

City of Kingston Report to Committee of Adjustment Report Number COA-25-017

То:	Chair and Members of the Committee of Adjustment
From:	Chris Wicke, Senior Planner
Date of Meeting:	January 27, 2025
Application for:	Minor Variance
File Number:	D13-087-2024
Address:	23 Traymoor Street
District:	District 10 - Sydenham
Owner:	Shoshanna Green
Applicant:	Asterisk Engineering Corporation

Council Strategic Plan Alignment:

Theme: Regulatory & compliance

Goal: See above

Executive Summary:

This report provides a recommendation to the Committee of Adjustment regarding an application for a minor variance for the property located at 23 Traymoor Street. The applicant is proposing to construct a front porch and an enclosed entry onto the existing dwelling.

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.

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Recommendation:

That minor variance application, File Number D13-087-2024, for the property located at 23 Traymoor Street to permit a front porch and an enclosed entry on the existing dwelling, be approved, as described below:

Variance Number 1: Deck and porch minimum front setback

By-Law Number: 2022-62: Table 4.20.4.2 Requirement: 3.5 metres Proposed: 2.2 metres Variance Requested: 1.3 metres

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-25-017.

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Authorizing Signatures:

ORIGINAL SIGNED BY PLANNER

Chris Wicke, 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 November 18, 2024, a minor variance application was submitted by Asterisk Engineering Corporation, on behalf of the owner, Shoshanna Green, with respect to the property located at 23 Traymoor Street. The variance is requested to permit the construction of a covered front porch and an enclosed entry onto the existing dwelling. The existing dwelling currently has a small concrete front porch with steps that are oriented parallel to the front face of the house. The existing dwelling is set back 6.28 metres from the front lot line, meeting the minimum setback requirements. The enclosed entrance is proposed to project 1.75 metres from the front face of the dwelling, meeting the minimum front setback requirement. However, the proposed covered porch and stairs would project an additional approximately 2.3 metres toward the front lot line. As such, a reduction is required from the general provision specifying the minimum front setback for decks and porches of 3.5 metres to 2.2 metres. No relief is required from the provisions of the applicable zone.

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

- Site Plan (Exhibit F)
- Planning Justification Report
- Owner Authorization
- Elevations
- Floor Plans

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 23 Traymoor Street (Exhibit B – Key Map). The property is north of Union Street, south of Hill Street and west of Ellerbeck Street. The property contains a two-storey single detached house with an existing small front porch, with a deck and a detached garage in the rear yard. The property is located in an established urban residential area surrounded by single detached houses (Exhibit C – Neighbourhood Context Map).

The subject property is designated Residential in the Official Plan (Exhibit D – Official Plan Map) and zoned Urban Residential 5 Zone (UR5) 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

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policy direction on matters of provincial interest related to land use planning and development which are complemented by local policies addressing local interests. The application being considered is site specific to accommodate a specific proposal and does not involve any major policy considerations and as such, the proposal conforms to and is consistent with the PPS.

Minor Variance Application

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

The general intent and purpose of the Official Plan are maintained

The subject property is designated Residential in the City of Kingston Official Plan (Exhibit D – Official Plan Map). In considering whether this proposed variance is desirable, the Committee of Adjustment will have regard to the nine requirements included in Section 9.5.19 of the Official Plan.

The subject 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 a residential area of the City consisting of predominately detached houses of varied built form. The proposal to construct a covered front porch and an enclosed entrance is compatible with the surrounding area. The modifications are not anticipated to have any negative impacts on the neighbourhood. The proposed entrance features are to take place in the front yard. No change to the primary use of the property is proposed as a result of the minor variance. An expansion to the building footprint is proposed, and it is in keeping with the size and form of the surrounding houses.

This proposal to permit the construction of a covered front porch and an enclosed entrance meets all compatibility criteria and will not result in any negative off-site impacts to abutting properties. The proposed entrance elements have minimal potential for impacts and will not result in a loss of privacy due to intrusive overlook. Increased levels of light pollution, noise, or odour are not anticipated. Adverse effects due to shadowing are also not anticipated as the proposed entrance features at approximately one-storey in height are well below the overall height of the existing two-storey building. Located on the southern portion of the front face of the building, no significant shadows will be created by the proposed structure and there is minimal potential for shadows from the entrance features to affect the adjacent property.

While the location of the proposed entrance features will be readily visible from the street and surrounding area due to the location in the front yard of the home, no adverse impacts to the streetscape along Traymoor Street are anticipated. There is an existing concrete porch on the Traymoor Street frontage of the house. No additional zoning relief is required beyond the requested minor variance for the front yard setback.

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The proposed covered front porch and enclosed entrance are of a suitable scale and will provide for an improved entrance with weather-protection and additional storage, with improved covered amenity space. The entrance features are designed to be complementary to the characteristics of the existing house and the broader streetscape.

The proposal will not negatively impact the functional needs of the current or future residents. The footprint of the principal building will be increased by a small amount through the introduction of the enclosed entrance.

The proposed structure will have no negative impact to the site functioning in terms of access, parking for vehicles or bicycles, or universal accessibility. The existing provision of parking spaces will be unchanged. 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 is not a designated heritage resource, nor is it located adjacent to designated properties.

The property is within an area of archaeological potential identified as 'Composite Archaeological Potential'. However, Heritage Services has determined that no archaeological assessment will be required at this time as the principal structure likely resulted in subsurface disturbance during its construction. The property uses municipal water and sewage services. As this application proposes to permit an addition to the existing structure with no new services and an existing dwelling, 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 front porch and an enclosed entry 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 5 Zone (UR5) in Kingston Zoning By-Law Number 2022-62 (Exhibit E – Zoning By-Law Map). The UR5 zone permits a range of residential uses including a house. The property is also subject to the general provisions of the By-Law including those of Section 4.20 regarding decks, porches and balconies.

The proposal requires a variance to Table 4.20.4 of the Kingston Zoning By-law. The following describes the required relief:

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Variance Number 1: Deck and porch minimum front setback

By-Law Number: 2022-62: Table 4.20.4.2 Requirement: 3.5 metres Proposed: 2.2 metres Variance Requested: 1.3 metres

The variance requested maintains the general purpose and intent of the applicable provisions of the zoning by-law which is to avoid the construction of deck and porch structures in the front yard which result in obstructions, visual discontinuity, or issues of access for maintenance.

The enclosed entrance meets the minimum front setback requirements of the UR5 zone. However, the proposed covered porch and reoriented stairs would project an additional approximately 2.3 metres toward the front lot line. As such, a reduction of 1.3 metres is required from the general provision requiring a minimum front setback for decks and porches of 3.5 metres, permitting the porch and stairs to be located 2.2 metres from the front lot line. The proposed entrance features are actually placed further back from the front lot line than the porches and entrances on many of the nearby properties. Again, no relief is required from the provisions of the applicable UR5 zone for the proposed development.

The covered porch and enclosed entry have been carefully designed to be appropriate for the context and are in keeping with similar projections into the front yard as other buildings in proximity. They are proposed to be a height of 0.72 metres from grade to the floor, with an area of approximately 13.4 square metres.

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

The variance is minor in nature

The requested variance to permit the proposed covered porch and enclosed entrance are considered minor as they in keeping with similar features on the street, they will be limited to the site, and they are limited in the potential for any impacts. The proposed entrance elements are compatible with the principal dwelling, the surrounding properties and the existing neighbourhood, and they will support the residential use of the property. The proposed covered front porch and enclosed entrance would replace an existing small front porch. They are designed with an attention to detail and quality of construction that is in keeping with the adjacent structures and the surrounding neighbourhood. The proposed alterations are not anticipated to result in any adverse effects to the surrounding neighbourhood.

The proposed front porch and enclosed entrance comply with all other applicable zone provisions, including the front yard setback for the principal structure, interior and aggregate interior setbacks, landscaped open space, 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 in nature.

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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 scale and design of the covered front porch and enclosed entrance is appropriate for the dwelling size, and they have been carefully detailed to be compatible with the existing characteristics of the home and surrounding properties. The proposed entrance features have minimal potential for impacts on both surrounding properties and the streetscape, while improving the liveability and function of the property for the residents, with improved weather protection and amenity space and in a manner that is sensitive to the existing residential context. The variance is desirable and appropriate use of the land.

The variance is desirable and appropriate use of the land.

Technical Review: Circulated Departments and Agencies

 \boxtimes Engineering

☑ Utilities Kingston

⊠ Parks Development

⊠ District Councillor

⊠ Municipal Drainage

□ KFL&A Health Unit

□ Enbridge Pipelines

Eastern Ontario Power

⊠ Kingston Hydro

- Building Services
- □ Finance
- □ Fire & Rescue
- \boxtimes Solid Waste
- \boxtimes Housing
- □ KEDCO
- \boxtimes CRCA
- □ Parks Canada
- □ Hydro One
- □ 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 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.

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

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Conclusion

The requested variance(s) maintain(s) 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 permit the construction of a covered front porch and an enclosed entrance on existing single detached house.

Existing Policy/By-Law:

The proposed application was reviewed against the policies of the Province of Ontario and City of Kingston to ensure that the changes would be consistent with the Province's and the City's vision of development. The following documents were assessed:

Provincial

Provincial Planning Statement, 2024

Municipal

City of Kingston Official Plan

Kingston Zoning By-Law Number 2022-62

Notice Provisions:

A Committee of Adjustment Meeting is going to be held respecting this application on 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 50 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

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Contacts:

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

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

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 Floor Plans and Elevations
- Exhibit H Site Photos
- Exhibit I Public Notification Map

Recommended Conditions

The approval of minor variance application, File Number D13-087-2024, to construct a covered front porch and enclosed entrance, shall be subject to the following recommended conditions:

1. Limitation

That the approved minor variance applies only to the proposed front porch and enclosed entrance at 23 Traymoor Street 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. 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 Neighbourhood Context

Address: 23 Traymoor St. File Number: D13-087-2024 Prepared On: Dec-16-2024 Subject Lands

Proposed Parcels





Report Number COA-25-017 **Planning Committee** Subject Lands KINGSTON Existing Zoning Schedule 1 Zoning Map Zone Kingston Zoning By-Law 2022-62 Planning Address: 23 Traymoor St. Schedule E - Exception Overlay Services File Number: D13-087-2024 Legacy Exceptions (LXXX) Prepared On: Dec-16-2024 Exceptions (EXXX) Schedule F - Holding Overlay HoldingOverlay (HXXX) 47 50 176 173 45 46 172 169 41 42 168 165 37 Willingdon Ave 38 164 161 33 34 160 157 29 UR6 30 Traymoor St 152 153 23 ²⁶ UR5 150 21 22 149 146 17 18 7 10 369 4 373 1 Eller IN2 0 8 16 24 ø Unic Metres 2 Prepared By: ncame 1:750 Prepared On: Dec-16-2024

Exhibit E

Exhibit F Report Number COA-25-017



















Figure 1: Looking east at the front of the subject property.



Figure 3: Looking north along the east side of the streetscape beyond the subject property.



Figure 2: Looking north along the Traymoor Street toward the subject property.



Figure 4: Looking south along the east side of the streetscape beyond the subject property



Figure 5: Looking north on the west side of the street opposite the subject property.



Figure 6: Looking south along the west side of the street opposite the subject property.

