

City of Kingston Report to Committee of Adjustment Report Number COA-24-031

To: Chair and Members of the Committee of Adjustment

From: Annemarie Eusebio, Intermediate Planner

Date of Meeting: March 18, 2024

Application for: Minor Variance

File Number: D13-003-2024

Address: 117 Dundas Street

District: District 9 - Williamsville

Owner: John Runciman and Donna McMillan

Applicant: Mac Gervan and Associates

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 variances for the property located at 117 Dundas Street. The site is a corner lot which is located along Dundas Street and Regent Street. The site is currently developed with a one-storey single detached house. The applicant is proposing to construct a one-storey attached addition onto the existing dwelling and a detached garage. The total area of the addition is 79.9 square metres. A roof top patio is also proposed to be constructed above new one-storey addition.

Vehicular access is currently obtained from Regent Street to an attached car port. The existing car port will be demolished. The existing driveway along Regent Street will be removed and a new driveway will be constructed in a new location along Regent Street which will provide direct access to the new detached garage.

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The subject property is located within the Residential designation of the Official Plan. Under Kingston Zoning By-Law Number 2022-62, the subject property is located within an Urban Residential 5 'UR5' Zone. To facilitate the construction of the one-storey addition, a minor variance will be required to reduce the minimum exterior setback from 4.5 metres to 3.9 metres. A minor variance is also required to increase the minimum front setback from 4.5 metres to 9 metres.

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 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 D13-003-2024, for the property located at 117 Dundas Street to construct an attached one storey addition, be approved, as described below:

Variance Number 1: Minimum Exterior Setback

By-Law Number 2022-62:Table 11.6.1.(6)

Requirement: 4.5 metres Proposed: 3.9 metres Variance Requested: 0.6 metres

Variance Number 2: Minimum Front Setback

By-Law Number 2022-62:Table 11.6.1.(4)

Requirement: 4.5 metres
Proposed: 9.08 metres
Variance Requested: 4.5 metres

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-031.

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Authorizing Signatures:

ORIGINAL SIGNED BY PLANNER

Annemarie Eusebio, Intermediate 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 Mac Gervan and Associates, on behalf of the owner, Sharon Wilkinson, with respect to the property located at 117 Dundas Street. The site is a corner lot which is located along Dundas Street and Regent Street. The site is currently developed with a one-storey single detached house. The applicant is proposing to construct a one-storey rear addition onto the existing dwelling and a detached garage. The total area of the addition is 79.9 square metres. A roof top patio to be constructed above the new one-storey addition is also proposed.

Vehicular access is currently obtained from Regent Street. The existing car port will be demolished. The existing driveway along Regent Street will be removed and a new driveway will be constructed in a new location along Regent Street which will provide direct access to the new detached garage within the rear yard.

To facilitate the construction of the one-storey addition, a minor variance will be required to reduce the minimum exterior setback from 4.5 metres to 3.9 metres. A minor variance is also required to increase the minimum front setback from 4.5 metres to 9.08 metres. The proposed detached garage complies with all performance standards of the Kingston Zoning By-Law.

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

- Site Plan, Elevations and Floor Plans (Exhibit F)
- Planning Cover Letter

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 117 Dundas Street and has an area of approximately 513.5 square metres (Exhibit B – Key Map). The site is currently developed with a one-storey single family house and an attached car port. Vehicular access is obtained from Regent Street. The property is located within an established residential subdivision within the Sunnyside neighbourhood and consists primarily of single detached houses (Exhibit C – Neighbourhood Context Map). The Rideau Public School is located to the east of the property and there are several parks within walking distance which include Elder Park, Compton Park, Churchill Park and Napier Street Parkette.

The subject property is designated Residential in the Official Plan (Exhibit D – Official Plan Map) and zoned Urban Residential 5 'UR5' in Kingston Zoning By-Law Number 2022-62 (Exhibit E – Zoning By-Law Map).

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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 one-storey addition will be compatible with existing residential development along Regent Street and Dundas Street in terms of scale, style and massing. The proposed addition will not negatively impact the neighbourhood character of the immediate area. It is anticipated that there will be no shadowing impacts, visual intrusion or privacy issues. The proposal will not create adverse impacts on surrounding residential properties. The proposed addition will represent a modest form of redevelopment and there will be no impact on built and natural resources.

Vehicular access into the site will continue to be obtained from Regent Street. The location of the new garage on the site will provide safe access. There will be no significant impact to the function of the site in terms of parking, access routes or universal accessibility.

A new driveway will be constructed further north along Regent Street which will provide direct access to the new detached garage on the subject property. The existing driveway on the site will be removed. As a result of the relocation of the driveway, the existing utility pole along Regent Street that fronts onto the subject property is proposed to be relocated. It has been confirmed that Kingston Hydro and Bell Canada provide services through this utility pole. The owner will be required to contact Kingston Hydro and Bell Canada to request the relocation of the utility pole. Public Works staff have advised that they will need to coordinate with Bell Canada and Kingston Hydro staff to approve the new location of the utility pole. The owner will be responsible for all the expenses associated with the utility pole relocation.

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Public Works staff have advised that once confirmation has been received from Bell Canada and Kingston Hydro that the utility pole has been relocated, the owner will be required to submit an entrance permit application for the driveway relocation and a drawing showing the dimensions of the proposed driveway, existing driveway and offset from the relocated utility pole. Public Works staff has indicated that the edge of the new driveway should be located at least 1.5 metres from the relocated utility pole. Further, the depressed curbs at the existing driveway are required to be reconstructed to match the required curb height, which should be completed as part of the new driveway construction. Additional requirements may be identified through the entrance permit review process. The requirement of an entrance permit and requirements for the utility pole relocation have been included as conditions of the minor variance application.

The property is not designated under Part IV or Part V of the *Ontario Heritage Act*, nor is it adjacent to any designated properties. The City's Archaeological Master Plan indicates that the subject property has "composite" archaeological potential. Archaeological clearance of the property is required.

The resulting development has adequate municipal water and sewage services within the Urban Boundary. Utilities Kingston staff have advised that if new services needed, a servicing plan showing any existing and proposed services will be required. Engineering staff has advised that a grading plan is required to demonstrate that there will be no negative drainage impacts to neighbouring properties. The proposed building form shall be suitable for adequate lot drainage.

The proposed variances are considered minor and the development is consistent with the existing built form along Dundas Street and Regent Street. Therefore, a zoning by-law amendment is not required. The proposal is in keeping and compatible with the existing development in the surrounding area and will not set an undesirable precedent.

The proposal meets the intent of the Official Plan, as the proposed one-storey addition 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 Residential 5 'UR5' in Kingston Zoning By-Law Number 2022-62 (Exhibit E – Zoning By-Law Map). The UR5 zone permits single detached houses.

The proposal requires variances to the following sections:

Variance Number 1: Minimum Exterior Setback

By-Law Number 2022-62:Table 11.6.1.(6)

Requirement: 4.5 metres Proposed: 3.9 metres Variance Requested: 0.6 metres

The exterior setback is defined as the setback between the exterior lot line and the nearest part of any building on the lot. The Urban Residential 5 Zone indicates that where no adjacent

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buildings have a front lot line on the same street, the required minimum exterior setback is 4.5 metres. The proposed one-storey addition will result in an exterior setback of 3.9 metres from the Regent Street lot line, which provides for a continuation of the existing exterior setback of the existing single detached house on the subject property. The proposed addition will be appropriately setback from the neighbouring dwelling to the east (137 Regent Street) and the dwelling located directly to the south (115 Dundas Street). Further, there is a fence that separates these properties which will provide adequate screening with respect to the proposed development. It is anticipated that the proposed development will not result in the loss of privacy from intrusive overlook onto neighbouring properties. The proposed reduction in the minimum exterior setback will result in a development that is compatible in terms of scale and massing with the surrounding area and the existing streetwall along Regent and Dundas Streets.

Variance Number 2: Minimum Front Setback

By-Law Number 2022-62:Table 11.6.1.(4)

Requirement: 4.5 metres
Proposed: 9.08 metres
Variance Requested: 4.5 metres

The front setback is defined as the setback between the front lot line and the nearest part of any building on the lot. The required front setback in the UR5 Zone is 4.5 metres and the length of the house following the proposed rear addition will be 17.98 metres. To facilitate the construction of the rear addition, a variance is requested to increase the minimum front setback to 9.08 metres. The Kingston Zoning By-Law defines building depth as the horizonal distance between the required front setback and the principal building's rear wall, measured perpendicular to the front setback. An increase in the minimum front setback for the subject property would allow the development to proceed without any variance to building depth, as the building depth would be under 18.0 metres as measured from the proposed required front setback.

The subject property and existing adjacent residential development along Dundas Street have similar front setbacks that exceed the required minimum front setback of the applicable UR5 zone. The proposed increased front setback for the subject property will allow for a development that is appropriate and will meet the functional needs of the residents by creating additional living space. The proposed development will maintain adequate landscaped amenity area and will result in an appropriate separation between buildings along Regent Street and Dundas Street. It is anticipated that there will be no impacts to the neighbourhood character and streetscape.

The proposal conforms to all other applicable zone regulations of Zoning By-Law 2022-62. 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 as there will be no negative impacts on abutting properties or residential and/or uses or structures. The use of the property as a one-storey single-family

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dwelling will remain unchanged. The requested variances will result in a development that is consistent with the existing built form of development along Dundas Street and Regent Street. There will be no significant impacts to the existing streetscape.

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

The proposed one-storey addition is suitable in scale, massing and density in relation to existing built form along Dundas Street and Regent Street. The proposed one-storey addition will meet the functional needs for the residents of the property as additional living space will be provided. Further, the proposed roof top patio will provide additional amenity space. The proposal represents a modest form of development. The proposal is appropriate and compatible with the surrounding residential uses and will not result in significant impacts or changes to the immediate area and surrounding residential area.

The variance is desirable and appropriate use of the land.

Technical Review: Circulated Departments and Agencies

□ Building Services		
□ Finance	□ Utilities Kingston	☐ Real Estate & Land Development
☐ Fire & Rescue	⊠ Kingston Hydro	
☐ Solid Waste	☐ Parks Development	☐ Canadian National Railways
☐ Housing	☑ District Councillor	☐ Ministry of Transportation
□ KEDCO		☐ Parks of the St. Lawrence
□ CRCA	☐ KFL&A Health Unit	☐ Trans Northern Pipelines
□ Parks Canada	☐ Eastern Ontario Power	☐ CFB Kingston
	☐ Enbridge Pipelines	
	☐ Other:	

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 formal correspondence has 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

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.

Approval of this application will allow for the construction of a one-storey addition onto the existing single detached house on the subject property.

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 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 40 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*.

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Accessibility Considerations:

None

Financial Considerations:

None

Contacts:

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

Annemarie Eusebio, Title, 613-546-4291 extension 3183

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/permission application, File Number D13-003-2024, to construct a one-storey addition onto the existing single detached house, shall be subject to the following recommended conditions:

1. Limitation

That the approved minor variance applies only to the proposed one-storey addition 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 Secretary-Treasurer of the Committee of Adjustment, prior to the issuance of the Certificate of Official.

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. Site Servicing Plan

If new services are required, the owner/applicant is to complete a Site Servicing Plan for the new lot, which shall be approved by Utilities Kingston.

6. Grading Plan

The owner/applicant is required to submit a grading plan which should demonstrate that there will be no negative drainage impacts to neighbouring properties. The building form shall be suitable for adequate lot drainage.

7. Relocation of Utility Pole

As a result of the relocation of the driveway, the existing utility pole along Regent Street that fronts onto the subject property is proposed to be relocated. The owner will be required to contact Kingston Hydro and Bell Canada to request the relocation of the utility pole. Public Works, Bell Canada and Kingston Hydro staff will approve the new location of the utility pole. The owner will be responsible for all the expenses associated with the utility pole relocation.

8. Entrance Permit

An entrance permit application will be required once confirmation has been received from Bell Canada and Kingston Hydro that the utility pole has been relocated. In support of this application, a drawing showing the dimensions of the proposed driveway, existing driveway and offset from the relocated utility pole will be required. Public Works staff has indicated that the edge of the new driveway should be located at least 1.5 metres from the relocated utility pole. Further, the depressed curbs at the existing driveway are required to be reconstructed to match the required curb height, which should be completed as part of the new driveway construction. Additional requirements may be identified through the entrance permit review process.

Exhibit B Report Number COA-024-031 Park St Palace Rd Napier St Committee of Adjustment **Key Map** Carruthers Ave KINGSTON Address: 117 Dundas Street College St Helen St File Number: D13-003-2024 Dundas St Namein **Planning** Prepared On: Feb-02-2024 Mack St **Services** Lands Subject to Minor Variance S S **Brock St Carruthers Ave** 56 48 64 52 60 72 68 82 86 78 140 143 Regent St 134 137 132 128 103 99 95 107 117 115 111 124 122 **Dundas St** 108 98 104 116 120 112 108 106 104 0 14 21 Metres Prepared By: ncameror 1:750 227 Date: Feb-02-2024



Committee of Adjustment **Neighbourhood Context**

Address: 117 Dundas Street File Number: D13-003-2024 Prepared On: Feb-02-2024

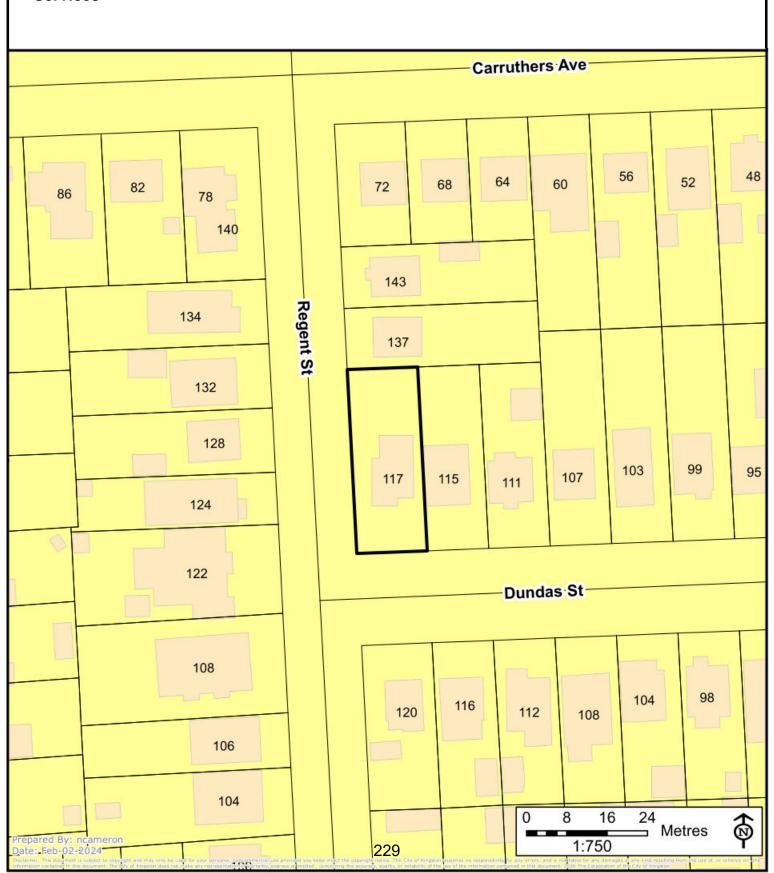
Subject Lands
Property Boundaries
Proposed Parcels





Committee of Adjustment Official Plan, Existing Land Use

Address: 117 Dundas Street File Number: D13-003-2024 Prepared On: Feb-02-2024 Subject Lands
RESIDENTIAL





Committee of Adjustment

Existing Zoning Kingston Zoning By-Law 2022-62

Planning Services

Address: 117 Dundas Street File Number: D13-003-2024 Prepared On: Feb-02-2024 Subject Lands
Schedule 1 Zoning Map
Zone

Schedule E - Exception Overlay

Legacy Exceptions (LXXX)

Exceptions (EXXX)
Schedule F - Holding Overlay
HoldingOverlay (HXXX)



Exhibit F Report Number COA-24-031

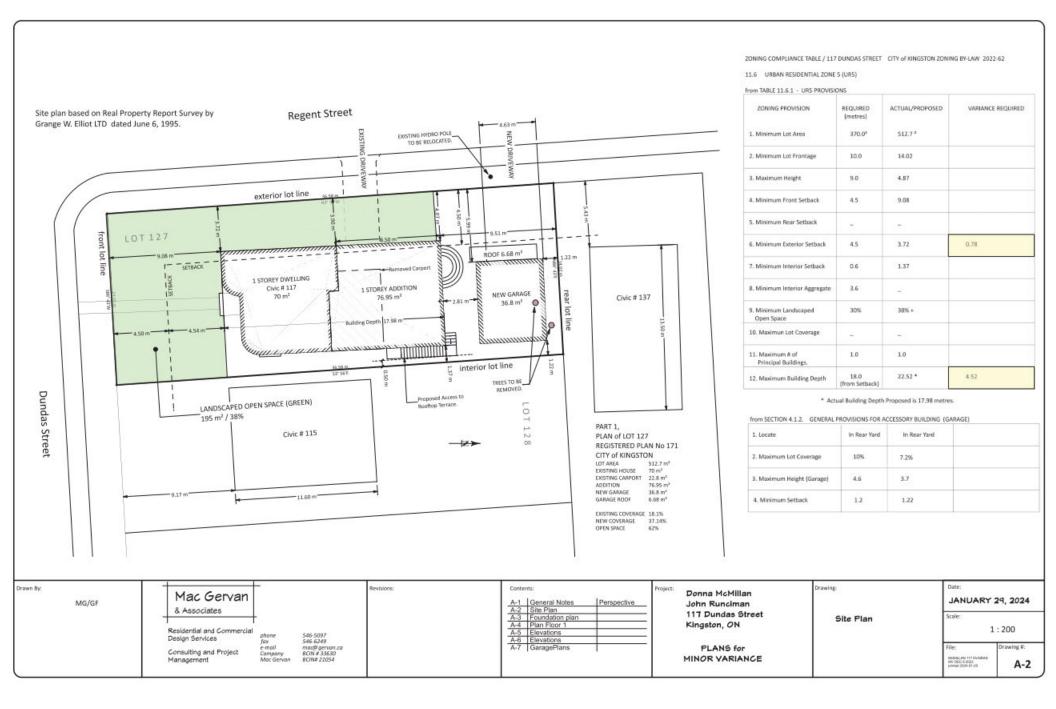


Exhibit F Report Number COA-24-031

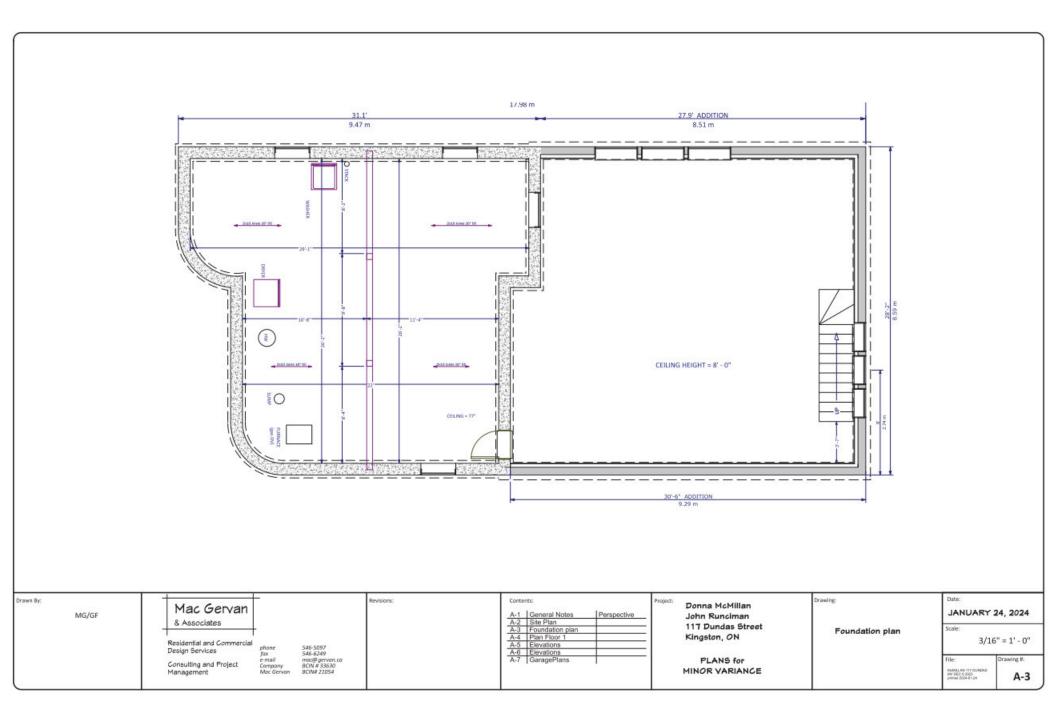


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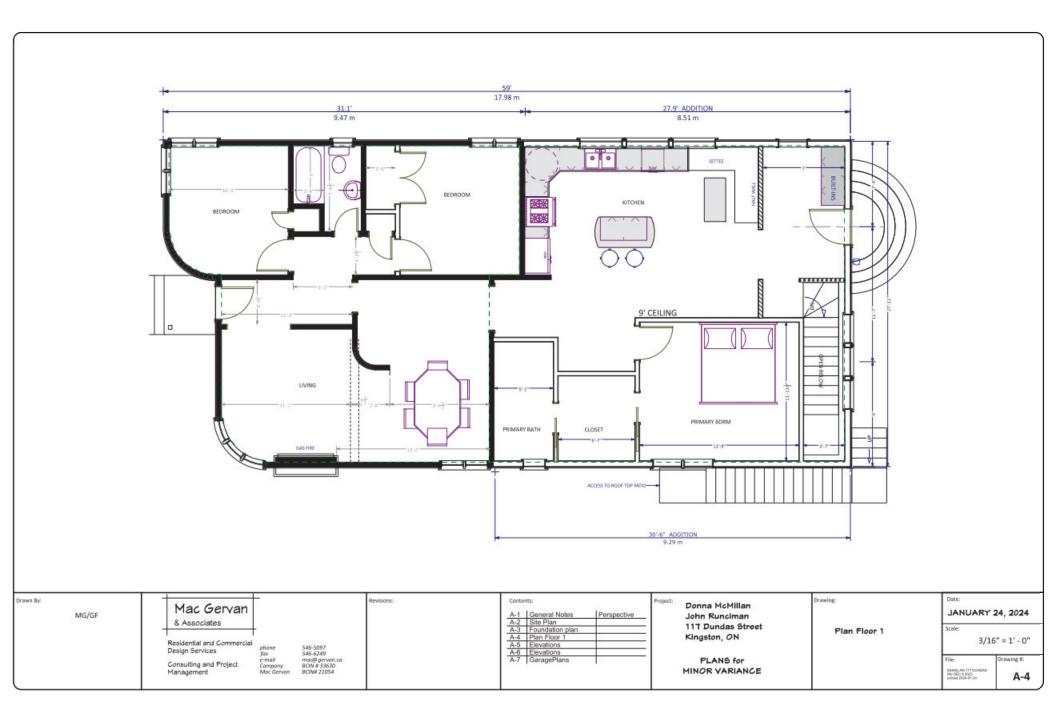


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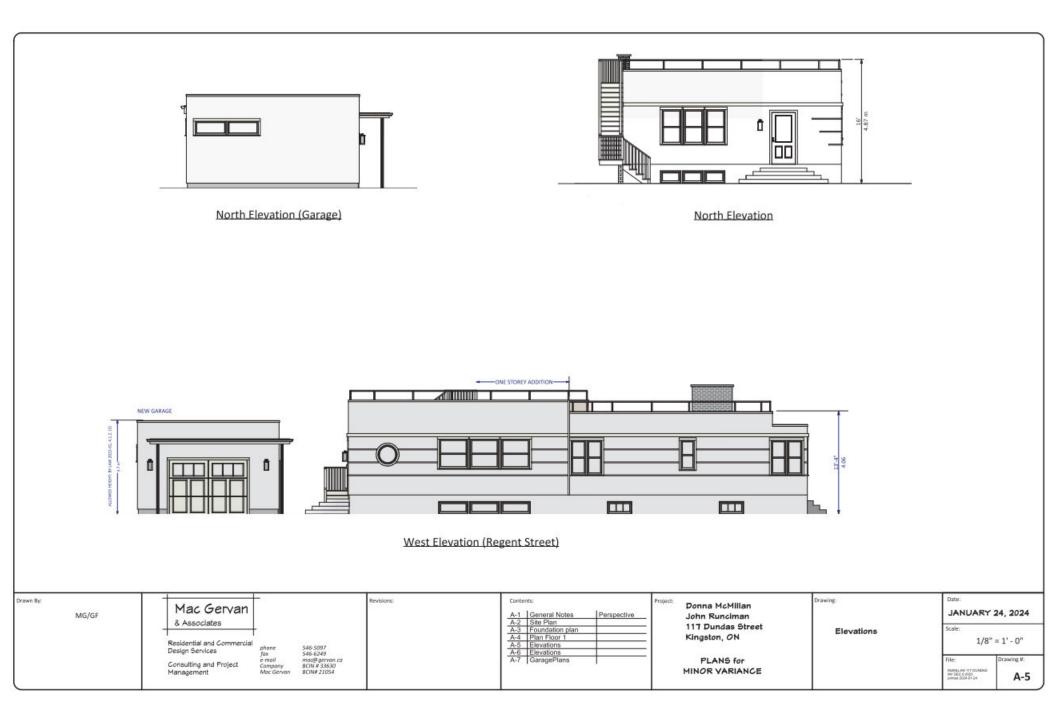
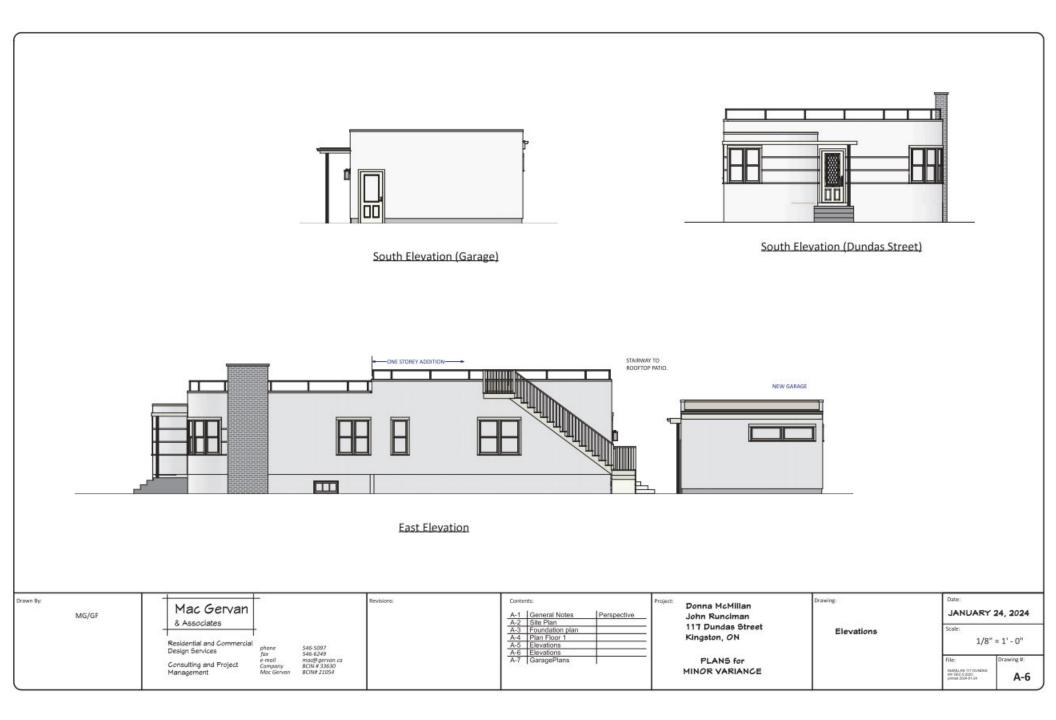


Exhibit F Report Number COA-24-031



Site Photos – 117 Dundas Street
View of the property along Dundas Street



View of the location of the rear addition and detached garage







