

City of Kingston Report to Committee of Adjustment Report Number COA-22-080

To: Chair and Members of the Committee of Adjustment

From: Sarah Oldenburger, Planner

Date of Meeting: November 21, 2022

Application for: Minor Variance

File Number: D13-047-2022

Address: 636 MacDonnell Street

Owner: Samuel Browne Applicant: Samuel Browne

Council Strategic Plan Alignment:

Theme: 2. Increase housing affordability

Goal: See above

Executive Summary:

This report provides a recommendation to the Committee of Adjustment regarding an application for minor variance for the property located at 636 MacDonnell Street. The applicant is proposing to replace the existing uncovered front porch and exterior stairs with a new covered front porch and uncovered exterior stairs.

The requested minor variance is consistent with the general intent and purpose of both the City of Kingston Official Plan and Kingston Zoning By-Law Number 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.

Page 2 of 11

Recommendation:

That minor variance application, File Number D13-047-2022, for the property located at 636 MacDonnell Street to replace the existing uncovered front porch and exterior stairs with a new covered front porch and uncovered exterior stairs, be approved, as described below:

By-Law Number 2022-62: Table 4.20.4.(2): Minimum front setback for a porch

Requirement: 3.5 metres Proposed: 2.4 metres Variance Requested: 1.1 metres

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-22-080.

Page 3 of 11

Authorizing Signatures:

ORIGINAL SIGNED BY PLANNER

Sarah Oldenburger, Planner

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

Tim Park, Director, Planning Services

Meghan Robidoux, Supervisor, Development Approvals

Page 4 of 11

Options/Discussion:

On August 2, 2022, a minor variance application was submitted by the owner, Samuel Browne, with respect to the property located at 636 MacDonnell Street. The variance is requested to replace the existing uncovered front porch and exterior stairs with a new covered front porch and uncovered exterior stairs.

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

- Site Plan (Exhibit F);
- Floor Plans and Elevations (Exhibit G);
- Survey (Exhibit H); and,
- Cover Letter.

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

Site Characteristics

The subject property is located at 636 MacDonnell Street, just southwest of the intersection of Third Avenue and MacDonnell Street (two local roads). The property is located two lots south of Third Avenue Park.

The subject property is designated residential in the Official Plan and zoned "UR13" in Kingston Zoning By-Law Number 2022-62. The property abuts residential uses to the north and south, which are also in the UR13 zone, and a municipal road known as Leroy Grant Drive to the west.

Application

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

Provincial Policy Statement

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

Page 5 of 11

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

The subject property is designated Residential in the City of Kingston Official Plan.

In considering whether this proposed variance is desirable, the Committee of Adjustment will have regard to the nine requirements included in Section 9.5.19 of the Official Plan. The following provides these nine requirements and an assessment of how the proposal is consistent with each.

- 1. The proposed development meets the intent of Section 2 Strategic Policy Direction, and all other applicable policies of this Plan;
 - The subject property is designated "Residential" in Schedule 3A of the Official Plan.
 - The subject property is located within a Housing District as noted in Schedule 2 and this proposal does not seek a significant change that would impact the neighbourhood characteristics. The subject property is located in a stable area with well-established land use pattens in terms of density, types of use(s) and activity. The addition of a new covered front porch and uncovered exterior stairs will not negatively impact the neighbourhood.
- 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;
 - Section 2.7.3 discusses land use compatibility matters, including how structures on one property can affect an abutting property. This proposal to replace the existing uncovered front porch and exterior stairs with a new covered front porch and uncovered exterior stairs will not result in any negative off-site impacts to abutting properties. Due to the fact that the existing dwelling is well separated from the neighbouring properties, there is no threat of shadowing, loss of privacy due to intrusive overlook, increased levels of light pollution, noise, or odour anticipated as a result of the proposed covered front porch and uncovered exterior stairs. Eaves troughing has been included in the submitted elevations (Exhibit G) to ensure that stormwater is appropriately managed on the subject property. Further mitigation measures are not required.
- 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;
 - Section 2.7.6. discusses functional needs and supports only development proposals which meet the long-term needs of the residents. The proposed covered front porch is of suitable scale and will provide a more functional entrance to the existing residence. No interior changes are proposed to the existing single detached house at this time, or to the configuration of the existing driveway. The proposal will not negatively impact the functional needs of the current or future residents.

Page 6 of 11

- 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;
 - This proposal is not subject to Site Plan Control. The property is not within a Heritage Conservation District and is not located adjacent to any designated properties. The property is within an area of limited archaeological potential. As such, an archaeological assessment is not required.
- 5. If the site is designated under the *Ontario Heritage Act*, the application shall be reviewed by Heritage Kingston for approval. If the property is adjacent to a designated property under the *Ontario Heritage Act* or shown as a Heritage Area feature, or is affected by the protected views shown on Schedule 9 of this Plan, then a Heritage Impact Statement may be required to assist staff to determine if the resulting development is desirable;
 - The property is not designated under the *Ontario Heritage Act*, nor is it abutting listed or designed heritage properties.
- 6. The resulting development has adequate municipal water and sewage services within the Urban Boundary, or is capable of providing individual on-site water and sewage services outside the Urban Boundary;
 - The property uses municipal water and sewage services. As this application proposes to construct a covered front porch and uncovered stairs, no additional service usage is expected.
- 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 report. Conditions may be added, altered, or removed at the Committee's discretion.
- 9. The degree to which such approval may set an undesirable precedent for the immediate area.
 - The approval of the requested variance will not set an undesirable precedent for the immediate area, as it provides consideration for the existing configuration of the subject property and will apply only to the proposed front porch.

Page 7 of 11

The proposal meets the intent of the Official Plan, as the proposed covered front porch 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 "UR13" in Kingston Zoning By-law Number 2022-62 as amended. The UR13 zone permits the existing single detached house.

The proposal requires a variance to Table 4.20.4. as outlined below:

By-Law Number: 2022-62 Table 4.20.4.(2): Minimum front setback for a porch

Requirement: 3.5 metres
Proposed: 2.4 metres
Variance Requested: 1.1 metres

The purpose and intent of the minimum front setback for a porch in the zoning by-law is to mitigate the potential for privacy/overlook concerns that could result in a reduction of the ability to enjoy one's property; to prevent the potential for encroachment into the City owned right-of-way; and to maintain adequate landscaped open space and amenity space in the front yard.

The variance requested maintains the general intent and purpose of the by-law as the proposed covered front porch and exterior stairs are to replace an existing uncovered front porch and exterior stairs, which has not had any negative impacts on abutting properties or the surrounding neighbourhood. The proposed covered front porch is well separated from abutting properties such that there are no privacy/overlook concerns anticipated from the proposed new covered front porch. A distance of 2.4 metres will be maintained between the proposed covered porch and the front lot line, to prevent the potential for encroachment. The existing amenity area in the front yard will be unchanged as a result of the proposal and the minimum landscaped open space requirements of the zoning by-law will continue to be maintained.

The proposed exterior stairs are subject to Section 4.19.3 of the zoning by-law, which permits a minimum setback of 0.5 metres to any lot line for exterior stairs and their associated guards. As such, the proposed exterior stairs comply with the zoning by-law.

The general intent and purpose of Kingston Zoning By-Law Number 2022-62 is maintained.

3) The variance is minor in nature

The requested variance is considered minor as the deficient front yard setback for a porch already exists on the subject property. The only deviation from the location and size of the existing front porch is the proposed addition of a roof over the porch. The porch itself is proposed to remain the same size; however, to ensure that the porch is sufficiently covered, the proposed porch roof projects approximately 1.0 foot (or 0.3 metres) further

Page 8 of 11

into the required front setback. An eaves projection of up to 0.5 metres is permitted in accordance with Section 4.19.1.(8) of the zoning by-law.

The proposed covered porch complies with all other zone provisions, including maximum lot coverage for porches and decks (Table 4.20.4.(1)) and the required setback from a lot line for the proposed exterior stairs (Section 4.19.3). The proposal will not change the fundamental characteristics of the neighbourhood, as several houses on MacDonnell Street have covered front porches.

The proposed variance is considered minor in nature.

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

The requested variance is desirable and appropriate use of the land as the owner is seeking to replace the existing uncovered front porch and exterior stairs (which are in disrepair) with a covered front porch and uncovered exterior stairs. The covered front porch will provide a more functional entrance to the existing dwelling while also providing weather-protected outdoor amenity space. The proposed covered front porch is compatible with the surrounding neighbourhood, as a number of houses in the neighbourhood have covered front porches. The scale and design of the proposed covered front porch is appropriate for the dwelling size and the design is characteristic of the neighbourhood and surrounding decks/porches.

The variance is desirable and appropriate use of the land.

Technical Review: Circulated Departments and Agencies

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

Technical Comments

This application was circulated to external agencies and internal departments for their review and comment and there were no comments or concerns raised that would preclude this

Page 9 of 11

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

There are no concurrent or relevant historic planning applications on the subject property. Planning Staff are of the understanding that the applicant also intends to propose a rear addition and covered rear patio at a later date (as shown in Exhibit G), which has not been reviewed by Staff at this time per the applicant's request and may be subject to further *Planning Act* applications.

Conclusion

The requested variance(s) maintain(s) the general intent and purpose of both the City of Kingston Official Plan and Kingston Zoning By-Law Number 2022-62. The proposal is desirable for the appropriate development or use of the land, building or structure and the requested variance is minor in nature. As such, the proposed application meets all four tests under Subsection 45(1) of the *Planning Act* and the application is being recommended for approval, subject to the proposed conditions.

Approval of this application will replace the existing uncovered front porch and exterior stairs with a new covered front porch and uncovered exterior stairs.

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

Kingston Zoning By-Law Number 2022-62

Page 10 of 11

Notice Provisions:

A Committee of Adjustment Meeting is going to be held respecting this application on November 21, 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 32 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:

Meghan Robidoux, Supervisor, Development Approvals, 613-546-4291 extension 1256

Sarah Oldenburger, Planner, 613-546-4291 extension 3288

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 Map

Exhibit F Site Plan

Exhibit G Floor Plans and Elevation

Exhibit H Survey

Page 11 of 11

Exhibit I Neighbourhood Context Map (2021)

Recommended Conditions

Application for minor variance, File Number D13-047-2022

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

1. Limitation

That the approved minor variance applies only to the proposed new covered front porch and uncovered set of stairs 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 the site, including but not limited to on-site grading or drainage.

3. Encroachments

The owner/applicant shall demonstrate to the satisfaction of the City that there will be no encroachments onto neighbouring properties as a result of the proposed covered front porch and uncovered set of stair stairs.

4. Tree Permit

The owner/applicant will be required to submit a Tree Permit application to address tree preservation requirements for the city owned Norway maple in the boulevard area. Tree preservation requirements and/or conditions will be addressed through the permit.

5. 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.

6. Standard Archaeological Condition

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

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

Exhibit B Report Number COA-22-080 Victoria St Committee of Adjustment **Key Map** KINGSTON Address: 636 MACDONNELL ST Third Ave File Number: D13-047-2022 **Planning** Services First Ave Lands Subject to Minor Variance Concession St 648 642 Macdonna Third Ave 638 635 636 631 632 **Leroy Grant Dr** 629 630 627 628 625 624 623 622 619 620 0 14 21 618 Metres Prepared By: rejones Date: Sep-23-2022 1:750 175 61 / sumes no



Committee of Adjustment

Public Notice Notification Map

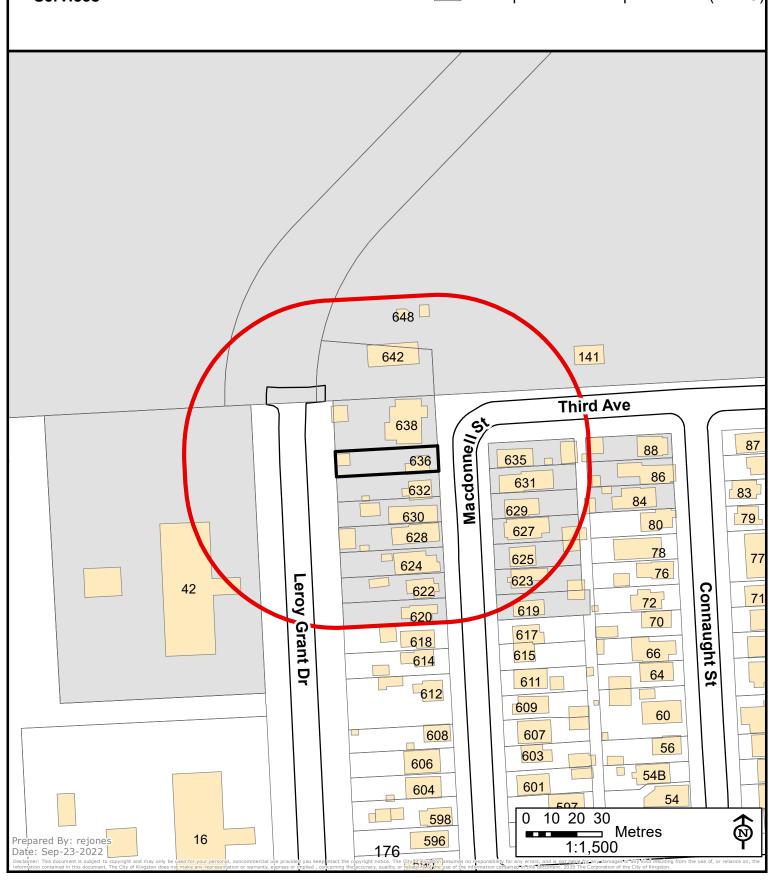
Address: 636 MACDONNELL ST File Number: D13-047-2022

60m Public Notification Boundary

Subject Lands

☐ Property Boundaries

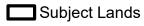
22 Properties in Receipt of Notice (MPAC)





Committee of Adjustment Official Plan, Existing Land Use

Address: 636 MACDONNELL ST File Number: D13-047-2022



BUSINESS PARK INDUSTRIAL

OPEN SPACE

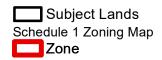
RESIDENTIAL





Planning Committee Reference Kingston Zoning Bylaw

Address: 636 MACDONNELL ST File Number: D13-047-2022



Schedule E - Exception Overlay

Legacy Exceptions (LXXX)

Exceptions (EXXX)
Schedule F - Holding Overlay

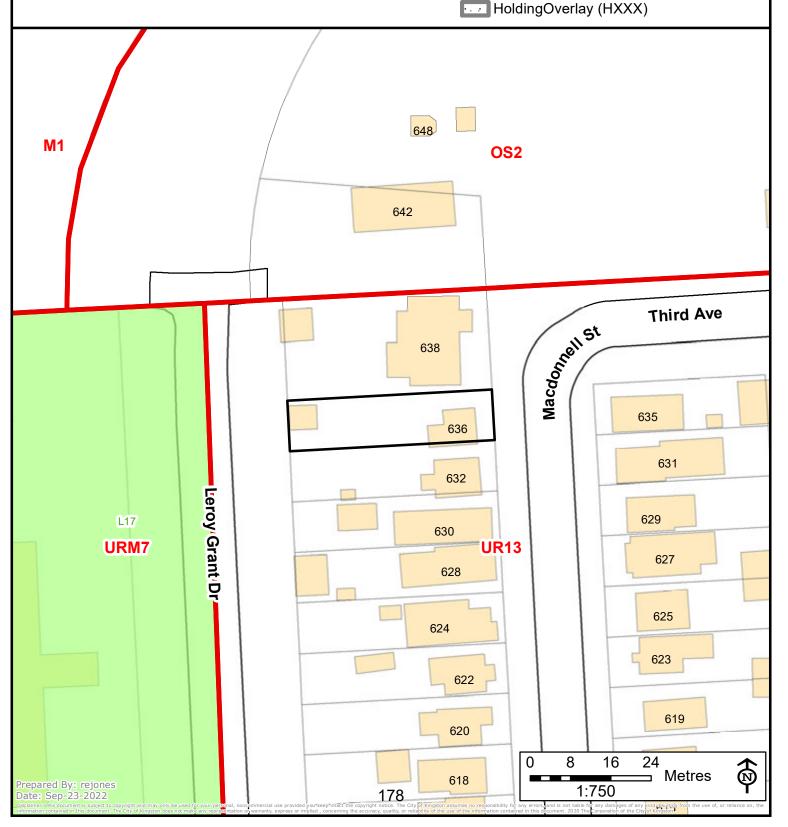


Exhibit F Report Number COA-22-080

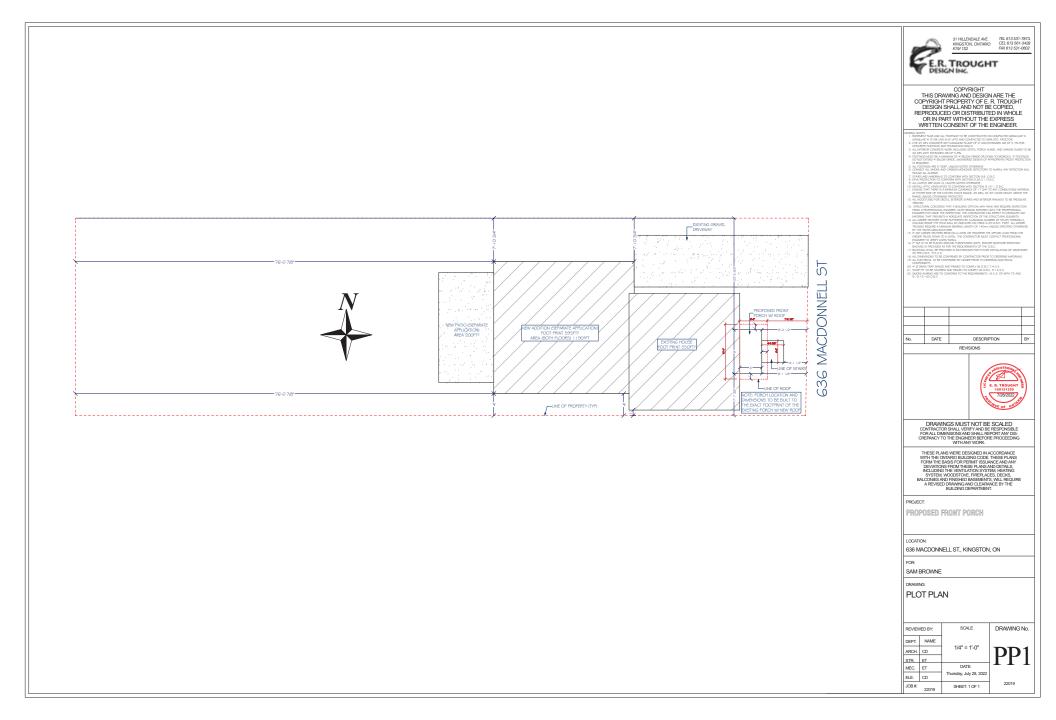


Exhibit G Report Number COA-22-080

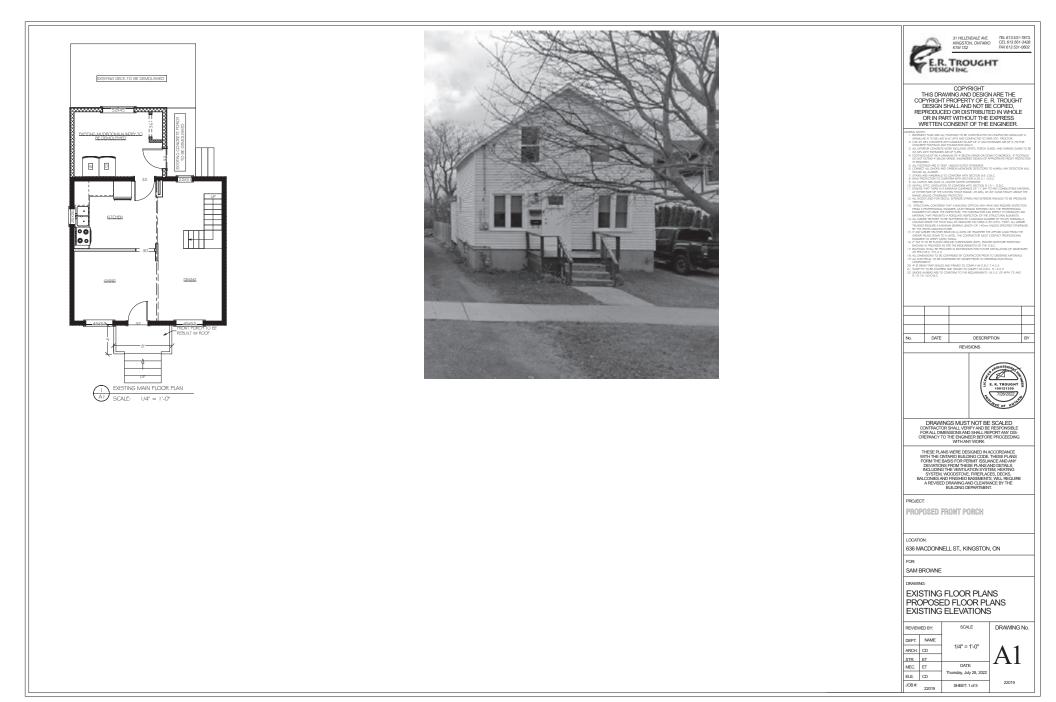


Exhibit G Report Number COA-22-080

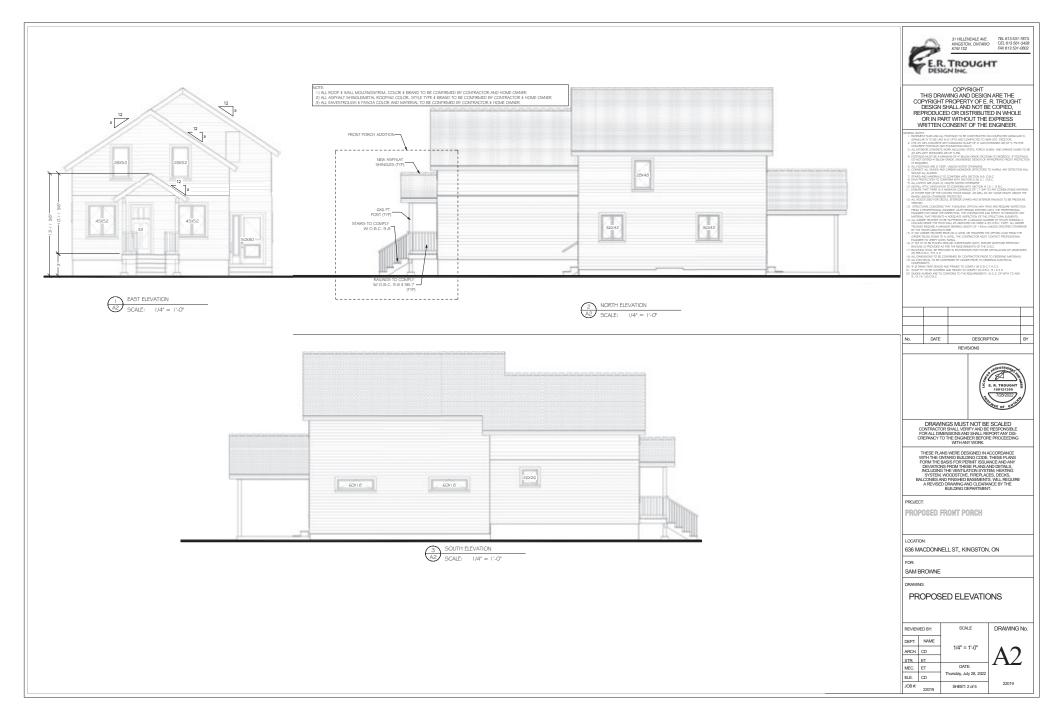


Exhibit G Report Number COA-22-080

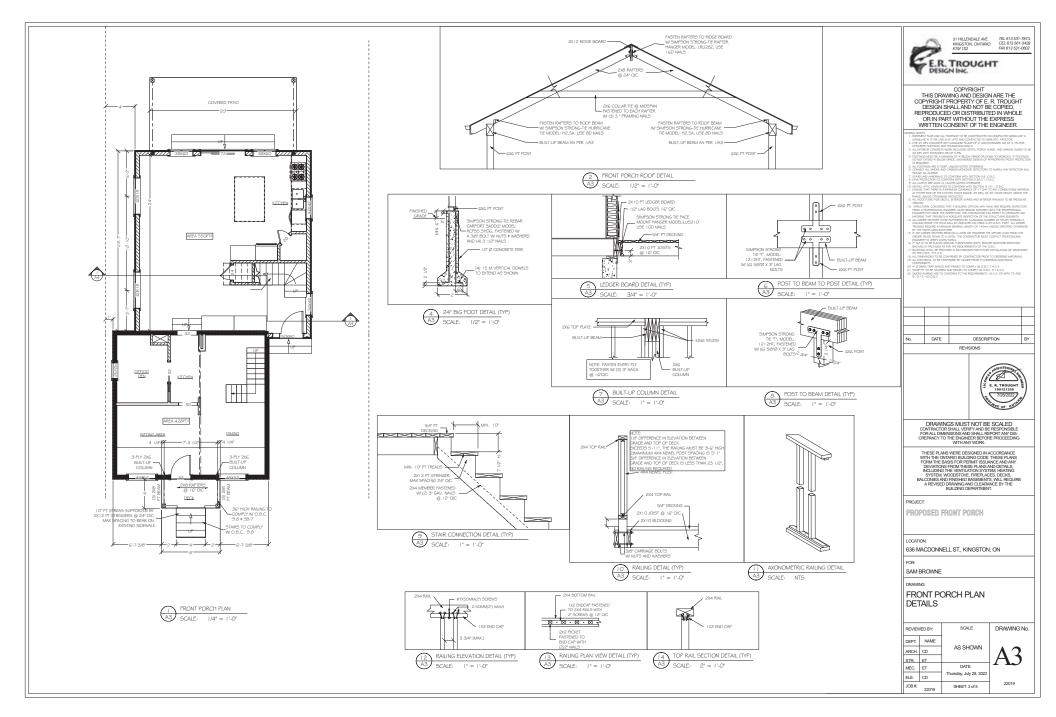


Exhibit G Report Number COA-22-080

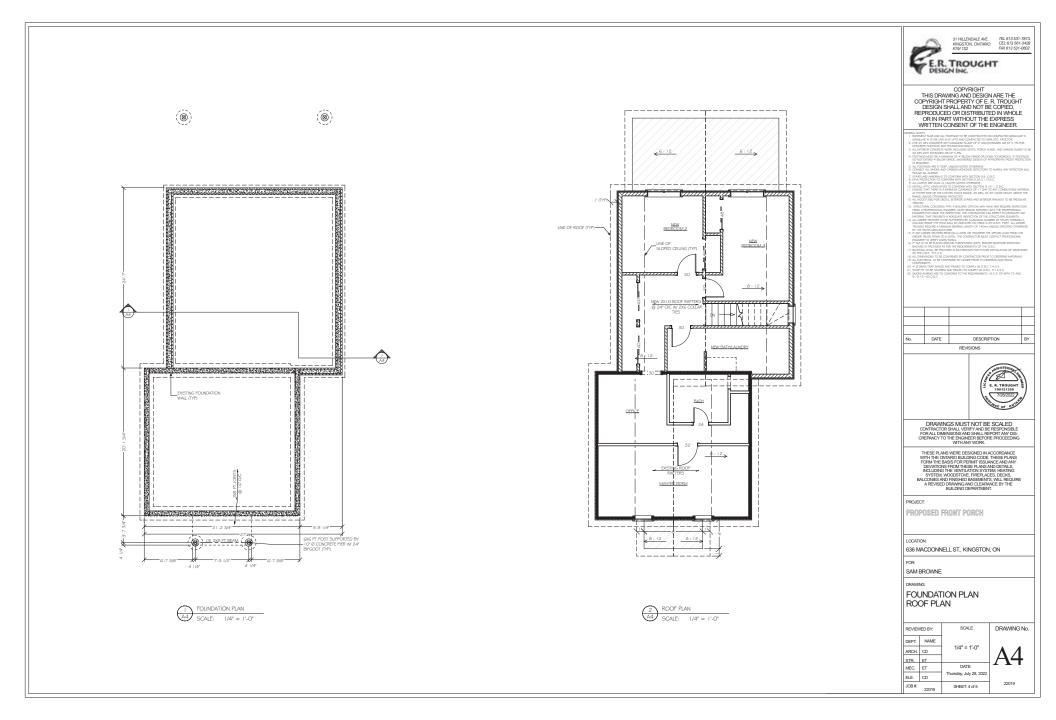
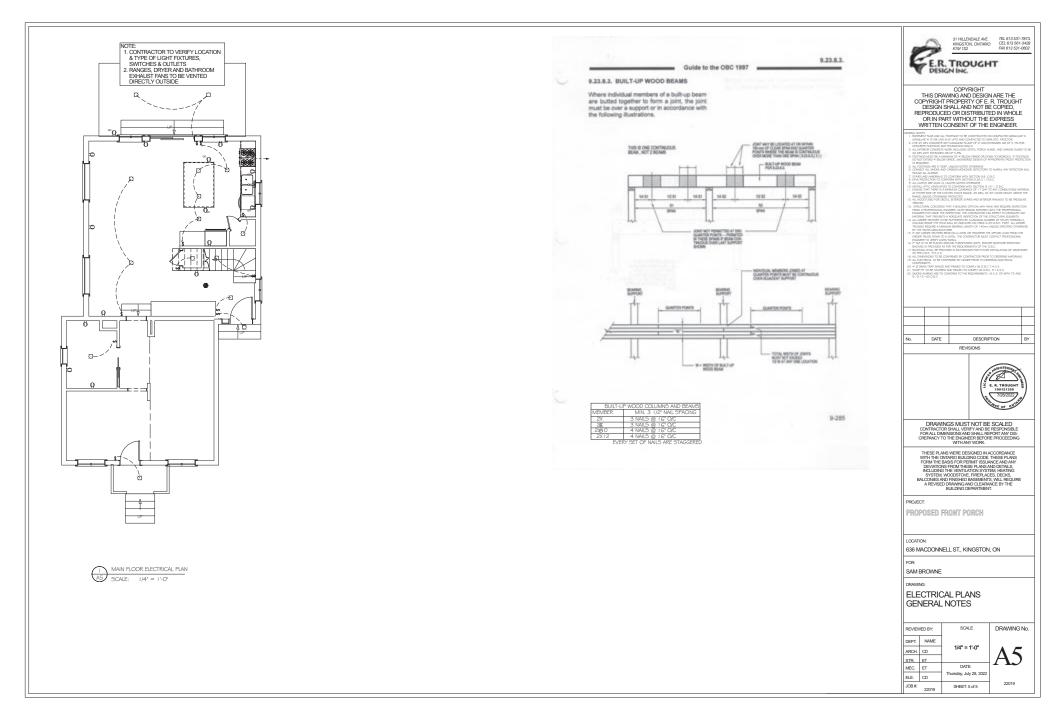
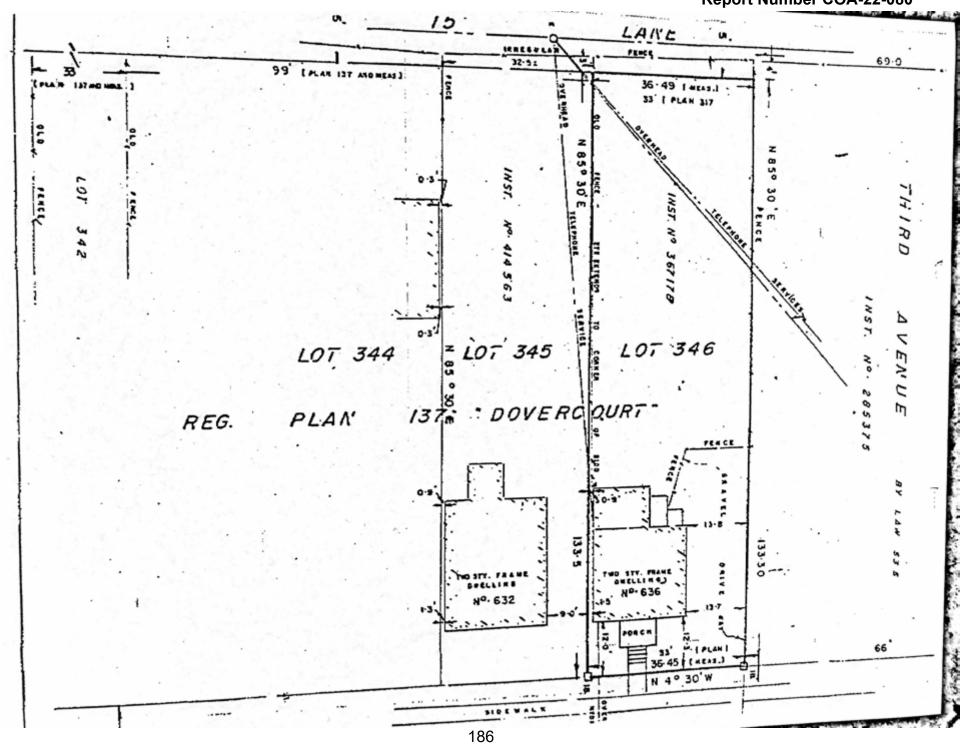


Exhibit G Report Number COA-22-080



66.90			MA	CDONNELL	STREET	
	N, 40			ing)	SCALE	CIT
J. A MINNES - ON	ž .	COMPLETED ON THE PIELD SUR	SURVEYOR'S CERTIFICATE	ENOTES & SURVEY POST	TY OF FRONT	OT 346 REGISTERED
TARIO LAND	ONTANIO L	or arrived		PLANTED O POUNT OF THE POUNT OF	ENAC	ERED PLAN 137
SURVEYORS	TO SUNVETO	Lin		477		

Exhibit H Report Number COA-22-080





Committee of Adjustment Neighbourhood Context (2021)

Address: 636 MACDONNELL ST File Number: D13-047-2022

Subject Lands
Property Boundaries
Proposed Parcels

