



**City of Kingston
Report to Committee of Adjustment
Report Number COA-24-059**

To: Chair and Members of the Committee of Adjustment
From: Annemarie Eusebio, Intermediate Planner
Date of Meeting: July 15, 2024
Application for: Minor Variance
File Number: D13-037-2024
Address: 1441 Montreal Street
District: District 7: Kingscourt-Rideau
Owner: Vincent Varghese
Applicant: Vincent Varghese

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 for the property located at 1441 Montreal Street. The site is currently developed with a one-storey semi-detached house. In order to allow the creation of an additional residential unit, a variance is required for the minimum driveway width to facilitate a tandem parking arrangement.

One parking space will be provided each for the principal unit and the second residential unit. The first parking space will be zone compliant (2.6 metres wide and 6 metres in length) and will be located on the southern portion of the existing driveway. A deck and landing have been constructed at the side of the existing dwelling, which will provide direct access to the second residential unit. It has recently been identified that the location of the deck and landing has reduced the midpoint of the driveway to 2.4 metres (Exhibit F). Beyond this pinch point, a

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second zone compliant parking space will be located on the northern portion of the driveway. The existing shed and fence at the rear of the existing dwelling will be removed to allow for the installation of the second parking space.

In accordance with the applicable parking provisions in Kingston Zoning By-Law 2022-62, the required minimum driveway width is 3 metres for the subject property. A minor variance is required to seek relief from the minimum driveway width requirement from 3 metres to 2.4 metres for the pinch point created by the deck.

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.

Recommendation:

That minor variance application, File Number D13-037-2024, for the property located at 1441 Montreal Street to reduce the minimum required driveway width of 3 metres to 2.4 metres, be approved, as described below:

Variance Number 1:

By-Law Number 2022-62:Table 7.4.1 Minimum Parking Space and Drive Aisle Dimensions Requirement:	In line with and accessed directly from driveway as tandem parking spaces, minimum driveway width is 3 metres
Proposed:	In line with and accessed directly from driveway as tandem parking spaces, minimum driveway width is 2.4 metres
Variance Requested:	0.6 metres

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-059.

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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
James Bar, Manager, Development Approvals

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Options/Discussion:

On May 8, 2024, a minor variance application was submitted by the owner, Vincent Varghese, with respect to the property located at 1441 Montreal Street. The site is currently developed with a one-storey semi-detached house. In order to allow the creation of an additional residential unit, a variance is required for the minimum driveway width to facilitate a tandem parking arrangement.

One parking space will be provided each for the principal unit and the second residential unit. The first parking space will be zone compliant (2.6 metres wide and 6 metres in length) and will be located on the southern portion of the existing driveway. A deck and landing have been constructed at the side of the existing dwelling, which will provide direct access to the second residential unit. It has recently been identified that the location of the deck and landing has reduced the midpoint of the driveway to 2.4 metres (Exhibit F). Beyond this pinch point, a second zone compliant parking space will be located on the northern portion of the driveway. The existing shed and fence at the rear of the existing dwelling will be removed to allow for the installation of the second parking space.

In accordance with the applicable parking provisions in Kingston Zoning By-Law 2022-62, the required minimum driveway width is 3 metres for the subject property. A minor variance is required to seek relief from the minimum driveway width requirement from 3 metres to 2.4 metres for the pinch point created by the deck.

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

- Site Plan (Exhibit F)
- Planning Justification

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 at 1441 Montreal Street (Exhibit B – Key Map) within the Kingscourt-Rideau District. The property is located on the east side of Montreal Street and south of Highway 401. The site is currently developed with a semi-detached house. The property has a lot area of 389 square metres and the lot frontage is approximately 10.2 metres. Access into the property is obtained from Montreal Street. The property is located within an established residential area surrounded by single detached houses and semi-detached houses and is within walking distance to Sutherland Drive Park and Snider Park (Exhibit C – Neighbourhood Context Map).

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The subject property is designated Residential in the Official Plan is within a Site-Specific Policy 4 Area (Exhibit D – Official Plan Map) and zoned Urban Residential 10 ‘UR10’ zone in Kingston Zoning By-Law Number 2022-62 (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:

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 subject property is designated “Residential” in Schedule 3A of the Official Plan. The subject property is located within a Housing District as noted in Schedule 2. The reduced driveway width of 2.4 metres will not negatively impact the neighbourhood character. The proposal is compatible with the surrounding residential uses and will not result in significant impacts or changes to the immediate area. There will be no impact on built and natural resources.

Section 2.7.3 discusses land use compatibility matters. The reduced driveway width of 2.4 metres within the mid point of the existing driveway will allow for a suitable parking arrangement for two zone compliant spaces for the principal unit and second residential unit (Exhibit F – Site Plan). There will be no reduction in the ability to enjoy a property, or the normal amenity associated with it, including safety and access, outdoor areas, heritage or setting. There will be no significant disruption to the existing streetscape or surrounding residential uses.

Section 3.3.11 discusses the criteria for additional residential units. Additional residential units are permitted on lands where a single detached dwelling, semi-detached dwelling, or townhouse are the permitted principal use. There are no potential servicing constraints through the use of a Holding Overlay or other overlay provisions that are associated with the property. Parking will be

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provided in a tandem configuration with one space for each dwelling unit which will reduce the need for street parking. The parking arrangement will be safe and functional for the residents within each dwelling unit. A 1.2-metre-wide walkway will be installed which will provide sufficient pedestrian access and will meet emergency service requirements. The proposal meets all required criteria in the Official Plan to permit an additional residential unit.

The property is not designated under the Ontario Heritage Act. Under the City's Archaeological Master Plan, the property has composite archaeological potential. An archaeological assessment is not required as there is no ground disturbance proposed as a result of this application.

The subject property is located within the Urban Boundary. Adequate municipal water and sewage services are currently provided to the existing development, which will be unchanged as a result of the proposal to reduce the width of the driveway. The subject property is not located within an area of constraint with respect to second residential units.

The application and cumulative impact of the proposal does not warrant a zoning by-law amendment. 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 proposal to reduce the driveway width from 3 metres to 2.4 metres will not result in any negative impacts to adjacent properties or to the neighbourhood.

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

The subject property is zoned Urban Residential 10 'UR10' in Kingston Zoning By-Law Number 2022-62 (Exhibit E – Zoning By-Law Map). The UR10 zone permits semi-detached houses.

The proposed reduction in the required driveway width requires a variance to Table 7.4.1. as follows:

Variance Number 1:

By-Law Number 2022-62:Table 7.4.1 Minimum Parking Space and Drive Aisle Dimensions Requirement: In line with and accessed directly from driveway as tandem parking spaces, minimum driveway width is 3 metres

Proposed: In line with and accessed directly from driveway as tandem parking spaces, minimum driveway width is 2.4 metres

Variance Requested: 0.6 metres

The purpose of the above noted provision is to ensure that front yard parking in residential areas will not have an adverse affect on the visual amenity of the streetscape and the residential character of a neighbourhood. The required driveway width for the subject property is 3 metres. A parking space will be provided each for the principal unit and the second residential unit. The reduction in the driveway width to 2.4 metres at the midpoint of the driveway will result in a tandem parking arrangement within the existing driveway (Exhibit F – Site Plan). The existing

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shed and fence at the rear of the existing dwelling will be removed to allow for the installation of the second parking space. This requirement has been included as a condition as indicated in Exhibit A – Recommended Conditions. There will be no significant visual impacts that would disrupt the existing streetscape or surrounding residential uses.

The variance is minor in nature

The variance is considered minor as no negative impacts are anticipated on the neighbouring properties. The driveway will continue to function as required to support the parking of two cars in a tandem configuration. No additional changes to the driveway are required and as such, there will be no visual impact on streetscape or the surrounding neighbourhood character.

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

It is anticipated that there will be no impacts on the neighbouring properties. The proposal will accommodate two zone compliant vehicle parking spaces which will reduce the impact on street parking in the neighbourhood. The functional needs of the residents of the semi-detached house will be met as the existing driveway will provide a safe and suitable parking arrangement. As such, the variance is desirable and appropriate use of the land.

Technical Review: Circulated Departments and Agencies

- | | | |
|---|--|--|
| <input checked="" type="checkbox"/> Building Services | <input checked="" type="checkbox"/> Engineering Department | <input checked="" type="checkbox"/> Heritage (Planning Services) |
| <input checked="" type="checkbox"/> Finance | <input checked="" type="checkbox"/> Utilities Kingston | <input type="checkbox"/> Real Estate & Environmental Initiatives |
| <input type="checkbox"/> Fire & Rescue | <input checked="" type="checkbox"/> Kingston Hydro | <input checked="" type="checkbox"/> City’s Environment Division |
| <input checked="" type="checkbox"/> Solid Waste | <input type="checkbox"/> Parks Development | <input type="checkbox"/> Canadian National Railways |
| <input type="checkbox"/> Housing | <input checked="" type="checkbox"/> District Councillor | <input type="checkbox"/> Ministry of Transportation |
| <input type="checkbox"/> KEDCO | <input type="checkbox"/> Municipal Drainage | <input type="checkbox"/> Parks of the St. Lawrence |
| <input type="checkbox"/> CRCA | <input type="checkbox"/> KFL&A Health Unit | <input type="checkbox"/> Trans Northern Pipelines |
| <input type="checkbox"/> Parks Canada | <input type="checkbox"/> Eastern Ontario Power | <input type="checkbox"/> CFB Kingston |
| <input type="checkbox"/> Hydro One | <input type="checkbox"/> Enbridge Pipelines | <input type="checkbox"/> TransCanada Pipelines |
| <input type="checkbox"/> 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.

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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.

Previous or Concurrent Applications

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

Conclusion

The requested variance maintains 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 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 reduce the width of the required driveway width on the property from 3 metres to 2.4 metres.

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 July 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 20 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).

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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:

James Bar, Manager, Development Approvals, 613-546-4291 extension 3213

Annemarie Eusebio, Intermediate Planner 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 application, File Number D13-037-2024, to reduce the required driveway width from 3 metres to 2.4 metres on the subject property, shall be subject to the following recommended conditions:

1. Limitation

That the approved minor variance applies only to the driveway where the existing side access deck projects into the driveway, as shown on the 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. Removal of Existing Shed and Fence

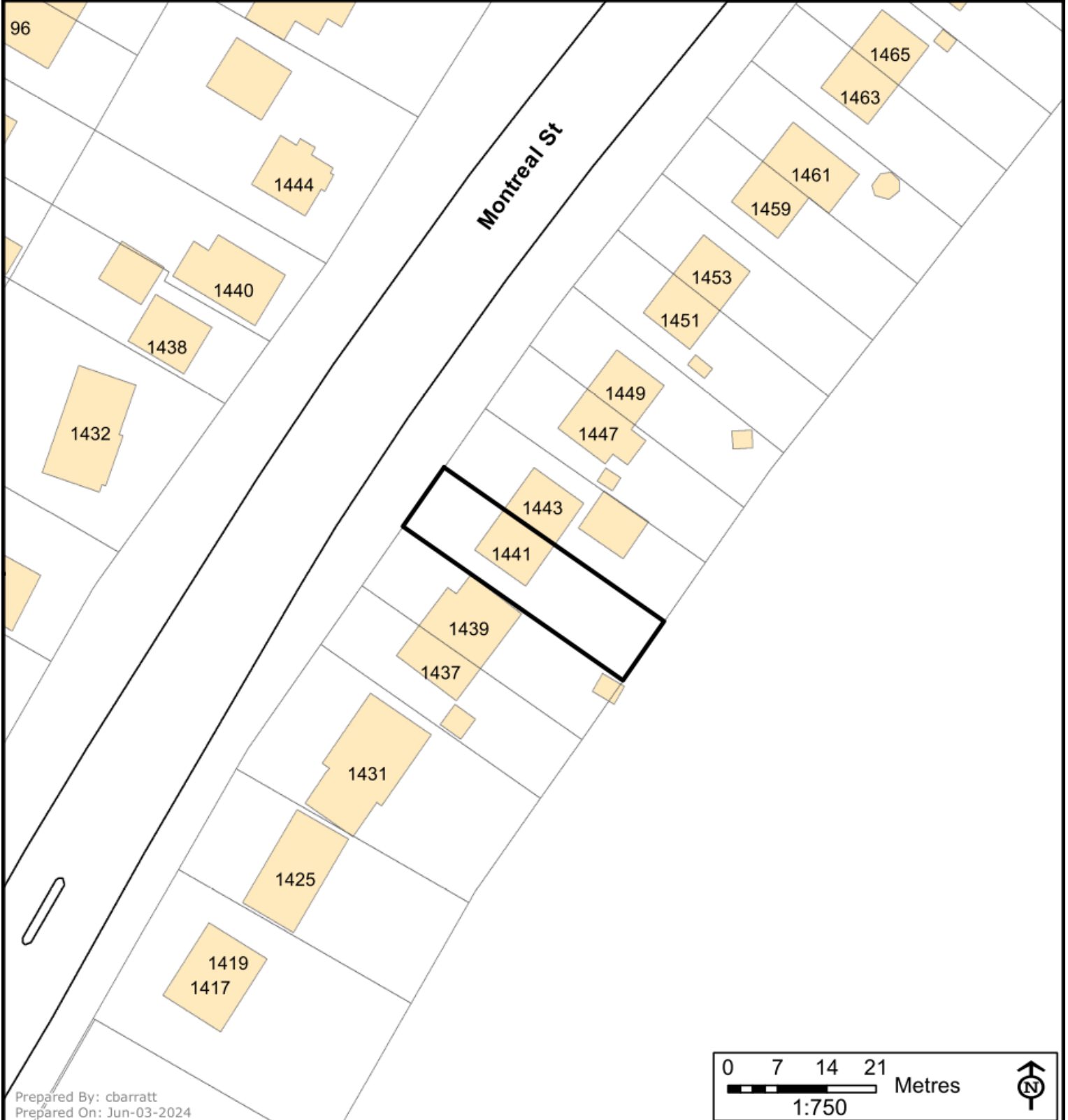
The owner/applicant shall remove the existing shed and fence at the rear of the existing dwelling to allow for the installation of a zone compliant parking space.



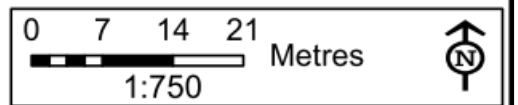
Committee of Adjustment Key Map

Address: 1441 Montreal Street
File Number: D13-037-2024
Prepared On: Jun-03-2024

 Lands Subject to Minor Variance



Prepared By: cbarratt
Prepared On: Jun-03-2024



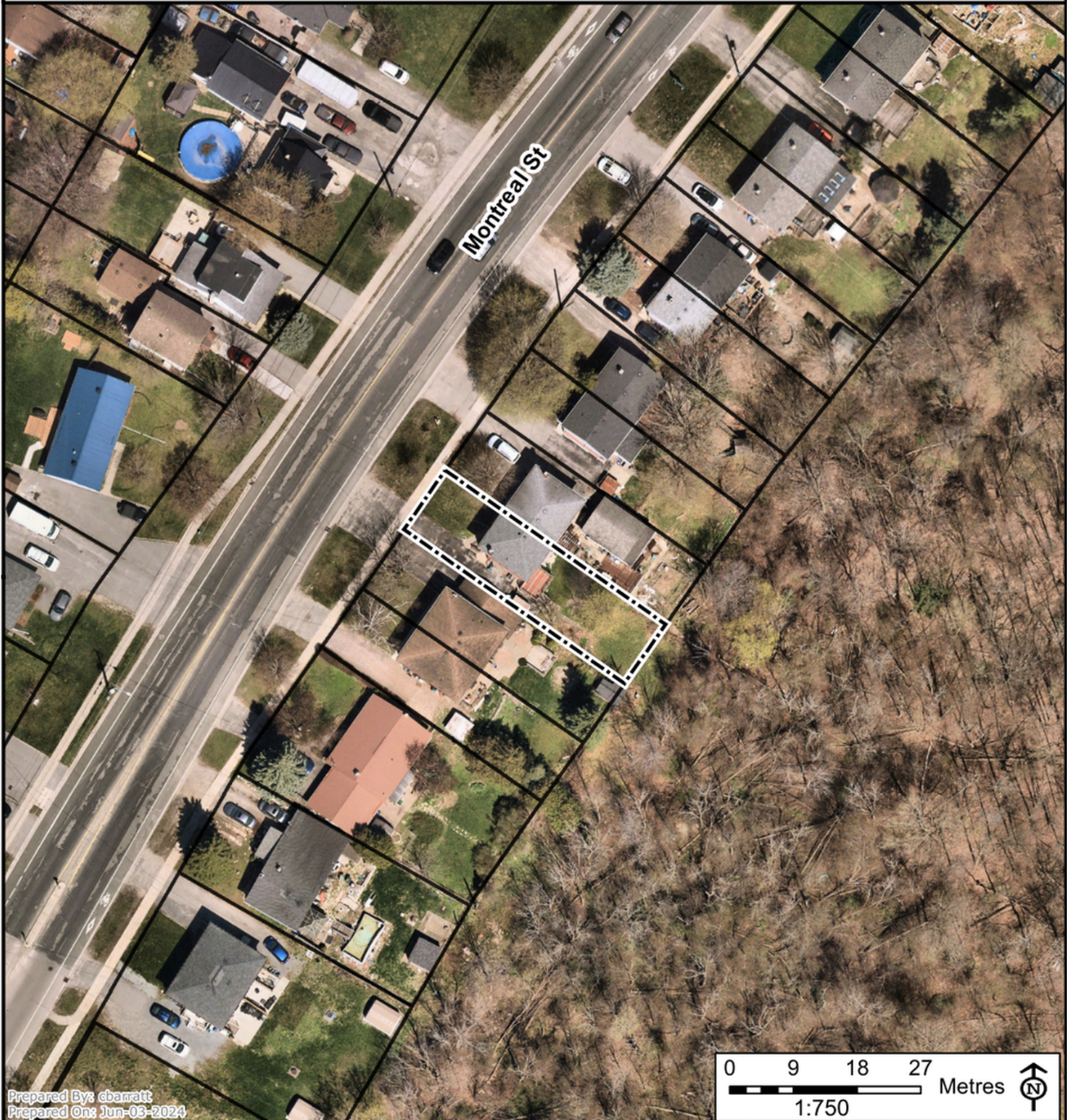
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Committee of Adjustment Neighbourhood Context

Address: 1441 Montreal Street
File Number: D13-037-2024
Prepared On: Jun-03-2024

- Subject Lands
- Property Boundaries
- Proposed Parcels



Prepared By: cbaratt
Prepared On: Jun-03-2024

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Committee of Adjustment Official Plan, Existing Land Use

Address: 1441 Montreal Street

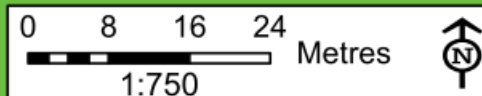
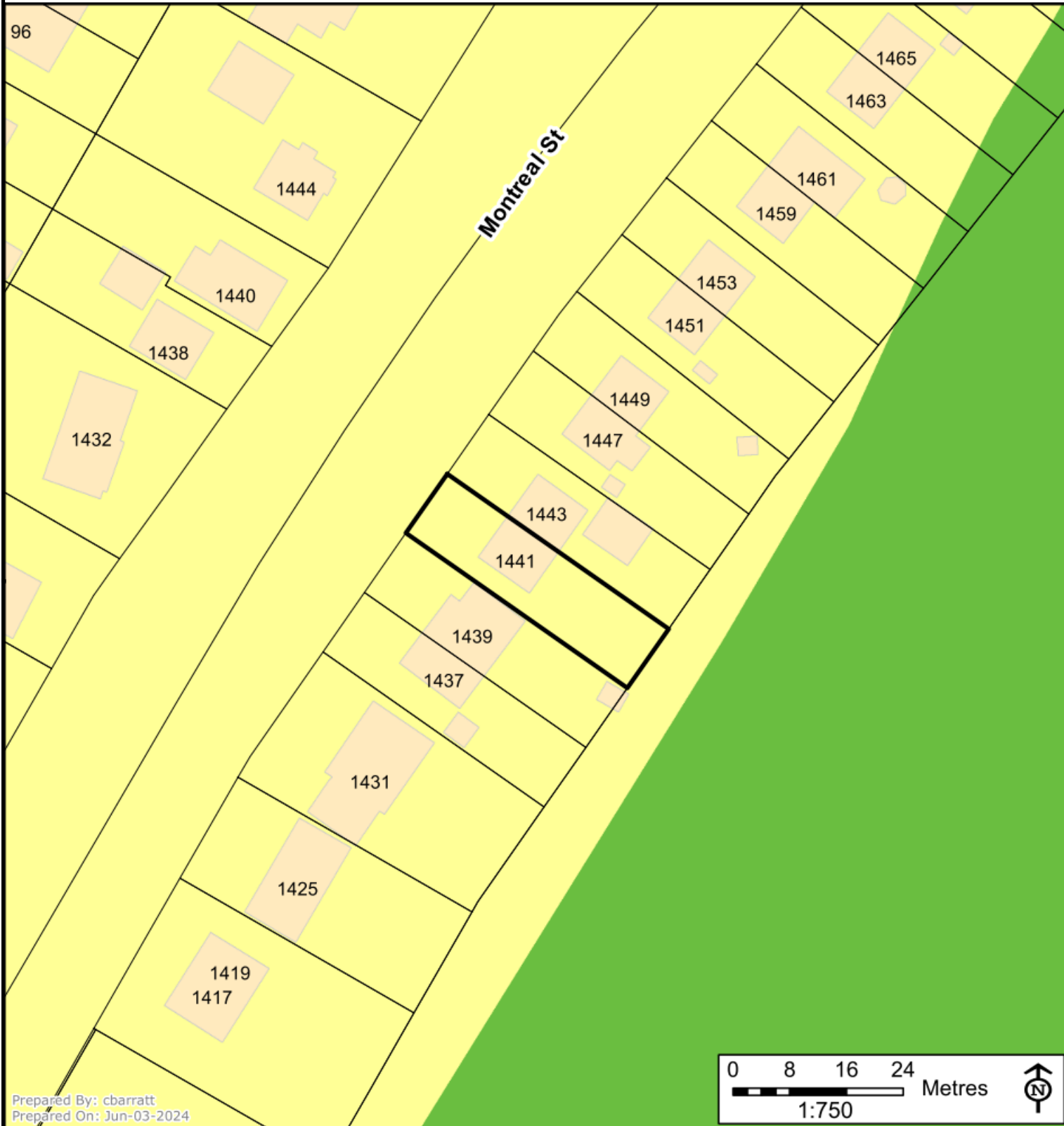
File Number: D13-037-2024

Prepared On: Jun-03-2024

Subject Lands

ENVIRONMENTAL PROTECTION AREA

RESIDENTIAL



Prepared By: cbarratt
Prepared On: Jun-03-2024

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Planning Committee
Existing Zoning
Kingston Zoning By-Law 2022-62

Planning Services

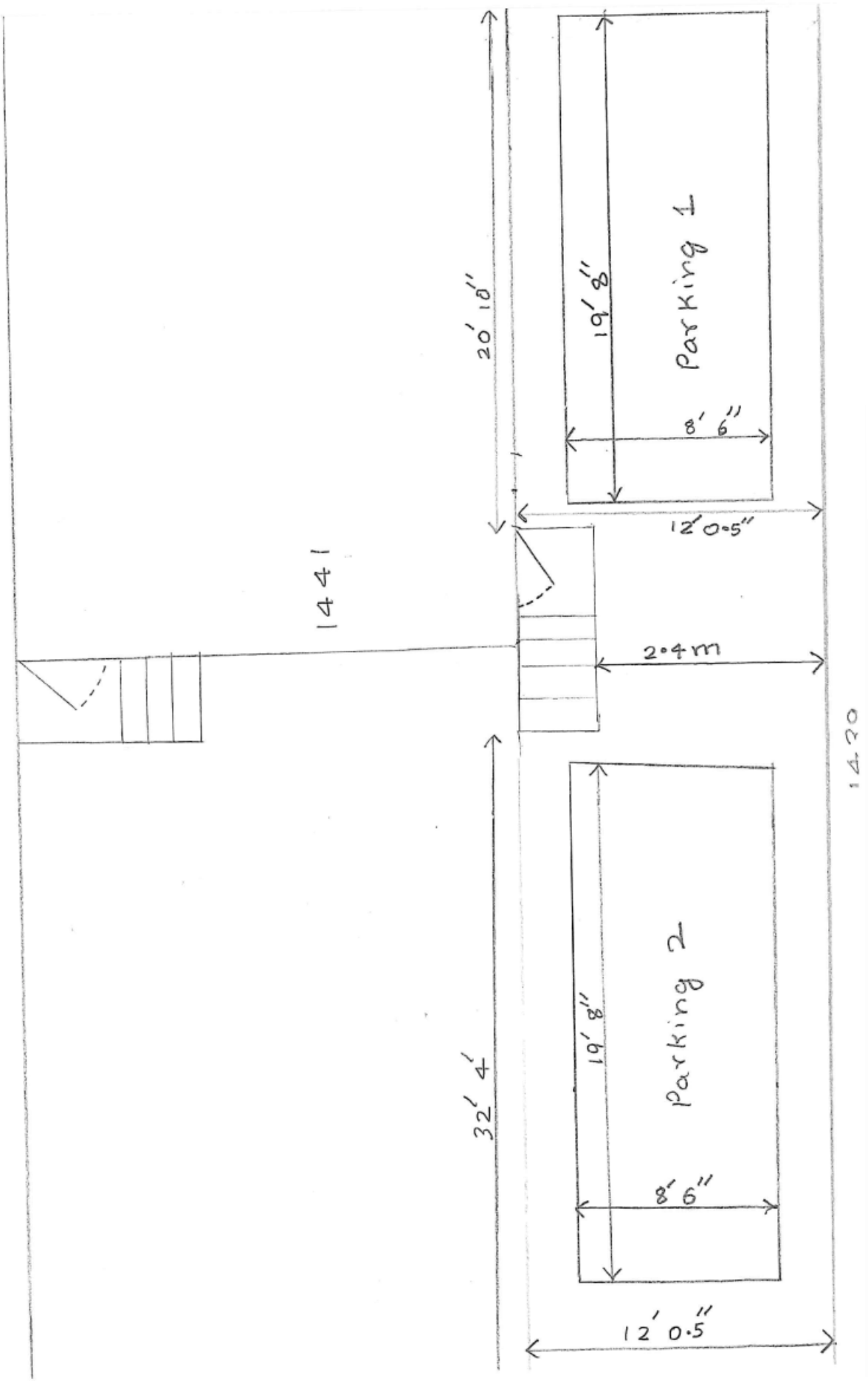
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Prepared On: Jun-03-2024

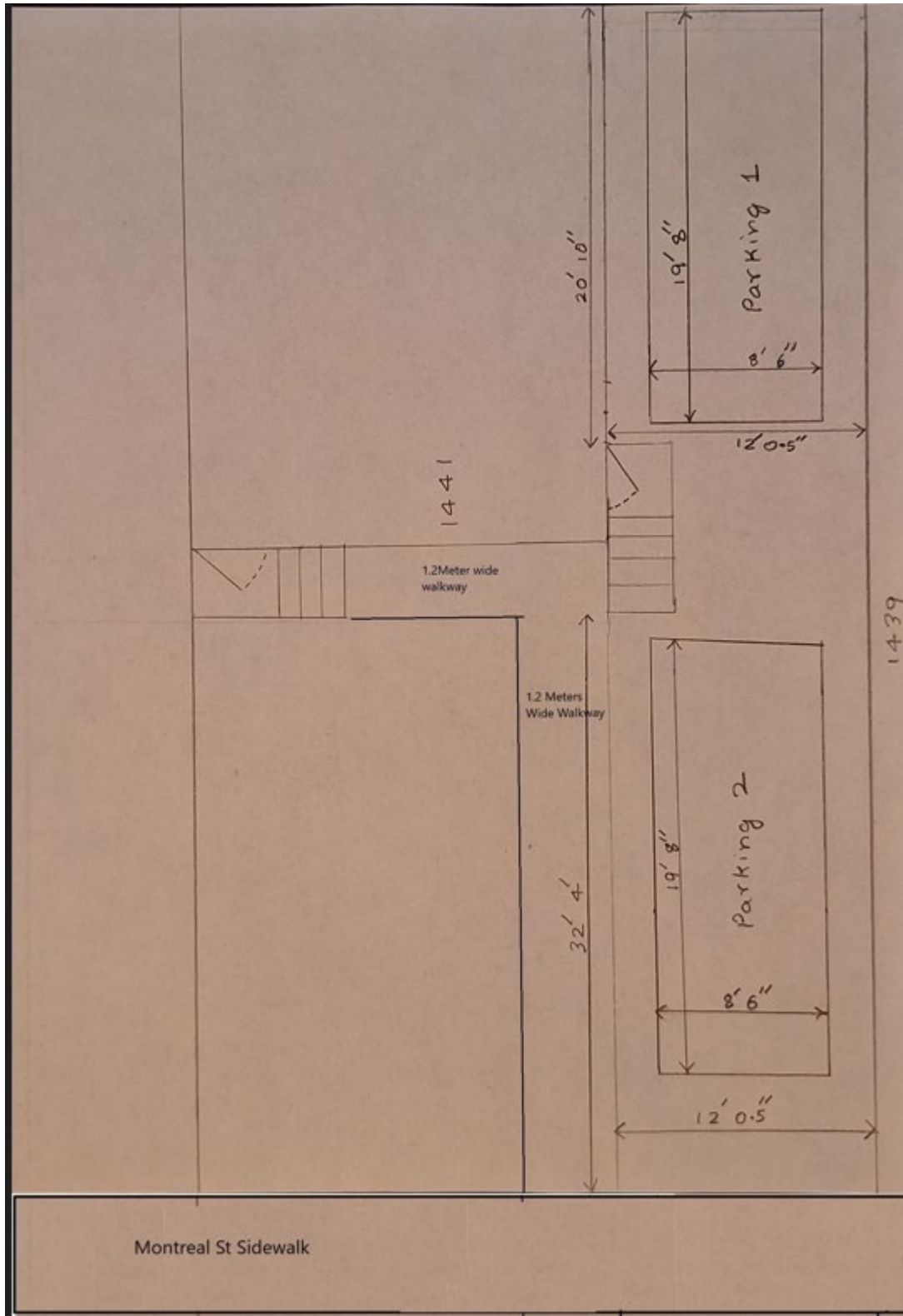
- Subject Lands
- Schedule 1 Zoning Map
- Zone

- Schedule E - Exception Overlay
- Legacy Exceptions (LXXX)
- Exceptions (EXXX)
- Schedule F - Holding Overlay
- HoldingOverlay (HXXX)



Prepared By: cbarratt
Prepared On: Jun-03-2024





Site Photo – 1441 Montreal Street





Planning Services

Committee of Adjustment Public Notice Notification Map

Address: 1441 Montreal Street

File Number: D13-037-2024

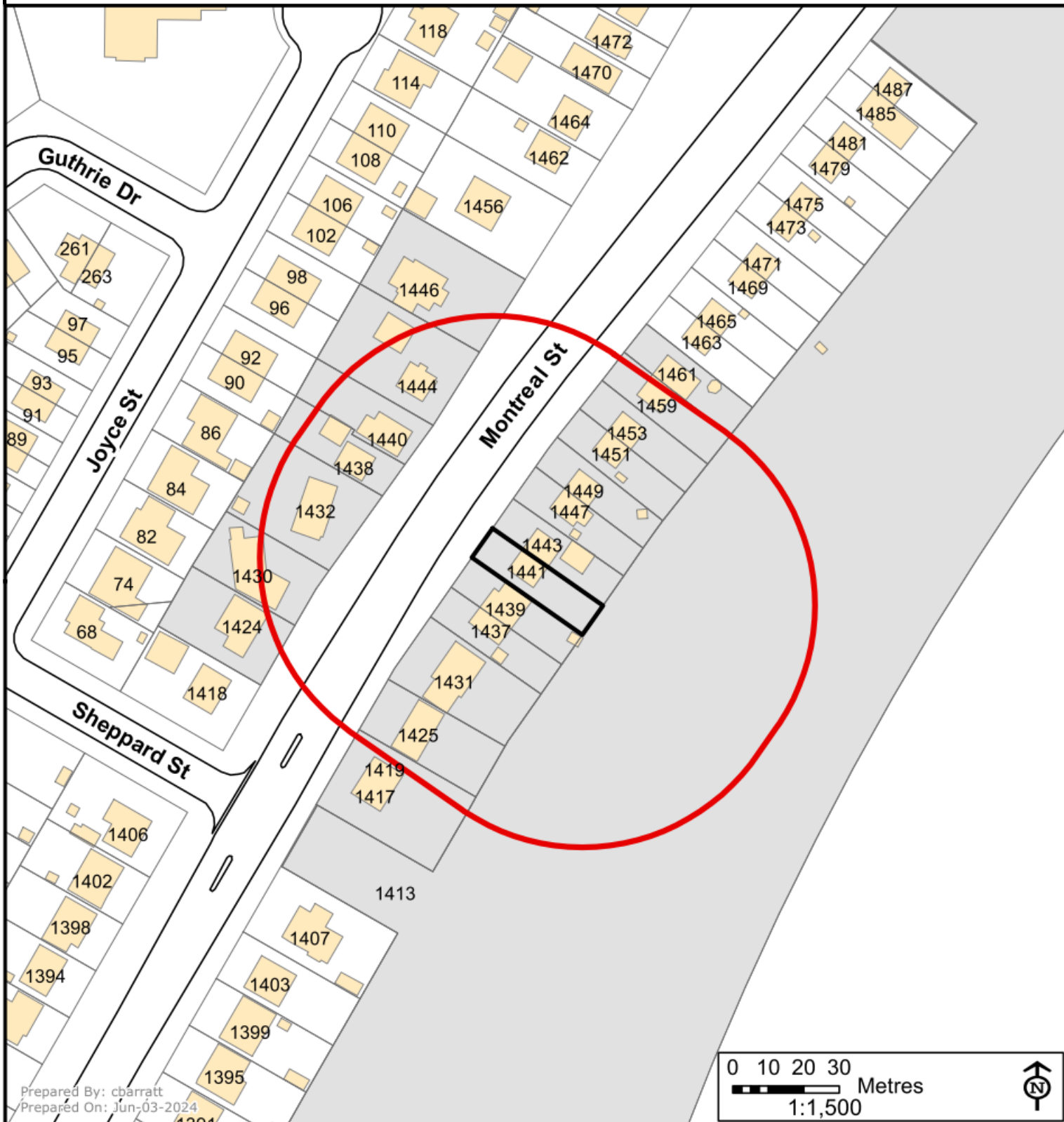
Prepared On: Jun-03-2024

60m Public Notification Boundary

Subject Lands

Property Boundaries

20 Properties in Receipt of Notice (MPAC)



Prepared By: cbarratt
Prepared On: Jun-03-2024

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