



**City of Kingston
Report to Committee of Adjustment
Report Number COA-24-050**

To: Chair and Members of the Committee of Adjustment
From: Chris Wicke, Senior Planner
Date of Meeting: June 17, 2024
Application for: Minor Variance
File Number: D13-033-2024
Address: 16 Cowdy Street
District: District 11 – King’s Town
Owner and Applicant: Carol Knowles

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 variances for the property located at 16 Cowdy Street. The applicant is proposing to construct a one-storey addition in the rear yard of an existing single detached dwelling. The proposed addition will extend an existing undersized addition to provide more living space. Relief is required from the interior setback and aggregate interior setback requirements as the addition is proposed to maintain the setbacks of the existing addition. No relief is required for building height, rear setback, building depth, landscaped open space or any other applicable zoning provision, and no negative impacts are anticipated.

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 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.

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Recommendation:

That minor variance application, File Number D13-033-2024, for the property located at 16 Cowdy Street to construct a one-storey addition in the rear yard of an existing single-detached house, be approved, as described below:

Variance Number 1:

By-Law Number 2022-62: Table 11.6.1.7: Minimum interior setback

Requirement: 0.6 metres

Proposed: 0.4 metres

Variance Requested: 0.2 metres; and

Variance Number 2:

By-Law Number 2022-62: Table 11.6.1.8: Minimum aggregate of interior setbacks

Requirement: 3.6 metres

Proposed: 1.5 metres

Variance Requested: 2.1 metres; and

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-050.

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Authorizing Signatures:



Chris Wicke, Senior 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 April 21, 2024, a minor variance application was submitted by Carol Knowles, owner, with respect to the property located at 16 Cowdy Street. The variance is requested to permit the construction of a one-storey addition in the rear yard of an existing single detached house.

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

- Site Plan (Exhibit F)
- Elevations (Exhibit I)
- Floor Plans (Exhibit J)

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 west side of Cowdy Street, north of Pine Street and south of Adelaide Street (Exhibit B – Key Map). There is currently a two-storey single detached home with an existing one storey addition in the rear yard on the property. A deck extends from the addition into the rear yard as well. The property abuts a single detached dwelling to the north, with a single detached house to the south separated from the property by a City owned lane. In proximity are predominantly single detached houses as well as an apartment building to the west, with Frontenac Public School, closed as a school since 2016 and now used as the Adelaide Drop-in warming shelter, and Frontenac School Parkette to the north. (Exhibit C – Neighbourhood Context Map).

The subject property is designated Residential in the Official Plan (Exhibit D – Official Plan Map) and is zoned Urban Residential 5 (UR5) 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.

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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

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' on Schedule 3A – Land Use (Exhibit D – Official Plan Map) and it is located within a Housing District in Schedule 2 – City Structure. This proposal does not seek a significant change that would impact the surrounding properties or neighbourhood characteristics. The subject property is located in a stable area with well-established land use patterns in terms of density, types of use and activity. The proposal to construct a one-storey addition in the rear yard of the existing home is compatible with the surrounding area. It is not anticipated to have any negative impacts on the neighbourhood. Several houses on the block also have similar rear additions, and the expansion of the principal dwelling is proposed to be an expansion of an existing addition and to be located on the site of an existing deck. The addition does not require a variance to the building depth provisions of the Kingston Zoning By-law.

This proposal to construct a one-storey addition in the rear yard of the existing home meets all compatibility criteria of the Official Plan and will not result in any negative off-site impacts to abutting properties. As potential for windows in the side walls is limited and as there is already an existing addition and deck in this location, there is no threat of loss of privacy due to intrusive overlook, increased levels of light pollution, noise, or odour anticipated. Adverse effects due to shadowing are also not anticipated as the proposed development is a single storey addition which is below the maximum height permitted, and no relief is required in this regard. The proposed expansion of the principal dwelling would be aligned with the side yard setbacks of the existing structure. Further mitigation measures are not required.

The one-storey addition in the rear yard of the existing home to increase the amount of living area in the home. The rooms in the existing house are quite small and additional amenity space is being sought in place of the existing deck to extend the kitchen and add a modestly sized family room and mud room. Current living spaces are also poorly configured to enjoy views of the backyard. The proposed one-storey structure is of a suitable scale and will provide a larger and more functional living space to the existing residence. The proposal will not negatively impact the functional needs of the current or future residents.

The proposed addition will have no negative impact to the site functioning in terms of access, parking for vehicles or bicycles, or universal accessibility. This proposal is not subject to Site Plan Control.

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The proposal has been reviewed from an urban design perspective and with consideration for applicable urban design policies endorsed by Council. There are no concerns from a design perspective with the proposal.

The property is not within a Heritage Conservation District and is not located adjacent to any designated properties. No concerns were noted by Heritage Services staff as part of the technical review. The property is within an area of composite archaeological potential; however, as the area where the addition is proposed as part of this development was previously disturbed by the construction of the original home and subsequent deck, an archaeological assessment is not required. The standard archaeological condition regarding discovery of deeply buried or previously undiscovered archaeological deposits is being added as a condition of approval.

The property uses municipal water and sewage services. As this application proposes to construct an addition to an existing house, no additional service usage is expected.

The cumulative impact of the variance requested for this proposal does not warrant a zoning by-law amendment. The Committee of Adjustment may require additional conditions as it deems appropriate to the approval of the application. Recommended conditions are listed in “Exhibit A – Recommended Conditions”, attached to this report. Conditions may be added, altered, or removed at the Committee’s discretion.

The approval of the requested variance will not set an undesirable precedent for the immediate area, as it provides consideration for the existing configuration of the subject property and will apply only to the proposal to construct a one-storey addition in the rear yard to the existing home.

The proposal meets the intent of the Official Plan, as the proposed addition 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 5 (UR5) Zone in Kingston Zoning By-Law Number 2022-62 (Exhibit E – Zoning By-Law Map). The UR5 zone permits residential uses including duplex and single detached houses.

The proposal requires variances to Table 11.6.1:

Variance Number 1:

By-Law Number 2022-62: Table 11.6.1.7: Minimum interior setback

Requirement: 0.6 metres
Proposed: 0.4 metres
Variance Requested: 0.2 metres; and

Variance Number 2:

By-Law Number 2022-62: Table 11.6.1.8: Minimum aggregate of interior setbacks

Requirement: 3.6 metres

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Proposed: 1.5 metres
Variance Requested: 2.1 metres

The provisions of the UR5 zone are defined in Table 11.6.1; these are used to determine whether a proposal is compliant with the applicable zoning. The purpose and intent of both the interior setback and the aggregate interior setback in the zoning by-law is to ensure that there is sufficient space for access and maintenance; to help mitigate the potential for privacy/overlook concerns that could result in a reduction of the ability to enjoy one's property; to prevent the potential for encroachment onto adjacent property; and to maintain adequate landscaped open space and amenity space.

A distance of a minimum of 0.4 metres will be maintained on the south side of the property between the proposed addition and the adjacent lane. A greater distance of 1.1 metres will be maintained on the north side of the property, adjacent to the dwelling to the north, to maintain access, to prevent the potential for encroachment, and to minimize the potential for privacy / overlook and shadowing concerns. For both interior setbacks, this is an extension of the current setbacks for the existing dwelling. This provides an aggregate interior setback of 1.5 metres, a reduction of 2.1 metres from the required 3.6 metres. The existing amenity area in the rear yard will be altered as a result of the proposal due to the replacement of the deck with the addition; however, there is still a significant amount of rear yard remaining, and the minimum landscaped open space requirements of the zoning by-law will continue to be maintained in excess of the required 30%. No privacy, overlook or shadowing issues are anticipated as the height of the proposed addition is one storey, and the proposed structure is intended to continue the walls of the existing building. A public lane will continue to provide access to the south and west sides of the property.

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

The variance is minor in nature

The variance is considered minor as a one-storey addition and deck already exist on the home in the rear yard, and the proposed one-storey construction for additional living space is a modest extension. The existing perimeter of the home is being enlarged to incorporate the footprint of an existing deck, with the existing addition to be extended along its current side yard setbacks. The only required relief is to recognize and extend the existing side yards and the subsequent aggregate side yard.

The proposed addition complies with all other zone provisions for the house, including maximum height, building depth, and landscaped open space (Table 11.6.1). The proposal will not change the fundamental design characteristics of the neighbourhood.

The proposed variance is considered minor in nature.

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

The requested variance is desirable and appropriate use of the land as the owner is seeking to construct a one-storey addition in the rear yard in place of an existing deck to provide more functional living space for the principal dwelling. The scale and design of the proposed addition is appropriate for the dwelling size.

The proposed addition is compatible with the characteristics of the surrounding neighbourhood in terms of use and scale. Many houses in the neighbourhood have similar modestly sized additions at the rear of the home that protrude into the side yard setback in similar ways, and while the existing footprint is being enlarged, it is going to encompass a space previously occupied by a deck. No relief is required for the proposed height, rear yard setbacks or landscaped open space. No adverse impacts are expected.

The variance is desirable and appropriate use of the land.

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Technical Review: Circulated Departments and Agencies

- Building Services
- Finance
- Fire & Rescue
- Solid Waste
- Housing
- KEDCO
- CRCA
- Parks Canada
- Hydro One
- Kingston Airport
- Engineering Department
- Utilities Kingston
- Kingston Hydro
- Parks Development
- District Councillor
- Municipal Drainage
- KFL&A Health Unit
- Eastern Ontario Power
- Enbridge Pipelines
- Other:
- Heritage (Planning Services)
- Real Estate
- Environmental Services
- Canadian National Railways
- Ministry of Transportation
- Parks of the St. Lawrence
- Trans Northern Pipelines
- CFB Kingston
- TransCanada Pipelines

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 were 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 variances maintain 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 variances 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 modification of a single detached house to construct a one-storey addition in the rear yard for more living space for the residents.

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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 June 17, 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 43 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 3213

Chris Wicke, Senior Planner, 613-546-4291 extension 3242

Other City of Kingston Staff Consulted:

None

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Exhibits Attached:

- Exhibit A Recommended Conditions
- Exhibit B Key Map
- Exhibit C Neighbourhood Context Map
- Exhibit D Official Plan Map
- Exhibit E Zoning By-Law Map
- Exhibit F Site Plan
- Exhibit G Site Photographs
- Exhibit H Public Notification Map
- Exhibit I Elevations
- Exhibit J Floor Plans

Recommended Conditions

The approval of minor variance application, File Number D13-033-2024, to construct a one-storey addition on the single detached house in the rear yard of the property, shall be subject to the following recommended conditions:

1. Limitation

That the approved minor variance applies only to the one-storey addition at 16 Cowdy Street 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. Grading Plan

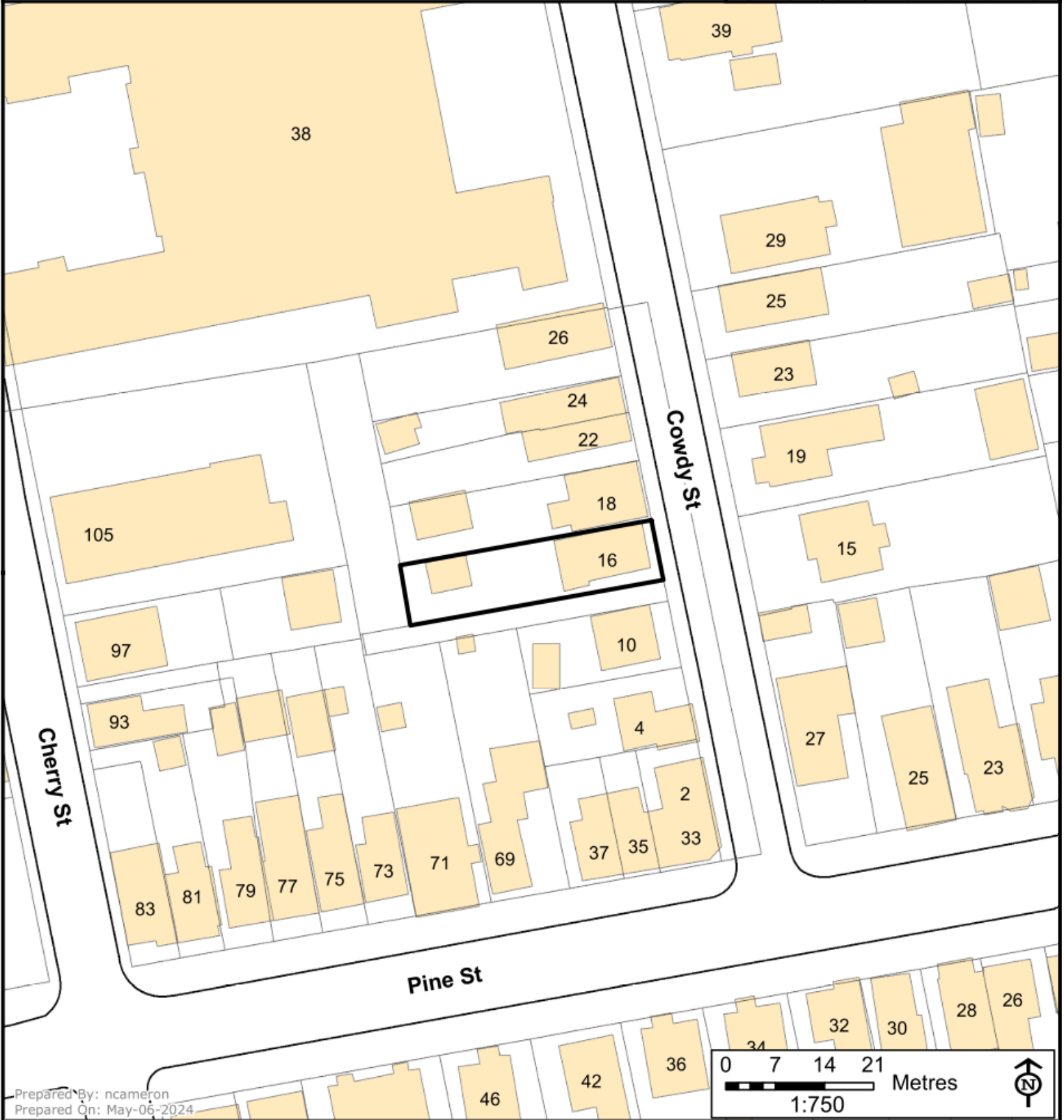
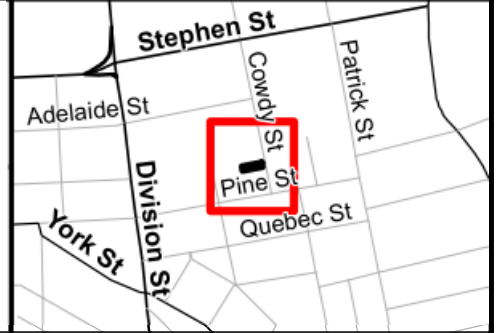
The owner/applicant is required to submit a grading plan with their Building Permit which should demonstrate that there will be no negative drainage impacts to neighbouring properties. The building form shall be suitable for adequate lot drainage.



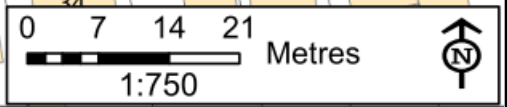
Committee of Adjustment Key Map

Address: 16 Cowdy Street
File Number: D13-033-2024
Prepared On: May-06-2024

 Lands Subject to Minor Variance



Prepared By: ncameron
Prepared On: May-06-2024



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Committee of Adjustment Neighbourhood Context

Address: 16 Cowdy Street
File Number: D13-033-2024
Prepared On: May-06-2024

- Subject Lands
- Property Boundaries
- Proposed Parcels



Prepared By: ncameron
Prepared On: May-06-2024



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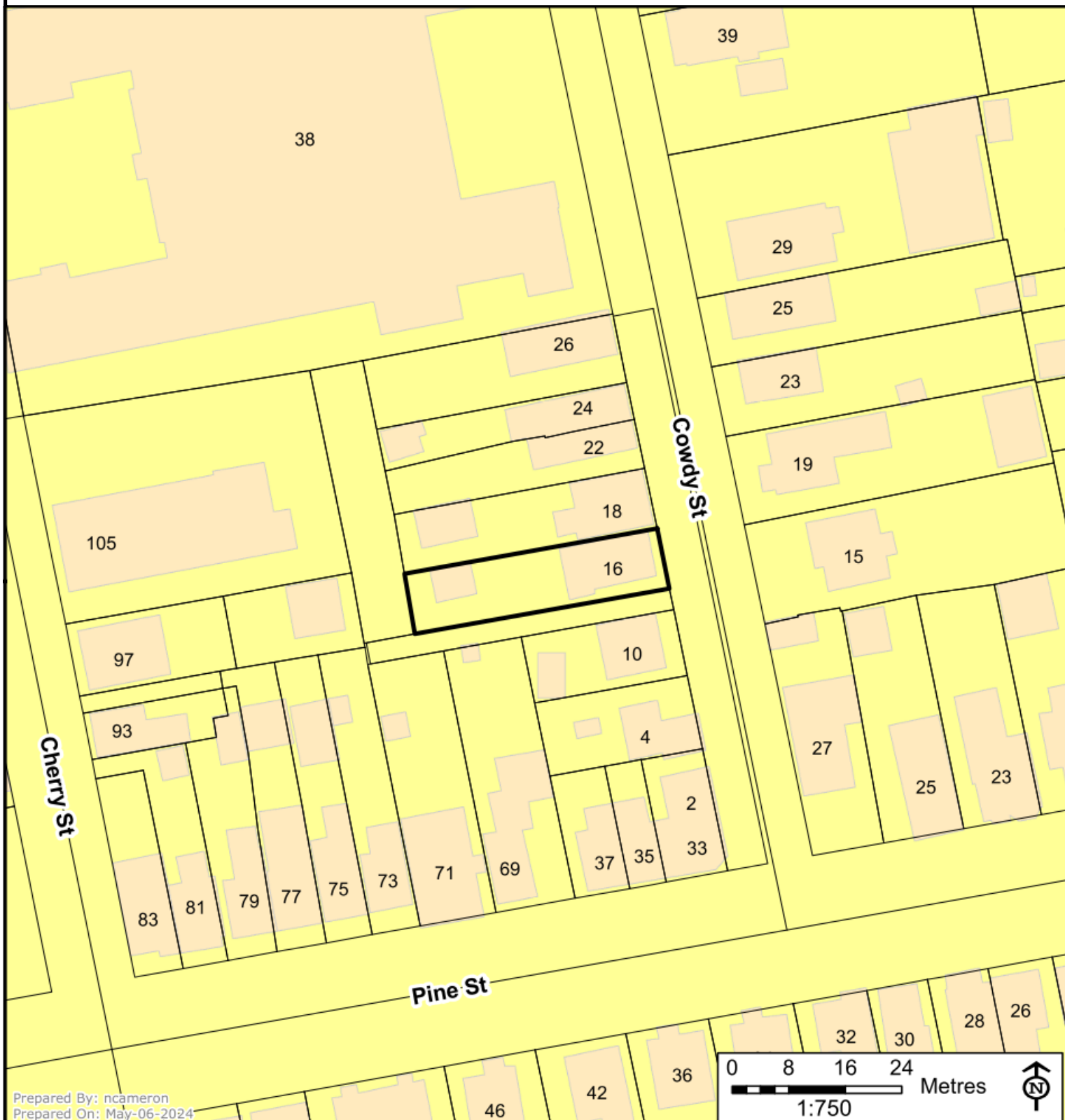


Planning Services

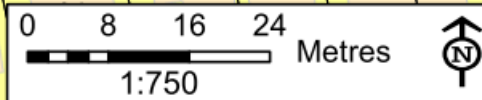
Committee of Adjustment Official Plan, Existing Land Use

Address: 16 Cowdy Street
File Number: D13-033-2024
Prepared On: May-06-2024

 Subject Lands
 RESIDENTIAL



Prepared By: ncameron
Prepared On: May-06-2024



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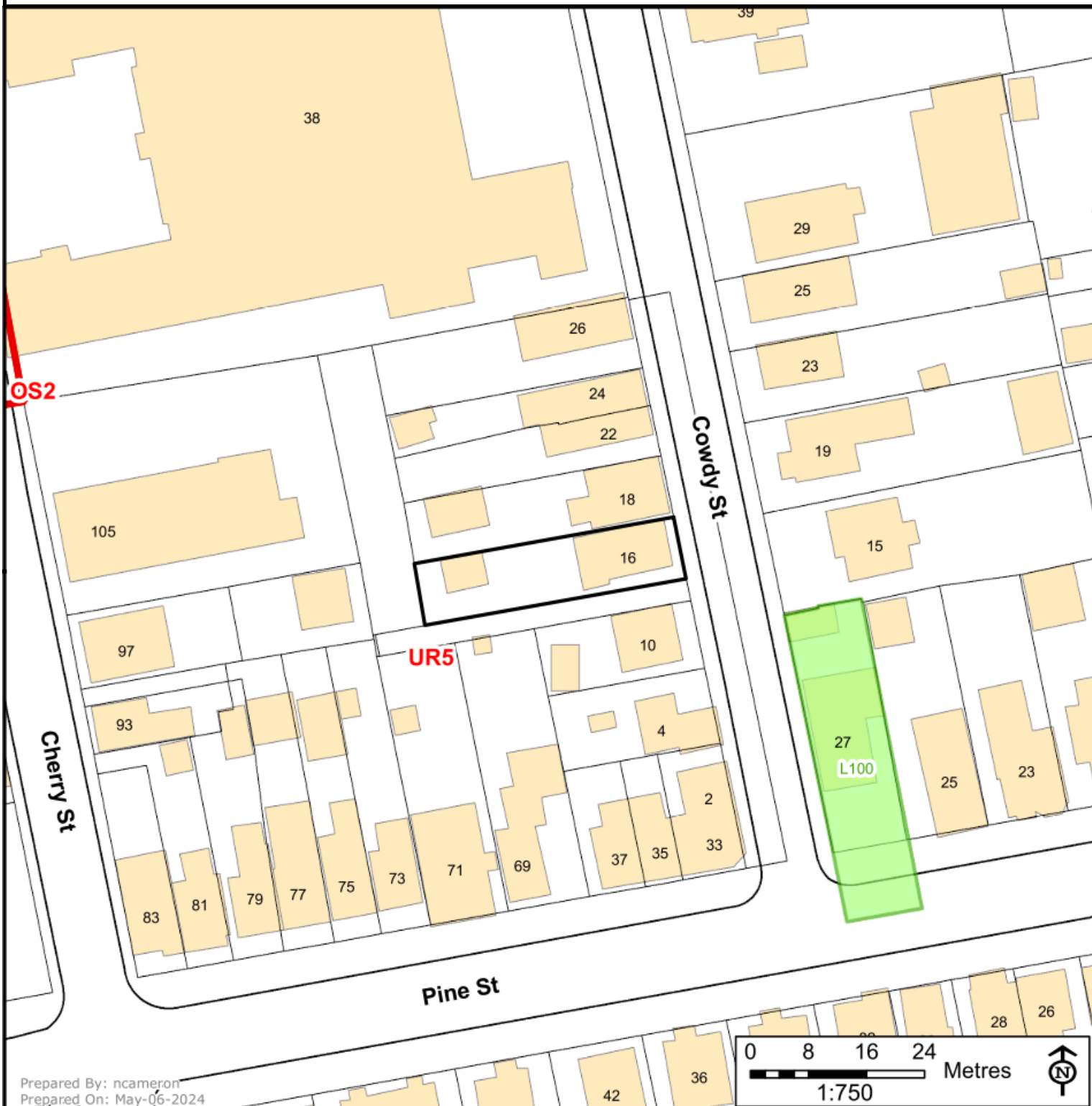
Planning Committee
Existing Zoning
Kingston Zoning By-Law 2022-62

Planning Services

Address: 16 Cowdy Street
File Number: D13-033-2024
Prepared On: May-06-2024

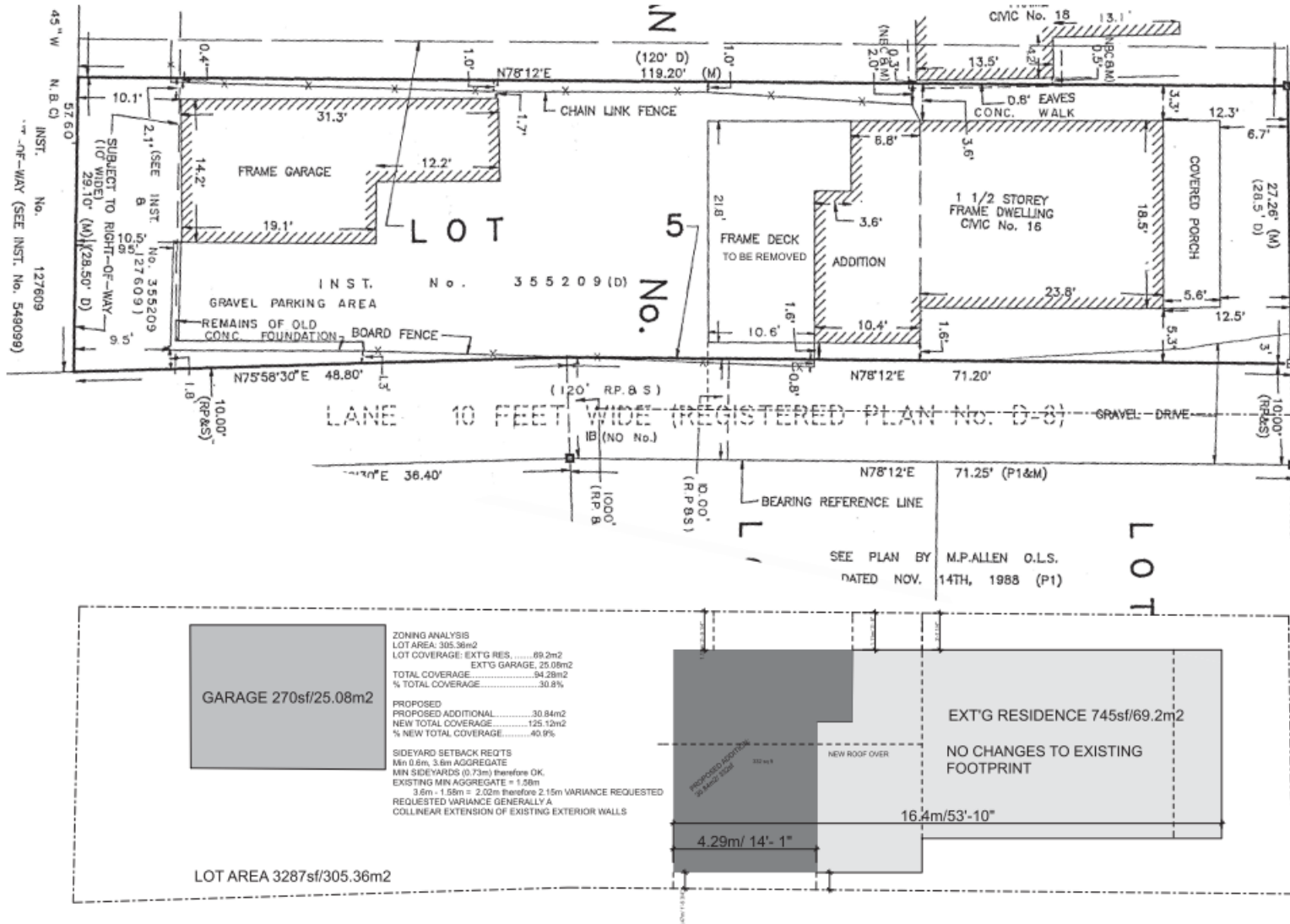
Subject Lands
Schedule 1 Zoning Map
Zone

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



Prepared By: ncameron
Prepared On: May-06-2024

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Subject property at 16 Cowdy Street.



Looking east in rear yard of subject property.



Looking southwest along Cowdy Street past the subject property.



Looking northwest along Cowdy Street past the subject property.



Looking northwest at the subject property and the existing addition in the rear yard.







Looking east along the lane to the south of the subject property.

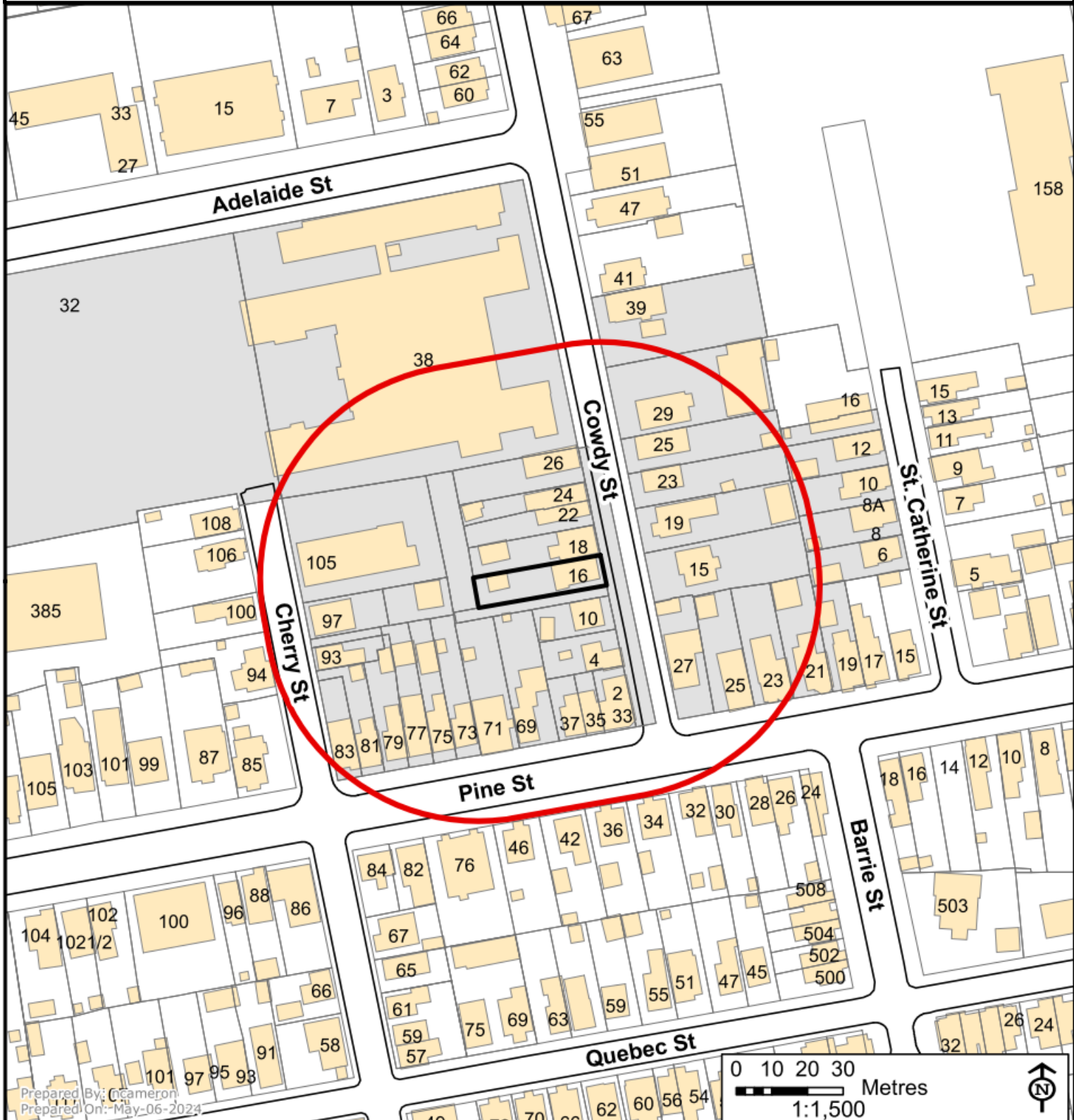


Planning Services

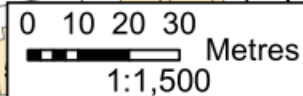
Committee of Adjustment
Public Notice Notification Map

Address: 16 Cowdy Street
File Number: D13-033-2024
Prepared On: May-06-2024

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



Prepared By: [unclear]
Prepared On: May-06-2024



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