



**City of Kingston
Report to Committee of Adjustment
Report Number COA-24-089**

To: Chair and Members of the Committee of Adjustment
From: Victoria McCutcheon, Planner
Date of Meeting: November 18, 2024
Application for: Minor Variance
File Number: D13-075-2024
Address: 47 Wycliffe Crescent
District: District 7- Kingscourt-Rideau
Owner/Applicant: Sarah McConnell

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 47 Wycliffe Crescent. The applicant is requesting relief to permit a widened driveway with reduced parking space lengths. These variances will serve to legalize the existing side-by-side parking and facilitate the construction of 1.1 metre pedestrian walkway to accommodate a secondary suite.

A variance is required to widen the driveway at the point of intersection with the front lot line and to reduce the minimum required parking space length.

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 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.

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Recommendation:

That minor variance application, File Number D13-075-2024, for the property located at 47 Wycliffe Crescent to legalize the existing driveway and accommodate a new walkway, be approved, as described below:

Variance Number 1: Maximum Width of a Driveway at the Point of Intersection with the Front Lot Line

By-Law Number 2022-62:7.4.8.2

Requirement: 40% of the length of the applicable street line, provided that the minimum width of the driveway is 2.6 metres

Proposed: 57%

Variance Requested: 17%

Variance Number 2: Minimum Parking Space Length

By-Law Number 2022-62: 7.4.1

Requirement: 6.0 metres

Proposed: 5.3 metres

Variance Requested: 0.7 metres; and

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-089.

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Authorizing Signatures:

ORIGINAL SIGNED BY PLANNER

Victoria McCutcheon, 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 September 24, 2024, a minor variance application was submitted by the owner and applicant, Sarah McConnell, with respect to the property located at 47 Wycliffe Crescent. The variances are requested to legalize an existing driveway to accommodate side-by-side parking. The variances will also facilitate the addition of a wrap-around walkway in order to accommodate a secondary suite in the basement of the existing dwelling.

In order to accommodate the proposed secondary suite, Section 4.27 of the Kingston Zoning By-Law requires a walkway to be provided from the street line to the main exterior entrance of the dwelling unit. Given that secondary residential units were a permitted use under the former zoning for this property, legalization of the unit is occurring now under the Kingston Zoning By-law and the unit has to meet all current zone provisions.

A Building Permit has been initiated under File Number D30-1030-2024 for the secondary suite. An entrance permit has also been initiated and will require approval as a condition of this minor variance application.

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

- Site Plan (Exhibit F)

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

Site Characteristics

The subject property is located on Wycliffe Crescent, within the Wycliffe Estate subdivision (Exhibit B – Key Map). The property has a lot area of approximately 279 square metres and approximately 9.14 metres of frontage. The site has been developed with a semi-detached dwelling and is surrounded by other semi-detached dwellings in all directions. There is a Business Park Industrial area within 100 metres of the property and Ken Matthews Park located 100 metres to the east of the property (Exhibit C – Neighbourhood Context Map).

Planning Act

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:

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Provincial Planning 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 Planning Statement (the PPS). The PPS provides policy direction on matters of provincial interest related to land use planning and development which are complemented by local policies addressing local interests. The application being considered is site specific to accommodate a specific proposal and does not involve any major policy considerations and as such, the proposal conforms to and is consistent with the PPS.

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

The subject property is designated Residential in the City of Kingston Official Plan (Exhibit D – Official Plan Map). In considering whether the proposed variances are 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 located within a Housing District. These areas are intended to mature and adapt as the City evolves in a manner that ensures land use compatibility while supporting the construction of new housing. The proposal will facilitate functional driveway and walkway access which will allow for a new secondary suite to be accommodated.

The property is not designated under the *Ontario Heritage Act*, nor is it abutting any listed or designated properties. The property is not located within an archeologically sensitive area or an area of composite archeological potential, which would trigger the need for an assessment.

The application and cumulative impact of the proposed variances would not warrant a zoning by-law amendment. The requested variances are minor in nature and will not set an undesirable precedent for the immediate area. The driveway allows for two side-by-side parking spaces that are 5.3 metres long by 2.6 metres wide. The applicant has proposed to introduce an asphalt walkway that runs from the basement dwelling unit, crosses the top of the driveway and runs down the left of the driveway to the street. Prior to occupancy of the secondary suite, the applicant will be required to demonstrate that line painting has been completed to differentiate the driveway from the walkway to ensure the walkway remains accessible.

The proposal will reduce the need for on-street parking to accommodate the secondary suite. The proposal also seeks to maintain the minimum required parking space width that would be necessary to accommodate two parking spaces. The existing driveway narrows from the front lot line to the street to a width of approximately 2.94 metres. The adjacent property to the north at 49 Wycliffe Crescent has also introduced a driveway of similar width. As such, compatibility with adjacent driveway entrances has been maintained and an undesirable precedent is not being set.

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Forestry staff have recommended that a Tree Permit be included as a condition of approval to address critical root zone preservation of the existing city-owned trees at 47 and 49 Wycliffe Crescent during the construction of the proposed walkway.

The proposal meets the intent of the Official Plan, as the proposed driveway and walkway will not result in any negative impacts to adjacent properties or to the neighbourhood.

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

The subject property is zoned Urban Residential 8 (UR8) in Kingston Zoning By-Law Number 2022-62 (Exhibit E – Zoning By-Law Map). The UR8 zone permits semi-detached dwellings. The property is also located within Parking Area 3 which requires a minimum of 1.0 parking spaces per lot. There is no maximum parking space requirement.

The proposal requires a variance to Section 7.4.8.2 and Section 7.4.1 of Kingston Zoning By-Law 2022-62.

Variance Number 1: Maximum Width of a Driveway at the Point of Intersection with the Front Lot Line

By-Law Number: 2022-62 7.4.8.2

Requirement: 40% of the length of the applicable street line, provided that the minimum width of the driveway is 2.6 metres

Proposed: 57%

Variance Requested: 17%

The street line for the property is approximately 9.14 metres wide. As such, the maximum permitted width of the driveway at the point of intersection with the front lot line would be 40 % of the length of the street line or approximately 3.7 metres. The applicant is proposing a driveway width of 5.2 metres at the point of intersection with the front lot line, which would be 57% of the length of the street line.

The intent of the maximum driveway width provision is to ensure that the streetscape and neighbourhood character will not be adversely affected, boulevard trees can be planted, and street parking remains viable. The driveway widening will still allow the property to exceed the required 30% landscaped open space on site. Beyond the front lot line, the driveway width is required to be less than 6.0 metres and, as such, is compliant. The driveway narrows down to 2.94 metres where it connects with the street, ensuring compatibility with adjacent driveway entrances is maintained. The proposed driveway and walkway are not anticipated to adversely affect the character of the neighbourhood.

Variance Number 2: Minimum Parking Space Length

By-Law Number: 2022-62 7.4.1

Requirement: 6.0 metres

Proposed: 5.3 metres

Variance Requested: 0.7 metres

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The intent of the minimum parking space length provision is to ensure adequate space to maneuver a standard-sized vehicle. The reduced driveway length will still provide ample space for vehicles to park without encroaching onto the street. There is no sidewalk on the east side of Wycliffe Crescent which would be impacted by reduced parking space lengths.

The variance is required to facilitate a 1.1 metre walkway at the top of the driveway. The proposed walkway will allow for an additional dwelling unit to be accommodated within the existing house. By creating a separately delineated walkway at the top of the existing driveway, this will ensure that Emergency Services have safe and unimpeded access to the basement unit.

3) The variance is minor in nature

The variance is considered minor as no negative impacts are anticipated on neighbouring properties as a result of legalizing the existing driveway widening. The side-by-side parking configuration will reduce the need for on-street parking for the secondary suite. The minimum required parking space width has been allocated for each parking space to accommodate a side-by-side parking configuration. The reduced parking space length is not expected to impede the functionality of the driveway or the walkway on the property. It is not anticipated that the proposal will create any adverse visual impacts on the character of the neighbourhood.

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

The requested variances will accommodate a new secondary suite within the existing dwelling by providing side-by-side parking and a new walkway. This will improve overall access to the property while facilitating new housing within the Wycliffe Estate Subdivision. The driveway is not anticipated to negatively impact the existing neighbourhood and will help to reduce the impact of on-street parking on the neighbourhood. The applicant will also be required to obtain a tree permit to ensure that existing City-owned trees will not be negatively impacted by the addition of a walkway. 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 | <input checked="" type="checkbox"/> Heritage Services |
| <input checked="" type="checkbox"/> Public Works | <input checked="" type="checkbox"/> Utilities Kingston | <input checked="" type="checkbox"/> Transportation |
| <input type="checkbox"/> Fire & Rescue | <input checked="" type="checkbox"/> Kingston Hydro | <input checked="" type="checkbox"/> Environment Division |
| <input type="checkbox"/> Solid Waste | <input checked="" type="checkbox"/> Forestry | <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 |

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- Building Services Engineering Heritage Services
- 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.

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 legalize the existing driveway and facilitate the construction of a pedestrian walkway to accommodate an additional residential unit on the subject property.

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 Planning Statement, 2024

Municipal

City of Kingston Official Plan

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Kingston Zoning By-Law Number 2022-62

Notice Provisions:

A Committee of Adjustment Meeting is going to be held respecting this application on November 18, 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 71 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

Victoria McCutcheon, Planner, 613-546-4291 extension 3237

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

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Exhibit G Site Photos

Exhibit H Public Notification Map

Recommended Conditions

The approval of minor variance application, File Number D13-075-2024, to legalize the existing driveway and accommodate a new walkway, shall be subject to the following recommended conditions:

1. Limitation

That the approved minor variance applies only to the driveway of 47 Wycliffe Crescent as shown on the approved drawings attached to the notice of decision.

2. No Adverse Impacts

The owner/applicant shall demonstrate to the satisfaction of the City that there are no adverse impacts on neighbouring properties as a result of any modifications to on-site grading or drainage.

3. Building Permit Application Requirements

The owner/applicant shall provide to the Building Services a copy of the decision of the Committee of Adjustment, together with a copy of the approved drawings, when they make 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. Tree Permit

A Tree Permit will be required in advance of building permit issuance in order to address critical root zone preservation of the existing city owned trees at 47 and 49 Wycliffe Crescent. Please refer to the Guidelines for Tree Preservation and protection available through both Planning and/or Public Works-Forestry. A Tree Preservation Plan will be required as submitted documentation for the Tree Permit as per the Tree By-law.

6. Walkway Differentiation

The walkway will be required to be separately differentiated from the driveway through line painting or other acceptable form of demarcation. Photo evidence shall be provided to Planning Services to indicate that this has been completed.

7. Walkway Width and Driveway Width at Intersection with Street

The walkway width shall not exceed 1.1 metres from the entrance of the secondary suite to the street line, and the driveway shall not exceed 2.94 metres where it intersects with the Street.

8. Entrance Permit


An Entrance Permit must be obtained by contacting transportation@cityofkingston.ca prior to the commencement of work at 47 Wycliffe Crescent. The proposed driveway must comply with the applicable entranceway requirements.

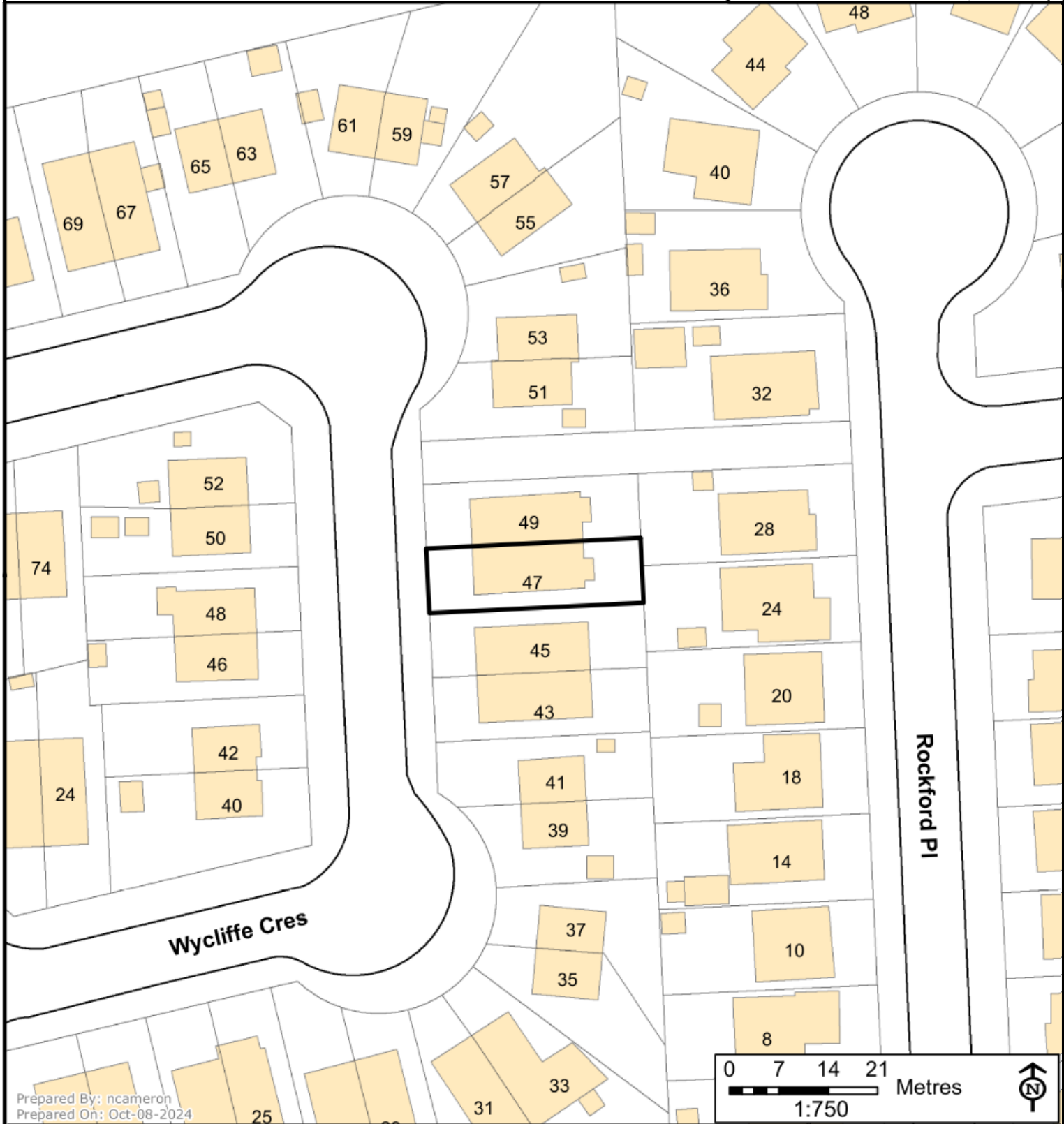
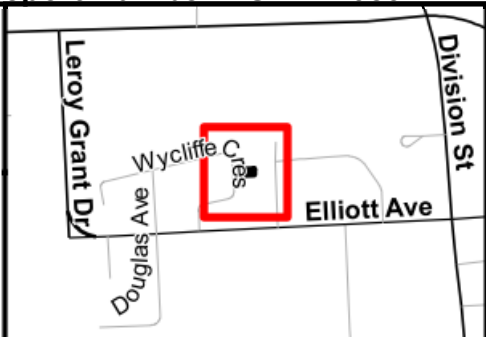


Committee of Adjustment

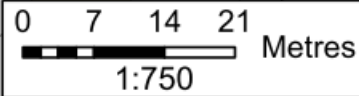
Key Map

Address: 47 Wycliffe Cres
File Number: D13-075-2024
Prepared On: Oct-08-2024

 Lands Subject to Minor Variance



Prepared By: ncameron
Prepared On: Oct-08-2024





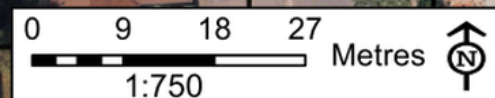
Committee of Adjustment
Neighbourhood Context

Address: 47 Wycliffe Cres
File Number: D13-075-2024
Prepared On: Oct-08-2024

- Subject Lands
- Property Boundaries
- Proposed Parcels



Prepared By: neameron
Prepared On: Oct-08-2024






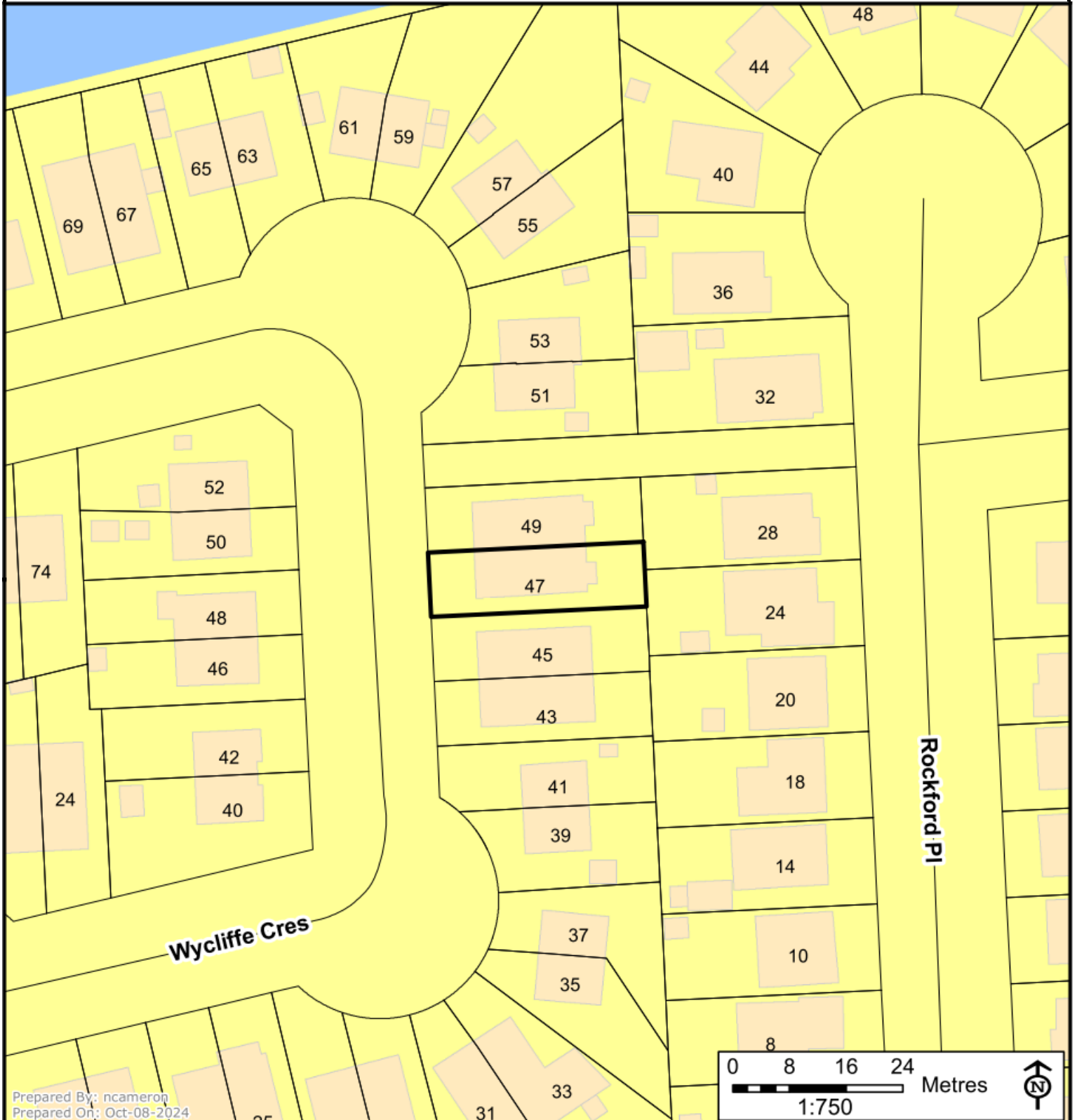
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Committee of Adjustment
Official Plan, Existing Land Use

Address: 47 Wycliffe Cres
File Number: D13-075-2024
Prepared On: Oct-08-2024

-  Subject Lands
-  BUSINESS PARK INDUSTRIAL
-  RESIDENTIAL



Prepared By: ncameron
Prepared On: Oct-08-2024

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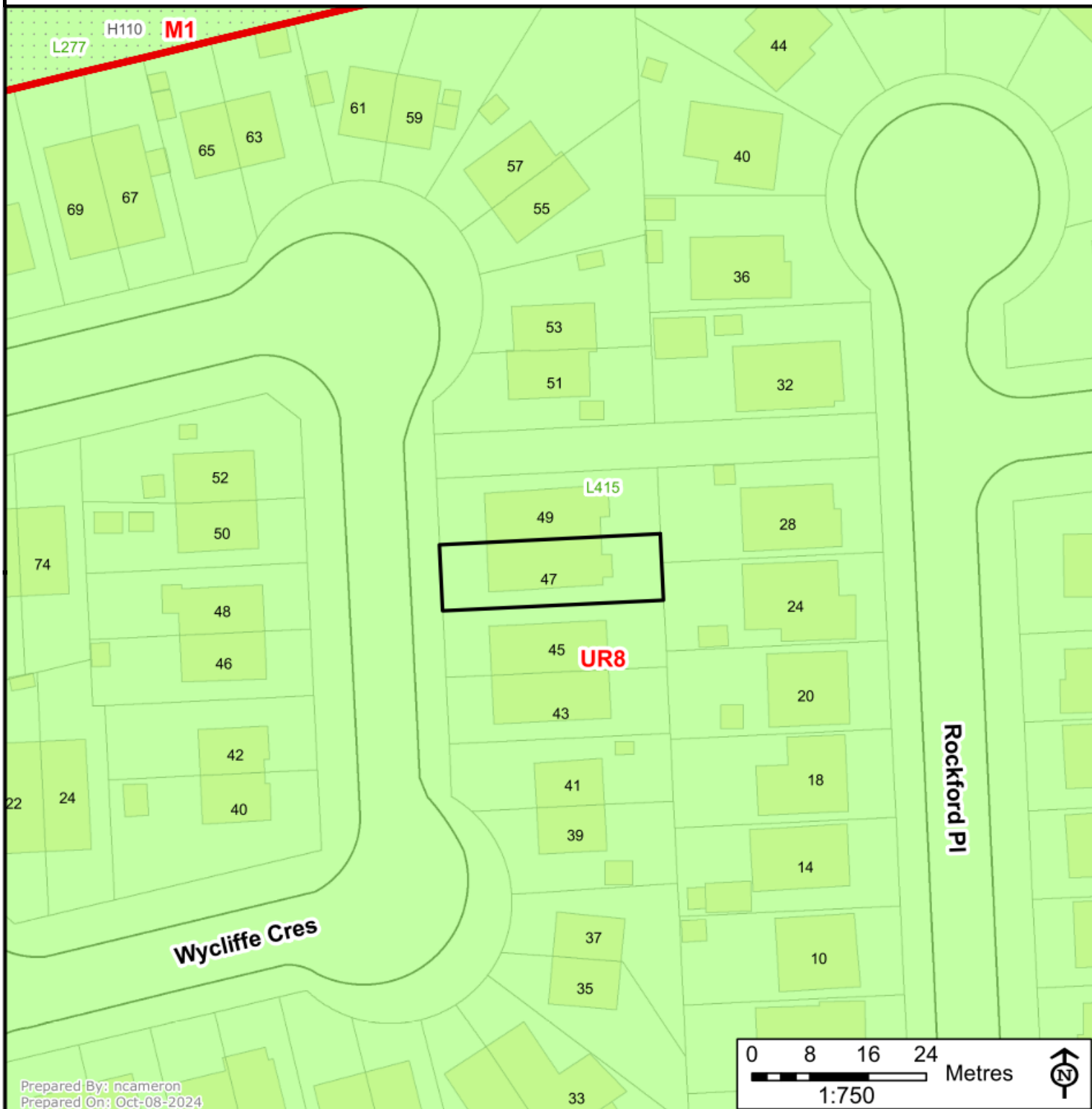
Planning Committee
Existing Zoning
Kingston Zoning By-Law 2022-62

Planning Services

Address: 47 Wycliffe Cres
File Number: D13-075-2024
Prepared On: Oct-08-2024

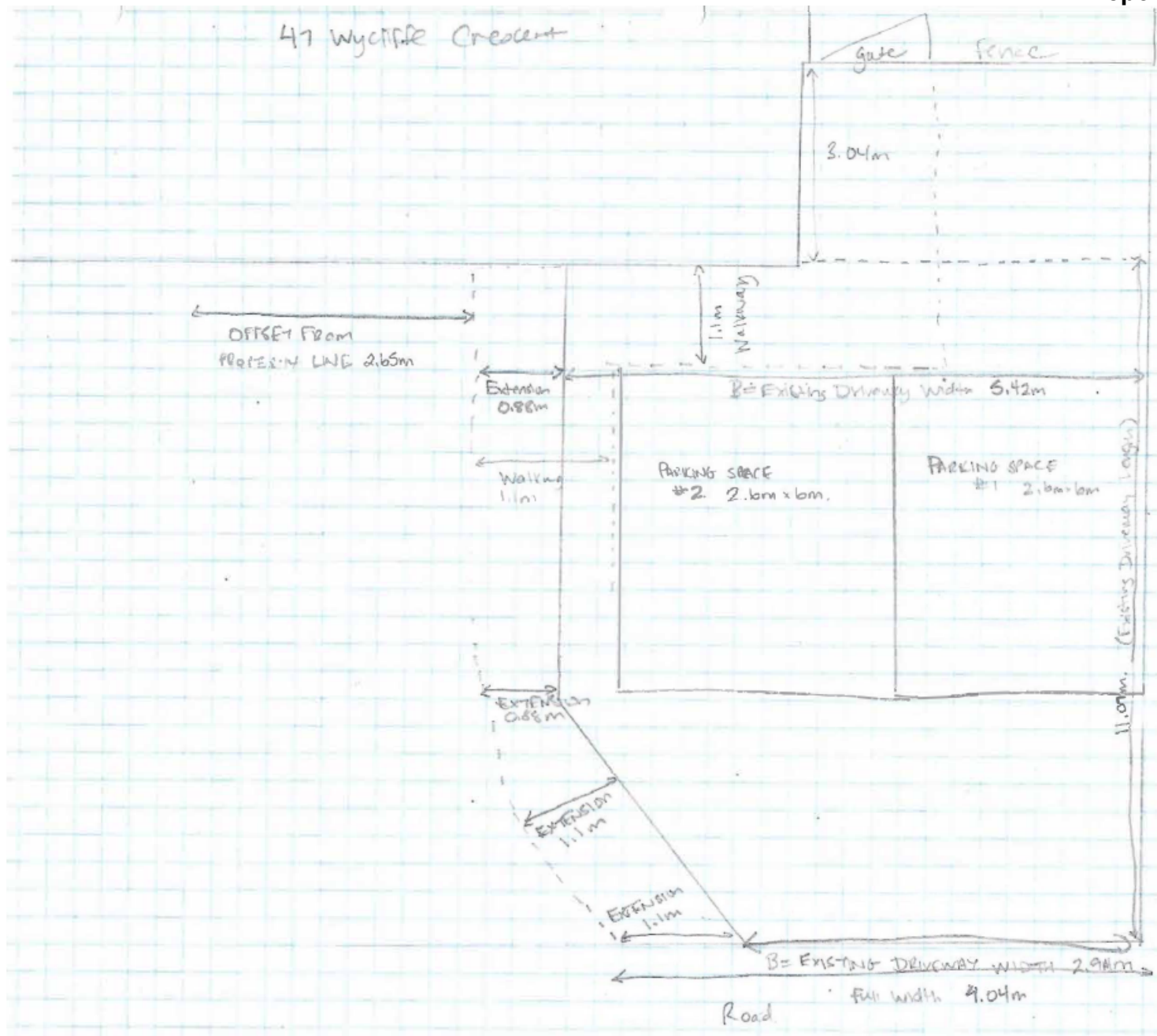
Subject Lands
 Schedule 1 Zoning Map
 Zone

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



Prepared By: ncameron
Prepared On: Oct-08-2024

47 Wycliffe Crescent



Site Photographs- October 9, 2024



Figure 1: Existing Widened Driveway.



Figure 2: Adjacent Property to the North (49 Wycliffe Cres)



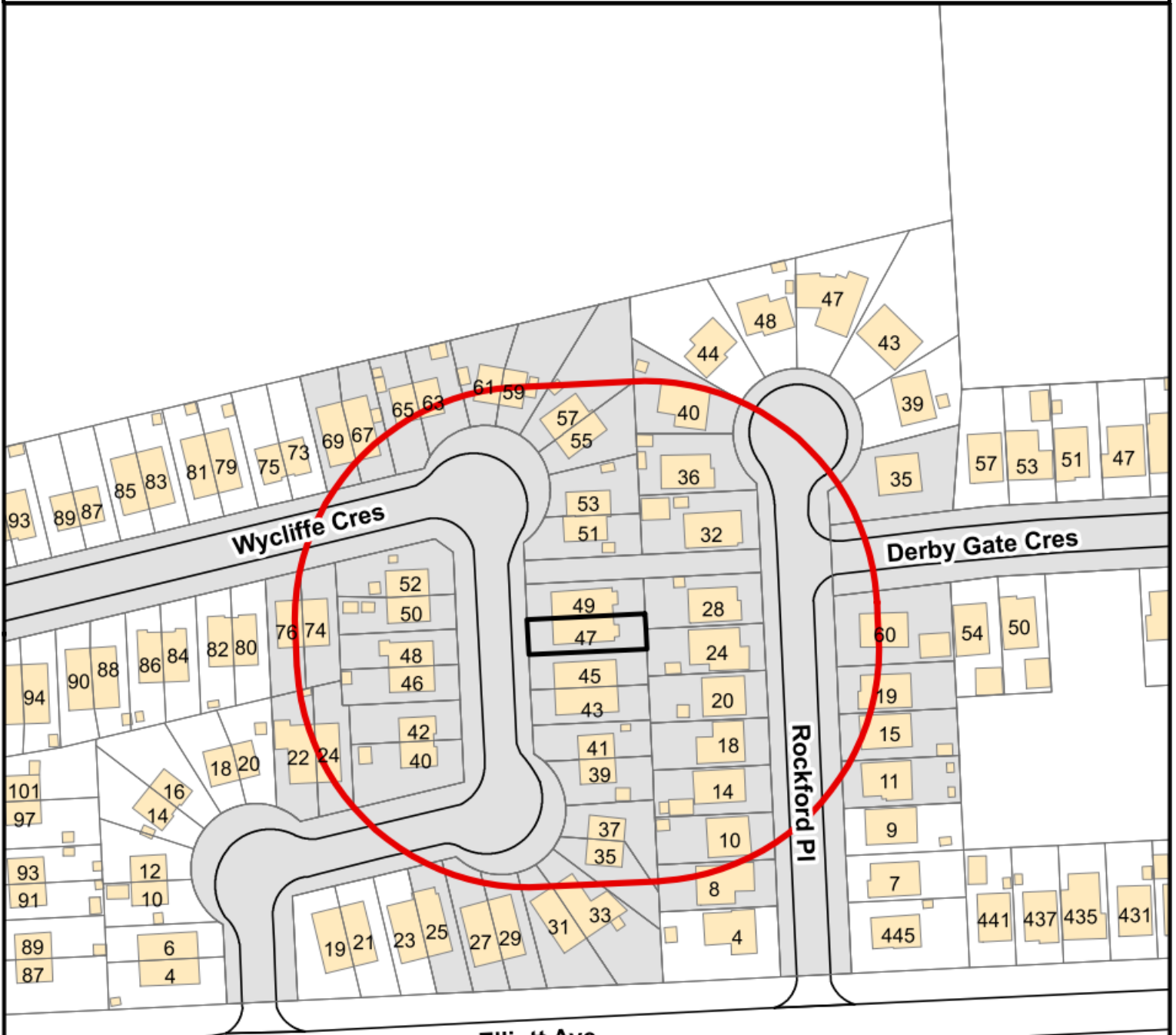
Figure 3: Adjacent Property to the South (45 Wycliffe Cres)



Committee of Adjustment
Public Notice Notification Map

Address: 47 Wycliffe Cres
File Number: D13-075-2024
Prepared On: Oct-08-2024

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



Prepared By: ncameron
Prepared On: Oct-08-2024



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