

City of Kingston Report to Committee of Adjustment Report Number COA-25-032

To: Chair and Members of the Committee of Adjustment

From: Meghan Robidoux, Senior Planner

Date of Meeting: March 24, 2025

Application for: Minor Variance

File Number: D13-011-2025

Address: 40 Sir John A MacDonald Boulevard

District: District 5 – Portsmouth

Owner: Siderius Developments Ltd

Applicant: Fotenn Consultants and Siderius Developments

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 minor variances for the property located at 40 Sir John A MacDonald Boulevard. The site was previously subject to successful applications for Official Plan amendment, zoning by-law amendment, and draft plan of subdivision (Report Number PC-22-053) to facilitate redevelopment of the subject site with a mixed-use development and divide the subject site into five blocks. Through the detailed design process and technical review associated with the ongoing final plan of subdivision application (City file number D12- 001-2023), the draft plan of subdivision has been revised to expand Block 5 to contain the entirety of the private internal street. These modifications to the boundaries of Block 5 have resulted in re-defining lot lines which has created non-complying setbacks within Block 2. The application is seeking minor variances to reduce the minimum front yard setback and minimum exterior side yard setback associated with Block 2 of the draft plan of subdivision to reflect these changes associated with

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the re-defining of lot lines to place the private internal street within Block 5 as opposed to Block 2.

The requested minor variances are consistent with the general intent and purpose of both the City of Kingston Official Plan and Kingston Zoning By-Law Number 2022-62. The requested minor variances are desirable for the appropriate development or use of the land, building or structure and are 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 D13-011-2025, for the property located at 40 Sir John A MacDonald Boulevard to reduce the minimum front yard setback and minimum exterior side yard setback associated with Block 2 of the draft plan of subdivision, be approved, as described below:

Variance Number 1: Minimum Front Setback

By-Law Number 2022-62:12.5.1(4)
Requirement: 7.5 metres
Proposed: 2.2 metres
Variance Requested: 5.3 metres; and,

Variance Number 2: Minimum Exterior Setback

By-Law Number 2022-62:12.5.1.(6)
Requirement: 7.5 metres
Proposed: 1.5 metres
Variance Requested: 6 metres

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-25-032.

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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 Malcolm Norwood, Supervisor, Development Approvals

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Options/Discussion:

On February 5, 2025, a minor variance application was submitted by Fotenn Consultants and Siderius Developments, on behalf of the owner, Siderius Developments Ltd, with respect to the property located at 40 Sir John A MacDonald Boulevard. The site was previously subject to successful applications for Official Plan amendment, zoning by-law amendment and draft plan of subdivision (Report Number PC-22-053) to facilitate redevelopment of the subject site with a mixed-use development and divide the subject site into five blocks. Through the detailed design process and technical review associated with the ongoing final plan of subdivision application (City file number D12- 001-2023), the plan of subdivision has been revised to incorporate the private internal street into Block 5, rather than incorporating it within the individual development blocks (see the previous and current draft 13M plans attached in Exhibit F). These modifications to the boundaries of Block 5 have resulted in re-defining lot lines which has created noncomplying setbacks in Block 2. The application is seeking minor variances to reduce the minimum front yard setback and minimum exterior side yard setback associated with Block 2 of the draft plan of subdivision to reflect these changes associated with the re-defining of lot lines to place the private internal street within Block 5 as opposed to Block 2.

The requested variances will apply only to the lands known as Block 2, as shown on the draft 13M plan attached in Exhibit F. The requested variances are technical in nature to facilitate a change in block creation for the private internal street and are required to allow land division as contemplated through previous planning approvals. No change to the location of the private internal street is proposed, only where the legal boundary of the street is located.

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

- Draft 13M Plan (Exhibit F);
- Planning Justification Letter; 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 the southwest quadrant of Sir John A MacDonald Boulevard and Union Street in Portsmouth District (Exhibit B – Key Map). The property abuts Queen's University West Campus to the north, the Correctional Service of Canada Museum to the south, low-rise residential uses to the west, and Sir John A MacDonald Boulevard to the east (Exhibit C – Neighbourhood Context Map). The subject site is currently developed with the former Prison for Women, which is located within the boundary of Block 2 of the draft plan of subdivision.

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Block 2 of the subject lands is designated Residential and Site Specific Policy 71 in the Official Plan (Exhibit D – Official Plan Map) and zoned Urban Multi-Residential 4 Zone (URM4) with Exception Overlay E99 and Holding Overlay H150 in Kingston Zoning By-Law Number 2022-62 (Exhibit E – Zoning By-Law Map).

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 variances 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 and Site Specific Policy 71 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 within a Housing District on Schedule 2 of the Official Plan. The proposed variances are required to facilitate the land division previously contemplated and supported by Council through the Report Number PC-22-053. The draft approved subdivision conforms with the policies of Section 2 of the Official Plan, including Section 2.7, as reviewed in detail through the previous applications. The proposed variances are technical in nature and will not impact the compatibility of the proposed built form.

The proposed minor variances have been triggered by the intent to facilitate construction of the internal private street ahead of development on the individual blocks. The Kingston Zoning Bylaw defines a private street as a street, the rights to which will be legally established through a plan of subdivision. The proposed variances will not impact accessibility on the site, rather they will allow means for access and parking to be undertaken earlier in the development process.

The proposed minor variances will not impact the functionality of the site or ability of the site to meet user needs.

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The property is subject to a Heritage Conservation Easement Agreement. The requested variances for front setback and exterior setback from the internal private street will not impact the heritage resources associated with the property. The application has been reviewed by Heritage Services staff, who noted no concerns with the requested variances.

The requested technical variances will not impact the serviceability of site, which will continue to be serviced by municipal servicing infrastructure. A detailed Servicing Report has been submitted through the concurrent final plan of subdivision application (D12-001-2023) and will be finalized through that process.

The impact of the variance is expected to be minor and would not create an undesirable precedent for the area with the application most appropriately addressed through a Minor Variance rather than a Zoning By-law Amendment. Recommended conditions have been provided for the Committee's consideration in Exhibit A of this report.

The proposal meets the intent of the Official Plan, as the proposed variances for front setback and exterior setback 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

Block 2 of the subject lands is zoned Urban Multi-Residential 4 Zone (URM4) with Exception Overlay E99 and Holding Overlay H150 in Kingston Zoning By-Law Number 2022-62 (Exhibit E – Zoning By-Law Map). Exception Overlay E99 permits an apartment building, a park, outdoor gallery and museum uses on Block 2.

As a result of the proposed land division changes to separate the internal private road into Block 5 as shown in Exhibit F, Block 2 will now be defined as a corner lot and a through lot, per the definitions of the Kingston Zoning By-law. The southmost lot boundary of Block 2 will be defined as the front lot line, as it is located opposite to a lot line that does not abut a street, and each of the east and west lot boundaries will be defined as exterior lot lines.

The subdivision now requires variances to Sections 12.5.1(4) and 12.5.1.(6) for minimum front setback and minimum exterior setback respectively as follows:

Variance Number 1: Minimum Front Setback

By-Law Number 2022-62:12.5.1(4)
Requirement: 7.5 metres
Proposed: 2.2 metres
Variance Requested: 5.3 metres; and,

Variance Number 2: Minimum Exterior Setback

By-Law Number 2022-62:12.5.1.(6)
Requirement: 7.5 metres
Proposed: 1.5 metres
Variance Requested: 6 metres

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No change to the development is proposed, no change to the overall functionality or location of the private street is proposed, and no change in the setback between the existing building and the private street is proposed. The variances are technical in nature and triggered simply by adding the private street to Block 5. The proposed private street will continue to have sufficient width to accommodate safe and accessible routes for vehicles and pedestrians. The requested variance to the front setback and exterior setback will not impact the functionality of the private street, nor will it impact the compatibility or functionality of the future Block 2. The variances themselves have been rounded up slightly from the setbacks shown on Exhibit F to account for a potential degree of error or variation on the draft 13M plan.

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

3) The variance is minor in nature

The proposed variances are considered minor as they are technical in nature and necessary to facilitate land division as contemplated through previous planning applications. The previously approved development is not proposed to change as a result of the requested variances. There are no anticipated negative impacts as a result of the reduction in minimum front and exterior setbacks.

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

The requested variances support the advancement of the draft approved subdivision, which will provide for the redevelopment and intensification of an underutilized site in the urban area. The proposed variances will not change the approved use or built form of the site. The proposed variances are therefore desirable for the appropriate use of the land.

Technical Review: Circulated Departments and Agencies

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

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X	Building Services		X	Heritage Services
	Hydro One	☐ Enbridge Pipelines		TransCanada Pipelines
	Kingston Airport			

Technical Comments

This application was circulated to external agencies and internal departments for their review and comment and there were no comments or concerns raised that would preclude this application from moving forward. Any technical comments that are received after the publishing of this report will be included as an addendum to the Committee of Adjustment Agenda.

Public Comments

At the time this report was finalized, no public correspondence has been received regarding this application. 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 address zoning deficiencies resulting from a change in block delineation for the private internal street and will allow for land division as contemplated through previous planning approvals.

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

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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 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 10 days in advance of the meeting. In addition, notices were sent by mail to a total number of 39 property owners (according to the latest Assessment Roll) within 60 metres of the subject property and a courtesy notice was placed in The Kingston Whig-Standard (Exhibit H – Public Notification Map).

Once a decision has been rendered by the Committee of Adjustment, a Notice of Decision will be circulated in accordance with the provisions of the *Planning Act*.

Accessibility Considerations:

None

Financial Considerations:

None

Contacts:

Malcolm Norwood, Supervisor, Development Approvals, 613-546-4291 extension 3236

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

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

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Exhibit E Zoning By-Law Map

Exhibit F Draft 13M Plan (previous and current)

Exhibit G Site Photo

Exhibit H Public Notification Map

Recommended Conditions

The approval of minor variance application, File Number D13-011-2025, to reduce the required front setback and exterior setback for Block 2 of the draft approved subdivision on the subject lands, shall be subject to the following recommended conditions:

1. Limitation

That the approved minor variance applies only to Block 2 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.

Exhibit B Report Number COA-25-032 Committee of Adjustment Union St **Key Map** KINGSTON Address: 40 Sir John A MacDonald Blvd King St W File Number: D13-011-2025 **Planning** Prepared On: Feb-13-2025 **Services** Lands Subject to Minor Variance Yargreaves Way Union St Gardiner_S 545 541 553 549 Sir John A. Macdonald Blvd King St W ⇎ _ Metres Prepared By: Ichu 1:2,000 Prepared On: Feb-13-2025



Committee of Adjustment **Neighbourhood Context**

Address: 40 Sir John A MacDonald Blvd

File Number: D13-011-2025 Prepared On: Feb-13-2025

Subject Lands
Property Boundaries
Proposed Parcels



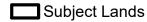
Planning Services

Committee of Adjustment
Official Plan, Existing Land Use

Address: 40 Sir John A MacDonald

Blvd

File Number: D13-011-2025 Prepared On: Feb-13-2025

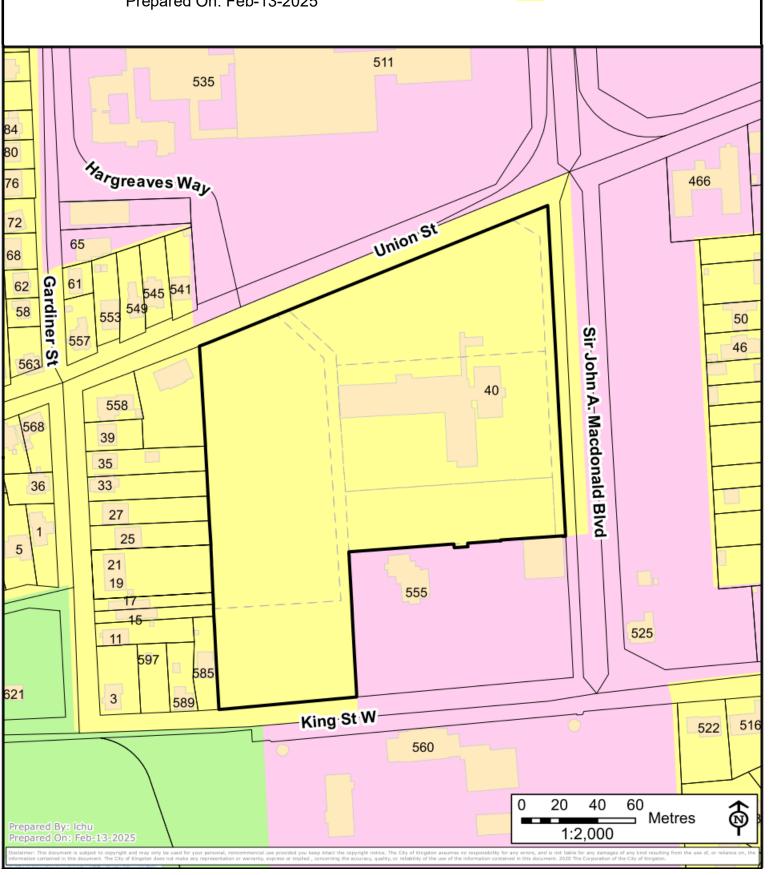


Harbour Area

Institutional

Open Space







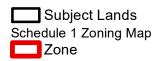
Planning Committee

Existing Zoning Kingston Zoning By-Law 2022-62

Planning Services

Address: 40 Sir John A MacDonald Blvd

File Number: D13-011-2025 Prepared On: Feb-13-2025



Schedule E - Exception Overlay

Legacy Exceptions (LXXX)

Exceptions (EXXX)
Schedule F - Holding Overlay

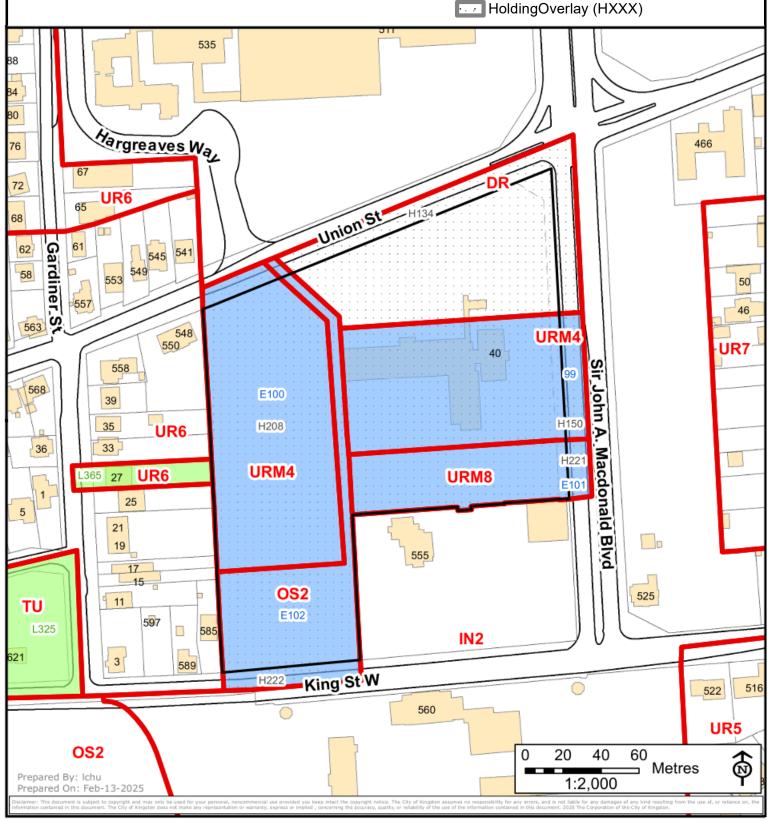


Exhibit F Report Number COA-25-032

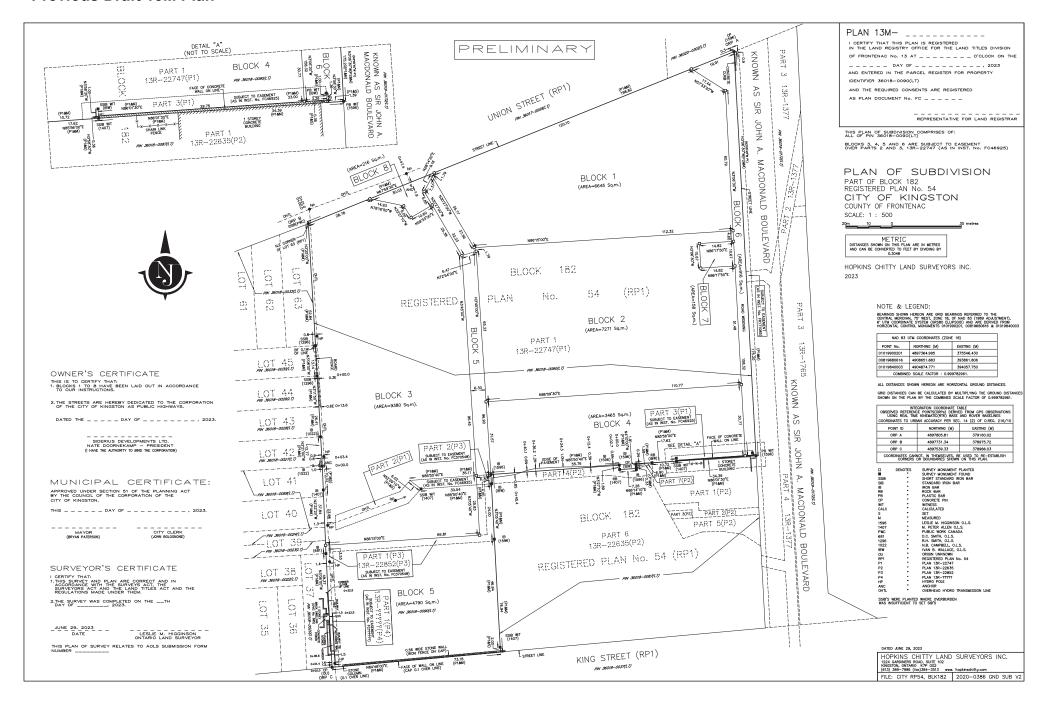
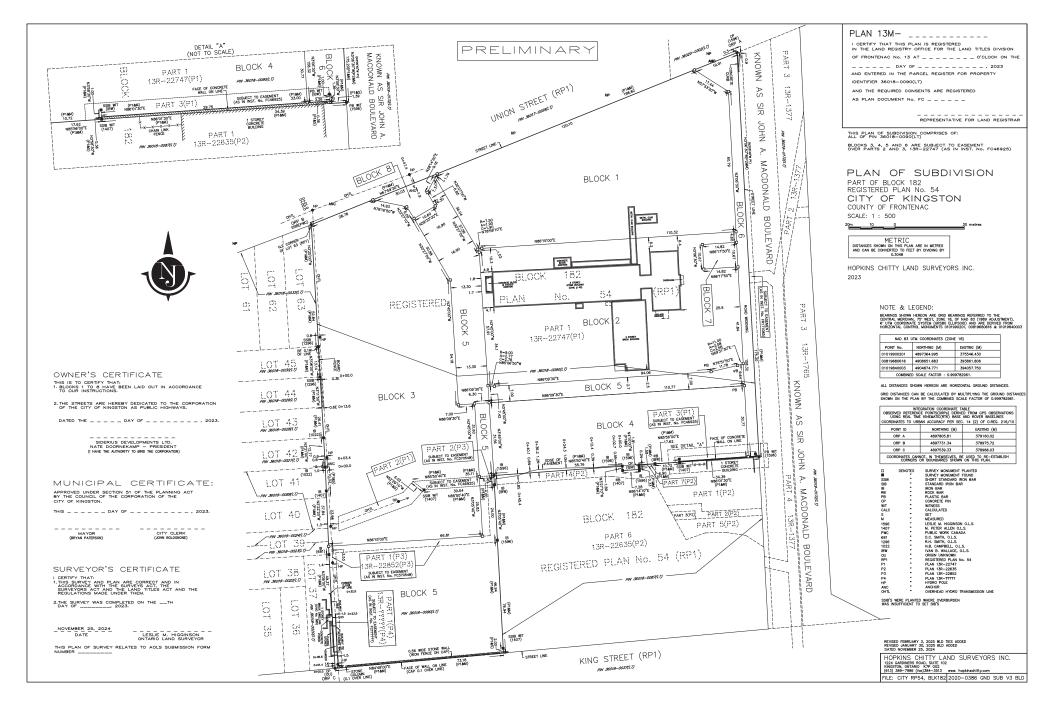


Exhibit F Report Number COA-25-032



Site Photograph



Figure 1: Southwest facing view of subject lands from Sir John A MacDonald Boulevard and the former Prison for Women building.



Committee of Adjustment

Public Notice Notification Map

Address: 40 Sir John A MacDonald

Blvd

File Number: D13-011-2025 Prepared On: Feb-13-2025 60m Public Notification Boundary

Subject Lands

Property Boundaries

_ Proposed Parcels

32 Properties in Receipt of Notice (MPAC)

