



**City of Kingston  
Committee of Adjustment  
Meeting Number 01-2024  
Agenda**

**Monday, December 11, 2023 at 5:30 p.m.  
Hosted at City Hall in Council Chamber**

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Please provide regrets to Iain Sullivan, Committee Clerk at 613-546-4291, extension 1864 or [isullivan@cityofkingston.ca](mailto:isullivan@cityofkingston.ca)

**Committee Composition**

Ken Dakin  
Douglas Perkins  
Gaurav Rehan  
Jeff Scott  
Somnath Sinha  
Peter Skebo  
Jordan Tekenos-Levy

- 1. Election of Officers**
- 2. Meeting to Order**
- 3. Approval of the Agenda**
- 4. Confirmation of Minutes**
  - a) **That** the minutes of Committee of Adjustment Meeting Number 12-2023, held Monday, November 13, 2023, be approved.
- 5. Disclosure of Pecuniary Interest**
- 6. Delegations**

**7. Request for Deferral**

**8. Returning Deferral Items**

**9. Business**

**a) Application for: Minor Variance**

**File Number: D13-065-2023**

**Address: 1586 Centennial Drive**

**District: District 2 – Loyalist-Cataraqui**

**Owner: Suncor Energy Inc.**

**Applicant: City of Kingston – Transportation Services**

The Report of the Commissioner of Growth & Development Services (COA-24-007) is attached.

Schedule Pages 1 – 19

Recommendation:

**That** minor variance application, File Number D13-065-2023, for the property located at 1586 Centennial Drive to increase the maximum permitted width of the existing driveway along Centennial Drive, be approved, as described below:

**Variance Number 1:**

By-Law Number 2022-62: Section 7.4.10 (2)

- Requirement: The maximum width of a driveway within the required front setback or exterior setback is 9 metres.
- Proposed: The maximum width of a driveway within the required front setback or exterior setback is 12.2 metres.
- Variance Requested: 3.2 metres

**That** approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-007.



**b) Application for: Minor Variance**

**File Number: D13-064-2023**

**Address: 525 & 555 Princess Street**

**District: District 9 – Williamsville**

**Owner: 9840478 Canada & 9840559 Canada Inc.**

**Applicant: Fotenn**

The Report of the Commissioner of Growth & Development Services (COA-24-003) is attached.

Schedule Pages 20 – 45

Recommendation:

**That** minor variance application, File Number D13-064-2023, for the property located at 525 and 555 Princess Street to reduce the required parking, be approved, as described below:

**Variance Number 1:**

By-Law Number 2022-62: Table 7.1.1

- Requirement: 0.4 parking spaces per dwelling unit
- Proposed: 0.2 parking spaces per dwelling unit
- Variance Requested: 0.2 parking spaces per dwelling unit; and

**That** approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-003.

**c) Application for: Minor Variance**

**File Number: D13-063-2023**

**Address: 390 Palace Road**

**District: District 9 – Williamsville**

**Owner: Roman Catholic Episcopal Corporation of the Diocese of Kingston in Canada**

**Applicant: Armando Sardinha**

The Report of the Commissioner of Growth & Development Services (COA-24-005) is attached.

Schedule Pages 46 – 65

Recommendation:

**That** minor variance application, File Number D13-063-2023, for the property located at 390 Palace Road to facilitate the development of an office building addition, be approved, as described below:

**Variance Number 1:**

By-Law Number 2022-62: Table 12.5.1.5 – Minimum Rear Setback

- Requirement: 7.5 metres
- Proposed: 4.44 metres
- Variance Requested: 3.06 metres; and

**That** approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-005.

**d) Application for: Minor Variance**

**File Number: D13-059-2023**

**Address: 5 York Street**

**District: District 11 – King's Town**

**Owner: Neil Glenn**

**Applicant: Neil Glenn**

The Report of the Commissioner of Growth & Development Services (COA-24-001) is attached.

Schedule Pages 66 – 85

Recommendation:

**That** minor variance application, File Number D13-059-2023, for the property located at 5 York Street to permit the construction of a front porch, be approved, as described below:

**Variance Number 1:**

By-Law Number 2022-62: Table 4.20.4.2

- Requirement: 3.5 metres
- Proposed: 0.25 metres
- Variance Requested: 3.25 metres

**That** approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-001.

**e) Application for: Minor Variance**

**File Number: D13-022-2023**

**Address: 1580 and 1600 Rockwell Drive**

**District: District 6 – Trillium**

**Owner: Homestead Land Holdings Limited**

**Applicant: Arcadis**

The Report of the Commissioner of Growth & Development Services (COA-24-006) is attached.

Schedule Pages 86 – 126

Recommendation:

**That** minor variance application, File Number D13-022-2023, for the properties located at 1580 and 1600 Rockwell Drive for relief for privacy yard depth, berm and landscaping, balcony length and additional, visitor and car-share parking provisions, be approved, as described below:

**1580 Rockwell Drive:**

**Variance Number 1:**

By-Law Number 2022-62: Legacy Exception L89 (e) Privacy Yards (i) minimum depth and location at Apartment Dwelling Houses.

- Requirement: A privacy yard must be provided for Apartment Dwelling Houses with a minimum depth of 3.0 metres measured at right angles from such wall the window adjoins except at front entrance and rear entrance where a 1.5 metre yard is required.
- Proposed: A privacy yard must be provided for Apartment Dwelling Houses with a minimum depth of 1.5 metres measured at right angles from each

window located along such wall the window adjoins except at front entrance and rear entrance where a 1.5 metre yard is required.

- Variance Requested: 1.5 metres and parameters of width;

**Variance Number 2:**

By-Law Number 2022-62: Legacy Exception L89 (h) Parking (ii) minimum berm height and minimum width of landscaping strip if parking located within any yard adjacent to a street.

- Requirement: 1.0 metre high berm with a minimum 3.0 metres wide landscaping strip containing a mixture of coniferous and deciduous trees
- Proposed: Continuous landscaping containing a mix of multi-level planting beds, coniferous trees and deciduous trees
- Variance Requested: 1.0 metres high berm and 3.0 metre wide landscaping strip;

**Variance Number 3:**

By-Law Number 2022-62: 4.20.1.(2) Maximum horizontal length of each face of the main wall of each storey occupied by balconies.

- Requirement: 30%
- Proposed: North face: 33%, east face 38% and south face 33%
- Variance Requested: North face: 3%, east face 8% and south face 3%;

**Variance Number 4:**

By-Law Number 2022-62: 7.1.15.(2)(b) Permission to provide more parking spaces than the maximum, requirement for additional car-share spaces equipped with electric vehicle ready for every four additional parking spaces.

- Requirement: 6
- Proposed: 0
- Variance Requested: 6;

**Variance Number 5:**

By-Law Number 2022-62: Table 7.1.1.(1)(iii) Minimum visitor spaces

- Requirement: 24
- Proposed: 3
- Variance Requested: 21;

**1600 Rockwell Drive:**

**Variance Number 6:**

By-Law Number 2022-62: Legacy Exception L89 (e) Privacy Yards (i) minimum depth and location at Apartment Dwelling Houses.

- Requirement: A privacy yard must be provided for Apartment Dwelling Houses with a minimum depth of 3.0 metres measured at right angles from such wall the window adjoins except front entrance and rear where 1.5 metre is required.
- Proposed: A privacy yard must be provided for Apartment Dwelling Houses with a minimum depth of 1.5 metres measured at right angles from each window located along such wall the window adjoins except at front entrance and rear entrance where a 1.5 metre yard is required.
- Variance Requested: 1.5 metres and parameters of width;

**Variance Number 7:**

By-Law Number 2022-62: 4.20.1.(2) Maximum horizontal length of each face of the main wall of each storey occupied by balconies.

- Requirement: 30%
- Proposed: Southeast face: 33%, southwest face 38% and northwest face 33%
- Variance Requested: Southeast face: 3%, southwest face 8% and northwest face 3%;

**Variance Number 8:**

By-Law Number 2022-62: 7.1.15.(2)(b) Permission to provide more parking spaces than the maximum, requirement for additional car-share spaces equipped with electric vehicle ready for every four additional parking spaces.

- Requirement: 12
- Proposed: 0
- Variance Requested: 12;

**Variance Number 9:**

By-Law Number 2022-62: Table 7.1.1.(1)(iii) Minimum visitor spaces

- Requirement: 24
- Proposed: 3
- Variance Requested: 21.

**That** approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number CAO 24-006.

**f) Application for: Minor Variance and Consent**

**File Number: D10-041-2023 & D13-062-2023**

**Address: 242 Alfred Street**

**District: District 9 – Williamsville**

**Owner: David Hamilton**

**Applicant: Fotenn Planning**

The Report of the Commissioner of Growth & Development Services (COA-24-010) is attached.

Schedule Pages 127 – 152

Recommendation:

**That** minor variance application, File Number D13-062-2023 for the property located at 242 Alfred Street to provide relief for lot frontage, driveway width, interior setback, and interior setback of a porch on the severed lot, be approved, as described below:

**Severed Lot:**

**Variance Number 1:**

By-Law Number: 2022-62: Table 11.6.1.(2): Minimum Lot Frontage

- Requirement: 10 metres
- Proposed: 8.4 metres
- Variance Requested: 1.6 metres

**Variance Number 2:**

By-Law Number: 2022-62: Table 7.4.1.: Minimum Driveway Width

- Requirement: 3 metres
- Proposed: 2.5 metres
- Variance Requested: 0.5 metres

**Variance Number 3:**

By-law Number: 2022-62: 11.6.2.1 a) Where a common party wall is located along a lot line, the minimum interior setback is 0 metres along the lot with the common party wall and 3.0 metres from the other interior lot line and/or exterior lot line.

- Requirement: 3 metres
- Proposed: 2.7 metres
- Variance Requested: 0.3 metres

**Variance Number 4:**

By-Law Number: 2022:62: 4.20.4 Minimum interior setback for a porch greater than 0.6 metres up to 1.2 metres in height: Compliance with zone

- Requirement: 3 metres
- Proposed: 2.6 metres
- Variance Requested: 0.4 metres

**That** approval of the minor variance application be subject to the conditions attached as Exhibit A (Recommended Conditions – Minor Variance) to Report Number COA-23-010; and

**That** consent application, File Number D10-041-2023, to sever an approximately 446 square metre parcel with approximately 8.4 metres of frontage on Alfred Street, be provisionally approved subject to the conditions included in Exhibit B (Recommended Conditions – Consent) to Report Number COA-23-010.

**g) Application for: Change to Provisional Consent Conditions**

**File Number: D10-020-2022**

**Address: 4085 and 4091 Bath Road**

**District: District 3 – Collins Bay-Bayridge**

The Report of the Commissioner of Growth & Development Services (COA-24-011 is attached.

Schedule Pages 153 – 162

Recommendation:

**That** the Committee of Adjustment remove Condition 5 of the Notice of Decision for consent application, File Number D10-020-2022, pertaining to a required road widening.; and

**That** a new Notice of Decision be prepared reflective of the conditions approved as outlined in Report Number COA-23-037 and amended as per Report Number COA-24-011.

**10. Motions**

**11. Notices of Motion**

**12. Other Business**

**13. Correspondence**

**14. Date of Next Meeting**

The next meeting of the Committee of Adjustment is scheduled for Monday, January 22, 2024 at 5:30 p.m.

**15. Adjournment**





**City of Kingston  
Report to Committee of Adjustment  
Report Number COA-24-007**

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**To:** Chair and Members of the Committee of Adjustment  
**From:** Annemarie Eusebio, Intermediate Planner  
**Date of Meeting:** December 11, 2023  
**Application for:** Minor Variance  
**File Number:** D13-065-2023  
**Address:** 1586 Centennial Drive  
**District:** District 2 - Loyalist-Cataraqui  
**Owner:** Suncor Energy Inc.  
**Applicant:** City of Kingston – Transportation Services

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**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 variance for the property located at 1586 Centennial Drive. The property is currently developed with a Petro Canada gas station, a restaurant and a retail store. The site is located at the northeast corner of Gardiners Road and Centennial Drive. Access to the site is provided directly from Centennial Drive and Robinson Court.

City of Kingston Transportation Services staff are currently undertaking the design for capital intersection improvements at the Gardiners Road/Centennial Drive/Creekford Road intersection. Proposed improvements include the widening of the intersection with additional turning lanes, updating signal timings, and implementation of active transportation facilities. The design will also involve the reconstruction of the intersection where the existing median along Centennial Drive is proposed to be extended to Robinson Court. A break in the median will be provided to

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accommodate eastbound turning traffic into the site. As a result of this work, the driveway entrance into the subject property along Centennial Drive is required to be widened and shifted 9 metres east from its current location.

The proposed increase in driveway width will accommodate the new left-in/right-in/right-out configuration, which includes the installation of a “pork chop” island that will prevent and discourage ‘left-out’ movements from the site. The required relocation and expansion of the driveway entrance on the subject property is necessary to the safety and operation of the Gardiners Road/Centennial Drive/Creekford Road intersection.

In accordance with the applicable driveway provisions in Kingston Zoning By-Law Number 2022-62, the maximum width of a driveway within the required front setback or exterior setback is 9 metres. The width of the existing driveway along Centennial Drive is 8.9 metres. The proposed width for the new driveway is 12.2 metres. A minor variance is required to seek relief from the maximum permitted driveway width.

As the municipal road improvement works has impacted the driveway width and location of the existing driveway on the site, City of Kingston Transportation Services staff have submitted the application on behalf the owner.

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.

**Recommendation:**

**That** minor variance application, File Number D13-065-2023, for the property located at 1586 Centennial Drive to increase the maximum permitted width of the existing driveway along Centennial Drive, be approved, as described below:

**Variance Number 1:**

By-Law Number 2022-62:Section 7.4.10 (2)

Requirement: The maximum width of a driveway within the required front setback or exterior setback is 9 metres.

Proposed: The maximum width of a driveway within the required front setback or exterior setback is 12.2 metres.

Variance Requested: 3.2 metres

**That** approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-007.

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**Authorizing Signatures:**

ORIGINAL SIGNED BY PLANNER

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Annemarie Eusebio, Intermediate  
Planner

**In Consultation with the following Management of the Growth & Development Services  
Group:**

Tim Park, Director, Planning Services  
Meghan Robidoux, Supervisor, Development Approvals

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**Options/Discussion:**

On October 26, 2023, a minor variance application was submitted by City of Kingston – Transportation Services, on behalf of the owner, Suncor Energy Inc., with respect to the property located at 1586 Centennial Drive. The variance is requested to seek relief from the maximum width of a driveway within the required front setback or exterior setback. The property is currently developed with a Petro Canada gas station, a restaurant and a retail store. The site is located at the northeast corner of Gardiners Road and Centennial Drive. Access to the site is provided directly from Centennial Drive and Robinson Court.

The City of Kingston Active Transportation Services staff are currently undertaking the design for capital intersection improvements at the Gardiners Road/Centennial Drive/Creekford Road intersection. Proposed improvements include the widening of the intersection with additional turning lanes, updating signal timings, and implementation of active transportation facilities. The design will also involve the reconstruction of the intersection where the existing median along Centennial Drive is proposed to be extended to Robinson Court. A break in the median will be provided to accommodate eastbound turning traffic into the site. As a result of this work, the driveway entrance into the subject property along Centennial Drive is required to be widened and shifted 9 metres east from its current location.

The proposed increase in driveway width will accommodate the new left-in/right-in/right-out configuration, which includes the installation of a “pork chop” island that will prevent and discourage ‘left-out’ movements from the site. The required relocation and expansion of the driveway entrance on the subject property is necessary to the safety and operation of the Gardiners Road/Centennial Drive/Creekford Road intersection.

In accordance with the applicable driveway provisions in Kingston Zoning By-Law Number 2022-62, the maximum width of a driveway within the required front setback or exterior setback is 9 metres. The width of the existing driveway along Centennial Drive is 8.9 metres. The proposed width for the new driveway is 12.2 metres. A minor variance is required to seek relief from the maximum permitted driveway width.

As the municipal road improvement works has impacted the driveway width and location of the existing driveway on the site, City of Kingston Transportation staff have submitted the application on behalf the owner.

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

- Site Plan (Exhibit F)
- Cover Letter

All submission materials are available online through the Development and Services Hub (DASH) at the following link, [DASH](#), using “Look-up a Specific Address”. If there are multiple addresses, search one address at a time, or submission materials may also be found by searching the file number.

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## Site Characteristics

The subject property is located at 1586 Centennial Drive (Exhibit B – Key Map), which is situated on the northeast corner of Centennial Drive and Gardiners Road and bounded by Robinson Court to the east. The site is directly south of Highway 401. The property abuts a storm water management pond directly to the north. The site is also adjacent to the Cataraqui Estates Business Park, which includes uses such as a manufacturing company, a restaurant and a gas station site to the south of the site and an indoor trampoline park, a warehouse and a light industrial use to the east of the site. (Exhibit C – Neighbourhood Context Map).

The subject property is designated Business Park Industrial and is subject to Site Specific Policy Area Number 25 in the Official Plan (Exhibit D – Official Plan Map). The site is located within an Employment Service Zone (M4) and is subject Legacy Exception Number 402 in Kingston Zoning By-Law Number 2022-62 (Exhibit E – Zoning By-Law Map).

## Provincial Policy 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 Policy 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 are maintained

The subject property is designated Business Park Industrial and is subject to Site Specific Policy Area Number 25 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 Business District as noted in Schedule 2. The proposal is compatible with the surrounding employment uses and will not result in significant impacts or changes to the immediate area. There will be no impact on built and natural resources.

Section 2.7.3 discusses land use compatibility matters. The overall proposed intersection design along Gardiners Road/Creekford Road and Centennial Drive is intended to improve traffic and

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safety levels within the immediate area of the subject property. The proposed road improvement works will result in the relocation and expansion of the existing driveway, which will provide improved access into the site (Exhibit F – Site Plan). The proposal is not expected to interfere with surrounding active transportation infrastructure.

There will be no environmental damage or degradation associated with the proposal and no significant impacts to access, outdoor areas, heritage or setting. There will be no significant visual intrusion that would disrupt the existing streetscape or surrounding industrial uses.

The property is not designated under the *Ontario Heritage Act*, nor is it abutting listed or designed heritage properties. Heritage Planning staff have advised that the proposed area of work for the site has been cleared from any archaeological concerns.

The subject property is located within the Urban Boundary. Adequate municipal water and sewage services are currently provided to the existing development, which will be unchanged as a result of the relocation and expansion of the existing driveway on the subject property.

The application and cumulative impact of the proposal does not warrant a zoning by-law amendment. The approval of the requested variance is considered minor and will not set a precedent for the immediate area.

Engineering Staff have advised that there is currently a 0.3 metre reserve across the Centennial Drive frontage of the property described as Blocks 6, 7, 8, 9 and 10 on Registered Plan 13M-74. Block 7 is located where the existing driveway is and has been dedicated as part of the public highway to allow for legal access to the property. The new driveway is located on Block 6 and the City is only willing to dedicate the portion of this block which will have the new driveway and part of the public highway. The applicant is required to provide a legal description for the portion to be dedicated on a reference plan showing the portion of the block to be dedicated. The reference plan is required to be prepared and deposited at the registry office, as a condition of minor variance approval.

Forestry staff has confirmed that the proposed relocation and expansion of the existing driveway will require the removal of a portion of the existing landscaping features to the front of the site. Any additional plantings that may be proposed by the Owner will be reviewed through the Site Plan Control review process.

The above noted technical comments have been included as recommended conditions as indicated in Exhibit A of this report.

The proposal meets the intent of the Official Plan, as the proposed increase in driveway width within the required front setback for the subject property will not result in any negative impacts to adjacent properties or to the neighbourhood.

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

The subject property is zoned Employment Service 'M4' zone in Kingston Zoning By-Law Number 2022-62 and is subject to Legacy Exemption 402 (Exhibit E – Zoning By-Law Map). A gasoline retail facility is a permitted use within this zone.

The proposal requires a variance to Section 7.4.10(2).

**Variance Number 1:**

By-Law Number 2022-62:Section 7.4.10 (2)

Requirement: The maximum width of a driveway within the required front setback or exterior setback is 9 metres.

Proposed: The maximum width of a driveway within the required front setback or exterior setback is 12.2 metres.

Variance Requested: 3.2 metres

The proposal is to seek relief from the maximum width of a driveway within the required front setback or exterior setback. Under Kingston Zoning By-Law Number 2022-62, a front setback means the setback between the front lot line and the nearest part of any building on the lot. In the case of a corner lot, the shorter lot line abutting a street is deemed the front lot line and the longer lot line abutting a street is deemed an exterior lot line. The shorter lot line of the subject property is along Centennial Drive and the longer lot line is along Gardiners Road. This proposal is to require relief from the maximum width of a driveway within the required front setback of the property, which is along Centennial Drive.

The proposed driveway width for the subject property along Centennial Drive will not have an adverse affect on the visual amenity of the streetscape of the surrounding industrial area. The proposed new driveway will not impact the landscaped open space that is required for the property under the M4 zone. The new driveway will be consistent with the location of existing driveways of employment uses to the east of the property. The proposal will not result in any significant impacts to surrounding industrial uses.

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

**3) The variance is minor in nature**

The variance is considered minor as no negative impacts are anticipated on the neighbouring properties. The expanded driveway will be sufficiently separated from adjacent employment uses along Centennial Drive. It is anticipated that the proposal will not create an adverse visual impact on the surrounding business park area.

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

The functional needs for users of the site will be met as clearly defined and safe access will be provided. It is anticipated that there will be no impacts on neighbouring properties. There will be

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no visual intrusion that disrupts the streetscape. The required relocation and expansion of the driveway entrance is necessary for the safe operation of the Gardiners Road/Centennial Drive/Creekford Road intersection.

The variance is desirable and appropriate use of the land.

**Technical Review: Circulated Departments and Agencies**

- Building Services
- Finance
- Fire & Rescue
- Solid Waste
- Housing
- KEDCO
- CRCA
- Parks Canada
- Hydro One
- Kingston Airport
- Engineering Department
- Utilities Kingston
- Kingston Hydro
- Parks Development
- District Councillor
- Municipal Drainage
- KFL&A Health Unit
- Eastern Ontario Power
- Enbridge Pipelines
- Heritage (Planning Services)
- Real Estate & Environmental Initiatives
- City’s Environment Division
- Canadian National Railways
- Ministry of Transportation
- Parks of the St. Lawrence
- Trans Northern Pipelines
- CFB Kingston
- TransCanada Pipelines

**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**

The subject property was subject to Site Plan Application D11-140-2007 for construction of the existing gasoline retail facility.

**Conclusion**

The requested variance maintains the general intent and purpose of both the City of Kingston Official Plan and Kingston Zoning By-Law Number 2022-62. The proposal is desirable for the appropriate development or use of the land, building or structure and the requested variance is minor in nature. As such, the proposed application meets all four tests under Subsection 45(1) of the *Planning Act* and the application is being recommended for approval, subject to the proposed conditions.



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Approval of this application will increase the width of a new driveway to replace the existing driveway along Centennial Drive from 9 metres to 12.2 metres.

**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 Policy Statement, 2020

**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 December 11, 2023. 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 14 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:**

As the municipal road improvement works has impacted the driveway width and location of the existing driveway on the subject property, City of Kingston Active Transportation staff has submitted the application on behalf the owner. The cost of the materials and installation of the new driveway on the subject property will be covered by the municipality.

**Contacts:**

Meghan Robidoux, Supervisor, Development Approvals, 613-546-4291 extension 1256

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Annemarie Eusebio, Intermediate Planner, 613-546-4291 extension 3183

**Other City of Kingston Staff Consulted:**

None

**Exhibits Attached:**

- Exhibit A Recommended Conditions
- Exhibit B Key Map
- Exhibit C Neighbourhood Context Map (2022)
- Exhibit D Official Plan Map
- Exhibit E Zoning By-Law Map
- Exhibit F Site Plan
- Exhibit G Site Photos
- Exhibit H Public Notification Map

## Recommended Conditions

The approval of minor variance application, File Number D13-065-2023, to increase the driveway width on the property along Centennial Drive known as 1586 Centennial Drive, shall be subject to the following recommended conditions:

### 1. Limitation

That the approved minor variance applies only to the proposed driveway 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](mailto: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](mailto:archaeology@ontario.ca)), and City of Kingston's Planning Services (613-546-4291, extension 3180) must be immediately contacted.

## **5. Engineering**

There is a 0.3 metre reserve across the Centennial Drive frontage of the property described as Blocks 6, 7, 8, 9 and 10 on Registered Plan 13M-74. Block 7 is located where the existing driveway is and has been dedicated as part of the public highway to allow for legal access to the property. The new driveway is located on Block 6. The City will be dedicating the portion of this Block 6 which will have the new driveway and part of the public highway. The applicant is required to provide a legal description for the portion to be dedicated on a reference plan showing the portion of the block to be dedicated. The reference plan is required to be prepared and deposited at the Land Registry Office.


## **6. Public Works Forestry**

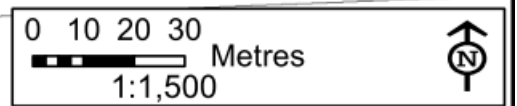
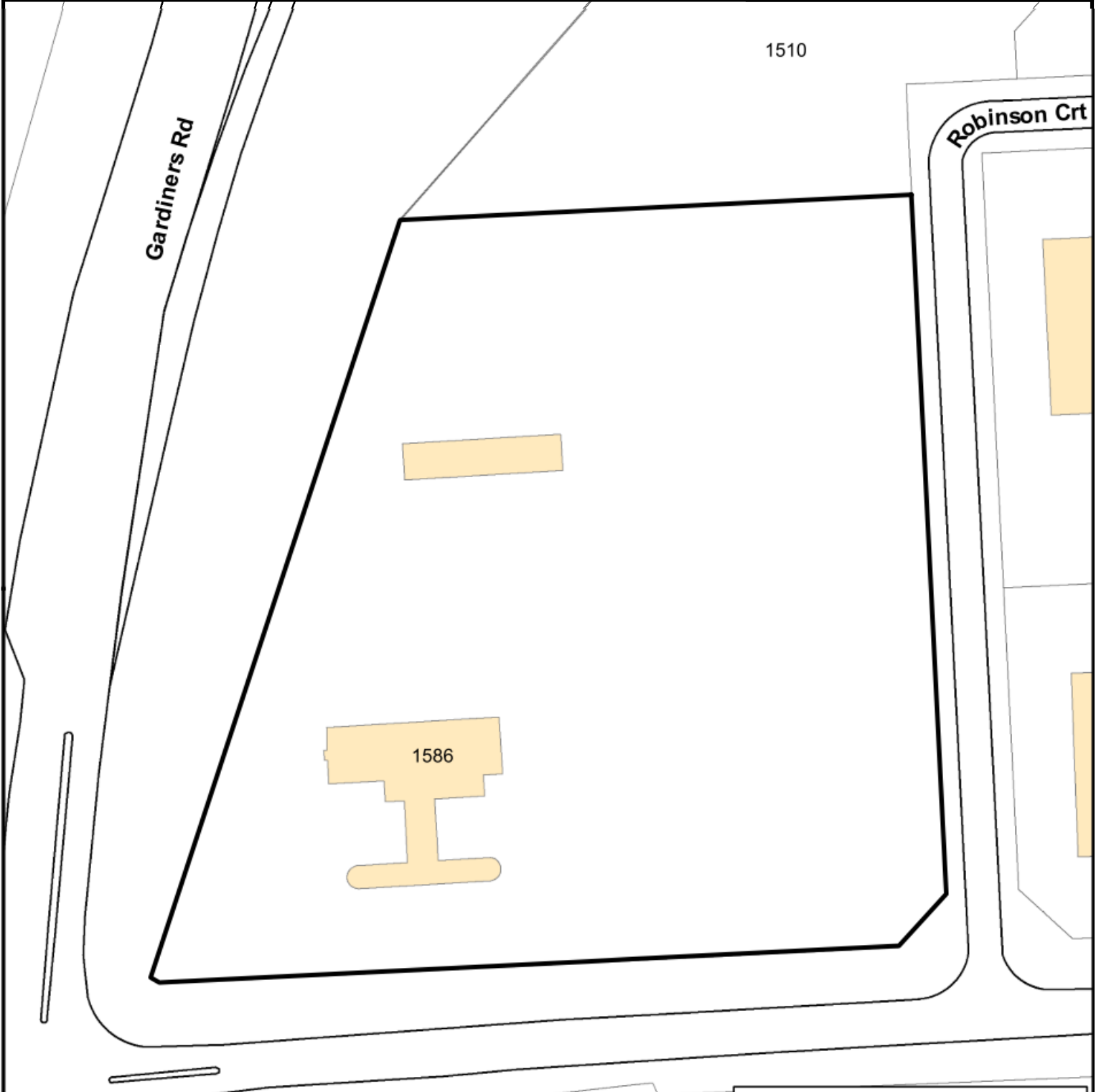
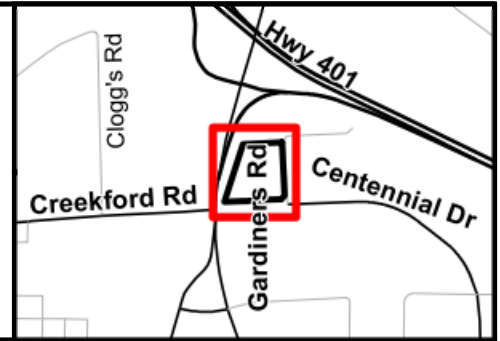
Any new replacement plantings that may be proposed on the subject property will be subject to the review and approval of Forestry staff.



Committee of Adjustment  
**Key Map**

Address: 1586 Centennial Drive  
File Number: D13-065-2023

 Lands Subject to Minor Variance







# Committee of Adjustment Neighbourhood Context (2023)

Address: 1586 Centennial Drive  
File Number: D13-065-2023




- Subject Lands
- Property Boundaries
- Proposed Parcels

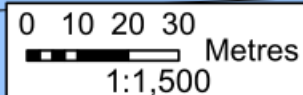
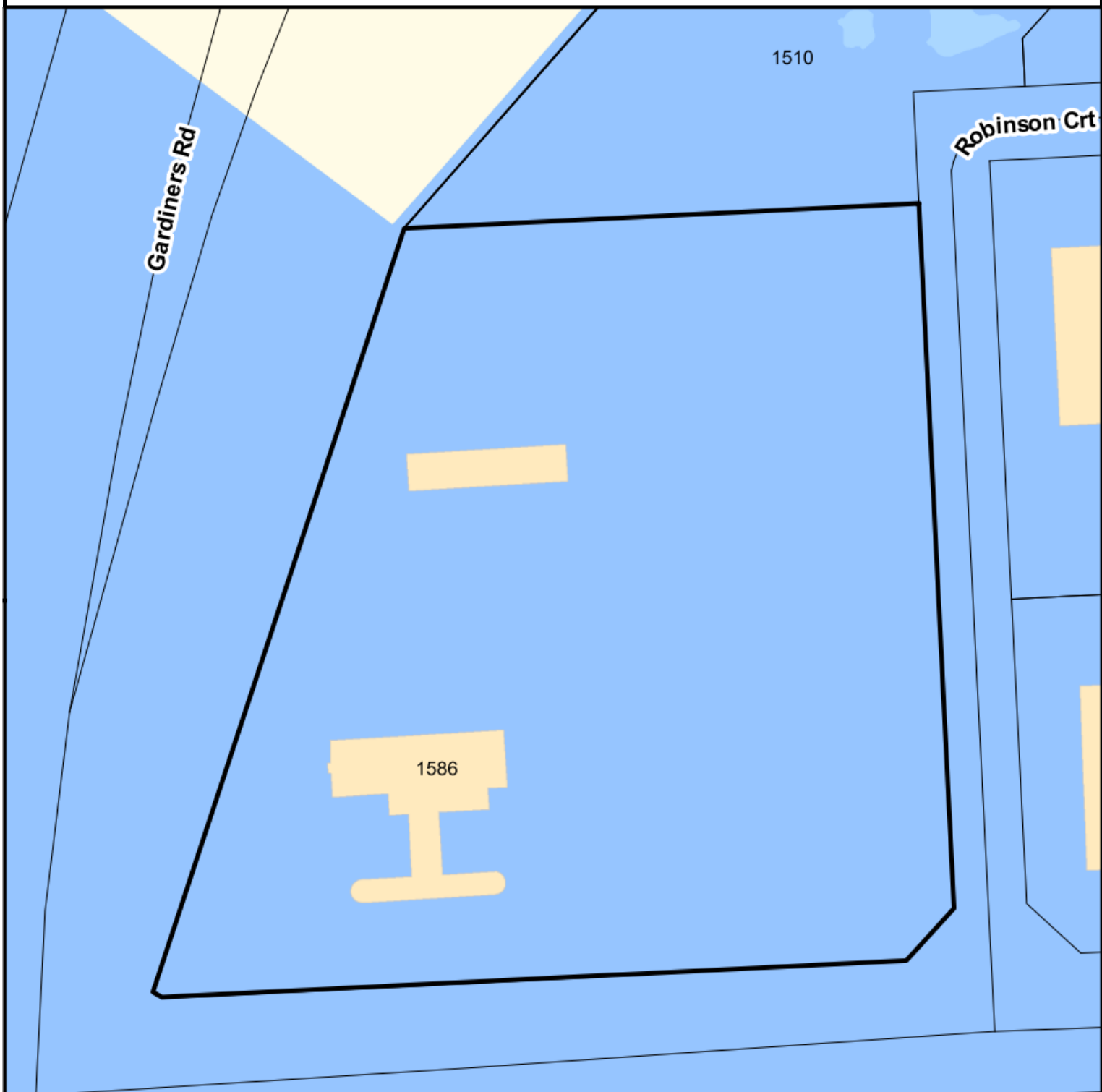




Committee of Adjustment  
**Official Plan, Existing Land Use**

Address: 1586 Centennial Drive  
File Number: D13-065-2023

-  Subject Lands
-  BUSINESS PARK INDUSTRIAL
-  RURAL



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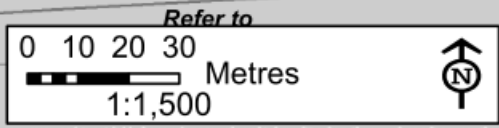
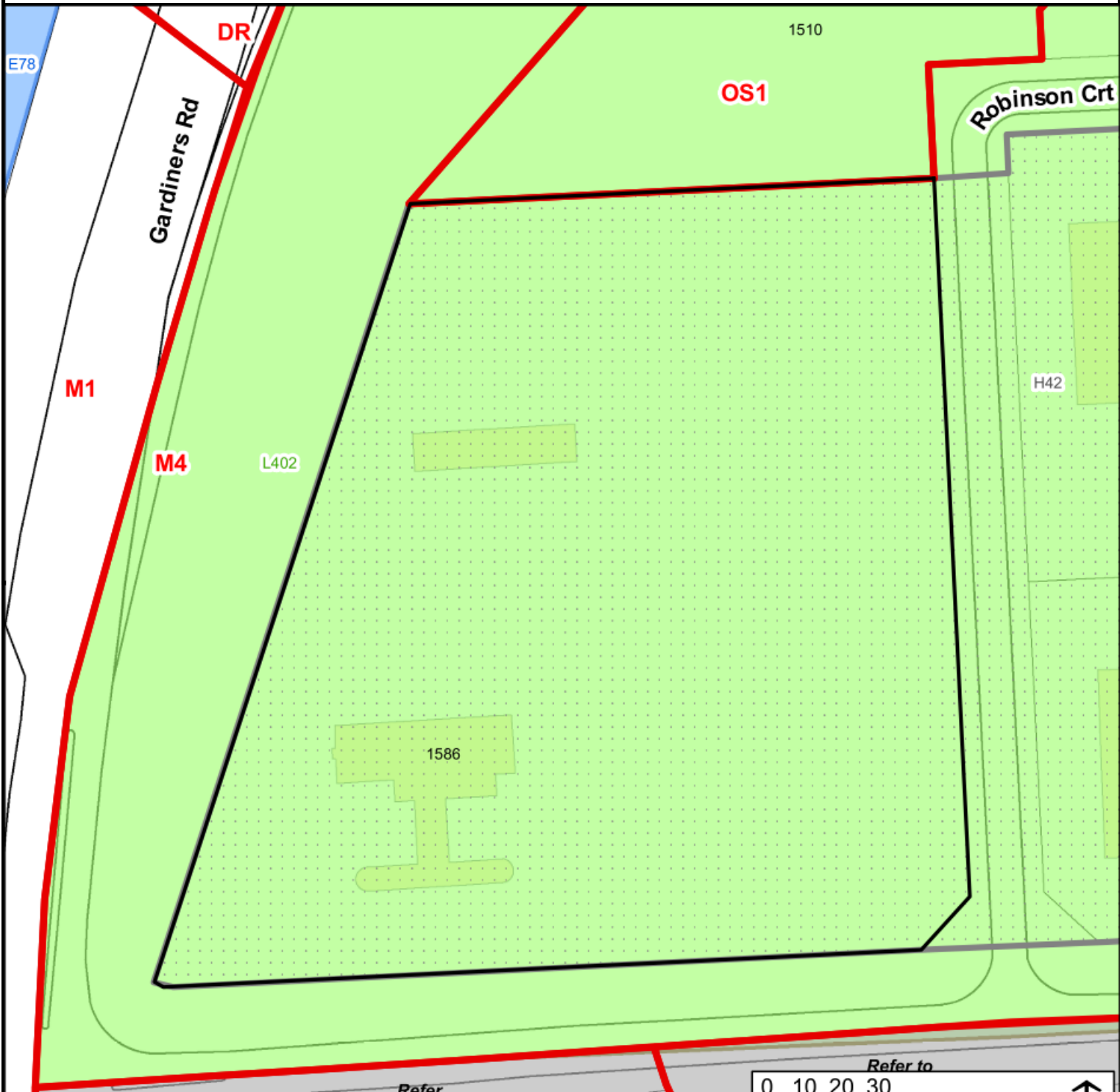


Planning Committee  
Existing Zoning  
Kingston Zoning By-Law 2022-62

Planning Services

Address: 1586 Centennial Drive  
File Number: D13-065-2023

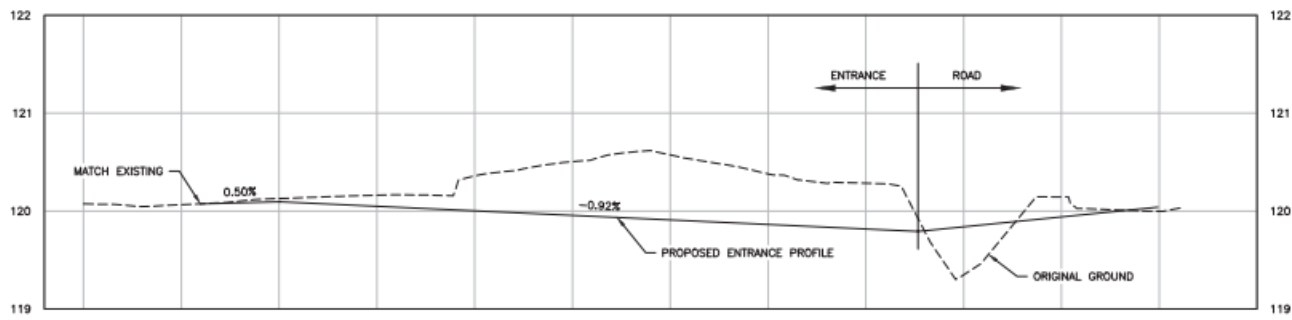
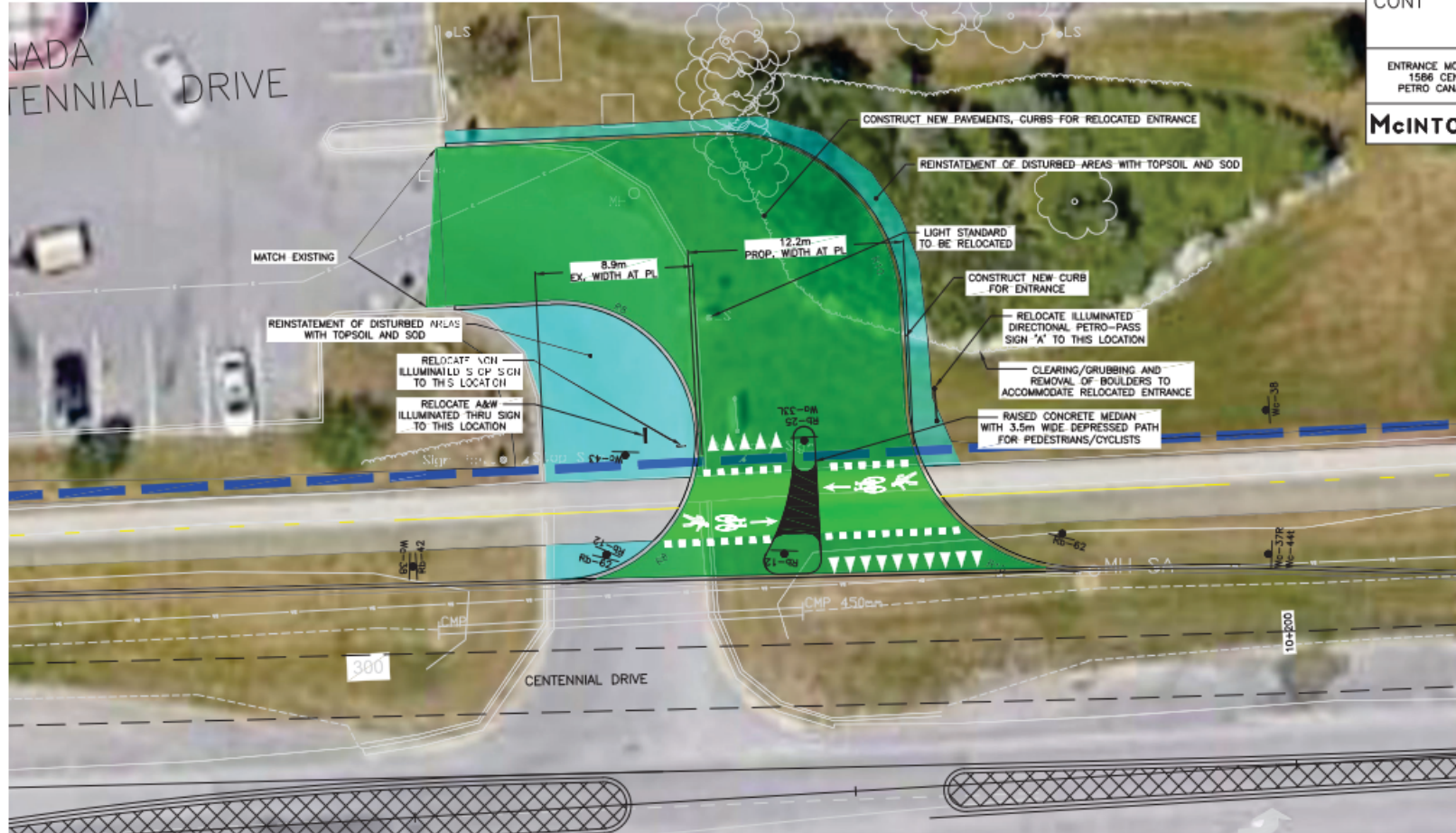
- Subject Lands
- Schedule 1 Zoning Map Zone
- Not Subject to the Kingston Zoning By-law
- Schedule E - Exception Overlay
- Legacy Exceptions (LXXX)
- Exceptions (EXXX)
- Schedule F - Holding Overlay
- Holding Overlay (HXXX)



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PLATE No CONT	
ENTRANCE MODIFICATION SKETCH 1586 CENTENNIAL DRIVE PETRO CANADA GAS STATION	SHEET
<b>McINTOSH PERRY</b>	
	



SCALE  
1:25m  $\phi$  2.5m  
Horizontal

Site Photos







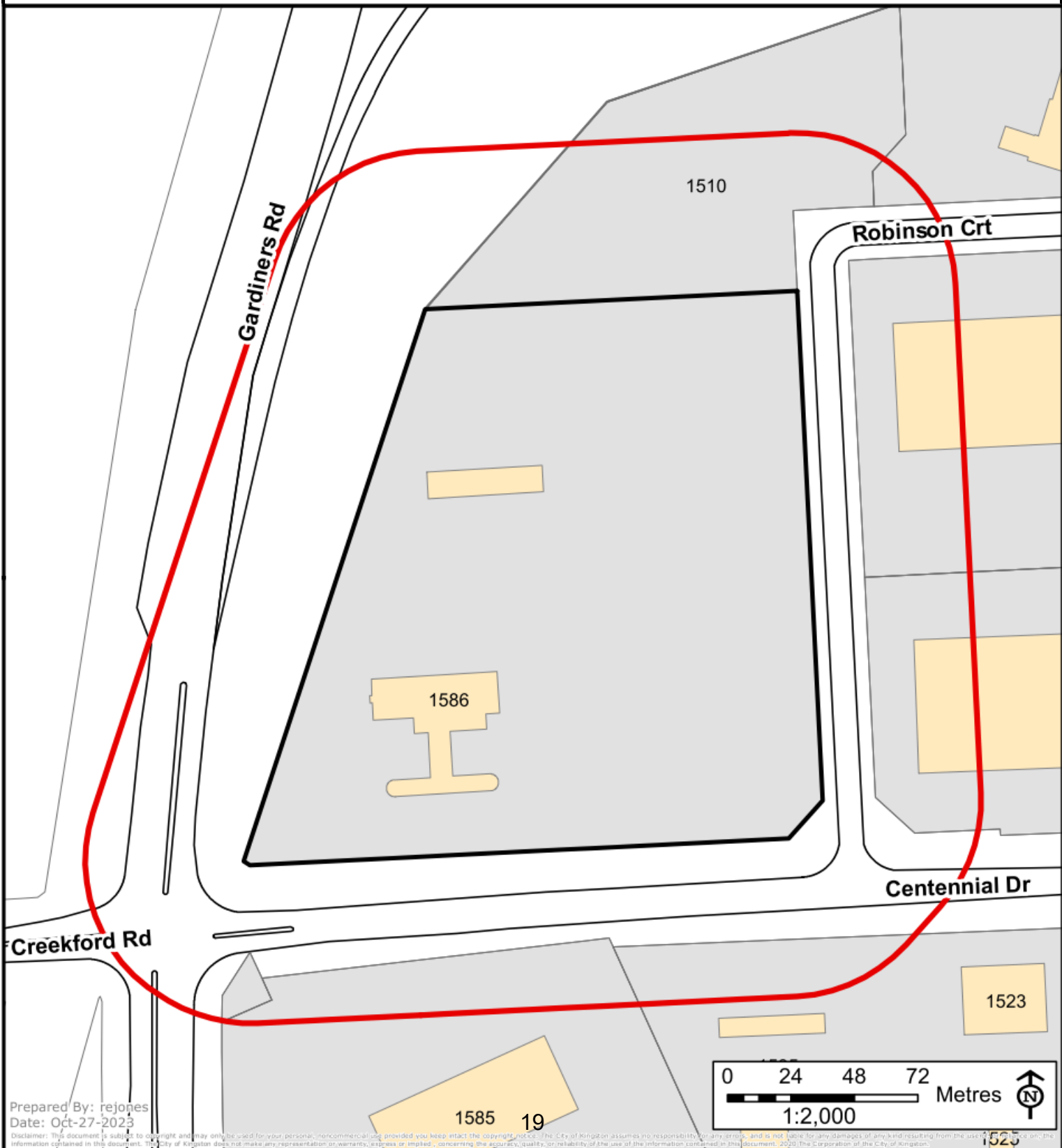


Planning Services

# Committee of Adjustment Public Notice Notification Map

Address: 1586 Centennial Drive  
File Number: D13-065-2023

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



Prepared By: rejonex  
Date: Oct-27-2023

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**City of Kingston  
Report to Committee of Adjustment  
Report Number COA-24-003**

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**To:** Chair and Members of the Committee of Adjustment  
**From:** Ian Clendening, Senior Planner  
**Date of Meeting:** December 11, 2023  
**Application for:** Minor Variance  
**File Number:** D13-064-2023  
**Address:** 525 & 555 Princess Street  
**District:** District 9 - Williamsville  
**Owner:** 9840478 Canada Inc. & 9840559 Canada Inc.  
**Applicant:** Fotenn

---

**Council Strategic Plan Alignment:**

Theme: 1. Support Housing Affordability

Goal: 1.2 Promote increase in purpose-built rental housing.

**Executive Summary:**

This report provides a recommendation to the Committee of Adjustment regarding an application for minor variance for the properties located at 525 and 555 Princess Street. The applicant is proposing to reduce the minimum required parking spaces from 0.4 per residence to 0.2 to allow 76 parking spaces for the 381 homes proposed at 525 Princess Street; and 40 parking spaces for the 233 homes proposed at 555 Princess Street.

It is highlighted that while the variances sought would allow a minimum of 123 parking spaces for the 614 homes, the buildings have been designed to accommodate 105 parking spaces as the applicant intends to address the remaining 18 required parking stalls through the City's Cash-in-Lieu of Parking By-Law. The City's Cash-in-Lieu of Parking By-Law allows for a reduction in the required parking spaces pursuant to an agreement registered on title, in exchange for a monetary payment to the City which the City has dedicated to support the

December 11, 2023

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implementation and operation of car-sharing services or other alternative transportation services that reduce reliance on the private automobile.

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 D13-064-2023, for the property located at 525 and 555 Princess Street to reduce the required parking, be approved, as described below:

**Variance Number 1:**

By-Law Number 2022-62: Table 7.1.1

Requirement: 0.4 parking spaces per dwelling unit

Proposed: 0.2 parking spaces per dwelling unit

Variance Requested: 0.2 parking spaces per dwelling unit; and

**That** approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-003.

December 11, 2023

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**Authorizing Signatures:**

ORIGINAL SIGNED BY PLANNER

---

Ian Clendening, Senior Planner

**In Consultation with the following Management of the Growth & Development Services Group:**

Tim Park, Director, Planning Services

Meghan Robidoux, Supervisor, Development Approvals

December 11, 2023

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**Options/Discussion:**

On October 23, 2023, a minor variance application was submitted by Fotenn, on behalf of the owners, 9840478 Canada Inc. & 9840559 Canada Inc., with respect to the properties located at 525 and 555 Princess Street. The variance is requested to reduce the required parking ratio from 0.4 spaces per dwelling unit to 0.2 to allow a minimum of 76 parking spaces for the 381 homes at 525 Princess Street and 47 parking spaces for the 233 homes at 555 Princess Street.

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

- Parking Brief
- Planning Justification Letter

All submission materials are available online through the Development and Services Hub (DASH) at the following link, [DASH](#), using “Look-up a Specific Address”. If there are multiple addresses, search one address at a time, or submission materials may also be found by searching the file number.

**Site Characteristics**

The application relates to two properties identified as 525 Princess Street and 555 Princess Street which, for ease of reference, are referred to as the east and west site respectively. The east site occupies an area of 3,928 square metres and is located along the north side of Princess Street, spanning the full width of the block bounded by Chatham Street to the east and Alfred Street to the west. The west site occupies an area of 2,311 square metres and is located at the northwest corner of Princess Street and Alfred Street, immediately west of the east site. Both of the properties are currently intended to be developed to accommodate ten storey mixed-use buildings with ground floor commercial along Princess Street and make use of a four storey podium at the base of the buildings. The development proposals are currently being reviewed through Site Plan Control applications (City file numbers D11-046-2022 for the east site and D11-047-2022 for the west site) and contemplate approximately 70 percent of the homes proposed in the form of either studio or one-bedroom units with all units intended to come pre-furnished.

Both sites are bordered by a residential neighbourhood to the north, and a mix of commercial, residential, and institutional uses to the east and west along Princess Street. Victoria Park is located approximately 135 metres south of the site while Kingston Memorial Centre is located approximately 330 metres to the north (Exhibit E – Neighbourhood Context (2021)). Queens University Campus, which begins at Earl Street 600 metres directly south, is also within walking distance of the site.

The property well also within walking distance to all four of the City’s express transit routes as well as six regular service routes including: #2 – Kingston Centre – Division St; #4 – Cataract Centre – Downtown; #12 – Kingston Centre – CFB Kingston; #16 – Division St./Dalton Ave. – Train Station; #18 – Train Station Circuit; and, #20 – Queen’s West Campus.



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In addition to the public transit services, bicycle infrastructure also exists within the immediate area including east-west along both Brock and Johnson Streets, and northerly along portions of Division Street which is planned to be extended as a part of the City's Active Transportation Master Plan. Additionally, bike lanes currently exist along Princess Street, though much of these are proposed for removal to accommodate transit priority and a more pedestrian friendly street environment through the Williamsville Transportation Study. Communauto, a private car-sharing service that operates within the City, maintains one vehicle at the intersection of Brock and Division Street approximately 500 metres walking distance from the site as well as another two vehicles both of which are available at a slightly further distance at approximately 1,000 metres walking distance.

In general, the surrounding area is defined by its walkable character and access to many commercial and recreational amenities including those found along the Princess Street corridor and the central business district which begins at Division Street approximately 350 metres east of the subject properties.

The subject properties are designated Main Street Commercial in the Official Plan (Exhibit D – Official Plan Map). In addition to the Main Street Commercial designation, both of the properties are also subject to Site Specific Policy Number 73 and the Princess Street Corridor Specific Policy Area: Williamsville Main Street policies of the Official Plan. The subject property is zoned Williamsville Zone 1 (WM1) on Schedule 1 Kingston Zoning By-Law Number 2022-62 (Exhibit E – Zoning By-Law Map) and are subject to Exception E83 and E84 for the east and west sites respectively as well as the parking provisions of Parking Area 2 (PA2).

### **Provincial Policy 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 Policy 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 are maintained**

The subject properties are designated Main Street Commercial in the City of Kingston Official Plan (Exhibit D – Official Plan Map) and are located within the Princess Street Corridor Specific Policy Area Williamsville Main Street as set out in Schedule PS-1. The goal of the Main Street



December 11, 2023

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Commercial designation is to provide retail and other commercial services for surrounding neighbourhoods in a setting that is street oriented and pedestrian focused. The Williamsville Main Street policies provide further guidance for the development of this area which is intended to be a focus of development in a pedestrian-oriented form that will provide support for the Princess Street transit corridor and more sustainable means of growth.

The properties are also subject to Site Specific Policy Number 73 which addresses specific height requirement at this location.

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 proposed parking reduction meets the Strategic Policy Direction of the Official Plan by facilitating land use patterns that foster transit and active transportation and maximize the use of infrastructure and public amenities such as bike lanes and transit services. The parking reduction would also promote a reduction of automobile trips while encouraging active transportation and transit usage. As the reduced parking is not associated with any change in the built form, the proposal has no impact on water and sewage services, and would be compatible with the surrounding uses and not have any adverse effects on abutting lands, heritage resources, or urban design principles.

Policies of the Official Plan highlight the intention to encourage a balance between providing sufficient parking to address existing or future requirements, and not oversupplying parking to the detriment of public transit usage or active transportation. The applicant has submitted a Parking Brief which determined that a parking rate of 0.2 spaces per dwelling unit is appropriate for the proposed development based on a review of the site context, likely resident demographics factors, and a review of parking rates at similar residential developments. While the study recognizes that it did not include an assessment commercial parking requirements, the Kingston Zoning By-law does not require standard parking spaces for commercial uses, and the site provides the required eight accessible stalls.

Given the combination of the site's location within a transit friendly and walkable area, and the nature of the pre-furnished, and predominantly one-bedroom homes, the findings of the Parking Brief are considered appropriate. Of additional note, the site will provide for secure bike parking in accordance with the requirements of the Kingston Zoning By-Law. Accordingly, the site provides sufficient parking to address the existing and future requirements and is anticipated to function in an appropriate manner.

Having regard for the above, the impact of the variances are 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 and are included as Exhibit A to this report.

The proposal meets the intent of the Official Plan, as the proposed reduction in parking will appropriately serve the functional needs of the residents, will encourage active transportation in

December 11, 2023

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a supports transit use and a more sustainable means of growth and will not result in any negative impacts to adjacent properties or to the neighbourhood.

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

The subject properties are zoned Williamsville Zone 1 (WM1) in Kingston Zoning By-Law Number 2022-62 and subject to Exception E83, in the case of east site, and E84 in the case of the west site (Exhibit E – Zoning By-Law Map). Both of the subject properties are located within Parking Area PA2, which provides a minimum parking requirement of 0.4 parking spaces per unit.

Both the E83 and E84 exceptions under the Kingston Zoning By-law require a minimum parking space ratio of 0.5 spaces per dwelling unit together with additional parking for the commercial use at a rate of 1 parking space per 150 square metres. These requirements directly mirror the minimum requirements for parking in site's former Williamsville Main Street Commercial Zones 'C4-622' and 'C4-623' under former Zoning By-Law Number 8499. Despite the parking requirement of the exception zones, Section 7.1.8 directs that, to the extent of any conflict regarding standard parking spaces, the lesser requirement prevails, which given the sites location within Parking Area 2 would be the 0.4 parking spaces per unit set out in Table 7.1.1. Due to the hierarchy of policies within the Kingston Zoning By-law established in Section 2.1.8, The proposal requires a variance to Table 7.1.1 as follows:

### Variance Number 1:

By-Law Number 2022-62: Table 7.1.1

Requirement: 0.4 parking spaces per dwelling unit

Proposed: 0.2 parking spaces per dwelling unit

Variance Requested: 0.2 parking spaces per dwelling unit

In regards to the proposed parking reduction, one of the many outcomes of the Kingston Zoning By-law was the implementation of the City's Discussion Paper [The Power of Parking: A New Parking Paradigm for Kingston](#). The Kingston Zoning By-law greatly reduced the minimum parking requirements of the City's former zoning by-laws in an effort to achieve Council priorities to increase the modal split towards active transportation, and to increase housing affordability. The discussion paper highlights how parking requirements can greatly increase the cost of housing as a result of the high cost to provide surface, and especially, underground parking, while making active transportation less attractive as an alternative through ready access to 'free' parking. Emphasizing this strategic direction, the Kingston Zoning By-law permits zero vehicular parking for both affordable units and heritage buildings, while commercial developments are not required to provide customer parking – excepting that accessible parking may be required depending on the scale of the development and the proposed use.

It is also important to note that at the time the Zoning By-law amendments were considered in 2022, [Report Number PC-22-026](#) noted that “the applicants have expressed a desire to reduce the supply through the detailed design of the future Site Plan Control applications and as a result, potentially looking at reducing the number of below grade floors of off-street parking from

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the three currently proposed for each site.” Accordingly, while the site-specific zoning established minimum parking rates unique to the site, it was expected that further reductions would be contemplated at a later date. As previously mentioned, the location of the development and the nature of the development proposal is expected to produce a high modal split in favour of transit and active transportation for both visitors and residents and as such, the further reduction in the parking ratio remains consistent with the required ratios of the Kingston Zoning By-law which seeks to prescribe parking ratios consistent with the transportation characteristics of a given area.

It is recognized that in addition to the parking reduction put forward in the current application for Minor Variance, the applicant ultimately seeks to further reduce the parking on-site to 0.17 spaces per unit to allow 65 parking spaces at the east site and 40 at the west site, a reduction of 18 parking spaces between the two sites. Subject to approval of the Minor Variance, Section 7.1.14 of the Kingston Zoning By-law allows the minimum number of required parking spaces to be reduced in accordance with the Cash-in-Lieu of Parking By-law. This provision, and the associated Cash-in-Lieu of Parking By-law implements the policies of the Official Plan allowing for such a reduction where it is not feasible to provide on-site parking.

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

**3) The variance is minor in nature**

The variance is considered minor in its impact as the lower parking requirements will continue accommodate the transportation demands of the building residents in this highly walkable and transit friendly neighbourhood.

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

The subject lands are situated within an area of extensive commercial and recreational amenity which serve to reduce the reliance on the private automobile while the sites are also within walking distance of all express and half of all regular transit service routes making this site especially well suited for the proposed reduction in parking.

The variance is desirable and appropriate use of the land.

**Technical Review: Circulated Departments and Agencies**

- |   |   |  |
|---|---|--|
| <input checked="" type="checkbox"/> Building Services | <input checked="" type="checkbox"/> Engineering         | <input checked="" type="checkbox"/> Heritage Services    |
| <input type="checkbox"/> Finance                      | <input checked="" type="checkbox"/> Utilities Kingston  | <input type="checkbox"/> Real Estate                     |
| <input checked="" type="checkbox"/> Fire & Rescue     | <input checked="" type="checkbox"/> Kingston Hydro      | <input checked="" type="checkbox"/> Environment Division |
| <input checked="" type="checkbox"/> Solid Waste       | <input type="checkbox"/> Parks Development              | <input type="checkbox"/> Canadian National Railways      |
| <input type="checkbox"/> Housing                      | <input checked="" type="checkbox"/> District Councillor | <input type="checkbox"/> Ministry of Transportation      |
| <input type="checkbox"/> KEDCO                        | <input type="checkbox"/> Municipal Drainage             | <input type="checkbox"/> Parks of the St. Lawrence       |
| <input type="checkbox"/> CRCA                         | <input type="checkbox"/> KFL&A Health Unit              | <input type="checkbox"/> Trans Northern Pipelines        |

December 11, 2023

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- Building Services
- Parks Canada
- Hydro One
- Kingston Airport
- Engineering
- Eastern Ontario Power
- Enbridge Pipelines
- Heritage Services
- CFB Kingston
- TransCanada Pipelines

**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 correspondence had 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**

Both 525 and 555 Princess Street obtained land use planning approval through an Official Plan and Zoning By-law amendment file D35-001-2019. The property located at 525 Princess Street is currently subject to Site Plan Control application D11-046-2022 while the property located at 555 Princess Street is currently subject to Site Plan Control application D11-047-2022.

**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 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 facilitate a greater degree of housing affordability and support the transportation goals of increasing the modal split towards active forms of transportation and facilitate additional growth within an area intended to be a focus of intensification.

**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:

December 11, 2023

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**Provincial**

Provincial Policy Statement, 2020

**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 December 11, 2023 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 76 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 G – 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:**

Meghan Robidoux, Supervisor, Development Approvals, 613-546-4291 extension 1256

Ian Clendening, Senior Planner, 613-546-4291 extension 3126

**Other City of Kingston Staff Consulted:**

None

**Exhibits Attached:**

Exhibit A Recommended Conditions

Exhibit B Key Map

December 11, 2023

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- Exhibit C Neighbourhood Context Map (2023)
- Exhibit D Official Plan Map
- Exhibit E Zoning By-Law Map
- Exhibit F Site Plan and Floor Plans
- Exhibit G Public Notification Map

## Recommended Conditions

The approval of minor variance application, File Number D13-064-2023, to permit a reduction in parking to 0.2 parking spaces per residential unit, shall be subject to the following recommended conditions:

### 1. Limitation

That the approved minor variance applies only to the reduction in parking for a mixed-use building on the lands located at 525 & 555 Princess Street.

### 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 when they make application for a Building Permit.

The drawings submitted with the Building Permit application must, in the opinion of the City, conform to the general intent and description of the approved drawing(s), including any amendments and conditions approved by the Committee of Adjustment, as stated in the decision. It must be noted that additional planning approvals may be required should further zoning deficiencies be identified through the Building Permit application process.

### 4. Standard Archaeological Condition

In the event that deeply buried or previously undiscovered archaeological deposits are discovered in the course of development or site alteration, all work must immediately cease and the site must be secured. The Archaeology Program Unit of the Ministry of Citizenship and Multiculturalism (archaeology@ontario.ca) and City of Kingston's Planning Services (613-546-4291, extension 3180) must be immediately contacted.

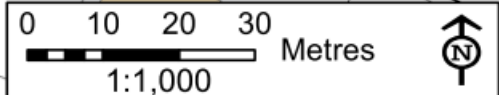
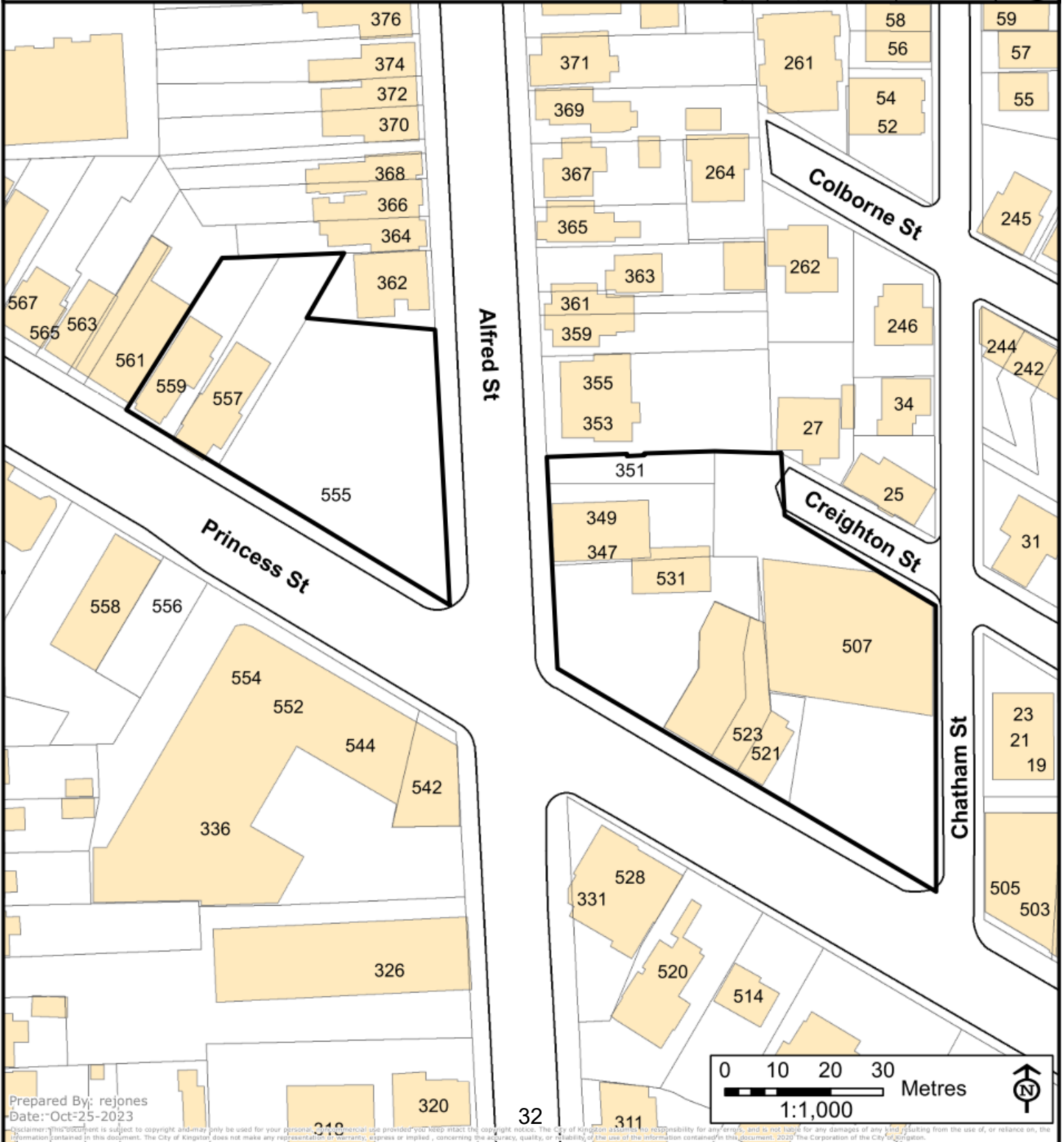
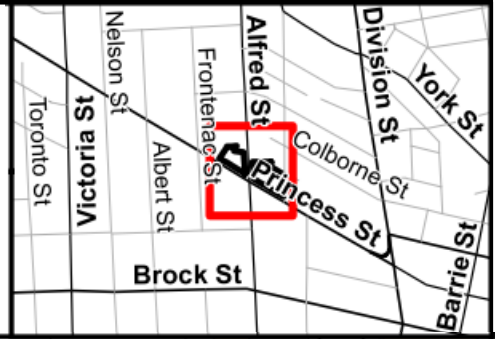
In the event that human remains are encountered, all work must immediately cease and the site must be secured. The Kingston Police (613-549-4660), the Office of the Chief Coroner as a part of the Ontario Ministry of the Solicitor General (1-877-991-9959), the Archaeology Program Unit of the Ministry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



# Committee of Adjustment Key Map

Address: 525 & 555 Princess St  
File Number: D13-064-2023

Lands Subject to Minor Variance







# Committee of Adjustment Neighbourhood Context (2023)

Address: 525 Princess St  
File Number: D13-064-2023

- Subject Lands
- Property Boundaries
- Proposed Parcels



Prepared By: rejonas  
Date: Oct-25-2023

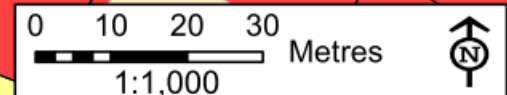
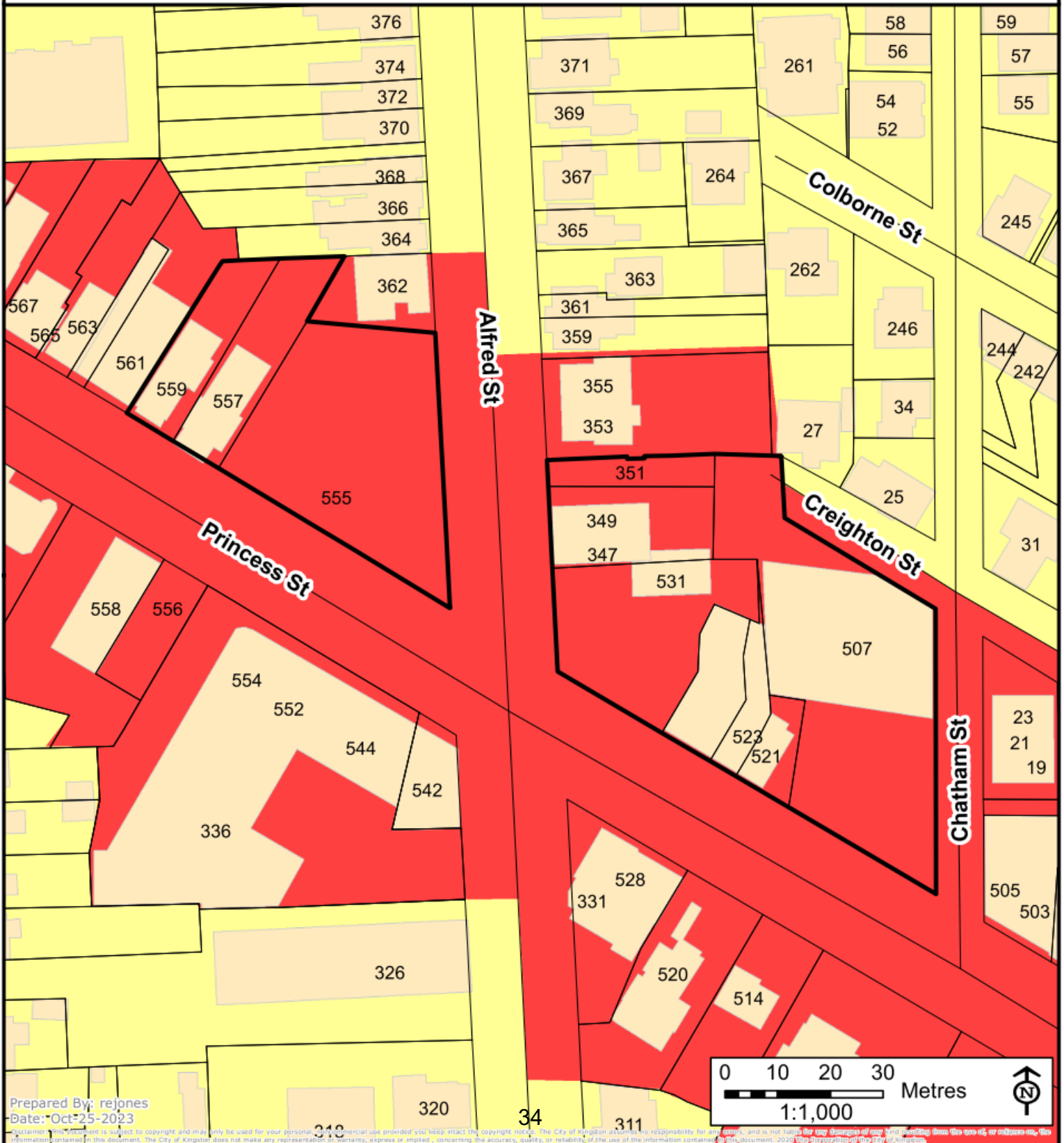




# Committee of Adjustment Official Plan, Existing Land Use

Address: 525 & 555 Princess St  
File Number: D13-064-2023

-  Subject Lands
-  MAIN STREET COMMERCIAL
-  RESIDENTIAL



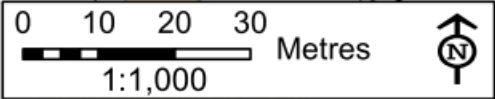
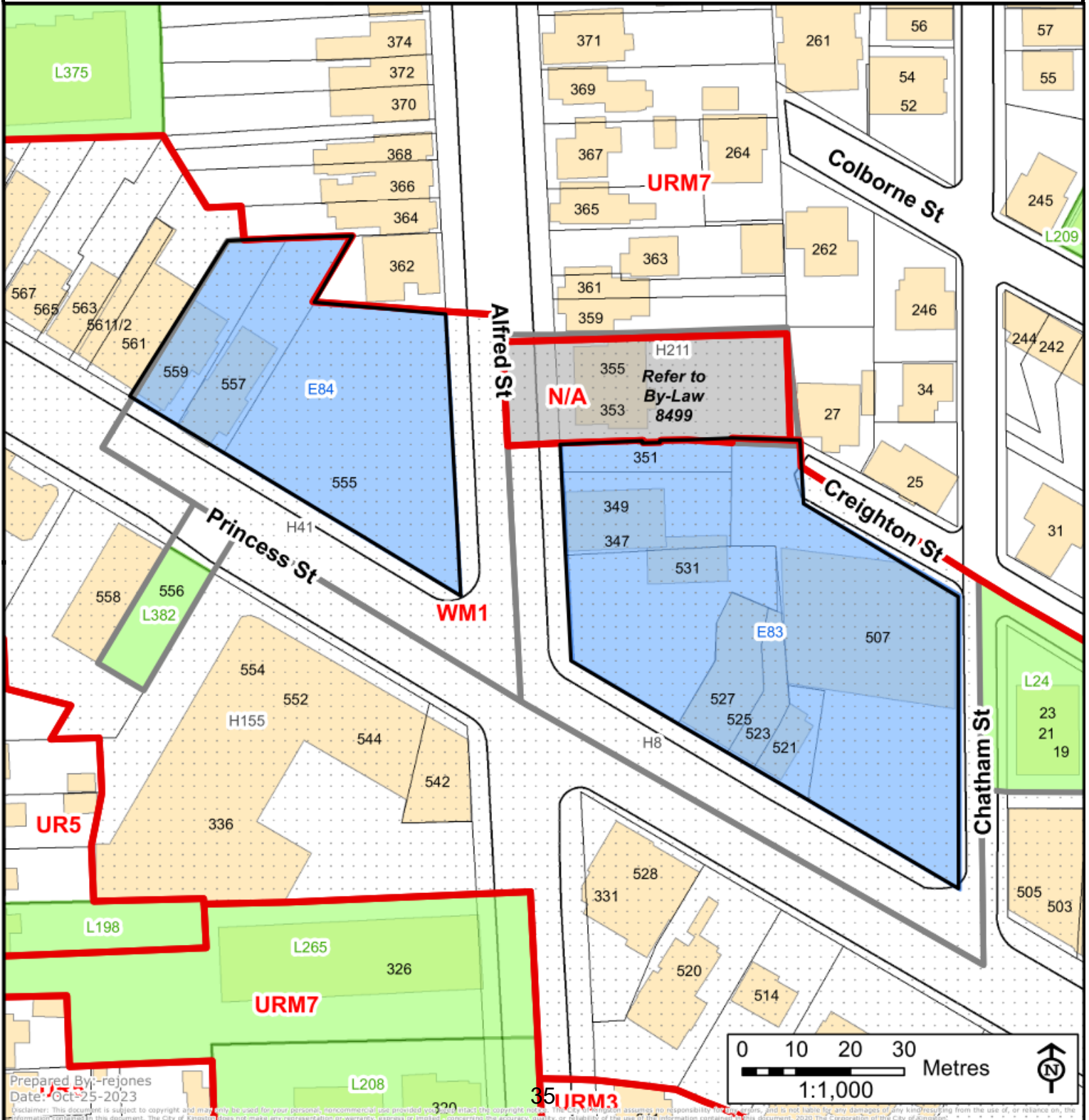


Planning Committee  
**Existing Zoning**  
**Kingston Zoning By-Law 2022-62**

**Planning Services**

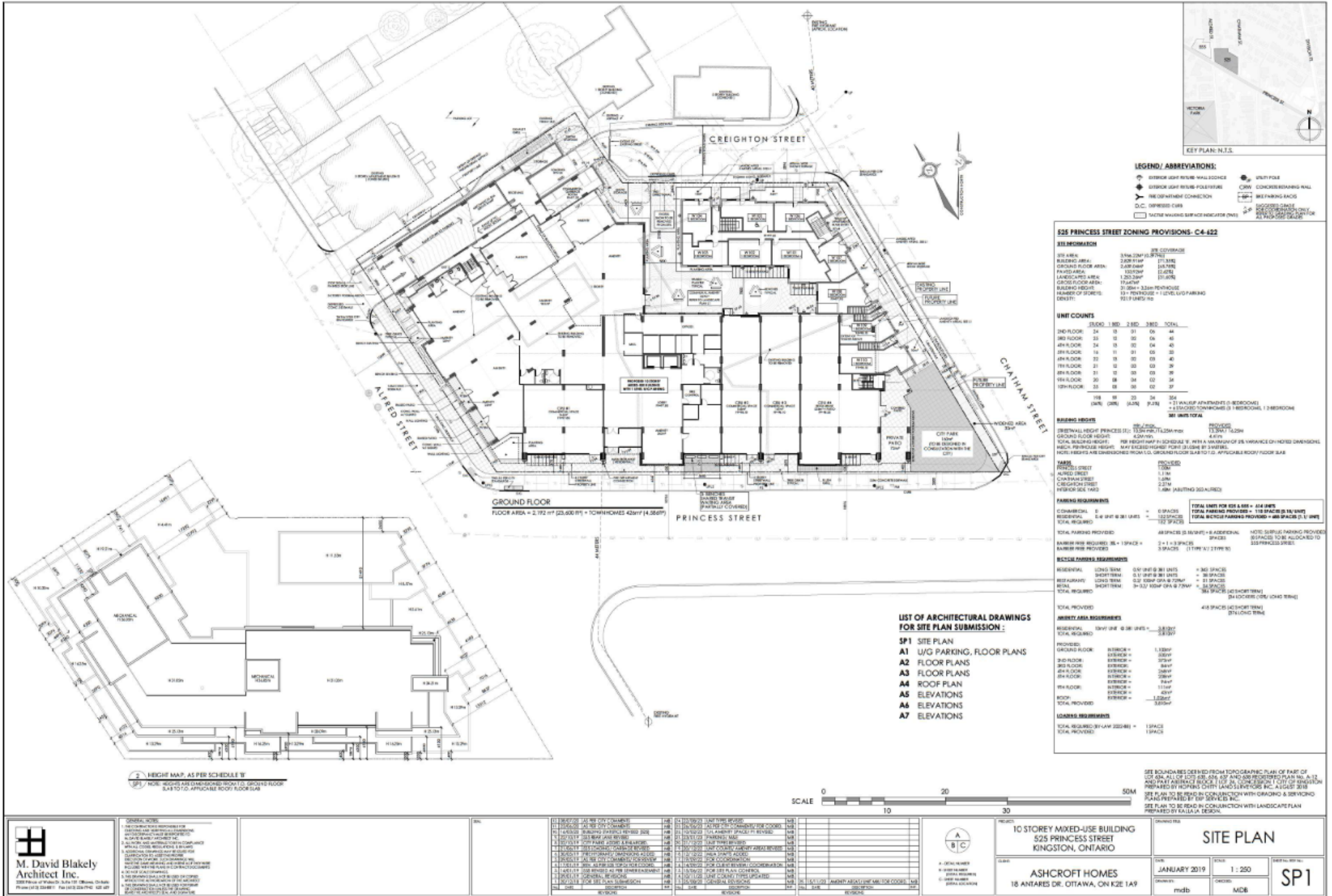
Address: 525 & 555  
Princess St File Number:  
D13-064-2023

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



Prepared By: re-jones  
Date: Oct-25-2023

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**525 PRINCESS STREET ZONING PROVISIONS - C4-422**

**31% MINIMUM**

31% AREA: 3.74% (2M FLOOR)  
 31% MINIMUM: 171.31M<sup>2</sup>  
 31% MINIMUM: 147.87M<sup>2</sup>  
 31% MINIMUM: 124.87M<sup>2</sup>  
 31% MINIMUM: 101.87M<sup>2</sup>  
 31% MINIMUM: 78.87M<sup>2</sup>  
 31% MINIMUM: 55.87M<sup>2</sup>  
 31% MINIMUM: 32.87M<sup>2</sup>  
 31% MINIMUM: 9.87M<sup>2</sup>

**UNIT COUNTS**

FLOOR	1B	1C	2B	2C	3B	3C	4B	4C	5B	5C	6B	6C	7B	7C	8B	8C	9B	9C	10B	10C	TOTAL	
2ND FLOOR	34	13	01	06	44																	
3RD FLOOR	35	12	02	05	46																	
4TH FLOOR	34	13	02	05	44																	
5TH FLOOR	16	11	01	02	30																	
6TH FLOOR	32	13	02	05	44																	
7TH FLOOR	31	12	02	05	39																	
8TH FLOOR	31	12	02	05	39																	
9TH FLOOR	30	12	02	05	38																	
10TH FLOOR	30	12	02	05	38																	
TOTAL	308	117	02	06	424																	

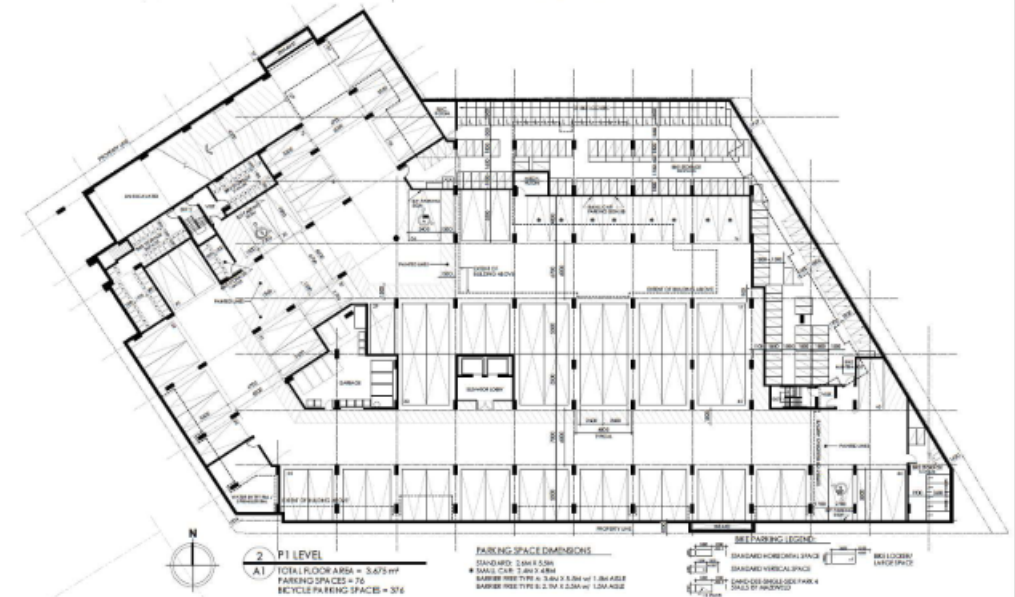
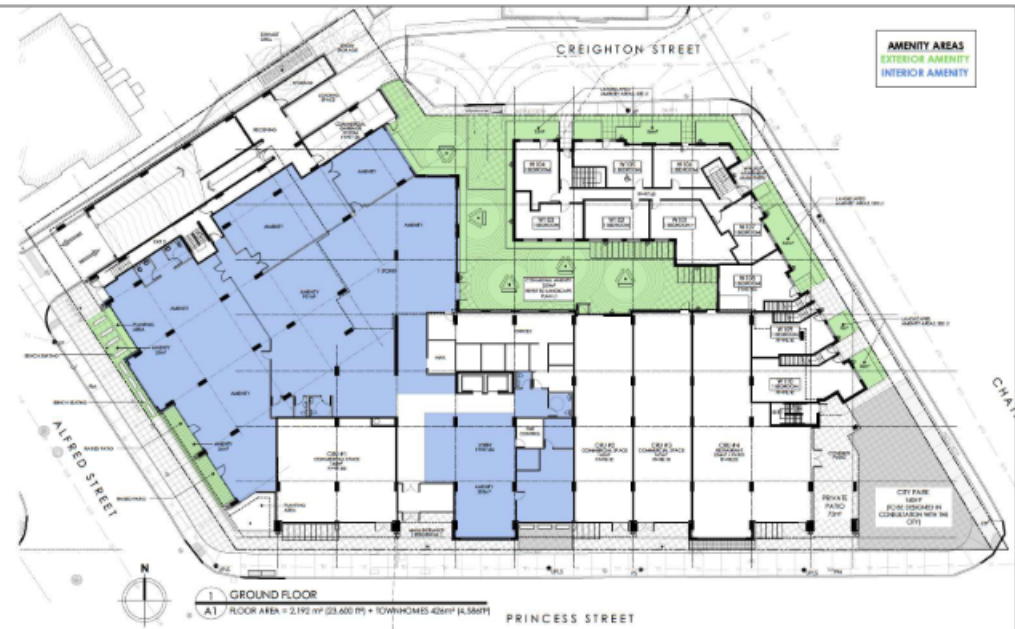
**REMARKS:**  
 1. 31% MINIMUM: 171.31M<sup>2</sup>  
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Phone: (416) 224-8811 Fax: (416) 224-7942

**GENERAL NOTE:**  
1. THE CLIENT HAS REVIEWED AND APPROVED THE PRELIMINARY AND FINAL ARCHITECTURAL DRAWINGS AND SPECIFICATIONS FOR THIS PROJECT.  
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02	PRELIMINARY DESIGN	05/10/2018	MB	MB
03	FINAL DESIGN	06/10/2018	MB	MB
04	CONSTRUCTION DOCUMENTS	07/10/2018	MB	MB
05	AS-BUILT DOCUMENTS	08/10/2018	MB	MB
06	OPERATIONAL DOCUMENTS	09/10/2018	MB	MB
07	MAINTENANCE DOCUMENTS	10/10/2018	MB	MB
08	REPAIR DOCUMENTS	11/10/2018	MB	MB
09	RENOVATION DOCUMENTS	12/10/2018	MB	MB
10	DEMOLITION DOCUMENTS	01/11/2018	MB	MB

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15	AS-BUILT DOCUMENTS	08/10/2018	MB	MB
16	OPERATIONAL DOCUMENTS	09/10/2018	MB	MB
17	MAINTENANCE DOCUMENTS	10/10/2018	MB	MB
18	REPAIR DOCUMENTS	11/10/2018	MB	MB
19	RENOVATION DOCUMENTS	12/10/2018	MB	MB
20	DEMOLITION DOCUMENTS	01/11/2018	MB	MB

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30	DEMOLITION DOCUMENTS	01/11/2018	MB	MB

**A B C**

A: SHEET NUMBER  
B: SHEET NUMBER  
C: SHEET NUMBER

PROJECT  
**10 STOREY MIXED-USE BUILDING**  
525 PRINCESS STREET  
KINGSTON, ONTARIO

CLIENT  
**ASHCROFT HOMES**  
18 ANTARES DR. OTTAWA, ON K2E 1A9

GROUND FLOOR PLAN  
U/G PARKING PLANS

DATE  
JANUARY 2019

SCALE  
1 : 250

DRAWN BY  
MDB

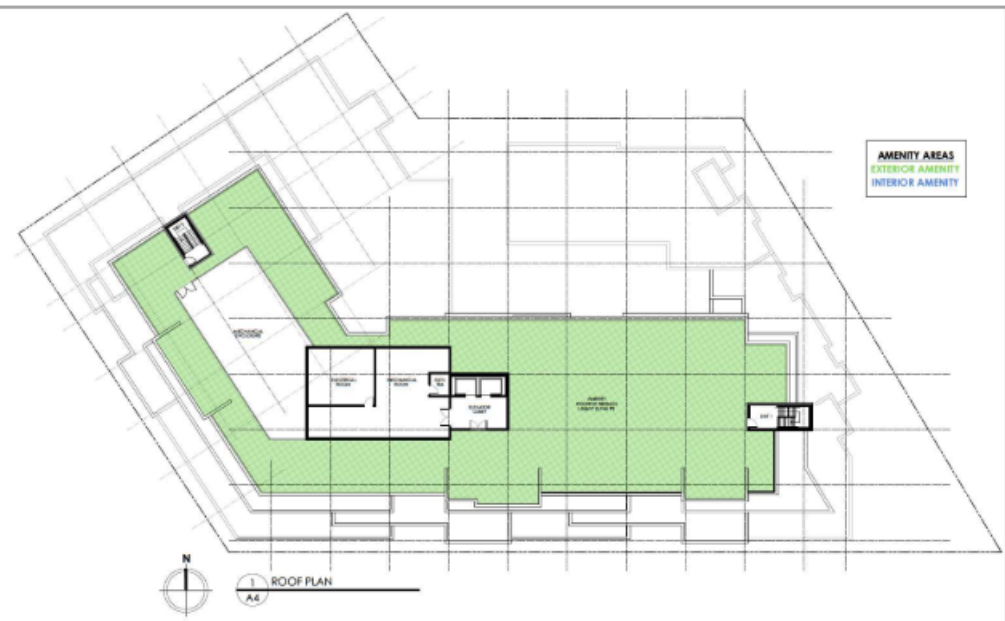
CHECKED BY  
MDB

SHEET NO. 001 OF 001  
**A1**









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**GENERAL NOTES:**  
1. THIS PLAN IS A PART OF THE PROJECT AND SHOULD BE USED IN CONJUNCTION WITH THE OTHER DOCUMENTS OF THE PROJECT.  
2. ALL DIMENSIONS ARE IN METERS UNLESS OTHERWISE SPECIFIED.  
3. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.  
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10	FOR REVIEW	2019.01.15	MDb	

**A B C**

A - DESIGN NUMBER  
B - DESIGN NUMBER  
C - DESIGN NUMBER

**PROJECT:**  
10 STOREY MIXED-USE BUILDING  
525 PRINCESS STREET  
KINGSTON, ONTARIO

**CLIENT:**  
ASHCROFT HOMES  
18 ANTARES DR. OTTAWA, ON K2E 1A9

**PROJECT TITLE:**  
ROOF PLAN

**DATE:**  
JANUARY 2019

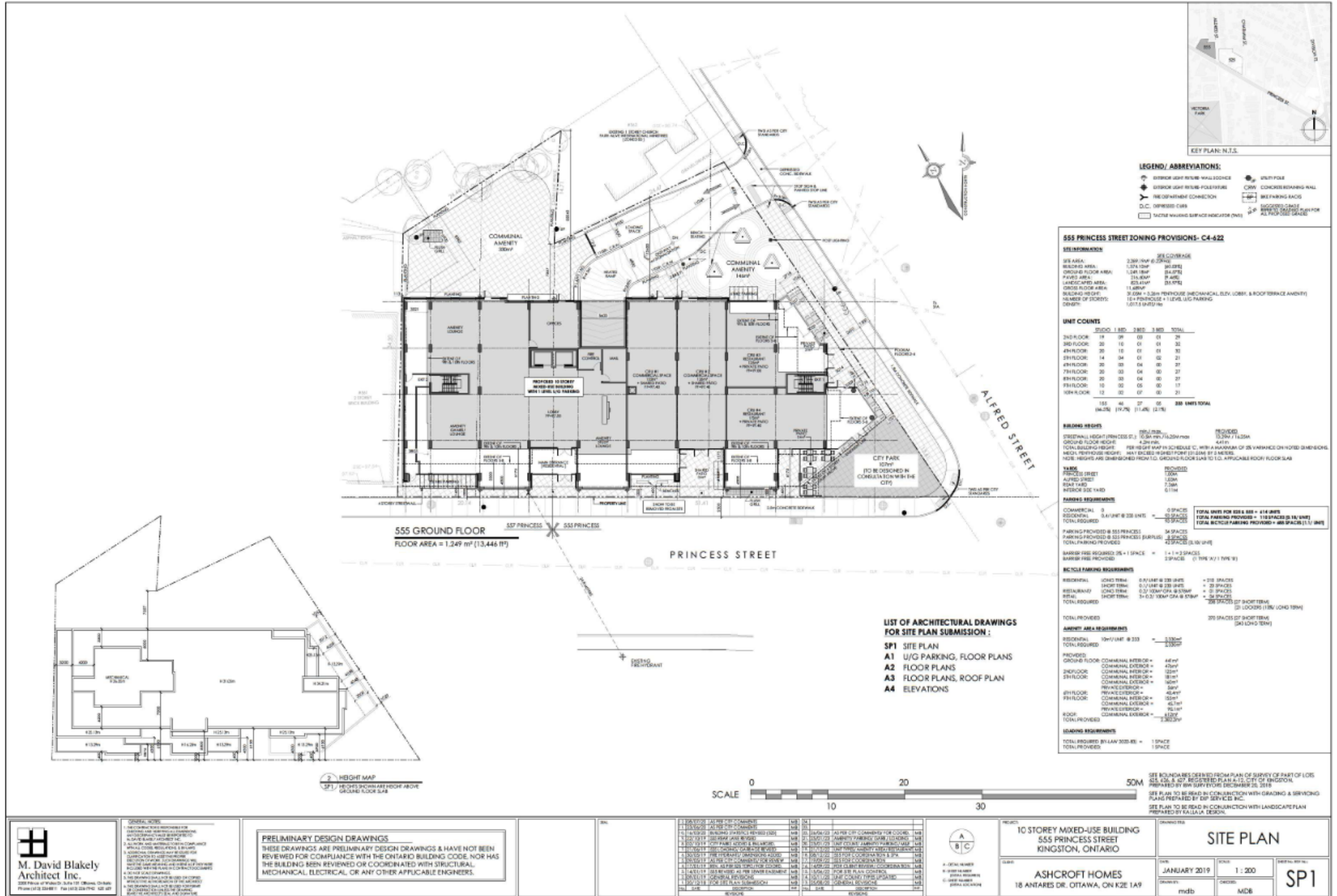
**SCALE:**  
1 : 250

**DESIGNER:**  
MDb

**CHECKED:**  
MDb

**PROJECT NO.:**  
A4





**M. David Blakely Architect Inc.**  
2008 PRINCE OF WELLES ST. SUITE 101, KINGSTON, ONTARIO  
Phone: (613) 336-6671 Fax: (613) 336-7740

**PRELIMINARY DESIGN DRAWINGS**  
THESE DRAWINGS ARE PRELIMINARY DESIGN DRAWINGS & HAVE NOT BEEN REVIEWED FOR COMPLIANCE WITH THE ONTARIO BUILDING CODE. NOR HAS THE BUILDING BEEN REVIEWED OR COORDINATED WITH STRUCTURAL, MECHANICAL, ELECTRICAL, OR ANY OTHER APPLICABLE ENGINEERS.

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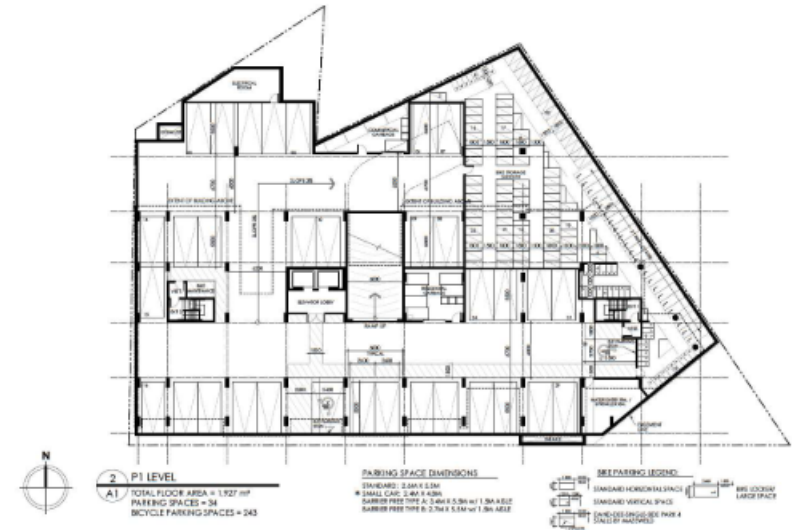
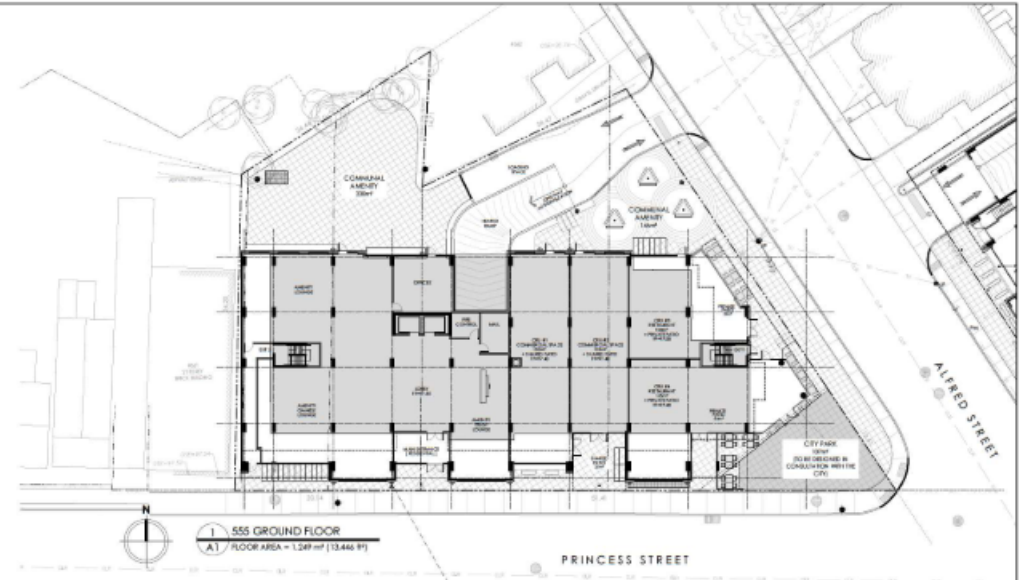
**10 STOREY MIXED-USE BUILDING**  
555 PRINCESS STREET  
KINGSTON, ONTARIO

**ASHCROFT HOMES**  
18 ANTARES DR. OTTAWA, ON K2E 1A9

**SITE PLAN**

DATE: JANUARY 2019  
SCALE: 1:200  
DRAWN BY: mdb  
CHECKED BY: MD6

PROJECT NO.: SP1

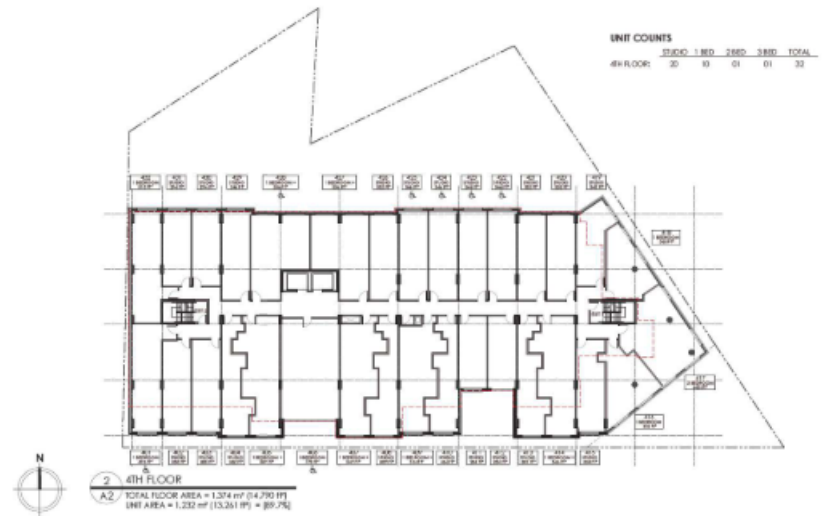
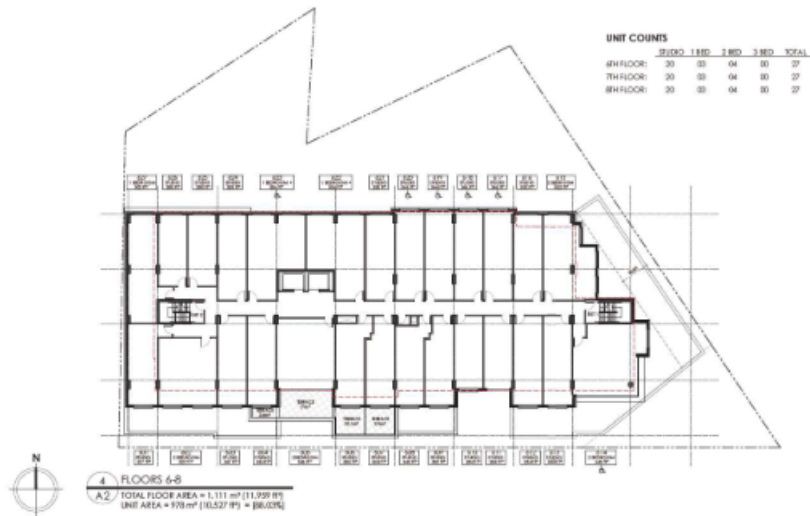
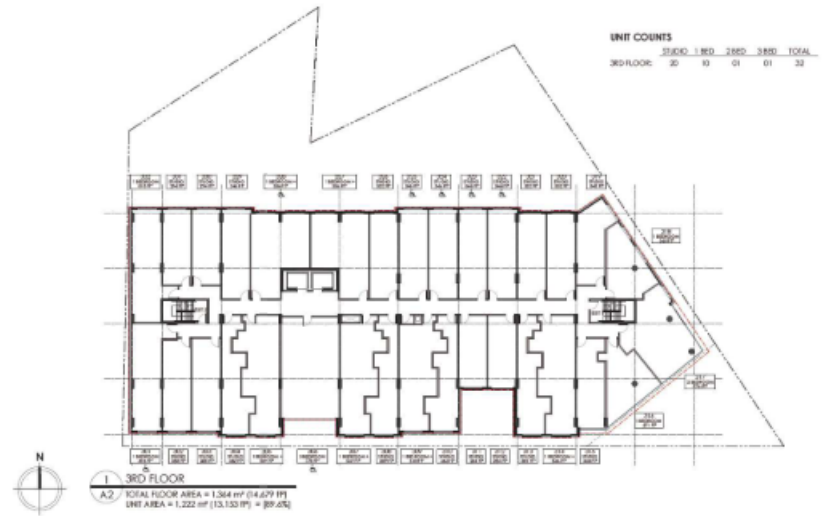
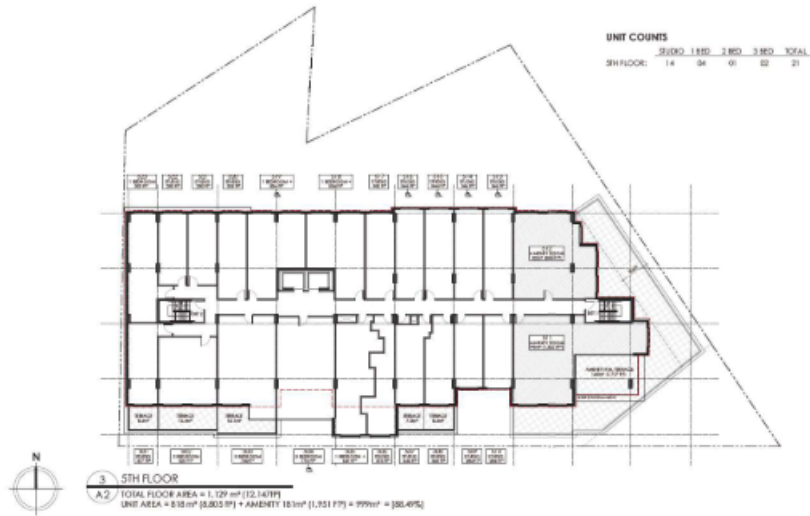


**M. David Blakely Architect Inc.**  
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**PRELIMINARY DESIGN DRAWINGS**  
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NO.	DESCRIPTION	DATE	BY	CHECKED
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	<b>PROJECT</b> 10 STOREY MIXED-USE BUILDING 555 PRINCESS STREET KINGSTON, ONTARIO	<b>DATE</b> JANUARY 2019	<b>SCALE</b> 1:250	<b>DATE NO. 001</b> A1
	<b>CLIENT</b> ASHCROFT HOMES 18 ANTARES DR. OTTAWA, ON K2E 1A9	<b>DRAWN BY</b> mdb	<b>CHECKED BY</b> MD6	



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**PROJECT:** 10 STOREY MIXED-USE BUILDING  
 555 PRINCESS STREET  
 KINGSTON, ONTARIO

**CLIENT:** ASHCROFT HOMES  
 18 ANTIARS DR., OTTAWA, ON K2E 1A9

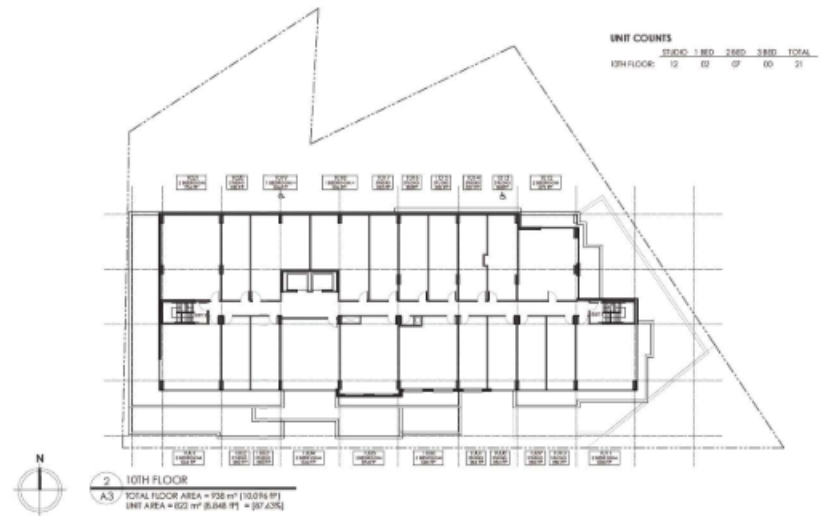
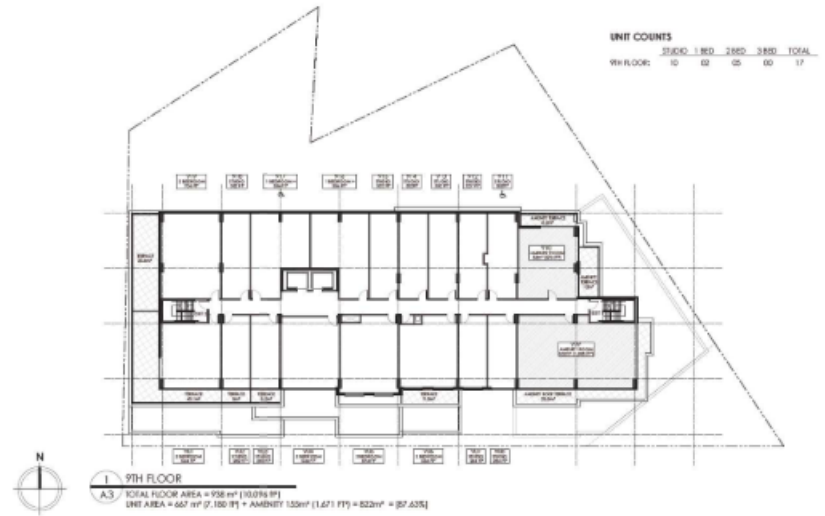
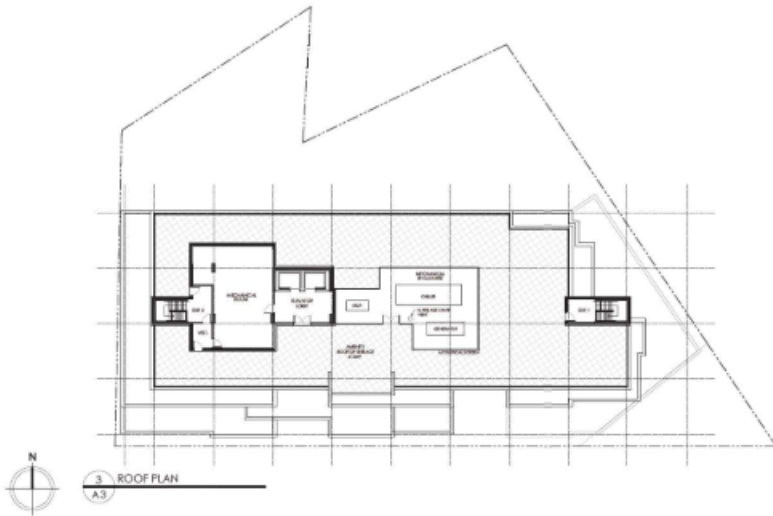
**DATE:** JANUARY 2019

**SCALE:** 1:250

**DESIGNER:** mdb

**CHECKER:** MD

**PROJECT NO.:** A2



**M. David Blakely Architect Inc.**  
2025 Prince of Wales Dr. Suite 101 Ottawa, Ontario  
Phone: (416) 222-1111 Fax: (416) 222-1112

**DESIGNER'S NOTES:**  
1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE MUNICIPAL AUTHORITIES.  
2. ALL WORK SHALL BE IN ACCORDANCE WITH THE APPLICABLE MUNICIPAL BY-LAWS AND REGULATIONS.  
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE MUNICIPAL AUTHORITIES.  
4. ALL WORK SHALL BE IN ACCORDANCE WITH THE APPLICABLE MUNICIPAL BY-LAWS AND REGULATIONS.  
5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE MUNICIPAL AUTHORITIES.  
6. ALL WORK SHALL BE IN ACCORDANCE WITH THE APPLICABLE MUNICIPAL BY-LAWS AND REGULATIONS.

**PRELIMINARY DESIGN DRAWINGS**  
THESE DRAWINGS ARE PRELIMINARY DESIGN DRAWINGS & HAVE NOT BEEN REVIEWED FOR COMPLIANCE WITH THE ONTARIO BUILDING CODE. NOR HAS THE BUILDING BEEN REVIEWED OR COORDINATED WITH STRUCTURAL, MECHANICAL, ELECTRICAL, OR ANY OTHER APPLICABLE ENGINEERS.

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**PROJECT:** 10 STOREY MIXED-USE BUILDING  
555 PRINCESS STREET  
KINGSTON, ONTARIO

**CLIENT:** ASHCROFT HOMES  
18 ANTIARS DR. OTTAWA, ON K2E 1A9

**DATE:** JANUARY 2019

**SCALE:** 1:250

**DESIGNER:** mdb

**CHECKED:** MDB

**PROJECT NO.:** A3

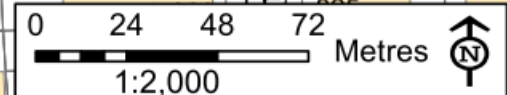
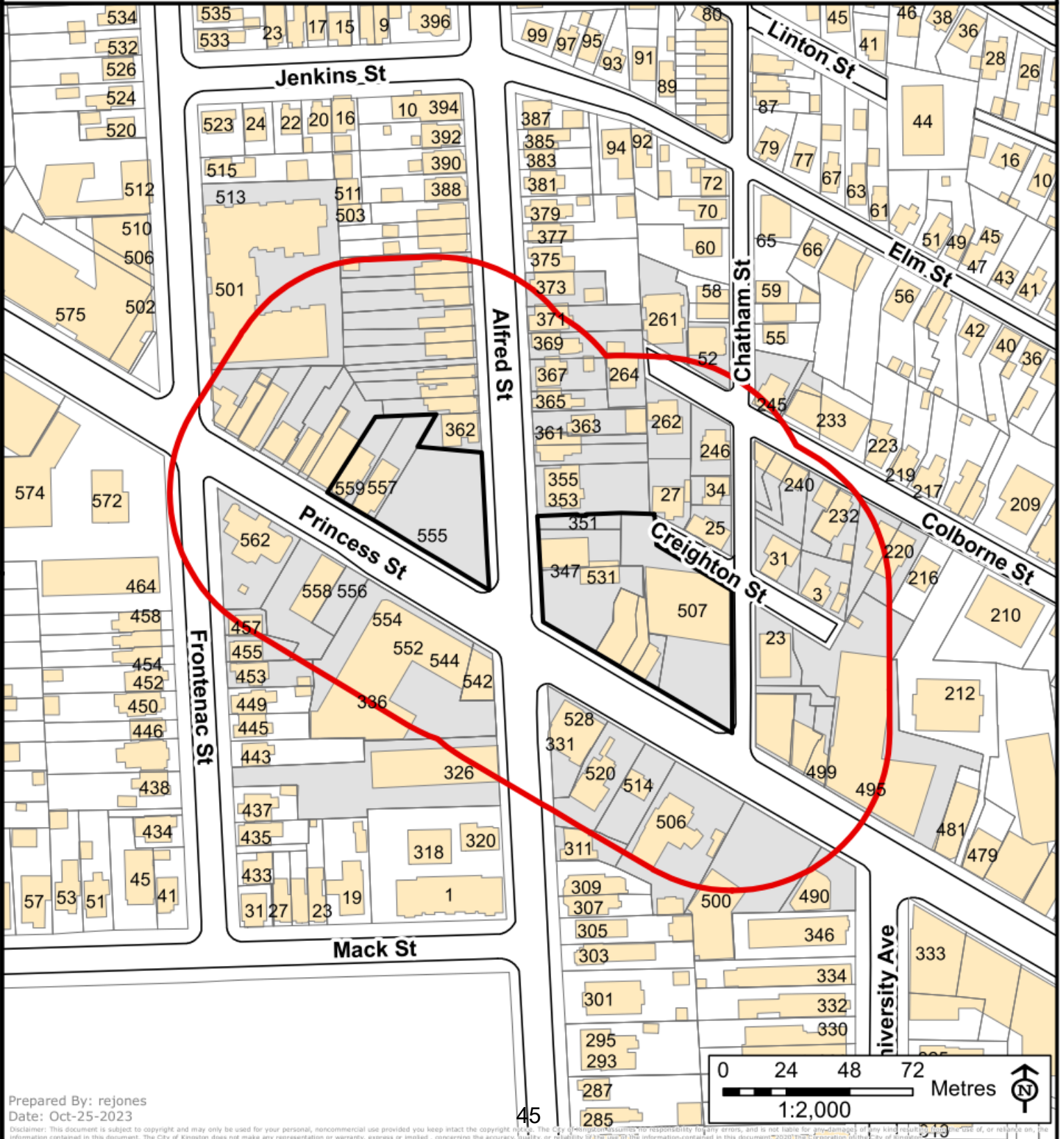




# Committee of Adjustment Public Notice Notification Map

Address: 525 & 555 Princess St  
File Number: D13-064-2023

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





**City of Kingston  
Report to Committee of Adjustment  
Report Number COA-24-005**

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**To:** Chair and Members of the Committee of Adjustment  
**From:** Jacob Slevin, Planner  
**Date of Meeting:** December 11, 2023  
**Application for:** Minor Variance  
**File Number:** D13-063-2023  
**Address:** 390 Palace Road  
**District:** District 9 - Williamsville  
**Owner:** Roman Catholic Episcopal Corporation of the Diocese of Kingston in Canada  
**Applicant:** Armando Sardinha

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**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 variance for the property located at 390 Palace Road. The applicant is proposing to expand an existing office building on the property.

The property at 390 Palace Road is currently developed as a place of worship use, St. Joseph's Church, with an associated office building used by the Roman Catholic Archdiocese of Kingston. The applicant is proposing a 211 square metre addition on the west side to the existing office building. Through the pre-application process, it was determined that a 3.06 metre road widening is required along the Sir John A MacDonald Boulevard frontage on the subject property, adjacent to the proposed addition.

December 11, 2023

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The concept plan initially submitted by the applicant proposed a 7.5 metre setback from the lot line abutting Sir John A MacDonald Boulevard, which would be compliant with the relevant zoning requirements. However, after the conveyance of the 3.06 metre wide parcel to the City for the purpose of the road widening, the distance from the proposed office building addition to the lot line would be only 4.44 metres rather than 7.5 metres. As such, a minor variance to permit a reduced setback of 4.44 metres is required to facilitate the development of the proposed office building expansion.

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.

**Recommendation:**

**That** minor variance application, File Number D13-063-2023, for the property located at 390 Palace Road to facilitate the development of an office building addition, be approved, as described below:

**Variance Number 1:**

By-Law Number 2022-62: Table 12.5.1.5 – Minimum Rear Setback

Requirement: 7.5 metres

Proposed: 4.44 metres

Variance Requested: 3.06 metres; and

**That** approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-005.

December 11, 2023

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**Authorizing Signatures:**

ORIGINAL SIGNED BY PLANNER

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Jacob Slevin, Planner

**In Consultation with the following Management of the Growth & Development Services Group:**

Tim Park, Director, Planning Services

Meghan Robidoux, Supervisor, Development Approvals



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**Options/Discussion:**

On October 23, 2023, a minor variance application was submitted by Armando Sardinha, on behalf of the owner, the Roman Catholic Episcopal Corporation of the Diocese of Kingston in Canada, with respect to the property located at 390 Palace Road. The subject property is currently developed with a place of worship, St. Joseph's Church, with an associated office building used by the Roman Catholic Archdiocese of Kingston. The property is located to the east of Sir John A Macdonald Boulevard. The applicant is proposing a 211 square metre addition on the west side of this office building, which would expand the office building closer towards Sir John A Macdonald Boulevard.

Through the pre-application process, it was determined that a 3.06 metre road widening is required along the Sir John A MacDonald Boulevard frontage on the subject property, adjacent to the proposed addition. As per Table 1 of Section 4.6.17.1 of the Official Plan, this portion of Sir John A Macdonald Boulevard is planned to be widened to a total of 36.6 metres in width. The existing road width adjacent to the subject property is only 30.48 metres wide.

The concept plan initially submitted by the applicant proposed a 7.5 metre setback from the lot line abutting Sir John A MacDonald Boulevard, which would be compliant with the relevant zoning requirements. However, after the conveyance of the 3.06 metre wide parcel to the City for the purpose of the road widening, the distance from the proposed office building addition to the lot line would be only 4.44 metres rather than 7.5 metres. As such, a minor variance to permit a reduced setback of 4.44 metres is required to facilitate the development of the proposed office building expansion.

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

- Site Plan (Exhibit F)

All submission materials are available online through the Development and Services Hub (DASH) at the following link, [DASH](#), using "Look-up a Specific Address". If there are multiple addresses, search one address at a time, or submission materials may also be found by searching the file number.

**Site Characteristics**

The subject property is located in the Williamsville District of the City of Kingston, east of Sir John A Macdonald Boulevard and west of Palace Road (Exhibit B – Key Map). The property abuts residential uses to the north, east, south, and west. The built form of the surrounding residential areas consists of primarily single detached houses to the east and semi-detached homes to the south. The lands to the north and west of the subject property are primarily developed as multi-residential housing developments and townhomes (Exhibit C – Neighbourhood Context Map).

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The subject property is designated Residential in the Official Plan (Exhibit D – Official Plan Map) and zoned Urban Multi-Residential Zone 4 (URM4) in Kingston Zoning By-Law Number 2022-62 (Exhibit E – Zoning By-Law Map).

### **Provincial Policy 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 Policy 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 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 proposed development conforms to Section 2 of the Official Plan regarding Strategic Policy Direction. The subject property contains a non-residential use within the Urban Boundary. The proposed addition will facilitate a modest intensification of the existing use of the property as a place of worship. The road widening of Sir John A Macdonald Boulevard that will be enabled through this proposal will create opportunities for developing active transportation infrastructure such as bike lanes or a multiuse pathway, as per Section 2.5.10 of the Official Plan.

The proposed addition is anticipated to be compatible with the existing built form on the subject property, as well as compatible with all surrounding land uses. No land use compatibility concerns as outlined in Section 2.7 of the Official Plan are expected to arise resulting from approval of this application. No concerns relating to increased shadowing, intrusive overlook, increased traffic, architectural incompatibility, or any other concerns outlined in Section 2.7.3 are anticipated.

The existing entrance from Palace Road will remain the only access point for the subject property. Through the pre-application, Planning Staff identified that five accessible parking

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spaces will be required on the subject property. The applicant has agreed to provide these five accessible parking spaces, as shown in Exhibit F.

A portion of the existing parking lot and drive aisle on the subject property adjacent to Sir John A Macdonald Boulevard will encroach onto the municipal right-of-way following the 3.06 metre road widening. The applicant will be required to enter into an Encroachment Agreement with the City in order to permit this encroachment, prior to the issuance of Site Plan Control approval.

390 Palace Road is not a designated property under the *Ontario Heritage Act*, nor is it within a Heritage District. No impacts to any built heritage resources are anticipated as a result of this proposal, and as such, no Heritage Impact Statement is required. Furthermore, Heritage Planning staff have identified the subject property as having limited potential for archeological resources, and therefore no archeological assessment is required.

The proposed building expansion requires only a modest setback reduction to accommodate the City's road widening. The proposal does not require any additional variances, nor does it contemplate any change in use for the subject property. In recognition of this, a minor variance application is considered to be the appropriate means of seeking zoning relief for this proposal and a zoning by-law amendment is not required.

Through technical review of this application, City department have identified several studies and reports that are to be submitted by the applicant prior to this proposal proceeding to the Building Permit stage. These studies include, but are not limited to, a grading and servicing plan, a noise study, and a stormwater management brief. As a Site Plan Control Modification application will be required subsequent to the current Minor Variance application, all required studies will be reviewed to the City's satisfaction during the Site Plan Control Modification process.

As the variance is requested to accommodate the site-specific constraints and to provide for the required road widening, approval of the requested variance would not set an undesirable precedent.

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

## **2) The general intent and purpose of the Zoning By-Law are maintained**

The subject property is zoned Urban Multi-Residential Zone 4 (URM4) in Kingston Zoning By-Law Number 2022-62 (Exhibit E – Zoning By-Law Map). The URM4 Zone permits several residential and non-residential uses. A place of worship, which is the primary use of the subject property, is a permitted use within the URM4 Zone.

The proposal requires a variance to Table 12.5.1.5, which requires a setback of 7.5 metres from the rear lot line. Following the 3.06 metre road widening, the proposed building expansion would be setback 4.44 metres from the new lot line, rather than 7.5 metres from the original lot line. As such, a minor variance is requested in order to facilitate the development of the proposed office building expansion, as detailed below:

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**Variance Number 1:**

By-Law Number 2022-62: Table 12.5.1.5 – Minimum Rear Setback

Requirement: 7.5 metres

Proposed: 4.44 metres

Variance Requested: 3.06 metres

The purpose of Table 12.5.1.5, which establishes the minimum rear setbacks for properties within a URM4 Zone, is to ensure a consistent pattern of development and to maintain the adequate separation of uses.

Surrounding land uses will remain adequately separated if the requested variance is approved. The office building at 390 Palace Road will remain adequately separated from all surrounding residential land uses, in keeping with the other relevant setback provisions of the URM4 Zone. No portion of the office building will encroach into the City's right-of-way following the road widening, with the closest portion of the building to the new property line will be no more than 4.44 metres in distance. The portions of the parking lot and drive aisle on the subject property that will encroach on the City's expanded road allowance will be addressed through an Encroachment Agreement to the satisfaction of the City. This encroachment agreement shall be required prior to the completion of the Site Plan Modification application.

The office building expansion will not substantially alter the existing patterns of development in the surrounding neighbourhood. As an established non-residential use, the existing building at 390 Palace Road is already visually distinct from the nearby residential uses to the south and the east of the property in terms of its built form. The proposed building expansion will have no effect on the patterns of built form for the surrounding residential uses. The eastern addition to the office building will be adequately separated from surrounding uses, and additionally screened by existing trees and vegetation.

In recognition of the fact that land uses will be adequately separated and a coherent pattern of development will be maintained, the requested variance maintains the general intent and purpose of the zoning by-law.

**3) The variance is minor in nature**

The proposal to reduce the required rear setback to accommodate the office building expansion is considered to be minor in nature. The built form of the expanded office building will be consistent with the existing development on the subject property. Despite the proposed reduction of the required setback, the office building expansion is not anticipated to interfere with the functionality of the expanded Sir John A Macdonald Boulevard. The portion of the parking lot on the subject property which will encroach on the City's right-of-way following the road widening will be addressed to the City's satisfaction through the required Encroachment Agreement.

No adverse impacts to adjacent residential land uses are anticipated. The proposed expansion on the western side of the office building would not bring the building any closer towards the adjacent residential uses towards the south of the property. Furthermore, existing mature trees

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and shrubs will provide visual screening between the office building and the houses to the south of the property.

The proposed expansion will comply with all other relevant provisions of the Kingston Zoning By-law, and as such, the proposed variance is considered to be minor.

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

The proposed variance represents a desirable and appropriate development for the subject property, as it will allow for improved functionality of the existing office building by increasing the amount of usable floor space without causing any adverse impacts to any of the adjacent land uses. Furthermore, the planning applications required to enable the office building expansion will grant the City an opportunity to widen the City’s right-of-way at Sir John A Macdonald Boulevard, which is a goal established in the Official Plan. This road widening will offer opportunities to establish active transportation infrastructure such as bicycle lanes or a multiuse pathway along Sir John A Macdonald. As such, the variance is considered to be a desirable and appropriate use of the land.

**Technical Review: Circulated Departments and Agencies**

- |   |  |  |
|---|--|--|
| <input checked="" type="checkbox"/> Building Services | <input checked="" type="checkbox"/> Engineering        | <input checked="" type="checkbox"/> Heritage Services    |
| <input type="checkbox"/> Finance                      | <input checked="" type="checkbox"/> Utilities Kingston | <input checked="" type="checkbox"/> Real Estate          |
| <input checked="" type="checkbox"/> Fire & Rescue     | <input checked="" type="checkbox"/> Kingston Hydro     | <input checked="" type="checkbox"/> Environment Division |
| <input checked="" type="checkbox"/> Solid Waste       | <input checked="" type="checkbox"/> Parks Development  | <input type="checkbox"/> Canadian National Railways      |
| <input type="checkbox"/> Housing                      | <input type="checkbox"/> District Councillor           | <input type="checkbox"/> Ministry of Transportation      |
| <input type="checkbox"/> KEDCO                        | <input type="checkbox"/> Municipal Drainage            | <input type="checkbox"/> Parks of the St. Lawrence       |
| <input type="checkbox"/> CRCA                         | <input type="checkbox"/> KFL&A Health Unit             | <input type="checkbox"/> Trans Northern Pipelines        |
| <input type="checkbox"/> Parks Canada                 | <input type="checkbox"/> Eastern Ontario Power         | <input type="checkbox"/> CFB Kingston                    |
| <input type="checkbox"/> Hydro One                    | <input type="checkbox"/> Enbridge Pipelines            | <input type="checkbox"/> TransCanada Pipelines           |
| <input type="checkbox"/> Kingston Airport             |  |  |

**Technical Comments**

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

**Public Comments**

At the time this report was finalized, no public comments 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.

December 11, 2023

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**Previous or Concurrent Applications**

The subject property is subject to an existing Site Plan Control Agreement from 1989 (File Number A-SPC-4.0555-89). If the proposed Minor Variance application is approved, the applicant shall subsequently be required to apply for a Site Plan Control Pre-Application and a Site Plan Control Modification application prior to obtaining a Building Permit.

**Conclusion**

The requested variance maintains the general intent and purpose of both the City of Kingston Official Plan and Kingston Zoning By-Law Number 2022-62. The proposal is desirable for the appropriate development or use of the land, building or structure and the requested variance is minor in nature. As such, the proposed application meets all four tests under Subsection 45(1) of the *Planning Act* and the application is being recommended for approval, subject to the proposed conditions.

Approval of this application will facilitate the development of the proposed addition to the existing office building located at 390 Palace Road. A Site Plan Control Modification application will be required prior to the applicant obtaining a Building Permit for this proposed addition.

**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 Policy Statement, 2020

**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 December 11, 2023 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 45 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).

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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:**

Meghan Robidoux, Supervisor, Development Approvals, 613-546-4291 extension 1256

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 (2022)
- Exhibit D Official Plan Map
- Exhibit E Zoning By-Law Map
- Exhibit F Site Plan
- Exhibit G Site Photos
- Exhibit H Public Notification Map

## Recommended Conditions

The approval of minor variance application, File Number D13-063-2023, to facilitate the expansion of an existing office building at 390 Palace Road, shall be subject to the following recommended conditions:

### 1. Limitation

That the approved minor variance applies only to the office building 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 drawings, 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.



**5. Site Plan Control Modification**

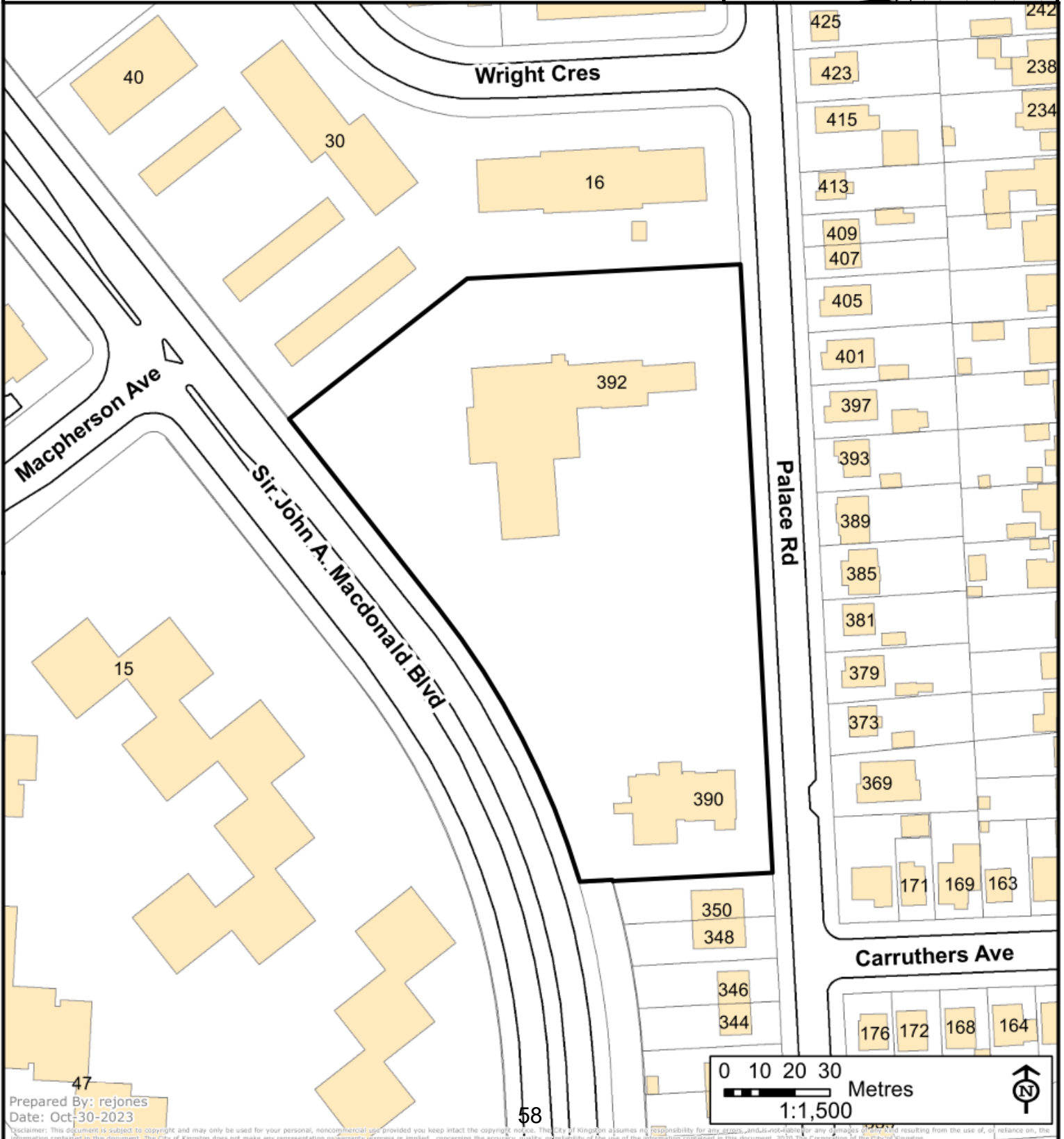
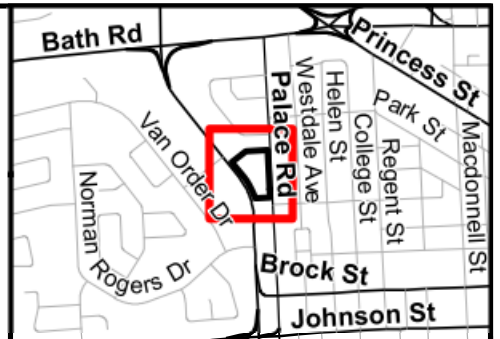
The applicant shall be required to obtain a Site Plan Control Modification agreement prior to applying for a building permit to complete the proposed development.



# Committee of Adjustment Key Map

Address: 390 Palace Road  
File Number: D13-063-2023

Lands Subject to Minor Variance



Prepared By: rejonas  
Date: Oct-30-2023

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# Committee of Adjustment Neighbourhood Context (2023)

Address: 390 Palace Road  
File Number: D13-063-2023

- Subject Lands
- Property Boundaries
- Proposed Parcels



Prepared By: rejonas  
Date: Oct-30-2023

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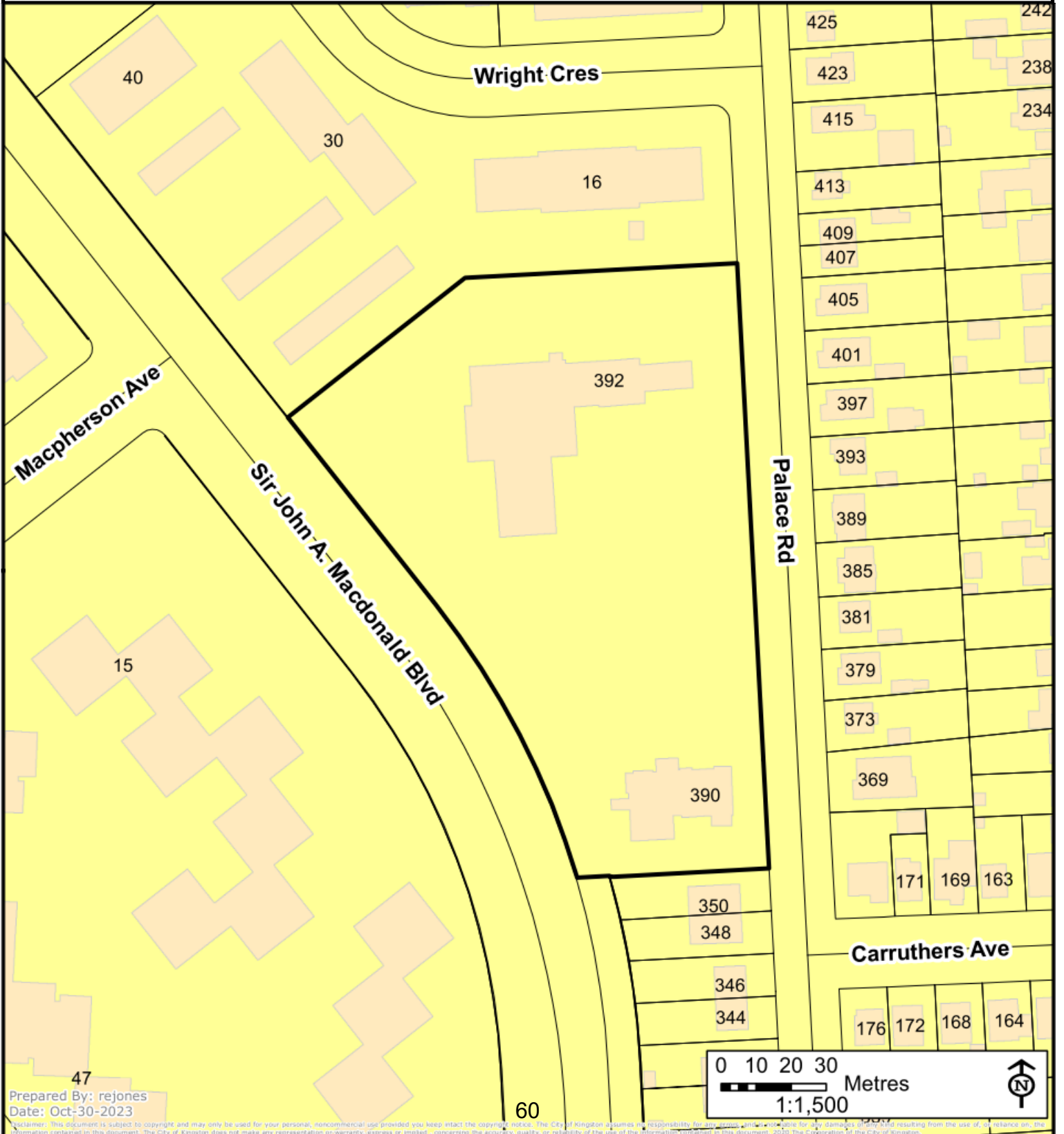




# Committee of Adjustment Official Plan, Existing Land Use

Address: 390 Palace Road  
File Number: D13-063-2023

- Subject Lands
- RESIDENTIAL



Prepared By: rejones  
Date: Oct-30-2023

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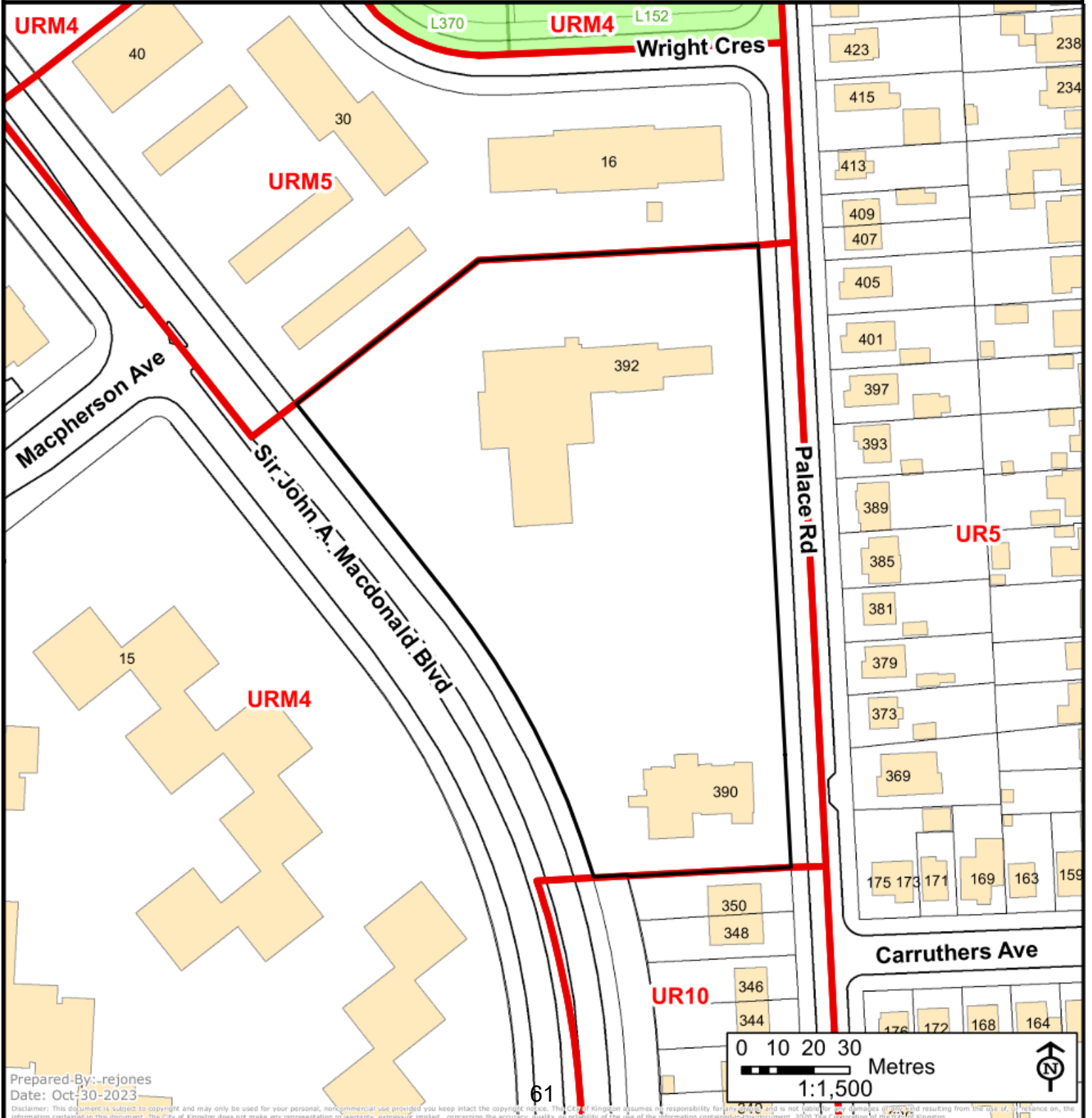
Planning Committee  
Existing Zoning  
Kingston Zoning By-Law 2022-62

Planning Services

Address: 390 Palace Road  
File Number: D13-063-2023

Subject Lands  
Schedule 1 Zoning Map  
Zone

Schedule E - Exception Overlay  
Legacy Exceptions (LXXX)  
Exceptions (EXXX)  
Schedule F - Holding Overlay  
Holding Overlay (HXXX)



Prepared By: rejoncs  
Date: Oct-30-2023

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**Figure 1:** Frontal view of the office building at 390 Palace Road, known as the Francis J. Spence Pastoral Centre.



**Figure 2:** View of the north-east corner of the office building. A 211 square metre addition is proposed for the east side of the building.



**Figure 3:** Eastern view of the office building. It is anticipated that removal of the two trees shown here will be required to accommodate the building expansion.



**Figure 4:** View of Sir John A Macdonald Boulevard from the subject property. Following the road widening, a portion of the parking lot shown here will encroach onto the City's Right-of-Way. An Encroachment Agreement will be required to permit this encroachment.



**Figure 5:** Parking area and landscaped area in front of 390 Palace Road. The applicant has agreed to add five accessible parking spaces to the existing parking lot.



**Figure 6:** Frontal view of St. Joseph's Church, across the parking lot from the office building at 390 Palace Road.

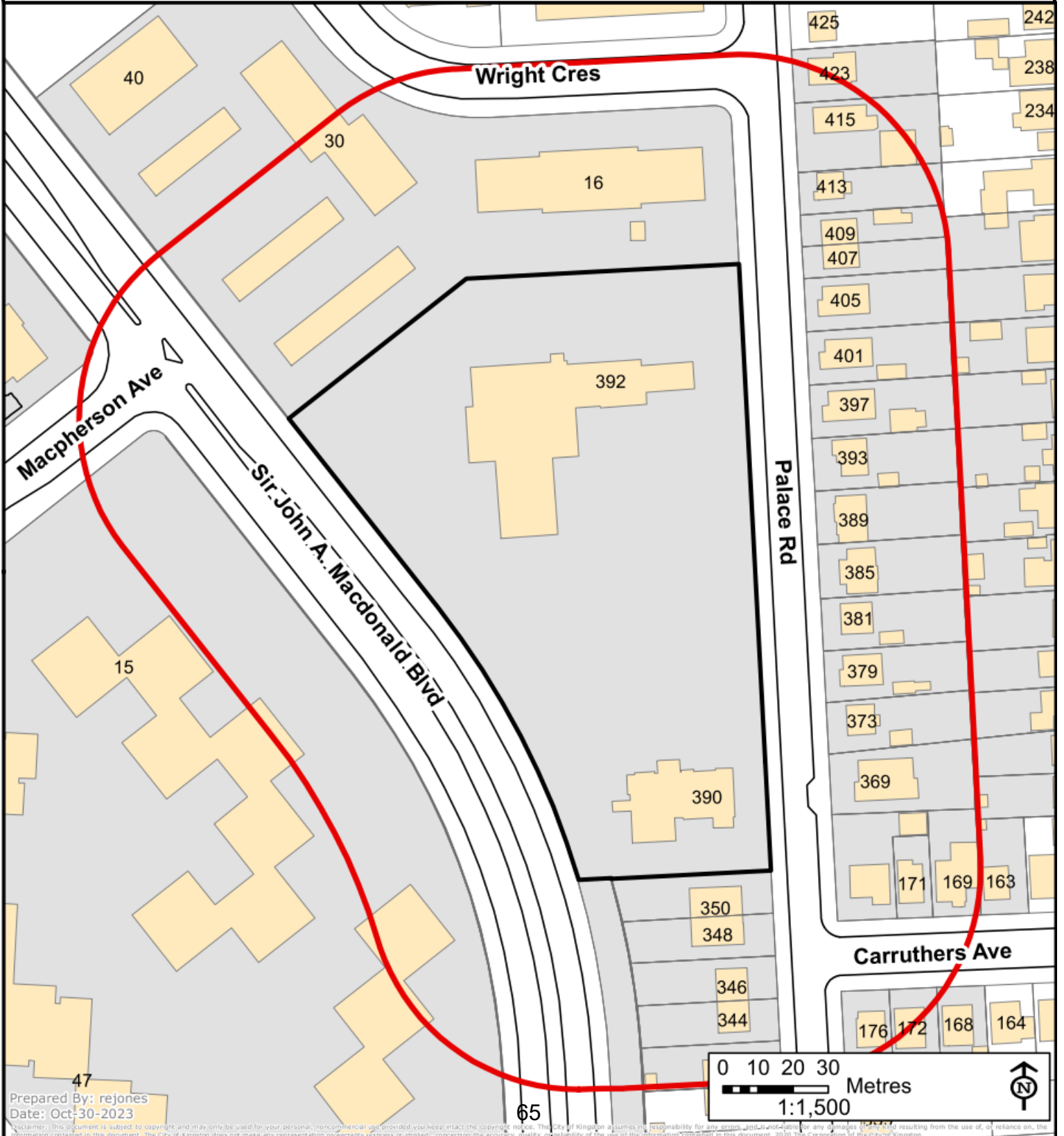




Committee of Adjustment  
**Public Notice Notification Map**

Address: 390 Palace Road  
File Number: D13-063-2023

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



Prepared By: rejonas  
Date: Oct-30-2023

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**City of Kingston  
Report to Committee of Adjustment  
Report Number COA-24-001**

---

**To:** Chair and Members of the Committee of Adjustment  
**From:** Jacob Slevin, Planner  
**Date of Meeting:** December 11, 2023  
**Application for:** Minor Variance  
**File Number:** D13-059-2023  
**Address:** 5 York Street  
**District:** District 11- King's Town  
**Owner:** Neil Glenn  
**Applicant:** Neil Glenn

---

**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 variance for the property located at 5 York Street. The applicant is proposing to construct a covered front porch in the front yard of the subject property. The front wall of the existing house is located approximately 1.76 metres from the front lot line, and therefore the proposed porch is unable to comply with the required 3.5 metre front yard setback for porches. As such, a minor variance is requested to permit the construction of the front porch 0.25 metres from the front lot line.

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

November 13, 2023

Page 2 of 9

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.

**Recommendation:**

**That** minor variance application, File Number D13-059-2023, for the property located at 5 York Street to permit the construction of a front porch, be approved, as described below:

**Variance Number 1:**

By-Law Number 2022-62: Table 4.20.4.2

Requirement: 3.5 metres

Proposed: 0.25 metres

Variance Requested: 3.25 metres

**That** approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-001.

November 13, 2023

Page 3 of 9

**Authorizing Signatures:**

ORIGINAL SIGNED BY PLANNER

---

Jacob Slevin, Planner

**In Consultation with the following Management of the Growth & Development Services Group:**

Tim Park, Director, Planning Services

Meghan Robidoux, Supervisor, Development Approvals

November 13, 2023

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**Options/Discussion:**

On September 25, 2023, a minor variance application was submitted by Neil Glenn, owner of the property located at 5 York Street. The applicant is seeking to construct a covered porch within the front yard of the subject property.

Table 4.20.4 of the Kingston Zoning By-Law establishes setback requirements for decks and porches. As per Table 4.20.4.2, the required front setback for a porch is 3.5 metres from the front lot line. A property survey provided by the applicant (Exhibit F) indicates that the existing house on the subject property is setback only 1.76 metres from the front lot line.

Given the location of the existing house, it is impossible for a front porch to be constructed in compliance with the front setback provisions of Table 4.20.4 of the Kingston Zoning By-Law. As such, the variance is requested to permit the construction of a covered front porch 0.25 metres from the front lot line.

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

- Survey (Exhibit F)
- Building Plans (Exhibit G)

All submission materials are available online through the Development and Services Hub (DASH) at the following link, [DASH](#), using “Look-up a Specific Address”. If there are multiple addresses, search one address at a time, or submission materials may also be found by searching the file number.

**Site Characteristics**

The subject property is located at 5 York Street, within the North King’s Town area of Kingston (Exhibit B – Key Map). The subject property is developed as a rowhouse, with an area of 170.79 square metres and approximately 7.3 metres of frontage onto York Street. The property is located within an established residential neighbourhood, adjacent residential uses to the north, east, south, and west. 5 York Street is located in close proximity to public green space and a neighbourhood commercial use. The subject property is approximately 26 metres from McBurney Park and approximately 51 metres from The Store Famous, a local grocery and convenience store (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 (UR5) in Kingston Zoning By-Law Number 2022-62 (Exhibit E – Zoning By-Law Map).

**Provincial Policy 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 Policy Statement (the PPS). The PPS provides

November 13, 2023

Page 5 of 9

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 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 in a Housing District within the Urban Boundary as per Schedule 2 of the Official Plan. Housing Districts are planned to remain stable in accordance with Section 2.6 of the Official Plan. As the requested variance is proposed solely to enable the development of a covered front porch, approval of this application will have no effect on the stability of the surrounding residential neighbourhood.

The proposed development is anticipated to be compatible with all surrounding uses and buildings in the surrounding neighbourhood, in accordance with Section 2.7 of the Official Plan. Many properties in the immediate area are also developed with front porches close to the front lot line, including 3 York Street and 1 York Street, and therefore the construction of the proposed porch at 5 York Street would conform with the existing streetscape. Additionally, the applicant has agreed to construct a privacy fence on the side of the porch closest to 3 York Street in order to mitigate potential privacy concerns.

Nothing in this proposal will inhibit the site in terms of vehicular access, available parking, or accessibility. The subject property is not designated under the *Ontario Heritage Act*, and furthermore, Heritage Planning staff have advised that an archeological assessment is not warranted for this development.

Given that the proposed front porch only requires a variance to reduce the required front setback and complies with all other applicable provisions of the Kingston Zoning By-Law, a minor variance application is considered to be a more appropriate means of addressing this proposal than a zoning by-law amendment application.

November 13, 2023

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As many properties in the existing residential neighbourhood are currently developed with reduced front setbacks, approval of this variance is not anticipated to set any undesirable precedents.

Therefore, the proposal meets the intent of the Official Plan, as the proposed covered front porch will not result in any negative impacts to adjacent properties or to the neighbourhood.

## **2) The general intent and purpose of the Zoning By-Law are maintained**

The subject property is zoned UR5 in Kingston Zoning By-Law Number 2022-62 (Exhibit E – Zoning By-Law Map). The UR5 Zone permits a number of residential and non-residential uses. Among residential uses, single-detached houses and residential duplexes are permitted uses.

The subject property is a rowhouse, which is not a permitted use in the UR5 Zone. However, clause 11.6.2(1) of the Kingston Zoning By-Law states a townhouse that existed as of the passing of this By-Law is deemed to be a permitted use in the UR5 Zone. MPAC data indicates that the building was constructed prior to establishment of any Zoning By-Laws in the City of Kingston. As such, the existing rowhouse is a permitted use.

The proposal requires a variance to Table 4.20.4.3, which requires porches to be set back 3.5 metres from the front lot line.

### **Variance Number 1:**

By-Law Number 2022-62: Table 4.20.4.3

Requirement: 3.5 metres

Proposed: 0.25 metres

Variance Requested: 3.25 metres

The intent of Table 4.20.4.3 is to regulate the development of decks and porches in order to ensure that decks and porches are adequately separated from one another and compatible with the character and built form of the surrounding neighbourhood. For the residential area surrounding 5 York Street, many residential properties were developed prior to the enactment of the current Kingston Zoning By-Law. As such, many surrounding residential properties are legal non-complying with respect to required front setbacks.

For instance, 3 York Street and 1 York Street are developed with a front porch with a 0 metre setback from the front lot line. Other nearby properties, such as 400 Barrie Street, 402 Barrie Street, and 406 Barrie Street, are developed with a 0 metre setback from the front lot line. Given that many nearby properties are developed with minimal front setbacks, approval of the requested variance to reduce the required front setback is not anticipated to cause compatibility issues with the surrounding neighbourhood. Engineering staff have reviewed the proposal and no concerns are anticipated in regards to encroachment into the municipal right-of-way. As such, the requested variance maintains the general intent and purpose of the zoning by-law.

November 13, 2023

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**3) The variance is minor in nature**

The variance is considered minor as the proposed porch is anticipated to be compatible with the built form of the surrounding residential neighbourhood. Approval of this variance will not facilitate any additional residential density on the subject property, nor will it substantially increase the floor area of the subject property. A privacy fence is proposed on the deck along the east interior lot line, in compliance with the requirements of the zoning by-law. The requested reduction in the required front yard setback is the only variance needed to facilitate construction of the porch, as the proposal complies with all other relevant provisions of the Kingston Zoning By-Law.

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

The variance is considered to be desirable as it will increase the usable floor area of the subject property. This will allow for a more efficient use of available land without causing disruption or adverse impacts to the surrounding neighbourhood.

As such, the variance is considered a desirable and appropriate use of the land.

**Technical Review: Circulated Departments and Agencies**

- |   |  |  |
|---|--|--|
| <input checked="" type="checkbox"/> Building Services | <input checked="" type="checkbox"/> Engineering        | <input checked="" type="checkbox"/> Heritage Services    |
| <input type="checkbox"/> Finance                      | <input checked="" type="checkbox"/> Utilities Kingston | <input checked="" type="checkbox"/> Real Estate          |
| <input checked="" type="checkbox"/> Fire & Rescue     | <input checked="" type="checkbox"/> Kingston Hydro     | <input checked="" type="checkbox"/> Environment Division |
| <input checked="" type="checkbox"/> Solid Waste       | <input checked="" type="checkbox"/> Parks Development  | <input type="checkbox"/> Canadian National Railways      |
| <input type="checkbox"/> Housing                      | <input type="checkbox"/> District Councillor           | <input type="checkbox"/> Ministry of Transportation      |
| <input type="checkbox"/> KEDCO                        | <input type="checkbox"/> Municipal Drainage            | <input type="checkbox"/> Parks of the St. Lawrence       |
| <input type="checkbox"/> CRCA                         | <input type="checkbox"/> KFL&A Health Unit             | <input type="checkbox"/> Trans Northern Pipelines        |
| <input type="checkbox"/> Parks Canada                 | <input type="checkbox"/> Eastern Ontario Power         | <input type="checkbox"/> CFB Kingston                    |
| <input type="checkbox"/> Hydro One                    | <input type="checkbox"/> Enbridge Pipelines            | <input type="checkbox"/> TransCanada Pipelines           |
| <input type="checkbox"/> Kingston Airport             |  |  |

**Technical Comments**

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

**Public Comments**

At the time this report was finalized, no public comments 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.



November 13, 2023

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**Previous or Concurrent Applications**

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

**Conclusion**

The requested variance maintains the general intent and purpose of both the City of Kingston Official Plan and Kingston Zoning By-Law Number 2022-62. The proposal is desirable for the appropriate development or use of the land, building or structure and the requested variance is minor in nature. As such, the proposed application meets all four tests under Subsection 45(1) of the *Planning Act* and the application is being recommended for approval, subject to the proposed conditions.

Approval of this application will enable the construction of a covered front porch 0.25 metres from the front lot line.

**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 Policy Statement, 2020

**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 December 11, 2023 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 57 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*.

November 13, 2023

Page 9 of 9

**Accessibility Considerations:**

None

**Financial Considerations:**

None

**Contacts:**

Meghan Robidoux, Supervisor, Development Approvals, 613-546-4291 extension 1256

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 (2023)
- Exhibit D Official Plan Map
- Exhibit E Zoning By-Law Map
- Exhibit F Survey
- Exhibit G Building Plans
- Exhibit H Site Photos
- Exhibit I Public Notification Map
- Exhibit J Plot Plan

## Recommended Conditions

The approval of minor variance application, File Number D13-059-2023, to reduce the required front setback for a front porch, shall be subject to the following recommended conditions:

### 1. Limitation

That the approved minor variance applies only to front porch 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.

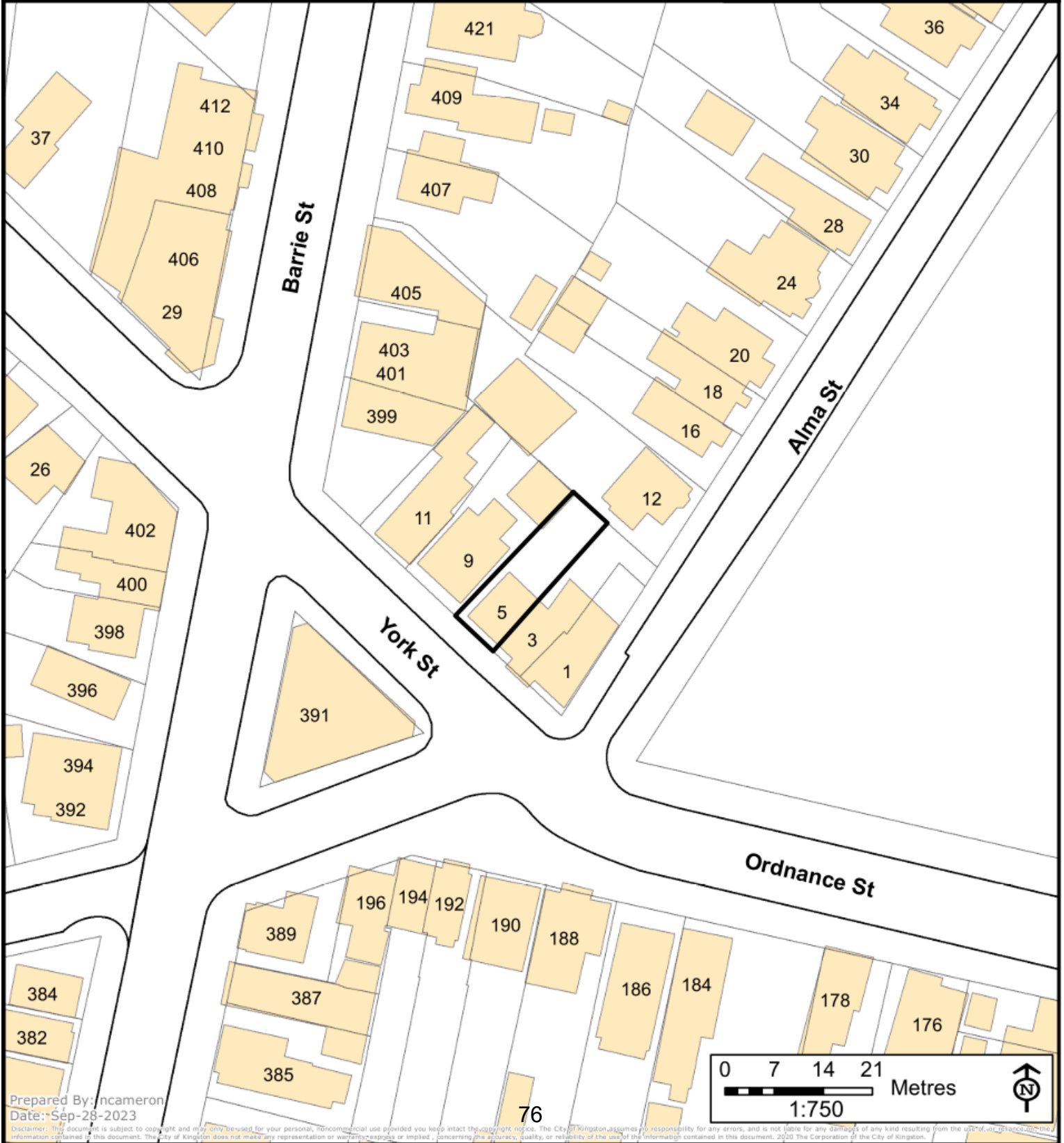
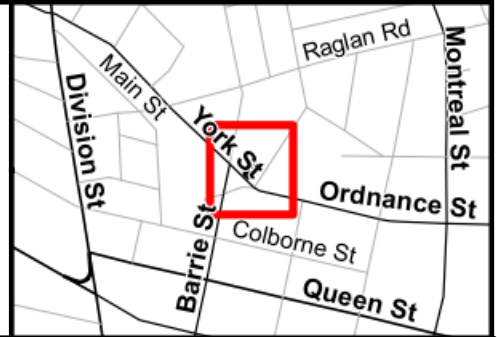
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# Committee of Adjustment Key Map

Address: 5 York St.  
File Number: D13-059-2023

 Lands Subject to Minor Variance







# Committee of Adjustment Neighbourhood Context (2023)

Address: 5 York St.  
File Number: D13-059-2023

- Subject Lands
- Property Boundaries
- Proposed Parcels



Prepared By: ncameron  
Date: Sep-28-2023

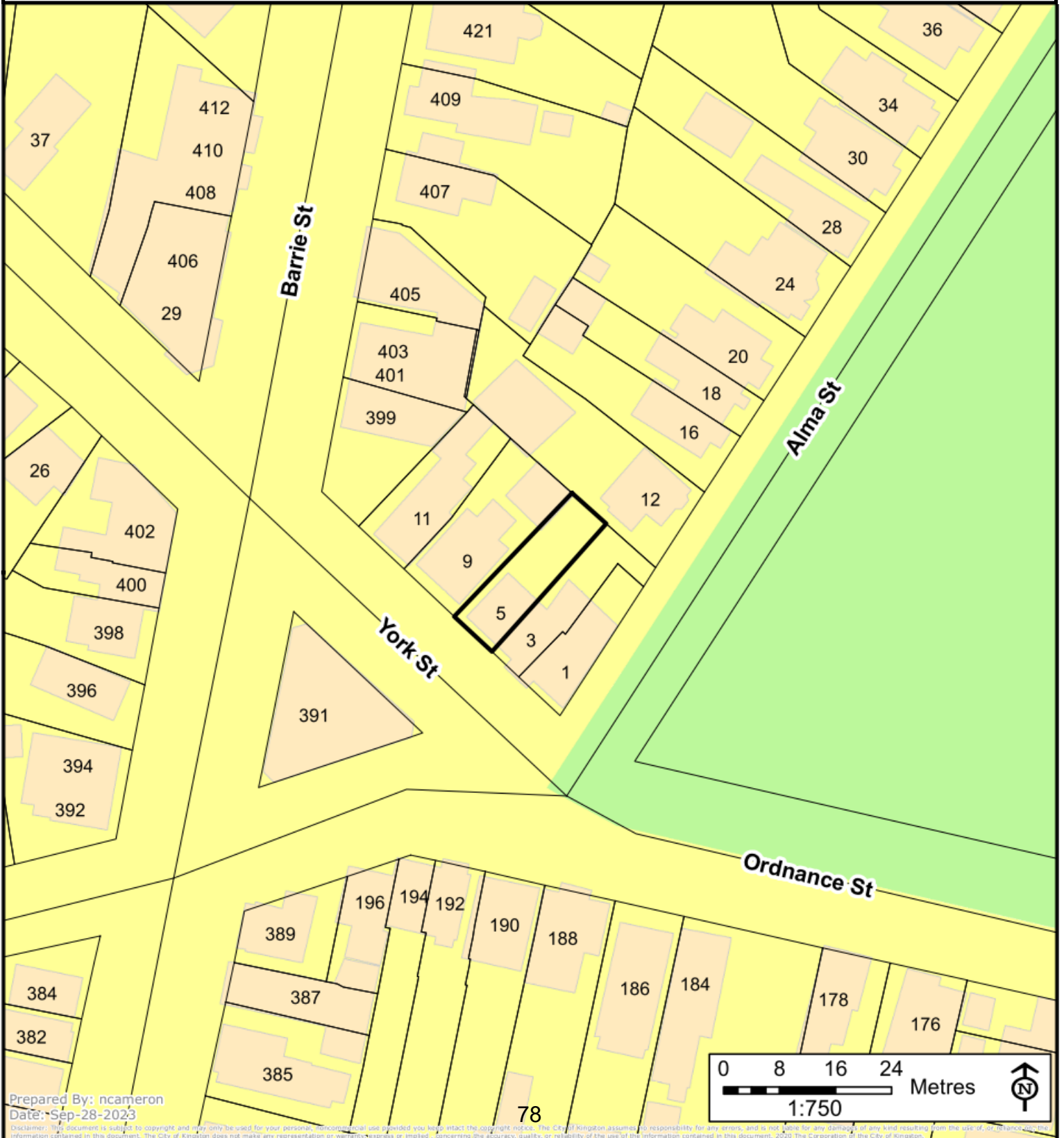
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Committee of Adjustment  
**Official Plan, Existing Land Use**  
Address: 5 York St.  
File Number: D13-059-2023

- Subject Lands
- OPEN SPACE
- RESIDENTIAL



Prepared By: ncameron  
Date: Sep-28-2023

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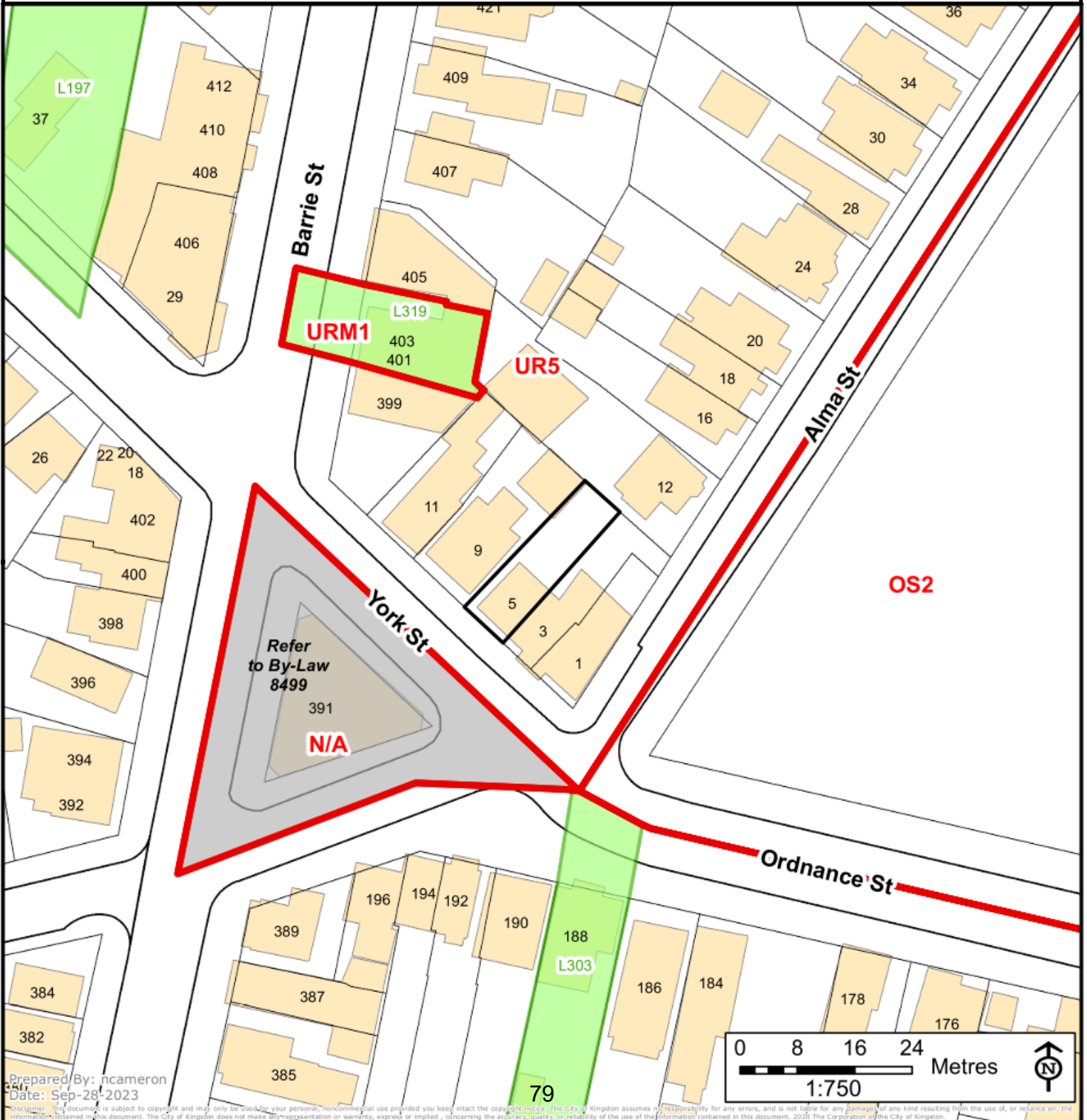


Planning Committee  
**Existing Zoning**  
**Kingston Zoning By-Law 2022-62**

**Planning Services**

Address: 5 York St.  
File Number: D13-059-2023

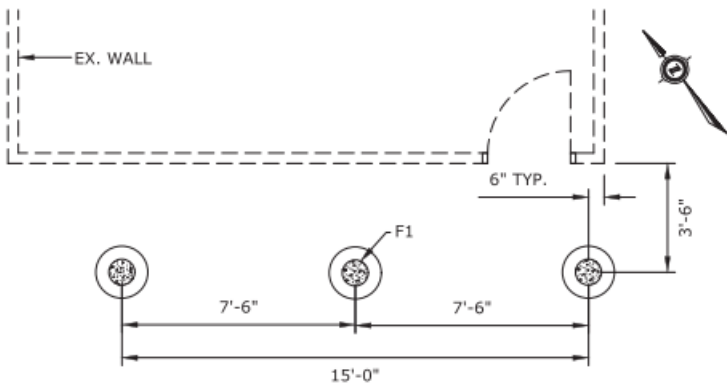
- Subject Lands
- Schedule 1 Zoning Map
- Zone
- Not Subject to the Kingston Zoning By-law
- Schedule E - Exception Overlay
- Legacy Exceptions (LXXX)
- Exceptions (EXXX)
- Schedule F - Holding Overlay
- Holding Overlay (HXXX)



Prepared By: ncameron  
Date: Sep-28-2023

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**PORCH FOOTING PLAN**  
SCALE: 1/4" = 1'-0"

**GENERAL NOTES**

1. COMPLY WITH ALL REQUIREMENTS OF THE OCCUPATIONAL HEALTH AND SAFETY ACT DURING CONSTRUCTION, INCLUDING ANY TEMPORARY WORKS.
2. DO NOT SCALE DRAWINGS.
3. THE CONTRACTOR IS TO FIELD VERIFY ALL DIMENSIONS & SITE CONDITIONS BEFORE STARTING CONSTRUCTION. IF DISCREPANCIES ARE FOUND, NOTIFY THE ENGINEER BEFORE CONTINUING WITH THE WORK.
4. THE OWNER IS RESPONSIBLE FOR OBTAINING BUILDING PERMITS PRIOR TO START OF CONSTRUCTION.

**EXCAVATION AND BACKFILL NOTES**

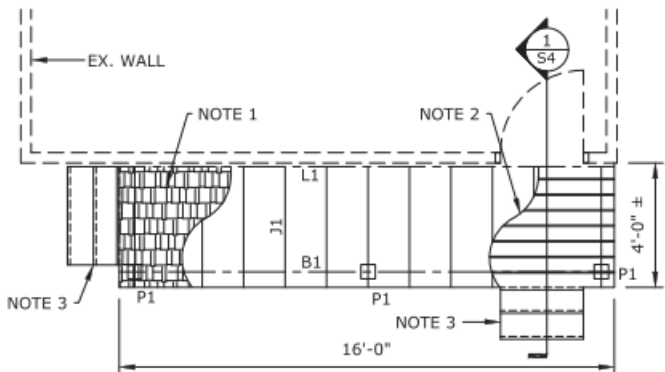
1. EXCAVATE ALL ORGANIC FILL, DEBRIS OR FOREIGN MATERIAL TO UNDISTURBED SUB-GRADE.
2. REMOVE ANY DELETERIOUS MATERIAL FROM SUB-GRADE.
3. FINISHED SITE GRADING TO PROVIDE POSITIVE DRAINAGE AWAY FROM THE BUILDING. DIRECT ALL DOWNSPOUTS AND OVERLAND FLOW AWAY FROM BUILDING.

**CONCRETE & REINFORCING NOTES**

1. PROTECT CONCRETE FROM HOT, COLD AND WET WEATHER DURING CONSTRUCTION.
2. CONCRETE FOR FOOTINGS TO BE MINIMUM 20 MPA. CONCRETE EXPOSED TO FREEZING AND THAWING SHALL HAVE 4% TO 7% AIR ENTRAINMENT.
3. ALL REINFORCING SHALL HAVE A MINIMUM YIELD STRENGTH OF 400 MPa.
4. ALL CONTINUOUS REINFORCING TO BE LAPPED A MINIMUM OF 24" AT SPLICES.
5. UNLESS NOTED OTHERWISE, ALL REINFORCING TO HAVE 2" CONCRETE COVER WHERE CAST AGAINST FORMWORK AND 3" COVER WHERE CAST AGAINST SUBGRADE.

**WOOD & FRAMING NOTES**

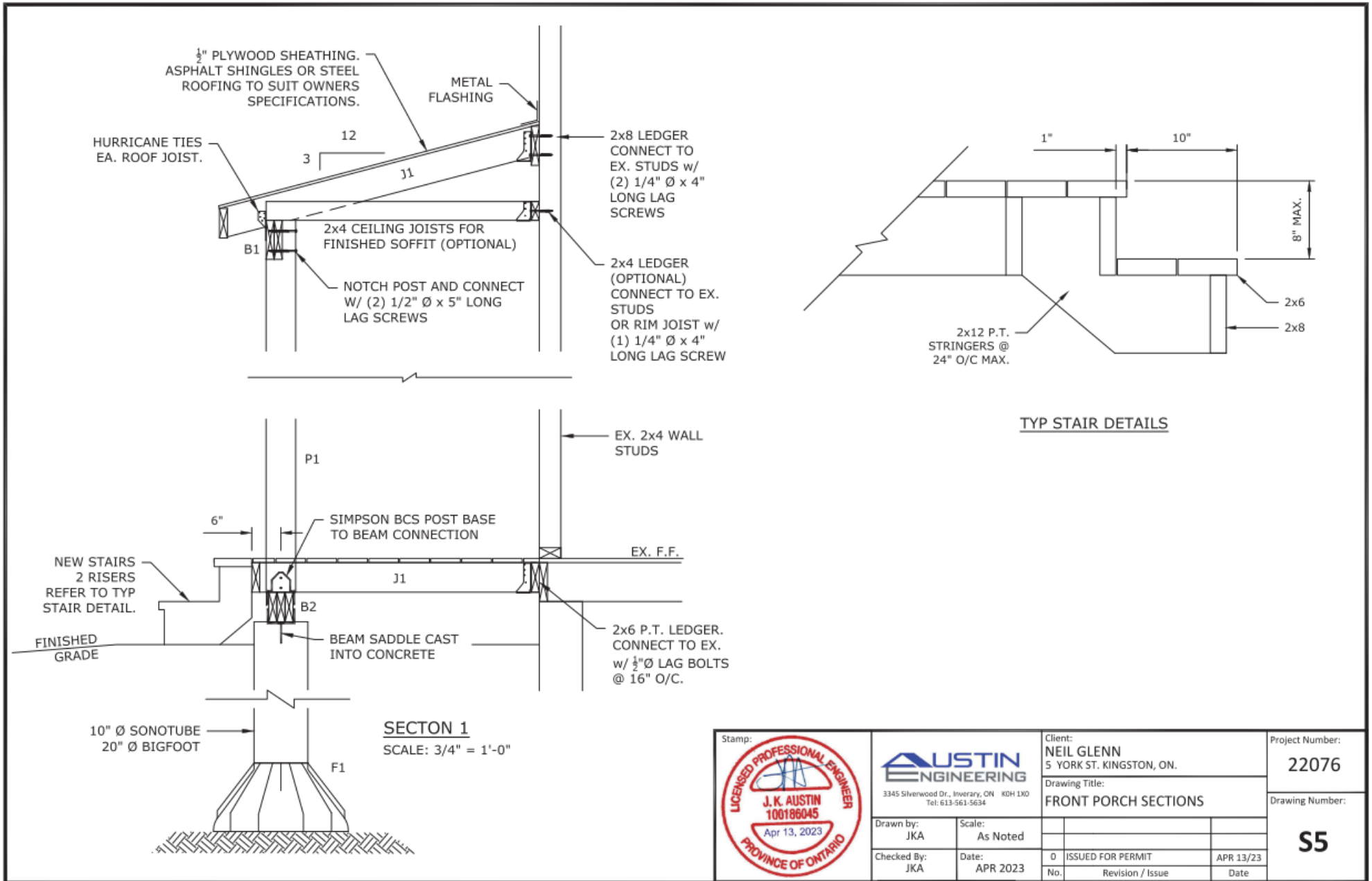
1. LUMBER FOR JOISTS, RAFTERS, TRUSSES, BEAMS, STUD WALL FRAMING SHALL BE SPF NO.2 OR BETTER.
2. WOOD-BASED PANELS FOR ROOF SHEATHING TO CSA O437.0, "OSB AND WAFERBOARD" 0-1 GRADE.
3. MOISTURE CONTENT OF LUMBER SHALL BE NOT MORE THAN 19% AT THE TIME OF INSTALLATION.
4. NAILS SHALL BE COMMON STEEL WIRE NAILS OR COMMON SPIRAL NAILS, CONFORMING TO CSA B111, "WIRE NAILS, SPIKES AND STAPLES". ALL NAILS SHALL BE LONG ENOUGH SO THAT NOT LESS THAN HALF THEIR REQUIRED LENGTH PENETRATES INTO THE SECOND MEMBER.
5. ALL WOOD FRAME NAILING TO COMPLY TO ONTARIO BUILDING CODE TABLE 9.23.3.4
6. NAIL SHALL BE ZINC COATED CONFORMING TO CSA B111.
7. ALL NAILS AND FASTENERS IN CONTACT WITH PRESSURE TREATED WOOD SHALL BE GALVANIZED OR OTHER SUITABLE MEANS OF CORROSION PROTECTION SUITABLE FOR CONTACT WITH PRESSURE TREATED WOOD.
8. DELIVER, STORE AND HANDLE MATERIALS IN ACCORDANCE WITH MANUFACTURER'S WRITTEN INSTRUCTIONS.
9. ALL WOOD MEMBERS EXPOSED TO EXTERIOR CONDITIONS OR IN CONTACT WITH CONCRETE TO BE PRESSURE-TREATED LUMBER OR EQUIVALENT MEANS OF PROTECTION FROM THE EXTERIOR CONDITIONS.
10. ALL BUILT UP BEAMS TO CONFORM TO 9.23.8.3. OF THE OBC.
11. ALL BUILT UP BEAMS TO BE NAILED WITH A MINIMUM OF 2 ROWS OF 10D COMMON NAILS @ 6" O/C SPACING. 3 PLY BEAMS SHALL BE NAILED FROM BOTH SIDES.
12. FLUSH BEAMS: ALL JOISTS AND BEAMS FRAMING INTO FLUSH BEAMS SHALL BE CONNECTED WITH APPROPRIATE FACE MOUNTED HANGERS.



**PORCH FRAMING PLAN**  
SCALE: 1/4" = 1'-0"

- NOTE 1:** ROOF FRAMING OVER.  
1/2" PLYWOOD SHEATHING. ASPHALT SHINGLES OR STEEL ROOFING TO SUIT OWNERS SPECIFICATIONS.
- NOTE 2:** DECK FRAMING BELOW.  
2x6 P.T. JOISTS @ 16" O/C. 5/4 P.T. DECK BOARDS OR COMPOSITE DECKING.
- NOTE 3:** MIN. 36" WIDE x 2 RISER STAIRS. REFER TO TYPICAL DETAIL.

			Client: NEIL GLENN 5 YORK ST. KINGSTON, ON.		Project Number: 22076
	3345 Silverwood Dr., Inverary, ON K0H 1X0 Tel: 613-961-5634		Drawing Title: FRONT PORCH PLAN		Drawing Number: S4
Drawn by: JKA	Scale: As Noted	Checked By: JKA	Date: APR 2023	0 ISSUED FOR PERMIT No. Revision / Issue	APR 13/23 Date



	 3345 Silverwood Dr., Inverary, ON K0H 1X0 Tel: 613-561-5634	Client:	NEIL GLENN 5 YORK ST. KINGSTON, ON.	Project Number:	22076
		Drawing Title:	FRONT PORCH SECTIONS	Drawing Number:	S5
Drawn by:	JKA	Scale:	As Noted		
Checked By:	JKA	Date:	APR 2023	0 ISSUED FOR PERMIT	APR 13/23
		No.	Revision / Issue		Date





**Figure 1:** North-west facing view of the rowhouse at 5 York Street. A covered porch is proposed to extend outwards from the existing front wall.



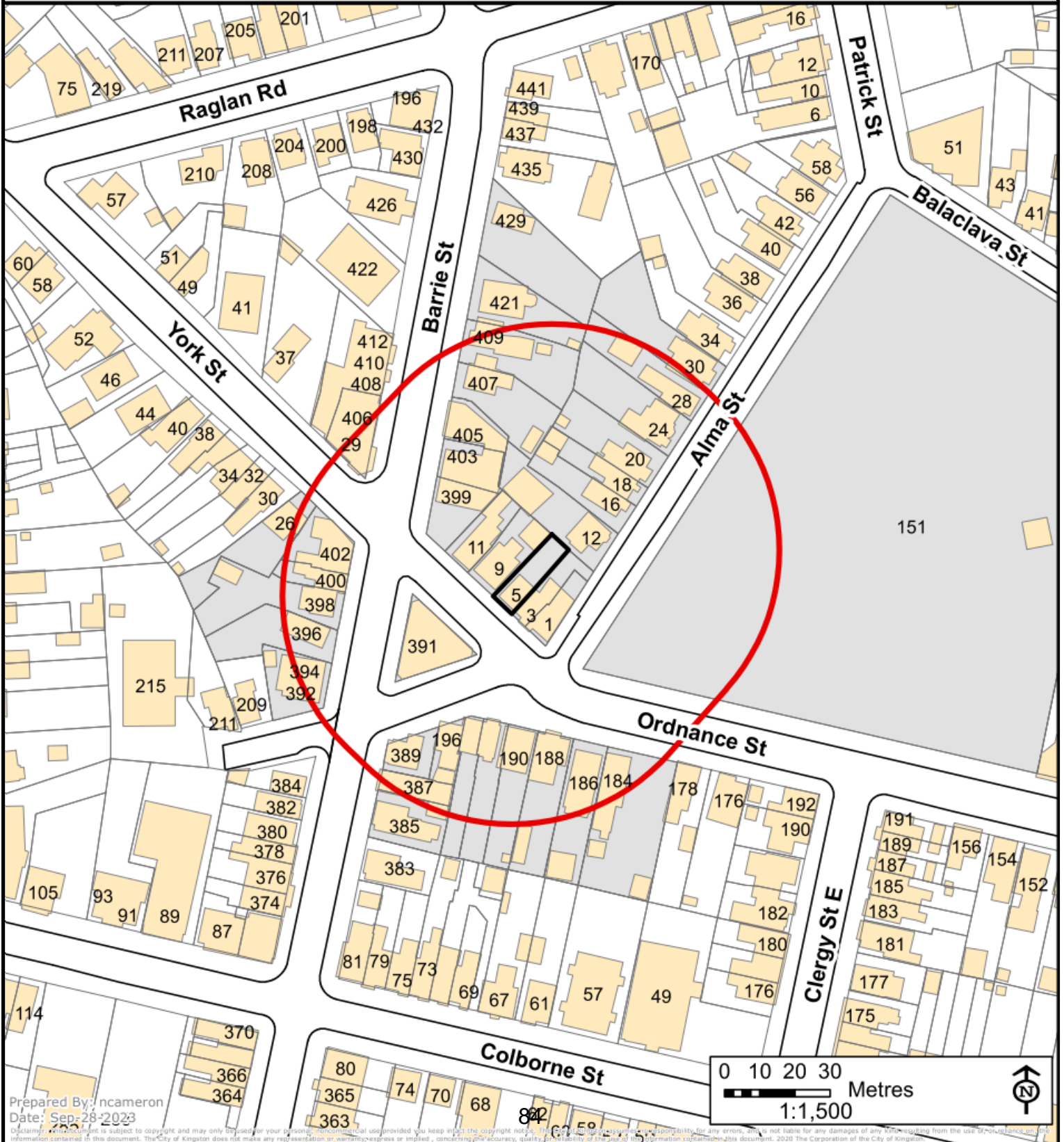
**Figure 2:** North-east facing view of the front entrance. The proposed porch at 5 York Street would project outwards a similar distance to the existing porch in front of the adjacent rowhouses 3 York Street and 1 York Street.



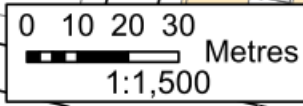
# Committee of Adjustment Public Notice Notification Map

Address: 5 York St.  
File Number: D13-059-2023

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

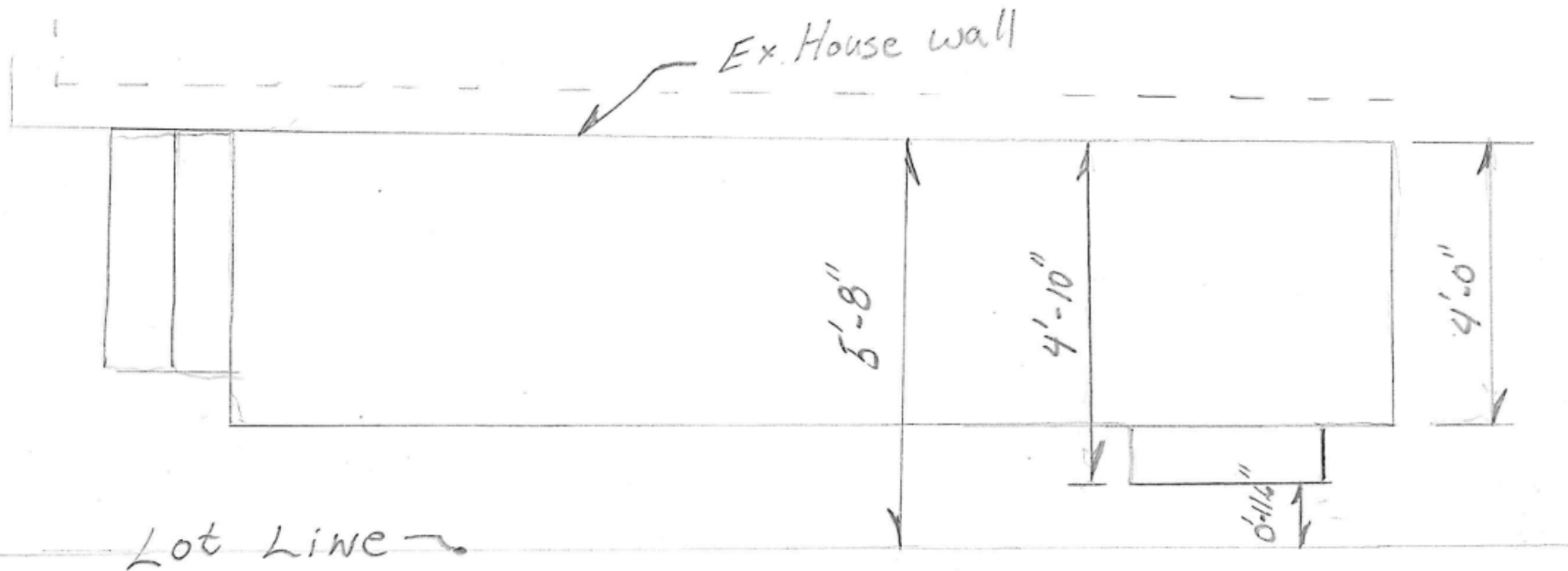


Prepared By: ncameron  
Date: Sep-28-2023



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5 York St.  
Neil Glenn



**City of Kingston  
Report to Committee of Adjustment  
Report Number COA-24-006**

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**To:** Chair and Members of the Committee of Adjustment  
**From:** Lindsay Reid, Senior Planner – Urban Designer  
**Date of Meeting:** December 11, 2023  
**Application for:** Minor Variance  
**File Number:** D13-022-2023  
**Address:** 1580 and 1600 Rockwell Drive  
**District:** District 6 – Trillium  
**Owner:** Homestead Land Holdings Limited  
**Applicant:** Arcadis

---

**Council Strategic Plan Alignment:**

Theme: 1. Support Housing Affordability

Goal: 1.2 Promote increase in purpose-built rental housing.

**Executive Summary:**

This report provides a recommendation to the Committee of Adjustment regarding an application for minor variances for the properties located at 1580 and 1600 Rockwell Drive. The applicant is proposing to construct two new 12-storey apartments, adjacent to a third 12-storey apartment which is currently under construction at 1560 Rockwell Drive. The underground parking for the three buildings is interconnected and spans all three properties.

The three properties (1560, 1580 and 1600 Rockwell Drive) were subject to a Site-Specific Zoning Amendment under Former Kingston Township Zoning By-Law Number 76-26 and are considered a single parcel for the purposes of zoning interpretation. The site-specific provisions established under Zoning By-Law Number 76-26 were carried forward under the new Kingston Zoning By-Law at the time of its approval in April 2022 as Legacy Exception 89 (L89). 1560 Rockwell Drive has received site plan approval (D11-023-2020), and 1580 and 1600 Rockwell

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Drive are currently subject to active Site Plan Control applications (D11-017-2023 and D11-018-2023).

The apartment developments at 1580 and 1600 Rockwell Drive require relief from the minimum privacy yard and parking (berm and landscaping) provisions of the Legacy Exception (L89) as well as the maximum horizontal lengths of balconies and additional, visitor and car-share parking provisions of the Kingston Zoning By-Law. The applicant seeks to reduce the number of visitor and car-share spaces and provide additional standard parking spaces without providing additional electric vehicle ready car-share spaces. The proposed parking for 1580 and 1600 Rockwell Drive includes 101 electric vehicle ready parking spaces of which 83 are standard spaces, 16 are car-share spaces, and 2 are visitor spaces.

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 D13-022-2023, for the properties located at 1580 and 1600 Rockwell Drive for relief for privacy yard depth, berm and landscaping, balcony length and additional, visitor and car-share parking provisions, be approved, as described below:

**1580 Rockwell Drive:**

**Variance Number 1:**

By-Law Number 2022-62: Legacy Exception L89 (e) Privacy Yards (i) minimum depth and location at Apartment Dwelling Houses

Requirement: A privacy yard must be provided for Apartment Dwelling Houses with a minimum depth of 3.0 metres measured at right angles from such wall the window adjoins except at front entrance and rear entrance where a 1.5 metre yard is required.

Proposed: A privacy yard must be provided for Apartment Dwelling Houses with a minimum depth of 1.5 metres measured at right angles from each window located along such wall the window adjoins except at front entrance and rear entrance where a 1.5 metre yard is required.

Variance Requested: 1.5 metres and parameters of width;

**Variance Number 2:**

By-Law Number 2022-62: Legacy Exception L89 (h) Parking (ii) minimum berm height and minimum width of landscaping strip if parking located within any yard adjacent to a street

Requirement: 1.0 metre high berm with a minimum 3.0 metres wide landscaping strip containing a mixture of coniferous and deciduous trees

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Proposed: Continuous landscaping containing a mix of multi-level planting beds, coniferous trees and deciduous trees

Variance Requested: 1.0 metres high berm and 3.0 metre wide landscaping strip;

**Variance Number 3:**

By-Law Number 2022-62: 4.20.1.(2) Maximum horizontal length of each face of the main wall of each storey occupied by balconies

Requirement: 30%

Proposed: North face: 33%, east face 38% and south face 33%

Variance Requested: North face: 3%, east face 8% and south face 3%;

**Variance Number 4:**

By-Law Number 2022-62: 7.1.15.(2)(b) Permission to provide more parking spaces than the maximum, requirement for additional car-share spaces equipped with electric vehicle ready for every four additional parking spaces

Requirement: 6

Proposed: 0

Variance Requested: 6;

**Variance Number 5:**

By-Law Number 2022-62: Table 7.1.1.(1)(iii) Minimum visitor spaces

Requirement: 24

Proposed: 3

Variance Requested: 21;

**1600 Rockwell Drive:**

**Variance Number 6:**

By-Law Number 2022-62: Legacy Exception L89 (e) Privacy Yards (i) minimum depth and location at Apartment Dwelling Houses

Requirement: A privacy yard must be provided for Apartment Dwelling Houses with a minimum depth of 3.0 metres measured at right angles from such wall the window adjoins except at front entrance and rear entrance where a 1.5 metre yard is required.

Proposed: A privacy yard must be provided for Apartment Dwelling Houses with a minimum depth of 1.5 metres measured at right angles from each window located along such wall the window adjoins except at front entrance and rear entrance where a 1.5 metre yard is required.

Variance Requested: 1.5 metres and parameters of width;

**Variance Number 7:**

By-Law Number 2022-62: 4.20.1.(2) Maximum horizontal length of each face of the main wall of each storey occupied by balconies

Requirement: 30%

Proposed: Southeast face: 33%, southwest face 38% and northwest face 33%

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Variance Requested: Southeast face: 3%, southwest face 8% and northwest face 3%;

**Variance Number 8:**

By-Law Number 2022-62: 7.1.15.(2)(b) Permission to provide more parking spaces than the maximum, requirement for additional car-share spaces equipped with electric vehicle ready for every four additional parking spaces

Requirement: 12

Proposed: 0

Variance Requested: 12;

**Variance Number 9:**

By-Law Number 2022-62: Table 7.1.1.(1)(iii) Minimum visitor spaces

Requirement: 24

Proposed: 3

Variance Requested: 21.

**That** approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number CAO 24-006.



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**Authorizing Signatures:**

ORIGINAL SIGNED BY PLANNER

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Lindsay Reid, Senior Planner –  
Urban Designer

**In Consultation with the following Management of the Growth & Development Services Group:**

Tim Park, Director, Planning Services  
Meghan Robidoux, Supervisor, Development Approvals

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**Options/Discussion:**

On April 17, 2023, a minor variance application was submitted by Arcadis, on behalf of the owner, Homestead Land Holdings Limited, with respect to the properties located at 1580 and 1600 Rockwell Drive. The applicant is proposing to construct two new 12-storey apartments, adjacent to a third 12-storey apartment which is currently under construction at 1560 Rockwell Drive.

The three properties (1560, 1580 and 1600 Rockwell Drive) were subject to a Site-Specific Zoning Amendment under Former Kingston Township Zoning By-Law Number 76-26 and are considered a single parcel for the purposes of zoning interpretation. The site-specific provisions established under Zoning By-Law Number 76-26 were carried forward under the new Kingston Zoning By-Law at the time of its approval in April 2022 as Legacy Exception 89 (L89). 1560 Rockwell Drive has received site plan approval (D11-023-2020), and 1580 and 1600 Rockwell Drive are currently subject to active Site Plan Control applications (D11-017-2023 and D11-018-2023).

The apartment developments at 1580 and 1600 Rockwell Drive require relief from the minimum privacy yard and parking (berm and landscaping) provisions of the Legacy Exception (L89) as well as the maximum horizontal lengths of balconies and additional, visitor and car-share parking provisions of the Kingston Zoning By-Law. The applicant seeks to reduce the number of visitor and car-share spaces and provide additional standard parking spaces without providing additional electric vehicle ready car-share spaces. The proposed parking for 1580 and 1600 Rockwell Drive includes 101 electric vehicle ready parking spaces of which 83 are standard spaces, 16 are car-share spaces, and 2 are visitor spaces.

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

- Overall Site Plan (Exhibit F)
- Architectural Drawings (Exhibit G and H)
- Landscape Plan (Exhibit J)
- Privacy Yard Plans (Exhibit I)
- Survey
- Planning Justification Letter

All submission materials are available online through the Development and Services Hub (DASH) at the following link, [DASH](#), using “Look-up a Specific Address”. If there are multiple addresses, search one address at a time, or submission materials may also be found by searching the file number.

**Site Characteristics**

The subject properties are located at 1580 and 1600 Rockwell Drive (Exhibit B – Key Map). The properties abuts vacant land planned for commercial and residential development to the north

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and east, a 12-storey apartment building (under construction) to the south and the RioCan Centre to the west (Exhibit C – Neighbourhood Context Map).

The subject property is designated Residential with Site Specific Policy Area 58 in the Official Plan (Exhibit D – Official Plan Map) and zoned Urban Multi-Residential Zone 2 (URM2) with Legacy Exception Overlay 89 (L89) in Kingston Zoning By-Law Number 2022-62 (Exhibit E – Zoning By-Law Map).

### **Provincial Policy 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 Policy 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 are maintained**

The subject properties are designated Residential in the City of Kingston Official Plan (Exhibit D – Official Plan Map). The properties are located within Site Specific Policy Area 58 (700 Gardiners Road) as set out in Schedule 3-D, which identified the subject lands for high-density residential buildings along Rockwell Drive subject to the following: technical studies that demonstrate adequate access for vehicles and active transportation; a street-oriented design with an enhanced public realm for pedestrians; and parking areas that are appropriately landscaped and screened from view. The proposed residential development meets these policy requirements and will facilitate the construction of two 12-storey apartments containing 316 homes.

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 proposed development meets the Strategic Policy Direction of the Official Plan by providing residential intensification to an area with existing infrastructure. The use and form as proposed are compatible with the surrounding land uses and will not have adverse impacts on abutting properties. As the variances are limited to balconies and privacy yards, the make-up of on-site parking, and adjustments to how the landscaping will screen surface parking, there are no anticipated impacts on adjacent or surrounding properties resulting from this relief.

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The previous development application to establish use permissions for the high-density residential development was approved under Zoning By-Law Number 76-26 and was subject to site-specific zoning provisions (R5-21). Under the former zoning by-law there were: no provisions related to balcony lengths; no maximums related to the provision of parking; and no requirements for visitor and car-share spaces. The site-specific provisions related to privacy yards and landscaped screening of parking areas adjacent to the street are being addressed, however, not as originally prescribed due to site constraints.

The applicant has provided a Planning Justification and drawings that speak to requested variances and demonstrate that the requested relief across the overall site (parcel containing 1560, 1580 and 1600 Rockwell Drive) that has appropriate access, vehicular circulation, and parking to serve the high-density residential development. The proposal includes limited access off Rockwell Drive (one drive per property), appropriate car, visitor, car-share and bike parking for each property, and landscaping to screen views to surface parking from the public street. The proposed development also provides a thoughtful pedestrian realm with a large and varied landscaped front and internal yard, walkways to provide safe access throughout the site and between the street, buildings, parking and site amenities and services, and outdoor amenity spaces. The landscape includes a mix of curated amenity spaces, clusters and rows of trees and planting beds.

Approving the requested variances with the recommended conditions of approval will not set an undesirable precedent for the immediate area given the unique circumstances of the application transitioning into the new Kingston Zoning By-Law and that it has been demonstrated that there will be no adverse impacts.

The Committee of Adjustment may require additional conditions as it deem 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. Included is a special condition to provide 101 electric vehicle ready parking spaces (47 at 1580 Rockwell Drive and 54 at 1600 Rockwell Drive). These will be applied to standard, visitor, and car-share parking spaces.

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

## **2) The general intent and purpose of the Zoning By-Law are maintained**

The subject property is zoned Urban Multi-Residential Zone 2 (URM2) with Legacy Exception Overlay 89 (L89) in Kingston Zoning By-Law Number 2022-62 (Exhibit E – Zoning By-Law Map). The Legacy Exception zone permits the proposed high-density 12-storey apartments.

The proposal requires variances to certain criteria set out in the Kingston Zoning By-law as outlined below.

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**1580 Rockwell Drive:**

**Variance Number 1:**

By-Law Number 2022-62: Legacy Exception L89 (e) Privacy Yards (i) minimum depth and location at Apartment Dwelling Houses

Requirement: A privacy yard must be provided for Apartment Dwelling Houses with a minimum depth of 3.0 metres measured at right angles from such wall the window adjoins except at front entrance and rear entrance where a 1.5 metre yard is required.

Proposed: A privacy yard must be provided for Apartment Dwelling Houses with a minimum depth of 1.5 metres measured at right angles from each window located along such wall the window adjoins except at front entrance and rear entrance where a 1.5 metre yard is required.

Variance Requested: 1.5 metres and parameters of width;

**1600 Rockwell Drive:**

**Variance Number 6:**

By-Law Number 2022-62: Legacy Exception L89 (e) Privacy Yards (i) minimum depth and location at Apartment Dwelling Houses

Requirement: A privacy yard must be provided for Apartment Dwelling Houses with a minimum depth of 3.0 metres measured at right angles from such wall the window adjoins except at front entrance and rear entrance where a 1.5 metre yard is required.

Proposed: A privacy yard must be provided for Apartment Dwelling Houses with a minimum depth of 1.5 metres measured at right angles from each window located along such wall the window adjoins except at front entrance and rear entrance where a 1.5 metre yard is required.

Variance Requested: 1.5 metres and parameters of width;

The intent of the privacy yards provision included in Legacy Exception L89 is to provide an adequate separation distance between ground floor homes and adjacent walkways and driveways. The privacy yards provision has been carried over from the previous zoning by-law (By-Law Number 76-26) and it is not a requirement of the Kingston Zoning By-Law.

In this proposal, 1.5 metre wide walkways encircle the buildings and serve to provide residents and visitors with easy and safe access to the front and rear entrances from the street and/or adjacent parking areas. The proposed variance to the depth of the privacy yards and how they are measured from the wall maintains the intent and purpose of the zoning provision in that it provides a sufficient separation distance between walkways and ground floor unit windows to maintain privacy. The greatest reduction to the required privacy yards occurs at the corner units where the walkways curve around the building. At these locations the windows are not directly adjacent to the walkways. In addition, screening will be provided where ground floor homes are located adjacent to building entrances for additional privacy. Exhibit I provides a detailed diagram of the proposed privacy yards.



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**1580 Rockwell Drive:**

**Variance Number 2:**

By-Law Number 2022-62: Legacy Exception L89 (h) Parking (ii) minimum berm height and minimum width of landscaping strip if parking located within any yard adjacent to a street

Requirement: 1.0 metre high berm with a minimum 3.0 metres wide landscaping strip containing a mix of coniferous and deciduous trees.

Proposed: Continuous landscaping containing a mix of multi-level planting beds, coniferous trees and deciduous trees

Variance Requested: 1.0 metres high berm and 3.0 metre wide landscaping strip;

The intent of the parking provision included in Legacy Exception L89 is to provide adequate landscaped screening between the street and at grade parking areas in front of the building. The proposed variance maintains the intent and purpose of this provision as landscaped screening will be provided in an alternate configuration and there is a significant distance (approximately 18 metres) between Rockwell Drive and the eight visitor parking spaces in front of the apartment at 1580 Rockwell Drive.

The provision, as written, is difficult to comply with as the west edge of the property (along Rockwell Drive) is constrained by a 4.0 metre wide hydro easement. Access to the below grade services must be maintained making it an unsuitable location for either a berm or tree planting. As an alternative the applicant is proposing a continuous landscaping treatment of trees and multi-level planting beds along the Rockwell Drive frontage. The landscaping includes a mix of deciduous and coniferous tree species as well as a staggered 1.5 metre tall planting bed that will provide adequate screening and enhance the streetscape along Rockwell Drive (Exhibit J – Landscape Plan). The proposed development complies with the Kingston Zoning By-Law provisions related to the location of surface parking for multi-unit residential development in the urban area. Section 7.4.9.(a) directs parking spaces to be located in the rear yard or interior yard with the exception of visitor spaces which may be located in the front yard or exterior yard provided that they are not located closer than 3.0 metres to any lot line nor closer than 7.5 metres to any street line. The proposed front yard parking spaces function as visitor spaces until such spaces are needed for car-share service, in accordance with Section 7.1.18 of the Kingston Zoning By-Law.

**1580 Rockwell Drive:**

**Variance Number 3:**

By-Law Number 2022-62: 4.20.1.(2) Maximum horizontal length of each face of the main wall of each storey occupied by balconies

Requirement: 30%

Proposed: North face: 33%, east face 38% and south face 33%

Variance Requested: North face: 3%, east face 8% and south face 3%

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**1600 Rockwell Drive:**

**Variance Number 7:**

By-Law Number 2022-62: 4.20.1.(2) Maximum horizontal length of each face of the main wall of each storey occupied by balconies

Requirement: 30%

Proposed: Southeast face: 33%, southwest face 38% and northwest face 33%

Variance Requested: Southeast face: 3%, southwest face 8% and northwest face 3%

The intent of the provision related to the maximum horizontal length of balconies on the main wall of each storey of a building is to limit increases to the massing through the incorporation of balconies and reduce the potential for overlook. The balconies contribute to the amenity space requirements for the apartments as they provide private amenity space for the individual residential units. The proposed variance maintains the intent and purpose of this provision as the requested increase to the horizontal lengths of the balconies are minimal and as such will have a negligible impact on the massing of the building and overlook potential.

The overall site plan for the triangle shaped parcel places the three apartment buildings in a way that limits the potential of overlook within the site (Exhibit F – Site Plan). The buildings are located on an angle (rather than parallel) to one another, are arranged around a central amenity and servicing area, and are adequately separated from one another by a distance of over 35 metres. Given the overall site plan, this change is not anticipated to affect the privacy of adjacent properties.

The increase to the balcony length of 8% at the maximum equates less than 5 metres across the broad side of the building. This is not anticipated to make a significant difference in the apparent massing of the proposed buildings compared to what is permitted as-of-right as shown on the architectural drawings (Exhibits G and H). It will also provide architectural consistency with the approved apartment building at 1560 Rockwell Drive, which is currently under construction.

**1580 Rockwell Drive:**

**Variance Number 4:**

By-Law Number 2022-62: 7.1.15.(2)(b) Permission to provide more parking spaces than the maximum, requirement for additional car-share spaces equipped with electric vehicle ready for every four additional parking spaces

Requirement: 6

Proposed: 0

Variance Requested: 6

**Variance Number 5:**

By-Law Number 2022-62: Table 7.1.1.(1)(iii) minimum visitor spaces

Requirement: 24

Proposed: 3

Variance Requested: 21

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**1600 Rockwell Drive:**

**Variance Number 8:**

By-Law Number 2022-62: 7.1.15.(2)(b) Permission to provide more parking spaces than the maximum, requirement for additional car-share spaces equipped with electric vehicle ready for every four additional parking spaces

Requirement: 12  
 Proposed: 0  
 Variance Requested: 12

**Variance Number 11:**

By-Law Number 2022-62: Table 7.1.1.(1)(iii) minimum visitor spaces

Requirement: 24  
 Proposed: 3  
 Variance Requested: 21

The site-specific zoning for the subject properties was established under Former Zoning By-Law Number 76-26 which did not include parking space maximums, nor minimum requirements for visitor and car-share parking spaces. The Kingston Zoning By-Law significantly decreased the required rates of parking for residential uses as prescribed in the Power of Parking discussion paper ([Report Number PC-21-040](#)), added visitor and car share minimum parking rates, and attached specific requirements to additional parking spaces.

In this case, the applicant has proposed a varied parking strategy that includes standard, visitor and car-share parking spaces and meets the bike space requirements. In addition, 101 or approximately 25% of the parking spaces on the two properties will be electric vehicle ready (EV ready). A breakdown of the proposed and required parking space types is detailed in the table below:

Provision	Requirement per apartment	1580 Rockwell Drive	1600 Rockwell Drive
Standard parking spaces Table 7.1.1.1.(a)(i)	126 - 158	182 (39 EV ready)	207 (44 EV ready)
Car-share spaces Table 7.1.1.1.(a)(ii)	8	7 (7 EV ready)	9 (9 EV ready)
Visitor spaces Table 7.1.1.1.(a)(ii)	24	3 (1 EV ready)	3 (1 EV ready)
Total	158 - 190	192	219
Parking ratio	1.20	1.21	1.39
Additional standard parking spaces		24	49
EV ready spaces		47	54

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Under Kingston Zoning By-Law 2022-62, parking beyond the maximum may be permitted on these properties providing that all additional parking spaces are EV ready and if one EV ready car-share space is provided for every four additional parking spaces. The parking proposal exceeds the requirement for EV ready parking spaces with 83 allocated to standard parking spaces across the two properties, however, given the distribution of the EV ready spaces there is a deficiency at 1600 Rockwell Drive. With respect to the requirement for an additional 18 EV ready car-share spaces across the two properties, the applicant is requesting a reduction based on their experience managing apartment rentals in Kingston and the area.

The applicant is also requesting reductions to the number of visitor and car-share spaces. They are also proposing that car-share spaces will be used as visitor spaces until car-share services are in operation on the properties, which is permitted in accordance with Section 7.1.18 of the Kingston Zoning By-Law

Recognizing that the proposed development undertook a rezoning process prior to the approval of the Kingston Zoning By-Law and the introduction of visitor parking, car-share parking, and maximum parking requirements, the requested variances are required to allow the development to proceed as originally intended. Overall, the proposed variances to the noted parking provisions maintain the intent of the Kingston Zoning By-Law in that they provide the residents and users with sufficient vehicular parking, meet the bike parking requirements, and exceed the requirements for EV ready parking spaces. This tailored parking strategy is also consistent with the City of Kingston active transportation and sustainability goals.

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

### **3) The variance is minor in nature**

The variances are considered minor as is they will not impact the functioning of the residential development on these properties or adjacent ones. As noted, an overall parking ratio of 1.3 parking spaces per home (411 parking spaces for 316 homes in total). This is an increase equivalent to 0.1 parking spaces per residential unit (or 31 parking spaces) when considered in relation to the total of number of standard, car-share and visitor parking spaces allowed and/or required under the Kingston Zoning By-Law.

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

The variances are desirable and appropriate use of the land. The changes to the privacy yard provisions maintain the requirement for a privacy yard while allowing for safe and accessible site circulation. The proposed landscaping along the street meets the intent to screen views to surface parking between the street and the building while avoiding conflicts with servicing easements. The increased lengths of the balconies provide a visual consistency with the sister apartment building at 1560 Rockwell Drive as well as additional private amenity space while not significantly increasing the perceived massing of the building or risk of overlook. The changes to the parking will provide a range of vehicle and bike parking appropriate for the residential use including 101 EV ready spaces. Finally, these changes facilitate the development of two 12-

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storey apartment building containing 316 homes and are not anticipated to have an adverse impact on the adjacent or surrounding properties. The approval of this application will facilitate an increase the availability rental apartments within the Urban Boundary.

**Technical Review: Circulated Departments and Agencies**

- |   |   |   |
|---|---|---|
| <input checked="" type="checkbox"/> Building Services | <input checked="" type="checkbox"/> Engineering         | <input checked="" type="checkbox"/> Heritage Services       |
| <input type="checkbox"/> Finance                      | <input checked="" type="checkbox"/> Utilities Kingston  | <input type="checkbox"/> Real Estate                        |
| <input checked="" type="checkbox"/> Fire & Rescue     | <input type="checkbox"/> Kingston Hydro                 | <input checked="" type="checkbox"/> Environment Division    |
| <input checked="" type="checkbox"/> Solid Waste       | <input checked="" type="checkbox"/> Parks Development   | <input type="checkbox"/> Canadian National Railways         |
| <input checked="" type="checkbox"/> Housing           | <input checked="" type="checkbox"/> District Councillor | <input type="checkbox"/> Ministry of Transportation         |
| <input type="checkbox"/> KEDCO                        | <input type="checkbox"/> Municipal Drainage             | <input type="checkbox"/> Parks of the St. Lawrence          |
| <input checked="" type="checkbox"/> CRCA              | <input type="checkbox"/> KFL&A Health Unit              | <input type="checkbox"/> Trans Northern Pipelines           |
| <input type="checkbox"/> Parks Canada                 | <input type="checkbox"/> Eastern Ontario Power          | <input type="checkbox"/> CFB Kingston                       |
| <input checked="" type="checkbox"/> Hydro One         | <input type="checkbox"/> Enbridge Pipelines             | <input type="checkbox"/> TransCanada Pipelines              |
| <input checked="" type="checkbox"/> Kingston Airport  | <input checked="" type="checkbox"/> Forestry            | <input checked="" type="checkbox"/> Transportation Services |

**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 in regards to 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**

An application for zoning by-law amendment (File Number D14-120-2015) was submitted in 2015 to permit high-density development on these properties as well as change to other adjacent parcels. The amendment to Zoning By-Law Number 76-26 was approved by Council on February 7, 2018. The adjacent property at 1560 Rockwell Drive was subject to a previous Site Plan Control application under Kingston Township Zoning By-Law 76-26.

The properties are currently subject to Site Plan Control applications (File Numbers D11-017-2023 for 1580 Rockwell Drive and D11-018-2023 for 1600 Rockwell Drive), which are both nearing completion of technical review. Since site plan approval was granted for 1560 Rockwell Drive, Kingston Zoning By-Law 2022-62 has come into effect replacing Kingston Township Zoning By-law 76-26 and introducing new provisions related to parking and balconies (as apply here).

December 11, 2023

Page 15 of 16

The minor variance application for 1580 and 1600 Rockwell Drive seek to address areas of non-compliance with Kingston Zoning By-Law 2022-62

**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 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 permit modifications to the balconies, privacy yards, landscaped screening and parking areas of the two apartment developments.

**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 Policy Statement, 2020

**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 December 11, 2023 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 4 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



December 11, 2023

Page 16 of 16

**Financial Considerations:**

None

**Contacts:**

Meghan Robidoux, Supervisor, Development Approvals, 613-546-4291 extension 1256

Lindsay Reid, Senior Planner – Urban Designer, 613-546-4291 extension 3277

**Other City of Kingston Staff Consulted:**

None

**Exhibits Attached:**

- Exhibit A Recommended Conditions
- Exhibit B Key Map
- Exhibit C Neighbourhood Context Map (2023)
- Exhibit D Official Plan Map
- Exhibit E Zoning By-Law Map
- Exhibit F Overall Site Plan
- Exhibit G Architectural Drawings for 1580 Rockwell Drive
- Exhibit H Architectural Drawings for 1600 Rockwell Drive
- Exhibit I Privacy Yard Plans for 1580 and 1600 Rockwell Drive
- Exhibit J Landscape Plan for 1580 Rockwell Drive
- Exhibit K Site Photos
- Exhibit L Public Notification Map

## Recommended Conditions

The approval of the minor variance application, File Number D13-022-2023, to adjust the privacy yard, berm and landscaping, balcony length and additional, visitor and car-share parking provisions, shall be subject to the following recommended conditions:

### 1. Limitation

That the approved minor variances apply only to the properties at 1580 and 1600 Rockwell Drive 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](mailto: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](mailto:archaeology@ontario.ca)), and City of Kingston's Planning Services (613-546-4291, extension 3180) must be immediately contacted.


## 5. Electric Vehicle Ready Parking Spaces

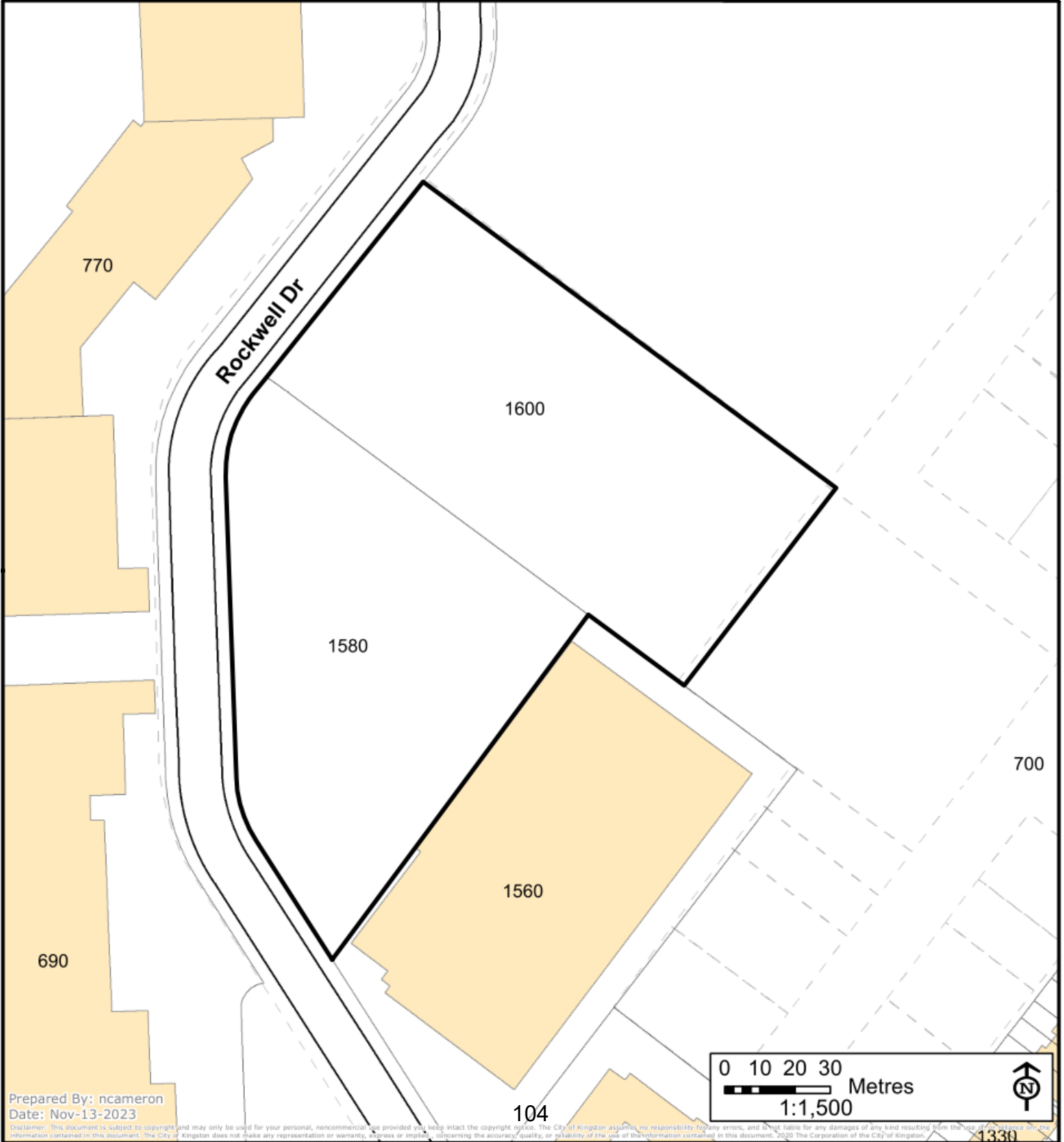
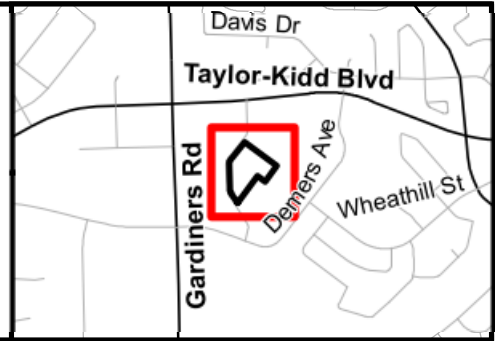
The applicant will provide a total of 101 Electric Vehicle Ready (EV Ready) parking spaces at 1580 and 1600 Rockwell Drive. The make up of the EV Ready parking spaces is as follows:

- 1580 Rockwell Drive: 39 standard spaces, 7 car-share spaces and 1 visitor space; and
- 1600 Rockwell Drive: 44 standard spaces, 9 car-share spaces and 1 visitor space.



Committee of Adjustment  
**Key Map**  
Address: 1580 and 1600 Rockwell Drive  
File Number: D13-022-2023

 Lands Subject to Minor Variance



Prepared By: ncameron  
Date: Nov-13-2023





Committee of Adjustment  
**Neighbourhood Context (2023)**  
Address: 1580 and 1600 Rockwell Drive  
File Number: D13-022-2023

- Subject Lands
- Property Boundaries
- Proposed Parcels



Prepared By: ncameron  
Date: Nov-13-2023

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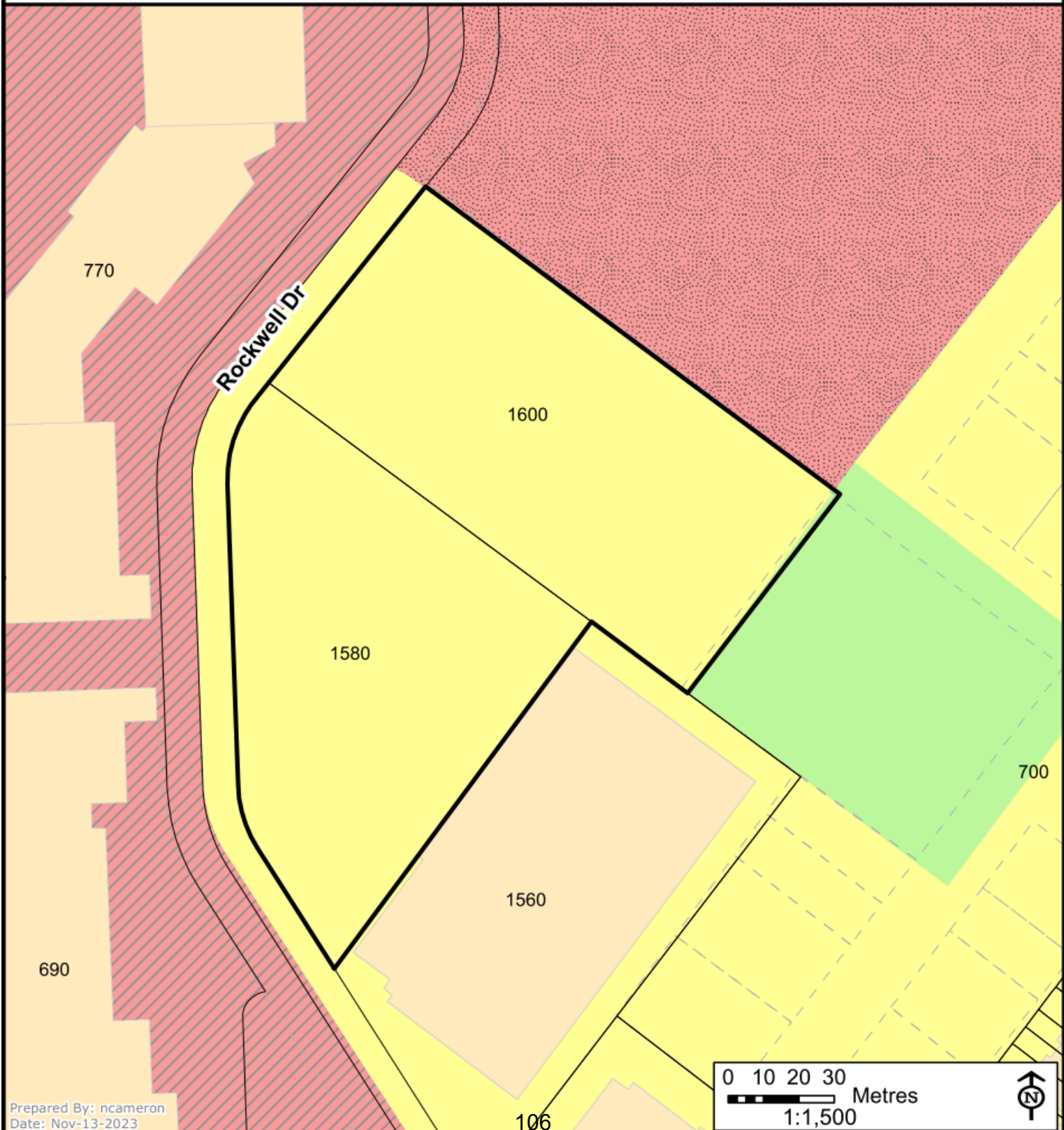


Planning Services

# Committee of Adjustment Official Plan, Existing Land Use

Address: 1580 and 1600 Rockwell Drive  
File Number: D13-022-2023

-  Subject Lands
-  DISTRICT COMMERCIAL
-  OPEN SPACE
-  REGIONAL COMMERCIAL
-  RESIDENTIAL



Prepared By: ncameron  
Date: Nov-13-2023

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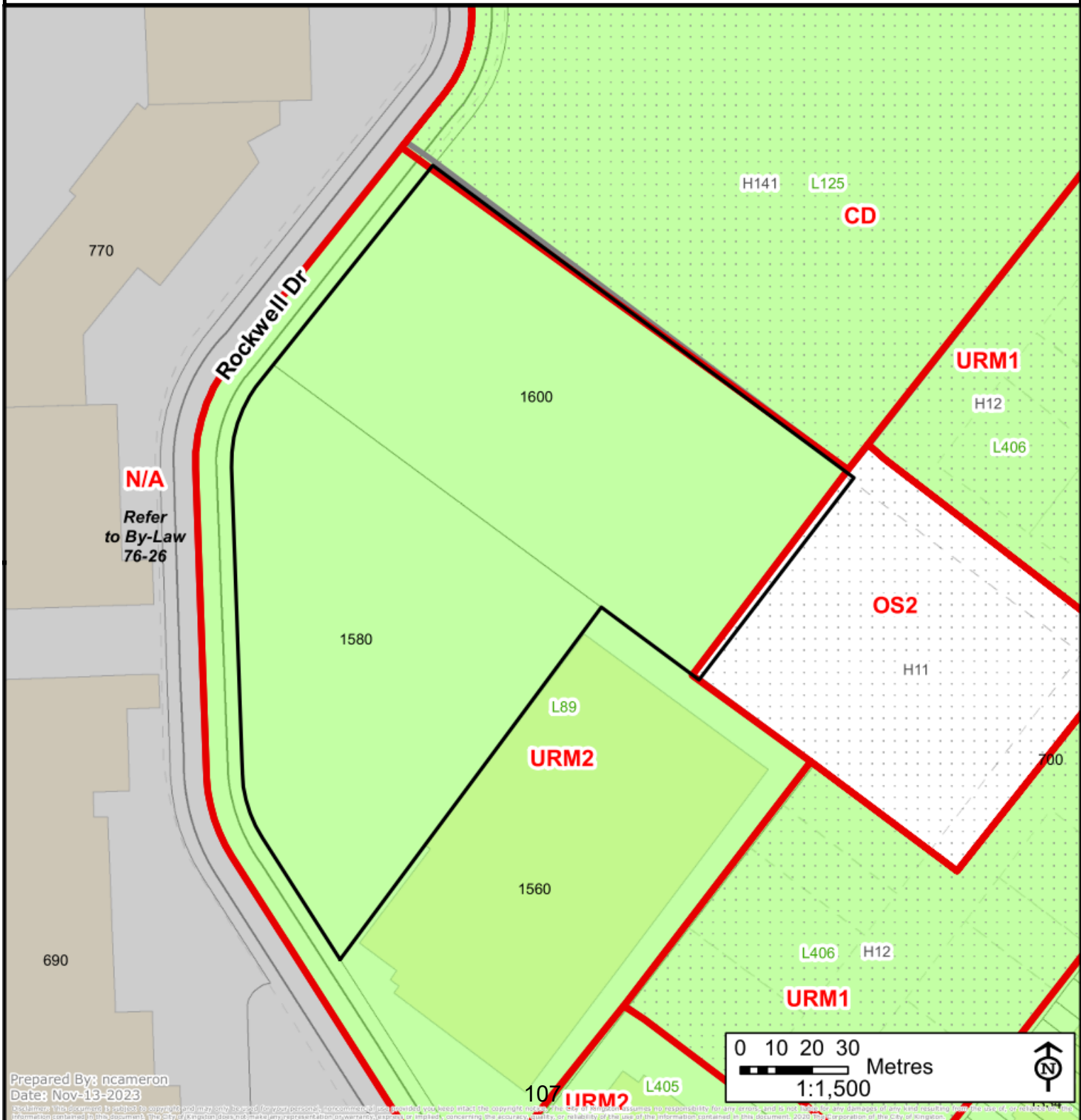
Planning Committee

Existing Zoning  
Kingston Zoning By-Law 2022-62

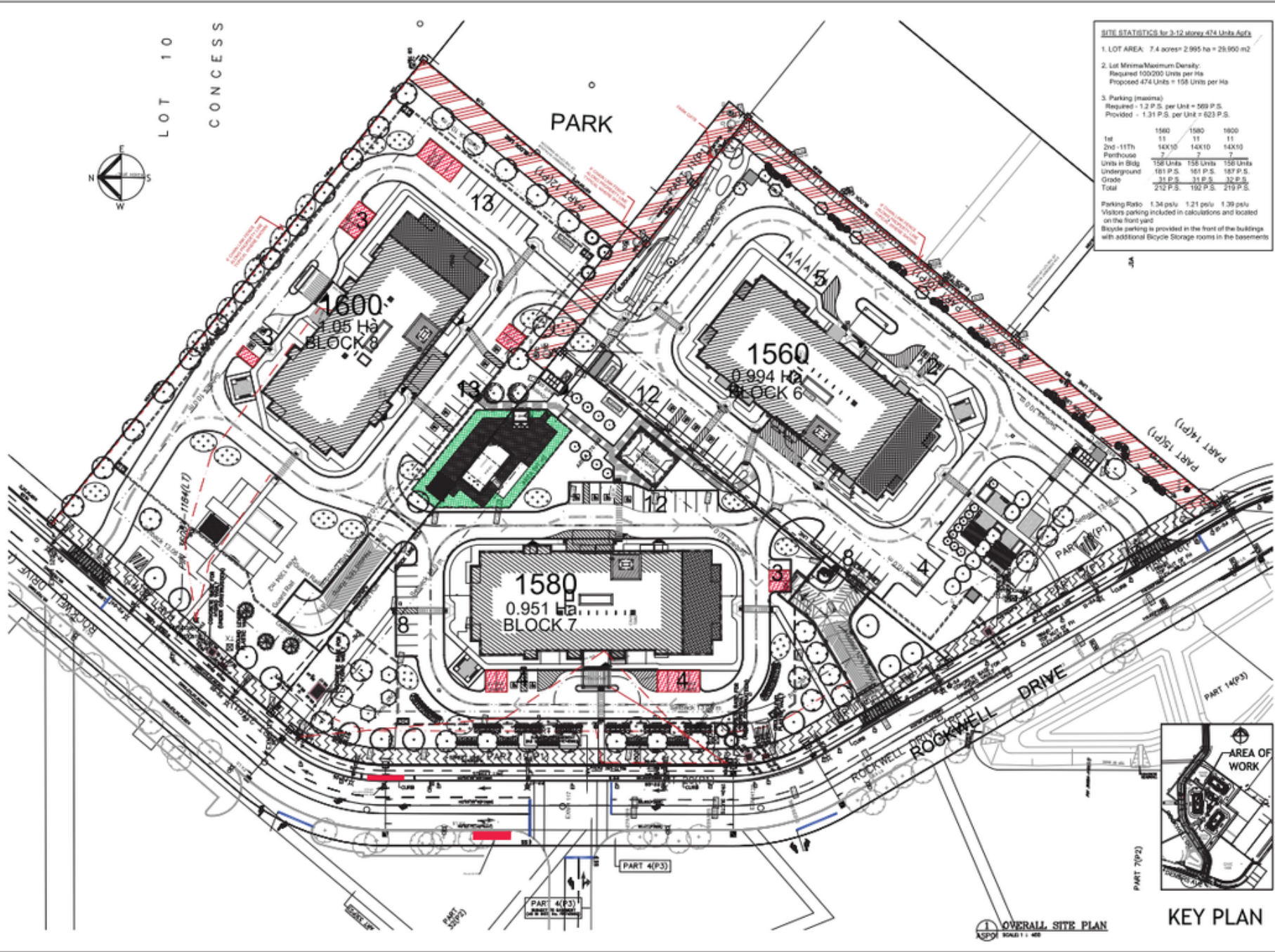
Planning Services

Address: 1580 and 1600 Rockwell Drive  
File Number: D13-022-2023

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



**N/A**  
Refer to By-Law 76-26



**SITE STATISTICS for 3-12 storey 474 Units Apt's**

- Lot AREA: 7.4 acres = 2,995 ha = 29,900 m<sup>2</sup>  
Required 100,000 Units per Ha  
Proposed 474 Units = 158 Units per Ha
- Lot Minimum/Maximum Density:  
Required - 1.2 P.S. per Unit = 569 P.S.  
Provided - 1.31 P.S. per Unit = 623 P.S.
- Parking (max):  
Required - 1.21 P.S. per Unit = 569 P.S.  
Provided - 1.31 P.S. per Unit = 623 P.S.

	1560	1580	1600
1st	11	11	11
2nd - 11th	14X10	14X10	14X10
Pan/House	7	7	7
Units in Bldg	158 Units	158 Units	158 Units
Underground	181 P.S.	181 P.S.	181 P.S.
Grade	31 P.S.	31 P.S.	32 P.S.
Total	212 P.S.	192 P.S.	219 P.S.

Parking Ratio: 1.34 psu 1.21 psu 1.39 psu  
Visitors parking included in calculations and located on the front yard  
Bicycle parking is provided in the front of the buildings with additional Bicycle Storage rooms in the basements

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**Revisions and Issues**

REV	DATE	DESCRIPTION
1	2024/01/15	ISSUED FOR PRE-COMMIT REVIEW
2	2024/01/25	REVISED FOR ZONING APPLICATION
3	2024/02/05	REVISED FOR COORDINATION
4	2024/02/15	REVISED FOR MORE STUDY
5	2024/02/25	REVISED FOR COORDINATION

- LEGEND**
- INDICATES PROPERTY LINE
  - INDICATES CURB DRIVE CY READY
  - INDICATES PAVED WALKWAY OR ASPHALT
  - INDICATES 8M WIDE
  - INDICATES HEAVY DUTY ROADWAY
  - INDICATES 4M WIDE BIKEWAY
  - INDICATES FIRE LINE
  - INDICATES AMENITY AREA
  - INDICATES CURB/EDGE MARKING AND SIGNAGE TO 50M FROM 18 CYCLING MARKED ROAD 6.7.2 AND FIGURE 6.4
  - INDICATES 150M DRIVEWAY OR PROPERTY LINE WITH GATE AT PARK



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**1580 ROCKWELL DRIVE APARTMENT BUILDING**

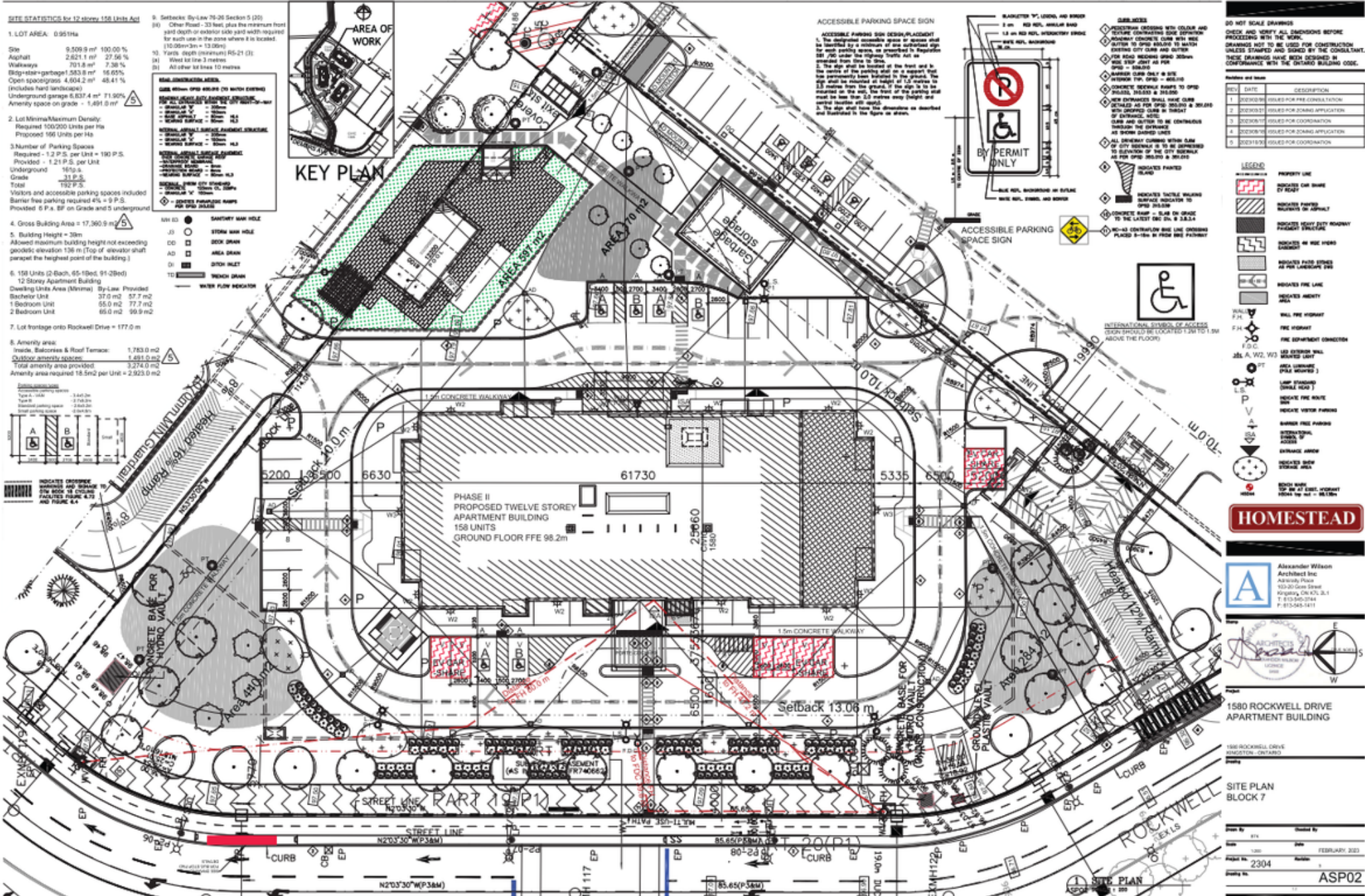
**OVERALL SITE PLAN**  
BLOCK 6, 7 & 8

Drawn By	Checked By
Date	Date
Project No.	Revision
Sheet No.	ASP01





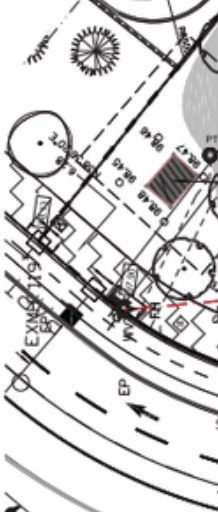




- SITE STATISTICS for 12 Storey 158 Units Apt**
1. LOT AREA: 0.95Ha  
Site: 9,509.9 m<sup>2</sup> 100.00%  
Asphalt: 2,821.1 m<sup>2</sup> 27.56%  
Walkways: 201.8 m<sup>2</sup> 2.38%  
Big-top garage: 1,583.8 m<sup>2</sup> 16.65%  
Open space/grass: 4,604.2 m<sup>2</sup> 48.41%  
(includes hard landscaping)  
Underground garage: 6,837.4 m<sup>2</sup> 71.90%  
Amenity space on grade: 1,491.0 m<sup>2</sup>
  2. Lot Maximum Density:  
Required: 100,000 Units per Ha  
Proposed: 156 Units per Ha
  3. Number of Parking Spaces:  
Required: 1.2 P.S. per Unit = 190 P.S.  
Proposed: 1.21 P.S. per Unit = 193 P.S.  
Underground: 165 P.S.  
Grade: 28 P.S.  
Total: 193 P.S.  
Visitors and accessible parking spaces included:  
Barrier free parking required: 4% = 9 P.S.  
Provided: 6 P.S. @ on Grade and 3 underground
  4. Gross Building Area = 17,960.9 m<sup>2</sup>
  5. Building Height = 38m  
Allowed maximum building height not exceeding geodetic elevation: 136 m (Top of elevator shaft parapet the highest point of the building.)
  6. 158 Units (2-Bed, 65-1Bed, 91-2Bed)  
12 Storey Apartment Building  
Dwelling Units Area (Minimum) By-Law Provided:  
Bachelor Unit: 37.0 m<sup>2</sup> 57.7 m<sup>2</sup>  
1 Bedroom Unit: 55.0 m<sup>2</sup> 77.7 m<sup>2</sup>  
2 Bedroom Unit: 65.0 m<sup>2</sup> 99.9 m<sup>2</sup>
  7. Lot frontage onto Rockwell Drive = 177.0 m
  8. Amenity area:  
Inside, Balconies & Roof Terrace: 1,783.0 m<sup>2</sup>  
Outdoor amenity spaces: 1,491.0 m<sup>2</sup>  
Total amenity area provided: 3,274.0 m<sup>2</sup>  
Amenity area required: 18.5m<sup>2</sup> per Unit = 2,923.0 m<sup>2</sup>

**CONCRETE WALKWAY**

TYPE A - 150mm	1.5m x 2.0m
TYPE B - 150mm	1.5m x 2.0m
TYPE C - 150mm	1.5m x 2.0m
TYPE D - 150mm	1.5m x 2.0m
TYPE E - 150mm	1.5m x 2.0m



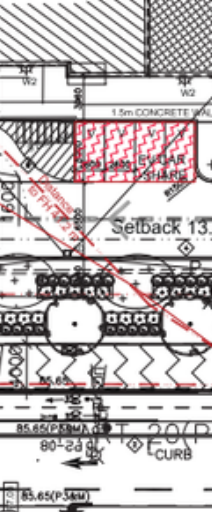
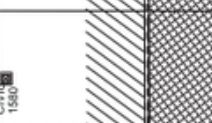
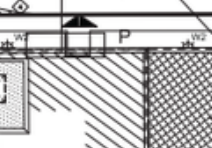
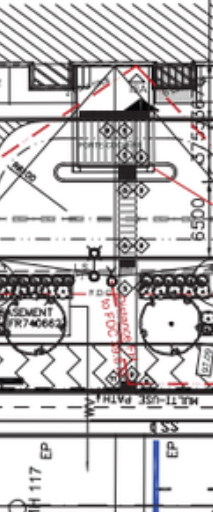
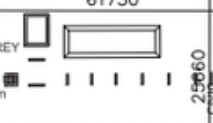
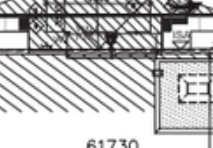
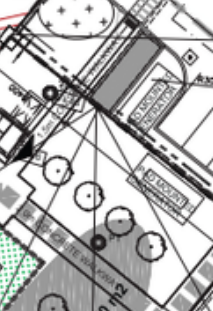
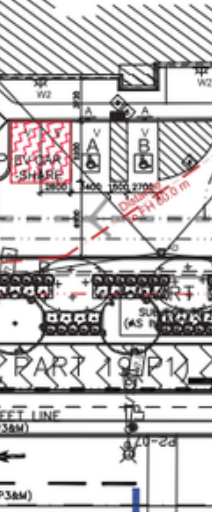
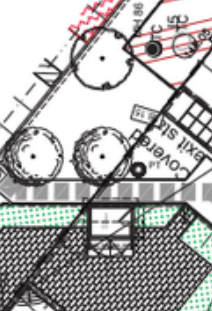
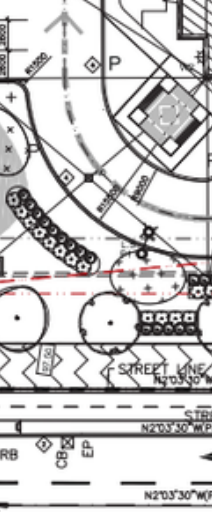
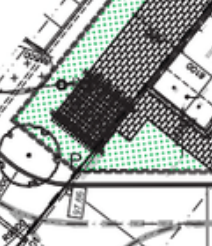
- 9. Setbacks By-Law 79-26 Section 5 (2)**
- (a) Other Floor - 33 feet plus the minimum front yard depth or exterior side yard width required for such use in the zone where it is located. (10.0m or 3m + 12.0m)
  - (b) Variations (minimum) R5-21 (3):  
(i) Wired for line 3 metres  
(ii) All other lot lines 10 metres
- 10. Signs**
- (a) All other lot lines 10 metres

- 11. SANITARY MAN HOLES**
- MSH 10: SANITARY MAN HOLE
  - DS: DOWN SLOPE
  - AS: AREA DRAIN
  - DI: DITCH INLET
  - TD: TRENCH DRAIN
  - WF: WATER FLOW DIRECTION

- 12. SANITARY MAN HOLES**
- MSH 10: SANITARY MAN HOLE
  - DS: DOWN SLOPE
  - AS: AREA DRAIN
  - DI: DITCH INLET
  - TD: TRENCH DRAIN
  - WF: WATER FLOW DIRECTION

- 13. SANITARY MAN HOLES**
- MSH 10: SANITARY MAN HOLE
  - DS: DOWN SLOPE
  - AS: AREA DRAIN
  - DI: DITCH INLET
  - TD: TRENCH DRAIN
  - WF: WATER FLOW DIRECTION

- 14. SANITARY MAN HOLES**
- MSH 10: SANITARY MAN HOLE
  - DS: DOWN SLOPE
  - AS: AREA DRAIN
  - DI: DITCH INLET
  - TD: TRENCH DRAIN
  - WF: WATER FLOW DIRECTION



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NO.	DATE	DESCRIPTION
1	2024/01/15	ISSUED FOR PERMIT APPLICATION
2	2024/01/15	ISSUED FOR PERMIT APPLICATION
3	2024/01/15	ISSUED FOR PERMIT APPLICATION
4	2024/01/15	ISSUED FOR PERMIT APPLICATION
5	2024/01/15	ISSUED FOR PERMIT APPLICATION

**LEGEND**

[Symbol]	PROPERTY LINE
[Symbol]	INDICATE CURB DRIVE BY RIGHT
[Symbol]	INDICATE PAVED DRIVEWAY OR ASPHALT
[Symbol]	INDICATE HEAVY DUTY HOUSING FRAGMENT STRUCTURE
[Symbol]	INDICATE AS PAVED (ASPHALT)
[Symbol]	INDICATE FINE LINE
[Symbol]	INDICATE AMENITY AREA
[Symbol]	WALKWAY
[Symbol]	F.H. FIRE HYDRANT
[Symbol]	F.O.C. FIRE EQUIPMENT CONNECTION
[Symbol]	J.E.S. A, W2, W3
[Symbol]	INDICATE FIRE ROUTE
[Symbol]	INDICATE VISITOR PARKING
[Symbol]	BARRED FREE PARKING
[Symbol]	INTERNATIONAL SYMBOL OF ACCESS
[Symbol]	EXTRUSION ANCHOR
[Symbol]	INDICATE NEW STRUCTURE
[Symbol]	INDICATE NEW STRUCTURE



**HOMESTEAD**

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**1580 ROCKWELL DRIVE APARTMENT BUILDING**

1580 ROCKWELL DRIVE  
KINGSTON, ONTARIO  
K7L 3L1

**SITE PLAN BLOCK 7**

Scale: 1:100  
Date: FEBRUARY 2023  
Project No: 2304  
Drawing No: ASP02

**SITE PLAN**

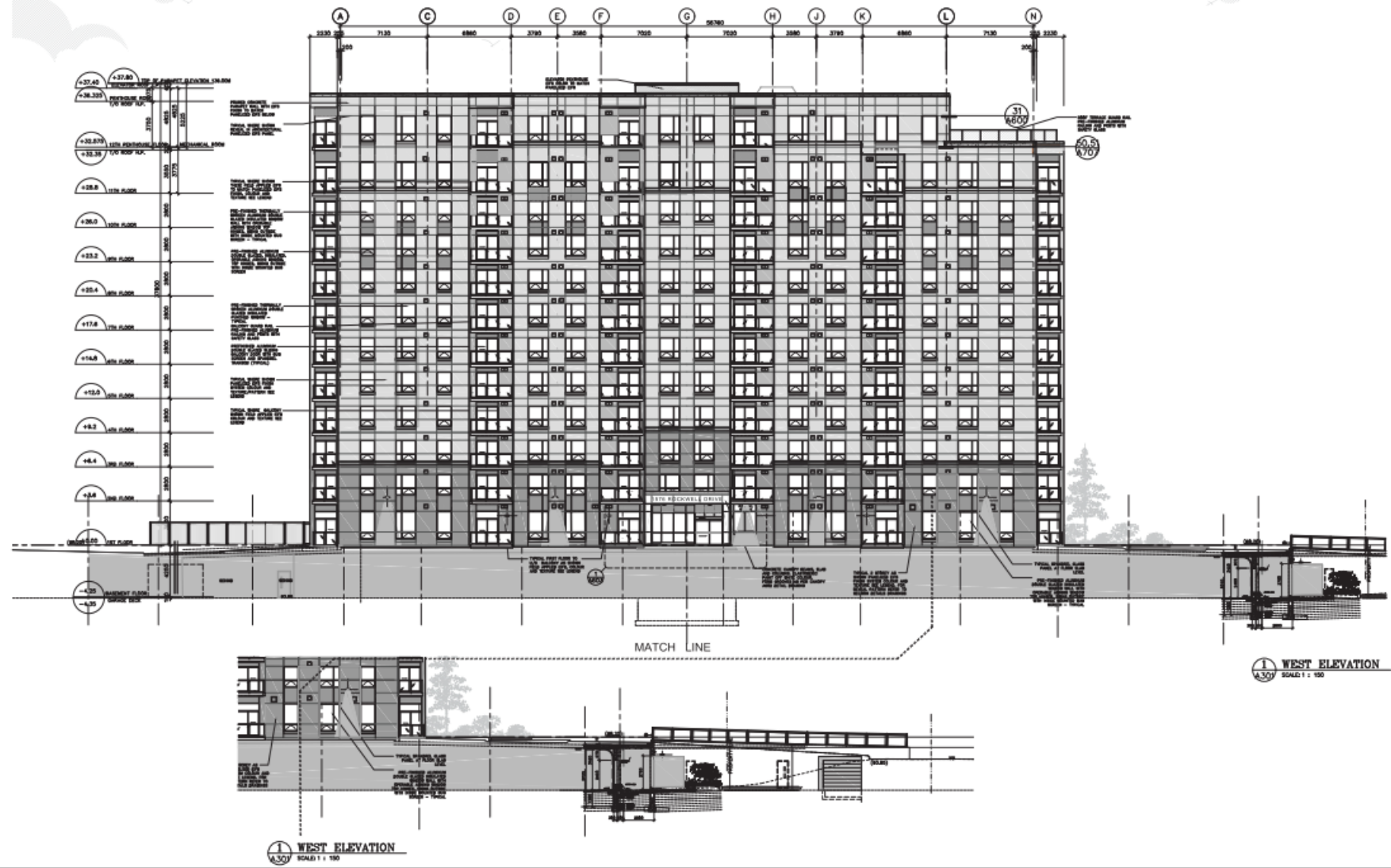
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Date: FEBRUARY 2023  
Project No: 2304  
Drawing No: ASP02



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Revisions and Issues

REV.	DATE	DESCRIPTION
1	20230206	ISSUED FOR PRE-COMM. TATION
2	20230321	ISSUED FOR ZONING APP. CATION
3	20230731	ISSUED FOR REVIEW
4	20230816	ISSUED FOR ZONING APP. CATION



**LEGEND**  
Dryvit Terraneo

- Typical panels & balconies field EIFS
- Bottom building panels and under 2nd & 3rd floor balconies field EIFS



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1576 ROCKWELL DRIVE  
APARTMENT BUILDING

1576 ROCKWELL DRIVE  
KINGSTON, ONTARIO

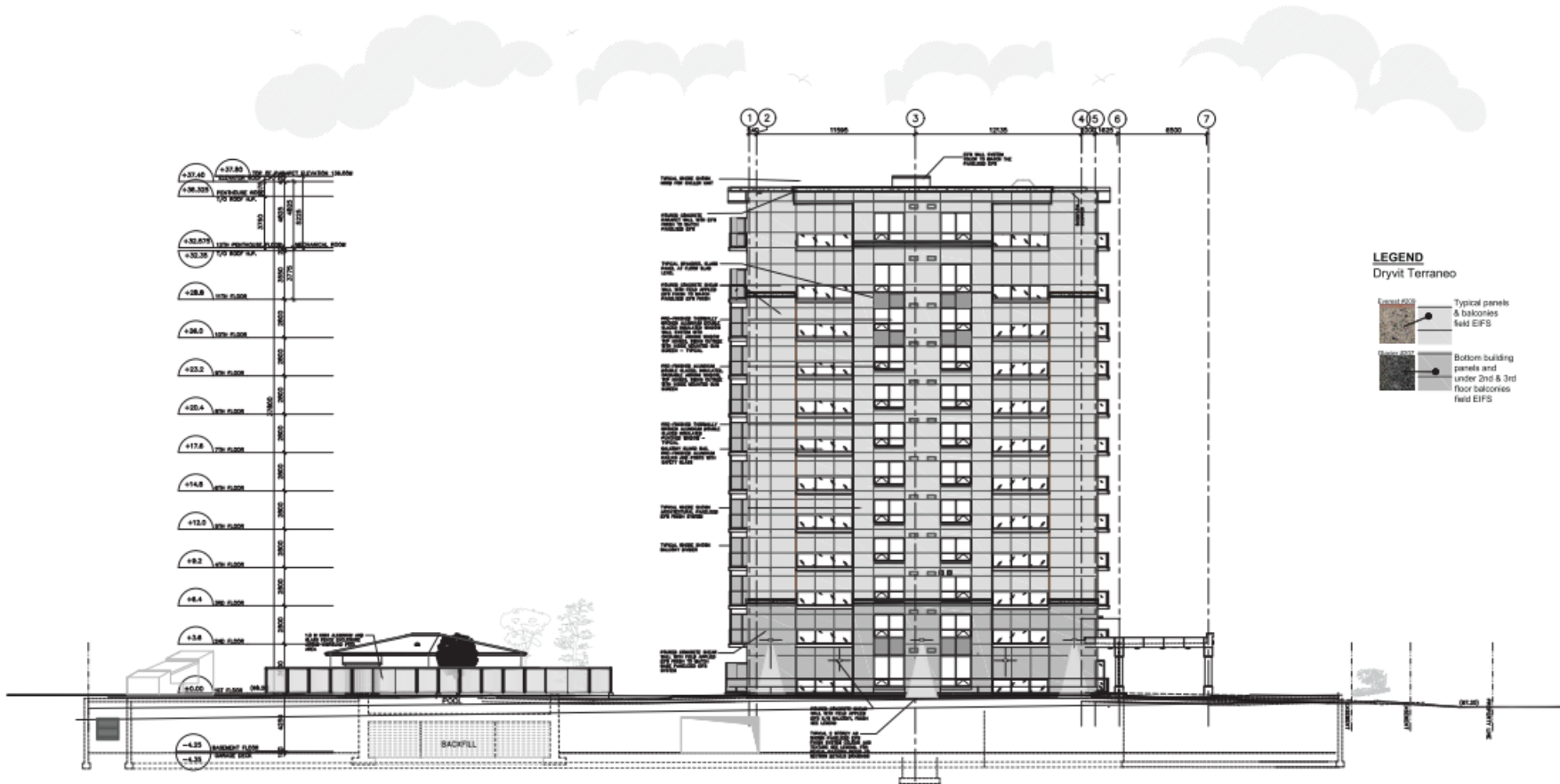
WEST ELEVATION

Drawn By	Checked By
BTS	
Date	Date
1/15/23	FEBRUARY, 2023
Project No.	Revision
2304	4
Drawing No.	
	A301

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Revisions and Issues

REV.	DATE	DESCRIPTION
1	20230206	ISSUED FOR PRE-CONSTRUCTION
2	20230321	ISSUED FOR ZONING APPLICATION
3	20230731	ISSUED FOR REVIEW
4	20230816	ISSUED FOR ZONING APPLICATION



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1576 ROCKWELL DRIVE  
APARTMENT BUILDING

1576 ROCKWELL DRIVE  
KINGSTON, ONTARIO

NORTH ELEVATION

Drawn By	Checked By
BTJ	
Scale	Date
1:100	FEBRUARY, 2023
Project No.	Revision
2304	4
Drawing No.	A302

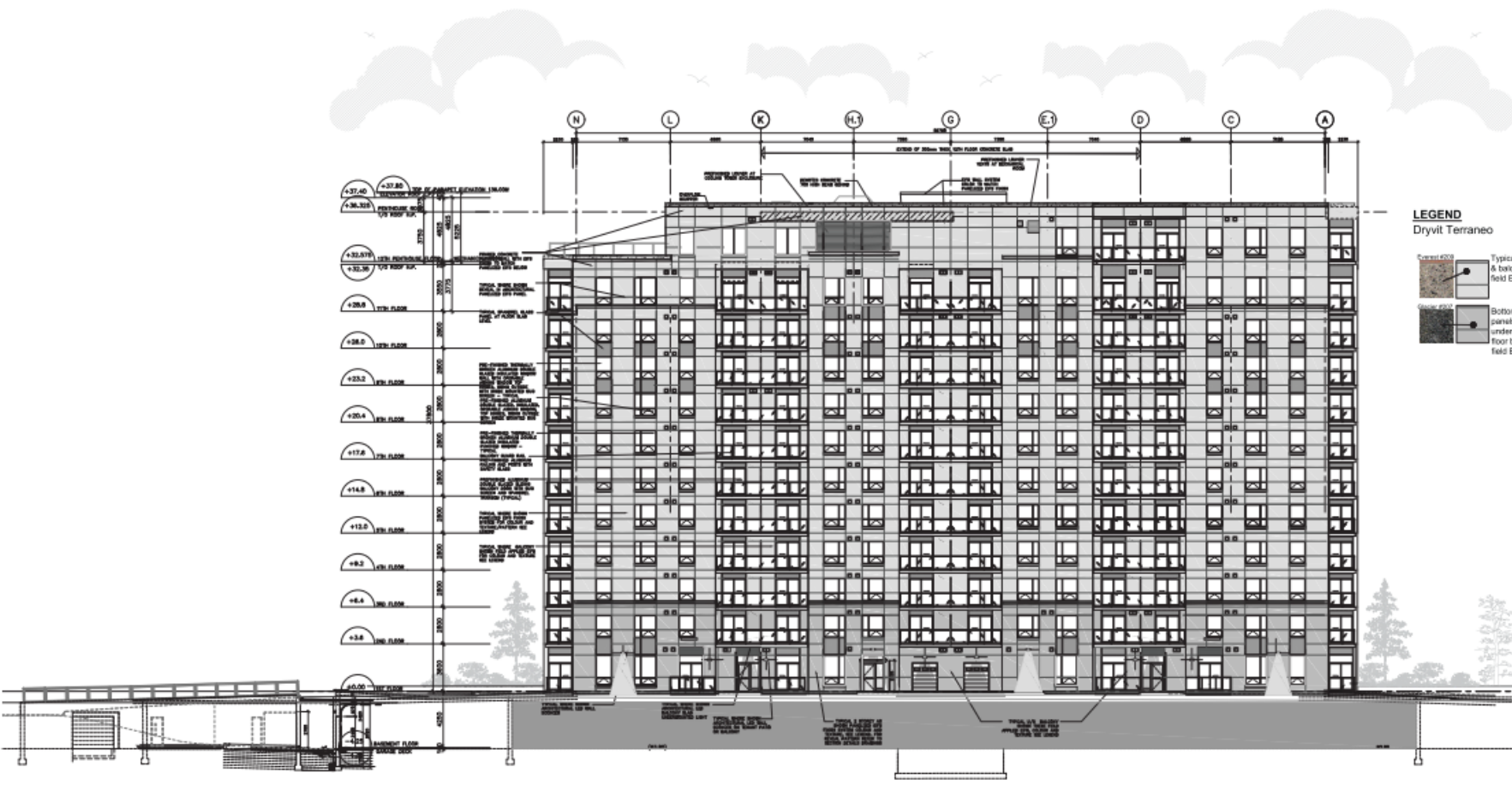
**1** NORTH ELEVATION  
SCALE: 1 : 100



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Revisions and Issues

REV.	DATE	DESCRIPTION
1	2023/02/09	ISSUED FOR PRE-CONSTRUCTION
2	2023/03/21	ISSUED FOR ZONING APPLICATION
3	2023/07/31	ISSUED FOR REVIEW
4	2023/08/15	ISSUED FOR ZONING APPLICATION



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1576 ROCKWELL DRIVE  
APARTMENT BUILDING

1576 ROCKWELL DRIVE  
KINGSTON, ONTARIO

**EAST ELEVATION**  
SCALE: 1 : 100

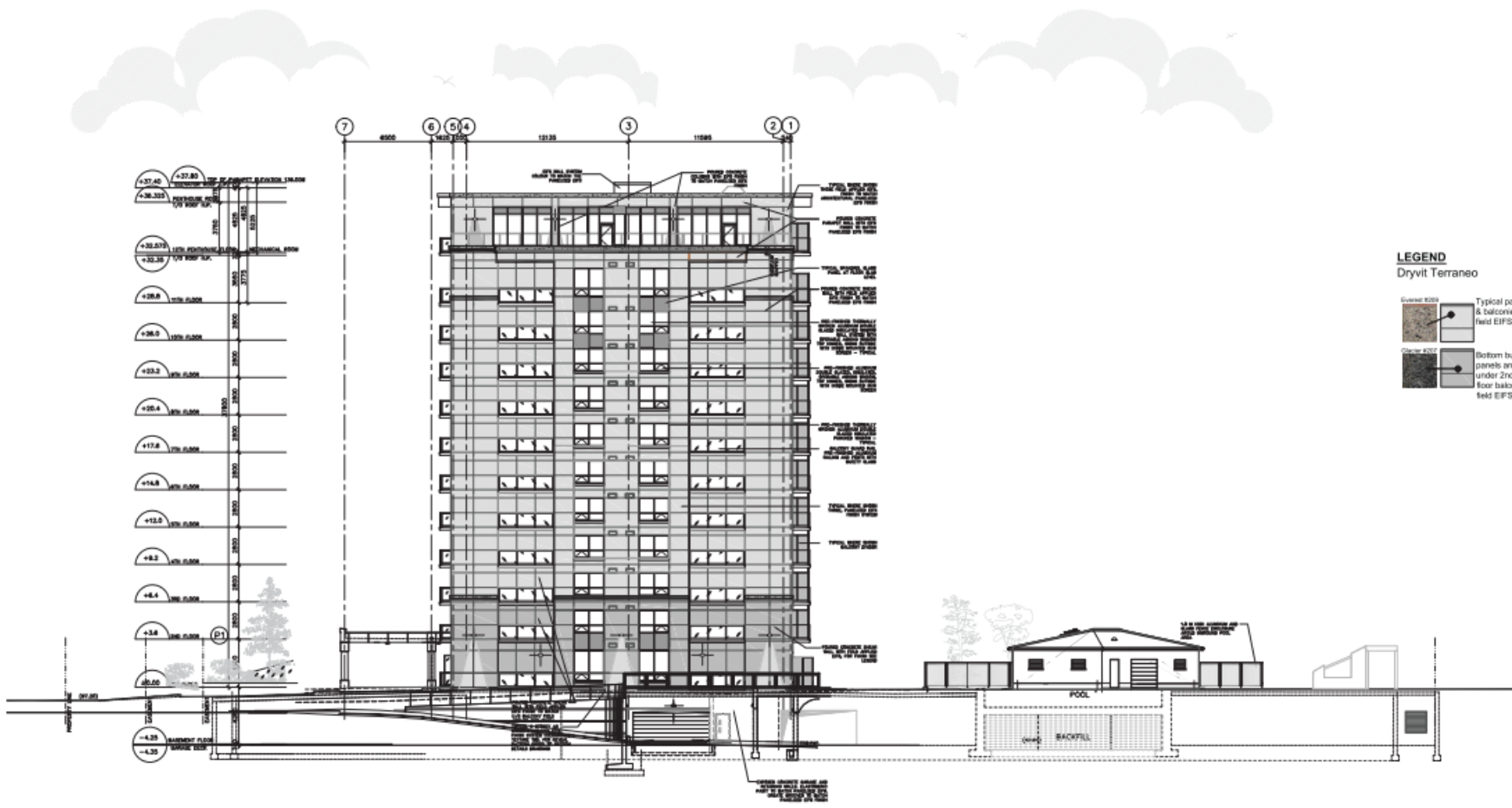
EAST ELEVATION

Drawn By	Checked By
BTM	
Date	Date
1-10	FEBRUARY, 2023
Project No.	Revision
2354	2
Drawing No.	<b>A303</b>

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Revisions and Issues

REV.	DATE	DESCRIPTION
1	20230209	ISSUED FOR PRE-CONSTRUCTION
2	20230301	ISSUED FOR ZONING APPLICATION
3	20230701	ISSUED FOR REVIEW
4	20230816	ISSUED FOR ZONING APPLICATION



**LEGEND**  
Dryvit Terraneo

 Typical panels & balconies field EIFS  
 Bottom building panels and under 2nd & 3rd floor balconies field EIFS



**A** Alexander Wilson  
Architect Inc  
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Kingston, ON K7L 2L1  
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Stamp  
  
 ARCHITECTS  
 LEONORE  
 1982

1576 ROCKWELL DRIVE  
APARTMENT BUILDING

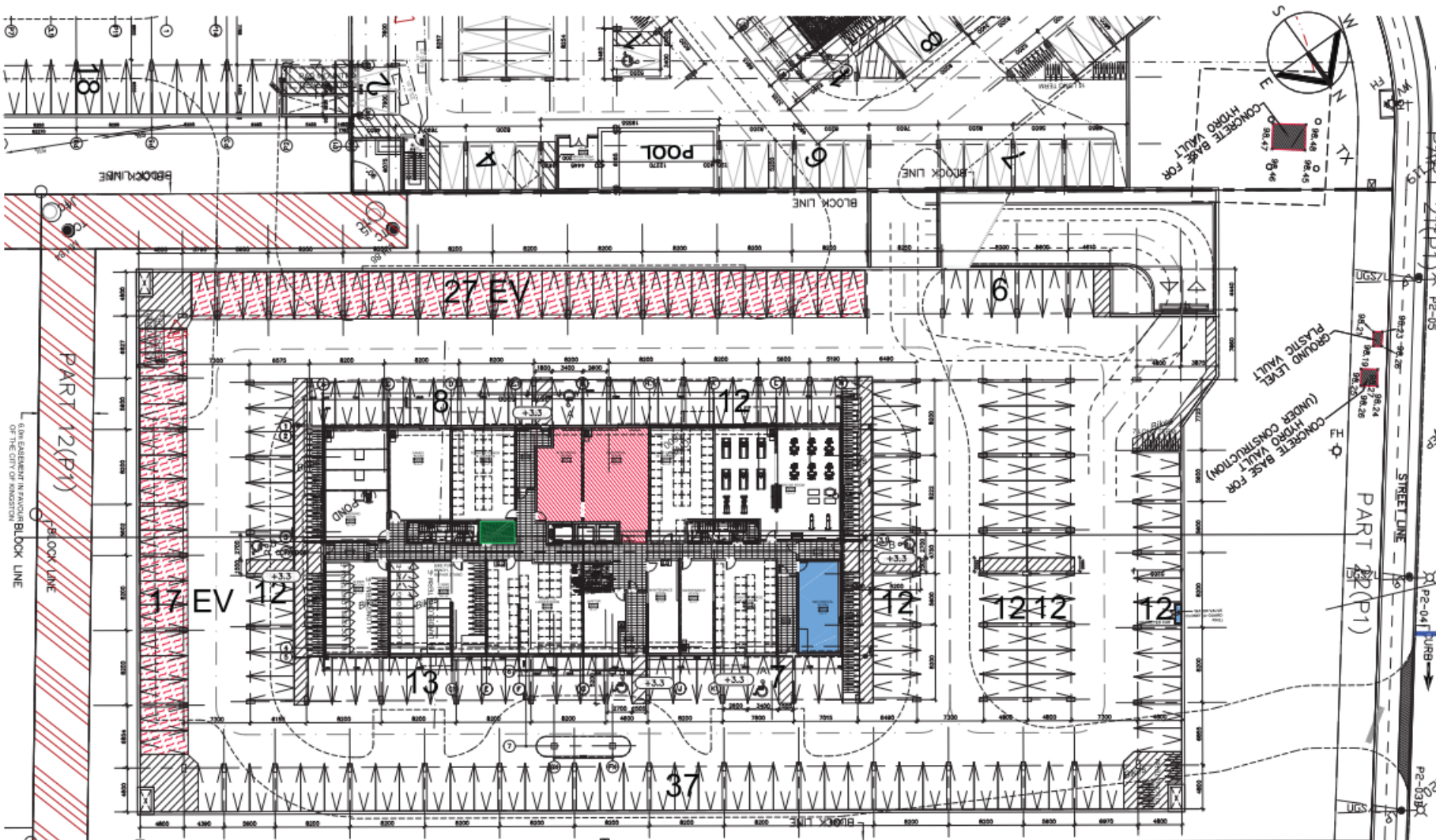
1576 ROCKWELL DRIVE  
KINGSTON, ONTARIO

SOUTH ELEVATION

**1** SOUTH ELEVATION  
SCALE 1 : 100

Drawn By	Checked By
BYL	
Date	Date
1/20	FEBRUARY, 2023
Project No.	Revision
2304	1
Drawing No.	A304





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REV#	DATE	DESCRIPTION
1	2023/03/09	ISSUED FOR PRE CONSULTATION
2	2023/03/21	ISSUED FOR ZONING APPLICATION
3	2023/06/11	ISSUED FOR COORDINATION
4	2023/06/16	ISSUED FOR ZONING APPLICATION
5	2023/11/03	ISSUED FOR COORDINATION

**LEGEND**

- INDICATED PARKED VEHICLES ON ASPHALT
- INDICATED BY OWNER
- INDICATED CAR SPACE BY OWNER
- 1"X4" GRABBAR FLOOR TILE
- 1"X4" GRABBAR GRANT OR TUFFLE FLOOR TILE
- CARPET TILE
- PAVED CONCRETE FLOOR
- PAVED GYM FLOOR
- INDICATED WALK PLANE FLOORING BY OWNER. THE FLOORING IS TO BE LAYED BY THE FLOORING CONTRACTOR.
- INDICATED THE APPROXIMATE SURFACE OF THE GARAGE
- INDICATED THE APPROXIMATE SURFACE OF THE GARAGE
- INDICATED BUILDING SECTION
- FIRE EXTINGUISHER
- STAND PNC
- APPROX. CEILING HEIGHT ABOVE FINISHED FLOOR



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1600 ROCKWELL DRIVE  
APARTMENT BUILDING

1600 ROCKWELL DRIVE  
KINGSTON, ONTARIO  
K7L 3L1

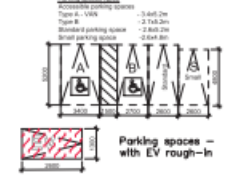
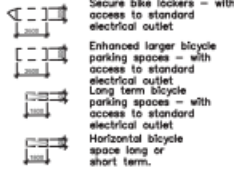
GARAGE PLAN  
BASEMENT FLOOR PLAN

Drawn By	ETC	Checked By	
Date	1/2024	Date	FEBRUARY, 2023
Project No.	2308	Revision	
Sheet No.			A101

**DRYWALL GENERAL NOTES:**  
- FOR PARTITION TYPE SCHEDULE SEE ARCHITECTURAL DRAWING SET  
- ALL PARTITIONS ARE PER LUM. FINISHING DETAIL WILL BE APPLIED THERE TO THE JOINTS MAY BE NECESSARY TO USE PER PARTITION LOCATIONS, SOME SUCH AS GAB AND BE REQUIRED BY CONTRACTOR PER CODE AND PARTITION WILL BE DETAIL.  
- PARTITION PER AS-BUILT CODE ON THE PARTITION SHALL BE SHAPED AS SHOWN FROM THE GARAGE PER SECTION B IS ALIGNED TO THE TOP OF THE JOINT WHERE THE PARTITION AND DETAIL ARE PLACED.  
- PARTITION TYPE PER IS THE PIPE CHASE ENCLOSURE AS NOTED ON PLAN.

2. PROVIDE THE PROTECTION OF BASE COLUMNS AND WALLS FROM SALT WATER (TYPICAL - SOAK GARD, VOLUME OF APPROVED EQUAL WATERPROOFING EXTEND MIN. 500 ABOVE FINISH SURFACE AND 300 HORIZONTALLY ON FOOTING)  
3. CONCRETE HEATED RAMP WITH NON-SLIPPERY FINISH. CHECKER BOARD FINISH IS A GRAPHIC REPRESENTATION OF DIRECTION RAMP SLOPE.  
4. 4.2m HIGH 2.3m HIGH ARCHWAY FOR FUTURE BLOCK 6 AND BLOCK 7 GARAGES CONNECTION TO BE TEMPORARY PER THE HOMESTEAD LEASING/SPECIFICATION PROVIDE TEMPORARY'S PARKING SPACES UNTIL CONNECTION IS ACHIEVED.  
7. ABREVIATIONS:  
TD - TRENCH DRAIN  
CATCH BASIN  
PS - PARKING SPACE  
B.S. - BICYCLE PARKING SPACE

1600 Rockwell Drive  
Required Long term Bicycle spaces 142 B.S.  
Short term Bicycle spaces 16 B.S.  
Total bicycle parking spaces provided 158  
Bicycle parking is provided in the front of the building -  
- 8 short term bicycle spaces under canopy cover  
- 8 short term bicycle spaces in the front ±30m away from front entrance  
- Long term term bicycle spaces in 2 Bicycle Storage Rooms in the basement  
\* 14 B.S. (1.1m x 2.6m) with electrical outlet  
\* 14 bicycle lockers (1.1m x 2.6m) with electrical outlet  
\* 14 B.S. (0.6m x 1.8m) Long term term bicycle spaces in underground garage



**GARAGE AND BASEMENT PLAN**  
SCALE: 1 : 200

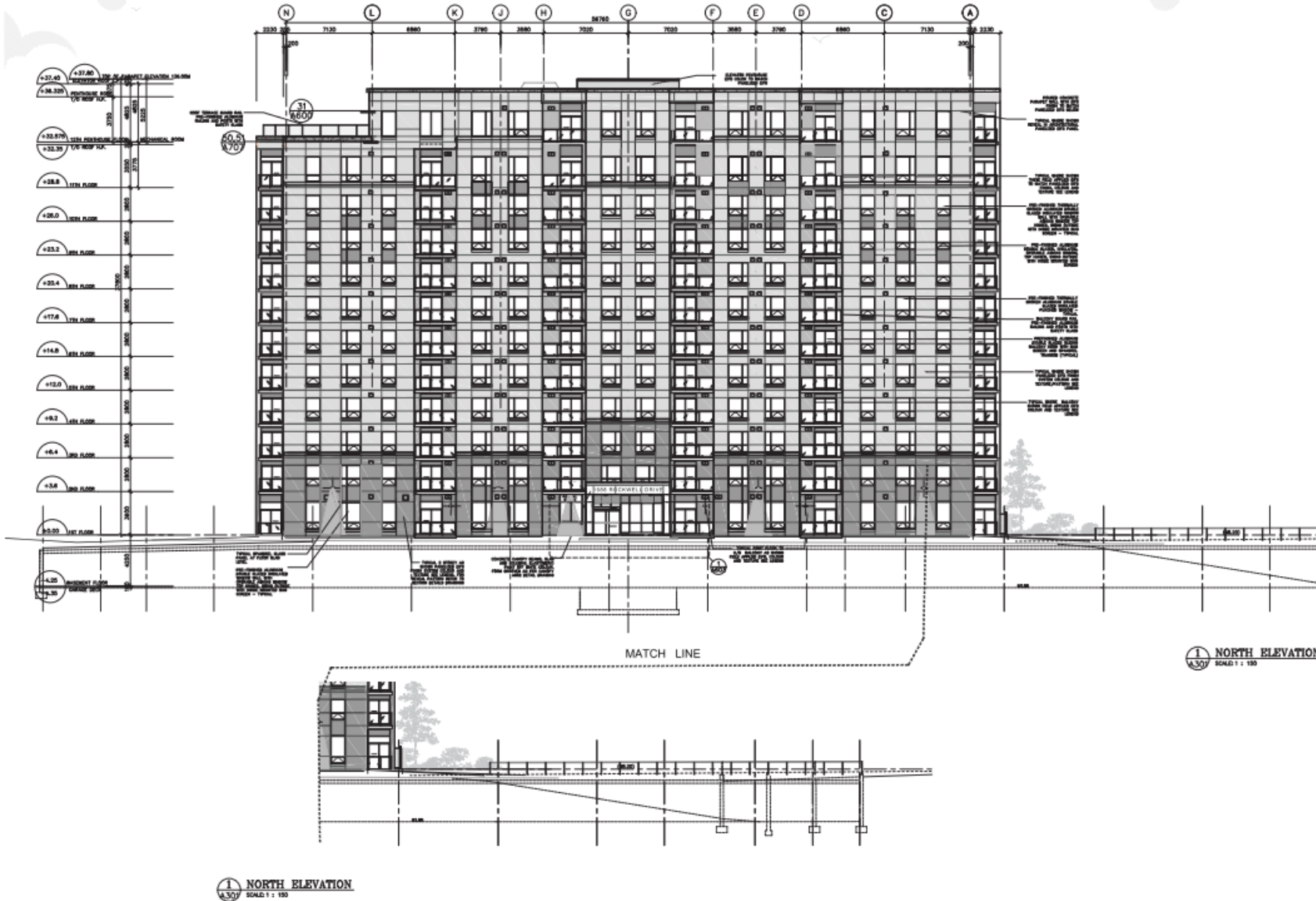




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Revisions and Issues

REV.	DATE	DESCRIPTION
1	20230209	ISSUED FOR PRELIMINARY STATION
2	20230321	ISSUED FOR ZONING APPLICATION
3	20230731	ISSUED FOR REVIEW
4	20230819	ISSUED FOR ZONING APPLICATION



**HOMESTEAD**

**A** Alexander Wilson  
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Professional seal and signature of the architect.

1588 ROCKWELL DRIVE  
APARTMENT BUILDING

1588 ROCKWELL DRIVE  
KINGSTON, ONTARIO

NORTH ELEVATION

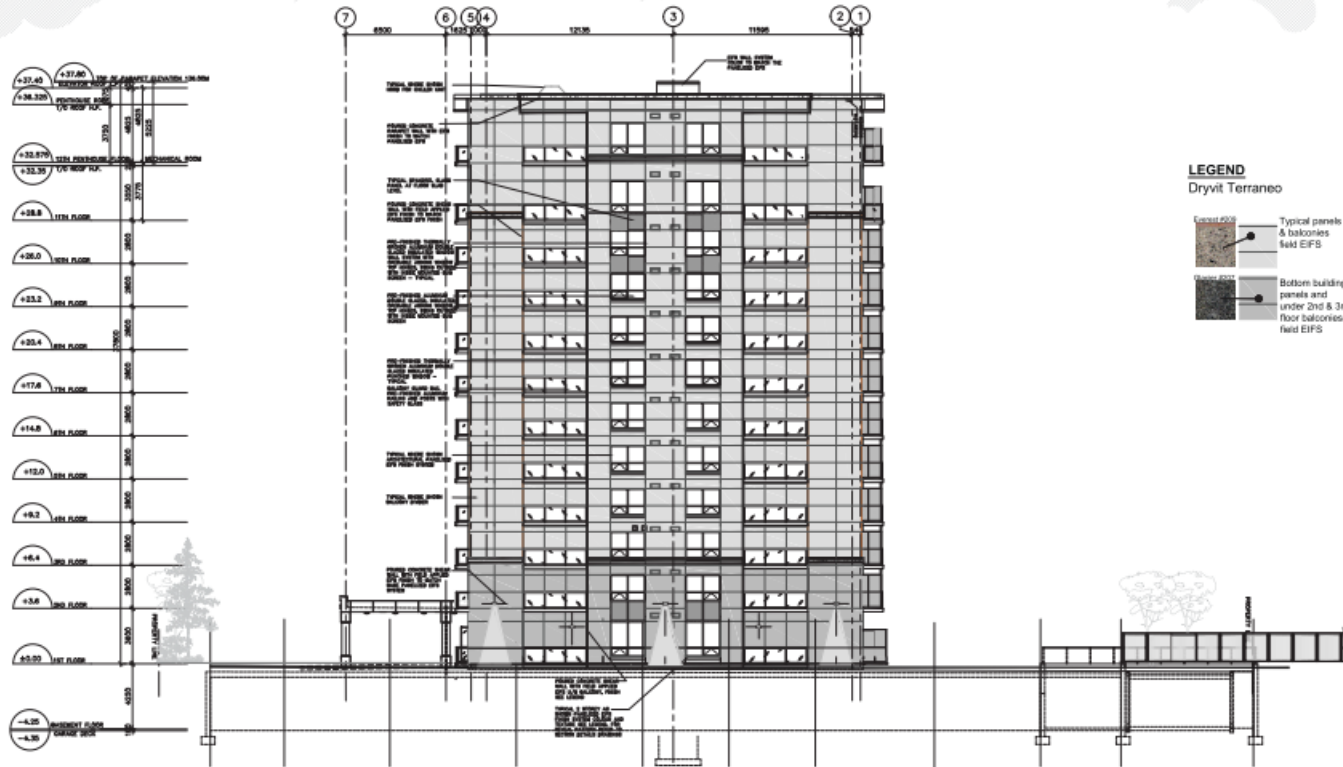
Drawn By	Checked By
BTG	
Date	Date
1/15/23	FEBRUARY, 2023
Project No.	Revision
2308	4
Drawing No.	
	A301



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Revisions and Issues

REV	DATE	DESCRIPTION
1	20230209	ISSUED FOR PRE-CONCRETE STATION
2	20230301	ISSUED FOR ZONING APPLICATION
3	20230701	ISSUED FOR REVIEW
4	20230819	ISSUED FOR ZONING APPLICATION



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1588 ROCKWELL DRIVE  
APARTMENT BUILDING

1588 ROCKWELL DRIVE  
KINGSTON, ONTARIO

WEST ELEVATION

WEST ELEVATION  
SCALE: 1 : 100

Drawn By	Checked By
BTG	
Scale	Date
1:100	FEBRUARY, 2023
Project No.	Revision
2308	4
Sheet No.	A302

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REV.	DATE	DESCRIPTION
1	20230206	ISSUED FOR PRE-CONSTRUCTION
2	20230301	ISSUED FOR ZONING APPLICATION
3	20230701	ISSUED FOR REVIEW
4	20230816	ISSUED FOR ZONING APPLICATION

**LEGEND**  
Dryvit Terraneo

Typical panels & balconies  
field EIFS

Bottom building panels and under 2nd & 3rd floor balconies field EIFS



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Architect Inc  
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Kingston, ON K7L 2L1  
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F: 613-545-1411

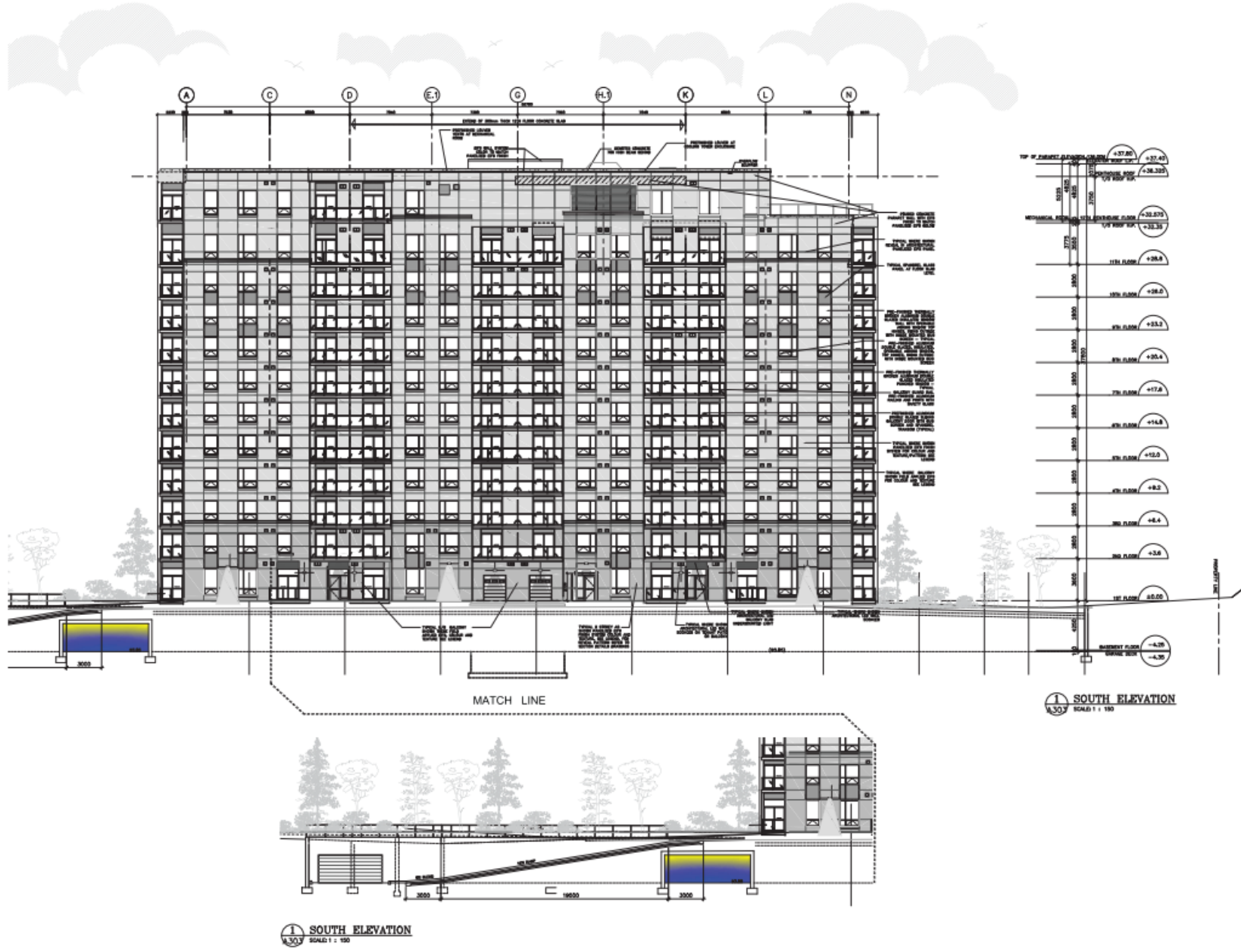


1588 ROCKWELL DRIVE  
APARTMENT BUILDING

1588 ROCKWELL DRIVE  
KINGSTON, ONTARIO

SOUTH ELEVATION

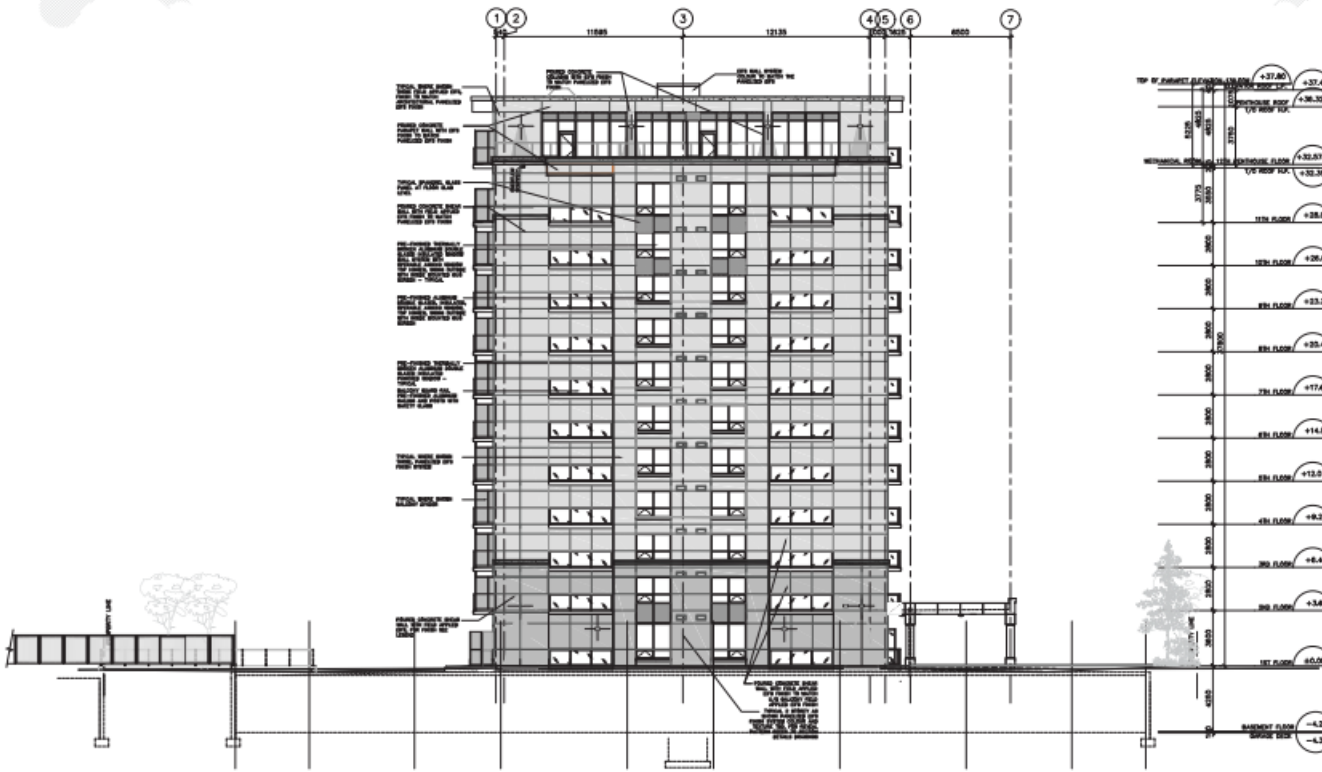
Drawn By	Checked By
ETA	
Date	Date
1-18-23	FEBRUARY, 2023
Project No.	Revision
2320	4
Sheet No.	A303



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Revisions and Issues

REV.	DATE	DESCRIPTION
1	2023/02/09	ISSUED FOR PRE-CONSULTATION
2	2023/03/01	ISSUED FOR ZONING APPLICATION
3	2023/07/01	ISSUED FOR REVISION
4	2023/08/16	ISSUED FOR ZONING APPLICATION



**LEGEND**  
Dryvit Terraneo

- Typical panels & balconies field EIFS
- Bottom building panels and under 2nd & 3rd floor balconies field EIFS



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1588 ROCKWELL DRIVE  
APARTMENT BUILDING

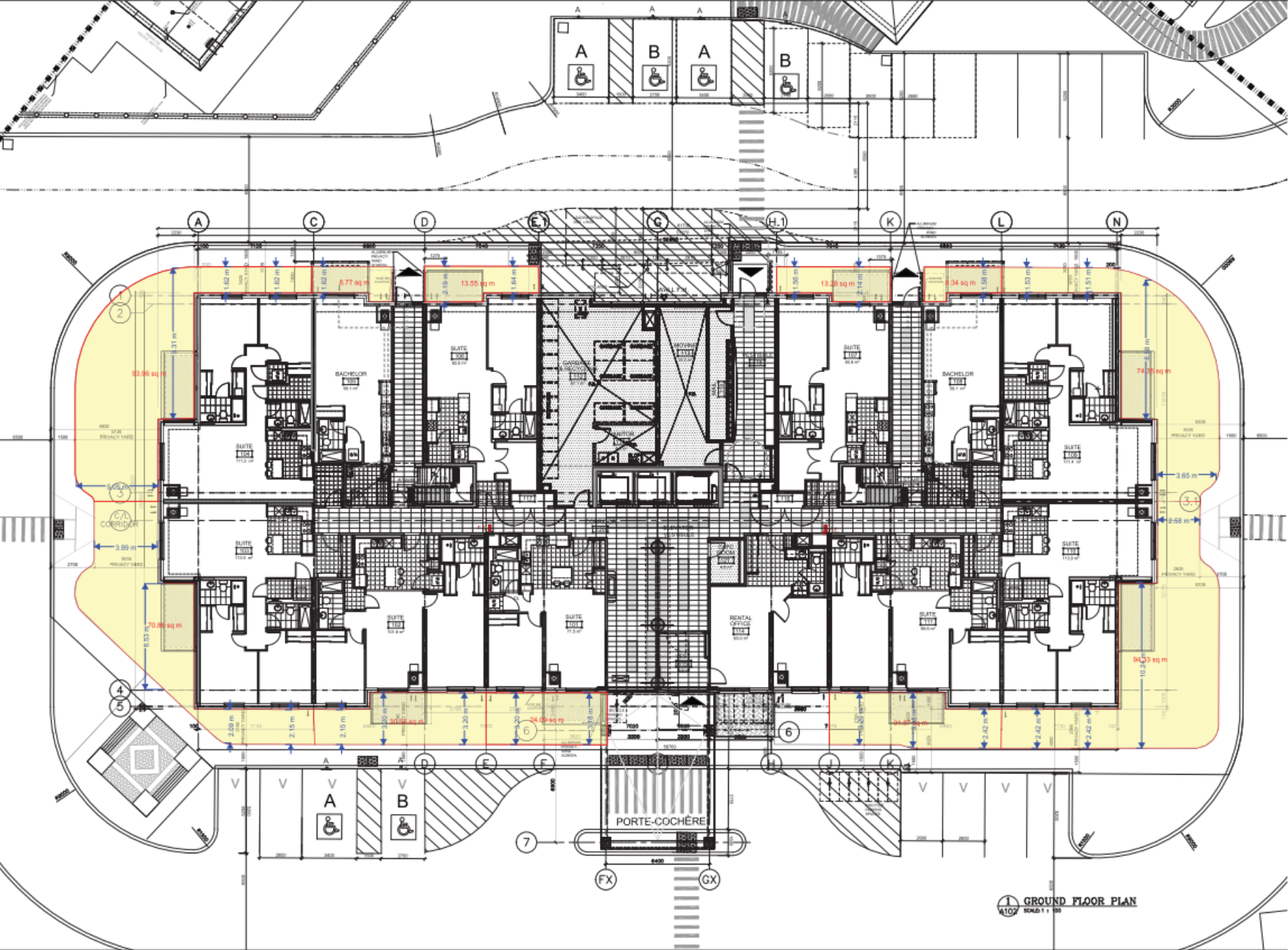
1588 ROCKWELL DRIVE  
KINGSTON, ONTARIO

EAST ELEVATION

**1** EAST ELEVATION  
SCALE: 1 : 100

Drawn By	Checked By
BTJ	
Scale	Date
1:100	FEBRUARY, 2023
Project No.	Revision
2308	4
Sheet No.	
	A304





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Revision and Issue

REV.	DATE	DESCRIPTION
1	20230917	ISSUED FOR COORDINATION
2	20230918	ISSUED FOR ZONING APPLICATION

Finishing Schedule

Room/Type	Finish	Thickness
Typical	1.445 Dm	
Typical	2.742 Dm	
Typical	2.842 Dm	
Typical	2.942 Dm	

**LEGEND**

- 1"X4" CERAMIC FLOOR TILE
- 1"X4" CERAMIC TILES ON  
WOOD FLOOR TIE
- FLOOR TILE  
IN SET
- CARPET TILE
- PAINTED CONCRETE FLOOR
- 10' BY 10' ELEVATOR LOBBY ACCENT  
WOOD FLOOR TIE (LUGS  
& FINISHES)
- F.F.E. FIRE EXTINGUISHER
- 1-40' INDICATES WALL SECTION
- 1-70' INDICATES BUILDING SECTION
- 30-400' INDICATES PLAN DETAIL



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1576 ROCKWELL DRIVE  
APARTMENT BUILDING

1576 ROCKWELL DRIVE  
KINGSTON, ONTARIO

GROUND FLOOR PLAN  
BLOCK 7

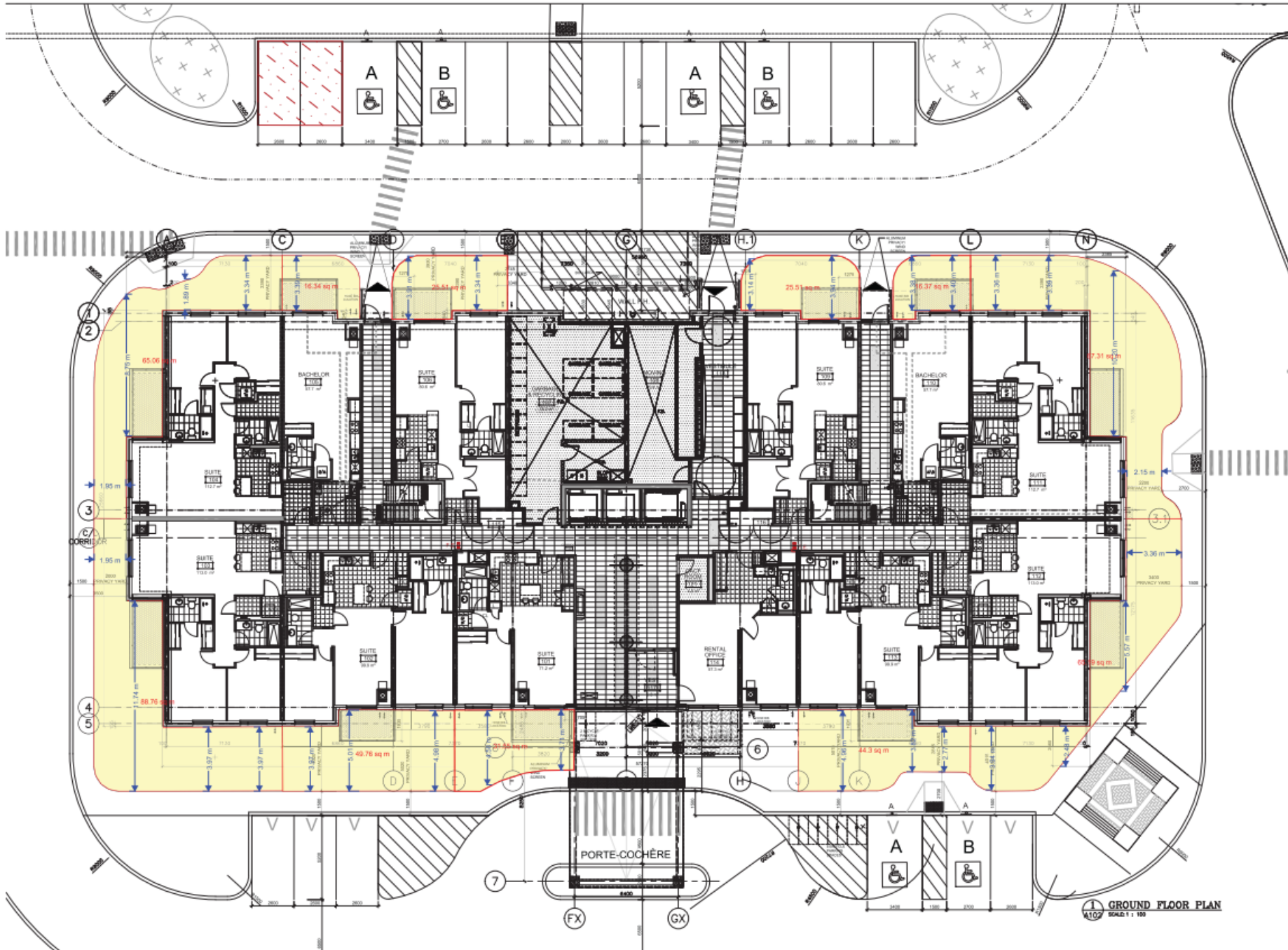
1 GROUND FLOOR PLAN  
A102 SCALE: 1:100

Drawn By	Checked By
ETX	

Scale	Date
1:100	MAY 2023

Project No.	Sheet No.
2304	2

Sheet No.
A102



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**Revisions and Issues**

NO.	DATE	DESCRIPTION
1	2023/05/17	ISSUED FOR COORDINATION
2	2023/05/18	ISSUED FOR ZONING APPLICATION

**General Building Notes**

DESCRIPTION	REMARKS
Minimum parking spaces	
Type A - 50%	2.645.0m
Type B	2.740.0m
Standard parking space	2.645.0m
Standard parking space	2.645.0m

**LEGEND**

- 150x150 CERAMIC FLOOR TILE
- 150x150 CERAMIC PORCELAIN OR MARBLE FLOOR TILE
- FLOOR TILE
- CARPET TILE
- PAINTED CONCRETE FLOOR
- ELEVATED LOBBY ACCESS WALL, STAIR, ESCALATOR, CORRIDOR FLOOR, ETC. (PERMITTED)
- FIRE EXTINGUISHER
- STAND PIPE
- INDICATED WALL SECTION
- INDICATED WINDOW SECTION
- INDICATED PLAN DETAIL

**HOMESTEAD**

**Alexander Wilson Architect Inc.**  
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110-89 Glen Street  
Mississauga, ON M7L 2L1  
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F: 905-545-1411



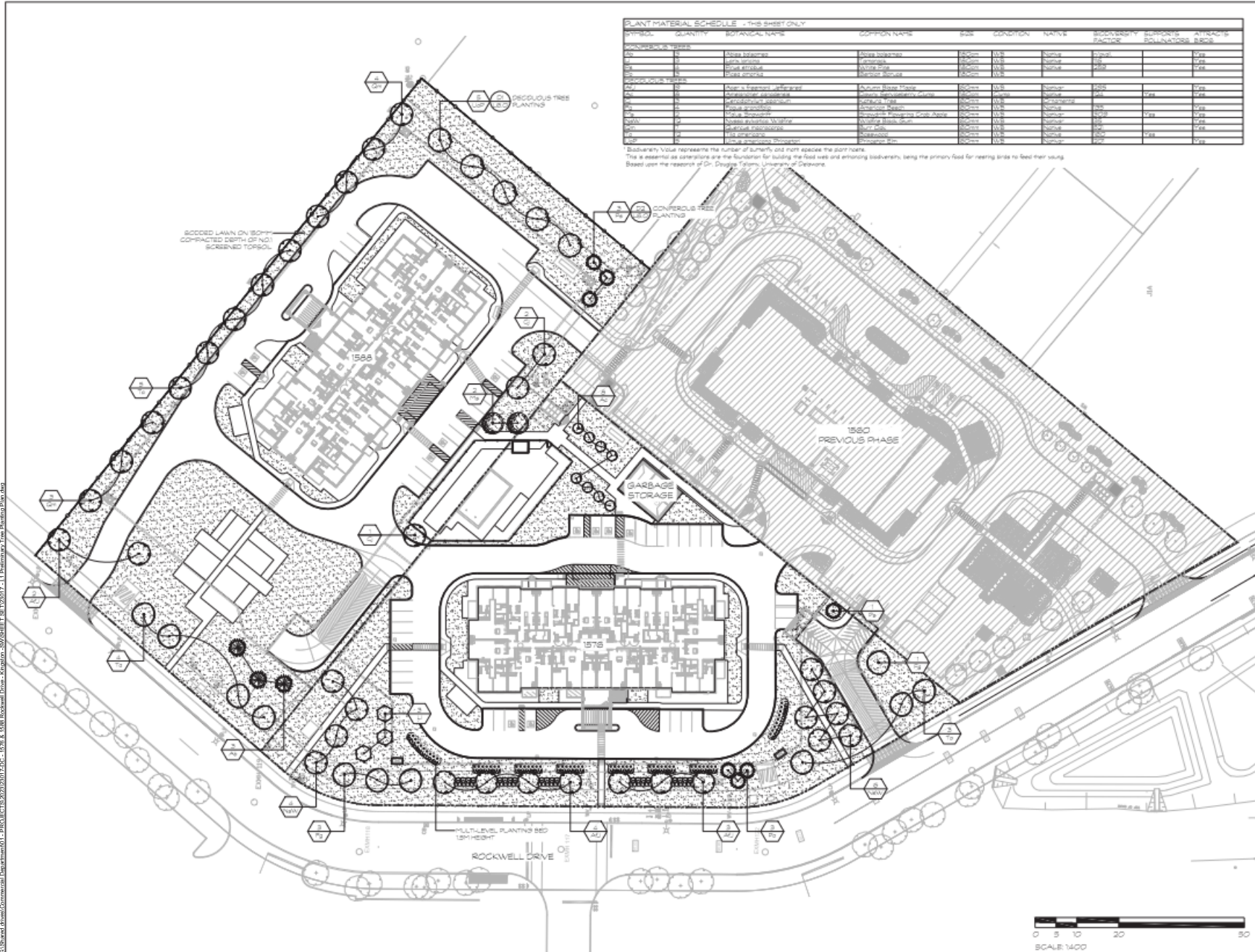
1588 ROCKWELL DRIVE  
APARTMENT BUILDING

1588 ROCKWELL DRIVE  
MISSISSAUGA, ONTARIO  
M5S 1K6

GROUND FLOOR PLAN  
BLOCK 8

Drawn By	Checked By
RTK	
Date	Date
1.300	MAY, 2023
Project No.	Architect
2308	2
Drawing No.	A102





PLANT MATERIAL SCHEDULE - THIS SHEET ONLY										
SYMBOL	QUANTITY	Botanical Name	COMMON NAME	SIZE	CONDITION	NAME	BIO-DIVERSITY FACTOR	BIODIVERSITY	BIODIVERSITY	ATTACHING BIRDS
1	1	Amelanchier canadensis	Shadbush	12" DBH	U.S.	Native	100%	100%	100%	Yes
2	1	Amelanchier canadensis	Shadbush	12" DBH	U.S.	Native	100%	100%	100%	Yes
3	1	Amelanchier canadensis	Shadbush	12" DBH	U.S.	Native	100%	100%	100%	Yes
4	1	Amelanchier canadensis	Shadbush	12" DBH	U.S.	Native	100%	100%	100%	Yes
5	1	Amelanchier canadensis	Shadbush	12" DBH	U.S.	Native	100%	100%	100%	Yes
6	1	Amelanchier canadensis	Shadbush	12" DBH	U.S.	Native	100%	100%	100%	Yes
7	1	Amelanchier canadensis	Shadbush	12" DBH	U.S.	Native	100%	100%	100%	Yes
8	1	Amelanchier canadensis	Shadbush	12" DBH	U.S.	Native	100%	100%	100%	Yes
9	1	Amelanchier canadensis	Shadbush	12" DBH	U.S.	Native	100%	100%	100%	Yes
10	1	Amelanchier canadensis	Shadbush	12" DBH	U.S.	Native	100%	100%	100%	Yes
11	1	Amelanchier canadensis	Shadbush	12" DBH	U.S.	Native	100%	100%	100%	Yes
12	1	Amelanchier canadensis	Shadbush	12" DBH	U.S.	Native	100%	100%	100%	Yes
13	1	Amelanchier canadensis	Shadbush	12" DBH	U.S.	Native	100%	100%	100%	Yes
14	1	Amelanchier canadensis	Shadbush	12" DBH	U.S.	Native	100%	100%	100%	Yes
15	1	Amelanchier canadensis	Shadbush	12" DBH	U.S.	Native	100%	100%	100%	Yes
16	1	Amelanchier canadensis	Shadbush	12" DBH	U.S.	Native	100%	100%	100%	Yes
17	1	Amelanchier canadensis	Shadbush	12" DBH	U.S.	Native	100%	100%	100%	Yes
18	1	Amelanchier canadensis	Shadbush	12" DBH	U.S.	Native	100%	100%	100%	Yes
19	1	Amelanchier canadensis	Shadbush	12" DBH	U.S.	Native	100%	100%	100%	Yes
20	1	Amelanchier canadensis	Shadbush	12" DBH	U.S.	Native	100%	100%	100%	Yes
21	1	Amelanchier canadensis	Shadbush	12" DBH	U.S.	Native	100%	100%	100%	Yes
22	1	Amelanchier canadensis	Shadbush	12" DBH	U.S.	Native	100%	100%	100%	Yes
23	1	Amelanchier canadensis	Shadbush	12" DBH	U.S.	Native	100%	100%	100%	Yes
24	1	Amelanchier canadensis	Shadbush	12" DBH	U.S.	Native	100%	100%	100%	Yes
25	1	Amelanchier canadensis	Shadbush	12" DBH	U.S.	Native	100%	100%	100%	Yes
26	1	Amelanchier canadensis	Shadbush	12" DBH	U.S.	Native	100%	100%	100%	Yes
27	1	Amelanchier canadensis	Shadbush	12" DBH	U.S.	Native	100%	100%	100%	Yes
28	1	Amelanchier canadensis	Shadbush	12" DBH	U.S.	Native	100%	100%	100%	Yes
29	1	Amelanchier canadensis	Shadbush	12" DBH	U.S.	Native	100%	100%	100%	Yes
30	1	Amelanchier canadensis	Shadbush	12" DBH	U.S.	Native	100%	100%	100%	Yes

Biodiversity Value represents the number of sunbirds and more closely the bird fauna. This is essential as sunbirds are the foundation for building the food web and attracting birdwatchers, being the primary food for nesting birds to feed their young. Based upon the research of Dr. Douglas Green, University of Oklahoma.

**HOMESTEAD**



Rev.	Revisions and Reasons	Date
1	ISSUED FOR REVISIONS	2023-06-27
2	ISSUED FOR REVIEW	2023-07-28
3	ISSUED FOR REVIEW	2023-08-28
4	ISSUED FOR REVIEW	2023-09-13



**Project Notes**  
This design and drawing are the property of The Scott Wentworth Landscape Group L.L.C. and are not to be copied or used for construction purposes without the Landscape Architect's express written consent.  
The contractor shall check and verify all dimensions and report any discrepancies, errors, or omissions to the Landscape Architect prior to commencing work.  
Base plan information taken from Site Plan provided by Company Name: Alexander Wilson Architect Inc. Dated: 2023-07-13

Wentworth Landscapes  
13302 Loyall Parkway R.R.1, P.O. Box 270  
01354-0372



Client  
HOMESTEAD LAND HOLDING LTD.

Project  
1576 & 1588 ROCKWELL DR. APARTMENT BUILDINGS

Project Location  
1576 & 1588 ROCKWELL DR.  
KINGSTON, ON

Drawing Title  
PRELIMINARY TREE PLANTING PLAN

Scale	Date	Plot Date
1:80	2023-09-08	2023-09-13
Designed By SW	Drawn By SW	
Approved By SW	Project Number 23017-00	



G:\Shared\Commercial\Department\01 - PROJECTS\2023\2023-01-23-OC - 1576 & 1588 Rockwell Drive, Kingston - 2023\09-08 - 11 Preliminary Tree Planting Plan.dwg

Site Photographs – July 26, 2023



**Figure 1:** Looking north along Rockwell Drive to the subject properties.



**Figure 2:** Looking east from Rockwell Drive to the subject properties.





**Figure 3:** View of the existing right-of-way along east side of Rockwell Drive.








**Figure 4:** Looking south-east from Rockwell Drive to the apartment at 1560 Rockwell Drive and the long-term care facility at 1306 Demers Avenue (under construction).

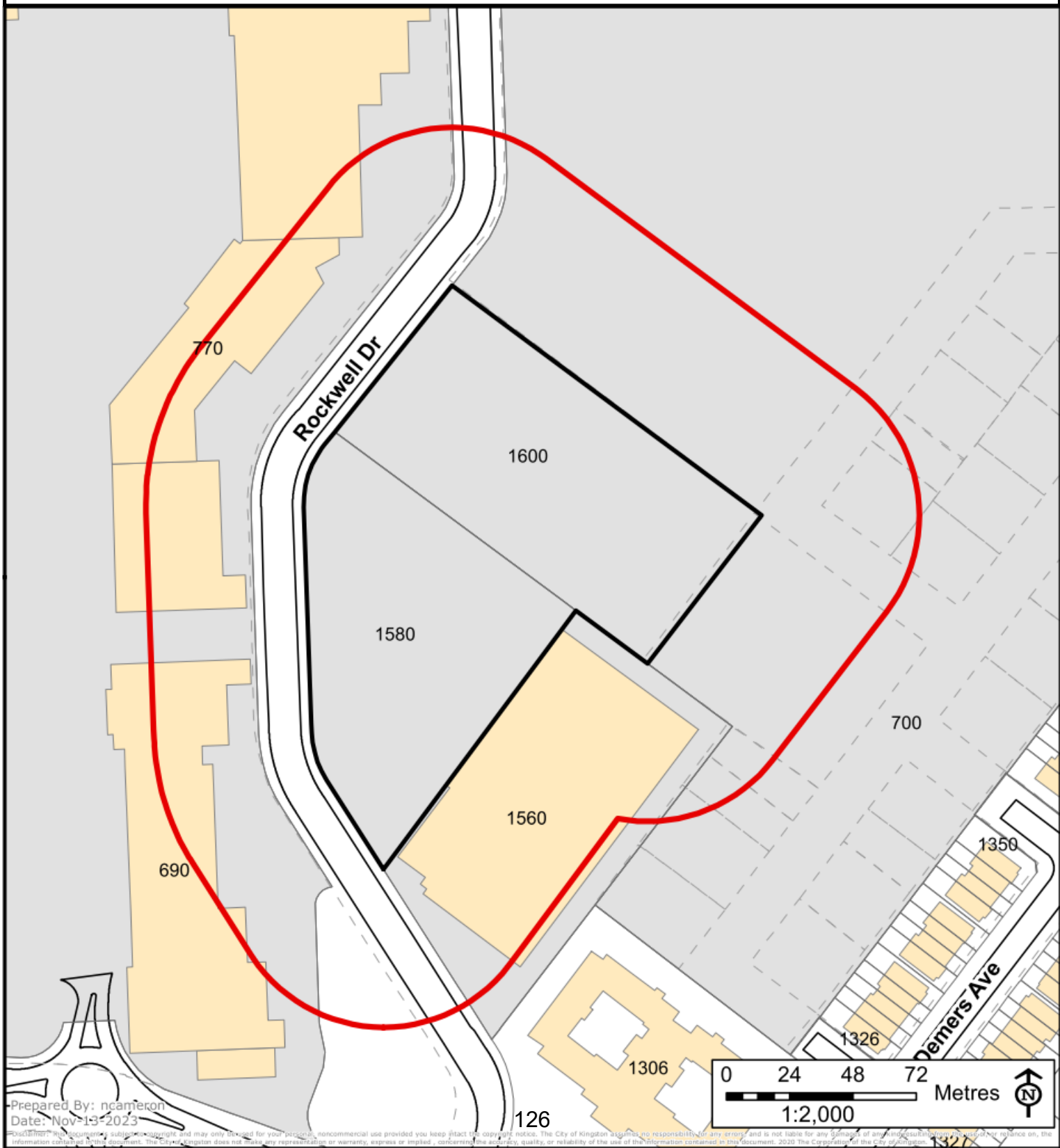


Planning Services

# Committee of Adjustment Public Notice Notification Map

Address: 1580 and 1600 Rockwell Drive  
File Number: D13-022-2023

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





**City of Kingston  
Report to Committee of Adjustment  
Report Number COA-24-010**

---

**To:** Chair and Members of the Committee of Adjustment  
**From:** Penelope Horn, Planner  
**Date of Meeting:** December 11, 2023  
**Application for:** Minor Variance and Consent  
**File Numbers:** D10-041-2023 & D13-062-2023  
**Address:** 242 Alfred Street  
**District:** District 9 – Williamsville  
**Owner:** David Hamilton  
**Applicant:** Fotenn Planning

---

**Council Strategic Plan Alignment:**

Theme: 1. Support Housing Affordability

Goal: 1.2 Promote increase in purpose-built rental housing.

**Executive Summary:**

This report provides a recommendation to the Committee of Adjustment regarding applications for minor variance and consent submitted by Fotenn Planning on behalf of the owner, David Hamilton, for the property located at 242 Alfred Street and 248-250 Alfred Street.

The purpose of the consent application (File Number D10-041-2023) is to sever 242 Alfred Street from 248-250 Alfred Street, which were inadvertently merged on title. The subject properties functioned as two separate properties prior to the unintentional merger and the proposed consent would allow for 242 Alfred Street and 248-250 Alfred Street to become separately conveyable lots. The proposed consent will modify the previous lot boundaries, which will improve the functionality of the proposed severed parcel and bring the lot closer to zone compliance. The proposed retained lot, 242 Alfred Street, currently contains a one-half of a semi-detached dwelling. If approved, 242 Alfred Street would have a lot area of approximately



December 11, 2023

Page 2 of 12

446 square metres and a lot frontage of approximately 8.4 metres. The proposed retained parcel at 248-250 Alfred Street, contains a semi-detached dwelling with an approximate lot area of 909 square metres and approximately 18 metres of lot frontage.

The minor variance application (File Number D13-062-2023) is requested to address the deficiencies that will be created by the proposed consent. Minor variances are requested for the frontage, interior setbacks, and driveway width on the proposed severed property.

The requested minor variance and consent applications are consistent with the Provincial Policy 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(s) are desirable for the appropriate development or use of the land, building or structure and are 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 D13-062-2023 for the property located at 242 Alfred Street to provide relief for lot frontage, driveway width, interior setback, and interior setback of a porch on the severed lot, be approved, as described below:

### **Severed Lot:**

#### **Variance Number 1:**

By-Law Number: 2022-62: Table 11.6.1.(2): Minimum Lot Frontage

Requirement: 10 metres

Proposed: 8.4 metres

Variance Requested: 1.6 metres

#### **Variance Number 2:**

By-Law Number: 2022-62: Table 7.4.1.: Minimum Driveway Width

Requirement: 3 metres

Proposed: 2.5 metres

Variance Requested: 0.5 metres

#### **Variance Number 3:**

By-law Number: 2022-62: 11.6.2.1 a) Where a common party wall is located along a lot line, the minimum interior setback is 0 metres along the lot with the common party wall and 3.0 metres from the other interior lot line and/or exterior lot line.

Requirement: 3 metres

Proposed: 2.7 metres

Variance Requested: 0.3 metres

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**Variance Number 4:**

By-Law Number: 2022:62: 4.20.4 Minimum interior setback for a porch greater than 0.6 metres up to 1.2 metres in height: Compliance with zone

Requirement: 3 metres

Proposed: 2.6 metres

Variance Requested: 0.4 metres

**That** approval of the minor variance application be subject to the conditions attached as Exhibit A (Recommended Conditions – Minor Variance) to Report Number COA-23-010; and,

**That** consent application, File Number D10-041-2023, to sever an approximately 446 square metre parcel with approximately 8.4 metres of frontage on Alfred Street, be **provisionally approved** subject to the conditions included in Exhibit B (Recommended Conditions – Consent) to Report Number COA-23-010.

December 11, 2023

Page 4 of 12

**Authorizing Signatures:**

ORIGINAL SIGNED BY PLANNER

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Penelope Horn, Planner

**Consultation with the following Management of the Growth & Development Services Group:**

Tim Park, Director, Planning Services

Meghan Robidoux, Supervisor, Development Approvals

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**Options/Discussion:**

On October 20, 2023, applications for minor variance and consent were submitted by Fotenn Planning on behalf of the owner Dave Hamilton for the subject property located at 242 and 248-250 Alfred Street.

The purpose of the consent application (File Number (D10-041-2023)) is to re-establish two separate parcels for 242 and 248-250 Alfred Street, which were inadvertently merged on title. One half of a semi-detached dwelling is located on 242 Alfred Street, while 248-250 Alfred Street contains both halves of a semi-detached dwelling.

The minor variance (File Number D13-062-2023) is requested to permit a reduced lot frontage, driveway width, interior setback, and interior setback for a porch on the severed parcel, to accommodate the existing built form on the lot.

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

- Concept Plan (Exhibit G);

All submission materials are available online through the Development and Services Hub (DASH) at the following link, [DASH](#), using “Look-up a Specific Address”. If there are multiple addresses, search one address at a time, or submission materials may also be found by searching the file number.

**Site Characteristics**

The subject property has approximately 26 metres of frontage on Alfred Street, with an area of approximately 1,355 square metres (Exhibit C – Key Map). The property is located east of Frontenac Street and west of University Avenue (Exhibit D – Neighbourhood Context Map). 242 Alfred Street is developed with one-half of a two-storey semi-detached dwelling, with a gravel driveway, while 248-250 Alfred Street is developed with a two-storey semi-detached dwelling.

The subject property is designated Residential in the Official Plan (Exhibit E – Official Plan Map) and zoned Urban Residential 5 in Kingston Zoning By-Law Number 2022-62 (Exhibit F – Zoning By-Law Map).

**Provincial Policy Statement**

The Provincial Policy 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.

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### 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 result in the creation of two lots. 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 as Residential in the City of Kingston Official Plan. The Residential land use designation on Schedule 3-A denotes urban residential land uses that are intended to be on full municipal services. Residential uses are primarily forms of housing including detached, semi-detached or duplex dwellings, townhouses, and apartments of various types, tenure, and density that respond to a wide range of housing needs. The goal of the 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.

The creation of individual parcels of land 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 consent will result in the creation of two lots, one severed and one retained parcel, with no future development intended at this time. The proposed area of the severed and retained lots comply with the minimum lot area of 370 square metres in the Urban Residential 5 'UR5' Zone. The proposed lot frontage on the retained lot is compliant with the 10 metre lot frontage in the UR5 Zone, while the proposed severed lot will require relief to accommodate the 8.4 metre lot frontage proposed. The proposed lot frontage at 242 Alfred Street reflects the diverse lot fabric in the neighbourhood and demonstrates an increase in frontage compared to the original lot line. The proposal will not result in any irregularly shaped lot in the Urban Area.

The property is identified as having archaeological potential. Since no physical development is proposed, no archaeological assessment is required. Similarly, there are no adverse impacts anticipated on natural heritage features or areas, nor on natural hazards.

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



December 11, 2023

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**Zoning By-Law**

The subject property is zoned Urban Residential 5 in Kingston Zoning By-Law Number 2022-62 (Exhibit F – Zoning By-Law Map). The UR5 zone permits a variety of low-density residential housing types, including semi-detached homes built prior to the passing of the Zoning By-Law.

Concurrent with this application for consent, minor variances are requested to facilitate the proposed severance of the subject property which will recognize the existing buildings, as described further in the proceeding section.

**Minor Variance Application**

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

**1) The general intent and purpose of the Official Plan are maintained**

The subject property is designated 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 site is located within the Housing District in Schedule 2 of the City of Kingston Official Plan. In accordance with Section 2.6 of this Plan, Housing Districts are intended to remain stable but will continue to adapt as the City evolves. The proposal will not result in any changes to the built form on-site, contributing to the stability of the neighbourhood.

The 8.4 metre lot frontage proposed for the severed lot reflects the diverse lot frontages present within a short walking distance from the subject site, which range from approximately 16 metres to 7.2 metres in frontage. Aside from setbacks from the interior lot line and a deficiency in the minimum driveway width, the proposed severed parcel generally meets the performance standards outlined of the UR5 Zone. The proposed retained parcel meets all applicable performance standards.

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

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

The subject property is zoned Urban Residential 5 (UR5) in Kingston Zoning By-Law Number 2022-62 (Exhibit F – Zoning By-Law Map). The UR5 zone permits a variety of low-density dwelling types. According to Section 11.6.2., semi-detached houses built prior to the passing of Zoning By-Law 2022-62 are a permitted use in the UR5 Zone. As a result, both buildings on the subject property are permitted uses. Although there are other deficiencies on the site, these deficiencies are part of the legal non-complying buildings and are not exacerbated by the change in lot line, as such they do not require minor variances.

The proposal is seeking the following variances to facilitate the proposed consent:

**Variance Number 1 (Severed lot):**

By-Law Number: 2022-62: Table 11.6.1.(2): Minimum Lot Frontage

Requirement: 10 metres

Proposed: 8.4 metres

Variance Requested: 1.6 metres

The severed lot requires a minor variance from the minimum lot frontage provision in the UR5 Zone. The Kingston Zoning By-law requires a minimum lot frontage of 10 metres in the UR5 Zone. The minimum lot frontage requirement generally intends to ensure functionality of the site, including adequate space for safe vehicular access and development in compliance with the other applicable performance standards for the lot. The property has already been developed with one-half of a semi-detached dwelling, which is not proposed to change, and the proposed lot line will increase the lot frontage from the previously existing lot line. The new location of the lot line will provide a driveway and parking space for the residents at 242 Alfred Street, which will improve the overall functionality of the site. Further, the proposed lot frontage of 8.4 metres is keeping with the parcel fabric of the surrounding neighbourhood, with frontages ranging from approximately 16 metres to 7.2 metres.

**Variance Number 2 (Severed lot):**

By-Law Number: 2022-62: Table 7.4.1.: Minimum Driveway Width

Requirement: 3 metres

Proposed: 2.5 metres

Variance Requested: 0.5 metres

Relief from the minimum driveway width is requested. The intent of the 3 metre minimum is to ensure that there is room to accommodate vehicle movements and a variety of vehicle sizes. The proposed driveway has a width of 2.5 metres along the lot frontage and widens to 2.7 metres beyond the front yard. The driveway is existing and provides for the minimum parking space dimensions of the Kingston Zoning By-Law. As a result, the proposed driveway width of 2.5 metres is suitable for the needs of site users and is not anticipated to result in adverse impacts.

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**Variance Number 3 (Severed lot):**

By-law Number: 2022-62: 11.6.2.1 a) Where a common party wall is located along a lot line, the minimum interior setback is 0 metres along the lot with the common party wall and 3.0 metres from the other interior lot line and/or exterior lot line.

Requirement: 3 metres

Proposed: 2.7 metres

Variance requested: 0.3 metres

**Variance Number 4 (Severed lot):**

By-Law Number: 2022:62: 4.20.4 Minimum Interior setback for a porch greater than 0.6 metres up to 1.2 metres in height: Compliance with zone

Requirement: 3 metres

Proposed: 2.6 metres

Variance requested: 0.4 metres

Relief is also requested for a reduced interior setback of 2.7 metres on the proposed severed lot to accommodate the existing building. The purpose of the minimum interior setback is to prevent overlook concerns, provide access to the rear yard, and provide separation between abutting structures. There is approximately 8 metres of separation between the building on 242 Alfred Street and the semi-detached dwelling at 248 and 250 Alfred Street. As the existing buildings are intended to be retained on both the severed and retained lots, the proposed variance will not result in any overlook concerns, nor a lack of separation.

A minor variance is also required to accommodate an existing side porch located 2.6 metres from the interior property line, a 3 metre setback from the interior lot line is required. The intent of the zoning provision is to reduce overlook concerns and ensure privacy. The proposed setback of 2.6 metres represents a modest reduction from the required 3.0 metres and an existing fence between the severed and retained parcels will further mitigate the potential for overlook and loss of privacy in this location.

The requested variances maintain the general intent and purpose of the zoning by-law. The proposed minor variances will recognize the existing conditions on the site, no additional development is contemplated at this time.

**3) The variance is minor in nature**

The variances are considered minor as they are proposed solely to recognize the re-establishment of two separate lots. No new development is proposed as part of these applications. 242 and 248-250 Alfred Street have historically functioned as separate properties, and the proposed severance will provide separate legal title for the adjacent parcels. The proposed severance will improve the functionality compared to the previous lot line, by increasing the lot frontage, and by providing a driveway and parking space at 242 Alfred Street. As a result of the lack of physical changes on the property and no adverse impacts to adjacent properties, these variances are considered minor in nature.

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

The variances are desirable and appropriate use of the land, as they would facilitate the restoration of two separately conveyable parcels, correcting an inadvertent merging. The proposed lots will be able to provide for all needs of their users, including access and vehicle parking, and the proposed lots will better reflect the current functioning of the site as two separate lots. The proposal will allow the properties to be held under separate ownership once again.

The variance is desirable and appropriate use of the land.

**Technical Review: Circulated Departments and Agencies**

- |   |  |   |
|---|--|---|
| <input checked="" type="checkbox"/> Building Division | <input checked="" type="checkbox"/> Engineering        | <input checked="" type="checkbox"/> Heritage Services |
| <input checked="" type="checkbox"/> Finance           | <input checked="" type="checkbox"/> Utilities Kingston | <input checked="" type="checkbox"/> Real Estate       |
| <input type="checkbox"/> Fire & Rescue                | <input checked="" type="checkbox"/> Kingston Hydro     | <input type="checkbox"/> Environment Division         |
| <input checked="" type="checkbox"/> Solid Waste       | <input checked="" type="checkbox"/> Parks Development  | <input type="checkbox"/> Canadian National Railways   |
| <input type="checkbox"/> Housing                      | <input type="checkbox"/> District Councillor           | <input type="checkbox"/> Ministry of Transportation   |
| <input type="checkbox"/> KEDCO                        | <input type="checkbox"/> Municipal Drainage            | <input type="checkbox"/> Parks of the St. Lawrence    |
| <input type="checkbox"/> CRCA                         | <input type="checkbox"/> KFL&A Health Unit             | <input type="checkbox"/> Trans Northern Pipelines     |
| <input type="checkbox"/> Parks Canada                 | <input type="checkbox"/> Eastern Ontario Power         | <input type="checkbox"/> CFB Kingston                 |
| <input type="checkbox"/> Hydro One                    | <input type="checkbox"/> Enbridge Pipelines            | <input type="checkbox"/> TransCanada Pipelines        |
| <input type="checkbox"/> Kingston Airport             |  |   |

**Technical Comments**

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.

**Public Comments**

At the time this report was finalized, no comments were received with regard to the applications. 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.

December 11, 2023

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**Conclusion**

The requested minor variance and consent applications are consistent with the Provincial Policy 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(s) are desirable for the appropriate development or use of the land, building or structure and are 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 enable the severance of the subject property containing 242 Alfred Street and 248-250 Alfred Street and restore two separately conveyable parcels.

**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 Policy Statement, 2020

**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 December 11, 2023 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 64 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).



December 11, 2023

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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:**

Meghan Robidoux, Supervisor, Development Approvals 613-546-4291 extension 1256

Penelope Horn, Planner, 613-546-4291 extension 3237

**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 (2022)

Exhibit E Official Plan Map

Exhibit F Zoning By-Law Map

Exhibit G Concept Plan

Exhibit H Real Property Report

Exhibit I Public Notification Map

Exhibit J Site Photos

## Recommended Conditions

The approval of minor variance application, File Number D13-042-2023, to permit a reduced lot frontage, interior setback, driveway width, and interior porch setback for 242 Alfred Street, shall be approved subject to the following recommended conditions:

### 1. Limitation

That the approved minor variance applies only to the severed and retained lots and to the existing buildings 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. 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](mailto: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](mailto:archaeology@ontario.ca)), and City of Kingston's Planning Services (613-546-4291, extension 3180) must be immediately contacted.

### 4. Approval of Consent Application (D10-041-2023)

That associated Consent Application D10-041-2023 is approved and all attached conditions of approval are fulfilled.

## Recommended Conditions

The approval of Consent application, File Number D10-041-2023, to sever a 446 square metre lot containing 242 Alfred Street and retain an approximately 909 square metre lot containing 248-250 Alfred Street, as shown on the attached drawing, 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 preapproval 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 and AutoCAD Windows readable format on a compact disc (CD), USB memory stick or by email, illustrating the severed parcel be prepared and presented to the Secretary-Treasurer, Committee of Adjustment prior to the issuance of the Certificate of Official.

### 3. Payment of Taxes

The owner/applicant shall contact the Tax Department at [tax@cityofkingston.ca](mailto:tax@cityofkingston.ca) 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 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](mailto: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. Related Application**

That the related application for minor variance (D13-062-2023) be approved and all conditions of approval fulfilled.

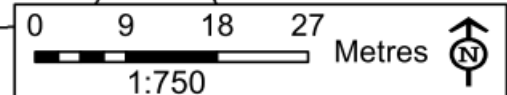
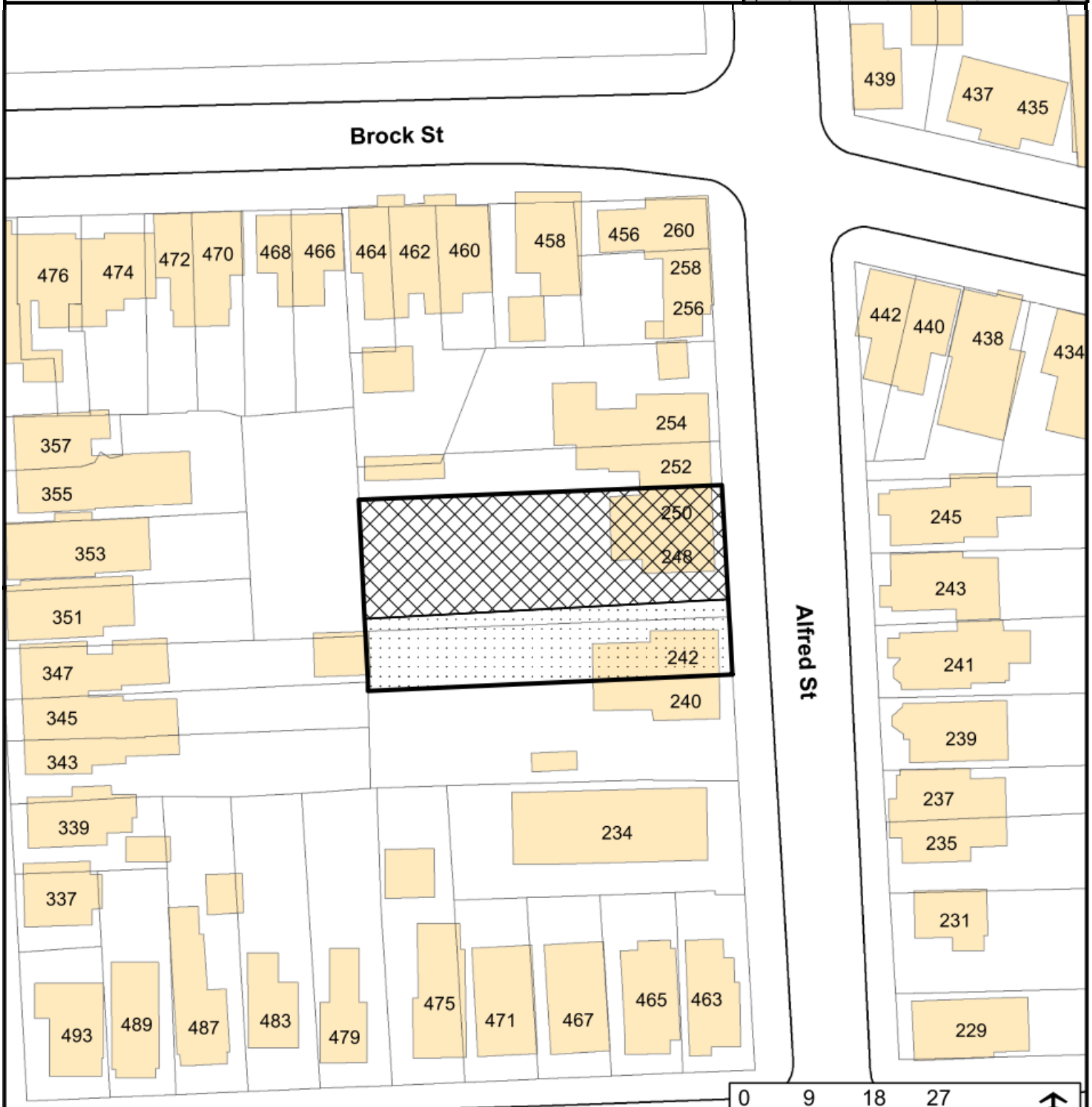
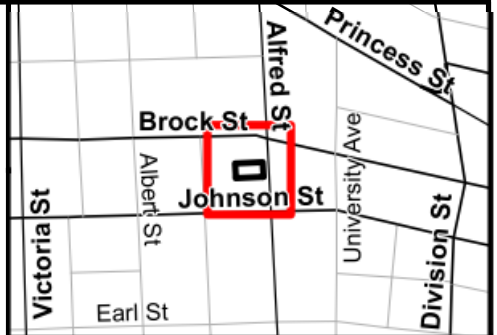
### **6. Servicing**

Prior to the issuance of the Certificate of Official, the Owner shall provide a servicing plan showing all existing services and the mains they connect too, the existing buildings on the subject property, and all proposed and existing property lines, for the review and approval of Utilities Kingston.



Delegated Authority  
**Key Map**  
Address: 242 Alfred Street  
File Number: D10-041-2023

- Subject Lands
- Severed Lands
- Retained Lands







# Committee of Adjustment Neighbourhood Context (2023)

Address: 242 Alfred Street  
File Number: D13-062-2023

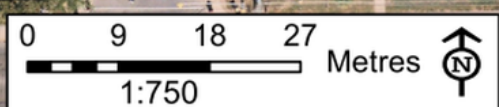
- Subject Lands
- Property Boundaries
- Proposed Parcels



Brock St

Alfred St

Johnson St 143






Prepared By: rejones  
Date: Oct-30-2023

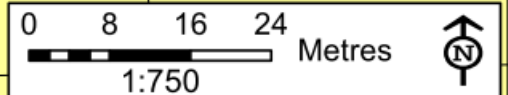
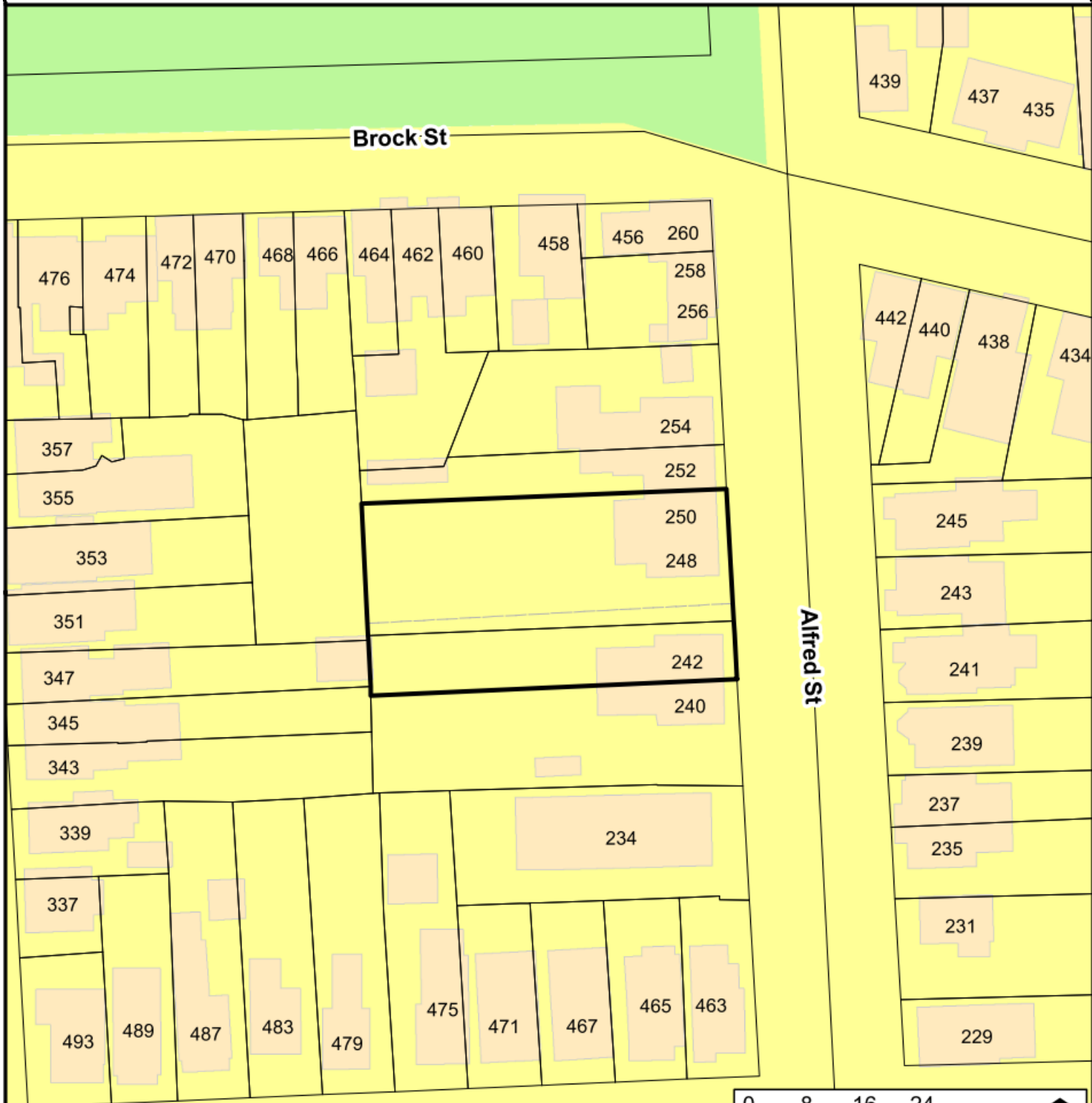
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Committee of Adjustment  
Official Plan, Existing Land Use  
Address: 242 Alfred Street  
File Number: D13-062-2023

-  Subject Lands
-  OPEN SPACE
-  RESIDENTIAL





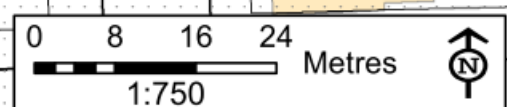
Planning Committee  
**Existing Zoning**  
**Kingston Zoning By-Law 2022-62**

**Planning Services**

Address: 242 Alfred Street  
File Number: D13-062-2023

Subject Lands  
 Schedule 1 Zoning Map  
 Zone

Schedule E - Exception Overlay  
 Legacy Exceptions (LXXX)  
 Exceptions (EXXX)  
 Schedule F - Holding Overlay  
 Holding Overlay (HXXX)





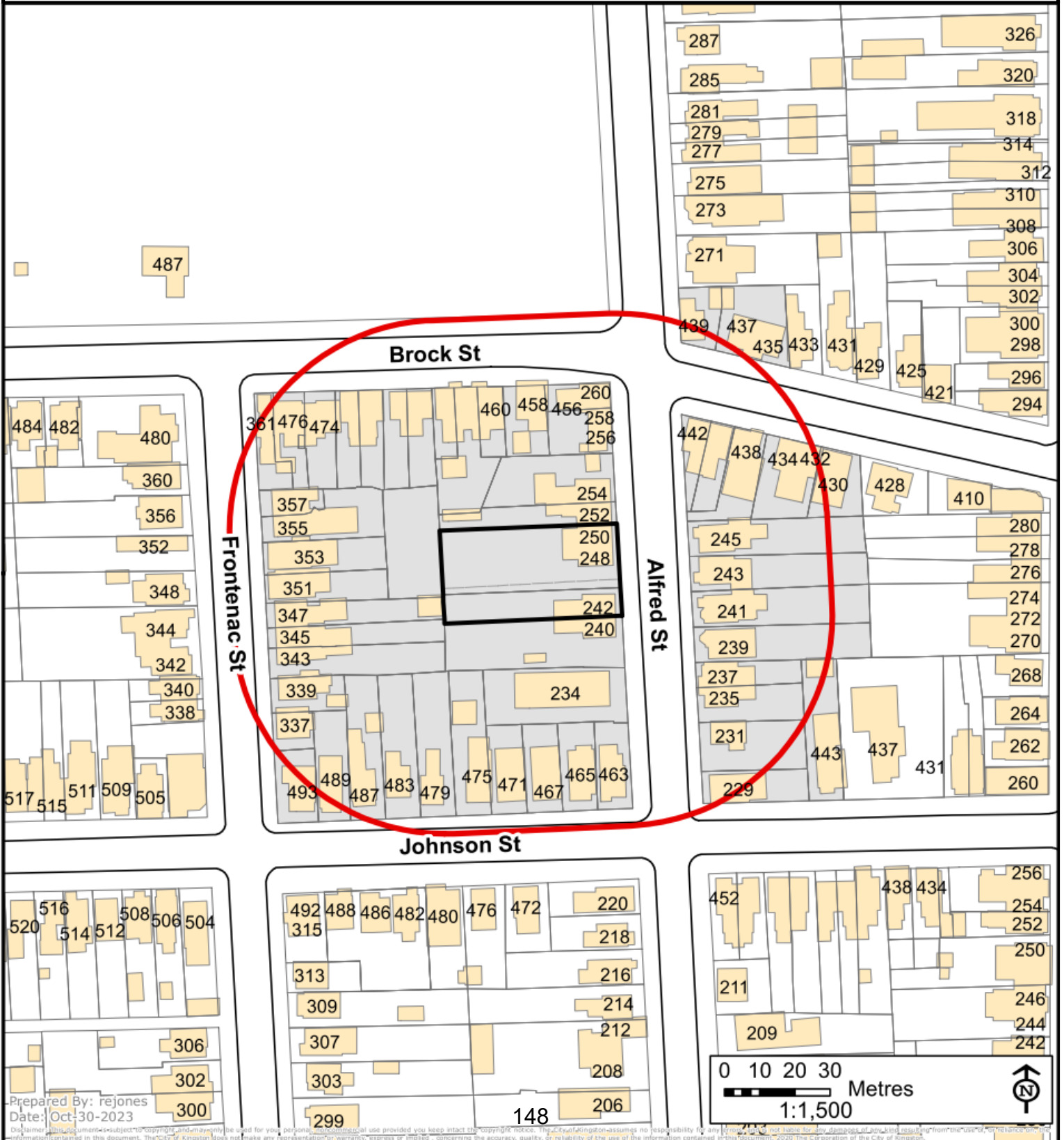






Committee of Adjustment  
**Public Notice Notification Map**  
Address: 242 Alfred Street  
File Number: D13-062-2023

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



Prepared By: rejones  
Date: Oct 30-2023

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November 17, 2023

242 Alfred Street – Site photos



November 17, 2023





November 17, 2023



November 17, 2023







**City of Kingston  
Report to Committee of Adjustment  
Report Number COA-24-011**

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**To:** Chair and Members of the Committee of Adjustment  
**From:** Amy Didrikson, Intermediate Planner  
**Date of Meeting:** December 11, 2023  
**File Number:** D10-020-2022  
**Address:** 4085 and 4091 Bath Road  
**District:** District 3 – Collins Bay, Bayridge  
**Subject:** 4085 Bath Road - Change to Provisional Consent Conditions

---

**Council Strategic Plan Alignment:**

Theme: Policies & by-laws

Goal: See above

**Executive Summary:**

This report recommends the removal of a road widening condition from the consent application provisionally approved by the Committee of Adjustment on June 19, 2023 ([Report Number COA-23-037](#)). As a result of further internal review, the width of the existing municipal road allowance is unclear based on available title and survey information, and as a result, the required width to satisfy the road widening requirements of the Official Plan is unclear at this juncture. Staff recommend that the road widening condition be removed from the provisional approval of the consent application, as the road widening can be pursued as part of the required Site Plan Control application. This will allow additional time to obtain survey details for the existing width of the municipal road allowance without holding up final consent approvals.

December 11, 2023

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**Recommendation:**

**That** the Committee of Adjustment remove Condition 5 of the Notice of Decision for consent application, File Number D10-020-2022, pertaining to a required road widening.; and

**That** a new Notice of Decision be prepared reflective of the conditions approved as outlined in Report Number COA-23-037 and amended as per Report Number COA-24-011.

December 11, 2023

Page 3 of 5

Authorizing Signatures:

ORIGINAL SIGNED BY PLANNER

---

Amy Didrikson, Intermediate  
Planner

**In Consultation with the following Management of the Growth & Development Services Group:**

Tim Park, Director, Planning Services  
Meghan Robidoux, Supervisor, Development Approvals

December 11, 2023

Page 4 of 5

**Options/Discussion:**

A lot addition application at 4085 Bath Road was provisionally approved by the Committee of Adjustment on June 19, 2023 ( [Report Number COA-23-037](#) ), and there were no appeals received in the associated appeal period. The provisional approval includes seven conditions detailed in Exhibit A, including a required road widening as condition number five.

Road widenings are commonly required through consent applications in accordance with the Official Plan. Table 1 of the Official Plan details road allowance widths for specific roads, as well as general road allowance widths for Local, Collector and Arterial Roads. Station Street is a Local Road, which is intended to have a road allowance of 20 metres according to Table 1.

The intent of the provisional consent is to consolidate lands to facilitate future residential development. Related applications for Official Plan and Zoning By-Law Amendment (City File D35-014-2021) are currently undergoing technical review, which propose over 200 dwelling units, including single-detached dwellings and stacked townhouse units. If the Official Plan Amendment and Zoning By-Law Amendment application is approved, the proposal will also require a Site Plan Control application and Final Plan of Condominium application.

As a result of further internal review, the width of the existing municipal road allowance is unclear based on title and survey information available, and as a result, the required width to satisfy the road widening requirements of the Official Plan is unclear at this juncture. It is recommended to remove the road widening condition from the provisional approval of the consent application, as the road widening can be pursued as part of a future Site Plan Control application. This will allow additional time to obtain survey details for the existing width of the municipal road allowance without holding up final consent approvals.

This change does not alter the planning opinion contained within Report Number COA-23-037.

Under section 53(23) of the *Planning Act*, an approval authority has the ability to change conditions of consent at any time before a consent has been granted. In this case, the change to conditions of consent is considered minor and appropriate, as the required condition can be fulfilled as part of the Site Plan Control approval process, to allow additional time to determine the required road widening to upgrade Station Street.

**Existing Policy/By-Law**

Please refer to Report Number COA-23-037.

**Notice Provisions**

The applicant and prescribed persons and public bodies will be notified in accordance with section 53 (24) and (26) of the *Planning Act* of the Committee's decision.

December 11, 2023

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**Accessibility Considerations:**

None

**Financial Considerations**

None

**Contacts:**

Meghan Robidoux, Supervisor, Development Approvals, 613-546-4291 extension 1256

Amy Didrikson, Intermediate Planner, 613-546-4291 extension 3296

**Other City of Kingston Staff Consulted:**

Alexis Vienneau, Junior Associate Legal Counsel, Legal Services

**Exhibits Attached:**

Exhibit A – Notice of Decision, City File Number D10-020-2022, Approved June 19 2023

Exhibit B – [Report Number COA-23-037](#)



## Notice of Decision

In respect of Application D10-020-2022 submitted by Armitage Homes Limited on behalf of the owner Frances H. Day, at the property municipally addressed as **4085 Bath Road**, to sever an approximately 4.24 hectare portion of land from the parcel known municipally as 4085 Bath Road and add it to the neighbouring property located at 4091 Bath Road.

After considering the above-mentioned application for consent, the Committee of Adjustment decided to **provisionally approve** the application subject to the following conditions:

### 1. **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 preapproval 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 and AutoCAD Windows readable format on a compact disc (CD), USB memory stick or by email, illustrating the severed parcel be prepared and presented to the Secretary-Treasurer, Committee of Adjustment prior to the issuance of the Certificate of Official.

### 3. **Payment of Taxes**

The owner/applicant shall contact the Tax Department at [tax@cityofkingston.ca](mailto:tax@cityofkingston.ca) 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. **Archaeological Condition**

The City of Kingston is in receipt of a Stage 1 & 2 Archaeological Assessment for the property located at 4085, 4091 and 4097 Bath Road prepared by Abacus Archeological Services Inc. dated December 1, 2021. The City has received and relies upon the report of the professional archaeologist as filed but reserves the right to require further reports should further evidence be uncovered.

**Committee of Adjustment  
City of Kingston**

The applicant may be required to further review the state of archaeological resources on the property depending on the recommendations of the report and subject to input and review from the Ministry of Citizenship and Multiculturalism. The City shall not be restricted in its ability to determine requirements related to review, assessment and/or protection should archaeological resources be found on site. Any costs arising from such requirements of the City or any other duly authorized Government body shall be borne solely by the applicant.

**5. Road Widening**

The owner/applicant shall convey to the City Parts 1 and 2 on Reference Plan 13R-12428 to achieve the City's desired road allowance width on Station Street. That a road widening be conveyed to the City for Station Street, being Parts 1 and 2 on Reference Plan 13R-12428, prior to the issuance of the Certificate of Official. After registration of said deed at the expense of the applicant, and prior to issuing the certificate for the severance herein, the solicitor for the applicant shall certify that the title of the municipality to the said widening is free and clear of all encumbrances of every nature and that the municipality has a good and marketable title.

**6. Servicing Plan**

The owner/applicant shall provide a drawing, to the satisfaction of Utilities Kingston, showing all existing services and the mains they connect too, and the existing buildings and all proposed and existing property lines.

**7. Lot Addition**

That the lands herein conveyed shall be consolidated with the adjacent lands described as 4091 Bath Road and any subsequent conveyance or transaction of the said lands shall be subject to the part lot control provisions of Subsection (3) or (5) of Section 50 of the *Planning Act*, R.S.O. 1990 as amended. Failure to consolidate the subject lands shall render this consent null and void.

**Effect of Public Input on this Decision:**

A summary of written submissions received relating to the application, staff responses to the submissions, and how the submissions were reflected in the staff recommendation are included in the staff report (Report Number COA-23-037). The staff report and additional written and oral submissions received after the completion of the report were considered by the Committee, and through consideration of the report and submissions, the Committee choose to approve the applicaiton without amendments

**Committee of Adjustment  
City of Kingston****Notice of Appeal:**

Please note this decision, when not appealed, does not become final and binding until 20 days have elapsed from the date of this notice. The applicant, the Minister, or a specified person or public body may file a Notice of Appeal of the Decision of the Committee of Adjustment. The last date for filing a Notice of Appeal of the Decision of the Committee of Adjustment is **July 13, 2023**

A Notice of Appeal must be filed with the Secretary-Treasurer of the Committee of Adjustment, at 1211 John Counter Boulevard, Kingston, Ontario, K7K 6C7, or the City Clerk at 216 Ontario Street, Kingston, Ontario, K7L 2Z3, during regular business hours. A Notice of Appeal must set out the reasons for the appeal and must be accompanied by a fee, payable to the Minister of Finance, of \$400.00 for the initial consent and/or minor variance appeal and, if applicable, \$25.00 for each additional appeal filed by the same appellant against related consent or variance applications.

Only individuals, corporations and public bodies may appeal decisions in respect of applications for consent to the Ontario Land Tribunal. A Notice of Appeal may not be filed by an unincorporated association or group. However, a Notice of Appeal may be filed in the name of an individual who is a member of the association or group on its behalf.

You will be entitled to receive notice of any changes to the conditions of the provisional consent if you have made a written request to be notified of changes to the conditions of the provisional consent.

The property is also the subject of an application for consent under the *Planning Act* (City File Number D10-021-2022), and an Official Plan Amendment and Zoning By-Law Amendment (City File Number D35-014-2021).

**Committee of Adjustment  
City of Kingston**



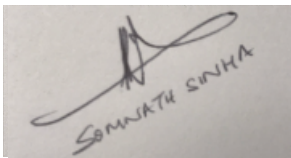
Peter Skebo, Chair



Ken Dakin, Member

absent

Aniz Kheraj, Member



Somnath Sinha, Member

opposed

Jordan Tekenos-Levy, Member



David Morton, Vice-Chair



Peter O'Hare, Member

I hereby certify this to be a true copy of the decision of the Committee of Adjustment and this decision was concurred in by a majority of the members who heard the application.



Lindsay Sthamann  
Secretary Treasurer, Committee of Adjustment

SKETCH SHOWING  
PROPOSED LOT ADDITION  
OF PIN 36126-0180

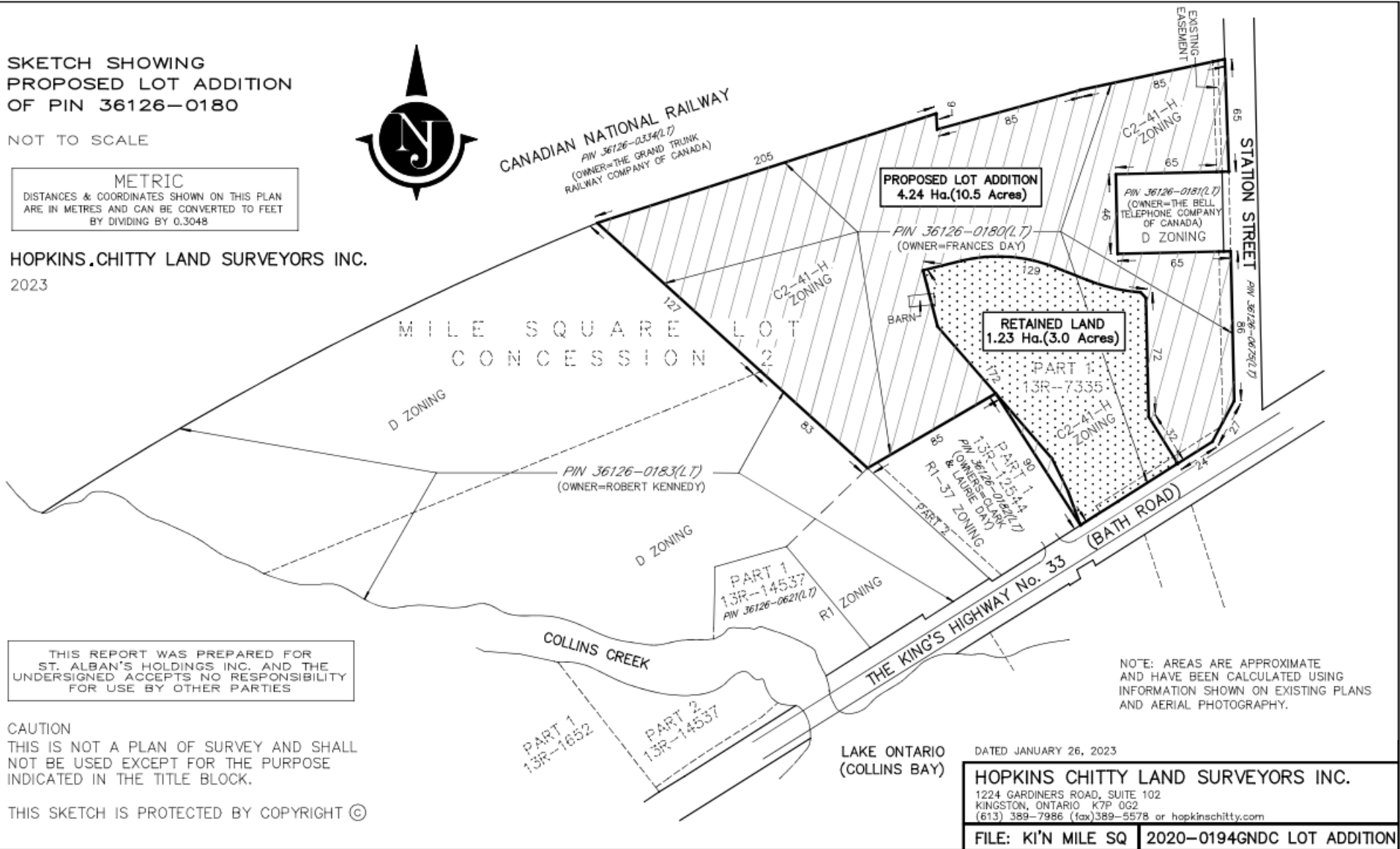
NOT TO SCALE

METRIC  
DISTANCES & COORDINATES SHOWN ON THIS PLAN  
ARE IN METRES AND CAN BE CONVERTED TO FEET  
BY DIVIDING BY 0.3048

HOPKINS.CHITTY LAND SURVEYORS INC.  
2023



CANADIAN NATIONAL RAILWAY  
PIN 36126-0334(LT)  
(OWNER=THE GRAND TRUNK  
RAILWAY COMPANY OF CANADA)



THIS REPORT WAS PREPARED FOR  
ST. ALBAN'S HOLDINGS INC. AND THE  
UNDERSIGNED ACCEPTS NO RESPONSIBILITY  
FOR USE BY OTHER PARTIES

CAUTION  
THIS IS NOT A PLAN OF SURVEY AND SHALL  
NOT BE USED EXCEPT FOR THE PURPOSE  
INDICATED IN THE TITLE BLOCK.

THIS SKETCH IS PROTECTED BY COPYRIGHT ©

NOTE: AREAS ARE APPROXIMATE  
AND HAVE BEEN CALCULATED USING  
INFORMATION SHOWN ON EXISTING PLANS  
AND AERIAL PHOTOGRAPHY.

DATED JANUARY 26, 2023  
**HOPKINS CHITTY LAND SURVEYORS INC.**  
1224 GARDINERS ROAD, SUITE 102  
KINGSTON, ONTARIO K7P 0G2  
(613) 389-7986 (fax) 389-5578 or hopkinschitty.com  
**FILE: KI'N MILE SQ | 2020-0194GNDC LOT ADDITION**