

City of Kingston Report to Committee of Adjustment Report Number COA-25-011

То:	Chair and Members of the Committee of Adjustment
From:	Annemarie Eusebio, Intermediate Planner
Date of Meeting:	December 16, 2024
Application for:	Minor Variance
File Number:	D13-085-2024
Address:	224 Alwington Place
District:	District 10 - Sydenham
Owner:	Harminder Sandu and Raveen Pal
Applicant:	Asterisk Engineering Corporation

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 224 Alwington Place. The proposal is to construct a one-storey enclosed porch which will be located at the rear of the existing single detached house. The enclosed porch will be 22.55 square metres in area. The enclosed porch will be constructed on piers and will be at a height of approximately 1.9 metres from the existing grade. A variance is requested to construct the porch enclosure approximately 20 metres from the high-water mark, where a 30-metre waterbody separation distance is required by the Kingston Zoning By-Law. A variance is also requested to increase the maximum building depth from 18 metres to approximately 21.5 metres.

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

Page 2 of 11

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.

Recommendation:

That minor variance application, File Number D13-085-2024, for the property located at 224 Alwington Place to construct a 22.55 square metre enclosed rear porch be approved as described below:

Variance Number 1: Waterbody Separation Distance

By-Law Number 2022-62:Section 4.23.1Requirement:30 metresProposed:20 metresVariance Requested:10 metres

Variance Number 2: Maximum Building Depth

By-Law Number 2022-62:Table 11.6.1 (12)Requirement:18 metresProposed:21.5 metresVariance Requested:3.5 metres

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-25-011.

Page 3 of 11

Authorizing Signatures:

ORIGINAL SIGNED BY PLANNER

Annemarie Eusebio, Intermediate 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 November 5, 2024, a minor variance application was submitted by Asterisk Engineering Corporation, on behalf of the owner, Harminder Sandu and Raveen Pal, with respect to the property located at 224 Alwington Place. The proposal is to construct a one-storey enclosed porch located at the rear of the existing single detached house. The enclosed porch will be 22.55 square metres in area. The enclosed porch will be constructed on piers and will be at a height of approximately 1.9 metres from the existing grade.

A variance is requested to construct the porch enclosure approximately 20 metres from the high-water mark, where a 30-metre waterbody separation distance is required by the Kingston Zoning By-Law. A variance is also requested to increase the maximum building depth from 18 metres to 21.5 metres.

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

- Site Plan, Floor Plans and Elevations (Exhibit F)
- Planning Justification, prepared by Mills Planning Consultants, dated October 12, 2024
- Ecological Site Review, prepared by Ecological Services, dated October 2, 2024

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 224 Alwington Place (Exhibit B – Key Map). The site has a lot area of 1,145.4 square metres and a lot frontage of approximately 27 metres. The site is currently developed with a single detached house and a boathouse. The boathouse is located in close proximity to the shoreline of Lake Ontario. The property is located within an established residential subdivision and abuts single detached houses to the north and east. The former Kingston Penitentiary, Portsmouth Olympic Harbour and Arlington Place Park are located to the west of the site and the Isabel Bader Centre for Performing Arts is located to the east (Exhibit C – Neighbourhood Context Map).

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

Section 4.23 of Zoning By-Law 2022-62 requires a minimum 30 metre separation distance from the high-water mark of a waterbody to any use or building. At the time the single detached house was constructed in 1965, the property was subject to Zoning By-Law 3078. Zoning By-Law 3078 did not regulate waterbody separation distances for development. The existing single detached house and boathouse are considered legal non-complying as these structures are

Page 5 of 11

located within the required 30 metre separation distance from the high-water mark of Lake Ontario. The existing development on the site have been continuous in use since the time of construction.

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:

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 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 site is located within the Housing District in Schedule 2 – City Structure, of the Official Plan. Minor infilling and development that can be integrated in a compatible manner with the prevailing built form generally found in the neighbourhood will be encouraged.

The proposal has been designed to integrate with surrounding residential land uses. The adjacent residential properties (226 Alwington Place, 228 Alwington Place and 230 Alwington Place) each contain a single detached house that is closer to the shoreline of Lake Ontario than the existing house and proposed development on the site. The proposed enclosed porch will exceed the required interior setbacks as indicated by the applicable UR5 zone. The property consists of large, mature trees and vegetation on the interior property lines which will provide buffering and screening for the new development from adjacent residential lots. The site is also located directly east of Arlington Place Park. As such, it is anticipated that there will be no negative impact on abutting properties or residential uses or structures. The proposal is compatible with the surrounding residential and adjacent open space use and will not result in significant impacts or changes to the surrounding area.

Page 6 of 11

The proposed rear enclosed porch will allow for additional living space and will meet the functional needs of the residents. There will be no significant impact to the function of the site in terms of parking, access routes or universal accessibility.

The protection of a 30-metre naturalized buffer along a waterbody, also referred to as a "ribbon of life", can help to enhance water equality, minimize soil erosion, provide plant and animal habitat, establish connectivity and wildlife corridors and contribute to the overall health of shoreline ecosystems, particularly fish habitat. The buffer may also be used to screen views of development from the water, and to create natural spaces for passive recreation.

The subject property is located within the Floodplain Overlay under Schedule A of Kingston Zoning By-Law 2022-52 and is within the Natural Hazard Constraint Overlay under Schedule 11 of the Official Plan. Section 5.5 of the City of Kingston Official Plan prohibits new development and site alteration within the floodplain. Where there is existing development within the regulatory floodplain, development and site alteration may be permitted in consultation with the Cataraqui Region Conservation Authority (CRCA), and subject to risk mitigation measures (i.e., floodproofing).

This application was circulated to the CRCA. The proposed rear porch enclosure will be located outside the erosion hazard associated with the shoreline and will be located outside and will be sufficiently set back from the 1:100 year flood elevation. The porch addition will be elevated on a post foundation well above the 1:100 year flood elevation. The floor area of the structure is less than 25 square metres. Overall, the proposal has minimized risk and complies with CRCA regulatory policies.

The subject property is within 15 metres of the regulatory floodplain and erosion hazard associated with Lake Ontario and is subject to Ontario Regulation 41/24: Prohibited Activities Exemptions and Permits (formerly O. Reg. 146/06). The owner is required to obtain a CRCA permit for the construction of the enclosed porch. This requirement has been included as a condition as shown in Exhibit A of this report.

The City's Environment Division has reviewed the Ecological Site Review, prepared by Ecological Services that was submitted in support of this application. The Ecological Site Review confirms that the proposed development will have no significant impact to the natural heritage value of the existing 30 metre buffer. Environment staff has confirmed that the applicant/owner is required to submit an erosion and sediment control plan which must be prepared by a qualified engineer. The plan should indicate erosion and sediment control measures which should prevent the release of sediment into the adjacent aquatic habitats during construction. The sediment and erosion control measures must be implemented on the subject property prior to and during construction. The erosion and sediment control measures will be reviewed to the satisfaction of Environment staff. This requirement has been included as a condition as shown in Exhibit A of this report.

The subject property is not a designated property under the *Ontario Heritage Act*. There will be no impacts to any built heritage resources. Heritage Planning staff have identified the subject

Page 7 of 11

property has having composite archaeological potential. As the proposed enclosed porch will be constructed on piers and will require minimal ground disturbance, archaeological clearance will not be required.

The proposed variances meet the four tests of a minor variance under the *Planning Act* and the development is consistent with the built form along Alwington Place. Therefore, a zoning by-law amendment is not required. The proposal meets the intent of the Official Plan as the proposed enclosed porch will not result in any undue adverse 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) in Kingston Zoning By-Law Number 2022-62 (Exhibit E – Zoning By-Law Map). The UR5 zone permits a single detached house.

The proposal requires the following variances:

Variance Number 1: Waterbody Separation Distance

By-Law Number 2022-62:Section 4.23.1		
Requirement:	30 metres	
Proposed:	20 metres	
Variance Requested:	10 metres	

The intent of the 30-metre waterbody separation distance is primarily to protect the ribbon of life zone from the impacts of development. This zoning provision exists to protect development from natural hazards such as flooding, alongside requirements from the CRCA. Maintaining the ribbon of life zone can help to enhance water equality, minimize soil erosion, provide plant and animal habitat, establish connectivity and wildlife corridors, and contribute to the overall health of shoreline ecosystems, particularly fish habitat. The buffer may also be used to screen views of development from the water, and to create natural spaces for passive recreation

The proposed porch is approximately 20 metres from the high-water mark of Lake Ontario, which is within the 30 metre waterbody separation distance as required in the Kingston Zoning By-law. As indicated in the supporting Ecological Site Review, prepared by Ecological Services, Environment staff confirm that the proposed development will have no significant impact to the natural heritage value of the existing 30 metre buffer. CRCA staff have confirmed that the proposal has minimized risk and complies with CRCA regulatory policies. As previously indicated in this report, the submission of a sediment and erosion control plan and a CRCA permit have been included as proposed conditions for provisional approval.

The proposed development will result in sufficient natural space in the rear yard for recreation purposes. The proposed rear porch enclosure is anticipated to be compatible with the existing built form on the subject property, as well as compatible with all surrounding land uses. The existing mature trees on the site will provide adequate screening from adjacent properties. The proposed enclosed porch is not anticipated to have adverse impacts on the existing waterbody of Lake Ontario.

Page 8 of 11

Variance Number 2: Maximum Building DepthBy-Law Number 2022-62:Table 11.6.1 (12)Requirement:18 metresProposed:21.5 metresVariance Requested:3.5 metres

The intent of the maximum building depth provision is to ensure that there will be sufficient rear yard amenity area and landscaped open space in addition to limiting intrusive overlook and establishing a consistent neighbourhood character. Building depth is defined as the horizontal distance between from the required front setback and the principal building's rear wall, measured perpendicular to the front setback. For the applicable UR5 zone, the maximum required building depth is 18 metres. The building depth provisions also indicate that the rear wall of a principal building must not be closer than 7.5 metres to the rear lot line.

The building depth for the subject property is the average of 4.5 metres and the front setback of the adjacent building (226 Alwington Place). Based on this provision, the proposal seeks to increase the building depth to approximately 21.5 metres. The proposed development will be consistent with the scale, height and massing of other residential developments along Alwington Place. The proposed building length of 17.5 metres generally complies with the maximum building depth provision of 18 metres. The proposed development will not be closer than 7.5 metres to the rear lot line and exceeds the required minimum landscaped open space and interior setbacks. It is anticipated that there will be no significant impact with respect to intrusive overlook and privacy on adjacent residential properties. The proposal will not represent an overdevelopment of the site. As such, the proposed building depth of 21.5 metres is appropriate.

The requested variances maintain the general intent and purpose of the zoning by-law.

The variance is minor in nature

The proposed enclosed porch will result in a development that is consistent with the longestablished built form of single detached houses along Alwington Place. The proposed development will not result in intrusive overlook with respect to adjacent residential properties. The existing trees and vegetation located along the interior property lines of the property will screen the development from existing properties. The variances will not alter the character of the neighbourhood or existing streetscape. There is no anticipated impact to the waterbody.

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

The proposed enclosed porch will allow for additional living space and will meet the functional needs of the residents. There will be no adverse impacts with respect to the natural environment, natural hazards or flooding. The proposed development is consistent with the existing built form of residential buildings along Alwington Place. The proposal does not involve a significant alteration to the existing built form on the site and will not cause any adverse impacts on adjacent properties.

Page 9 of 11

The variances are desirable and appropriate use of the land.

Technical Review: Circulated Departments and Agencies

- ⊠ Building Services
- Engineering Department
- □ Finance
- □ Fire & Rescue
- □ Solid Waste
- □ Housing
- □ KEDCO
- \boxtimes CRCA
- □ Parks Canada
- ⊠ Hydro One
- □ Kingston Airport

Technical Comments

- ☑ Utilities Kingston
- ⊠ Kingston Hydro
- □ Parks Development
- ⊠ District Councillor
- Municipal Drainage
- □ KFL&A Health Unit
- □ Eastern Ontario Power
- □ Enbridge Pipelines
- □ Other:

- ⊠ Heritage
- □ Real Estate & Land Development
- ⊠ Environmental Services
- Canadian National Railways
- □ Ministry of Transportation
- □ Parks of the St. Lawrence
- □ Trans Northern Pipelines
- □ CFB Kingston
- □ TransCanada Pipelines

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 formal correspondence was 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 allow for the construction of a one-storey enclosed porch at the rear of the existing single detached house on the subject property municipally known as 224 Alwington Place.

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

Annemarie Eusebio, Intermediate Planner, 613-546-4291 extension 3183

Other City of Kingston Staff Consulted:

None

Exhibits Attached:

Exhibit A Recommended Conditions

Page 11 of 11

- Exhibit B Key Map
- Exhibit C Neighbourhood Context Map (2022)
- Exhibit D Official Plan Map
- Exhibit E Zoning By-Law Map
- Exhibit F Site Plan
- Exhibit G Site Photos

Recommended Conditions

The approval of minor variance application, File Number D13-085-2024, to reduce the minimum waterbody separation distance and to increase the maximum building depth for the construction of a 22.55 square metre one-storey enclosed porch within the rear yard, shall be subject to the following recommended conditions:

1. Limitation

That the approved minor variance applies only to the location of the 22.55 square metre one-storey rear enclosed porch at 224 Alwington Place 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.

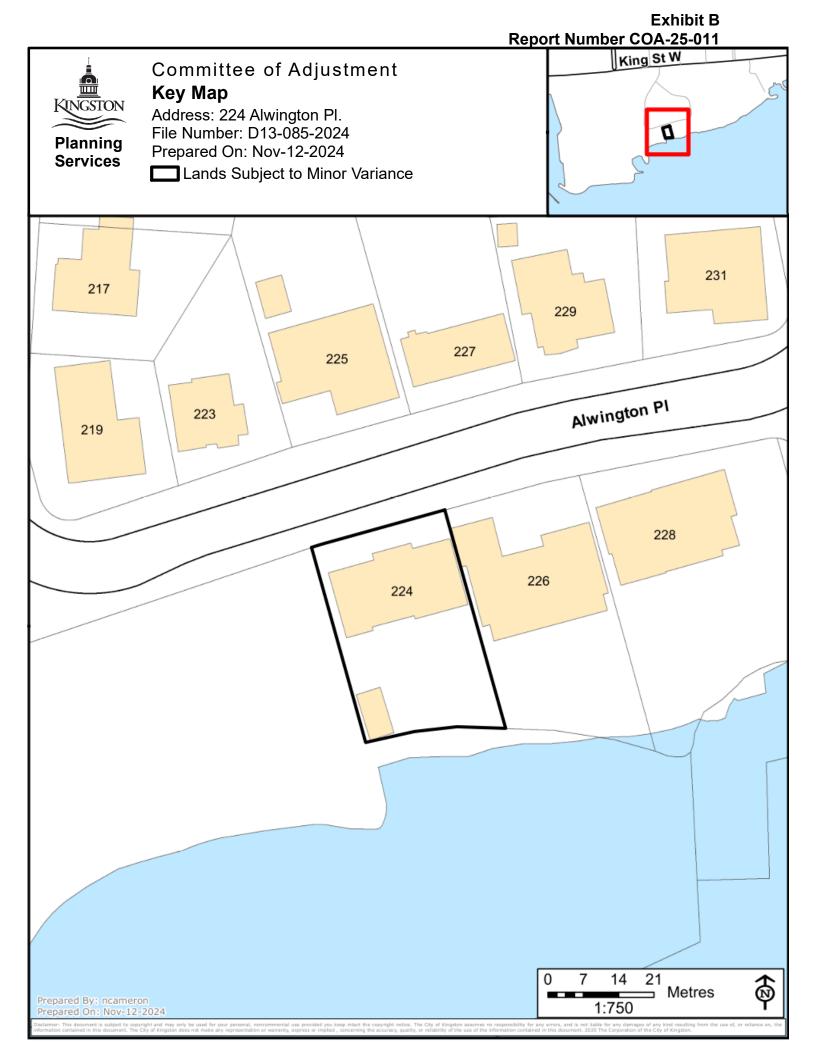
In the event that human remains are encountered, all work must immediately cease and the site must be secured. The Kingston Police (613-549-4660), the Office of the Chief Coroner as a part of the Ontario Ministry of the Solicitor General (1-877-991-9959), the Archaeology Program Unit of the Ministry of Citizenship and Multiculturalism (archaeology@ontario.ca), and City of Kingston's Planning Services (613-546-4291, extension 3180) must be immediately contacted.

5. Sediment and Erosion Control Measures

The applicant/owner is required to submit an erosion and sediment control plan which must be prepared by a qualified engineer. The plan should indicate erosion and sediment control measures which should prevent the release of sediment into the adjacent aquatic habitats during construction. The sediment and erosion control measures must be implemented on the subject property prior to and during construction. The erosion and sediment control measures will be reviewed to the satisfaction of Environment staff.

6. Cataraqui Region Conservation Authority

The subject property is within 15 metres of the regulatory floodplain and erosion hazard associated with Lake Ontario and is subject to Ontario Regulation 41/24: Prohibited Activities Exemptions and Permits (formerly O. Reg. 146/06). The owner/applicant is required to obtain a CRCA permit prior to the issuance of a building permit for the enclosed porch.





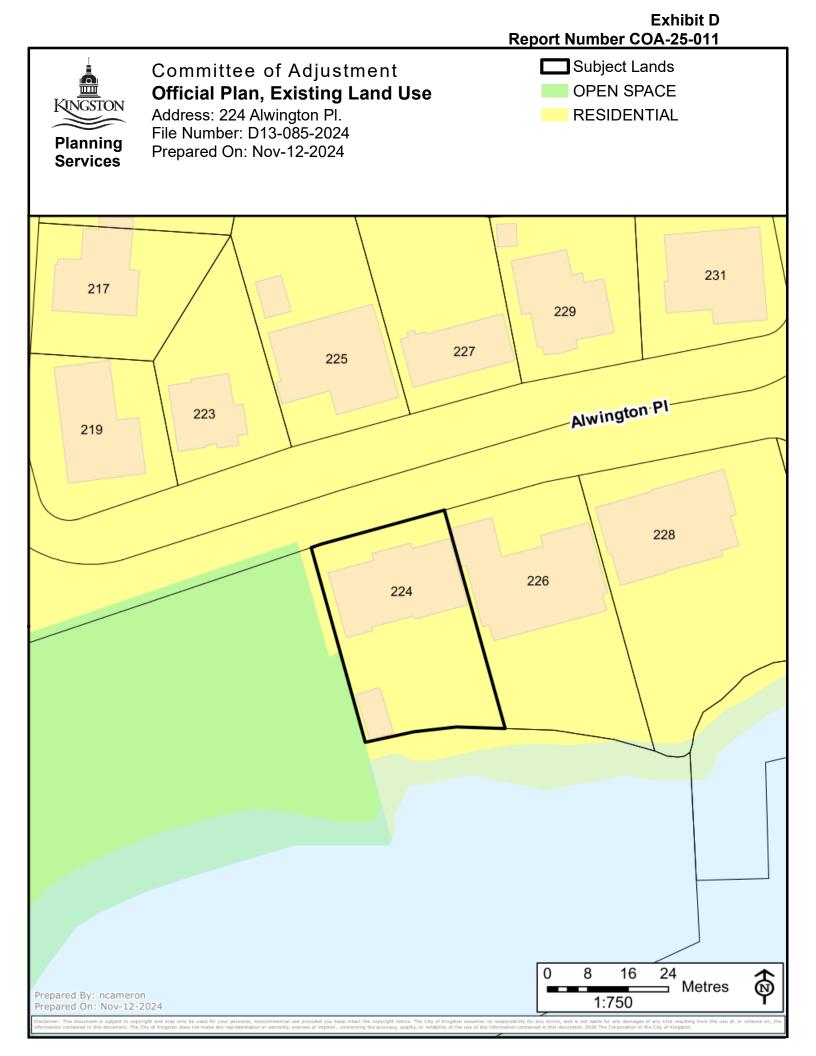
Committee of Adjustment Neighbourhood Context

Address: 224 Alwington PI. File Number: D13-085-2024 Prepared On: Nov-12-2024 Subject Lands

Property Boundaries

Proposed Parcels





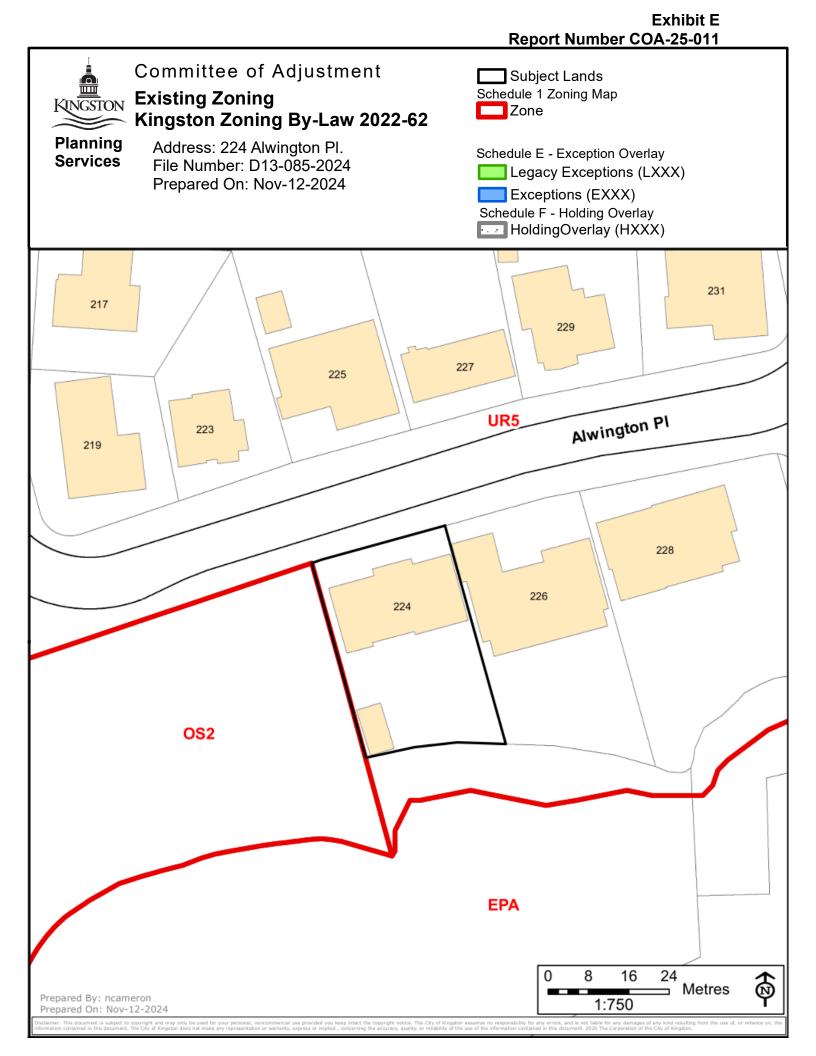
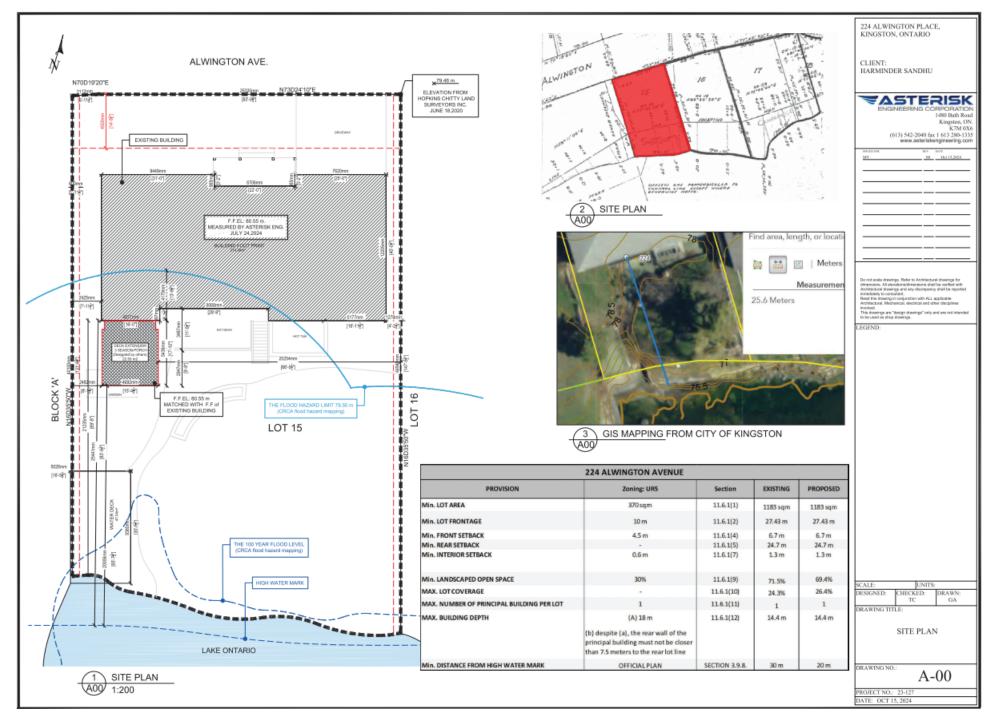
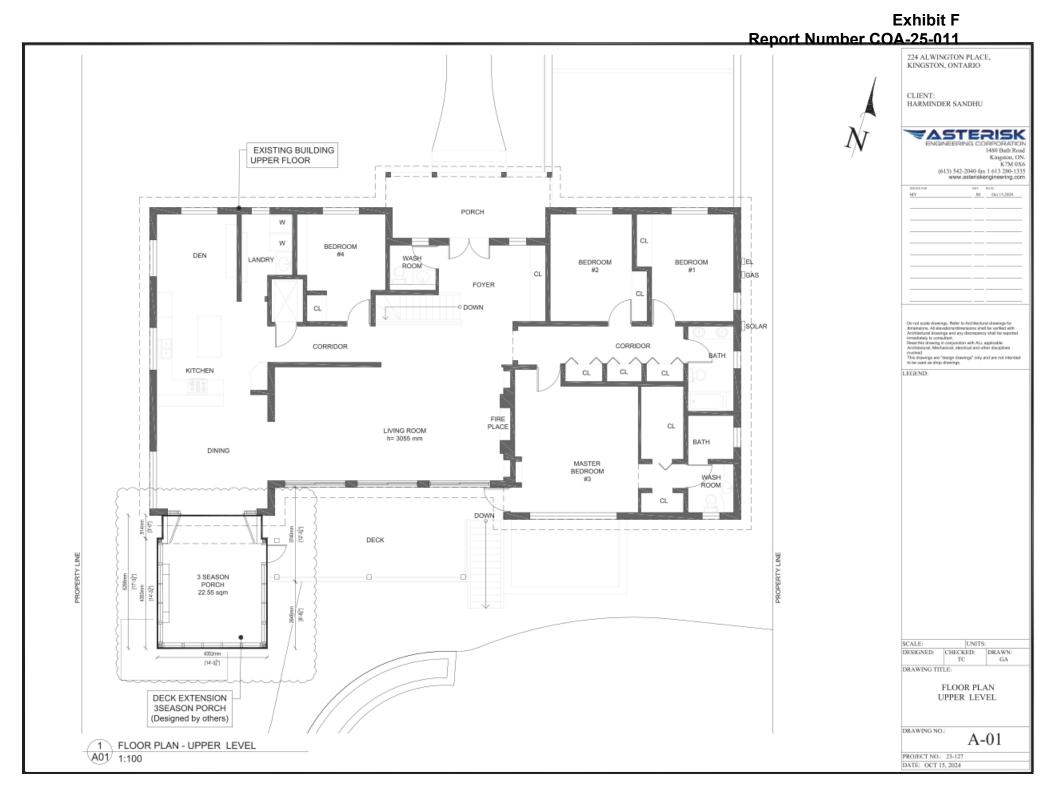
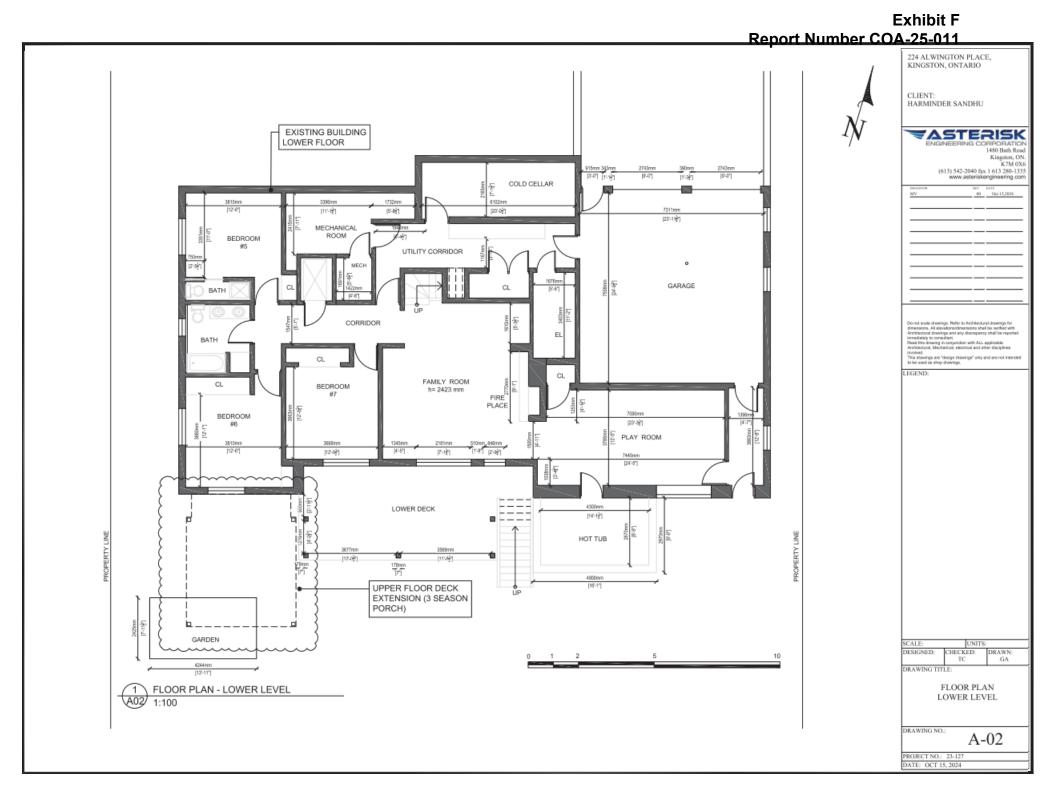
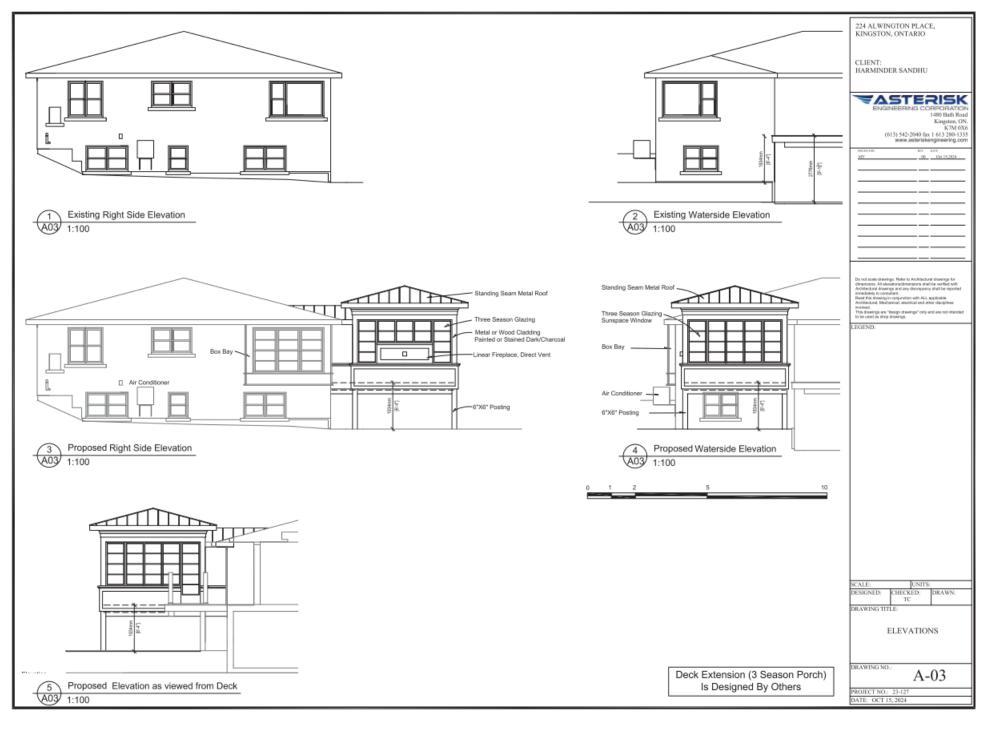


Exhibit F Report Number COA-25-011











Site Photos – November 18, 2024

View of the front of the property at 224 Alwington Place

Rear of the property facing the house





Rear yard and view of adjacent property known as 226 Alwington Place

View of Arlington Place Park located directly west of subject property



Exhibit G Report Number COA-25-011

Rear yard



Location of Boathouse at the shoreline

