



**City of Kingston  
Report to Committee of Adjustment  
Report Number COA-22-054**

---

**To:** Chair and Members of the Committee of Adjustment  
**From:** Jennifer Liu, Intern  
**Date of Meeting:** July 18, 2022  
**Application for:** Permission and Minor Variance  
**File Number:** D13-033-2022  
**Address:** 81 Gore Street  
**Owner:** Davin Johnson & Janette Leroux  
**Applicant:** Davin Johnson

---

**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 permission and minor variances for the property located at 81 Gore Street. The applicant is proposing to demolish an existing one storey rear addition, to be replaced with a larger, two storey addition at the rear of the principal residential unit. Permission is required to expand an existing legal non-conforming dwelling. Variances are required for the aggregate side yard width, maximum lot coverage, maximum permitted Floor Space Index and minimum parking space length provisions.

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.

July 18, 2022

Page 2 of 14

**Minor Variance 1: Minimum Side Yard**

By-Law Number 8499: Section 6.3(c)  
Requirement: 3.60 metres in aggregate  
Proposed: 1.98 metres in aggregate  
Variance Requested: 1.62 metres

**Minor Variance 2: Maximum Lot Coverage**

By-Law Number 8499: Section 6.3(e)  
Requirement: 33%  
Proposed: 39.5%  
Variance Requested: 6.17%

**Minor Variance 3: Maximum Floor Space Index**

By-Law Number 8499: Section 6.3(h)(ii)  
Requirement: 1  
Proposed: 1.01  
Variance Requested: 0.01

**Minor Variance 4A: Minimum parking space length**

By-Law Number 8499: Section 5.3 B(h)  
Requirement: 6.0 metres  
Proposed: 5.3 metres  
Variance Requested: 0.7 metres

**Minor Variance 4B: Minimum parking space length**

By-Law Number: 2022-62 Table 7.4.1  
Requirement: 6.0 metres  
Proposed: 5.3 metres  
Variance Requested: 0.7 metres

**Recommendation:**

**That** the application for permission, File Number D13-033-2022, for the property located at 81 Gore Street to expand an existing legal non-conforming dwelling, be approved; and

**That** minor variance application, File Number D13-033-2022, for the property located at 81 Gore Street to reduce the aggregate side yard width, increase the lot coverage, exceed the maximum permitted Floor Space Index and reduce the parking space length be approved; and

**That** approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-22-054.

July 18, 2022

Page 3 of 14

**Authorizing Signatures:**

**Original report signed by planner**

ORIGINAL SIGNED BY PLANNER

---

Jennifer Liu, Intern

**In Consultation with the following Management of the Community Services Group:**

Tim Park, Director, Planning Services

James Bar, Manager, Development Approvals

July 18, 2022

Page 4 of 14

**Options/Discussion:**

On May 30, 2022, a minor variance application was submitted by Davin Johnson, on behalf of himself as the owner, with respect to the property located at 81 Gore Street. The purpose of the application is to demolish an existing one storey rear addition, to be replaced with a larger, two storey addition. Permission is required to expand an existing legal non-conforming dwelling. Variances are required for the aggregate side yard width, maximum lot coverage, maximum permitted Floor Space Index and minimum parking space length provisions from Zoning By-law 8499, and only the parking space length provision of Kingston Zoning By-law 2022-62.

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

- Site Plan & Ground Floor Plan (Exhibit G)
- Letter from Applicant (Exhibit H)
- Scope of Work letter from Heritage (Exhibit I)
- Second Floor Plan (Exhibit J)
- Top Floor Plan (Exhibit K)

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 at 81 Gore Street (Exhibit B – Key Map), between Wellington Street and King Street East. The subject property is 232.3 square metres in size with an approximate frontage of 10.4 metres along Gore Street. The property is currently developed as a two-and-a-half-storey, one-family dwelling with one bedroom and one bathroom, and a detached outbuilding.

The subject property is designated Residential in the Official Plan (Exhibit D – Official Plan Map). It is located within the Old Sydenham Heritage Conservation District and designated pursuant to Part V of the *Ontario Heritage Act*.

The subject property is in a “B” zone (Three to Six Family Dwelling Zone) in Zoning By-Law Number 8499 (Exhibit E – Existing Zoning – By-law 8499, Map 31). A single-family dwelling is a permitted use in the “B” zone that applies to the subject property, under the conditions of Section 13.2(a), where the use is subject to the “A” zone provisions. According to the aerial imagery of the site, the dwelling appears to have been constructed perhaps as early as 1865, prior to the passing of Zoning By-Law 8499.

The surrounding neighbourhood is residential in character and generally consists of single family dwellings.

July 18, 2022

Page 5 of 14

## Permission Application

Pursuant to Subsection 45(2)(a)(i) of the *Planning Act*, the Committee of Adjustment may permit the enlargement or extension of a legal non-conforming building or structure, but no permission may be given to enlarge or extend the building or structure beyond the original limits of the land where the legal non-conforming building or structure is situated. In considering whether to grant a permission pursuant to Subsection 45(2)(a)(i), the relevant test is:

### **1) Whether the proposed expansion is desirable for the appropriate development or use of the land**

The expansion of the two-storey, rear structure will represent a relatively minor expansion to the footprint of the existing dwelling. Following the proposed expansion, the use of the property as a one-family dwelling will continue and the built form will remain consistent with the massing of other developments on surrounding lands. The area is characterized by single family dwellings. Nearby properties such as those at 73 Gore Street and 52 Earl Street are similarly legal non-conforming with regards to the side yard provisions whilst maintaining the same uses of the properties.

The use of the property as a single-family dwelling is consistent with the Residential designation in the Official Plan. As is discussed in the Minor Variance review portion of this report, staff considers the development to be consistent with the general purpose and intent of the Official Plan and no issues of compatibility are anticipated.

The development is consistent with the massing of similar properties in the surrounding area and is consistent with the Official Plan designation for the site. Staff therefore considers that the proposed expansion is desirable for the appropriate development or use of the land.

### **2) Whether the application will result in undue adverse impacts on the surrounding properties and neighbourhood.**

The proposal was reviewed against Section 2.7 of the Official Plan which outlines land use compatibility matters. The adverse impacts typically associated with increased building depth and lot coverage are shadowing, overlook and architectural incompatibility.

The proposal is not anticipated to cause undue shadowing. The dwelling is comparable in height to other buildings in the neighbourhood and meets the height requirements of the Zoning By-Law.

Overlook has also been carefully examined and is not anticipated to occur due to the proposal. The second storey rear addition will not contain north-west facing windows, where the rear addition will result in the narrowest within compliance side yard set-back.

The footprint of the house is not out of character with nearby properties and the surrounding neighbourhood. The architectural consistency is further ensured by the detailed Scope of Work that has been issued by Heritage Services which sets out the requirement and conditions to be

July 18, 2022

Page 6 of 14

met during the construction of the addition. Overall, the development is compatible with the surrounding neighbourhood in terms of scale, style and massing, as well as the surrounding uses. No adverse effects as a result of this development are anticipated.

### **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:

### **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 proposed development is within the Urban Boundary, the area to be the focus of growth within the City.

The property is located within a stable neighbourhood, and as such, changes should reflect the prevailing pattern of development in the neighbourhood. The subject property contains an existing single-family residence, and the neighbourhood is generally made up of residential properties of similar nature. Many of the properties in the neighbourhood are developed with shorter setbacks, maximized lot coverage and Floor Space Index, due to the vintage of these properties.

The proposed variances are intended to enable a relatively minor addition to the footprint of the dwelling but will allow for more generous living space, two additional bedrooms and one additional bathroom in a modestly sized dwelling. The proposed addition is

July 18, 2022

Page 7 of 14

consistent with development on surrounding lands and is consistent with the General Policy Direction of the Official Plan.

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;

It is anticipated that the proposed development will be compatible with surrounding uses.

The proposal is not anticipated to cause undue shadowing. The dwelling is comparable in height to other buildings in the neighbourhood and meets the height requirement of the Zoning By-Law.

Overlook was carefully examined in relation to the neighbour to the northwest given that the reduction in aggregate side yard width is resulted from the expansion on the northwest side. In this case, overlook is not anticipated to be an issue. The proposal has also ensured that any windows on the new side addition will not face windows at 83 Gore Street.

In terms of architectural compatibility, the footprint of the house is not out of character with nearby properties and the surrounding neighbourhood. This is further ensured by the detailed Scope of Work that has been issued by Heritage Services which sets out the requirement and conditions to be met during the construction of the addition. Overall, the development is compatible with the surrounding area in terms of scale, style and massing.

The proposed development will be compatible with surrounding uses and no adverse effects as a result of this development are anticipated.

3. The ability of the site to function in an appropriate manner in terms of access, parking for vehicles and bicycles or any other matter and means of improving such function including considerations for universal accessibility;

The proposed alterations to the site will not alter the functioning of the site. The property remains as a one family dwelling. The extension of the property is likely be an improvement to better meet the functional needs of the applicants, leading to longer ownership of the property.

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 subject property is located within the Old Sydenham Heritage Conservation District and designated pursuant to Part V of the *Ontario Heritage Act*. Detailed Scope of Work has been issued by Heritage Services which sets out the requirement and conditions to

July 18, 2022

Page 8 of 14

be met during the construction of the addition, to ensure the consistent architectural characters are maintained from a built heritage perspective.

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 located within the Old Sydenham Heritage Conservation District and designated pursuant to Part V of the *Ontario Heritage Act*. Detailed Scope of Work has been issued by Heritage Services which sets out the requirement and conditions to be met during the construction of the addition, to ensure the consistent architectural characters are maintained from a built heritage perspective.

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 development appears to have adequate municipal water and sewage services within the Urban Boundary. The application was circulated to all appropriate City departments and no concerns were raised regarding servicing.

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 proposal meets the four tests of a Minor Variance as outlined in the *Planning Act*, and described herein.

8. The Committee of Adjustment may attach such conditions as it deems appropriate to the approval of the application for a minor variance including any reasonable requirements, recommendations of City departments, or the submission of studies as listed in Section 9.12 of this Plan that may be required to properly evaluate the application;

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 proposal is in keeping and compatible with the existing development in the surrounding area and will not set an undesirable precedent.

The proposal meets the intent of the Official Plan, as the proposed variances to the aggregate side yard width, maximum lot coverage, maximum permitted Floor Space Index and minimum parking space length provisions will not result in any negative impacts to adjacent properties or to the neighbourhood.



July 18, 2022

Page 9 of 14

The proposal meets the intent of the Official Plan, as the proposed variances to reduce the aggregate side yard width, increase the lot coverage, exceed the maximum permitted Floor Space Index and reduce the parking space length and 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 One-Family Dwelling and Two-Family Dwelling Zone "A" 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 A zone permits single family dwellings.

The proposal requires four variances relating to the addition to the main building.

**Minor Variance 1: Minimum Aggregate Side Yard**

By-Law Number: 8499	Section 6.3 (c)
Requirement:	3.60 metres in aggregate
Proposed:	1.98 metres in aggregate
Variance Requested:	1.62 metres

Under the new Zoning By-Law Number 2022-62, there is no minimum requirement for aggregate side yard in HCD3, Heritage Zone 3 – Old Sydenham.

The aggregate side yard is intended to maintain a consistent streetscape and pattern of development, ensure privacy between neighbouring properties and to ensure a functional walkway exists between the buildings. The requested variance is in keeping with the built form and character of the dwellings located on Gore Street and the surrounding neighbourhood (the Old Sydenham Heritage Conservation District). The reduction in the aggregate side yard setback does not prevent any access to the rear yard, and meets the general intent and purpose of the aggregate side yard requirement.

July 18, 2022

Page 10 of 14

**Minor Variance 2: Maximum Lot Coverage**

By-Law Number: 8499	Section 6.3(e)
Requirement:	33%
Proposed:	39.5%
Variance Requested:	6.17%

Under the new Zoning By-Law Number 2022-62, there is no maximum limit for the lot coverage for residential buildings located in HCD3, Heritage Zone 3 – Old Sydenham.

The requirement for lot coverage is a relative calculation based on the size of the lot. In the case of the subject property, the lot is small relative to the surrounding neighbourhood and the massing of the dwelling is consistent with the surrounding built form.

One of the primary purposes of the lot coverage requirement is to ensure that a property includes enough space for landscaped open space. In this instance, the property does meet the minimum requirement for landscaped open space.

**Minor Variance 3: Maximum Floor Space Index**

By-Law Number: 8499	Section 6.3(h)(ii)
Requirement:	1
Proposed:	1.01
Variance Requested:	0.01

Under the new Zoning By-Law Number 2022-62, there is no maximum limit for the Floor Space Index for residential buildings located in HCD3, Heritage Zone 3 – Old Sydenham.

Similar to the lot coverage, the Floor Space Index is a relative ratio calculated based on the size of the lot. In this case, the floor space of the dwelling is required to be equal to or less than the total area of the lot. The purpose of the provision is to prevent the overdevelopment of a lot with a building which is too large or tall based on the proportions of the lot.

In this case, the lot is relatively small compared to other lots in the area and the proposed building is consistent in massing and form to other buildings in the surrounding area.

Following the proposed expansion, the building will only marginally exceed the maximum floor space allowed by the lot and will enable additional living space in the dwelling.

July 18, 2022

Page 11 of 14

**Minor Variance 4A: Minimum parking space length**

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

Requirement:              6.0 metres

Proposed:                 5.3 metres

Variance Requested:      0.7 metres

**Minor Variance 4B: Minimum parking space length**

By-Law Number: 2022-62 Table 7.4.1

Requirement:              6.0 metres

Proposed:                 5.3 metres

Variance Requested:      0.7 metres

The intention of the off-street parking design standards outlined in Section 5.3B of the Zoning By-Law Number 8499, as amended, is to ensure appropriate means of access to streets or lanes as well as maneuvering areas.

Under the new Zoning By-Law Number 2022-62, the same minimum parking space length requirement applies to the subject property, with similar rationales as mentioned above.

Given the close proximity of the subject property's lot line to the sidewalk and street, i.e., city property, the reduction in parking space length is a reasonable compromise to fulfill the requirement of 1 off-street parking facility per Section 5.3A (a) (i), whilst ensuring that the parking space does not encroach onto the city property.

It is worth noting that the parking space width for the subject property is legal non-conforming at 2.47m and will not be narrowed as a result of the works proposed. The parking space width is less than the minimum parking space width of 2.7m outlined in Section 5.3B (h) of the Zoning By-Law Number 8499, as amended. It is also less than the minimum parking space width of 2.6m outlined in Table 7.4.1 of the Zoning By-Law Number 2022-62.

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

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

The variance is considered minor as the proposed development will be consistent with the built form in the area, and the use of the property as a single-family dwelling will remain unchanged. Even though the rear addition will result in a slightly larger building footprint than the existing rear structure, it will allow for two new bedrooms and a bathroom in the dwelling. No adverse impacts on neighbouring properties are anticipated to result from the proposed variances.

July 18, 2022

Page 12 of 14

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

The use of the property as a single-family dwelling is consistent with the Residential designation in the Official Plan, and the built form will be consistent with adjacent buildings in the neighbourhood. Whilst the Floor Space Index and lot coverage will be larger than the maximum set in the By-Law, the subject property meets the minimum landscaped open space requirement.

The variance is desirable and appropriate use of the land.

**Technical Review: Circulated Departments and Agencies**

- |   |  |  |
|---|--|--|
| <input checked="" type="checkbox"/> Building Services | <input checked="" type="checkbox"/> Engineering Department | <input checked="" type="checkbox"/> Heritage (Planning Services) |
| <input type="checkbox"/> Finance                      | <input checked="" type="checkbox"/> Utilities Kingston     | <input type="checkbox"/> Real Estate & Environmental Initiatives |
| <input checked="" type="checkbox"/> Fire & Rescue     | <input 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 type="checkbox"/> Housing                      | <input checked="" type="checkbox"/> District Councillor    | <input type="checkbox"/> Ministry of Transportation              |
| <input type="checkbox"/> KEDCO                        | <input type="checkbox"/> Municipal Drainage                | <input type="checkbox"/> Parks of the St. Lawrence               |
| <input checked="" type="checkbox"/> CRCA              | <input type="checkbox"/> KFL&A Health Unit                 | <input type="checkbox"/> Trans Northern Pipelines                |
| <input type="checkbox"/> Parks Canada                 | <input type="checkbox"/> Eastern Ontario Power             | <input type="checkbox"/> CFB Kingston                            |
| <input type="checkbox"/> Hydro One                    | <input type="checkbox"/> Enbridge Pipelines                | <input type="checkbox"/> TransCanada Pipelines                   |
| <input type="checkbox"/> Kingston Airport             |  |  |

**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 were received regarding this application. Any public comments received after the publishing of this report will be included as an addendum to the Committee of Adjustment Agenda.

July 18, 2022

Page 13 of 14

**Previous or Concurrent Applications**

P18-006-2021, conditional Heritage Act approval for the proposed scope of work was granted by Council on April 5, 2022. The submitted plans appear to be consistent with those recently approved by Council.

**Conclusion**

The requested variance(s) maintain(s) the general intent and purpose of both the City of Kingston Official Plan and Zoning By-Law Number **8499** and Zoning By-Law 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.

Approval of this application will enable the demolition of an existing one storey rear addition, to be replaced with a larger, two storey addition, at the rear of the principal residential 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 **8499**

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 75 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*.

July 18, 2022

Page 14 of 14

**Accessibility Considerations:**

None

**Financial Considerations:**

None

**Contacts:**

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

Jennifer Liu, Planning Intern, 613-546-4291

**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 8499 Map 31
- Exhibit F Public Notification Map
- Exhibit G Site Plan & Ground Floor Plan
- Exhibit H Letter from Applicant
- Exhibit I Scope of Work letter from Heritage
- Exhibit J Second Floor Plan
- Exhibit K Top Floor Plan
- Exhibit L Existing Zoning - NZBL

## Recommended Conditions

### Application for minor variance and permission, File Number D13-033-2022

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

#### 1. Limitation

That the approved minor variance applies only to the aggregate side yard width, maximum lot coverage, maximum permitted Floor Space Index and minimum parking space length 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. Archaeological Assessment

An Archaeological Assessment (beginning with a Stage One Assessment) and any subsequent or supporting studies are required on the property prior to the issuance of a Building Permit, as the site falls under several of the criteria for archaeological potential. Any area of development or site alteration, including access routes, on lands containing archaeological resources or areas of archaeological potential will need to be assessed by an archaeologist licensed in the Province of Ontario. The applicant shall contact the Planning Division to confirm their requirements for approval of this condition.

Two (2) copies of the study and all relative information shall be provided to the Building Division. The report shall be registered with the Ministry of Tourism, Culture

and Sport or an acceptance letter shall be obtained by the Ministry prior to the issuance of a Building Permit.

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 Tourism, Culture and Sport. 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. Tree Preservation**


Tree preservation methods to protect the City owned silver maple tree must be approved by the Forestry Department prior to construction of the addition.

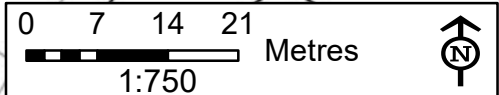
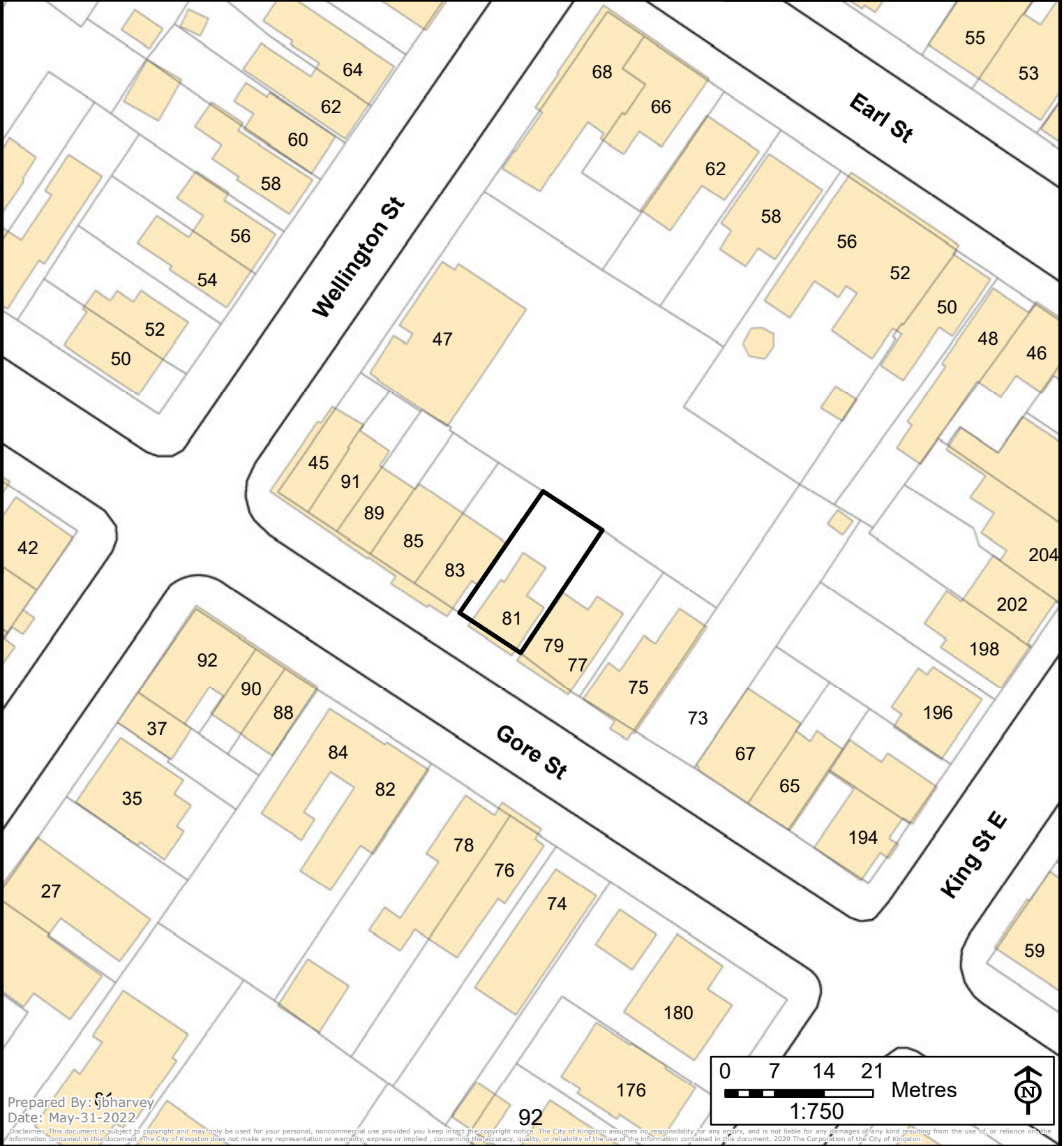
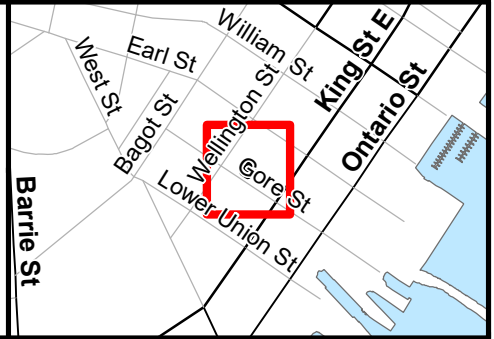




# Committee of Adjustment Key Map

Address: 81 Gore Street  
File Number: D13-033-2022

 Lands Subject to Minor Variance





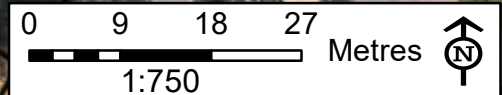
Committee of Adjustment  
**Neighbourhood Context (2021)**

Address: 81 Gore Street  
File Number: D13-033-2022

- Subject Lands
- Property Boundaries
- Proposed Parcels



Prepared By: jbharvey  
Date: May-31-2022





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 or warranty, express or implied, concerning the accuracy, quality, or reliability of the use of the information contained in this document, 2022 The Corporation of the City of Kingston.

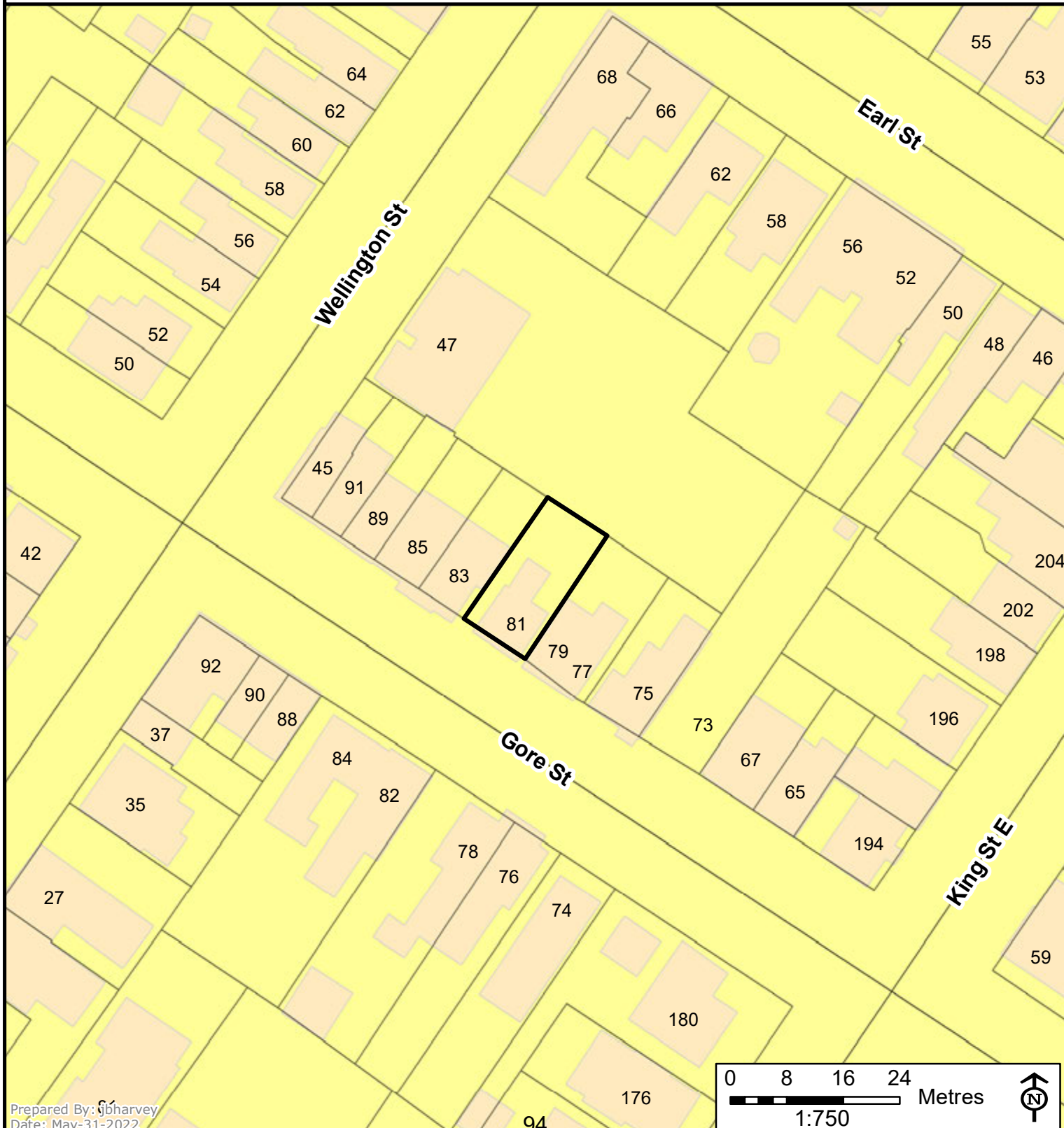


Planning Services

# Committee of Adjustment Official Plan, Existing Land Use

Address: 81 Gore Street  
File Number: D13-033-2022

-  Subject Lands
-  RESIDENTIAL



Prepared By: Jibharvey  
Date: May-31-2022

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 use of the information contained in this document. ©2020 The Corporation of the City of Kingston.

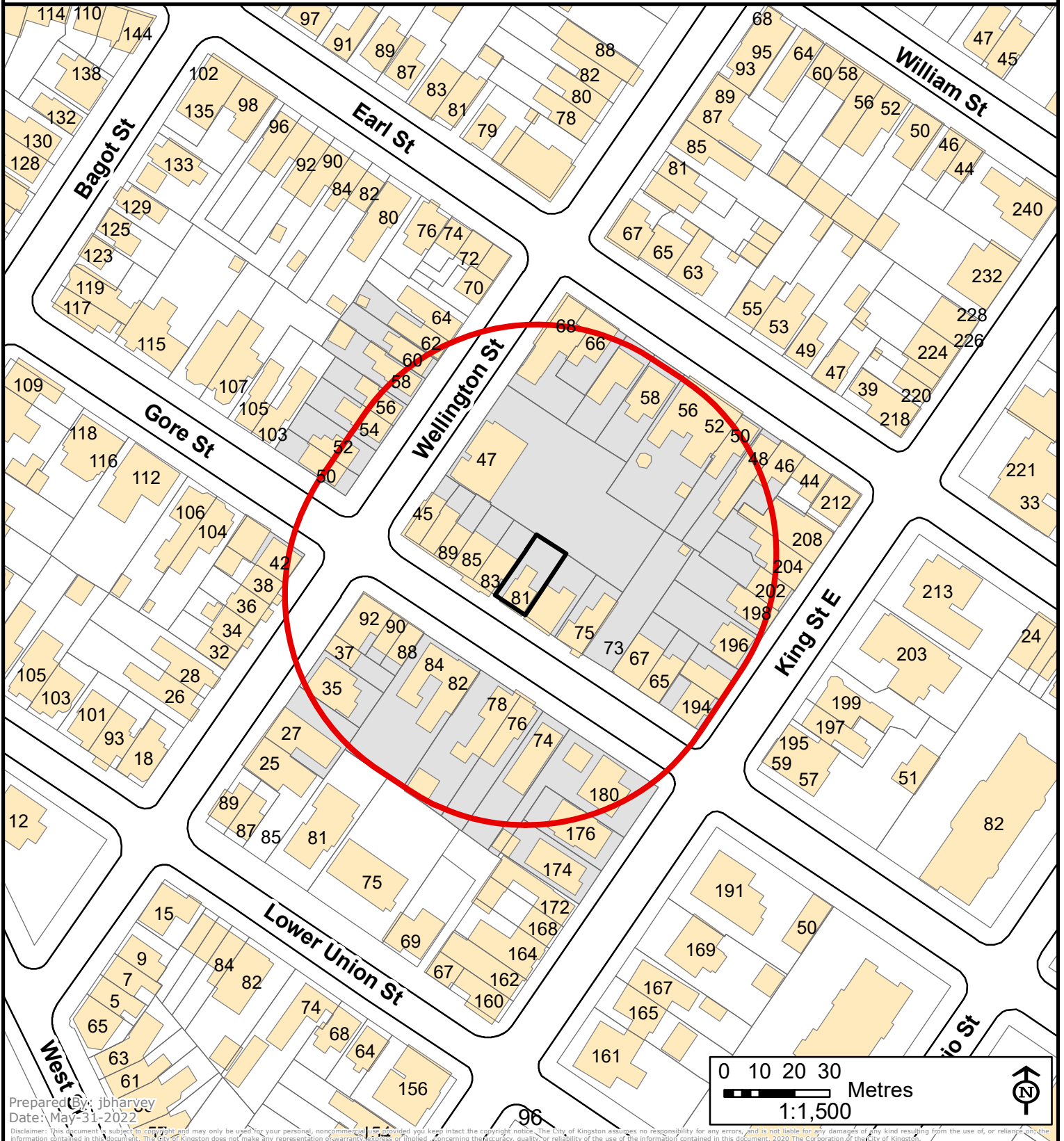




# Committee of Adjustment Public Notice Notification Map

Address: 81 Gore Street  
File Number: D13-033-2022

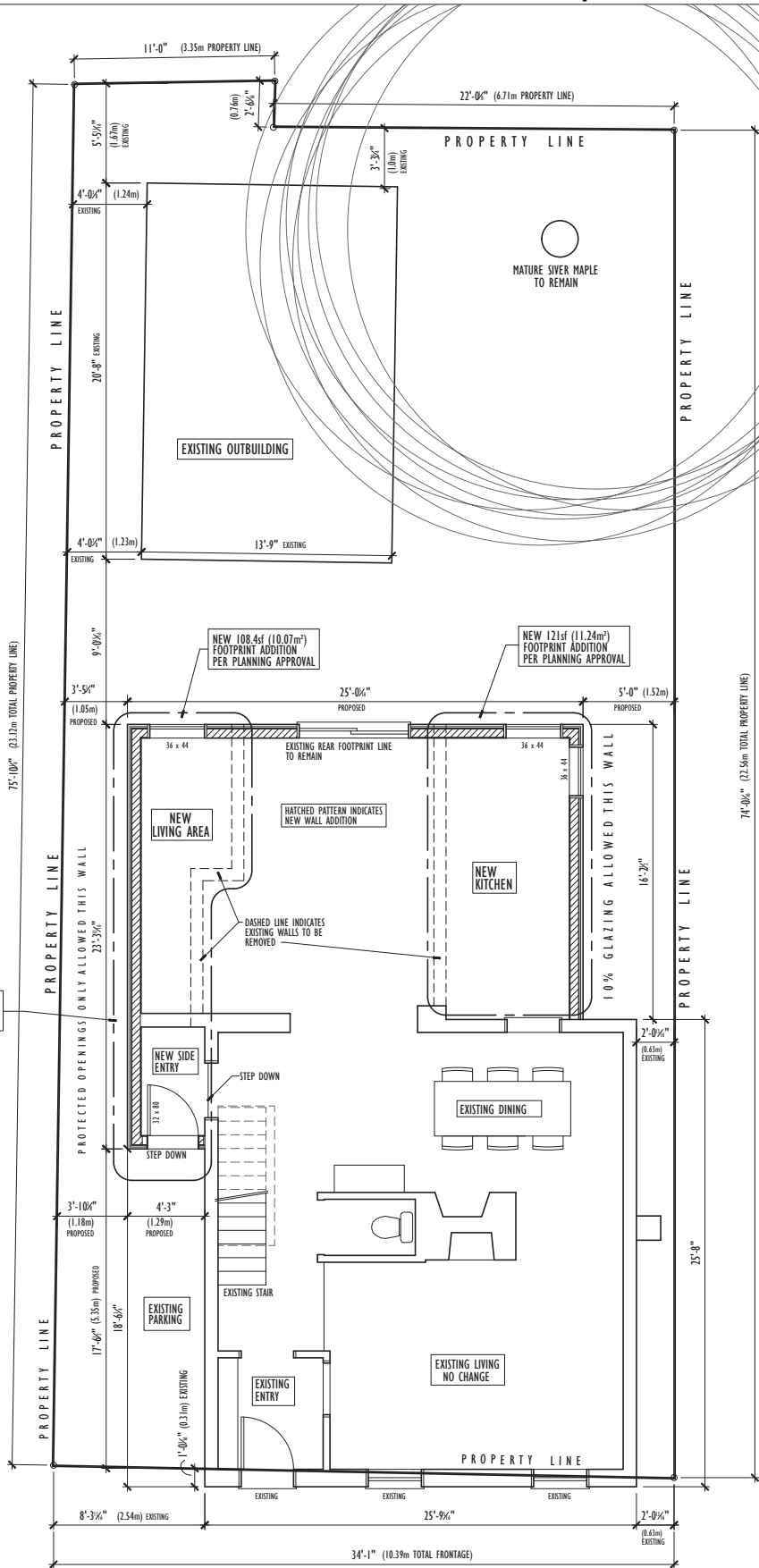
- 60m Public Notification Boundary
- Subject Lands
- Property Boundaries
- Proposed Parcels
- 47 Properties in Receipt of Notice (MPAC)



Prepared By: jbhharvey  
Date: May 31, 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 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.



**LOT COVERAGE INFORMATION EXISTING**

810 sf (75.3 m <sup>2</sup> )	EXISTING DWELLING FOOTPRINT
+ 284 sf (26.4 m <sup>2</sup> )	EXISTING OUTBUILDING FOOTPRINT
1094 sf (101.7 m <sup>2</sup> )	TOTAL EXISTING COVERAGE
2500 sf (232.3 m <sup>2</sup> )	TOTAL PROPERTY

43.7% EXISTING COVERAGE  
56.3% OPEN AREA

**LOT COVERAGE INFORMATION PROPOSED**

1044 sf (97 m <sup>2</sup> )	PROPOSED DWELLING FOOTPRINT
+ 284 sf (26.4 m <sup>2</sup> )	EXISTING OUTBUILDING FOOTPRINT
1328 sf (123.4 m <sup>2</sup> )	TOTAL PROPOSED COVERAGE
2500 sf (232.3 m <sup>2</sup> )	TOTAL PROPERTY

53.1% PROPOSED COVERAGE  
46.9% OPEN AREA

NEW YARD RELIEF PER PLANNING APPROVAL

81 GORE STREET

**PROPOSED SITE / FIRST FLOOR PLAN** 0 1 2 4 8 10 FT  
DATE: 17 JUNE, 2022

NOTE: HATCHING INDICATES NEW WALLS

81 GORE  
ADDITION

MARK PEABODY  
CUSTOM BUILDER  
DESIGN BUILD  
RENOVATE  
613-561-2687

COVER LETTER: 81 Gore Street

Davin Johnson & Janette Leroux  
81 Gore Street  
Kingston, Ontario  
K7L2L4

May 30, 2022

Committee of Adjustment  
City of Kingston

**Subject: 81 Gore Street  
File No. D00-068-2022**

Dear Committee Members,

We are pleased to submit out formal application to the Committee of Adjustments for proposed alterations to our family home at 81 Gore Street. We appreciate the work of Ms. Jennifer Liu and colleagues in conducting our pre-application meeting and providing detailed comments in writing.

As part of this application, the following items are enclosed:

- Detailed site plans (submitted by Mr. Todd Biggerman May 27, 2022)
- Description and justification of plans
- Zoning compliance table
- Miscellaneous items

We look forward to further discussions on this project.

Sincerely,

Davin Johnson & Janette Leroux

**DESCRIPTION AND JUSTIFICATION OF PLANS**

The proposed alterations involve increasing the square footage of a modest home located within Old Sydenham Ward. The submitted design is a result of a three-year process that has taken a number of factors into consideration including needs of our family, wishes of our neighbours, Heritage Kingston, and environmental concerns. The proposed alteration includes enlargement of the previously constructed rear addition as well as a new side addition on the Northwest side of the home. The roof will also be modified to increase the height of the home and accommodate a top half storey.

From a committee of adjustment standpoint, we have identified 4 features which are not in compliance with zoning bylaws for the district. These include minimum aggregate side yard width, lot coverage, maximum floor space index, and parking/driveway length. These items are discussed in detail below. It should be noted that the committee had possible concerns with landscaped open space, however upon calculating this we found our project is in compliance with this.

***Minimum aggregate side yard width***

The proposed side addition to the Northwest side of the property will reduce the aggregate side yard width from 3.01 to 1.98m. Bylaw 8499 dictates that the minimum aggregate side yard width should be 3.6m or 3/10 the width of the lot, whichever is less. Of note, Bylaw 2022-62 has no restrictions for aggregate side yard width within HCD3 zone (see section 13.4).

It is our understanding that minimum aggregate side yard with policies exist to ensure privacy between neighbouring properties and to ensure a functional walkway exists between the buildings. In our case, neighbours at 83 Gore are supportive of the changes and have provided a written letter of support. We have ensured that any windows on the new side addition will not face windows at 83 Gore Street.

***Lot coverage***

The proposed side and rear addition will increase the lot coverage of the principal building from 31.0 to 39.5% (down from 40% at the time of pre-application meeting). If the accessory building in the rear of the property is included in lot coverage calculations, the total lot coverage would be 51.3%. Bylaw 8499 dictates that maximum lot coverage be 33 1/3 %; there is no requirement within Bylaw 2022-62. The variance requested is thus 6.17% (or 18% including the accessory building).

Within Old Sydenham Ward, small lot sizes are relatively common, and the lot coverage proposed here is consistent with many other properties in the immediate vicinity. It should be noted that this proposed variance preserves room for parking as well as landscaped open space in the rear of the property.

***Maximum floor space index***

The calculated floor space index of the property is 1.01 (2555 square feet of home / lot area of 2520 square feet). Bylaw 8499 dictates a maximum floor space index of 1.0, resulting in a difference of only 0.01. There is no requirement in Bylaw 2022-62.

We understand the intention of this policy is to limit the overall size of home relative to the lot size. In this circumstance, the variance requested is very small, at only 0.01.

***Parking spot***

At our pre-application meeting, City staff identified concerns with the reduction in parking space associated with the side addition. As shown in the following diagram, the front 3.5m of the driveway is located on City of Kingston property and there is a requirement that a legal parking spot exists entirely on private property.





Bylaws indicate that the preferred depth of a parking spot is 6.0m, although the committee has indicated that 5.2-5.5m is acceptable, along with the demonstration that our vehicle will fit within the proposed smaller spot.

In response to these concerns, we have made the following changes to the side addition to ensure the functionality of both the opening of the side entrance door as well as the parking space:

- The front of the side addition has been pushed back by 1 foot/0.3m
- The side addition door has been preserved at the front (rather than side), and the grade of the side addition has been lowered to eliminate the need for a porch. As detailed in our architectural drawings, this was accomplished by adding a step inside the house.
- The door will swing in rather than out to further maintain the functional entrance when the vehicle is parked in the legal parking spot

Our house, as with many other houses within the Old Sydenham Ward, has awkward property lines shared with the City. For example, the first foot of our house is technically on city property, so even sitting in our front parlour is partly on city property. For this reason, the *actual* parking area is closer to the road than our *technical* parking space. The width of the parking area, which will be unchanged with our plans, is the most limiting factor with our parking space whereby we tend to park closer to the road to allow for the passenger door to be opened. However, we understand the policy requirement for a legal parking space. The photos illustrate our vehicle parked in the proposed legal parking space. Please note that the tape indicates the front property line at the rear of the car, and at the front of the car indicates the proposed side addition.





**ZONING COMPLIANCE TABLE**

Item	Proposed	By-Law 8499		By-Law 2022-62	
		Requirement	Variance requested	Requirement	Variance requested
Minimum lot area	n/a	370.0m <sup>2</sup>	n/a	370.0m <sup>2</sup>	n/a
Minimum front yard	0*	Average between front yard of previously erected building excluding steps and eaves, and 4.5m	n/a	Lesser of 3.5m or average setbacks of adjacent buildings	n/a
Minimum side yard	0.71m	0.6m	n/a	No requirement	n/a
Minimum aggregate side yard	1.98m	3.6m or 3/10 width of lot	<b>1.62m</b>	No requirement	n/a
Minimum rear yard	9.8m*	Height of greater of rear wall of main building (9.08) or 25% of lot depth (5.2m) <i>*need not exceed 7.5m</i>	n/a	None for residential buildings	n/a
Maximum % lot coverage	39.5% (51.3% including accessory building)	33 1/3 % total lot area	<b>6.17% / 18%</b>	No requirement	n/a
Maximum building height	9.08m	10.7m	n/a	10.7m	n/a
Maximum height of exterior wall	6.08m	7.0m	n/a	No requirement	n/a
Dormer setback from main wall	n/a	40.6cm	n/a	0.4m	n/a
Setback of dormer sidewalls from roof	n/a	106.7cm	n/a	1.0m	n/a
Length of dormer	n/a	4.6m or 1/2 of main roof's length (combined length of all dormers)	n/a	4.6m or 1/2 of main roof's length (combined length of all dormers)	n/a
Maximum residential building depth	12.7m*	Average distance between established front building lines and established rear building lines of the two nearest permitted residential buildings (15.3m)	n/a	18.0m with rear wall of principal building 7.5mm from rear lot line	n/a
Maximum floor space index	1.01	1.0	<b>0.01</b>	No requirement	n/a
Driveway: minimum width	2.46m*	2.7m	n/a	2.7m	n/a
Driveway: minimum length	5.35m	6.0m	<b>0.65m</b>	6.0m	<b>0.65m</b>
Minimum % landscaped open space	43.2%	30%	n/a	30%	n/a
Projection into yards	0.2m* (side chimney)	0.5m (side yard); 0.8m (front/rear yard)	n/a	0.5m with minimum 0.5m from lot	n/a

\*no change from previous

MISCELLANEOUS ITEMS

In response to comments received by the planning committee, we have initiated action with the following items:

- **Archeological assessment:** we have retained the services of Ground Truth Archeology to conduct an archeological assessment of the site. This archeological consulting company, headed by Mr. Nick Gromoff, has extensive experience withing Old Sydenham Ward. Once completed, a copy of the report will be forwarded to City of Kingston staff.
- **Forestry:** we are in the process of hiring an ISA certified arborist to conduct a tree inventory and preservation plan for the property. Once completed, we will also forward this to City of Kingston staff.
- **Front retaining wall:** when landscaping is completed following the structural changes to our home we plan to modify the front retaining wall such that it is 0.3m from the sidewalk as requested.
- **Porch:** the report from the planning committee indicates that the front porch was enlarged since 2014 (the home was purchased by us in 2016 by which time the changes had been made). As requested, we have initiated communication with the City of Kingston for formal permission regarding these changes made by the previous owner.



# The Corporation of the City of Kingston

Heritage Services  
216 Ontario Street  
Kingston, Ontario K7L 2Z3

## Scope of Work

For a Heritage Permit under the *Ontario Heritage Act*

Application: P18-006-2021

Location of work: 81 Gore Street

Pursuant to the *Ontario Heritage Act*, the following works were approved by Kingston City Council on April 5, 2022 by resolution (Clause 3, Report 39).

Please note that the permit is in effect for three (3) years from the date of Council approval.

**That** the new construction on the property at 81 Gore Street, be approved in accordance with the details described in the applications (File Number P18-006-2021), which was deemed complete on February 9, 2022, with said application to include the following:

1. The construction of a new two and a half storey addition to the rear of the dwelling;
2. The alteration of the existing roof pitch with a total increased building height of approximately 2.2 metres;
3. The addition of approximately 0.5 metres of height onto the front wall of the dwelling, including the addition of new brick courses and window voussoirs in a pattern and colour to match the existing;
4. The replacement of all windows, with metal-clad wooden windows in a period appropriate style and pattern;
5. The installation of new standing seam profile roofing;
6. The installation of new rain gear, including metal gutters/downspouts and wooden (or composite wood) soffits and fascia;
7. The removal of the metal transom hood and concrete block chimney;
8. The installation of a new period appropriate front door, door frame and threshold;
9. The reinstallation of the central brick chimney;
10. The repointing of all masonry joints;
11. The installation of wooden period appropriate window shutters;
12. The installation of new heating ventilation and air conditioning units; and
13. General landscaping of the property; and

**That** the approval of the application be subject to the following conditions:

1. A Building Permit(s) shall be obtained, as necessary;
2. Heritage Planning staff shall be circulated the drawings and design specifications tied to the Building Permit application for review and approval to ensure consistency with the scope of the heritage permit sought by this application;

### POST THIS NOTICE IN A CONSPICUOUS PLACE

This notice must be displayed in a prominent place during the work in progress. All works must adhere to the works approved above. Once completed, the Heritage Planner must be notified.

Please call 613-546-4291 ext. 1389

## City of Kingston Approval for Alteration under the Ontario Heritage Act

3. Details, including colour(s), of the new windows, doors and trim, wall cladding, roofing, rain gear, shutters, lighting and landscaping shall be submitted to Heritage Planning staff, prior to installation, for review and approval, to ensure they complement the heritage character and attributes of the district;
4. The owners shall provide photographic documentation of the interior of the roof/attic structure of the main house, to be submitted to Heritage Planning staff, prior to and/or during demolition, for archival purposes;
5. Any new mechanical equipment, including venting and metres, shall be installed, where possible, in an inconspicuous location away from the front (south-western) elevation;
6. All window and door works shall be completed in accordance with the City's Policy on Window Renovations in Heritage Buildings;
7. All masonry works, including pointing and new penetrations, shall be completed in accordance with the City's Policy on Masonry Restoration in Heritage Buildings;
8. Any new masonry units shall be sourced to match, as close as possible, in colour, size and profile with the existing;
9. The recreated central chimney, voussoirs, shutters and eave returns shall match in scale and profile with the original design;
10. All *Planning Act* applications, including minor variance, shall be completed, as necessary;
11. Any Tree Permit/preservation measures shall be completed, as necessary;
12. The requirement of Ontario Regulation 490, with respect to the disturbance of hazardous materials during construction, shall be met;
13. The applicant shall maintain a minimum clearance of 3 metres from the high voltage power lines. If work cannot be completed safely or if clearance cannot be maintained from the lines, the applicant shall complete a service request and submit to Utilities Kingston for isolation of the power lines; and
14. Any minor deviations from the submitted plans, which meet the intent of this approval and do not further impact the heritage attributes of the property, shall be delegated to the Director of Heritage Services for review and approval.

**April 7, 2022**

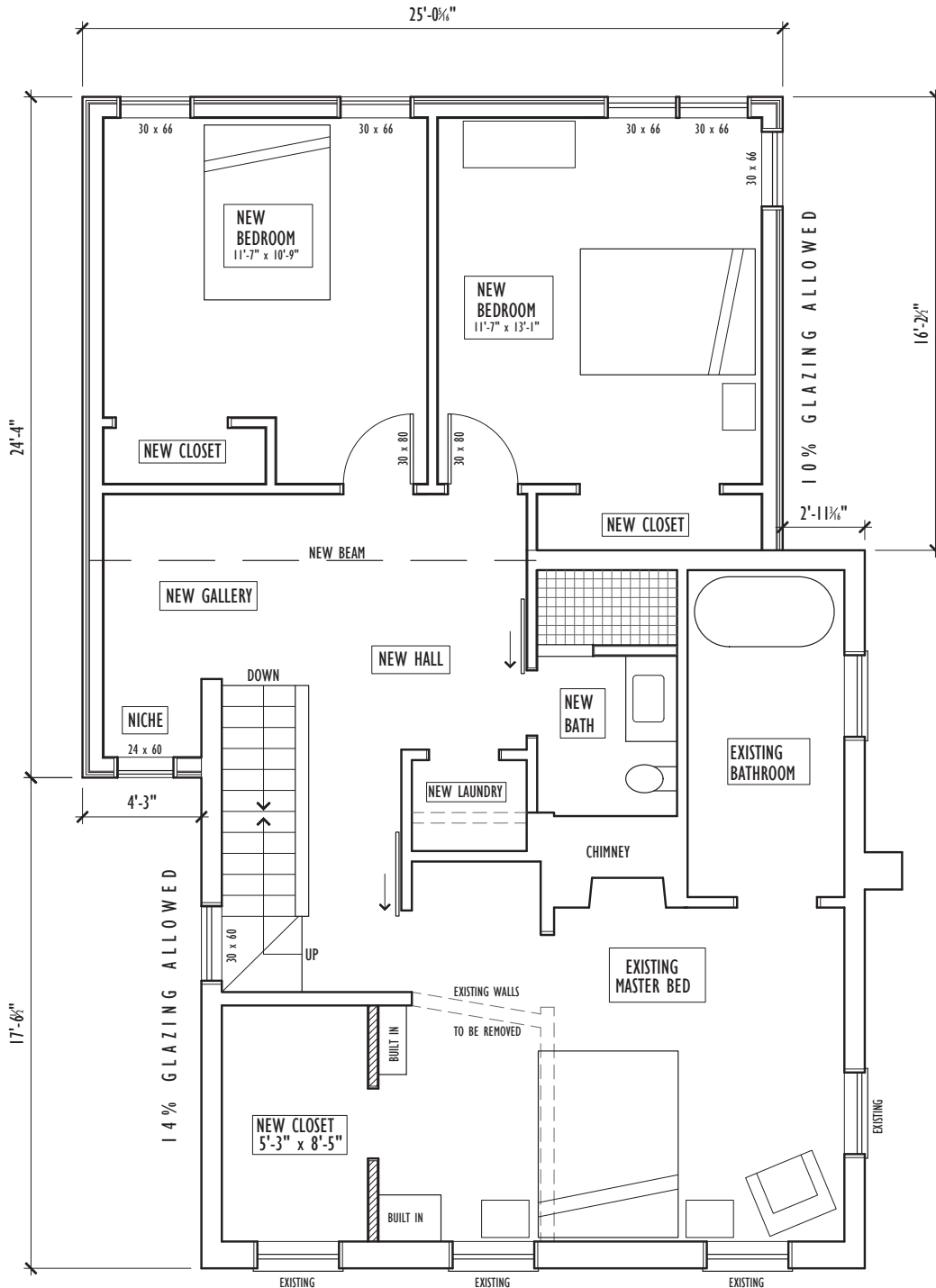
Date



Ryan J. Leary  
Senior Heritage Planner

**Post this Notice in a conspicuous place**

This notice must be displayed in a prominent place during the work in progress. All works must adhere to the works approved above. Once completed, the Heritage Planner must be notified at 613-546-4291, extension 1389 or [heritagplanning@cityofkingston.ca](mailto:heritagplanning@cityofkingston.ca)



**PROPOSED SECOND FLOOR PLAN**

NOTE: HATCHING INDICATES NEW WALLS

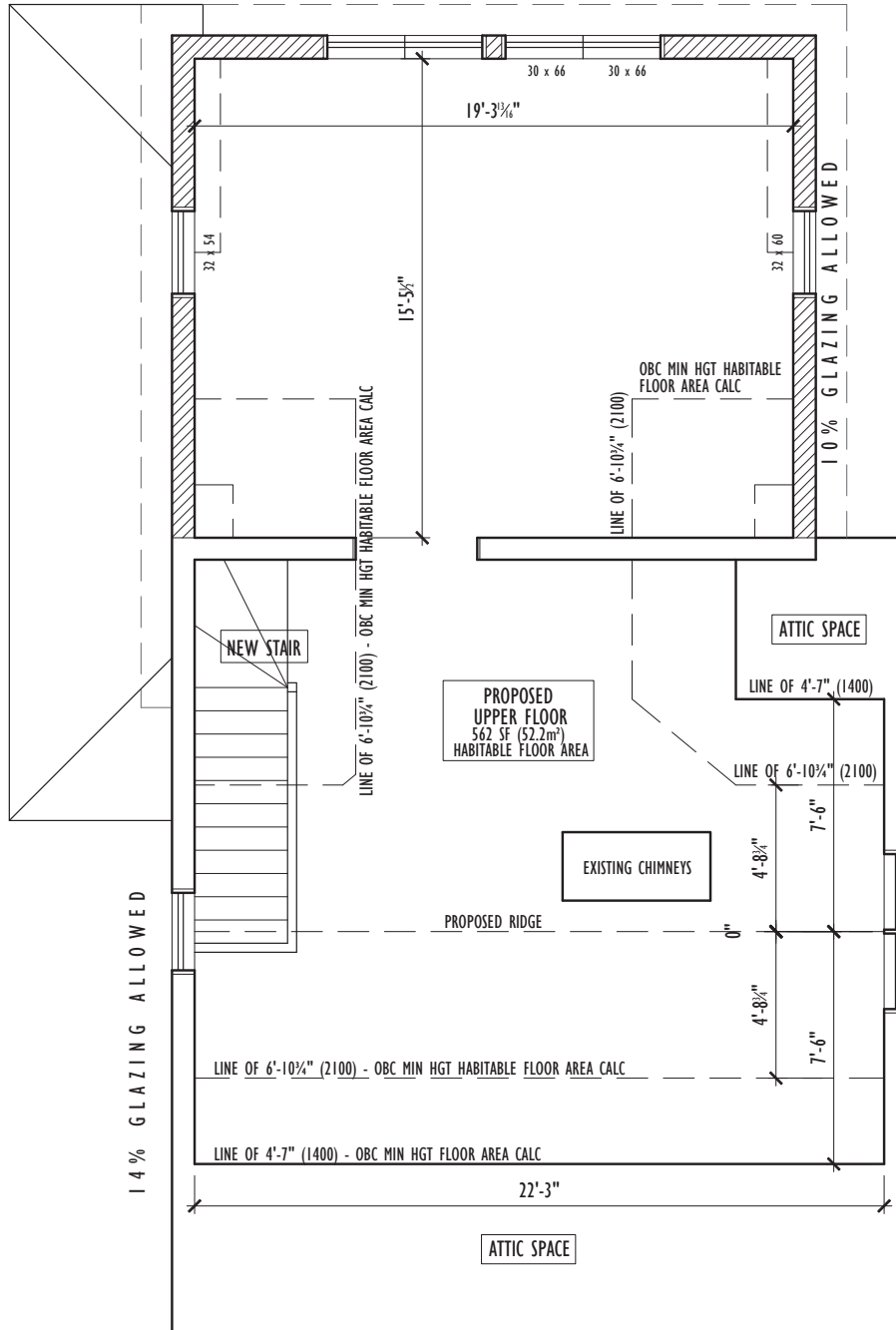
**SCHEME 6**

**81 GORE  
ADDITION**

**MARK PEABODY  
CUSTOM BUILDER**

DESIGN BUILD  
RENOVATE

613-561-2687



**PROPOSED TOP FLOOR PLAN**

NOTE: HATCHING INDICATES NEW WALLS

**SCHEME 6**

**81 GORE  
ADDITION**

**MARK PEABODY  
CUSTOM BUILDER**

DESIGN BUILD  
RENOVATE

613-561-2687



