



**City of Kingston
Report to Committee of Adjustment
Report Number COA-24-075**

To: Chair and Members of the Committee of Adjustment
From: Lindsay Sthamann, Intermediate Planner
Date of Meeting: September 16, 2024
Application for: Minor Variance
File Number: D13-051-2024
Address: 901 and 915 Alnwick Lane
District: District 2 - Countryside
Owner: Alexander and Bonnie Smith
Applicant: Michael Preston

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 901 and 915 Alnwick Lane. The applicant is proposing to construct a detached accessory building with a height of 7.3 metres . A minor variance is requested to increase the maximum permitted height of the accessory building from 4.6 metres to 7.3 metres. The 80 square meter storage building is proposed to be located on a former tennis court with a 26 metre setback to the nearest property line. The proposed accessory building complies with all other zone provisions.

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

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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 D13-051-2024, for the property located at 901 and 915 Alwrick Lane to increase the maximum height of an accessory building from 4.6 metres to 7.3 metres, be approved, as described below:

Variance Number 1: Maximum Height of an Accessory Building

By-Law Number 2022-62: 4.1.2.4

Requirement: 4.6 metres

Proposed: 7.3 metres

Variance Requested: 2.7 metres; and

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-075.

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Authorizing Signatures:

ORIGINAL SIGNED BY PLANNER

Lindsay Sthamann, 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 July 10, 2024, a minor variance application was submitted by Michael Preston, on behalf of the owner, Alexander and Bonnie Smith, with respect to the property located at 901 and 915 Alnwick Lane. The variance is requested to increase the maximum permitted height of an accessory building to permit the construction of an 80 square metre, 7.3 metre tall accessory building. The maximum permitted height in Kingston Zoning By-law for an accessory building is 4.6 metres. The requested variance is to accommodate a loft storey and a pitched roof on the accessory structure for additional storage space. The primary purpose of the building is for vehicle, maintenance and gardening equipment storage, no livestock will be kept and no residential component is proposed. The proposed structure complies with all other provisions in the Zoning By-law including setback and lot coverage requirements.

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

- Site Plan (Exhibit G)
- Floor Plans and Elevations (Exhibit H)
- Survey
- Cover Letter
- Lawyers Letter
- Owner's Authorization

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 901 and 915 Alnwick Lane (Exhibit B – Key Map). These two lots were merged under the Planning Act and are now considered one single lot. The property is accessed by a private road (Alnwick Lane) off of Highway 2. There is an existing house on the portion of the lot addressed 915 Alnwick and an existing detached garage on the portion addressed 901 Alnwick. The single detached house on the portion of the lot addressed 901 Alnwick has been demolished and the intent is to rebuild a larger house as shown on the site plan. Due to the lot merge, two primary dwellings are considered a legal non-conforming use on the lot. The property abuts other residential properties and the St Lawrence River (Exhibit C – Neighbourhood Context Map).

The subject property is designated Rural in the Official Plan (Exhibit D – Official Plan Map) and zoned Limited Service Residential - LSR in Kingston Zoning By-Law Number 2022-62 (Exhibit E – Zoning By-Law Map).

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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 Rural 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 accessory building will not have any negative impacts on abutting properties or residential uses or structures. The building will be setback 26 metres from the nearest property line which significantly exceeds the required setback for an accessory building (1.2 metres) and the required setback that would be applied to a primary dwelling (4.5 metres). 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.

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.

The subject property is not a designated property under the Ontario Heritage Act nor is it within a Heritage District. Heritage Planning staff have identified the subject property as having composite potential for archeological resources. However, as the proposed structure is slab on grade and located on top of an existing tennis court, there are no archaeological concerns and an archaeological assessment will not be required.

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

The proposal meets the intent of the Official Plan, as the proposed accessory building is not anticipated to 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 Residential (LSR) in Kingston Zoning By-Law Number 2022-62 (Exhibit E – Zoning By-Law Map). The LSR zone permits accessory buildings with a maximum height of 4.6 metres. The proposal requires a variance to Section 4.1.2.4 of the Zoning By-law as follows:

Variance Number 1: Maximum Height of Accessory Building

By-Law Number: 2022-62	Section 4.1.2.4
Requirement:	4.6 metres
Proposed:	7.3 metres
Variance Requested:	2.7 metres

The intent of the maximum height of an accessory building is to prevent intrusive overlook or shadowing 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 has a higher roof pitch and extra space in a loft storey. The requested increase of height of 2.7 metres for the proposed accessory building is not anticipated to cause any adverse impacts or intrusive overlook onto surrounding properties. The proposed accessory building would be located 26 metres from the nearest property line, which exceeds the required interior setback of 1.2 metres and also exceeds the interior setback of 4.5 metres that would apply to a primary dwelling. the single detached house to the west of the property is also setback a large distance from the proposed accessory building and there are existing trees and landscaping along the property line which will provide 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 accessory building is proposed to be located on an existing but abandoned tennis court that is a significant distance from all lot lines. It will not result in intrusive overlook with respect to adjacent properties or create any shadowing concerns. The total area of the proposed accessory building is 80 square metres and does not exceed the permitted lot coverage for accessory buildings. The variance is considered minor as there are no anticipated negative impacts on abutting properties or residential and/or uses or structures.

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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 residential use of the property. The overall density, type of use and scale of activity as proposed is consistent with the existing built form of accessory buildings in this neighbourhood. The resulting built form satisfies all applicable provisions of the zoning by-law, except for the required maximum height. The proposal does not involve a significant alteration to the existing built form on the site. The size of the proposed accessory building is in scale with the size of the lot it will be located on. The variance is desirable and appropriate use of the land.

Technical Review: Circulated Departments and Agencies

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

Public Comments

At the time this report was finalized, no public comments 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.

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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) 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 permit an accessory building with a height of 7.3 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 September 16, 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 12 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 F – 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

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Financial Considerations:

None

Contacts:

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

Lindsay Sthamann, Intermediate Planner, 613-546-4291 extension 3287

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 Public Notification Map
- Exhibit G Site Plan
- Exhibit H Floor Plans
- Exhibit I Site Visit Photos

Recommended Conditions

The approval of minor variance application, File Number D13-051-2024, to increase the maximum permitted height of an 80 square metre accessory building from 4.6 metres to 7.3 metres, shall be subject to the following recommended conditions:

1. Limitation

That the approved minor variance applies only to the 80 square metre accessory building as shown on the approved drawings attached to the notice of decision. The accessory building must be slab-on-grade construction and located on the existing tennis court. It does not have the effect of increasing the maximum height for any other accessory building on the lot.

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

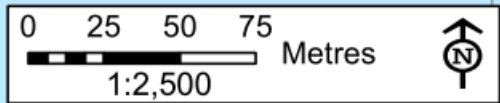
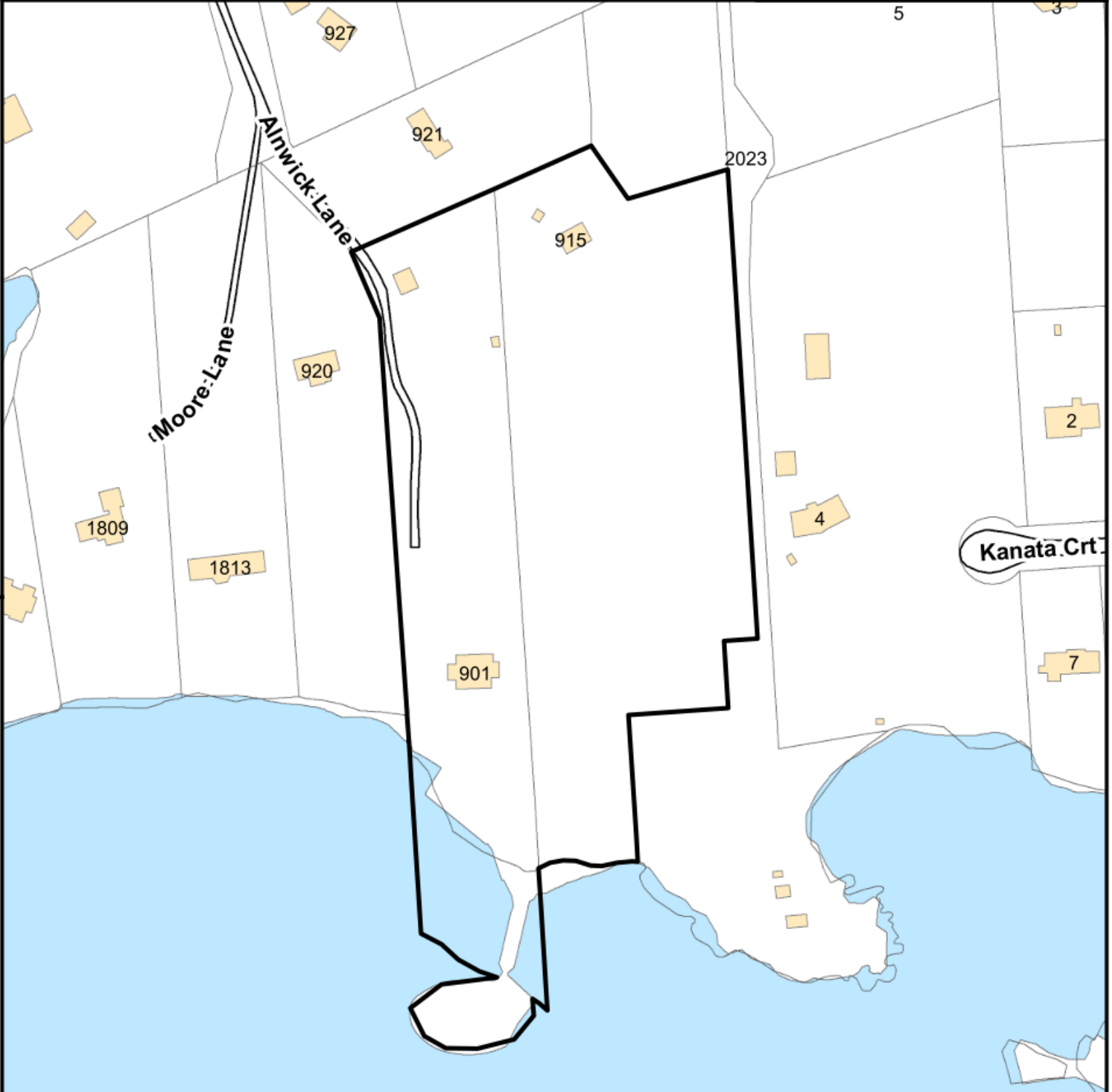
Multiculturalism (archaeology@ontario.ca), and City of Kingston's Planning Services (613-546-4291, extension 3180) must be immediately contacted.



Committee of Adjustment Key Map

Address: 901, 915 Alnwick Lane
File Number: D13-051-2024
Prepared On: Jul-29-2024

 Lands Subject to Minor Variance





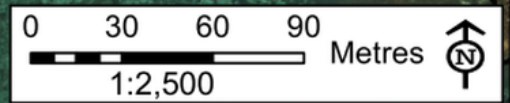
Committee of Adjustment Neighbourhood Context

Address: 901, 915 Alnwick Lane
File Number: D13-051-2024
Prepared On: Jul-29-2024

- Subject Lands
- Property Boundaries
- Proposed Parcels



Prepared By: Ichu
Prepared On: Jul-29-2024



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
Planning Services

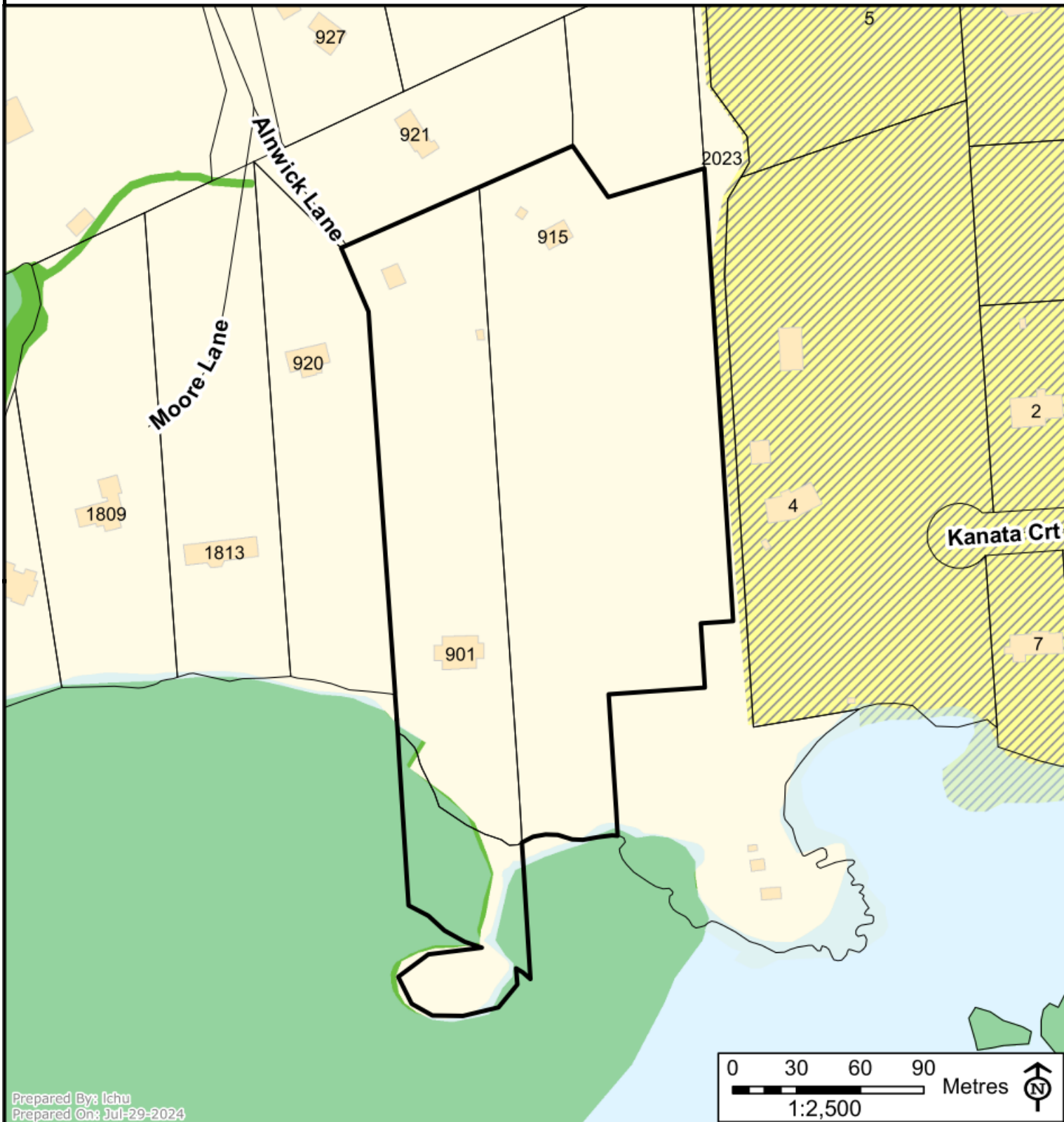
Committee of Adjustment Official Plan, Existing Land Use

Address: 901, 915 Alnwick Lane

File Number: D13-051-2024

Prepared On: Jul-29-2024

-  Subject Lands
-  ENVIRONMENTAL PROTECTION AREA
-  ESTATE RESIDENTIAL
-  RURAL



Prepared By: Ichu
Prepared On: Jul-29-2024

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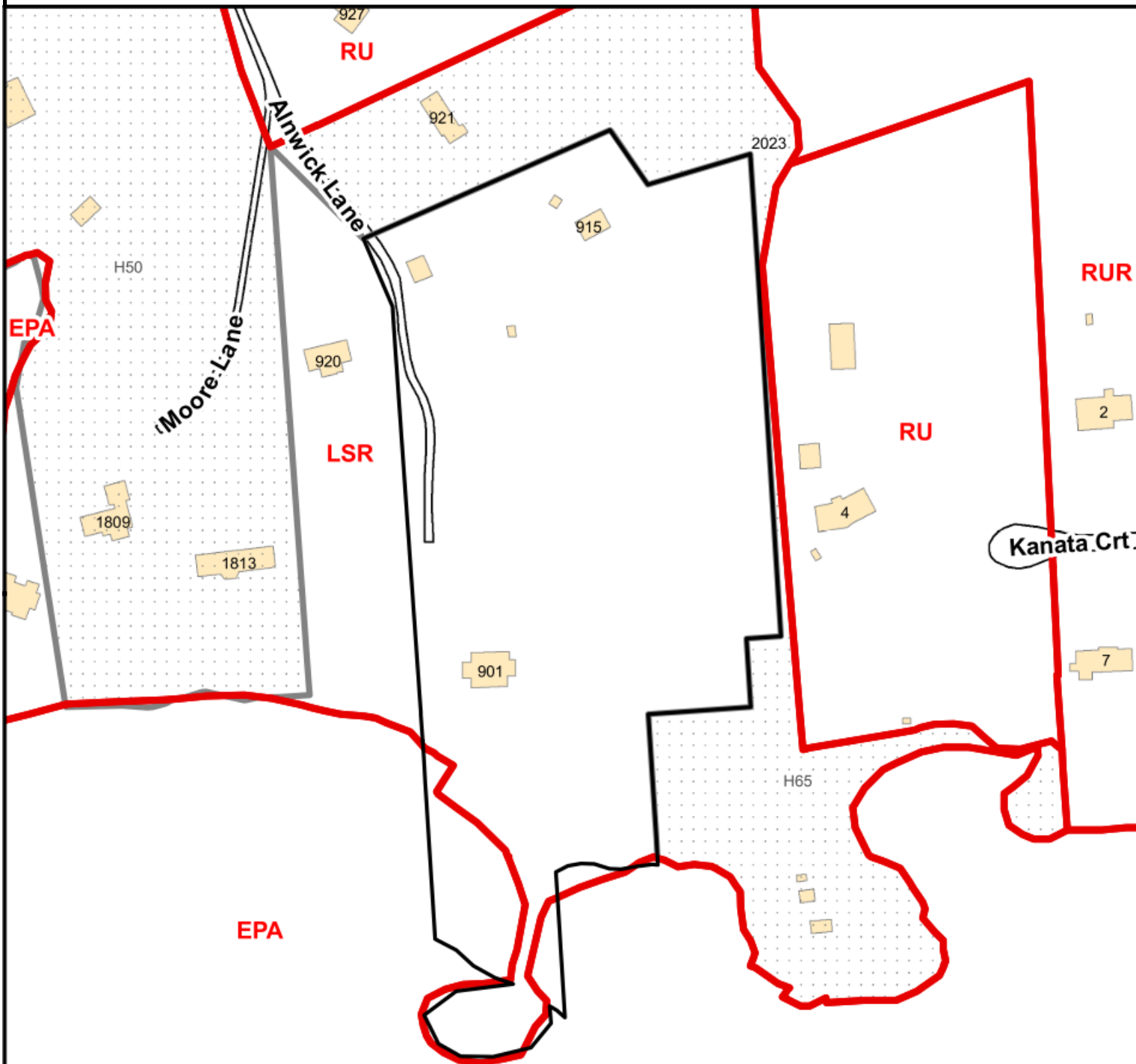
Planning Committee Existing Zoning Kingston Zoning By-Law 2022-62

Planning Services

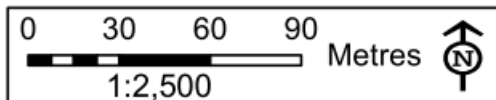
Address: 901, 915 Alnwick Lane
File Number: D13-051-2024
Prepared On: Jul-29-2024

Subject Lands
 Schedule 1 Zoning Map
 Zone

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



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Prepared On: Jul-29-2024



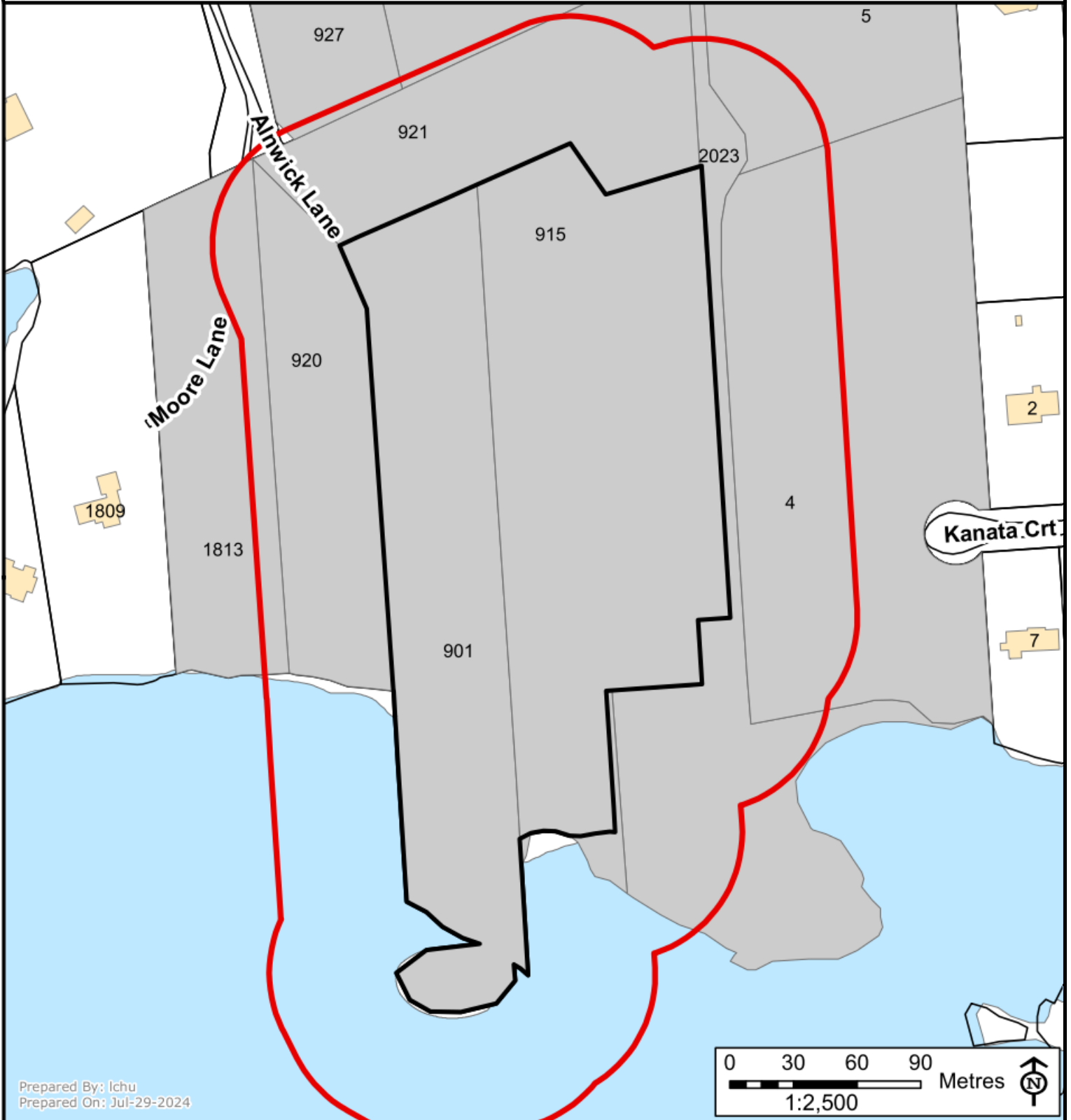
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CITY OF KINGSTON Public Notice Notification Map

Address: 901 Alnwick Lane
File Number: D13-051-2024
Prepared On: Jul-29-2024

- Lands Subject to Minor Variance
- 60m Public Notification Boundary
- Properties in Receipt of Notice (MPAC) selection



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