



**City of Kingston
Report to Committee of Adjustment
Report Number COA-22-068**

To: Chair and Members of the Committee of Adjustment
From: Riccardo Peggi, Planner
Date of Meeting: October 17, 2022
Application for: Minor Variance
File Number: D13-052-2022
Address: 813 Victoria Street
Owner: James Bridges
Applicant: John Wright, IR Contracts

Council Strategic Plan Alignment:

Theme: Regulatory & compliance

Goal: See above

Executive Summary:

This report provides a recommendation to the Committee of Adjustment regarding an application for minor variances for the property located at 813 Victoria Street. The applicant is proposing to replace an existing garage with a new 79.8 square metre accessory building which includes a new garage with a rooftop amenity space, and a personal gym. Relief is required from the maximum height and lot coverage provisions for accessory structures in Zoning By-Law 2022-62.

The requested minor variances are consistent with the general intent and purpose of the City of Kingston Official Plan, and Zoning By-Law Number 2022-62. 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.

October 17, 2022

Page 2 of 10

Recommendation:

That minor variance application, File Number D13-052-2022, for the property located at 813 Victoria Street to replace an existing garage with a new 79.8 square metre accessory building which includes a new garage with a rooftop amenity space, and a personal gym, be approved, as described below:

Zoning By-Law Number 2022-62:

Variance Number 1B: Maximum Height for an Accessory Structure

By-Law Number 2022-62: Section 4.1.2.3

Requirement: 4.6 metres

Proposed: 4.9 metres

Variance Requested: 0.3 metres

Variance Number 2B: Maximum Lot Coverage for Accessory Structures

By-Law Number 2022-62: Section 4.1.2.2

Requirement: 10% of lot size, 40.5 square metres

Proposed: 19.7% of lot size, 79.8 square metres

Variance Requested: 9.7%, 39.8 square metres

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-22-068.

October 17, 2022

Page 3 of 10

Authorizing Signatures:

ORIGINAL SIGNED BY PLANNER

Riccardo Peggi, Planner

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

Tim Park, Director, Planning Services

James Bar, Manager, Development Approvals

October 17, 2022

Page 4 of 10

Options/Discussion:

On August 26, 2022, a minor variance application was submitted by John Wright, IR Contracts, on behalf of the owner, James Bridges, with respect to the property located at 813 Victoria Street. The variances are requested to replace an existing garage with a new 79.8 square metre accessory building which includes a new garage with a rooftop amenity space, and a personal gym.

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

- Site Plan (Exhibit F)
- Property Survey
- Owner Authorization
- Planning Justification

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 the southeast corner of Victoria Street and Dorrance Street in the Kingscourt Neighbourhood. The surrounding lands are generally developed with low-density residential. The property is 405 square metres in size and is rectangular in shape, with 12.4 metres of frontage along Victoria Street and 33.4 metres of frontage along Dorrance Street.

The subject property is designated Residential in the Official Plan, and zoned Urban Residential Type 13 in the Kingston Zoning By-Law. Permitted residential uses on the property include single detached dwellings and duplexes.

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

October 17, 2022

Page 5 of 10

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 application meets the intent of Section 2 of the Official Plan and the strategic direction to focus growth within the Urban Boundary. The existing single-detached dwelling is consistent with the low-density residential uses in the area. The accessory building use is permitted by the zone and is compatible with adjacent development in terms of the proposed built form.

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 proposal has been reviewed against the land use compatibility matters listed in Section 2.7 of the Official Plan. The variance to the maximum height of the building is negligible and is not anticipated to result in adverse effects to surrounding neighbours. The increased lot coverage is also not anticipated to cause any adverse impacts as the property complies with landscaped open space requirements, and the building appears to be architecturally compatible with the neighbourhood.

Although the proposed accessory structure complies with the minimum interior yard setback requirement, staff had concerns that the sightlines from the rooftop deck had the potential for intrusive overlook to the neighbour's backyard. This concern was communicated to the applicant and the proposal was amended to stepback the deck by 2 metres from the edge of the building.

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 garage is proposed to have one parking space located within the building, with room for a second car to be parked in tandem on the external driveway. Site access will be on the existing driveway.

October 17, 2022

Page 6 of 10

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.

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 within the urban boundary and utilizes both municipal water and wastewater services. The proposed development has been reviewed by all relevant City departments through technical review and adequate servicing has been confirmed.

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

The application and cumulative impact of the proposal does not warrant a zoning by-law amendment.

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

The Committee of Adjustment may require additional conditions as it deems appropriate to the approval of the application. Recommended conditions are listed in "Exhibit A - Recommended Conditions", attached to this document. Conditions may be added, altered or removed at the Committee's discretion.

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

It is not anticipated that an undesirable precedent may be set through the approval of the requested variance.

October 17, 2022

Page 7 of 10

The proposal meets the intent of the Official Plan, as the proposed accessory structure and rooftop patio 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 Urban Residential Type 13 in the Kingston Zoning By-Law. Permitted residential uses in UR13 zone includes single detached dwellings and duplexes.

The proposal requires a variance to the maximum height and maximum lot coverage, both relating to accessory structures.

Variance Number 1: Maximum Height for an Accessory Structure

By-Law Number 2022-62: Section 4.1.2.3
 Requirement: 4.6 metres
 Proposed: 4.9 metres
 Variance Requested: 0.3 metres

The proposed building exceeds the maximum height provision because of an architectural flourishing which also functions as a screen from Dorrance Street. Building heights are measured from the finished grade to the highest point of the building. Without the added screen, the height of the building would be within the maximum permitted for accessory structures. Further, the building only exceeds the maximum height by 0.3 metres which staff consider to be a negligible increase.

Variance Number 2: Maximum Lot Coverage for Accessory Structures

By-Law Number 2022-62: Section 4.1.2.2
 Requirement: 10% of lot size, 40.5 square metres
 Proposed: 19.7% of lot size, 79.8 square metres
 Variance Requested: 9.7%, 39.8 square metres

The purpose of the maximum lot coverage for accessory structures provision is to ensure that accessory structures are smaller in size compared to the primary use of the property, and to ensure that there is sufficient landscaped open space. The existing dwelling on the property has a footprint of 112 square metres while the proposed accessory structure is 79.8 square metres. The accessory structure will remain smaller than the existing single detached dwelling, while providing a garage and amenity space.

Added together, the buildings and driveway will cover approximately 53.8% of the subject property, which leaves landscaped open space of 46.1%. The landscaped open space provided will greatly exceed the minimum of 30% required for the property.

3) The variance is minor in nature

The requested variance to permit the new detached garage is considered minor in nature and will not set an undesirable precedent. The permitted uses on-site are not proposed to

October 17, 2022

Page 8 of 10

change as a result of the application. The setbacks for the accessory structure are appropriate, and the accessory structure will remain smaller in size to the primary use on the property. There are no compatibility issues associated with the proposed accessory structure.

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

The variance is desirable and appropriate use of the land. The accessory structure, while larger than the maximum lot coverage, remains smaller than the primary use of the land. The applicant is not proposing to vary the minimum landscaped open space requirements for the property. The setbacks comply with the City of Kingston Zoning By-Law and are deemed to be appropriate. The accessory structure will add an additional parking space as well as some indoor and rooftop amenity area for the owner.

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 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 checked="" type="checkbox"/> Municipal Drainage | <input type="checkbox"/> Parks of the St. Lawrence |
| <input type="checkbox"/> CRCA | <input type="checkbox"/> KFL&A Health Unit | <input type="checkbox"/> Trans Northern Pipelines |
| <input type="checkbox"/> Parks Canada | <input type="checkbox"/> Eastern Ontario Power | <input type="checkbox"/> CFB Kingston |
| <input type="checkbox"/> Hydro One | <input type="checkbox"/> Enbridge Pipelines | <input type="checkbox"/> TransCanada Pipelines |
| <input type="checkbox"/> Kingston Airport | | |

Technical Comments

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

Public Comments

At the time this report was finalized, no public comments have been received. Any public comments received after the publishing of this report will be included as an addendum to the Committee of Adjustment Agenda.

Previous or Concurrent Applications

There are no concurrent or relevant historic planning applications on the subject property.

October 17, 2022

Page 9 of 10

Conclusion

The requested variances maintain the general intent and purpose of both the City of Kingston Official Plan, and Zoning By-Law Number 2022-62. The proposal is desirable for the appropriate development or use of the land, building or structure and the requested variance 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 construction of an accessory building on the property which includes a new garage with a rooftop amenity space, and a personal gym.

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 2022-62

Notice Provisions:

A Committee of Adjustment Meeting is going to be held respecting this application on October 17, 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 64 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

October 17, 2022

Page 10 of 10

Contacts:

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

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

Other City of Kingston Staff Consulted:

None

Exhibits Attached:

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

Recommended Conditions

Application for minor variance, File Number D13-068-2022

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

1. Limitation

That the approved minor variance applies only to the 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. Standard Archaeological Condition

In the event that deeply buried or previously undiscovered archaeological deposits are discovered in the course of development or site alteration, all work must immediately cease and the site must be secured. The Program and Services Branch of the Ministry of Heritage, Sport, Tourism and Culture Industries (416-314-7132) and City of Kingston's Planning Services (613-546-4291, extension 3180) must be immediately contacted.

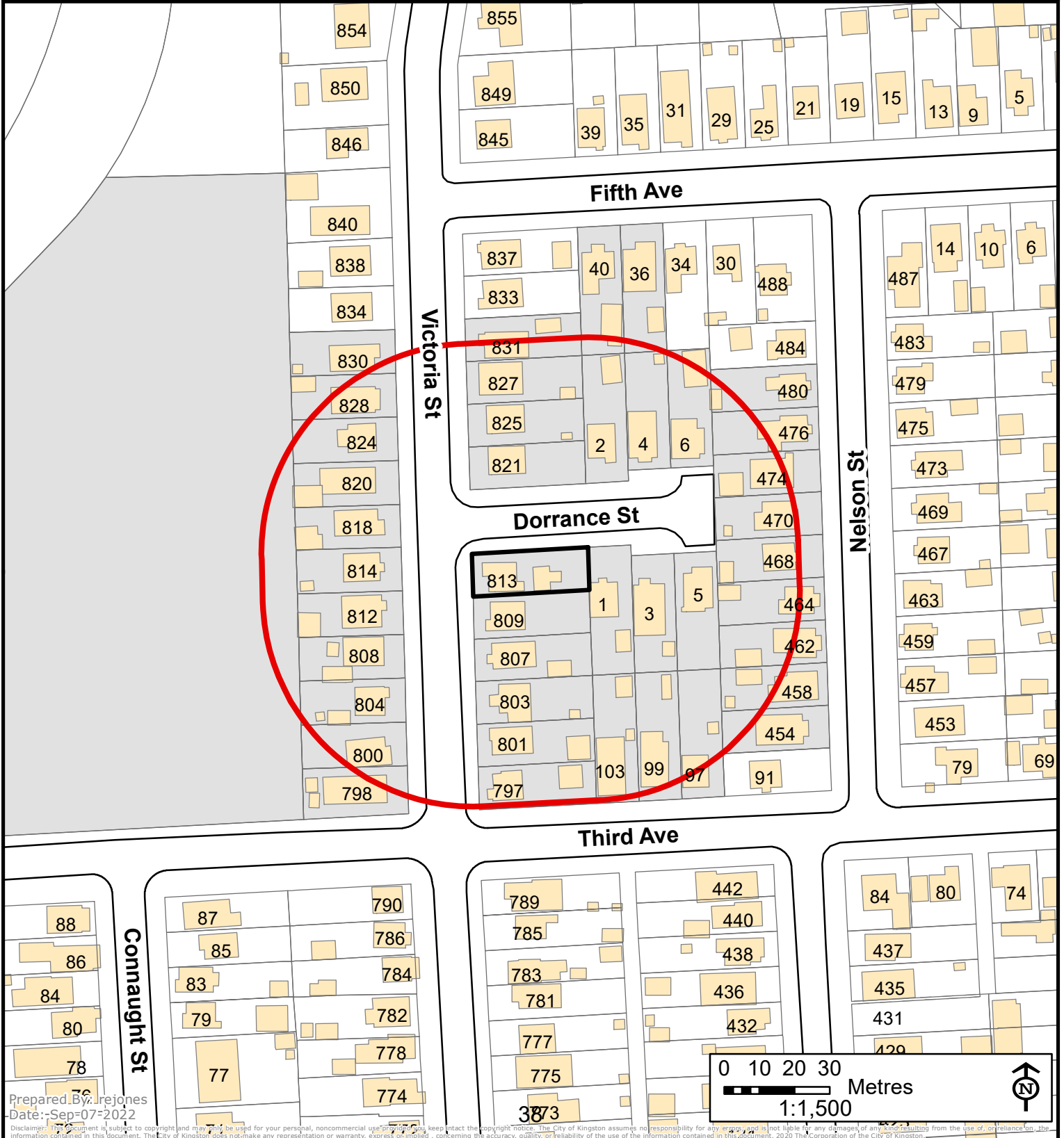
In the event that human remains are encountered, all work must immediately cease and the site must be secured. The Kingston Police (613-549-4660), the Registrar of Cemeteries at the Ministry of Government and Consumer Services (416-212-7499), the Program and Services Branch of the Ministry of Heritage, Sport, Tourism and Culture Industries (416-314-7132), and City of Kingston's Planning Services (613-546-4291, extension 3180) must be immediately contacted.



Committee of Adjustment Public Notice Notification Map

Address: 813 Victoria Street
File Number: D13-052-2022

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



Prepared By: J. Rejones
Date: Sep=07=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.

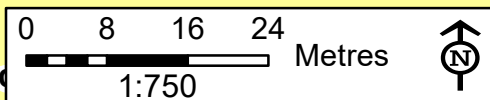


Planning Services

Committee of Adjustment Official Plan, Existing Land Use

Address: 813 Victoria Street
File Number: D13-052-2022

-  Subject Lands
-  OPEN SPACE
-  RESIDENTIAL





Planning Services

Planning Committee
Reference Kingston Zoning Bylaw

Address: 813 Victoria Street
File Number: D13-052-2022

Subject Lands
Schedule 1 Zoning Map
Zone

Schedule E - Exception Overlay
Legacy Exceptions (N/A)
Exceptions (N/A)
Schedule F - Holding Overlay
Holding Overlay (N/A)

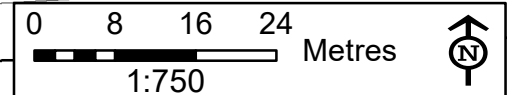


OS2

UR13

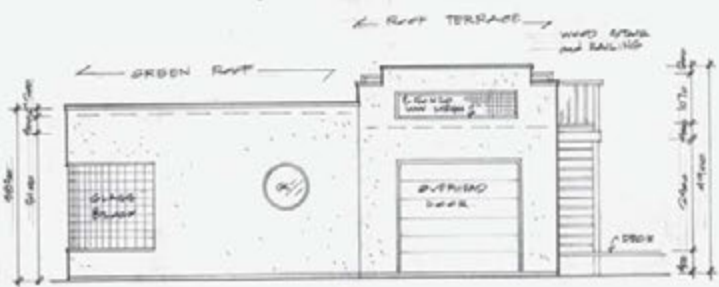
Victoria St

Dorrance St

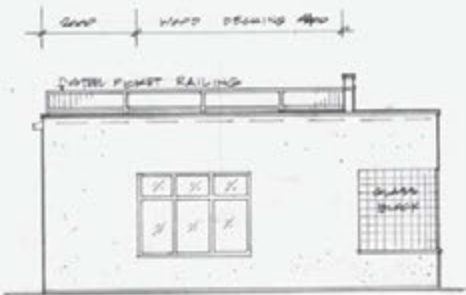


Prepared By: rejonas
Date: Sep-07-2022

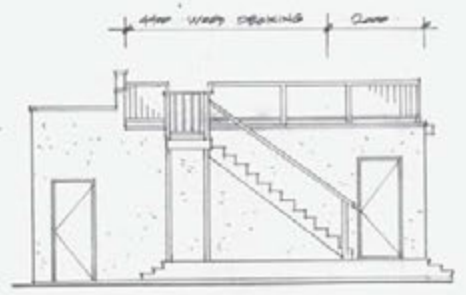
Disclaimer: This document is subject to copyright and may only be used for your personal, noncommercial use provided you keep intact the copyright notice. The City of Kingston assumes no responsibility for any errors, and is not liable for any damages of any kind resulting from the use of, or reliance 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.



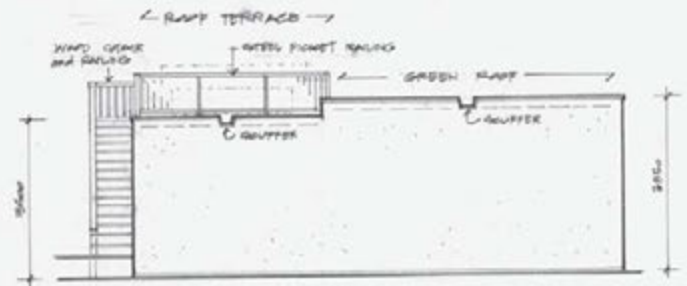
NORTH ELEVATION 116



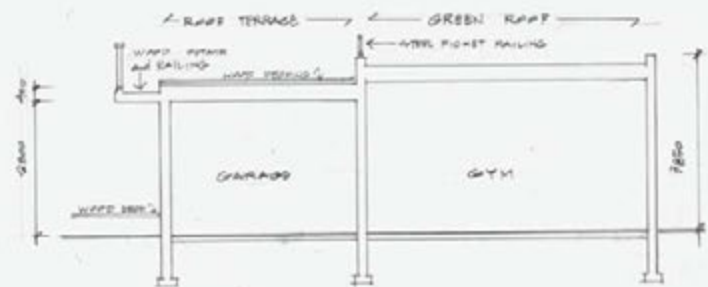
EAST ELEVATION 116



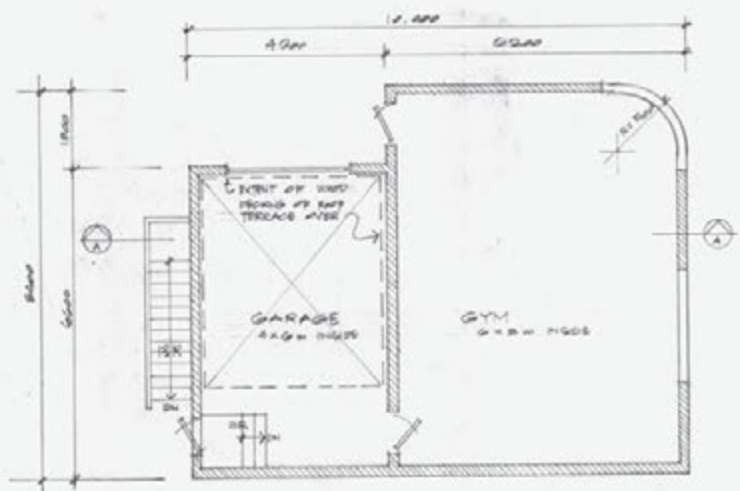
WEST ELEVATION 116



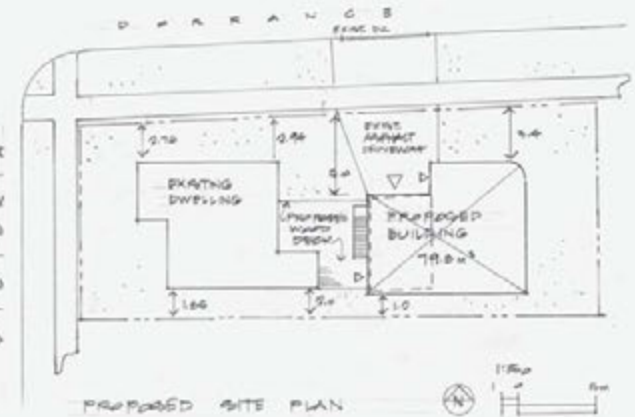
SOUTH ELEVATION 116



SECTION A-A 116



FLOOR PLAN 116



NO.	REVISION	DATE
1	NOTES RE: ROOF TERRACE IN ACC. SUBMITTALS OR FOR PER. GRACE	
815 VICTORIA ST. KINGSTON ON		
PROPOSED GARAGE + GYM		
I.R. CONTRACTS INC. 285 RIDGEMOUNT ST. KINGSTON ON		
AUGUST 2002	SK-1	





Committee of Adjustment
Neighbourhood Context (2021)

Address: 813 Victoria Street
File Number: D13-052-2022

- Subject Lands
- Property Boundaries
- Proposed Parcels

