

City of Kingston Report to Committee of Adjustment Report Number COA-24-036

To: Chair and Members of the Committee of Adjustment

From: Lindsay Reid, Senior Planner – Urban Designer

Date of Meeting: April 15, 2024

Application for: Minor Variance

File Number: D13-016-2024

Address: 655 Princess Street

District: District 9 - Williamsville

Owner: WCPT Princess Inc.

Applicant: Arcadis

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 to the property located at 655 Princess Street. The applicant is proposing to reduce the minimum requirements for amenity area to allow for the removal of all balconies. The existing balconies are deteriorating due to water damage and are proposed to be replaced with Juliet balconies.

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.

Page 2 of 10

Recommendation:

That minor variance application, File Number D13-016-2024, for the property located at 655 Princess Street to reduce the amenity area, be approved, as described below:

Variance Number 1:

By-Law Number 2022-62:Legacy Exception 153 (f) minimum amenity area

Requirement: Minimum amenity area is 6,214 square metres Proposed: Minimum amenity area is 5,649 square metres Variance Requested: 565 square metres of balcony area

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-036.

Page 3 of 10

Authorizing Signatures

ORIGINAL SIGNED BY PLANNER

Lindsay Reid, Senior Planner – Urban Designer

In Consultation with the following Management of the Community Services Group:

Tim Park, Director, Planning Services Meghan Robidoux, Supervisor, Development Approvals

Page 4 of 10

Options/Discussion:

On February 26, 2024, a minor variance application was submitted by Arcadis, on behalf of the owner, WCPT Princess Inc., with respect to the property located at 655 Princess Street. The variance requested is to reduce the minimum requirement for amenity area, specifically as it relates to the balconies.

This property was subject to a Site-Specific Zoning Amendment under the former Zoning By-Law Number 8499 (City file number D14-263-2012). The site-specific conditions established under Zoning By-Law Number 8499 were carried forward under the new Kingston Zoning By-Law at the time of its approval in April 2022 as Legacy Exception 153 (L153). Site Plan Control approval was provided in 2013 (City file number D11-428-2012).

The mixed-use building, commonly referred to as the Foundry Building, was completed in 2015. The development includes a range of indoor and outdoor amenity areas including indoor study areas, a community clubhouse, a fitness centre, outdoor BBQ areas, a rooftop terrace, an outdoor pool and ground level courtyards. The balconies make up 565 square metres of the 6,231 square metres identified as amenity space.

Earlier this year the City was notified that the existing balconies are deteriorating and a request was submitted to replace the existing balconies with Juliet balconies. In support of the request to remove the balconies a letter was provided by the structural and building science engineering firm Brown & Beattie Ltd. (Exhibit G). The letter states that, based on their visual on-site investigation, there is significant water deterioration of the wood frame balconies and the exterior wall. Various wood components are rotting, particularly at the interface between the balconies and the exterior walls, resulting in significant concerns about the long-term durability of the wood frame balconies and the damage incurred to the wood structure and framing related to water leaking into the exterior walls. It is Brown & Beattie's professional opinion that removing the existing balconies and replacing them with Juliet balconies would mitigate chronic water leakage effects to the wood framing as well as alleviate concerns about concealed structural damage at the existing balconies. The letter noted that it is difficult to effectively monitor the wood structure as it is concealed for fire protection. The applicant has provided structural drawings of the first phase of the repairs within the interior courtyards (Exhibit F). A second phase of work will apply to the balconies on the outward facing elevations. Of note, there are no balconies along Princess Street.

The applicant was informed by Planning staff that the balconies formed part of the amenity area requirement of this mixed-use building and a minor variance would be required to allow for this building alteration.

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

- Planning Justification Letter
- Floor Framing Plan Balcony Removal (Exhibit F)
- Structural Letter Regarding Removal of Balconies (Exhibit G)

Page 5 of 10

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 655 Princess Street at the northwest corner of Princess and Victoria Streets in Williamsville (Exhibit B – Key Map). The property abuts an established low-rise residential neighbourhood to the north, a mix of commercial and mixed-use buildings along Princess Street to the south, and the Legion to the east (Exhibit C – Neighbourhood Context Map).

The subject property is designated 'Main Street Commercial' and is subject to the Princess Street Corridor Specific Policy Area (Williamsville Main Street) in the Official Plan (Exhibit D – Official Plan Map). It is zoned Williamsville Zone 1 (WM1) with Legacy Exception Overlay 153 (L153) in Kingston Zoning By-Law Number 2022-62 (Exhibit E – Zoning By-Law Map).

The property is currently developed with a four-and-a-half storey mixed-use building.

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 Main Street Commercial and is subject to the Williamsville Main Street policies of the Princess Street Corridor Specific Policy area in the City of Kingston Official Plan (Exhibit D – Official Plan Map). The vision for the Williamsville Main Street corridor is a vibrant and active intensification area with a mix of land uses framing a pedestrian oriented streetscape.

Page 6 of 10

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 variance does not significantly change what was reviewed and approved by Council under the Zoning By-Law Amendment (City File Number D14-283-2012) in 2013. This change will facilitate building repairs, specifically the removal of the deteriorated wood frame balconies, repairs to the exterior wall, and the provision of new Juliet balconies as recommended by the applicant's architect and structural engineer.

The proposed minor variance does not change the property's conformity with the Official Plan. The existing building will continue to provide at-grade commercial units and housing in Williamsville. The replacement of the existing balconies with Juliet balconies is compatible with the surrounding area as it will have a limited impact on the functioning and design of the building. The building is well served by a variety of indoor and outdoor amenity areas including interior courtyards with BBQ areas, a roof top terrace, an outdoor pool, study areas, a community clubhouse, and a fitness centre.

The building will continue to comply with the Princess Street Corridor policies. The replacement (Juliet) balconies will not result in any new encroachments or projections. This work also supports the guiding principle of high quality architecture in Williamsville in that the new Juliet balconies will add architectural interest to the exterior façades.

Approving the requested variance will not set an undesirable precedent as the reduction is limited to the private balconies. The existing common indoor and outdoor amenity areas function well and are sufficient for the residents.

The proposal meets the intent of the Official Plan, as the proposed reduction to the minimum amenity area requirements 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 Williamsville Zone 1 (WM1) with Legacy Exception Overlay 153 (L153) in Kingston Zoning By-Law Number 2022-62 (Exhibit E – Zoning By-Law Map). The L153 zone permits the existing mixed-use commercial and residential building with site-specific provisions.

The proposal requires a variance to Section 20.1.1.L153 (f as follows:

Variance Number 1:

By-Law Number: 2022-62: Legacy Exception 153 (f) minimum amenity area

Requirement: Minimum amenity area is 6,214 square metres Proposed: Minimum amenity area is 5,649 square metres Variance Requested: 565 square metres of balcony area.

Page 7 of 10

The requested reduction to the minimum amenity area requirements results in an overall amenity area that exceeds that required in the new Kingston Zoning By-Law 2022-62. The proposal to reduce the overall amenity area to 5,649 square metres results in 38.4 square metres of amenity area per dwelling unit (147 dwelling units including the two additional dwelling units approved under the 2022 minor variance).

Under the current zoning by-law, the amenity area for a mixed-use building in the WM1 Zone is 10 square metres per dwelling unit, resulting in an overall requirement of 1,470 square metres of amenity space. This is in comparison to the existing site-specific requirement of 6,214 square metres.

The site-specific amendment for this development was approved under the former Zoning By-Law Number 8499 which, in 2012, calculated the area of the amenity space based on the overall number of bedrooms and dwelling units. For instance, a single bedroom unit had an amenity area requirement of 18.5 square metres, a two-bedroom unit had an amenity area requirement of 40 square metres, and so forth. The approved site-specific amenity area provision was found to be appropriate for the building taking into consideration how and when the amenities would be used, the programming and quality of the various on-site amenities to suite the anticipated needs of future residents, and the recreational and community facilities in the area.

Based on how amenity area requirements are now considered under the Kingston Zoning By-Law, the proposed reduction to the overall amenity area maintains the by-law's intent to provide an area sufficient to serve the common leisure and recreation needs of those who live here.

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 it will not impact the functioning of this mixed-use building on this property or adjacent ones. The applicant has demonstrated that the building is well serviced with a variety of amenity areas, far in excess of the standards which currently apply to other lots along the Williamsville Main Street corridor.

The variance is a minor adjustment to the previously approved site-specific zoning amendment.

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

The variance is desirable and appropriate use of the land. This minor reduction to the overall amenity area is limited to the balconies and maintains the common indoor and outdoor spaces. These amenity areas provide a range of recreational programming that enhances the quality of living for building occupants. This change will facilitate required building repairs including the removal of the existing deteriorated balconies, repairing the exterior walls and the provision of new Juliet balconies.

Page 8 of 10

Technical Review: Circulated Departments and Agencies

Building Services	\boxtimes	Engineering	\boxtimes	Heritage Services
Finance	\boxtimes	Utilities Kingston		Real Estate
Fire & Rescue	\boxtimes	Kingston Hydro	\boxtimes	Environment Division
Solid Waste	\boxtimes	Parks Development		Canadian National Railways
Housing	\boxtimes	District Councillor		Ministry of Transportation
KEDCO	\boxtimes	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	\boxtimes	Forestry		
	Finance Fire & Rescue Solid Waste Housing KEDCO CRCA Parks Canada Hydro One	Finance ⊠ Fire & Rescue ⊠ Solid Waste ⊠ Housing ⊠ KEDCO ⊠ CRCA □ Parks Canada □ Hydro One □	Finance	Finance

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.

Previous or Concurrent Applications

An application for zoning by-law amendment (File Number D14-263-2012) was submitted in 2012 to permit a multi-storey mixed use residential / commercial development with underground parking. The amendment to Zoning By-Law Number 8499 was approved by Council on March 3, 2013. A site plan agreement for the development was registered on September 11, 2013.

In 2022, a minor variance (D13-017-2022) was approved to increase the maximum number of dwelling units from 145 to 147 and decrease the ratio for residential parking spaces from 0.75 to 0.74 spaces per dwelling unit. This proposal complied with the minimum amenity area requirements. The changes contemplated in this minor variance have not been undertaken and, at this time, there are no plans to change the unit count.

Conclusion

The requested variance(s) maintain(s) 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(s) is minor in nature. As such, the proposed application meets all four tests under

Page 9 of 10

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 permit the removal of the balconies and a reduction to the minimum amenity area requirement by 565 square metres. As a condition of approval, the owner will be required to amend the existing site plan agreement to reflect these changes.

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 April 15, 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 76 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

Page 10 of 10

Lindsay Reid, Senior Planner – Urban Designer, 613-546-4291 extension 3277

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 Floor Framing Plan – Balcony Removal

Exhibit G Structural Letter Regarding Removal of Balconies

Exhibit H Site Photos

Exhibit I Public Notification Map

Recommended Conditions

The approval of minor variance application, File Number D13-016-2024, to reduce minimum amenity area requirements, shall be subject to the following recommended conditions:

1. Limitation

That the approved minor variance applies only to 655 Princess Street as shown on the approved drawings attached to the notice of decision.

2. No Adverse Impacts

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

3. Building Permit Application Requirements

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

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

4. Standard Archaeological Condition

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

The reduction in minimum amenity area facilitated by this minor variance is limited to the removal of balconies and is not intended to apply to other amenity areas on the subject property.

6. Site Plan Agreement

The owner/applicant will amend the existing site plan agreement to reflect the changes permitted through this minor variance.



Committee of Adjustment **Neighbourhood Context**

Address: 655 Princess Street File Number: D13-016-2024 Prepared On: Mar-07-2024

Subject Lands
Property Boundaries
Proposed Parcels



KINGSTON

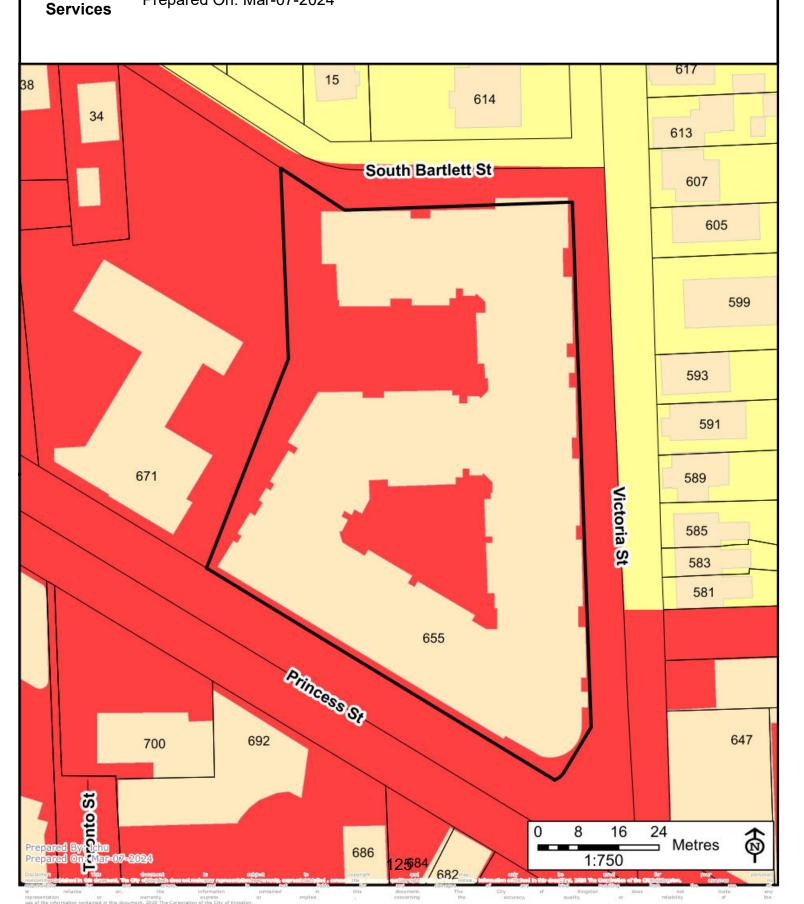
Committee of Adjustment Official Plan, Existing Land Use

Address: 655 Princess Street File Number: D13-016-2024 Prepared On: Mar-07-2024



MAIN STREET COMMERCIAL



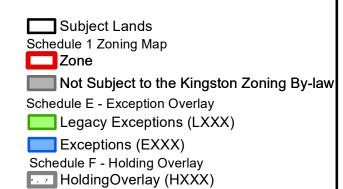


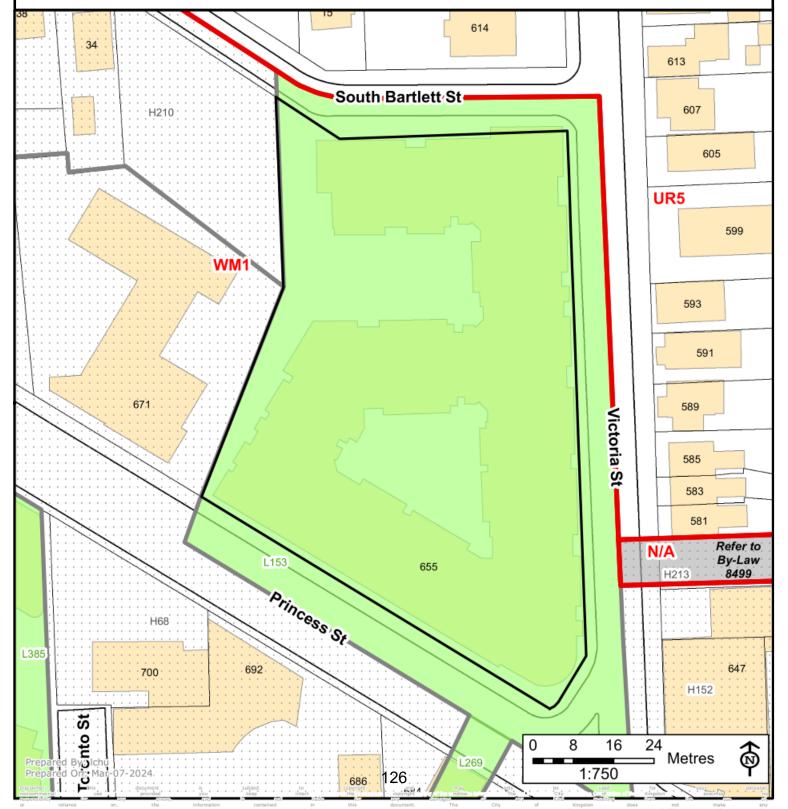


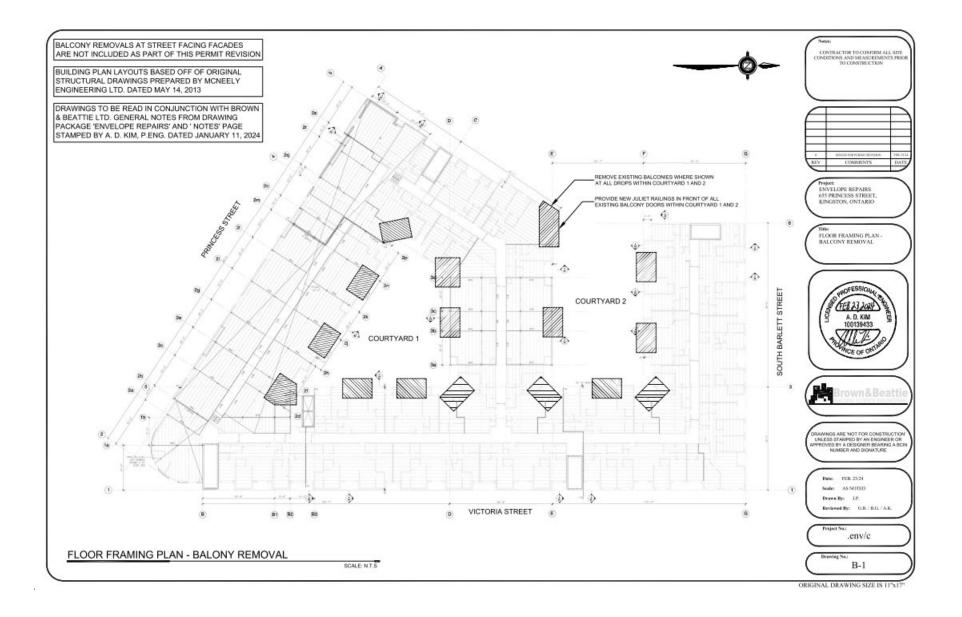
Planning Committee

Existing Zoning Kingston Zoning By-Law 2022-62

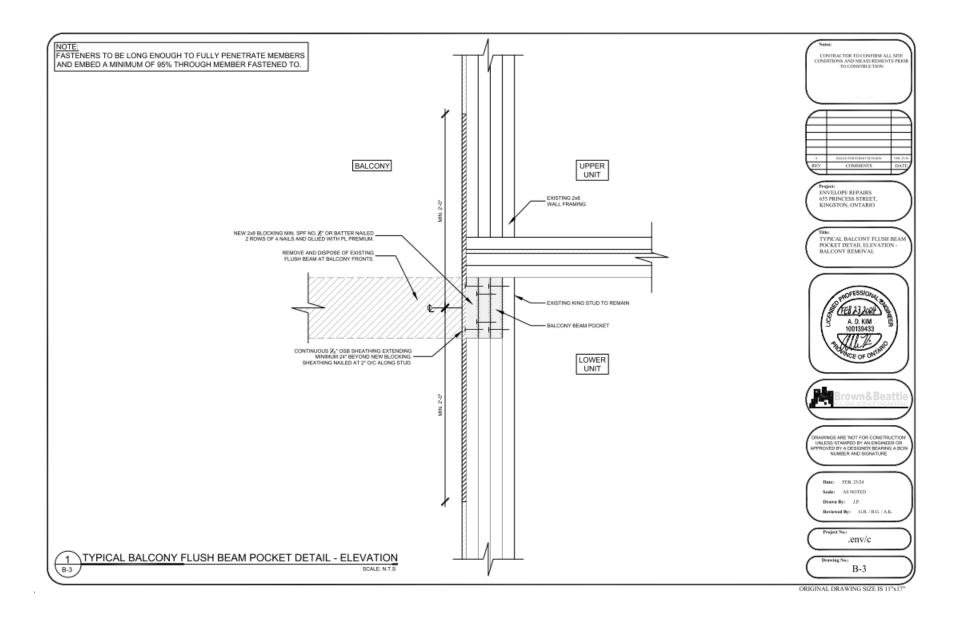
Address: 655 Princess Street File Number: D13-016-2024 Prepared On: Mar-07-2024













February 16, 2024

Ref. Princess655.env/c

City of Kingston 216 Ontario Street, Rm 214 Kingston, ON K7L 2Z3

Attention: Tim Park <u>tpark@cityofkingston.ca</u>

Re: Structural Letter Regarding Removal of Balconies

655 Princess Street, Kingston, Ontario (also known as 663 Princess Street)

It is our understanding that a minor variance has been applied for (or is in progress) by the Architect (Alexander Wilson Architect) to consider removing the existing balconies from this multi-storey student rental building and replacing them with juliet balconies. We (Brown & Beattie Ltd.) are the structural and building science engineering firm retained by the Owner (Woodbourne Canada Management Inc.) to review the conditions related to the main floor exterior wall replacements and the balcony repairs.

We have observed significant signs of water related deterioration and rotting to various wood components notably at the interfaces between the balconies and the exterior walls. We have significant structural related concerns regarding the long-term durability of these wood framed balconies and their intersection with the exterior walls as future leakage and damage to the structural members cannot be effectively monitored as the structural balcony members are concealed for fire protection.









Removal and replacement of the existing balconies with juliet railings in front of the patio doors would mitigate chronic water leakage effects to the wood framing within these areas; drastically improving long term performance and alleviating concerns with concealed structural deterioration on the balconies. As a result of these structural concerns, we strongly recommend the balconies be removed.

A specification should be prepared for any of the work discussed herein to facilitate proper workmanship and material use by suitably qualified contractors. Competent site review should be carried out during the course of the remedial work to facilitate compliance with the specified requirements and as required to review previously unidentified conditions.

We can prepare a further report with additional photographs and comment or drawings as considered necessary. Should you wish to review matters further in the interim, or review additional information that becomes available, please contact us at 905-737-0111.

Yours truly,

BROWN & BEATTIE LTD.

Allen Kim, P.Eng.

C. Jim Gunn, Ferguson Gunn Consultants (<u>iim@fergusongunn.ca</u>)
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<u>Please note</u> this report was based on a visual assessment of the accessible areas only. Unless noted specifically, no intrusive or destructive testing was completed during this assessment. Technical specifications should be prepared for any work decided upon as a result of this report. The material in this report reflects best judgement in light of the information available and does not imply fitness for a particular purpose and should not be considered a verification of past or present regulations. Brown & Beattie Ltd. cannot be held responsible

Exhibit G Report Number COA-24-026

for any deficiencies that may be found within inaccessible areas by others, which have not been documented in this report. Copies of this report are subject to authentication from the writer. Brown & Beattie Ltd. accepts no responsibility for damages, if any, suffered by any third party as a result of decisions made or actions based on this report. Use of this report or any other aspect of our service is not authorized until and unless our account is paid in full and on time.

Site Photographs - March 18, 2024



Figure 1: Princess Street (south) and side (west) elevations.



Figure 2: Victoria Street (east) elevation.



Figure 3: South Bartlett Street (north) and side (west) elevations.



Figure 4: Rear interior courtyard.



Figure 5: Typical bay along Victoria Street.



Committee of Adjustment

Public Notice Notification Map

Address: 655 Princess Street File Number: D13-016-2024

60m Public Notification Boundary

Subject Lands

___ Property Boundaries

