

City of Kingston Report to Committee of Adjustment Report Number COA-24-026

To: Chair and Members of the Committee of Adjustment

From: Ian Clendening, Senior Planner

Date of Meeting: March 18, 2024
Application for: Minor Variance

File Number: D13-007-2024

Address: 283 Rideau Street

District: District 11- King's Town

Owner: Louise Demorest

Applicant: Arcadis

Council Strategic Plan Alignment:

Theme: 1. Support Housing Affordability

Goal: 1.1 Promote increased supply and affordability of housing.

Executive Summary:

This report provides a recommendation to the Committee of Adjustment regarding an application for minor variance for the property located at 283 Rideau Street. The applicant is proposing to construct a two-bedroom additional residential unit measuring 56.2 square metres and occupying 14.9 percent of the property's lot area. The additional residential unit is proposed at the rear of the property where it would be accessed by a walkway which overlaps with a portion of the existing driveway while the parking which currently occupies this area would be moved further towards the rear of the property.

Minor variances have been requested to facilitate the proposed development by allowing for a greater percent of lot coverage for the additional residential unit and to allow a reduced width walkway to overlap with the driveway. Due to the placement of the existing house on the subject property, there is insufficient space between the north wall of the house and the north lot line to

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accommodate the full width of both a driveway and walkway separate from one another and the variance seeks to permit the overlap of a slightly reduced width walkway to accommodate access to the additional unit in the rear yard (Exhibit F – Site Plan). The proposed development also seeks to permit a greater percentage of lot coverage associated with the additional dwelling to allow for a modest sized unit to be placed upon the relatively smaller sized lot.

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 8499. 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 D13-007-2024, for the property located at 283 Rideau Street to construct an additional residential unit, be approved, as described below:

Variance Number 1:

By-Law Number 8499: Section 5.45(xxiv)(b) & 5.17(a)(ii)

Requirement: Maximum lot coverage of 10% for detached Second Residential Unit Proposed: Maximum lot coverage of 15% for detached Second Residential Unit

Variance Requested: 5%;

Variance Number 2:

By-Law Number 8499: Section 5.45(xvi)

Requirement: The exterior entrance to a Second Residential Unit, shall be accessed

by a minimum 1.2 metre wide unobstructed pathway.

Proposed: The exterior entrance to a Second Residential Unit, shall be accessed

by a minimum 1.1 metre wide unobstructed pathway

Variance Requested: 0.1 metre;

Variance Number 3:

By-Law Number 8499: Section 5.45(xvii)

Requirement: A "pathway" is defined as a hard surface treated path that is separately

delineated from the driveway and provides pedestrian access.

Proposed: A "pathway" is defined as a hard surface treated path that is separately

delineated, but may be overlapping with driveway where no parking spaces are located, from the driveway and provides pedestrian access.

Variance Requested: "pathway" may be overlapping with driveway where no parking spaces

are located; and

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-026.

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Authorizing Signatures:

ORIGINAL SIGNED BY PLANNER

Ian Clendening, Senior 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 January 29, 2024, a minor variance application was submitted by Arcadis, on behalf of the owner, Louise Demorest, with respect to the property located at 283 Rideau Street. The variance is requested to allow for an increase in the permitted lot coverage associated with a second residential unit, and to allow a walkway with a reduced width to overlap with the driveway.

The applicant has submitted drawings that propose a second residential unit measuring 56.2 square metres in size and containing two bedrooms located in the rear yard of the subject property. The proposal also consists of extending the driveway towards the rear of the property where two parking spaces are provided in a 'stacked' format. The existing parking area, which is situated in along the north side yard, would be repaved and textured uniquely to clearly delineate a 1.1 metre wide walkway from the remaining driveway area. A 1.8 metre tall fence as well as tree plantings are proposed to provide visual screening between the new dwelling and relocated parking area from the surrounding residences (Exhibit F – Site Plan).

To facilitate the proposed development minor variances are required to allow for a greater percent of lot coverage for the additional residential unit, which due to the relatively limited lot area, would otherwise be limited to 37.7 square metres; and, to allow a reduced-width walkway measuring 1.1 metres in width to overlap with the driveway. In support of the application, the applicant has submitted the following:

- Site Plan (Exhibit F)
- Building Elevations & Sections
- 3D Imagery
- Planning Justification Report

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 283 Rideau Street which is situated approximately 40 metres south of the intersection of Cataraqui Street (Exhibit B – Key Map). The property currently accommodates a detached dwelling measuring approximately 107 square metres in size and situated approximately 3.1 metres from the north lot line and 0.04 metres from its south lot line.

The subject property has approximately 12 metres of frontage which is consistent with that of the others in this row of lots which accommodate single-detached dwellings, though this property happens to be slightly below the average lot size. The existing driveway accesses the property at the west, from Rideau Street, and leads to one parking space located in the area between the dwelling and the north lot line.

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The property abuts detached dwellings to the north and south side while the rear of the property flanks upon the gravel parking area associated with an industrial building which accommodates a mix of uses (Exhibit C – Neighbourhood Context Map). Slightly further north the residential uses transition to commercial where the intersection of Rideau Street and Cataraqui Street accommodates a veterinary clinic and an entertainment venue. In general, the area is defined by a mix of land uses and a diversity of housing types including apartment buildings, row houses, and single- and semi-detached dwellings.

The subject lands are located in close proximity to the K&P Trail / Waterfront Trail and Emma Martin Park roughly 250 metres east as well as the Kingston (Catons) Soccer Fields, Optimist Baseball Field and Megaffin Park which are each accessible roughly 250 metres northwest. Public Transit opportunities include the #801/#802 Express Route and Route #1.

The subject property is designated Residential in the Official Plan (Exhibit D – Official Plan Map) and is subject to the Site Specific Policy Number 8. The property is zoned B1.207 in the City of Kingston Zoning By-Law Number 8499 (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) and forms a part of the City's Housing District in Schedule 2 of the Official Plan. The Official Plan sets out the goal of the Residential designation respond to the housing needs of the City's citizens by retaining and augmenting a broad range of housing at all levels of affordability within a safe, convenient and stable setting, organized primarily into neighbourhoods.

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.

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The proposed development meets the strategic policy direction of the Official Plan by providing additional growth within the Urban Boundary in an efficient manner that optimizes infrastructure by providing gentle density to an area with existing services. The additional growth in this part of the City would further reinforce the active transportation goals of the city given the high modal split towards active transportation or public transit associated with this area, while also helping to achieve the affordable housing goals given the additional residential unit on an existing parcel of land, the proposal seeks to create.

Section 2.7 of the Official Plan outlines the principles of land use compatibility to ensure that new development respects the qualities of existing areas and provides suitable transitions between areas of differing uses, intensity, sensitivity and urban design treatment and intensity to avoid or mitigate adverse effects. The proposed second dwelling unit and the associated relief for lot coverage of that structure and the reduced-width walkway overlapping with the driveway will not create any compatibility concerns. The proposed walkway would compliment the walkway which was recently constructed to service the abutting property north of the subject lands by mirroring that walkway along the southern edge of the asphalt area which straddles the two properties. The applicant has also proposed a variety of vegetation and fencing which would buffer the proposed dwelling and ensure no adverse impacts result from the proposed development.

The proposed addition will have no negative impact to the site functioning in terms of access, parking for vehicles or bicycles, or universal accessibility. The existing driveway off Rideau Street would be extended to the rear of the yard thereby improving the overall site accessibility as the current parking configuration creates a significant pinch point between the property line and the building wall which currently flank either side of the parking space. The subject property is not designated under the *Ontario Heritage Act* and, subject to approval of the proposed variances, the applicant would submit a Stage 1 Archeological Assessment to ensure that the site is clear of archaeological potential before proceeding with ground disturbance.

Given that the additional coverage afforded the proposed second residential unit is quite small and there is no impacts anticipated, and because the reduced-width walkway along a shared driveway will serve to improve the site's accessibility, a minor variance is the appropriate path forward.

The proposal meets the intent of the Official Plan, as the proposed addition will not result in any negative impacts to adjacent properties or to the neighbourhood while providing gentle density within a highly walkable part of the city with existing services.

2) The general intent and purpose of the Zoning By-Law are maintained

The subject property is zoned Multiple Family Dwelling Zone "B1" and is also subject to exception 207 in the City of Kingston Zoning By-Law Number 8499 (Exhibit E – Zoning By-Law Map). The B1 zone permits a variety of residential housing types as well as "second residential units" subject to the provisions set out in Section 5.45. It is noted that since the passing of Bill 23, requiring municipalities to allow for up to three residential units under certain circumstances,

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that both a second and third residential unit would be governed by the provisions of Section 5.45 in respect to parking, access lot coverage.

The proposal requires a variance to Sections 5.45(xvi) & 5.17(a)(ii), Section 5.45(xvi), and Section 5.45(xvii).

Variance Number 1:

By-Law Number 8499: Section 5.45(xxiv)(b) & 5.17(a)(ii)

Requirement: Maximum lot coverage of 10% for detached Second Residential Unit Proposed: Maximum lot coverage of 15% for detached Second Residential Unit

Variance Requested: 5%;

The intent of limiting the lot coverage of Second Residential Units to the 10% of lot area allowed for accessory buildings is to ensure that the accessory structure, whether residential or otherwise, remains accessory and subordinate to the principal use of the property and that these structures do not have a dominating effect of the lot. The proposed second residential unit remains in the back yard where the primary dwelling obscures the presence of the building from the street. Due to the relatively small lot size of 377 square metres, the additional 5% of lot coverage proposed would result in an overall increase of 18.5 square metres in the allowable building size and the additional unit at approximately 56 square meters would remain much smaller than that of the existing dwelling which measures approximately 105 square metres.

Based on the proposed building depth of 7.63 metres, the additional 18.5 square metres would result in an additional 2.4 metres of building width which would not be discernable, and the overall intent of the by-law would be maintained. In all other respects the setbacks, building height, landscape open space, and overall lot coverage of the property would comply with the provisions of the by-law which regulate the overall massing and intensity of the lots despite the introduction of the second residential unit. Accordingly, the additional coverage dedicated to a second residential unit would not impact the intent of the area.

Variance Number 2:

By-Law Number 8499: Section 5.45(xvi)

Requirement: The exterior entrance to a Second Residential Unit, shall be accessed

by a minimum 1.2 metre wide unobstructed pathway.

Proposed: The exterior entrance to a Second Residential Unit, shall be accessed

by a minimum 1.1 metre wide unobstructed pathway

Variance Requested: 0.1 metre;

Variance Number 3:

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Requirement: A "pathway" is defined as a hard surface treated path that is separately

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Proposed: A "pathway" is defined as a hard surface treated path that is separately

delineated, but may be overlapping with driveway where no parking spaces are located, from the driveway and provides pedestrian access.

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Variance Requested: "pathway" may be overlapping with driveway where no parking spaces

are located;

The intent of Section 5.45(xvi) and 5.45(xvii) are to ensure that emergency access can be afforded to the second residential unit provided and to ensure that the walkway is not obstructed by parked vehicles within the driveway area. The proposed development plan relocates the existing parking area to the rear of the property where two tandem parking spaces are provided in the standard dimensions, while access to the stalls are afforded from the driveway.

Both the Building Department and Fire & Emergency Services Department have been consulted. There are no concerns with the proposed access under the Ontario Building Code nor from an emergency services access perspective. The site is anticipated to function with safe and unimpeded access to the rear unit.

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

3) The variance is minor in nature

The variance is considered minor in nature as no negative impacts are anticipated to result on the neighbouring properties through the additional 18.5 square metres of floor area allowed by the 5% increase of lot coverage. The overall lot coverage remains within the coverage contemplated within this zone and would not have any impact on municipal infrastructure. The variances to permit the overlap between the reduced-width walkway and the driveway would be equally minor in their impact as access to the rear of the property continues to be afforded through the walkway and no off-site impacts area anticipated.

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

Approval of the variance are a desirable form of development as they would permit a reasonably sized home to locate on the property, which is already permitted as an allowed use. The overall coverage and setbacks for the property are maintained and the primary dwelling continues to be the defining feature of the lot in terms of height and size. The minor overlap of the reduced width walkway is appropriate given the existing development of the property and the narrow side yard from which access to the rear of the property is required. New homes are needed to address the availability of housing in the City and gentle intensification of existing neighbourhoods is encouraged. The walkway and driveway can both continue to function as required with the proposed layout despite the overlapped area. An extended driveway can accommodate two vehicle parking spaces which reduce the impact of on-street parking in the neighbourhood.

The variance is desirable and appropriate use of the land.

Technical Review:	Circulated	Departments	and Agencies
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\boxtimes	Building Services	⊠ Engineering	
	Finance	□ Utilities Kingston	☐ Real Estate

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\boxtimes	Building Services	\boxtimes	Engineering	\boxtimes	Heritage Services
\boxtimes	Fire & Rescue	\boxtimes	Kingston Hydro	\boxtimes	Environment Division
\boxtimes	Solid Waste		Parks Development		Canadian National Railways
	Housing	\boxtimes	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
	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 had been received. Any public comments received after the publishing of this report will be included as an addendum to the Committee of Adjustment Agenda.

Previous or Concurrent Applications

There are no concurrent or relevant historic planning applications on the subject property.

Conclusion

The requested variances maintain the general intent and purpose of both the City of Kingston Official Plan and Kingston Zoning By-Law Number 8499. 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 allow for an additional home by way of gentle intensification within a well connected part of the city where numerous amenities exist. The small increase in size would not be noticeable, and access to the new home would continue to function in a logical manner.

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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 8499

Notice Provisions:

A Committee of Adjustment Meeting is going to be held respecting this application on March 18, 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 a total number of 37 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).

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

lan Clendening, Senior Planner, 613-546-4291 extension 3126

Other City of Kingston Staff Consulted:

None

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Exhibits Attached:

Exhibit A Recommended Conditions

Exhibit B Key Map

Exhibit C Neighbourhood Context Map (2022)

Exhibit D Official Plan, Existing Land Use 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 D13-007-2024, to construct a second residential unit exceeding the allowable lot coverage and accessed by way of a reduced-width walkway overlapping with the driveway, shall be subject to the following recommended conditions:

1. Limitation

That the approved minor variance applies only to a reduced-width walkway overlapping with the driveway and the construction of a second residential unit 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

Archaeological clearance of the subject property is required, beginning with a Stage One Archaeological Assessment and including any subsequent assessments as required by the Ministry of Citizenship and Multiculturalism's Standards and Guidelines for Consultant Archaeologists, as amended from time to time, prior to any soil disturbance.

One digital copy of the assessment report(s) and any acceptance letter(s) from the Ministry of Citizenship and Multiculturalism shall be provided to the City of Kingston prior to the issuance of any building permit for development approved through Minor Variance File Number D13-007-2024.

The City relies upon the report of the professional archaeologist as filed, but reserves the right to require further reports should further evidence be uncovered.

The applicant may be required to further review the state of archaeological resources on the property depending on the recommendations of the report and subject to input and review from the Ministry of Citizenship and Multiculturalism. The City shall not be restricted in its ability to determine requirements related to review, assessment and/or protection should archaeological resources be found on site. Any costs arising from such requirements of the City, or any other duly authorized Government body, shall be borne solely by the applicant.

5. Grading and Servicing Plan

The owner/applicant shall submit a Grading and Servicing Plan prepared by a qualified professional to the satisfaction of the City and the site design and layout of the second residential unit shall implement any recommended conditions identified within the Plan.

6. Parking Signage

The Owner shall provide, install, and maintain "No Parking" signage along the driveway leading to the rear parking area to ensure the required walkway providing access to the second residential unit remains unobstructed, to the satisfaction of Planning Services staff.



Committee of Adjustment **Neighbourhood Context**

Address: 283 Rideau Street File Number: D13-007-2024 Prepared On: Jan-31-2024

Subject Lands
Property Boundaries
Proposed Parcels





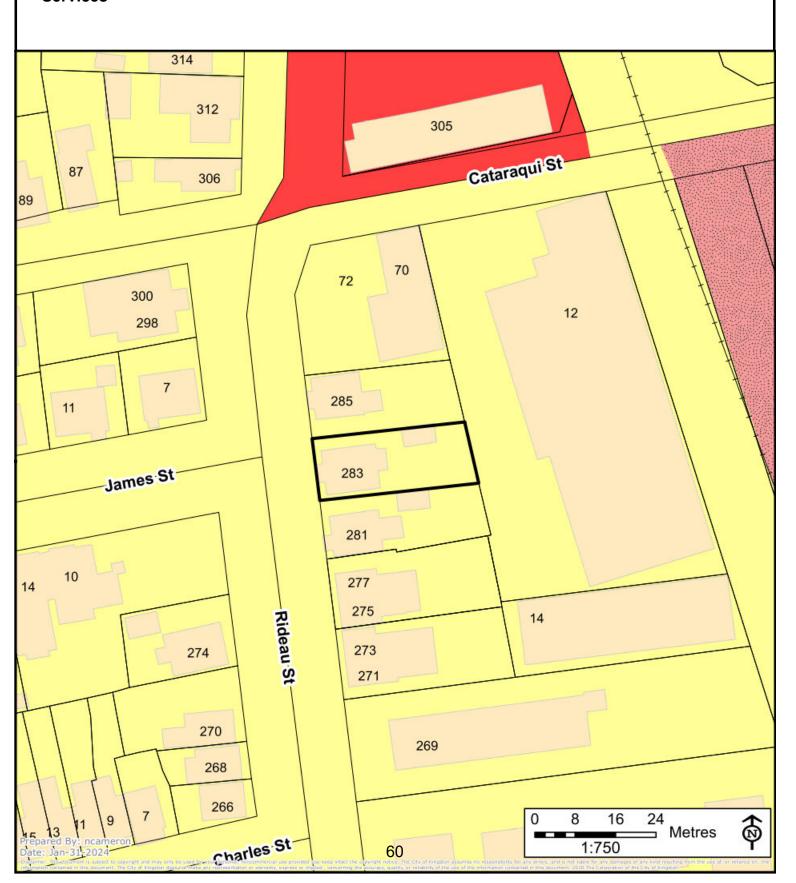
Committee of Adjustment Official Plan, Existing Land Use

Address: 283 Rideau Street File Number: D13-007-2024 Prepared On: Jan-31-2024 Subject Lands

DISTRICT COMMERCIAL

MAIN STREET COMMERCIAL

RESIDENTIAL



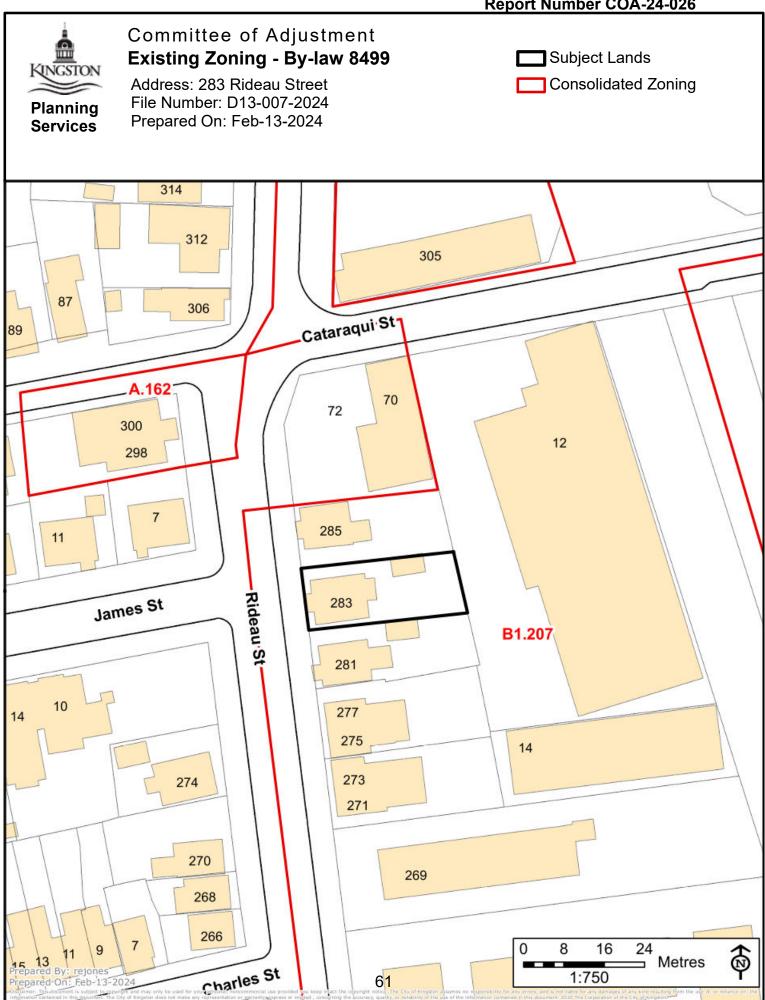


Exhibit F Report Number COA-24-026

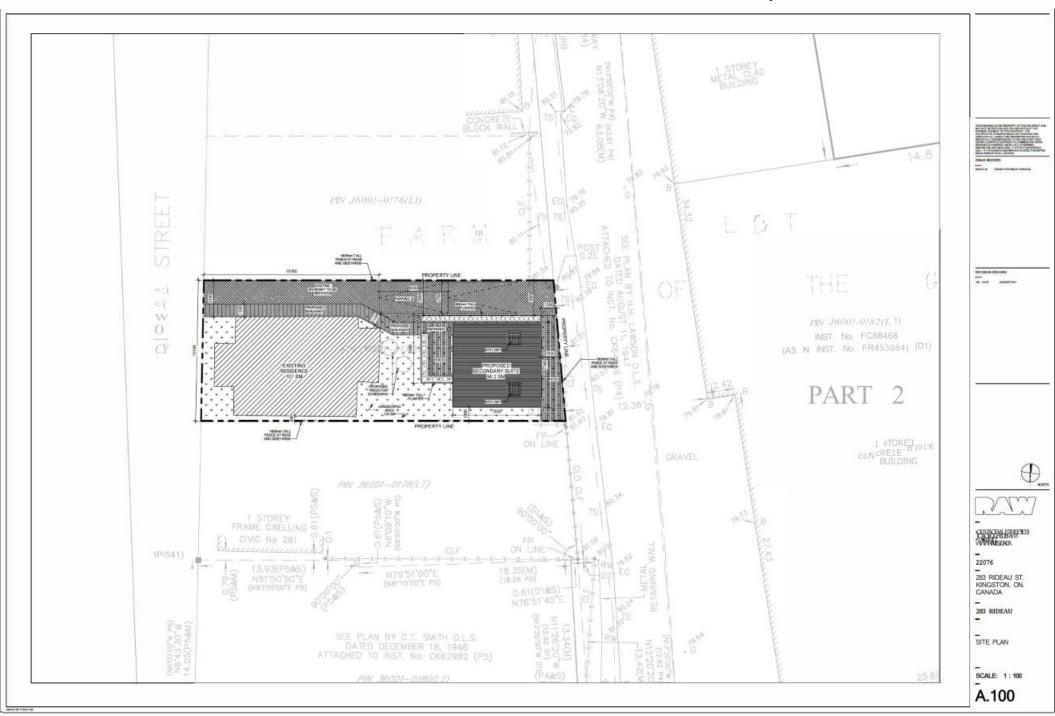


Exhibit F Report Number COA-24-026

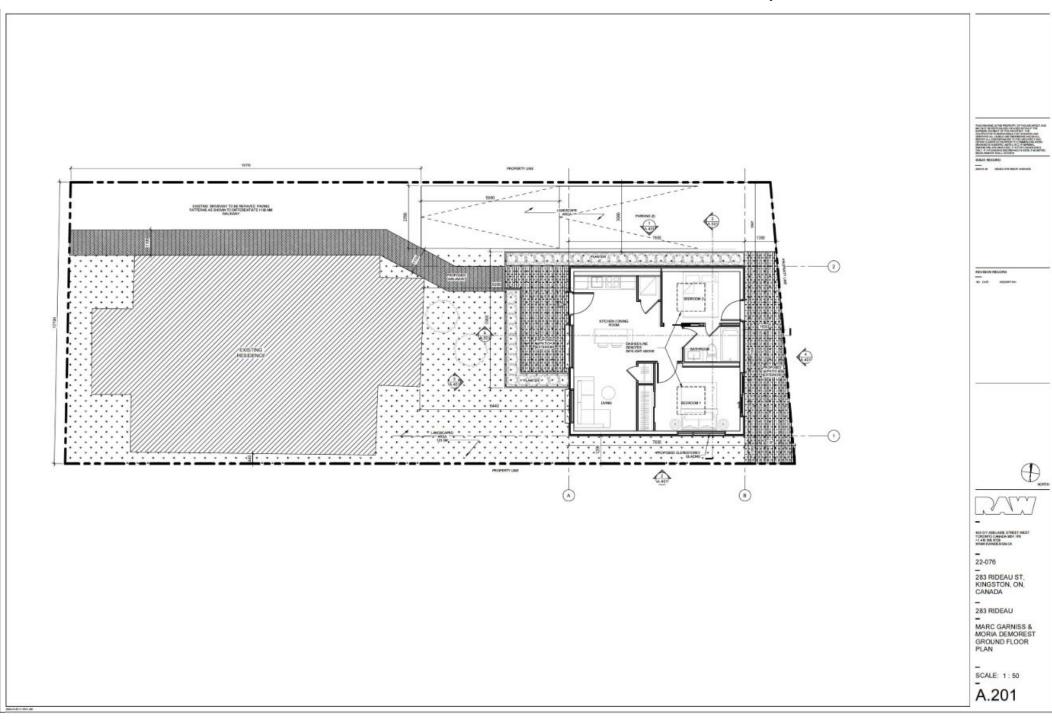


Exhibit F Report Number COA-24-026

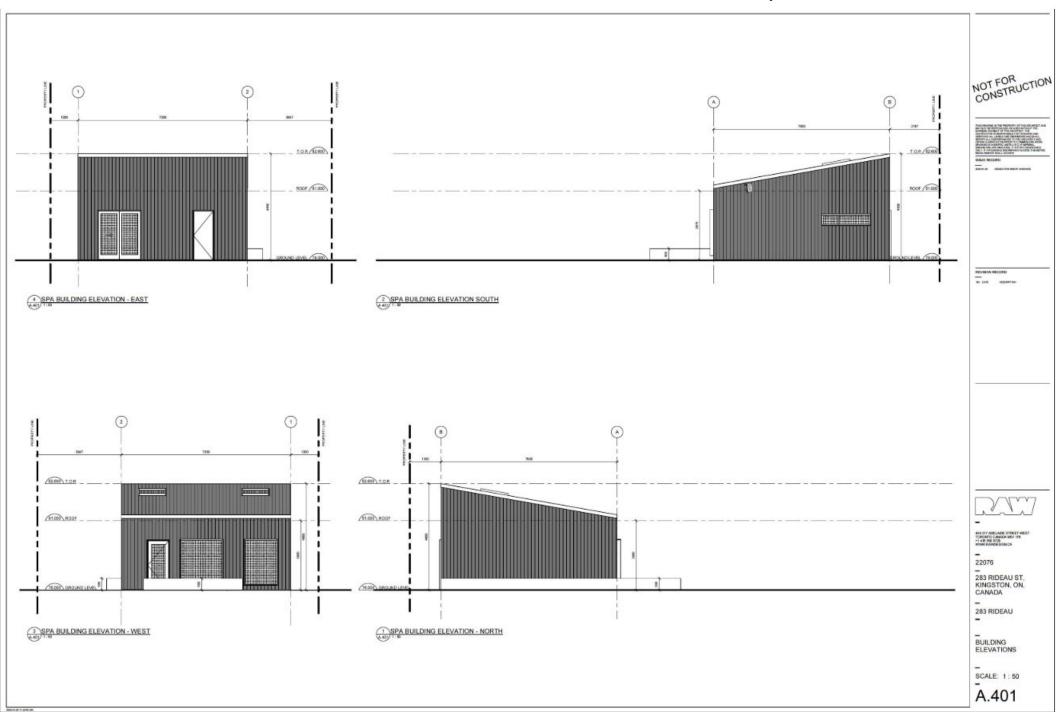
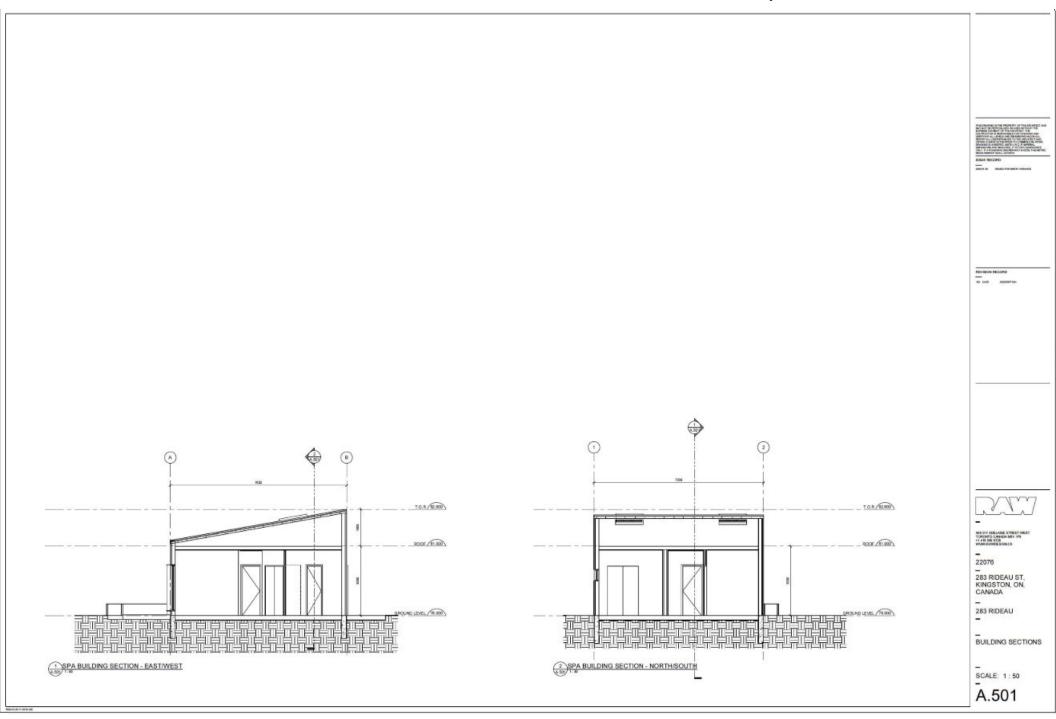


Exhibit F Report Number COA-24-026



283 RIDEAU

283 RIDEAU ST, KINGSTON, ON, CANADA

22076 Project:

Date: 29 JANUARY 2024 Issued for: MINOR VARIANCE

	ARCHITECTURAL DRAWING LIST	
SHEET NUMBER	SHEET NAME	
A000 - GENERAL		
A 000	COVER / DRAWING LIST	
A.001	30 SITE CONTEXT	
A 002	CONTEXT PLAN, OBC MATRIX + PORJECT STATS	
A100-200 - FLOOR PL	ANS	
A.100	SITE PLAN	
A 201	GROUND FLOOR PLAN	
A400 - BUILDING ELE	VATIONS	
A 401	BUILDING ELEVATIONS	
A500 - BUILDING SEC	TIONS	
A.501	BUILDING SECTIONS	

PROJECT CONSULTANTS

ARCHITECTURAL

RAW DESIGN INC. 305 RIDEAU ST KINGSTON, ON K7K 3A9 T: 416 599 9729

PLANNING

TESS GILCHRIST ARCADIS PROFESSIONAL SERVICES (CANADA) INC. 61 HYPERION COURT, SUITE 6, KINGSTON, ON K7K 7K7 T +1 613 531 4440 X. 63309



283 RIDEAU ST, KINGSTON, ON, CANADA

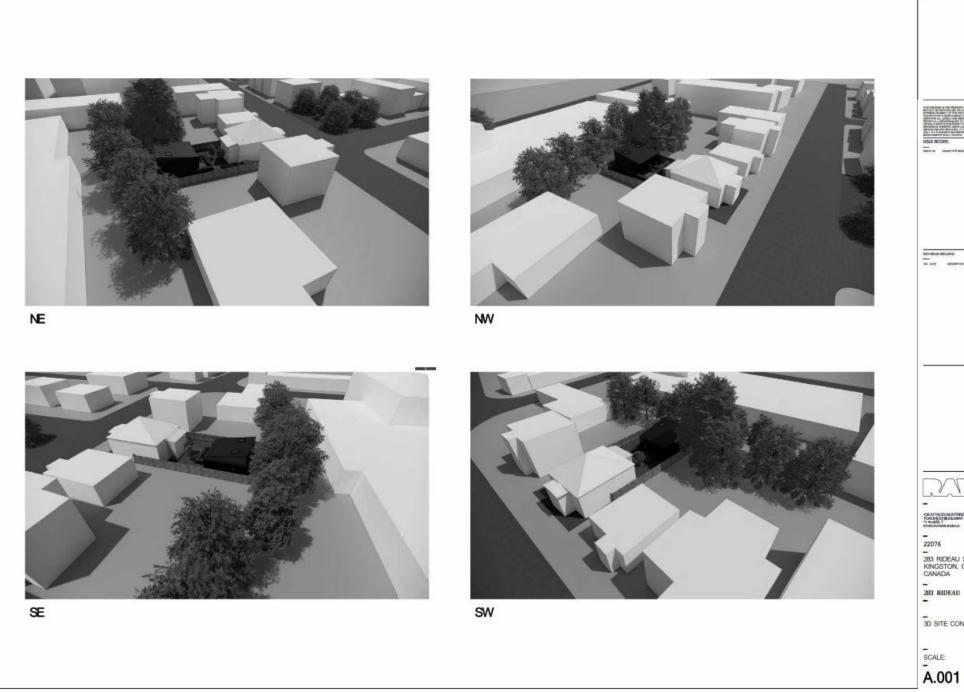
283 RIDEAU

COVER / DRAWING

SCALE:

A.000

Exhibit F **Report Number COA-24-026**



283 RIDEAU ST, KINGSTON, ON, CANADA

3D SITE CONTEXT

Site Photos

View from Rideau Street looking east towards subject property



Image Courtesy of Google Streetview

View from Rideau Street looking southeast towards driveway & proposed walkway



Image Courtesy of Google Streetview



Committee of Adjustment

Public Notice Notification Map

Address: 283 Rideau Street File Number: D13-007-2024 Prepared On: Jan-31-2024 60m Public Notification Boundary

Subject Lands

Property Boundaries

☐ Proposed Parcels

28 Properties in Receipt of Notice (MPAC)

