



**City of Kingston
Report to Committee of Adjustment
Report Number COA-24-013**

To: Chair and Members of the Committee of Adjustment
From: Genise Grant, Senior Planner
Date of Meeting: January 22, 2024
Application for: Minor Variance
File Number: D13-071-2023
Address: 300 Bayfield Lane
District: District 8 - Meadowbrook-Strathcona
Owner: Frontenac Shopping Centre Inc.
Applicant: Patry Group

Council Strategic Plan Alignment:

Theme: 1. Support Housing Affordability

Goal: 1.2 Promote increase in purpose-built rental housing.

Executive Summary:

This report provides a recommendation to the Committee of Adjustment regarding an application for minor variances for the property located at 300 Bayfield Lane, which is the municipal address of the newly formed lot at the northeast corner of the Frontenac Mall site.

The applicant has obtained an Official Plan Amendment and Zoning By-Law Amendment (File Number D35-013-2021) to support mixed-use, high-density redevelopment of the lands. Redevelopment is intended to occur in multiple phases, with the first phase being a new 6-storey residential building behind the retained mall.

As the applicant has proceeded through Site Plan Control review (File Number D11-026-2022), two minor areas of relief needed from the zoning by-law to support the intended site layout have been identified and are being sought through this application. The applicant is requesting minor

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relief from the minimum rear setback and the minimum visitor parking setback requirements of the Kingston Zoning By-Law.

The requested minor variances are consistent with the general intent and purpose of both the City of Kingston Official Plan and the Kingston Zoning By-Law. The requested minor variances are desirable for the appropriate development or use of the land, building or structure and are minor in nature. As such, the proposed application meets all four tests under Subsection 45(1) of the *Planning Act* and is recommended for approval.

Recommendation:

That minor variance application, File Number D13-071-2023, for the property located at 300 Bayfield Lane to reduce the minimum rear setback and minimum visitor parking setback to support redevelopment of the site with a 6-storey residential building, be approved, as described below:

Variance Number 1:

By-Law Number 2022-62: 21.1.1.E122.(h) – Minimum rear setback

Requirement:	20 metres
Proposed:	18.75 metres
Variance Requested:	1.25 metres

Variance Number 2:

By-Law Number 2022-62: 7.4.9.3(a) – Minimum visitor parking setback

Requirement:	3.0 metres from any lot line
Proposed:	2.25 metres from rear lot line
Variance Requested:	0.75 metres; and

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-013.

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Authorizing Signatures:

ORIGINAL SIGNED BY PLANNER

Genise Grant, Senior 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 November 30, 2023, a minor variance application was submitted by Patry Group, on behalf of the owner, Frontenac Shopping Centre Inc., with respect to the property located at 300 Bayfield Lane. The variance is requested to obtain relief from the minimum rear setback and the minimum visitor parking setback requirements of the Kingston Zoning By-Law to facilitate development of the property with a 6-storey residential building.

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

- Survey; and
- 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 at the northeast corner of the lands commonly known as the Frontenac Mall (Exhibit B – Key Map). The property at 300 Bayfield Lane was recently created through a consent application (File Number D10-011-2023) and is 1.55 hectares in size. The property has previously supported a portion of the mall which is now being removed to make way for the proposed 6-storey residential apartment building.

The property does not abut a public roadway but benefits from legal access over “Bayfield Lane”, which runs north/south through the Frontenac Mall property, connecting to Bath Road. The property abuts the Frontenac Mall to the west and south, the CN Rail line to the north, and a residential apartment development to the east (Exhibit C – Neighbourhood Context Map).

The subject property is designated District Commercial in the Official Plan (Exhibit D – Official Plan Map) and is subject to Site Specific Policy Area Number 74, which is intended to guide the multi-phase redevelopment of the mall lands. The property is zoned the URM8 zone and is subject to exception overlay E122 in the Kingston Zoning By-Law (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.

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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 District Commercial in the City of Kingston Official Plan (Exhibit D – Official Plan Map), and is subject to Site Specific Policy Area Number 74, which is intended to guide redevelopment of the mall lands with high-density residential and commercial uses.

In considering whether the proposed variances are desirable, the Committee of Adjustment will have regard to the nine requirements included in Section 9.5.19 of the Official Plan.

Council recently approved both an Official Plan amendment and a zoning by-law amendment for the subject lands which support the phased redevelopment of the Frontenac Mall site with a mix of uses. More specifically, the Official Plan and zoning by-law amendments considered and supported the 6-storey residential development of this new lot behind the retained mall site. The appropriateness of the proposed development, including conformity to the Official Plan, compatibility with surrounding uses, and ability of the site to function effectively were reviewed extensively through [Report Number PC-23-027](#). The requested variances to the rear yard and visitor parking setback do not change the opinion provided by staff and supported by Council through that report.

The requested relief is appropriately considered through the minor variance application as it meets the criteria for a variance provided by the *Planning Act* and does not necessitate a zoning amendment process.

As such, the proposal meets the overall intent of the Official Plan, as well as the specific criteria of Section 9.5.19 as it relates to minor variance considerations. The proposed development will provide residential intensification on the central, serviced lands and 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 the Urban Multi-Residential 8 (URM8) zone in Kingston Zoning By-Law Number 2022-62, with Exception Overlay E122 applied (Exhibit E – Zoning By-Law Map). The URM8 zone permits apartment buildings, stacked townhouses and a variety of community uses. The E122 Exception Overlay provides a number of site-specific provisions to generally implement the site layout reviewed and approved through the recent zoning by-law amendment application (File Number D35-013-2021). The exception overlay was approved by Council on August 8, 2023 in order to facilitate the proposed 6-storey residential development.

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As the applicant has proceeded through Site Plan Control review and prepared detailed site designs, minor areas requiring relief from the zoning by-law were identified and are being sought through this application. The proposal requests a variance to Sections 21.1.1.E122.(h) and 7.4.9.3(a) of the Kingston Zoning By-Law, as follows.

Variance Number 1:

By-Law Number 2022-62:	21.1.1.E122.(h) – Minimum rear setback
Requirement:	20 metres
Proposed:	18.75 metres
Variance Requested:	1.25 metres

Variance Number 2:

By-Law Number 2022-62:	7.4.9.3(a) – Minimum visitor parking setback
Requirement:	3.0 metres from any lot line
Proposed:	2.25 metres from rear lot line
Variance Requested:	0.75 metres

The variances would support the proposed site layout, particularly at the east side of the property. Through review of the site plan and discussions with the applicant team, the project architect has confirmed that the detailed floor plans and underground parking access layout does not allow for slight movement of the building to the west, nor a slight reduction to the building length without requiring significant additional design work. As such, the minor relief would support the detailed design work done to date.

The proposed variances maintain the intent and purpose of the zoning by-law by continuing to provide adequate setbacks to support land use compatibility and intervening functional design elements on the site. The reduction in minimum rear setback is minor in nature and continues to significantly exceed the minimum rear setback requirement of the parent URM8 Zone of 10 metres. The E122 exception overlay applied to the property doubles this setback to 20 metres, and the minor relief to 18.75 metres implements the intent of the overlay to provide a deep rear yard which supports a functional drive aisle and parking area.

The reduction in minimum visitor parking setback from 3 metres to 2.25 metres maintains the intent of the By-law to provide a separation buffer for parking spaces to avoid encroachment into adjacent properties and to allow for landscaped space between parking areas and lot lines. The eastern lot line abuts the parking area of the adjacent residential property, thus limiting impacts of the reduced parking setback. At the northeast corner of the site, the abutting residential play area is screened by a solid wood fence which provides physical separation between the parking and amenity area. The site plan continues to provide space for landscaping within the setback and will also incorporate lighting standards to support the safety and usability of the lands.

The requested variance maintains the general intent and purpose of the zoning by-law.

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3) The variance is minor in nature:

The variance is considered minor as the site will continue to provide appropriate setbacks to support land use compatibility and required functional site elements.

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

The proposed variances are desirable as they will facilitate development of the subject lands with a 6-storey purpose-built rental building which will provide 338 new homes into the local housing market. The proposed development has been supported by Council through the approved Official Plan and zoning by-law amendments as good land use planning in the public interest. The variances will support the desirable and appropriate use of the land.

Technical Review: Circulated Departments and Agencies

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| <input type="checkbox"/> Finance | <input checked="" type="checkbox"/> Utilities Kingston | <input type="checkbox"/> Real Estate |
| <input checked="" type="checkbox"/> Fire & Rescue | <input checked="" type="checkbox"/> Kingston Hydro | <input type="checkbox"/> Environment Division |
| <input type="checkbox"/> Solid Waste | <input type="checkbox"/> Parks Development | <input type="checkbox"/> Canadian National Railways |
| <input type="checkbox"/> Housing | <input checked="" type="checkbox"/> District Councillor | <input type="checkbox"/> Ministry of Transportation |
| <input type="checkbox"/> KEDCO | <input checked="" type="checkbox"/> Municipal Drainage | <input type="checkbox"/> Parks of the St. Lawrence |
| <input checked="" type="checkbox"/> CRCA | <input type="checkbox"/> KFL&A Health Unit | <input type="checkbox"/> Trans Northern Pipelines |
| <input checked="" 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 on the application. 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

- Official Plan Amendment and Zoning By-Law Amendment application to establish redevelopment permissions for the mall (File Number D35-013-2020)

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- Consent application to establish new lot and access and servicing easements (D10-011-2023)
- Site Plan Control modification application to demolish part of the mall (D11-027-2022)
- Site Plan Control application for new 6-storey apartment building (File Number D11-026-2022)

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.

Approval of this application will facilitate development of the subject lands with a 6-storey apartment building.

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 January 22, 2024 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 owners of the 8 properties (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).

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*.

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Accessibility Considerations:

None

Financial Considerations:

None

Contacts:

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

Genise Grant, Senior Planner, 613-546-4291 extension 3185

Other City of Kingston Staff Consulted:

None

Exhibits Attached:

- Exhibit A Recommended Conditions
- Exhibit B Key Map
- Exhibit C Neighbourhood Context Map (2023)
- 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 D13-071-2023, to obtain relief from the minimum rear setback and the minimum visitor parking setback requirements of Kingston Zoning By-Law 2022-62 to facilitate development of the site with a 6-storey residential building, shall be subject to the following recommended conditions:

1. Limitation

That the approved minor variances apply only to development of the property with a 6-storey residential building as shown on the approved drawings attached to the notice of decision.

2. No Adverse Impacts

The owner/applicant shall demonstrate to the satisfaction of the City that there are no adverse impacts on neighbouring properties as a result of any modifications to on-site grading or drainage.

3. Building Permit Application Requirements

The owner/applicant shall provide to the Building Services a copy of the decision of the Committee of Adjustment, together with a copy of the approved drawings, when they make application for a Building Permit.

The drawings submitted with the Building Permit application must, in the opinion of the City, conform to the general intent and description of the approved drawing(s), including any amendments and conditions approved by the Committee of Adjustment, as stated in the decision. It must be noted that additional planning approvals may be required should further zoning deficiencies be identified through the Building Permit application process.

4. Standard Archaeological Condition


In the event that deeply buried or previously undiscovered archaeological deposits are discovered in the course of development or site alteration, all work must immediately cease and the site must be secured. The 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.

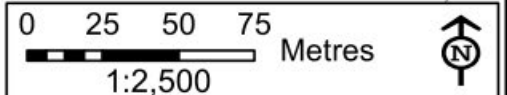
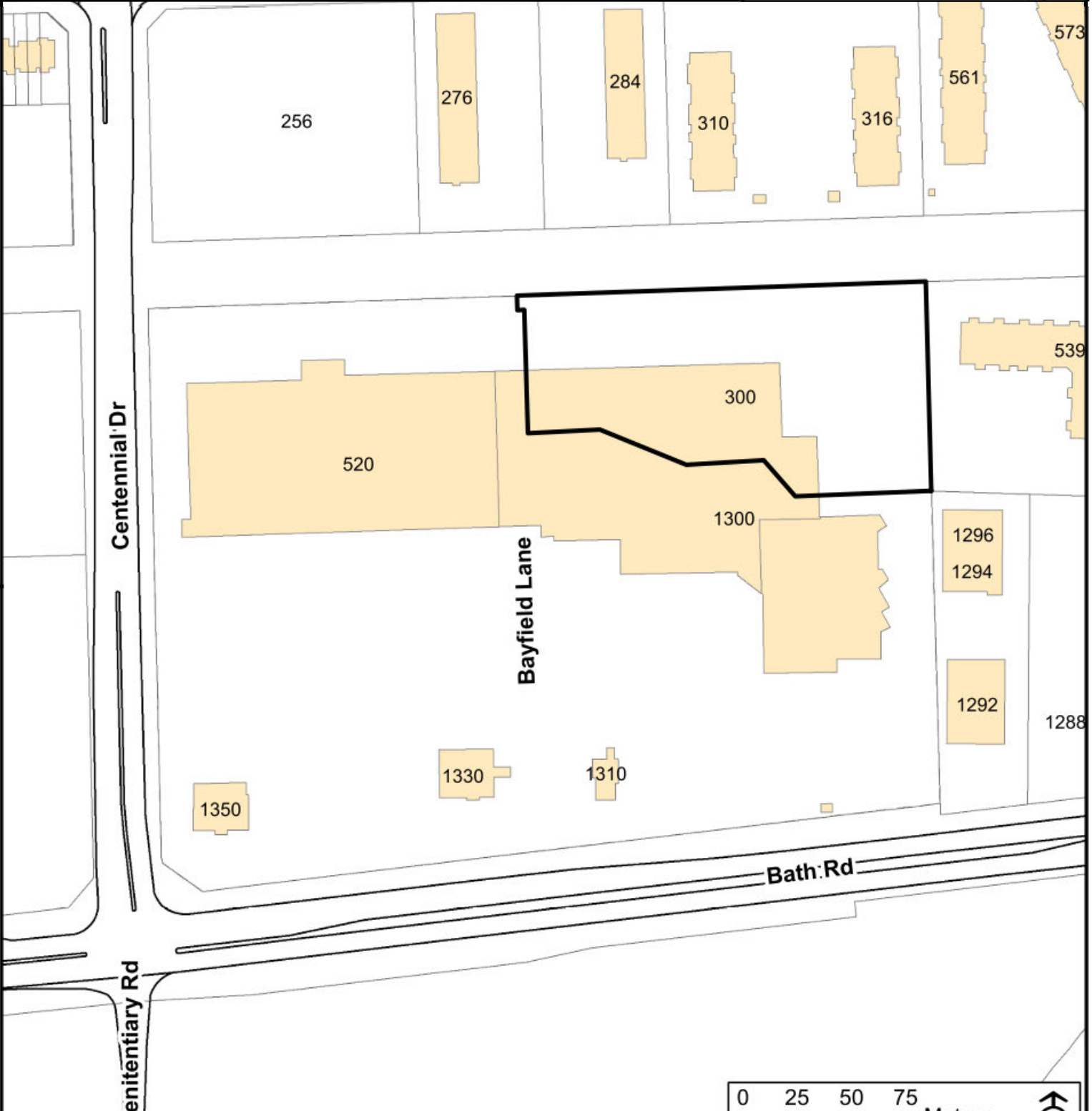
In the event that human remains are encountered, all work must immediately cease and the site must be secured. The Kingston Police (613-549-4660), the Office of the Chief Coroner as a part of the Ontario Ministry of the Solicitor General (1-877-991-9959), the Archaeology Program Unit of the Ministry of Citizenship and Multiculturalism (archaeology@ontario.ca), and City of Kingston's Planning Services (613-546-4291, extension 3180) must be immediately contacted.



Committee of Adjustment Key Map

Address: 300 Bayfield Lane
File Number: D13-071-2023

 Lands Subject to Minor Variance





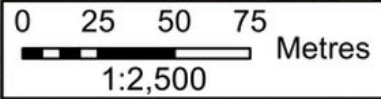
Committee of Adjustment Neighbourhood Context (2023)

Address: 300 Bayfield Lane
File Number: D13-071-2023

- Subject Lands
- Property Boundaries
- Proposed Parcels



Prepared By: ncameron
Date: Dec-18-2023



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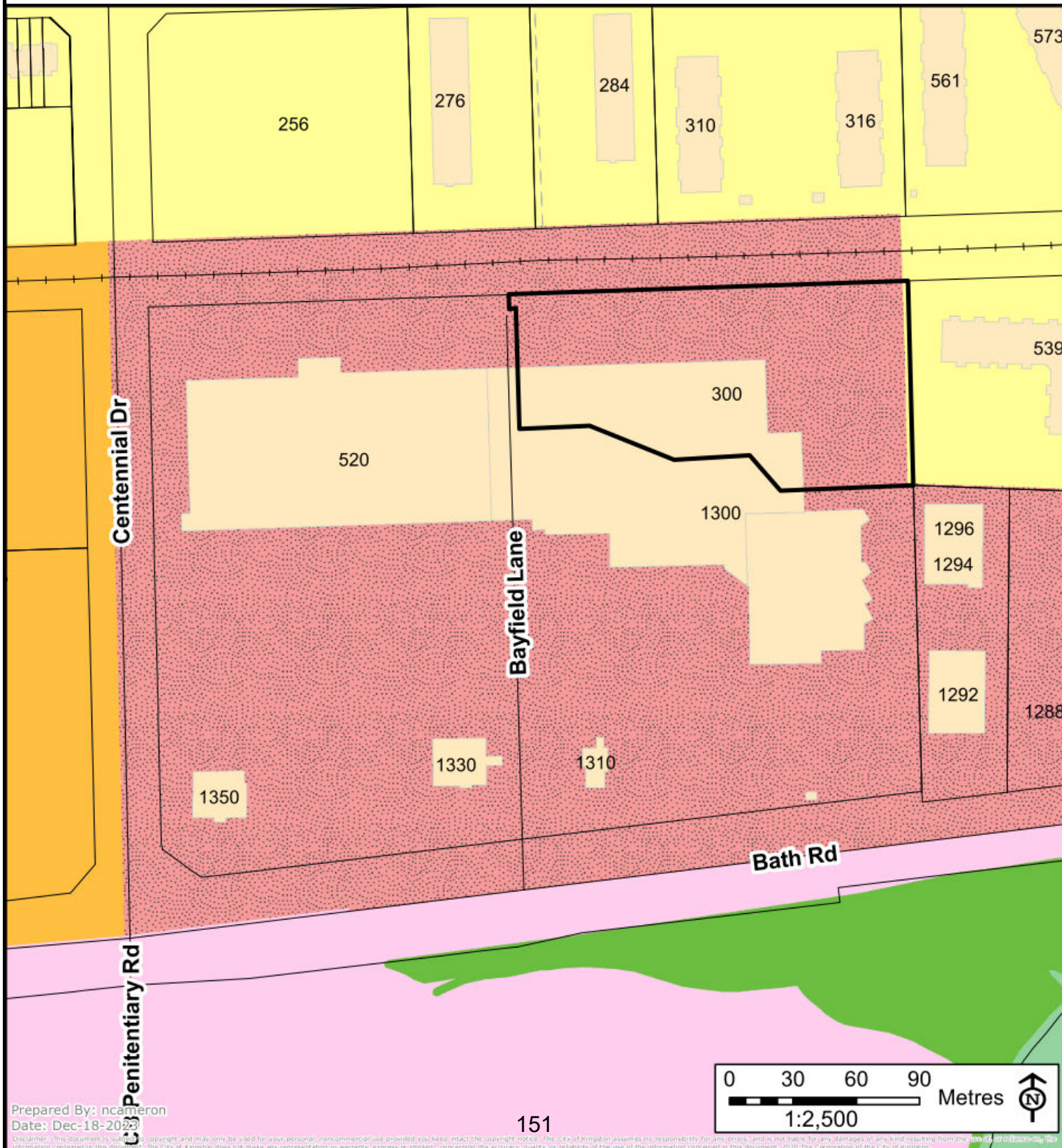


Planning Services

Committee of Adjustment Official Plan, Existing Land Use

Address: 300 Bayfield Lane
File Number: D13-071-2023

- Subject Lands
- ARTERIAL COMMERCIAL
- DISTRICT COMMERCIAL
- ENVIRONMENTAL PROTECTION AREA
- INSTITUTIONAL
- RESIDENTIAL



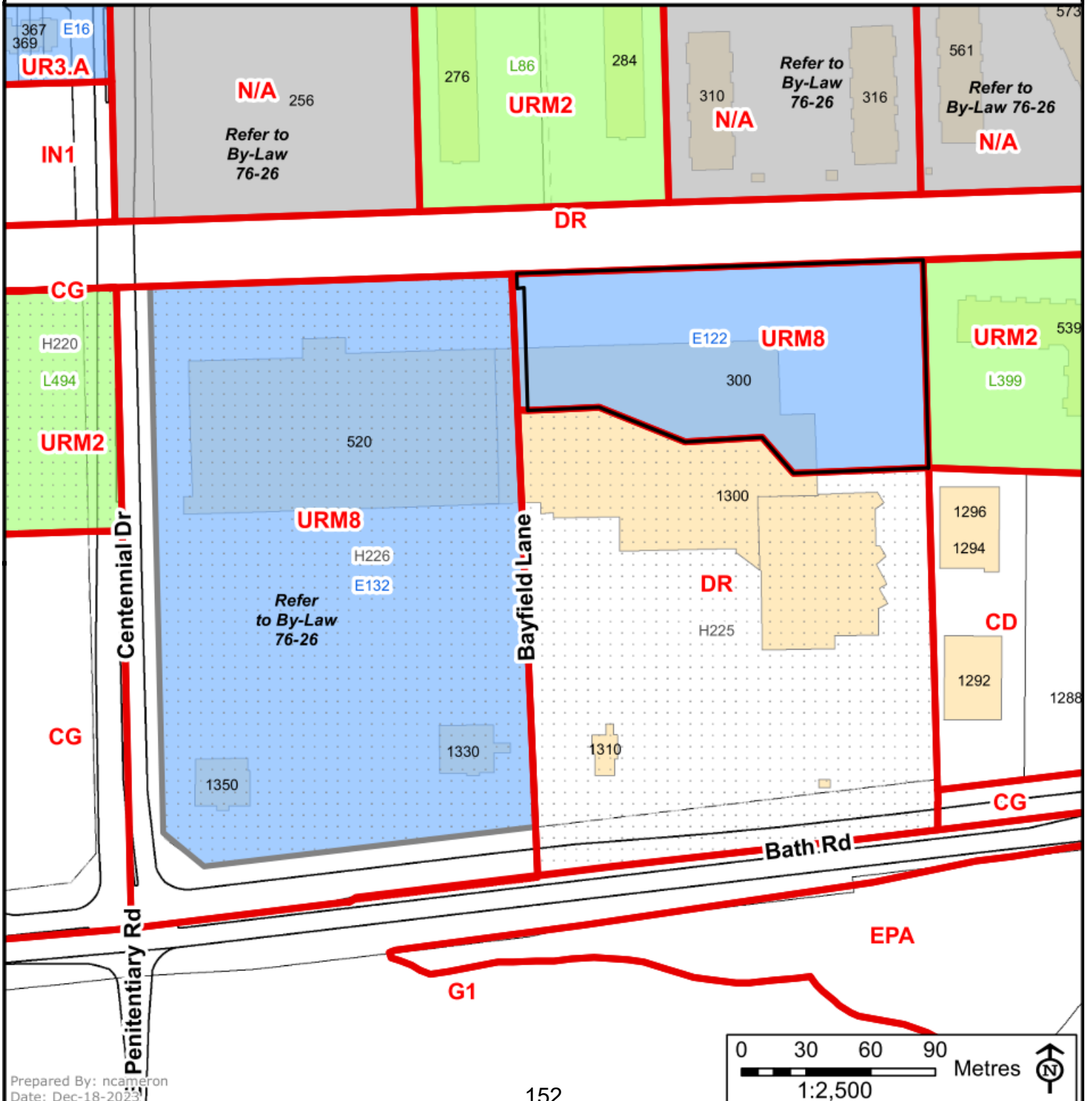


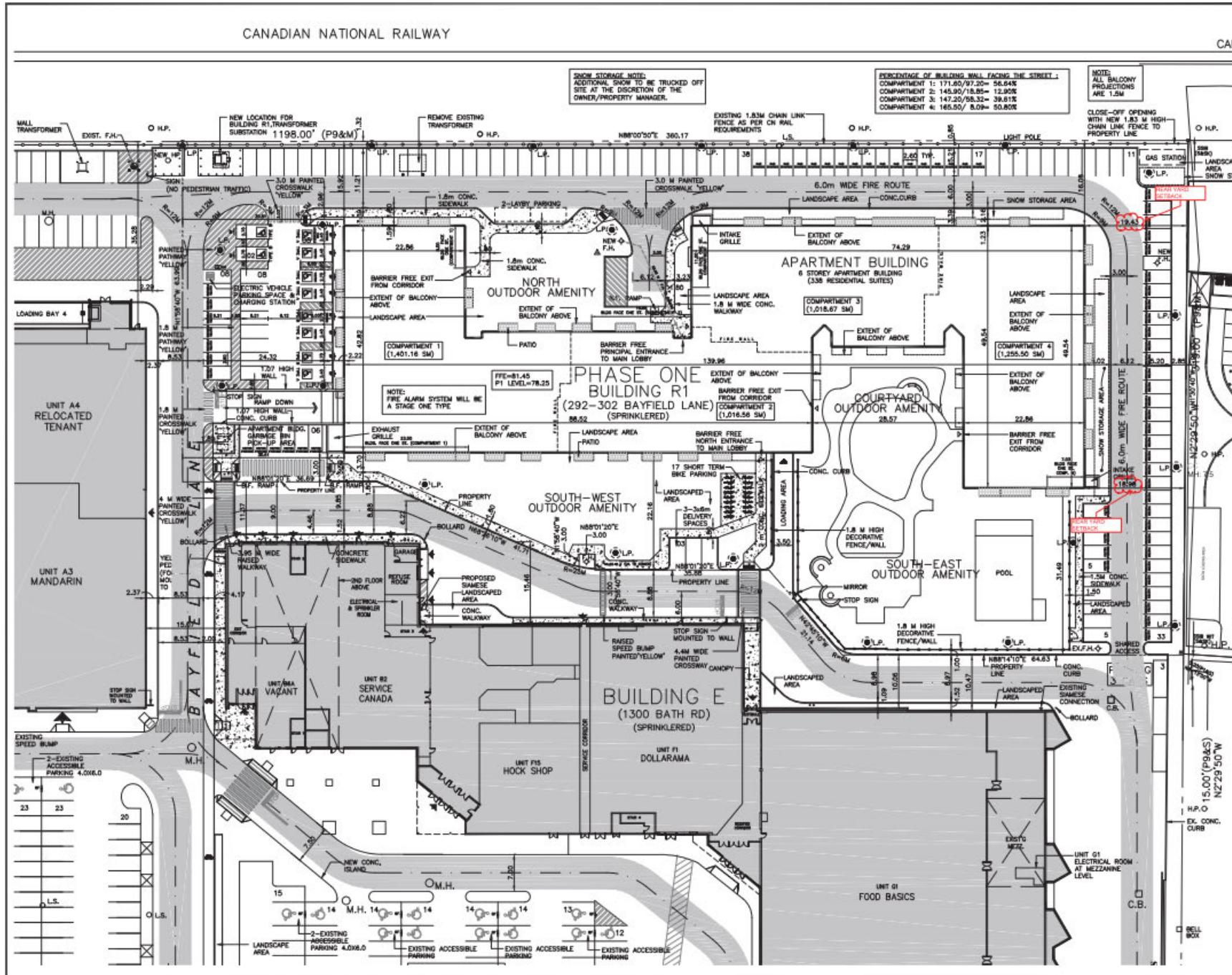
Planning Committee
Existing Zoning
Kingston Zoning By-Law 2022-62

Planning Services

Address: 300 Bayfield Lane
 File Number: D13-071-2023

- 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)





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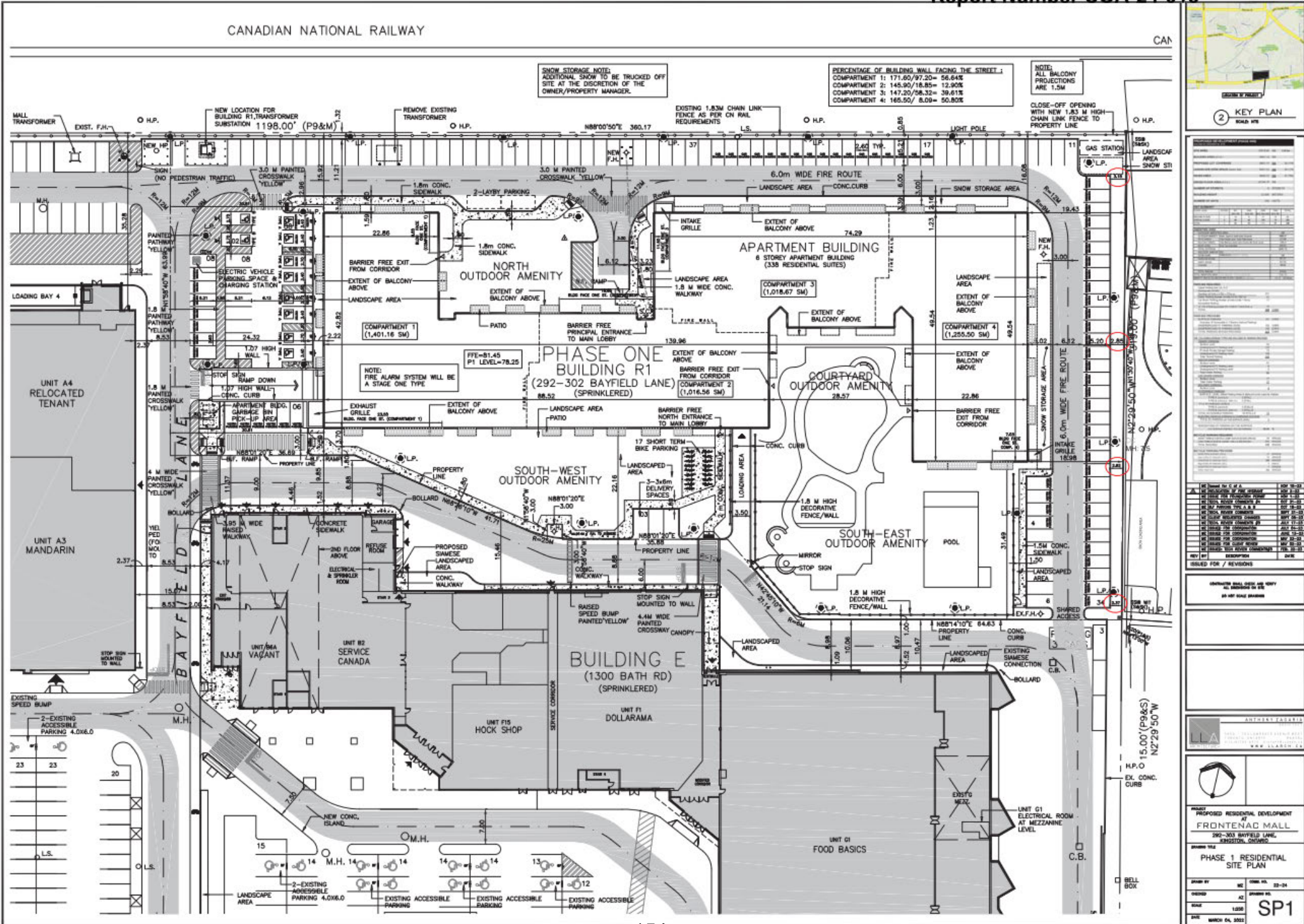
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ANTHONY TALARIS
L.A. LANDSCAPE ARCHITECTURE
1550 UNIVERSITY AVENUE, SUITE 200
TORONTO, ONTARIO M5G 1S7
WWW.LA-ARCHITECTURE.COM

PROJECT: PROPOSED RESIDENTIAL DEVELOPMENT AT FRONTENAC MALL, 292-302 BAYFIELD LANE, KINGSTON, ONTARIO

DRAWING TITLE: PHASE 1 RESIDENTIAL SITE PLAN

DRAWN BY: MC, CHECKED BY: JJ, DATE: 22-04
DESIGNED BY: JJ, DRAWING NO.:
SCALE: 1:250
DATE: MARCH 04, 2023

SP1



View of the site looking west from behind the existing mall



View of interaction of lot with adjacent property looking north along shared lot line








View of the existing fence screening the adjacent play area



Planning Services

Committee of Adjustment Public Notice Notification Map

Address: 300 Bayfield Lane
File Number: D13-071-2023

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

