

City of Kingston Report to Committee of Adjustment Report Number COA-25-001

To: Chair and Members of the Committee of Adjustment

From: Meghan Robidoux, Senior Planner

Date of Meeting: December 16, 2024

Application for: Minor Variance

File Number: D13-073-2024

Address: 293 Frontenac Street

District: District 10 – Sydenham

Owner: Roger Dent

Applicant: The Boulevard Group

Council Strategic Plan Alignment:

Theme: 1. Support Housing Affordability

Goal: 1.1 Promote increased supply and affordability of housing.

Executive Summary:

This report provides a recommendation to the Committee of Adjustment regarding an application for a minor variance for the property located at 293 Frontenac Street. The applicant is proposing to establish a second dwelling unit on the property within the existing 8-bedroom house. A variance is requested to permit a maximum of 10 bedrooms, in the aggregate, across two dwelling units, where Section 4.28.1.1. of the Kingston Zoning By-law permits a maximum of 8 bedrooms per lot, and only allows 10 bedrooms as-of-right where there are four units. No change in built form is contemplated to accommodate the second dwelling unit and the proposal complies with all other performance standards of the Kingston Zoning By-law.

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

Page 2 of 11

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 D13-073-2024, for the property located at 293 Frontenac Street to permit a maximum of 10 bedrooms in the aggregate across two dwelling units, be approved, as described below:

Variance Number 1: Maximum Number of Bedrooms

By-Law Number 2022-62: Section 4.28.1.1.

Requirement: A maximum of 8 bedrooms are permitted per lot in the aggregate on any

lot in the Urban Residential Zones, DR Zone and the HCD1 Zone.

Proposed: A maximum of 10 bedrooms are permitted per lot in the aggregate

across two dwelling units.

Variance Requested: 2 bedrooms and two dwelling units

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-25-001.

Page 3 of 11

Authorizing Signatures:

ORIGINAL SIGNED BY PLANNER

Meghan Robidoux, Senior Planner

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

Tim Park, Director, Planning Services James Bar, Manager, Development Approvals Malcolm Norwood, Supervisor, Development Approvals

Page 4 of 11

Options/Discussion:

On September 18, 2024, a minor variance application was submitted by The Boulevard Group, on behalf of the owner, Roger Dent, with respect to the property located at 293 Frontenac Street. The applicant is proposing to establish a second dwelling unit on the property within the existing 8-bedroom house. The primary dwelling unit is intended to retain 7 bedrooms, while the proposed second dwelling would contain 3 bedrooms. One vehicle parking space is proposed to be maintained in the existing detached garage in the rear yard. No exterior changes to the existing building are proposed.

A variance is requested to permit a maximum of 10 bedrooms, in the aggregate, across two dwelling units, where Section 4.28.1.1. of the Kingston Zoning By-law permits a maximum of 8 bedrooms per lot.

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

- Planning Justification Report;
- Property Survey (Exhibit F);
- Floor Plans (Exhibit F); and,
- Owner Authorization.

All submission materials are available online through the Development and Services Hub (DASH) at the following link, <u>DASH</u>, 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 293 Frontenac Street, between Johnson Street to the north and Earl Street to the south (Exhibit B – Key Map). The property is currently occupied by a two-and-a-half-storey house containing one dwelling unit with 8 bedrooms (Exhibit G – Site Photographs). One parking space is provided in a detached garage and a second legal non-complying parking space is provided in the driveway.

The property abuts single detached houses in all directions (Exhibit C – Neighbourhood Context Map). The site is located in close proximity to Queen's University's main campus to the south and is serviced by Express Transit Routes 702 and 701, which operate along Johnson Street and Brock Street respectively, with stops approximately 150 metres and 300 metres to the north.

The subject property is designated Residential in the Official Plan (Exhibit D – Official Plan Map) and zoned Urban Residential 5 (UR5) Zone in Kingston Zoning By-Law Number 2022-62, as amended (Exhibit E – Zoning By-Law Map).

Page 5 of 11

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.

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:

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). The goal of the Residential designation is to respond to the housing needs of the City's citizens by retaining and augmenting a broad range of housing at all levels of affordability within a safe, convenient, and stable setting. Section 3.2.14. further directs that any new or redeveloped residential uses intended as off-campus housing must be designed and built to be viable for the wider housing market.

The proposed development will result in the introduction of one 3-bedroom dwelling unit to the housing market. It will also slightly decrease the size of the existing unit from 8 to 7 bedrooms. Both of these changes support the viability of the development for the wider housing market in accordance with Section 3.2.14 by providing for functional units that range in size.

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 located within the Urban Boundary within a Housing District, as shown on Schedule 2 – City Structure. Housing Districts are planned to continue to mature and adapt as the City evolves in a manner than ensures land use compatibility while supporting the construction of new housing. The Official Plan defines compatibility as "the ability of various land uses, buildings, sites, or urban design treatments to co-exist with one another in a manner that will not have undue physical or functional adverse effect on existing or proposed development in the area, or pose an unacceptable risk to environmental or human health". Section 2.7 of the Official Plan provides further guidance on land use compatibility matters, functional needs, and mitigation measures.

In regards to the land use compatibility matters of Section 2.7.3, the proposed development will not result in undue adverse shadowing, loss of privacy, visual intrusion, or architectural

Page 6 of 11

incompatibility because the existing built form on the property is not proposed to change. The proposed second unit will be accommodated entirely within the existing building, with no change in massing, lot coverage, or materiality.

In regards to the functional needs identified under Section 2.7.6., the proposal provides for vehicle parking, bike parking, and site access in compliance with the requirements of the Kingston Zoning By-law. One vehicle parking space will be maintained within the existing detached garage. Sufficient space is available to accommodate the required 1.1 metre walkway from the side entrance of the second dwelling unit to the street line along the existing driveway, subject to the provision of appropriate signage to clearly indicate that parking is prohibited on top of the walkway in accordance with Section 4.27.5.1. of the Kingston Zoning By-law. While only one long-term bike parking space is required by the Kingston Zoning By-law in this case, a condition of approval is recommended in Exhibit A to require the provision of two long-term bike parking spaces. In light of the requested increase in intensity of use, the provision of two long-term bike parking spaces is an appropriate mitigation measure to ensure the functional needs of site users are met. A condition has also been recommended in Exhibit A to require the repair of the fence of the south interior side lot line and pruning of adjacent vegetation to ensure clear access is provided over the driveway into the existing detached garage (Exhibit G – Site Photos).

The subject property is not designated under the *Ontario Heritage Act* or located adjacent to any designated heritage properties. Utilities Kingston staff have reviewed the application and confirmed that sufficient servicing capacity is available to support the continued servicing of the property with municipal water and sewage services. As detailed further below, the requested variance satisfies the four tests of a minor variance and would not be more appropriately addressed by a zoning by-law amendment.

The requested variance has been carefully evaluated by Planning Services staff against the applicable policies of the Official Plan and the intent and purpose of the newly established maximum bedroom provisions of the Kingston Zoning By-law. The proposed development has been designed to be viable for the wider housing market, maintains the compatible existing built form on the subject property, provides for all functional needs of site users in compliance with the Kingston Zoning By-law, will provide supplemental mitigation in the form of two long-term bike parking spaces, and can be supported by existing municipal servicing infrastructure. The proposal maintains the 10 bedroom maximum that is permitted as-of-right for four-unit developments in Sydenham District and divides those bedrooms across more than one dwelling unit. As such, the approval of the application will not set an undesirable precedent for the immediate area.

The proposal meets the intent of the Official Plan, including the nine requirements included in Section 9.5.19, and will not result in any negative impacts to adjacent properties or to the neighbourhood.

Page 7 of 11

2) 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, as amended (Exhibit E – Zoning By-Law Map). The UR5 zone permits residential uses in the form of a house, semi-detached house, townhouse, and/or accessory house containing a maximum number of 4 dwelling units per lot.

Section 4.28. of the Kingston Zoning By-law regulates the maximum number of bedrooms permitted per lot, in the aggregate, on any lot in an Urban Residential Zone, including the UR5 zone. A maximum of 8 bedrooms are permitted per lot, except where the "Fourth Residential Unit Holding Area" is removed from a lot, a maximum of 10 bedrooms are permitted per lot in this location. The removal of the "Fourth Residential Unit Holding Area" is only permitted once the City is satisfied that there is adequate servicing capacity for the proposed development.

The proposal requires a variance to permit a maximum of 10 bedrooms, in the aggregate, across two dwelling units, where Section 4.28.1.1. of the Kingston Zoning By-law permits a maximum of 8 bedrooms per lot, as follows:

Variance Number 1: Maximum Number of Bedrooms

By-Law Number 2022-62: Section 4.28.1.1.

Requirement: A maximum of 8 bedrooms are permitted per lot in the aggregate on any

lot in the Urban Residential Zones, DR Zone and the HCD1 Zone.

Proposed: A maximum of 10 bedrooms are permitted per lot in the aggregate

across two dwelling units.

Variance Requested: 2 bedrooms and two units

The intent of the maximum bedrooms provisions is to limit intensity of use and occupancy levels in response to concerns related to land use compatibility, servicing constraints, and housing viability for the wider housing market. The provisions deliberately permit an increased number of bedrooms as-of-right (10 bedrooms in this location) only where they are distributed amongst multiple dwelling units (four dwelling units) and supported by servicing capacity.

The proposed development maintains the intent of the 10-bedroom maximum that is permitted as-of-right for four-unit developments in Sydenham District and divides those bedrooms across two dwelling units. The existing house on the property can accommodate the proposed second unit without any change in built form or massing, while providing for all functional needs of site users in a compatible manner. Utilities Kingston staff have reviewed the application and confirmed that adequate servicing capacity is available to support the establishment of 10 aggregate bedrooms in two dwelling units on the subject property.

The requested variance maintains the general intent and purpose of the zoning by-law as the proposed development will improve the viability of the residential unit types provided on-site for the wider housing market while maintaining a compatible built form and site design without resulting in any negative impacts or land use compatibility issues

Page 8 of 11

3) The variance is minor in nature

The proposed development will not result in any change in built form on the subject property. The property will continue to be serviced by existing municipal water and sewer infrastructure and will maintain the existing driveway access off Frontenac Street. No adverse impacts in terms of shadowing, overlook, visual intrusion, architectural incompatibility, or degradation of cultural heritage resources are anticipated as a result of the proposal. The proposal maintains the maximum of 10 aggregate bedrooms per lot contemplated by Section 4.28.2. of the Kingston Zoning By-law. As such, the variance is considered minor.

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

The proposal seeks to facilitate minor residential intensification within the City's Urban Boundary through the introduction of a second dwelling unit within underutilized gross floor area in the existing house. The new 3-bedroom unit will provide a net new rental housing unit, located in close proximity to institutional uses, commercial uses, open space, transit routes, and active transportation infrastructure. Queen's University Main Campus is located approximately 250 metres to the south and the Princess Street commercial corridor is located approximately 600 metres to the north. Victoria Park is located approximately 250 metres to the north and the property itself provides a generously sized amenity space in the rear yard. The proposal will support existing Express Transit Routes 702 and 701, which operate along Johnson Street and Brock Street respectively, with stops approximately 150 metres and 300 metres to the north.

The existing streetscape aesthetic along Frontenac Street will be maintained, as no change in built form is proposed. All functional elements of the site, including vehicle parking, bike parking, and access, will be provided in accordance with the Kingston Zoning By-law to meet the needs of site users, along with the conditioned requirement for a second long-term bike parking space to reflect the increase in number of bedrooms and the conditioned requirement for completion of fence and landscaping maintenance adjacent to the driveway.

The variance is desirable for the appropriate use of the land and existing building on the property.

Technical Review: Circulated Departments and Agencies

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

Page 9 of 11

\boxtimes	Building 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 written correspondence regarding this application had been received. Any public comments received after the publishing of this report will be included as an addendum to the Committee of Adjustment Agenda.

Previous or Concurrent Applications

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

Conclusion

The requested variance maintains the general intent and purpose of both the City of Kingston Official Plan and Kingston Zoning By-Law Number 2022-62. The proposal is desirable for the appropriate development or use of the land, building or structure and the requested variance 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 facilitate the internal conversion of the existing house to create one 7-bedroom unit and one 3-bedroom unit, for a total of two units with an aggregate of 10 bedrooms. The requested variance has been carefully evaluated against the applicable policies of the Official Plan and the intent and purpose of the maximum bedroom provisions of the Kingston Zoning By-law. The proposed development has been designed to be viable for the wider housing market, maintains the compatible existing built form on the subject property, provides for all functional needs of site users in compliance with the Kingston Zoning By-law, will provide supplemental mitigation in the form of two long-term bike parking spaces, and can be supported by existing municipal servicing infrastructure. The proposal maintains the 10 bedroom maximum that is permitted as-of-right for four-unit developments in Sydenham District and divides those bedrooms across more than one dwelling unit.

Page 10 of 11

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

Kingston Zoning By-Law Number 2022-62

Notice Provisions:

A Committee of Adjustment Meeting is going to be held respecting this application on December 16, 2024. Pursuant to the requirements of the *Planning Act*, a notice of Statutory Public Meeting was provided by advertisement in the Kingston Whig Standard on Friday November 29, 2024. The notice was also placed on the City's website and a sign was placed on the subject site.

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

Malcolm Norwood, Supervisor, Development Approvals, 613-546-4291

Meghan Robidoux, Senior Planner, 613-546-4291 extension 1256

Other City of Kingston Staff Consulted:

None

Page 11 of 11

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 Survey and Floor Plans

Exhibit G Site Photos

Recommended Conditions

The approval of minor variance application, File Number D13-073-2024, to facilitate the internal conversion of the existing house to create one 7-bedroom unit and one 3-bedroom unit, for a total of two units with an aggregate of 10 bedrooms, shall be subject to the following recommended conditions:

1. Limitation

That the approved minor variance applies only to the existing house 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. Bike Parking

The owner/applicant shall provide two long-term bike parking spaces, one for each dwelling unit, in a secure, enclosed location such as within an accessory building, or within a vestibule or other interior floor area that doesn't form part of a dwelling unit or a required vehicle parking space.

6. Driveway Maintenance

The owner/applicant shall repair the fence on the south interior side lot line and prune adjacent vegetation to ensure clear access is provided over the driveway into the existing detached garage.

Exhibit B Report Number COA-25-001 Brock St Committee of Adjustment **Key Map** Johnson St KINGSTON Address: 293 Frontenac St Collingwood St Alfred ઍ File Number: D13-073-2024 **Planning** Division Prepared On: Oct-07-2024 Victoria St Earl St **Services** Albert St Lands Subject to Minor Variance Frontenac St ⇎ Metres Prepared By: Ichu Prepared-On:-Oct-07-2024 1:750



Committee of Adjustment **Neighbourhood Context**

Address: 293 Frontenac St File Number: D13-073-2024 Prepared On: Oct-07-2024

Subject Lands
Property Boundaries
- Proposed Parcels





Committee of Adjustment Official Plan, Existing Land Use

Address: 293 Frontenac St File Number: D13-073-2024 Prepared On: Oct-07-2024 Subject Lands
RESIDENTIAL



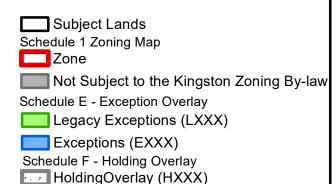


Committee of Adjustment

Existing Zoning Kingston Zoning By-Law 2022-62

Planning Services

Address: 293 Frontenac St File Number: D13-073-2024 Prepared On: Oct-07-2024



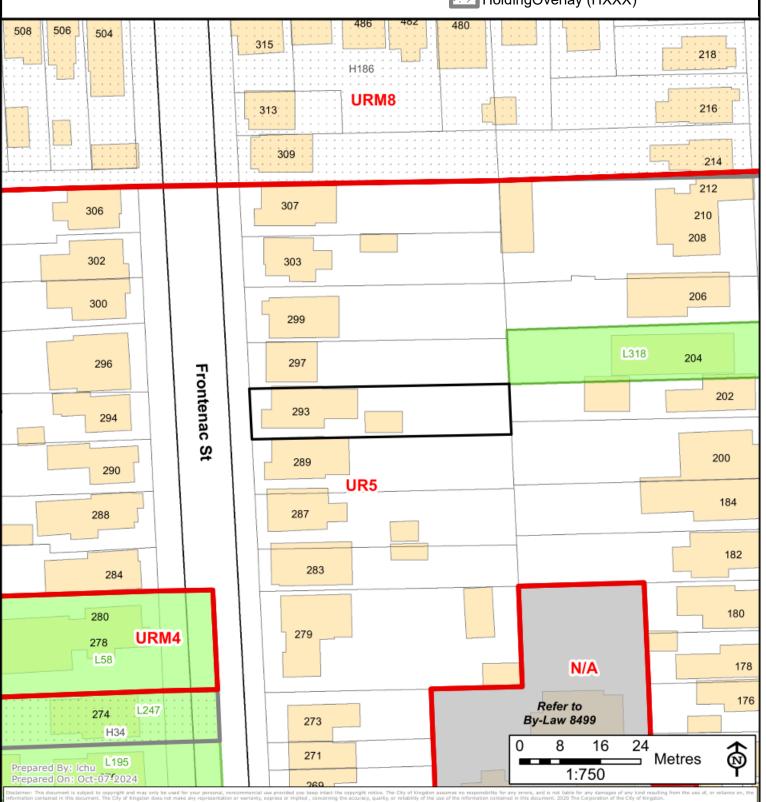


Exhibit F Report Number COA-25-001

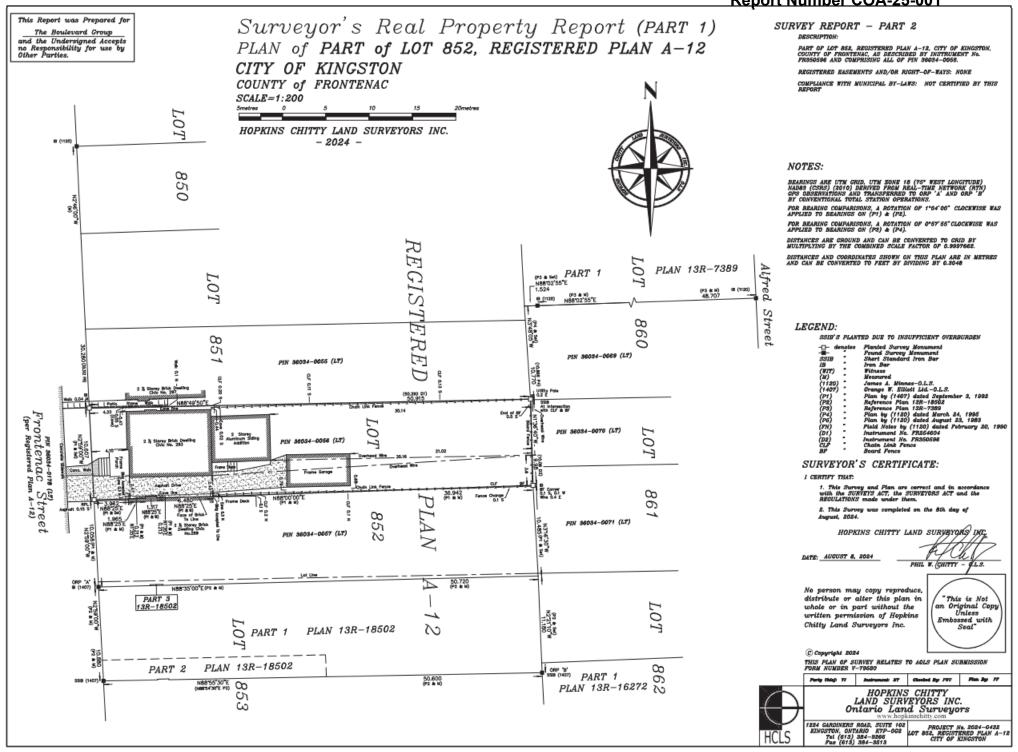




Figure 9 – Proposed Floor Plan – Main level



Figure 10 - Proposed Floor Plan – second storey

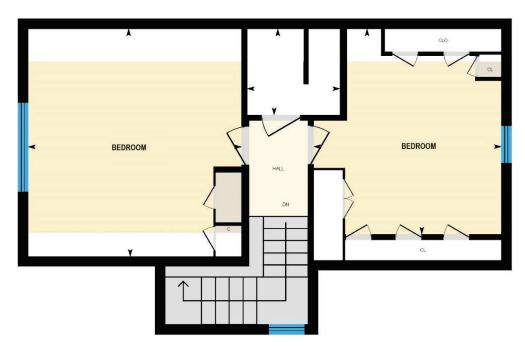


Figure 11 - Proposed Floor Plan - third storey

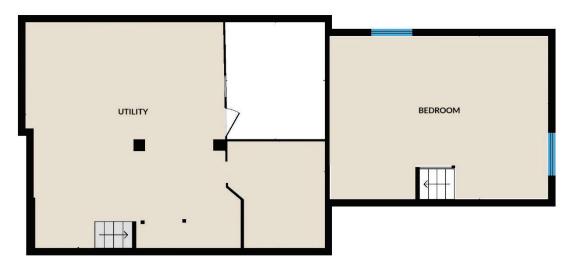


Figure 12 - Proposed Floor Plan - basement

Site Photographs

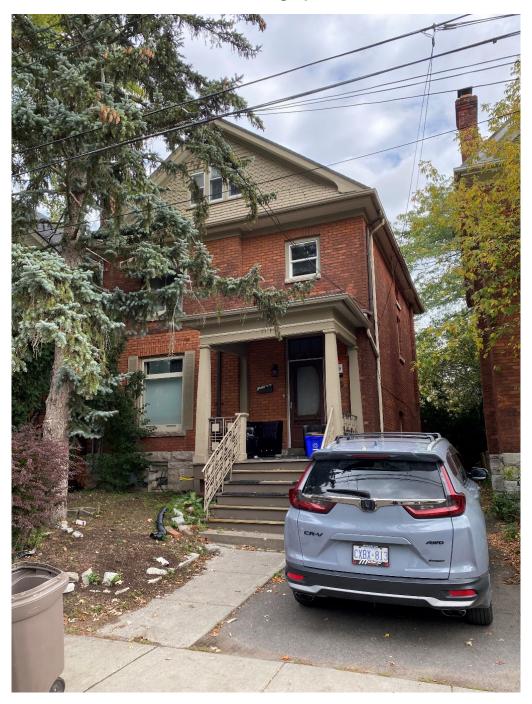


Figure 1: Existing two-and-a-half-storey house.

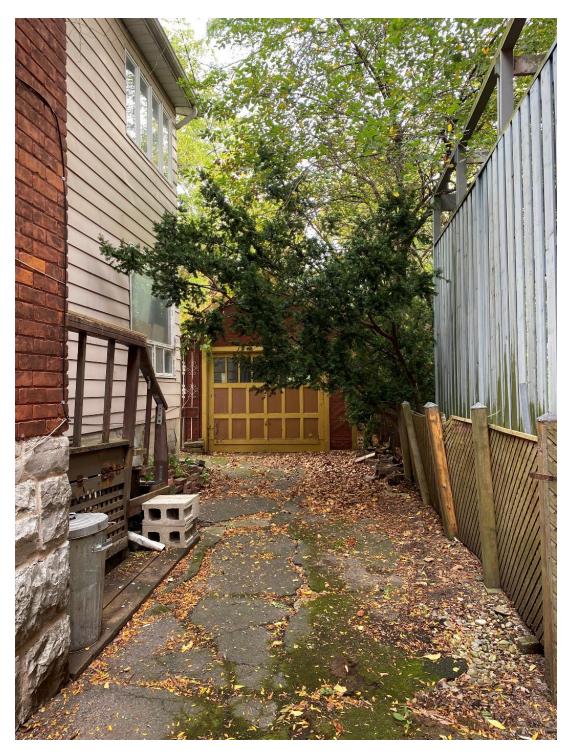


Figure 2: Existing detached garage at the rear of the property and the intended future side entrance to the second unit.