To: Chair and Members of Committee of Adjustment
From: Meghan Robidoux, Planner
Date of Meeting: April 20, 2020
Application for: Minor Variance
File Number: D13-012-2020
Address: 1525 Clover Street
Owner: V. Marques Construction Ltd.
Applicant: Scott Arnold

Council Strategic Plan Alignment:

Theme: 2. Increase housing affordability

Goal: 2.1 Pursue development of all types of housing city-wide through intensification and land use policies.

The proposed development will provide two new dwelling units on a vacant lot within the urban area. The proposal will result in a further mix of type and affordability in a residential area.

Executive Summary:

This report provides a recommendation to the Committee of Adjustment regarding an application for minor variance for the property located at 1525 Clover Street. The property known as 1525 Clover Street is approximately 598.6 square metres in size and is currently vacant. The applicant is proposing to construct a one-storey single-detached dwelling with a secondary suite in the basement. The proposed primary dwelling unit will contain four bedrooms and the proposed secondary suite will contain two bedrooms.

The subject property is designated Low-Density Residential in the City of Kingston Official Plan and is located in the Residential Type 2 ‘R2-32’ Zone of Zoning By-Law Number 76-26.
A variance is required from Section 6(25) of Zoning By-Law Number 76-26 to seek relief from the minimum permitted rear yard of the ‘R2-32’ Zone. Within the ‘R2-32’ Zone, the minimum permitted rear yard is 6.75 metres. The applicant is proposing a rear yard of 5.5 metres, which does not comply with the rear yard provisions of the ‘R2-32’ Zone. As such, the applicant is seeking a variance of 1.3 metres.

The requested minor variance is consistent with the general intent and purpose of both the City of Kingston Official Plan and Zoning By-Law Number 76-26. 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.

Recommendation:

That minor variance application, File Number 0TD13-012-2020, for the property located at 1525 Clover Street to decrease minimum rear yard to construct a new one-storey single-detached dwelling with an accessory suite in the basement, be approved.

Variance Number 1:

By-Law Number 76-26: Section 13(ff)(g): Rear Yard (minimum)
Requirement: 6.75 metres
Proposed: 5.5 metres
Variance Requested: 1.3 metres

Approval of the foregoing variance shall be subject to the following conditions:

1. Limitation

That the approved variance(s) applies only to location of the proposed single-detached dwelling 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 an 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.

Prior to the submission of a Building Permit application, the owner/applicant must enter into a Site Plan Control agreement with the City, as the proposed dwelling is intended to be used as a Community Home. New development of or conversion to Community Homes are subject to Site Plan Control, as per Section 3(16) of By-Law Number 2010-217.

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 Cultural Program Branch of the Ministry of Tourism, Culture and Sport (416-314-7132) and the 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 Registrar of Cemeteries Regulation Section of the Ontario Ministry of Consumer Business Services (416-326-8404), the Cultural Program Branch of the Ministry of Tourism, Culture and Sport (416-314-7132), and the City of Kingston’s Planning Services (613-546-4291, extension 3180) must be immediately contacted.
Authorizing Signatures:

☑

Meghan Robidoux, Planner

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

Paige Agnew, Commissioner, Community Services
Options/Discussion:

On February 28, 2020, a minor variance application was submitted by OTScott Arnold, on behalf of the owner, OTV. Marques Construction Ltd., with respect to the property located at 1525 Clover Street. The purpose of the variance is to construct a new one-storey single-detached dwelling with a secondary suite in the basement. The proposed primary dwelling unit will contain four bedrooms and the proposed secondary suite will contain two bedrooms. Access is proposed off of Clover Street to an attached two-car garage. The primary dwelling unit contains an entrance facing Clover Street, as well as a barrier free entrance facing Carfa Crescent. A separate entrance to the proposed secondary suite is provided at the rear, with pedestrian access provided by way of a 1.2 metre walkway to Carfa Crescent.

A variance is required from Section 6(25) of Zoning By-Law Number 76-26 to seek relief from the minimum permitted rear yard of the ‘R2-32’ Zone. Within the ‘R2-32’ Zone, the minimum permitted rear yard is 6.75 metres. The applicant is proposing a rear yard of 5.5 metres, which does not comply with the rear yard provisions of the ‘R2-32’ Zone. As such, the applicant is seeking a variance of 1.3 metres.

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

- Site Plan (Exhibit E); and
- Floor Plans and Elevations (Exhibit F).

All submission materials are available online through the Development and Services Hub (DASH) at the following link, DASH, using “Look-up a Specific Address”. If there are multiple addresses, search one address at a time, or submission materials may also be found by searching the file number.

Site Characteristics

The subject property is located on the south side of Clover Street at the corner of Carfa Crescent and is situated in the Cataraqui Westbrook neighbourhood (Exhibit A – Key Map). The subject property is approximately 598.6 square metres in size and has 11.81 metres of frontage on Clover Street and 29.73 metres of frontage on Carfa Crescent. The property is currently vacant (Exhibit G – Site Photographs).

The subject property is designated Low-Density Residential in the Official Plan (Exhibit C – Official Plan Map) and zoned Residential Type 2 ‘R2-32’ in Zoning By-Law Number 76-26 (Exhibit D – Zoning By-Law Map). The property abuts single-detached residential dwellings in all directions ranging from one to two-storeys in height (Exhibit B – Neighbourhood Context).

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:
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.

1) The general intent and purpose of the Official Plan are maintained

The subject property is designated Low-Density Residential in the City of Kingston Official Plan.

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 following provides these nine requirements and an assessment of how the proposal is consistent with each.

1. The proposed development meets the intent of Section 2 Strategic Policy Direction, and all other applicable policies of this Plan;

   The proposal will not have any negative impacts on abutting properties or residential uses and/or structures. The proposal is compatible with the surrounding residential uses and will not result in significant impacts or changes to the surrounding area.

2. The proposed development will be compatible with surrounding uses, buildings or structures and development standards associated with adjacent properties, and if necessary, incorporate means of alleviating adverse effects on abutting land uses as recommended in Section 2.7 of this Plan;

   The proposed one-storey single-detached dwelling will result in a development that is consistent with the existing built form residential buildings along Clover Street and Carfa Crescent. The overall design and scale of the proposal is not anticipated to cause any adverse impacts on the adjacent residential properties and is in keeping with the existing character of the street. The proposed rear building wall maintains the required rear yard of 6.75 metres. Relief from Zoning By-Law Number 76-26 is required to accommodate an exterior stairway at the rear of the building to the proposed secondary suite in the basement.

3. The ability of the site to function in an appropriate manner in terms of access, parking for vehicles and bicycles or any other matter and means of improving such function including considerations for universal accessibility;

   Two parking spaces are provided in the proposed driveway off of Clover Street, leading to an attached two-car garage. The primary dwelling unit contains an entrance facing
Clover Street, as well as a barrier free entrance facing Carfa Crescent. A separate entrance to the proposed secondary suite is provided at the rear, with pedestrian access by way of a 1.2 metre walkway to Carfa Crescent.

4. The conformity of the proposal to any applicable urban design policies endorsed by Council, particularly if the site includes or could impact a built heritage resource or is within a Heritage District;

The Official Plan contains the following policies with respect to urban design in Section 8.3 to ensure that new residential development is integrated into the existing built fabric and conducive to active transportation:

a. Protect and preserve stable residential communities (in accordance with Section 2.6 of this Plan);
   a. A well-established land use pattern in terms of density, type of use(s) and activity level;

   The form of residential development is long established. Thus, the overall density, type of use and scale of activity as proposed is consistent with the existing built form of residential buildings along Clover Street and Carfa Crescent.

   b. A common or cohesive architectural and streetscape character, in terms of massing and built form, architectural expression, age of building stock, and street cross-section;

   The built form of the proposed single-detached dwelling is in keeping with the architectural character of the neighbourhood. The proposed variance will not alter the character of the neighbourhood or the existing streetscape.

   c. A stable pattern of land ownership or tenure;

   The proposal will result in a stable pattern of land ownership.

   d. A consistent standard of property maintenance with relatively little vacancy in land or building occupancy;

   All properties are subject to the City's Property Standards By-Law and Yards By-Law. This proposal does not change the enforcement or applicability of the by-laws.

   e. A limited number of applications for development that would alter the established pattern of land assembly and built form;
The proposed variance will not significantly alter the established pattern of land assembly and built form. The design of the proposed single detached dwelling is in keeping with the existing built form of the neighbourhood.

f. A sufficient base of social and physical infrastructure to support existing and planned development;

No deficiencies in social infrastructure were identified to limit this application. The appropriate level of physical infrastructure is present to support the proposed development.

b. foster developments that are context appropriate;

The proposal is in keeping with the existing character of the neighbourhood and will not cause any adverse impacts on the adjacent properties.

c. foster attractive developments which add to the existing sense of place;

The proposal will not alter the existing character of the established surrounding residential neighbourhood.

d. provide a variety of housing types;

The proposed one-storey single-detached dwelling and secondary suite will provide housing which will assist in meeting the housing demand in the city.

e. ensure compact, accessible mixed-use development;

The proposal contributes to the compact nature of the neighbourhood. The proposed primary dwelling unit has been designed to meet the accessibility needs of its future residents, including a barrier free entrance.

f. encourage environmentally sustainable development;

The proposal will not create a significant impact on the existing built form along Clover Street or Carfa Crescent. The subject property is located within a serviced area which supports the sustainable use of lands, infrastructure, and resources.

g. integrate and highlight cultural heritage resources;

The site is not located within a Heritage District. The site is not identified on the City of Kingston Heritage Register, therefore, there will have no impact on built heritage resources.

5. If the site is designated under the Ontario Heritage Act, the application shall be reviewed by Heritage Kingston for approval. If the property is adjacent to a designated property under the Ontario Heritage Act or shown as a Heritage Area feature, or is affected by the
protected views shown on Schedule 9 of this Plan, then a Heritage Impact Statement may be required to assist staff to determine if the resulting development is desirable;

The subject property is not on the City’s Heritage Register and as such a Heritage Impact Statement is not required.

6. The resulting development has adequate municipal water and sewage services within the Urban Boundary, or is capable of providing individual on-site water and sewage services outside the Urban Boundary;

The site is located within the Urban Boundary and is developed with sufficient municipal water and sewage services to support the proposed single-detached dwelling and secondary suite. Servicing capacity required to support the proposed building fire suppression system will be assessed at the Site Plan Control stage. Any required servicing upgrades and corresponding conditions will be incorporated into a future Site Plan Control agreement.

7. Whether the application and the cumulative impact of the proposed variances would be more appropriately addressed by a zoning amendment to the applicable zoning by-law;

The proposed variance is considered minor and the development is consistent with the existing built form along Clover Street and Carfa Crescent. Therefore a zoning by-law amendment is not required.

8. The Committee of Adjustment may attach such conditions as it deems appropriate to the approval of the application for a minor variance including any reasonable requirements, recommendations of City departments, or the submission of studies as listed in Section 9.12 of this Plan that may be required to properly evaluate the application;

As part of the recommendation, suggested conditions have been listed. The conditions may be added, altered or removed at the Committee’s discretion.

9. The degree to which such approval may set an undesirable precedent for the immediate area.

The surrounding residential uses include single-detached dwellings. The approval of the requested variance is considered minor and will not set a precedent for the immediate area.

The proposal meets the intent of the Official Plan, as the proposed development 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 Residential Type 2 ‘R2-32’ in the City of Kingston Zoning By-Law Number 76-26, entitled "Township of Kingston Restricted Area By-Law", as
amended. The ‘R2-32’ zone permits a single detached dwelling subject to the requirements of Section 13 of Zoning By-law Number 76-26.

The proposal requires a variance to Section 13(ff)(g) Rear Yard (minimum).

**Variance Number 1:**

<table>
<thead>
<tr>
<th>By-Law Number: 76-26</th>
<th>Section 13(ff)(g): Rear Yard (minimum)</th>
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<tr>
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The proposed rear building wall maintains the required rear yard of 6.75 metres. Relief from Zoning By-law Number 76-26 is required to accommodate an exterior stairway at the rear of the building to the proposed secondary suite in the basement.

The application meets all other requirements of the Residential Type 2 ‘R2-32’ Zone and Zoning By-Law Number 76-26. The general intent and purpose of the zoning by-law are maintained.

3) **The variance is minor in nature**

The proposal will result in a development that is consistent with the existing built form of residential development along both Clover Street and Carfa Crescent. The variance will not alter the character of the neighbourhood or the existing streetscape. The variance is considered minor as there will be no negative impacts on abutting properties or residential and/or uses or structures.

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

The proposed development will provide for the functional needs of the proposed residential use. The resulting built form satisfies all applicable provisions of the zoning by-law save and except for the minimum rear yard requirement which is largely intended to ensure the development will adequately function on the land.

The proposal is appropriate and compatible with the surrounding residential uses and will not result in significant impacts or changes to the surrounding area.

**Technical Review: Circulated Departments and Agencies**

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<thead>
<tr>
<th>Building Services</th>
<th>Engineering Department</th>
<th>Heritage (Planning Services)</th>
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<tbody>
<tr>
<td>☒ Finance</td>
<td>☒ Utilities Kingston</td>
<td>☒ Real Estate &amp; Environmental Initiatives</td>
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<tr>
<td>☒ Fire &amp; Rescue</td>
<td>☒ Kingston Hydro</td>
<td>☒ City’s Environment Division</td>
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<td>☒ Solid Waste</td>
<td>☒ Parks Development</td>
<td>☐ Canadian National Railways</td>
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<td>☒ Housing</td>
<td>☒ District Councillor</td>
<td>☐ Ministry of Transportation</td>
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<td>☐ KEDCO</td>
<td>☐ Municipal Drainage</td>
<td>☐ Parks of the St. Lawrence</td>
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Technical Comments
This application was circulated to external agencies and internal departments for their review and comment and there were no comments or concerns were 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 comments or concerns 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
There are no concurrent or relevant historic planning applications on the subject property.

Conclusion
The requested variance(s) maintain(s) the general intent and purpose of both the City of Kingston Official Plan and Zoning By-Law Number 76-26. The proposal is desirable for the appropriate development or use of the land, building or structure and the requested variance is 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 is consistent with the general intent and purpose of both the City of Kingston Official Plan and Zoning By-Law Number 76-26. The proposed development represents good land use planning.

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, 2014

Municipal
City of Kingston Official Plan
Zoning By-Law Number 76-26
Notice Provisions:

A Committee of Adjustment Meeting is going to be held respecting this application on April 20, 2020. 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 26 property owners (according to the latest Assessment Roll) within 60 metres of the subject property (Exhibit H – Public Notification Map) and a courtesy notice was placed in The Kingston Whig-Standard.

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:

Tim Park, Manager of Development Approvals 613-546-4291 extension 3223

Meghan Robidoux, Planner 613-564-4291 extension 1256

Other City of Kingston Staff Consulted:

The application was circulated to the relevant internal departments and external agencies for review and comment. The responses to the technical circulation have been addressed in the technical review and included in this report.

Exhibits Attached:

Exhibit A Key Map
Exhibit B Neighbourhood Context
Exhibit C Official Plan Map
Exhibit D Zoning By-Law Map
Exhibit E Site Plan
Exhibit F Floor Plans and Elevations
Exhibit G  Site Photographs
Exhibit H  Public Notice Notification Map
SITE PLAN

CLOVER STREET

SITE STATISTICS

CITY OF KINGSTON

ZONING BY LAW 76-26

DESCRIPTION

REQUIRED

PERMITTED

PROVIDED

OFFICIAL PLAN

RESIDENTIAL

RESIDENTIAL GROUP HOME

ZONING

R2-32

R2-32

LOT AREA

6000 sq ft (557m²)

6449 sq ft (596.6m²)

FRONTAGE

12.7m (CORNER LOT)

16.4m

FRONT YARD

20ft. (6.096m)

6.1m

REAR YARD

6.18m

6.75m TO MAIN BUILDING

6.75m TO UNENCLOSED EX. STAIRWELL

EXTERIOR SIDE YARD

3.0m

5.23m

INTERIOR SIDE YARD

1.2m

NA

LOT COVERAGE

1

1

NUMBER OF STOREYS

1

1

HEIGHT OF BUILDING

39FL (10.67m)

26FL (7.93m)

LANDSCAPED AREA

NA

NA

PARKING

2

2

DRIVEWAY WIDTH

6m or 50% LOT FRONTAGE, WHICH EVER IS LESS

6m

ONTARIO BUILDING CODE

NUMBER OF STOREYS

1

AREA

239.4 m²

FACEING NUMBER OF STREETS

2

MAJOR OCCUPANCY(S)

B3

CONFORMANCE ARTICLE

3.2.2.4.1

NOTE: ALL SITE INFORMATION AS PROVIDED BY MARQUES HOMES

PROJECT

CLOVER STREET

LOCATION

PROJECT ADDRESS: 1525 CLOVER STREET

DEVELOPER

COMMUNITY LIVING KINGSTON & DISTRICT

SCALE

1 : 200

NOTE: ALL SITE INFORMATION AS PROVIDED BY MARQUES HOMES

PROFESSIONAL SEAL

Exhibit E

Report Number COA-20-029

Exhibit E

Report Number COA-20-029
Site Photographs – March 12th, 2020

Figure 1: 1525 Clover Street existing Clover Street frontage.

Figure 2: 1525 Clover Street existing Carfa Crescent street frontage.
Figure 3: East facing view of Clover Street.

Figure 4: West facing view of Clover Street onto Carfa Crescent.