

City of Kingston Report to Committee of Adjustment Report Number COA-25-027

То:	Chair and Members of the Committee of Adjustment
From:	Chris Wicke, Senior Planner
Date of Meeting:	March 24, 2025
Application for:	Minor Variance and Consent
File Numbers:	D10-001-2025 and D13-009-2025
Address:	913 Front Road
District:	District 4 - Lakeside
Owner:	Harold Kleywegt
Applicant:	Harold Kleywegt

Council Strategic Plan Alignment:

Theme: Regulatory & compliance

Goal: See above

Executive Summary:

This report provides a recommendation to the Committee of Adjustment regarding applications for minor variance and consent submitted by Harold Kleywegt for the property located at 913 Front Road.

The purpose of the consent application (File Number D10-001-2025) is to transfer through lot addition an existing access easement over the lands at 911 Front Road to the benefiting party at 913 Front Road, which uses a driveway located in the easement for access. As this will result in a change of the property having water frontage to reduced frontage on a street, a minor variance (File Number D13-009-2025) is requested to provide relief from the minimum required lot frontage for the proposed lot addition to the property at 913 Front Road.

Page 2 of 13

The requested minor variance and consent applications are consistent with the Provincial Planning Statement and conform 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. The proposed minor variance application meets all four tests under Subsection 45(1) of the *Planning Act* and is recommended for approval. The requested consent application has regard to the matters set out in subsection 51(24) of the *Planning Act* and a plan of subdivision is not necessary for the proper and orderly development of the property, as such, is recommended for provisional approval.

Recommendation:

That minor variance application, File Number D13-009-2025 for the property located at 913 Front Road to reduce the required minimum lot frontage as part of a lot addition of an existing access easement over the lands at 911 Front Road, be approved, as described below:

Variance Number 1: Minimum lot frontage

By-Law Number 2022-62:	Table 11.5.1
Requirement:	10.0 metres
Proposed:	7.0 metres
Variance Requested:	3.0 metres; and,

That approval of the minor variance application be subject to the conditions attached as Exhibit A (Recommended Conditions – Minor Variance) to Report Number COA-25-027; and,

That consent application, File Number D10-001-2025, to transfer through lot addition an existing access easement over 911 Front Road to the benefiting party at 913 Front Road, be **provisionally approved** subject to the conditions included in Exhibit B (Recommended Conditions – Consent) to Report Number COA-25-027.

Page 3 of 13

Authorizing Signatures:

ORIGINAL SIGNED BY PLANNER

Chris Wicke, Senior Planner

Consultation with the following Management of the Community Services Group:

Tim Park, Director, Planning Services Malcolm Norwood, Supervisor, Development Approvals

Page 4 of 13

Options/Discussion:

On January 29 and February 3, 2025, applications for minor variance and consent were submitted by Harold Kleywegt, owner of the subject property located at 913 Front Road.

The purpose of the consent application (File Number D10-001-2025) is to transfer by way of lot addition an existing access easement over the lands at 911 Front Road to the benefiting party at 913 Front Road, which is a waterfront lot and currently uses a driveway located in the easement for access. The minor variance (File Number D13-009-2025) is requested to reduce the required minimum lot frontage from 10.0 metres to 7.0 metres as the frontage changes from the waterfront to the street line. There is insufficient land available to the west of the dwelling along the street at 911 Front Road to transfer a parcel wide enough to meet the minimum frontage requirements for 913 Front Road without negatively affecting the required interior setback and existing functions of the property.

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

- Site Plan (Exhibit G);
- Survey
- Letter of Intent

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 913 Front Road (Exhibit C – Key Map). The property is a waterfront lot on Lake Ontario with no street line. It is located on the south side of Front Road between Bayridge Drive to the west and Lakeland Point Drive to the east. It abuts residential properties to the west and east and is in proximity to additional residential properties to the north (Exhibit D – Neighbourhood Context Map). The property contains a one-storey house with an attached garage. The adjacent property at 911 Front Road, from which the lot addition will be transferred, has a frontage of approximately 60 metres and contains two dwellings addressed as 907 and 911 Front Road.

The subject property is designated Residential in the Official Plan (Exhibit E – Official Plan Map) and zoned Urban Residential 4 Zone (UR4) in Kingston Zoning By-Law Number 2022-62 (Exhibit F – Zoning By-Law Map).

Page 5 of 13

Provincial Planning Statement

The Provincial Planning Statement (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.

Consent Application

The review of an application for a consent is subject to Section 53 of the *Planning Act* which requires the approval authority be satisfied that a plan of subdivision is not necessary for the proper and orderly development of the municipality having regard to the matters addressed in subsection 51(24).

The proposal will not result in the creation of a new lot, but will involve a lot addition that will transfer ownership of lands currently used as an access easement to the benefiting party. The proposed consent meets the tests set out in the *Planning Act* and plan of subdivision is not required for the proper and orderly development of the property.

Official Plan

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, organized primarily into neighbourhoods.

A lot addition by way of consent is subject to the consent policies of the Official Plan. In considering whether the proposal is appropriate, the Committee of Adjustment will have regard for the requirements included within the Official Plan, specifically Section 9.6.13 titled: "Criteria for Consent Approval".

The proposed lot addition frontage, depth and area is appropriate for the existing residential development on the site. The existing lot is irregularly shaped, and the proposed lot addition will not result in a more irregular situation. The property at 913 Front Road is a waterfront lot with no street line and approximately 39 metres of water frontage. For waterfront lots with no street line, the front lot line is the lot line contiguous with the water body. In the case of a waterfront lot with a street line, the front lot line is the street line. As such, the lot is transitioning from having approximately 39 metres of water frontage to approximately 7 metres of frontage on the street. However, the zoning specifies a minimum lot frontage of 10 metres for homes in this zone, and therefore the property requires a minor variance. The lot addition is proposed in a manner that

Page 6 of 13

avoids also creating zoning compliance issues or adverse impacts on the adjacent lot from which the lot addition would be transferred. Front Road is identified in the Official Plan as an Arterial Road, and it is not a controlled area subject to provincial review. Access at this location is existing. Due to the lot configuration relative to the public right-of-way, lot access will continue in the same location but will transfer the existing deeded right-of-way with a driveway through the proposed lot addition. No new residential development is proposed through this application. No impact to the heritage system, natural heritage features, natural hazards, cultural heritage resources, or areas with archaeological potential are anticipated. The area of the site subject to the proposed lot addition has been previously cleared of archaeological significance.

Technical details relating to the proposed lot addition such as servicing, traffic impacts, stormwater management, and noise have been reviewed through the technical review process. There are no anticipated issues with the provision of municipal services as no new development is proposed and the properties in question both have municipal services. There is at present a water line on the property, and through the current application, Utilities Kingston is also obtaining an easement over the proposed lot addition for future access to servicing infrastructure.

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

Zoning By-Law

The subject property is zoned Urban Residential 4 Zone (UR4) in Kingston Zoning By-Law Number 2022-62 (Exhibit F – Zoning By-Law Map). The UR4 Zone permits a variety of residential uses including a house, a semi-detached house, and a townhouse. A house is defined as a ground-oriented residential building that is used for the purpose of one or more principal dwelling units on one lot. The properties at 913 Front Road, which is to receive the lot addition, and 911 Front Road, which is to provide the lands, comply with the 30% minimum landscaped open space and maximum 30% lot coverage required for properties in the UR4 Zone.

A minor variance is requested to provide relief from the required minimum lot frontage for the property at 913 Front Road as the proposed lot addition would result in the property changing from having water frontage only to having street frontage, but less than the zoning requires.

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

Page 7 of 13

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 E – 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 within a Housing District on Schedule 2 – City Structure of the Official Plan. This proposal does not seek a significant change that would impact the surrounding properties or neighbourhood characteristics. The subject property is located in an area of the City whereby the land use is residential in a consistent built form of single detached homes. The proposal to transfer through lot addition an existing access easement over the lands at 911 Front Road to create street frontage for 913 Front Road, and by extension to permit a reduced lot frontage, is compatible with the surrounding area. The proposed lot addition will satisfy the zoning provision requiring all lots to have frontage on a public street; however, the proposed minimum lot frontage cannot meet the zoning requirements without also creating zoning compliance issues or adverse impacts on the adjacent lot from which the lot addition would be transferred.

The proposed modifications are not anticipated to have any negative impacts on the neighbourhood. No construction is proposed. No change to the primary use of the property is proposed as a result of the minor variance.

This proposal meets all compatibility criteria and will not result in any negative off-site impacts to abutting properties. The proposed lot frontage on a street resulting from the lot addition will have no impact regarding privacy or overlook as the access to the property will remain the same, and only the ownership of the proposed lot addition will change. Increased levels of light pollution, noise, or odour are not anticipated. Adverse effects due to shadowing are also not anticipated as no construction is proposed.

As no construction is proposed, there will be no adverse impacts to the streetscape along Front Road. The proposed lot addition will provide frontage on a public street for the property at 913 Front Road. As the property at 911 Front Road has approximately 60 metres of lot frontage and the area to be transferred is already functioning as a driveway, the proposal will not negatively impact the functional needs of the current or future residents. The lot addition will serve to bring the area currently used for access into the ownership of the applicant closer to compliance with the zoning by-law.

Page 8 of 13

As no construction is proposed, and lot access will be unchanged except in ownership, there will be no negative impact to the site functioning in terms of access, parking for vehicles or bicycles, or universal accessibility. This proposal is not subject to Site Plan Control.

The proposal has been reviewed from an urban design perspective and with consideration for applicable urban design policies endorsed by Council. There are no concerns from a design perspective with the proposal.

The property has no heritage designation. A small portion property at 911 Front Road is within an area of archaeological potential identified as 'Composite Archaeological Potential'; however, the entirety of the lot at 913 Front Road and the majority of the lot at 911 Front Road are identified as 'Cleared of Archaeological Potential'. Heritage Services have determined that no archaeological assessment will be required at this time given the proposed changes in ownership. The property uses municipal water and sewage services. As this application proposes no construction, no additional service usage is expected.

The cumulative impact of the variance requested for this proposal does not warrant a zoning bylaw amendment. The Committee of Adjustment may require additional conditions as it deems appropriate to the approval of the application. Recommended conditions are listed in "Exhibit A – Recommended Conditions", attached to this report. Conditions may be added, altered, or removed at the Committee's discretion.

The proposal meets the intent of the Official Plan, as the proposed lot frontage created through a lot addition will not result in any negative impacts to adjacent properties or to the neighbourhood.

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

The subject property is zoned Urban Residential 4 Zone (UR4) in Kingston Zoning By-Law Number 2022-62 (Exhibit F – Zoning By-Law Map). The UR4 zone permits a variety of residential uses including a house, a semi-detached house, and a townhouse. A house is defined as a ground-oriented residential building that is used for the purpose of one or more principal dwelling units on one lot.

The proposal requires a variance to Table 11.5.1 of the Kingston Zoning By-law. The following describes the required relief:

Variance Number 1: Minimum lot frontage

By-Law Number 2022-62:	Table 11.5.1
Requirement:	10.0 metres
Proposed:	7.0 metres
Variance Requested:	3.0 metres;

Page 9 of 13

The variance requested maintains the general purpose and intent of the applicable provisions of the by-law which is to ensure that there is frontage on a public street and sufficient lot frontage is provided for access and visibility. In this instance, while there is currently approximately 39 metres of water frontage, there is no street frontage for the lot at 913 Front Road. For waterfront lots with no street line, as is currently the case at this property, the front lot line is the lot line contiguous with the water body. In the case of a waterfront lot with a street line, the front lot line is the street line. As such, the lot is transitioning from having approximately 39 metres of water frontage to approximately 7 metres of frontage on the street. However, the zoning specifies a minimum lot frontage of 10 metres for homes in this zone, and therefore the property requires a minor variance. The reduction in the existing street frontage at 911 Front Road, which is to take place to the west of the existing dwelling, is being done to maximize the available street frontage for the property at 913 Front Road, while also maintaining the required setbacks and minimizing the potential impacts on the property at 911 Front Road. As the property at 911 Front Road has an existing lot frontage of approximately 60 metres, a reduction of 7 metres of frontage will allow it to continue to be compliant with the required minimum lot frontage of 10 metres. Further, as the lot addition to be transferred is where there is an existing driveway for access to the lot at 913 Front Road, there will be no functional impact on the property at 911 Front Road. Locating the proposed lot addition here with a reduced frontage both retains the existing function of both properties and permits the lot at 913 Front Road to have direct and owned access to the municipal right-of-way. This will bring the subject property into compliance with Section 4.8.1 of the Kingston Zoning By-law, which states that a lot or building must not be used or developed unless the lot has a lot line which is also a street line.

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

The variance is minor in nature

The requested variance to reduce the required minimum lot frontage at the street is considered minor as it is in keeping with similar narrow frontages on the street, it is limited to the site, and there is limited potential for impacts. The proposed lot frontage is compatible with the principal dwelling, the surrounding properties and the existing neighbourhood, and it will support the residential use of the property. The proposed lot frontage is designed to maximize the available frontage for the property at 913 Front Road, while also maintaining the required setbacks and minimizing the potential impacts on the property at 911 Front Road. The proposed reduction in the required frontage is not anticipated to result in any adverse effects to the surrounding neighbourhood.

As no new construction is proposed and the lot addition is being limited in width, the proposed lot addition and the existing lots will comply with all other applicable zone provisions, including the lot area, front setback, interior and aggregate interior setbacks, landscaped open space, lot

Page 10 of 13

coverage, number of storeys and number of dwelling units per lot. The proposal will not change the fundamental design characteristics of the neighbourhood. No impact on the surrounding land uses is anticipated.

The variance is considered minor.

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

The requested variance is desirable and appropriate use of the land as the size of the lot frontage on the street for the proposed lot addition is appropriate for the house, and it has been carefully sized and located to be compatible with the existing home and surrounding properties. The proposed lot frontage will have minimal potential for impacts on both surrounding properties and the streetscape, while improving the function of the property for the residents.

The variance is desirable and appropriate use of the land.

Technical Review: Circulated Departments and Agencies

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

Technical Comments

The applications were circulated to external agencies and internal departments for their review and comment and there were no comments or concerns raised that would preclude the applications 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.

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

- ☑ Heritage Services
- ☑ Real Estate
- ⊠ Environment Division
- Canadian National Railways
- □ Ministry of Transportation
- $\hfill\square$ Parks of the St. Lawrence
- □ Trans Northern Pipelines
- □ CFB Kingston
- □ TransCanada Pipelines

Page 11 of 13

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 minor variance and consent applications are consistent with the Provincial Planning Statement and conform 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. The proposed minor variance application meets all four tests under Subsection 45(1) of the *Planning Act* and is being recommended for approval, subject to the proposed conditions.

The requested consent application has regard to the matters set out in subsection 51(24) of the *Planning Act* and a plan of subdivision is not necessary for the proper and orderly development of the property. As such, the requested consent application is recommended for provisional approval.

Provisional approval of these applications will permit a transfer through lot addition of an existing access easement over the lands at 911 Front Road to the benefiting party at 913 Front Road and will provide relief from the minimum required lot frontage.

Existing Policy/By-Law:

The proposed applications were 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

Page 12 of 13

Notice Provisions:

A Committee of Adjustment Meeting is going to be held respecting this application on March 24, 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 14 days in advance of the meeting. In addition, notices were sent by mail to a total number of 19 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:

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

Chris Wicke, Senior Planner, 613-546-4291 extension 3242

Other City of Kingston Staff Consulted:

None

Exhibits Attached:

- Exhibit A Recommended Conditions Minor Variance
- Exhibit B Recommended Conditions Consent
- Exhibit C Key Map
- Exhibit D Neighbourhood Context Map
- Exhibit E Official Plan Map
- Exhibit F Zoning By-Law Map
- Exhibit G Site Plan

Page 13 of 13

Exhibit H Site Photos

Exhibit I Public Notification Map

Recommended Conditions

The approval of minor variance application, File Number D13-009-2025, to permit a reduced minimum lot frontage, shall be subject to the following recommended conditions:

1. Limitation

That the approved minor variance applies only to the proposed lot frontage at 913 Front Road as shown on the plot plan 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. 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.

Recommended Conditions

The provisional approval of consent application, File Number D10-001-2025, to transfer through lot addition an existing access easement over 911 Front Road to the benefiting party at 913 Front Road and to establish easements across the lot addition for access to utilities infrastructure, shall be subject to the following recommended conditions:

1. Certificate of Official and Deadline

That all conditions are satisfied and the Certificate of Official be presented to the Secretary-Treasurer, Committee of Adjustment for certification under Section 53(42) of the Planning Act, R.S.O. 1990 as amended, within two years of mailing of this notice. We suggest that the Land Registry Office be consulted for pre-approval of the Certificate of Official to avoid delays.

The Certificate must be registered within two years from the issuance of the certificate as required under Section 53(43) of the Planning Act, R.S.O. 1990, as amended. A copy of the registered transfer certificate shall be provided to the Secretary-Treasurer, Committee of Adjustment to complete the file.

2. Reference Plan

That a digital version of a Reference Plan be provided in a PDF format by email, illustrating the severed and retained parcels be prepared and presented to the Secretary-Treasurer, Committee of Adjustment prior to the issuance of the Certificate of Official. The reference plan must, in the opinion of the City, conform to the general intent and description of the approved drawings attached to the notice of Decision, including any amendments and conditions approved by the Committee of Adjustment, as stated in the decision.

3. Payment of Taxes

The owner/applicant shall contact the Tax Department at <u>tax@cityofkingston.ca</u> and secure in writing from the Treasurer or the Manager of Taxation and Revenue, proof of payment of current taxes and any special charges (not simply a copy of the tax bill) required to be paid out and a statement of proof that is received and shall be provided to the Secretary-Treasurer Committee of Adjustment, prior to the issuance of the consent certificate. The owner/applicant must pay any outstanding realty taxes and all local improvement charges levied against the property.

4. Standard Archaeological Notice

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

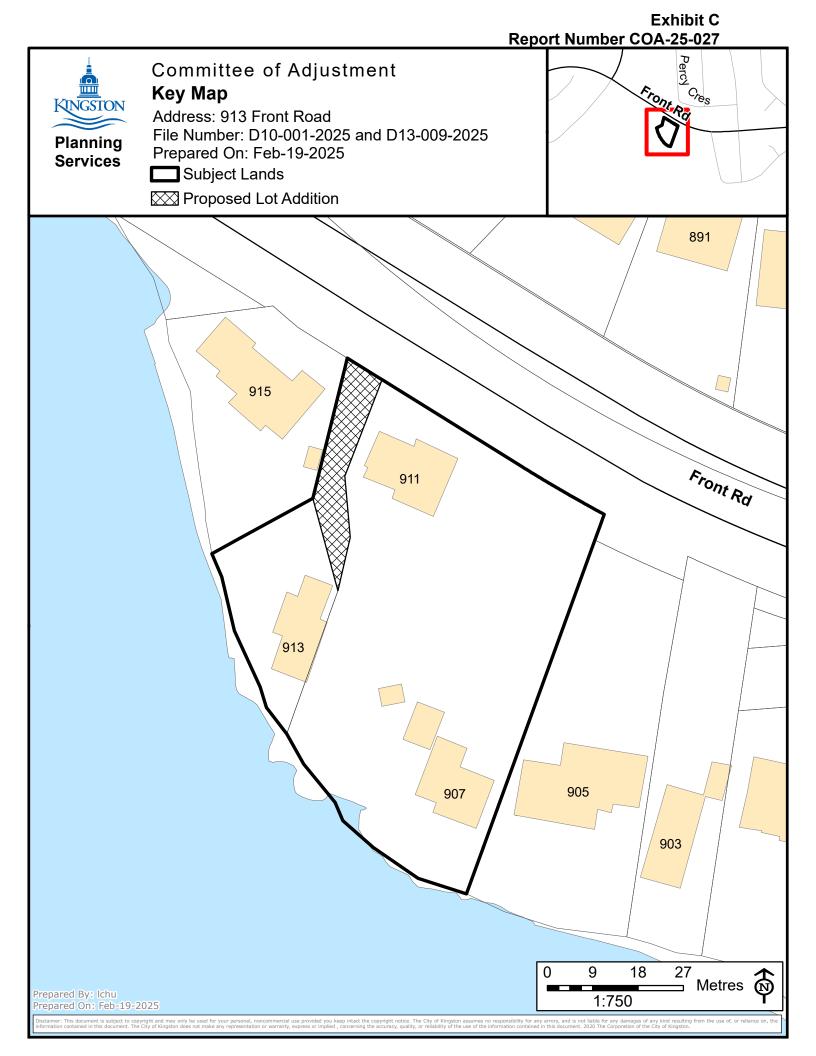
Office of the Chief Coroner as a part of the Ontario Ministry of the Solicitor General (1-877-991-9959), the Archaeology Program Unit of the Ministry of Citizenship and Multiculturalism (archaeology@ontario.ca), and City of Kingston's Planning Services (613-546-4291, extension 3180) must be immediately contacted.

5. Associated Minor Variance

That associated Minor Variance Application D13-009-2025 is approved and all related conditions of approval are fulfilled.

6. Easement

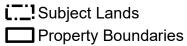
Prior to the issuance of the Certificate of Official, the owner / applicant shall provide a draft transfer easement to the City for its review and approval as it relates to a blanket easement on the lot addition for the purpose of the underground utilities infrastructure. The transfer easement shall be registered on title at the expense of the owner and be free from all encumbrances.





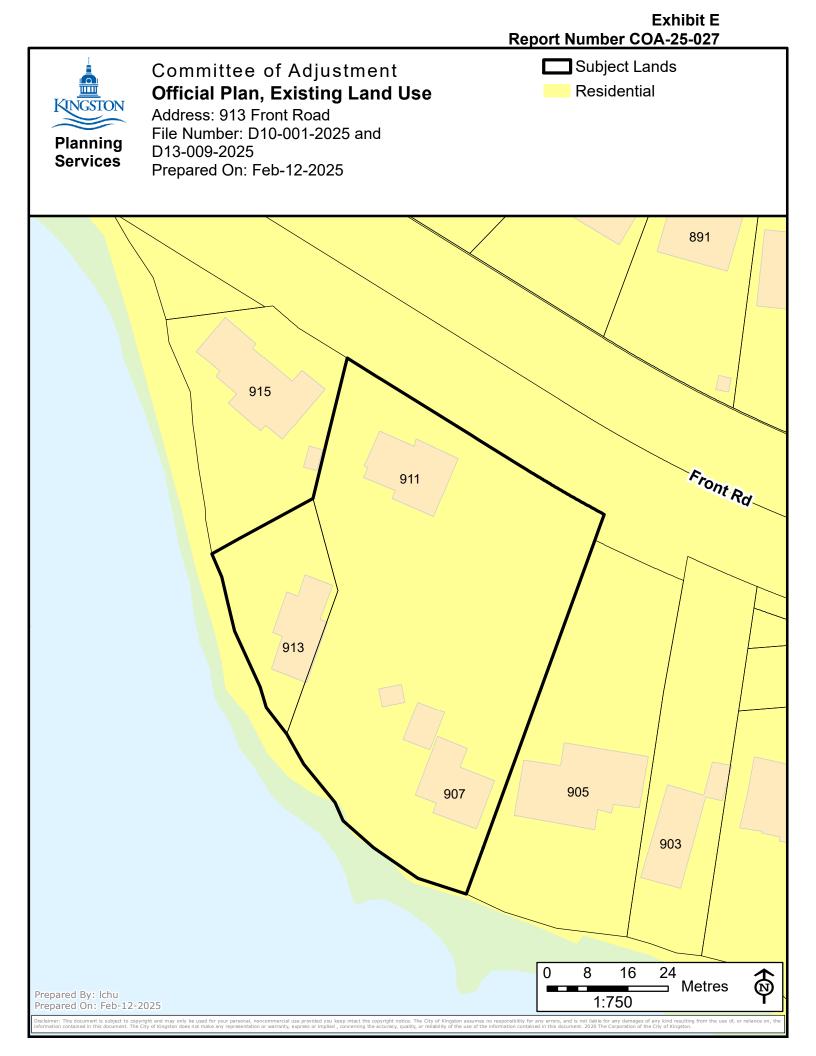
Committee of Adjustment Neighbourhood Context

Planning Services Address: 913 Front Road File Number: D10-001-2025 and D13-009-2025 Prepared On: Feb-12-2025



Proposed Parcels





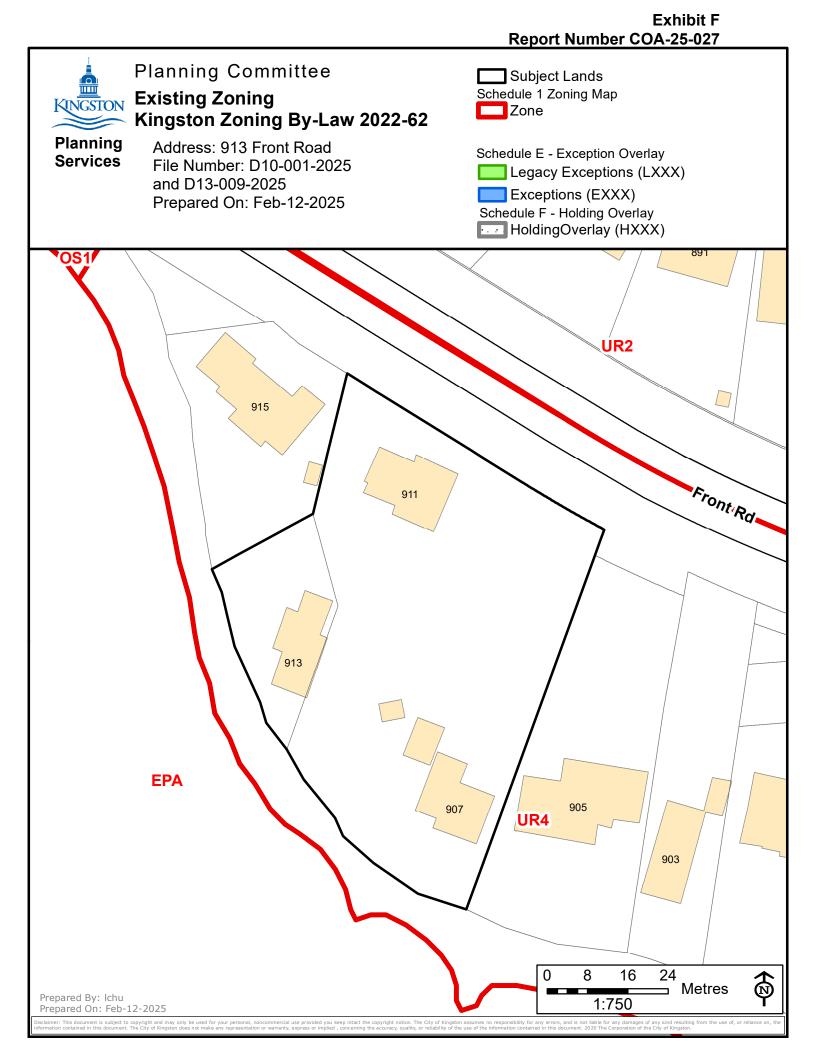


Exhibit G Report Number COA-25-027

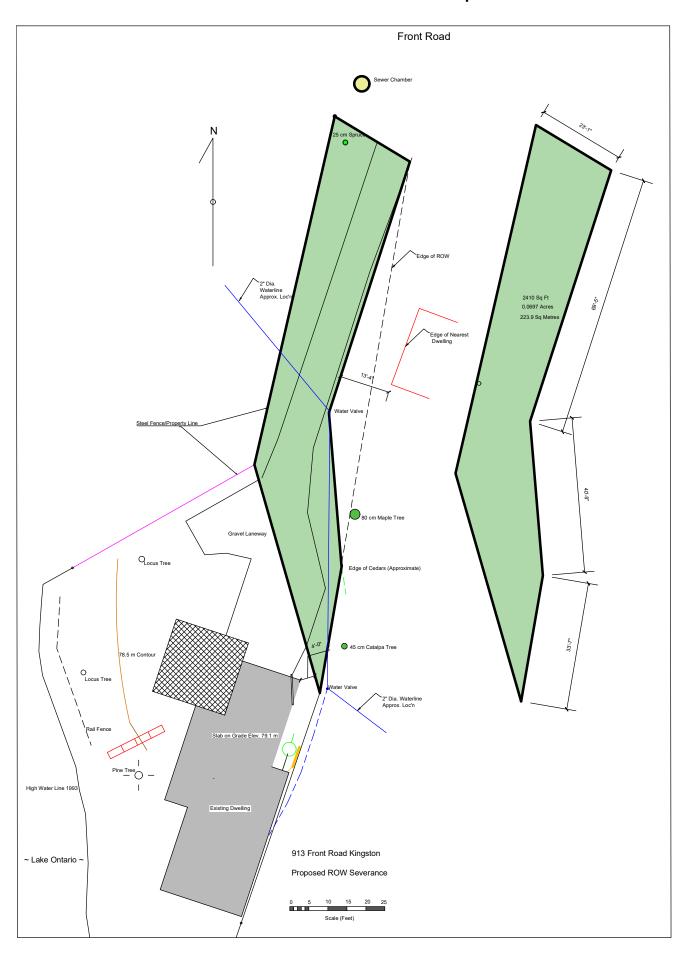




Figure 1: Looking south at the area of proposed lot addition adjacent the subject property.



Figure 3: Looking west beyond the subject property at the adjacent dwelling at 915 Front Rd.



Figure 2: Looking south at adjacent dwelling at 911 Front Road.



Figure 4: Looking north at the properties opposite the subject property.



Figure 5: Looking east along Front Road from adjacent to the subject property.



Figure 6: Looking west along Front Road from adjacent to the subject property.

