



**City of Kingston
Report to Committee of Adjustment
Report Number COA-22-084**

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: D13-059-2022
Address: 30 Stanley Street
Owner: William Nelson
Applicant: William Nelson

Council Strategic Plan Alignment:

Theme: 2. Increase housing affordability

Goal: 2.1 Pursue development of all types of housing city-wide through intensification and land use policies.

Executive Summary:

This report provides a recommendation to the Committee of Adjustment regarding an application for minor variances for the property located at 30 Stanley Street. The applicant is proposing to construct a new 3.5 square metre front addition with new stairs and is requesting relief from the minimum front setback and the exterior stairs in other zones setback requirement. The new addition and stairs will comply with all minimum height, interior side yard, building depth and landscaped open space requirements.

The requested minor variances are 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 variances are 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 D13-059-2022, for the property located at 30 Stanley Street to construct a front addition with exterior stairs, be approved, as described below:

Variance Number 1:

By-Law Number 2022-62:Section 4.19.3. Exterior Stairs in Other Zones Setback

Requirement: 0.5 metres

Proposed: 0.0 metres

Variance Requested: 0.5 metres

Variance Number 2:

By-Law Number 2022: Section 11.6.1.(4) (d) Front Yard Setback

Requirement: 1.91 metres

Proposed: 1.14 metres

Variance Requested: 0.77 metres; and

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-22-084.

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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 September 20, 2022, a minor variance application was submitted by the owner, William Nelson, with respect to the property located at 30 Stanley Street.

The purpose of the application is to permit the construction of a front addition with a new exterior stair. The total area of the proposed new front addition is 3.5 square metres. The purpose of the addition is to provide additional living space to the permitted single family dwelling on the property.

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, [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 30 Stanley Street (Exhibit B – Key Map) and has a lot area of approximately 272.6 square metres with approximately 10.06 metres of frontage along Stanley Street. The site is currently developed with a single family dwelling.

The subject property is designated Residential in the Official Plan and zoned ‘UR5’ in Kingston Zoning By-Law Number 2022-62.

The subject property is adjacent to single family dwelling and multiple-family dwellings. The subject property is also in proximity to various community and open space uses, local schools and commercial uses. Kingston Transit operates in proximity to the site, with Transit Route 16 operating along Concession Street to the north 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:

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

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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 front addition with exterior stairs 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 front yard addition with stairs is 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 front yard addition with stairs 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 front yard 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 front yard addition with exterior stairs will increase the existing condition of encroachment into the City owned right-of-way. However, the proposed front yard addition will result in a development that is consistent with the existing front yard built form of several residential buildings located west, east and north of the subject property along Stanley Street. The overall design and scale of the proposal is not anticipated to cause any adverse impacts on the adjacent residential properties.

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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 an addition 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 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 proposed front addition will not require any 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 proposed variance meets the four tests of a minor variance under the *Planning Act* and the development is consistent with the existing built form along Stanley Street. 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 multi-family dwellings. The proposed front yard addition with stairs variances recognizes the existing front yard area of the subject property and the unique limited sized front yard along Stanley Street. 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 UR5 in Kingston Zoning By-law 2022-62. A single detached dwelling is a permitted use on the property.

The proposal requires variances to Section 4.19.3 and 11.6.1(4)(b) of the zoning by-law, as follows:

Variance Number 1:

By-Law Number 2022-62: Section 4.19.3 Exterior Stairs in Other Zones Setback
 Requirement: 0.5 metres
 Proposed: 0.0 metres
 Variance Requested: 0.5 metres

A variance is required from Section 4.19.3 of Kingston Zoning By-Law Number 2022-62 to seek relief from the minimum setback for exterior stairs from a lot line. Within Section 4.19.3, the minimum setback for stairs from a lot line is 0.5 metres. The exterior stairs to provide access to the proposed front addition will be setback 0.0 metres from the front lot line, which does not comply with the minimum setback required by Section 4.19.3. As such, the applicant is seeking a variance of 0.5 metres to construct the front addition with stairs.

The intent of the minimum setback for exterior stairs from a lot line is to provide flexibility for stairs to project into a required yard and to accommodate older forms of development with narrow yards, while still preventing the potential for encroachment. A variance to a 0.0 metre setback is proposed, which is consistent with the existing condition of the porch and exterior stair on the property. The proposed stairs will project towards the street and will not have impact on neighbouring residential properties. Engineering Services have been circulated and have confirmed that the owner will be able to apply for an encroachment permit to accommodate the proposed exterior stairs. The general intent and purpose of the by-law is maintained.

Variance Number 2:

By-Law Number 2022: Section 11.6.1.(4) (d) Front Yard Setback
 Requirement: 1.91 metres

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Proposed: 1.14 metres
Variance Requested: 0.77 metres

A second variance is required from Section 11.6.1.(4)(d) of Kingston Zoning By-Law Number 2022-62 to seek relief from the minimum setback from a front yard lot line. Within Section 11.6.1.(4)(d) the minimum setback from a front lot line is 1.91 metres. The proposed front addition will be setback 1.14 metres from the front lot line, which does not comply with the minimum setback of Section 11.6.1.(4)(d). As such, the applicant is seeking a variance of 0.77 metres to construct the proposed front addition.

The intent of the minimum front setback is to provide for a consistent streetwall and to prevent the potential for encroachment into the City owned right-of-way. The subject property and the surrounding properties along Stanley Street have limited sized front yards that would provide them with enough space to construct a porch with stairs. The requested variances recognize the current conditions along Stanley Street and will continue to provide for a consistent streetwall. The proposed front yard addition maintains a 1.14 metre setback to reduce encroachment into the right-of-way as much as possible, while still meeting the functional needs of the dwelling. The general intent and purpose of the by-law is maintained.

3) The variance is minor in nature

The proposed front addition with exterior stairs will result in a development that is consistent with the existing built form of residential development along Stanley Street. The proposed front addition and exterior stairs will be located within the front yard and will not result in intrusive overlook with respect to adjacent residential properties. The minimum interior yard setbacks will be exceeded between the eastern and western adjacent properties. The proposed front addition is street facing, reducing any adverse impacts on neighboring properties. The proposed front addition will provide the single-family dwelling with additional living space. The variances will not alter the character of the neighbourhood or the existing streetscape. The total area of the proposed front addition is 3.5 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 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 Stanley Street.

The resulting built form satisfies all applicable provisions of the zoning by-law, except for the minimum front setback and exterior stair setback. The proposal does not involve a

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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 variance is desirable for the appropriate use of the land.

Technical Review: Circulated Departments and Agencies

- Building Services
- Finance
- Fire & Rescue
- Solid Waste
- Housing
- KEDCO
- CRCA
- Parks Canada
- Hydro One
- Kingston Airport
- Engineering Department
- Utilities Kingston
- Kingston Hydro
- Parks Development
- District Councillor
- Municipal Drainage
- KFL&A Health Unit
- Eastern Ontario Power
- Enbridge Pipelines
- Heritage (Planning Services)
- Real Estate & Environmental Initiatives
- City's Environment Division
- Canadian National Railways
- Ministry of Transportation
- Parks of the St. Lawrence
- Trans Northern Pipelines
- CFB Kingston
- TransCanada Pipelines

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 variances maintain 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 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.

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Approval of this application will permit the construction of a new 3.5 square metre addition with exterior stairs within the front yard of the subject property. The proposed front addition and associated exterior stairs 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

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 43 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 (Exhibit C – Public Notification Map).

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

Accessibility Considerations:

None

Financial Considerations:

None

Contacts:

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

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

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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 2022-62 Map
- Exhibit F Neighbourhood Context Map (2021)
- Exhibit G Elevations
- Exhibit H Site Plan
- Exhibit I Site Photographs

Recommended Conditions

Application for minor variance, File Number D13-059-2022

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

1. Limitation

That the approved minor variance applies only to the minimum front yard setback and exterior stairs in other zones setback associated with the proposed severed lot at 30 Stanley Street 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. Encroachment Permit

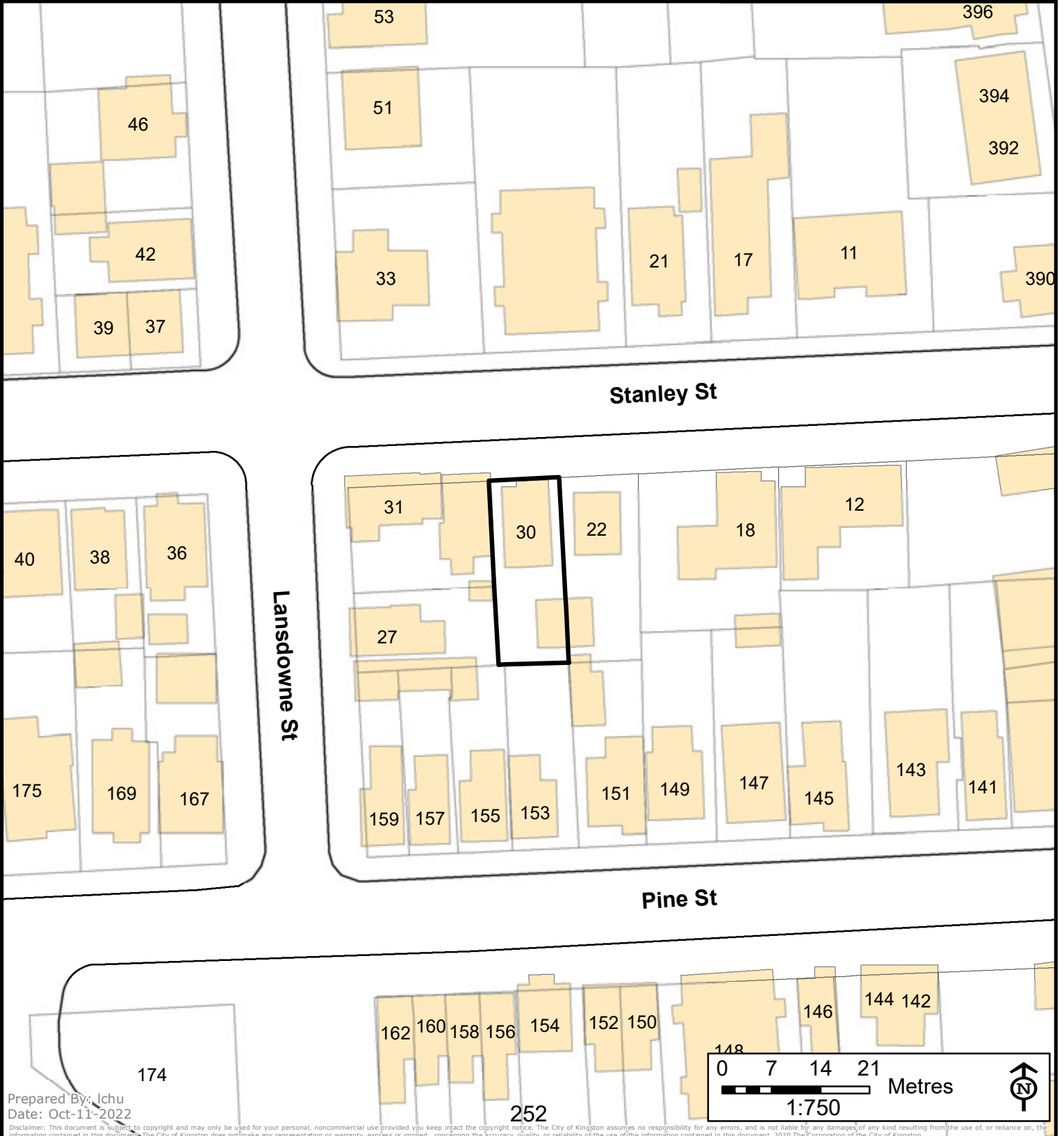
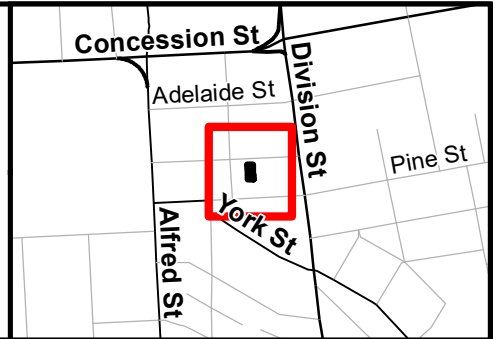
It is noted that the existing front stairs encroach onto the City right of way. The applicant will be able to rebuild the steps at this location, but must obtain an encroachment permit for the continued use prior to the issuance of a building permit. Contact transportation@cityofkingston.ca for encroachment permit application details.



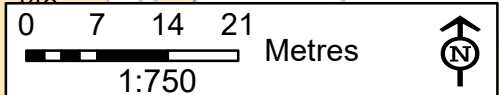
Committee of Adjustment Key Map

Address: 30 Stanley Street
File Number: D13-059-2022

 Lands Subject to Minor Variance



Prepared By: Jchu
Date: Oct-11-2022



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Committee of Adjustment Public Notice Notification Map

Address: 30 Stanley Street
File Number: D13-059-2022

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






Prepared By: Jchu
Date: Oct-11-2022

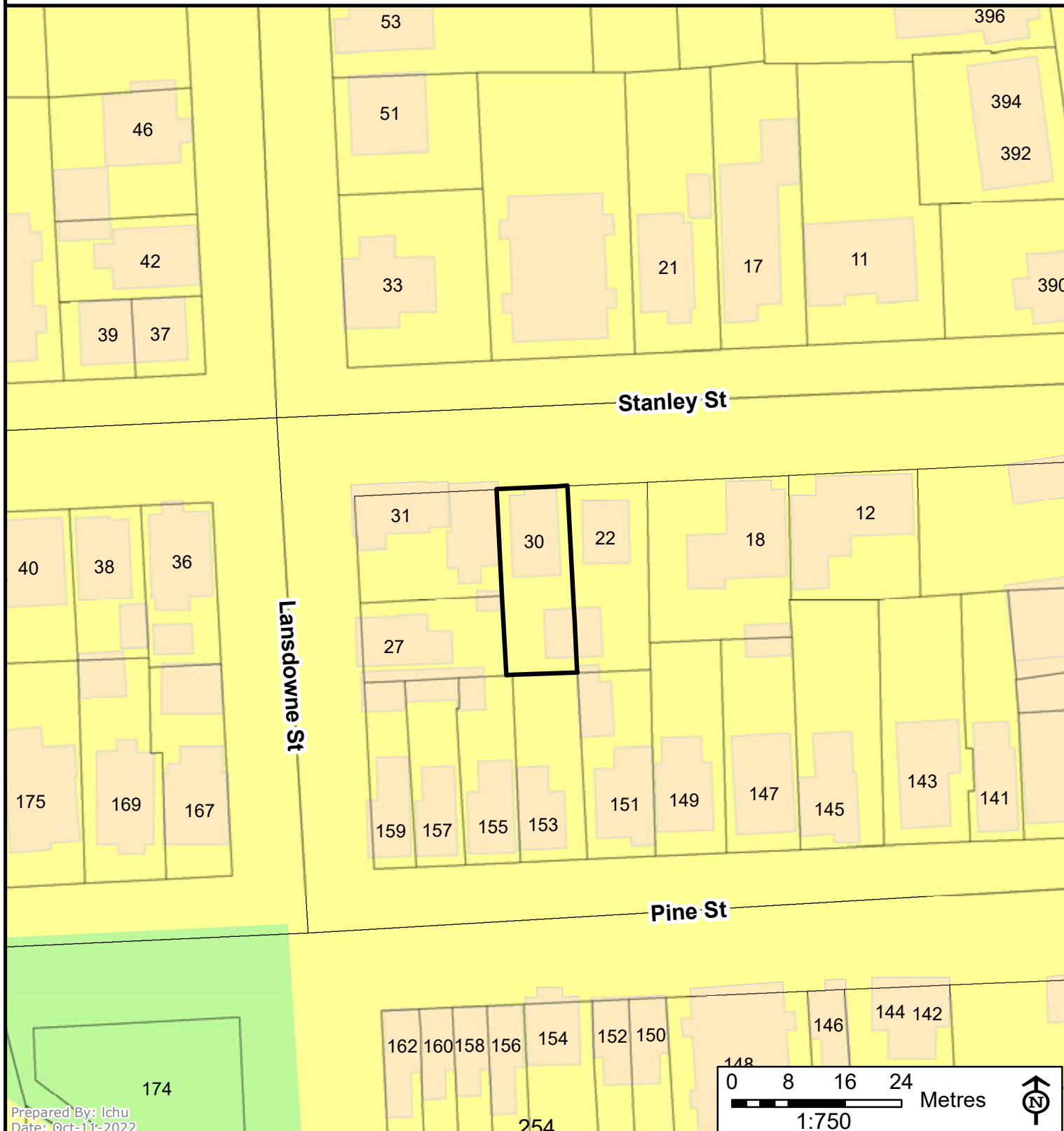


Planning Services

Committee of Adjustment Official Plan, Existing Land Use

Address: 30 Stanley Street
File Number: D13-059-2022

-  Subject Lands
-  OPEN SPACE
-  RESIDENTIAL



Prepared By: Ichu
Date: Oct-11-2022



Planning Services

Planning Committee Reference Kingston Zoning Bylaw

Address: 30 Stanley Street
File Number: D13-059-2022

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



Prepared By: Ichu 174
Date: Oct-11-2022

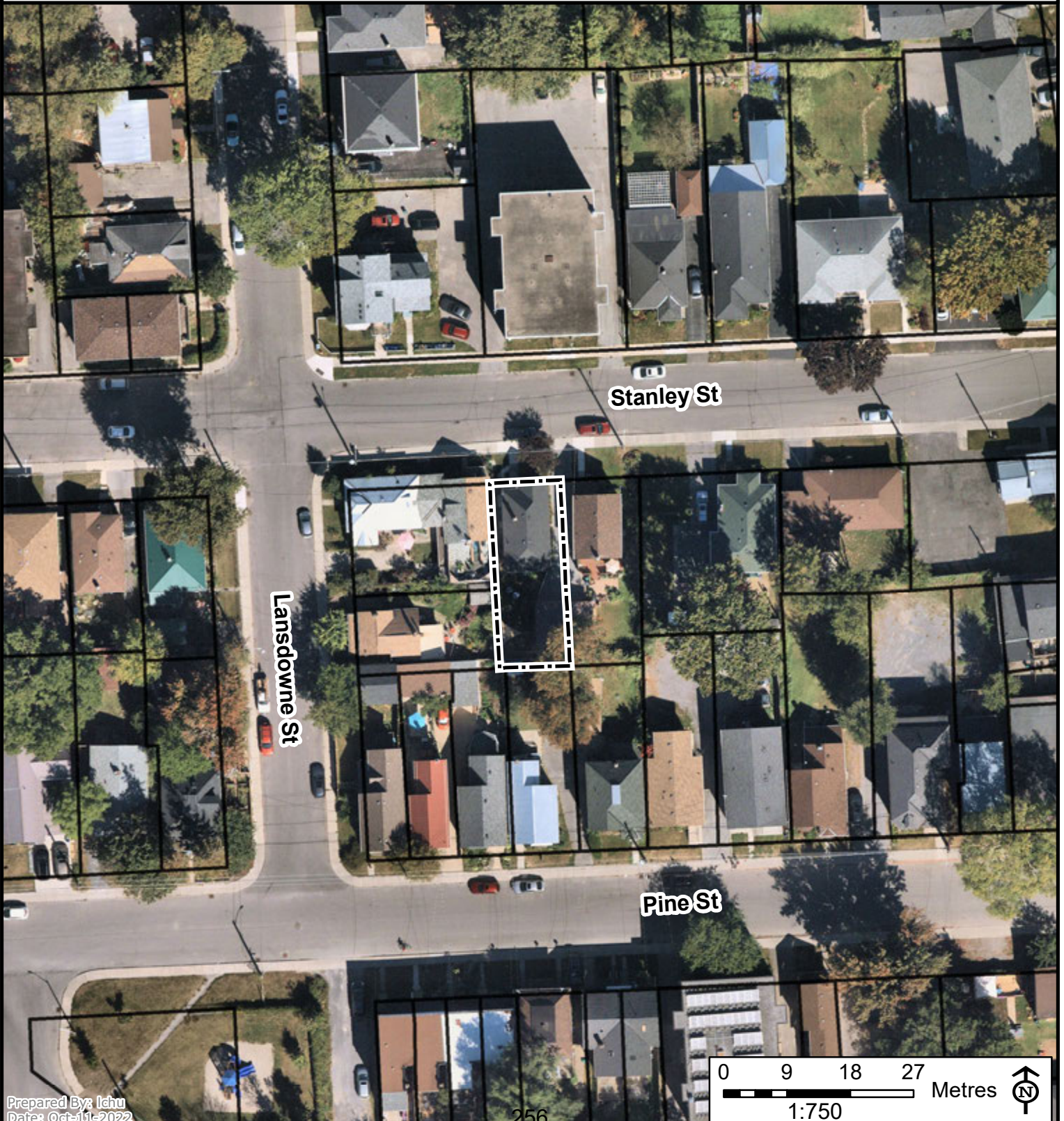
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Committee of Adjustment
Neighbourhood Context (2021)

Address: 30 Stanley Street
File Number: D13-059-2022

- Subject Lands
- Property Boundaries
- Proposed Parcels



Prepared By: Ichu
Date: Oct-11-2022

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DOCUMENTS.

2	09/20/22	MINOR VARIANCE
1	11/23/21	PRE CONSULT
#	DATE	REVISION DETAILS

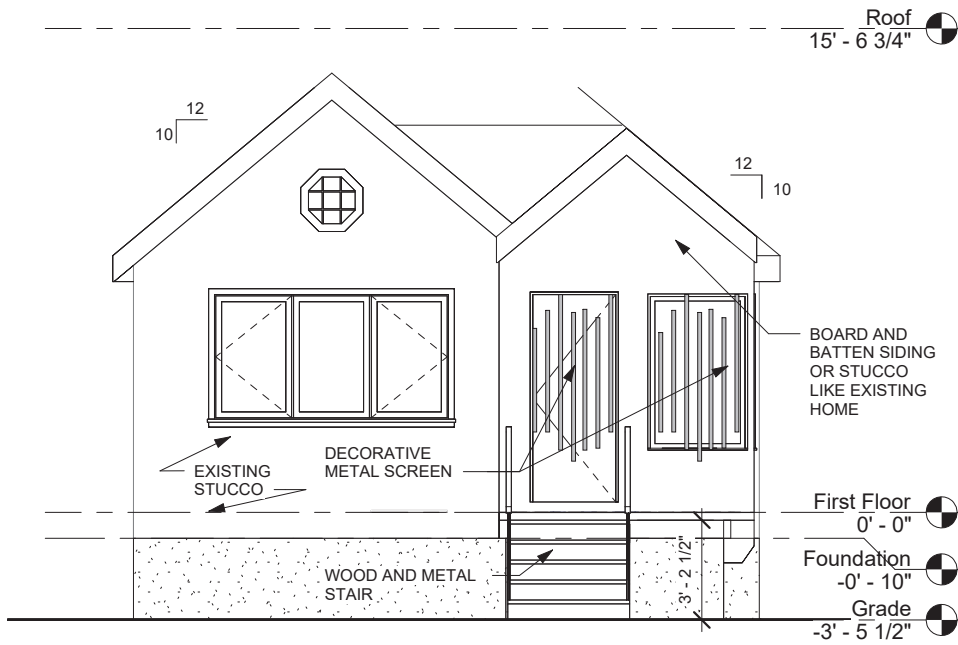
PROJECT
Enclosed Porch

30 Stanley Street, Kingston
ON

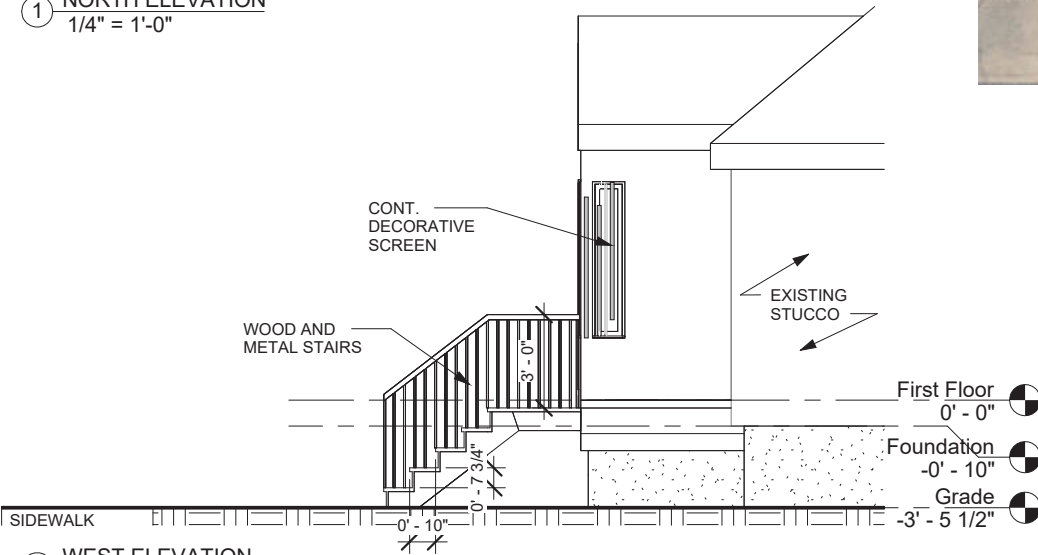
DRAWING
Elevations

DRAWN BY **JD**
DATE **09/20/2022**
SCALE **AS INDICATED**
JOB NO.
2021-120

DWG. NO. **A201** REV. NO.



① NORTH ELEVATION
1/4" = 1'-0"

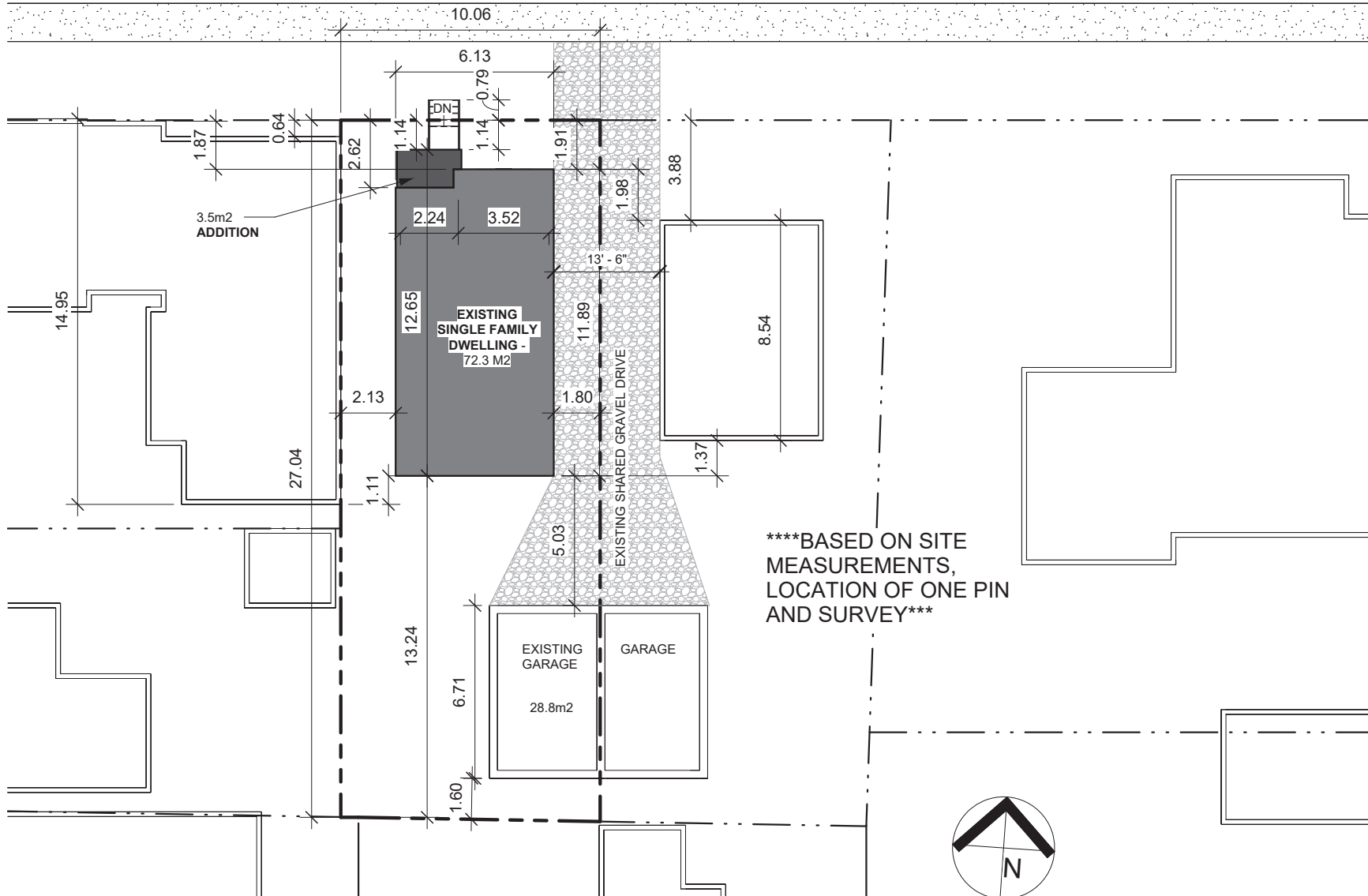


② WEST ELEVATION
1/4" = 1'-0"



CONC. STAIR
PROPOSED TO BE
REPLACED WITH STAIR
WITH A LANDING

STANLEY STREET



1 Site Plan
1 : 150

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2	09/20/22	MINOR VARIANCE
1	11/23/21	PRE CONSULT
#	DATE	REVISION DETAILS

PROJECT
Enclosed Porch
30 Stanley Street, Kingston ON
DRAWING
Site Plan
DRAWN BY JD
DATE 09/20/22
SCALE AS INDICATED
JOB NO.
2021-120
DWG. NO. REV. NO.
C1

