



**City of Kingston
Report to Committee of Adjustment
Report Number COA-24-064**

To: Chair and Members of the Committee of Adjustment
From: Jason Partridge, Planner
Date of Meeting: July 15, 2024
Application for: Minor Variance
File Number: D13-041-2024
Address: 1813 Moore Lane
District: District 1 - Countryside
Owner: Krishan Jai Subash Nathan
Applicant: Boulevard Group

Council Strategic Plan Alignment:

Theme: Policies & by-laws

Goal: 2.3 Maintain the City's natural heritage and environmental assets.

Executive Summary:

This report provides a recommendation to the Committee of Adjustment regarding an application for minor variances at 1813 Moore Lane. The applicant is requesting relief from the maximum height of an accessory building and the accessory building yard location requirement of the Kingston Zoning By-Law 2022-62 to construct a front yard accessory building. The proposed accessory building is to be 6.5 metres in height whereas the permitted height of an accessory building is 4.6 metres. The new front yard accessory building complies with all minimum interior side yard setback, rear yard setback, and lot coverage requirements.

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

July 15, 2024

Page 2 of 10

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 , for the property located at 1813 Moore Lane to construct a 147.72 square metre front yard accessory building, be approved, as described below:

Variance Number 1:

By-Law Number 2022-62:4.1.2.1 Accessory building yard location

Requirement: Rear yard, Interior yard, and the Exterior yard

Proposed: Front yard

Variance Requested: Front yard

Variance Number 2:

By-Law Number :2022-62:4.1.2.3 Maximum height of an accessory building

Requirement: 4.6 metres

Proposed: 6.5 metres

Variance Requested: 1.9 metres; and

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-064.

July 15, 2024

Page 3 of 10

Authorizing Signatures:

A handwritten signature in black ink, appearing to read "Jason Partridge", written over a horizontal line.

Jason Partridge, Planner

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

Tim Park, Director, Planning Services

James Bar, Manager, Development Approvals

July 15, 2024

Page 4 of 10

Options/Discussion:

On May 26, 2024, a minor variance application was submitted by the Boulevard Group, on behalf of the owner, Krishan Jai Subash Nathan, with respect to the property located at 1813 Moore Lane. The variances are requested to construct a 147.72 square metre front yard accessory building. The applicant is requesting relief from the maximum height of an accessory building and the accessory building yard location requirement of the Kingston Zoning By-Law 2022-62 to construct a front yard accessory building. The proposed accessory building is to be 6.5 metres in height whereas the permitted height of accessory building is 4.6 metres. The requested variances are to accommodate an accessory building that can contain a car lift for personal car repairs and storage associated to the single detached house. The new front yard accessory building complies with all minimum interior side yard setback, rear yard setback and landscaped open space requirements.

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

- Site Plan (Exhibit F)
- Elevations (Exhibit G)

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 1813 Moore Lane (Exhibit B – Key Map) and has a lot area of approximately 1.33 hectares with approximately 0 metres of frontage along a municipal road, but gains access to Highway 2 from a private lane. The property is currently developed with a single detached house, and abuts other single detached houses to the east, west and north. The subject property is also located in proximity to various community and open space uses, local schools and the St Lawrence River. (Exhibit C – Neighbourhood Context Map).

The subject property is designated Rural and EPA in the Official Plan (Exhibit D – Official Plan Map) and zoned LSR with a holding overlay layer (H50) 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

July 15, 2024

Page 5 of 10

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 Rural and Environmental protection Area 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 front yard accessory building will not have any negative impacts on abutting properties or residential and/or uses or structures. The proposal is compatible with the surrounding residential uses and will not result in significant impacts or changes to the surrounding area. No additional dwelling units are proposed and there is no increase in density or intensity of uses. The proposed front yard accessory building is consistent with the intent of this policy.

No land use compatibility concerns as outlined in Section 2.7 of the Official Plan are expected to arise resulting from approval of this application, relating to increased shadowing, intrusive overlook, increased traffic, architectural incompatibility, or any other concerns outlined in the Official Plan. All functional needs are met as the building will not constrain the parking of vehicles and bicycles or generate issues relating to accessibility.

1813 Moore Lane is not a designated property under the Ontario Heritage Act, nor is it within a Heritage District. No impacts to any built heritage resources are anticipated as a result of this proposal, and as such, no Heritage Impact Statement is required. Furthermore, Heritage Planning staff have identified the subject property as having composite potential for archeological resources. However, Heritage Planning has agreed that the archaeological assessment can be done during the holding overlay (H50) removal application. A condition will be included within the Notice of Decision that will require an archeological assessment to be completed during the holding overlay removal application.

The site is located outside of the Urban Boundary and is currently connected to private sewage and well water systems. The proposed front yard accessory building will not require any additional private sewage or water service for its use.

July 15, 2024

Page 6 of 10

The proposed variances meet the four tests of a minor variance under the Planning Act and the development is consistent with the existing built form along Moore Lane. Therefore, a zoning by-law amendment is not required.

The proposal meets the intent of the Official Plan, as the proposed 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 Limited Service Rural Residential (LSR) in Kingston Zoning By-Law Number 2022-62 (Exhibit E – Zoning By-Law Map). A single detached house with an accessory building is a permitted use within the ‘LSR’ zone.

The proposal requires variances to Section 4.1.2.1 and 4.1.2.3 of the zoning by-law, as follows:

Variance Number 1:

By-Law Number 2022-62:4.1.2.1 Accessory building yard location

Requirement: Rear yard, Interior yard, and the Exterior yard

Proposed: Front yard

Variance Requested: Front yard

The intent of the accessory building location provision is to prevent the over development of the front yards and to maintain a consistent character throughout the City of Kingston. 1813 Morre Lane is a waterfront lot and accessed by a laneway near the northern property line. Waterfront lots traditionally have the dwellings located closest to the waterbody leaving a large undeveloped front yard. Permitting an accessory building in the front yard under the Kingston Zoning By-law is considered appropriate because of the large front yard space and keeping any development away from the floodplain or sensitive environmental habitats. The proposed front yard accessory building is consistent with the existing front yard built-form of several residential buildings located east and west of the subject property along 1813 Moore Lane.

Variance Number 2:

By-Law Number :2022-62:4.1.2.3 Maximum height of an accessory building

Requirement: 4.6 metres

Proposed: 6.5 metres

Variance Requested: 1.9 metres; and

The intent of the maximum height of an accessory building is to prevent intrusive overlook onto surrounding properties and to provide for a consistent built form and massing on residential properties. The requested height increase is required to accommodate an accessory building that can contain a car lift for personal car repairs. The requested increase of height of 1.9 metres for the proposed accessory building is not anticipated to cause any adverse impacts or intrusive overlook onto surrounding properties. The proposed accessory building exceeds the required interior setback of 1.2 metres and the single detached house to the east of the property is also setback a large distance from the proposed accessory building which will provide

July 15, 2024

Page 7 of 10

additional protection from any intrusive overlook onto the property. The increased maximum building height maintains the general intent and the purpose of the by-law.

The requested variance maintains the general intent and purpose of the zoning by-law.

The variance is minor in nature

The proposed front yard accessory building will result in a development that is consistent with the existing built form of residential development along Moore Lane. The accessory building will be located within the front yard of a water lot property and will not result in intrusive overlook with respect to adjacent properties. The variance will not alter the character of the neighbourhood or the existing streetscape. The total area of the proposed accessory building is 147.72 square metres and does not exceed the permitted lot coverage for accessory buildings.

The variance is considered minor as there will be no negative impacts on abutting properties or residential and/or uses or structures.

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

The proposed development will support the functional needs of the existing residential use. 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 accessory building along Moore Lane.

The resulting built form satisfies all applicable provisions of the zoning by-law, except for the required maximum height setback and accessory building permitted yard location. The proposal does not involve a significant alteration to the existing built form on the site and will not cause any adverse impacts on adjacent properties.

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 | <input checked="" type="checkbox"/> Heritage Services |
| <input type="checkbox"/> Finance | <input checked="" type="checkbox"/> Utilities Kingston | <input type="checkbox"/> Real Estate |
| <input type="checkbox"/> Fire & Rescue | <input checked="" type="checkbox"/> Kingston Hydro | <input checked="" type="checkbox"/> Environment Division |
| <input checked="" type="checkbox"/> Solid Waste | <input checked="" 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 checked="" type="checkbox"/> Parks of the St. Lawrence |
| <input checked="" 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 checked="" type="checkbox"/> Hydro One | <input type="checkbox"/> Enbridge Pipelines | <input type="checkbox"/> TransCanada Pipelines |

July 15, 2024

Page 8 of 10

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 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 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) 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 permit the construction of a new 147.72 square metre accessory building within the front yard of the subject property. The proposed front yard accessory building and will improve the function of the existing residential use on the site and 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, 2020

Municipal

City of Kingston Official Plan

Kingston Zoning By-Law Number 2022-62

July 15, 2024

Page 9 of 10

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 8 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:

James Bar, Manager, Development Approvals, 613-546-4291 extension 1256

Jason Partridge, Planner, 613-546-4291 extension 3216

Other City of Kingston Staff Consulted:

None

Exhibits Attached:

- Exhibit A Recommended Conditions
- Exhibit B Key Map
- Exhibit C Neighbourhood Context Map (2024)
- Exhibit D Official Plan Map
- Exhibit E Zoning By-Law Map
- Exhibit F Site Plan
- Exhibit G Elevations

July 15, 2024

Page 10 of 10

Exhibit H Site Photos

Exhibit I Public Notification Map

Recommended Conditions

The approval of minor variance application, File Number D13-041-2024, to increase the maximum height of an accessory building and the accessory building yard location requirement shall be subject to the following recommended conditions:

1. Limitation

That the approved variance applies only to the front yard accessory building as shown on the attached drawing within 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 Archeological 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 (1-877-9919959), 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. Holding Overlay Layer H50

Prior to the issuance of a building permit for the front yard accessory building at 1813 Moore Lane the owner must successfully complete a Holding Overlay removal application H50. All necessary studies, as determined by the city, have been

completed and accepted by the City. Required studies may include but are not limited to studies related to servicing capacity, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact assessments, environmental constraints or a Record of Site Condition; and (b) All agreements required by the City, including development, site plan control and subdivision agreements, have been executed and registered on title, as appropriate.


6. Planning Services

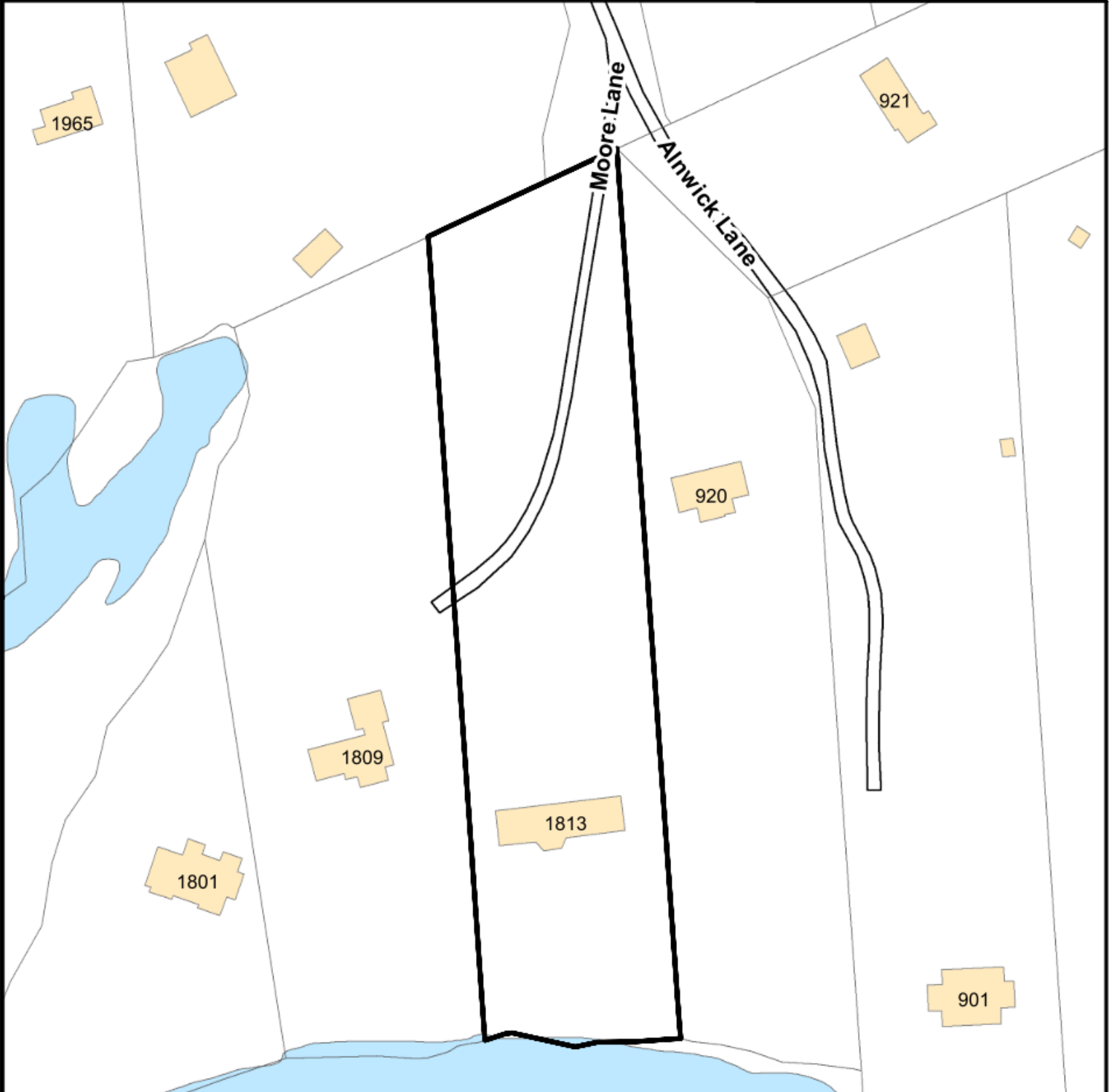
Prior to issuance of the building permit for the front yard accessory building the owner must remove or relocate the existing sea container on the subject property. If the owner chooses to relocate the sea container, the sea container must comply with all zoning requirements of Kingston Zoning By-Law Number 2022-62 and acquire proper building permits.



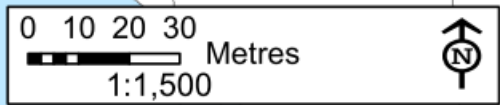
Committee of Adjustment Key Map

Address: 1813 Moore Lane
File Number: D13-041-2024
Prepared On: Jun-03-2024

 Lands Subject to Minor Variance



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



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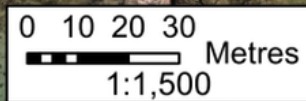
Committee of Adjustment Neighbourhood Context

Address: 1813 Moore Lane
File Number: D13-041-2024
Prepared On: Jun-03-2024

- Subject Lands
- Property Boundaries
- Proposed Parcels



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



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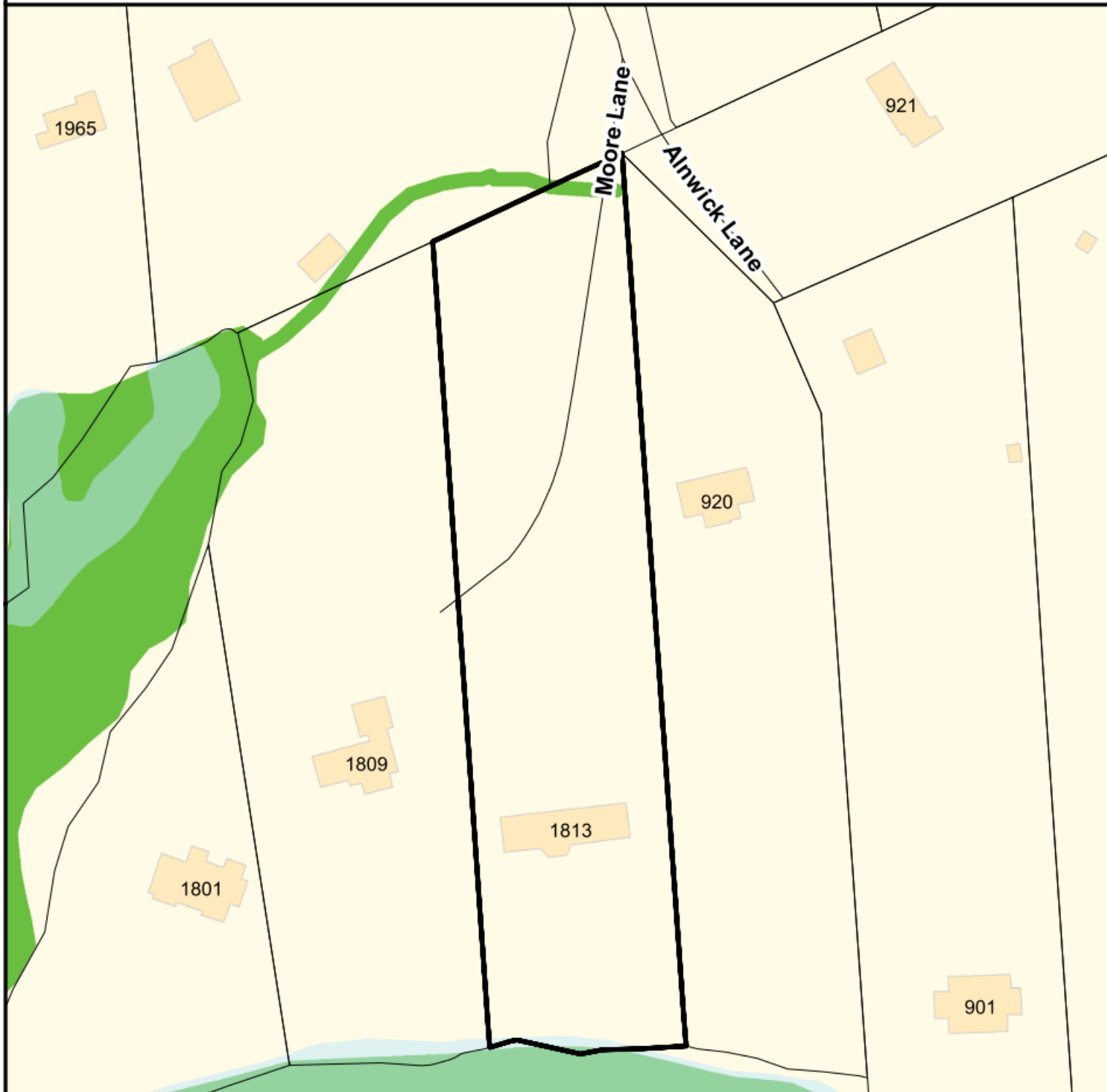


Planning Services

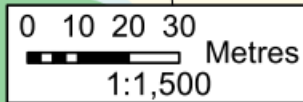
Committee of Adjustment Official Plan, Existing Land Use

Address: 1813 Moore Lane
File Number: D13-041-2024
Prepared On: Jun-03-2024

- Subject Lands
- ENVIRONMENTAL PROTECTION AREA
- RURAL



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



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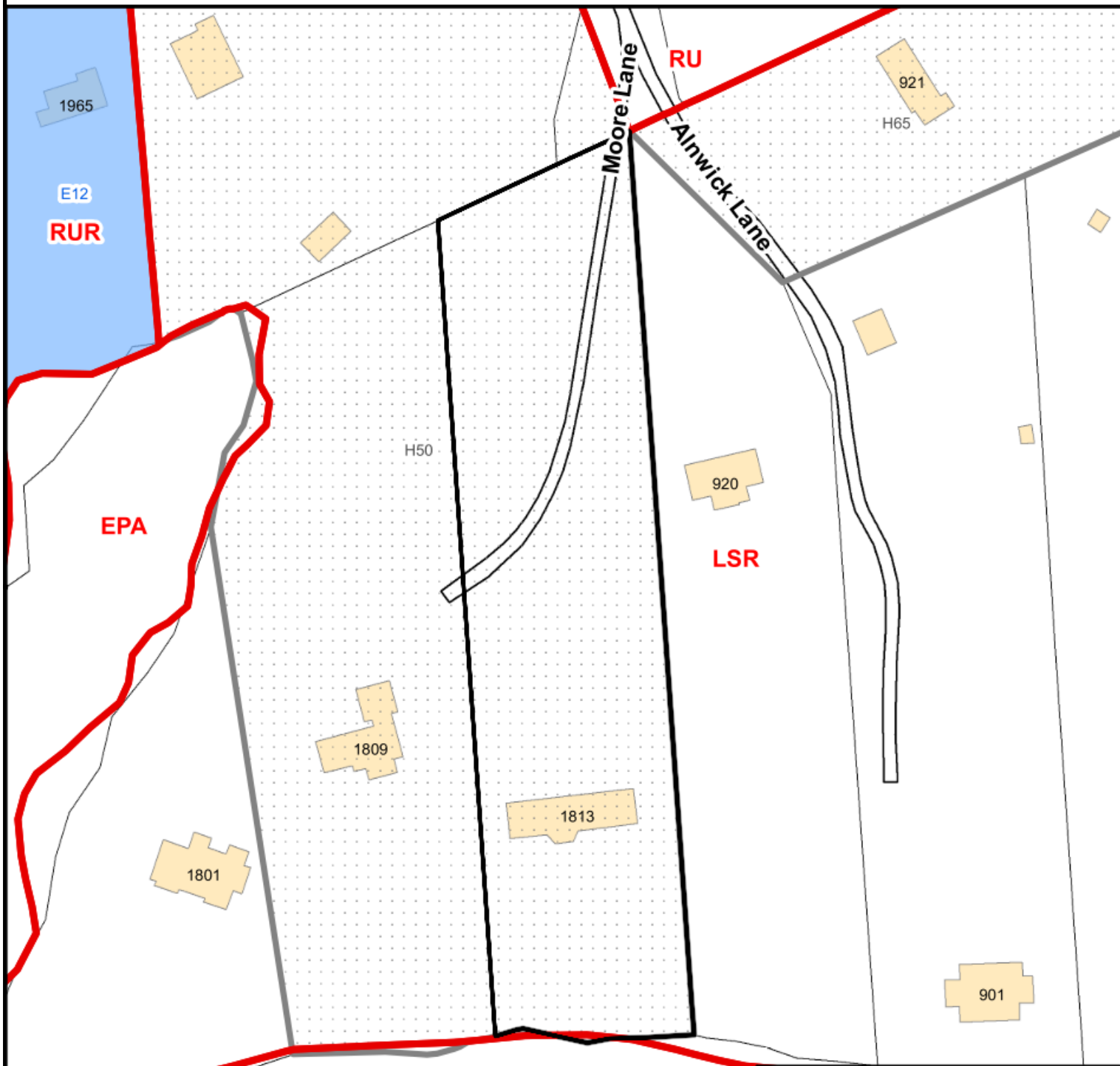
Planning Committee
Existing Zoning
Kingston Zoning By-Law 2022-62

Planning Services

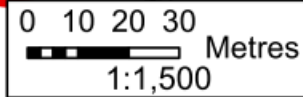
Address: 1813 Moore Lane
File Number: D13-041-2024
Prepared On: Jun-03-2024

Subject Lands
Schedule 1 Zoning Map
Zone

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

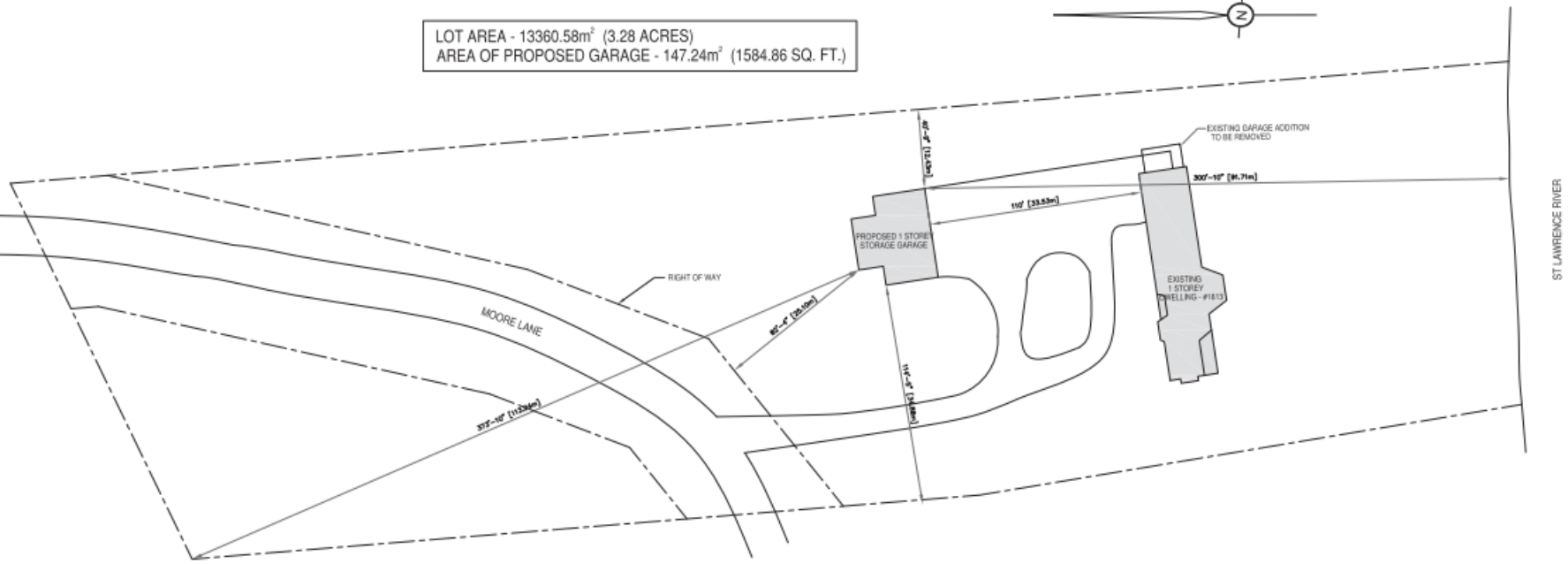


Prepared By: cbarratt
Prepared On: Jun-03-2024



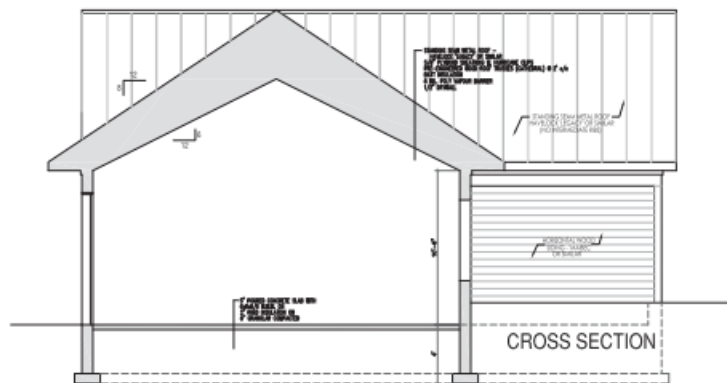
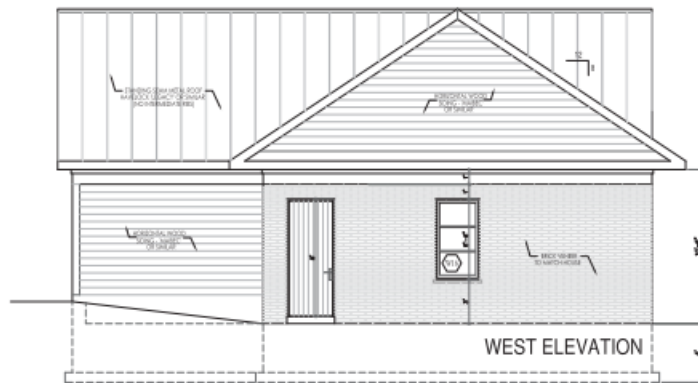
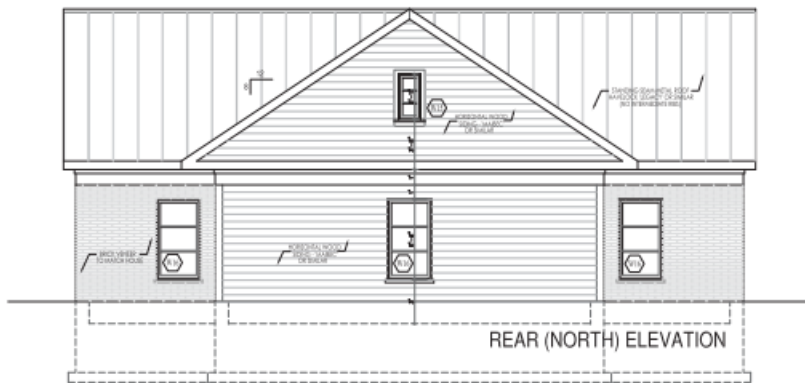
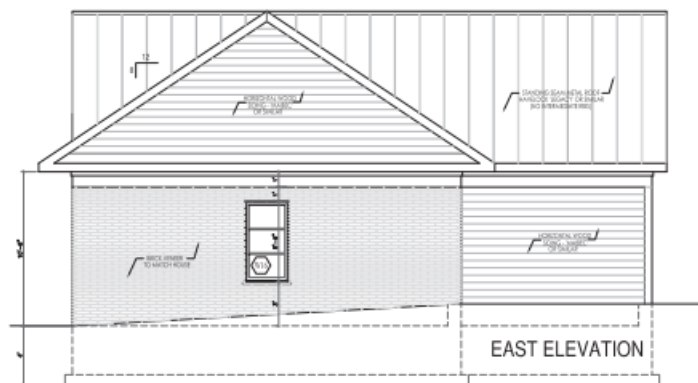
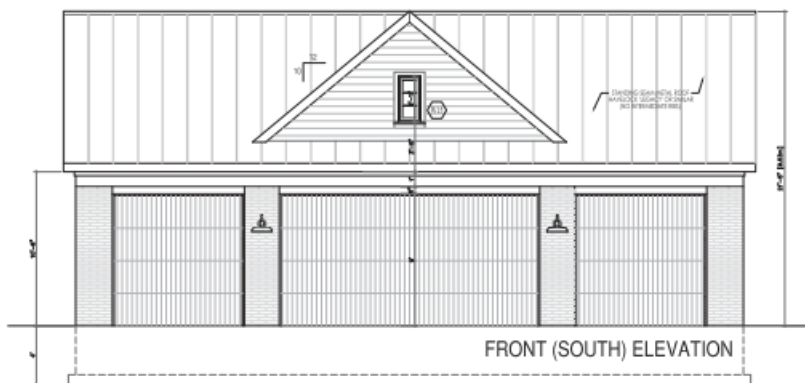
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LOT AREA - 13360.58m² (3.28 ACRES)
AREA OF PROPOSED GARAGE - 147.24m² (1584.86 SQ. FT.)



SHEET:	DATE: MAY 2024		TITLE: SITE PLAN
	SCALE: 1/4" = 1'	DRAWN: M.P.	PROJECT: NATHAN - 1813 MOORE LANE
A-1	DATE:		TITLE:
	DATE:		TITLE:

Michael Preston Design
70 SONS STREET, PRESTON, ONT. M3L 1L8 | 416-272-0724 | www.mprdesign.ca



1813 Moore Lane – June 14, 2024



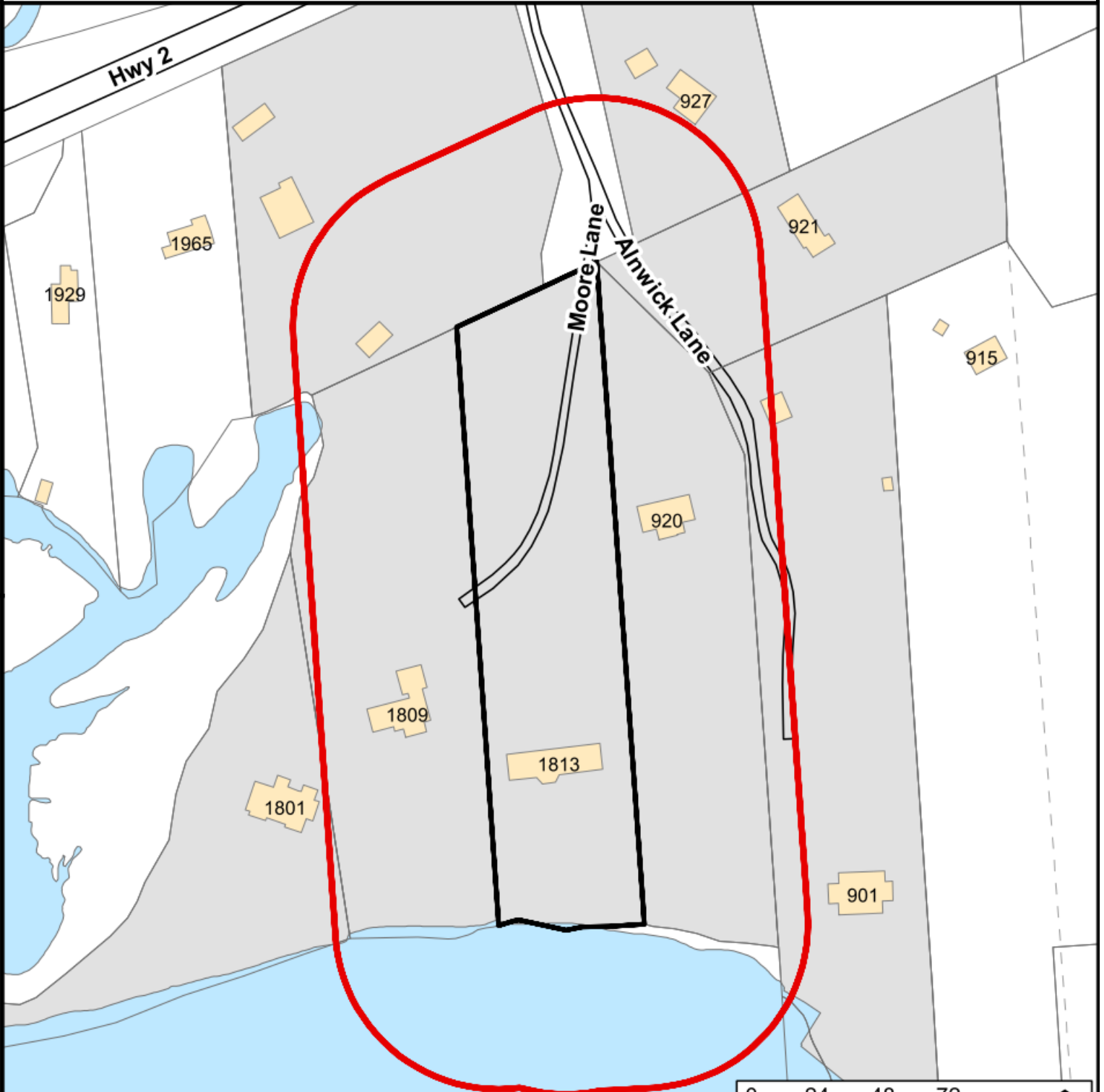
(South facing view of the subject property)



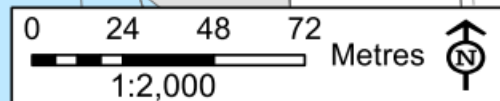
Committee of Adjustment Public Notice Notification Map

Address: 1813 Moore Lane
File Number: D13-041-2024
Prepared On: Jun-03-2024

- 60m Public Notification Boundary
- Subject Lands
- Property Boundaries
- Proposed Parcels
- 8 Properties in Receipt of Notice (MPAC)



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



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