



**City of Kingston  
Report to Committee of Adjustment  
Report Number COA-22-060**

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**To:** Chair and Members of the Committee of Adjustment  
**From:** Niki Van Vugt, Planner  
**Date of Meeting:** August 15, 2022  
**Application for:** Minor Variance  
**File Number:** D13-036-2022  
**Address:** 1032 and 1066 King Street West  
**Owner:** Homestead Land Holdings  
**Applicants:** Jack Mangan & Mark Brule

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**Council Strategic Plan Alignment:**

Theme: 3. Improve walkability, roads and transportation

Goal: 3.1 Repair roads and enhance the usability of sidewalks, walkways and paths to increase connections across the city through supporting our active transportation master plan.

**Executive Summary:**

This report provides a recommendation to the Committee of Adjustment regarding an application for a minor variance for the subject lands located at 1032 and 1066 King Street West. The applicant is proposing to reduce the total number of required parking spaces for the subject property. The applicant is requesting to reduce the required parking from 329 spaces to 320 spaces, a total reduction of nine (9) surface parking spaces, effectively requiring relief from the zoning by-law. The proposed variance would reduce the required parking ratio from 1.46 spaces per unit to 1.42 spaces per unit.

The requested minor variance is consistent with the general intent and purpose of both the City of Kingston Official Plan and Zoning By-Law Number 8499. The requested minor variance is desirable for the appropriate development or use of the land, 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.

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**Recommendation:**

**That** minor variance application, File Number D13-036-2022, for the property located at 1032 and 1066 King Street West to reduce the total required parking from 329 to 320 spaces, be Approved; as described below:

**Variance Number 1: Minimum Off-Street Parking Space Requirement**

By-Law Number 8499: Exception Section 316(iv)

Requirement: 220 underground parking spaces and 109 surface parking spaces

Proposed: 220 underground parking spaces and 100 surface parking spaces

Variance Requested: 9 surface parking spaces; and

**That** approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-22-060.

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**Authorizing Signatures:**

ORIGINAL SIGNED BY PLANNER

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Niki Van Vugt, 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 20, 2022, a minor variance application was submitted by Jack Mangan & Mark Brule, on behalf of the owner, Homestead Land Holdings, with respect to the property located at 1032 and 1066 King Street West. The variance is requested to permit a reduction in the total required parking spaces for the subject property from 329 spaces to 320 spaces. The proposed variance would reduce the required parking ratio from 1.46 spaces per unit to 1.42 spaces per unit.

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

- Site Plan (Exhibit H)
- Planning Justification report

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

**Site Characteristics**

The subject property is located on the south side of King Street West, west of Country Club Drive and east of Trailhead Place (Exhibit B – Key Map). The approximately 4.55-acre parcel of land has 180 metres of road frontage on King Street West and contains two existing apartment buildings (Exhibit G – Neighbourhood Context (2021)).

The subject property is designated ‘Residential’ and ‘Environmental Protection Area’ in the Official Plan (Exhibit D – Official Plan Map) and zoned Multiple Family Dwelling Site-Specific ‘B3.316’ in Zoning By-Law Number 8499 (Exhibit E – Existing Zoning By-Law 8499, Map 27) and not subject to the Kingston Zoning By-Law 2022-62, currently under appeal (Exhibit F – Kingston Zoning By-Law 2022-62)

**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

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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' and 'Environmental Protection Area' in the City of Kingston Official Plan.

The Residential designation denotes urban residential land uses that are intended to be on full municipal services. Residential uses are primarily forms of housing including detached, semi-detached or duplex dwellings, townhouses, and apartments of various types, tenure, and density that respond to a wide range of housing needs. Proposed second residential units to be located in areas with or without municipal water and wastewater services are also included in this Section. Uses that support residential neighbourhoods and are compatible with a residential setting are also included.

The Environmental Protection Area designation recognizes lands that have inherent environmental sensitivity. Environmental Protection Areas must be maintained in their natural, undisturbed state. Policies of this section of the Official Plan are primarily related to land use. More detailed policy related to environmental functions and features, such as wetlands, which form the traditional basis for this land use designation, are found in Section 6. Reference should also be made to Section 5 of the Plan which addresses Natural Hazard policies for the municipality.

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 lands are located within a Housing District on Schedule 2 – City Structure, and designated Residential and Environmental Protection Area (EPA) on Schedule 3A – Land Use, in the City of Kingston Official Plan. The intent of the Residential designation is for residential uses of different types, but will also contain areas of open space, community facilities and commercial uses. Additionally, the intent of the EPA designation is to preserve the ecosystem role that Environmental Protection Areas play in sustaining the natural heritage system of the City and the broader region. The application represents an opportunity to meet the demand of the existing built form and the site's location on an Arterial Road.

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;

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The subject lands are developed with two existing apartment buildings and associated parking areas. The Owner (Homestead Land Holdings Limited) has been leasing 20 spaces from the parking lot located on the Transport Canada parcel to supplement its existing underground and surface parking supply at 1032 King and 1066 King, which total 329 spaces including 220 underground spaces and 109 surface parking spaces. The reduced parking area at the southeast is not anticipated to have any negative impacts on the adjacent uses or adverse effects on the functionality 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 request variance allows for sufficient on-site parking to service the development and reflects the existing demand for tenants who live on the subject lands as noted in the Planning Justification report. Through a review of the Planning Justification report, it is understood that Homestead rents the dwelling units as well as the parking spaces and the demand from tenants for parking no longer necessitates the leasing of the 20 off-site parking spaces on the Transport Canada lands. As a result of the demand change, it is understood that the reduction in overall surface parking spaces would continue to allow the site to function in an appropriate manner as it relates to parking and access. The reduction in the minimum parking ratio from 1.46 to 1.42 spaces per unit better reflects the demand from tenants for parking and the application is being filed specifically to address the “oversupply” of parking that currently exists.

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 site is not within a Heritage Conservation District and is not a designated heritage property or adjacent to a heritage designated property. The subject lands abut a listed property, located at 920 King Street West.

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 lands are not designated under Part IV or V of the *Ontario Heritage Act*, nor is it adjacent to any heritage designated properties or located within an affected view as shown on Schedule 9 of the Official Plan. The site is not within a heritage character area. A Heritage Impact Statement is not required.

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;

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The proposed parking reduction to the subject lands will not have an impact on the demand for municipal water and sewage services.

- 7. Whether the application and the cumulative impact of the proposed variances would be more appropriately addressed by a zoning amendment to the applicable zoning by-law;

The application does not propose any new uses. The cumulative nature of the parking reduction meets the four tests of a minor variance as stated in the *Planning Act* and therefore, a minor variance application is appropriate. This proposal is minor in nature and does not warrant consideration through 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;

Standard conditions of approval that are appropriate for this proposal have been included in the Notice of Decision.

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

The proposed parking reduction does not detract from the character of the neighbourhood and approval of the variance will not set an undesirable precedent for the immediate area.

The intent of the Official Plan with regards to parking is to ensure that a sufficient amount of parking is provided on-site for each development. Although a parking reduction is requested, the proposed development meets this intent by providing a sufficient amount of parking stalls on-site to meet the parking demands of the proposed development. The Official Plan also discourages over-supply of on-site parking to balance the use of on-site parking demand with active transportation (Section 4.6.47).

This proposal meets the intent of the Official Plan, as the proposed on-site parking reduction and will not result in any negative impacts to adjacent properties.

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

The subject property is zoned Multiple Family Dwelling site-specific 'B3.316' zone in the City of Kingston Zoning By-Law Number 8499, entitled "Restricted Area (Zoning) By-Law of the Corporation of the City of Kingston", as amended. The B3.316 zone permits multiple family dwellings as a listed use.

The proposal requires a variance to Exception Section 316(iv) as outlined below.

**Variance Number 1: Minimum Off-Street Parking Space Requirement**

By-Law Number: 8499      Exception Section 316(iv)

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Requirement:	220 underground parking spaces and 109 surface parking spaces
Proposed:	220 underground parking spaces and 100 surface parking spaces
Variance Requested:	9 surface parking spaces

The site-specific exception 316 of By-Law 8499 requires a minimum of 220 underground parking spaces and a minimum of 109 surface parking spaces to be provided on-site for both apartment buildings located on the subject lands. The total number of proposed parking spaces on-site is 320 spaces. The difference between required and provided is 9 spaces. The proposal meets the intent and purpose of the Official Plan as it provides for an adequate supply of parking that supports the existing permitted uses. Section 4.6.47 of the Official Plan encourages a balance between providing sufficient parking and not oversupplying parking such that it is detrimental to public transit and/or active transportation modes. The reduction in the minimum parking ratio from 1.46 to 1.42 spaces per unit better reflects the demand from tenants for parking and the application is being filed specifically to address the “oversupply” of parking that currently exists.

The Official Plan also includes policies related to sustainable development that support the development of residential densities that reduce dependency on the automobile by promoting active transportation and public transit, thereby reducing greenhouse gas emissions. The proposed parking reduction supports these objectives and supports the intent of Section 4.6.47 as the site is supported by public transit and active transportation, being serviced by multiple transit routes, pedestrian infrastructure and planned cycling infrastructure improvements.

The intent of the zoning by-law is to implement policies of the Official Plan which require providing adequate parking for the permitted development and to ensure that the site can function properly and meet the demands of site users, including both residents and visitors. Based off a review of the Planning Justification report, it is understood that the owner is seeking a variance to reduce the required minimum parking supply because the demand for parking spaces from tenants has declined over time, and the spaces they are leasing on an abutting property are no longer needed. There will be no negative impact from the reduction of 9 parking stalls based on the type of existing use and the scale of the existing development.

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

The determination of whether or not an application is minor is not based on the degree of the variance requested, but rather on whether the impact of granting the request is minor. This includes how the variance could impact the existing or planned functionality of the subject lands and/or the surrounding lands. The proposed parking reduction from an effective ratio of 1.46 spaces per unit to 1.42 spaces is not anticipated to adversely affect the functionality of the site. Homestead rents the dwelling units and the parking spaces, and we understand that the demand from tenants for parking no longer necessitates the



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leasing of the 20 off-site parking spaces on the Transport Canada lands. As such, the requested variance is considered minor as the reduction of 9 surface parking spaces will not have any negative impact on the subject property or the surrounding properties. The case specific review of the existing development allows us to determine that the on-site parking provided is sufficient for the proposed development. As such, the proposed variance is minor in nature as no negative impacts are anticipated and the functionality of the subject property and existing residential uses will be maintained.

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

The proposed variance on the subject lands will have negligible impact on adjacent properties and surrounding land uses are compatible with the existing development. The proposed variance will provide for increased flexibility for the tenants and visitors of the existing apartments in choosing to opt out of vehicular parking and shifting to a more sustainable form of active transportation (i.e., bus, bike, or walk). Also, the over-supply of parking and hard surfacing is not desirable from an environmental and maintenance perspective. The provided parking ratio will allow the site to function as intended without any negative impacts to the adjacent properties.

The proposed reduction in parking is desirable and appropriate as it will allow the parking supply to better match the actual demand, which was noted in the Planning Justification as decreasing over time. The applicant notes that this decline in demand for parking is consistent with trends seen in Kingston generally, which is reflected in reduced minimum parking requirements across the City in both existing Zoning By-laws and in the recently adopted new Comprehensive Zoning By-law 2022-62. Further, the reduction in the required number of parking spaces may effectively encourage the repurposing of the dis-used surface parking lot next to a municipal park into a more desirable land use.

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 checked="" type="checkbox"/> Canadian National Railways   |
| <input checked="" type="checkbox"/> Housing           | <input 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 checked="" type="checkbox"/> Kingston Airport  |  |  |

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**Technical Comments**

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

**Public Comments**

At the time this report was finalized, no public comments were received. 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****File D14-098-2000**

The effect of the By-Law is that the Owners of subject property (Homestead Land Holdings Limited) will be permitted to construct a sixteen (16) storey, 125 unit apartment building. The amendments to the Site and Area Specific Policies would:

- allow for two (2) residential buildings instead of one (1);
- increase the maximum number of permitted dwelling units from 100 to 225;
- increase the maximum total floor area (building mass) from 15 250 square metres to 27 000 square metres; and
- require a minimum of 220 underground parking spaces and a minimum of 109 surface parking spaces for the two buildings.

**File U.535-01**

Consent for mortgage purposes. Conveyance of an approx. 88 m x 147 m irregular parcel of land on which it is proposed to construct a 900 square metre, 16-storey, multi-unit residential building, from an approx. 2.6 ha parcel of land containing a 16-storey, 125-unit apartment building.

**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. 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 allow for the reduction of required parking from 329 spaces to 320 spaces, a reduction in a total of 9 surface parking spaces.

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**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

Kingston Zoning By-Law 2022-62

**Notice Provisions:**

A Committee of Adjustment Meeting is going to be held respecting this application on August 15, 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 8 property (according to the latest Assessment Roll) within 60 metres of the subject property and a courtesy notice was placed in The Kingston Whig-Standard (Exhibit C – Public Notification Map)

Once a decision has been rendered by the Committee of Adjustment, a Notice of Decision will be circulated in accordance with the provisions of the *Planning Act*.

**Accessibility Considerations:**

None

**Financial Considerations:**

None

**Contacts:**

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

Niki Van Vugt, Planner, 613-546-4291 extension 3253

**Other City of Kingston Staff Consulted:**

None

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**Exhibits Attached:**

- Exhibit A Recommended Conditions
- Exhibit B Key Map
- Exhibit C Public Notification Map
- Exhibit D Official Plan Map
- Exhibit E Existing Zoning By-Law 8499, Map 27
- Exhibit F Kingston Zoning By-Law 2022-62
- Exhibit G Neighbourhood Context (2021)
- Exhibit H Site Plan

## Recommended Conditions

### Application for minor variance, File Number D13-036-2022

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

#### 1. Limitation

That the approved minor variance applies only to the reduced number of surface parking spaces 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 the City of Kingston's Planning Services Department (613-546-4291, extension 3180) must be immediately contacted.

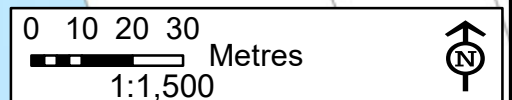
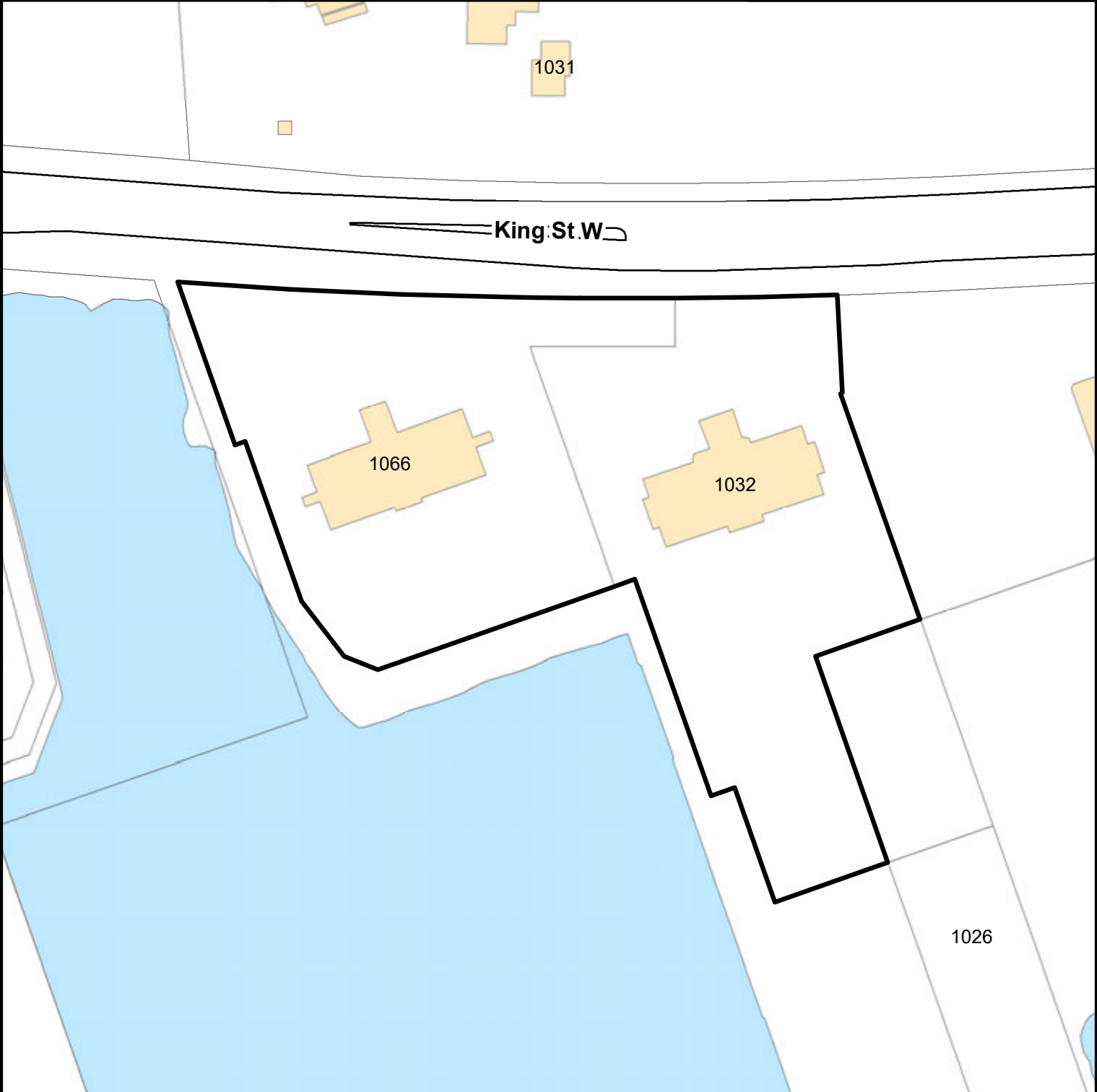
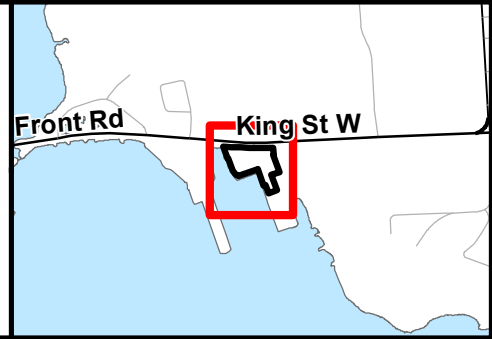
In the event that human remains are encountered, all work must immediately cease and the site must be secured. The Kingston Police (613-549-4660), the Registrar of Cemeteries at the Ministry of Government and Consumer Services (416-326-8404), the Program and Services Branch of the Ministry of Heritage, Sport, Tourism and Culture Industries (416-314-7132), and the City of Kingston's Planning Services Department (613-546-4291, extension 3180) must be immediately contacted.



### Committee of Adjustment Key Map

Address: 1032/1066 King St W  
File Number: D13-036-2022

 Lands Subject to Minor Variance

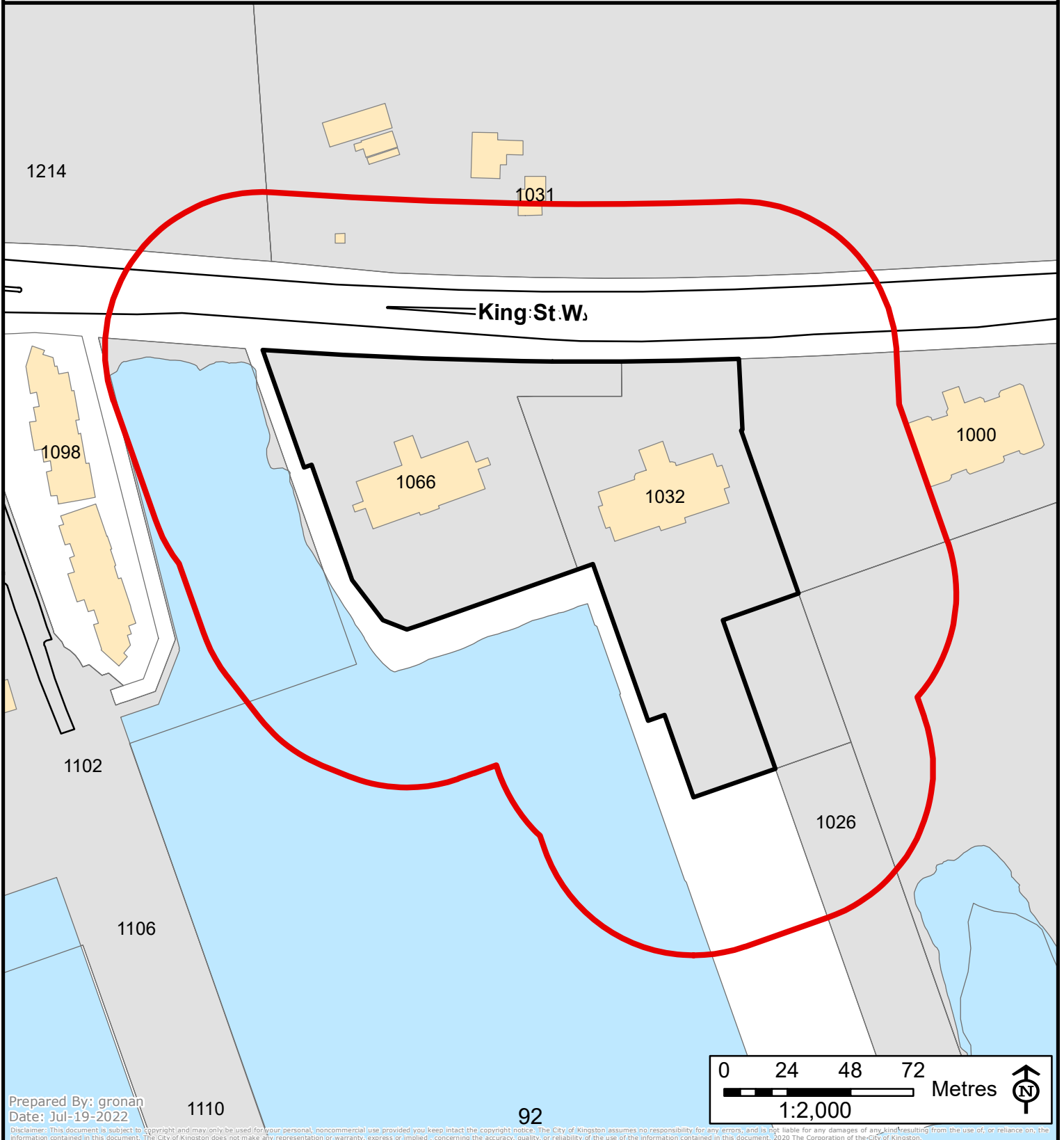




# Committee of Adjustment Public Notice Notification Map

Address: 1032/1066 King St W  
File Number: D13-036-2022

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



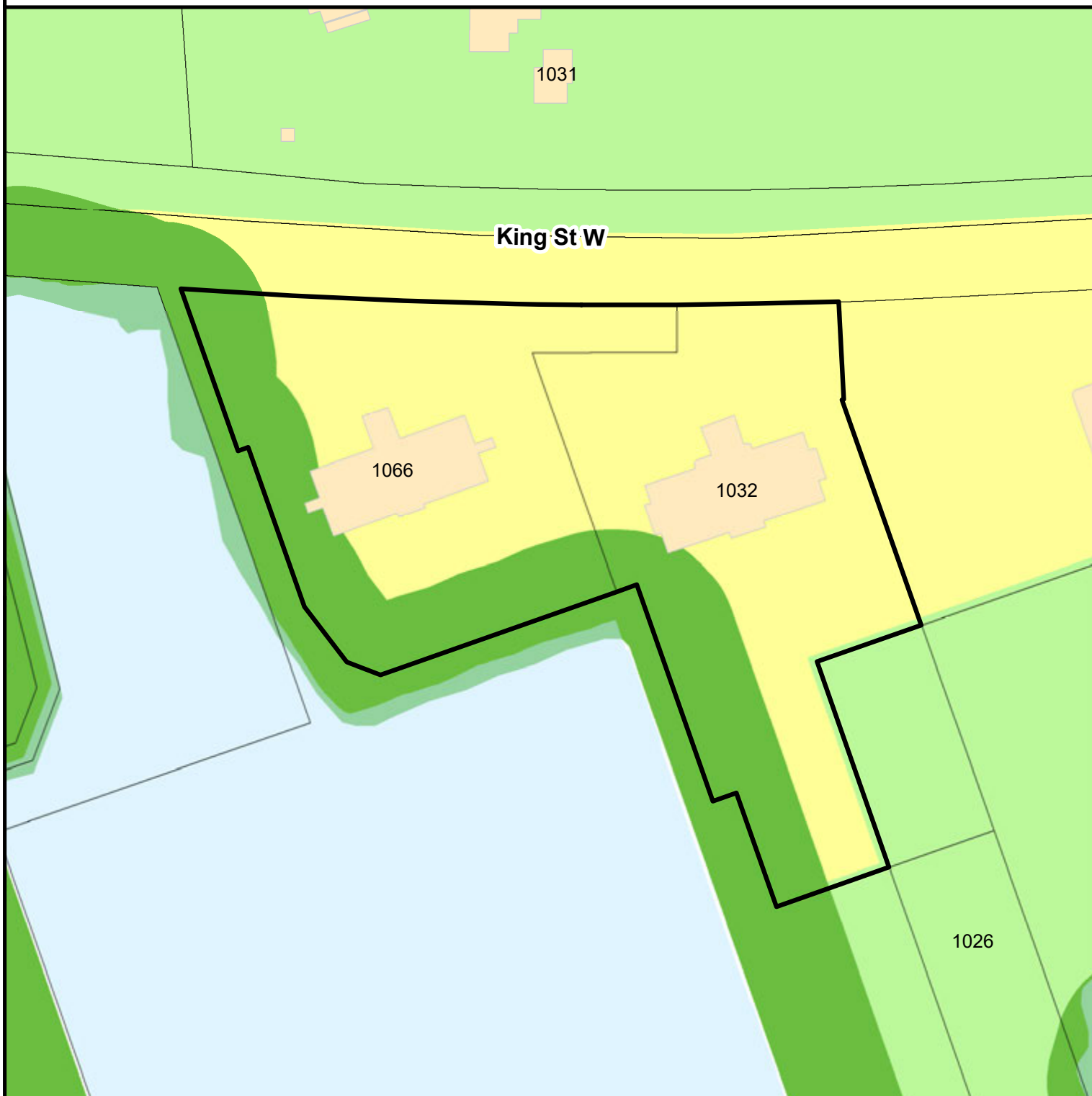
Prepared By: gronan  
Date: Jul-19-2022



Committee of Adjustment  
Official Plan, Existing Land Use

Address: 1032/1066 King St W  
File Number: D13-036-2022

-  Subject Lands
-  ENVIRONMENTAL PROTECTION AREA
-  OPEN SPACE
-  RESIDENTIAL

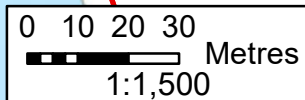
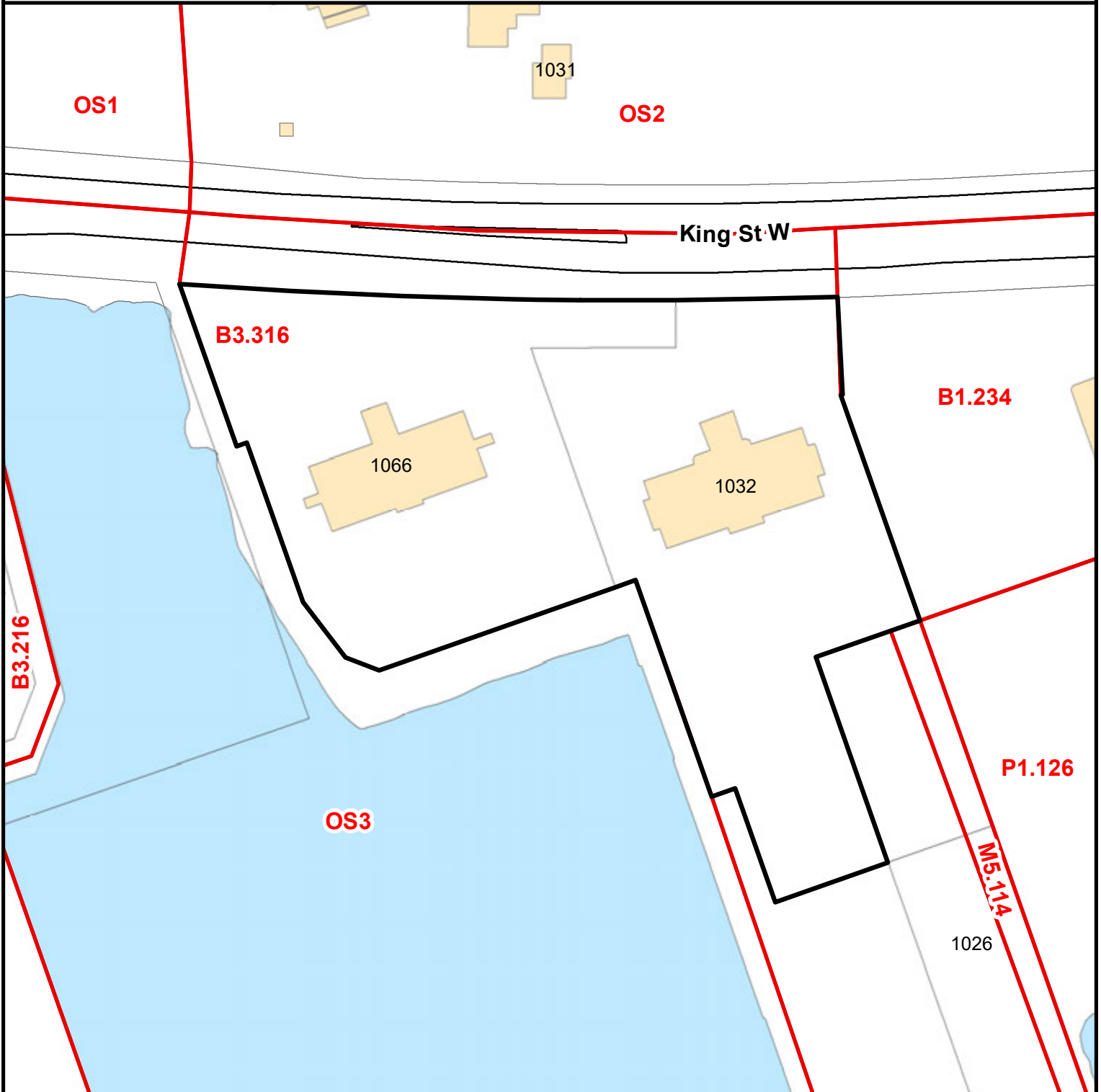






Committee of Adjustment  
**Existing Zoning - By-law 8499, Map 27**  
Address: 1032/1066 King St W  
File Number: D13-036-2022

- Subject Lands
- Consolidated Zoning

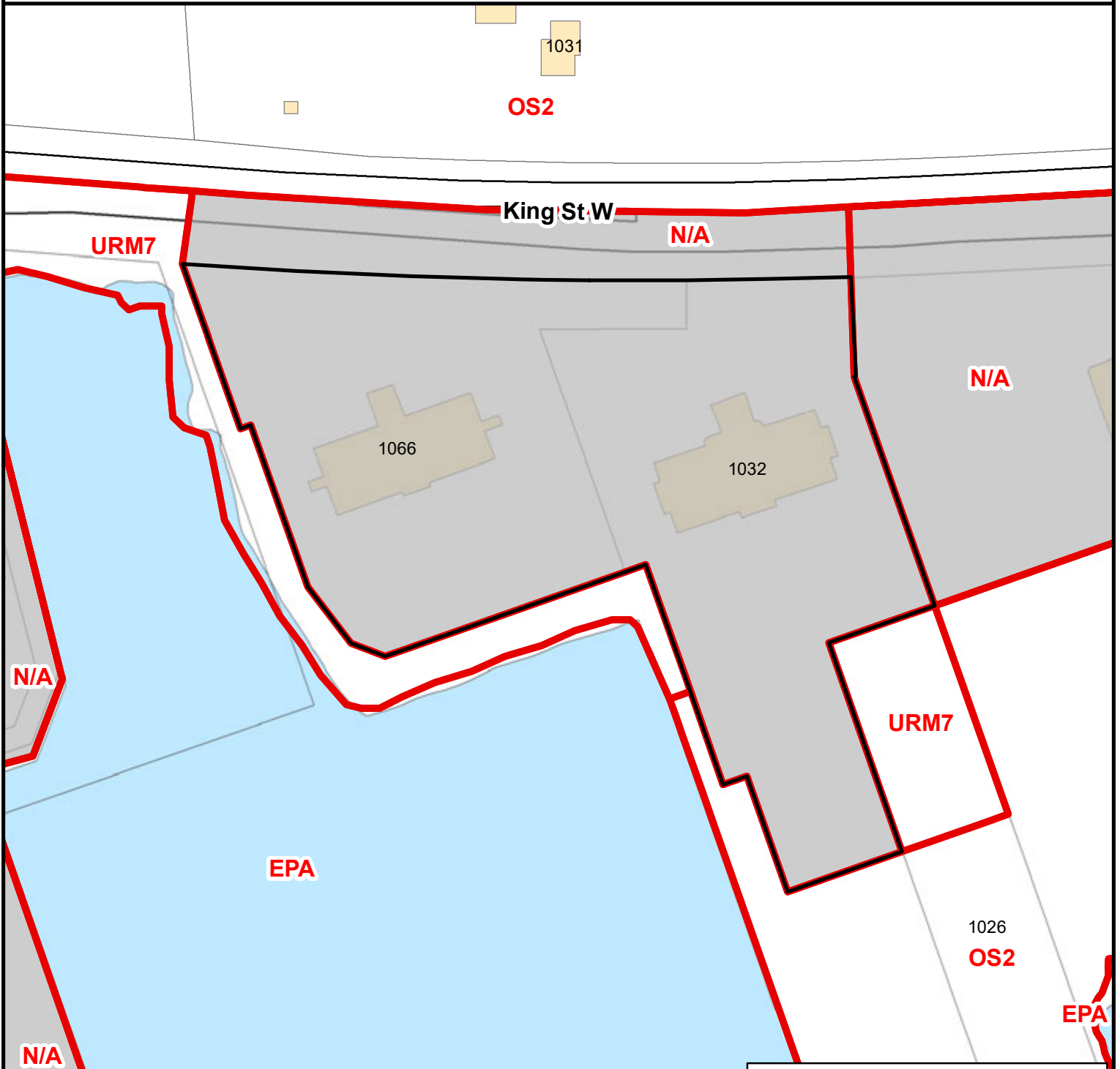




Planning Committee  
**Kingston Zoning By-Law 2022-62**

Address: 1032/1066 King St W  
File Number: D13-036-2022

- Subject Lands
- Schedule 1 Zoning Map
- Zone
- Not Subject to the Kingston Zoning By-law
- Schedule E - Exception Overlay
- Legacy Exceptions (LXXX)
- Exceptions (EXXX)
- Schedule F - Holding Overlay
- Holding Overlay (HXXX)





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

Address: 1032/1066 King St W  
File Number: D13-036-2022

- Subject Lands
- Property Boundaries
- Proposed Parcels

