



**City of Kingston
Report to Committee of Adjustment
Report Number COA-24-005**

To: Chair and Members of the Committee of Adjustment
From: Jacob Slevin, Planner
Date of Meeting: December 11, 2023
Application for: Minor Variance
File Number: D13-063-2023
Address: 390 Palace Road
District: District 9 - Williamsville
Owner: Roman Catholic Episcopal Corporation of the Diocese of Kingston in Canada
Applicant: Armando Sardinha

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 variance for the property located at 390 Palace Road. The applicant is proposing to expand an existing office building on the property.

The property at 390 Palace Road is currently developed as a place of worship use, St. Joseph's Church, with an associated office building used by the Roman Catholic Archdiocese of Kingston. The applicant is proposing a 211 square metre addition on the west side to the existing office building. Through the pre-application process, it was determined that a 3.06 metre road widening is required along the Sir John A MacDonald Boulevard frontage on the subject property, adjacent to the proposed addition.

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The concept plan initially submitted by the applicant proposed a 7.5 metre setback from the lot line abutting Sir John A MacDonald Boulevard, which would be compliant with the relevant zoning requirements. However, after the conveyance of the 3.06 metre wide parcel to the City for the purpose of the road widening, the distance from the proposed office building addition to the lot line would be only 4.44 metres rather than 7.5 metres. As such, a minor variance to permit a reduced setback of 4.44 metres is required to facilitate the development of the proposed office building expansion.

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.

Recommendation:

That minor variance application, File Number D13-063-2023, for the property located at 390 Palace Road to facilitate the development of an office building addition, be approved, as described below:

Variance Number 1:

By-Law Number 2022-62: Table 12.5.1.5 – Minimum Rear Setback

Requirement: 7.5 metres

Proposed: 4.44 metres

Variance Requested: 3.06 metres; and

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-005.

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Authorizing Signatures:

ORIGINAL SIGNED BY PLANNER

Jacob Slevin, Planner

In Consultation with the following Management of the Growth & Development Services Group:

Tim Park, Director, Planning Services

Meghan Robidoux, Supervisor, Development Approvals

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Options/Discussion:

On October 23, 2023, a minor variance application was submitted by Armando Sardinha, on behalf of the owner, the Roman Catholic Episcopal Corporation of the Diocese of Kingston in Canada, with respect to the property located at 390 Palace Road. The subject property is currently developed with a place of worship, St. Joseph's Church, with an associated office building used by the Roman Catholic Archdiocese of Kingston. The property is located to the east of Sir John A Macdonald Boulevard. The applicant is proposing a 211 square metre addition on the west side of this office building, which would expand the office building closer towards Sir John A Macdonald Boulevard.

Through the pre-application process, it was determined that a 3.06 metre road widening is required along the Sir John A MacDonald Boulevard frontage on the subject property, adjacent to the proposed addition. As per Table 1 of Section 4.6.17.1 of the Official Plan, this portion of Sir John A Macdonald Boulevard is planned to be widened to a total of 36.6 metres in width. The existing road width adjacent to the subject property is only 30.48 metres wide.

The concept plan initially submitted by the applicant proposed a 7.5 metre setback from the lot line abutting Sir John A MacDonald Boulevard, which would be compliant with the relevant zoning requirements. However, after the conveyance of the 3.06 metre wide parcel to the City for the purpose of the road widening, the distance from the proposed office building addition to the lot line would be only 4.44 metres rather than 7.5 metres. As such, a minor variance to permit a reduced setback of 4.44 metres is required to facilitate the development of the proposed office building expansion.

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

- Site Plan (Exhibit F)

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 in the Williamsville District of the City of Kingston, east of Sir John A Macdonald Boulevard and west of Palace Road (Exhibit B – Key Map). The property abuts residential uses to the north, east, south, and west. The built form of the surrounding residential areas consists of primarily single detached houses to the east and semi-detached homes to the south. The lands to the north and west of the subject property are primarily developed as multi-residential housing developments and townhomes (Exhibit C – Neighbourhood Context Map).

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The subject property is designated Residential in the Official Plan (Exhibit D – Official Plan Map) and zoned Urban Multi-Residential Zone 4 (URM4) in Kingston Zoning By-Law Number 2022-62 (Exhibit E – Zoning By-Law Map).

Provincial Policy Statement

In addition to the four tests of a minor variance detailed below, 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.

Minor Variance 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:

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 (Exhibit D – Official Plan Map).

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 proposed development conforms to Section 2 of the Official Plan regarding Strategic Policy Direction. The subject property contains a non-residential use within the Urban Boundary. The proposed addition will facilitate a modest intensification of the existing use of the property as a place of worship. The road widening of Sir John A Macdonald Boulevard that will be enabled through this proposal will create opportunities for developing active transportation infrastructure such as bike lanes or a multiuse pathway, as per Section 2.5.10 of the Official Plan.

The proposed addition is anticipated to be compatible with the existing built form on the subject property, as well as compatible with all surrounding land uses. No land use compatibility concerns as outlined in Section 2.7 of the Official Plan are expected to arise resulting from approval of this application. No concerns relating to increased shadowing, intrusive overlook, increased traffic, architectural incompatibility, or any other concerns outlined in Section 2.7.3 are anticipated.

The existing entrance from Palace Road will remain the only access point for the subject property. Through the pre-application, Planning Staff identified that five accessible parking

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spaces will be required on the subject property. The applicant has agreed to provide these five accessible parking spaces, as shown in Exhibit F.

A portion of the existing parking lot and drive aisle on the subject property adjacent to Sir John A Macdonald Boulevard will encroach onto the municipal right-of-way following the 3.06 metre road widening. The applicant will be required to enter into an Encroachment Agreement with the City in order to permit this encroachment, prior to the issuance of Site Plan Control approval.

390 Palace Road is not a designated property under the *Ontario Heritage Act*, nor is it within a Heritage District. No impacts to any built heritage resources are anticipated as a result of this proposal, and as such, no Heritage Impact Statement is required. Furthermore, Heritage Planning staff have identified the subject property as having limited potential for archeological resources, and therefore no archeological assessment is required.

The proposed building expansion requires only a modest setback reduction to accommodate the City's road widening. The proposal does not require any additional variances, nor does it contemplate any change in use for the subject property. In recognition of this, a minor variance application is considered to be the appropriate means of seeking zoning relief for this proposal and a zoning by-law amendment is not required.

Through technical review of this application, City department have identified several studies and reports that are to be submitted by the applicant prior to this proposal proceeding to the Building Permit stage. These studies include, but are not limited to, a grading and servicing plan, a noise study, and a stormwater management brief. As a Site Plan Control Modification application will be required subsequent to the current Minor Variance application, all required studies will be reviewed to the City's satisfaction during the Site Plan Control Modification process.

As the variance is requested to accommodate the site-specific constraints and to provide for the required road widening, approval of the requested variance would not set an undesirable precedent.

The proposal meets the intent of the Official Plan, as the proposed office building expansion 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 Multi-Residential Zone 4 (URM4) in Kingston Zoning By-Law Number 2022-62 (Exhibit E – Zoning By-Law Map). The URM4 Zone permits several residential and non-residential uses. A place of worship, which is the primary use of the subject property, is a permitted use within the URM4 Zone.

The proposal requires a variance to Table 12.5.1.5, which requires a setback of 7.5 metres from the rear lot line. Following the 3.06 metre road widening, the proposed building expansion would be setback 4.44 metres from the new lot line, rather than 7.5 metres from the original lot line. As such, a minor variance is requested in order to facilitate the development of the proposed office building expansion, as detailed below:

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Variance Number 1:

By-Law Number 2022-62: Table 12.5.1.5 – Minimum Rear Setback

Requirement: 7.5 metres

Proposed: 4.44 metres

Variance Requested: 3.06 metres

The purpose of Table 12.5.1.5, which establishes the minimum rear setbacks for properties within a URM4 Zone, is to ensure a consistent pattern of development and to maintain the adequate separation of uses.

Surrounding land uses will remain adequately separated if the requested variance is approved. The office building at 390 Palace Road will remain adequately separated from all surrounding residential land uses, in keeping with the other relevant setback provisions of the URM4 Zone. No portion of the office building will encroach into the City's right-of-way following the road widening, with the closest portion of the building to the new property line will be no more than 4.44 metres in distance. The portions of the parking lot and drive aisle on the subject property that will encroach on the City's expanded road allowance will be addressed through an Encroachment Agreement to the satisfaction of the City. This encroachment agreement shall be required prior to the completion of the Site Plan Modification application.

The office building expansion will not substantially alter the existing patterns of development in the surrounding neighbourhood. As an established non-residential use, the existing building at 390 Palace Road is already visually distinct from the nearby residential uses to the south and the east of the property in terms of its built form. The proposed building expansion will have no effect on the patterns of built form for the surrounding residential uses. The eastern addition to the office building will be adequately separated from surrounding uses, and additionally screened by existing trees and vegetation.

In recognition of the fact that land uses will be adequately separated and a coherent pattern of development will be maintained, the requested variance maintains the general intent and purpose of the zoning by-law.

3) The variance is minor in nature

The proposal to reduce the required rear setback to accommodate the office building expansion is considered to be minor in nature. The built form of the expanded office building will be consistent with the existing development on the subject property. Despite the proposed reduction of the required setback, the office building expansion is not anticipated to interfere with the functionality of the expanded Sir John A Macdonald Boulevard. The portion of the parking lot on the subject property which will encroach on the City's right-of-way following the road widening will be addressed to the City's satisfaction through the required Encroachment Agreement.

No adverse impacts to adjacent residential land uses are anticipated. The proposed expansion on the western side of the office building would not bring the building any closer towards the adjacent residential uses towards the south of the property. Furthermore, existing mature trees

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and shrubs will provide visual screening between the office building and the houses to the south of the property.

The proposed expansion will comply with all other relevant provisions of the Kingston Zoning By-law, and as such, the proposed variance is considered to be minor.

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

The proposed variance represents a desirable and appropriate development for the subject property, as it will allow for improved functionality of the existing office building by increasing the amount of usable floor space without causing any adverse impacts to any of the adjacent land uses. Furthermore, the planning applications required to enable the office building expansion will grant the City an opportunity to widen the City’s right-of-way at Sir John A Macdonald Boulevard, which is a goal established in the Official Plan. This road widening will offer opportunities to establish active transportation infrastructure such as bicycle lanes or a multiuse pathway along Sir John A Macdonald. As such, the variance is considered to be a desirable and appropriate use of the land.

Technical Review: Circulated Departments and Agencies

- | | | |
|---|--|--|
| <input checked="" type="checkbox"/> Building Services | <input checked="" type="checkbox"/> Engineering | <input checked="" type="checkbox"/> Heritage Services |
| <input type="checkbox"/> Finance | <input checked="" type="checkbox"/> Utilities Kingston | <input checked="" type="checkbox"/> Real Estate |
| <input checked="" type="checkbox"/> Fire & Rescue | <input checked="" type="checkbox"/> Kingston Hydro | <input checked="" type="checkbox"/> Environment Division |
| <input checked="" type="checkbox"/> Solid Waste | <input checked="" type="checkbox"/> Parks Development | <input type="checkbox"/> Canadian National Railways |
| <input type="checkbox"/> Housing | <input type="checkbox"/> District Councillor | <input type="checkbox"/> Ministry of Transportation |
| <input type="checkbox"/> KEDCO | <input type="checkbox"/> Municipal Drainage | <input type="checkbox"/> Parks of the St. Lawrence |
| <input 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.

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Previous or Concurrent Applications

The subject property is subject to an existing Site Plan Control Agreement from 1989 (File Number A-SPC-4.0555-89). If the proposed Minor Variance application is approved, the applicant shall subsequently be required to apply for a Site Plan Control Pre-Application and a Site Plan Control Modification application prior to obtaining a Building Permit.

Conclusion

The requested variance maintains 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 facilitate the development of the proposed addition to the existing office building located at 390 Palace Road. A Site Plan Control Modification application will be required prior to the applicant obtaining a Building Permit for this proposed addition.

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 December 11, 2023 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 45 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 H – Public Notification Map).

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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

Jacob Slevin, Planner, 613-546-4291 extension 2176

Other City of Kingston Staff Consulted:

None

Exhibits Attached:

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

Recommended Conditions

The approval of minor variance application, File Number D13-063-2023, to facilitate the expansion of an existing office building at 390 Palace Road, shall be subject to the following recommended conditions:

1. Limitation

That the approved minor variance applies only to the office 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 drawings, 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 Archaeology Program Unit of the Ministry of Citizenship and Multiculturalism (archaeology@ontario.ca) 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 Office of the Chief Coroner as a part of the Ontario Ministry of the Solicitor General (1-877-991-9959), the Archaeology Program Unit of the Ministry of Citizenship and Multiculturalism (archaeology@ontario.ca), and City of Kingston's Planning Services (613-546-4291, extension 3180) must be immediately contacted.

5. Site Plan Control Modification

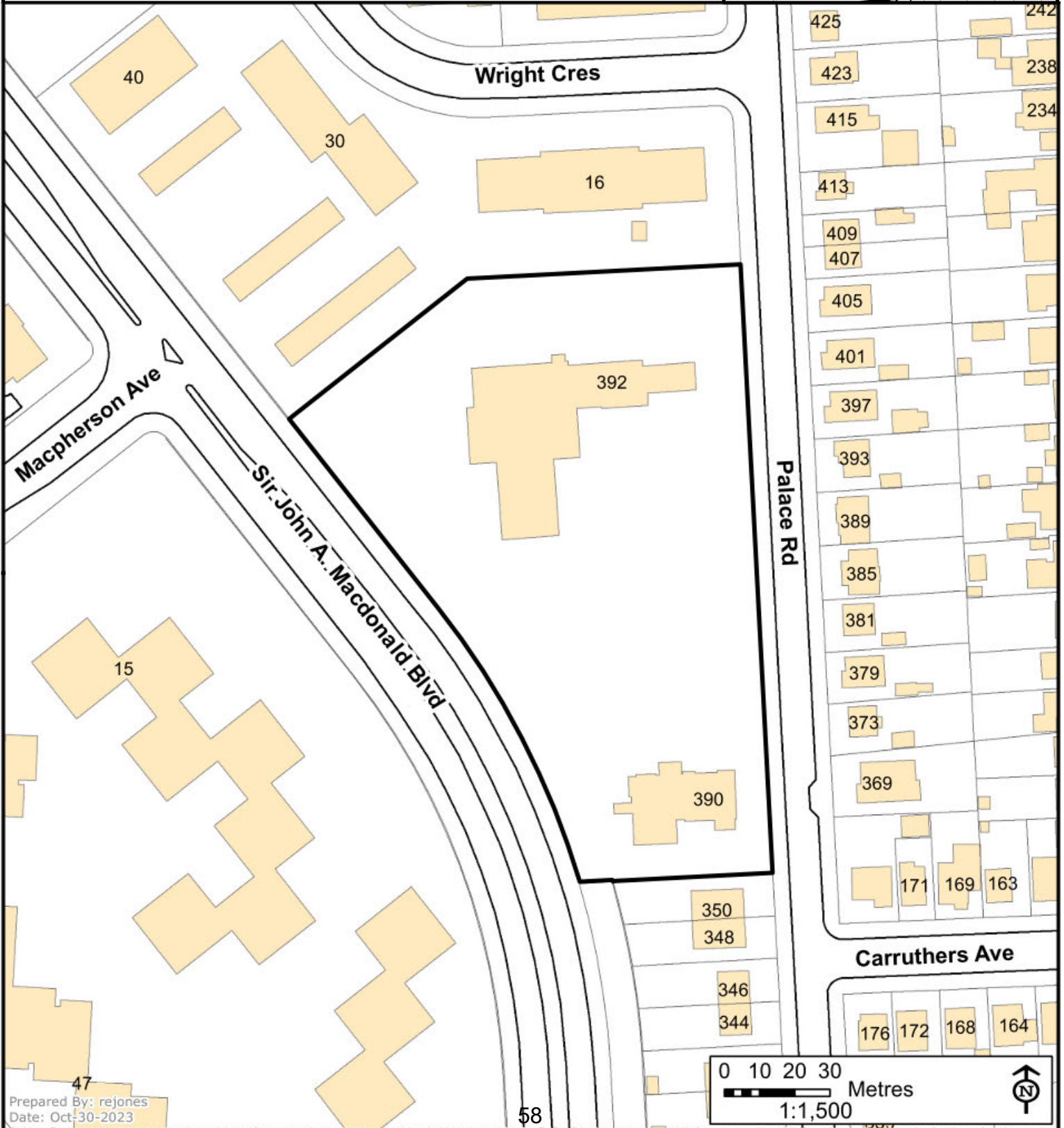
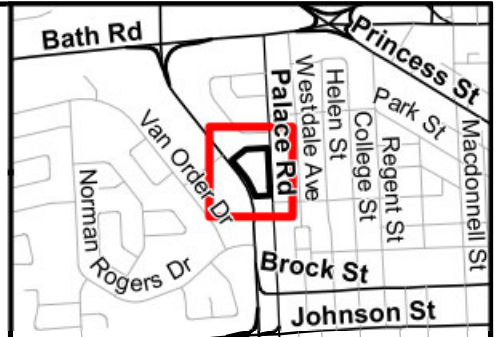
The applicant shall be required to obtain a Site Plan Control Modification agreement prior to applying for a building permit to complete the proposed development.



Committee of Adjustment Key Map

Address: 390 Palace Road
File Number: D13-063-2023

Lands Subject to Minor Variance



Prepared By: rejonas
Date: Oct-30-2023



Committee of Adjustment Neighbourhood Context (2023)

Address: 390 Palace Road
File Number: D13-063-2023

- Subject Lands
- Property Boundaries
- Proposed Parcels



Prepared By: rejonas
Date: Oct-30-2023

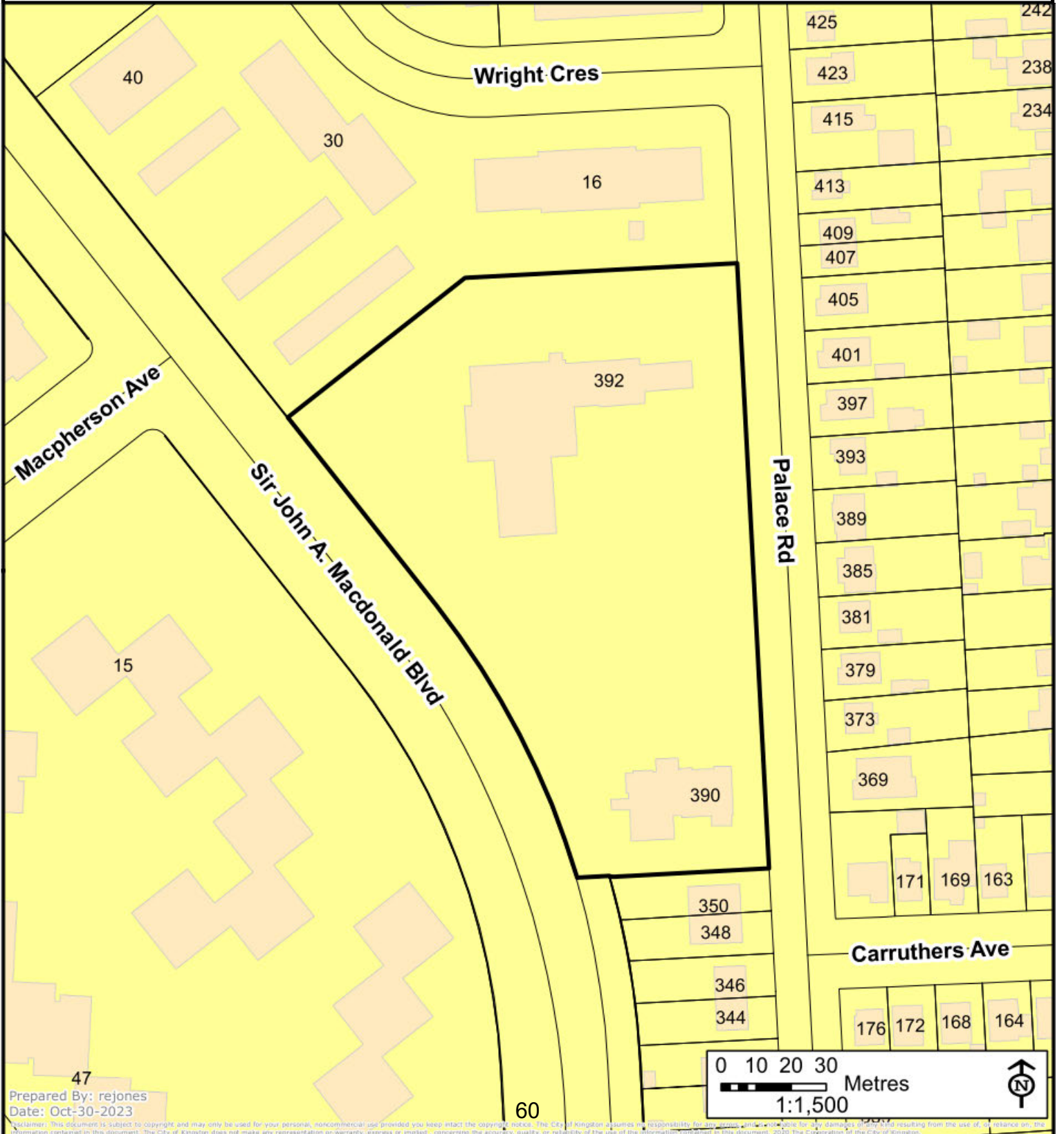
Notwithstanding to whom it may be applied and any notice or approval given hereunder, the City of Kingston remains responsible for any errors, used or not, made in the preparation of this map. The City of Kingston does not accept any responsibility for any errors, used or not, made in the preparation of this map. The City of Kingston does not accept any responsibility for any errors, used or not, made in the preparation of this map. The City of Kingston does not accept any responsibility for any errors, used or not, made in the preparation of this map.



Committee of Adjustment Official Plan, Existing Land Use

Address: 390 Palace Road
File Number: D13-063-2023

- Subject Lands
- RESIDENTIAL



Prepared By: rejones
Date: Oct-30-2023



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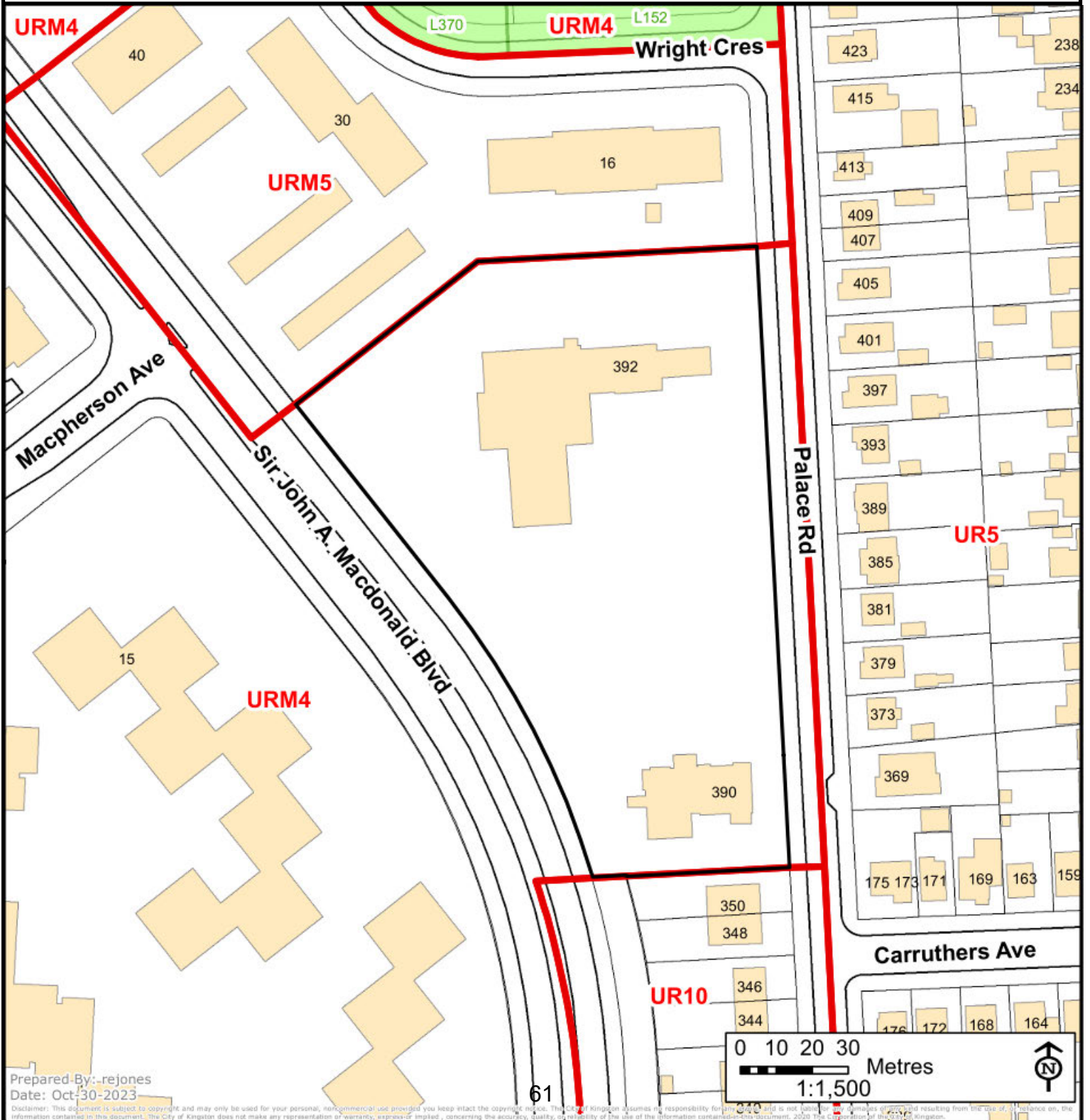
Planning Committee
Existing Zoning
Kingston Zoning By-Law 2022-62

Planning Services

Address: 390 Palace Road
File Number: D13-063-2023

Subject Lands
Schedule 1 Zoning Map
Zone

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



Prepared By: rejoncs
Date: Oct-30-2023

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Revision Schedule

| No. | Description | Date |
|-----|-------------|------|
| | | |

Roman Catholic Archdiocese
of Kingston Canada

390 Palace Road
Kingston, Ontario K7L 4T3

Proposed Addition to
Existing Offices

Project number 2001

Date October 2023

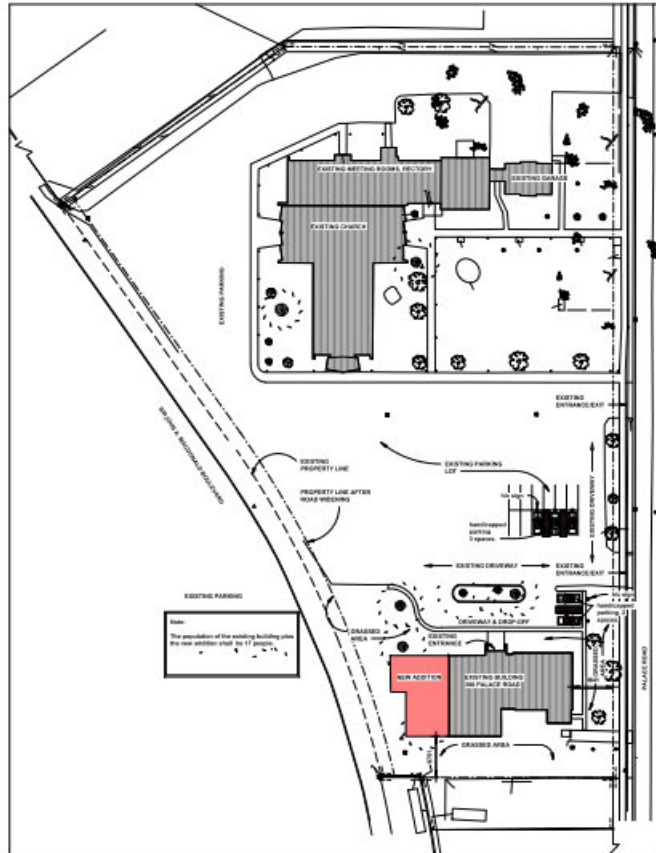
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Checked by HMS

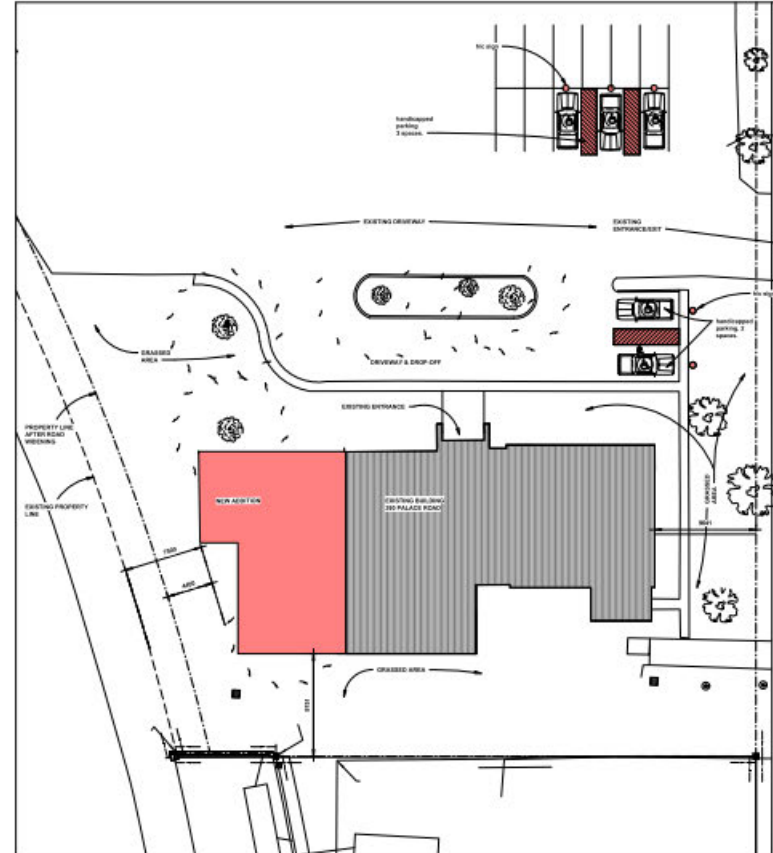
Drawing No.

A1

Scale As indicated



1 Concept Plan
1:500



2 Concept Plan- BLOW UP
1:200



Figure 1: Frontal view of the office building at 390 Palace Road, known as the Francis J. Spence Pastoral Centre.



Figure 2: View of the north-east corner of the office building. A 211 square metre addition is proposed for the east side of the building.



Figure 3: Eastern view of the office building. It is anticipated that removal of the two trees shown here will be required to accommodate the building expansion.



Figure 4: View of Sir John A Macdonald Boulevard from the subject property. Following the road widening, a portion of the parking lot shown here will encroach onto the City's Right-of-Way. An Encroachment Agreement will be required to permit this encroachment.



Figure 5: Parking area and landscaped area in front of 390 Palace Road. The applicant has agreed to add five accessible parking spaces to the existing parking lot.



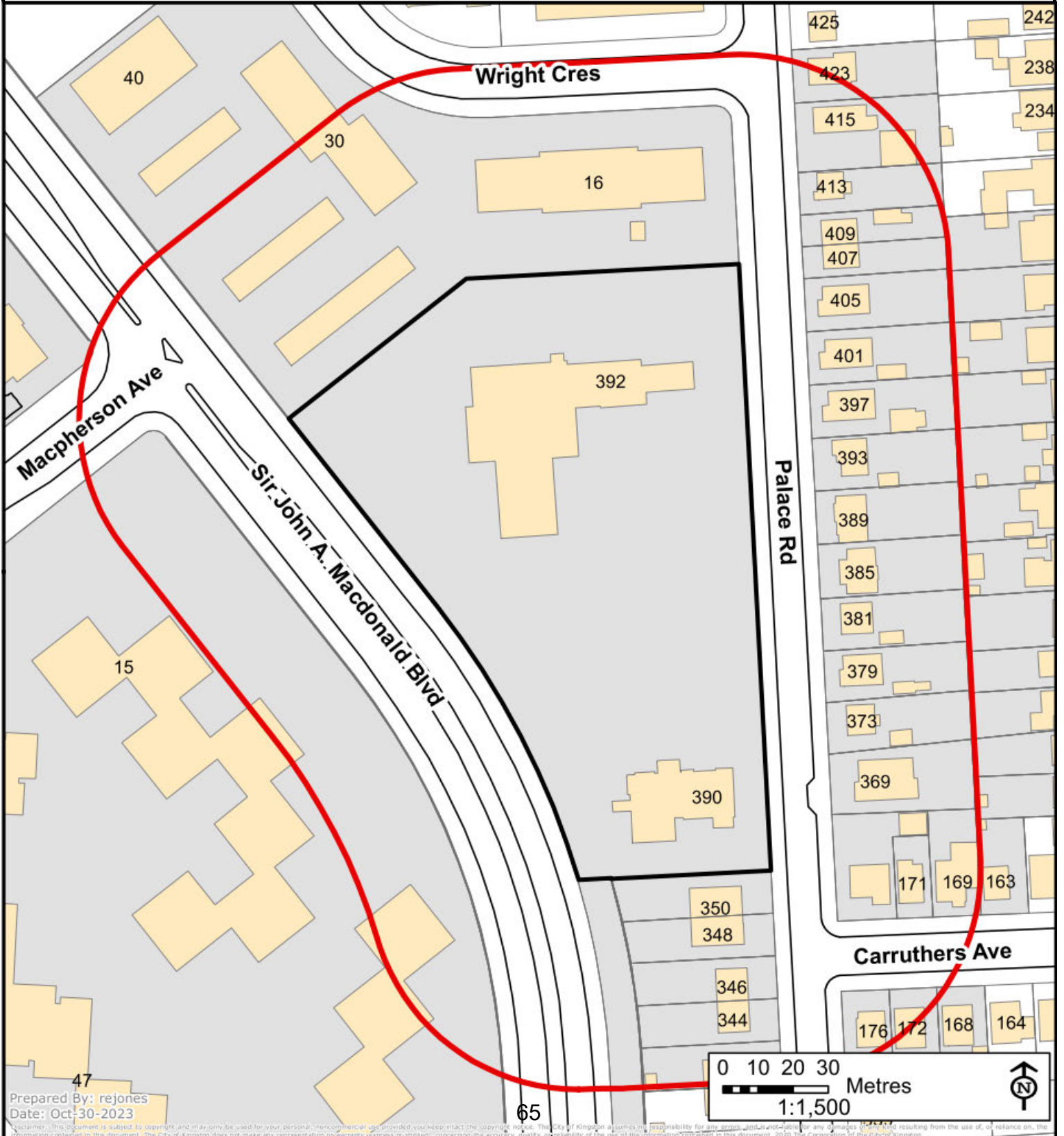
Figure 6: Frontal view of St. Joseph's Church, across the parking lot from the office building at 390 Palace Road.



Committee of Adjustment
Public Notice Notification Map

Address: 390 Palace Road
File Number: D13-063-2023

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



Prepared By: rejonas
Date: Oct-30-2023

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