



**City of Kingston
Report to Committee of Adjustment
Report Number COA-25-018**

To: Chair and Members of the Committee of Adjustment
From: Jacob Slevin, Planner
Date of Meeting: January 27, 2025
Application for: Minor Variance
File Number: D13-089-2024
Address: 1110 Westbrook Road
District: 3 – Collins-Bayridge
Owner: Cathy Goodfellow
Applicant: Chris Gyuk – Northern Cardinal Construction

Council Strategic Plan Alignment:

Theme: Policies & by-laws

Goal: See above

Executive Summary:

This report provides a recommendation to the Committee of Adjustment regarding an application for a minor variance for the property located at 1110 Westbrook Road. The applicant is proposing to construct a new detached garage within the existing driveway on the subject property. A minor variance to permit a reduced setback from the interior lot line is required to enable the proposed development.

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 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.

January 27, 2025

Page 2 of 10

Recommendation:

That minor variance application, File Number D13-089-2024, for the property located at 1110 Westbrook Road to permit the construction of a new detached garage, be approved, as described below:

Variance Number 1: Minimum Interior Setback

By-Law Number 2022-62: Table 8.3.1.7

Requirement: 9 metres

Proposed: 1.3 metres

Variance Requested: 7.7 metres; and

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-25-018.

January 27, 2025

Page 3 of 10

Authorizing Signatures:

ORIGINAL SIGNED BY PLANNER

Jacob Slevin, Planner

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

Tim Park, Director, Planning Services

James Bar, Manager, Development Approvals

January 27, 2025

Page 4 of 10

Options/Discussion:

On December 3, 2024, a minor variance application was submitted by Chris Gyuk – Northern Cardinal Construction, on behalf of the owner, Cathy Goodfellow, with respect to the property located at 1110 Westbrook Road. The variance is requested to enable the construction of a 41.6 square metre detached garage with a reduced setback from the interior property line.

The applicant is proposing to construct the detached garage within the existing driveway for the house at 1110 Westbrook Road. The General Rural Area (RU) Zone applicable to this property would require the detached garage to be developed with a 9 metre setback from the interior lot line. Given that the existing driveway is located closer than 9 metres to the interior lot line, the applicant requires a minor variance to permit a reduction to the interior setback requirements.

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

- Concept Plan (Exhibit F)
- Elevation Plan (Exhibit G)

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 1110 Westbrook Road, within the Collins-Bayridge District (Exhibit B – Key Map). The property abuts a number of rural residential uses on all sides (Exhibit C – Neighbourhood Context Map).

The subject property is designated Rural in the Official Plan (Exhibit D – Official Plan Map). The property is primarily zoned as a General Rural Area (RU) Zone in Kingston Zoning By-Law Number 2022-62 (Exhibit E – Zoning By-Law Map). The rear of property abuts Glenvale Creek and this rear portion of the property is zoned as an Environmental Protection Area (EPA) Zone.

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.

January 27, 2025

Page 5 of 10

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 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 subject property is located in a Rural Area, outside of the Urban Boundary identified in Schedule 2 of the Official Plan. Rural Areas are comprised of a mix of land uses supporting residential uses, employment uses, and commercial uses. Rural Areas also often contain natural heritage features within Environmental Protection Area designations. The subject property is currently developed as a residential use with natural heritage features at the rear of the property near Glenvale Creek. This application is seeking to enable the addition of a detached garage to a developed portion of the subject property, which will not alter the residential use of the land or impact the natural heritage features at the rear of the lot.

The proposed development is anticipated to be compatible with all surrounding uses in the surrounding area. All properties adjacent to the subject lands are developed as rural residential land uses. The addition of a detached garage to the subject property will not create any adverse impacts based on the land use compatibility matters outlined in Section 2.7 of the Official Plan.

Nothing in this proposal will alter the site's ability to function in terms of access or parking, except that the proposed detached garage will allow for indoor vehicle parking options on the property. The detached garage will not be connected to municipal water or sewage services, and the existing house on the property will continue to function using its existing services.

The property is not designated under the *Ontario Heritage Act*, nor is it adjacent to any designated heritage properties. Recommended conditions of approval for this application are attached in Exhibit A.

Given the facts that no change of land use is proposed for the subject property, that only a single variance to reduce the interior setback requirement is proposed to enable this development, and that the proposed detached garage complies with all other applicable provisions of the Kingston Zoning By-law, a zoning by-law amendment is not required for this proposal.

The requested variance to reduce an interior setback for a detached garage will not set an undesirable precedent for the surrounding area, given that all adjacent properties are subject to

January 27, 2025

Page 6 of 10

Rural Residential (RUR) Zones, which establish interior setback requirements of 1.2 metres for accessory structures such as detached garages. Because the subject property is zoned as General Rural Area (RU) Zone, an interior setback of 9 metres is required, and therefore a minor variance is required to permit the applicant's proposed 1.3 metre interior setback for the garage. If any of the surrounding residential properties were to develop a detached garage set 1.3 metres from an interior lot line, no zoning relief would be required. Under these circumstances, the requested minor variance would not set a negative precedent for the area.

The proposal meets the intent of the Official Plan, as the proposed detached garage is compatible with all applicable policies of the Official Plan and 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 General Rural Area (RU) in Kingston Zoning By-Law Number 2022-62 (Exhibit E – Zoning By-Law Map). The RU zone permits a variety of uses, including residential uses. The property at 1110 Westbrook Road is developed with a single detached home, which is a permitted use within the RU Zone.

The proposal requires a variance to Table 8.3.1.7, which requires a minimum interior setback of 9 metres. As the proposed detached garage would have an interior setback of 1.3 metres from the interior lot line, a variance of 7.7 metres is requested.

Variance Number 1: Minimum Interior Setback

By-Law Number 2022-62: Table 8.3.1.7

Requirement:	9 metres
Proposed:	1.3 metres
Variance Requested:	7.7 metres

The intent of Table 8.3.1.7, which establishes a minimum interior setback for development in the RU Zone, is to ensure that buildings and structures are adequately separated from each other and to ensure a generally consistent development pattern within rural areas.

For many residential zones, including the Rural Residential (RUR) Zone, accessory structures such as detached garages are governed by Section 4.1 of the Kingston Zoning By-law. This section establishes setback requirements for accessory structures which are often more modest than the setback requirements for primary structures. As per Section 4.1, accessory structures are required to be setback only 1.2 metres from all lot lines.

Properties within the General Rural Area (RU) are not regulated by Section 4.1. All accessory structures developed in the RU Zone must comply with the same requirements which apply to primary structures. As such, the Zoning By-law requires the proposed detached garage on the subject property to have a 9 metre setback from the interior lot line, rather than a 1.2 metre setback.

January 27, 2025

Page 7 of 10

As mentioned above, all surrounding properties along Westbrook Road are zoned as RUR properties (Exhibit E – Zoning By-law Map). If the subject property were zoned as RUR instead of RU, the proposed setback of 1.3 metres from the interior lot line would exceed the minimum requirements of the zoning provision.

The subject property is developed in a highly similar manner to these adjacent properties within the surround residential cluster, despite the different zoning designation (Exhibit C – Neighbourhood Context Map). Given the similarity of the subject property to the other surrounding properties, allowing a reduced interior setback for an accessory structure is considered to meet the intent and purpose of the Kingston Zoning By-law. The proposed interior setback of 1.3 metres provides an appropriate separation between the nearest adjacent property and will not adversely impact any other properties. The addition of a detached garage to this property will not alter the general character and development pattern of the residential cluster along Westbrook Road.

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

3) The variance is minor in nature

The variance is considered minor, given that this variance is requested solely to enable the construction of a one-storey detached garage within the driveway of the subject property. The proposed development will not alter the residential use of the property, nor will it disrupt the existing pattern of built form in the surrounding area. Furthermore, the proposed development is not anticipated to cause any adverse impacts to any nearby properties. As such, the proposed variance is considered to be minor in nature.

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

The variance is considered to be desirable, as it will enable the development of a detached garage which will provide users of this property with improved vehicle parking facilities and area for potential storage. Currently, the property does not have a garage, and as such this proposal would improve the useability of the lands. As shown throughout the body of the report, the addition of a detached garage in this location would be a minor addition that would not adversely affect any nearby properties or disrupt the character of the neighbourhood.

Given the above, 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"/> Finance | <input checked="" type="checkbox"/> Utilities Kingston | <input checked="" type="checkbox"/> Real Estate |
| <input checked="" type="checkbox"/> Fire & Rescue | <input checked="" type="checkbox"/> Kingston Hydro | <input checked="" type="checkbox"/> Environment Division |
| <input checked="" type="checkbox"/> Solid Waste | <input checked="" type="checkbox"/> Parks Development | <input type="checkbox"/> Canadian National Railways |
| <input type="checkbox"/> Housing | <input checked="" type="checkbox"/> District Councillor | <input type="checkbox"/> Ministry of Transportation |

January 27, 2025

Page 8 of 10

- | | | |
|---|---|---|
| <input checked="" type="checkbox"/> Building Services | <input checked="" type="checkbox"/> Engineering | <input checked="" type="checkbox"/> Heritage Services |
| <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 |
| <input type="checkbox"/> Hydro One | <input type="checkbox"/> Enbridge Pipelines | <input type="checkbox"/> TransCanada Pipelines |
| <input type="checkbox"/> 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 were received. Any public comments received after the publishing of this report will be included as an addendum to the Committee of Adjustment Agenda.

Previous or Concurrent Applications

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

Conclusion

The requested 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 enable the construction of a new detached garage 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

January 27, 2025

Page 9 of 10

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 January 27, 2025 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 62 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 I – 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

Jacob Slevin, Planner, 613-546-4291 extension 2176

Other City of Kingston Staff Consulted:

None

Exhibits Attached:

Exhibit A Recommended Conditions

Exhibit B Key Map

Exhibit C Neighbourhood Context Map

Exhibit D Official Plan Map

Exhibit E Zoning By-Law Map

January 27, 2025

Page 10 of 10

Exhibit F Site Plan

Exhibit G Elevation Plan

Exhibit H Site Photos

Exhibit I Public Notification Map

Recommended Conditions

The approval of minor variance application, File Number D13-089-2024, to reduce the interior setback requirement for a new detached garage, shall be subject to the following recommended conditions:

1. Limitation

That the approved minor variance applies only to the detached garage 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.

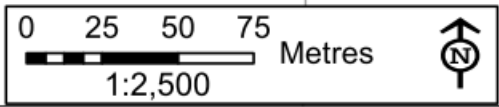
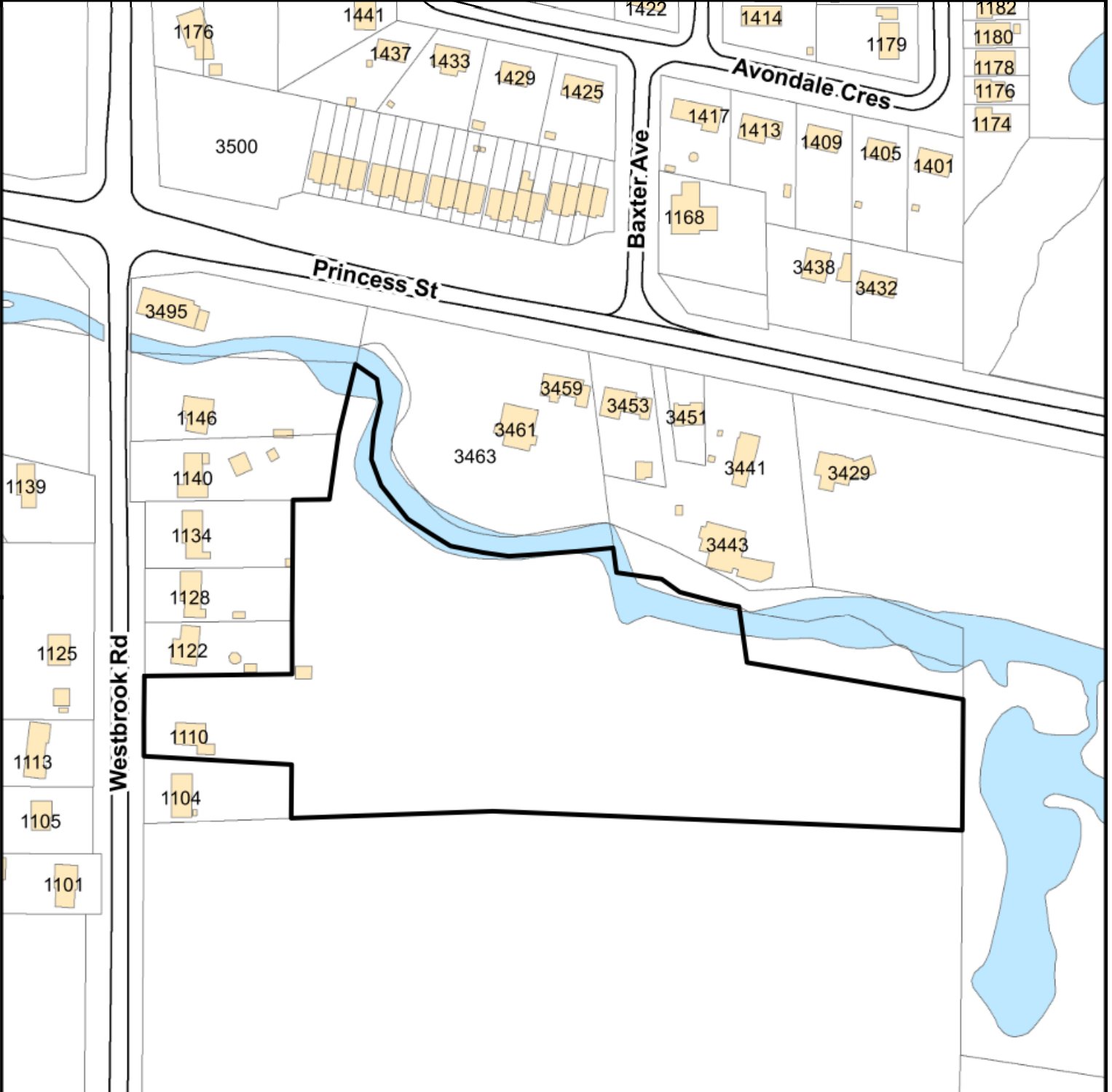
In the event that human remains are encountered, all work must immediately cease and the site must be secured. The Kingston Police (613-549-4660), the Office of the Chief Coroner as a part of the Ontario Ministry of the Solicitor General (1-877-991-9959), the Archaeology Program Unit of the Ministry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



Committee of Adjustment Key Map

Address: 1110 Westbrook Rd.
File Number: D13-089-2024
Prepared On: Dec-16-2024

Lands Subject to Minor Variance

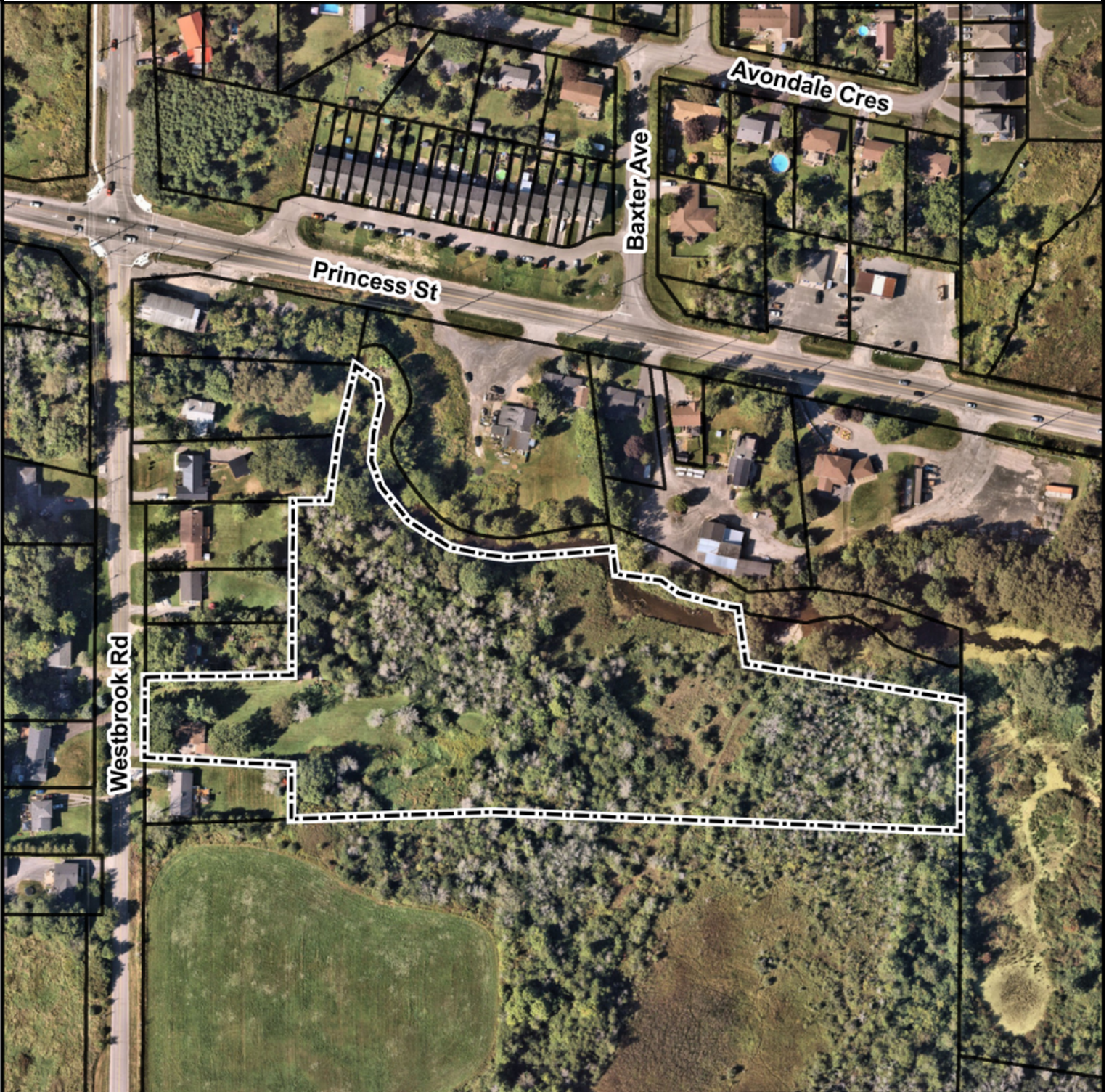




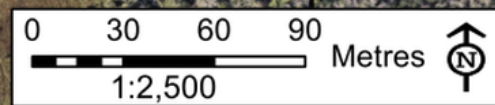
Committee of Adjustment Neighbourhood Context

Address: 1110 Westbrook Rd.
File Number: D13-089-2024
Prepared On: Dec-16-2024

- Subject Lands
- Property Boundaries
- Proposed Parcels



Prepared By: ncameron
Prepared On: Dec-16-2024



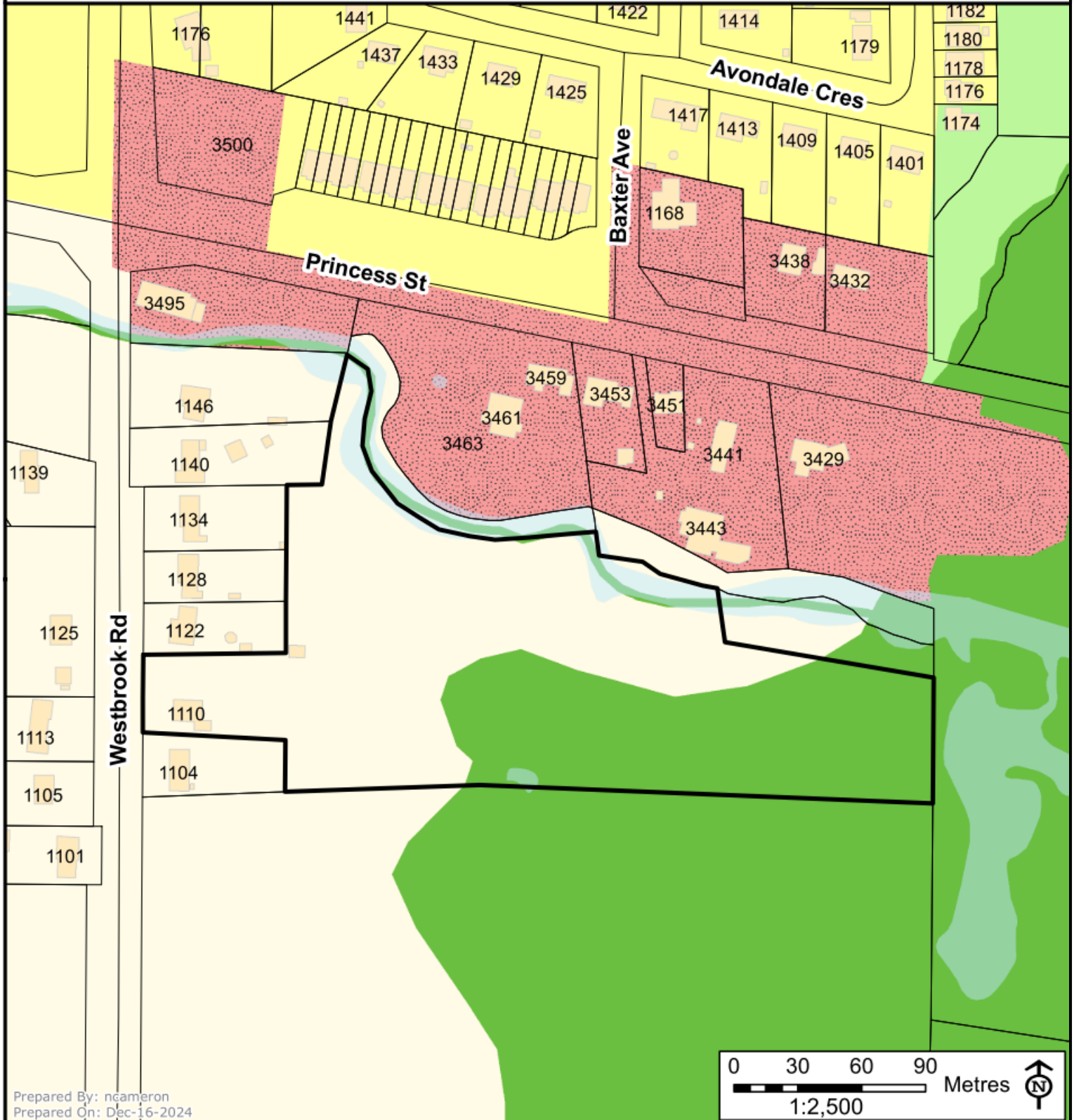
Disclaimer: This document is subject to copyright and may only be used for your personal, noncommercial use provided you keep intact the copyright notice. The City of Kingston assumes no responsibility for any errors, and is not liable for any damages of any kind resulting from the use of, or reliance on, the information contained in this document. The City of Kingston does not make any representation or warranty, express or implied, concerning the accuracy, quality, or reliability of the use of the information contained in this document. ©2020 The Corporation of the City of Kingston.



Committee of Adjustment Official Plan, Existing Land Use

Address: 1110 Westbrook Rd.
File Number: D13-089-2024
Prepared On: Dec-16-2024

- Subject Lands
- District Commercial
- Environmental Protection Area
- Open Space
- Residential
- Rural Lands



Prepared By: ncameron
Prepared On: Dec-16-2024

Disclaimer: This document is subject to copyright and may only be used for your personal, noncommercial use provided you keep intact the copyright notice. The City of Kingston assumes no responsibility for any errors, and is not liable for any damages of any kind resulting from the use of, or reliance on, the information contained in this document. The City of Kingston does not make any representation or warranty, express or implied, concerning the accuracy, quality, or reliability of the use of the information contained in this document. 2020 The Corporation of the City of Kingston.

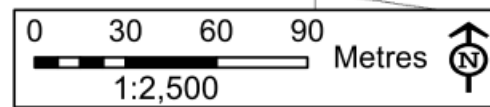
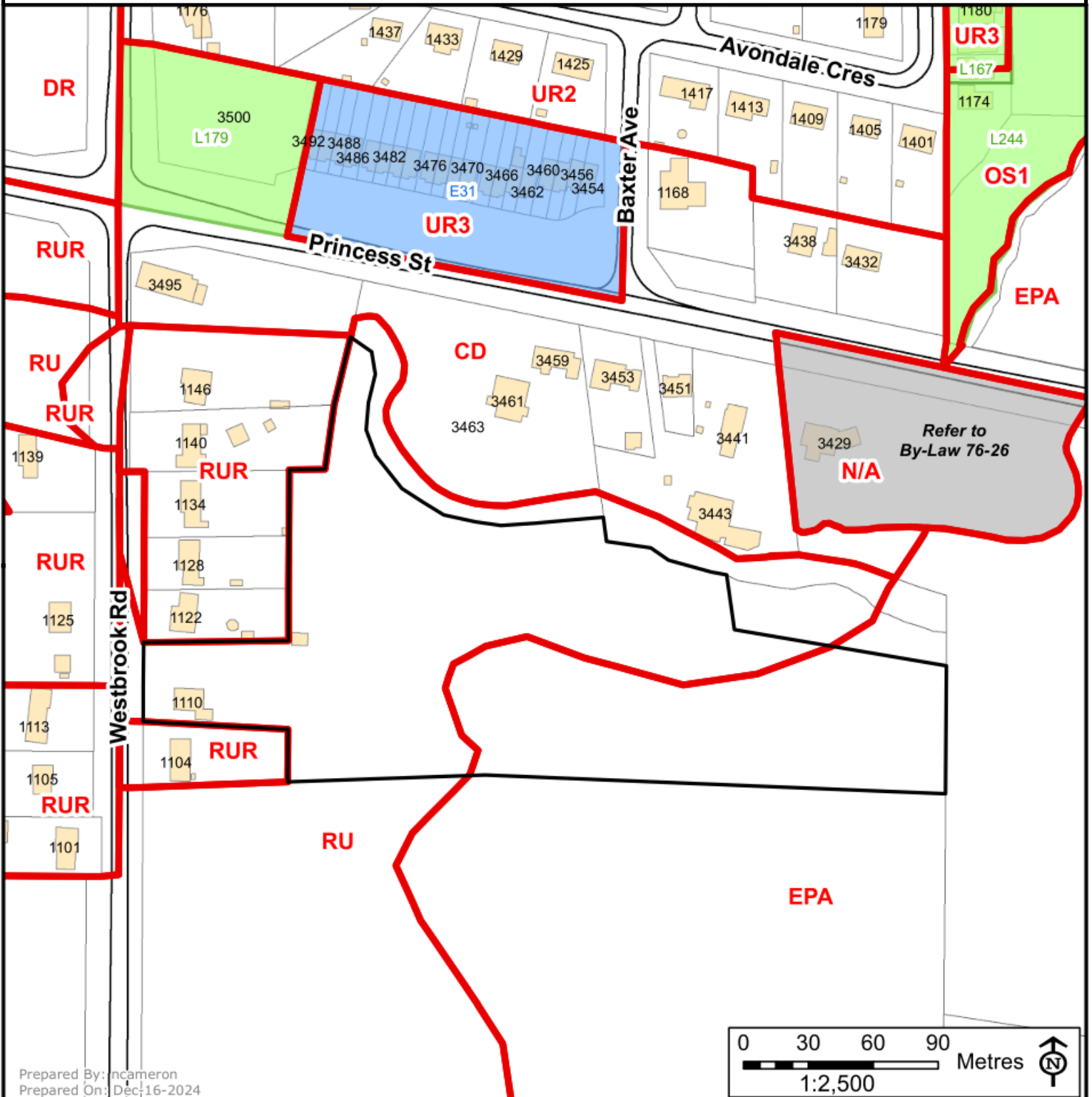


Planning Services

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

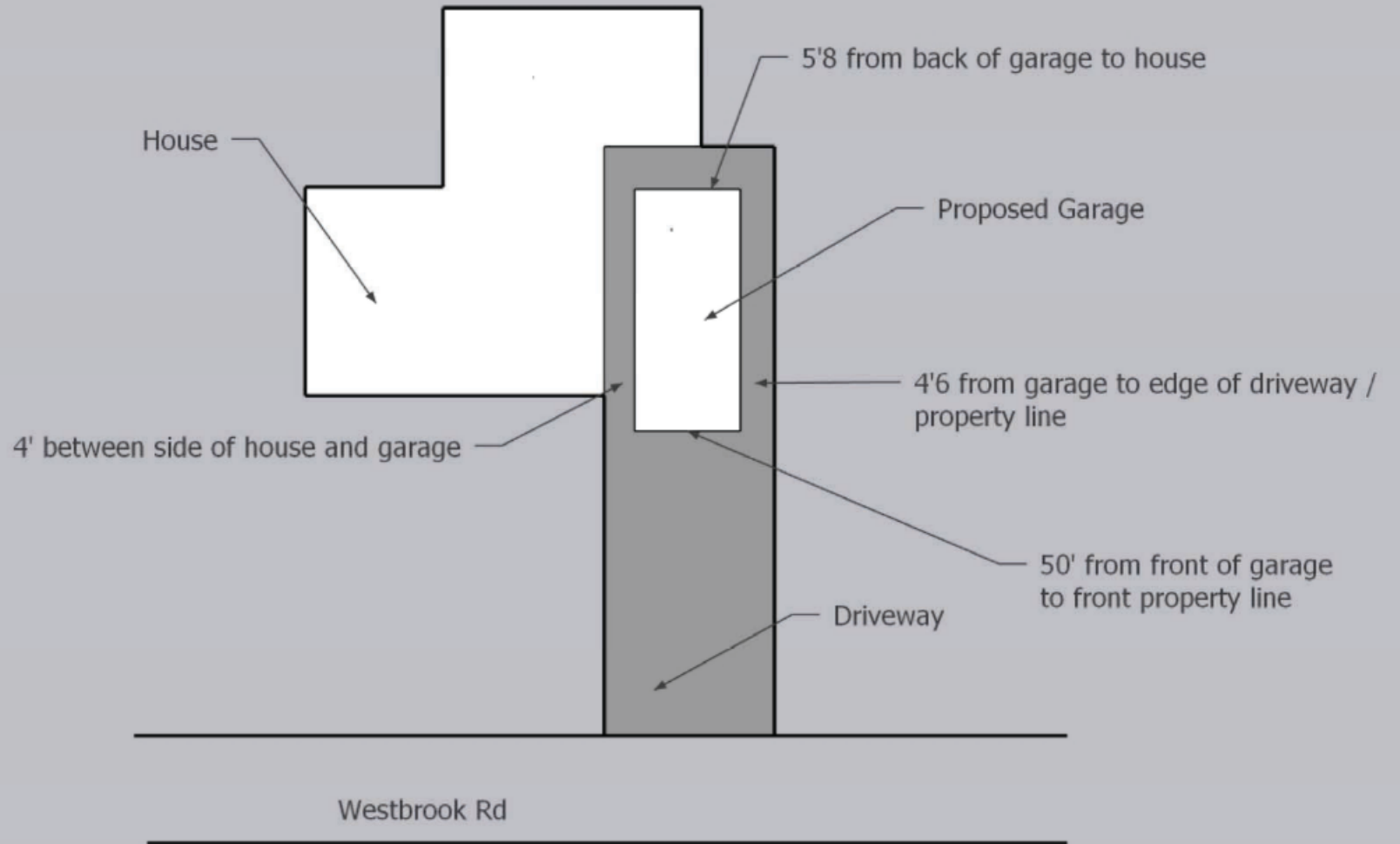
Address: 1110 Westbrook Rd.
File Number: D13-089-2024
Prepared On: Dec-16-2024

- Subject Lands
- Schedule 1 Zoning Map
- Zone
- Not Subject to the Kingston Zoning By-law
- Schedule E - Exception Overlay
- Legacy Exceptions (LXXX)
- Exceptions (EXXX)
- Schedule F - Holding Overlay
- Holding Overlay (HXXX)



Prepared By: incameron
Prepared On: Dec-16-2024

Disclaimer: This document is subject to copyright and may only be used for your personal, noncommercial use provided you keep intact the copyright notice. The City of Kingston assumes no responsibility for any errors, and is not liable for any damages of any kind resulting from the use of, or reliance on, the information contained in this document. The City of Kingston does not make any representation or warranty, express or implied, concerning the accuracy, quality, or reliability of the use of the information contained in this document. 2020 The Corporation of the City of Kingston.



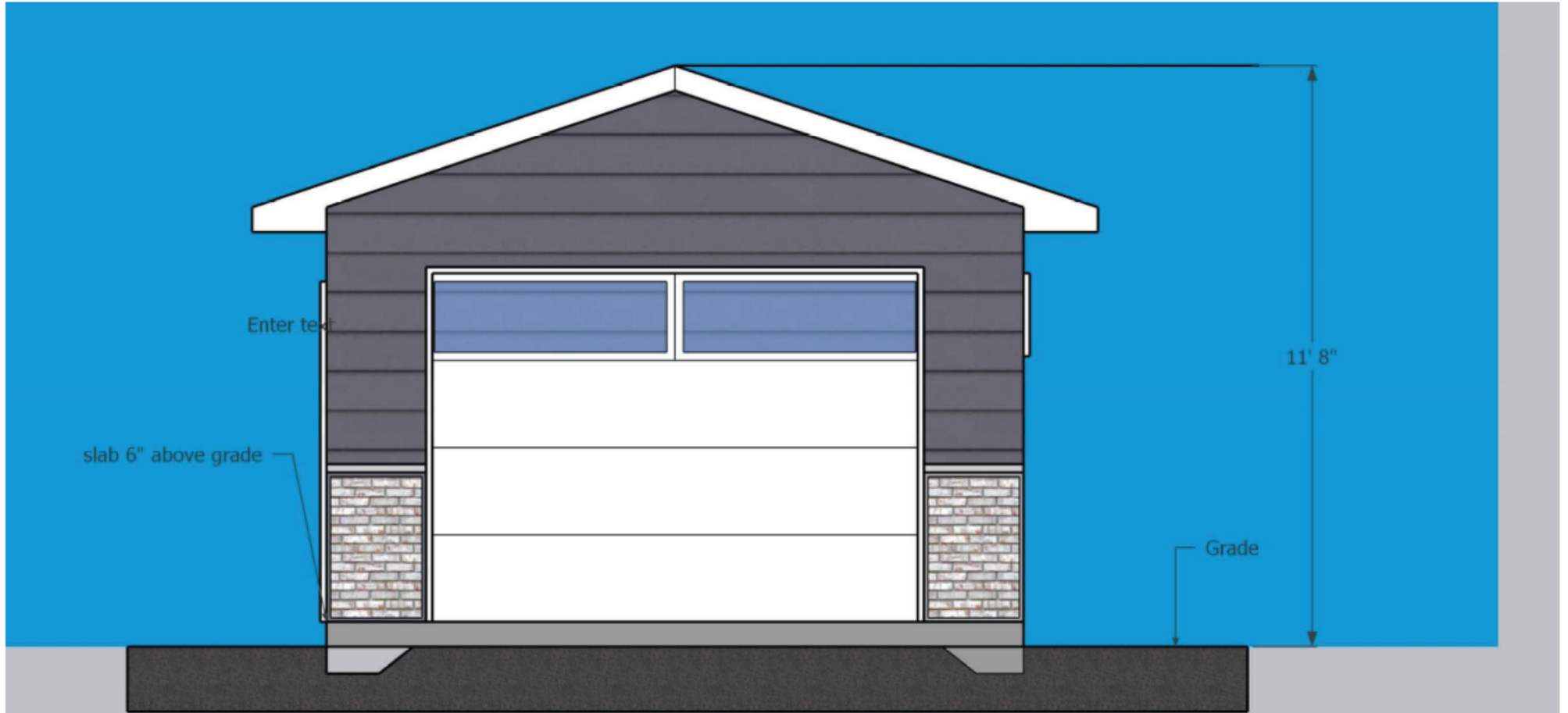




Figure 1: Frontal view of the subject property at 1110 Westbrook Road.



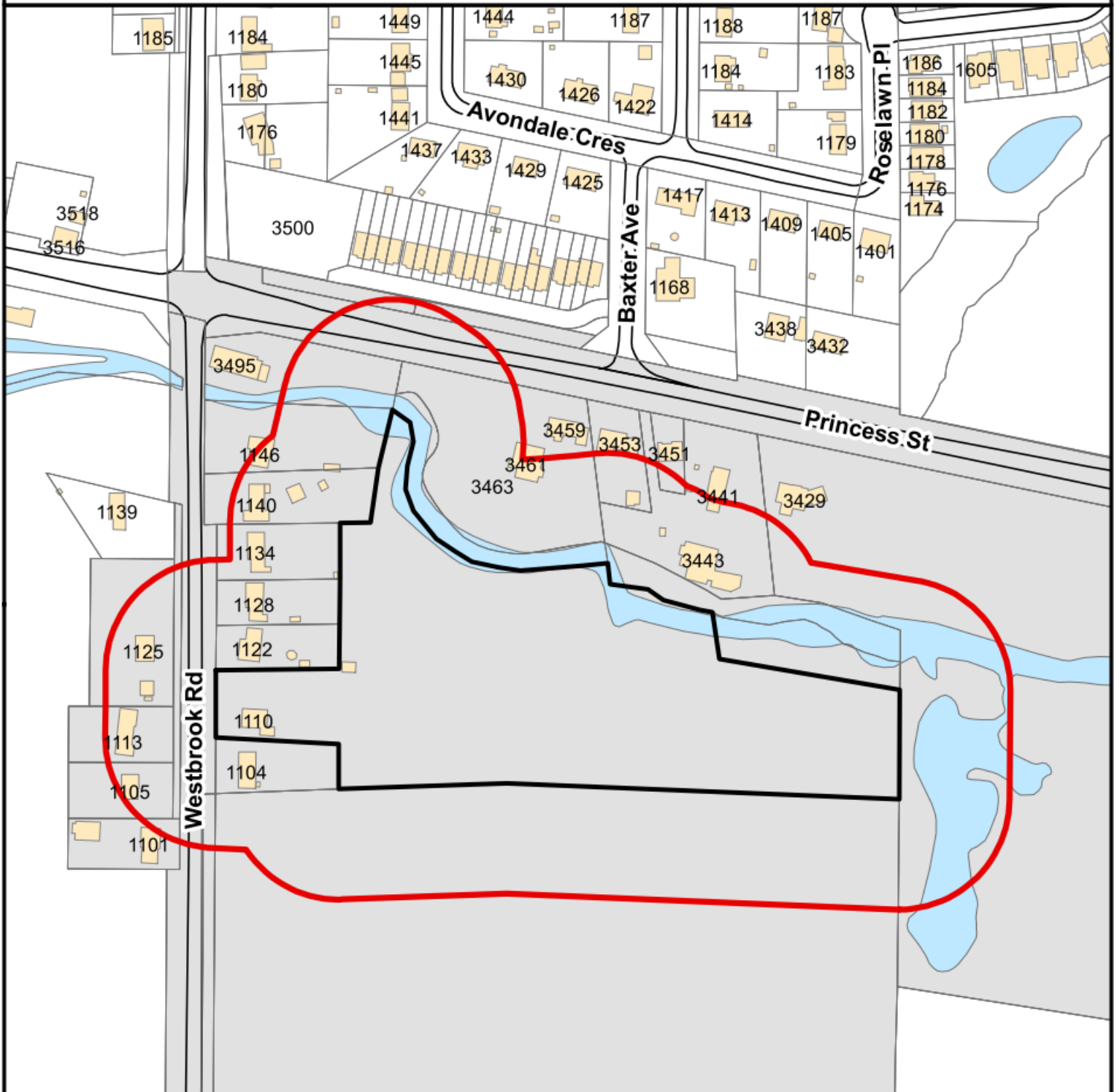
Figure 2: View of the existing driveway. The new detached garage would be located on this developed area.



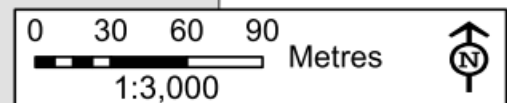
Committee of Adjustment Public Notice Notification Map

Address: 1110 Westbrook Rd.
File Number: D13-089-2024
Prepared On: Dec-16-2024

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



Prepared By: ncameron
Prepared On: Dec-16-2024



Disclaimer: This document is subject to copyright and may only be used for your personal, noncommercial use provided you keep intact the copyright notice. The City of Kingston assumes no responsibility for any errors, and is not liable for any damages of any kind resulting from the use of, or reliance on, the information contained in this document. The City of Kingston does not make any representation or warranty, express or implied, concerning the accuracy, quality, or reliability of the use of the information contained in this document. 2020 The Corporation of the City of Kingston.