

City of Kingston Report to Committee of Adjustment Report Number COA-25-028

To: Chair and Members of the Committee of Adjustment

From: Jacob Slevin, Planner

Date of Meeting: March 24, 2025

Application for: Minor Variance

File Number: D13-003-2025

Address: 523 Johnson Street

District: District 9 – Williamsville

Owner: Bruce Conroy

Applicant: Bruce Conroy

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 523 Johnson Street. The applicant is proposing to develop a second storey addition above an existing one-storey mudroom at the rear of the semi-detached house. To accommodate this proposed addition, minor variances are requested to provide zoning relief for the minimum interior setback and maximum building depth requirements. No other changes are proposed for this property.

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.

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Recommendation:

That minor variance application, File Number D13-003-2025, for the property located at 523 Johnson Street to permit the addition of a second storey addition above an existing one-storey rear mudroom, be approved, as described below:

Variance Number 1: Minimum Interior Setback

By-Law Number 2022-62:Table 12.4.1.7

Requirement: 0.6 metres
Proposed: 0 metres
Variance Requested: 0.6 metres

Variance Number 2: Maximum Building Depth

By-Law Number 2022-62:Table 12.4.1.11

Requirement: 18 metres
Proposed: 22 metres
Variance Requested: 4 metres; and

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-25-028.

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Authorizing Signatures:

ORIGINAL SIGNED BY PLANNER

Jacob Slevin, Planner

In Consultation with the following Growth and Development Services Group:

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

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Options/Discussion:

On January 22, 2025, a minor variance application was submitted by Bruce Conroy, owner of the property located at 523 Johnson Street. The applicant had previously submitted a application for a Building Permit in December 2024 to allow the development of a new second storey addition above an existing mudroom at the rear of the existing semi-detached home. During a review of this Building Permit, Planning staff determined that minor variances would be required to enable this development.

The requested variances are to provide relief from the zoning provisions related to minimum interior setbacks and maximum building depth. The proposed interior setback and building depth will align with the setbacks and building depth of the existing one-storey mudroom.

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

- Site Plan (Exhibit F)
- Survey (Exhibit G)
- Floor Plans and Elevations (Exhibit H)

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 523 Johnson Street within the Williamsville District (Exhibit B – Key Map). The property is situated to the north-east of the intersection of Albert Street and Johnson Street and located less than 200 metres south of Victoria Park. Surrounding land uses are primarily low-rise residential homes (Exhibit C – Neighbourhood Context Map).

The subject property is designated Residential in the Official Plan (Exhibit D – Official Plan Map) and zoned Urban Multi-Residential Zone 8 (URM8) in Kingston Zoning By-Law Number 2022-62 (Exhibit E – Zoning By-Law Map). Despite the multi-residential zoning, the subject property and the majority of the surrounding properties are developed as low-rise residential land uses. The URM8 Zone specifies that uses which legally existed prior to the passage of the Kingston Zoning By-law are considered permitted uses.

Holding Overlay Number 186 (H186) also applies to the subject property, however, uses which legally existed prior to the passage of the Kingston Zoning By-law are exempt from H186. Removal of the Holding Overlay is not required to enable the proposed development.

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Provincial Planning Statement

In addition to the four tests of a minor variance detailed below, Subsection 3(5) of the *Planning Act* requires that a decision in respect of the exercise of any authority that affects a planning matter shall be consistent with the Provincial Planning Statement (the PPS). The PPS provides policy direction on matters of provincial interest related to land use planning and development which are complemented by local policies addressing local interests. The application being considered is site specific to accommodate a specific proposal and does not involve any major policy considerations and as such, the proposal conforms to and is consistent with the PPS.

Minor Variance Application

The review of an application for minor variance(s) is not a simple mathematical calculation, but rather a detailed assessment of whether the variance(s) requested, both separately and together, meet the four tests of a minor variance outlined in Subsection 45(1) of the *Planning Act*. The following provides this review:

1) The general intent and purpose of the Official Plan is 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 property is located within a Housing District and developed as a semi-detached house, a low-rise building type as defined by Section 2.6 of the Official Plan. The proposed second storey addition is relatively minor in nature and will not alter the residential building type or increase the residential density of the subject property.

The proposed addition will be compatible with the built form of the surrounding area, given that the adjacent semi-detached home at 521 Johnson Street is already developed with a two-storey rear addition. The proposed addition will serve to better align the subject property with this adjacent building. No adverse impacts to any adjacent properties are anticipated based on approval of this application.

No changes are proposed to the site which would alter the functionality of the site in terms of access, vehicle parking, and bicycle parking. The subject property does not contain built heritage resources and is not designated under the *Ontario Heritage Act*. Heritage Planning staff have reviewed this application and confirmed that since no new ground disturbance is being proposed, archeological clearance of the property will not be required.

The subject property is within the Urban Boundary and is serviced by existing municipal infrastructure in terms of water and sewage services.

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Given that the use of the property is not changing, the residential density is not increasing, and that the requested variances are considered to be minor, a zoning by-law amendment would be unnecessary for granting the requested zoning relief. A minor variance is the appropriate application type for this proposal.

The proposed second storey addition will mirror the rear addition of the adjacent semi-detached home at 521 Johnson Street (Exhibit H – Floor Plans and Elevations; Exhibit I – Site Photos). Given that the proposed new development will align with the built form of the adjacent property, no new precedents will be set by approval of the requested variances.

A full list of the conditions attached to this variance are available for viewing in Exhibit A – Recommended Conditions.

The proposal meets the intent of the Official Plan, as the proposed second storey addition 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 is maintained

The subject property is zoned URM8 in Kingston Zoning By-Law Number 2022-62 (Exhibit E – Zoning By-Law Map). The URM8 Zone permits multi-residential uses such as apartment buildings, mixed use buildings, and stacked townhouses. However, Section 12.9.2.5 of the Kingston Zoning By-Law specifies that uses which were legally established prior to the enactment of the By-Law are deemed to be permitted uses in a URM8 Zone. Furthermore, Section 12.9.2.5 directs these uses to comply with the provisions of the URM3 Zone when the lots are located east of Albert Street.

Given that the subject property at 523 Johnson Street is located east of Albert Street, the minor variance proposal is being reviewed against the provisions of the URM3 Zone.

The proposal requires a variance to Table 12.4.1.7, which establishes a minimum interior setback, and Table 12.4.1.11, which establishes a maximum permitted building depth.

Variance Number 1: Minimum Interior Setback

By-Law Number 2022-62: Table 12.4.1.7

Requirement: 0.6 metres
Proposed: 0 metres
Variance Requested: 0.6 metres

The proposed variance to reduce the minimum interior setback is consistent with the intent of the Kingston Zoning By-Law and appropriate for the built form of a semi-detached house. The intent of minimum interior setback requirements is to provide an appropriate separation distance between land uses. Certain types of residential land uses, such as semi-detached homes and townhouses, must by definition be connected to each other. For these connected residential uses, it is impossible to provide an interior setback. Residential zones which contemplate the development of semi-detached houses and townhouses recognize this and specify that for

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semi-detached houses and townhouses, there is no interior setback requirement. A variance is required in this case due to the fact that the URM3 Zone does not contemplate the development of semi-detached houses or townhouses, and therefore the interior setback requirements of the URM3 Zone do not include any exceptions for semi-detached houses or townhouses.

As such, a variance is required in this case to permit a zero metre interior setback. Despite the need for a variance in this case, the lack of an interior setback requirement is consistent with the Kingston Zoning By-Law, given that other residential zones which specifically contemplate the development of semi-detached houses and townhouses do not require interior setbacks, given that this would be impossible to accommodate for this type of built form.

Variance Number 2: Maximum Building Depth

By-Law Number 2022-62:Table 12.4.1.11

Requirement: 18 metres Proposed: 22 metres Variance Requested: 4 metres

The intent of the maximum building depth requirement is to regulate residential building and ensure that properties maintain a relatively consistent and compatible built form, that buildings do not occupy an excessive portion of the length of a property, and that an adequate separation is maintained between the rear wall of the building and the rear lot line.

The requested variance to allow a larger maximum building depth is consistent with the intent of the zoning provision. The proposed addition of a second storey mudroom on the subject property will mirror the built form of adjacent semi-detached home at 521 Johnson Street, which also contains a two-storey rear addition. The proposed addition for the subject property will not extend out further than the rear addition of this adjacent property, ensuring that a consistent and compatible built form will be maintained.

Additionally, the proposed second storey addition will not extend the overall depth of the building. Rather, the addition will be directly above the existing one-storey rear mudroom, which is already legal non-complying with respect to the maximum building depth provision. While additional floor space is being added to the building, the overall building footprint will not be expanded, and the overall depth of the building will not be increased as a result of this proposal. Given that the depth of the building will not be increased, there will be no change to the dimensions of the rear yard, and the separation distance between the rear wall of the building and the rear lot line will remain the same.

For the reasons described above, the requested variances are considered to maintain the general intent and purpose of the zoning by-law.

3) The variances are minor in nature

The variance is considered minor as the effect of the proposed variances will be to enable the development of an approximately 15 square metre second-storey addition above the existing rear mudroom, which represents a relatively modest increase in gross floor area for the semi-

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detached home. The proposed variances will not allow for any change of use or for an increase in density on the subject property. As discussed above, despite the variance for an increased maximum building depth, there is no proposed increase to the overall footprint of the buildings or any expansion closer to the rear lot line. The variance to the minimum interior setback requirement is solely due to the fact that the URM3 Zone does not contemplate the development of semi-detached houses or townhouses. The proposed addition is compatible with all other applicable provisions of the zoning by-law. Given the above, the requested variances are considered to be minor in nature.

4) The variances are desirable for the appropriate development or use of the land, building or structure

The requested variances are considered to be desirable and appropriate, as approval of the variances will enable the development of a second storey addition above the existing rear mudroom. This proposed addition would represent an improvement of the existing building by increasing the gross floor area to provide the building with additional useable space. Given that this addition will not expand the building footprint, the addition to the building can be accomplished without altering the function of the subject property in any way.

As such, the variances will enable a desirable and appropriate use of the land.

Technical Review: Circulated Departments and Agencies

\boxtimes	Building Services		
	Finance	□ Utilities Kingston	⊠ Real Estate
	Fire & Rescue	⊠ Kingston Hydro	⊠ Environment Division
\boxtimes	Solid Waste	□ Parks Development	☐ Canadian National Railways
	Housing		☐ 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
	Hydro One	☐ Enbridge Pipelines	☐ TransCanada Pipelines
	Kingston Airport		

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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 have been received. Any public comments received after the publishing of this report will be included as an addendum to the Committee of Adjustment Agenda.

Previous or Concurrent Applications

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

Conclusion

The requested 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 enable the development of a second storey addition above the existing mudroom at the rear of the semi-detached home at 523 Johnson Street.

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

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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 72 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

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

Exhibit F Site Plan

Exhibit G Survey

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Exhibit H Floor Plans and Elevations

Exhibit I Site Photos

Exhibit J Public Notification Map

Recommended Conditions

The approval of minor variance application, File Number D13-003-2025, to facilitate the development of a second storey addition to a rear mudroom at 523 Johnson Street, shall be subject to the following recommended conditions:

1. Limitation

That the approved minor variance applies only to the second storey addition 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-25-028 Committee of Adjustment **Key Map Brock St** KINGSTON Address: 523 Johnson Street Macdonnell File Number: D13-003-2025 J<mark>ohnson St</mark> Victoria St University Aye **Planning** Prepared On: Feb-13-2025 Ś Frontenac **Services** Lands Subject to Minor Variance Earl St Ś Albert St 503 501 515 511 Johnson St 524 522 翰 Metres Prepared-By: Ichu 1:750 Prepared On:-Feb-13-2025



Committee of Adjustment **Neighbourhood Context**

Address: 523 Johnson Street File Number: D13-003-2025 Prepared On: Feb-13-2025

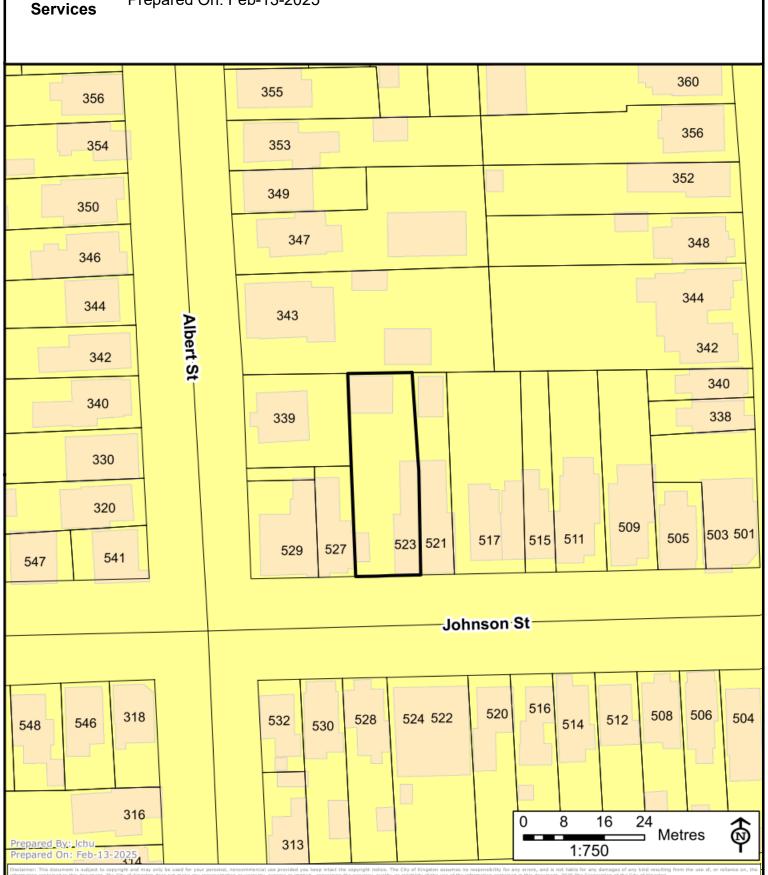
Subject Lands
Property Boundaries
Proposed Parcels





Committee of Adjustment Official Plan, Existing Land Use

Address: 523 Johnson Street File Number: D13-003-2025 Prepared On: Feb-13-2025 Subject Lands
Residential



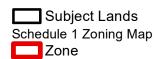


Planning Committee

Existing Zoning Kingston Zoning By-Law 2022-62

Planning Services

Address: 523 Johnson Street File Number: D13-003-2025 Prepared On: Feb-13-2025

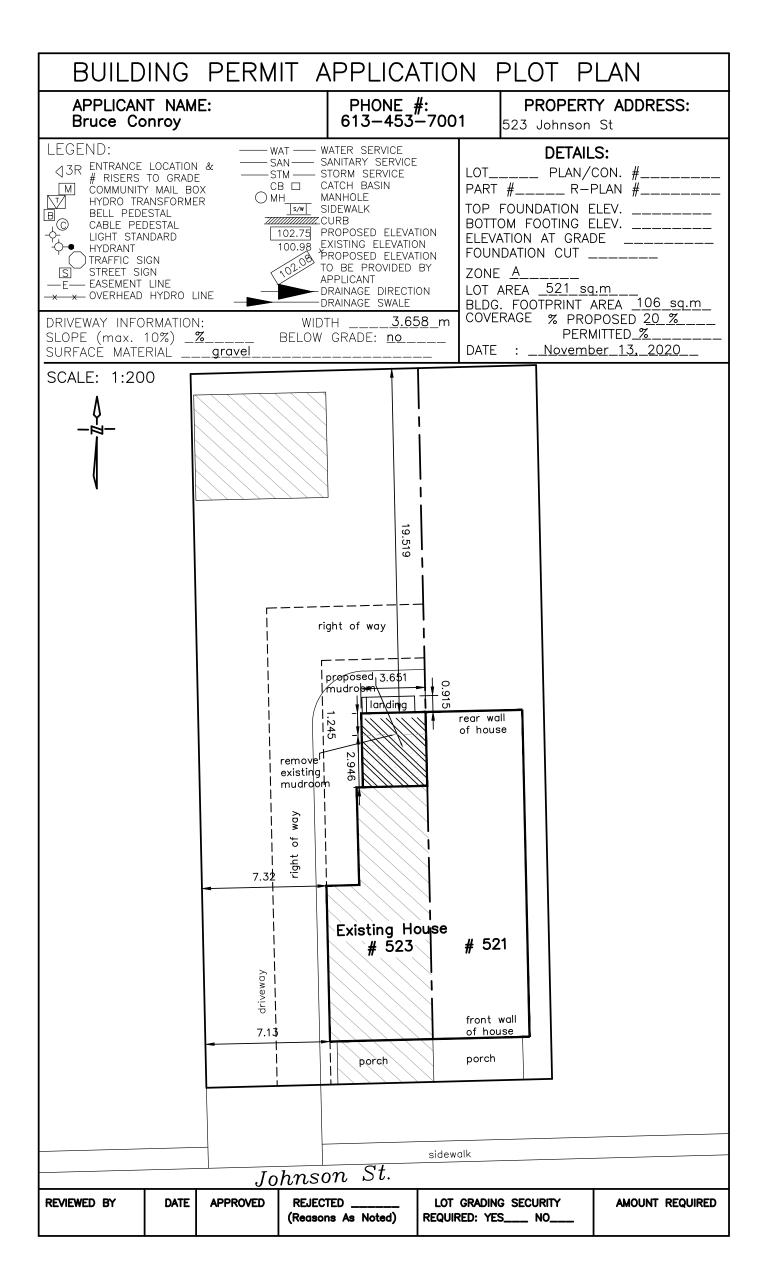


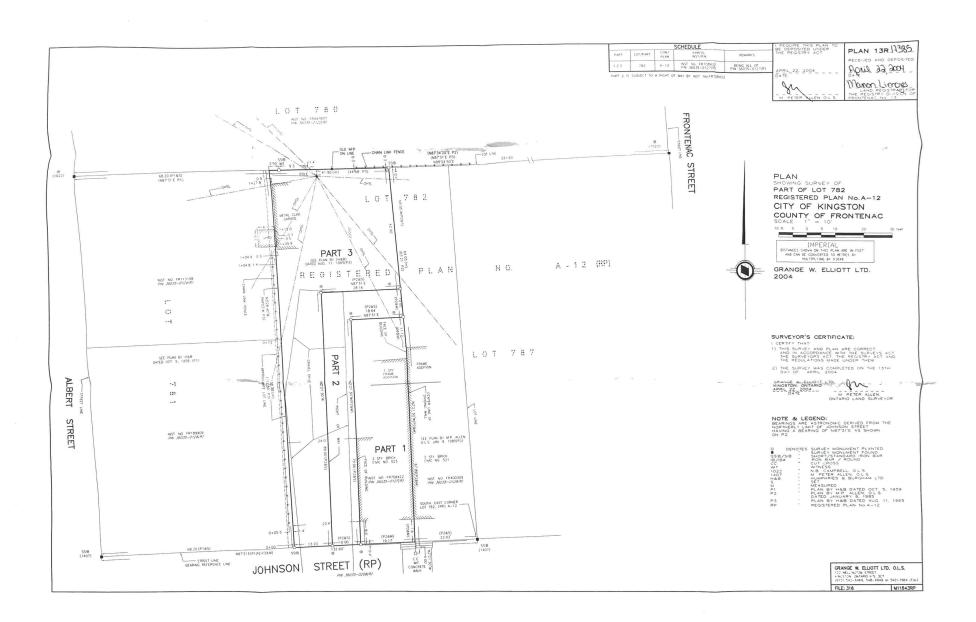
Schedule E - Exception Overlay

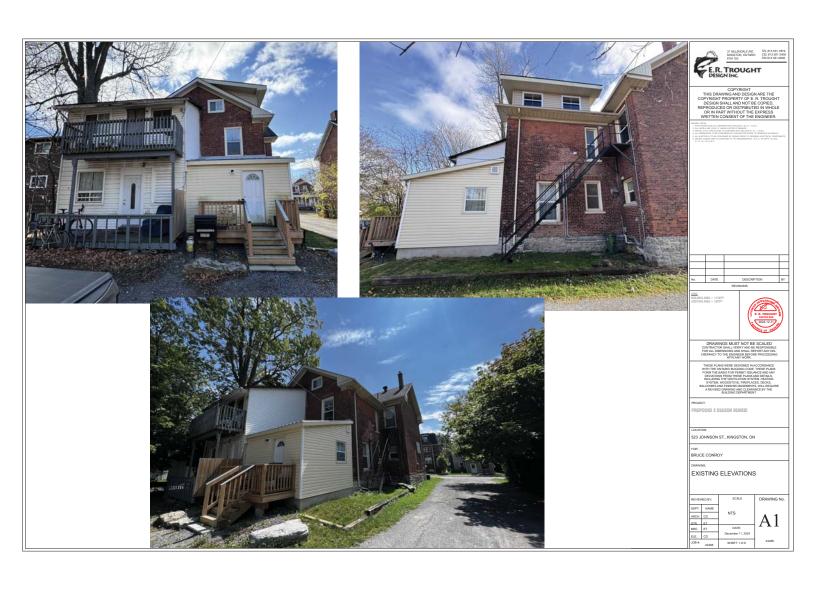
Legacy Exceptions (LXXX)

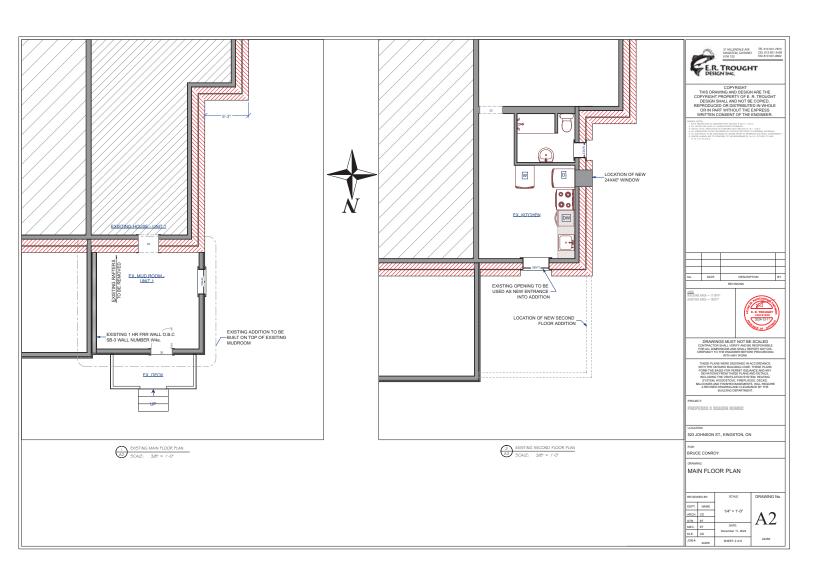
Exceptions (EXXX)
Schedule F - Holding Overlay
HoldingOverlay (HXXX)



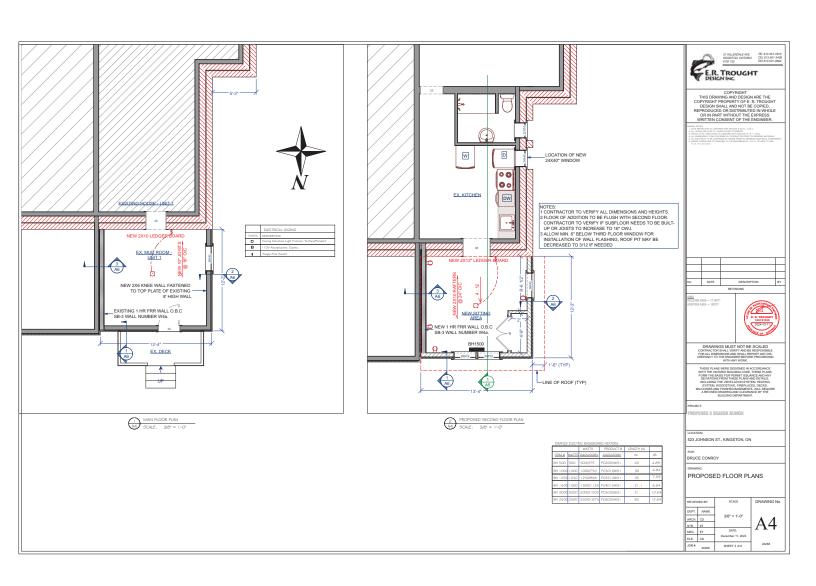


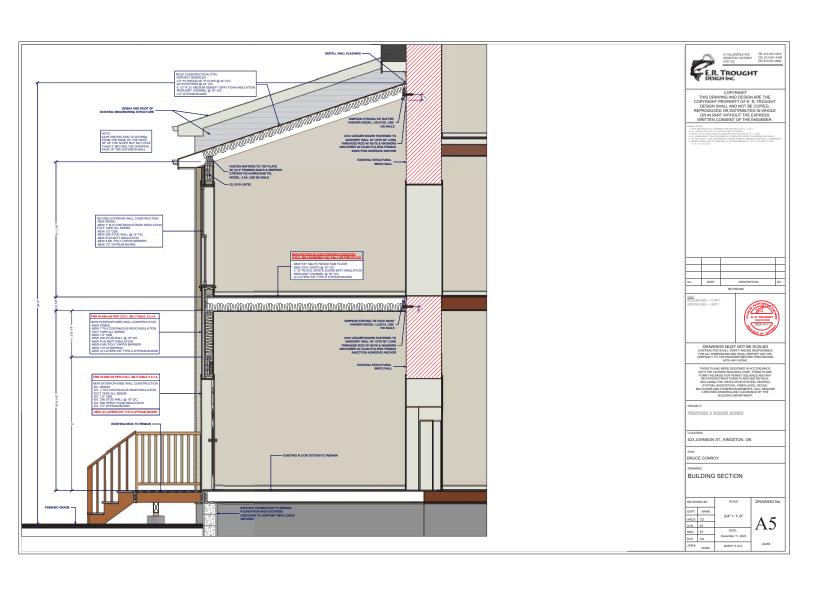












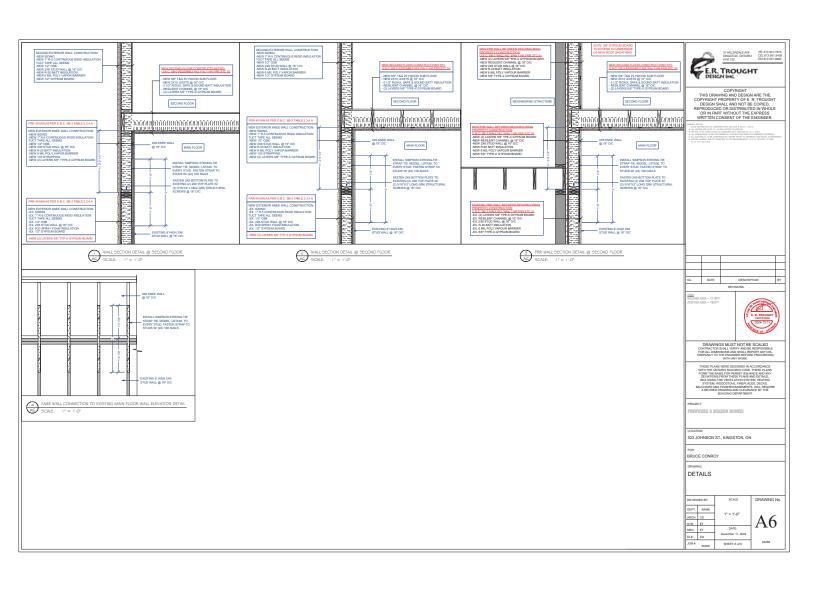




Figure 1: View of the existing rear mudroom at 523 Johnson Street. The proposed second storey addition, containing a new bedroom, would be placed directly above the mudroom. This will mirror the rear addition of the neighbouring unit, but without a balcony.

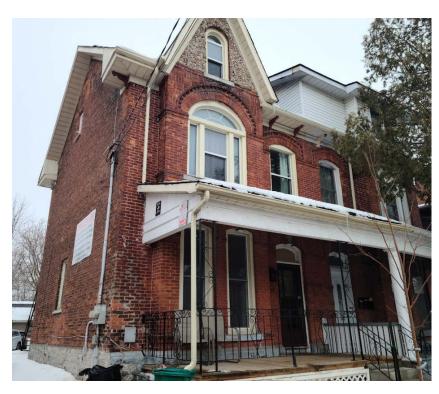


Figure 2: Frontal view of the semi-detached house at 523 Johnson Street. Aside from the rear addition, no other development or alterations are proposed to the existing building. The building footprint will not be expanded as part of the proposed works.



Committee of Adjustment

Public Notice Notification Map

Address: 523 Johnson Street File Number: D13-003-2025

60m Public Notification Boundary

Subject Lands

Property Boundaries

