



**City of Kingston
Committee of Adjustment
Meeting Number 11-2022
Addendum**

**Monday, October 17, 2022 at 5:30 p.m.
Hosted at City Hall in Council Chamber**

7. Returning Deferral Items

Note: The consent of the Committee is requested for the consideration of Business Item 8 f) before Returning Deferral Item 7 a)

a) Application for: Minor Variance

File Number: D13-043-2022

Address: 880 Stephentown Lane

Owner: Steve Carquez and Robyn Woodford-Carquez

Applicant: Steve Carquez

The Report of the Commissioner of Community Services (COA-22-067) is attached.

Addendum Pages 1 – 21

Recommendation:

That minor variance application, File Number D13-043-2022, for the property located at 880 Stephentown Lane to construct a 139.4 square metre front yard accessory building, be approved, as described below:

Variance Number 1

By-Law Number 32-74: Section 8 (3) (j) (5)

- Requirement: 200 square metres
- Proposed: 311.1 square metres

- Variance Requested: 111.1 square metres

Variance Number 2

By-Law Number 2022-62: Section 20.1.1, Legacy Exceptions Subsection L283 (f)

- Requirement: 200 square metres
- Proposed: 311.1 square metres
- Variance Requested: 111.1 square metres

Variance Number 3

By-Law Number 2022-62: Section 4.1.2 (1)

- Requirement: Rear yard, Interior yard, and the Exterior yard
- Proposed: Front yard
- Variance Requested: Front yard; and

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-22-067.

8. Business

f) Subject: Supplementary Report (To COA-22-067)

File Number: D13-043-2022

Address: 880 Stephentown Lane

Owner: Steve Carquez and Robyn Woodford Carquez

Applicant: Steve Carquez

The Report of the Commissioner of Community Services (COA-22-078) is attached.

Addendum Pages 22 – 28

Recommendation:

That paragraph 5 of the recommendation in Report COA-22-067, be deleted and replaced with the following:

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report COA-22-078.

12. Correspondence

- a) Correspondence received from C. Forrest, dated October 13, 2022, regarding Application for Minor Variance – 886 Rowantree Crescent.

Addendum Pages 29 – 34



**City of Kingston
Report to Committee of Adjustment
Report Number COA-22-067**

To: Chair and Members of the Committee of Adjustment
From: Jason Partridge, Planner
Date of Meeting: September 19, 2022
Application for: Minor Variance
File Number: D13-043-2022
Address: 880 Stephentown Lane
Owner: Steve Carquez and Robyn Woodford-Carquez
Applicant: Steve Carquez

Council Strategic Plan Alignment:

Theme: Policies & by-laws

Goal: See above

Executive Summary:

This report provides a recommendation to the Committee of Adjustment regarding an application for a minor variance for the property located at 880 Stephentown Lane. The applicant is proposing to construct a new 139.4 square metre 1 storey detached front yard accessory building and is requesting relief from the maximum lot coverage provision. The new accessory building will comply with all minimum height, building setbacks and landscaped open space requirements.

Under Zoning By-Law Number 32-74, a minor variance is required to increase the required maximum lot coverage provision to facilitate the construction of the one-storey front yard accessory building. Under the new Zoning By-Law Number 2022-062, a minor variance is also required to increase maximum lot coverage provision for the proposed development.

Bylaw Number 2022-62. Section 20.1.1, Legacy Exceptions Subsection L283 (f) indicates that the maximum lot coverage for the subject property is a maximum 200 square metres. Bylaw

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2022-62 also requires all accessory building buildings to be located within the rear yard, interior yard, and the exterior yard. Minor variances are required for both of these zoning 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 32-74 and 2022-62. 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.

The final draft of the City’s new Zoning By-Law was approved by Council at its meeting held on April 26, 2022. As this application is scheduled for a Committee of Adjustment meeting subsequent to that date, the application has been reviewed against both the current Zoning By-Law Number 32-74, as well as new Zoning By-Law Number 2022-062.

Recommendation:

That minor variance application, File Number D13-043-2022, for the property located at 880 Stephentown Lane to construct a 139.4 square metre front yard accessory build, be Approved; as described below:

Variance Number 1:

By-Law Number 32-74: Section 8 (3) (j) (5)

Requirement: 200 Square Metres
Proposed: 311.1 Square Metres
Variance Requested: 111.1 Square Metres

Variance Number 2:

By-Law Number 2022-62: Section 20.1.1 , Legacy Exceptions Subsection L283 (f)
Requirement: 200 Square Metres
Proposed: 311.1 Square Metres
Variance Requested: 111.1 Square Metres

Variance Number 3:

By-Law Number 2022-62: Section 4.1.2 (1)
Requirement: Rear yard, Interior yard, and the Exterior yard
Proposed: Front Yard
Variance Requested: Front Yard; and

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-22-067.

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Authorizing Signatures:

ORIGINAL SIGNED BY PLANNER

Jason Partridge, 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 July 21, 2022, a minor variance application was submitted by Steve Carquez, on behalf of the owner, Steve Carquez and Robyn Woodford-Carquez, with respect to the property located at 880 Stephentown Lane

The purpose of the application is to permit the construction of a one storey detached accessory building within the front yard near the eastern lot line of the property. The total area of the proposed new one storey accessory building is 139.4 square metres. The purpose of the accessory building is to provide additional storage associated to the permitted single detached dwelling on the property.

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

- Site Plan (Exhibit H)

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 880 Stephentown Lane (Exhibit B – Key Map) and has an area of approximately 3703.8 square metres and approximately 50.27 metres of frontage on Stephentown Lane. The site is currently developed with a one-storey single family dwelling and a couple of existing accessory buildings, resulting in a current lot area coverage of 171.7 square metres.

The subject property is designated Rural and Environmental Protection Area in the Official Plan and zoned RR-10 in Zoning By-Law Number 32-74 (Exhibit E – Existing Zoning By-law Map) and is zoned “RUR”– Rural Residential and Legacy Exception L283 in the new Zoning By-Law Number 2022-62 (Exhibit F – new Zoning By-Law Map).

The subject property is in proximity to various community and open space uses and the Rideau Canal. The surrounding area is predominantly characterized by residential development, consisting mainly of single detached dwellings and agricultural uses.

Application

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

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Provincial Policy Statement

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

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

The subject property is designated Rural and Environmental Protection Area 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 front yard accessory building will not have any negative impacts on abutting properties or residential and/or uses or structures. The proposal is compatible with the surrounding residential uses and will not result in significant impacts or changes to the surrounding area.

The accessory building represents a reinvestment to the property that will result in a minor development on the subject property to support the existing single detached dwelling. No additional dwelling units are proposed. There is no increase in density or intensity of uses. The proposed front yard accessory building is consistent with the intent of this policy.

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

The proposed accessory building will result in a development that is consistent with the existing front yard built-form of several residential buildings located north and south of the subject property along Stephentown Lane. The overall design and scale of the proposal is not anticipated to cause any adverse impacts on the adjacent residential properties.

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;

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The proposal involves the construction of a one-storey accessory building within the front yard of the subject property. There will be no concerns with respect to the parking of vehicles and bicycles or issues relating to accessibility. One parking spot is required and provided.

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 lands are not located within or adjacent to a Heritage Conservation District or adjacent to a Part IV designated property. The property is adjacent to the Rideau Canal which is a UNESCO World Heritage Site. However, the scale of the proposal is not expected to impact this heritage feature.

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 or listed under Part IV or V of 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 subject property is located outside the urban boundary and is on a private water and wastewater system. No changes are proposed to the existing private services. The accessory building will not have water or septic hook-ups.

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

The proposed variances are considered minor, and the development is consistent with the existing built form along Stephentown Lane. Therefore, a zoning by-law amendment is not required.

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;

As part of the recommendation, suggested conditions have been listed. The conditions may be added, altered or removed at the Committee's discretion.

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

The surrounding residential uses include single family dwellings and agricultural uses. The approval of the requested variances are considered minor and will not set a precedent for the immediate area.

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

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

The subject property is zoned Rural Residential 'RR-10' in the City of Kingston Zoning By-Law Number 32-74 of the Corporation of the City of Kingston, as amended. The RR-10 zone permits an accessory building use.

The subject property is zoned Rural Residential 'RUR' and Legacy Exception L283 in the Kingston Zoning By-Law Number 2022-062, which also permits an accessory building use.

The proposal requires a variance to the following sections:

Variance Number 1:

By-Law Number 32-74: Section 8 (3) (j) (5)

Requirement: 200 Square Metres

Proposed: 311.1 Square Metres

Variance Requested: 111.1 Square Metres

Variance Number 2:

By-Law Number 2022-62: Section 20.1.1, Legacy Exceptions Subsection L283 (f)

Requirement: 200 Square Metres

Proposed: 311.1 Square Metres

Variance Requested: 111.1 Square Metres

Variance Number 3:

By-Law Number 2022-62: Section 4.1.2 (1)

Requirement: Rear yard, Interior yard, and the Exterior yard

Proposed: Front Yard

Variance Requested: Front Yard

A variance is required from Section 8 (3) (j) (5) of Zoning By-Law Number 32-74 to seek relief from the maximum lot area coverage provision. Within Section 8 (3) (j) (5) the maximum lot area coverage is 200 square metres. The proposed front yard accessory building and other buildings on the property have a proposed lot area of 311.1 square metres, which does not comply with the maximum lot coverage. As such, the applicant is seeking a variance of 111.1 square metres to construct the front yard accessory building.

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A second is required from Section 20.1.1, Legacy Exceptions Subsection L283 (f) Zoning By-Law Number 2022-62 to seek relief from the maximum lot area coverage provision. Within Section 20.1.1, Legacy Exceptions Subsection L283 (f) the maximum lot area coverage is 200 square metres. The proposed front yard accessory building and other buildings on the property have a proposed lot area of 311.1 square metres, which does not comply with the maximum lot coverage. As such, the applicant is seeking a variance of 111.1 square metres to construct the front yard accessory building.

A third variance is required from Section 4.1.2 (1) Zoning By-Law Number 2022-62 to seek relief from the accessory building location provision. Within Section 4.1.2 (1) an accessory building can be located within the rear, interior and exterior yards as-of-right only. The proposed accessory building is located within the front yard, which does not comply with the permitted accessory building yard location provision. As such, the applicant is seeking a variance of the front yard to construct the proposed accessory building.

The intent of the maximum lot coverage is to prevent over development of a property and to protect the wells/waste water systems along Stephentown. 880 Stephentown Lane has a total lot area of 3703.8 square metres with a proposed lot coverage of 8.4%. It is not anticipated that the proposed accessory building would overdevelop the lot due to the large size of the lot. The accessory building's intended use is for additional storage associated to the single-family dwelling and will not require any water or wastewater hook ups. The proposed front yard accessory building meets and exceeds the lot's required building setbacks to all the lot lines and won't cause any adverse impacts to neighboring properties.

The intent of the accessory building location provision is to prevent the over development of the front yards and to maintain a consistent character of front yards throughout the city of Kingston. 880 Stephentown Lane is a waterfront lot and accessed by a laneway near the eastern property line. Waterfront lots traditionally have the dwellings located closest to the waterbody leaving a large undeveloped front yard. Under By-law 32-74 accessory buildings are permitted as-of-right in the front yard. Permitting an accessory building in the front yard under the Kingston Zoning By-law is considered appropriate because of the large front yard space and keeping any development away from the floodplain or sensitive environmental habitats. The proposed front yard accessory building is consistent with the existing front yard built-form of several residential buildings located north and south of the subject property along Stephentown Lane.

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

3) The variance is minor in nature

The proposed front yard accessory building will result in a development that is consistent with the existing built form of residential development along Stephentown Lane. The proposed accessory building will be located within the front yard and will not result in intrusive overlook with respect to adjacent residential properties. The proposed front yard accessory building is intended to store items associated to the permitted residential use

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only. The variances will not alter the character of the neighbourhood or the existing streetscape. The total area of the proposed accessory building is 139.4 square metres.

The variances are considered minor as there will be no negative impacts on abutting properties or residential and/or uses or structures.

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

The proposed development will add to the functional needs for the existing residential use. The form of residential development is long established. Thus, the overall density, type of use and scale of activity as proposed is consistent with the existing built form of accessory buildings along Stephentown Lane.

The resulting built form satisfies all applicable provisions of the zoning by-law, except for the maximum lot coverage. The proposal does not involve a significant alteration to the existing built form on the site and will not cause any adverse impacts on adjacent properties.

The proposal is appropriate and compatible with the surrounding residential uses and will not result in significant impacts or changes to the surrounding area.

The variances are 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 type="checkbox"/> Kingston Hydro | <input checked="" type="checkbox"/> City’s Environment Division |
| <input 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 checked="" 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.

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Public Comments

At the time this report was finalized, no 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

D28-001-2022 Holding Symbol removal application to allow development on the property. The zoning was updated to remove the Hold from the RR-10-H Zone to RR-10. Holding Overlay H176 was removed from the property under the Kingston Zoning By-law . Passed August 9, 2022.

Conclusion

The requested variances maintains the general intent and purpose of both the City of Kingston Official Plan and Zoning By-Law Number 32-74. 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.

Under the new Zoning By-Law Number 2022-062, the requested variances maintains the general intent and purpose of both the City of Kingston Official Plan and Zoning By-Law Number 2022-062. 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 permit the construction of a new 139.4 square metres 1 storey accessory building within the front yard of the subject property. The proposed front yard accessory building will improve the function of the existing residential use on the site and represents good land use planning.

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

September 19, 2022

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Zoning By-Law Number 32-74

Zoning By-Law Number 2022-062

Notice Provisions:

A Committee of Adjustment Meeting is going to be held respecting this application on September 19, 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 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*.

Accessibility Considerations:

None

Financial Considerations:

None

Contacts:

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

Jason Partridge, Planner, 613-546-4291 extension 3216

Other City of Kingston Staff Consulted:

None

Exhibits Attached:

- Exhibit A Recommended Conditions
- Exhibit B Key Map
- Exhibit C Public Notification Map
- Exhibit D Official Plan Map
- Exhibit E Zoning By-Law 32-74, Map1
- Exhibit F Zoning By-Law 2022-062

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Exhibit G Neighbourhood Context Map (2021)

Exhibit H Site Plan

Recommended Conditions

Application for minor variance, File Number D13-043-2022

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

1. Limitation

That the approved minor variance applies only to the subject lands located at 880 Stephentown Lane for the proposed front yard one storey accessory building as shown on the approved drawings attached to the notice of decision.

2. No Adverse Impacts

The owner/applicant shall demonstrate to the satisfaction of the City that there are no adverse impacts on neighbouring properties as a result of any modifications to on-site grading or drainage.

3. Building Permit Application Requirements

The owner/applicant shall provide to the Building Services a copy of the decision of the Committee of Adjustment, together with a copy of the approved drawings, when they make application for a Building Permit.

The drawings submitted with the Building Permit application must, in the opinion of the City, conform to the general intent and description of the approved drawing(s), including any amendments and conditions approved by the Committee of Adjustment, as stated in the decision. It must be noted that additional planning approvals may be required should further zoning deficiencies be identified through the Building Permit application process.

4. Archaeological Condition

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.




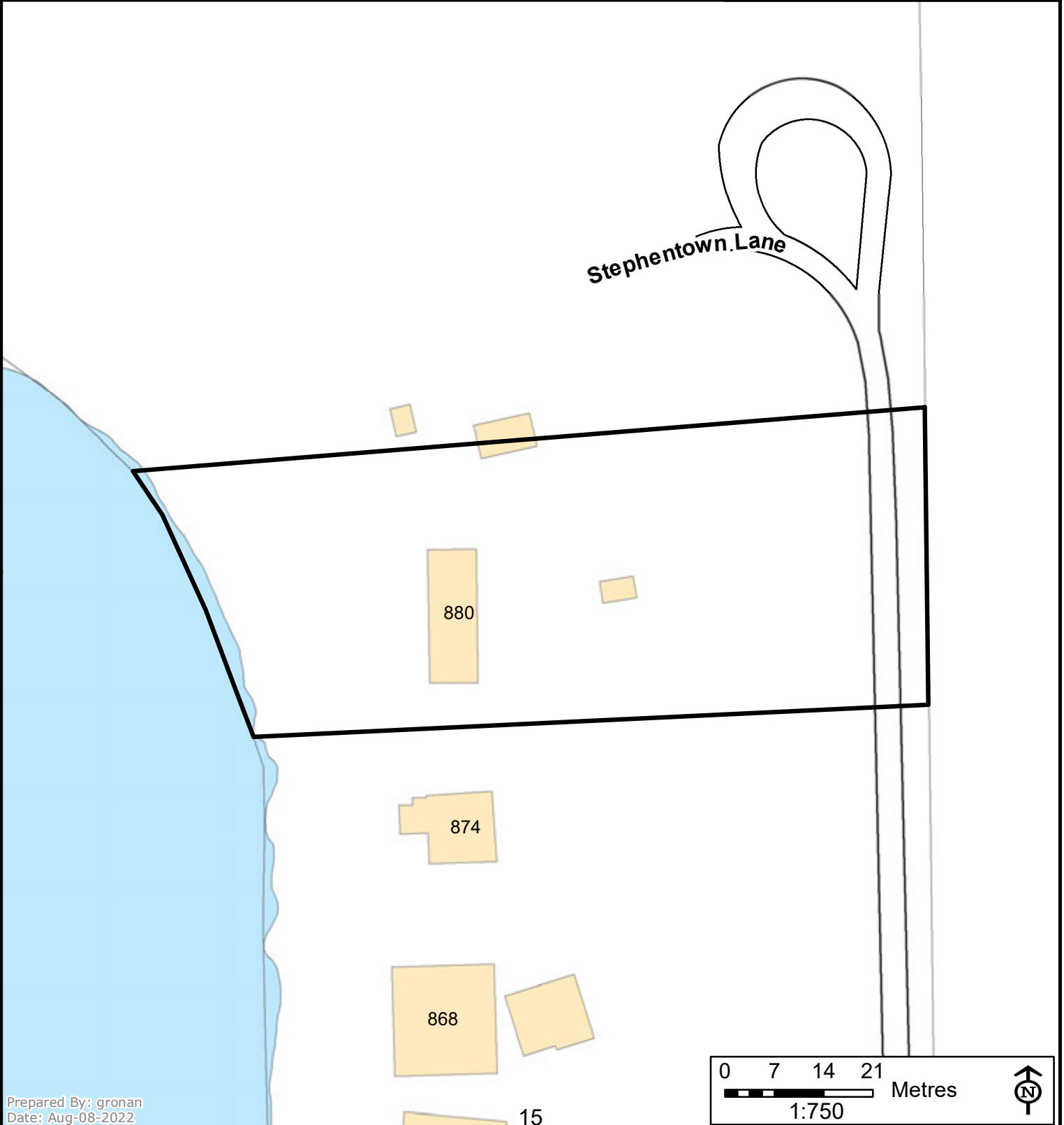
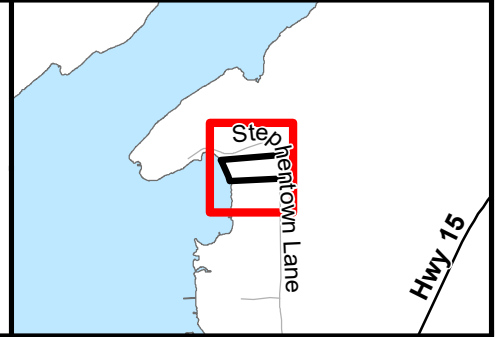
Committee of Adjustment

Key Map

Address: 880 Stephentown Lane

File Number: D13-043-2022

 Lands Subject to Minor Variance



Prepared By: gronan
Date: Aug-08-2022

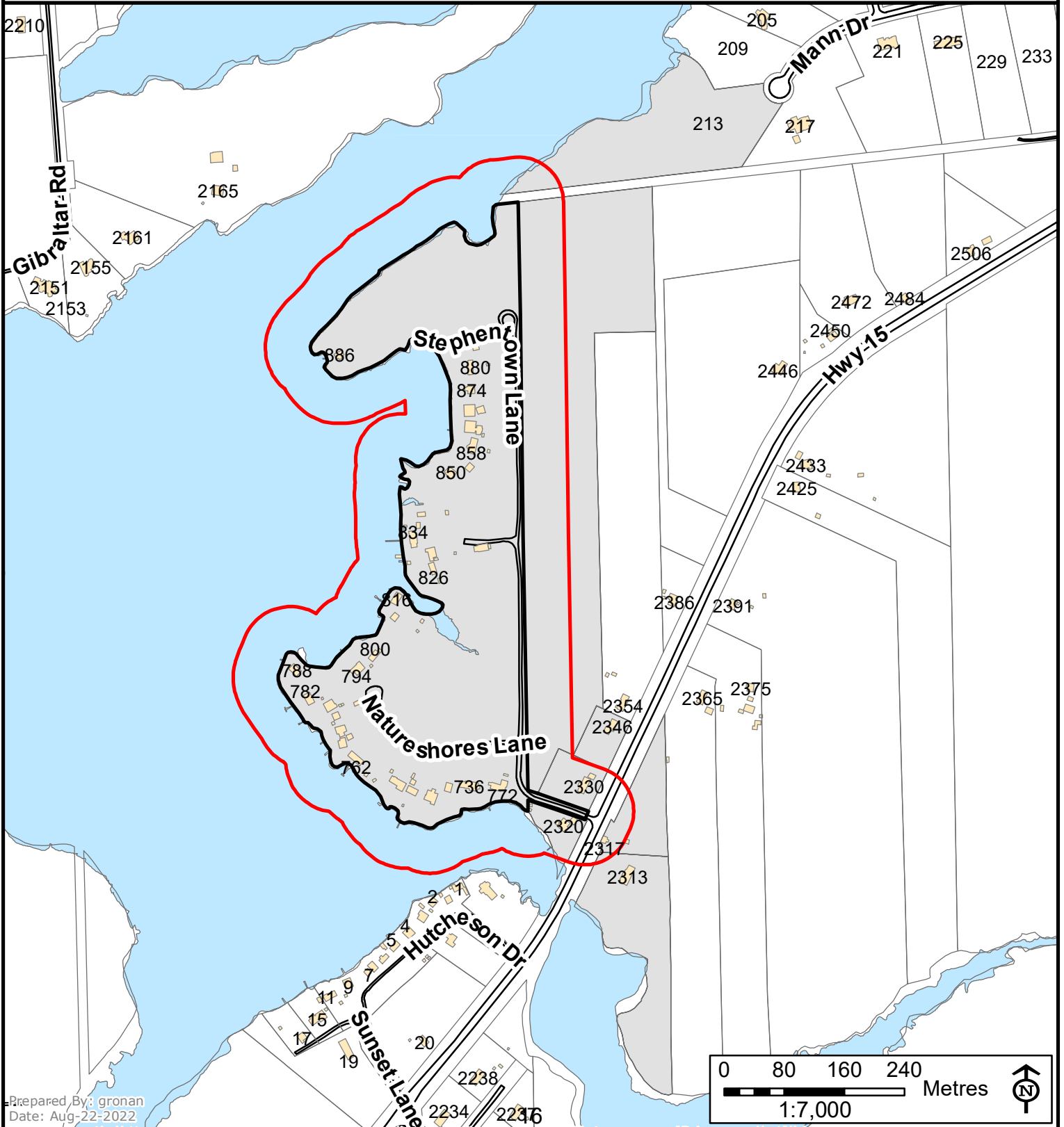
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Committee of Adjustment Public Notice Notification Map

Address: 880 Stepentown Lane
File Number: D13-043-2022

- 60m Public Notification Boundary
- Subject Lands
- Property Boundaries
- 8 Properties in Receipt of Notification



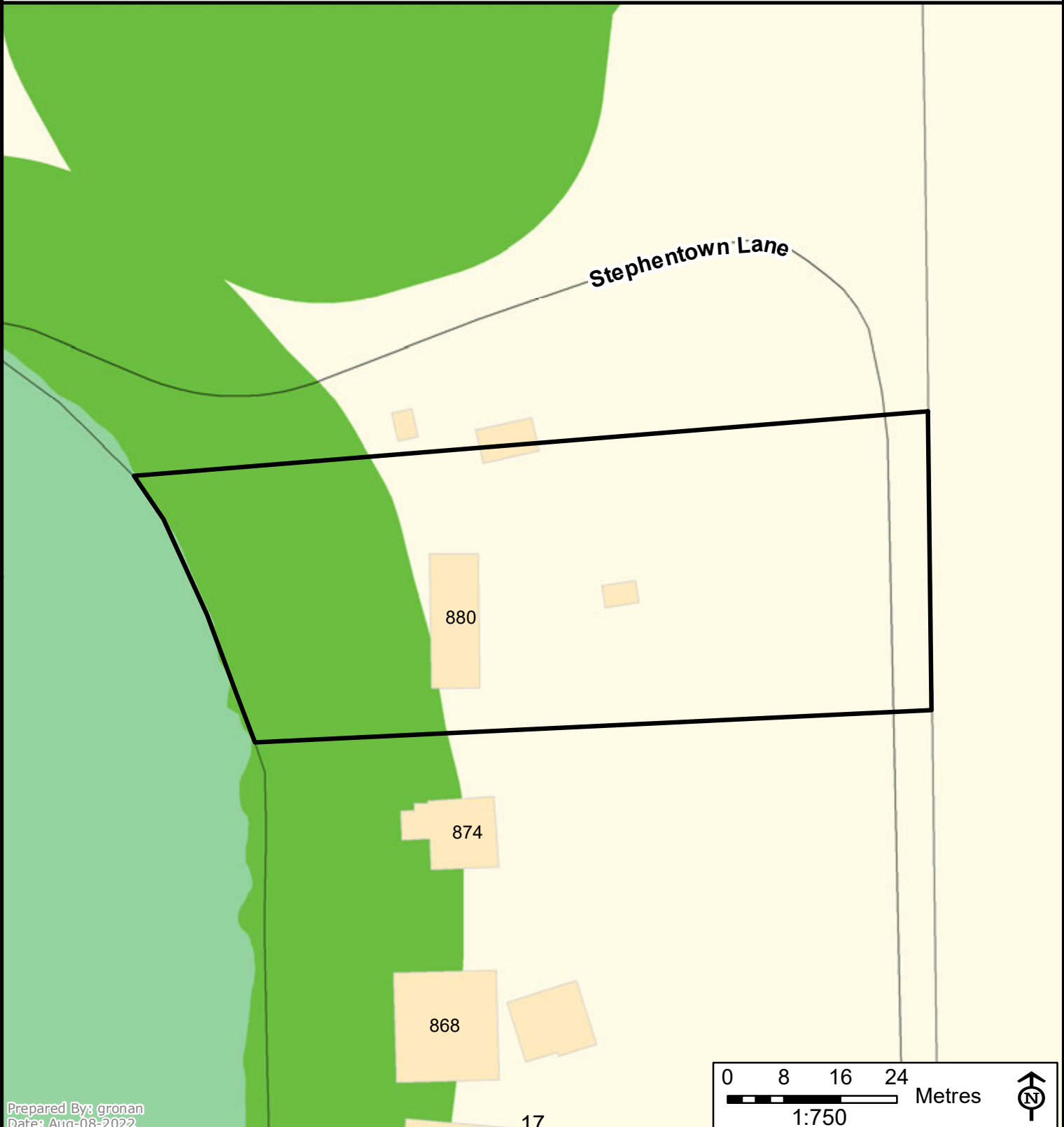
Prepared By: gronan
Date: Aug-22-2022

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Committee of Adjustment
Official Plan, Existing Land Use
Address: 880 Stephentown Lane
File Number: D13-043-2022

- Subject Lands
- ENVIRONMENTAL PROTECTION AREA
- RURAL



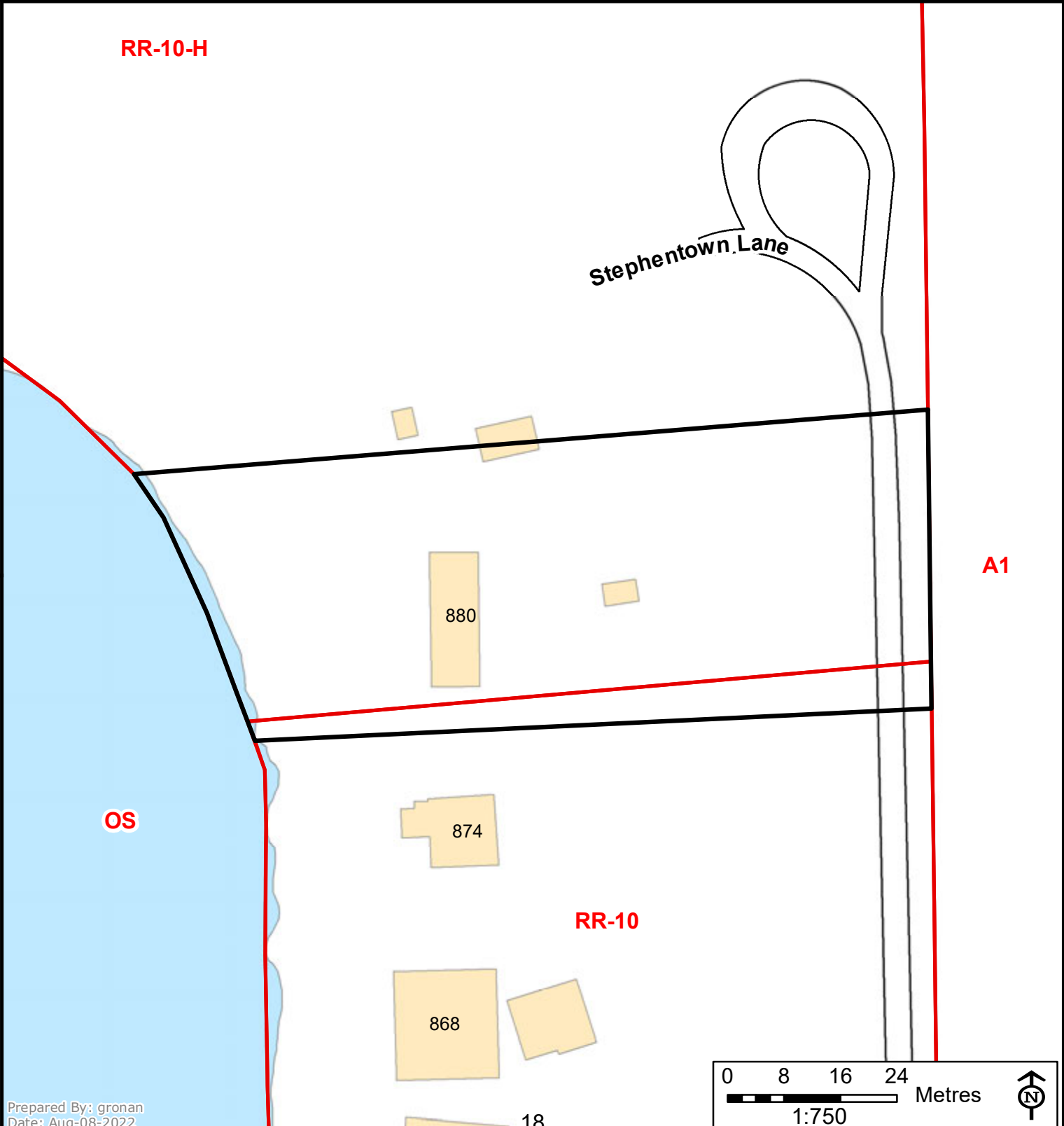
Prepared By: gronan
Date: Aug-08-2022

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Committee of Adjustment
Existing Zoning - By-law 32-74, Map 1
Address: 880 Stephentown Lane
File Number: D13-043-2022

- Subject Lands
- Consolidated Zoning



Prepared By: gronan
Date: Aug-08-2022

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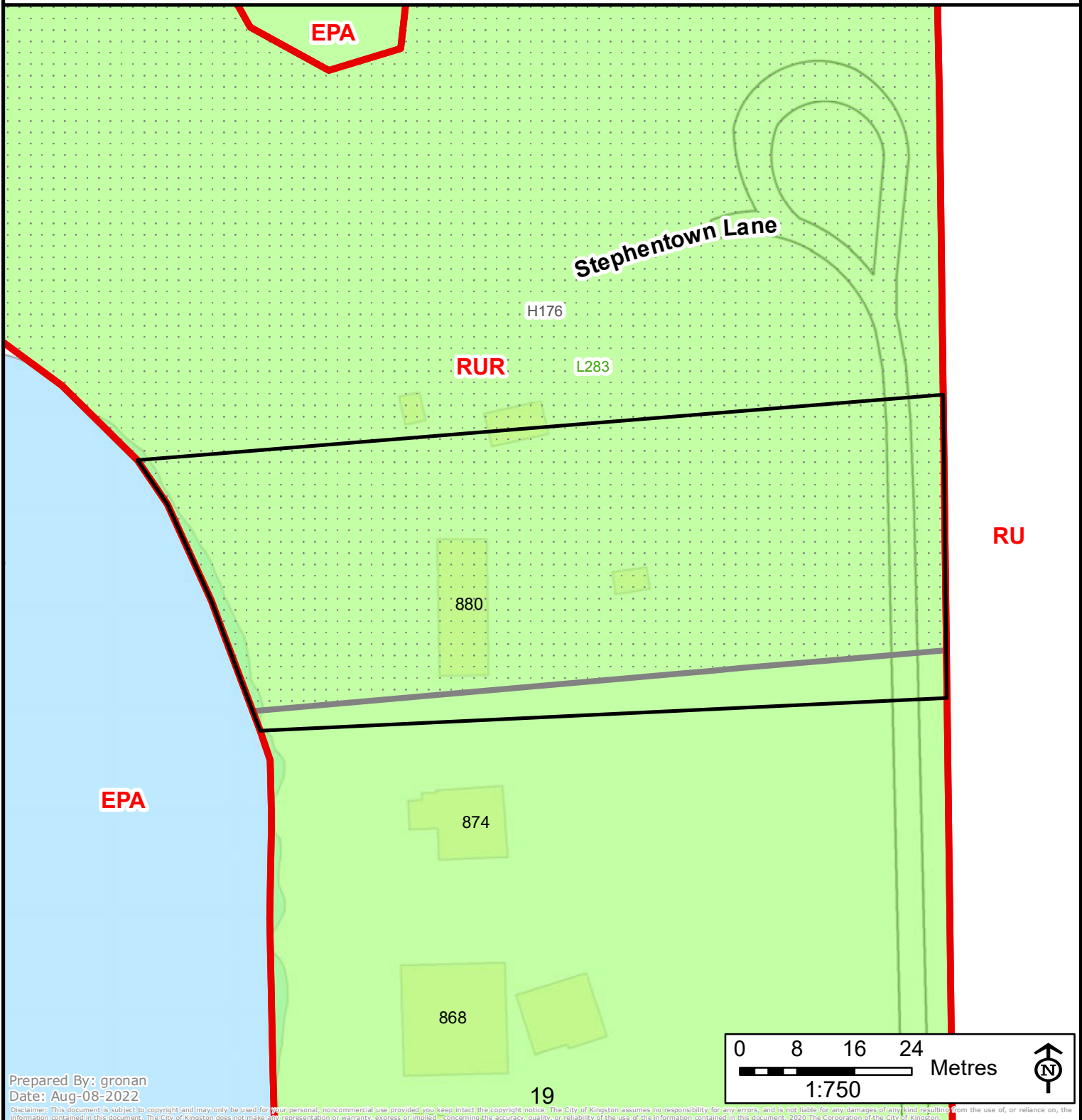


Planning Committee Reference Kingston Zoning Bylaw

Address: 880 Stephentown Lane
File Number: D13-043-2022

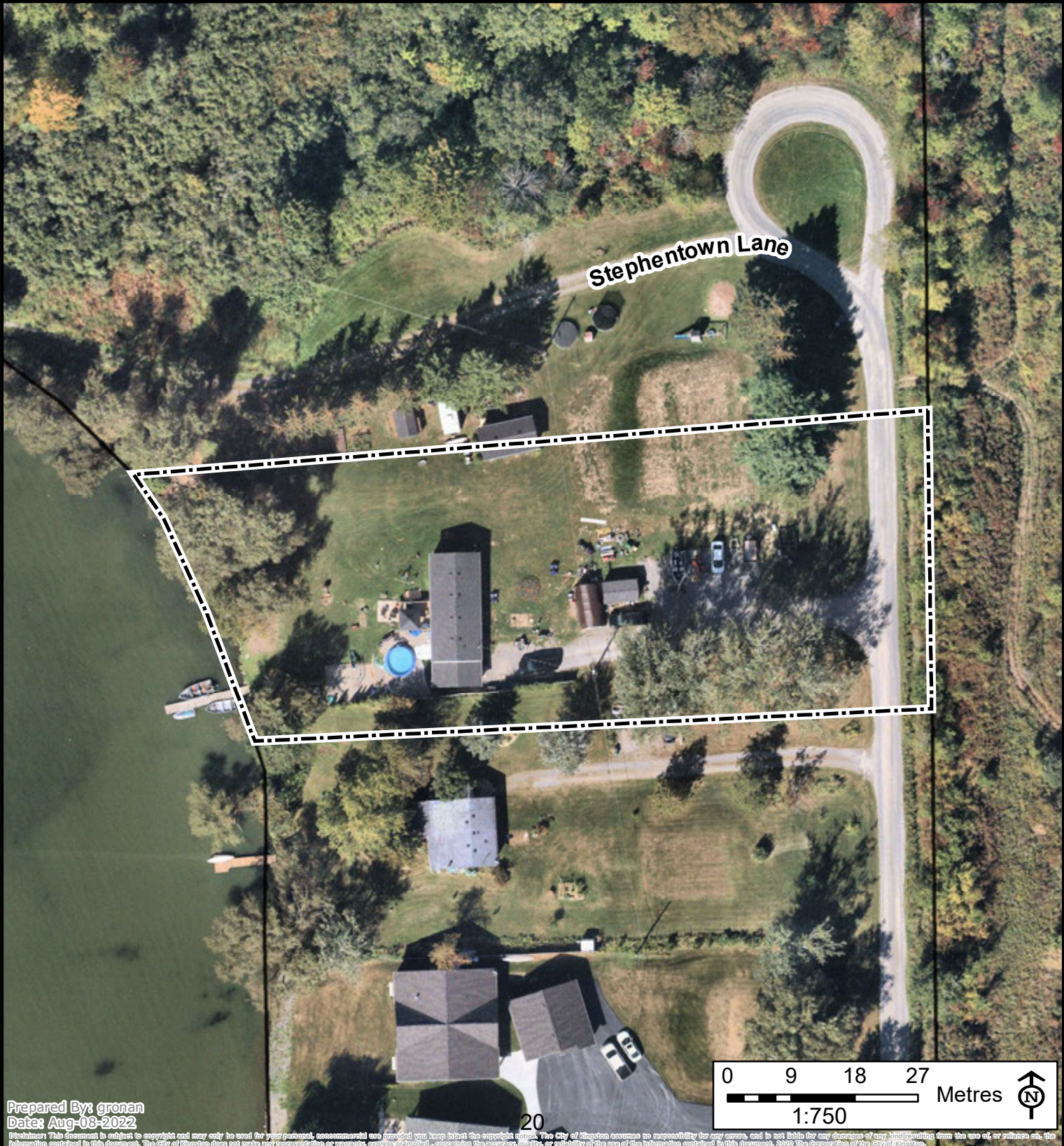
Subject Lands
Schedule 1 Zoning Map
 Zone

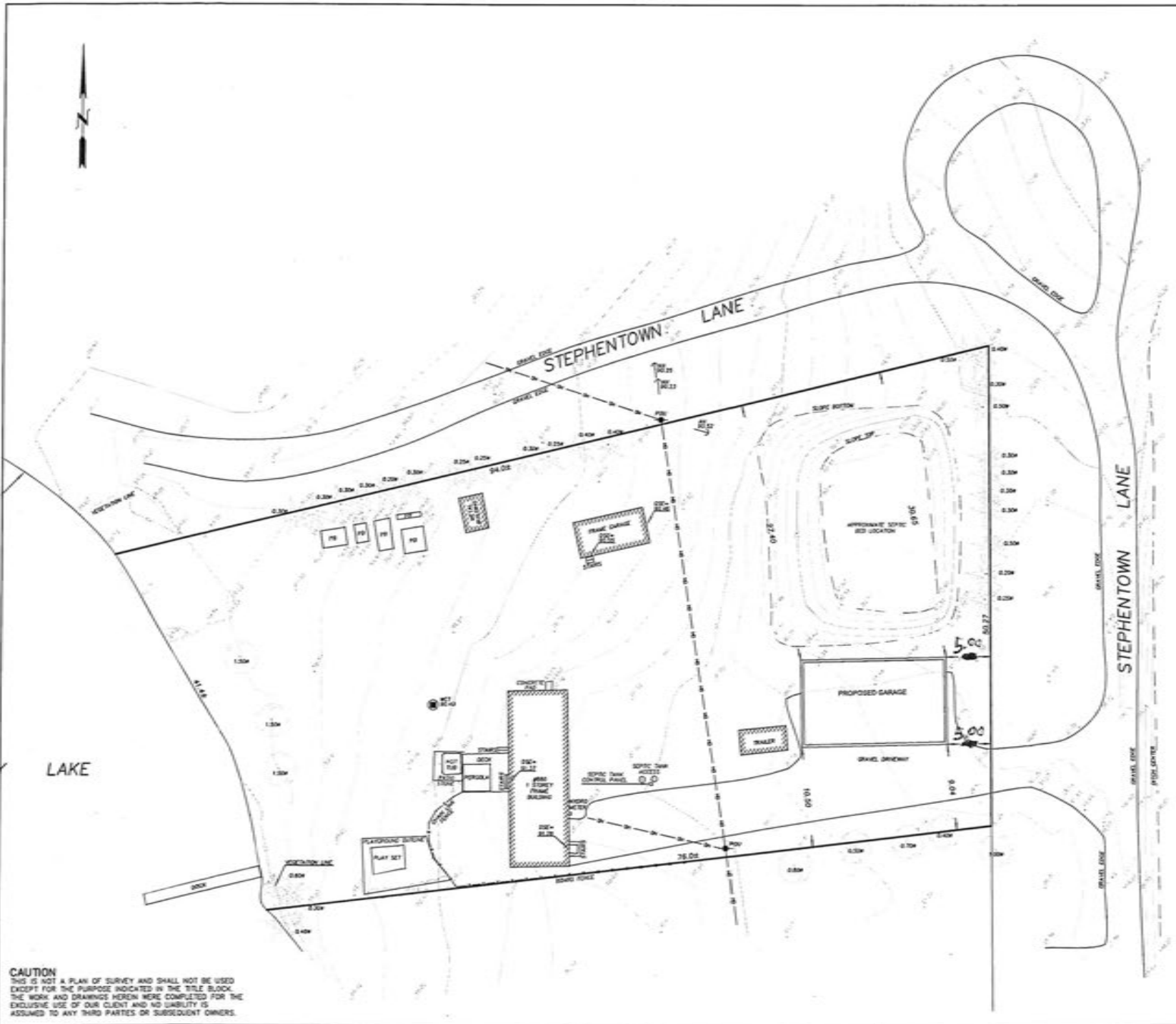
Schedule E - Exception Overlay
 Legacy Exceptions (LXXX)
 Exceptions (EXXX)
Schedule F - Holding Overlay
 Holding Overlay (HXXX)



Prepared By: gronan
Date: Aug-08-2022

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SITE PLAN/GRADING PLAN OF
880 STEPHENTOWN LANE
CITY OF KINGSTON
 GEOGRAPHIC TOWNSHIP OF PITTSBURGH
 SCALE 1:250
 0 1 2 3 4 5 10 15

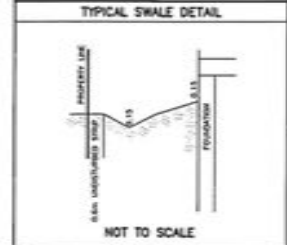
- GENERAL NOTES**
1. GENERALLY DRIVEWAY TO BE LOCATED TO MAXIMIZE SHEET FLOW DRAINAGE FROM HOUSE, DRIVEWAY, ETC.
 2. GENERALLY DRIVEWAYS TO BE GRADED WITH 2% MIN. CROSS FALL.
 3. WHERE DITCHING IS REQUIRED, 8 IN MINIMUM 450MM LD-HED EQUIV. COPIES ARE TO BE INSTALLED UNDER PROPOSED DRIVEWAYS.
 4. GENERALLY HOUSE TO BE CONSTRUCTED UPON A 300MM (MIN. VERTICAL) APRON WITH THE TOE OF THE APRON MEETING EXISTING GRADE OF LOT.
 5. GRADING OF THE APRON (I.E. WITHIN 2.4 M OF THE BUILDING) SHOULD BE MAINTAINED AT STANDARD GRADE OF BETWEEN 2% AND 5% (MIN).
 6. AREAS DISTURBED BY LOT GRADING SHALL BE LIMITED TO THOSE AREAS NECESSARY TO CONSTRUCT HOME, DRIVEWAY & SEPTIC BED.
 7. DOWNSPOUTS TO BE CONSTRUCTED TO SPLASH BLOCKS.
 8. MAINTAIN MINIMUM 1.25M COVER FOR FOOTINGS.
 9. STEP FOOTINGS WHERE REQUIRED.
 10. DRIVEWAYS TO DRAIN TO STREET.
- UNDERSIDE OF FOOTING MAY BE LOWER THAN ELEVATION NOTED DUE TO EXISTING CONDITIONS. EXACT DEPTH OF FOOTING TO BE DETERMINED ON SITE DURING EXCAVATION FOR FOOTING.

PLAN NOTES

ELEVATIONS ARE GEODETIC AND REFERRED TO THE CANADIAN GEODETIC VERTICAL DATUM (CGVD08) BY DIRECT MEASUREMENT TO A REAL TIME NETWORK. DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE METRIC AND CAN BE CONVERTED TO IMPERIAL BY DIVIDING BY 0.3048.

PROPERTY DIMENSIONS SHOWN HEREIN ARE IN ACCORDANCE WITH BM SURVEYORS RECORDS (PROJECT NUMBER A-462005).

CONTOURS SHOWN HEREIN ARE DRAWN AT 0.20 METRE INTERVALS.



LEGEND

FFE	FIRST FLOOR ELEVATION	SWALE DRAINAGE	SWALE DRAINAGE
TFE	TOP OF FINISH FLOOR ELEVATION	SWALE JOINDER	SWALE JOINDER
SFE	SECOND FLOOR ELEVATION	WATER/SEWER HOLE	WATER/SEWER HOLE
LF	LINE OF FOOTING ELEVATION	CB	CATCH BASIN
EX	EXISTING SPOT ELEVATION	UPV	UTILITY POLE
W	WATER	WV	WATER VALVE
SE	SEWER	EP	ELECTRIC
WV	WATER VALVE		
EP	ELECTRIC		

SITE STATISTICS

	EX.	PROP.	TOTAL
ZONING	RR-10-H		
LOT AREA	3703.8m ²		
BUILDING AREA	171.2m ²	109.4m ²	311.5m ²
LOT COVERAGE	4.6%	2.9%	8.4%
BUILDING HEIGHT			0
NUMBER OF STOREYS			0

CAUTION
 THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED EXCEPT FOR THE PURPOSE INDICATED IN THE TITLE BLOCK. THE WORK AND DRAWINGS HEREIN WERE COMPLETED FOR THE EXCLUSIVE USE OF OUR CLIENT AND NO LIABILITY IS ASSUMED TO ANY THIRD PARTIES OR SUBSEQUENT OWNERS.

IBW SURVEYORS
 1800.847.2938
 PART 1 SHEET 1 OF 1 DRAWN BY: [Name] CHECKED BY: [Name]
 FILE NAME: A-10000-001 DATE PLOTTED: 2022-08-08



**City of Kingston
Supplemental Report to Committee of Adjustment
Report Number COA-22-078**

To: Chair and Members of the Committee of Adjustment
From: Jason Partridge, Planner
Date of Meeting: October 17, 2022
Subject: Supplemental Report
File Number: D13-043-2022
Address: 880 Stephentown Lane
Owner: Steve Carquez and Robyn Woodford-Carquez
Applicant: Steve Carquez

Council Strategic Plan Alignment:

Theme: Policies & by-laws

Goal: See above

Executive Summary:

This Supplemental Report provides changes to the recommended conditions (Exhibit A) to the proposed front yard accessory building described in COA-22-067. No other changes to the report are proposed at this time.

October 17, 2022

Page 2 of 5

Recommendation:

That paragraph 5 of the recommendation in Report COA-22-067, be deleted and replaced with the following:

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-22-078

October 17, 2022

Page 3 of 5

Authorizing Signatures:

ORIGINAL SIGNED BY PLANNER

Jason Partridge, Planner

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

Tim Park, Director, Planning Services

James Bar, Manager, Development Approvals

October 17, 2022

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Options/Discussion:

This Supplemental Report provides changes to the recommended conditions described in COA-22-067 report, an application for minor variance for the property located at 880 Stephentown Lane, to the construct a front yard accessory building.

The proposed front yard minor variance Report Number COA-22-067 was brought forth to the Committee of Adjustment on September 19, 2022. The minor variance application was reviewed by the committee and deferred for staff to review the archaeological assessment condition located in the Notice of Decision.

At its September 19th Committee of Adjustment meeting, the Committee passed the following motion:

Moved by Mr. Lightfoot

Seconded by Mr. Cinanni

That Report Number COA-22-067 be deferred to no later than December 12, 2022 to allow staff to visit the property in regards to the archeological assessment requirement.

Carried

A site visit was conducted on October 5, 2022, by Planning Services staff. Staff reviewed the soil conditions surrounding the proposed accessory building and the proximity of the septic field to proposed front yard accessory building.

Planning Services is recommending that a new archaeological assessment clause to be included in Exhibit A. The new condition recognizes the area of the site that is developable outside of the 30 metre waterfront setback, as well as other constraints to building location and scopes the assessment to the area required to accommodate the proposed detached accessory building. This approach was found to be reasonable by staff in order to allow the development to proceed in an orderly manner that satisfies all local and provincial criteria.

This additional information does not change the planning opinion contained within Report Number COA-22-067.

No other changes to the report are proposed at this time.

Existing Policy/By-Law:

Please refer to Report Number COA-22-067.

Notice Provisions:

Please refer to Report Number COA-22-067.

October 17, 2022

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Accessibility Considerations:

None

Financial Considerations:

None

Contacts:

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

Jason Partridge, Planner 613-546-4291 Ext 3216

Other City of Kingston Staff Consulted:

None

Appendix

Exhibit A - COA-22-067 Recommended Conditions (original Exhibit A)

Amended Recommended Conditions

Application for minor variance, File Number D13-043-2022

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

1. Limitation

That the approved minor variance applies only to the subject lands located at 880 Stephentown Lane for the proposed front yard one storey accessory building as shown on the approved drawings attached to the notice of decision.

2. No Adverse Impacts

The owner/applicant shall demonstrate to the satisfaction of the City that there are no adverse impacts on neighbouring properties as a result of any modifications to on-site grading or drainage.

3. Building Permit Application Requirements

The owner/applicant shall provide to the Building Services a copy of the decision of the Committee of Adjustment, together with a copy of the approved drawings, when they make application for a Building Permit.

The drawings submitted with the Building Permit application must, in the opinion of the City, conform to the general intent and description of the approved drawing(s), including any amendments and conditions approved by the Committee of Adjustment, as stated in the decision. It must be noted that additional planning approvals may be required should further zoning deficiencies be identified through the Building Permit application process.

4. Archaeological Condition

Prior to the issuance of a Building Permit, a scoped Archaeological Assessment is required for the building footprint of the proposed detached garage as the property is flagged in the Archaeological Master Plan as having composite archaeological potential. This assessment must be completed by an archaeologist licensed in the Province of Ontario. Importantly, the scoped Archaeological Assessment must also be accepted by the Province of Ontario. If the scoped Archaeological Assessment is not accepted, then an Archaeological Assessment (beginning with Stage One assessment) for the entire property will be required.

Please provide copies of the assessment report(s) and correspondence from the Ministry of Heritage, Sport, Tourism, and Culture Industries to City Heritage Services staff, prior to any ground disturbance. 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.

Committee of Adjustment
Public Meeting
File Number: D13-053-2022
Presented by:

C. Forrest
882 Rowantree Crescent
Kingston, ON [REDACTED]

October 17, 2022

Background Information

Background to the proposed application under File number D13-053-2022 under review by the Committee of Adjustment including:

- I am an immediate neighbour to the applicant and have owned and lived at my property for 36 years;
- Approximately eighteen (18) months ago the applicant in a social setting, shared their 'conceptual renderings' on their iPad. The 'conceptual renderings' in our opinion, we felt the proposed design was impracticable;
- The applicant continually references that the new proposed deck is the same height as the original deck and does not impact us. The original deck was on the north side of their property and nowhere near our property sight line. The original deck was falling apart and was removed over five (5) years ago;
- The new deck according to the bylaws for a height of 1.2 meters above the finished grade level, exceeds the permitted area of 30 square meters; also requiring a 42" railing; the railing and request for height alone is approximately 110 inches; approx. 36" (3 ft) above the permissible height of the six (6) foot fence between our properties; which also grades downward making the height above the fence line even greater at the bottom of our yard;
- Proposed variance is approximately 80% greater than the requirement under By-Law Number 2022-62 Section 4.20.4.1; Requirement – 30 square metres, proposed – 53.9 metres; variance requested – **23.9 metres (80% increase)**;

Background Information – cont'd

- The applicant is permitted to construct a 30 square meter deck with a height greater than 1.2 meters at the **rear of the dwelling**;
- The applicants advised us that the original height according to the approved building permit was to be 2.5 feet high and blamed the error on their engineer for not factoring in the grade;
- The planning act requires a minor variance to comply with four (4) tests:
 1. Is it consistent with the policies of the Official Plan – **Planner T. Fisher advised via email that the official plan is addressed**
 2. Is it in keeping with the intent of the zoning by-law – **it does not, the height is extremely high and very close to our property line, higher than Bayridge Drive and severely impacts our privacy**
 3. Is it minor in nature – **in my opinion the variance 'is too large' (80% increase); primary issue is privacy**
 4. Is it appropriate and desirable development – **not desirable and sets a precedent of impeding on privacy and does not encourage citizens to follow the principles of the bylaws.**

Proceeding an objection

Chronological events:

- August 27, 2022 – applicant advised that there was an error made by the engineer and the deck was built too high, going forward with a variance application and asked if we would support – we advised that we would not as the deck was far too high.
- September 6th and 8th - phoned the City Planning office and left two voice messages - **no response received**
- September 8, 2022 - emailed City Planning office on September 8, 2022 – **no response received**
- September 23, 2022 - follow up by another email – received a response from Tim Fisher, Planner assigned, followed up with a phone call and Tim advised of the October 17th meeting and that a notice would follow in the mail
- September 28, 2022 - emailed Tim Fisher asking if my interpretation of the bylaws was correct and seeking further clarification – **received no response**
- September 28, 2022 – contacted local **City Ward Councilor** – was advised that I write the committee asking that they amend the approval in such a way that the overlook is reduced and to provide pictures showing the effect on privacy and the impact to property value;
- October 4, 2022 - received Notice of a Public Meeting (by mail) – documents due to the committee by October 14
- October 8, 2022 - sign of Notice of a Public Meeting installed on Applicant's lawn.

Evidence

Views from our home and without the 42" railing.



Opposition and Closing Remarks

To provide comments for opposition to the proposed application under File number D13-053-2022 including:

- Request a decision by the committee to deny the application or reduce either way requiring the applicant to modify or remove the structure;
- The proposed deck extends halfway down our property line and overlooks our backyard and leaves us with no privacy and potentially impacts the resale value;
- We understand the grade is higher on the applicant's property but approving a height and area that exceeds the permissible bylaw limit only exasperates the issue for us;
- The Committee has an opportunity to address the egregious situation of our privacy and the negative impact on our property and enforce the established bylaws;
- As neighbours we were never pleased with the proposed additions however, we put trust in the system (City bylaws/processes) that it would be built at least according to existing bylaws;