

# City of Kingston Report to Committee of Adjustment Report Number COA-22-053

To: Chair and Members of the Committee of Adjustment

From: Riccardo Peggi, Planner

Date of Meeting: July 18, 2022

Application for: Minor Variance

File Number: D13-031-2022

Address: 23B Crerar Boulevard

Owner: Cameron Wolfe

Applicant: Cameron Wolfe

#### **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 variance for the property located at 23B Crerar Boulevard. The applicant is proposing to develop a driveway in the front yard of the subject property which exceeds the maximum driveway width provision to provide for two parking spaces. The applicant intends to locate a secondary residential unit in the existing semi-detached dwelling and is unable to locate the 1.2 metre access walkway and the required parking spaces without seeking relief from the zoning by-law. The property is designated Residential in the Official Plan and is located within the Residential Type 2 (R2) zone in Zoning By-Law 76-26. The property will be zoned Urban Residential Type 2.A (UR2.A) in Zoning By-Law 2022-62.

The requested minor variance is consistent with the general intent and purpose of the City of Kingston Official Plan, Zoning By-Law Number 76-26, and Zoning By-Law Number 2022-62. The requested minor variance is desirable for the appropriate development or use of the land,

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building or structure and is minor in nature. As such, the proposed application meets all four tests under Subsection 45(1) of the *Planning Act* and is recommended for approval.

#### **Variance Number 1: Driveway Width**

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

Requirement: Maximum 40% of lot width, or 4.3 metres

Proposed: 5.5 metres Variance Requested: 1.2 metres

#### **Variance Number 1: Driveway Width**

By-Law Number 2022-62: Section 7.4.8.5.

Requirement: Maximum 40% of lot width, or 4.3 metres

Proposed: 5.5 metres Variance Requested: 1.2 metres

#### Recommendation:

**That** minor variance application, File Number D13-031-2022, for the property located at 23B Crerar Boulevard to develop a driveway in the front yard of the subject property which exceeds the maximum driveway width provision, be approved, subject to the conditions attached as Exhibit A to Report Number COA-22-053.

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#### **Authorizing Signatures:**

ORIGINAL SIGNED BY PLANNER

Riccardo Peggi, 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 June 1, 2022, a minor variance application was submitted by Cameron Wolfe with respect to the property located at 23B Crerar Boulevard. The variance is requested to develop a driveway in the front yard of the subject property which exceeds the maximum driveway width provision to provide for two parking spaces. The applicant intends to locate a secondary residential unit in the existing semi-detached dwelling and is unable to locate the 1.2 metre access walkway and the required parking spaces without seeking relief from the zoning by-law.

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

- Cover Letter
- Site Plan (Exhibit G)
- Interior Floor Plans (Exhibit H)
- Site Photographs (Exhibit I)

All submission materials are available online through the Development and Services Hub (DASH) at the following link, <u>DASH</u>, using "Look-up a Specific Address". If there are multiple addresses, search one address at a time, or submission materials may also be found by searching the file number.

#### **Site Characteristics**

The subject property is located at 23B Crerar Boulevard, approximately 250 metres south of Front Street in the Reddendale neighbourhood. The subject property is developed with a semi-detached dwelling with the other half of the building being located on 23A Crerar Boulevard. The rectangular shaped property has a lot area of 491 square metres and a frontage of 10.7 metres on Crerar Boulevard. The dwelling unit is accessed by a door which is located on the south side of the building in the interior side yard of the lot.

The surrounding neighbourhood is residential in character and generally consists of single family dwellings. The subject property backs onto R.G. Sinclair Elementary School to the west. North of the site along Front Road are a commercial plaza and the Centre 70 Arena, and Crerar Park is located approximately 250 metres south of the subject site.

The subject property is designated Residential in the Official Plan and zoned Residential Type 2 (R2) in Zoning By-Law Number 76-26. The subject property, and the adjacent lands to the south, were rezoned to the R2 zone in 1992. The R2 zone permits one, two and three unit dwellings and semi-detached dwellings. The subject site is to be zoned Urban Residential Type 2.A (UR2.A) in Zoning By-Law Number 2022-62 and is subject to Exception E23. The UR2.A zone permits one and two unit dwellings and semi-detached dwellings, while Exception E23 permits three unit dwellings. It is noted that secondary dwelling units are permitted within semi-detached dwellings when each unit is located on a separate lot.

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#### **Application**

The review of an application for minor variance(s) is not a simple mathematical calculation, but rather a detailed assessment of whether the variance(s) requested, both separately and together, meet the four tests of a minor variance outlined in Subsection 45(1) of the *Planning Act*. The following provides this review:

#### **Provincial Policy Statement**

In addition to the four tests of a minor variance detailed above, Subsection 3(5) of the *Planning Act* requires that a decision in respect of the exercise of any authority that affects a planning matter shall be consistent with the Provincial Policy Statement (the PPS). The PPS provides policy direction on matters of provincial interest related to land use planning and development which are complemented by local policies addressing local interests. The application being considered is site specific to accommodate a specific proposal and does not involve any major policy considerations and as such, the proposal conforms to and is consistent with the PPS.

#### 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.

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 in a Housing District within the Urban Boundary as described in Schedule 2 of the Official Plan. Housing Districts are planned to remain stable but minor infilling projects which maintain the character of the surrounding neighbourhood are supported. The proposed variance to permit the wider driveway will enable the owner to locate a secondary residential unit within the existing dwelling. The proposed development will enable a minor infilling project and the wider driveway will not alter the character of the surrounding neighbourhood.

The proposal was also reviewed against Section 4.6.60. of the Official Plan, which sets out criteria for requests to permit front yard parking spaces beyond what is permitted within the zoning by-law.

The proposed driveway is a unique circumstance in the neighbourhood given the lot is unusually narrow compared to surrounding lots. The maximum driveway width provision in the zoning by-law permits a front yard driveway up to 40% of the lot width or up to 6 metres, whichever is less. The subject property is 10.7 metres wide while most other lots in the Reddendale neighbourhood are around 20 metres wide. While the proposed 5.5 metre wide driveway is wider than what is permitted on the property, it would be

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permitted as-of-right on the majority of properties in the Reddendale neighbourhood and therefore would not appear out of place.

The second parking space in the front yard will not create a hazard to the use of the roadway or sidewalk. Crerar Boulevard is a local road with slower traffic speeds so an additional egress will not greatly impact the area.

The proposed driveway meets the remaining criteria listed under Section 4.6.60. of the Official Plan. The proposed parking area is minimized to take up as little of the front yard area as possible. The driveway width is equal to the width of two standard vehicle parking spaces, and the remainder of front yard is landscaped. The parking spaces meet the size, dimension, surface treatment requirements of the zoning by-law, and no trees will be impacted by the widened driveway. The driveway will not result in the loss of on-street parking in the area.

- 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;
  - No compatibility concerns are anticipated as a result of this development. The driveway would only be 1.2 metres wider than what is permitted in the Zoning By-Law, and would have a negligible impact on the surrounding streetscape.
- 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 minor variance has been submitted to enable the site to appropriately function in terms of vehicle parking and pedestrian access. The exterior entrance of all secondary residential units must be accessed by a 1.2 metre wide walkway connection to the street which must be unobstructed and separately delineated from the driveway. Separated walkways are generally beneficial for pedestrian comfort and safety, but also must remain clear for emergency access.

In the case of the subject property, the exterior entrance of the secondary unit is located on the interior side yard of the lot where the existing driveway is located. The interior side yard is approximately 3 metres wide so there is not sufficient room to locate both the driveway and the walkway. Given this spatial constraint, the applicant is requesting to locate the two parking spaces in the front yard. The front yard is not long enough to locate two tandem parking spaces so the applicant must request a variance to the maximum driveway width provision to permit a driveway wide enough for two parking spaces in the front yard of the lot. The proposed variance to maximum driveway width will enable the applicant to locate two parking spaces as well as the required 1.2 metre wide unobstructed walkway.

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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 property is not within a Heritage District, nor will the proposed development impact existing built heritage resources. Only two dwelling units are proposed on the property so the development will not be subject to Site Plan Control.
- 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 property is not adjacent to any designated heritage property nor is it designated under the *Ontario Heritage Act*.
- 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 property utilizes both municipal water and wastewater services. The proposed development has been reviewed by all relevant City departments through technical review and adequate servicing has been confirmed.
- 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 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 require additional conditions as it deems appropriate to the approval of the application. Recommended conditions are listed in "Exhibit A Recommended Conditions", attached to this document. 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, as each minor variance is reviewed independently and judged on its own merits and metrics.

The proposal meets the intent of the Official Plan, as the proposed widened driveway will enable the development of a second residential unit in the dwelling and will not result in

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any negative impacts to adjacent properties or to the neighbourhood. The street is comprised of a variety of built forms but predominantly are single detached dwellings. This property is the only semi-detached dwelling on the street. Approval of this minor variance would support further unit diversification in an appropriate manner that would not disrupt the character or planned function of the area.

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

#### Zoning By-Law 76-26

The subject property is zoned Residential Type 2 (R2) in the City of Kingston Zoning By-Law Number 76-26, entitled "Township of Kingston Restricted Area By-Law", as amended. The R2 zone permits several ground-oriented housing types, including semi-detached dwellings.

The proposal requires a variance to Section 5(16)(viii).

#### Variance Number 1: Driveway Width

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

Requirement: Maximum 40% of lot width, or 4.3 metres

Proposed: 5.5 metres Variance Requested: 1.2 metres

#### Zoning Bylaw 2022-62

The subject property is zoned Urban Residential Type 2.A (UR2.A) in City of Kingston Zoning By-Law Number 2022-62, as amended. The UR2.A zone permits several ground-oriented housing types, including semi-detached dwellings.

The proposal requires a variance to Section 7.4.8.5.

#### Variance Number 1: Driveway Width

By-Law Number 2022-62: Section 7.4.8.5.

Requirement: Maximum 40% of lot width, or 4.3 metres

Proposed: 5.5 metres Variance Requested: 1.2 metres

The purpose of the maximum driveway width provision in residential zones is to ensure that front yards are not solely dedicated to hard surface driveways and include areas for landscaping. Front yard landscaped space provides for stormwater capture as well as providing for a more attractive streetscape. The maximum driveway width provision allows for a maximum of 40% of the lot width or 6 metres, whichever is lesser. In this case, the lot is 10.7 metres wide so the maximum width is 4.3 metres. The proposed 5.5 metre wide driveway would fit the width of two vehicle parking spaces as defined in the zoning by-law, each 2.75 metres wide. The proposed driveway would be approximately 51% of the lot width which allows for adequate space for front yard landscaping.

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

The variance is considered minor as the proposed driveway width is only 1.2 metres wider than what is permitted in the zoning and still maintains sufficient room for front yard landscaped space as well as the pedestrian walkway.

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

The expanded driveway width will enable the applicant to provide two functioning parking spaces as well as a 1.2 metre wide pedestrian walkway to the exterior entrance of the dwelling. Ultimately, the variance will enable the creation of an additional dwelling unit while not altering the character of the streetscape or neighbourhood. This application would formalize the existing condition of the site with improvement for functionality and an additional unit.

The variance is desirable and appropriate use of the land.

#### **Technical Review: Circulated Departments and Agencies**

$\boxtimes$	Building Services		□ Heritage (Planning Services)             □
	Finance	□ Utilities Kingston	☐ Real Estate & Environmental Initiatives
$\boxtimes$	Fire & Rescue		
$\boxtimes$	Solid Waste	☐ Parks Development	□ Canadian National Railways
	Housing		☐ Ministry of Transportation
	KEDCO		□ Parks of the St. Lawrence
	CRCA	☐ KFL&A Health Unit	☐ Trans Northern Pipelines
	Parks Canada	☐ Eastern Ontario Power	☐ CFB Kingston
	Hydro One	☐ Enbridge Pipelines	☐ TransCanada Pipelines
	Kingston Airport		

#### **Technical Comments**

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

#### **Public Comments**

At the time this report was finalized, no public comments have been received with regards 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.

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#### **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 the City of Kingston Official Plan, Zoning By-Law Number 76-26, and 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 variance is minor in nature. As such, the proposed application meets all four tests under Subsection 45(1) of the *Planning Act* and the application is being recommended for approval, subject to the proposed conditions.

Approval of this application will enable the development of a secondary dwelling unit.

#### **Existing Policy/By-Law:**

The proposed application was reviewed against the policies of the Province of Ontario and City of Kingston to ensure that the changes would be consistent with the Province's and the City's vision of development. The following documents were assessed:

#### **Provincial**

Provincial Policy Statement, 2020

#### Municipal

City of Kingston Official Plan

Zoning By-Law Number 76-26

Zoning By-Law Number 2022-62

#### **Notice Provisions:**

A Committee of Adjustment Meeting is going to be held respecting this application on July 18, 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 23 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*.

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#### **Accessibility Considerations:**

None

#### **Financial Considerations:**

None

#### **Contacts:**

James Bar, Manager, Development Approvals, 613-546-4291 extension 3213

Riccardo Peggi, Planner, 613-546-4291 extension 3237

#### **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 76-26 Map 5

Exhibit F Zoning By-Law 2022-62 Map

Exhibit G Site Plan

Exhibit H Floor Plans

Exhibit I Site Photographs

Exhibit J Public Notification Map

#### **Recommended Conditions**

#### **Application for minor variance, File Number D13-031-2022**

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

#### 1. Limitation

That the approved minor variance applies only to driveway width 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.

**Exhibit B Report Number COA-22-053** Front Rd Committee of Adjustment Redden St View Ave Montgomery Blvd **Key Map** Bishop St Sunny Acres Rd KINGSTON Address: 23B Crerar Boulevard Jorene Dr File Number: D13-031-2022 **Planning** Services Lands Subject to Minor Variance 18 19 20 21 22 23A Crerar Blvd 23B 24 25 26 27 28 29 30 0 14 21 Metres Prepared By: jbharvey Date: Jun-01-2022 1:750 20 62 31



## Committee of Adjustment Neighbourhood Context (2021)

Address: 23B Crerar Boulevard File Number: D13-031-2022

Subject Lands
Property Boundaries
Proposed Parcels

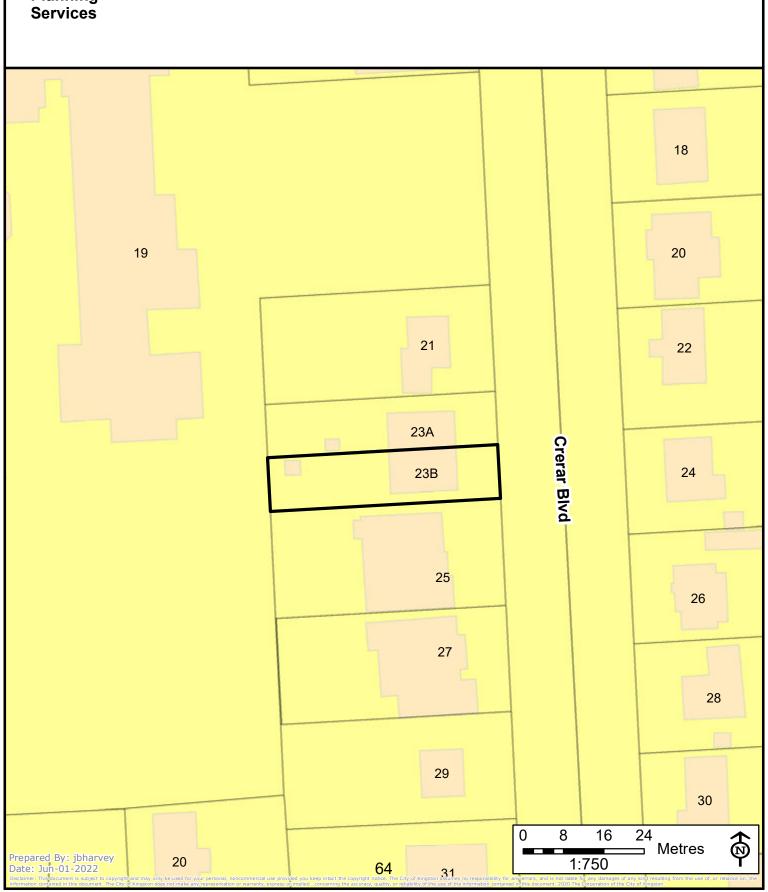




## Committee of Adjustment Official Plan, Existing Land Use

Address: 23B Crerar Boulevard File Number: D13-031-2022

Subject Lands
RESIDENTIAL





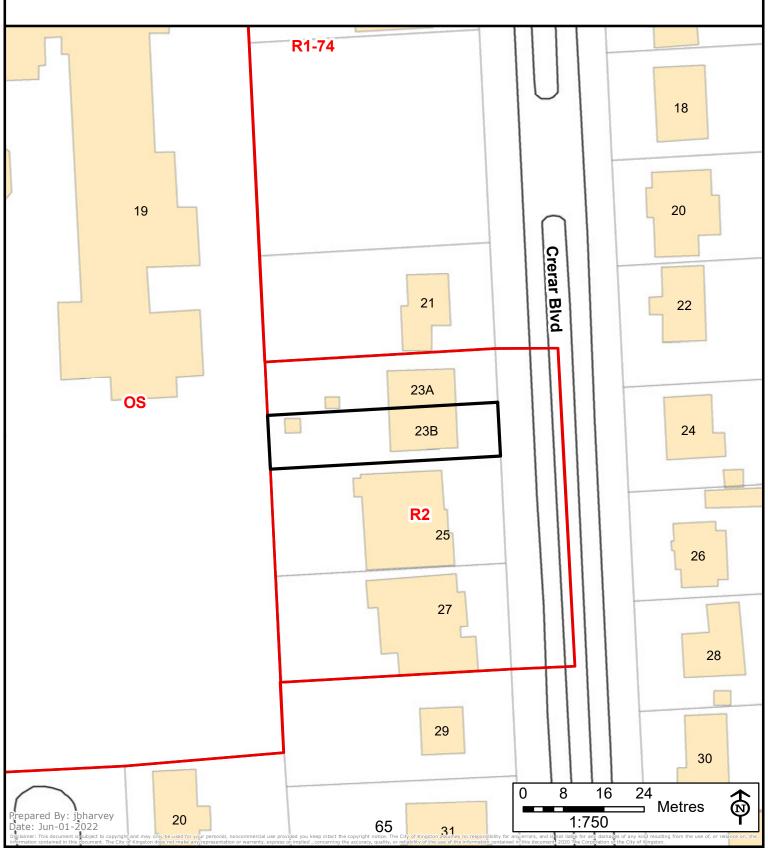
Committee of Adjustment

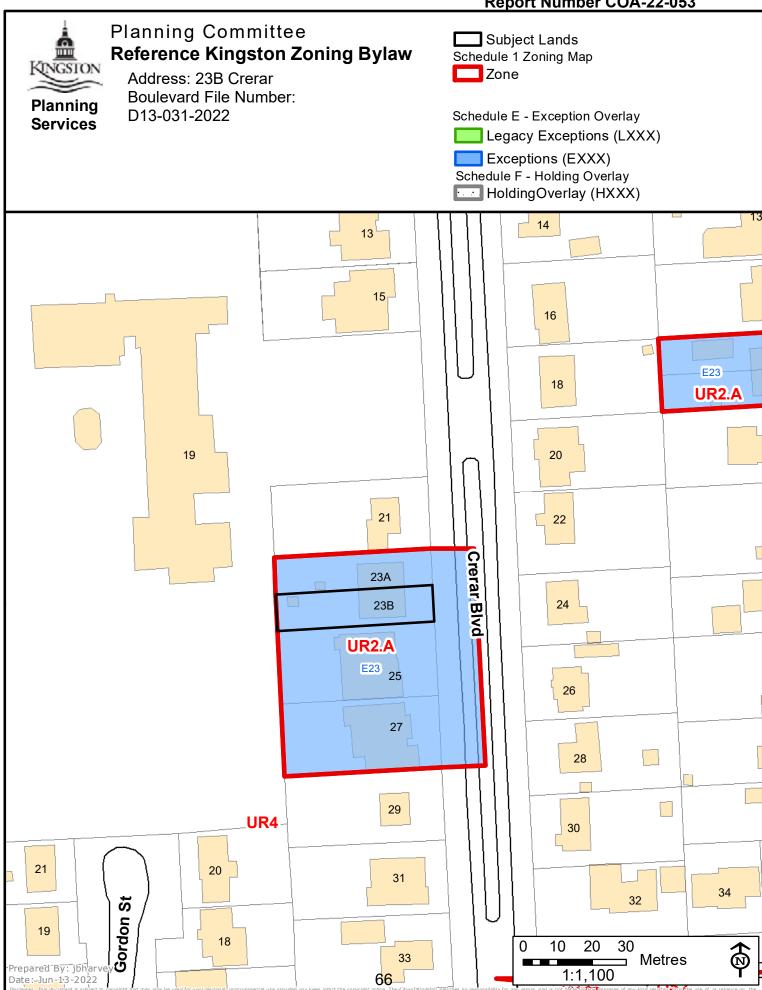
Existing Zoning - By-law 76-26, Map 5

Address: 23B Crerar Boulevard File Number: D13-031-2022

Subject Lands

Consolidated Zoning





#### **Application for Minor Variance Permission**

**To:** Committee of Adjustment

From: Cameron Wolfe, Owner of property located at 23B Crerar Boulevard, Kingston ON

**Date:** May 30, 2022

**Subject:** Request for approval of one minor variance to change the allowable width of the current existing

driveway.

#### **History:**

The current driveway at 23B Crerar Boulevard was widened by a previous owner without a permit, sometime before the recent sale of the property. Knowing this area fairly well, I would estimate that the current driveway has been in place for at least a decade. The current size of the driveway will accommodate 5 cars and the previous owner parked 2 cars there, safely on a regular basis.

#### **Proposed Change:**

This undertaking is being considered with the express purpose of adding a proposed new secondary suite. This basement apartment will be a brand-new space, complete with new bathrooms, kitchen and lighting. This expansion will allow for the much-needed space the City of Kingston needs currently desires for its growing inhabitant base. The plans for this proposal are attached.

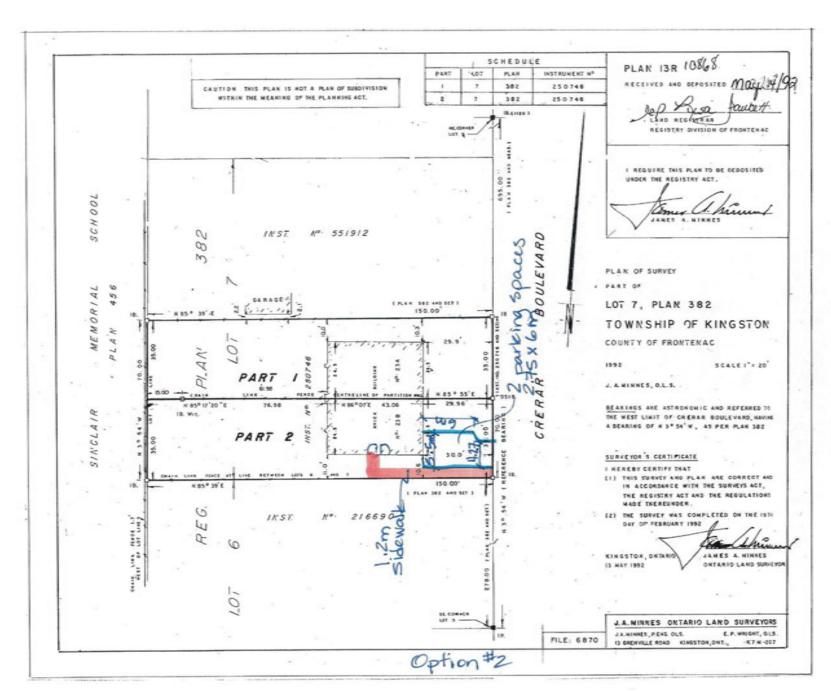
By-Law Number 76-26 says that a driveway cannot be wider than 40% of the lot width. The property width is 10.7 Metres which would only allow for a driveway width of 4.2 Metres. In order to accommodate 2 cars with reasonable space the driveway would need to be a minimum of 5.5 Metres (2 spaces at 2.75 M) wide, and be shifted North (to the right as you look at the property) to accommodate a 1.2 Metre access way/ sidewalk. The driveway width is currently 5.9 M. To accommodate this small change would require an additional .8 Metres of paved driveway. This would allow the occupants to comfortably park 2 cars and give access to any emergency services should they be required. The picture below shows the current site condition and driveway.

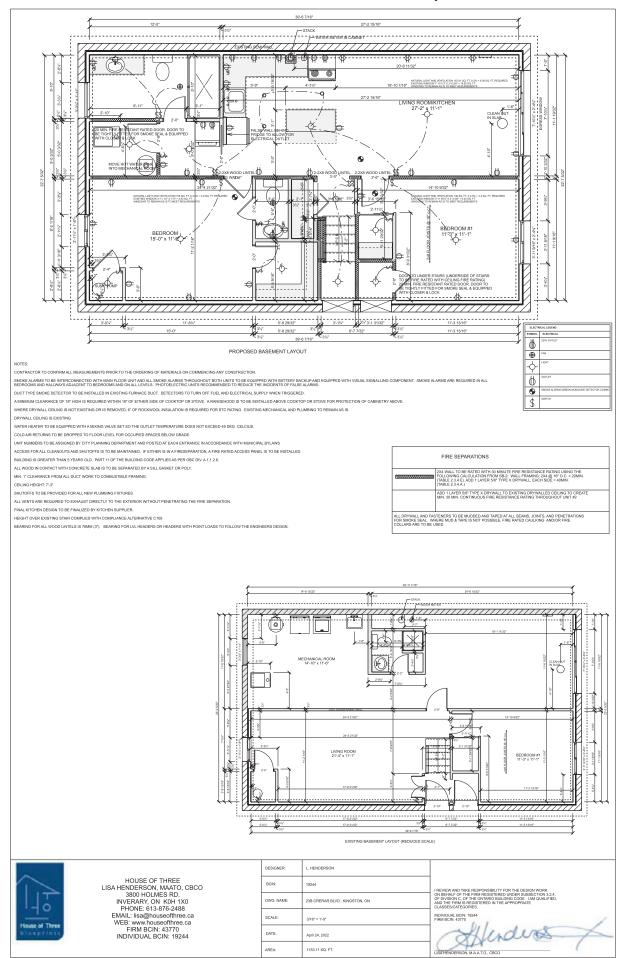


Thank you very much for your consideration of this variance request.

Submitted with this variance application are the following documents:

- 1. 23B Crerar Plot Plan showing proposed changes
- 2. 23B Crerar Main Floor proposed changes
- 3. Basement Secondary Suite proposed plans
- 4. Additional pictures of site





### Exhibit I Report Number COA-22-053

