



**City of Kingston  
Committee of Adjustment  
Meeting Number 05-2024  
Agenda**

**Monday, April 15, 2024 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**

Peter Skebo, Chair  
Councillor Cinanni  
Councillor Hassan  
Ken Dakin  
Douglas Perkins  
Gaurav Rehan  
Jeff Scott  
Somnath Sinha  
Jordan Tekenos-Levy

- 1. Meeting to Order**
- 2. Approval of the Agenda**
- 3. Confirmation of Minutes**
  - a) That** the minutes of Committee of Adjustment Meeting Number 04-2024, held March 18, 2024, be approved.
- 4. Disclosure of Pecuniary Interest**
- 5. Delegations**

**6. Request for Deferral**

**7. Returning Deferral Items**

**8. Business**

**a) Application for: Minor Variance**

**File Number: D13-006-2024**

**Address: 931 Malvern Terrace**

**District: District 3 – Colins-Bayridge**

**Owner: Robert Koss**

**Applicant: Martin Mack**

The Report for the Commissioner of Growth & Development Services (COA-24-028) is attached.

Schedule Pages 1 – 32

Recommendation:

**That** minor variance application, File Number D13-006-2024, for the property located at 931 Malvern Terrace to reconstruct a single-detached house with expanded footprint, be approved, as described below:

**Variance Number 1:**

By-Law Number 2022-62: 4.23.1 Waterbody Separation Distance

- Requirement: 30 metre separation from the high-water mark to any use or building.
- Proposed: 23 metres
- Variance Requested: 7 metres

**That** approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-028.

**b) Application for: Minor Variance**

**File Number: D13-009-2024**

**Address: 920 Princess Street**

**District: District 9 – Williamsville**

**Owner: The Springer Group of Companies**

**Applicant: The Springer Group of Companies and Fotenn Consultants Inc.**

The Report for the Commissioner of Growth & Development Services (COA-24-025) is attached.

Schedule Pages 33 – 91

Recommendation:

**That** minor variance application, File Number D13-009-2024, for the property located at 920 Princess Street to construct a new eight-storey multi-unit residential building, containing 47 residential dwelling units, located at the undeveloped southeastern portion of the property, be approved, as described below:

**Variance Number 1:**

By-Law Number 8499: Exception Section 74

- Requirement: The construction shall be restricted to a commercial and apartment complex containing a total of 48 dwelling units, 613 square metres of commercial area and a total of 100 parking spaces.
- Proposed: The construction shall be restricted to an apartment complex containing a total of 48 dwelling units, 0 square metres of commercial area, and a total of 22 parking spaces.
- Variance Requested: 613 square metres of commercial area and 78 parking spaces; and

**Variance Number 2:**

By-Law Number 8499: 5.3A.(d)(ii)(a) Off-Street Vehicle Parking Facilities – Accessible Parking

- Requirement: Type A (Van accessible) spaces shall have minimum rectangular dimensions of 3.4 metres width by 6.0 length and must signage specifying that they are van-accessible.

- Proposed: Type A (Van accessible) spaces shall have minimum rectangular dimensions of 3.4 metres width by 5.5 metres length and must have signage specifying that they are van-accessible
- Variance Requested: 0.5 metre length; and

**Variance Number 3:**

By-Law Number 8499: 5.3B.(h) – Off-Street Vehicle Parking Facilities – Design Standards

- Requirement: The minimum size of a parking space shall be 2.7m wide and 6.0m long. All off-street automobile parking facilities shall be designed with appropriate means of access to streets or lanes as well as maneuvering areas and all parking facilities shall be suitably graded and surfaced, and all parking spaces suitably marked. Where four or more parking spaces are required, such parking areas shall be provided with at least one entrance lane and one exit lane for vehicles. All parking areas shall be provided with adequate driveways and aisles for the removal of a vehicle without the necessity of moving any other vehicle.
- Proposed: The minimum size of a parking space shall be 2.6 metre wide and 5.5 metre long. All off-street automobile parking facilities shall be designed with appropriate means of access to streets or lanes as well as maneuvering areas and all parking facilities shall be suitably graded and surfaced, and all parking spaces suitably marked. Where four or more parking spaces are required, such parking areas shall be provided with at least one entrance lane and one exit lane for vehicles. All parking areas shall be provided with adequate driveways and aisles for the removal of a vehicle without the necessity of moving any other vehicle.
- Variance Requested: 0.1 metre width and 0.5 metre length; and

**Variance Number 4:**

By-Law Number 8499: 5.27(a) – Amenity Area for Multiple Family Dwellings

- Requirement: A minimum of 18.5 square metres of amenity area shall be provided for each dwelling unit on the lot.
- Proposed: A minimum of 10.0 square metres of amenity area shall be provided for each dwelling unit on the lot.
- Variance Requested: 8.5 square metres; and

**That** approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-025.

**c) Application for: Minor Variance**

**File Number: D13-013-2024**

**Address: 32 Country Club Drive**

**District: District 5 – Portsmouth**

**Owner: Cataraqui Golf & Country Club**

**Applicant: Forefront Engineering**

The Report for the Commissioner of Growth & Development Services (COA-24-035) is attached.

Schedule Pages 92 – 110

Recommendation:

**That** minor variance application, File Number D13-013-2024, for the property located at 32 Country Club Drive to establish two aggregate stations, one recirculation wash bay and a stormwater swale within the waterbody separation distance, be approved, as described below:

**Variance Number 1:**

By-Law Number 2022-62: Section 4.23.1 Waterbody Separation Distance (aggregate stations and recirculation wash bay)

- Requirement: 30 Metres
- Proposed: 10 Metres
- Variance Requested: 20 Metres

**Variance Number 2:**

By-Law Number 2022-62: Section 4.23.1 Waterbody Separation Distance (stormwater swale)

- Requirement: 30 Metres
- Proposed: 7 Metres
- Variance Requested: 23 Metres

**That** approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-035.

**d) Application for: Minor Variance**

**File Number: D13-016-2024**

**Address: 655 Princess Street**

**District: District 9 – Williamsville**

**Owner: WCPT Princess Inc.**

**Applicant: Arcadis**

The Report for the Commissioner of Growth & Development Services (COA-24-036) is attached.

Schedule Pages 111 – 137

Recommendation:

**That** minor variance application, File Number D13-016-2024, for the property located at 655 Princess Street to reduce the amenity area, be approved, as described below:

**Variance Number 1:**

By-Law Number 2022-62: Legacy Exception 153 (f) minimum amenity area

- Requirement: Minimum amenity area is 6,214 square metres
- Proposed: Minimum amenity area is 5,649 square metres
- Variance Requested: 565 square metres of balcony area.

**That** approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-036.

**9. Motions**

**10. Notices of Motion**

**11. Other Business**

**12. Correspondence**

**13. Date of Next Meeting**

The next meeting of the Committee of Adjustment is scheduled for Monday, May 13, 2024 at 5:30 p.m.

**14. Adjournment**



**City of Kingston  
Report to Committee of Adjustment  
Report Number COA-24-028**

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**To:** Chair and Members of the Committee of Adjustment  
**From:** Chris Booth, Senior Planner  
**Date of Meeting:** April 15, 2024  
**Application for:** Minor Variance  
**File Number:** D13-006-2024  
**Address:** 931 Malvern Terrace  
**District:** District 3 – Collins-Bayridge  
**Owner:** Robert Koss  
**Applicant:** Martin Mack

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**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 931 Malvern Terrace. The applicant is proposing to reconstruct a single-detached house that was destroyed by fire in 2022. The proposed rebuild would utilize the former foundation, but the home would be enlarged, necessitating an expanded footprint into the rear and side yards. As the lot is situated adjacent to Dunham Park through which runs High Gate Creek, relief of 7 metres is requested from the 30 metre separation distance from a water body as required by the Kingston Zoning By-Law Number 2022-62.

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

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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 D13-006-2024, for the property located at 931 Malvern Terrace to reconstruct a single-detached house with expanded footprint, be approved, as described below:

**Variance Number 1:**

By-Law Number 2022-62: 4.23.1 Waterbody Separation Distance

Requirement: 30 metre separation from the high-water mark to any use or building.

Proposed: 23 metres

Variance Requested: 7 metres

**That** approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-028.



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**Authorizing Signatures:**

ORIGINAL SIGNED BY PLANNER

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Chris Booth, Senior Planner

**In Consultation with the following Management of the Community Services Group:**

Tim Park, Director, Planning Services

Meghan Robidoux, Supervisor, Development Approvals

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**Options/Discussion:**

On January 29, 2024, a minor variance application was submitted by Martin Mack, on behalf of the owner, Robert Koss, with respect to the property located at 931 Malvern Terrace. The home formerly situated on this property was significantly damaged during a fire at the neighbouring property to the south, 927 Malvern Terrace, on January 3, 2022. Both homes were subsequently demolished, and while the neighbouring home is now being rebuilt, a variance is requested to facilitate reconstruction at 931 Malvern Terrace to accommodate a larger footprint. While the enlarged footprint can be easily accommodated within the building envelope established in the UR1.A zone (and would be consistent with the building typology of the surrounding neighbourhood), the subject site is constrained by the 30-metre setback from a waterbody required in the Kingston Zoning By-Law. A variance from this setback is therefore necessary to enable the expanded footprint.

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

- Site Plan (Exhibit I)
- Elevations and Floor Plans (Exhibit J)
- Ecologist's Letter
- 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.

**Site Characteristics**

The subject property is located at 931 Malvern Terrace (Exhibit B – Key Map), on a triangular-shaped lot nearly 764 square metres in size. The lot currently contains the foundation of the former home, and the side and rear yards consist of landscaped open space. The north side of the property abuts Dunham Park, through which runs High Gate Creek. Its proximity to the creek results in small portions of the property falling within the flood plain. The Cataraqui Region Conservation Authority (CRCA) has confirmed the extent of the flood plain as being coterminous with the 85.34 metre contour interval (which is measured above sea level). The CRCA typically requires a 6-metre setback from the edge of a flood plain, which serves as an additional buffer between development and a natural hazard. While only two small portions of the subject site are within the flood plain, significant portions of the side and rear yard are within CRCA's required 6-metre setback. The property is even more heavily constrained by the City's required 30-metre setback from water bodies.

In addition to neighbouring Dunham Park, the subject is surrounded by low-rise single-detached homes (Exhibit C – Neighbourhood Context Map). The property is designated Residential in the Official Plan (Exhibit D – Official Plan Map) and zoned Urban Residential Type 1.A (UR1.A) in Kingston Zoning By-Law Number 2022-62 (Exhibit E – Zoning By-Law Map).

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## 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 Plan.

The proposed development meets the Strategic Policy direction of the Official Plan, as it does not seek to alter the existing character of this stable housing area. Housing districts such as the neighbourhood around Dunham Park are envisioned to remain stable in accordance with Section 2.6, and allow minor development that integrates with the prevailing built form in terms of height, density, and amenity. The proposed rebuild would be within the prescribed 10.7 metre height limit of the zone, and is consistent with the surrounding two-storey pitched-roof building forms. While the footprint is proposed to increase, it does not constitute an increase in density, and despite the higher lot coverage, the over-sized property would still afford nearly 70% landscaped open space which functions as outdoor amenity space for the home.

These aspects of the site and building design also ensure that the rebuild meets the compatibility requirements of Section 2.7. However, compatibility pertains not just to the surrounding homes but also to the adjacent natural open space. Where it abuts Dunham Park, the proposal would maintain a generous side yard of at least 4.47 metres and maintain a setback of at least 3 metres from the edge of the flood plain, as required by CRCA. This not only mitigates the potential effects of a natural hazard on private property, but maintains a transition to the nearby open space.

This transition area is broadly defined in the Official Plan as a “ribbon of life” and intended to act as a naturalized buffer between development and natural areas. This buffer generally helps to enhance water quality, minimize soil erosion, provide plant and animal habitat, establish connectivity and wildlife corridors, and contributes to the overall health of shoreline ecosystems,

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particularly fish habitat. The buffer may also be used to screen views of development from the water, and to create natural spaces for passive recreation.

As such, a minor variance seeking to encroach upon this buffer area would need to demonstrate that there would be no adverse impacts and that the integrity of the naturalized lands would be unaffected. Potential impacts were considered by a qualified professional ecologist, who found that while the creek provides fish habitat, no species at risk are present, and the fish are a generally tolerant species. It was noted that the open space surrounding the creek is vegetated but varies in width, and there are already existing buildings and swimming pools within 30 metres of the water channel. The greatest potential for impact on the creek was expected to be siltation during the construction process, and simple mitigation measures were recommended, which have been included as a recommended condition of approval in Exhibit A.

The Cataraqui Region Conservation Authority (CRCA) did not have any objections to the proposed reduction of the 30 metre setback. Furthermore, the proposal does not impact any heritage resources, nor will it impede site functionality or available servicing. A variance of this nature would not be more appropriately addressed through a zoning amendment, and its approval would not set an undesirable precedent for the immediate area, due to the site-specific environmental analysis that occurred. As noted in the professional ecologist's letter, the characteristics of this naturalized open space (such as width) differ along its course, making it inappropriate to apply site-specific findings equally across all properties backing onto Dunham Park. The varying of environmentally focused regulations is an inherently site-specific exercise.

The proposal therefore meets the intent of the Official Plan, as the proposed reconstruction and 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 UR1.A in Kingston Zoning By-Law Number 2022-62 (Exhibit E – Zoning By-Law Map). The UR1.A zone permits low-rise residential uses subject to certain provisions.

The applicant is seeking a variance to the following zone provision to facilitate the rebuild of the single-detached home on an expanded footprint:

### **Variance Number 1:**

By-Law Number: 2022-62 4.23.1 Waterbody Separation Distances

Requirement: 30 metre separation from the high water mark of a waterbody to any use or building.

Proposed: 23 metres

Variance Requested: 7 metres

The intent of the provisions relating to the 30-metre waterbody setback is primarily to protect the riparian zone from the impacts of development. Separate zoning provisions exist to protect development from natural hazards such as flooding, alongside requirements by the CRCA. The CRCA has confirmed that the flood plain from High Gate Creek does not overlap with the

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proposed addition, thus the intent of the Zoning By-Law is being met. Similarly, the potential for negative impacts to the waterbody and surrounding open space have been studied by a professional ecologist and it has been determined that risks are limited and can be easily mitigated. Furthermore, there is already significant development upstream (including pools, decks, and several houses) that has occurred closer than the 23 metre setback being proposed.

Where it abuts Dunham Park, the proposal would maintain a generous side yard of at least 4.47 metres and maintain a setback of at least 3 metres from the edge of the flood plain, as required by CRCA. This not only mitigates the potential effects of a natural hazard, but maintains a setback to the property line almost four times greater than the typical 1.2 metre interior side yard setback required in the UR1.A zone. An almost 4.5 metre-wide setback would continue to ensure an effective and functional buffer between the structure and the naturalized open space, with sufficient width to accommodate permeable surfaces and additional vegetation.

At 763.9 square metres, the lot is also of sufficient size to retain almost 70% open landscaped area should the new home be constructed as proposed, which greatly exceeds the minimum 30% required in the zone. Building envelopes in the UR1.A zone are not constrained by maximum lot coverage or maximum building depth, which acknowledges the influence of natural features and unique lot shapes on-site design in this neighbourhood. This therefore allows more tailored site and building design with a view to mitigating potential impacts from natural hazards on a case-by-case basis, subject to the submission of studies by qualified professionals.

With all requirements of the UR1.A zone being met, and the results of an ecological assessment indicating that a reduction of the 30 metre setback is appropriate subject to simple mitigation measures, the general intent of the Zoning By-Law is being met.

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

The variance is considered minor as the 7 metre reduction has been demonstrated through a professional analysis to not create any adverse impacts. Furthermore, the only potential impact that might be created (siltation during construction) can be easily mitigated through a variety of techniques, further reflecting the minor nature of this proposed encroachment. Furthermore, the variance will not result in a building form that exceeds the size of surrounding residential homes, and does not result in overlook or privacy concerns due in large part to its location bordering natural open space. In fact, its location makes it a more viable candidate for an expanded floor plate, as it is not being expanded in the direction of any neighbouring homes, and significant yard space (70% open landscaped area) would remain post-construction.

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

Currently, the lot is vacant (with the exception of the former building foundation) and has been unused since early 2022. The proposed variance would see the lot once again used for its intended purpose, and would result in a single-detached home that is compatible with the character of the neighbourhood. By re-using the existing foundation, the proposal represents an efficient use of resources, and the expansion of the building will allow for greater functionality on

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an irregularly shaped parcel. As such, the variance is 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 type="checkbox"/> Real Estate                     |
| <input 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 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 type="checkbox"/> Kingston Airport             | <input checked="" type="checkbox"/> Public Works        | <input checked="" type="checkbox"/> Forestry             |

**Technical Comments**

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

**Public Comments**

At the time this report was finalized, no comments were received with regard to the application. Any public comments received after the publishing of this report will be included as an addendum to the Committee of Adjustment Agenda.

**Previous or Concurrent Applications**

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

**Conclusion**

The requested 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 rebuild of a single-detached house on an expanded footprint 23 metres from a waterbody, following the damage and subsequent demolition of the former home due to fire.

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**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 April 15, 2024. 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 18 property owners (according to the latest Assessment Roll) within 60 metres of the subject property and a courtesy notice was placed in The Kingston Whig-Standard (Exhibit H – Public Notification Map).

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

**Accessibility Considerations:**

None

**Financial Considerations:**

None

**Contacts:**

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

Chris Booth, Senior Planner, 613-546-4291 extension 3215

**Other City of Kingston Staff Consulted:**

None

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**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
- Exhibit I Elevations and Floor Plans



## Recommended Conditions

The approval of minor variance application, File Number D13-006-2024, to allow the expansion and reconstruction of a single-detached house, shall be subject to the following recommended conditions:

### 1. Limitation

That the approved minor variance applies only to the reconstruction of a single-detached house on the subject property 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 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. Forestry Requirements**

Prior to undertaking any works for the reconstruction, the owner shall obtain a Tree Permit under the City's Tree By-Law to ensure that the existing City-owned Ash tree located in the road allowance will be preserved. An Arborist Report and Tree Preservation Plan (TPP) will be required that specifically outlines the tree protection fencing limits with dimensions from the existing tree and includes justifications for the placement of the fencing within the critical root zone of the tree. Financial securities as determined by City staff will be required using the approved appraisal formulae within the Tree By-law. An image detail of the proposed Tree Protection fencing materials will need to be included on the TPP and the Tree Permit application.


## **6. Ecological Requirements**

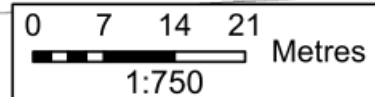
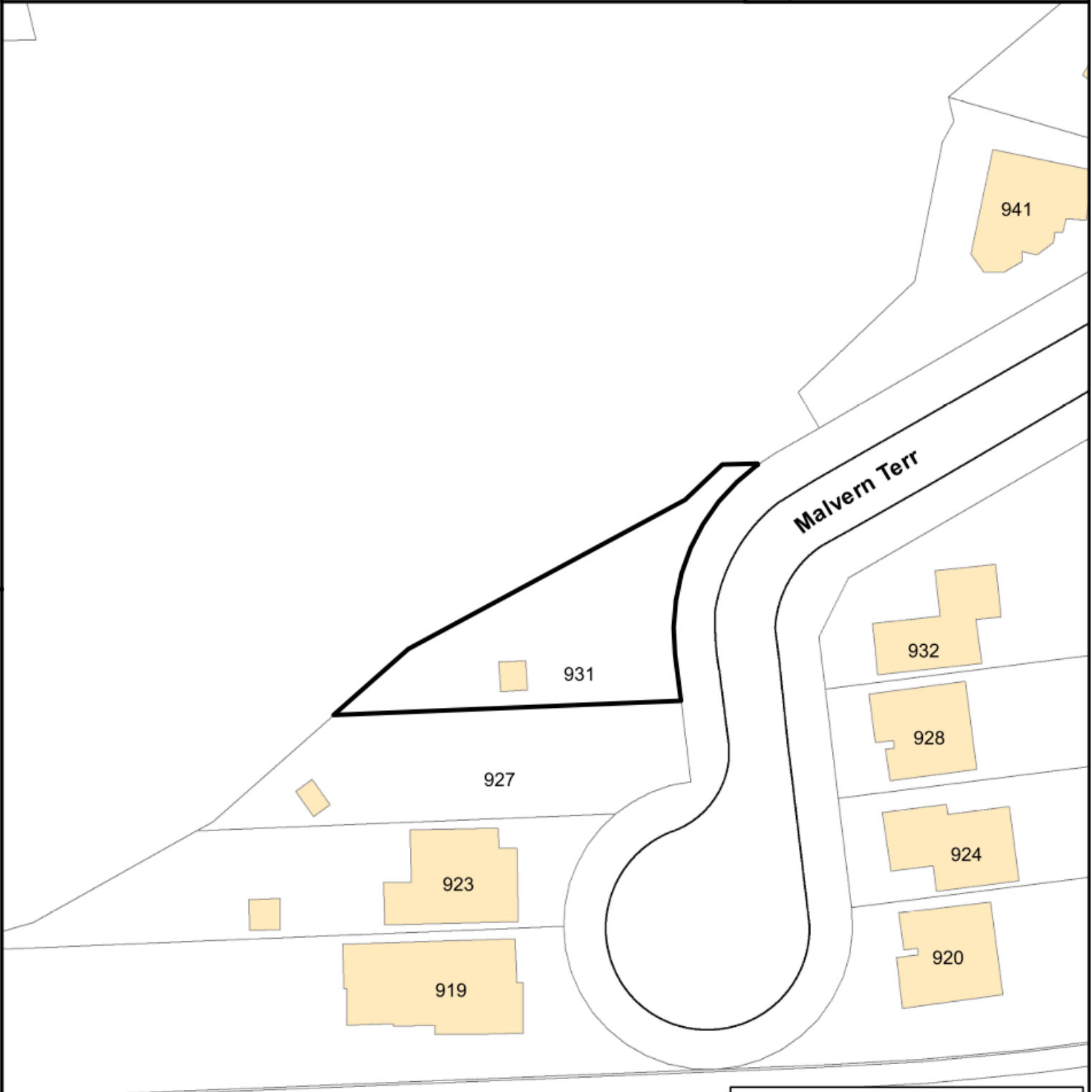
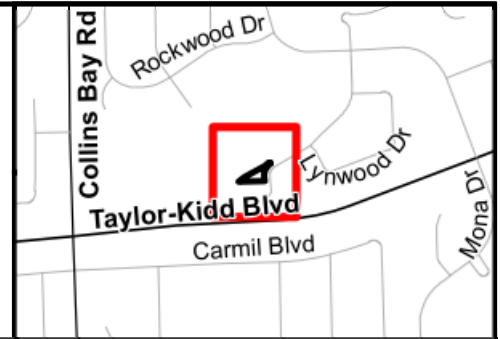
To mitigate any potential impacts during the construction process, siltation control measures are to be installed during construction between the construction area and the area designated as Open Space. These measures may include staked straw bales, staked and toed-in silt fencing, or other similar measure that will have the effect of preventing silt from running off-site into the Open Space area and/or the watercourse.



### Committee of Adjustment Key Map

Address: 931 Malvern Terr  
File Number: D13-006-2024  
Prepared On: Feb-02-2024




 Lands Subject to Minor Variance

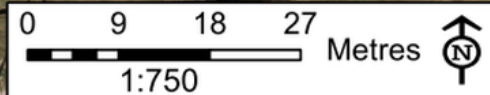




# Committee of Adjustment Neighbourhood Context

Address: 931 Malvern Terr  
File Number: D13-006-2024  
Prepared On: Feb-02-2024

-  Subject Lands
-  Property Boundaries
-  Proposed Parcels



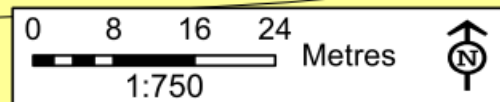
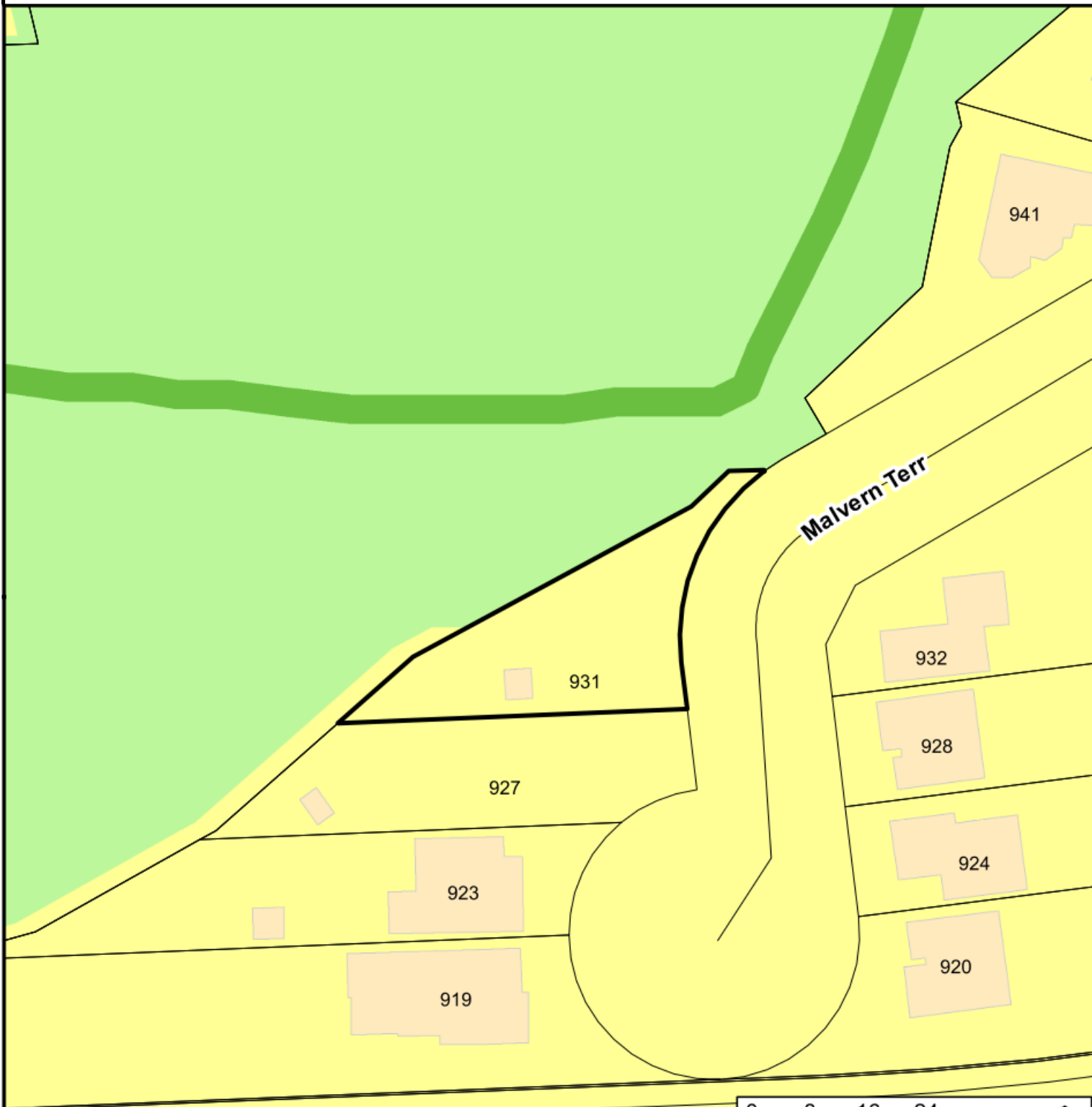
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Committee of Adjustment  
Official Plan, Existing Land Use

Address: 931 Malvern Terr  
File Number: D13-006-2024  
Prepared On: Feb-02-2024

-  Subject Lands
-  ENVIRONMENTAL PROTECTION AREA
-  OPEN SPACE
-  RESIDENTIAL





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

Planning Services

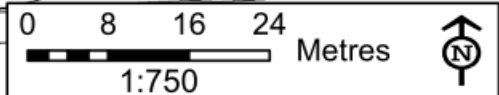
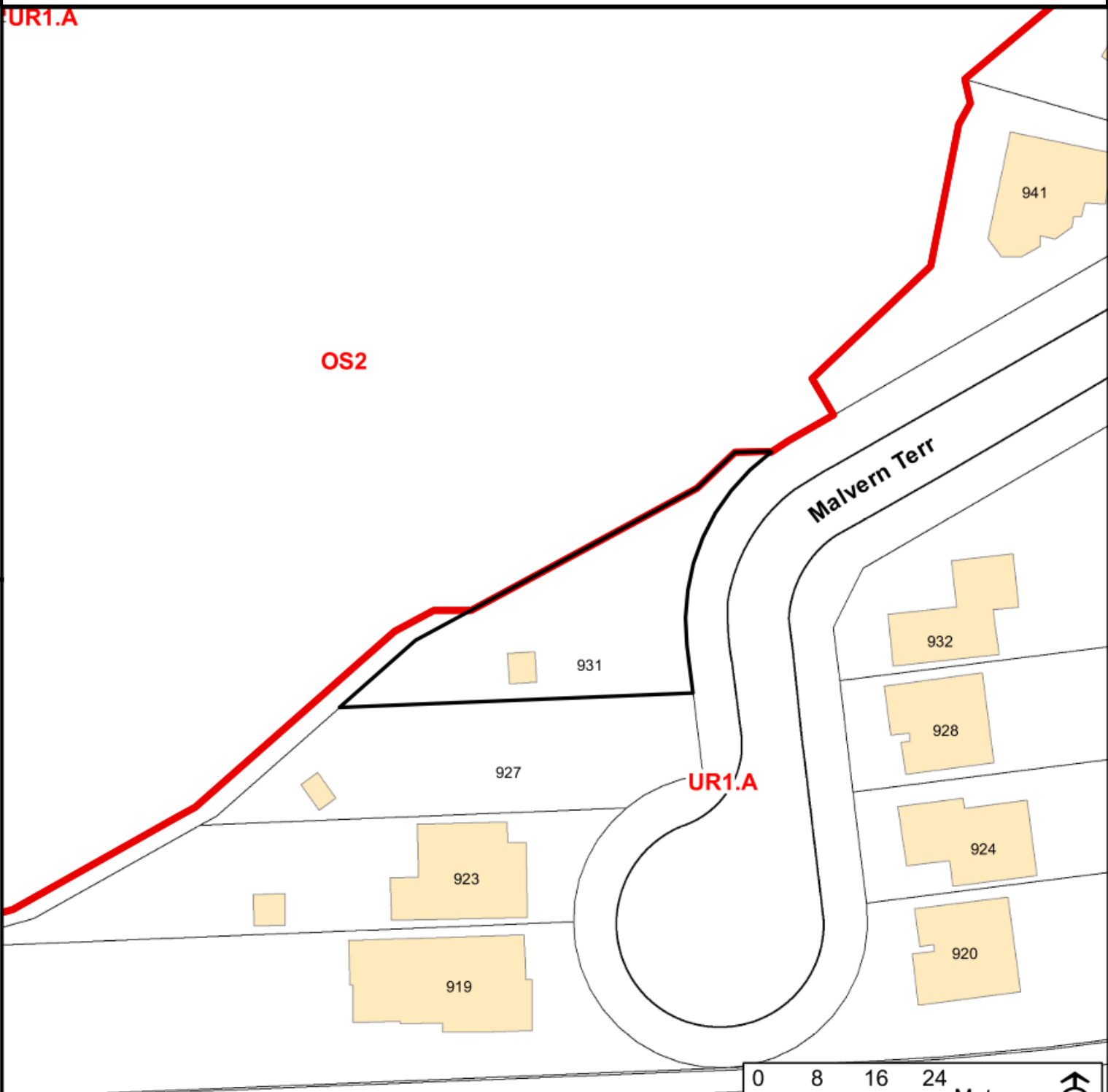
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File Number: D13-006-2024  
Prepared On: Feb-02-2024

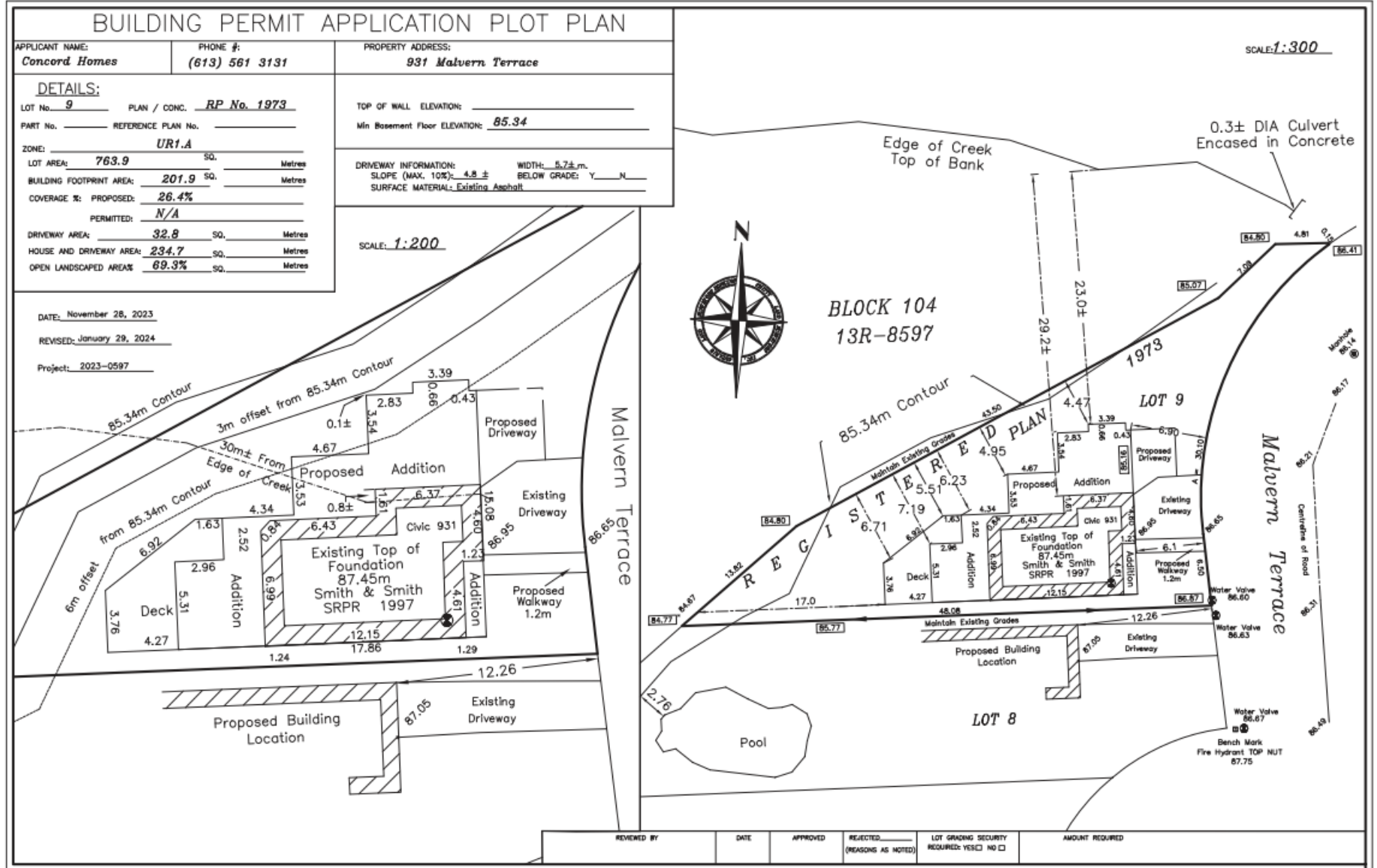
Subject Lands  
Schedule 1 Zoning Map  
Zone

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

UR1.A

OS2





The subject site is depicted through the following photographs, taken February 21, 2024.



**Figure 1:** The subject site, viewed from Malvern Terrace looking west. The site is currently occupied only by the driveway and foundation of the former home, which was damaged beyond repair and subsequently demolished following a January 2022 fire at the neighbouring property. The neighbouring property is now being rebuilt and is visible on the left side of the image.





**Figure 2:** The neighbouring property, 927 Malvern Terrace, was destroyed by fire in January 2022, and is now being re-built. For contextual purposes, it is a two-storey home of a similar size to what is proposed at 931 Malvern Terrace, which would be situated on the right side of the image.



**Figure 3:** The Open Space area containing High Gate Creek, viewed from the northernmost edge of the subject site looking northwest.



**Figure 4:** High Gate Creek, viewed from within the Open Space area.



**Figure 5:** The subject site, viewed from the edge of the Open Space area, looking south. The foundation of the former home is visible towards the centre of the image, with the new home currently under construction at the neighbouring property visible beyond.



**Figure 6:** The rear yard of the subject property, looking west towards the Open Space area, which curves around the site.







**Figure 7:** The subject site, viewed from the rear yard looking east towards Malvern Terrace. The foundation of the former home is visible in the centre of the image. The neighbouring home at 927 Malvern Terrace is visible to the right, and the Open Space area is situated behind the line of trees to the left.

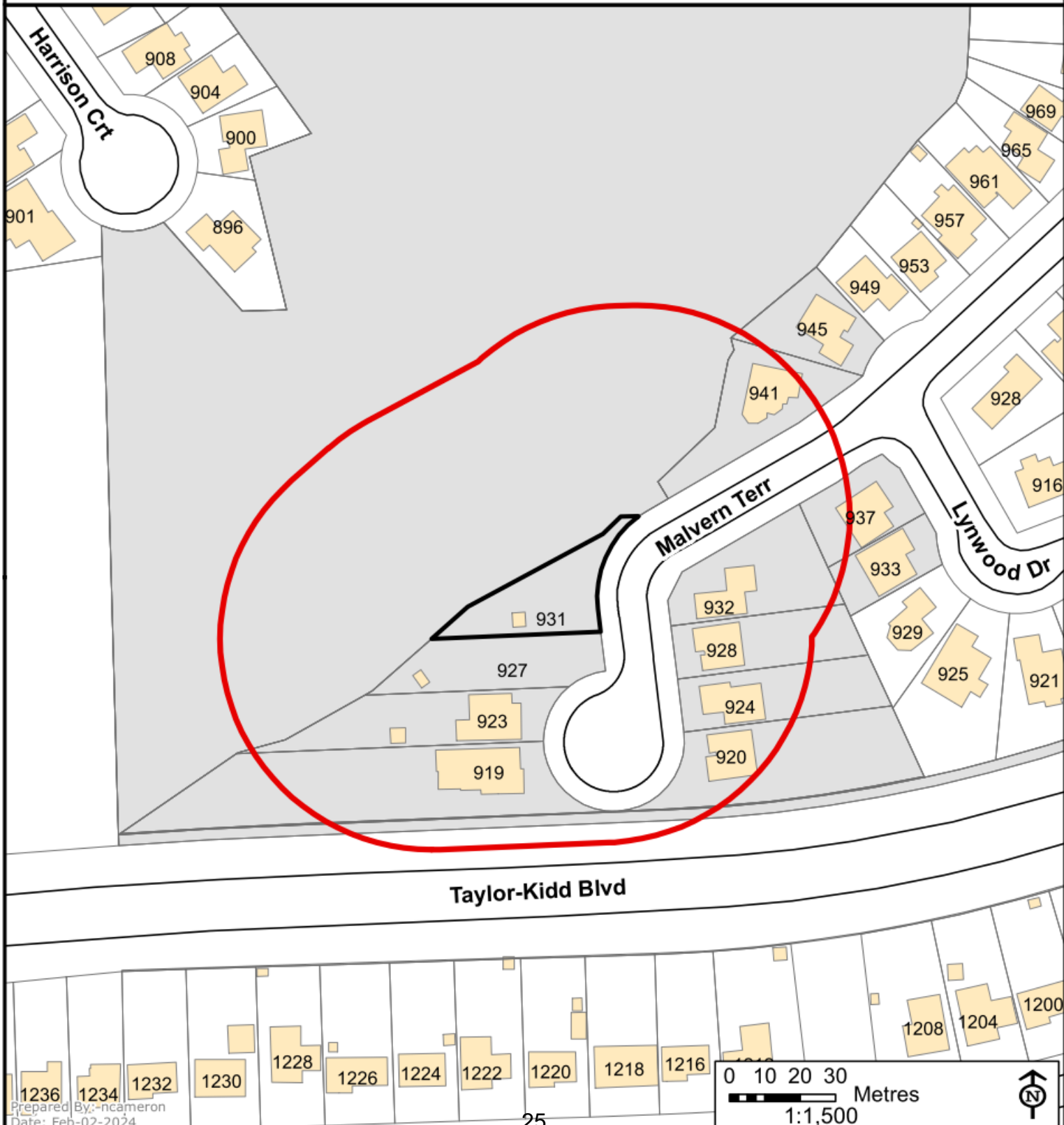


Planning Services

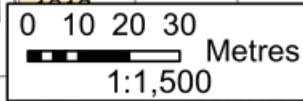
# Committee of Adjustment Public Notice Notification Map

Address: 931 Malvern Terr  
File Number: D13-006-2024  
Prepared On: Feb-02-2024

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



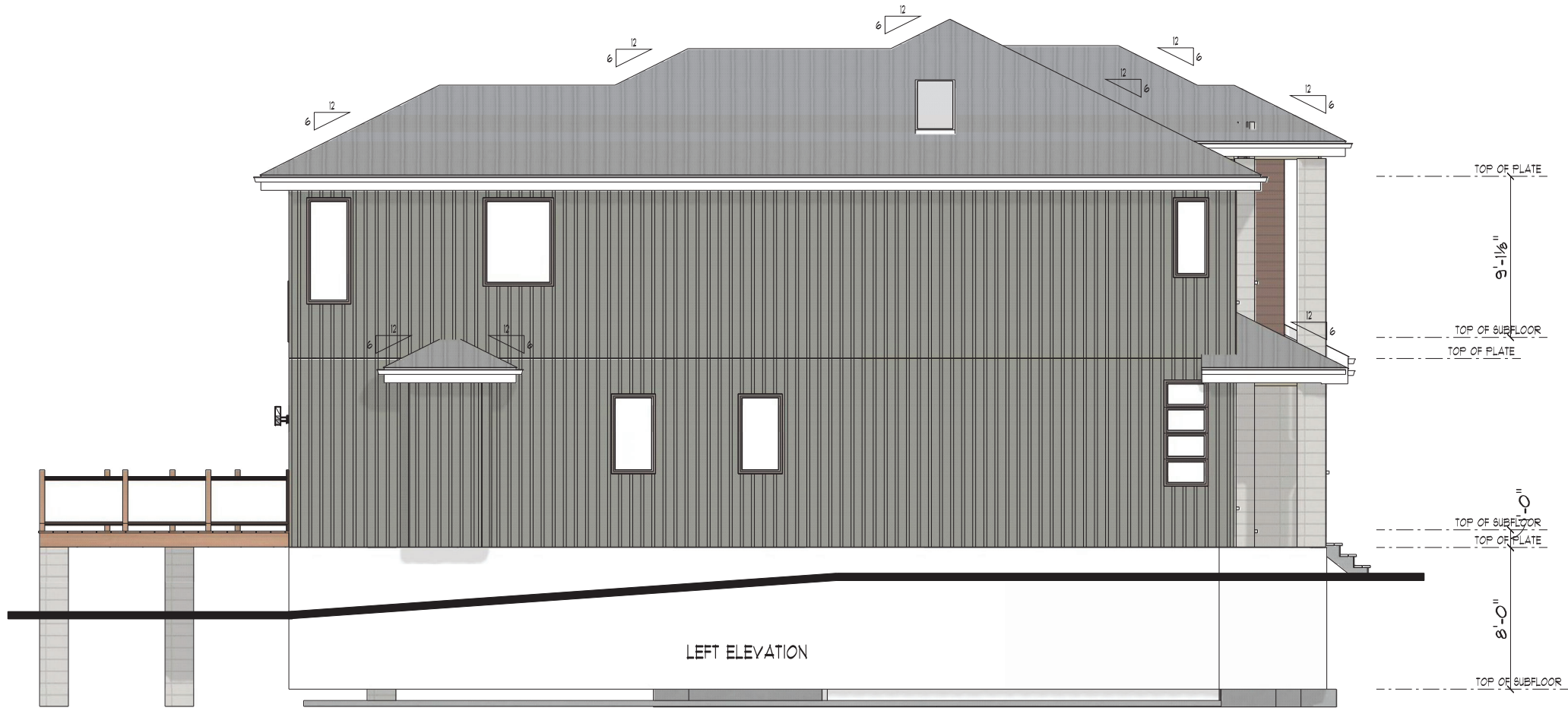
Prepared By: ncameron  
Date: Feb-02-2024



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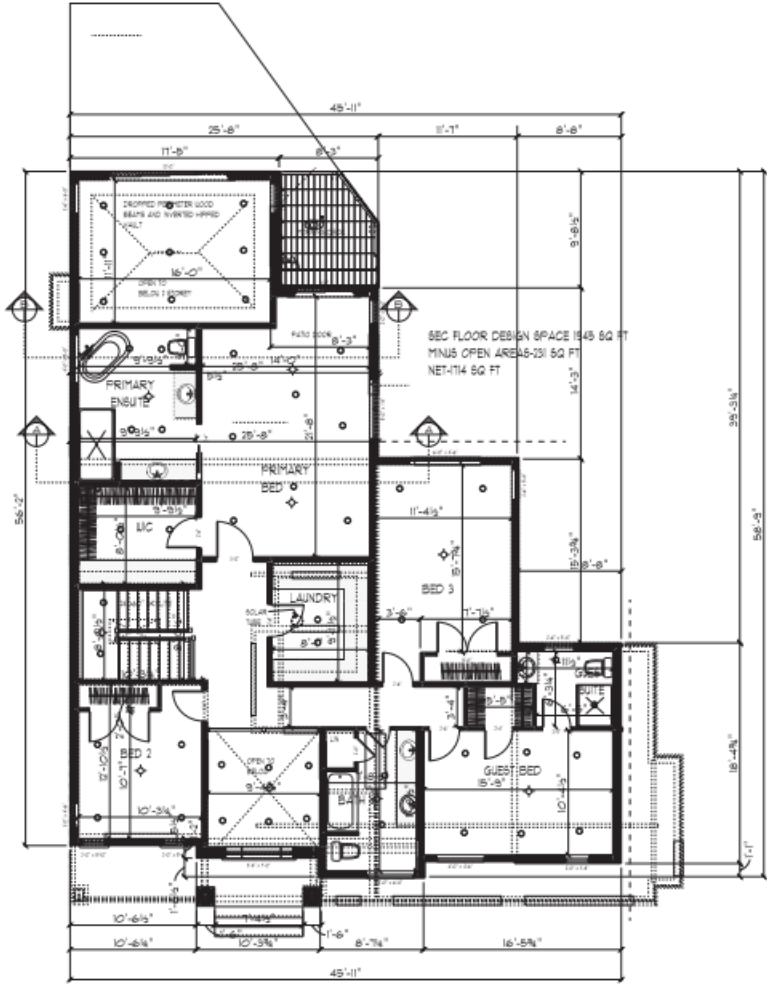


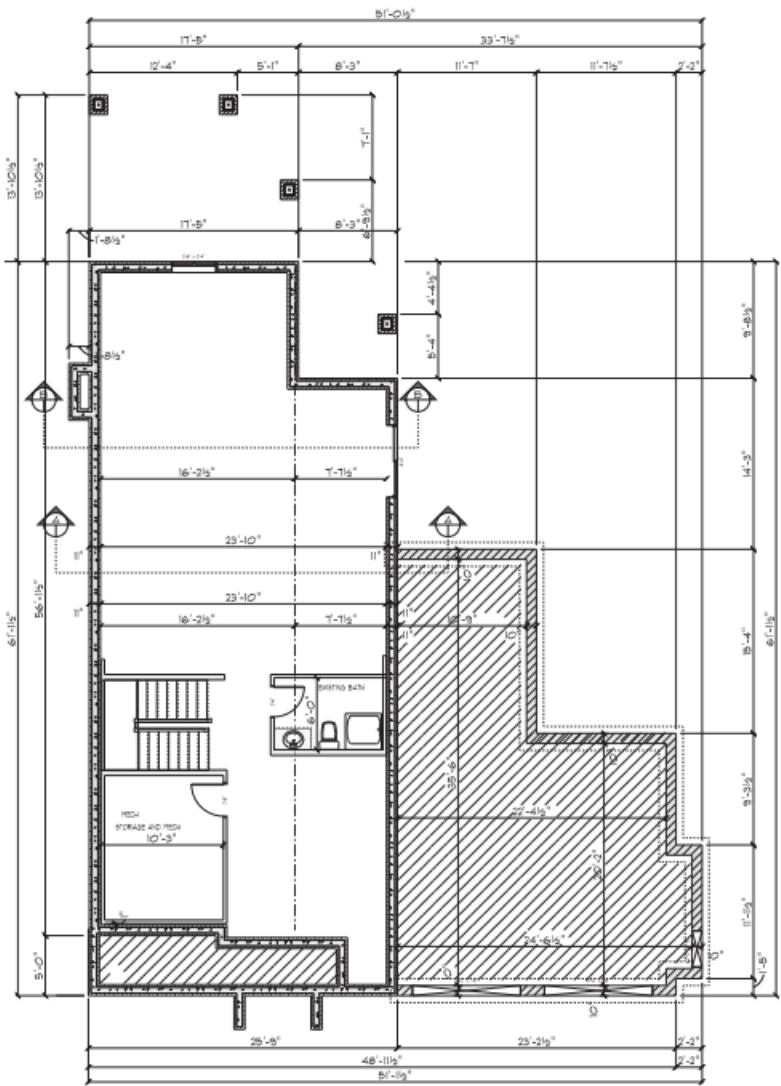


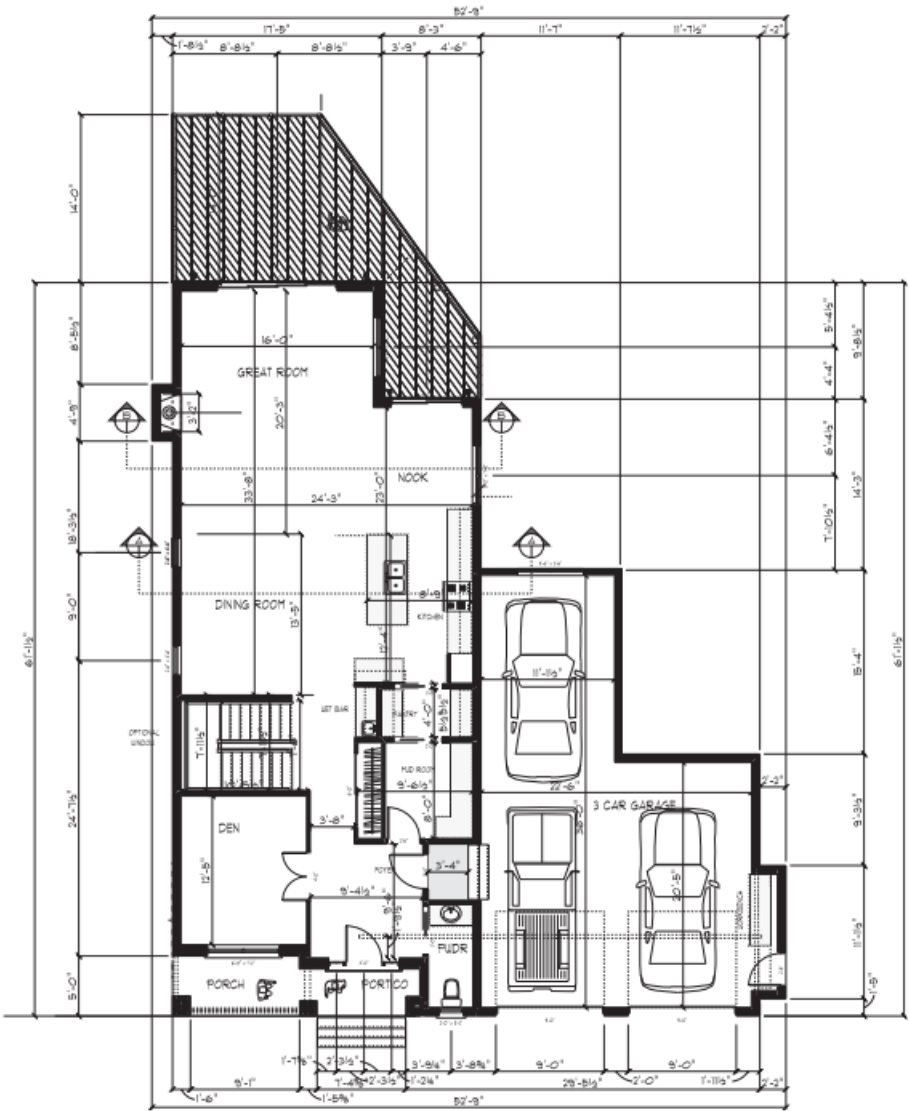












FIRST FLOOR 1330 SQ FT  
 SEC FLOOR NET -1663. SQ FT  
 TOTAL 2993. SQ FT LIV SPACE



**City of Kingston  
Report to Committee of Adjustment  
Report Number COA-24-025**

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**To:** Chair and Members of the Committee of Adjustment  
**From:** Niki Van Vugt, Intermediate Planner  
**Date of Meeting:** April 15, 2024  
**Application for:** Minor Variance  
**File Number:** D13-009-2024  
**Address:** 920 Princess Street  
**District:** District 9 – Williamsville  
**Owner:** The Springer Group of Companies  
**Applicant:** The Springer Group of Companies and Fotenn Consultants Inc.

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**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 920 Princess Street. The applicant is requesting relief from various provisions of the zoning by-law in order to support the construction of a new eight-storey multi-unit residential building containing 47 residential dwelling units, located at the southern portion of the property.

The requested minor variances are consistent with the general intent and purpose of both the City of Kingston Official Plan and Kingston Zoning By-Law Number 8499. The requested minor variances are desirable for the appropriate development or use of the land, building or structure and **are** minor in nature. As such, the proposed application meets all four tests under Subsection 45(1) of the *Planning Act* and is recommended for approval.

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**Recommendation:**

**That** minor variance application, File Number D13-009-2024, for the property located at 920 Princess Street to construct a new eight-storey multi-unit residential building, containing 47 residential dwelling units, located at the undeveloped southeastern portion of the property, be approved, as described below:

**Variance Number 1:**

By-Law Number 8499: Exception Section 74

Requirement: The construction shall be restricted to a commercial and apartment complex containing a total of 48 dwelling units, 613 square metres of commercial area and a total of 100 parking spaces.

Proposed: The construction shall be restricted to an apartment complex containing a total of 48 dwelling units, 0 square metres of commercial area, and a total of 22 parking spaces.

Variance Requested: 613 square metres of commercial area and 78 parking spaces; and

**Variance Number 2:**

By-Law Number 8499: 5.3A.(d)(ii)(a) Off-Street Vehicle Parking Facilities – Accessible Parking

Requirement: Type A (Van accessible) spaces shall have minimum rectangular dimensions of 3.4 metres width by 6.0 metres length and must have signage specifying that they are van-accessible.

Proposed: Type A (Van accessible) spaces shall have minimum rectangular dimensions of 3.4 metres width by 5.5 metres length and must have signage specifying that they are van-accessible

Variance Requested: 0.5 metre length; and

**Variance Number 3:**

By-Law Number 8499: 5.3B.(h) – Off-Street Vehicle Parking Facilities – Design Standards

Requirement: The minimum size of a parking space shall be 2.7m wide and 6.0m long. All off-street automobile parking facilities shall be designed with appropriate means of access to streets or lanes as well as maneuvering areas and all parking facilities shall be suitably graded and surfaced, and all parking spaces suitably marked. Where four or more parking spaces are required, such parking areas shall be provided with at least one entrance lane and one exit lane for vehicles. All parking areas shall be provided with adequate driveways and aisles for the removal of a vehicle without the necessity of moving any other vehicle.

Proposed: The minimum size of a parking space shall be 2.6 metre wide and 5.5 metre long. All off-street automobile parking facilities shall be designed with appropriate means of access to streets or lanes as well as maneuvering areas and all parking facilities shall be suitably graded and surfaced, and all parking spaces suitably marked. Where four or more parking spaces are required, such parking areas shall be provided with at least one entrance lane and one exit lane for vehicles. All parking



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areas shall be provided with adequate driveways and aisles for the removal of a vehicle without the necessity of moving any other vehicle  
Variance Requested: 0.1 metre width and 0.5 metre length; and

**Variance Number 4:**

By-Law Number 8499: 5.27(a) – Amenity Area for Multiple Family Dwellings  
Requirement: A minimum of 18.5 square metres of amenity area shall be provided for each dwelling unit on the lot.

Proposed: A minimum of 10.0 square metres of amenity area shall be provided for each dwelling unit on the lot.

Variance Requested: 8.5 square metres; and

**That** approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-025.

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**Authorizing Signatures:**

ORIGINAL SIGNED BY PLANNER

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Niki Van Vugt, Intermediate  
Planner

**In Consultation with the following Management of the Community Services Group:**

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

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**Options/Discussion:**

On February 1, 2024, a minor variance application was submitted by The Springer Group of Companies (owner/applicant) and Fotenn Consultants Inc. (co-applicant), with respect to the property located at 920 Princess Street. The application requests variances to the unique site-specific zone, parking standards, and amenity area requirements of Zoning By-Law Number 8499 to support the construction of a new eight-storey multi-unit residential building containing 47 residential dwelling units, located at the southeastern portion of the property.

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

- Conceptual Site Plan (Exhibit G)
- Floor Plans (Exhibit J)
- Architectural Elevations (Exhibit K)
- Serviceability Report
- Traffic Impact Study
- Noise Impact Study
- Planning Justification
- Archaeological Report
- Planning Justification

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 south of the intersection of Princess Street, Bath Road, and Concession Street, and north of the intersection of Franklin Place and Helen Street. The development site is part of a large property with multiple addresses, including 920 Princess Street and 10 and 16 Bath Road (Exhibit B – Key Map). The total property is approximately 1.17 hectares in size with frontage on Franklin Place, Princess Street, and Bath Road.

The subject property currently contains a variety of commercial uses, including personal service shops (Allure Hair Studio & Spa at 920 Princess Street and Teddy Nails & Spa at 16 Bath Road), a wellness clinic (JD Physiotherapy at 920 Princess Street), animal care (Downtown Animal Hospital at 16 Bath Road), offices (S Rayner & Associates, CCS Bookkeeping Inc and Website Design Kingston at 920 Princess Street), a laundry store (Flindall’s Cleaners at 16 Bath Road), a recreation facility (Splitsville Kingston at 10 Bath Road), and a training facility (Kumon and Kingston Literacy & Skills at 16 Bath Road).

The property is surrounded by a number of commercial uses to the north, east, and west (Exhibit C – Neighbourhood Context Map). Namely, the Kingston Centre is located within

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approximately 200 metres walking distance, which provides a hub of retail commercial, financial, and office uses, as well as a Kingston Transit transfer station. To the east, the property is also located within walking distance of various community facilities located along Wright Crescent, including the Ongwanada Crescent Community Centre, YMCA Kingston, and the Kingston Frontenac Public Library Calvin Park Branch. To the south, the subject property borders on a residential neighbourhood containing a variety of building types and densities. Buildings in the surrounding neighbourhood generally include a one to four storey-built form. However, there are existing residential buildings in the area between eight and thirteen storeys in height (Exhibit H – Site Photos). The subject lands are located in close proximity to several parks, including Compton Park, Third Avenue Park, and the Kingston Memorial Centre. Public Transit opportunities include Kingston Transit Routes 2, 4, 12, 16 as well as Express Routes 501/502 and 701/702.

The subject property is designated Main Street Commercial as per Schedule 3A – Land Use in the Official Plan (Exhibit D – Official Plan, Existing Land Use Map) and is located in the Williamsville Mainstreet Specific Policy Area as outlined on Schedules 3 and 13 of the Official Plan. The property is split zoned Neighbourhood Commercial in Kingston Zoning By-Law Number 2022-62 for the portion of the site municipally addressed as 10 and 16 Bath Road, a Main Street Commercial ‘C4-H’ Zone for the portion of the site municipally addressed as 920 Princess Street, and a site-specific Commercial (Central Business District and Upper Princess Street) ‘C.74’ Zone under Zoning By-Law Number 8499 for the undeveloped portion of the site which is currently subject to this minor variance application (Exhibit E – Kingston Zoning By-Law 2022-62 Map and Exhibit F – Zoning By-Law Number 8499 Map).

The site-specific C.74 Zone was established through a rezoning application passed December 14, 1970, and approved by the Ontario Municipal Board January 29, 1971 (Ontario Municipal Board File Number R.880-60) for the purpose of facilitating a mixed-use commercial and multi-unit apartment building, containing a maximum of 48 dwelling units, 613 square metres of commercial area, and a total of 100 parking spaces. The site-specific C.74 Zone also notes that the mixed-use building is to be substantially in conformity with the plan entitled "Proposed Commercial and Apartment Complex Scheme F", prepared by E.A. Cromarty, Architect, dated November 1970, which was attached to and formed part of this implementing by-law as Schedules "H-1", "H-2", "H-3", "H-4" and "H-5". Scheme "F" illustrates an eight-storey building and is attached as Exhibit L.

### **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.

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## 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 Main Street Commercial as shown in Schedule 3A – Land Use in the City of Kingston Official Plan (Exhibit D – Official Plan, Existing Land Use Map) and is located in the Williamsville Main Street Specific Policy Area as outlined on Schedules 13 and Schedule PS-1 of the Official Plan.

The Main Street Commercial land use designation on Schedule 3A permits residential uses as upper storey and ground floor residential uses if identified in a Specific Policy Area on Section 10 of the Official Plan. Schedule PS-1 of the Official Plan identifies areas for where ground floor commercial is required. This property falls outside this particular stretch along Princess Street and, as such, the proposal to reduce the commercial area found within the proposed development is in alignment with the policies contemplated in the Official Plan and reflects the surrounding streetscape along Franklin Place. The proposal has been thoughtfully designed to reflect policies found under Section 10E.1.21. of the Official Plan where the at-grade units include direct access from the public realm to the private realm to ensure the streetscape is activated in a similar manner to the built form found in the surrounding neighbourhood.

The subject property is located in a Corridor and Housing District, as shown on Schedule 2 of the City of Kingston Official Plan. Centres and Corridors, as shown on Schedule 2, are areas of mixed use, including employment, residential, commercial and supporting uses and facilities. These will be the areas where intensification will be focused, and where greater densities of residential and non-residential development will be permitted. Corridors are identified as those areas that provide linkages between Centres and are accordingly well-suited to accommodate priority transit and a mix of uses that promote active transportation. In addition, Housing Districts are planned to remain stable in accordance with Section 2.6 of this Plan, but will continue to mature and adapt as the City evolves. Re-investment and upgrading will be encouraged through minor infilling and minor development that can integrate compatibility within the prevailing built form standards of height, density and amenity that are generally found in the neighbourhood. The proposal is anticipated to supply a range of housing options that incorporates a mix of 1- and 2-bedroom units, adjacent to an existing established neighbourhood and within walking distance to commercial uses. The proposal has been designed to recognize and mitigate potential impacts to existing uses in the surrounding area, while supplying on-site amenity areas in compliance with the standards of the new Kingston Zoning By-Law 2022-62. The undeveloped portion of the property is located where ground floor residential uses are permitted, as identified on Schedule PS-1 of the Official Plan. The proposal is not anticipated to have any undue adverse impacts on abutting properties or existing residential uses.

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The proposal to provide for 47 residential units, which is well within the as-of-right permissions identified in the site-specific C.74 Zone permitting a maximum of 48 dwelling units, on the underutilized portion of the site has been designed to consider the surrounding uses, while seeking to substantially conform to the plan entitled "Proposed Commercial and Apartment Complex Scheme "F", prepared by E.A. Cromarty, Architect, dated November 1970. The applicant has proposed a modernized approach to the placement and design of the building to ensure mitigative measures are used to achieve compatibility with the surrounding built form. The former Scheme "F" drawings indicate a 0 metre setback along Franklin Place, whereas the applicant is proposing a 3.0 metre setback (Exhibit K – Architectural Elevations). This increased setback along Franklin Place will allow for improvements to the public realm and facilitate increased opportunities for potential landscaping solutions along this particular frontage. In addition to the increased setback, the current design incorporates a 4 storey podium with a 1.3 metre stepback above the fourth storey along Franklin Place and the northern elevation of the building facing Princess Street. This proposed changed to the initial massing found in the Scheme "F" drawings allows for the establishment of a more appropriate transition in building heights, matching the existing four-storey built form along Franklin Place. The combined setback and stepbacks allow for additional mitigative measures, as called for by Section 2.7, which reduce potential compatibility concerns with residential development to south of the subject property, along Franklin Place (Exhibit K – Architectural Elevations).

The proposed development is not anticipated to have any negative impacts to the site functioning in terms of access, parking for vehicles and bicycles, or universal accessibility. The design proposes parking to be located to the west, north, and east of the building and is anticipated to be accessed from existing entrances on Franklin Place, Bath Road, and Princess Street. As indicated in Section 4.6.47 of the Official Plan, it is the intention of this Plan 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 requested reduction to the current parking rates and dimensions, and oversupply of the required bicycle parking spaces (47 required and 48 proposed) under Zoning By-Law Number 8499 maintains the general intent of the Official Plan and is consistent with modern standards applied under the Kingston Zoning By-Law to surrounding properties.

The subject property is not designated or listed under Part IV or Part V of the *Ontario Heritage Act* or located within or adjacent to a Heritage Conservation District. Through technical review, there were no concerns raised with the proposed built form and staff are in receipt of the requested Archaeological Assessment for the property prepared by Abacus Archaeological Services, dated February 14, 2024. When all matters relating to archaeological sites within the project area of a development proposal have been addressed to the satisfaction of the Ministry of Heritage, Sport, Tourism and Culture Industries, a letter will be issued by the Ministry stating that there are no further concerns with regard to alterations to archaeological sites by the proposed development.

The property is located within the Urban Boundary and will be serviced by municipal services. Utilities Kingston, Kingston Hydro and Engineering staff have been circulated and identified the requirement for a detailed servicing plan, traffic impact study, grading plan, stormwater

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management report, and noise study as part of a complete package for the future Site Plan Control submission. There are no concerns from a site servicing perspective, specific to the requested variances to reduce commercial area, parking spaces and associated parking space dimensions, and amenity area to facilitate the construction of the as-of-right multi-unit apartment through a modernized approach that reflects the standards of the Kingston Zoning By-Law.

Based on a review of the site-specific context, and in light of the current standards afforded through Kingston Zoning By-Law Number 2022-62, a zoning by-law amendment is not required at this time to facilitate the proposed development. Recommended conditions of approval are included in Exhibit A of this report. The approval of this application will not set an undesirable precedent, as consideration has been provided for the unique site-specific circumstances and surrounding land uses in this particular instance.

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 while providing additional housing opportunities by pursuing as-of-right permissions afforded through the site-specific zone for a vacant portion of a property located within the Urban Boundary with access to municipal services.

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

The subject property is split-zoned Neighbourhood Commercial (CN) Zone under the Kingston Zoning By-Law Number 2022-62 along the western portion of the site, while the remainder of the site is identified as “Not Subject to this By-law” under the Kingston Zoning By-law. The northeast portion remains a Williamsville C4-H Zone and the undeveloped parcel subject to this minor variance remains as a site-specific C.74 Zone under Zoning By-Law Number 8499 (Exhibit E – Kingston Zoning By-Law 2022-62 Map and Exhibit F – Zoning By-Law Number 8499 Map). As indicated earlier in this report, the C.74 Zone permits a commercial and apartment complex containing a total of 613 square metre of commercial area, 48 dwelling units, and a total of 100 parking spaces.

The proposal is seeking the following variances from Zoning By-Law Number 8499 to facilitate the proposed development:

**Variance Number 1:**

By-Law Number 8499: Exception Section 74

Requirement: The construction shall be restricted to a commercial and apartment complex containing a total of 48 dwelling units, 613 square metres of commercial area and a total of 100 parking spaces.

Proposed: The construction shall be restricted to an apartment complex containing a total of 48 dwelling units, 0 square metres of commercial area, and a total of 22 parking spaces.

Variance Requested: 613 square metres of commercial area and 78 parking spaces

The proposed redevelopment requires relief from the unique site-specific zone for the purpose of reducing the required commercial area to zero. As indicated earlier in this report, the

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proposed multi-unit apartment building is located on lands where ground floor residential uses are permitted under the Official Plan. The current standards found under Zoning By-Law Number 8499 require a minimum commercial area of 613 square metres. It is important to note that the minimum commercial area in the site-specific zone was established in the 1970s, prior to the balance of the site being developed with various commercial uses (i.e., Veterinary Clinic located at 16 Bath Road, Splitsville Bowling located at 10 Bath Road, etc.) as well as the surrounding areas being developed with additional commercial opportunities in walking distance to the subject site (i.e., Kingston Centre). Despite the requested variance to reduce commercial area on the undeveloped portion of the site, a review of the surrounding area has adequately demonstrated that there are numerous existing commercial opportunities located on the subject site and within walking distance to the proposed development. As such, the proposed development will be very well serviced by surrounding commercial uses and the general intent of the zoning by-law is maintained.

In addition to the variance to commercial area, the proposal requires relief from the site-specific C.74 Zone for the purpose of reducing the total number of required parking spaces from 100 spaces to 22 spaces as shown on Schedule "F" of Zoning By-Law Number 8499. As indicated earlier, the property remains subject to a unique, site-specific zone, which was developed in the 1970s. Since this time, the municipality has taken an alternate approach to determining minimum vehicle parking requirements across the City. This has been demonstrated through the passage of the new Kingston Zoning By-Law 2022-62, which significantly decreased the required rates of parking for residential uses, as discussed in detail in the Power of Parking discussion paper ([Report Number PC-21-040](#)). Under the Kingston Zoning By-Law, the subject property would be subject to Parking Area 2 (PA2), which would require the proposal to have a total of 19 standard parking spaces, 2 car-share spaces, and 5 visitor parking spaces for a total of 26 parking spaces. The requested variance to reduce the total number of parking down to 22 spaces, from the current requirement of 100 spaces, is more in alignment with the modernized approach endorsed by Council in the Kingston Zoning By-Law. The proposed reduction to vehicle parking would permit the site to utilize the existing paved area, already dedicated to parking, while offsetting the parking demand through the provision of 48 bicycle parking spaces (to be provided indoors and outdoors), which are replacing the previous underground parking area for a more active and sustainable form of travel (Exhibit J – Floor Plans). As indicated earlier in the report, the subject property is within close walking distance to various institutional, open space, commercial uses, various transit stops, and has access to bike lanes and sidewalk infrastructure along Princess Street. The requested reduction to the existing oversupply of vehicle parking would result in a parking rate of 0.46, which is more aligned with the direction currently provided by the Kingston Zoning By-Law 2022-62.

**Variance Number 2:**

By-Law Number 8499: 5.3A.(d)(ii)(a) Off-Street Vehicle Parking Facilities – Accessible Parking Requirement: Type A (Van accessible) spaces shall have minimum rectangular dimensions of 3.4 metres width by 6.0 metres length and must have signage specifying that they are van-accessible.



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Proposed: Type A (Van accessible) spaces shall have minimum rectangular dimensions of 3.4 metres width by 5.5 metres length and must have signage specifying that they are van-accessible

Variance Requested: 0.5 metre length

**Variance Number 3:**

By-Law Number 8499: 5.3B.(h) – Off-Street Vehicle Parking Facilities – Design Standards Requirement: The minimum size of a parking space shall be 2.7 metres wide and 6.0 metres long. All off-street automobile parking facilities shall be designed with appropriate means of access to streets or lanes as well as maneuvering areas and all parking facilities shall be suitably graded and surfaced, and all parking spaces suitably marked. Where four or more parking spaces are required, such parking areas shall be provided with at least one entrance lane and one exit lane for vehicles. All parking areas shall be provided with adequate driveways and aisles for the removal of a vehicle without the necessity of moving any other vehicle.

Proposed: The minimum size of a parking space shall be 2.6 metres wide and 5.5 metres long. All off-street automobile parking facilities shall be designed with appropriate means of access to streets or lanes as well as maneuvering areas and all parking facilities shall be suitably graded and surfaced, and all parking spaces suitably marked. Where four or more parking spaces are required, such parking areas shall be provided with at least one entrance lane and one exit lane for vehicles. All parking areas shall be provided with adequate driveways and aisles for the removal of a vehicle without the necessity of moving any other vehicle

Variance Requested: 0.1 metre width and 0.5 metre length

As indicated above, the proposal contemplates a total of 22 vehicular parking spaces (21 standard parking spaces and 1 Type A accessible parking space) for the purpose of serving the proposed eight-storey, 47 dwelling unit apartment building. As indicated earlier, the property remains subject to Zoning By-Law Number 8499. As such, the applicant is seeking variances to the minimum standard, as well as accessible, parking space dimensions for the purpose of modernizing the applicable parking design standards to align with those found under the new Kingston Zoning By-Law.

The applicant is proposing a standard vehicle parking space size of 2.6 metres by 5.5 metres (Exhibit G – Conceptual Site Plan), which is consistent with the current standard provided by the Kingston Zoning By-law for spaces perpendicular to a 6.7 metre drive aisle. Similarly, the applicant is seeking a reduction for length of a Type A accessible space to 5.5 metres, as permitted by the modern standards under the Kingston Zoning By-law. The proposed parking area has been designed to provide safe ingress and egress to the site with suitable room for parking and navigation within the parking lot. As such, the requested variances to standard and accessible parking space dimensions are not anticipated to have any negative impacts on the provision of functional standard and barrier-free parking spaces on the subject site.

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**Variance Number 4:**

By-Law Number 8499: 5.27(a) – Amenity Area for Multiple Family Dwellings  
 Requirement: A minimum of 18.5 square metres of amenity area shall be provided for each dwelling unit on the lot.

Proposed: A minimum of 10.0 square metres of amenity area shall be provided for each dwelling unit on the lot.

Variance Requested: 8.5 square metres

The proposal is seeking relief from the minimum amount of amenity area required for each dwelling unit on the lot. Section 5.27(a) of Zoning By-Law Number 8499 requires a minimum of 18.5 square metres of amenity area to be provided for each dwelling unit on the lot, whereas the applicant is seeking to establish a minimum of 10 square metres of amenity area to be provided for each dwelling unit on the lot.

The proposed building will incorporate amenity area in the form of private balconies and shared interior amenity areas, the details of which will be finalized through Site Plan Control. The requested variance maintains the intent of the zoning by-law, considering the sites context within the Williamsville Main Street Policy Area of the Official Plan and proximity to surrounding properties which are zoned WM1 under the new Kingston Zoning By-Law for which only 10 square metres of amenity area per unit is required. The unique site-specific zone, which remains on this undeveloped portion of the property, does not reflect the updated standards of the Kingston Zoning By-law for amenity area. The requested reduction to amenity area for this proposal is appropriate, when considering the sites close proximity to various amenities (i.e., commercial, institutional, open space) in the surrounding area.

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 no negative impacts are anticipated to result on the neighbouring properties through the proposal. There are no increases to the previous site-specific C.74 Zone for height or building area through this proposal, with improvements instead being made through the provision of a front setback along Franklin Place and stepbacks above the fourth storey. The requested variances continue to allow for a built form which will substantially conform with “Scheme F” which regulates the C.74 zone in Zoning By-law Number 8499 and will allow the functional needs of users to be met. Following the minor variance process, the applicant will be required to submit a Site Plan Control application to demonstrate adequate servicing infrastructure and more detailed reports relating to transportation, stormwater and noise. As indicated earlier in this report, there are no concerns with the proposal pursuing the as-of-right permissions to facilitate up to 48 dwelling units on the property and the requested variances to reduce commercial area, parking spaces and their associated dimensions, as well as amenity area. The variance to permit a reduction to commercial area is minor in its impact based on the surrounding site context with the property being in close proximity to existing commercial uses, both on-site and in walking distance to the undeveloped site (i.e., the Kingston Centre). In addition, the requested variances to the current parking

April 15, 2024

Page 13 of 16

requirements, parking dimensions, and amenity area found under Zoning By-Law Number 8499 would result in a more modernized approach as envisioned in Kingston Zoning By-Law Number 2022-62.

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

Approval of the variances is desirable as it will permit an opportunity to update the performance standards to those found in the Kingston Zoning By-Law, while enabling the use of as-of-right height and density permissions found in the site-specific C.74 Zone. The proposed development will facilitate additional housing opportunities within the Urban Boundary and align with the intensification goals and objectives of the Official Plan. The proposed development includes a setback along Franklin Place, where there was previously no setback required through the C.74 Zone, while incorporating a stepback above the fourth storey. These changes allow for increased improvements to the public realm along Franklin Place while ensuring there are decreased impacts from a shadow and privacy perspective. The removal of 78 parking spaces, reduction to parking space dimensions, and amenity area will not have adverse impact the functionality of the site nor have any impacts on compatibility with adjacent uses.

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 type="checkbox"/> Solid Waste                  | <input checked="" 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 checked="" 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 type="checkbox"/> Hydro One                    | <input type="checkbox"/> Enbridge Pipelines             | <input type="checkbox"/> TransCanada Pipelines           |
| <input type="checkbox"/> Kingston Airport             | <input checked="" type="checkbox"/> Forestry            |  |

**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.

April 15, 2024

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### Public Comments

At the time this report was finalized, no public comments 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

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

### Conclusion

The requested variances maintain the general intent and purpose of both the City of Kingston Official Plan and Zoning By-Law Number 8499. 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 allow for the construction of an eight-storey multi-unit apartment building, including 47 dwelling units, on the undeveloped portion of the property. The reduction to commercial area, parking spaces and their associated dimensions, and amenity area will modernize the property to reflect the standards as envisioned under the current zoning framework established through Kingston Zoning By-Law Number 2022-62.

### 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**

Zoning By-Law Number **8499**

### Notice Provisions:

A Committee of Adjustment Meeting is going to be held respecting this application on April 15, 2024. Pursuant to the requirements of the *Planning Act*, a notice of Statutory Public Meeting

April 15, 2024

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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 21 properties (according to the latest Assessment Roll) within 60 metres of the subject property and a courtesy notice was placed in The Kingston Whig-Standard (Exhibit I – Public Notification Map).

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

**Accessibility Considerations:**

None

**Financial Considerations:**

None

**Contacts:**

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

Niki Van Vugt, Intermediate Planner, 613-546-4291 extension 3253

**Other City of Kingston Staff Consulted:**

None

**Exhibits Attached:**

- Exhibit A Recommended Conditions
- Exhibit B Key Map
- Exhibit C Neighbourhood Context Map
- Exhibit D Official Plan, Existing Land Use Map
- Exhibit E Kingston Zoning By-Law 2022-62 Map
- Exhibit F Zoning By-Law Number 8499 Map
- Exhibit G Conceptual Site Plan
- Exhibit H Site Photos
- Exhibit I Public Notice Notification Map
- Exhibit J Floor Plans

April 15, 2024

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Exhibit K Architectural Elevations

Exhibit L Scheme "F"

## Recommended Conditions

The approval of minor variance application, File Number D13-009-2024, to reduce the commercial area, number of parking spaces and dimensions of standard and accessible spaces, and amenity area for the purpose of constructing an 8 storey 47 dwelling unit building, shall be subject to the following recommended conditions:

### 1. Limitation

That the approved minor variance applies only to commercial area, parking spaces and dimensions, and amenity area, 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

The City of Kingston is in receipt of an Archaeological Assessment for the property located at 920 Princess Street prepared by Abacus Archaeological Services dated February 14, 2024. This report has been submitted for review to the Ministry of Citizenship and Multiculturalism. 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.

Archaeological clearance of the subject property is required. One digital copy of any acceptance letter(s) from the Ministry of Citizenship and Multiculturalism shall be provided to the Secretary-Treasurer of the Committee of Adjustment, prior to the issuance of the Certificate of Official.

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.

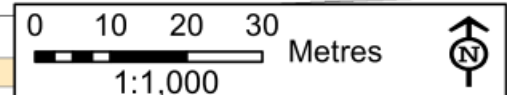
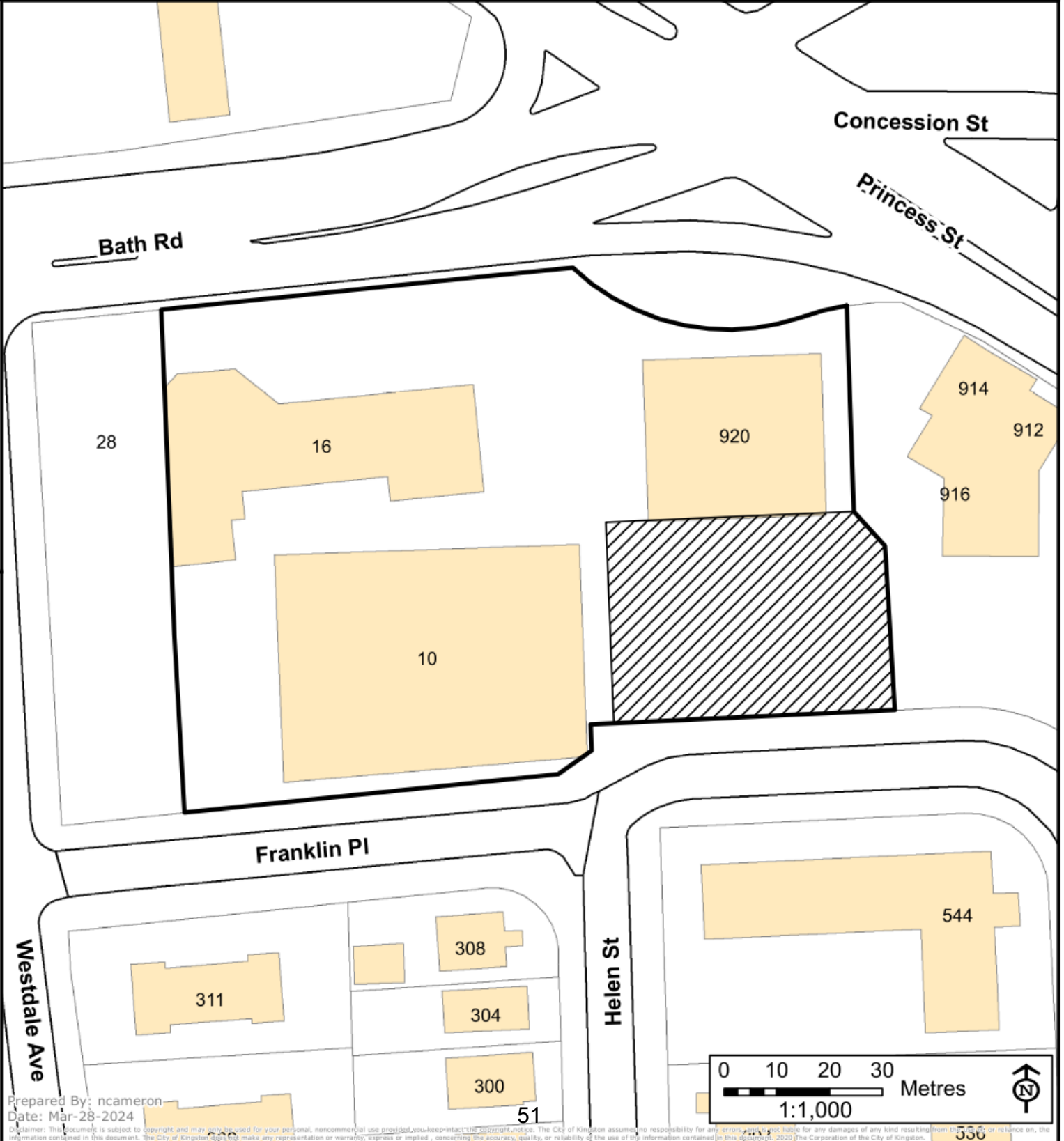
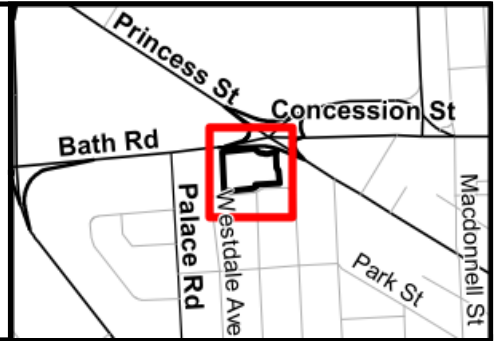




# Committee of Adjustment Key Map

Address: 920 Princess St  
File Number: D13-009-2024  
Prepared On: Mar-28-2024

- Subject Lands
- Lands Subject to Minor Variance



Prepared By: ncameron  
Date: Mar-28-2024

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# Committee of Adjustment Neighbourhood Context

Address: 920 Princess St  
File Number: D13-009-2024  
Prepared On: Feb-12-2024

- Subject Lands
- Property Boundaries
- Proposed Parcels



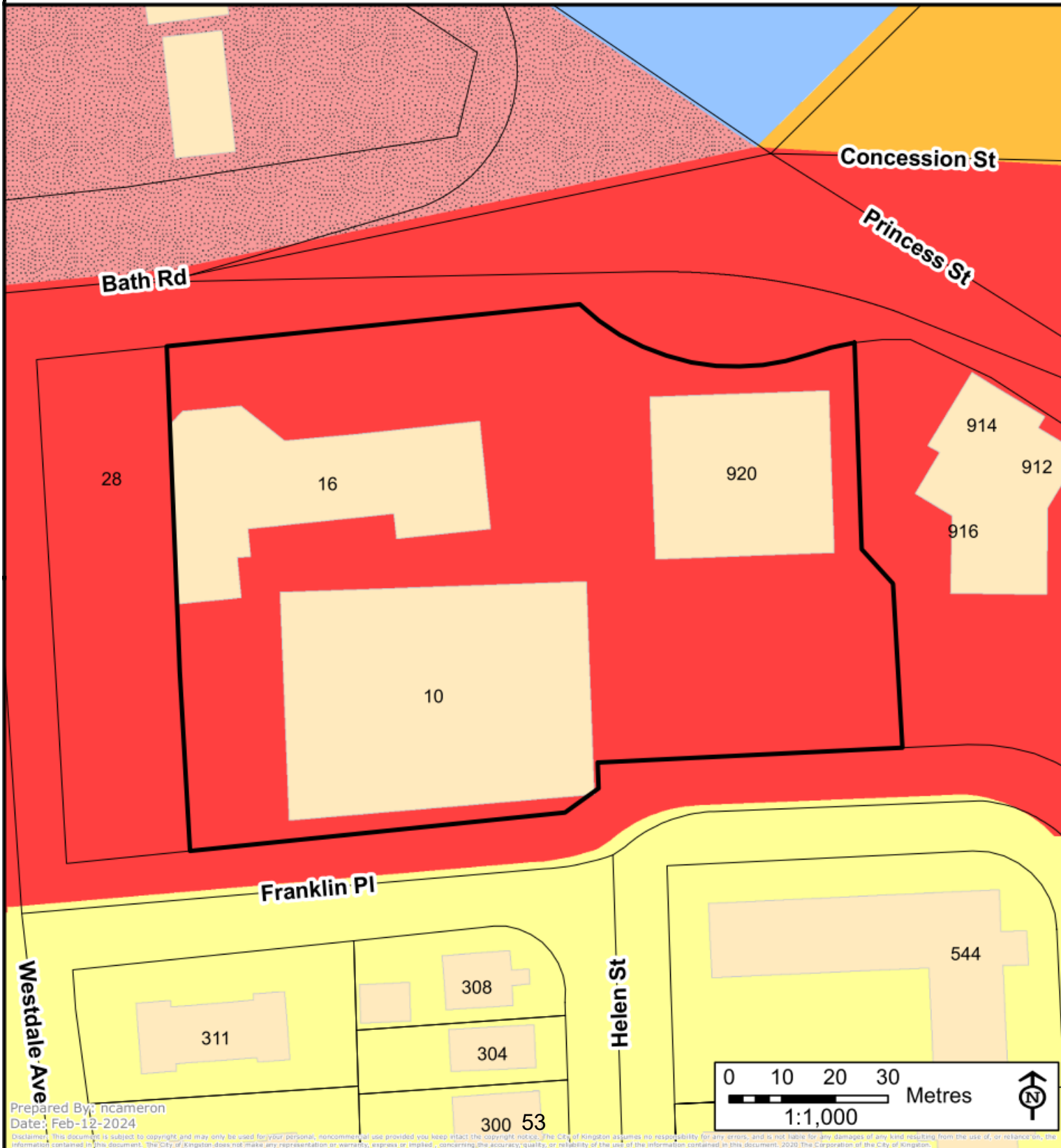
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# Committee of Adjustment Official Plan, Existing Land Use

Address: 920 Princess St  
File Number: D13-009-2024  
Prepared On: Feb-12-2024

-  Subject Lands
-  ARTERIAL COMMERCIAL
-  BUSINESS PARK INDUSTRIAL
-  DISTRICT COMMERCIAL
-  MAIN STREET COMMERCIAL
-  RESIDENTIAL



Prepared By: ncameron  
Date: Feb-12-2024

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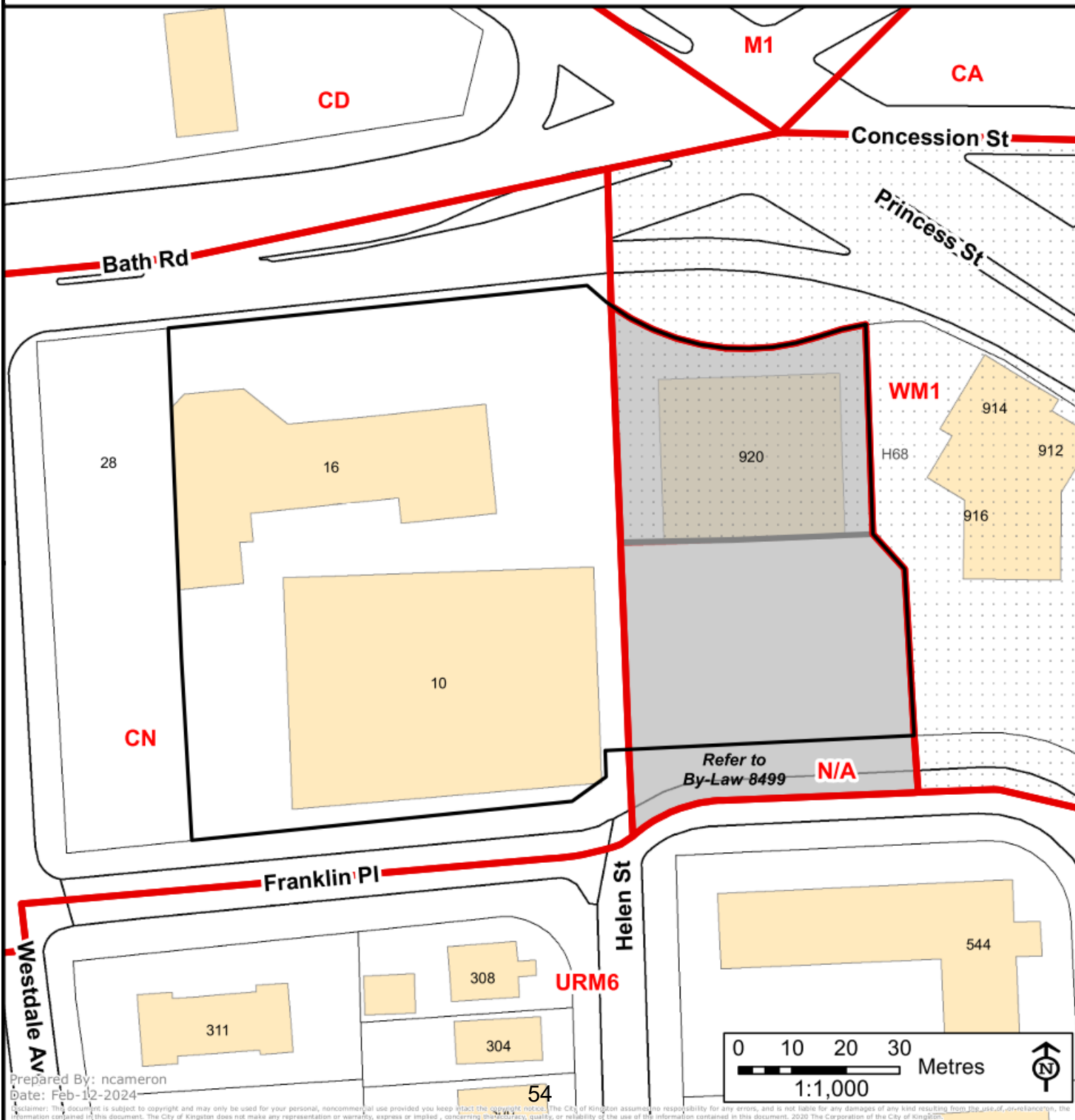
Committee of Adjustment

Planning Services

Kingston Zoning By-Law 2022-62

Address: 920 Princess St  
File Number: D13-009-2024  
Prepared On: Feb-12-2024

- 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 HoldingOverlay (HXXX)

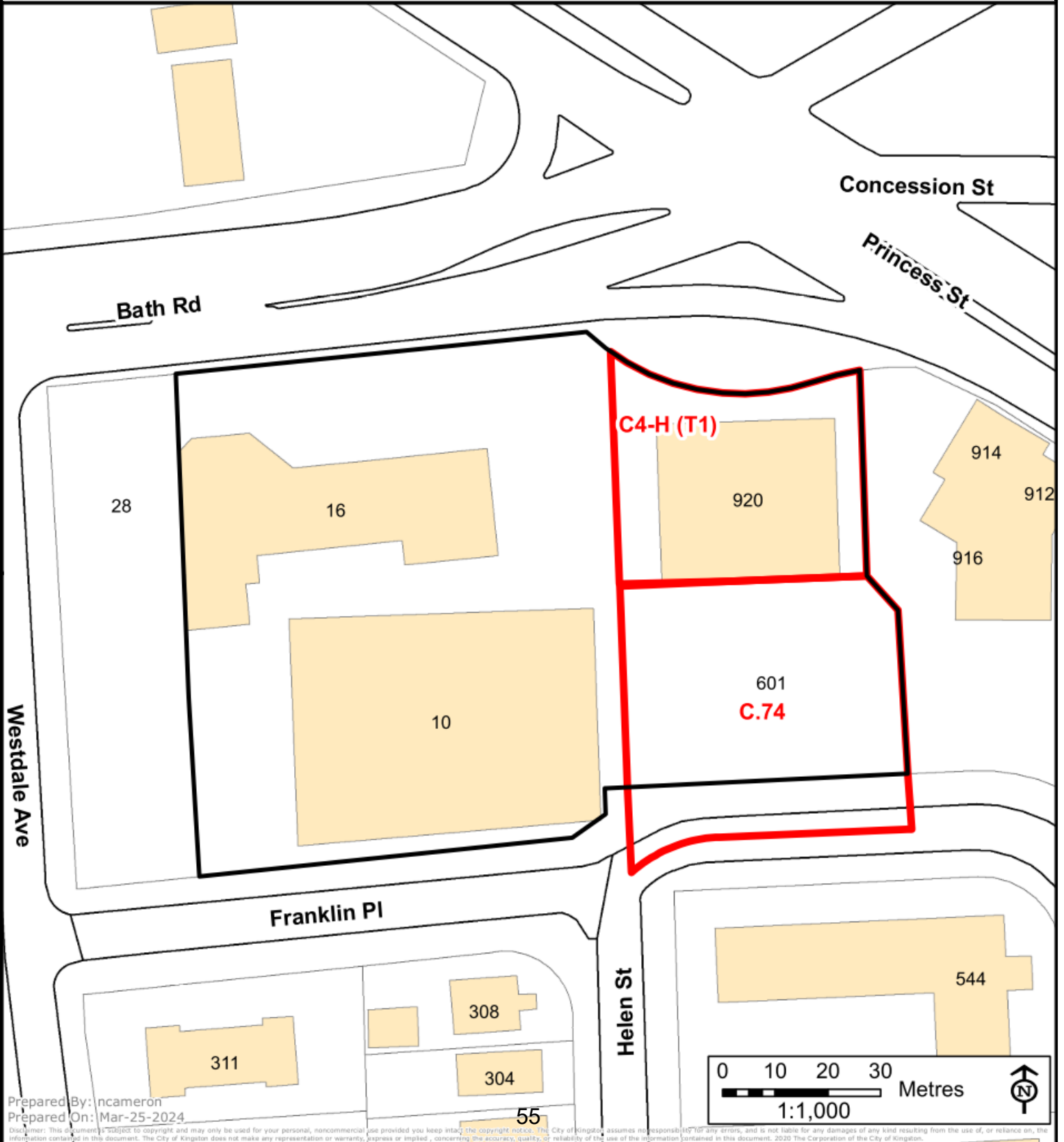




# Committee of Adjustment Zoning By-Law 8499 Map

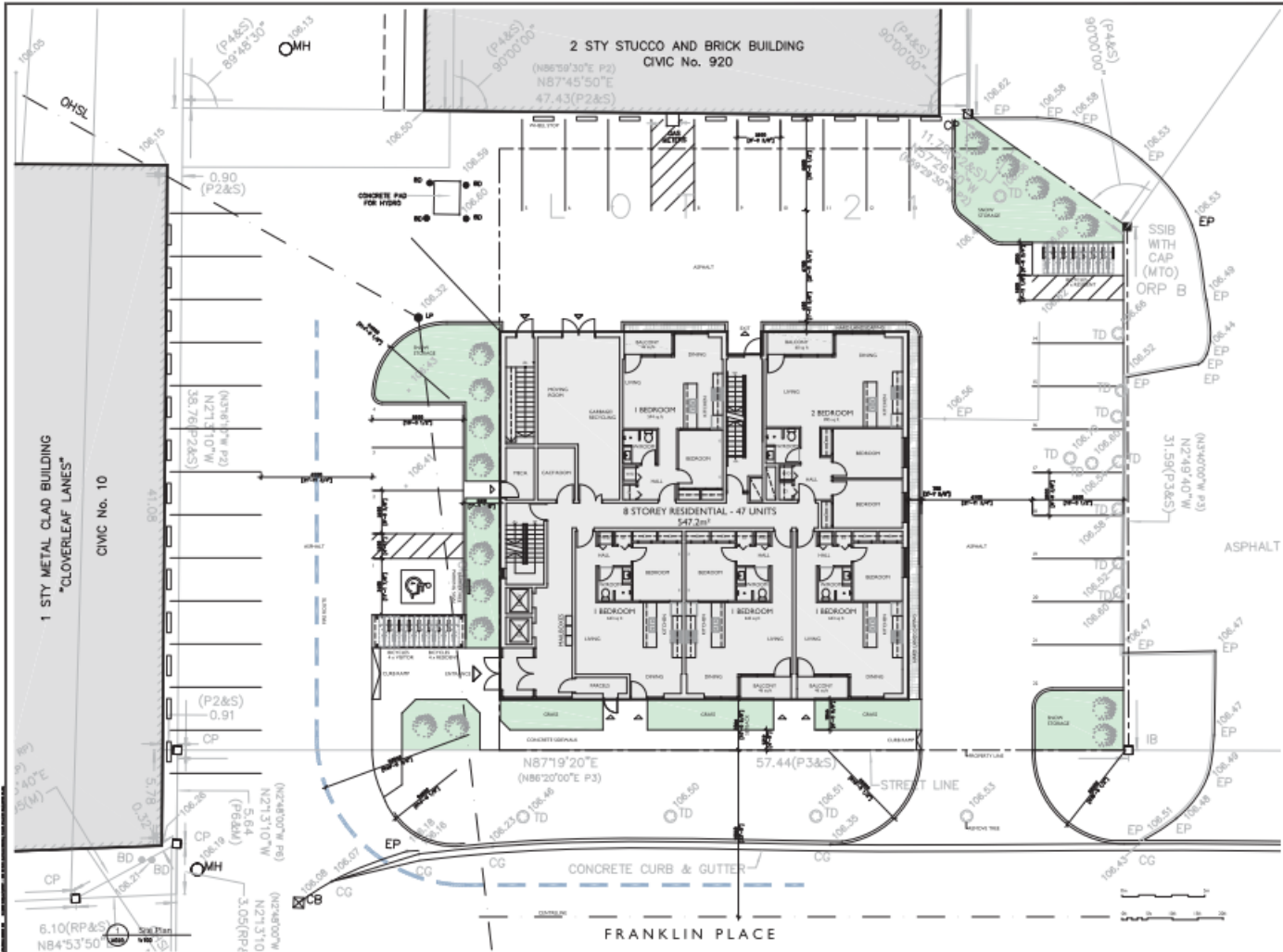
Address: 920 Princess St.  
File Number: D13-009-2024

- Subject Lands
- Consolidated Zoning



Prepared By: incameron  
Prepared On: Mar-25-2024

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**SPS**  
Stevens and Shuman Architects Ltd.

Project No. 24-025  
 1. Approved Date: June 28, 2024  
 2. Approved By: [Signature]  
 3. Approved For: [Signature]

**NOTICE TO THE PUBLIC**  
 This is a public notice of the proposed development. The public is invited to view the plans and provide comments. The project is located at 920 Princes Street, Spring Garden, Halifax, NS B3H 2Y1.

**Project Information:**  
 Project Name: Residential Units  
 Address: 920 Princes Street  
 Applicant: Springer Group  
 Site Plan No. A020

Site Photographs – 920 Princess Street

D13-009-2024



**Figure 1.** North facing view along Franklin frontage of the undeveloped portion of the subject property (photo taken March 22, 2024).



**Figure 2.** Northwest facing view from the vacant portion of the property showing the existing commercial buildings and parking areas located on the subject site (photo taken March 22, 2024).





**Figure 3.** North facing view along the Franklin Place frontage of the subject property demonstrating the existing paved parking areas (photo taken March 22, 2024).



**Figure 4.** South facing view of the vacant portion of the subject property facing towards 544 College Street, an existing 4 storey building across from the subject site (photo taken March 22, 2024).



**Figure 5.** Southwest facing view along Franklin Place, showing the existing built form along Helen Street. The house at the corner being addressed as 308 Helen Street (photo taken March 22, 2024).



**Figure 6.** The existing building addressed as 920 Princess Street on the subject property, which includes a variety of commercial opportunities (photo taken March 22, 2024).



**Figure 7.** South facing view on the subject property towards Franklin Place, illustrating the existing buildings located at 920 Princess Street, 10 Bath Road and 16 Bath Road. The photo shows the existing parking configuration on the rest of the property (photo taken March 22, 2024).



**Figure 8.** The existing building addressed as 16 Bath Road on the subject property, which includes a variety of commercial opportunities (photo taken March 22, 2024).



**Figure 9.** Additional commercial opportunities located across the Bath Road frontage of the subject property (photo taken March 22, 2024).



**Figure 10.** Bus stop within walking distance of the subject property (photo taken March 22, 2024).





**Figure 11.** Southeast facing view towards 541 College Street, an existing 4 storey building across from the subject site (photo taken March 22, 2024).



**Figure 12.** West facing view along Franklin Place towards the vacant portion of the subject property (photo taken March 22, 2024).



**Figure 13.** North facing view along Helen Street towards the vacant portion of the subject property with 920 Princess St and 10 Bath Road (photo taken March 22, 2024).



**Figure 14.** Example of existing 8 storey, multi-unit apartment building at 316 Westdale (photo taken March 22, 2024).



**Figure 15.** Example of the diverse built form along Westdale Avenue within close proximity to the subject property illustrating a variety of building heights (photo taken March 22, 2024).



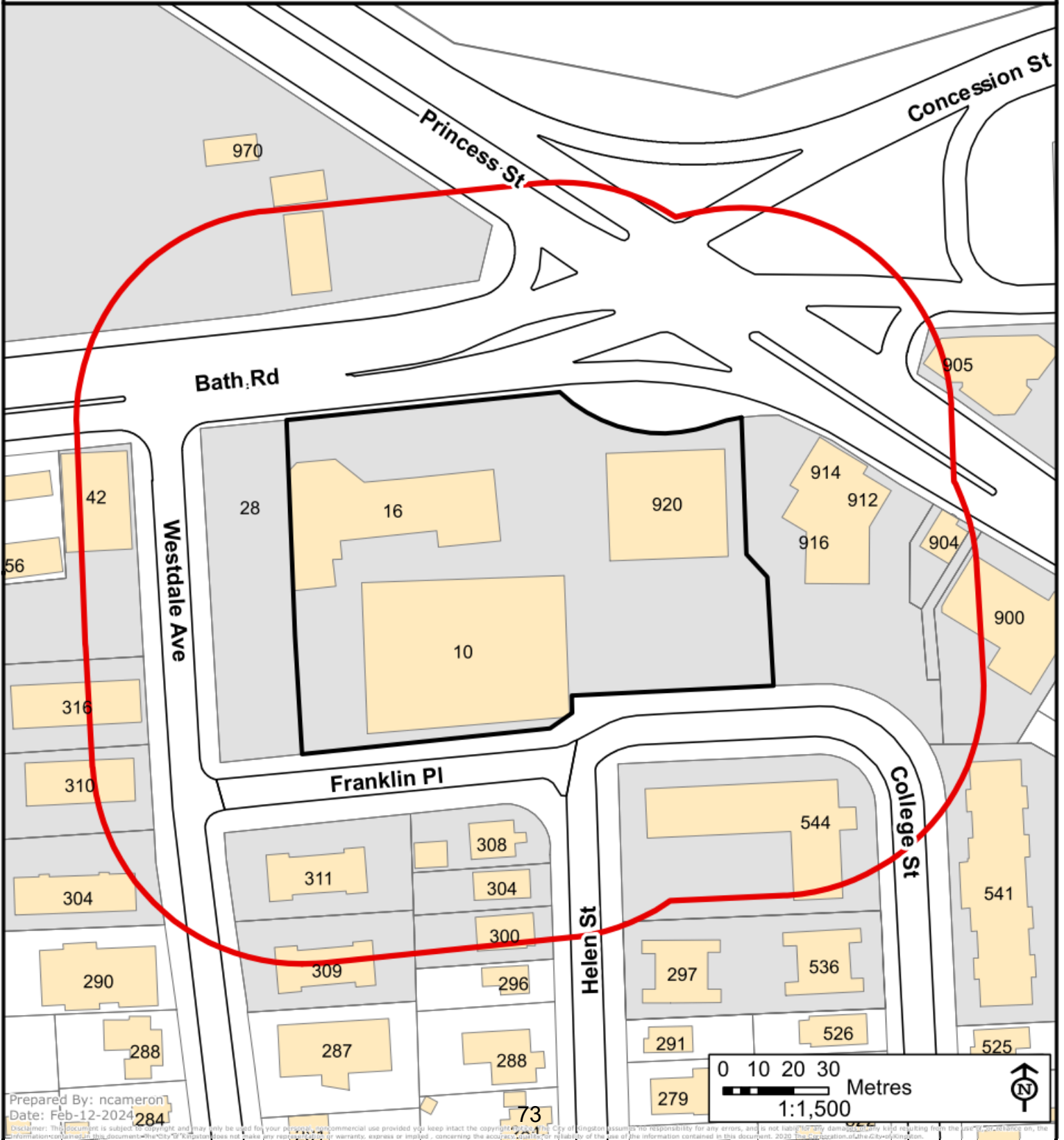
**Figure 16.** Example of existing 13 storey, multi-unit apartment building at 175 Park Street (photo taken from Google Streetview, November 2020).



# Committee of Adjustment Public Notice Notification Map

Address: 920 Princess St  
File Number: D13-009-2024  
Prepared On: Feb-12-2024

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



Prepared By: ncameron  
Date: Feb-12-2024

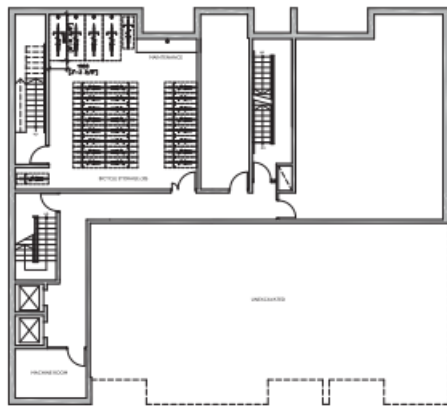
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**SPS**  
Spray and Glue Mechanical Ltd.

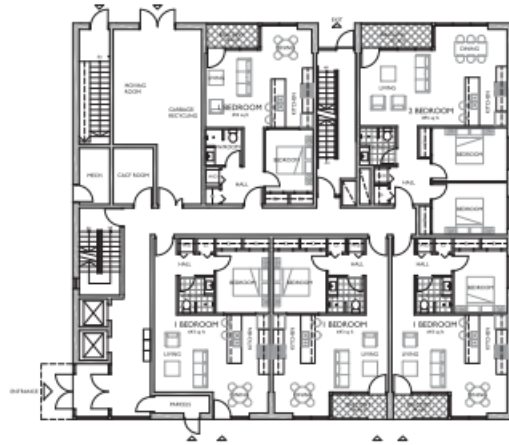


Project No: 24-025  
 2, Lawrence Street, Suite 200, Vaughan, ON L4N 2C7  
 Tel: 416-731-1111 Fax: 416-731-1112  
 www.sps.ca

This is a preliminary drawing and shall not be used for construction without the approval of the architect. The drawings are the property of the architect and shall not be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of the architect.



1 Basement Plan  
1/16



2 Ground Floor Plan  
1/16

Revision	Description	Date
001	Residential Units	
002	920 Princess Street	
003	Spryger Group	
004	Basement Plan	
005	Ground Floor Plan	
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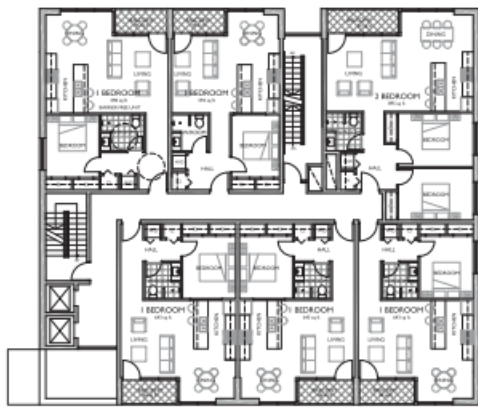


**SPRINGER**  
Springer and Shinn Architects Ltd.

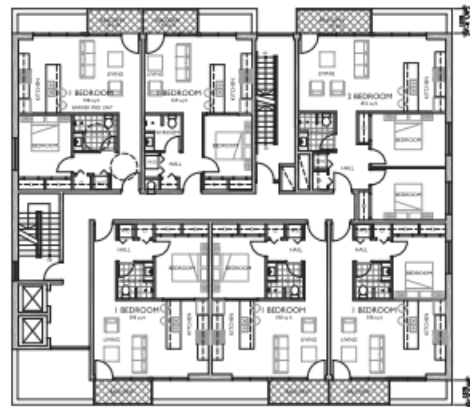


Project Name:  
Residential Units  
220 Princess Street, Toronto, ON M5G 1R7  
Project No.: 2023-001  
Date: 01/20/2024

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1 Second to Fourth Floor



2 Fifth to Eighth Floor

Section	Description	Date
1	Residential Units	
Project: 220 Princess Street		
Architect: Springer Group		
Scale: Second to Fourth Floor Fifth to Eighth Floor		
Drawn by:	SPR	01/20/2024
Checked by:	SPR	01/20/2024
Project #:	2023-001	Sheet Number
Sheet #:	01	A2



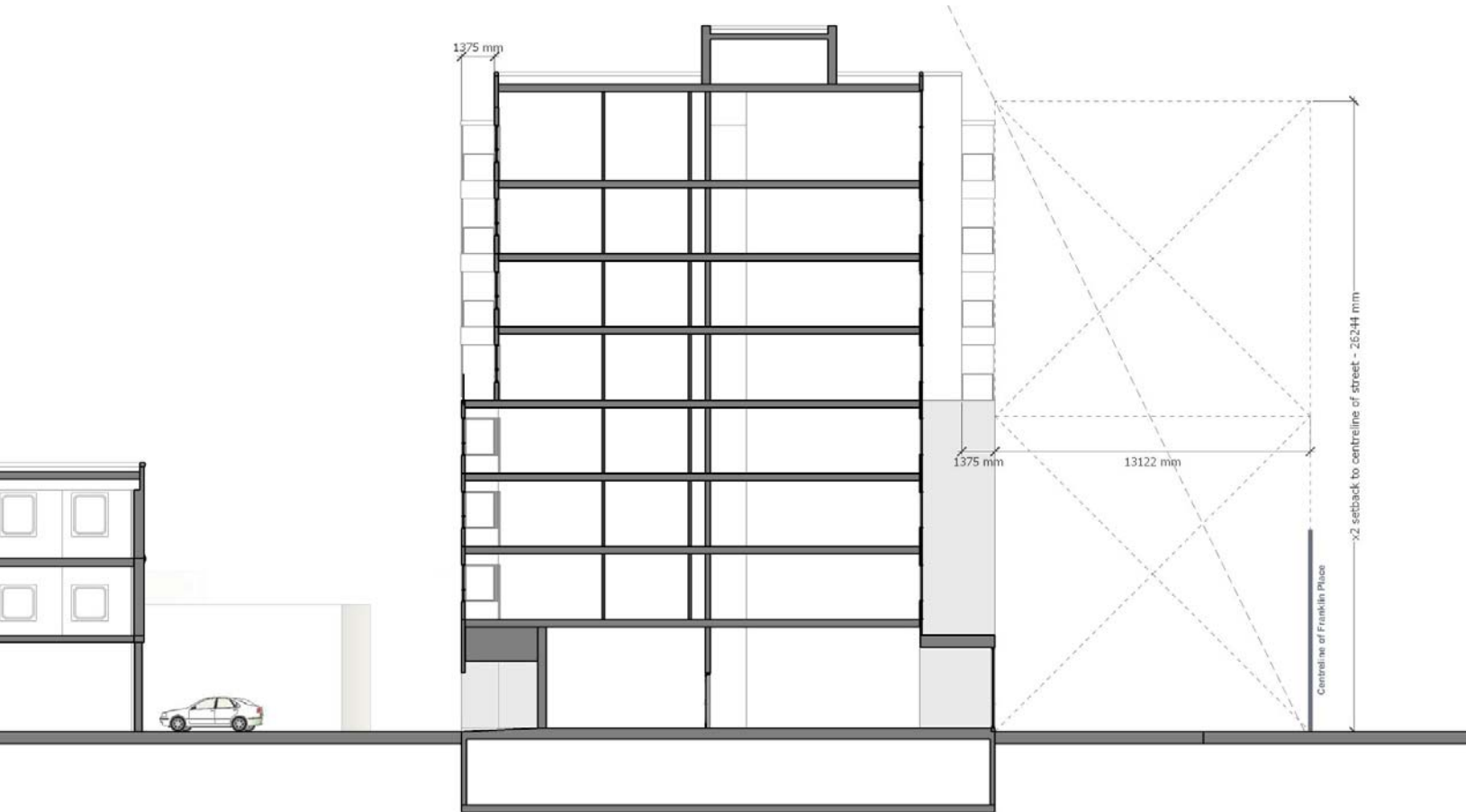




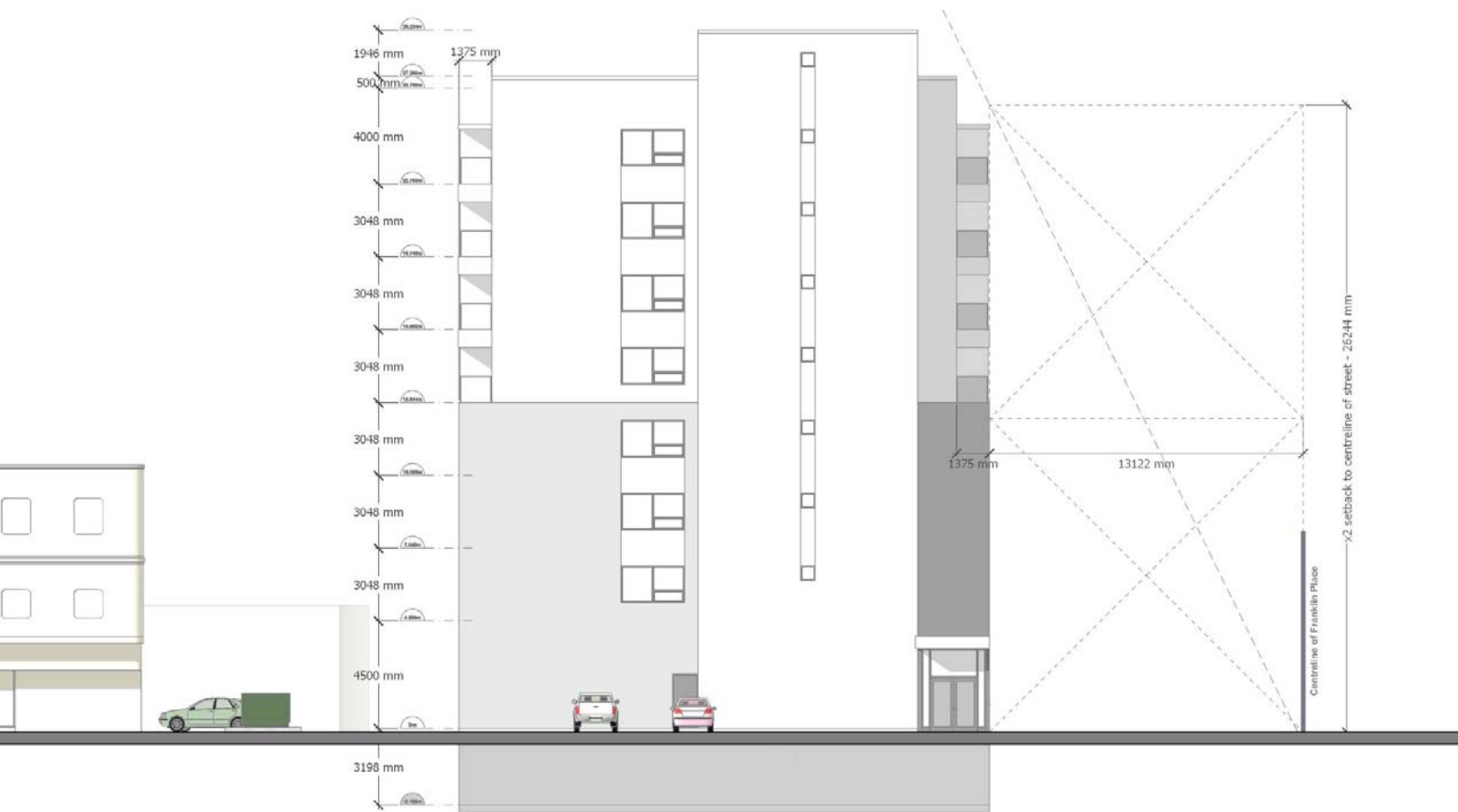






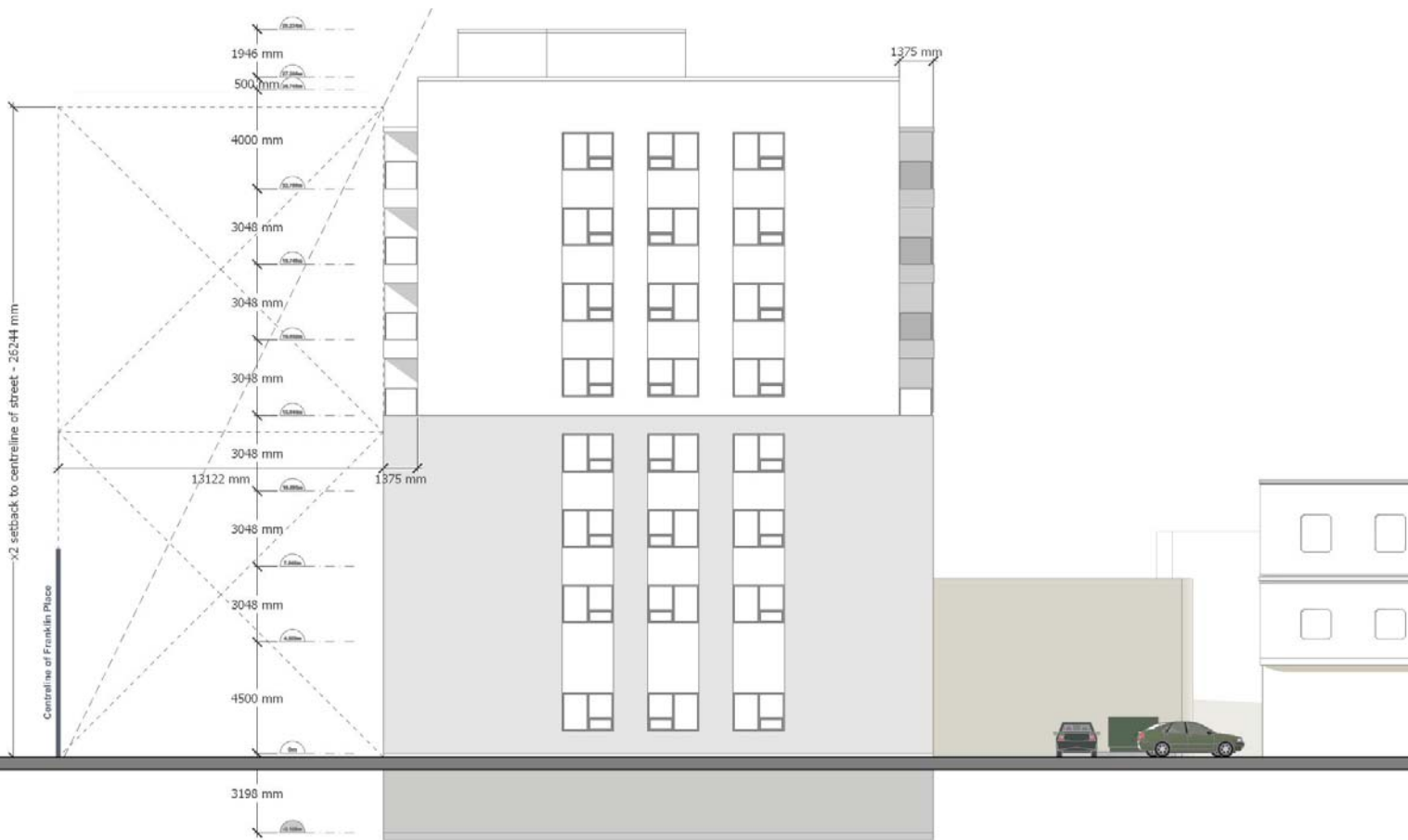


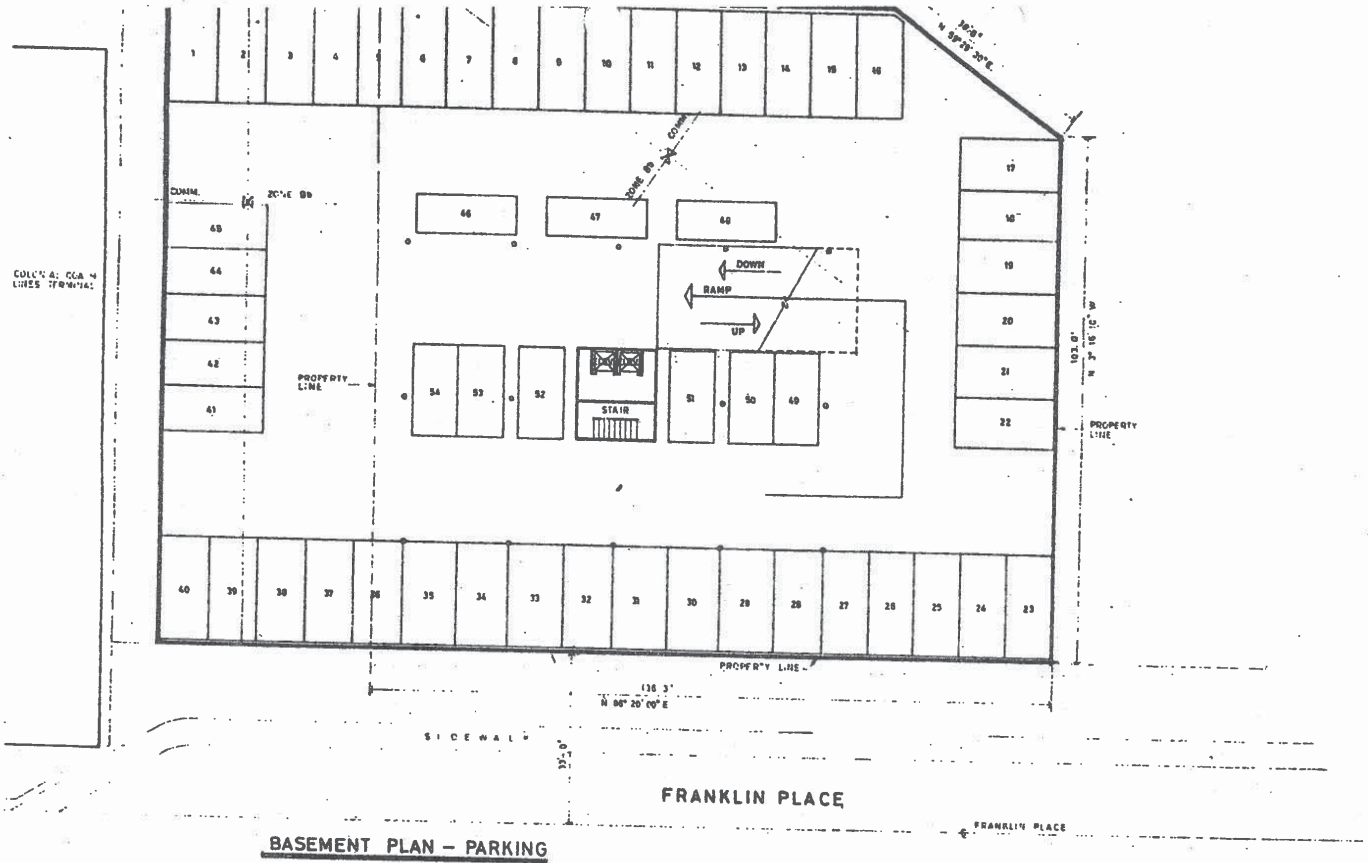








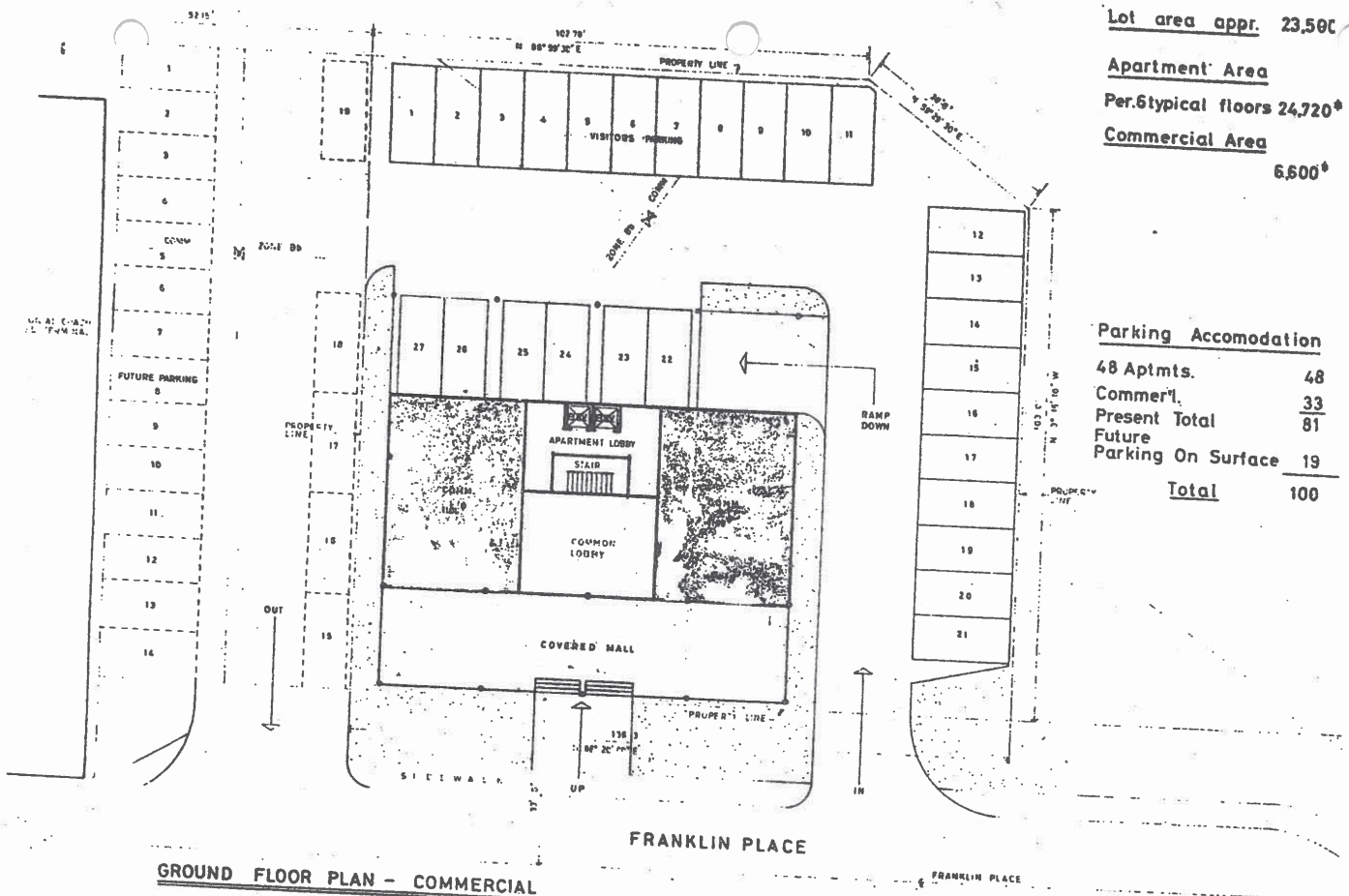




**BASEMENT PLAN - PARKING**

SCHEME 'F'	<b>PROPOSED COMMERCIAL &amp; APARTMENT COMPLEX</b> FRANKLIN PLACE JOB NO. 6910	<b>SCHEMATIC STUDY</b> RINGSTON ONTARIO NOVEMBER 1970	<b>SCALE</b> 1/8" = 1'-0"	<b>COPYRIGHT</b> ERNEST & CROMAR'S ARCHITECT RINGSTON ONTARIO
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SCHEDULE H-1



Lot area appr. 23,500

Apartment Area  
Per. 6 typical floors 24,720<sup>+</sup>  
Commercial Area  
6,600<sup>+</sup>

**Parking Accomodation**

48 Aptmts.	48
Commer'l.	33
Present Total	81
Future Parking On Surface	19
<b>Total</b>	<b>100</b>

GROUND FLOOR PLAN - COMMERCIAL

SCHEME 'F'

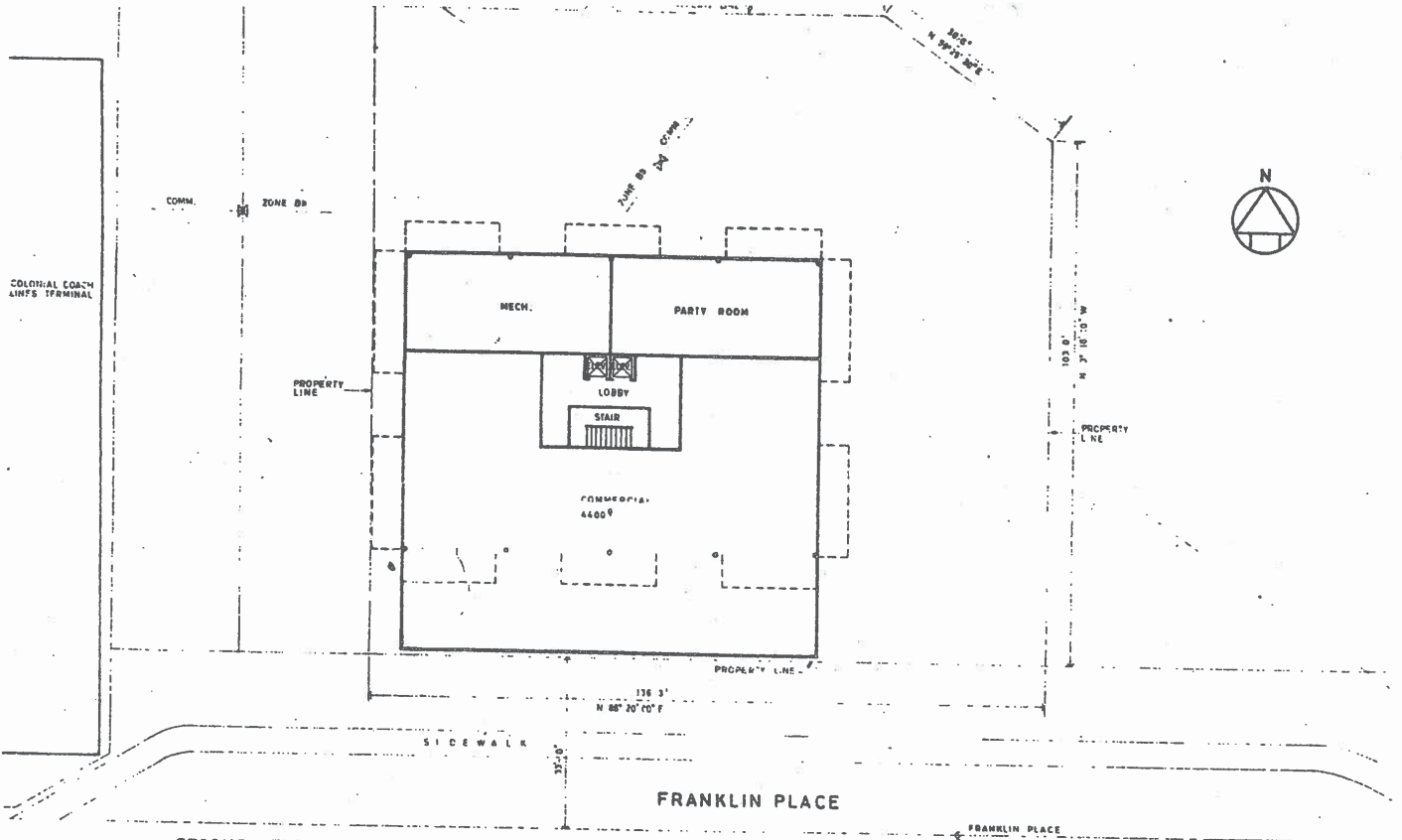
PROPOSED COMMERCIAL & APARTMENT COMPLEX  
FRANKLIN PLACE  
JOB NO. 8918

SCHEMATIC STUDY  
KINGSTON ONTARIO  
NOVEMBER 1970

SCALE  
1/16" = 1'-0"

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KINGSTON ONTARIO

SCHEDULE H-2



**SECOND FLOOR PLAN - COMMERCIAL**

SCHEME 'F'

PROPOSED COMMERCIAL & APARTMENT COMPLEX  
FRANKLIN PLACE  
JOB NO. 6918

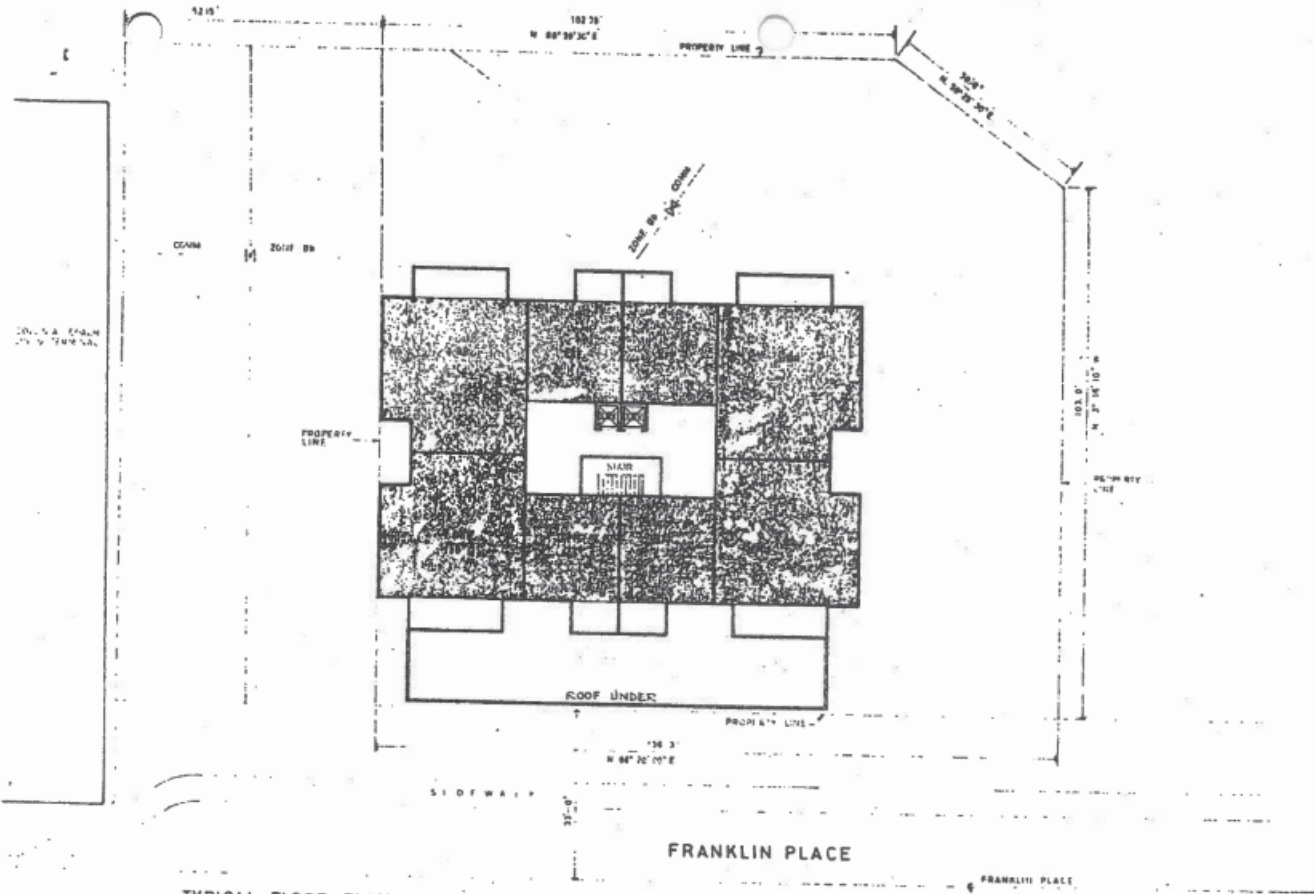
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NOVEMBER 1970

SCALE  
1/16" = 1'-0"

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ARCHITECT  
RINGSTON ONTARIO

SCHEDULE H-3



TYPICAL FLOOR PLAN

SCHEME 'F'

PROPOSED COMMERCIAL & APARTMENT COMPLEX  
 FRANKLIN PLACE  
 JOB NO. 8818  
 DATE NOV 70

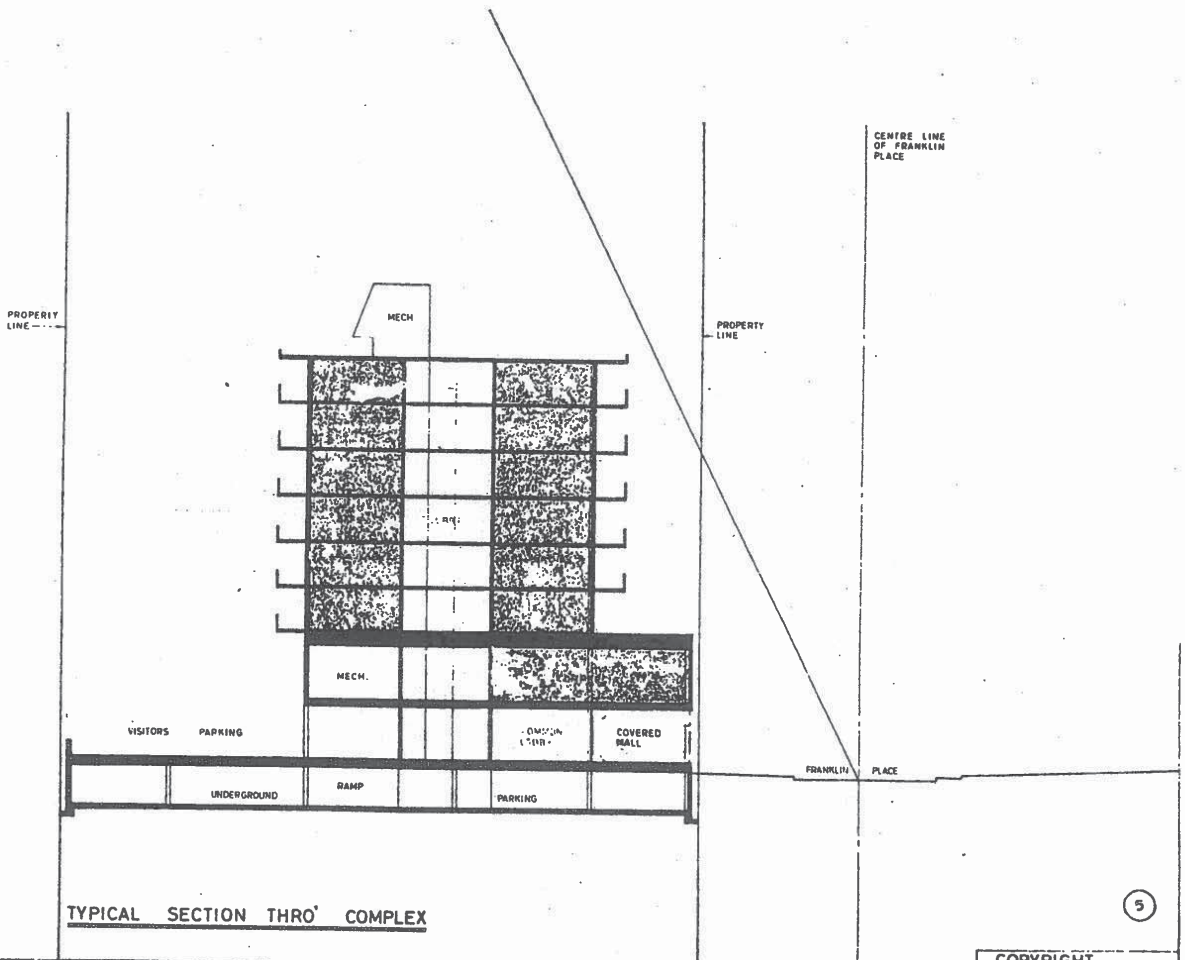
SCHEMATIC STUDY  
 KINGSTON ONTARIO  
 NOVEMBER 1970

SCALE  
 1/8" = 1'-0"

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SCHEDULE H-4





SCHEME 'C'

PROPOSED COMMERCIAL & APARTMENT COMPLEX

SCHEMATIC STUDY

SCALE

COPYRIGHT

SCHEDULE H-5



**City of Kingston  
Report to Committee of Adjustment  
Report Number COA-24-035**

---

**To:** Chair and Members of the Committee of Adjustment  
**From:** Jason Partridge, Planner  
**Date of Meeting:** April 15, 2024  
**Application for:** Minor Variance  
**File Number:** D13-013-2024  
**Address:** 32 Country Club Drive  
**District:** District 5 – Portsmouth  
**Owner:** Cataraqui Golf & Country Club  
**Applicant:** Forefront Engineering

---

**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 32 Country Club Drive. The applicant is requesting relief from the minimum waterbody separation distance requirement to construct two aggregate stations, one recirculation wash bay, and a stormwater management swale within the waterbody separation setback. The two aggregate stations will be 158.3 square metres and the recirculation wash bay will be 100 square metres in size. The proposed development complies with all other requirements of the Kingston Zoning By-Law, including building height, interior side yard, front yard, and landscaped open space requirements.

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

April 15, 2024

Page 2 of 10

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 D13-013-2024, for the property located at 32 Country Club Drive to establish two aggregate stations, one recirculation wash bay and a stormwater swale within the waterbody separation distance, be approved, as described below:

**Variance Number 1:**

By-Law Number 2022-62:Section 4.23.1 Waterbody Separation Distance (aggregate stations and recirculation wash bay)

Requirement: 30 Metres

Proposed: 10 Metres

Variance Requested: 20 Metres

**Variance Number 2:**

By-Law Number 2022-62:Section 4.23.1 Waterbody Separation Distance (stormwater swale)

Requirement: 30 Metres

Proposed: 7 Metres

Variance Requested: 23 Metres

**That** approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-035.

April 15, 2024

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**Authorizing Signatures:**

ORIGINAL SIGNED BY PLANNER

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Jason Partridge, Planner

**In Consultation with the following Management of the Community Services Group:**

Tim Park, Director, Planning Services

Meghan Robidoux, Supervisor, Development Approvals

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**Options/Discussion:**

On January 30, 2024, a minor variance application was submitted by Kyle Nielissen, on behalf of the owner, Catarauqui Golf & Country Club, with respect to the property located at 32 Country Club Drive. The variances are requesting relief from the minimum waterbody separation distance requirement to construct two aggregate stations, one recirculation wash bay, and stormwater swale within the waterbody separation setback. The proposed new development will comply with all other performance standards of the Kingston Zoning By-Law, including building height, interior side yard, front yard, and landscaped open space requirements.

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

- Cover Letter;
- Site Plan (Exhibit F); and,
- Scoped Environmental Impact Assessment, Ecological Services.

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 32 Country Club Drive (Exhibit B – Key Map) and has a lot area of approximately 54 hectares with approximately 395 metres of frontage along Country Club Drive and 545 metres of frontage along King Street West. The property abuts single-detached dwellings to the north, multiple-family dwellings to the south, and open space lands to the west containing a small pocket wetland. The subject property is also located in proximity to various community and open space uses, local schools, and commercial uses. Kingston Transit operates in proximity to the site, with Transit Route 501/502 operating along King Street West. (Exhibit C – Neighbourhood Context Map). The subject property is designated Open Space and Environmental Protection Area in the Official Plan (Exhibit D – Official Plan Map) and zoned OS2 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.

April 15, 2024

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## 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 Open Space and Environmental Protection Area in the City of Kingston Official Plan (Exhibit D – Official Plan Map).

In considering whether this proposed variances are desirable, the Committee of Adjustment will have regard to the nine requirements included in Section 9.5.19 of the Official Plan.

The proposed aggregate stations, recirculation wash bay, and stormwater swale will not have any negative impacts on abutting properties or residential uses or structures. The proposal is compatible with the surrounding residential and recreation uses and will not result in significant impacts or changes to the surrounding area. The aggregate stations, recirculation wash bay, and stormwater swale represent a reinvestment to the property that will result in a minor development on the subject property. There is no increase in density or intensity of uses. The proposed development is consistent with the intent of this policy.

Section 3.9.2 states the protection of a 30-metre naturalized buffer along a waterbody, also referred to as a “ribbon of life”, can help to enhance water quality, minimize soil erosion, provide plant and animal habitat, establish connectivity and wildlife corridors, and contribute to the overall health of shoreline ecosystems, particularly fish habitat. The buffer may also be used to screen views of development from the water, and to create natural spaces for passive recreation. In this situation, the proposed development is not anticipated to have adverse impacts on the waterbody due to the existing disturbed land, the existing screen of vegetation cover to the west/south, and the requirement of a permit from the Cataraqui Region Conservation Area (CRCA) prior to construction. In support of this application, the applicant has submitted a Scoped Environmental Impact Assessment, prepared by Ecological Services, which concludes that native shrub and/or tree species should be planted in the space between the wetland and the gravel. Additional plantings would create an improved buffer, and a greater proportion of native species at the wetland boundary would improve the wetland health. As a condition of approval of the minor variance, staff are recommending as a condition of approval that the applicant be required to prepare a planting plan and complete additional plantings to create an improved buffer in the space between the wetland and the existing gravel surface, including primarily native species.

The Cataraqui Conservation Authority was circulated the minor variance application and noted that they had no concerns with the reduction of the waterbody separation distance based on natural hazards and wetland protection policies.

April 15, 2024

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The proposed aggregate stations and recirculation wash bay are anticipated to be compatible with the existing built form on the subject property, as well as compatible with all surrounding land uses. The proposed accessory outdoor storage has been located on the site so as to ensure it is sufficiently screened from neighbouring land uses and from the street. 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.

No changes are proposed to the existing parking area or entrance to the property. The subject property 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 not having composite potential in the area of the proposed development. Heritage Planning will not require an archeological assessment as ground disturbance is not in any sensitive areas.

The site is located inside of the Urban Boundary and is currently connected to adequate municipal water. Utilities Kingston was circulated the application proposal and have no concerns in regard to servicing capacity to the site.

The proposed variances meet the four tests of a minor variance under the *Planning Act* and the development is consistent with the existing built form along King Street West. Therefore, a zoning by-law amendment is not required.

The proposal meets the intent of the Official Plan, as the proposed aggregate stations, recirculation wash bay, and stormwater swale will not result in any undue adverse 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 OS2 in Kingston Zoning By-Law Number 2022-62 (Exhibit E – Zoning By-Law Map). The OS2 zone permits a Golf Course use and it's associated accessory maintenance buildings or structures.

The proposal requires variances to Section 4.23.1 of the Kingston Zoning By-Law as follows:

### **Variance Number 1:**

By-Law Number 2022-62:Section 4.23.1 Waterbody Separation Distance (aggregate stations, recirculation wash bay)

Requirement: 30 Metres

Proposed: 10 Metres

Variance Requested: 20 Metres

### **Variance Number 2:**

By-Law Number 2022-62:Section 4.23.1 Waterbody Separation Distance (stormwater swale)

April 15, 2024

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Requirement: 30 Metres

Proposed: 7 Metres

Variance Requested: 23 Metres

The purpose of the 30 metre separation distance from the high water mark is to maintain the “ribbon of life”. The protection of a 30 metre naturalized buffer along a waterbody, also referred to as a “ribbon of life”, can help to enhance water quality, minimize soil erosion, provide plant and animal habitat, establish connectivity and wildlife corridors, and contribute to the overall health of shoreline ecosystems, particularly fish habitat. The buffer may also be used to screen views of development from the water, and to create natural spaces for passive recreation.

The proposed aggregate stations, recirculation wash bay, and stormwater swale are not anticipated to have adverse impacts on the waterbody due to their location within the extent of the existing disturbed land, the existing screen of vegetation cover to the west/south, and the requirement of a permit from the Cataraqui Region Conservation Area (CRCA). As previously noted, the submitted Environmental Impact Assessment recommended that native shrub and/or tree species should be planted in the space between the wetland and the gravel. As a condition of approval of the minor variance, staff are recommending that the applicant be required to prepare a planting plan and complete additional plantings to create an improved buffer in the space between the wetland and the existing gravel surface, including primarily native species.

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

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

The proposed aggregate stations, recirculation wash bay and stormwater management swale will result in a development that is consistent with the long-established built form of maintenance buildings on the property. The proposed works are located within the front yard and will not result in intrusive overlook with respect to adjacent residential properties elsewhere on the subject lands. The minimum interior yard setbacks will be exceeded between the western lot lines and mature tree growth on the western property will screen the new development from the existing residential subdivision. The proposed aggregate stations, recirculation wash bay and stormwater swale will provide the existing golf course use with additional maintenance working space. The variances will not alter the character of the neighbourhood or the existing streetscape.

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

The proposed development will provide additional functional needs for the existing golf course use. The built form of the maintenance area is long established. Thus, the overall type of use and scale of activity as proposed is consistent with the existing built form of the golf course use along King Street West. The resulting built form satisfies all applicable provisions of the zoning by-law, except for the minimum waterbody separation distance. The proposal does not involve a significant alteration to the existing built form on the site and will not cause any adverse impacts on adjacent properties. The proposal is appropriate and compatible with the surrounding



April 15, 2024

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residential, institutional, recreational uses and will not result in significant impacts or changes to the surrounding area. The variances are 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
- Engineering
- Utilities Kingston
- Kingston Hydro
- Parks Development
- District Councillor
- Municipal Drainage
- KFL&A Health Unit
- Eastern Ontario Power
- Enbridge Pipelines
- Heritage Services
- Real Estate
- Environment Division
- Canadian National Railways
- Ministry of Transportation
- 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 received after the publishing of this report will be included as an addendum to the Committee of Adjustment Agenda.

**Previous or Concurrent Applications**

The property is subject to a concurrent application for Site Plan Control pre-application (City File Number D02-007-2023). The approval of a Site Plan Control modification will be required in advance of Building Permit issuance, through which technical considerations such as stormwater management, tree removals, and grading will be reviewed in further detail.

**Conclusion**

The requested variances 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 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 the construction of two new aggregate stations, a recirculation wash bay, and a stormwater swale within the front yard of the subject property. The

April 15, 2024

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proposal will improve the function of the existing golf course use on the site and represents good land use planning.

**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 April 15, 2024. 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 128 property owners (according to the latest Assessment Roll) within 60 metres of the subject property and a courtesy notice was placed in The Kingston Whig-Standard (Exhibit H – Public Notification Map).

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

**Accessibility Considerations:**

None

**Financial Considerations:**

None

**Contacts:**

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

Jason Partridge Planner, 613-546-4291 extension 3216

April 15, 2024

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**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 Site Plan
- Exhibit G Site Photos
- Exhibit H Public Notification Map

## Recommended Conditions

The approval of minor variance application, File Number D13-013-2024, to reduce the minimum waterbody separation distance to facilitate the development of two aggregate stations, a recirculation wash bay, and a stormwater swale, shall be subject to the following recommended conditions:

### 1. Limitation

That the approved variances apply only to the two aggregate stations, recirculation wash bay, and stormwater swale as shown on the drawing attached to this 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 Archeological 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 (1-877-9919959), 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. Planting Plan


In accordance with the recommendations of the Scoped Environmental Impact Assessment, prepared by Ecological Services, dated, January 26, 2024, the owner

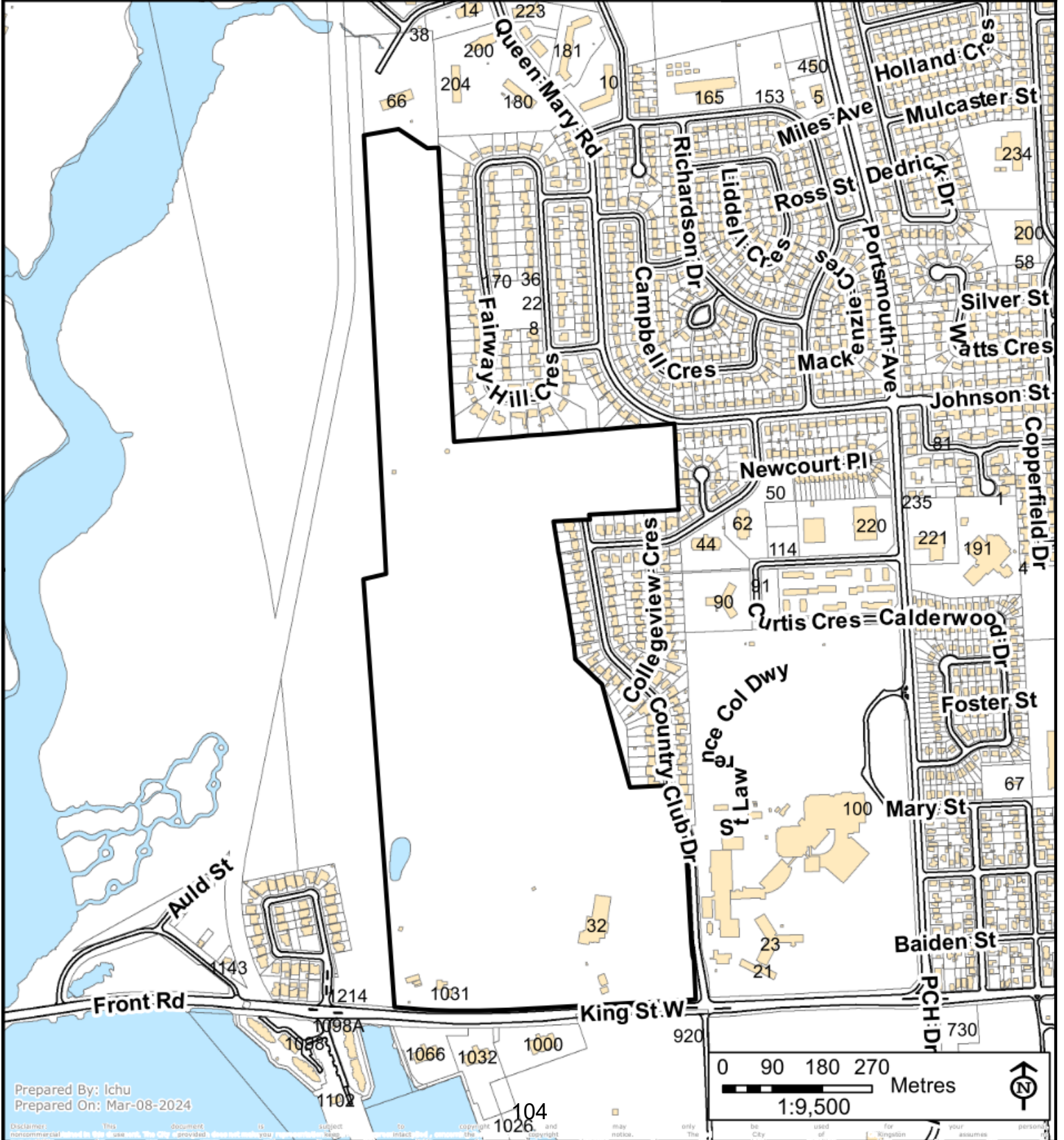
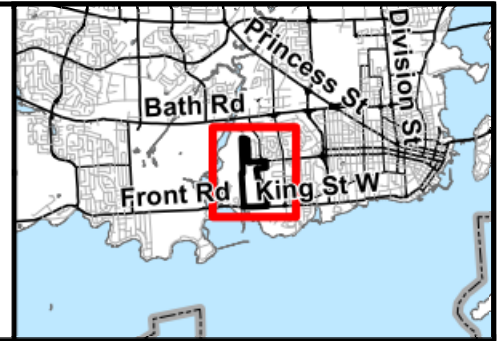
shall prepare a planting plan of native species to be planted in the space between the wetland and the extent of existing gravel on the subject property, to be approved by Planning staff prior to building permit issuance.



# Committee of Adjustment Key Map

Address: 32 Country Club Drive  
File Number: D13-013-2024  
Prepared On: Mar-08-2024

 Lands Subject to Minor Variance



Prepared By: Ichu  
Prepared On: Mar-08-2024



Committee of Adjustment  
**Neighbourhood Context**

Address: 32 Country Club Drive  
File Number: D13-013-2024  
Prepared On: Mar-08-2024

- Subject Lands
- Property Boundaries
- Proposed Parcels

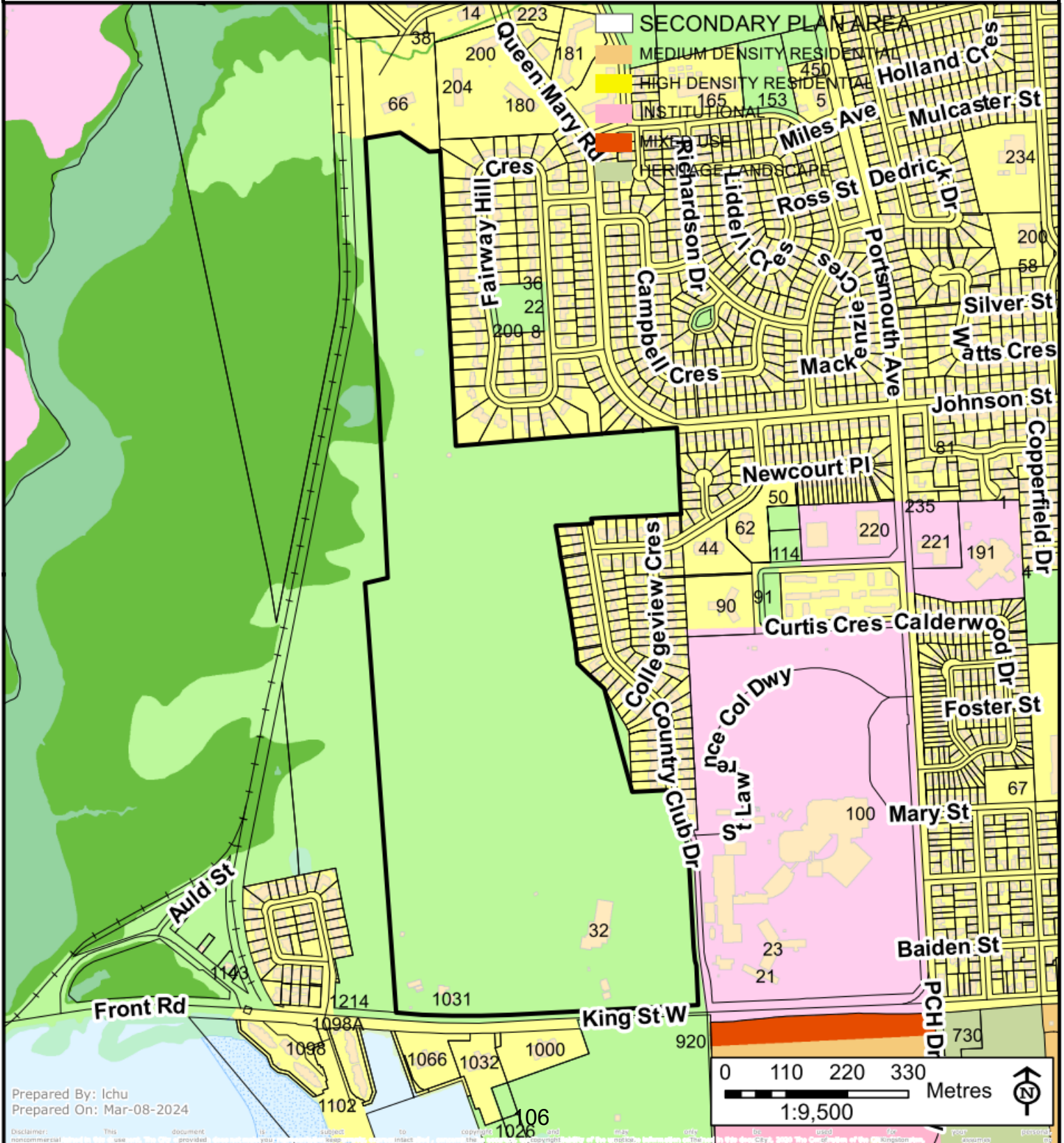




# Committee of Adjustment Official Plan, Existing Land Use

Address: 32 Country Club Drive  
File Number: D13-013-2024  
Prepared On: Mar-08-2024

- Subject Lands
- ENVIRONMENTAL PROTECTION AREA
- HARBOUR AREA
- INSTITUTIONAL
- OPEN SPACE
- RESIDENTIAL



Prepared By: Ichu  
Prepared On: Mar-08-2024

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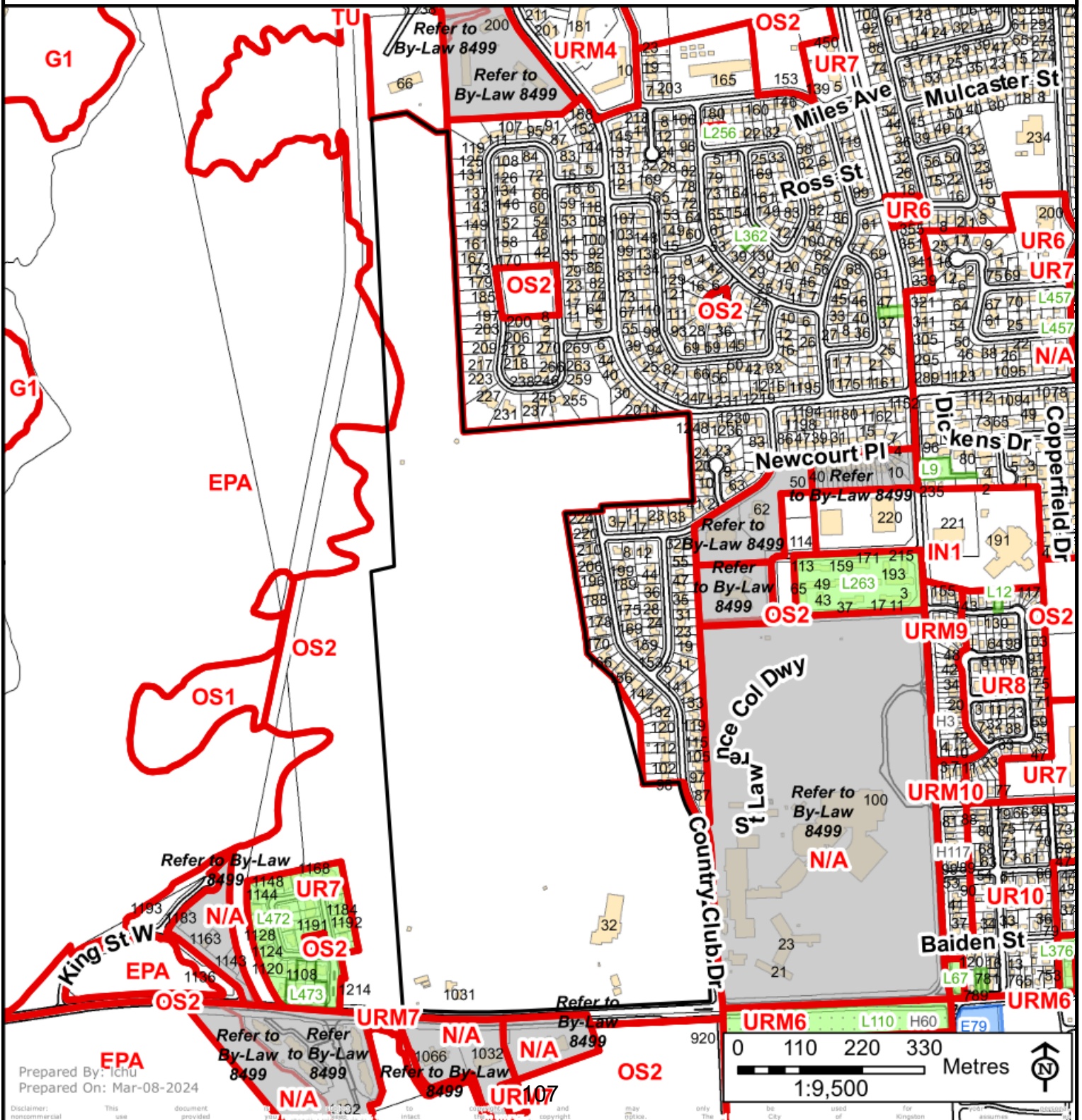


# Planning Committee Existing Zoning Kingston Zoning By-Law 2022-62

Planning Services

Address: 32 Country Club Drive  
File Number: D13-013-2024  
Prepared On: Mar-08-2024

- 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: Ichu  
Prepared On: Mar-08-2024

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**PROJECT**  
CATARAQUI GOLF AND COUNTRY CLUB - MAINTENANCE BUILDING

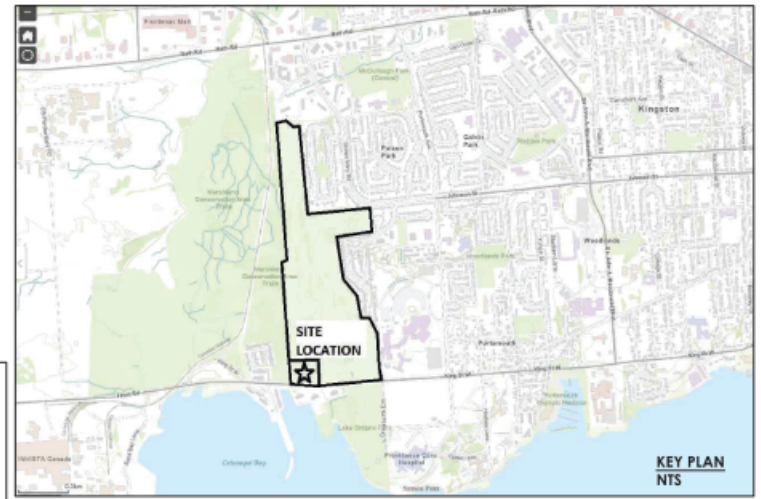
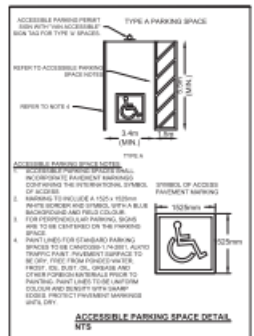
**SITE INFORMATION**  
LOCATION: 1329 KING STREET WEST  
ZONE: GENERAL OPEN SPACE ZONE (OSZ)

**BASIC SITE STATISTICS (PROPOSED)**  
PROPOSED MAINTENANCE BUILDING SIZE: 464.5 m<sup>2</sup> (GFA)  
PROPOSED ASPHALT PAVED AREA: 27.3 m<sup>2</sup>  
PROPOSED GRANULAR PAVED AREA: 889.5 m<sup>2</sup>

**SITE STATISTICS (ZONING COMPLIANCE)**

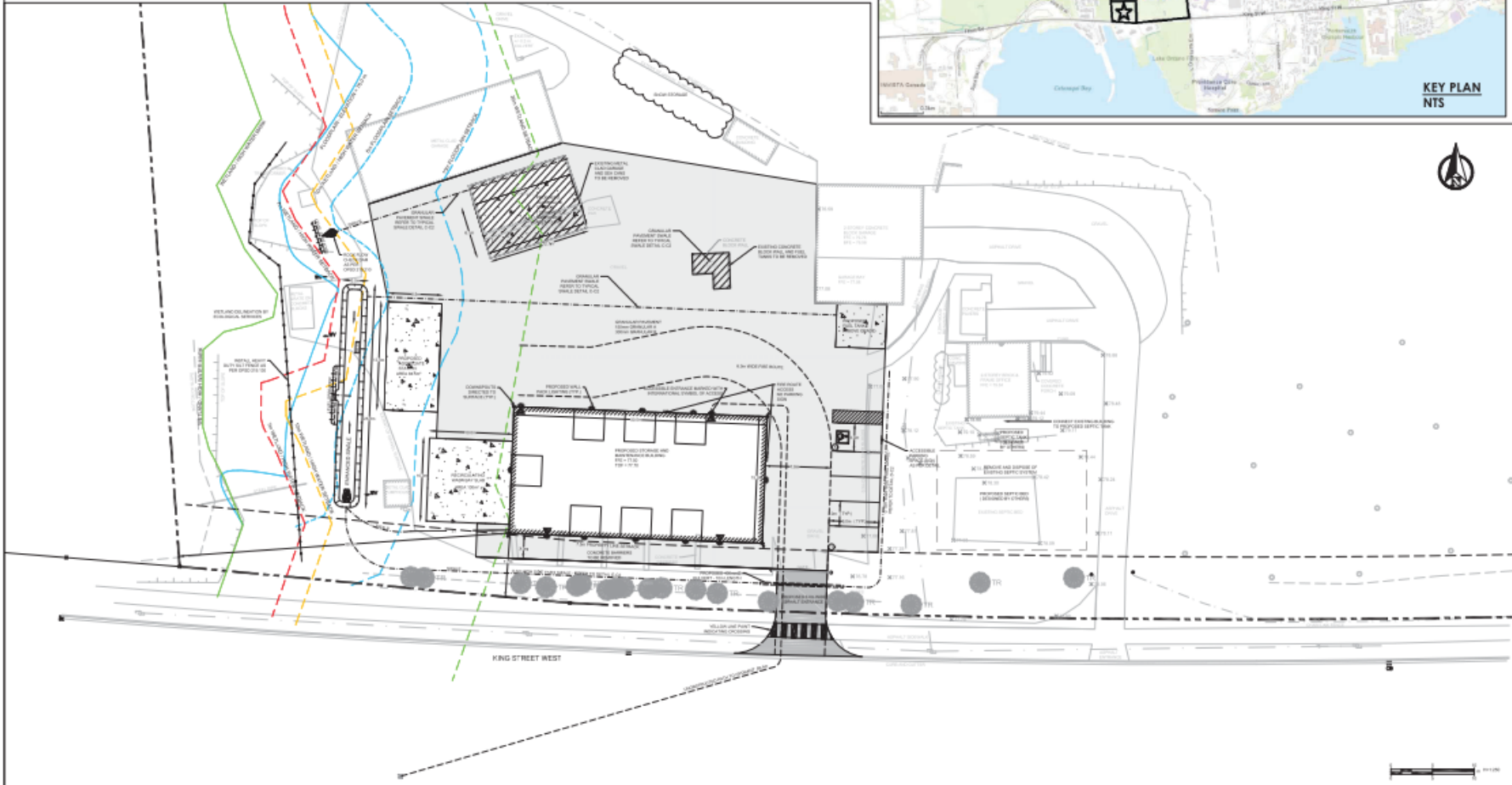
DESCRIPTION	BY LAW NO. 800-04	REQUIRED	PROPOSED SEE ZONING COMPLIANCE
STANDARD PARKING SPACES	7.1	0	0
ACCESSIBLE PARKING SPACES	7.2	1 TYPE A ACCESSIBLE SPACE	1 TYPE A ACCESSIBLE SPACE
BIKE PARKING SPACES	7.3	0	0
LOADING SPACES	7.9	0	0 (ONCE PROVIDED AS INTERNAL GARAGES)
BUILDING HEIGHT	18.3.1.3	25.0m	8.2m
SETBACKS	SOUTH	18.3.1	7.5m
	EAST	18.3.1	7.5m
	WEST	18.3.1	7.5m
	NORTH	18.3.1	7.5m

- NOTES**
1. FIRE RISK: THE SIDES SHALL BE AS PER THE BELOW DETAIL AND BE PROMINENTLY MOUNTED ON A 200mm ROOF OR FLOOR. BE DIRECTED AT A HEIGHT OF 1.8m TO 2.0m. AND BE INSTALLED ALONG THE FIRE WIDE OF PERIMETER TO BE PROTECTED BY THE FIRE.
  2. IN THE EVENT THAT HUMAN REMAINS ARE ENCOUNTERED DURING CONSTRUCTION, THE CONTRACTOR SHALL IMMEDIATELY CONTACT THE MINISTRY OF TOURISM, CULTURE AND SPORT AT 1-800-387-7322, THE REGISTRY OF THE CORPUS DELICATAE AND IMMEDIATELY CONTACT THE MINISTRY OF CONSUMER SERVICES (1-800-387-5232), THE CITY OF KINGSTON (416-336-3100), BUILDING AND LICENSING SERVICES (1-800-387-5232) AND CITY POLICE (311-2222).
  3. IN THE EVENT THAT DEPT. 74 BUREAU OF PROFESSIONAL GEOLOGICAL AND MINERALOGICAL SURVEY AND (CIVIL) ENGINEER IN THE COURSE OF DEVELOPMENT OR SITE AUTHORIZATION, THE CONTRACTOR SHALL IMMEDIATELY CONTACT THE PROFESSIONAL ENGINEER AND CITY POLICE (311-2222) AND THE CITY OF KINGSTON'S PLANNING, BUILDING AND LICENSING SERVICES (1-800-387-5232). THE GARAGE IS TO BE STORED FORWARD TO THE BUILDING.



**LEGEND**

- SITE BOUNDARY
- WETLAND / HIGH WATER
- 30m HIGH WATER SETBACK
- 7.5m HIGH WATER SETBACK
- WETLAND 30m SETBACK
- FLOODPLAIN
- FLOODPLAIN 6m SETBACK
- FLOODPLAIN 15m SETBACK
- GRAVEL PAVEMENT
- HEAVY DUTY ASPHALT
- CONCRETE SURFACE
- PROPOSED SWALE
- EXISTING SANITARY
- EXISTING STORM
- EXISTING WATER
- EXISTING GAS
- EXISTING BELL CABLE
- EXISTING UNDG. HYDRO
- EXISTING FENCE
- EXISTING CB, CDB
- EXISTING STORM MN, CDBH
- EXISTING SANITARY MN
- EXISTING HYDRANT, VALVE
- EXISTING TREE (DBH > 10cm)
- EXISTING LIGHT STANDARD
- BENCHMARK
- PROPOSED GRADE
- EXISTING ENTRANCE
- PROPOSED ENTRANCE
- PARKING COUNT



Sheet

11	24 PLANNED DRAWING	11	30.300
12	24 PLANNED DRAWING	12	30.300

Professional Engineer  
KIM WILSON  
100150232  
Province of Ontario

**Forefront Engineering Inc**

1329 Gardiners Road, Suite 200  
Kingston, ON, Canada K7P 0L8  
613.764.4018 ext. 1  
1.888.884.8352 fax

Date: CATARAQUI GOLF AND COUNTRY CLUB

Project: MAINTENANCE BUILDING

Drawing: SITE PLAN

Drawn by: [blank]

Checked by: [blank]

Project No: [blank]

Design No: 1000

Approved by: [blank]

Project No: [blank]

Date: SEPTEMBER 2023

Scale: 1/8" = 1'-0"

**SP**

**32 Country Club Drive–March 15, 2024**



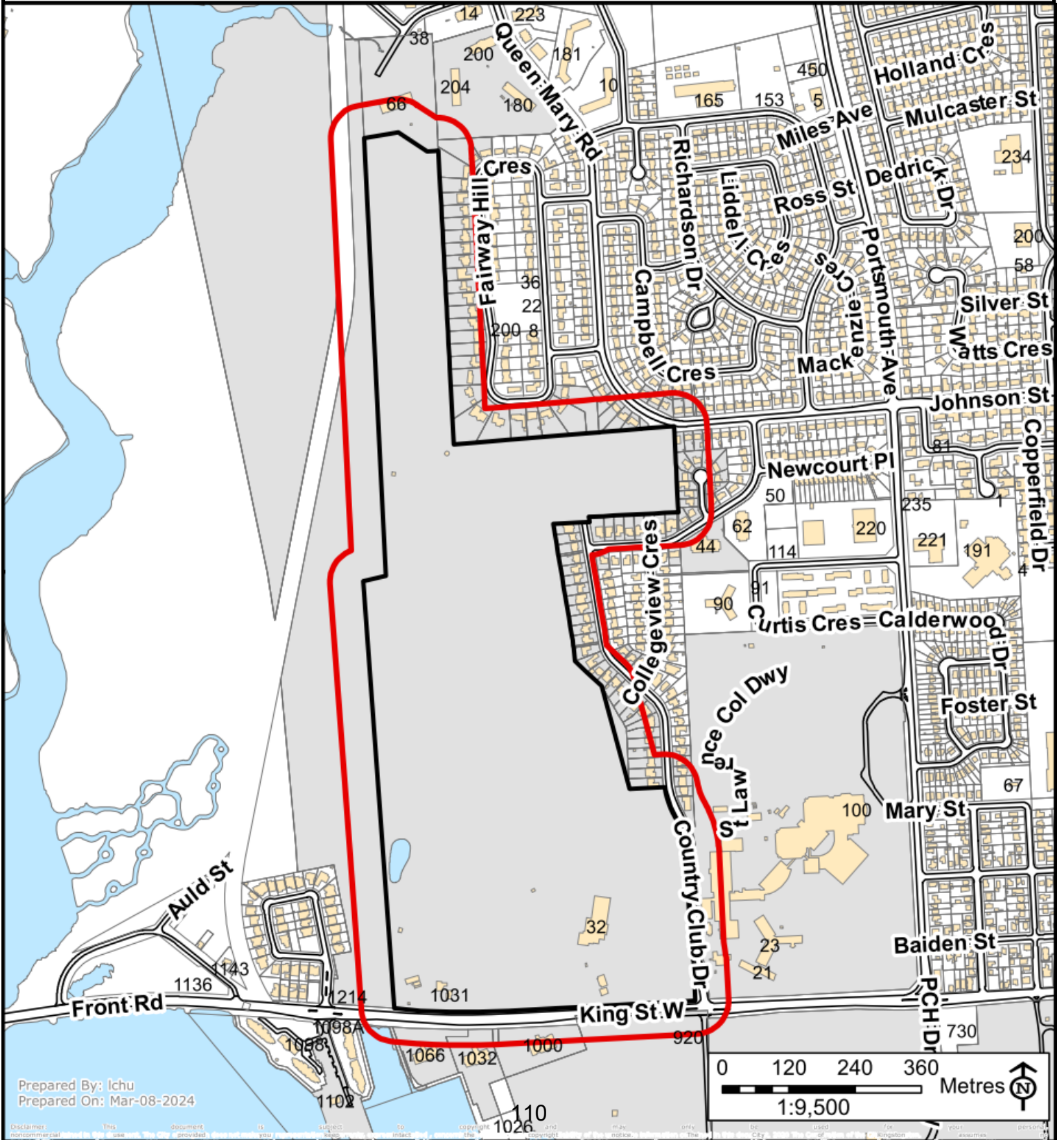
**(West facing view of the proposed location of development)**



# Committee of Adjustment Public Notice Notification Map

Address: 32 Country Club Drive  
File Number: D13-013-2024  
Prepared On: Mar-08-2024

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



Prepared By: Ichu  
Prepared On: Mar-08-2024

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**City of Kingston  
Report to Committee of Adjustment  
Report Number COA-24-036**

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**To:** Chair and Members of the Committee of Adjustment  
**From:** Lindsay Reid, Senior Planner – Urban Designer  
**Date of Meeting:** April 15, 2024  
**Application for:** Minor Variance  
**File Number:** D13-016-2024  
**Address:** 655 Princess Street  
**District:** District 9 - Williamsville  
**Owner:** WCPT Princess Inc.  
**Applicant:** Arcadis

---

**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 to the property located at 655 Princess Street. The applicant is proposing to reduce the minimum requirements for amenity area to allow for the removal of all balconies. The existing balconies are deteriorating due to water damage and are proposed to be replaced with Juliet balconies.

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.

April 15, 2024

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**Recommendation:**

**That** minor variance application, File Number D13-016-2024, for the property located at 655 Princess Street to reduce the amenity area, be approved, as described below:

**Variance Number 1:**

By-Law Number 2022-62: Legacy Exception 153 (f) minimum amenity area

Requirement: Minimum amenity area is 6,214 square metres

Proposed: Minimum amenity area is 5,649 square metres

Variance Requested: 565 square metres of balcony area

**That** approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-036.

April 15, 2024

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**Authorizing Signatures**

ORIGINAL SIGNED BY PLANNER

---

Lindsay Reid, Senior Planner –  
Urban Designer

**In Consultation with the following Management of the Community Services Group:**

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

April 15, 2024

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**Options/Discussion:**

On February 26, 2024, a minor variance application was submitted by Arcadis, on behalf of the owner, WCPT Princess Inc., with respect to the property located at 655 Princess Street. The variance requested is to reduce the minimum requirement for amenity area, specifically as it relates to the balconies.

This property was subject to a Site-Specific Zoning Amendment under the former Zoning By-Law Number 8499 (City file number D14-263-2012). The site-specific conditions established under Zoning By-Law Number 8499 were carried forward under the new Kingston Zoning By-Law at the time of its approval in April 2022 as Legacy Exception 153 (L153). Site Plan Control approval was provided in 2013 (City file number D11-428-2012).

The mixed-use building, commonly referred to as the Foundry Building, was completed in 2015. The development includes a range of indoor and outdoor amenity areas including indoor study areas, a community clubhouse, a fitness centre, outdoor BBQ areas, a rooftop terrace, an outdoor pool and ground level courtyards. The balconies make up 565 square metres of the 6,231 square metres identified as amenity space.

Earlier this year the City was notified that the existing balconies are deteriorating and a request was submitted to replace the existing balconies with Juliet balconies. In support of the request to remove the balconies a letter was provided by the structural and building science engineering firm Brown & Beattie Ltd. (Exhibit G). The letter states that, based on their visual on-site investigation, there is significant water deterioration of the wood frame balconies and the exterior wall. Various wood components are rotting, particularly at the interface between the balconies and the exterior walls, resulting in significant concerns about the long-term durability of the wood frame balconies and the damage incurred to the wood structure and framing related to water leaking into the exterior walls. It is Brown & Beattie's professional opinion that removing the existing balconies and replacing them with Juliet balconies would mitigate chronic water leakage effects to the wood framing as well as alleviate concerns about concealed structural damage at the existing balconies. The letter noted that it is difficult to effectively monitor the wood structure as it is concealed for fire protection. The applicant has provided structural drawings of the first phase of the repairs within the interior courtyards (Exhibit F). A second phase of work will apply to the balconies on the outward facing elevations. Of note, there are no balconies along Princess Street.

The applicant was informed by Planning staff that the balconies formed part of the amenity area requirement of this mixed-use building and a minor variance would be required to allow for this building alteration.

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

- Planning Justification Letter
- Floor Framing Plan – Balcony Removal (Exhibit F)
- Structural Letter Regarding Removal of Balconies (Exhibit G)



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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 655 Princess Street at the northwest corner of Princess and Victoria Streets in Williamsville (Exhibit B – Key Map). The property abuts an established low-rise residential neighbourhood to the north, a mix of commercial and mixed-use buildings along Princess Street to the south, and the Legion to the east (Exhibit C – Neighbourhood Context Map).

The subject property is designated ‘Main Street Commercial’ and is subject to the Princess Street Corridor Specific Policy Area (Williamsville Main Street) in the Official Plan (Exhibit D – Official Plan Map). It is zoned Williamsville Zone 1 (WM1) with Legacy Exception Overlay 153 (L153) in Kingston Zoning By-Law Number 2022-62 (Exhibit E – Zoning By-Law Map).

The property is currently developed with a four-and-a-half storey mixed-use building.

### **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 Main Street Commercial and is subject to the Williamsville Main Street policies of the Princess Street Corridor Specific Policy area in the City of Kingston Official Plan (Exhibit D – Official Plan Map). The vision for the Williamsville Main Street corridor is a vibrant and active intensification area with a mix of land uses framing a pedestrian oriented streetscape.

April 15, 2024

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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 variance does not significantly change what was reviewed and approved by Council under the Zoning By-Law Amendment (City File Number D14-283-2012) in 2013. This change will facilitate building repairs, specifically the removal of the deteriorated wood frame balconies, repairs to the exterior wall, and the provision of new Juliet balconies as recommended by the applicant's architect and structural engineer.

The proposed minor variance does not change the property's conformity with the Official Plan. The existing building will continue to provide at-grade commercial units and housing in Williamsville. The replacement of the existing balconies with Juliet balconies is compatible with the surrounding area as it will have a limited impact on the functioning and design of the building. The building is well served by a variety of indoor and outdoor amenity areas including interior courtyards with BBQ areas, a roof top terrace, an outdoor pool, study areas, a community clubhouse, and a fitness centre.

The building will continue to comply with the Princess Street Corridor policies. The replacement (Juliet) balconies will not result in any new encroachments or projections. This work also supports the guiding principle of high quality architecture in Williamsville in that the new Juliet balconies will add architectural interest to the exterior façades.

Approving the requested variance will not set an undesirable precedent as the reduction is limited to the private balconies. The existing common indoor and outdoor amenity areas function well and are sufficient for the residents.

The proposal meets the intent of the Official Plan, as the proposed reduction to the minimum amenity area requirements 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 Williamsville Zone 1 (WM1) with Legacy Exception Overlay 153 (L153) in Kingston Zoning By-Law Number 2022-62 (Exhibit E – Zoning By-Law Map). The L153 zone permits the existing mixed-use commercial and residential building with site-specific provisions.

The proposal requires a variance to Section 20.1.1.L153 (f) as follows:

### **Variance Number 1:**

By-Law Number: 2022-62: Legacy Exception 153 (f) minimum amenity area

Requirement: Minimum amenity area is 6,214 square metres

Proposed: Minimum amenity area is 5,649 square metres

Variance Requested: 565 square metres of balcony area.

April 15, 2024

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The requested reduction to the minimum amenity area requirements results in an overall amenity area that exceeds that required in the new Kingston Zoning By-Law 2022-62. The proposal to reduce the overall amenity area to 5,649 square metres results in 38.4 square metres of amenity area per dwelling unit (147 dwelling units including the two additional dwelling units approved under the 2022 minor variance).

Under the current zoning by-law, the amenity area for a mixed-use building in the WM1 Zone is 10 square metres per dwelling unit, resulting in an overall requirement of 1,470 square metres of amenity space. This is in comparison to the existing site-specific requirement of 6,214 square metres.

The site-specific amendment for this development was approved under the former Zoning By-Law Number 8499 which, in 2012, calculated the area of the amenity space based on the overall number of bedrooms and dwelling units. For instance, a single bedroom unit had an amenity area requirement of 18.5 square metres, a two-bedroom unit had an amenity area requirement of 40 square metres, and so forth. The approved site-specific amenity area provision was found to be appropriate for the building taking into consideration how and when the amenities would be used, the programming and quality of the various on-site amenities to suite the anticipated needs of future residents, and the recreational and community facilities in the area.

Based on how amenity area requirements are now considered under the Kingston Zoning By-Law, the proposed reduction to the overall amenity area maintains the by-law's intent to provide an area sufficient to serve the common leisure and recreation needs of those who live here.

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 it will not impact the functioning of this mixed-use building on this property or adjacent ones. The applicant has demonstrated that the building is well serviced with a variety of amenity areas, far in excess of the standards which currently apply to other lots along the Williamsville Main Street corridor.

The variance is a minor adjustment to the previously approved site-specific zoning amendment.

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

The variance is desirable and appropriate use of the land. This minor reduction to the overall amenity area is limited to the balconies and maintains the common indoor and outdoor spaces. These amenity areas provide a range of recreational programming that enhances the quality of living for building occupants. This change will facilitate required building repairs including the removal of the existing deteriorated balconies, repairing the exterior walls and the provision of new Juliet balconies.

April 15, 2024

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**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 type="checkbox"/> Solid Waste                  | <input checked="" 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 checked="" 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             | <input checked="" type="checkbox"/> Forestry            |  |

**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**

An application for zoning by-law amendment (File Number D14-263-2012) was submitted in 2012 to permit a multi-storey mixed use residential / commercial development with underground parking. The amendment to Zoning By-Law Number 8499 was approved by Council on March 3, 2013. A site plan agreement for the development was registered on September 11, 2013.

In 2022, a minor variance (D13-017-2022) was approved to increase the maximum number of dwelling units from 145 to 147 and decrease the ratio for residential parking spaces from 0.75 to 0.74 spaces per dwelling unit. This proposal complied with the minimum amenity area requirements. The changes contemplated in this minor variance have not been undertaken and, at this time, there are no plans to change the unit count.

**Conclusion**

The requested variance(s) maintain(s) the general intent and purpose of both the City of Kingston Official Plan and Kingston Zoning By-Law Number 2022-62. The proposal is desirable for the appropriate development or use of the land, building or structure and the requested variance(s) is minor in nature. As such, the proposed application meets all four tests under

April 15, 2024

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Subsection 45(1) of the *Planning Act* and the application is being recommended for approval, subject to the proposed conditions.

Approval of this application will permit the removal of the balconies and a reduction to the minimum amenity area requirement by 565 square metres. As a condition of approval, the owner will be required to amend the existing site plan agreement to reflect these changes.

**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 April 15, 2024 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 H – Public Notification Map).

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

**Accessibility Considerations:**

None

**Financial Considerations:**

None

**Contacts:**

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

April 15, 2024

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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 (2022)
- Exhibit D Official Plan Map
- Exhibit E Zoning By-Law Map
- Exhibit F Floor Framing Plan – Balcony Removal
- Exhibit G Structural Letter Regarding Removal of Balconies
- Exhibit H Site Photos
- Exhibit I Public Notification Map

## Recommended Conditions

The approval of minor variance application, File Number D13-016-2024, to reduce minimum amenity area requirements, shall be subject to the following recommended conditions:

### 1. Limitation

That the approved minor variance applies only to 655 Princess Street as shown on the approved drawings attached to the notice of decision.

### 2. No Adverse Impacts

The owner/applicant shall demonstrate to the satisfaction of the City that there are no adverse impacts on neighbouring properties as a result of any modifications to on-site grading or drainage.

### 3. Building Permit Application Requirements

The owner/applicant shall provide to the Building Services a copy of the decision of the Committee of Adjustment, together with a copy of the approved drawings, when they make application for a Building Permit.

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

### 4. Standard Archaeological Condition

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

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

**5. Application**

The reduction in minimum amenity area facilitated by this minor variance is limited to the removal of balconies and is not intended to apply to other amenity areas on the subject property.

**6. Site Plan Agreement**

The owner/applicant will amend the existing site plan agreement to reflect the changes permitted through this minor variance.

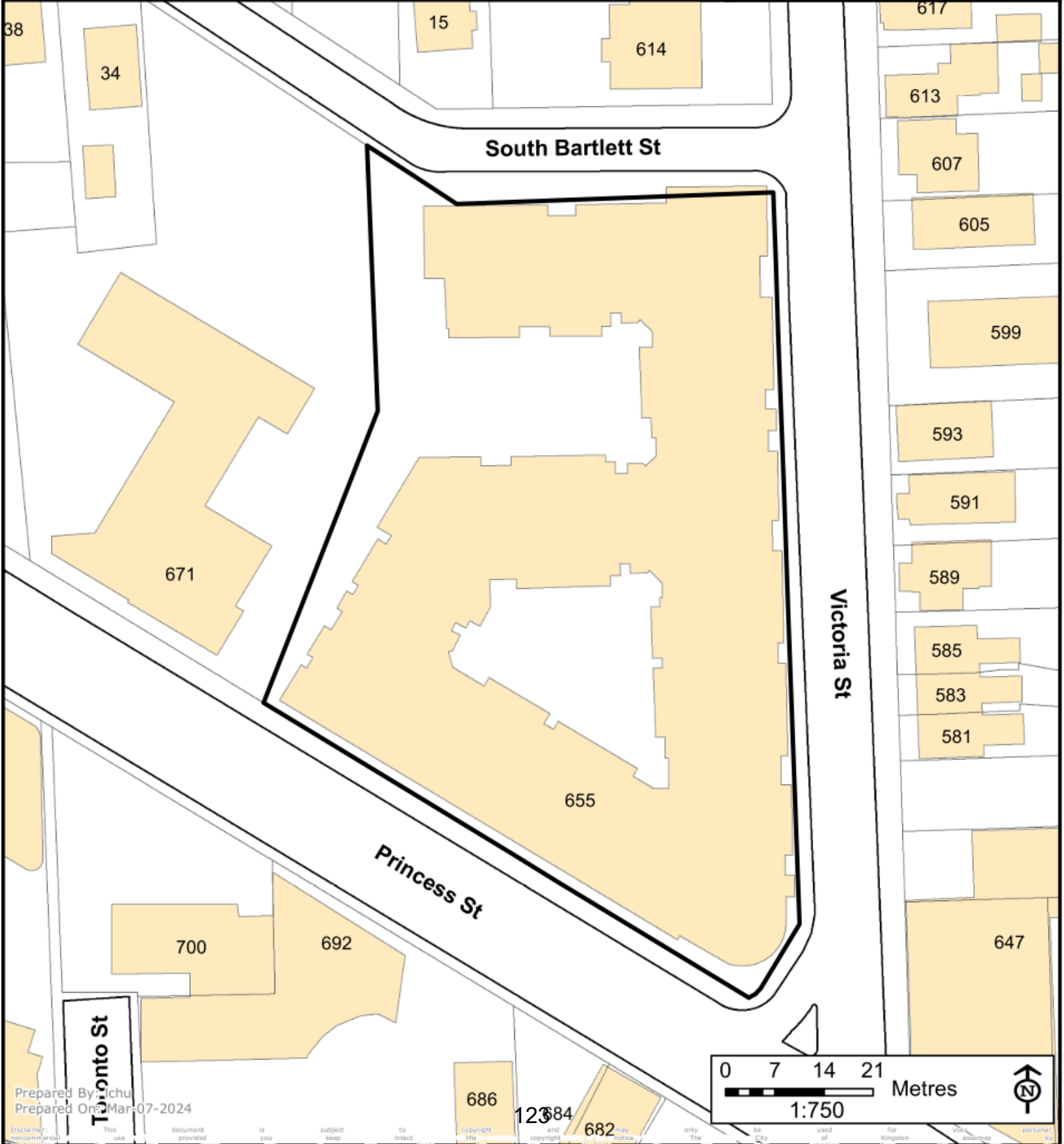
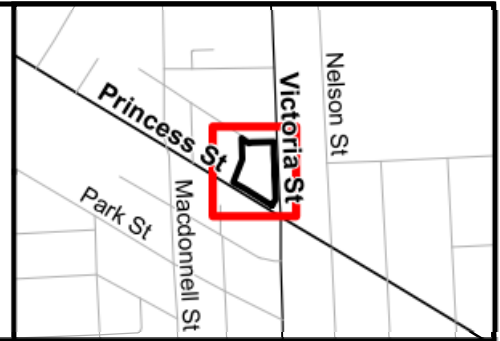




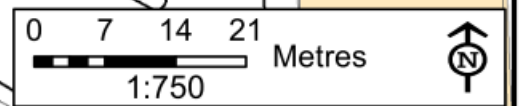
# Committee of Adjustment Key Map

Address: 655 Princess Street  
File Number: D13-016-2024  
Prepared On: Mar-07-2024

Lands Subject to Minor Variance



Prepared By: [Name]  
Prepared On: Mar-07-2024



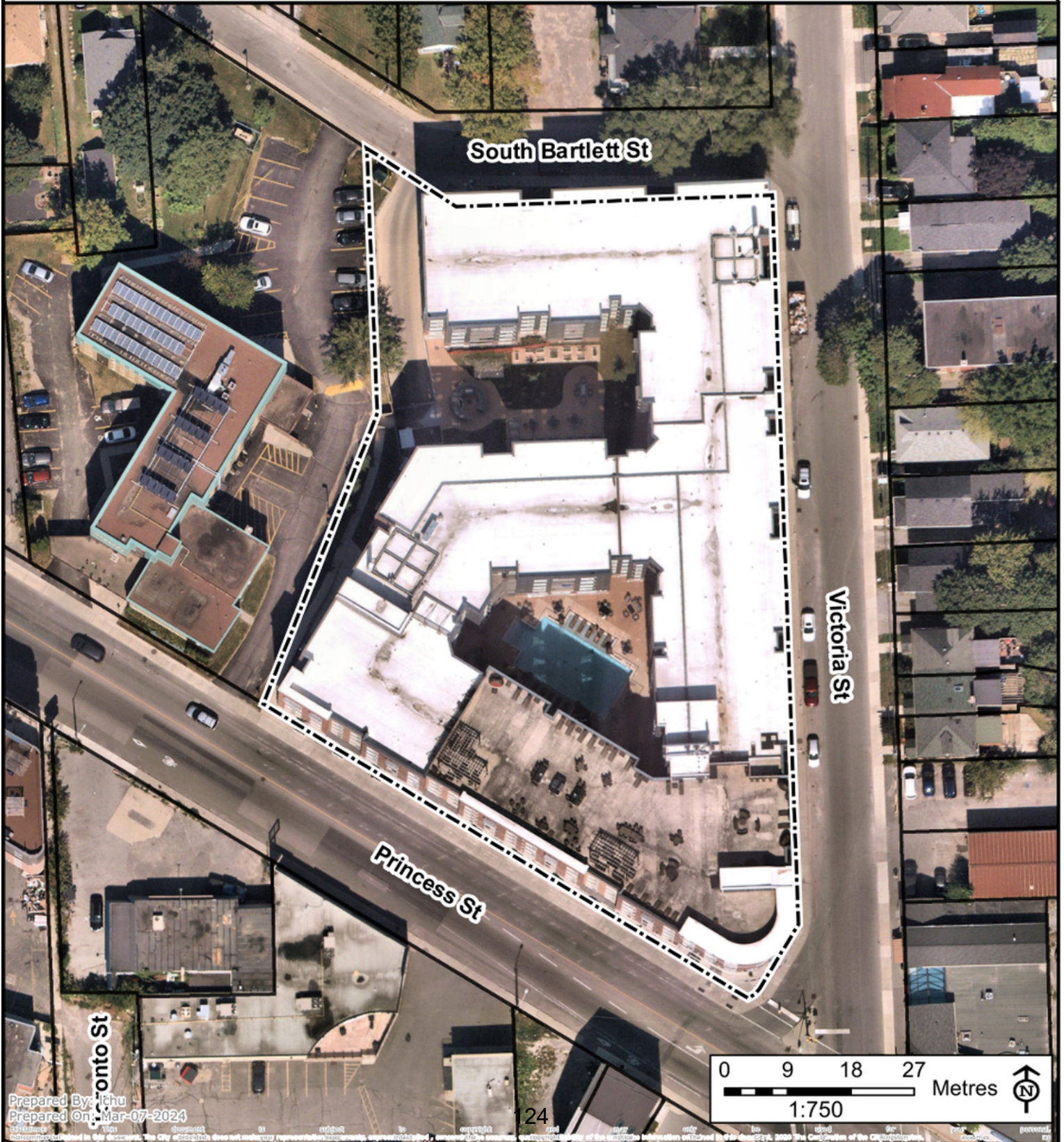
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# Committee of Adjustment Neighbourhood Context

Address: 655 Princess Street  
File Number: D13-016-2024  
Prepared On: Mar-07-2024

- Subject Lands
- Property Boundaries
- Proposed Parcels

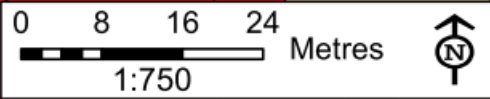
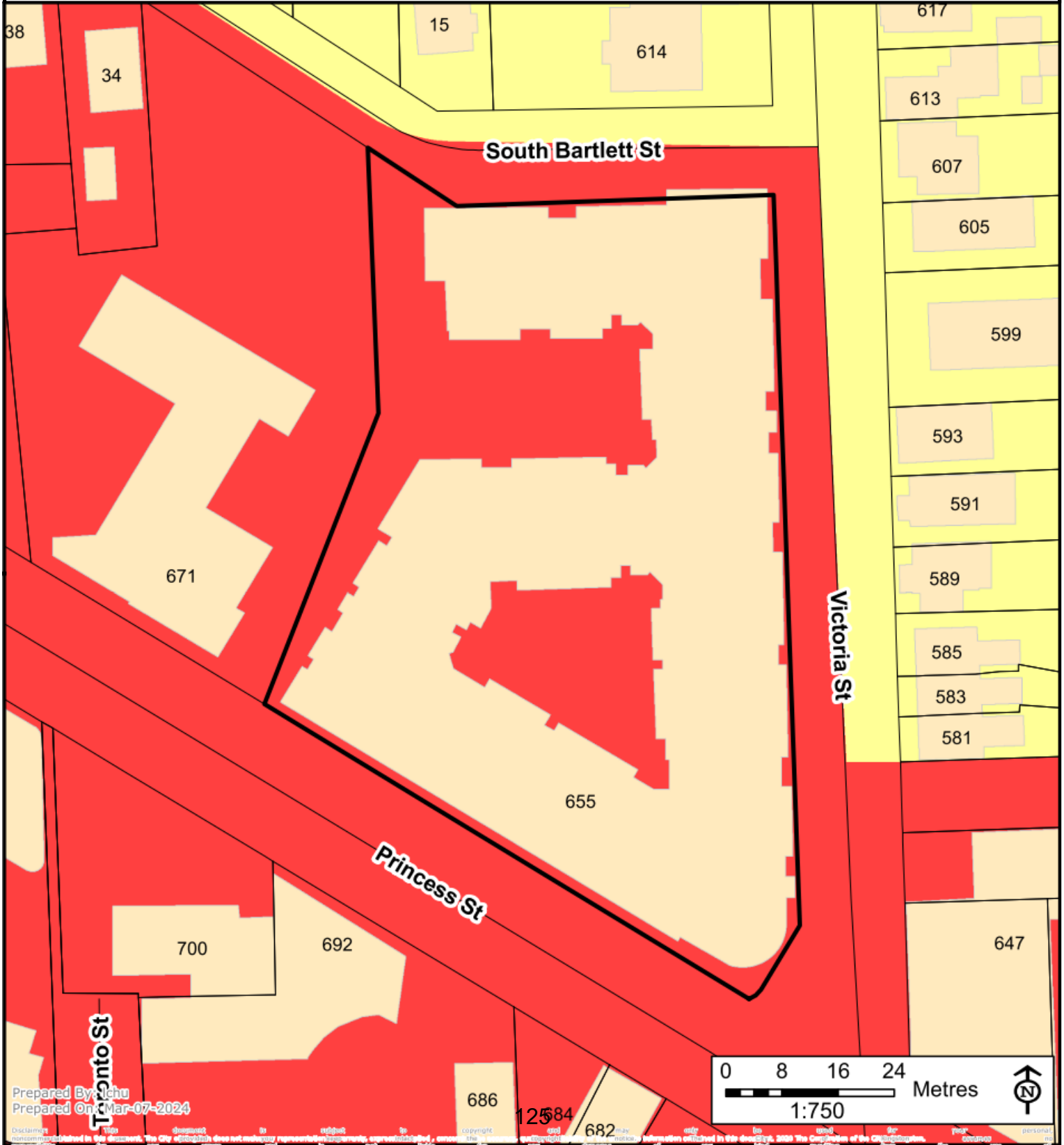




# Committee of Adjustment Official Plan, Existing Land Use

Address: 655 Princess Street  
File Number: D13-016-2024  
Prepared On: Mar-07-2024

-  Subject Lands
-  MAIN STREET COMMERCIAL
-  RESIDENTIAL



Prepared By: Jchu  
Prepared On: Mar-07-2024

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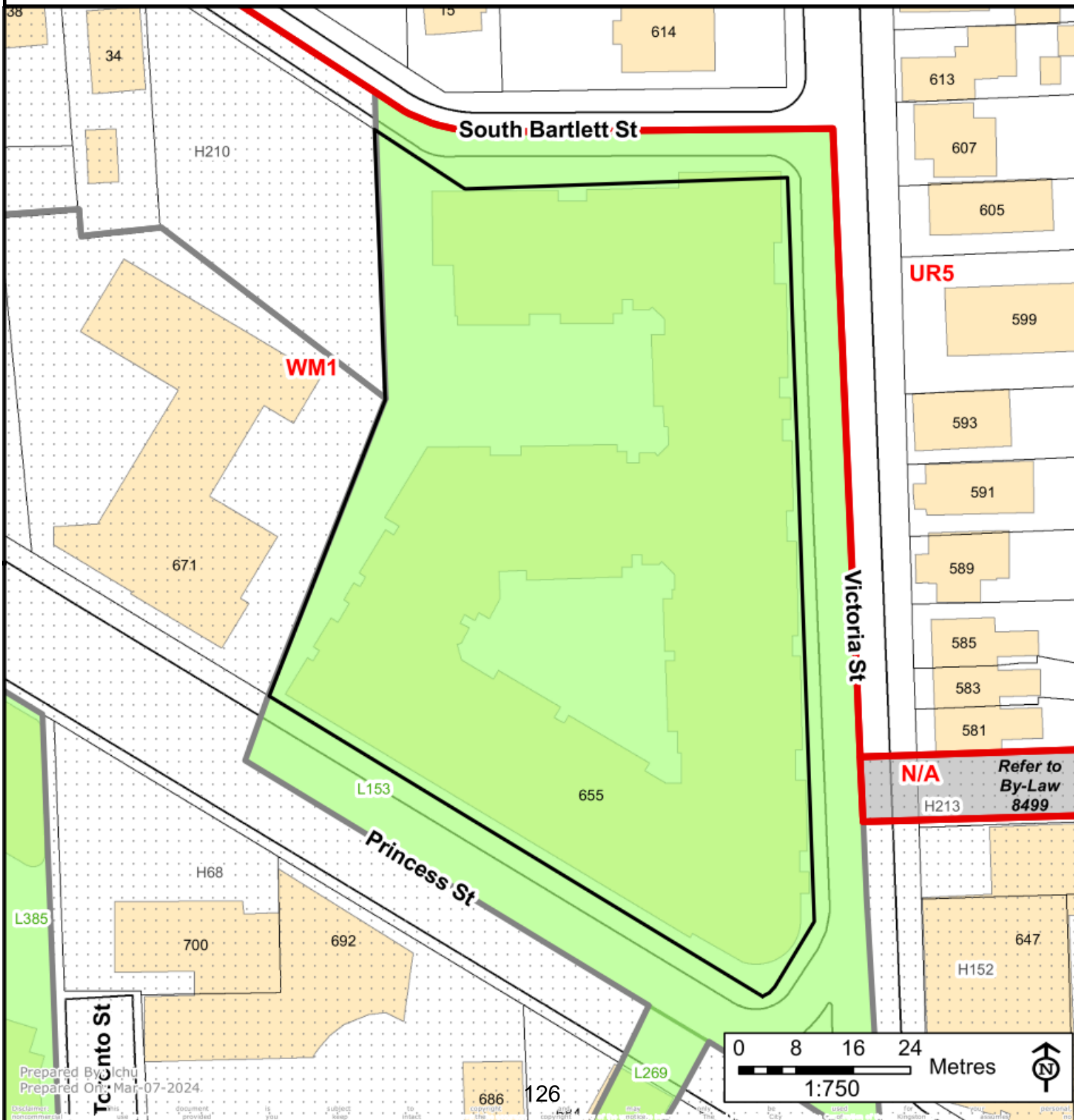


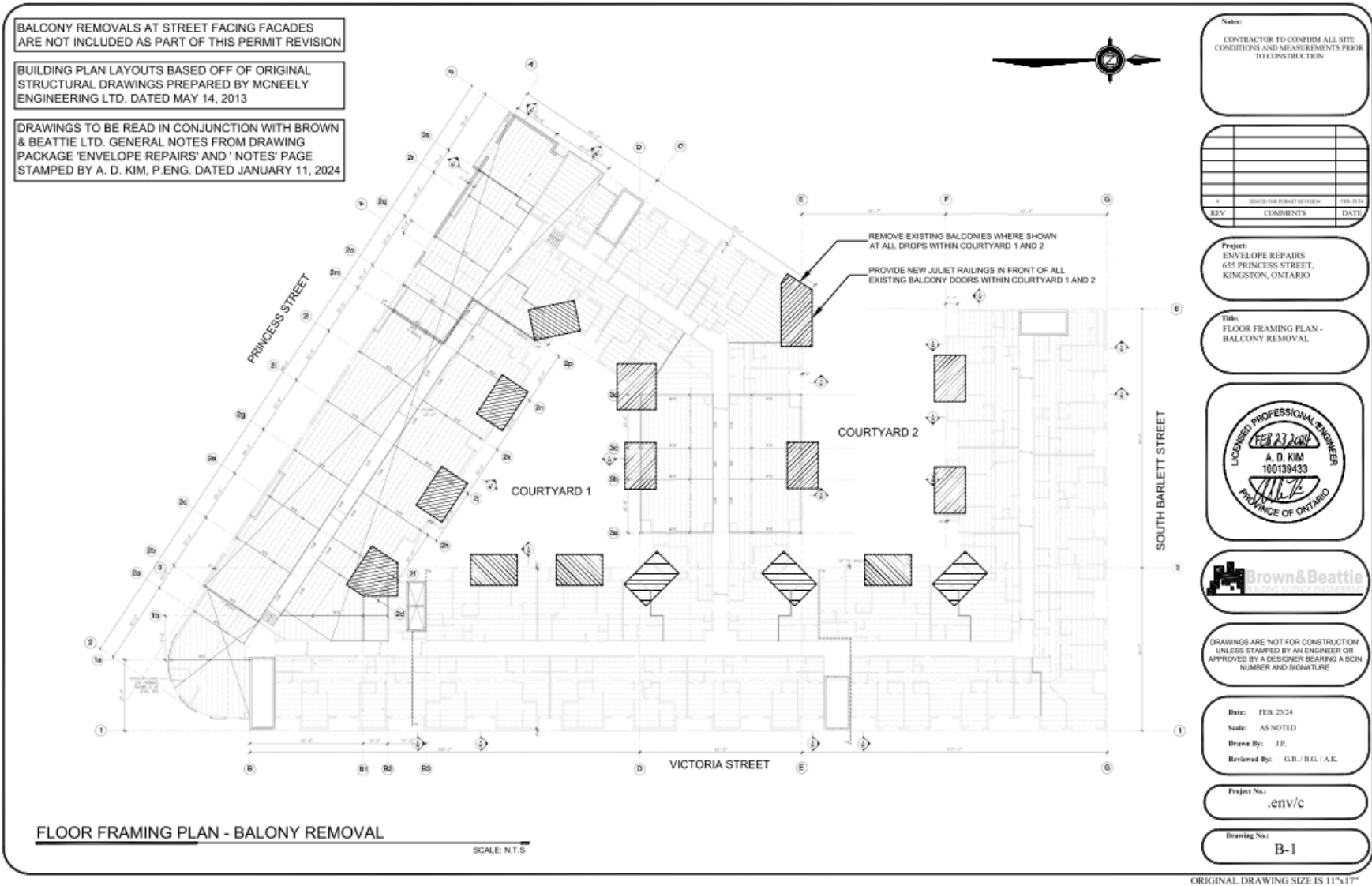
Planning Services

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

Address: 655 Princess Street  
File Number: D13-016-2024  
Prepared On: Mar-07-2024

- 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)

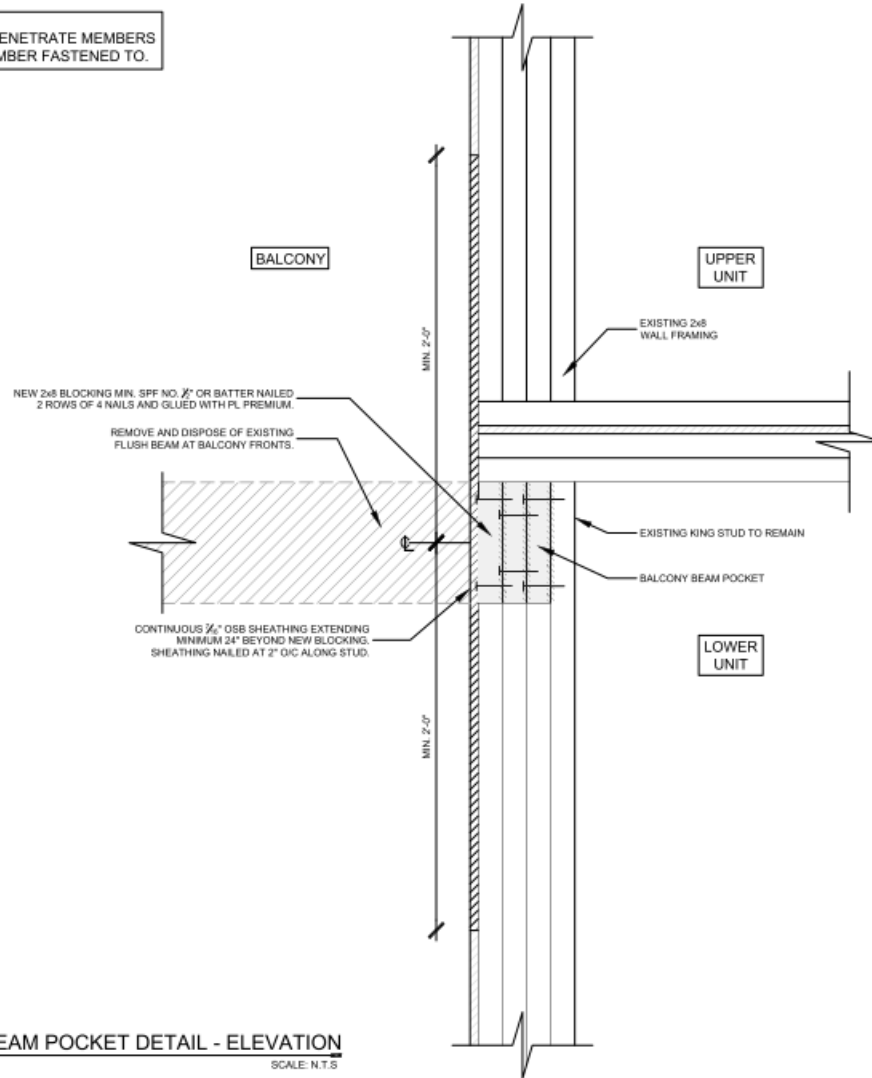






COURTYARD 1 TYPICAL ELEVATION (EAST ELEVATION)  
 SCALE: N.T.S

**NOTE:**  
FASTENERS TO BE LONG ENOUGH TO FULLY PENETRATE MEMBERS  
AND EMBED A MINIMUM OF 95% THROUGH MEMBER FASTENED TO.



1 TYPICAL BALCONY FLUSH BEAM POCKET DETAIL - ELEVATION  
B-3 SCALE: N.T.S.

**Notes:**  
CONTRACTOR TO CONFIRM ALL SITE  
CONDITIONS AND MEASUREMENTS PRIOR  
TO CONSTRUCTION

REV	REVISION/REMARKS	DATE

**Project:**  
ENVELOPE REPAIRS  
655 PRINCESS STREET,  
KINGSTON, ONTARIO

**Title:**  
TYPICAL BALCONY FLUSH BEAM  
POCKET DETAIL ELEVATION -  
BALCONY REMOVAL



DRAWINGS ARE NOT FOR CONSTRUCTION  
UNLESS STAMPED BY AN ENGINEER OR  
APPROVED BY A DESIGNER BEARING A BCIN  
NUMBER AND SIGNATURE

**Date:** FEB 25/24  
**Scale:** AS NOTED  
**Drawn By:** J.P.  
**Reviewed By:** G.B./B.G./A.K.

**Project No.:**  
.env/c

**Drawing No.:**  
B-3

ORIGINAL DRAWING SIZE IS 11"x17"



ORIGINAL DRAWING SIZE IS 11"x17"



February 16, 2024

Ref. Princess655.env/c

City of Kingston  
216 Ontario Street, Rm 214  
Kingston, ON K7L 2Z3

**Attention: Tim Park**

[tpark@cityofkingston.ca](mailto:tpark@cityofkingston.ca)

**Re: Structural Letter Regarding Removal of Balconies  
655 Princess Street, Kingston, Ontario  
(also known as 663 Princess Street)**

It is our understanding that a minor variance has been applied for (or is in progress) by the Architect (Alexander Wilson Architect) to consider removing the existing balconies from this multi-storey student rental building and replacing them with juliet balconies. We (Brown & Beattie Ltd.) are the structural and building science engineering firm retained by the Owner (Woodbourne Canada Management Inc.) to review the conditions related to the main floor exterior wall replacements and the balcony repairs.

We have observed significant signs of water related deterioration and rotting to various wood components notably at the interfaces between the balconies and the exterior walls. We have significant structural related concerns regarding the long-term durability of these wood framed balconies and their intersection with the exterior walls as future leakage and damage to the structural members cannot be effectively monitored as the structural balcony members are concealed for fire protection.





Removal and replacement of the existing balconies with juliet railings in front of the patio doors would mitigate chronic water leakage effects to the wood framing within these areas; drastically improving long term performance and alleviating concerns with concealed structural deterioration on the balconies. As a result of these structural concerns, we strongly recommend the balconies be removed.

A specification should be prepared for any of the work discussed herein to facilitate proper workmanship and material use by suitably qualified contractors. Competent site review should be carried out during the course of the remedial work to facilitate compliance with the specified requirements and as required to review previously unidentified conditions.

We can prepare a further report with additional photographs and comment or drawings as considered necessary. Should you wish to review matters further in the interim, or review additional information that becomes available, please contact us at 905-737-0111.

Yours truly,  
**BROWN & BEATTIE LTD.**

Allen Kim, P.Eng.

- C. Jim Gunn, Ferguson Gunn Consultants ([jim@fergusongunn.ca](mailto:jim@fergusongunn.ca))  
Denis Sabourin, Integris Student Living, ([dasbourin@integrisstudentliving.ca](mailto:dasbourin@integrisstudentliving.ca))  
Adam Green, Alexander Wilson Architect ([adam@awarchitect.ca](mailto:adam@awarchitect.ca))  
Sandy Wilson, Alexander Wilson Architect ([sandy@awarchitect.ca](mailto:sandy@awarchitect.ca))  
Brad Gascoigne, Brown & Beattie Ltd. ([gascoigne@brownbeattie.com](mailto:gascoigne@brownbeattie.com))  
Jeremy Nixon, Brown & Beattie Ltd. ([Nixon@brownbeattie.com](mailto:Nixon@brownbeattie.com))

**Please note** this report was based on a visual assessment of the accessible areas only. Unless noted specifically, no intrusive or destructive testing was completed during this assessment. Technical specifications should be prepared for any work decided upon as a result of this report. The material in this report reflects best judgement in light of the information available and does not imply fitness for a particular purpose and should not be considered a verification of past or present regulations. Brown & Beattie Ltd. cannot be held responsible

*for any deficiencies that may be found within inaccessible areas by others, which have not been documented in this report. Copies of this report are subject to authentication from the writer. Brown & Beattie Ltd. accepts no responsibility for damages, if any, suffered by any third party as a result of decisions made or actions based on this report. Use of this report or any other aspect of our service is not authorized until and unless our account is paid in full and on time.*

Site Photographs – March 18, 2024



Figure 1: Princess Street (south) and side (west) elevations.



Figure 2: Victoria Street (east) elevation.



**Figure 3:** South Bartlett Street (north) and side (west) elevations.



**Figure 4:** Rear interior courtyard.



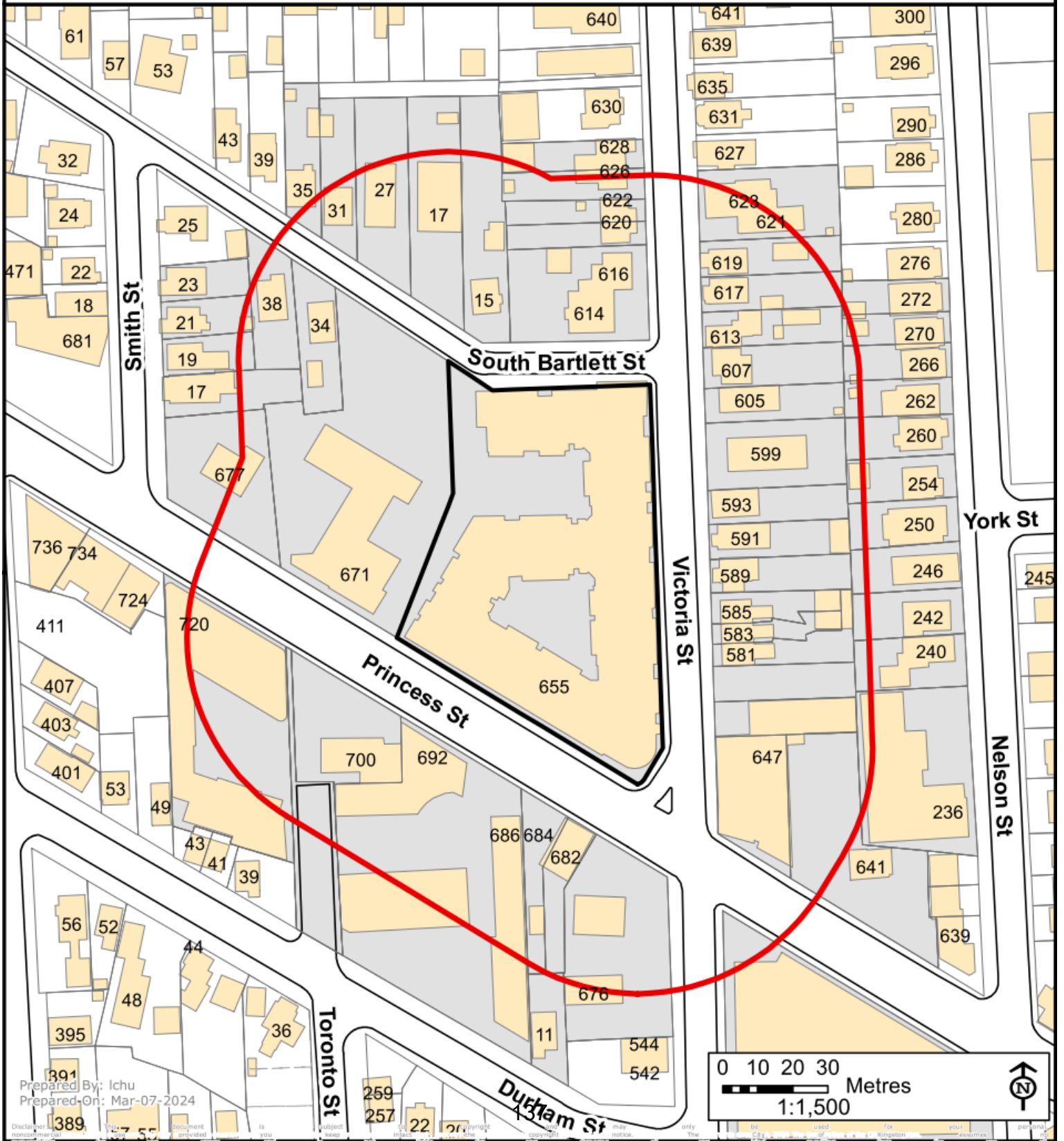
**Figure 5:** Typical bay along Victoria Street.



# Committee of Adjustment Public Notice Notification Map

Address: 655 Princess Street  
File Number: D13-016-2024  
Prepared On: Mar-07-2024

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



Prepared By: Ichu  
Prepared On: Mar-07-2024

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