

# City of Kingston Report to Committee of Adjustment Report Number COA-22-083

To: Chair and Members of the Committee of Adjustment

From: Jason Partridge, Planner

Date of Meeting: November 21, 2022

Application for: Minor Variance

File Number: D13-048-2022

Address: 917 Edward Riley Drive

Owner: Robert and Sheila Napier

Applicant: Shivani Khapare

#### **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 917 Edward Riley Drive. The applicant is proposing to construct a new 10.78 square metre, one-storey, three-season sunroom addition and is requesting relief from the required minimum rear yard setback. The new building will comply with all minimum building height, interior side yard and landscaped open space requirements.

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.

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#### **Recommendation:**

**That** minor variance application, File Number D13-048-2022, for the property located at 917 Edward Riley Drive, to construct a 10.78 square metre, three-season sunroom addition, be approved, as described below:

#### **Variance Number 1:**

By-Law Number 2022-62:11.4.3 (5) Minimum rear setback

Requirement: 6.0 metres
Proposed: 3.18 metres
Variance Requested: 2.82 metres

**That** approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-22-083.

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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

Meghan Robidoux, Supervisor, Development Approvals

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#### **Options/Discussion:**

On August 12, 2022, a minor variance application was submitted by Shivani Khapare, on behalf of the owners, Robert and Sheila Napier, with respect to the property located at 917 Edward Riley Drive.

The purpose of the application is to permit the construction of a one-storey, three-season sunroom addition within the rear yard of the property. The total area of the proposed new one-storey, three-season sunroom addition is 10.78 square metres. The purpose of the addition is to provide additional living space to the permitted single family dwelling on the property. The application is also proposing a 10.78 square metre covered deck and 2.78 square metre exterior stair off the western portion of the addition. The deck and stairs both comply with the applicable provisions of Zoning By-Law Number 2022-62.

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

- Elevations (Exhibit G); and,
- Site Plan (Exhibit H)

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 917 Edward Riley Drive (Exhibit B – Key Map) and has lot area of approximately 514.76 square metres and approximately 9 metres of frontage along Edward Riley Drive. The site is currently developed with a single-family dwelling.

The subject property is designated Residential in the Official Plan (Exhibit D – Official Plan Map) and zoned UR3.B in Zoning By-Law Number 2022-62 (Exhibit E – Zoning By-Law Map).

The subject property is adjacent to similar residential properties and a large open space use to the rear of the property. A public pathway connecting the open space use to Edward Riley Drive is located along the eastern property line of the subject property. The subject property is also in proximity to various community uses, local schools and commercial uses. Kingston Transit operates in proximity to the site, with Transit Route 14 operating along Crossfield Drive to the south of the property.

#### **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 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 three-season sunroom addition at the rear of the existing dwelling 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 proposed three-season sunroom addition is for a permitted residential use. Section 2.2.5 (Housing Districts) states that these areas are:

"...planned to remain stable in accordance with Section 2.6 of this Plan but will continue to mature and adapt as the City evolves. Reinvestment and upgrading will be encouraged through minor in-filling and minor development (i.e. that which can integrate compatibility within the prevailing built form standards of height, density and amenity that are generally found in the neighbourhood)."

The proposed three-season sunroom addition represents a reinvestment to the property that will result in a minor development on the subject property. No additional dwelling units are proposed. There is no increase in density or intensity of uses. The proposed rear three-season sunroom addition 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 three-season sunroom addition will result in a development that is consistent with the existing rear yard built-form of several residential buildings located

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west and east of the subject property along Edward Riley Drive. The overall design and scale of the proposal will exceed the required interior yard setbacks to the adjacent residential properties. As a result of this, it's not anticipated to cause any adverse impacts or loss of privacy 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;

The proposal involves the construction of a one-storey, three-season sunroom addition within the rear 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 property is not located within a heritage district.

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.

- 5. If the site is designated under the *Ontario Heritage Act*, the application shall be reviewed by Heritage Kingston for approval. If the property is adjacent to a designated property under the *Ontario Heritage Act* or shown as a Heritage Area feature, or is affected by the protected views shown on Schedule 9 of this Plan, then a Heritage Impact Statement may be required to assist staff to determine if the resulting development is desirable;
  - The subject property is not on the City's Heritage Register as a designated property and as such a Heritage Impact Statement is not required.
- 6. The resulting development has adequate municipal water and sewage services within the Urban Boundary, or is capable of providing individual on-site water and sewage services outside the Urban Boundary;
  - The site is located inside of the Urban Boundary and is currently connected to adequate municipal water. The three-season sunroom addition does not require additional sewage or water service for its use.
- 7. Whether the application and the cumulative impact of the proposed variances would be more appropriately addressed by a zoning amendment to the applicable zoning by-law;
  - The proposal meets the four tests of a minor variance and the proposed sunroom is consistent with the existing built form along Edward Riley Drive. Therefore, a zoning bylaw 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,

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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 (Exhibit A – Recommended Conditions). The 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 surrounding residential uses include single family dwellings. The approval of the requested variance is 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 UR3.B in the City of Kingston Zoning By-Law Number 2022-65 as amended. A one storey, three-season sunroom addition is a permitted use on the property.

The proposal requires a variance to Section 11.4.3 (5), Minimum rear setback, as follows:

#### **Variance Number 1:**

By-Law Number 2022-62:11.4.3 (5) Minimum rear setback

Requirement: 6.0 metres Proposed: 3.18 metres Variance Requested:2.82 metres

A variance is required from Section 11.4.3 (5) of Kingston Zoning By-Law Number 2022-62 to seek relief from the minimum rear setback. Within Section 11.4.3 (5) the minimum setback from the rear lot line is 6.0 metres. The proposed three-season sunroom addition provides a 3.18 metre setback from the rear lot line, which does not comply with the minimum requirement of Section 11.4.3 (5). As such, the applicant is seeking a variance of 2.82 metres to construct the proposed three-season sunroom addition at the rear of the existing dwelling.

The intent of the minimum rear setback is to reduce the potential for overlook into abutting rear yards and to prevent adverse impacts on adjacent residential uses. The subject property directly abuts a public pathway to the west, Bert Meunier Common to the south, and a single detached dwelling to the east. An interior setback of approximately 15.6 metres is proposed between the sunroom and the west property line, where a setback of 1.2 metres is required. As such, no adverse impacts on the abutting residential use are anticipated. Further, the proposal will maintain adequate landscaped open space as well

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as the access to the side and rear yard from the street. The general intent and purpose of the by-law is maintained.

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

The proposed one storey three-season sunroom addition will result in a development that is consistent with the existing built form of residential development along Edward Riley Drive. The proposed sunroom will provide for a rear setback of 3.18 metres and is not anticipated to result in intrusive overlook with respect to adjacent residential properties or the adjacent public park use. The minimum interior setbacks will be exceeded between the adjacent properties to the west and east. The requested variance will not alter the character of the neighbourhood or the existing streetscape. The total area of the proposed sunroom is 10.78 square metres.

The requested variance is considered minor as there will be no negative impacts on abutting properties or uses.

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

The proposed development will provide additional 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 residential buildings along Edward Riley Drive.

The resulting built form satisfies all applicable provisions of the zoning by-law, except for the rear setback. 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 and open space uses and will not result in significant impacts or changes to the surrounding area.

The variance is desirable and appropriate use of the land.

#### **Technical Review: Circulated Departments and Agencies**

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

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$\boxtimes$	<b>Building Services</b>	⊠ Engineering Department	$\boxtimes$	Heritage (Planning Services)
	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 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.

#### Conclusion

The requested variance maintains 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(s) 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 10.78 square metre, one-storey, three-season sunroom within the rear yard of the subject property. The proposed sunroom 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

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Kingston Zoning By-Law Number 2022-62

#### **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 28 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* (Exhibit C – Public Notification Map).

#### **Accessibility Considerations:**

None

#### **Financial Considerations:**

None

#### Contacts:

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

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 Map

Exhibit F Neighbourhood Context Map (2021)

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Exhibit G Elevations

Exhibit H Site Plan

Exhibit I Site Photographs

#### **Recommended Conditions**

#### **Application for minor variance, File Number D13-048-2022**

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

#### 1. Limitation

That the approved minor variance applies only to the rear yard setback associated with the proposed severed lot at 917 Edward Riley Drive 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 Cultural Program Branch of the Ministry of Tourism, Culture and Sport (416-314-7132) and the 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 Regulation Section of the Ontario Ministry of Consumer Business Services (416-326-8404), the Cultural Program Branch of the Ministry of Tourism, Culture and Sport (416-314-7132), and the City of Kingston's Planning Services (613-546-4291, extension 3180) must be immediately contacted.

#### 5. Engineering Condition

There is to be no storage of equipment and/or materials on municipal property. If during construction of the proposed project the applicant is proposing to access the property from a location other than the driveway to the property proper permit and/or permission may be required, contact transportation@cityofkingston.ca.

**Exhibit B Report Number COA-22-083** Atkinson St Committee of Adjustment Andersen Dr Se<sup>2</sup> **Key Map** Ճ Augusta [ KINGSTON ONIGER Address: 917 Edward Riley Drive File Number: D13-048-2022 **Planning** Crossfield Ave **Services** Lands Subject to Minor Variance 1605 944 819 941 1601 940 815 937 1597 936 811 933 1593 807 932 929 **Edward Riley Dr** 925 921 909 905 901 917 913 21 0 7 14 Metres Prepared By: Ichu Date: Oct-11-2022 1:750 231

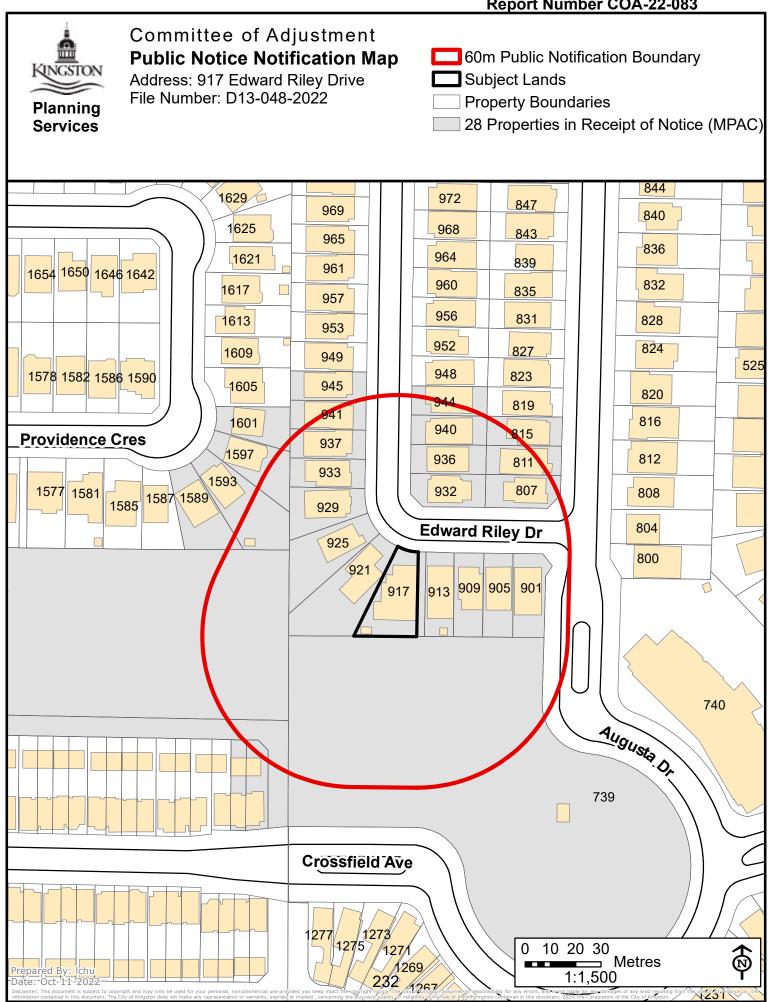
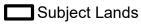


Exhibit D Report Number COA-22-083

KINGSTON
Planning
Services

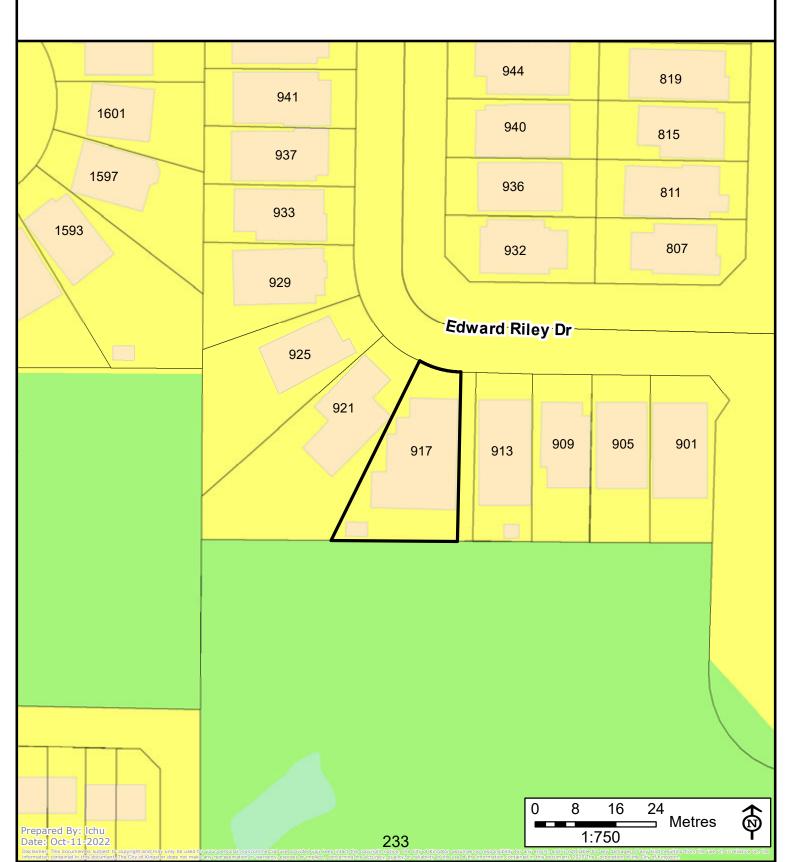
### Committee of Adjustment Official Plan, Existing Land Use

Address: 917 Edward Riley Drive File Number: D13-048-2022

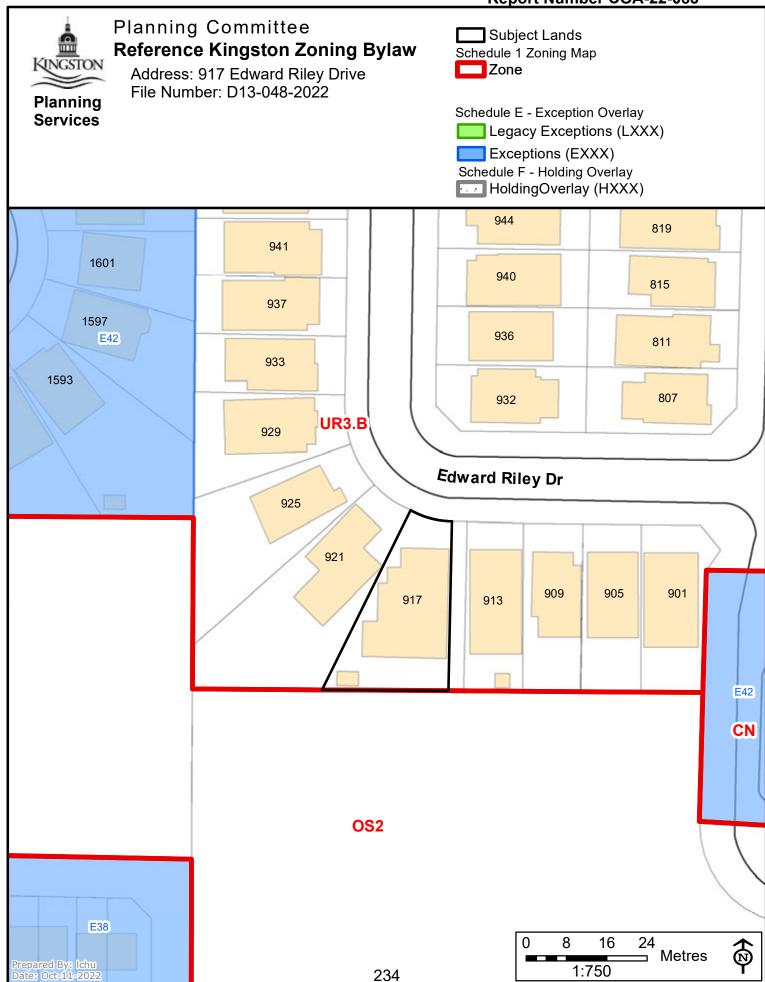


SECONDARY PLAN AREA

OPEN SPACE RESIDENTIAL



1:750



234

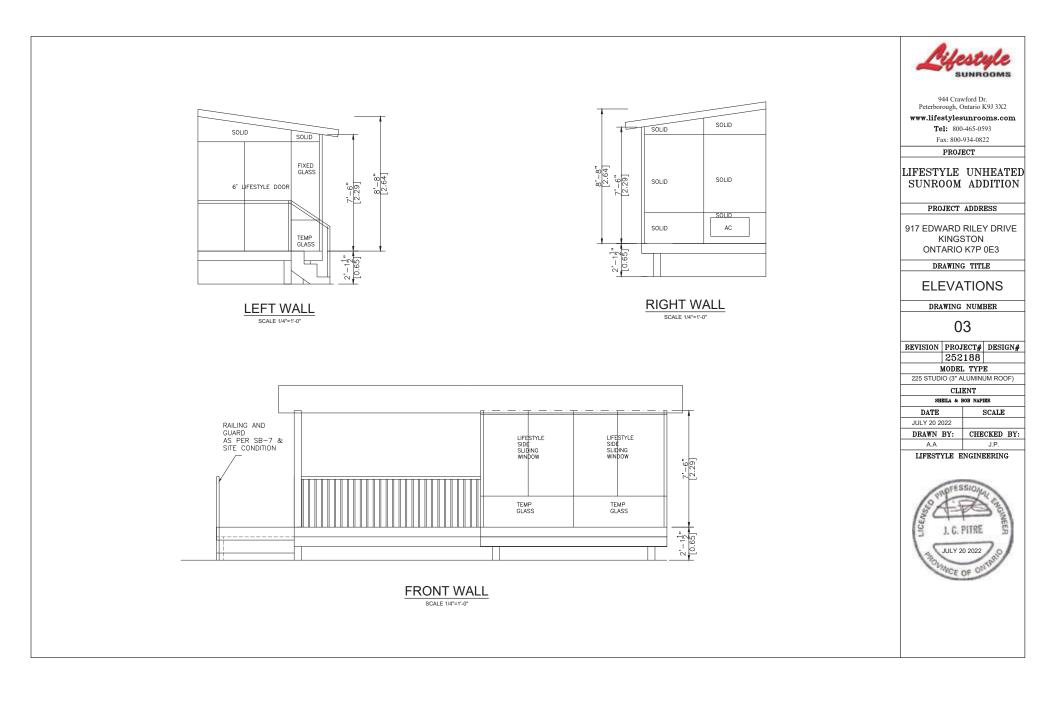


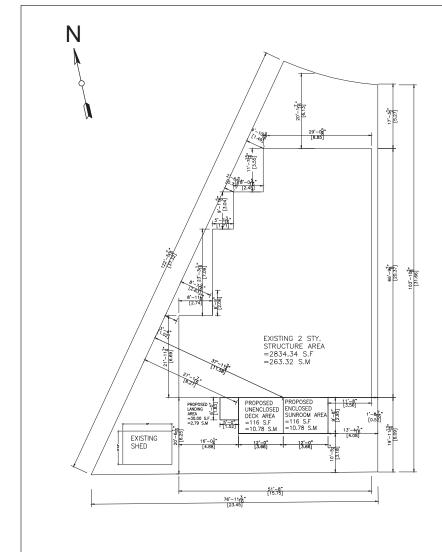
## Committee of Adjustment Neighbourhood Context (2021)

Address: 917 Edward Riley Drive File Number: D13-048-2022

Subject Lands
Property Boundaries
 Proposed Parcels







#### NOTES:

1. THE WALLS AND ROOF STRUCTURAL PANELS OF THE SUNROOM WILL BE PREFABRICATED BY LIFESTYLE SUNROOMS INC. AND WILL BE INSTALLED BY ITS TRAINED SKILLED INSTALLERS.

2. A PROFESSIONAL ENGINEER UNDERTAKES THE GENERAL REVIEW OF THE INSTALLATION.

3. A FINAL PROJECT REVIEW LETTER WILL BE SUBMITTED TO THE BUILDING DEPARTMENT AFTER THE COMPLETION.

4. (1). STAIRS RISER DIMENSIONS SHALL CONFIRM TO ARTICLES 9.8.4.2 AND 9.8.4.3 OF THE 2012 OBC WHICH STIPULATES THAT RISERS DESIGNED FOR PRIVATE USE MUST HAVE A MAXIMUM RISE OF NO MORE THAN 200 mm OR A MINIMUM RISE OF NO LESS THAN 125 mm AND A MAXIMUM RUN OF NO MORE THAN 355 mm OR A MINIMUM RUN OF NO MORE THAN 255 mm AND A MAXIMUM TREAD DEPTH OF 355 mm OR A MINIMUM TREAD DEPTH OF NO LESS THAN 235 mm.

4. (2). REQUIRED EXIT <u>STAIRS</u> SHALL HAVE A WIDTH, MEASURED BETWEEN WALL FACES OR GUARDS, OF NOT LESS THAN 900 mm AS PER ARTICLE 9.8.2.1 OF THE 2012 OBC.

5. THE WIDTH OF THE LANDING IF REQUIRED SHALL BE NOT LESS THAN THE GREATER REQUIRED STAIR WIDTH WHERE ONE OR MORE OF THE STAIR WIDTHS DO NOT EXCEED THEIR RESPECTIVE REQUIRED WIDTHS, OR NOT LESS THAN THE LESSER ACTUAL STAIR WIDTH WHERE ALL OF THE WIDTHS OF THE STAIRS EXCEED THEIR RESPECTIVE REQUIRED WIDTHS AS PER ARTICLES 9.8.6.2 AND 9.8.6.3 OF THE 2012 ORC.

6. ALL HAND RAILS AND GUARDS SHALL BE BUILT AS PER OBC 2012 AND SUPPLEMENTARY STANDARD SB—7. EXTERIOR HANDRAIL AND GUARDS TO BE AT LEAST 900 mm OR 36" MEASURED VERTICALLY ABOVE THE NOSING OF ANY TREAD AND/OR PLATFORM NOT MORE THAN 1800 mm OR 5'-11" ABOVE THE FINISHED GROUND AS PER SUBSECTIONS 9.8.7 AND 9.8.8 OF 2012 OBC; ALL PICKET AND/OR GUARD SPACING MUST BE NO MORE THAN 100 mm OR 4" APART AS PER ARTICLE 9.8.8.5 OF THE 2012 OBC; ALL BALUSTERS TO BE SPACED NO MORE THAN 1200 mm OR 48"

7.TO CARRY RAINWATER AWAY FROM THE SUNROOM, DOWNSPOUTS WILL BE INSTALLED AT THE OUTSIDE CORNERS OF ROOM IN ACCORDANCE TO ARTICLES 9.26.18.2, 7.3.3.7, AND 5.6.2.2 OF THE 2012 OBC.

8. ALL <u>ADDITIONAL ASPECTS</u> OF THE PROJECT WILL BE INSTALLED ACCORDING TO TACBOC DETAILS AND COMPLY WITH THE REQUIREMENTS STIPULATED BY THE 2012 OBC, INCLUDING DOORS (TO SECTION 9.6.); WINDOWS (TO SECTION 9.7.); SKYLIGHTS(TO SUBSECTION 9.7..); GLASSES(TO SUBSECTION 9.7.3.); WOOD FRAME CONNECTIONS, DECK FARMING, STICK BUILT WALLS AND SUBFLOORING (TO SUBSECTION 9.23.14);BUILT—UP BEAMS (TO ARTICLE 9.23.8.3); BUILT—UP COLUMNS (TO ARTICLE 9.17.4.2); ROOFING (TO SECTION 9.26.); ROOF DRAINS AND DOWNSPOUTS (TO SUBSECTION 9.26.18.); FLASHING (TO SUBSECTIONS 9.20.13 &9.26.3 &9.26.4); CLADDING(TO SECTION 9.27.); CAULKING (TO SUBSECTION 9.27.4.); INTERIOR FINISHING (TO SUBSECTION 9.29.); FLOORING (TO SECTION 9.30.); STAIRS, RAMPS, HANDRAILS AND GUARDS (TO SECTION 9.8.); LIGHTING OUTLETS (TO SECTION 9.34.).

LOT AREA	514.76	m²	5540.87	ft²
TOTAL EXISTING FLOOR AREA	263.32	m²	2834.34	ft²
PROPOSED SUNROOM AREA	10.78	m²	116	ft²
PROPOSED DECK AREA	10.78	m²	116	ft²
PROPOSED LANDING AREA	2.79	m²	30.00	ft²
TOTAL EXISTING AND PROPOSED FLOOR AREA	287.67	m²	3096.34	ft²
TOTAL LOT COVERAGE	~55.88	%		



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Fax: 800-934-0822

PROJECT

LIFESTYLE SUNROOM UNHEATED ADDITION

PROJECT ADDRESS

917 EDWARD RILEY DRIVE KINGSTON ONTARIO K7P 0E3

DRAWING TITLE

SITE PLAN

DRAWING NUMBER

01

REVISION PROJECT# DESIGN#
252188

MODEL TYPE

225 STUDIO (3" AL TOP ROOF)

CLIENT
SHRILA & BOB NAPIER

LIFESTYLE ENGINEERING



SITE PLAN

THIS SITE PLAN IS DRAWN PER THE OWNER INFORMATION