



CITY OF KINGSTON
REPORT TO PLANNING COMMITTEE

Report No.: PC-10-12

TO: Chair, Planning Committee
FROM: Cynthia Beach, Commissioner, Sustainability and Growth
RESOURCE STAFF: George Wallace, Director, Planning and Development Department
DATE OF MEETING: 2010-01-07
SUBJECT: PUBLIC HEARING REPORT (File No. D14-133-2008)
1368 Highway No. 15
Zoning Amendment to allow a "Bed and Breakfast"
Applicant – N. & T. Dearsley

EXECUTIVE SUMMARY:

This is a public hearing report prepared by the Planning and Development Department for the purpose of providing general information to the Planning Committee and the public regarding an application for Zoning By-Law Amendment. It is not the intention of this report to provide a professional recommendation with respect to the proposed development application being presented at the statutory public hearing.

The subject site is approximately 0.38 hectares in size and is located in Lot 5, of Registered Plan No. 628 in Kingston East and is known municipally as 1368 Highway No. 15 (Refer to attached Key Map). The subject property is presently occupied by large three-storey house with a gross floor area of 343 square metres. It is used for nine single detached dwelling including a Bed and Breakfast business of up to 3 persons; this use is permitted by the current zone provisions. The property has frontage on Highway No. 15, an arterial road. The proposed zone change will keep the primary residential use of the existing R1 Zone and add a "Bed and Breakfast" as a permitted use. This use caters to short term residential occupancy primarily of a tourist nature.

The report provides a brief description of the proposed zone, the purpose of the proposed zone change, a description of the property, Official Plan policies and zone regulations. The report also identifies the documentation and reports submitted by the applicant in support of the proposed development application.

AUTHORIZING SIGNATURES:

ORIGINAL SIGNED BY COMMISSIONER Cynthia Beach, , P.Eng., MCIP, RPP, Commissioner, Sustainability and Growth
ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER Gerard Hunt, Chief Administrative Officer

CONSULTATION WITH THE FOLLOWING COMMISSIONERS:

Commissioner Beach, <i>Sustainability and Growth</i>	N/R
Commissioner Thurston, <i>Community Development Services</i>	N/R
Commissioner Leger, <i>Corporate Services</i>	N/R
Jim Keech, President, <i>Utilities Kingston</i>	N/R

(N/R indicates consultation not required)

OPTIONS/DISCUSSION:

This report provides information on a proposed amendment to the former Township of Pittsburgh Zoning By-Law No. 32-74, which is the subject of this Public Meeting.

On November 3rd 2009 a complete application was submitted for the purpose of permitting a "Bed and Breakfast" use to be operated out of the existing house. The original application was filed in August of 2008; however, processing was deferred with a maximum of four guest rooms while alternative proposals were considered by the applicant. The final proposal for the application was established on November 3rd, 2009 which is the subject of this report. The subject property is designated Low Density Residential in the both the newly adopted but not approved Official Plan and the Pittsburgh Township Official Plan and is zoned "Residential Type 1 Zone (R1)" in Zoning By-Law No. 32-74.

The subject property is approximately 0.38 hectares (0.94 acres) in size and is located in Lot 5, of Registered Plan No. 628 in Kingston East and is known municipally as 1368 Highway No. 15 (Refer to attached Key Map). The subject property has frontage on Highway No. 15, an arterial road. The subject property is presently occupied by house with a gross floor area of 343 square metres (3692 square feet). It is used for a single detached dwelling including a Bed and Breakfast business which currently permits up to three persons under the existing zone provisions which allows up to three roomers or boarders.

The following land uses surround the subject site:

- North – vacant land designated for low density residential development;
- East – the St. Lawrence Business Park across Highway No. 15;
- South – four houses along Highway No. 15 and the Rivers Edge Subdivision; and
- West – vacant land designated for low density residential development

A site plan of the existing house, prepared by Owner was submitted with the application. No new additions are proposed with this application. The applicant has been requested to submit a servicing report to verify that the septic system is adequate to service the use.

Anyone who attends the Planning Committee public meeting may present an oral submission, and / or provide a written submission on the proposed amendments. Also, any person may make written submissions at any time before City Council makes a decision on the application.

If a person or public body does not make oral submissions at a public meeting, or does not make written submissions before the amendments have been approved by City Council, the person or public body is not entitled to appeal the decision to the Ontario Municipal Board and may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to add the person or public body as a party.

Anyone wishing to be notified of Council's decision on the subject amendments must submit a written request to:

Steven Chew
The Corporation of the City of Kingston,
216 Ontario Street,
KINGSTON, Ontario, K7L 2Z3.

Planning Committee will consider a comprehensive report and recommendation from the Planning and Development Department, respecting the subject application, at a future meeting. The Committee will make its recommendation to City Council at that meeting. The decision of City Council will be final unless appealed.

All persons who made oral or written submissions, or have requested notification in writing, will be given written notice of the future meeting(s) of Planning Committee at which the subject application will be considered.

EXISTING POLICY/BY-LAW:

The subject property is designated as "Low Density Residential" in both the new adopted Official Plan and the existing Township of Pittsburgh Official Plan. Lands so designated are to be used for single detached, linked single-detached and semi-detached dwellings. The proposed development is consistent with the general purpose and intent of the Official Plan and therefore an amendment to the Plan is not required.

In addition, the property is also located within the Rideau Community Secondary Plan Area as identified on Schedule "RC-1" to the new adopted Official Plan. The applicable policies for lands so located require that a residential neighbourhood retains its heritage characteristics and ensure that development or redevelopment is compatible with existing and proposed development.

The subject property is zoned as 'R1' in Zoning By-Law No. 32-74. The only residential use permitted is a single detached dwelling, including up to three roomers or boarders. Non-residential uses permitted are a church, a home occupation and a public use by a government or a board. Since the proposed Bed and Breakfast is not specifically permitted, a Zone Change is required to allow it. The request is to allow up to four rooms to be rented out for short term accommodation and a sign to be posted on the property. Breakfast meals are to be offered as part of the accommodation. The clients would be primarily tourists. No restaurant is proposed. No other changes to the zoning provisions are requested. This proposal does not include an expansion to the house.

NOTICE PROVISIONS:

Pursuant to the requirements of the *Planning Act*, a notice of the statutory Public Meeting was provided by advertisement in the form of a sign posted on the subject site 20 days in advance of the Public Meeting. In addition, prepaid first class mail was sent to all property owners (according to the latest Assessment Rolls) within 120 metres (400 ft.) of the subject property and a courtesy notice was placed in *The Whig Standard*. A comprehensive report with a recommendation will be brought forward at a future Planning Committee Meeting. If the application is approved, a Notice of Passing will be circulated in accordance with the provisions of the *Planning Act*.

ACCESSIBILITY CONSIDERATIONS:

There are no accessibility concerns relating to the requested Zoning By-Law Amendment.

FINANCIAL CONSIDERATIONS:

N/A

CONTACTS:

- Steven Chew, Senior Planner, Development Approvals (546-4291, extension 3273);
- Marnie Venditti, Manager, Development Approvals (546-4291, extension 3256); and,
- George T. Wallace, Director, Planning and Development Department (546-4291, ext. 3252)

DEPARTMENTS/OTHERS CONSULTED AND AFFECTED:

The application has been circulated to a number of internal departments and external agencies for review and comment. At the writing of this report no concerns or requests have been received in response.

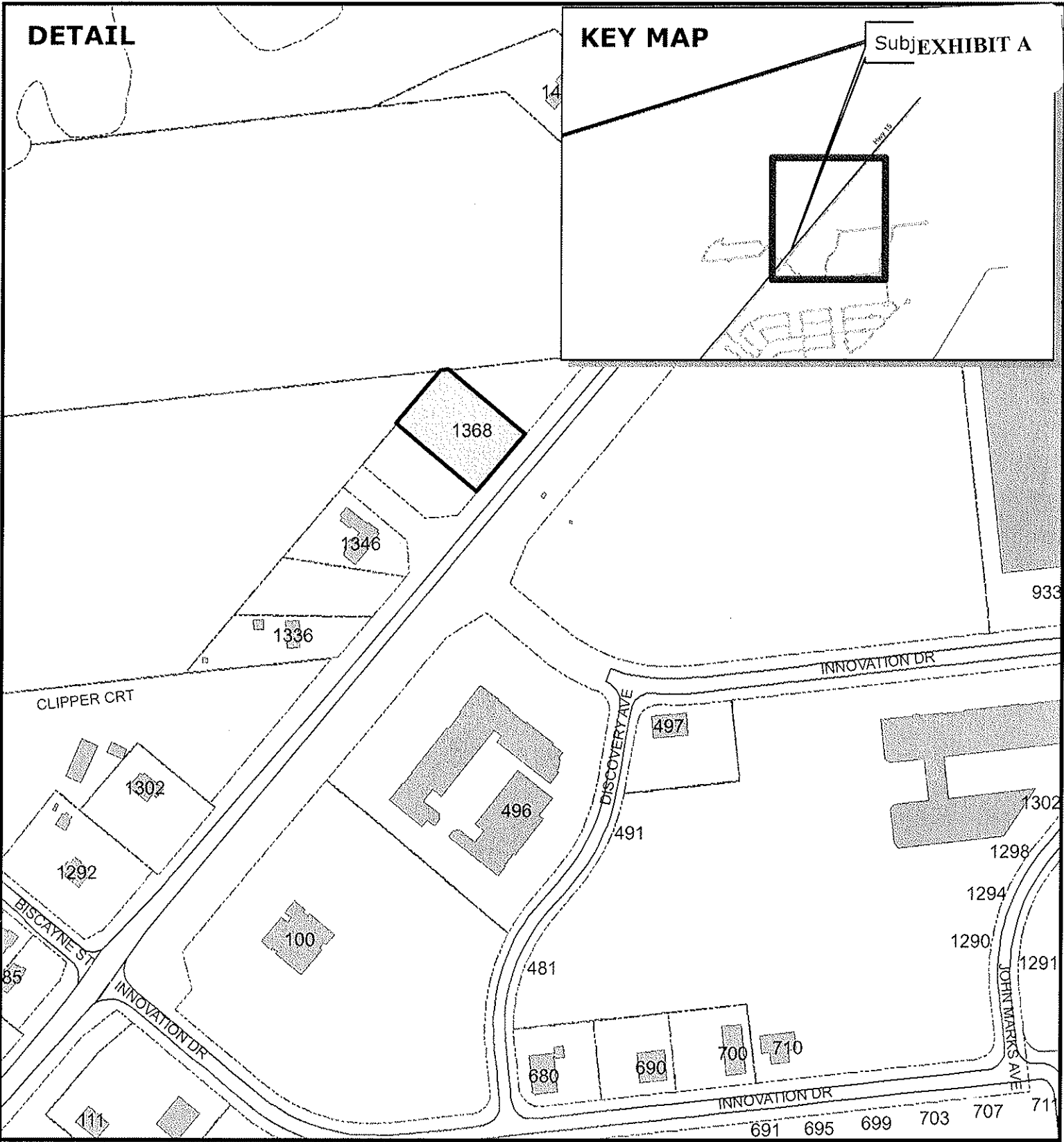
EXHIBITS ATTACHED:

- Exhibit A - Key Map;
- Exhibit B - Applicant's Site Plan;
- Exhibit C - Official Plan Schedule; and
- Exhibit D - Zoning By-Law Amendment Schedule.

DETAIL

KEY MAP

Subj EXHIBIT A



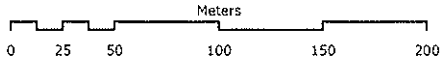
THE CORPORATION OF THE CITY OF KINGSTON
 PLANNING & DEVELOPMENT DEPARTMENT

KEY MAP

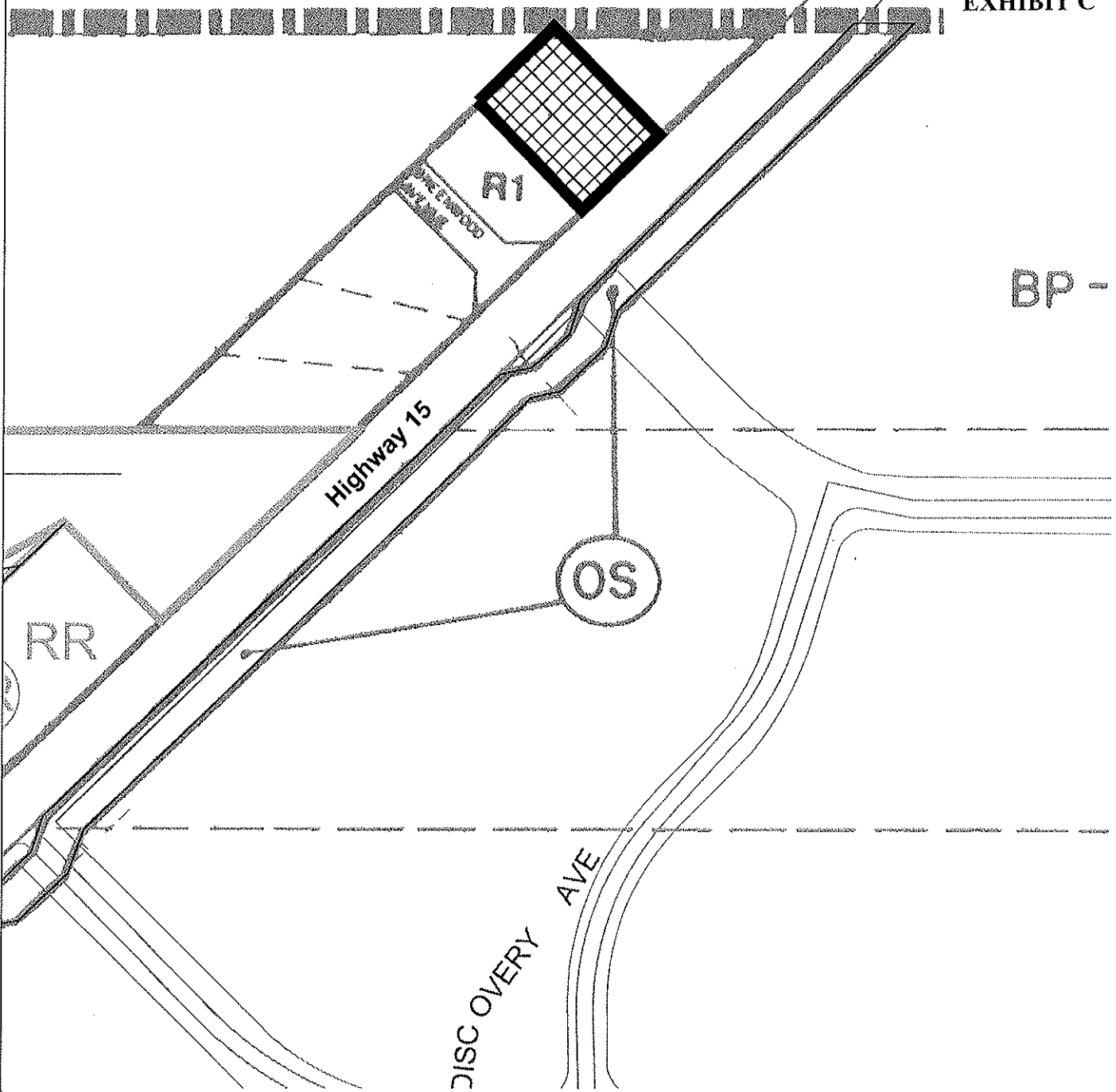
Applicant: Nigel and Tessa Dearsley
 File Number: D14-133-2008
 Address: 1368 Highway 15
 Lot/Con: PT CON EAST OF CAT RIVER LOT 3
 Legal Description: PLAN 628 LOT 5
 ARN: 101109005001610

Legend

 Subject Property



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The Corporation of the City of Kingston

Schedule 'A' to By-law No.

Planning & Development

a department of
Community
Development
Services

Applicant: Nigel and Tessa Dearsley
 File No.: D14-133-2008
 Address: 1368 Highway 15
 Plan No.: PLAN 628 LOT 5
 Lot/Conc.: PT CON EAST OF CAT RIVER LOT 3
 Roll No.: 101109005001610

Scale: Metric

This map is not to be used for precise scaling.

Date: January 5, 2009

Prepared by: C. Chan

K:D142007/D14-133-2008SchA

Legend:



Subject Lands
Rezoned from R1 to *



Certificate of Authentication

This is Schedule 'A' to By-law No. _____
 passed this _____ day of _____ 20__.

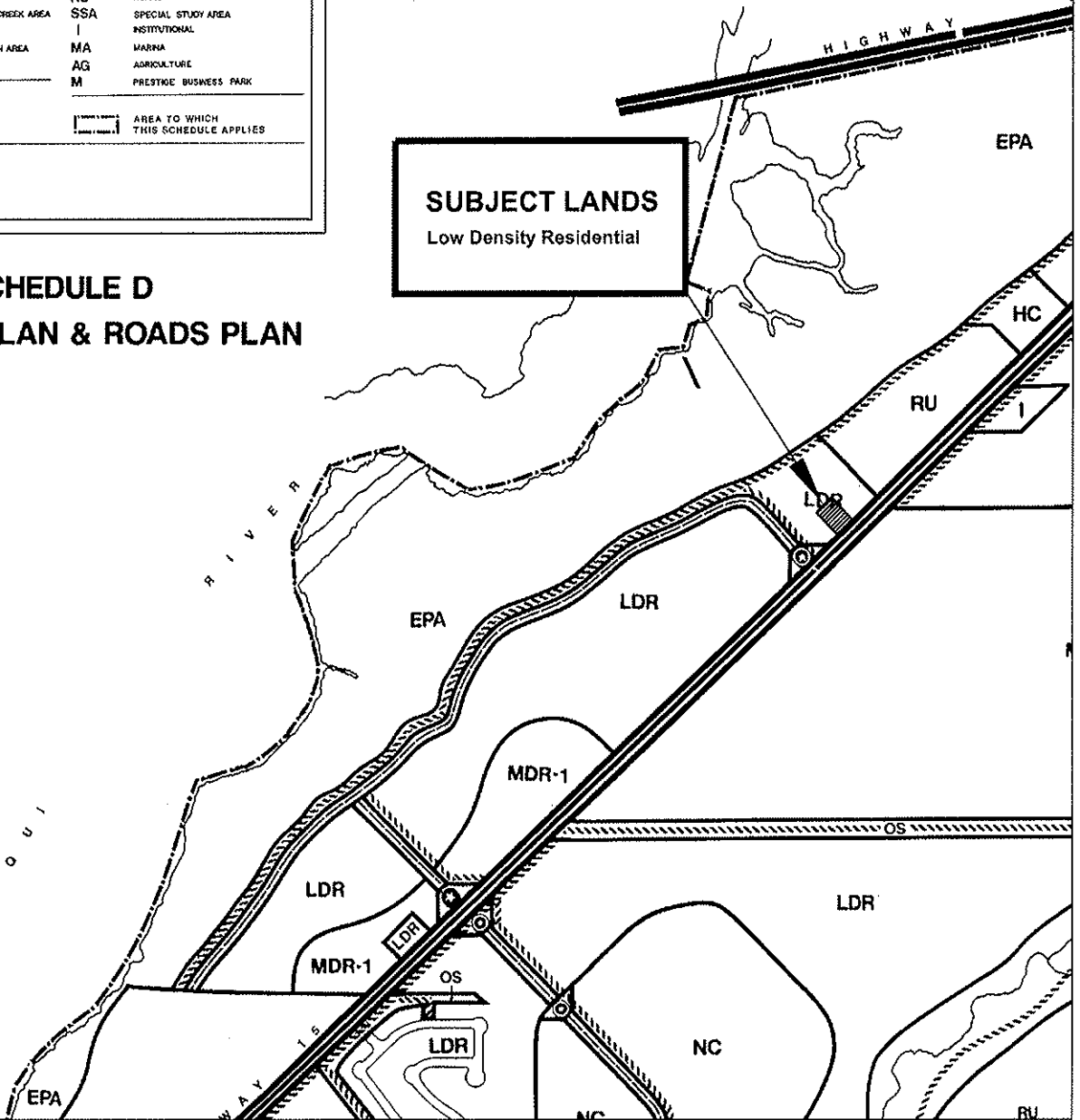
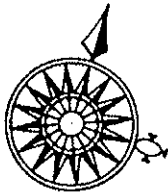
Mayor

Clerk

LEGEND

LDR	LOW DENSITY RESIDENTIAL	VC	VILLAGE CENTRE
MDR	MEDIUM DENSITY RESIDENTIAL	SC	SHOPPING CENTRE COMMERCIAL
HDR	HIGH DENSITY RESIDENTIAL	NC	NEIGHBOURHOOD CENTRE
		HC	HIGHWAY COMMERCIAL
	GATEWAY PARK	RU	RURAL
	ABBEY DAWN - BUTTERNUT CREEK AREA	SSA	SPECIAL STUDY AREA
OS	OPEN SPACE	I	INSTITUTIONAL
EPA	ENVIRONMENTAL PROTECTION AREA	MA	MARINA
	PATHWAY	AG	AGRICULTURE
	ARTERIAL ROAD	M	PRESTIGE BUSINESS PARK
	COLLECTOR ROAD		AREA TO WHICH THIS SCHEDULE APPLIES
	LOCAL ROAD		
-1	SPECIAL POLICY AREA		

**SCHEDULE D
LAND USE PLAN & ROADS PLAN**



The Corporation of the City of Kingston
**Official Plan for Former Pittsburgh Township
Schedule D - Rideau Community**

Planning & Development
a department of
Sustainability & Growth

Applicant: Nigel & Tessa Dearsley
File No.: D14-133-2008
Address: 1368 Highway 15
Lot/Conc.: PT CON EAST OF CAT RIVER LOT 3
Roll No.: 101109005001610

Scale: NTS
Metric: This map is not to be used for precise scaling.



Date: December 18, 2009
Prepared by: M. Poddar
K101412008D14-133-2008EXISTINGOP