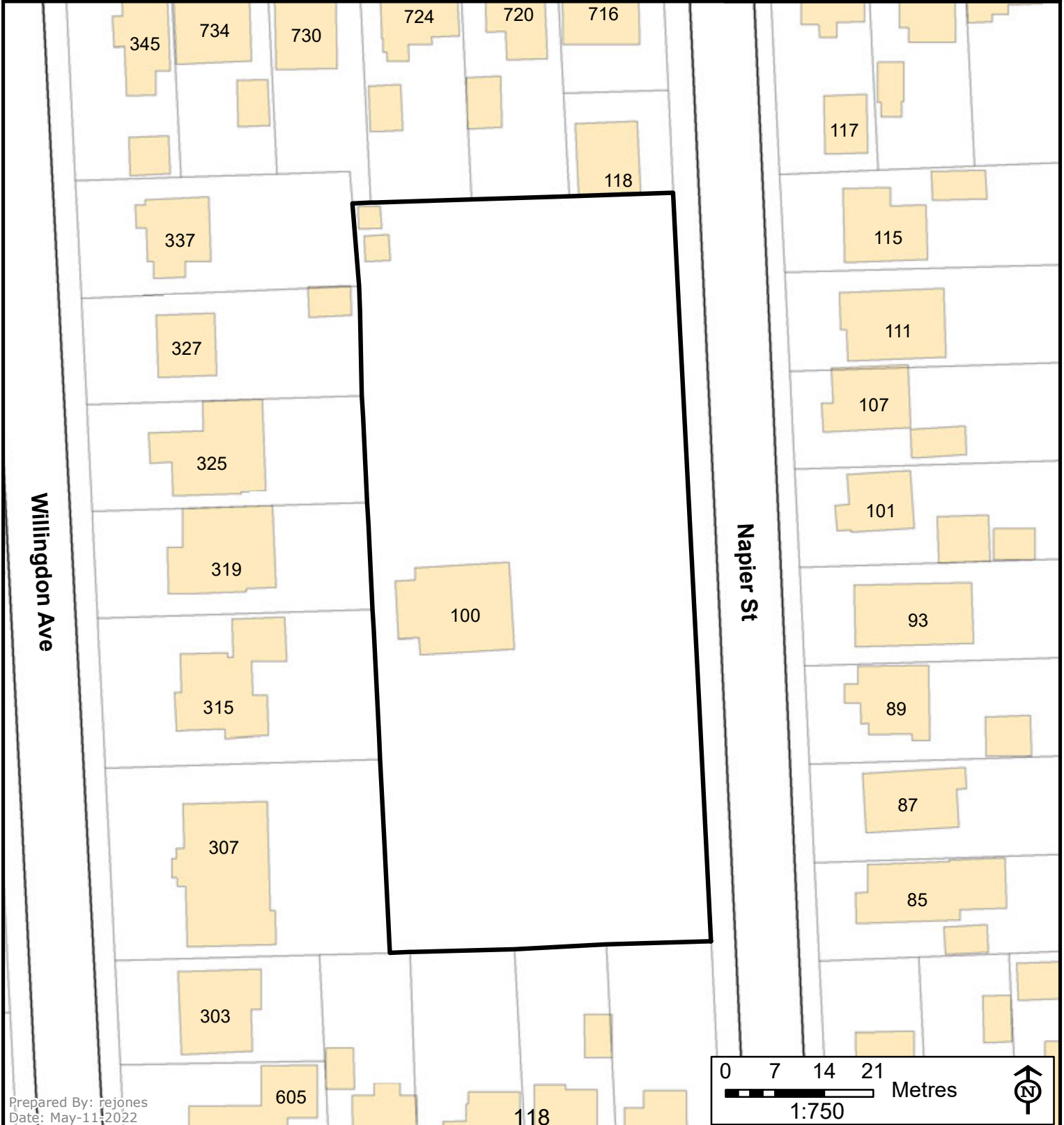
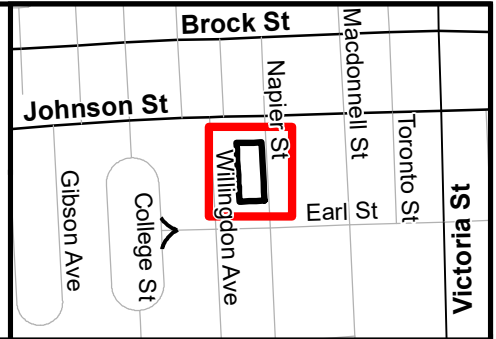
Prior to the issuance of a Certificate of Official it shall be necessary for Utilities Kingston to receive a severance locate.



Committee of Adjustment Key Map

Address: 100 Napier Street
File Number: D13-026-2022

Lands Subject to Minor Variance





Committee of Adjustment Neighbourhood Context (2021)

Address: 100 Napier Street
File Number: D13-026-2022

- Subject Lands
- Property Boundaries
- Proposed Parcels






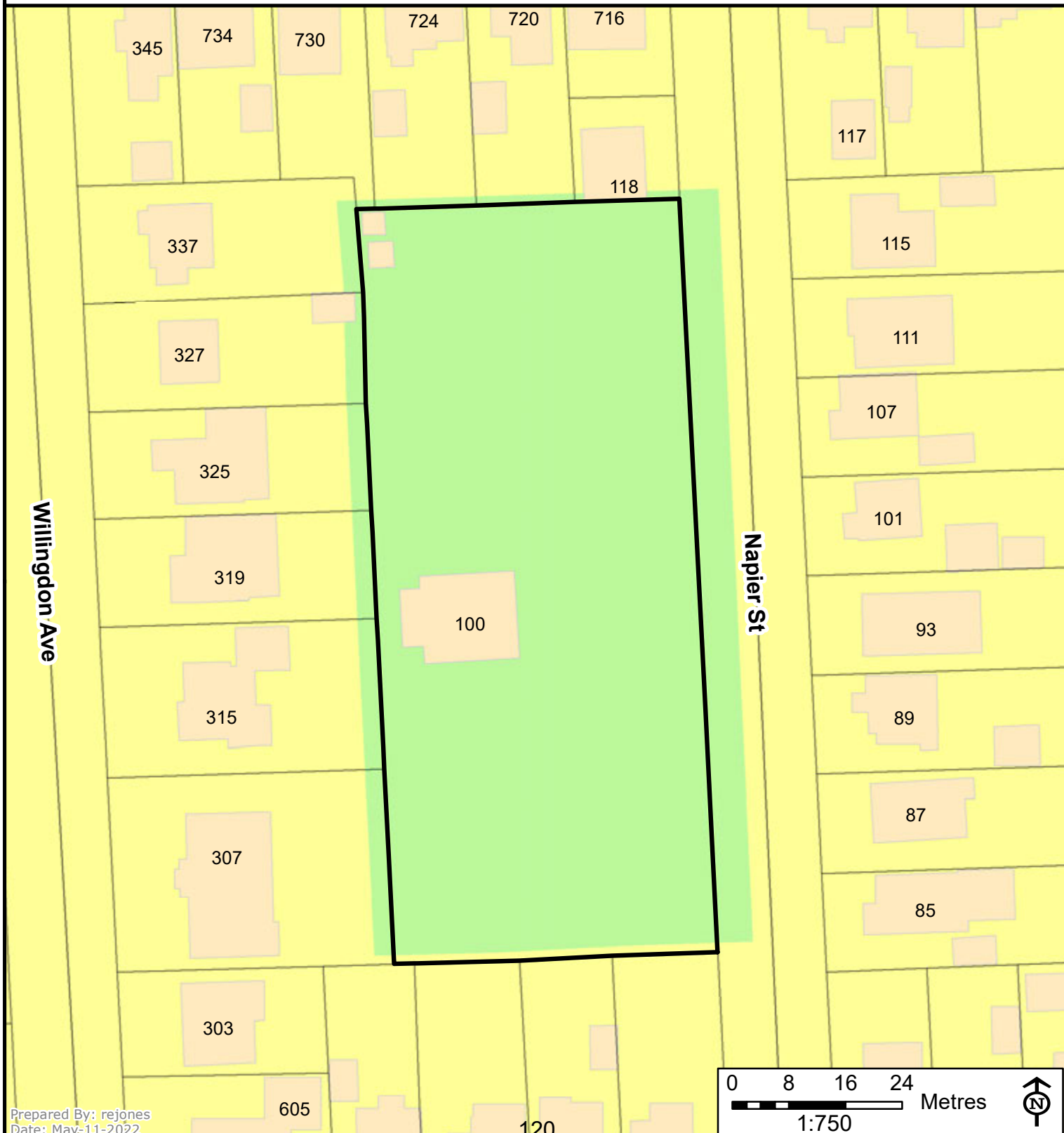


Planning Services

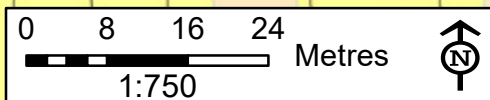
Committee of Adjustment Official Plan, Existing Land Use

Address: 100 Napier Street
File Number: D13-026-2022

-  Subject Lands
-  OPEN SPACE
-  RESIDENTIAL



Prepared By: rejones
Date: May-11-2022

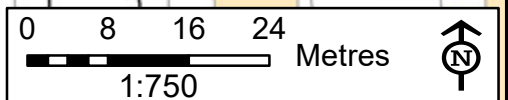
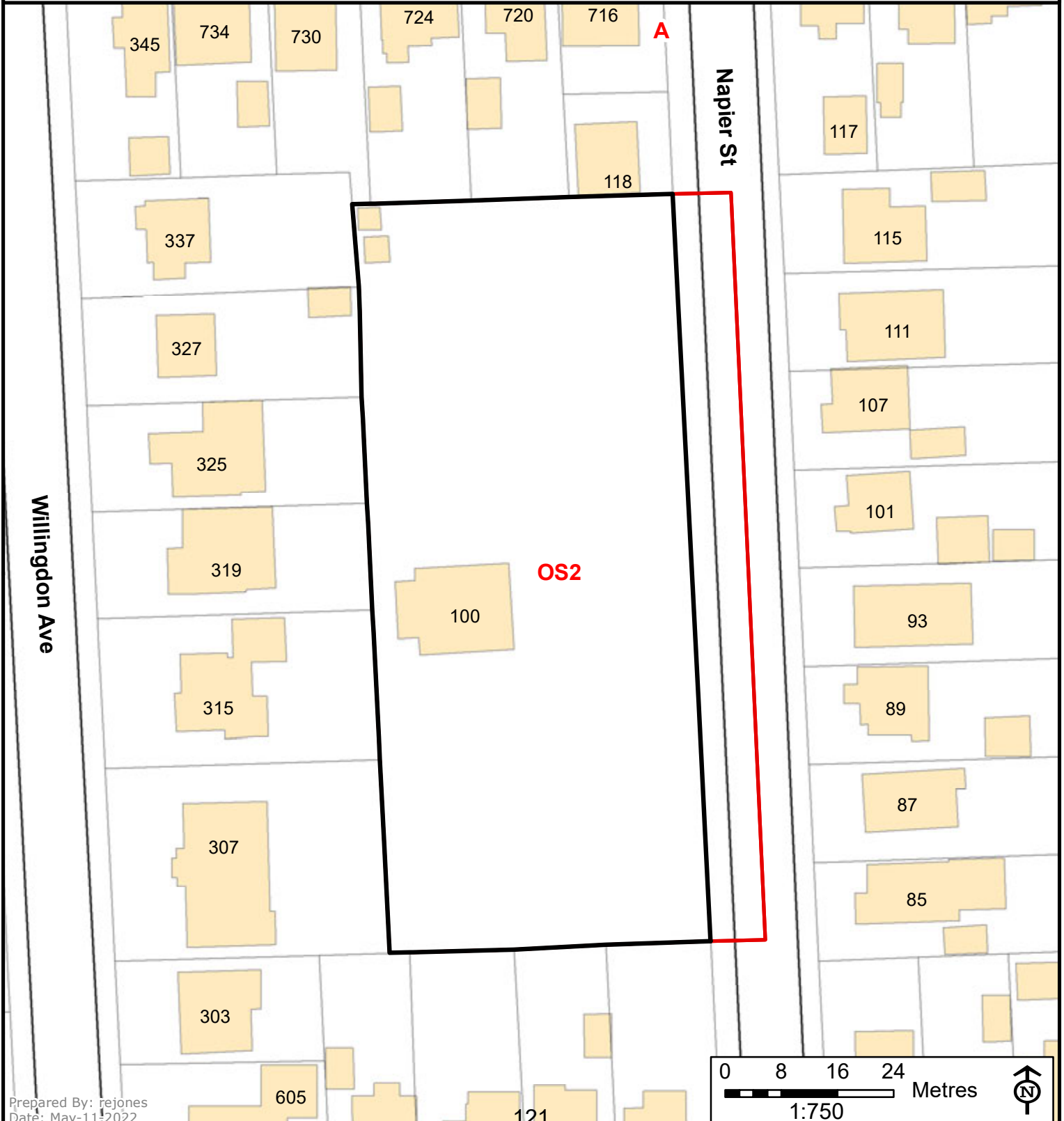


Disclaimer: This document is subject to copyright and may only be used for your personal, noncommercial use provided you keep intact the copyright notice. The City of Kingston assumes no responsibility for any errors, and is not liable for any damages of any kind resulting from the use of, or reliance on, the information contained in this document. The City of Kingston does not make any representation or warranty, express or implied, concerning the accuracy, quality, or reliability of the information contained in this document. © 2020 The Corporation of the City of Kingston.



Committee of Adjustment
Existing Zoning - By-law 8499, Map 26
Address: 100 Napier Street
File Number: D13-026-2022

Subject Lands
 Consolidated Zoning

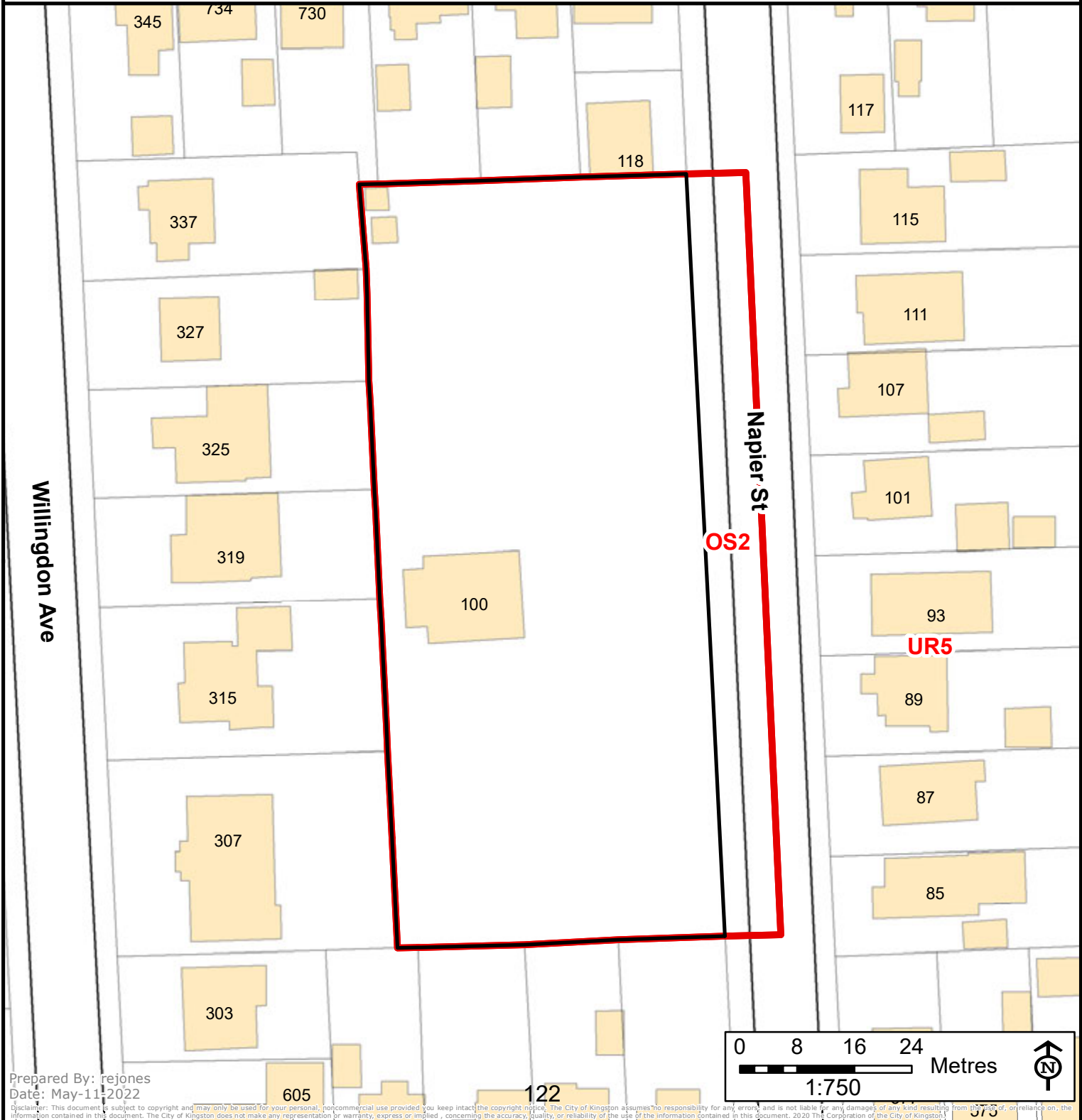




CITY OF KINGSTON Reference Kingston Zoning Bylaw

Address: 100 Napier Street
File Number: D13-026-2022

- Subject Lands
- Schedule 1 Zoning Map
- Zone
- Schedule E - Exception Overlay
- Legacy Exceptions (LXXX)
- Exceptions (EXXX)
- Schedule F - Holding Overlay
- Holding Overlay (HXXX)



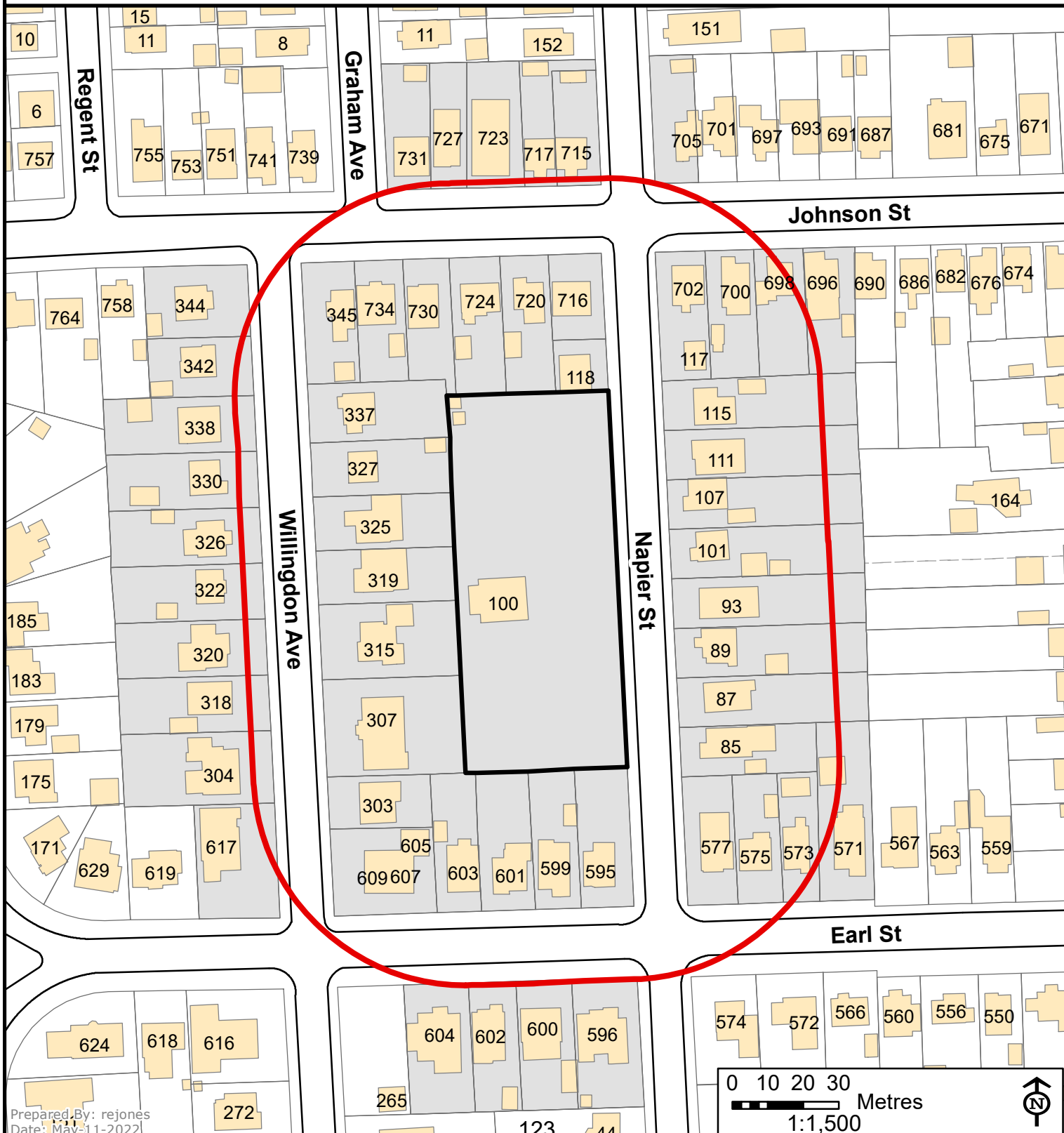


Planning Services

Committee of Adjustment Public Notice Notification Map

Address: 100 Napier Street
File Number: D13-026-2022

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



Prepared By: rejonas
Date: May-11-2022



Disclaimer: This document is subject to copyright and may only be used for your personal, non-commercial use. Provided you keep intact the copyright notice, The City of Kingston assumes no responsibility for any errors, and is not liable for any damages of any kind resulting from the use of, or reliance on, the information contained in this document. The City of Kingston does not make any representation of warranty, express or implied, concerning the accuracy, quality, or reliability of the use of the information contained in this document. ©2020 The Corporation of the City of Kingston.

Sketch for
Severance Application

SCALE = 1:300



HOPKINS CHITTY LAND SURVEYORS INC.
-2022-



BEARING NOTE:

BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED REFERENCE POINTS A AND B BY REAL TIME NETWORK (RTN) OBSERVATIONS, UTM ZONE 18, NAD83 (CSRS) (2010).

DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.9997679

DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

Notes:

THE PROPOSED SEVERED LANDS ARE TO BE PART OF LOTS 24, 25, 26, 35, 36 AND 37, REGISTERED PLAN No. 169, CITY OF KINGSTON, COUNTY OF FRONTENAC.

CAUTION:

- a)-THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED EXCEPT FOR THE PURPOSE INDICATED IN THE TITLE BLOCK.
- b)-THE SKETCH IS PROTECTED BY COPYRIGHT ©

DATE: APRIL 19, 2022

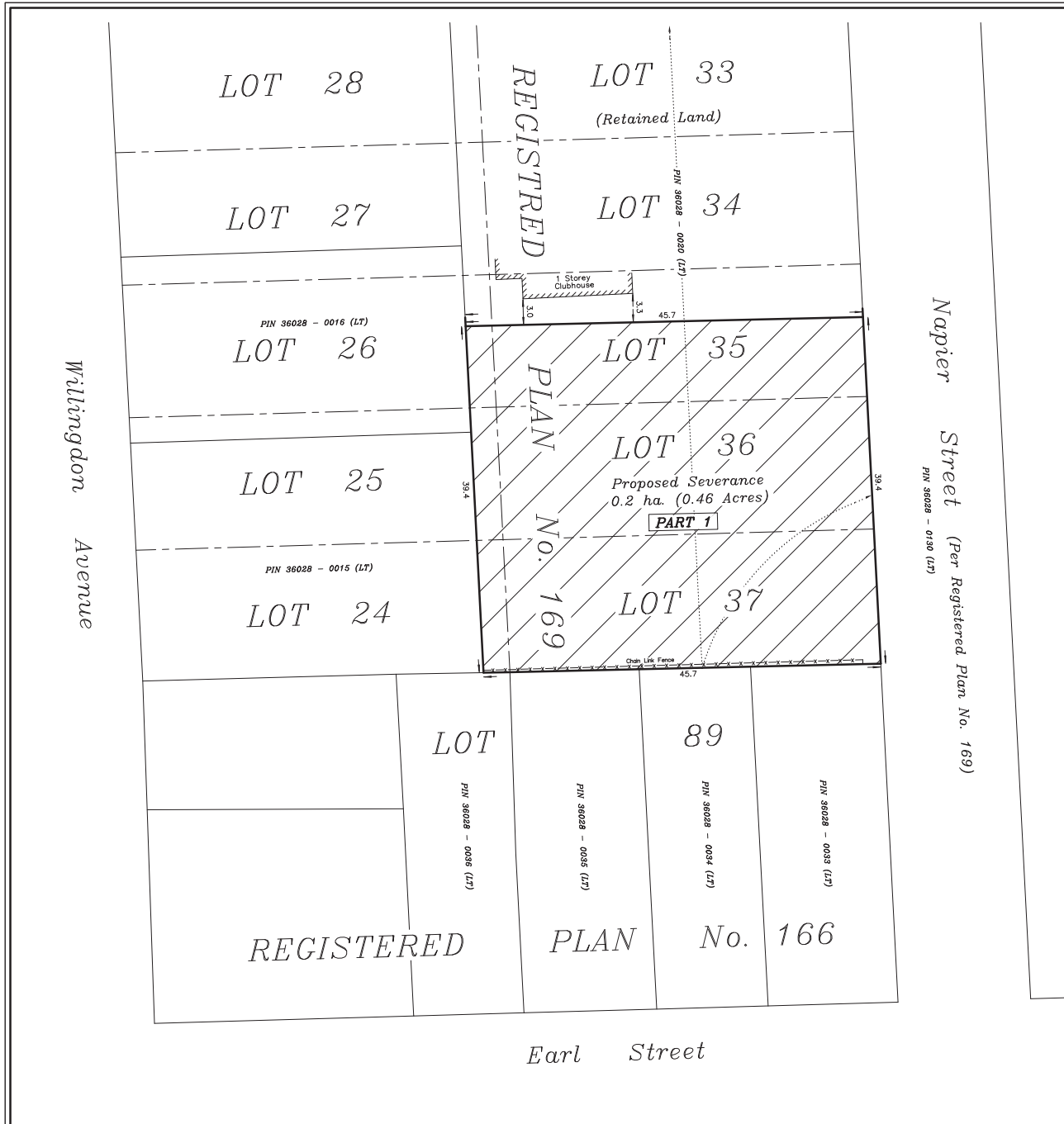
Party Chk'd: AC	Instrument: TM	Checked By: PFC	Plan By: JJ
-----------------	----------------	-----------------	-------------



**HOPKINS CHITTY
LAND SURVEYORS INC.**
Ontario Land Surveyors
www.hopkinschitty.com

1224 GARDINERS ROAD, SUITE 102
KINGSTON, ONTARIO K7L-0G2
Tel (613) 384-9266
Fax (613) 384-3513

PROJECT No. 2021-0938
LOTS 24-26, 35-37, RP No. 169
CITY OF KINGSTON



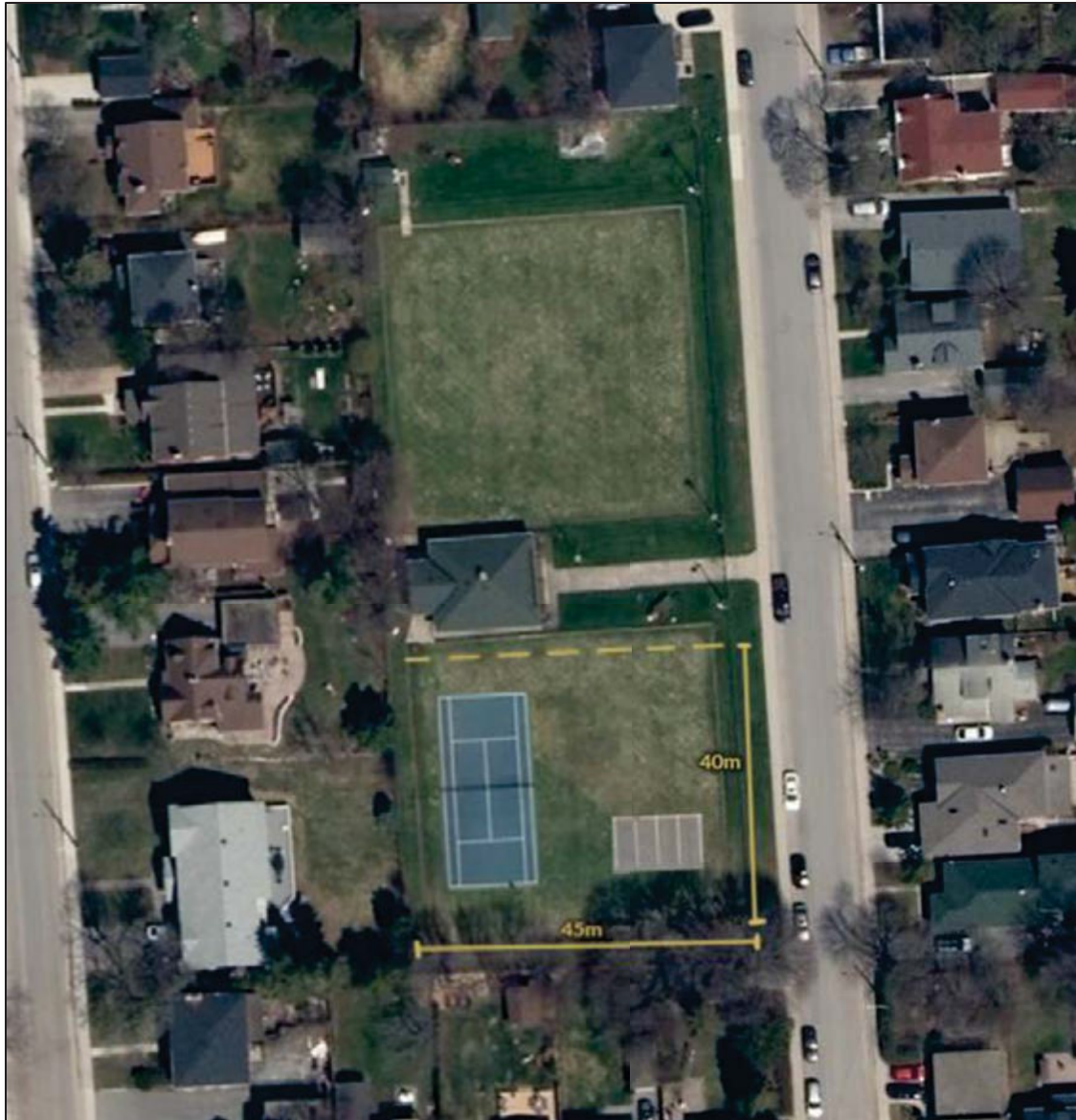


Figure 2: Concept Sketch

Approximate location of tennis court and 4 parking spaces are shown. Final location will be determined through future Planning Act applications

Site Photograph – 100 Napier Street



Figure 1: Subject property facing west from Napier Street.