



City of Kingston  
Committee of Adjustment  
Agenda

11-2024

Monday, October 21, 2024

5:30 p.m.

Hosted in a virtual, electronic format

**Committee Composition**

Peter Skebo, Chair

Councillor Cinanni

Councillor Hassan

Ken Dakin

Douglas Perkins

Gaurav Rehan

Jeff Scott

Somnath Sinha

Jordan Tekenos-Levy

Please provide regrets to Allison Hannah, Committee Clerk at 613-546-4291, extension 1209 or [ahannah1@cityofkingston.ca](mailto:ahannah1@cityofkingston.ca).

Watch live on the [Kingston City Council YouTube](#) channel or register to receive the [Zoom](#) link.

---

Pages

1. **Please Note: this meeting will be held via Zoom due to ongoing technology upgrades in the Council Chamber.**
2. **Introduction by the Chair**
3. **Call to Order**
4. **Approval of the Agenda**
5. **Confirmation of Minutes**
  1. **Previous Meeting Minutes**

**That** the minutes of Committee of Adjustment Meeting Number 10-2024, held on Monday, September 16, 2024, be approved.

6. **Disclosure of Pecuniary Interest**
7. **Delegations**

- 8. Request for Deferral
- 9. Returning Deferral Items
- 10. Business

1. Application for Minor Variance - 627 Princess Street

9

File Number: D13-062-2024

District: 9 - Williamsville

Owner: Harmony Flats Inc.

Applicant: Fotenn

The Report of the Commissioner of Growth & Development Services (COA-24-078) is attached.

**Recommendation:**

**That** minor variance application, File Number D13-062-2024, for the property located at 627 Princess Street to construct a six-storey apartment building, be approved, as described below:

**Variance Number 1: Minimum Rear Yard Setback**

By-Law Number 2022-62:10.2.1.5

Requirement: 8 metres

Proposed: 6 metres

Variance Requested: 2 metres.

**Variance Number 2: Maximum Residential Density**

By-Law Number 2022-62:10.2.1.11:

Requirement: 210 dwelling units per net hectare

Proposed: 528 dwelling units per net hectare

Variance Requested: 318 dwelling units per net hectare

**Variance Number 3: Streetwall Setback**

By-Law Number 2022-62: 10.2.3.1

Requirement: A minimum of 75% of the streetwall of a building must be built to the minimum required front setback for the height of the streetwall.

Proposed: A minimum of 75% of the streetwall of a building is to be built within 0.4 metres of the minimum required front setback for the height of the streetwall



Variance Requested: 0.4 metres;

**Variance Number 4: Offsite Parking**

By-Law Number 2022-62: Section 7.1.12.

Requirement: Where a building that exists as of the date of passing of this By-law is converted resulting in an increase in the number of dwelling units, required parking spaces may be provided off-site, within 60.0 metres of the lot.

Proposed: A building that that is constructed resulting in an increase in the number of dwelling units, required parking spaces may be provided off-site, within 60.0 metres of the lot

Variance Requested: Existing Building;

**Variance Number 5: Parking Ratios**

By-Law Number 2022-62: Row 1 Table 7.1.1.: Number of Parking Spaces

Requirement: 23 spaces: 18 parking spaces; 1 car-share parking space; 3 visitor spaces; and, 1 short-term delivery parking space

Proposed: 19 spaces: 18 parking spaces; 1 car-share parking space; 0 visitor spaces; and, 0 short-term delivery parking space

Variance Requested: Reduction of 4 spaces: 0 parking spaces; 0 car-share parking spaces; 3 visitor spaces; and, 1 short-term delivery parking space; and

**That** approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-078.

**2. Application for Permission - 196 Concession Street**

48

File Number: D13-067-2024

District: 9 - Williamsville

Owner: 5019063 Ontario Inc.

Applicant: Atif Haider

The Report of the Commissioner of Growth & Development Services (COA-24-080) is attached.

**Recommendation:**

**That** the application for permission, File Number D13-067-2024, for the property located at 196 Concession Street to increase the number of residential units within the existing legal non-conforming apartment

building from 11 units to 12 units, be **Approved**; and,

**That** approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-080.

**3. Application for Minor Variance - 29 Railway Street**

68

File Number: D13-066-2024

District: 11 - King's Town

Owner: Roger Levac

Applicant: Marc Levac

The Report of the Commissioner of Growth & Development Services (COA-24-083) is attached.

**Recommendation:**

**That** minor variance application, File Number D13-066-2024, for the property located east of 25 Railway Street to permit two, 30 square metre accessory storage buildings, be approved, as described below:

**Variance Number 1: Accessory Building Location**

By-Law Number 2022-62:Section 4.1.1

Requirement: The principal use or building must already be established on the same lot as the accessory use or building.

Proposed: The principal use is established on the east abutting lot.

Variance Requested: To permit two accessory storage buildings associated with a principal use on the east abutting lot at 25 Railway Street.

**Variance Number 2: Rear Setback**

By-Law Number 2022-62:Table 16.2.1

Requirement: Minimum rear setback of 7.5 metres

Proposed: Minimum rear setback of 5.5 metres

Variance Requested: 2.0 metres; and Variance Number 2: Interior Setback

By-Law Number 2022-62:Table 16.2.1

Requirement: Minimum interior setback of 6.0 metres

Proposed: Minimum interior setback of 1.2 metres

Variance Requested: 4.8 metres;

**That** approval of the application be subject to the conditions attached as

Exhibit A (Recommended Conditions) to Report Number COA-24-083.

**4. Application for Minor Variance - 2912 4th Concession Road**

89

File Number: D13-061-2024

District: 1 - Countryside

Owner/Applicant: Patrick Stenson

The Report of the Commissioner of Growth & Development Services (COA-24-086) is attached.

**Recommendation:**

**That** minor variance application, File Number D13-061-2024, for the property located at 2912 4th Concession Road to provide relief from setback requirements to permit the construction of a detached garage adjacent to an existing single detached house on a rural residential lot, be approved, as described below:

**Variance Number 1:**

By-Law Number: 2022-62: Table 8.2.1.7 – Minimum interior setback - existing house

Requirement: 9.0 metres

Proposed: 4.5 metres

Variance Requested: 4.5 metres; and

**That** approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-086.

**5. Application for Consent - 1668 Victoria Street**

108

File Number: D10-021-2024

District: 3 - Collins-Bayridge

Owner: Mohamed Khan

Applicant: Fotenn Consultants Inc.

The Report of the Commissioner of Growth & Development Services (COA-24-087) is attached.

**Recommendation:**

**That** consent application, File Number D10-026-2024, to sever a residential lot with an area of approximately 1,294 square metres and to establish an access easement through the retained lot, be provisionally approved subject to the conditions included in Exhibit A (Recommended Conditions) to Report Number COA-24-087.

**6. Application for Minor Variance and Consent - 101 Charles Street**

129

File Number: D10-028-2024 and D13-063-2024

District: 11 - King's Town

Owner/Applicant: Scott Gordon

The Report of the Commissioner of Growth & Development Services (COA-24-084) is attached.

**Recommendation:**

**That** minor variance application, File Number D13-063-2024 for the property located at 101 Charles Street to permit a reduced minimum lot area, a reduced minimum lot frontage, a reduced front setback, and reduced parking requirements for both the severed and retained parcels, be approved, as described below:

**Retained Lot (101 Charles Street):**

**Variance Number 1: Minimum Lot Area**

By-Law Number 2022-62: Table 11.6.1.1

Requirement: 295 square metres for a townhouse

Proposed: 165 square metres

Variance Requested: 130 square metres

**Variance Number 2: Minimum Lot Frontage**

By-Law Number 2022-62: Table 11.6.1.2

Requirement: 8 metres for a townhouse

Proposed: 4.5 metres

Variance Requested: 3.5 metres

**Variance Number 3: Minimum Front Setback**

By-Law Number 2022-62: Table 11.6.1.4(d)

Requirement: 3.85 metres

Proposed: 1.5 metres

Variance Requested: 2.35 metres

**Variance Number 4: Number of Parking Spaces**

By-Law Number 2022-62: Table 7.1.1.2(b)

Requirement: 1 parking space per lot

Proposed: 0 parking spaces per lot

Variance Requested: 1 parking space

Severed Lot (103 Charles Street):

**Variance Number 5: Minimum Lot Area**

By-Law Number 2022-62: Table 11.6.1.1

Requirement: 295 square metres for a townhouse

Proposed: 165 square metres

Variance Requested: 130 square metres

**Variance Number 6: Minimum Lot Frontage**

By-Law Number 2022-62: Table 11.6.1.2

Requirement: 8 metres for a townhouse

Proposed: 4.5 metres

Variance Requested: 3.5 metres

**Variance Number 7: Minimum Front Setback**

By-Law Number 2022-62: Table 11.6.1.4(d)

Requirement: 3.85 metres

Proposed: 1.5 metres

Variance Requested: 2.35 metres

**Variance Number 8: Number of Parking Spaces By-Law Number**

2022-62: Table 7.1.1.2(b)

Requirement: 1 parking space per lot

Proposed: 0 parking spaces per lot

Variance Requested: 1 parking space; and,

**That** approval of the minor variance application be subject to the conditions attached as Exhibit A (Recommended Conditions – Minor Variance) to Report Number COA-24-084; and,

**That** consent application, File Number D10-028-2024, to sever an approximately 165 square metre parcel with approximately 4.5 metres of frontage which will be known as 103 Charles Street, to retain an approximately 165 square metre parcel with approximately 4.5 metres of frontage which will be known as 101 Charles Street, and to create a new easement over 103 Charles Street in favour of 101 Charles Street, be provisionally approved subject to the conditions included in Exhibit B (Recommended Conditions – Consent) to Report Number COA-24-084.

**11. Motions**

**12. Notices of Motion**

**13. Other Business**

**14. Correspondence**

**15. Date of Next Meeting**

The next meeting of the Committee of Adjustment is scheduled for Monday, November 18, 2024 at 5:30 p.m.

**16. Adjournment**



**City of Kingston  
Report to Committee of Adjustment  
Report Number COA-24-078**

---

**To:** Chair and Members of the Committee of Adjustment  
**From:** Ian Clendening, Senior Planner  
**Date of Meeting:** October 21, 2024  
**Application for:** Minor Variance  
**File Number:** D13-062-2024  
**Address:** 627 Princess Street  
**District:** District 9 - Williamsville  
**Owner:** Harmony Flats Inc.  
**Applicant:** Fotenn

---

**Council Strategic Plan Alignment:**

Theme: 1. Support Housing Affordability

Goal: See above

**Executive Summary:**

This report provides a recommendation to the Committee of Adjustment regarding an application for minor variances for the property located at 627 Princess Street. The applicant is proposing to redevelop the site with an updated design which has led to adjustments to the site and building design initially considered through Minor Variance File D13-034-2023 and presented to the Committee of Adjustment on July 17, 2023 in [Report COA-23-041](#).

The building continues to maintain the six-storey built form planned for this area of Williamsville and permitted within the Zoning By-law, however; the revised proposal seeks to redevelop the site with 45 homes whereas 30 were previously contemplated. As a result of the revised proposal, variances are requested to permit a reduced rear yard and relief in the streetwall setback; a further increase in density, and modifications to the previous relief in parking ratios; and, the ability to provide two parking spaces on the abutting property located at 518 Albert

October 21, 2024

Page 2 of 15

Street. As the plans have been designed to provide a total of seven parking spaces (including two accessible spaces), subject to approval, the applicant intends to address the parking deficiency of ten spaces by way of cash-in-lieu of parking. A third parking space for 518 Albert Street has been illustrated on the concept plans to demonstrate that the property can continue to provide an adequate building envelope and associated parking in accordance with the Kingston Zoning By-law while also providing two of the parking spaces required for 623 Princess Street. A mutual easement for shared access across the drive aisle was approved through applications D10-024-2023 and D10-026-2023.

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 both individually and cumulatively when reviewed in the context of the prior approvals granted in application D13-034-2023. The requested minor variances are desirable for the appropriate development or use of the land, building or structure and are minor in nature. As such, the proposed application meets all four tests under Subsection 45(1) of the *Planning Act* and is recommended for approval.

**Recommendation:**

**That** minor variance application, File Number D13-062-2024, for the property located at 627 Princess Street to construct a six-storey apartment building, be approved, as described below:

**Variance Number 1: Minimum Rear Yard Setback**

By-Law Number 2022-62:10.2.1.5  
 Requirement: 8 metres  
 Proposed: 6 metres  
 Variance Requested: 2 metres.

**Variance Number 2: Maximum Residential Density**

By-Law Number 2022-62:10.2.1.11:  
 Requirement: 210 dwelling units per net hectare  
 Proposed: 528 dwelling units per net hectare  
 Variance Requested: 318 dwelling units per net hectare

**Variance Number 3: Streetwall Setback**

By-Law Number 2022-62: 10.2.3.1  
 Requirement: A minimum of 75% of the streetwall of a building must be built to the minimum required front setback for the height of the streetwall.  
 Proposed: A minimum of 75% of the streetwall of a building is to be built within 0.4 metres of the minimum required front setback for the height of the streetwall  
 Variance Requested: 0.4 metres;

**Variance Number 4: Offsite Parking**

By-Law Number 2022-62: Section 7.1.12.



October 21, 2024

Page 3 of 15

- Requirement: Where a building that exists as of the date of passing of this By-law is converted resulting in an increase in the number of dwelling units, required parking spaces may be provided off-site, within 60.0 metres of the lot.
- Proposed: A building that that is constructed resulting in an increase in the number of dwelling units, required parking spaces may be provided off-site, within 60.0 metres of the lot
- Variance Requested: Existing Building;

**Variance Number 5: Parking Ratios**

By-Law Number 2022-62: Row 1 Table 7.1.1.: Number of Parking Spaces

- Requirement: 23 spaces: 18 parking spaces; 1 car-share parking space; 3 visitor spaces; and, 1 short-term delivery parking space
- Proposed: 19 spaces: 18 parking spaces; 1 car-share parking space; 0 visitor spaces; and, 0 short-term delivery parking space
- Variance Requested: Reduction of 4 spaces: 0 parking spaces; 0 car-share parking spaces; 3 visitor spaces; and, 1 short-term delivery parking space; and

**That** approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-078.

October 21, 2024

Page 4 of 15

**Authorizing Signatures:**

ORIGINAL SIGNED BY PLANNER

---

Ian Clendening, Senior Planner

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

Tim Park, Director, Planning Services

James Bar, Manager, Development Approvals

October 21, 2024

Page 5 of 15

**Options/Discussion:**

On September 4, 2024, a minor variance application was submitted by Fotenn, on behalf of the owner, Harmony Flats Inc., with respect to the property located at 627 Princess Street. The variance is requested to permit the construction of a six-storey building containing 45 homes.

The proposed development is an updated plan to the proposed development initially put before the Committee of Adjustment as Minor Variance File D13-034-2023 on July 17, 2023 in Report COA-23-041 which contemplated a six-storey mixed-use building accommodating 30 homes. Relief was provided through for this application to allow an increase in density of 352 units per hectare; to permit additional height and rooftop area for mechanical and service equipment; and, to remove the requirement for the three visitor spaces and reducing one of the two car-share spaces required.

As a result of the design changes which have occurred subsequent to the approval of Application D13-034-2023 additional variances are now being sought to address the revised configuration including a further increase in the permitted density from 352 units per hectare to 528 dwelling units per net hectare. The additional homes are largely accommodated through an enlarged floorplate which projects into the required rear setback of the irregularly shaped lot, while relief is also sought to permit a greater setback of the main wall of the building from the front lot line as the building is oriented parallel to the interior lot lines, while the front lot line runs slightly diagonal to these lot lines resulting in a deviation of 0.4 metres across the 19.5 metres of frontage.

Additionally, Minor Variance File D13-034-2023 permitted a reduction of four parking spaces required of the 30 unit building with the relief consisting of one of the two car-share spaces and the three visitor spaces, although it is noted that a car-share space may be used as a visitor space if no car-share vehicle services are in operation on the lot. The Kingston Zoning By-law has since been updated to reduce the ratios for car-share and visitor parking spaces such that the additional 15 units continue to require the same number of these types of parking spaces however, a new requirement has been introduced which requires the provision of a short-term delivery parking space for buildings containing 30 or more dwelling units. The revised proposal would provide the one car-share space required while seeking relief from the three visitor spaces though based on the revised number of units as well as the newly required short-term delivery parking space for a total reduction of four spaces.

Consistent with the previous application, the applicant intends to address the outstanding parking through cash-in-lieu of parking as authorized in Section 35 of the *Planning Act* and the City's Cash-in-Lieu of Parking By-law. Whereas previously a total of 17 parking spaces were required for the 30 homes with the applicant obtaining relief from four spaces while providing a total of nine spaces on-site (i.e., four parking spaces addressed through cash-in-lieu); under the revised proposal a total of 23 parking spaces would be required with the applicant seeking relief from four of these spaces while providing a total of seven parking spaces consisting of five on

October 21, 2024

Page 6 of 15

the subject property and two on the abutting property to the north. It is the applicant's intent that the outstanding 12 parking spaces would be addressed through cash-in-lieu.

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

- Site Plan, Architectural Elevations, and Floor Plans (Exhibit F);
- Grading Plan;
- Servicing Plan;
- Site Servicing and Stormwater Management Report;
- Archaeological Assessment;
- Survey;

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 on the north side of Princess Street approximately 45 metres east of Albert Street, within the Williamsville neighbourhood (Exhibit B – Key Map). The property currently accommodates a small building associated with an automobile sales establishment. The property is situated opposite a six-storey apartment building and is adjacent to two-storey commercial/mixed use buildings on either side (Exhibit C – Neighbourhood Context Map).

The surrounding area is undergoing significant redevelopment and transition as the area continues to evolve. The neighbourhood contains a variety of commercial, institutional, open space, and residential land uses. The site is within walking distance to Queens University and numerous regular and Express Transit Routes including: 501/502, Downtown - Cataraqui Centre; and, 701/702, King's Crossing Centre - Cataraqui Centre.

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

The subject property is designated Main Street Commercial in the Official Plan (Exhibit D – Official Plan Map) and is located within the Williamsville Main Street Specific Policy Area as set out in Schedule PS-1. The Subject property is zoned Williamsville Zone 1 (WM1) in Kingston Zoning By-Law Number 2022-62 (Exhibit E – Zoning By-Law Map) and is located within Parking Area 2 (PA2).

### Provincial Planning Statement

In addition to the four tests of a minor variance detailed below, Subsection 3(5) of the *Planning Act* requires that a decision in respect of the exercise of any authority that affects a planning

October 21, 2024

Page 7 of 15

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

### **Minor Variance Application**

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

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

The subject property is designated Main Street Commercial in the Official Plan (Exhibit D – Official Plan Map) and is located within the Williamsville Main Street Specific Policy Area in Schedule PS-1 which identifies the lands as subject to a maximum height the lesser of 20 metres or 6 storeys.

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

The proposed development and the variances sought to accommodate the design helps achieve the Strategic Policy Direction of the Official Plan by facilitating intensification within the City's Centres and Corridors. The building is compatible with the surrounding mid-rise development which has evolved within both the immediate and broader area to include a five-storey residential building facing the proposed building on the opposite side of Princess Street; a ten-storey mixed-use building east of the site at the northeast corner of Albert Street and Princess Street; and a five-storey mixed-use building west of the site at the southeast corner of Nelson Street and Princess Street.

In regards to the increased density, it is noted that Report Number [PC-20-065](#) which initially put forward the density limit of 210 units per hectare, stated:

The purpose of this limit is to support the distribution of servicing capacity throughout the corridor, and to ensure that individual projects are not able to claim servicing capacity such that development of adjacent lands would be prohibited or unduly impacted. The limits are included in the zoning provisions to ensure that staff have the ability to recommend variances where appropriate.

Through the circulation and review of the proposed development Utilities Kingston were able to review the capacity available in this area for the proposed 45 homes and have no objection to the proposal.

October 21, 2024

Page 8 of 15

The irregularly shaped lot has partially resulted in the need for relief from the rear setback and streetwall provisions of the Kingston Zoning By-law. Overall, these encroachments are nominal seeking relief of two metres at the rear and 0.4 metres at the front, with the resultant built form continuing to maintain a continuous streetwall that frames Princess Street while protecting adjacent properties from undue overlook and shadows.

The applicant seeks relief from one short-term delivery parking space, and the three visitor parking spaces in recognition of this highly walkable neighbourhood and the fact that the car-share space may serve as visitor parking in the absence of a car-share program. Subject to approval, a total of 19 parking spaces would be required for the 45 homes proposed including two accessible parking spaces and one car-share parking space. The plans submitted in support of this application identify seven parking spaces with additional relief proposed to allow two of these seven parking spaces to be provided on the abutting property while the remaining 12 spaces would be addressed through the City's Cash-in-Lieu of Parking By-Law Number 2022-63.

Policies of the Official Plan set out that the City may enter into an agreement to exempt an owner or occupant from the provision of parking required by a zoning by-law in return for the payment. The City's Cash-in-Lieu of Parking By-Law Number 2022-63 allows a reduction in parking space and delegates the authority to enter into such an agreement to the Director of Planning Services pursuant to the payment in the amount of \$8,000 for each parking space subject to the exemption. As highlighted in Report [PC-22-018](#), this amount was set to reflect a strategic portion of the cost of constructing surface parking spaces while still being below the actual cost construction (between \$30,000 and \$35,000 per stall for surface parking and between \$45,000 and \$70,000 per stall for below grade parking).

The proposed development would continue to meet the servicing needs of its residents despite the reduction of four parking spaces otherwise intended to accommodate car-share, visitor, and short-term delivery given the existence of surrounding on-street, and off-street paid, parking and the high modal split in favour of active transportation associated with this area.

The proposal meets the intent of the Official Plan, as the proposed encroachment into the rear yard and modified street frontage will not result in any negative impacts to adjacent properties or to the neighbourhood. The existing services in area are sufficient to accommodate the planned development and the parking proposed for the site which is proposed both on-site and off-site as well as partially addressed through cash-in-lieu of parking addresses the anticipated demand for parking in a manner consistent with the City's objectives.

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

The subject property is zoned Williamsville Zone 1 (WM1) in Kingston Zoning By-Law Number 2022-62 (Exhibit E – Zoning By-Law Map). The WM1 zone permits an apartment building of up to six-storeys as is proposed subject to specific requirements.

October 21, 2024

Page 9 of 15

The proposal requires variances to certain criteria set out in Kingston Zoning By-law Number 2022-62 as outlined below:

**Variance Number 1: Minimum Rear Yard Setback**

By-Law Number 2022-62:10.2.1.5

Requirement: 8 metres

Proposed: 6 metres

Variance Requested: 2 metres

The proposed encroachment of two metres towards the rear lot line of the property is consistent with the intent of the Kingston Zoning By-law as the irregularly shaped lot continues to provide ample area which provides a greater separation between the rear building wall and the rear lot line. Only a small portion of the building projects the nominal two metre distance into the rear setback, and the overall intent of the By-law of using setbacks to provide visual buffers and prevent undue shadows and overlook is not impacted.

**Variance Number 2: Maximum residential density**

By-Law Number 2022-62:10.2.1.11:

Requirement: 210 dwelling units per net hectare

Proposed: 528 dwelling units per net hectare

Variance Requested: 318 dwelling units per net hectare

Due to the size of the lot and number of units, the applicant seeks relief from the density provisions of the Kingston Zoning By-law to permit the 45 homes.

With respect to the increase in density from 210 dwelling units per net hectare to 528 dwelling units per net hectare, it is highlighted that the small lot area which measures 853 square metres has partially resulted in the higher density. Regulations respecting density are generally intended to ensure that the massing of a building is consistent with the surrounding area and that all functional needs of site users can be met. Further, the primary reason for the density restriction within this area was to ensure that there exists servicing capacity for new development proposals. It is noted that surrounding developments having a calculated densities of 500 to 700 units per hectare.

In terms of the building’s height, setbacks from Princess Street and the property’s side lot lines, the proposed building complies with the built form provisions of the zoning by-law, and the development is consistent with the intent of the density provisions despite the increase in density.

Utilities Kingston has reviewed the application and have no issue with the servicing requirements imposed by the proposed residential density.

**Variance Number 3: Streetwall Setback**

By-Law Number 2022-62: 10.2.3.1

October 21, 2024

Page 10 of 15

- Requirement: A minimum of 75% of the streetwall of a building must be built to the minimum required front setback for the height of the streetwall
- Proposed: A minimum of 75% of the streetwall of a building must be built within 0.4 metres of the minimum required front setback
- Variance Requested: 0.4 metres

The 0.4 metre relief in the amount of the main wall built to the required setback is intended to address the irregularly shaped lot which has a front lot line running diagonally, versus perpendicularly, between the two interior lot lines. Accordingly, while easterly edge of the building is proposed at this setback, due to the diagonal front lot line, the streetwall of the building measures 0.4 metres distance from the front lot line at the western corner. The building maintains the overall intent of the Kingston Zoning By-law to create a pedestrian-oriented streetscape by providing a continuous streetwall which frames Princess Street.

**Variance Number 4: Offsite Parking**

By-Law Number 2022-62: Section 7.1.12.

- Requirement: Where a building that exists as of the date of passing of this By-law is converted resulting in an increase in the number of dwelling units, required parking spaces may be provided off-site, within 60.0 metres of the lot
- Proposed: A building that that is constructed resulting in an increase in the number of dwelling units, required parking spaces may be provided off-site, within 60.0 metres of the lot
- Variance Requested: Existing Building

**Variance Number 5: Parking Ratios**

By-Law Number 2022-62: Row 1 Table 7.1.1.:

- Requirement: 23 spaces: 18 parking spaces; 1 car-share parking space; 3 visitor spaces; and, 1 short-term delivery parking space
- Proposed: 19 spaces: 18 parking spaces; 1 car-share parking space; 0 visitor spaces; and, 0 short-term delivery parking space
- Variance Requested: Reduction of 4 spaces: 0 parking spaces; 0 car-share parking spaces; 3 visitor spaces; and, 1 short-term delivery parking space

Variances Number 4 and 5 relate to the parking associated with the proposed development. The proposal to allow off-site parking is consistent with the intent of the Kingston Zoning By-law which, in an effort to accommodate much needed residential development, provides as-of-right permission for parking spaces to be provided off-site when a building’s conversion to residential results in an increase in the required parking. While the current proposal does not consist of repurposing an existing building, the proposal does repurpose a relatively small commercial property to a residential use with two off-site parking spaces intended to be provided at the abutting lot to the north. This intensification project would continue to provide convenient access to parking for its residents despite the off-site location of two of the spaces. Accordingly, the proposal to provide parking on the abutting property, which the subject lands already have an easement for access over, would equally achieve the Kingston Zoning By-law’s objective of facilitating residential intensification of commercial sites.



October 21, 2024

Page 11 of 15

In regards to the reduction in visitor parking spaces, and short-term delivery spaces, one of the many outcomes of Kingston Zoning By-law Number 2022-62 was the implementation of the City's Discussion Paper [The Power of Parking: A New Parking Paradigm for Kingston](#). Through the passing the Kingston Zoning By-law, minimum parking requirements were greatly reduced in an effort to achieve Council priorities including increasing the modal split towards active transportation, and to increasing housing affordability. The discussion paper highlights how parking requirements can greatly increase the cost of housing as a result of the high cost to provide surface, and especially, underground parking, while making active transportation less attractive as an alternative through ready access to 'free' parking.

Since the Committee of Adjustment's initial approval of Minor Variance File D13-034-2023, the Kingston Zoning By-law has been amended to further reduce the rates at which visitor and car-share parking spaces are required while introducing a new requirement for a short-term delivery parking space. The applicant seeks the same relief to allow a reduction of four parking spaces though in a different configuration to facilitate the proposed development.

The site is located the Williamsville neighbourhood which is an extremely walkable area owing in part to its close proximity to Queens University and the Downtown Core with the subject lands having excellent access to public transit including both express and regular transit services. Based on information provided in the City's [Household Travel Survey 2019](#), this area is associated with having one of the lowest rates of vehicle ownership and one of the highest modal splits towards transit (6.5% - 9.5%), cycling (7.5% - 10.5%), and walking (20 - 40%) which emphasizes the demographic characteristics of the area which lessens the need to accommodate the private automobile to service the area's residents.

The site would continue to provide one car-share space which would serve as a visitor space in the absence of a car-share program. As noted above, the area is characterized by a large share of trips which do not rely upon the private automobile, and the building's visitors are likely to also arrive by transit or active transportation modes.

Parking for short-term deliveries can be accommodated through the existing street network given the short distance between blocks, and the fact that these types of deliveries would likely utilize such parking configurations given the layout of the site's parking at the rear of the building.

The requested variances maintain the general intent and purpose of the zoning by-law. Staff have reviewed the proposal and, subject to any issues raised during the public meeting process, in the event of the Committees approval of the application 12 of the required parking spaces would be addressed through cash-in-lieu in accordance with Section 42 of the *Planning Act* and By-law 2022-63, the City's Cash-in-Lieu of Parking By-law.

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

October 21, 2024

Page 12 of 15

**The variances are minor in nature**

The variances are being considered together as a whole and the cumulative impact of them does not warrant consideration through a zoning by-law amendment as they together to not change the overall development direction for the site.

The variance for the rear yard setback reduction is considered minor as the building encroachment is of nominal distance and encroaches into a small area of the irregularly shaped lot's rear yard and is therefore not anticipated to impact anyone. The relief sought for the building wall and off-site parking continue to provide the same amenity and purpose but in a reconfigured way and is not anticipated to impact any other users. In respect to density, the site continues to comply with the lot coverage and height requirements and does not represent an 'over development' of the site or result in undue massing uncharacteristic of the area.

Recognizing that the previous approval of Minor Variance Application D13-034-2023 granted the site an increase in density, relief from certain mechanical equipment, and a reduction of various parking and bike parking standards it is noted that the mechanical equipment remains in isolation at the top of the building and does not have an effect on the cumulative impact of the relief granted. Similarly, the design and layout of the long-term bike parking does not have a bearing on the current relief sought.

The relief to provide parking on the abutting property and a reduction in the visitor parking spaces is minor in its impact as the adjacent property where parking is provided is convenient to the residents of the subject property and the property is already subject to a mutual easement for access. The area is well serviced by extensive amenities which are within walking distance of the site while extensive public transit opportunities exist within walking distance.

The variances, both cumulatively and individually, are minor in nature.

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

The proposed variances would allow for the development of a smaller lot in accordance with the development guidelines established in the Williamsville Main Street Study, including the required minimum front setbacks and the articulation of the street wall to provide for a more pedestrian friendly, dynamic public realm. The proposed building will help establish a built form in compliance with these design goals within an area of rapid transition. The requested variances will also facilitate the creation of 45 new dwelling units within walking distance of various commercial and employment uses, in a location that is very well served by public transit and active transportation infrastructure. The variance is desirable and appropriate use of the land.

The variance is desirable and appropriate use of the land.

October 21, 2024

Page 13 of 15

**Technical Review: Circulated Departments and Agencies**

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

**Technical Comments**

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

**Public Comments**

At the time this report was finalized, no comments from the public 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**

The subject property is currently in the process of fulfilling the conditions of consent set out in Application D10-026-2023 and has submitted Site Plan Control Application D11-015-2023 based on the plans submitted in support of Minor Variance Application D13-034-2023.

**Conclusion**

The requested variances maintain the general intent and purpose of both the City of Kingston Official Plan and Kingston Zoning By-Law Number 2022-62. The proposal is desirable for the

October 21, 2024

Page 14 of 15

appropriate development or use of the land, building or structure and the requested variances are minor in nature. As such, the proposed application meets all four tests under Subsection 45(1) of the *Planning Act* and the application is being recommended for approval, subject to the proposed conditions.

Approval of this application will facilitate the intensification of an underutilized lot and the development of 45 homes in a location with extensive amenities and services.

**Existing Policy/By-Law:**

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

**Provincial**

Provincial Planning Statement, 2024

**Municipal**

City of Kingston Official Plan

Kingston Zoning By-Law Number 2022-62

**Notice Provisions:**

A Committee of Adjustment Meeting is going to be held respecting this application on October 21, 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 565 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

October 21, 2024

Page 15 of 15

**Contacts:**

James Bar, Manager, Development Approvals, 613-546-4291 extension 3213

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

**Other City of Kingston Staff Consulted:**

None

**Exhibits Attached:**

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

## Recommended Conditions

The approval of minor variance application, File Number D13-062-2024, to permit the construction of a six-storey building, shall be subject to the following recommended conditions:

### 1. Limitation

That the approved minor variance applies only to the construction of a six-storey building with not more than 45 homes 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 627 Princess Street prepared by Abacus Archaeological Services dated 29-July-2022. This report is on file with 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.

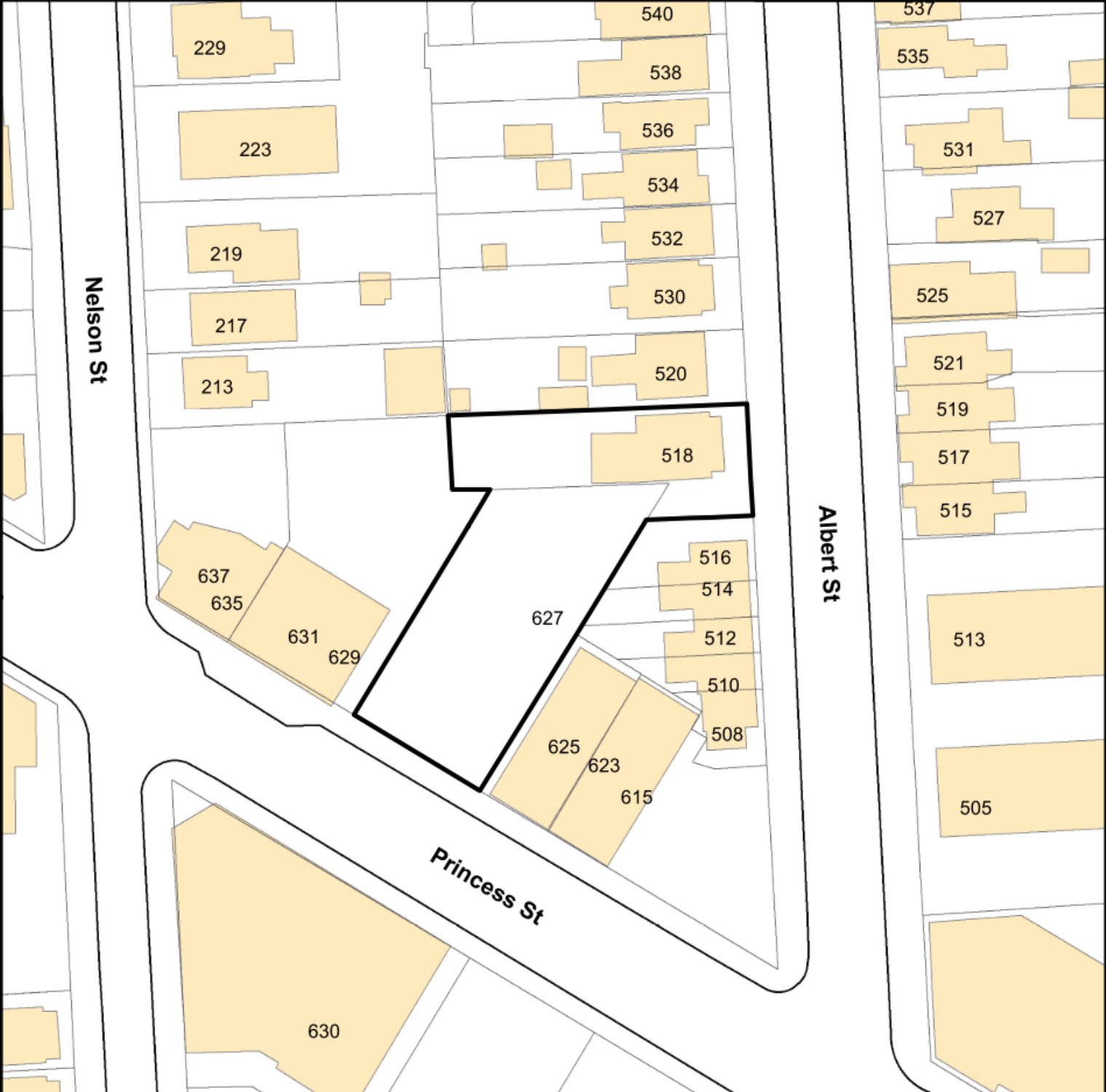
The applicant may be required to further review the state of archaeological resources on the property depending on the recommendations of the report and subject to input and review from the Ministry of Citizenship and Multiculturalism. The City shall not be restricted in its ability to determine requirements 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: 627 Princess St  
File Number: D13-062-2024  
Prepared On: Sep-05-2024

Lands Subject to Minor Variance



Disclaimer: This document is subject to copyright and may only be used for your personal, noncommercial use provided you keep intact the copyright notice. The City of Kingston assumes no responsibility for any errors, and is not liable for any damages of any kind resulting from the use of, or reliance on, the information contained in this document. The City of Kingston does not make any representation or warranty, express or implied, concerning the accuracy, quality, or reliability of the use of the information contained in this document. ©2020 The Corporation of the City of Kingston.





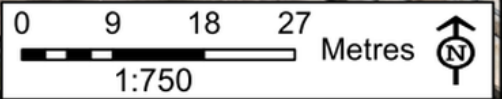
# Committee of Adjustment Neighbourhood Context

Address: 627 Princess St  
File Number: D13-062-2024  
Prepared On: Sep-05-2024

- Subject Lands
- Property Boundaries
- Proposed Parcels



Prepared By: neameron  
Prepared On: Sep-05-2024



Disclaimer: This document is subject to copyright and may only be used for your personal, noncommercial use provided you keep the City of Kingston logo and name visible. The City of Kingston assumes no responsibility for any errors, and is not liable for any damages of any kind resulting from the use of, or reliance on, the information contained in this document. The City of Kingston does not make any representation or warranty, express or implied, concerning the accuracy, quality, or reliability of the use of the information contained in this document. 2020 The Corporation of the City of Kingston.

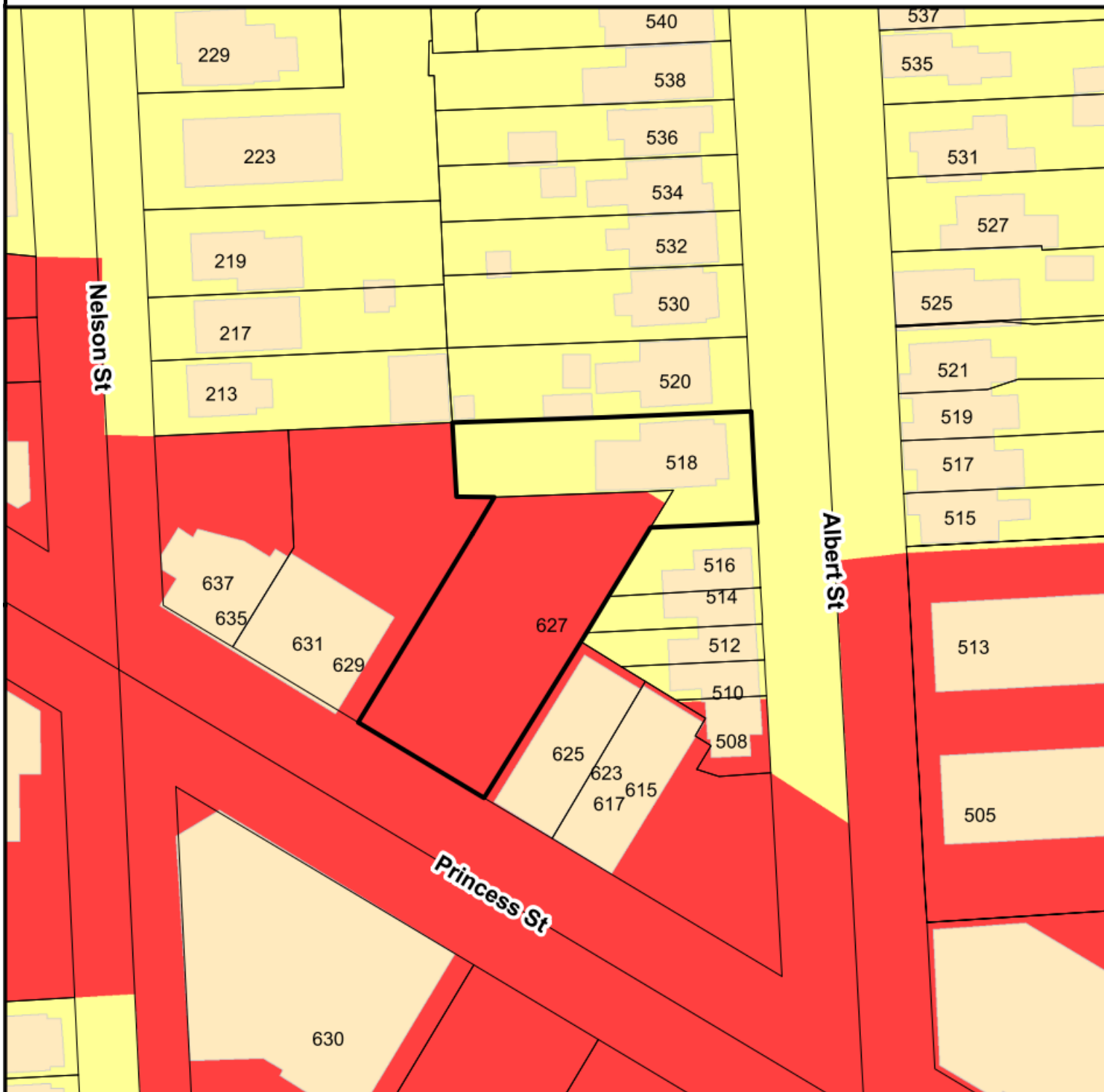




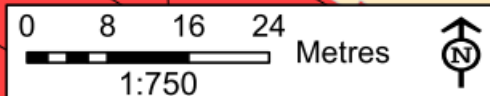
# Committee of Adjustment Official Plan, Existing Land Use

Address: 627 Princess St  
File Number: D13-062-2024  
Prepared On: Sep-05-2024

-  Subject Lands
-  MAIN STREET COMMERCIAL
-  RESIDENTIAL



180  
Prepared By: ncameron  
Prepared On: Sep-05-2024



Disclaimer: This document is subject to copyright and may only be used for your personal, noncommercial use provided you keep an accurate record of the source. The City of Kingston assumes no responsibility for any errors, and is not liable for any damages of any kind resulting from the use of, or reliance on, the information contained in this document. 2020 The Corporation of the City of Kingston.

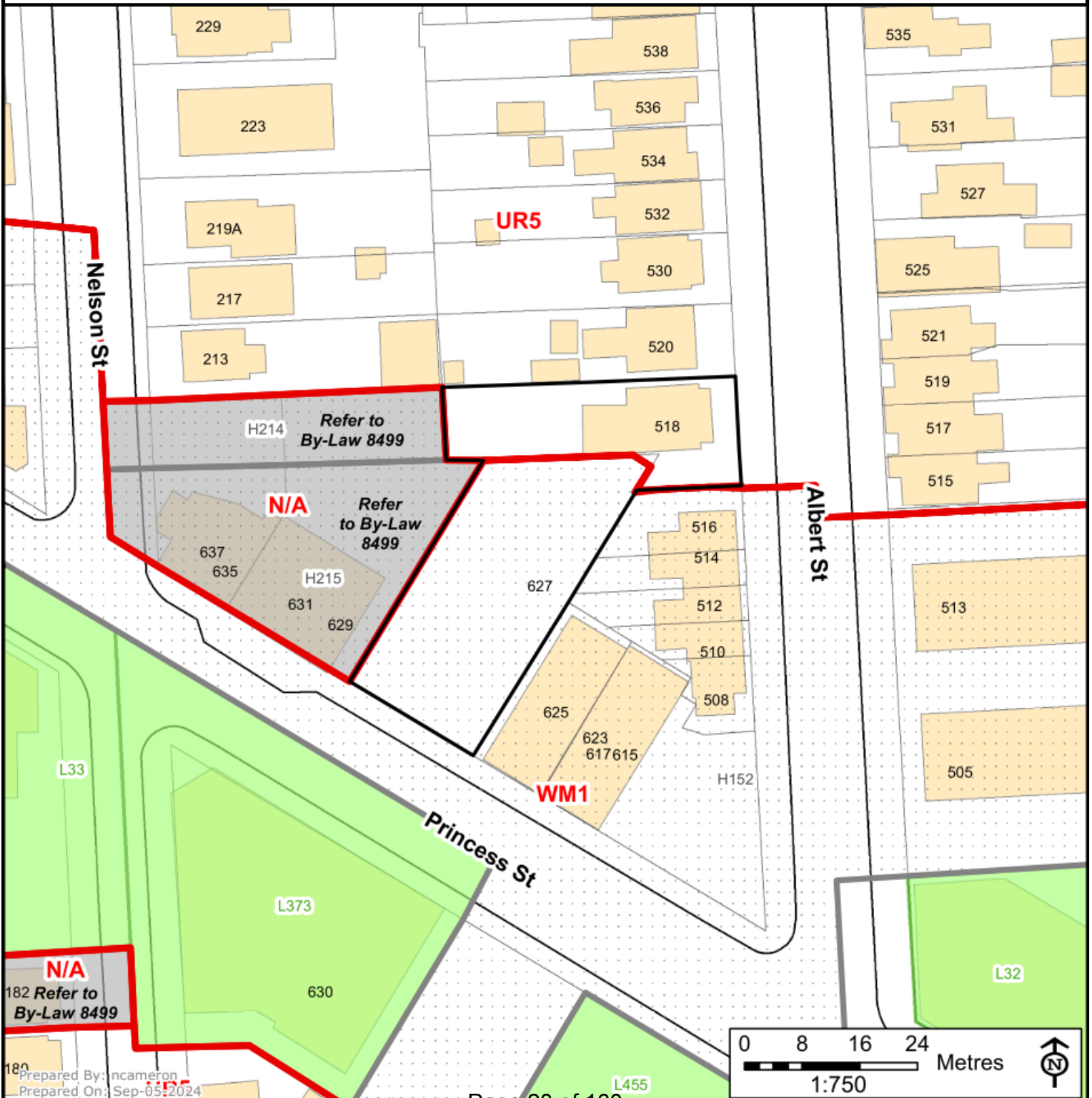


Planning Services

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

Address: 627 Princess St  
File Number: D13-062-2024  
Prepared On: Sep-05-2024

- 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: incameron  
Prepared On: Sep-05-2024

Disclaimer: This document is subject to copyright and may only be used for your personal, noncommercial use provided you keep intact the copyright notice and you assume no responsibility for any errors, and is not liable for any damages of any kind resulting from the use of, or reliance on, the information contained in this document. The City of Kingston does not make any representation or warranty, express or implied, concerning the accuracy, quality, or reliability of the use of the information contained in this document. 2020 The Corporation of the City of Kingston.







4 3D View Princess St.  
Scale



3 North West Corner  
Scale



2 Albert Street  
Scale



1 Princess Street  
Scale

DATE	REVISION
HARMONY PLANS INC., KINGSTON, OH PROJECT: 627 Princess St. 627 Princess St. Kingston, OH 45752	
PROFESSIONAL SEAL	
DRAWN BY: DATE:	CHECKED BY: DATE:

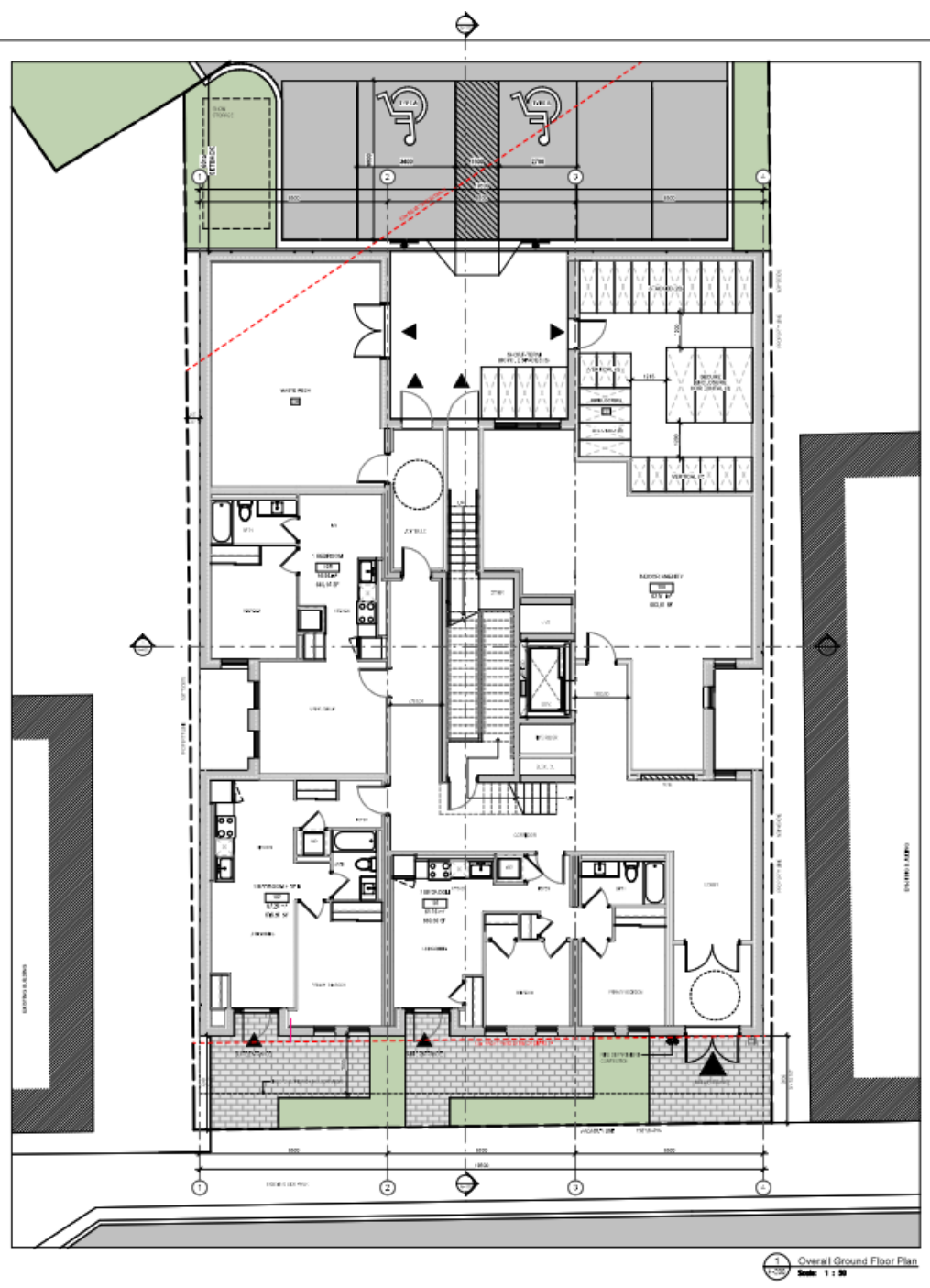
A-035







onespace estimated inc.  
10000 W. 10th Ave. #100  
Broomfield, CO 80020  
Tel: 303.440.1000  
www.onespace.com



NORTH  
 SCALE

NO.	DATE	DESCRIPTION

Harmony Plans Inc., Kingston, OH  
 827 Phoenix Dr.  
 827 Phoenix Dr.  
 Kingston, OH 45752, #2

Overall Ground Floor Plan

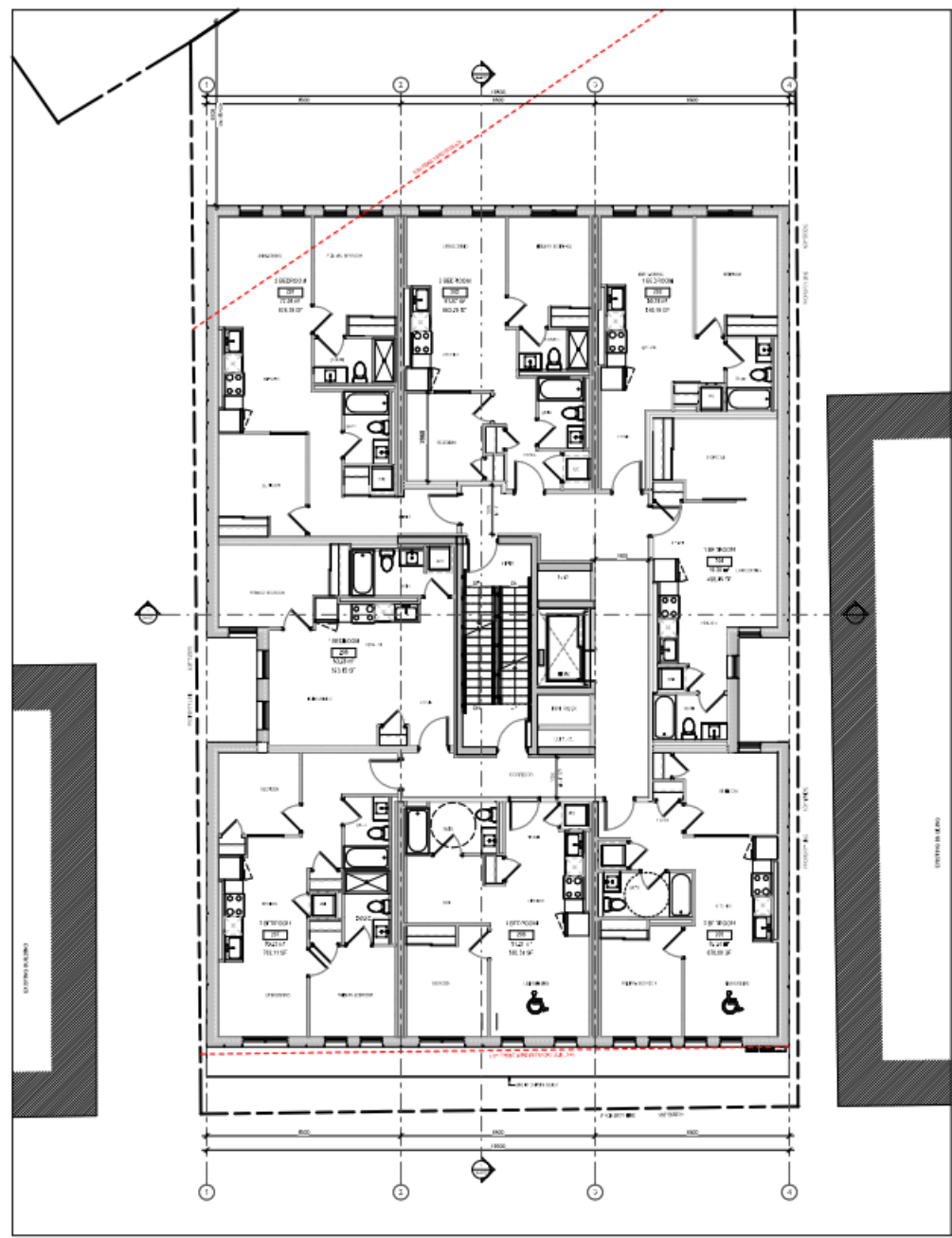
NO.	DATE	DESCRIPTION

Overall Ground Floor Plan  
Scale: 1/8" = 1'-0"

A-200



onespace exhibited inc.  
10000 W. 10th St. #100  
Overland Park, KS 66211  
Tel: 913.241.1000  
www.onespaceexhibited.com



PROJECT: Harmony Plaza Inc., Kington, OH  
DATE: 02/20/24  
DRAWN BY: J. [Name]  
CHECKED BY: [Name]  
DATE: 02/20/24  
SCALE: AS SHOWN

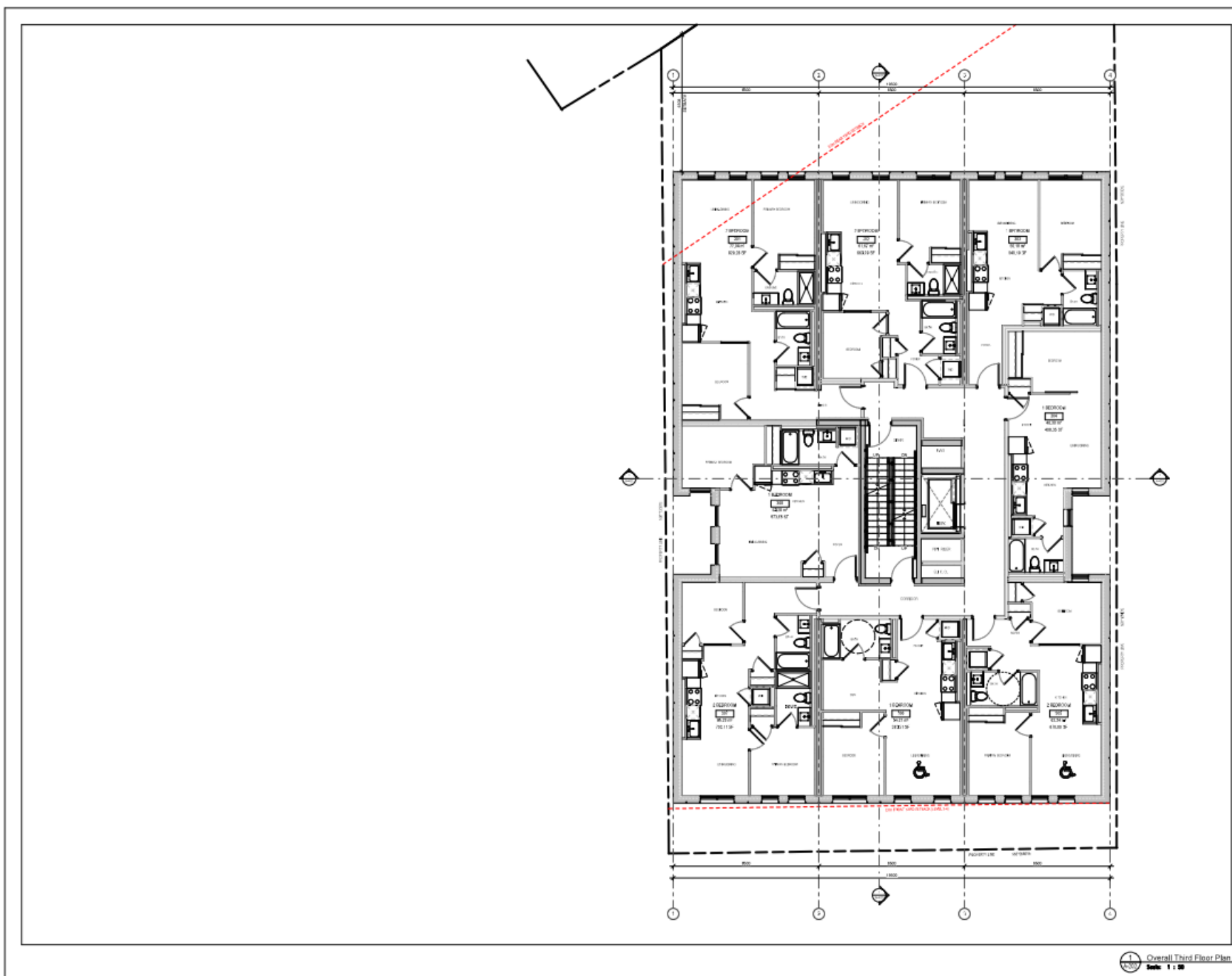
Overall Second Floor Plan  
Scale: 1/8" = 1'-0"

A-201





onespace estimated inc.  
10000 W. 10th St. #100  
Overland Park, KS 66211  
Tel: 913.241.1000  
www.onespace.com



NO. 0078	0000
----------	------

Hensley Plots Inc., Kipton, OH  
 827 Phoenix Dr.  
 827 Phoenix Dr.  
 Kipton, OH 45137, #2

Overall Third Floor Plan

DATE	DESCRIPTION
2024	REVISION
11/14	ISSUE FOR PERMIT

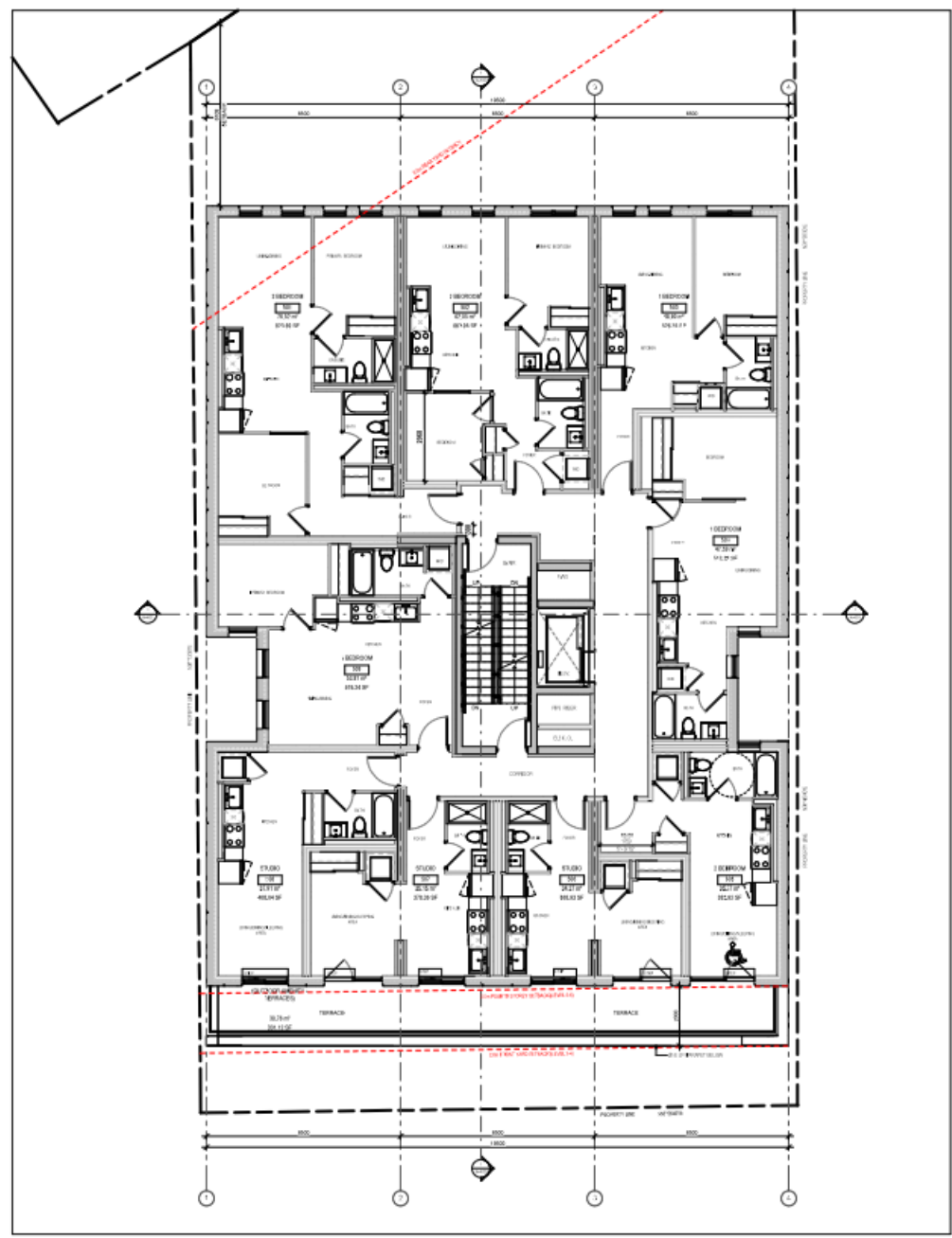
Overall Third Floor Plan  
Scale: 1/8" = 1'-0"

A-202





onespace estimated inc.  
10000 W. 10th Ave.  
Suite 100  
Denver, CO 80202  
Tel: 303.755.1100  
www.onespace-est.com



DATE: 10/20/24

PROJECT: 24-078

PROJECT NAME: 10000 W. 10th Ave. - 5th Floor

PROJECT ADDRESS: 10000 W. 10th Ave., Denver, CO 80202

PROJECT CLIENT: HARMONY FLOORS INC.

PROJECT ARCHITECT: HARMONY FLOORS INC.

PROJECT ENGINEER: HARMONY FLOORS INC.

PROJECT CONTRACTOR: HARMONY FLOORS INC.

PROJECT DESIGNER: HARMONY FLOORS INC.

PROJECT DATE: 10/20/24

PROJECT SHEET: 5th Floor Plan

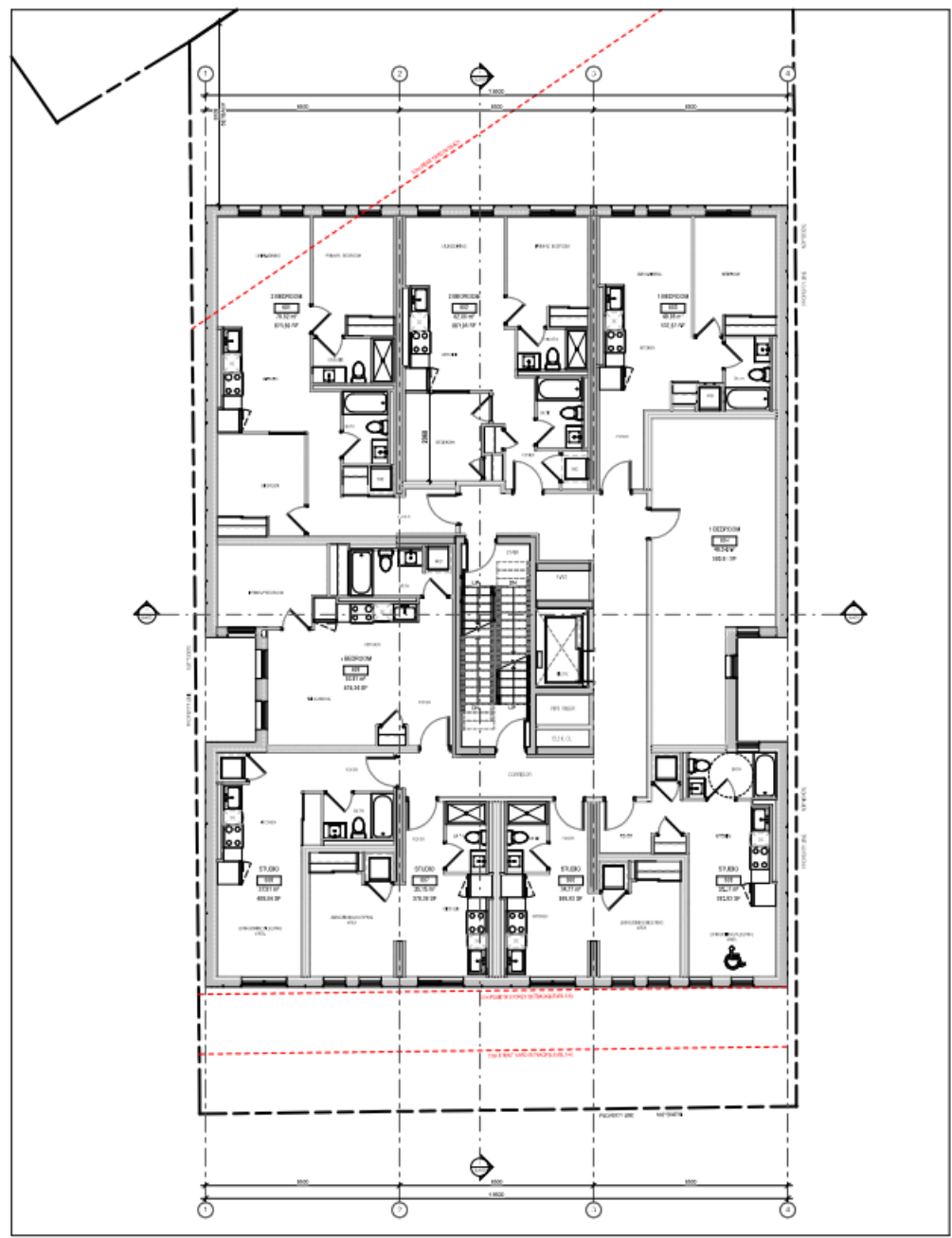
PROJECT SCALE: 1/8" = 1'-0"

1 Overall Fifth Floor Plan  
Scale: 1/8" = 1'-0"

A-204



**onespace united inc.**  
 1000 ...  
 ...  
 ...



---

HARMONY FLOOR INC., KEGONAN, ON  
 827 PRINCE ST.  
 KEGONAN, ON N0L 1G2

Overall Sixth Floor Plan

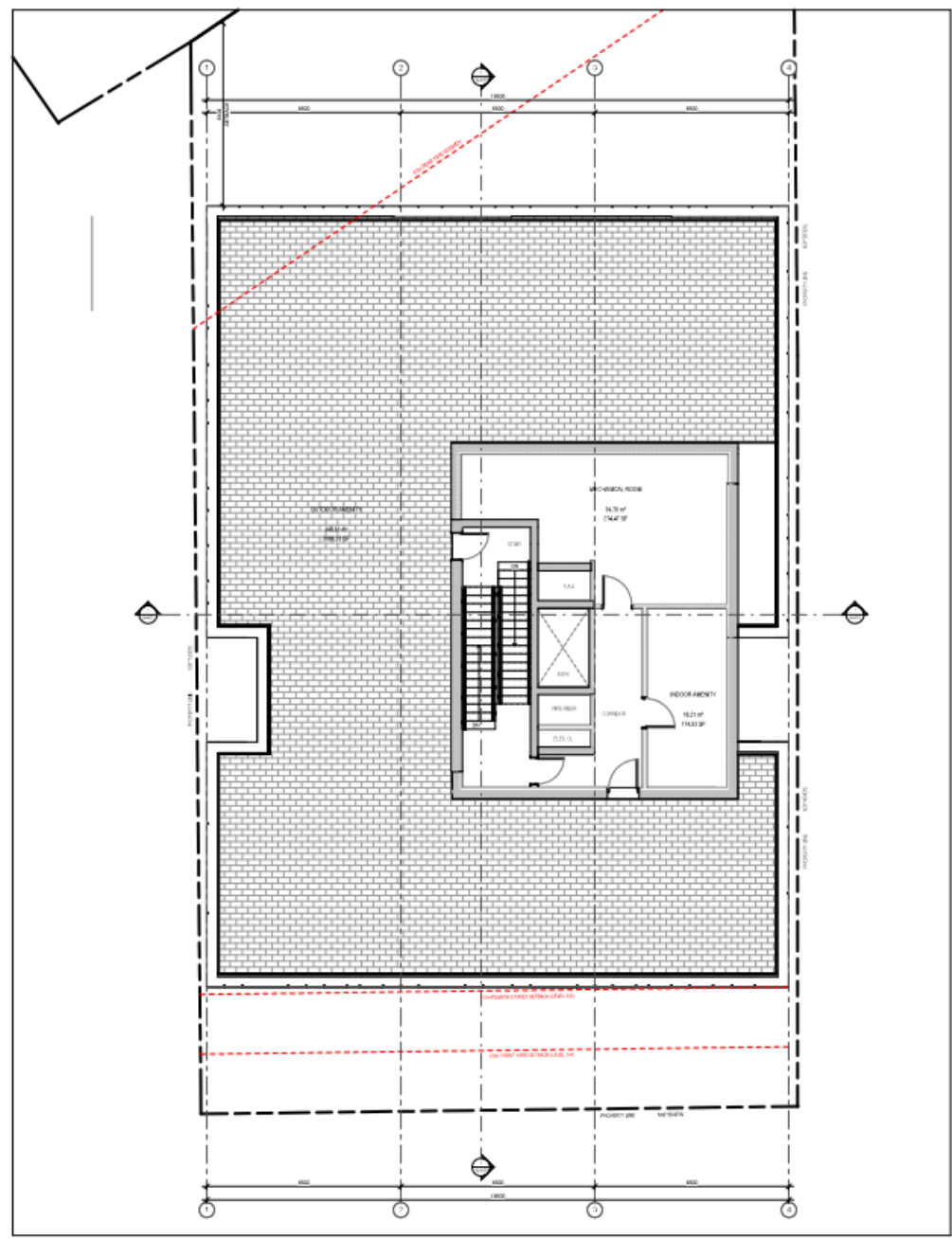
DATE	DESCRIPTION

Overall Sixth Floor Plan  
Scale: 1/8" = 1'-0"

A-205



onespace estimated inc.  
10000 W. 10th St. #100  
Overland Park, KS 66211  
913.646.1000  
www.onespaceest.com



NO.	DATE	REVISION



Professional seal and registration information for the architect.

PROJECT  
Hemlock Plaza Inc., Kingman, OH

ADDRESS  
827 Phoenix Dr.  
827 Phoenix Dr.  
Kingman, OH 43142

DATE  
Overall Mechanical Penthouse Plan

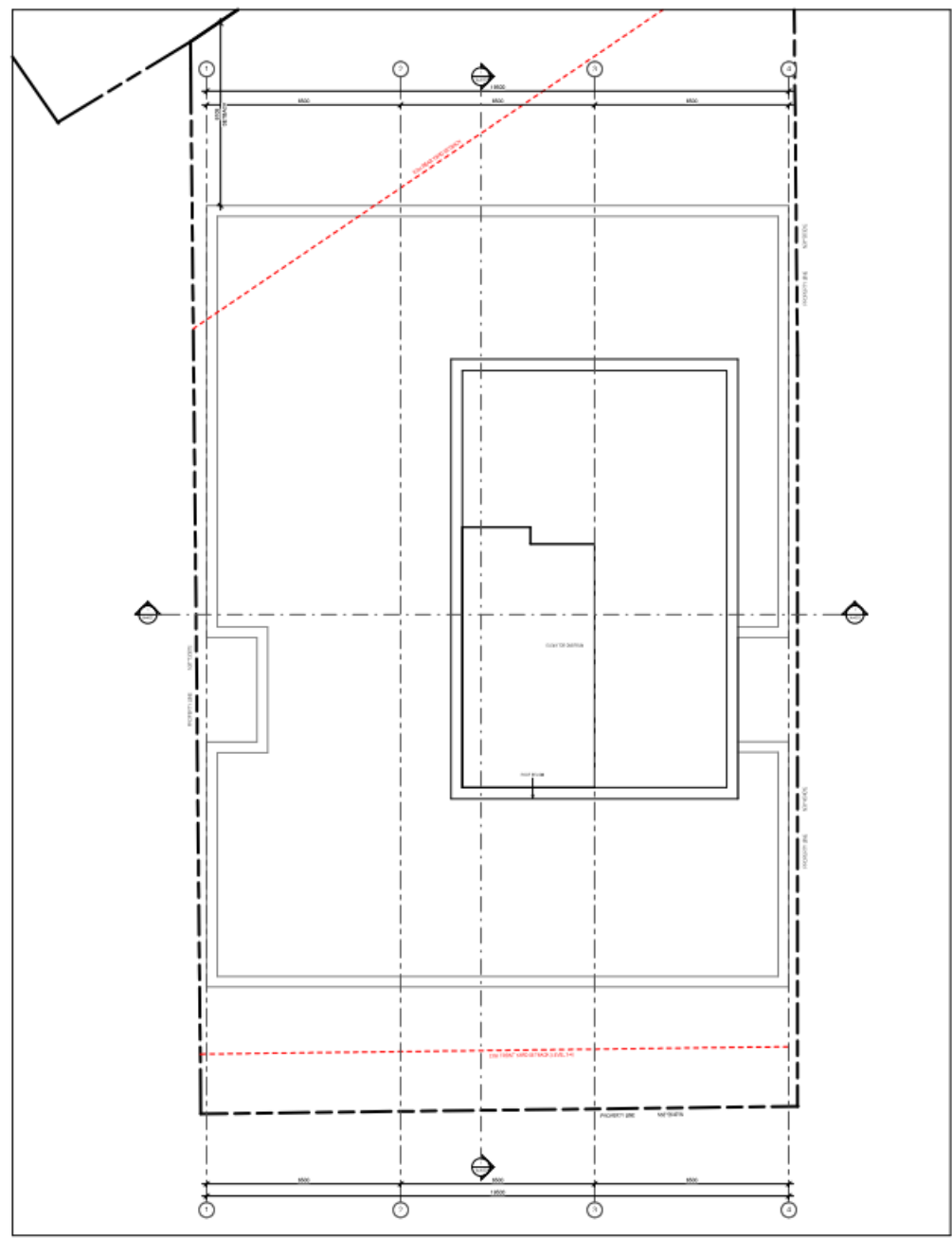
DATE	BY	CHECKED BY
2/28/24	JAMES	JAMES
2/28/24	JAMES	JAMES

1 Overall Mechanical Penthouse Plan  
Scale: 1/8" = 1'-0"

A-206



onespace estimated inc.  
10000 W. 10th St. #100  
Overland Park, KS 66211  
Tel: 913.241.1111  
www.onespace.com



Overall Roof Plan  
Scale: 1/8" = 1'-0"

NO.	DATE	REVISION
PROJECT Harmony Plaza Inc., Kingston, OH		
ADDRESS 827 Phoenix Dr. 827 Phoenix St. Kingston, OH 45752		
DRAWING Overall Roof Plan		
DATE	BY	APPROVED
	JAMES	

A-207



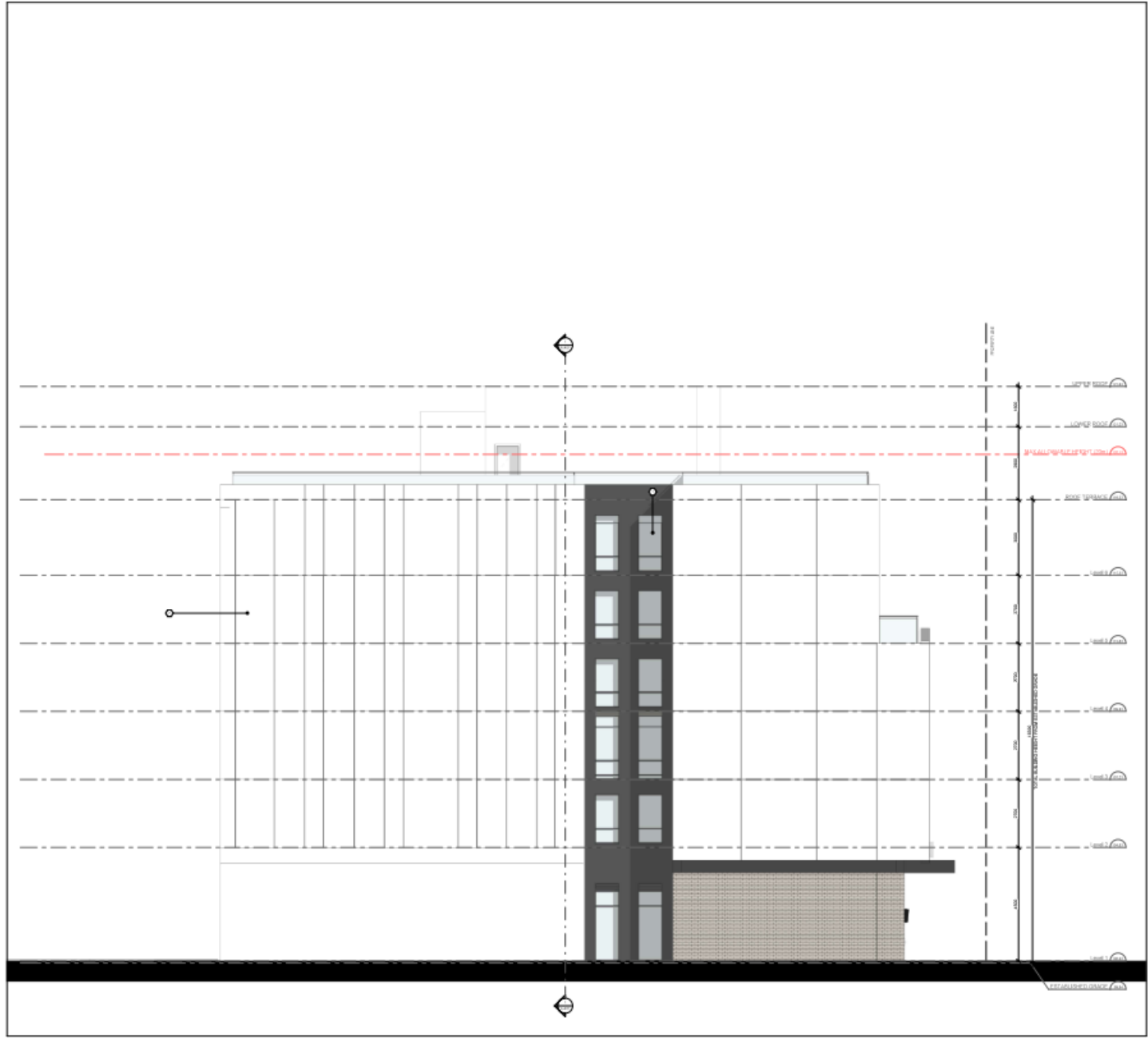






onespace solutions inc.  
 10000 16th Avenue SW  
 Suite 100  
 Richmond, BC V6V 2G9  
 Tel: 604.273.8888  
 Fax: 604.273.8889  
 Email: info@onespace.ca

<input type="checkbox"/>	FOUNDATION	1:10
<input type="checkbox"/>	1ST FLOOR	1:10
<input type="checkbox"/>	2ND FLOOR	1:10
<input type="checkbox"/>	3RD FLOOR	1:10
<input type="checkbox"/>	4TH FLOOR	1:10
<input type="checkbox"/>	5TH FLOOR	1:10
<input type="checkbox"/>	ROOF	1:10
<input type="checkbox"/>	MECHANICAL	1:10
<input type="checkbox"/>	ELECTRICAL	1:10
<input type="checkbox"/>	PLUMBING	1:10
<input type="checkbox"/>	EXTERIOR	1:10
<input type="checkbox"/>	INTERIOR	1:10
<input type="checkbox"/>	LANDSCAPE	1:10
<input type="checkbox"/>	SECTION	1:10
<input type="checkbox"/>	DETAIL	1:10
<input type="checkbox"/>	ASSEMBLY	1:10
<input type="checkbox"/>	FINISH	1:10
<input type="checkbox"/>	PAVING	1:10
<input type="checkbox"/>	ROOFING	1:10
<input type="checkbox"/>	CLADDING	1:10
<input type="checkbox"/>	GLAZING	1:10
<input type="checkbox"/>	MECHANICAL	1:10
<input type="checkbox"/>	ELECTRICAL	1:10
<input type="checkbox"/>	PLUMBING	1:10
<input type="checkbox"/>	EXTERIOR	1:10
<input type="checkbox"/>	INTERIOR	1:10
<input type="checkbox"/>	LANDSCAPE	1:10
<input type="checkbox"/>	SECTION	1:10
<input type="checkbox"/>	DETAIL	1:10
<input type="checkbox"/>	ASSEMBLY	1:10
<input type="checkbox"/>	FINISH	1:10
<input type="checkbox"/>	PAVING	1:10
<input type="checkbox"/>	ROOFING	1:10
<input type="checkbox"/>	CLADDING	1:10
<input type="checkbox"/>	GLAZING	1:10



DATE: 08.20.24  
 DRAWN BY: [Signature]  
 CHECKED BY: [Signature]  
 PROJECT: [Project Name]  
 SHEET: [Sheet Number]  
 SCALE: 1/8" = 1'-0"

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

A-302



Image 1 - View of Subject lands



Image 2 - View of Subject lands





Image 3 - View from subject lands looking west



Image 4 - View from subject lands looking east

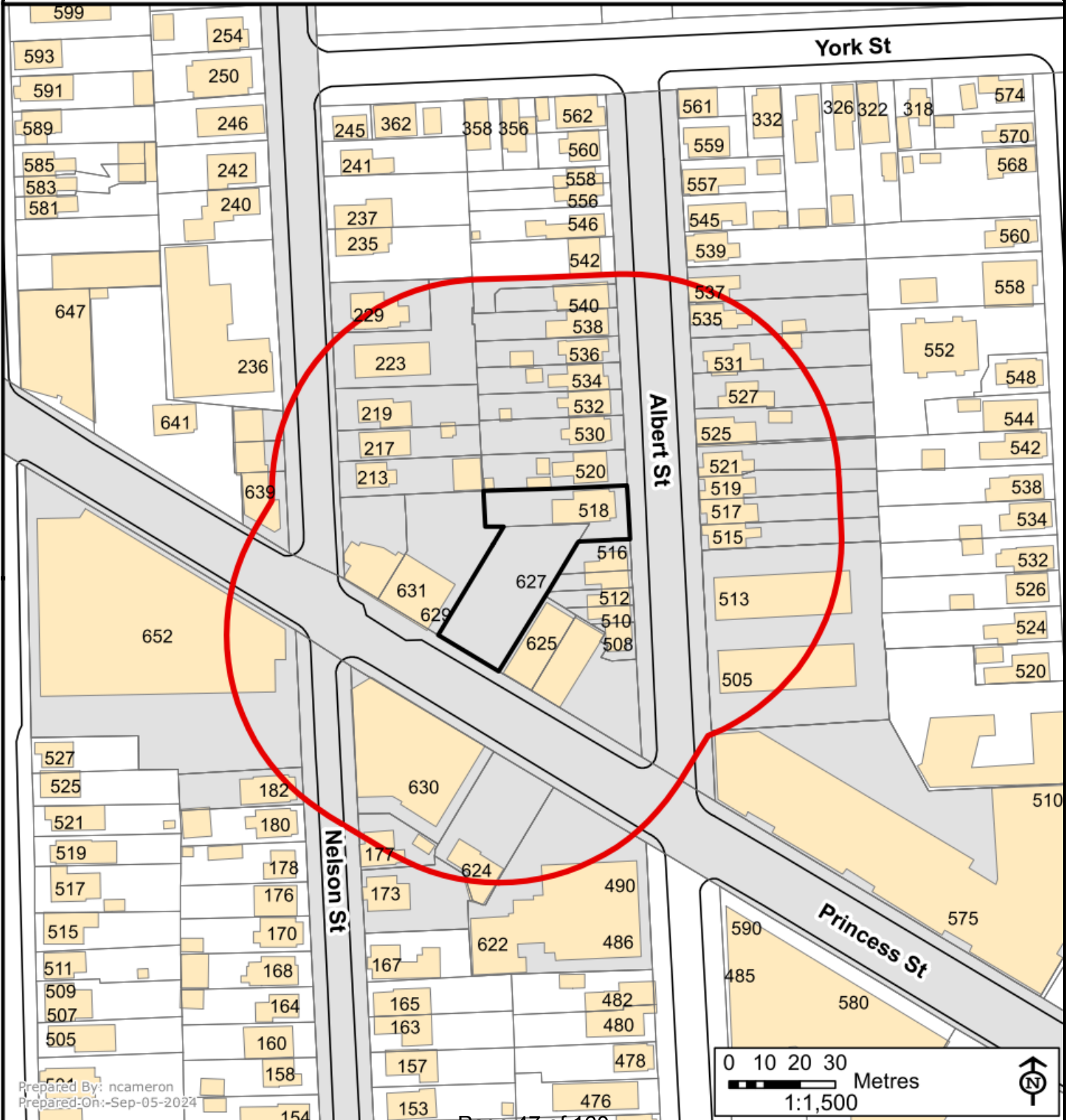




# Committee of Adjustment Public Notice Notification Map

Address: 627 Princess St  
File Number: D13-062-2024  
Prepared On: Sep-05-2024

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



Prepared By: ncameron  
Prepared On: Sep-05-2024

Disclaimer: This document is subject to copyright and may only be used for your personal, noncommercial use provided you keep in mind that the City of Kingston assumes no responsibility for any errors, and is not liable for any damages of any kind resulting from the use of, or reliance on, the information contained in this document. The City of Kingston does not make any representation or warranty, express or implied, concerning the accuracy, quality, or reliability of the use of the information contained in this document. 2020 The Corporation of the City of Kingston.





**City of Kingston  
Report to Committee of Adjustment  
Report Number COA-24-080**

---

**To:** Chair and Members of the Committee of Adjustment  
**From:** Chanti Birdi, Intermediate Planner  
**Date of Meeting:** October 21, 2024  
**Application for:** Permission  
**File Number:** D13-067-2024  
**Address:** 196 Concession Street  
**District:** District 9 – Williamsville  
**Owner:** 5019063 Ontario Inc  
**Applicant:** Atif Haider

---

**Council Strategic Plan Alignment:**

Theme: 1. Support Housing Affordability

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

**Executive Summary:**

This report provides a recommendation to the Committee of Adjustment regarding an application for permission for the property located at 196 Concession Street. The applicant is proposing to increase the number of residential units within the existing legal non-conforming building from 11 units to 12 units.

The requested application for permission under Section 45(2)(a)(ii) of the *Planning Act* is consistent with the general purpose and general intent of both the City of Kingston Official Plan and Kingston Zoning By-Law Number 2022-62. The proposed addition of one residential unit within the existing apartment building is similar to the existing legal non-conforming use. Therefore, it is recommended that this application for permission under Section 45(2)(a)(ii) of the *Planning Act* be approved.

October 21, 2024

Page 2 of 8

**Recommendation:**

**That** the application for permission, File Number D13-067-2024, for the property located at 196 Concession Street to increase the number of residential units within the existing legal non-conforming apartment building from 11 units to 12 units, be **Approved**; and,

**That** approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-080.

October 21, 2024

Page 3 of 8

**Authorizing Signatures:**

ORIGINAL SIGNED BY PLANNER

---

Chanti Birdi, Intermediate Planner

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

Tim Park, Director, Planning Services

James Bar, Manager, Development Approvals



October 21, 2024

Page 4 of 8

**Options/Discussion:**

On September 4, 2024, an application for permission was submitted by Atif Haider, on behalf of the owner, 5019063 Ontario Inc, with respect to the property located at 196 Concession Street. The application for permission is requested to increase the number of residential units within the existing legal non-conforming apartment building from 11 units to 12 units.

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

- Site Plan (Exhibit F)
- Floor Plan (Exhibit G)

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

**Site Characteristics**

The subject property is located on the south side of Concession Street, west of Victoria Street. The property is located within an area that is primarily residential but also contains nearby neighbourhood community and commercial uses (Exhibit B – Key Map). The property abuts a mixed-use building to the west and a house to the east (Exhibit C – Neighbourhood Context Map).

The subject property is designated Residential in the Official Plan (Exhibit D – Official Plan Map) and zoned Urban Residential Zone 5 (UR5) in Kingston Zoning By-Law Number 2022-62 (Exhibit E – Zoning By-Law Map).

**Permission Application**

Pursuant to Subsection 45(2)(a)(ii) of the *Planning Act*, the Committee of Adjustment may permit the use of any land, building or structure for a purpose that, in the opinion of the Committee, is similar to the purpose for which it was used on the day the zoning by-law was passed or is more compatible with the uses permitted by the zoning by-law than the purpose for which it was used on the day the zoning by-law was passed, so long as the use has continued until the date of the application to the Committee. In determining whether to grant a permission pursuant to Subsection 45(2)(a)(ii), the relevant test is:

- 1) Whether the proposed use is similar to the existing legal non-conforming use; or**
- 2) Whether the proposed use is more compatible with the uses permitted in the zoning by-law than the existing legal non-conforming use.**

Similarity and compatibility are assessed according to the impacts, such as physical or social impacts, created by the proposed use as compared to the existing legal non-conforming use.

October 21, 2024

Page 5 of 8

The proposed 12-unit residential building is similar in terms of use, function and compatibility to the existing 11-unit building. There are no proposed increases to building footprint or height. It is not anticipated that the addition of one single-bedroom residential unit will have any negative impacts on the lot or neighbourhood.

### **Provincial Planning Statement**

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

### **Official Plan**

The subject property is designated Residential (Exhibit D – Official Plan Map).

In certain circumstances, it may be desirable to grant the extension, enlargement or relocation of a non-conforming use as provided by the *Planning Act*. When reviewing an application for such extension, enlargement or relocation, the Committee of Adjustment must be satisfied that the legal non-conforming use continued to the date of the application to the Committee, and that the application would not extend such use beyond the area and site owned or used on the day of passage of the implementing zoning by-law. In addition, the Committee of Adjustment may have regard to the eight criteria included in Section 9.5.13 of the Official Plan.

The existing apartment building was constructed in 1963 as an 11-unit apartment and has continued to function as such since its construction. As such, the apartment building is considered a legal non-conforming use.

The proposal does not conflict with and is not anticipated to disrupt the existing and planned uses within the area. The Residential designation of the Official Plan permits a variety of residential uses including low-rise, mid-rise and high-rise residential uses. At 3 storeys, the building is considered a low-rise residential building. New low-rise residential buildings are subject to the locational criteria of Section 2.6.4. of the Official Plan. It is noted that the building is existing and not new, however, the building does meet the locational criteria established in Section 2.6.4. of the Official Plan.

The subject property is not designated or listed on the City of Kingston's Heritage Property Register, or adjacent to a property which is designated or listed.

No changes to the height or footprint of the building are proposed. The proposal makes use of existing space to convert a storage area to a residential unit.

October 21, 2024

Page 6 of 8

The requested permission to increase the number of residential units within the existing legal non-conforming apartment building from 11 units to 12 units meets the general intent and purpose of the City of Kingston Official Plan.

**Zoning By-Law**

The subject property is zoned Urban Residential Zone 5 (UR5) in Kingston Zoning By-Law Number 2022-62 (Exhibit E – Zoning By-Law Map).

The UR5 zone does not permit apartment buildings, however, the existing apartment building is considered a legal non-conforming use and is permitted to continue to be used as such in accordance with Section 1.8.1. of the Zoning By-Law.

The introduction of one residential unit within the existing building does not necessitate any variances from the requirements of the Zoning By-Law. The site can accommodate the necessary site adjustments for the addition of one residential unit, such as walkway expansion, parking, bike parking and amenity area. The existing legal non-conforming driveway is planned to remain as existing.

**Technical Review: Circulated Departments and Agencies**

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

**Technical Comments**

This application was circulated to external agencies and internal departments for their review and comment and there were no comments or concerns raised that would preclude this

October 21, 2024

Page 7 of 8

application from moving forward. Any technical comments that are received after the publishing of this report will be included as an addendum to the Committee of Adjustment Agenda.

**Public Comments**

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

**Previous or Concurrent Applications**

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

**Conclusion**

The requested application for permission under Section 45(2)(a)(ii) of the *Planning Act* is consistent with the general purpose and general intent of both the City of Kingston Official Plan and Kingston Zoning By-Law Number 2022-62 . The proposed addition of one residential unit to the existing building is similar to the existing legal non-conforming use. Therefore, it is recommended that this application for permission under Section 45(2)(a)(i) of the *Planning Act* be approved.

Approval of this application will have the effect of permitting one new residential unit within the existing legal non-conforming apartment building.

**Existing Policy/By-Law:**

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

**Provincial**

Provincial Planning Statement, 2024

**Municipal**

City of Kingston Official Plan

Kingston Zoning By-Law Number 2022-62

**Notice Provisions:**

A Committee of Adjustment Meeting is going to be held respecting this application on October 21, 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 56 property

October 21, 2024

Page 8 of 8

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:**

James Bar, Manager, Development Approvals, 613-546-4291 extension 3213

Chanti Birdi, Intermediate Planner, 613-546-4291 extension 3273

**Other City of Kingston Staff Consulted:**

None

**Exhibits Attached:**

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

## Recommended Conditions

The approval of permission application, File Number D13-067-2024, to increase the number of residential units within the existing legal non-conforming building from 11 units to 12 units, shall be subject to the following recommended conditions:

### 1. Limitation

That the approved permission applies only to the addition of one residential unit within the existing building as shown on the approved drawings attached to the notice of decision.

### 2. No Adverse Impacts

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

### 3. Building Permit Application Requirements

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

The drawings submitted with the Building Permit application must, in the opinion of the City, conform to the general intent and description of the approved 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. Civic Address

A D20 Civic Addressing Application submitted through DASH is required for the new unit. For further information please see the City of Kingston Civic Addressing and Road Naming By-Law 2005-98. Please contact [civicaddressing@cityofkingston.ca](mailto:civicaddressing@cityofkingston.ca) with any questions regarding the D20 application.

## 6. Servicing Plan

Utilities Kingston will require a servicing plan showing any existing and proposed services. As per City of Kingston By-Laws only one service is permitted per property. Any existing services not being retained are required to be abandoned at the main(s). It appears this property may have 2 sanitary laterals which would not be in compliance with the City of Kingston Sewer By-Law.

A multi-unit complex can be metered with either a bulk water meter or individual water meters all located in one room at or near the service entrance. If individually metered, each meter shall have its own shut off valve on both sides of the meter and be labeled accordingly. Refer to uploaded UK water meter specifications. Please fill out and submit the water meter sizing form <https://utilitieskingston.com/Water/MeterSizing>.

If additional electrical metering is required, a service request will be required and can be filed at <https://utilitieskingston.com/Electricity/NewServices/ServiceRequest>.

If increasing gas load, a Gas Load summary should be filled out and submitted to a Utilities Kingston Service Advisor as well as provided with the application.

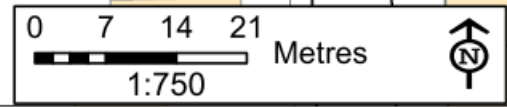
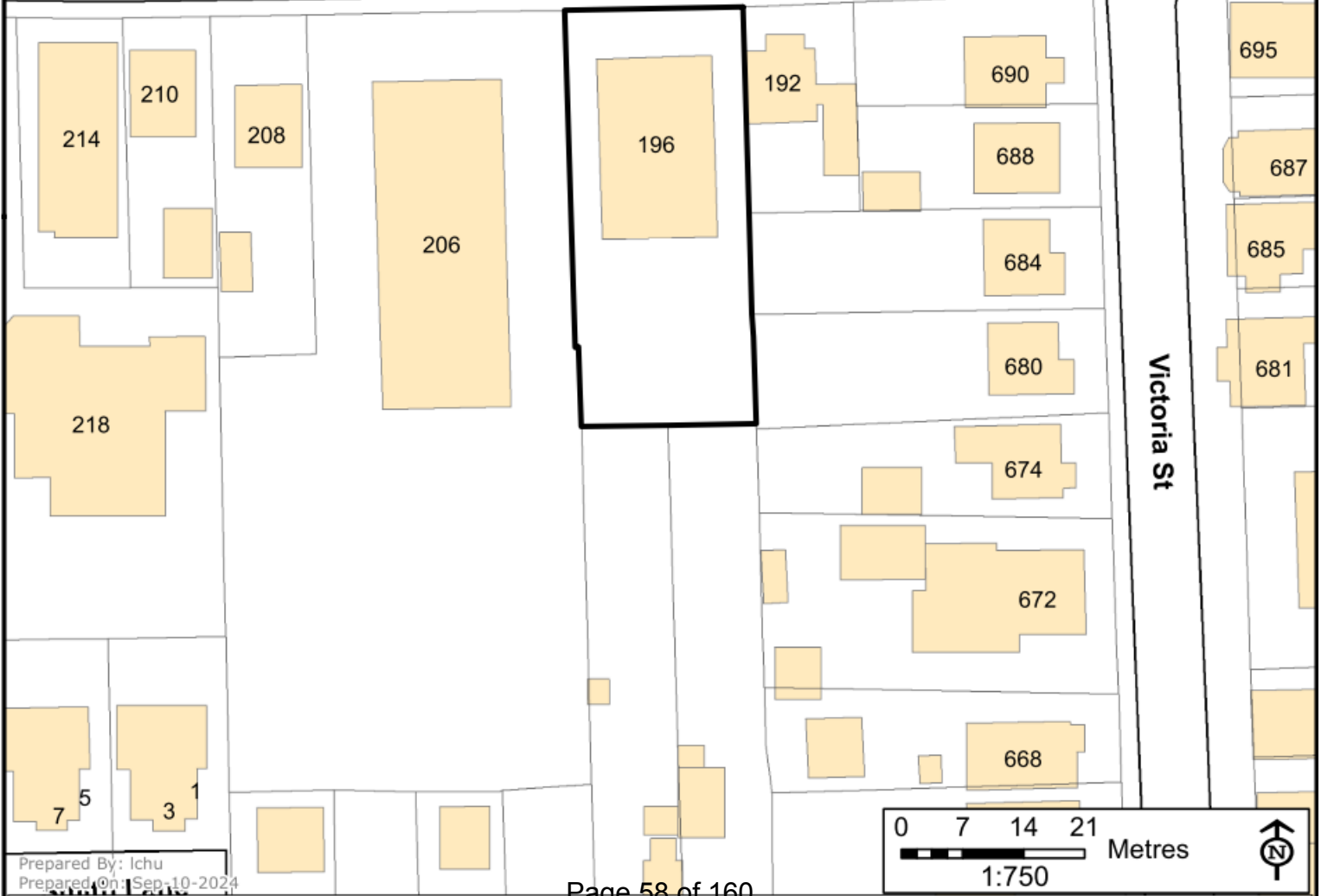
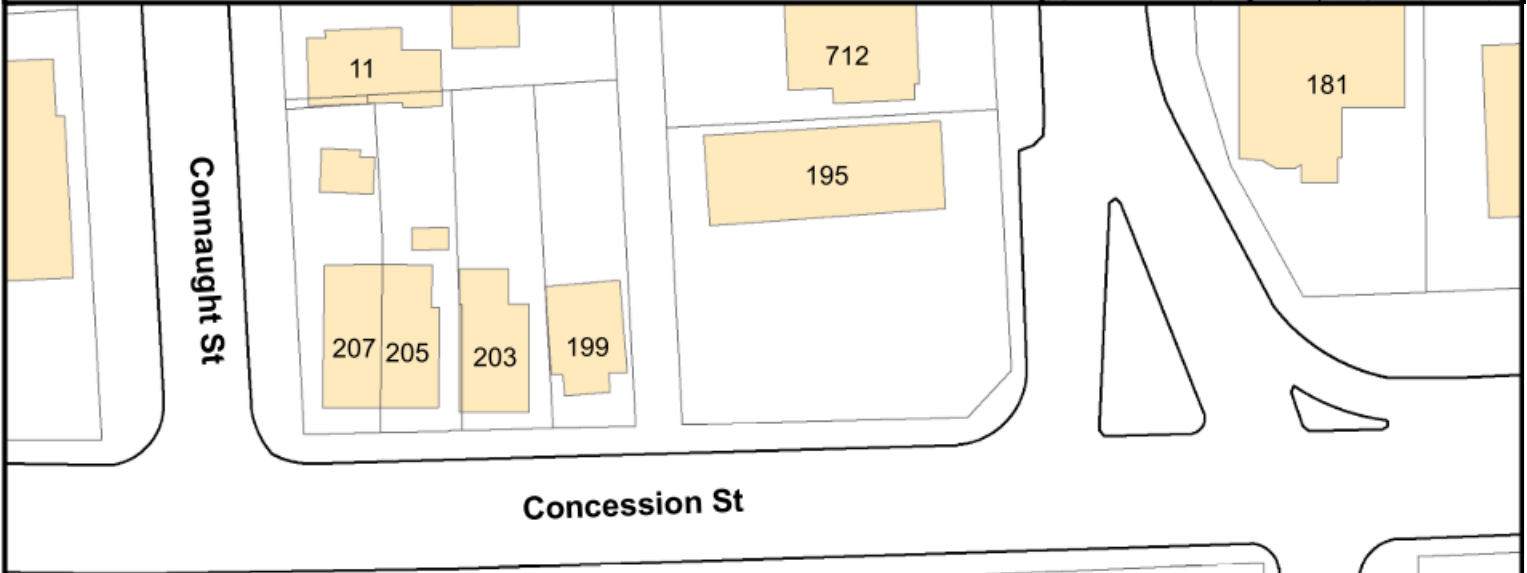
The applicant is encouraged to contact the Utilities Kingston Conservation Department to discuss their development and inquire as to whether there are any water and gas conservation incentives and energy saving options available. Please call 613-546-1181 and say "conservation" or email [conservation@utilitieskingston.com](mailto:conservation@utilitieskingston.com).



# Committee of Adjustment Key Map

Address: 196 Concession Street  
File Number: D13-067-2024  
Prepared On: Sep-10-2024

 Lands Subject to Permission










Planning Services

# Committee of Adjustment Neighbourhood Context

Address: 196 Concession Street

File Number: D13-067-2024

Prepared On: Sep-10-2024

-  Subject Lands
-  Property Boundaries
-  Proposed Parcels



Prepared By: Ichu  
Prepared On: Sep-10-2024

Disclaimer: This document is subject to copyright and may only be used for your personal, noncommercial use provided you keep in mind that the City of Kingston assumes no responsibility for any errors, and is not liable for any damages of any kind resulting from the use of, or reliance on, the information contained in this document. The City of Kingston does not make any representation or warranty, express or implied, concerning the accuracy, quality, or reliability of the use of the information contained in this document. 2020 The Corporation of the City of Kingston.








Planning Services

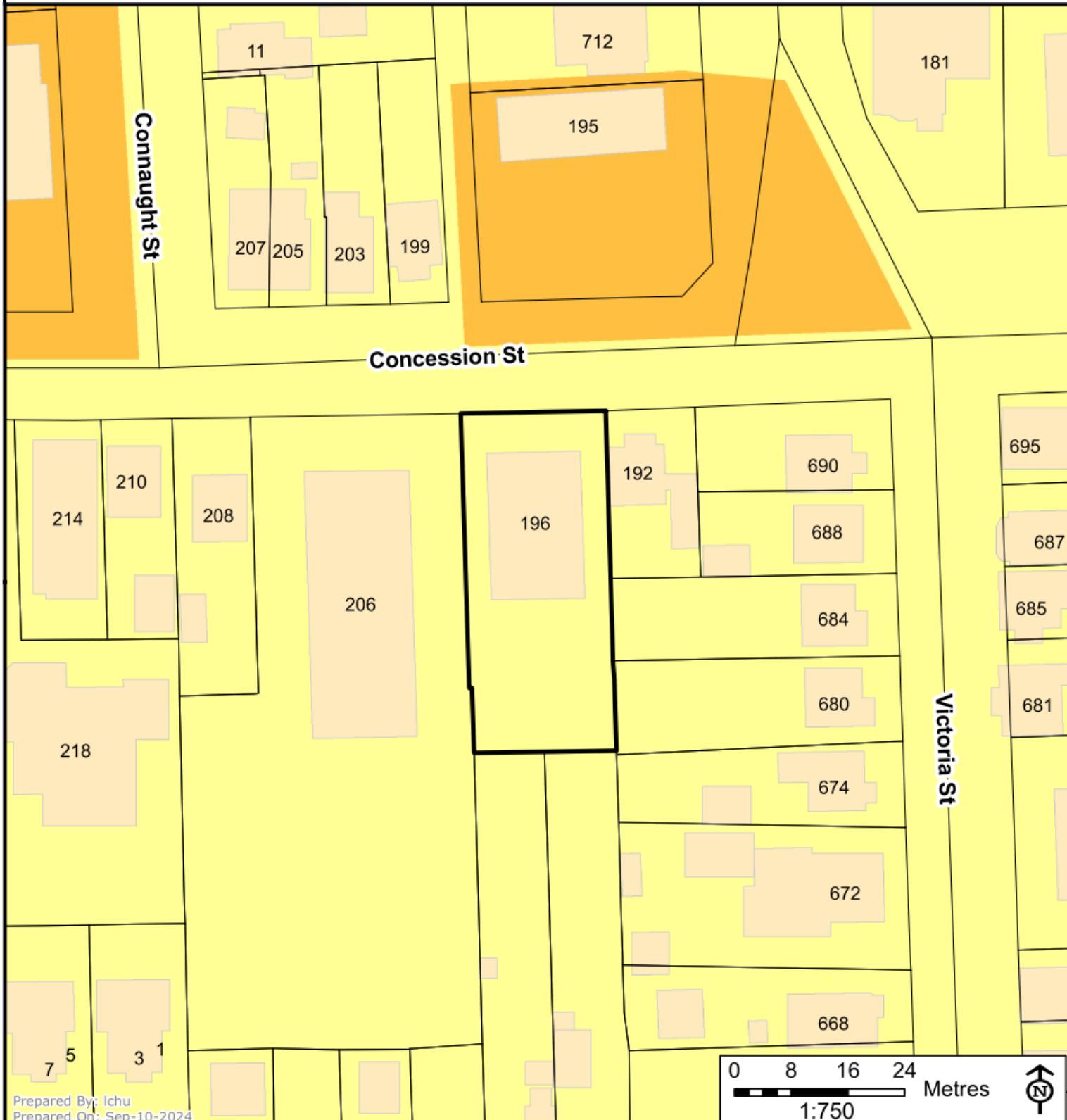
# Committee of Adjustment Official Plan, Existing Land Use

Address: 196 Concession Street

File Number: D13-067-2024

Prepared On: Sep-10-2024

-  Subject Lands
-  ARTERIAL COMMERCIAL
-  RESIDENTIAL



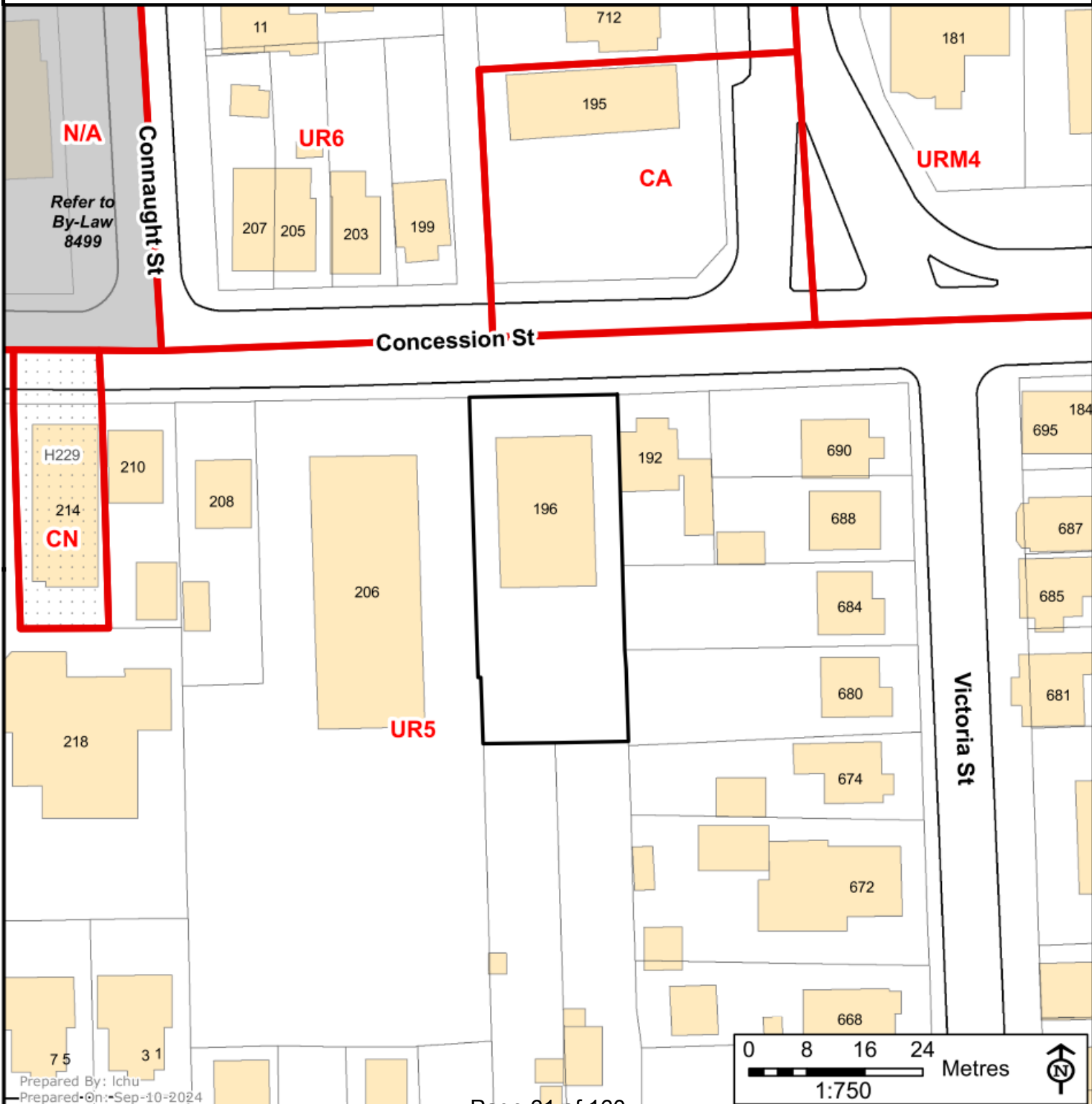


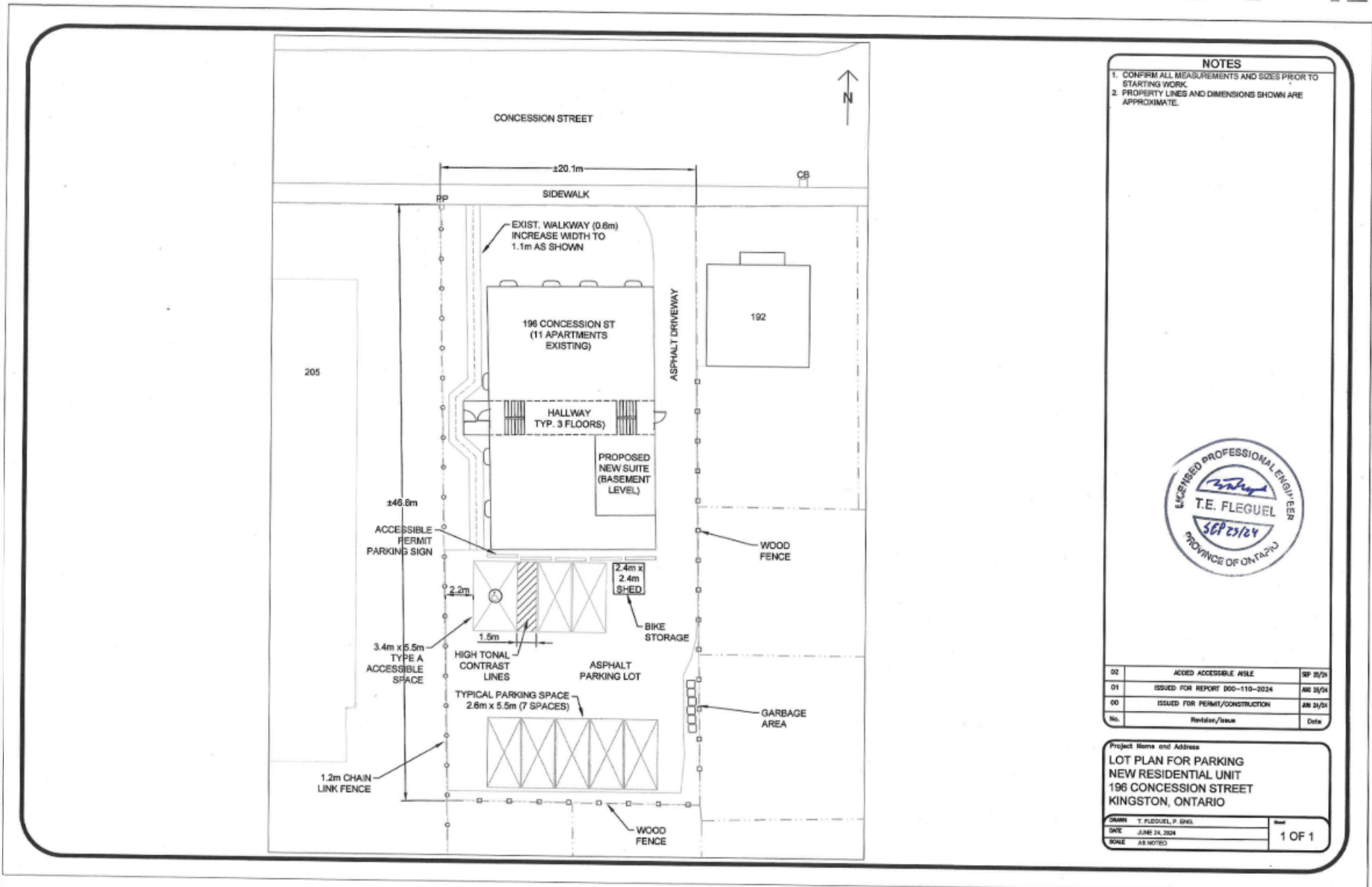
Planning Committee  
Existing Zoning  
Kingston Zoning By-Law 2022-62

Planning Services

Address: 196 Concession Street  
File Number: D13-067-2024  
Prepared On: Sep-10-2024

- 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)





NOTES

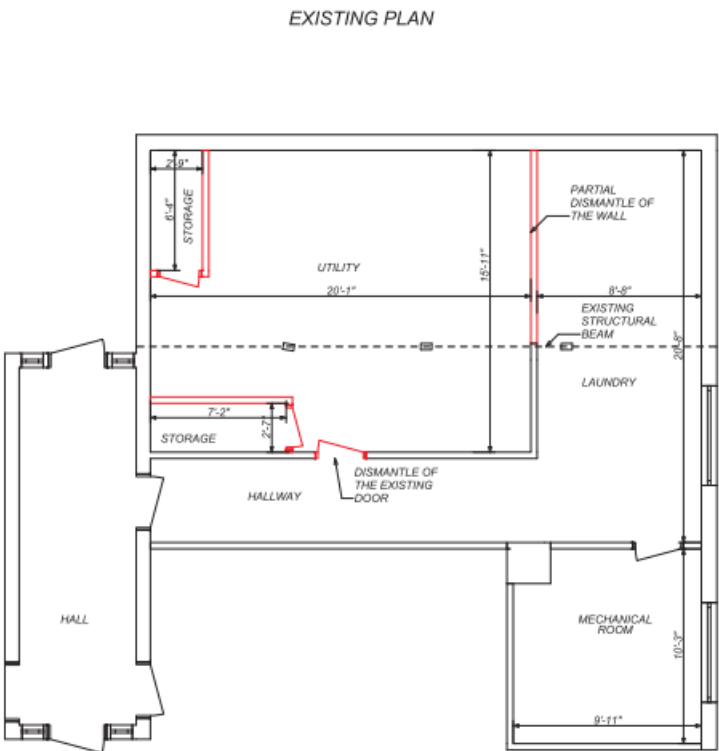
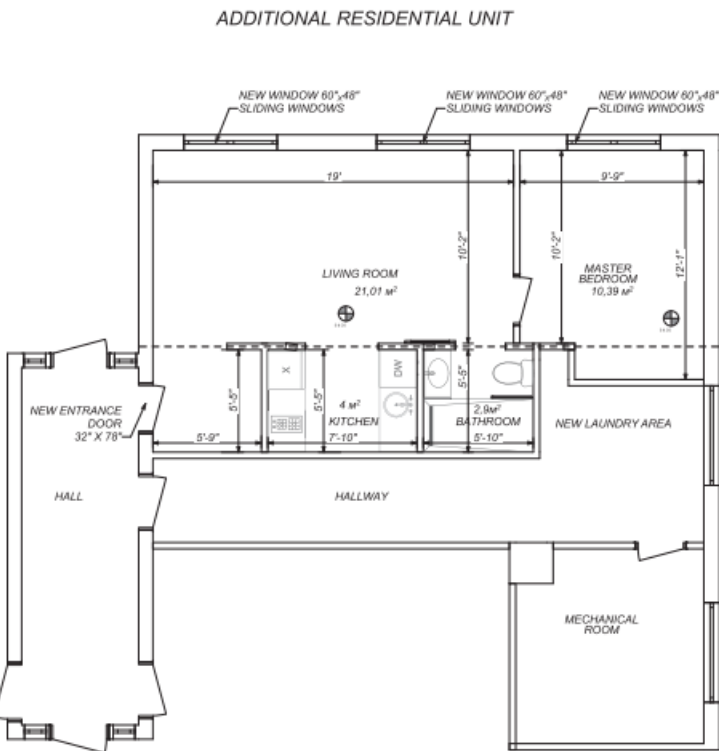
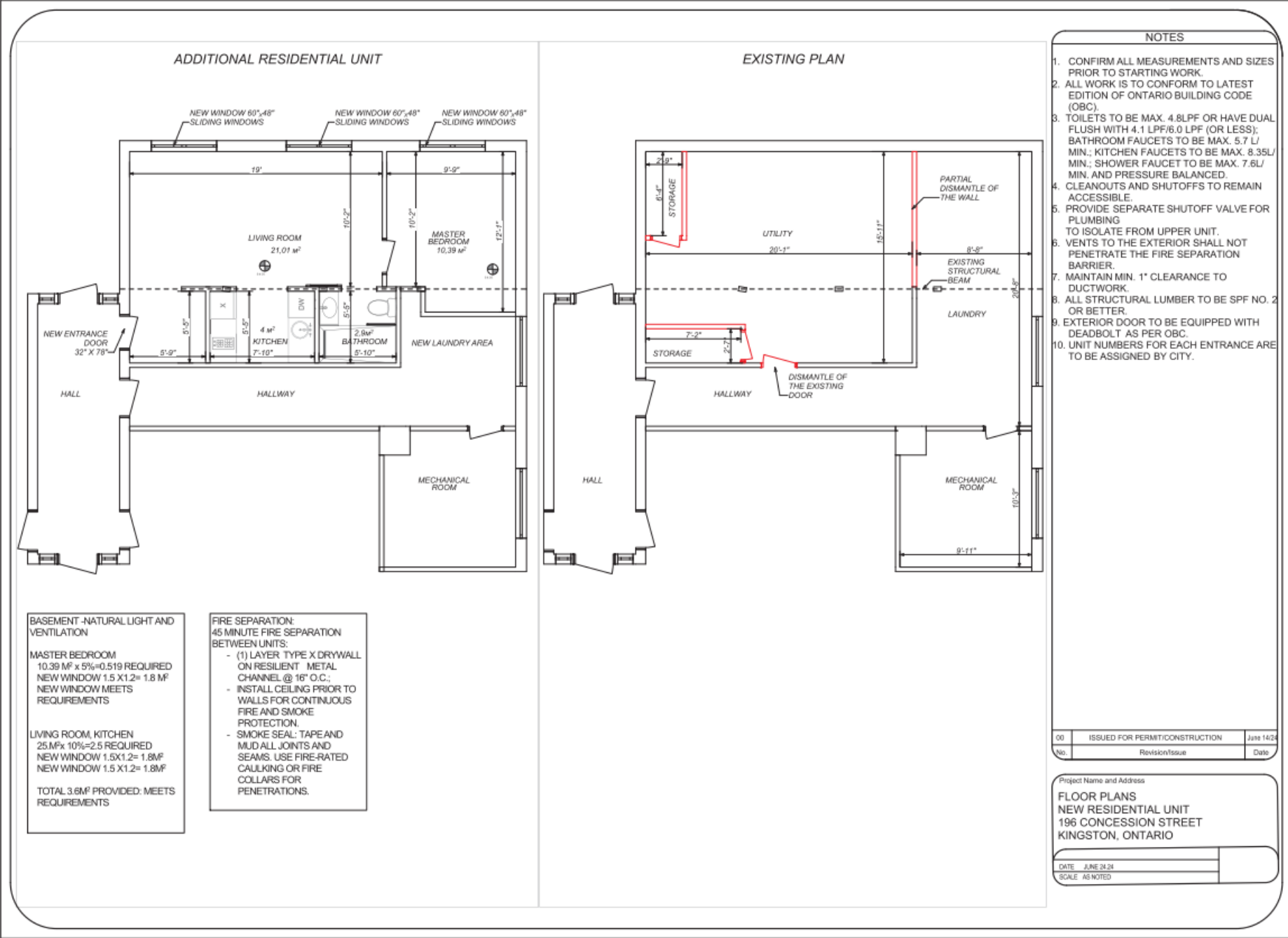
1. CONFIRM ALL MEASUREMENTS AND SIZES PRIOR TO STARTING WORK.
2. PROPERTY LINES AND DIMENSIONS SHOWN ARE APPROXIMATE.



02	ADDED ACCESSIBLE ASLE	SEP 25/24
01	ISSUED FOR REPORT D00-110-3024	Aug 28/24
00	ISSUED FOR PERMIT/CONSTRUCTION	JUN 24/24
No.	Revised/Issue	Date

Project Name and Address  
**LOT PLAN FOR PARKING  
 NEW RESIDENTIAL UNIT  
 196 CONCESSION STREET  
 KINGSTON, ONTARIO**

DRAWN	T. FLEGUEL, P. ENG.	Sheet	1 OF 1
DATE	JUNE 24, 2024		
SCALE	AS NOTED		



- NOTES**
1. CONFIRM ALL MEASUREMENTS AND SIZES PRIOR TO STARTING WORK.
  2. ALL WORK IS TO CONFORM TO LATEST EDITION OF ONTARIO BUILDING CODE (OBC).
  3. TOILETS TO BE MAX. 4.8L/PF OR HAVE DUAL FLUSH WITH 4.1 L/PF/6.0 L/PF (OR LESS); BATHROOM FAUCETS TO BE MAX. 5.7 L/ MIN.; KITCHEN FAUCETS TO BE MAX. 8.35L/ MIN.; SHOWER FAUCET TO BE MAX. 7.6L/ MIN. AND PRESSURE BALANCED.
  4. CLEANOUTS AND SHUTOFFS TO REMAIN ACCESSIBLE.
  5. PROVIDE SEPARATE SHUTOFF VALVE FOR PLUMBING TO ISOLATE FROM UPPER UNIT.
  6. VENTS TO THE EXTERIOR SHALL NOT PENETRATE THE FIRE SEPARATION BARRIER.
  7. MAINTAIN MIN. 1" CLEARANCE TO DUCTWORK.
  8. ALL STRUCTURAL LUMBER TO BE SPF NO. 2 OR BETTER.
  9. EXTERIOR DOOR TO BE EQUIPPED WITH DEADBOLT AS PER OBC.
  10. UNIT NUMBERS FOR EACH ENTRANCE ARE TO BE ASSIGNED BY CITY.

**BASEMENT-NATURAL LIGHT AND VENTILATION**

**MASTER BEDROOM**  
10.39 m<sup>2</sup> x 5% = 0.519 REQUIRED  
NEW WINDOW 1.5 X 1.2 = 1.8 m<sup>2</sup>  
NEW WINDOW MEETS REQUIREMENTS

**LIVING ROOM, KITCHEN**  
25.1 m<sup>2</sup> x 10% = 2.5 REQUIRED  
NEW WINDOW 1.5 X 1.2 = 1.8 m<sup>2</sup>  
NEW WINDOW 1.5 X 1.2 = 1.8 m<sup>2</sup>  
TOTAL 3.6 m<sup>2</sup> PROVIDED: MEETS REQUIREMENTS

**FIRE SEPARATION:**  
45 MINUTE FIRE SEPARATION BETWEEN UNITS:

- (1) LAYER TYPE X DRYWALL ON RESILIENT METAL CHANNEL @ 16" O.C.
- INSTALL CEILING PRIOR TO WALLS FOR CONTINUOUS FIRE AND SMOKE PROTECTION.
- SMOKE SEAL: TAPE AND MUD ALL JOINTS AND SEAMS. USE FIRE-RATED CAULKING OR FIRE COLLARS FOR PENETRATIONS.

00	ISSUED FOR PERMIT/CONSTRUCTION	June 14/24
No.	Revision/Issue	Date

Project Name and Address

**FLOOR PLANS**  
NEW RESIDENTIAL UNIT  
196 CONCESSION STREET  
KINGSTON, ONTARIO

DATE: JUNE 24/24  
SCALE: AS NOTED



Site Photographs – September 20, 2024



Figure 1- Front of building from Concession Street



Figure 2- Existing walkway from rear parking lot. To be expanded to 1.1 metres from existing width.



Figure 3- Rear parking lot (facing north).



Figure 4- Rear parking lot (facing south)





Figure 5- Existing driveway on east side of existing building.

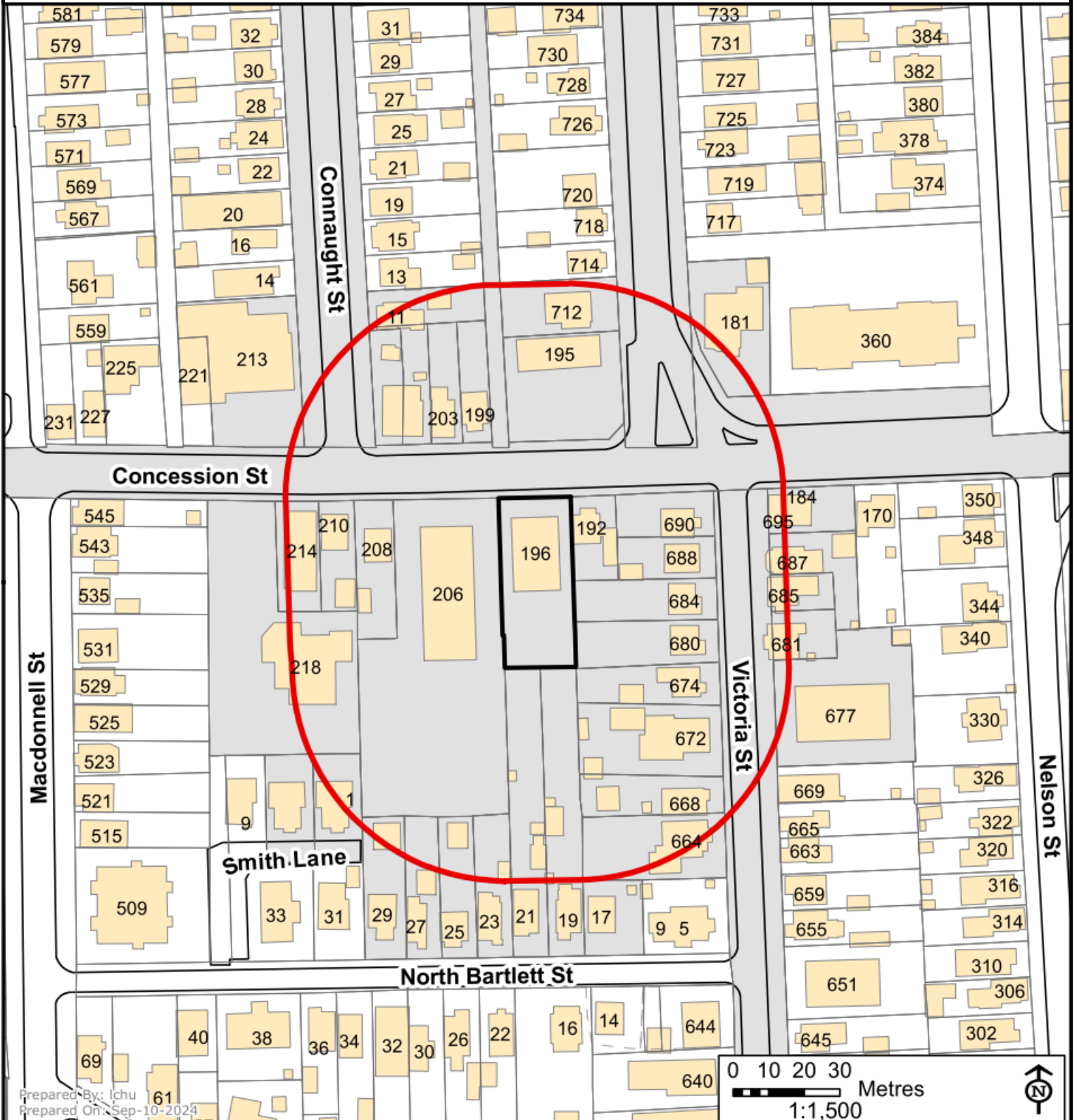




# Committee of Adjustment Public Notice Notification Map

Address: 196 Concession Street  
File Number: D13-067-2024  
Prepared On: Sep-10-2024

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





**City of Kingston  
Report to Committee of Adjustment  
Report Number COA-24-083**

---

**To:** Chair and Members of the Committee of Adjustment  
**From:** Amy Didrikson, Senior Planner  
**Date of Meeting:** October 21, 2024  
**Application for:** Minor Variance  
**File Number:** D13-066-2024  
**Address:** 29 Railway St  
**District:** District 11 - King's Town  
**Owner:** Roger Levac  
**Applicant:** Mark Levac

---

**Council Strategic Plan Alignment:**

Theme: 5. Drive Inclusive Economic Growth

Goal: 5.3 Diversify Kingston's economic base.

**Executive Summary:**

This report provides a recommendation to the Committee of Adjustment regarding an application for minor variance for 29 Railway Street. The applicant is proposing to establish two accessory storage buildings associated with an adjacent industrial supply and safety equipment use (Levac Supply) operating at 25 Railway Street. The subject property is undeveloped and includes a gravelled area with trees at the north end.

The two proposed storage buildings measure 12.1 metres (40 feet) long x 2.4 metres (8 feet) wide x 2.6 metres (8.5 feet) tall each, with a total storage area of approximately 640 square feet or 60 square metres. The applicant proposes to provide a minimum setback of 5.5 metres from the rear property line and a minimum 1.2 metre setback from the east interior lot line for the accessory storage buildings. The proposal requires variances to accessory building provisions,

October 21, 2024

Page 2 of 11

the minimum rear setback and the minimum interior setback requirement of the Kingston Zoning By-Law.

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

**Recommendation:**

**That** minor variance application, File Number D13-066-2024, for the property located east of 25 Railway Street to permit two, 30 square metre accessory storage buildings, be approved, as described below:

**Variance Number 1: Accessory Building Location**

By-Law Number 2022-62:Section 4.1.1

Requirement: The principal use or building must already be established on the same lot as the accessory use or building.

Proposed: The principal use is established on the east abutting lot.

Variance Requested: To permit two accessory storage buildings associated with a principal use on the east abutting lot at 25 Railway Street.

**Variance Number 2: Rear Setback**

By-Law Number 2022-62:Table 16.2.1

Requirement: Minimum rear setback of 7.5 metres

Proposed: Minimum rear setback of 5.5 metres

Variance Requested: 2.0 metres; and

**Variance Number 2: Interior Setback**

By-Law Number 2022-62:Table 16.2.1

Requirement: Minimum interior setback of 6.0 metres

Proposed: Minimum interior setback of 1.2 metres

Variance Requested: 4.8 metres;

**That** approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-083.

October 21, 2024

Page 3 of 11

**Authorizing Signatures:**

ORIGINAL SIGNED BY PLANNER

---

Amy Didrikson, Senior Planner

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

Tim Park, Director, Planning Services

James Bar, Manager, Development Approvals

October 21, 2024

Page 4 of 11

**Options/Discussion:**

On August 29, 2024, a minor variance application was submitted by Mark Levac, on behalf of the owner, Roger Levac, with respect to 29 Railway Street. The variances are requested to establish two accessory storage buildings on the subject property, associated with an industrial supply and safety equipment use (Levac Supply) on the east abutting property at 25 Railway Street. The storage containers are needed strictly for additional warehouse storage. No electrical, plumbing or heating service will be needed. The subject property is undeveloped and includes a gravelled area with trees at the north end. The containers are to be placed on the graded gravel lot and will not require any change to grading or drainage.

The two proposed storage buildings measure 12.1 metres (40 feet) long and 2.4 metres (8 feet) wide and 2.6 metres (8.5 feet) tall each, with a total storage area of approximately 640 square feet or 60 square metres. The applicant proposes to provide a minimum setback of 5.5 metres from the rear property line and a minimum 1.2 metre setback from the east interior lot line for the accessory storage buildings. The proposal requires variances to accessory building provisions, the minimum rear setback and the minimum interior setback requirement of the Kingston Zoning By-Law.

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

- Site Plan (Exhibit F);
- Cover Letter; and,
- Images of Proposed Accessory Buildings (Exhibit I).

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 on the north side of Railway Street, west of the intersection with Montreal Street adjacent to 25 Railway Street (Exhibit B – Key Map). The lot has approximately 15 metres of frontage on Railway Street and is approximately 900 square metres in area. The subject property abuts city-owned land and the K&P trail to the north, and employment uses to the east, west and south, with commercial, residential and community facility uses located further to the east on Montreal Street.

The subject property is designated General Industrial in the Official Plan (Exhibit D – Official Plan Map) and zoned the General Industrial Zone (M2) in Kingston Zoning By-Law Number 2022-62 (Exhibit E – Zoning By-Law Map). The subject property is included as part of the North King's Town Secondary Plan study area and, at this stage of the study, no changes to the General Industrial land use designation are anticipated.

October 21, 2024

Page 5 of 11

The subject property and 25 Railway Street are subject to a Site Plan Control agreement with the City of Kingston from 1984 (City File A-SPC-4.0243-84). 25 Railway Street is developed with a one-storey, approximately 1,300 square metre building containing the industrial supply and safety equipment use (Levac Supply). The two properties function as one, supporting Levac Supply at 25 Railway Street. The two properties are effectively owned by the same individuals but are under different owner names and as such are separately conveyable lots. The subject property is undeveloped and includes a gravelled area with trees at the north end (Exhibit C – Neighbourhood Context Map).

### **Provincial Planning Statement**

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

### **Minor Variance Application**

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

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

The subject property is designated General Industrial in the City of Kingston Official Plan (Exhibit D – Official Plan Map). Permitted main uses in the General Industrial land use designation include uses such as manufacturing, assembling, fabricating, and processing operations; construction and transportation activities; and, facilities storage, warehousing, and wholesale trade activities. The existing use of the property at 25 Railway Street, supported by the proposed accessory buildings, would be classified as a wholesale storage and supply use and is consistent with the uses contemplated for the General Industrial land use designation. The proposed accessory storage use is consistent with the main uses permitted in the designation.

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 proposal meets the intent of strategic policy direction pertaining to the City of Kingston's Employment Areas, which is to promote economic development and competitiveness by accommodating and fostering employment opportunities in the Urban Boundary through compatible development.

October 21, 2024

Page 6 of 11

The requested variances to permit the two accessory storage buildings will not compromise the compatibility of the proposed development with surrounding land uses, which include abutting lands in the General Industrial land use designation (Exhibit D) and the K&P trail to the north. The proposed location of the storage buildings will retain vegetation and screening to the north of the subject property where it abuts City-owned land and the K&P trail.

Development criteria for Employment Areas in the Official Plan are detailed under section 3.6.15. Applicable criteria emphasize the importance of a functional site layout with attention to landscaping to enhance the overall aesthetics of the site. The proposed location of the accessory buildings (Exhibit F), with reduced setbacks from the rear property line and west interior property line is intended to maintain the existing parking area associated with the principal employment use at 25 Railway Street while also making use of existing graded surfaces away from vegetated areas.

With respect to servicing, the accessory storage buildings will not be connected to municipal services (no electrical, plumbing or heating will be needed).

Having regard to the above, the impact of the variances is expected to be minor and would not create an undesirable precedent for the area with the application most appropriately addressed through a Minor Variance rather than a Zoning By-Law Amendment. Recommended conditions have been provided for the Committee’s consideration and are included as Exhibit A to this report.

The proposal meets the intent of the Official Plan, as the proposed accessory buildings to support the existing, principal employment use at 25 Railway Street and will not result in any negative impacts to adjacent properties or to the surrounding area.

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

The subject property is zoned General Industrial Zone (M2) in Kingston Zoning By-Law Number 2022-62 (Exhibit E – Zoning By-Law Map). The M2 zone permits a warehouse and wholesale establishment consistent with the existing, principal use of the abutting property at 25 Railway Street, and consistent with the accessory storage use proposed for the subject property.

The proposal requires variances to accessory building provisions, the minimum rear setback and the minimum interior setback requirement of the Kingston Zoning By-Law.

**Variance Number 1: Accessory Building Location**

By-Law Number 2022-62:Section 4.1.1

Requirement: The principal use or building must already be established on the same lot as the accessory use or building.

Proposed: The principal use is established on the east abutting lot.

Variance Requested: To permit an accessory storage building associated with a principal use on the east abutting lot at 25 Railway Street.



October 21, 2024

Page 7 of 11

The intent of the Kingston Zoning By-Law requirement to include accessory uses on the same lot as the principal use or building is to make efficient use of land and ensure land use is consistent with the goals and permitted uses of the land use designation of the Official Plan. The subject property is an undersized parcel in the M2 (General Industrial) zone and functions as one with the adjacent property at 25 Railway Street, through a site layout approved through the City of Kingston’s Site Plan Control approval process in 1984 (City File A-SPC-4.0243-84). Permitting an accessory storage use on the subject property meets the intent of the provision in the Kingston Zoning By-Law, as the accessory use is consistent with the principal uses permitted in the M2 zone (i.e. warehousing), supports an abutting principal permitted use, and as a lot with 15 metres of width and road frontage, is not generally large enough to support the principal uses and development standards of the M2 zone.

**Variance Number 2: Rear Setback**

By-Law Number 2022-62:Table 16.2.1, Row 5

- Requirement: Minimum rear setback of 7.5 metres
- Proposed: Minimum rear setback of 5.5 metres
- Variance Requested: 2.0 metres; and

The intent of the minimum 7.5 metre rear yard setback requirement of the M2 zone of the Kingston Zoning By-law is to enable loading and service areas at the rear of buildings in employment areas, and to ensure a buffer is provided between employment uses that may generate noise, odour, or other emissions. The setbacks of the M2 zone apply to all buildings, including accessory buildings. As the subject property is a separate lot of record, setbacks are measured from the property lines.

The proposed reduction to the minimum rear setback for the accessory buildings meets the intent of the provision in the Kingston Zoning By-Law. The loading area of the adjacent, principal building at 25 Railway Street is located in the interior (east) side yard. The proposed location of the storage buildings, setback a minimum of 5.5 metres from the rear property line on the west side of the principal building at 25 Railway Street, will not affect the functionality of the loading area of the existing building and will be setback sufficiently from the rear lot line to make use of existing graded areas and to minimize impacts to adjacent trees. In addition, there are no concerns with the compatibility of the accessory storage use, screened by vegetation, and the reduced rear yard setback from the city-owned lands to the north.

**Variance Number 2: Interior Setback**

By-Law Number 2022-62:Table 16.2.1, Row 7

- Requirement: Minimum interior setback of 6.0 metres
- Proposed: Minimum (east) interior setback of 1.2 metres
- Variance Requested: 4.8 metres;

The intent of the minimum 6 metre interior setback of the M2 zone is to enable functional vehicular access to rear loading and service areas of employment uses, and to ensure a buffer is provided between employment uses that may generate noise, odour, or other emissions. As described above, the setbacks of the M2 zone apply to all buildings, including accessory

October 21, 2024

Page 8 of 11

buildings. Reduced setbacks for accessory buildings apply only in specific zones permitting residential uses under section 4.1.2. of the Kingston Zoning By-Law and allow for a 1.2 metre setback from lot lines. On the subject property with a width of 15 metres, the interior setback of 6 metres cannot be met for a building wider than 3 metres. The applicant has requested a minimum setback of 1.2 metres from the east interior lot line to situate the storage buildings as close as possible to the principal building at 25 Railway Street. Vehicular access will not be needed around the storage buildings, and the requested location is intended to maximize the functionality of the site arrangement and avoid mature vegetation along the western extent of the property line. In addition, there are no concerns with the compatibility of the accessory storage use and the reduced interior (east) side yard setback from the existing principal employment use at 25 Railway Street.

In summary, the requested variances maintain the general intent and purpose of the zoning by-law.

**The variance is minor in nature**

The variances are considered minor as they will not impact the compatibility or functioning of the employment use operating at 25 Railway Street and the subject property. The proposed storage containers will be setback from the street, at the rear of the site, such that they will be inconspicuous and not a focal point. The location of the storage containers will maintain vegetation along the west interior and rear property line, maintaining natural screening present on-site.

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

The variances will enable an appropriate use and development of the subject land, given the size and function of the subject property. The proposed accessory storage buildings on the subject property, which is an undersized parcel in the M2 zone, will support an abutting, principal employment use. The approval is conditional on the presence of the abutting principal use, and as such, will not permit accessory storage buildings if the adjacent principal use ceases to exist. The minimum setbacks are recommended for the accessory storage in relation to their ability to maintain compatibility, the existing functionality and natural screening of the property. In this way, the variances will enable development that is desirable and appropriate use of the land.

**Technical Review: Circulated Departments and Agencies**

- Building Services       Engineering       Heritage Services
- Forestry       Utilities Kingston       Real Estate
- Fire & Rescue       Kingston Hydro       Environment Division

October 21, 2024

Page 9 of 11

- Building Services       Engineering       Heritage Services
- Solid Waste       Parks Development       Canadian National Railways
- Housing       District Councillor       Ministry of Transportation
- KEDCO       Municipal Drainage       Parks of the St. Lawrence
- CRCA       KFL&A Health Unit       Trans Northern Pipelines
- Parks Canada       Eastern Ontario Power       CFB Kingston
- Hydro One       Enbridge Pipelines       TransCanada Pipelines
- Kingston Airport

**Technical Comments**

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

**Public Comments**

At the time this report was finalized, no public 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**

The subject property has an approved site plan and Site Plan Control agreement (City File A-SPC-4.0243-84) together with the property at 25 Railway Street. Given the scope of the proposal and the feedback from internal departments as part of the technical review of the minor variance application, it is anticipated that the Director of Planning Services can exempt the proposed accessory buildings from requiring a Site Plan modification application, under section 4.(1) of the City of Kingston Site Plan Control By-law 2010-217, as the proposal is not expected to have the effect of substantially increasing the size or usability of any building or structure, or alter grading or drainage.

**Conclusion**

The requested variances maintain the general intent and purpose of both the City of Kingston Official Plan and Kingston Zoning By-Law Number 2022-62. The proposal is desirable for the appropriate development or use of the land, building or structure and the requested variances

October 21, 2024

Page 10 of 11

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 establishment of two accessory storage buildings on the subject property, which will support the storage needs of the principal employment use at 25 Railway Street.

**Existing Policy/By-Law:**

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

**Provincial**

Provincial 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 October 21, 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 property owners of a total number of nine 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 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

October 21, 2024

Page 11 of 11

**Contacts:**

James Bar, Manager, Development Approvals, 613-546-4291 extension 3213

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

**Other City of Kingston Staff Consulted:**

None

**Exhibits Attached:**

- Exhibit A Recommended Conditions
- Exhibit B Key Map
- Exhibit C Neighbourhood Context Map
- Exhibit D Official Plan Map
- Exhibit E Zoning By-Law Map
- Exhibit F Site Plan
- Exhibit G Public Notification Map
- Exhibit H Site Photos
- Exhibit I Images of the Proposed Accessory Storage Buildings

## Recommended Conditions

The approval of minor variance application, File Number D13-066-2024, to permit two accessory storage buildings associated with a principal employment use at 25 Railway Street with a reduced minimum rear yard and interior side yard setback, shall be subject to the following recommended conditions:

### 1. Limitation

That the approved minor variances apply only to the two proposed accessory storage buildings as shown on the conceptual site plan drawing attached to the notice of decision. If the associated principal employment use at 25 Railway Street ceases to exist, the permissions for the accessory storage buildings on the subject property cease to apply.

### 2. No Adverse Impacts

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

### 3. Building Permit Application Requirements

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

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

### 4. Standard Archaeological Condition

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

In the event that human remains are encountered, all work must immediately cease and the site must be secured. The Kingston Police (613-549-4660), the Office of the Chief Coroner as a part of the Ontario Ministry of the Solicitor General (1-877-991-9959), the Archaeology Program Unit of the Ministry of Citizenship and


Multiculturalism (archaeology@ontario.ca), and City of Kingston's Planning Services (613-546-4291, extension 3180) must be immediately contacted.

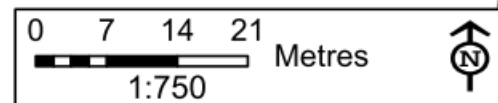
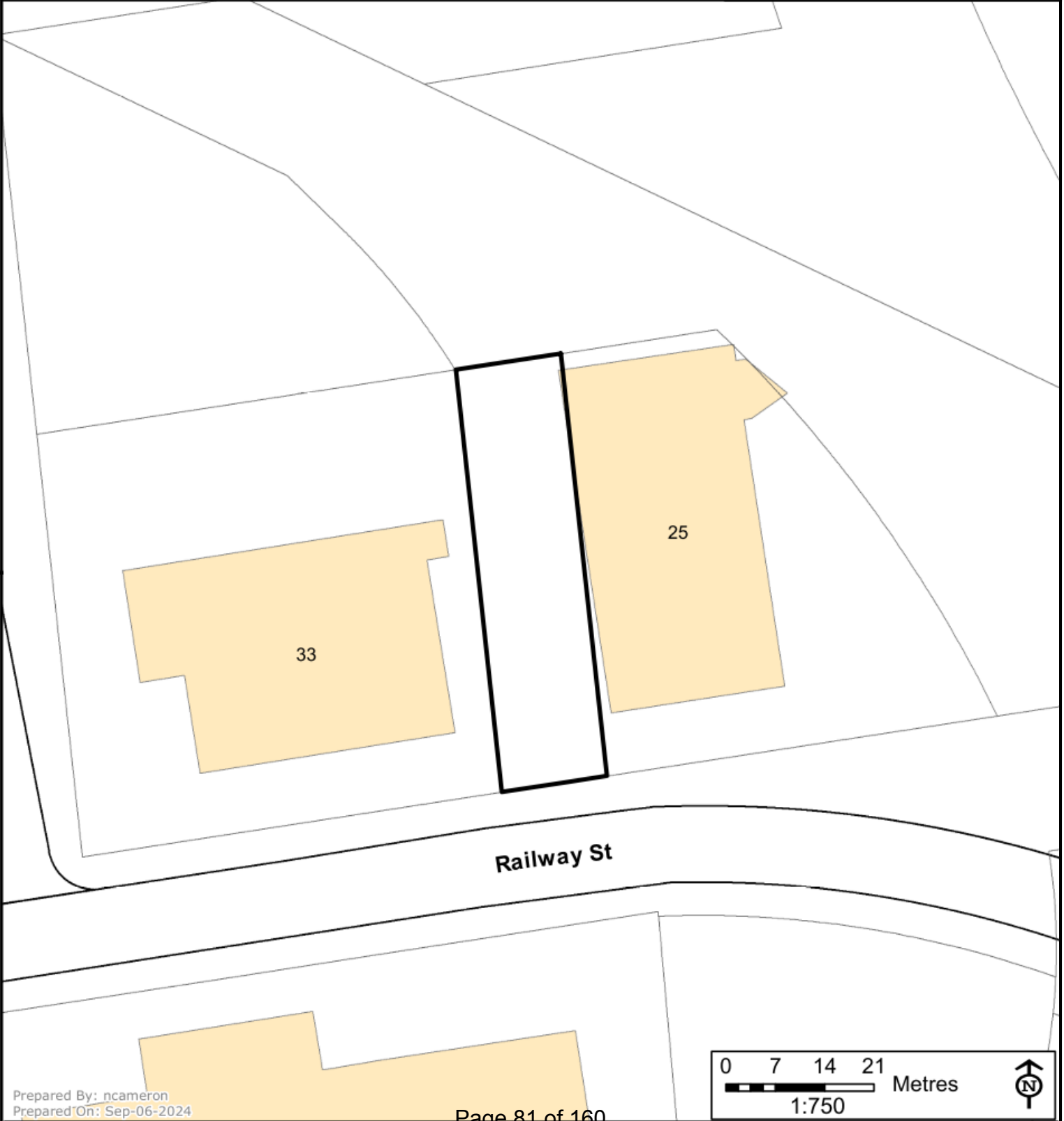
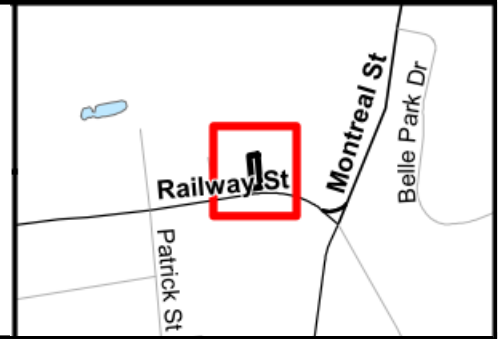




### Committee of Adjustment Key Map

Address: 25 Railway Street  
File Number: D13-066-2024  
Prepared On: Sep-06-2024

 Lands Subject to Minor Variance







# Committee of Adjustment Neighbourhood Context

Address: 25 Railway Street  
File Number: D13-066-2024  
Prepared On: Sep-06-2024

- Subject Lands
- Property Boundaries
- Proposed Parcels









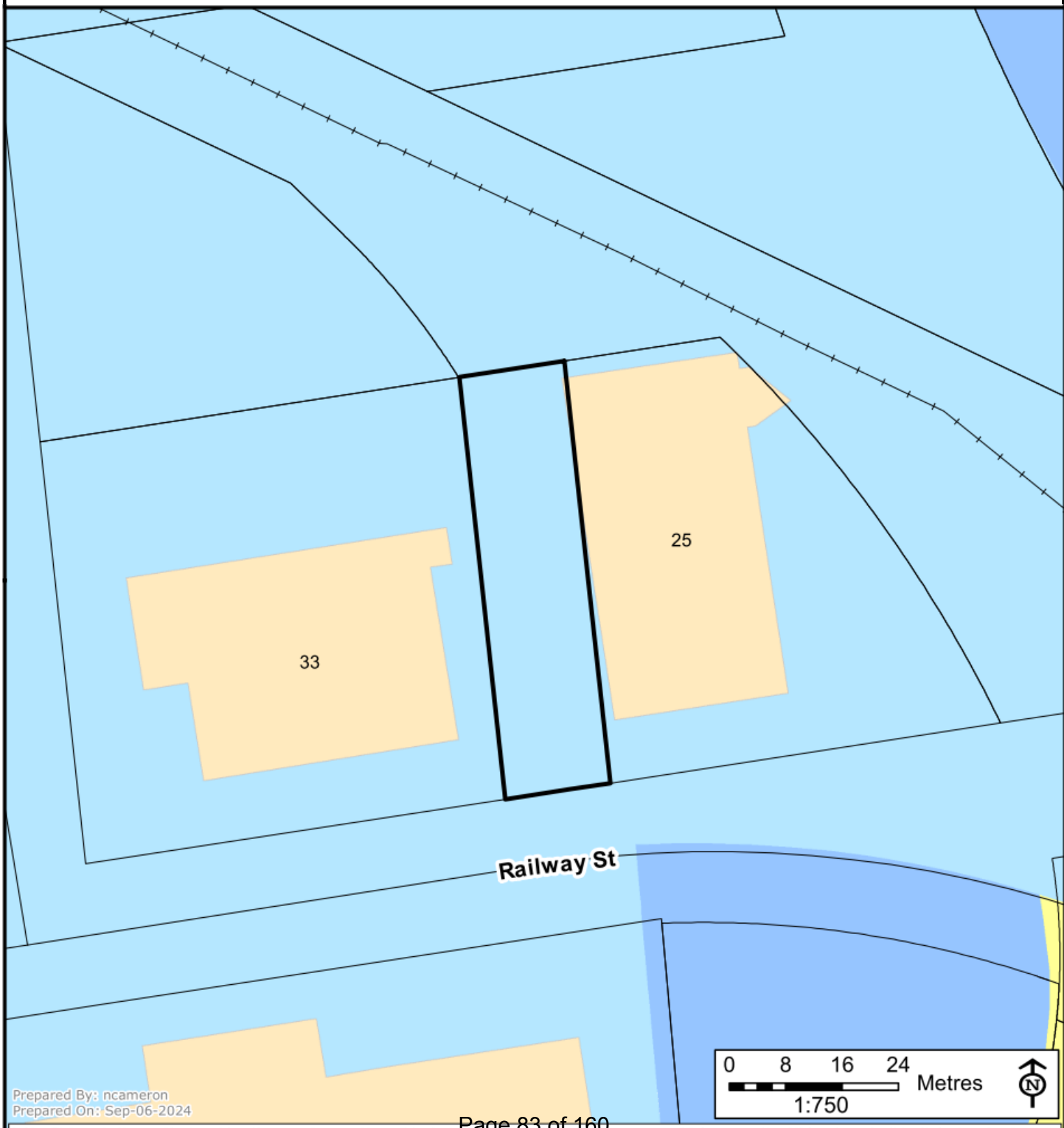


Planning Services

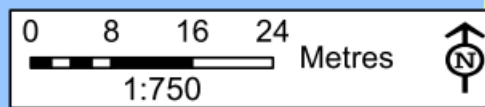
# Committee of Adjustment Official Plan, Existing Land Use

Address: 25 Railway Street  
File Number: D13-066-2024  
Prepared On: Sep-06-2024

-  Subject Lands
-  BUSINESS PARK INDUSTRIAL
-  GENERAL INDUSTRIAL
-  RESIDENTIAL



Prepared By: ncameron  
Prepared On: Sep-06-2024



Disclaimer: This document is subject to copyright and may only be used for your personal, noncommercial use provided you keep and acknowledge the City of Kingston as the source. The City of Kingston assumes no responsibility for any errors, and is not liable for any damages of any kind resulting from the use of, or reliance on, the information contained in this document. The City of Kingston does not make any representation or warranty, express or implied, concerning the accuracy, quality, or reliability of the use of the information contained in this document. 2020 The Corporation of the City of Kingston.

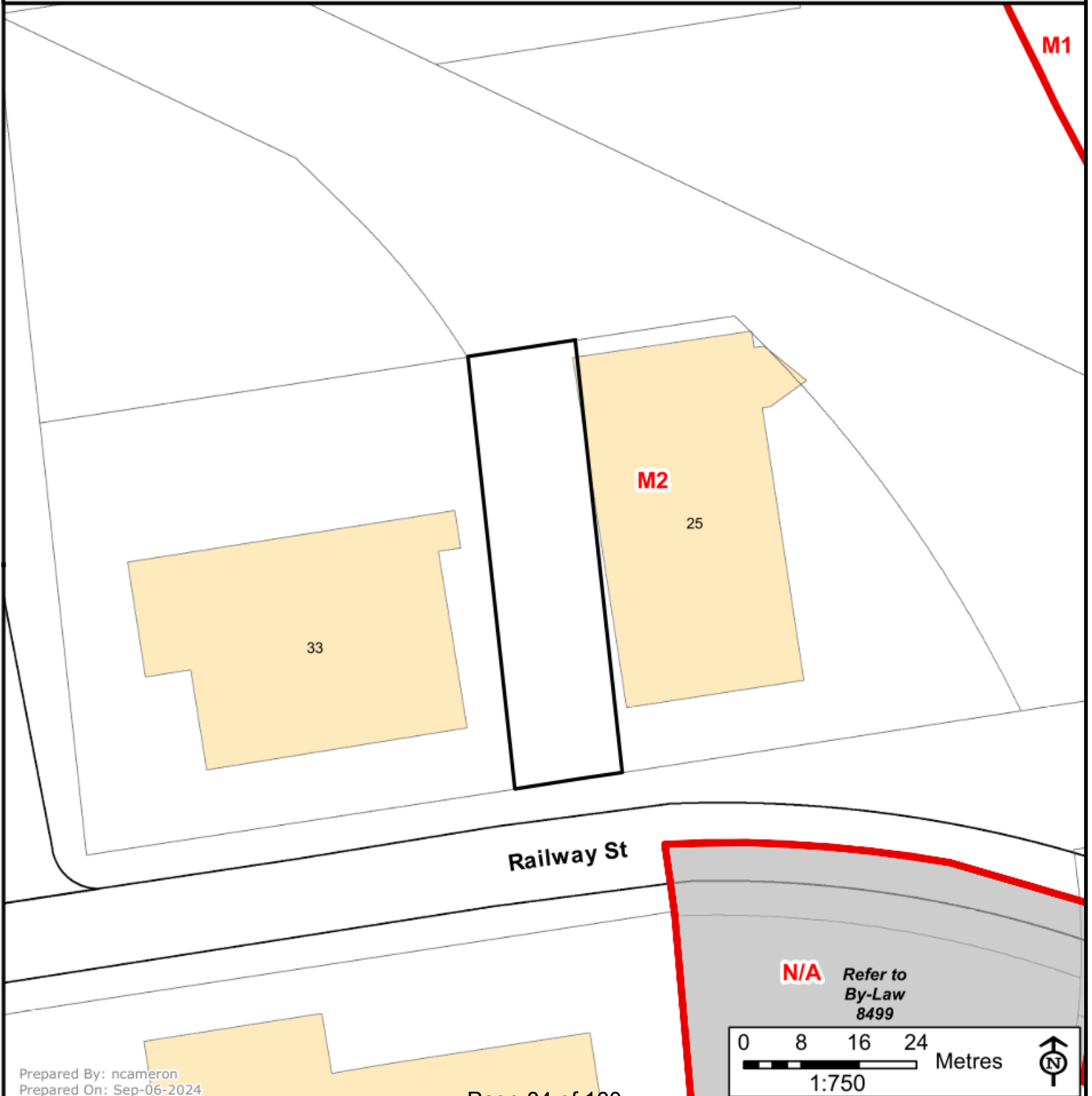


Planning Services

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

Address: 25 Railway Street  
File Number: D13-066-2024  
Prepared On: Sep-06-2024

- 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)



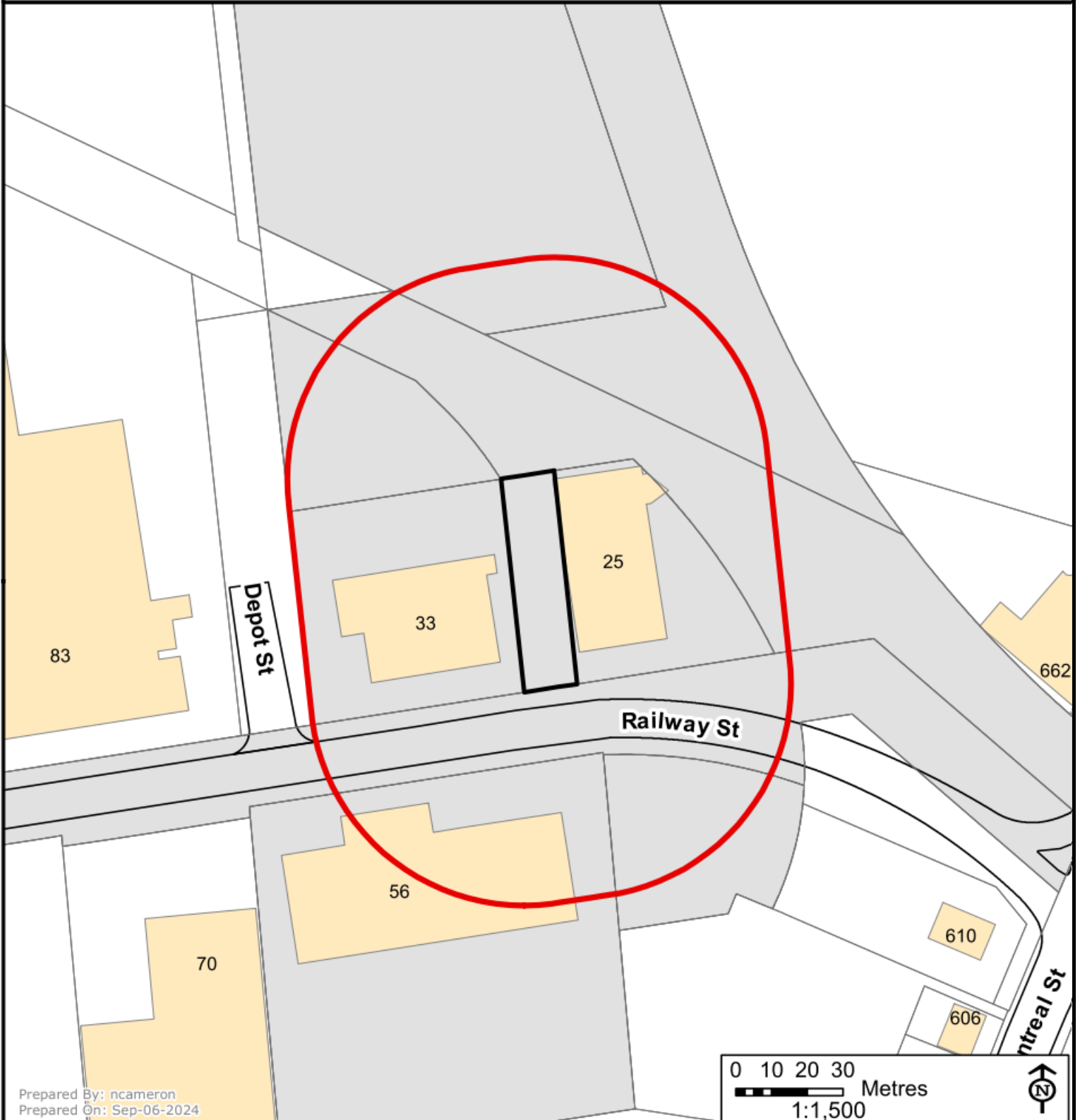




# Committee of Adjustment Public Notice Notification Map

Address: 25 Railway Street  
File Number: D13-066-2024  
Prepared On: Sep-06-2024

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



Prepared By: ncameron  
Prepared On: Sep-06-2024

Disclaimer: This document is subject to copyright and may only be used for your personal, noncommercial use provided you keep it confidential. The City of Kingston assumes no responsibility for any errors, and is not liable for any damages of any kind resulting from the use of, or reliance on, the information contained in this document. © 2020 The Corporation of the City of Kingston.



## Site Photographs



**Figure 1:** Photo of 25 Railway Street with principal employment use



**Figure 2:** Photo of 25 Railway Street principal building frontage



**Figure 3:** Photo of subject property from Railway Street



Storage Container



Dimensions: 8' wide x 8' 6" high x 40' long

Color: Beige or blue



**City of Kingston  
Report to Committee of Adjustment  
Report Number COA-24-086**

---

**To:** Chair and Members of the Committee of Adjustment  
**From:** Chris Wicke, Senior Planner  
**Date of Meeting:** October 21, 2024  
**Application for:** Minor Variance  
**File Number:** D13-061-2024  
**Address:** 2912 4<sup>th</sup> Concession Road  
**District:** District 1 - Countryside  
**Owner / Applicant:** Patrick Stenson

---

**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 2912 4<sup>th</sup> Concession Road. The applicant is proposing to construct a detached two-bay garage adjacent to an existing single detached house on a rural residential lot. A minor variance is required to reduce the interior setback from 9.0 metres to 4.5 metres. The proposed accessory building complies with all other zone provisions.

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.

October 21, 2024

Page 2 of 10

**Recommendation:**

**That** minor variance application, File Number D13-061-2024, for the property located at 2912 4th Concession Road to provide relief from setback requirements to permit the construction of a detached garage adjacent to an existing single detached house on a rural residential lot, be approved, as described below:

**Variance Number 1:**

By-Law Number: 2022-62: Table 8.2.1.7 – Minimum interior setback - existing house

Requirement: 9.0 metres

Proposed: 4.5 metres

Variance Requested: 4.5 metres; and

**That** approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-086.

October 21, 2024

Page 3 of 10

**Authorizing Signatures:**

ORIGINAL SIGNED BY PLANNER

---

Chris Wicke, Senior Planner

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

Tim Park, Director, Planning Services

James Bar, Manager, Development Approvals

October 21, 2024

Page 4 of 10

**Options/Discussion:**

On July 31, 2024, a minor variance application was submitted by Patrick Stenson with respect to the property located at 2912 4th Concession Road. The variance is requested to provide relief from interior setback requirements to permit the construction of a two-bay detached garage with an area of approximately 58 square metres adjacent to an existing single detached house on a rural residential lot.

The property is a Red Exception and is subject to a site-specific Restricted Rural Zone (A1-40) in former Township of Pittsburgh Zoning By-law 32-74, and is subject to the least restrictive zone provision between both the former zoning By-law and the Kingston Zoning By-law.

The accessory structure must meet the requirements of the AG zone in the Kingston Zoning By-law as it is less restrictive than the interior side yard setback of the former zoning by-law. The minimum interior setback in the AG zone is 9.0 metres. The proposed building will have a setback of 4.5 metres. The purpose of the building is for personal vehicle and residential maintenance equipment storage. No livestock will be kept and no additional residential component is proposed. The proposed accessory building complies with all other zone provisions.

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

- Cover Letter
- Site Plan (Exhibit G)
- Elevations (Exhibit H)
- Archaeological Assessment

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 2912 4<sup>th</sup> Concession Road (Exhibit B – Key Map) and is adjacent to rural residential properties to the north, east and west, and Highway 401 to the south (Exhibit C – Neighbourhood Context Map). There is an existing house located approximately in the centre of the subject property. The lands are located in the middle of a small cluster of residential homes east of 4<sup>th</sup> Concession and Hitchcock Road.

The subject property is designated Prime Agricultural Area in the Official Plan (Exhibit D – Official Plan Map) and as it is a Red Exception it is zoned a site-specific Rural Restricted Zone (A1-40) in the former Township of Pittsburgh Zoning By-law and Prime Agricultural Area Zone (AG) in Kingston Zoning By-Law Number 2022-62 (Exhibit E – Zoning By-Law Map).

October 21, 2024

Page 5 of 10

**Provincial Planning Statement**

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

**Minor Variance Application**

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

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

The subject property is designated Prime Agricultural Area in the City of Kingston Official Plan (Exhibit D – Official Plan Map). The goal of the Prime Agricultural Area is to protect land suitable for long-term agricultural production from scattered development and other land uses that are unrelated to agriculture, and to preserve and protect its long-term use for agricultural uses, agriculture-related uses, and on-farm diversified uses.

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

The subject lands have been developed as a residential property since 1995, and no expansion of the lands or change of use is proposed. The proposed accessory building will not have any negative impacts on abutting properties or residential uses or structures. The building will be set back 4.5 metres from the nearest property line, and it will be a distance of approximately 12 metres from the nearest structure on the adjacent residential property to the west. The proposal is compatible with the surrounding residential uses and will not result in significant impacts or changes to the surrounding area. No farm uses or additional dwelling units are proposed and there is no increase in density or intensity of uses.

No land use compatibility concerns as outlined in Section 2.7 of the Official Plan are expected to arise resulting from approval of this application, relating to increased shadowing, intrusive overlook, increased traffic, architectural incompatibility, or any other concerns outlined in the Official Plan. All functional needs are met as the building will not constrain the parking of vehicles or bicycles or generate issues relating to accessibility.

The subject property is not a designated property under the Ontario Heritage Act nor is it within a Heritage District. Heritage Planning previously identified the subject property as having composite potential for archeological resources, and the applicant has provided a Stage 1-2

October 21, 2024

Page 6 of 10

Archaeological Assessment which confirms that there are no archaeological concerns, and no further archaeological assessment is required.

The site is located outside of the Urban Boundary, and it is currently connected to private sewage and well water systems. The proposed accessory building will not require any additional private sewage or water service for its use.

The proposal meets the intent of the Official Plan as the proposed detached garage is not anticipated to result in any negative impacts to adjacent properties or to the neighbourhood.

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

The property is identified as a Red Exception, meaning that due to a recent zoning amendment ([see Report Number PC-24-041](#)) it is a property that is now to comply with Kingston Zoning By-law 2022-62, with permissions that allow for the continued application of former zoning standards in certain circumstances. The changes to the former zoning by-laws enacted through the recent zoning by-law amendment allow for existing Red Exception permissions to be maintained while also translating those by-laws in a way that allows for the properties to benefit from new standards and innovative opportunities. Where there are site-specific zoning provisions in the former zoning, this will apply; where there is no site-specific zoning provision, the parent zone under the new zoning will apply; and in the instance of a different provision between the former zoning and the new zoning, the less restrictive of the two provisions applies.

As a Red Exception, the property is subject to the former Township of Pittsburgh Zoning By-law 32-74, and it is zoned a site-specific Restricted Rural Zone (A1-40) (Exhibit E – Zoning By-Law Map). The A1-40 zoning specifies that the subject lands shall be used for no purpose other than a single family dwelling house, a home occupation, or a public use with a minimum lot area of 0.4 hectares and a minimum frontage of 55 metres. No relief is required from these provisions for this development proposal.

From the parent A1 zone under 32-74, the required interior setback was 12 metres. As noted, the A1-40 site-specific zone is now subject to the provisions of the Prime Agricultural Area (AG) Zone in Kingston Zoning By-Law Number 2022-62, which has a lesser interior side yard setback of 9 metres and therefore is the applicable zone provision that requires the variance. The proposal requires a variance to Section 8.2 as follows:

**Variance Number 1:**

By-Law Number: 2022-62: Table 8.2.1.7 – Minimum interior setback - existing house

Requirement: 9.0 metres

Proposed: 4.5 metres

Variance Requested: 4.5 metres

The intent of the interior setback is to prevent intrusive overlook, shadowing, and loss of privacy onto surrounding properties; to provide for a consistent built form and massing on residential properties; and to provide sufficient room for access and maintenance. The requested reduction in the interior setback is required to accommodate an accessory building due to the smaller lot

October 21, 2024

Page 7 of 10

size, the central location of the house on the lot, the location of the existing driveway on the lot, and the location of the existing septic field. There is an existing shed at the approximate location where the garage is proposed.

The requested decrease in the interior setback to 4.5 metres for the proposed accessory building is not anticipated to cause any adverse impacts or loss of privacy for surrounding properties. The proposed accessory building would be located 4.5 metres from the nearest property line. The single detached house to the west of the property is located closer to the road and is set back approximately 4 metres from the lot line, and thus the proposed setback is consistent with the built form in the area. There are also existing trees and landscaping between both houses which will provide additional mitigation from any reduction in privacy for the properties. The proposed 4.5 metre interior setback also leave sufficient room for access and maintenance to the west of the proposed garage.

The requested variance for a decreased interior setback maintains the general intent and the purpose of the by-law.

**The variance is minor in nature**

The accessory building is proposed to be located at the terminus of the existing driveway at the approximate location of an existing shed. It will not result in overlook, privacy, or shadowing concerns with respect to adjacent properties, and sufficient width will be retained around the building for access and maintenance. The total area of the proposed accessory building is 58 square metres which, in combination with the house, will not exceed the permitted lot coverage of 10%. An interior setback will be maintained and it will be consistent with the setback of the closest structure on the adjacent property. The variance is considered minor as there are no anticipated negative impacts on abutting properties or residential and/or uses or structures.

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

The proposed development will support the functional needs of the residential use of the property. The overall density, type of use and scale of activity as proposed is consistent with the existing built form of accessory buildings in this neighbourhood. The resulting built form satisfies all applicable provisions of the zoning by-law, except for the required interior setback. The proposal does not involve a significant alteration to the existing built form on the site. The size of the proposed accessory building is in scale with the size of the lot on which it will be located. The variance is desirable and appropriate use of the land.

**Technical Review: Circulated Departments and Agencies**

- Building Services       Engineering       Heritage Services
- Finance       Utilities Kingston       Real Estate



October 21, 2024

Page 8 of 10

- Building Services       Engineering       Heritage Services
- Fire & Rescue       Kingston Hydro       Environment Division
- Solid Waste       Parks Development       Canadian National Railways
- Housing       District Councillor       Ministry of Transportation
- KEDCO       Municipal Drainage       Parks of the St. Lawrence
- CRCA       KFL&A Health Unit       Trans Northern Pipelines
- Parks Canada       Eastern Ontario Power       CFB Kingston
- Hydro One       Enbridge Pipelines       TransCanada Pipelines
- Kingston Airport

**Technical Comments**

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

**Public Comments**

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

**Previous or Concurrent Applications**

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

**Conclusion**

The requested 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 permit an accessory building with a reduced interior setback of 4.5 metres.

October 21, 2024

Page 9 of 10

**Existing Policy/By-Law:**

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

**Provincial**

Provincial Planning Statement, 2024

**Municipal**

City of Kingston Official Plan

Former Township of Pittsburgh Zoning By-Law Number 32-74

Kingston Zoning By-Law Number 2022-62

**Notice Provisions:**

A Committee of Adjustment Meeting is going to be held respecting this application on October 21, 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 5 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 F – 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:**

James Bar, Manager, Development Approvals, 613-546-4291 extension 3213

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

**Other City of Kingston Staff Consulted:**

None

October 21, 2024

Page 10 of 10

**Exhibits Attached:**

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

## Recommended Conditions

The approval of minor variance application, File Number D13-061-2024, to construct an accessory structure (garage) adjacent to the existing single detached house, shall be subject to the following recommended conditions:

### 1. Limitation

That the approved minor variance applies only to the accessory structure adjacent to the house at 2912 4<sup>th</sup> Concession as shown on the 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.

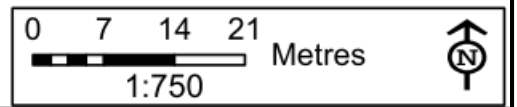
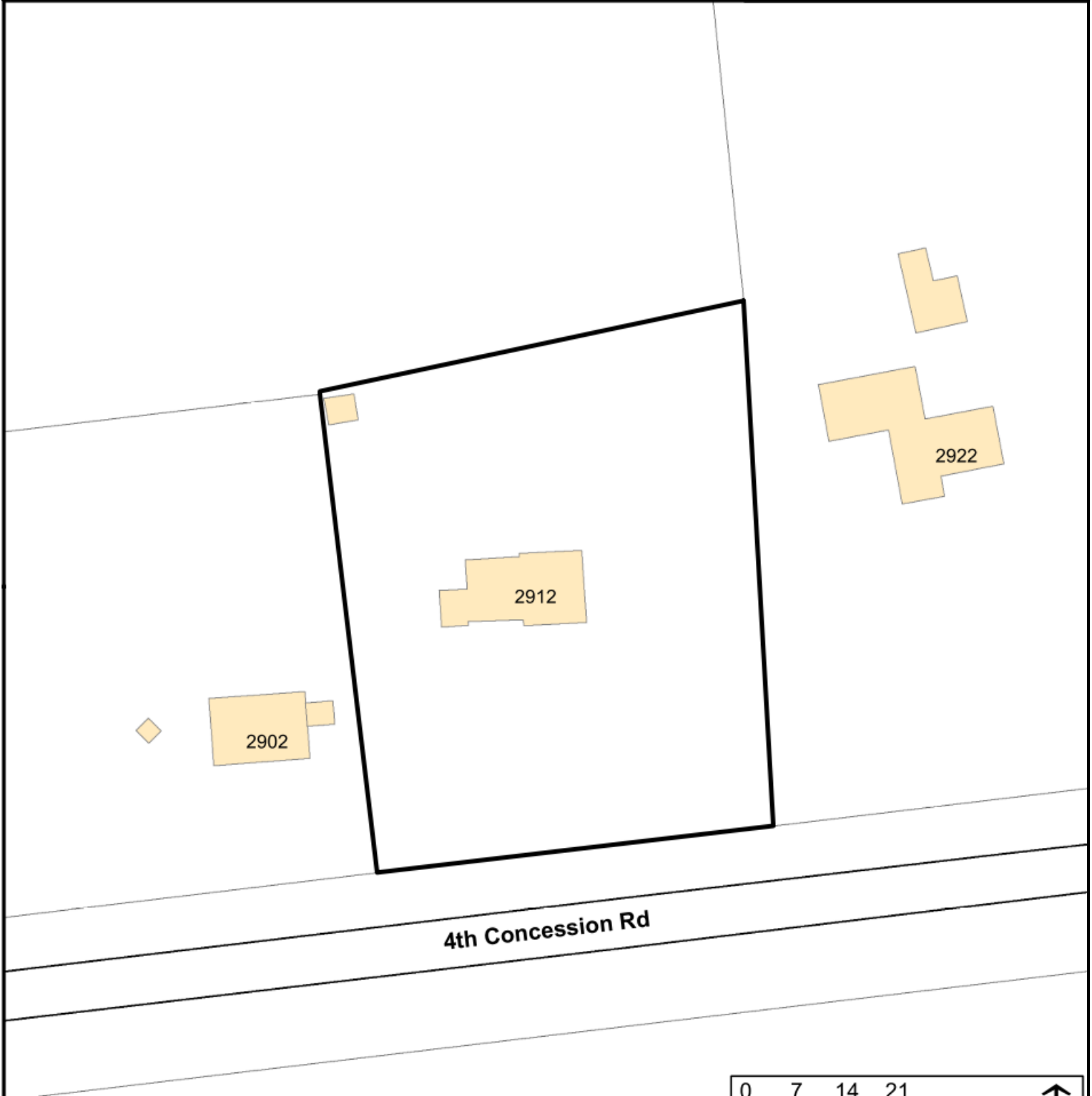
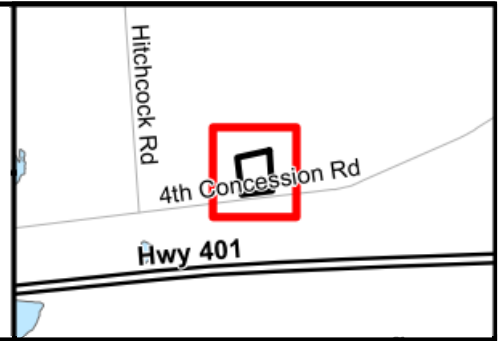
In the event that human remains are encountered, all work must immediately cease and the site must be secured. The Kingston Police (613-549-4660), the Office of the Chief Coroner as a part of the Ontario Ministry of the Solicitor General (1-877-991-9959), the Archaeology Program Unit of the Ministry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



Committee of Adjustment  
**Key Map**

Address: 2912 4th Concession Road  
File Number: D13-061-2024  
Prepared On: Sep-05-2024

 Lands Subject to Minor Variance



Disclaimer: This document is subject to copyright and may only be used for your personal, noncommercial use provided you keep intact the copyright notice. The City of Kingston assumes no responsibility for any errors, and is not liable for any damages of any kind resulting from the use of, or reliance on, the information contained in this document. The City of Kingston does not make any representation or warranty, express or implied, concerning the accuracy, quality, or reliability of the use of the information contained in this document. 2020 The Corporation of the City of Kingston.

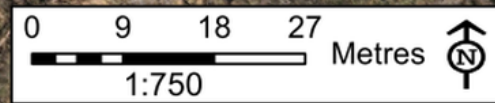




# Committee of Adjustment Neighbourhood Context

Address: 2912 4th Concession Road  
File Number: D13-061-2024  
Prepared On: Sep-05-2024




- Subject Lands
- Property Boundaries
- Proposed Parcels

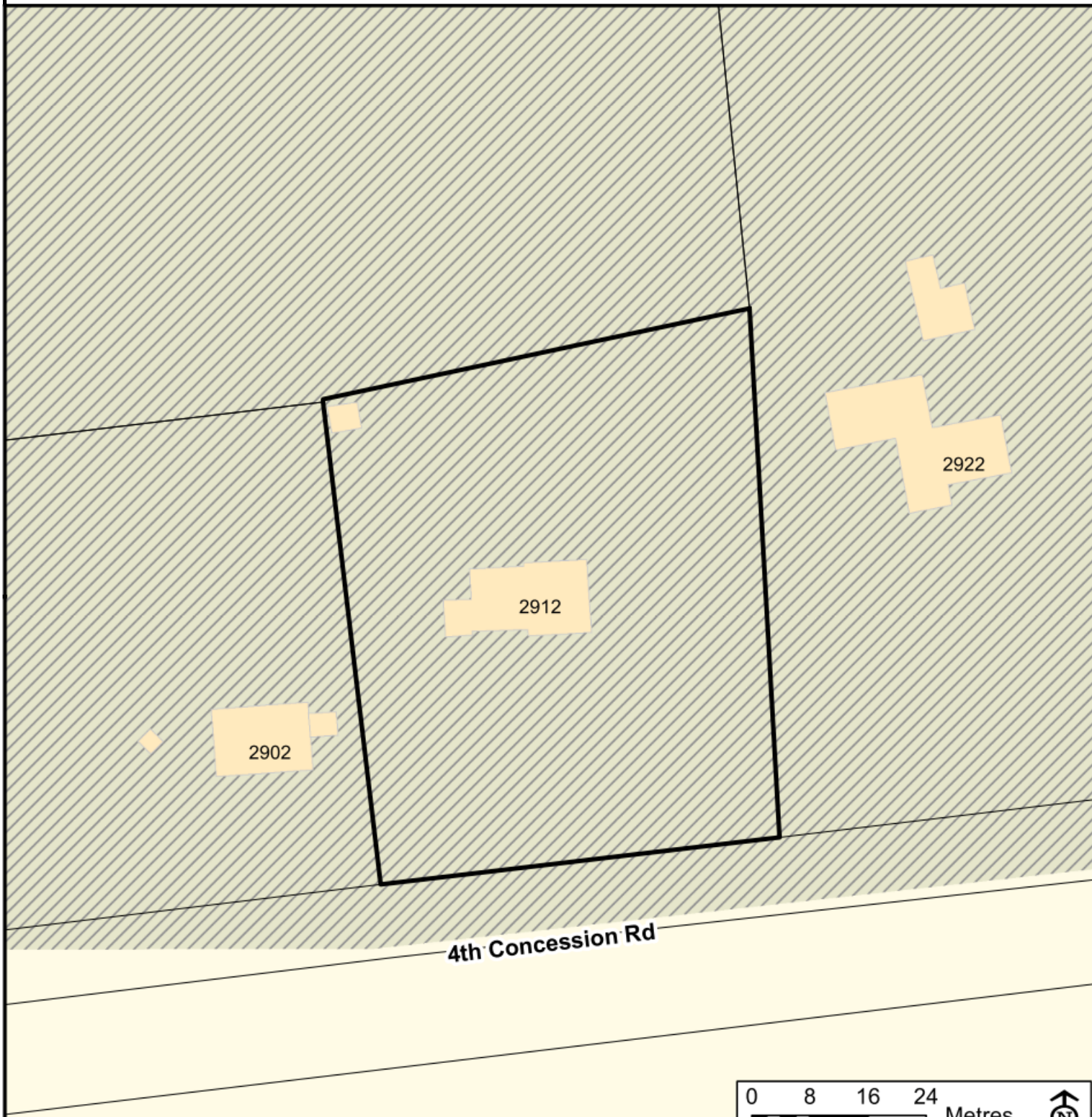




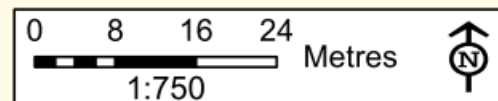


Committee of Adjustment  
**Official Plan, Existing Land Use**  
Address: 2912 4th Concession Road  
File Number: D13-061-2024  
Prepared On: Sep-05-2024

-  Subject Lands
-  PRIME AGRICULTURAL
-  RURAL



Prepared By: ncameron  
Prepared On: Sep-05-2024



Disclaimer: This document is subject to copyright and may only be used for your personal, noncommercial use provided you keep the copyright notice intact. The City of Kingston assumes no responsibility for any errors, and is not liable for any damages of any kind resulting from the use of, or reliance on, the information contained in this document. The City of Kingston does not make any representation or warranty, express or implied, concerning the accuracy, quality, or reliability of the use of the information contained in this document. 2020 The Corporation of the City of Kingston.

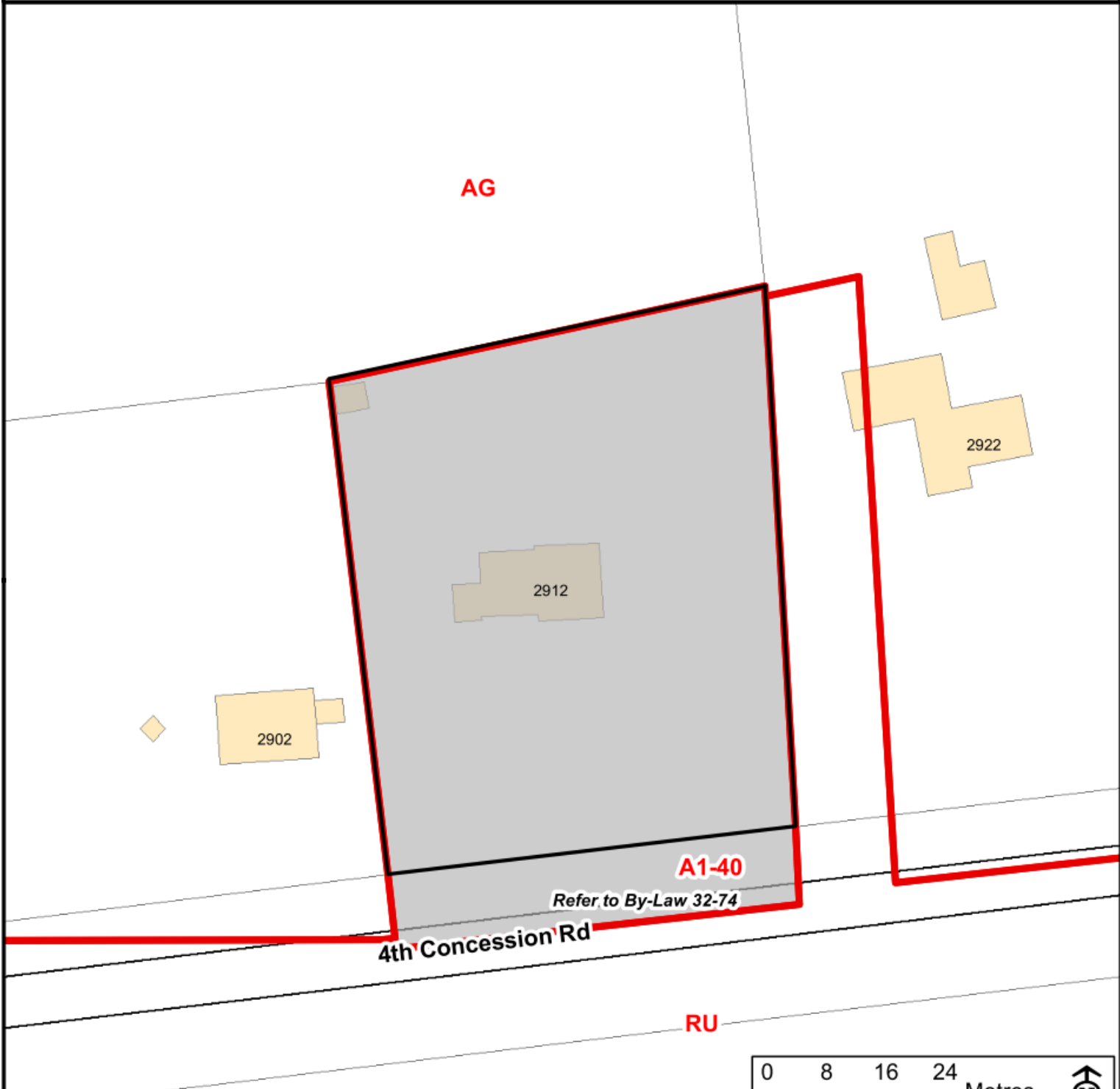


Planning Services

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

Address: 2912 4th Concession Road  
File Number: D13-061-2024  
Prepared On: Sep-20-2024

- Subject Lands
- Schedule 1 Zoning Map
- Zone
- Red Exception 32-74
- Schedule E - Exception Overlay
- Legacy Exceptions (LXXX)
- Exceptions (EXXX)
- Schedule F - Holding Overlay
- Holding Overlay (HXXX)







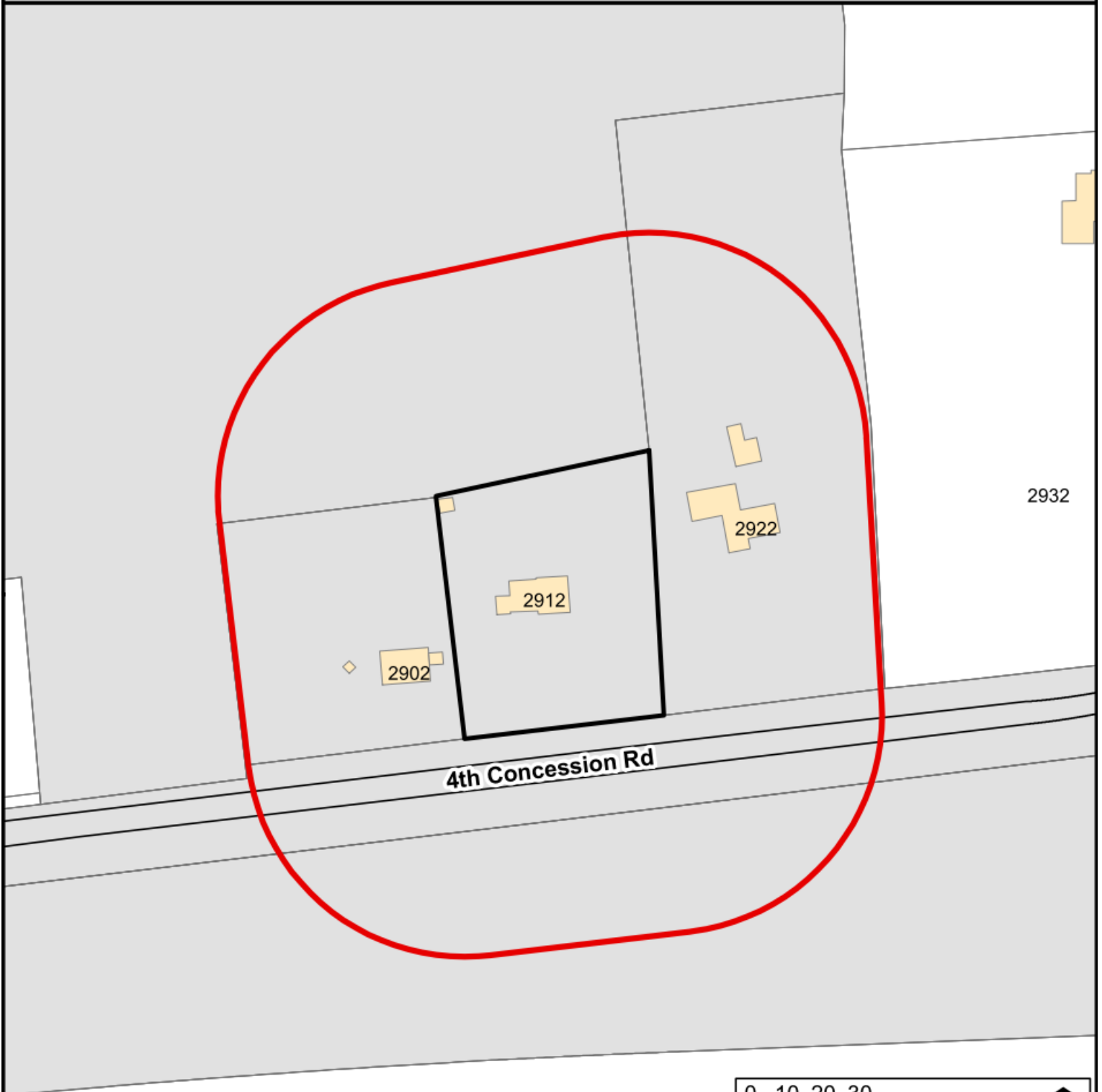




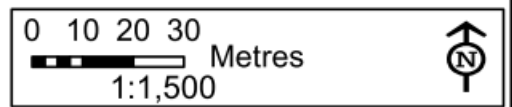
Committee of Adjustment  
**Public Notice Notification Map**

Address: 2912 4th Concession Road  
File Number: D13-061-2024  
Prepared On: Sep-05-2024

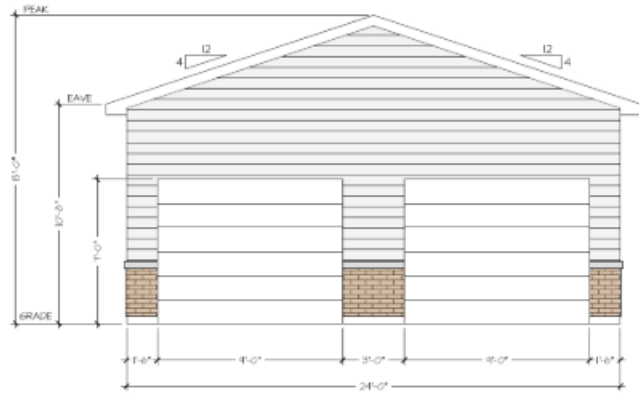
-  60m Public Notification Boundary
-  Subject Lands
-  Property Boundaries
-  5 Properties in Receipt of Notice (MPAC)



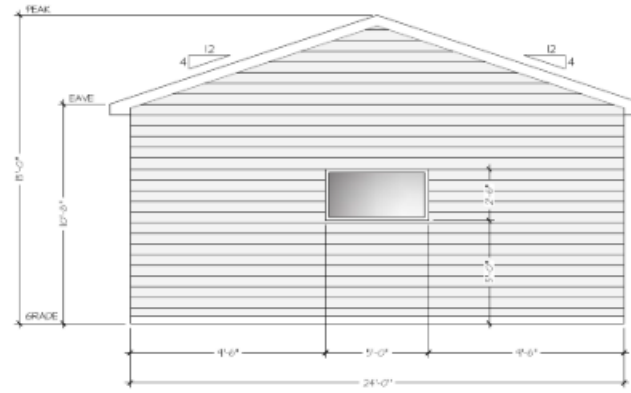
Prepared By: ncameron  
Prepared On: Sep-05-2024



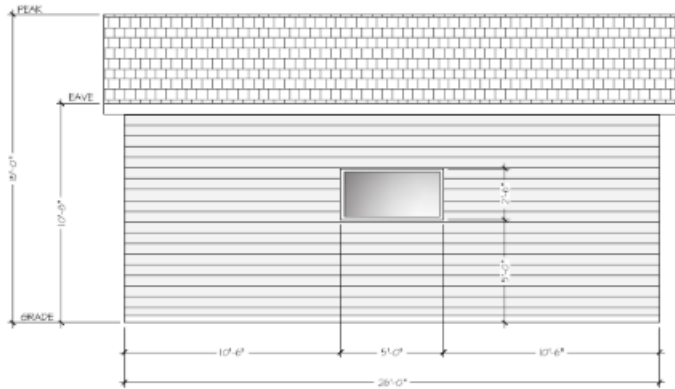




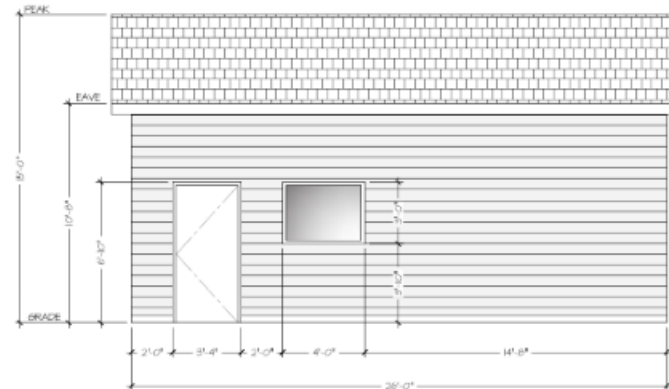
**SOUTH ELEVATION**  
SCALE: 3/8" = 1'-0"



**NORTH ELEVATION**  
SCALE: 3/8" = 1'-0"



**WEST ELEVATION**  
SCALE: 3/8" = 1'-0"



**EAST ELEVATION**  
SCALE: 3/8" = 1'-0"

Copyright 2024 Garb's Structural & Site Solutions.  
This drawing and design is the property of Garb's Structural & Site Solutions and shall not be copied, reproduced or otherwise in whole or in part without the expressed written consent of Garb's Structural & Site Solutions.  
THE CONSULTOR SHALL VERIFY AND BE RESPONSIBLE FOR ALL EXISTING AND SHALL REPORT DISCREPANCY TO OWNER IMMEDIATELY & NOT SOLUTION BEFORE PROCEEDING HEREON.

NO.	DATE	REVISIONS	BY
1	JAN 14 24	ISSUE FOR WORK USAGE	CP



**PROPOSED NEW GARAGE**  
3942 4TH CONC. RD  
SARASWOTTE, ON K7S 2V5

**ELEVATIONS**

DATE	DESIGNER	CHECKED BY
JAN 2024	CP	CP
	CP	CP
	CP	CP
	AS NOTED	

A.2





Figure 1: Looking north from the front lot line at the subject property.



Figure 2: Looking northwest at proposed location of the accessory structure.



Figure 3: Adjacent property to the east of the subject property.



Figure 4: Adjacent property to the west of the subject property.



Figure 5: Looking west along 4th Concession Road past the frontage of the subject property.



Figure 6: Looking east along 4th Concession Road from the frontage of the subject property.





**City of Kingston  
Report to Committee of Adjustment  
Report Number COA-24-087**

---

**To:** Chair and Members of the Committee of Adjustment  
**From:** Chris Wicke, Senior Planner  
**Date of Meeting:** October 21, 2024  
**Application for:** Consent  
**File Number:** D10-021-2024  
**Address:** 1668 Victoria Street  
**District:** District 3 - Collins-Bayridge  
**Owner:** Mohamed Khan  
**Applicant:** Fotenn Consultants Inc.

---

**Council Strategic Plan Alignment:**

Theme: 1. Support Housing Affordability

Goal: 1.1 Promote increased supply and affordability of housing.

**Executive Summary:**

This application for consent to create a lot and to establish an easement has been submitted by Fotenn Consultants Inc. on behalf of the owner, Mohamed Khan. The purpose of the application is to create a separately conveyable residential lot and to establish an access easement through the retained lot for to provide vehicular access to the severed lot. The intent of the application is to facilitate the future development of a two-storey single detached dwelling with an additional residential unit on the severed lot. The proposed consent complies with the City of Kingston Official Plan and the provisions of the UR2 zone in Kingston Zoning By-Law 2022-62.

The consent application proceeded through the Delegated Authority process. The City received public comments during the public notification period; therefore, the file has been referred to the Committee of Adjustment for consideration. A new public notice was mailed to all property owners within a 60-metre radius of the property and new signage was posted on the site.

October 21, 2024

Page 2 of 9

This report provides a recommendation to the Committee of Adjustment regarding the application for consent. The proposal has regard to the matters under subsection 51(24) of the *Planning Act*, is consistent with the Provincial Policy Statement, conforms with all applicable policies of the Official Plan, is in keeping with the general intent and purpose of the zoning by-law and a plan of subdivision is not necessary for the proper and orderly development of the property, as such, is recommended for provisional approval.

**Recommendation:**

**That** consent application, File Number D10-026-2024, to sever a residential lot with an area of approximately 1,294 square metres and to establish an access easement through the retained lot, be **provisionally approved** subject to the conditions included in Exhibit A (Recommended Conditions) to Report Number COA-24-087.

October 21, 2024

Page 3 of 9

**Authorizing Signatures:**

ORIGINAL SIGNED BY PLANNER

---

Chris Wicke, Senior Planner

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

Tim Park, Director, Planning Services

James Bar, Manager, Development Approvals

October 21, 2024

Page 4 of 9

**Options/Discussion:**

On July 26, 2024, a consent application was submitted by Fotenn Consultants Inc., on behalf of the owner, Mohamed Khan, with respect to the property located at 1668 Victoria Street. The consent is requested to create a new and separately conveyable residential lot and to establish an easement through the retained lot for vehicular access to the proposed severed lot.

The proposed retained lot (Exhibit G – Concept Plan) is to have an area of approximately 556 square metres and approximately 19.4 metres of frontage on Victoria Street. The existing single detached dwelling and detached garage will remain on the retained lot. The proposed severed lot is to have an area of approximately 1,294 square metres and approximately 12 metres of frontage onto Victoria Street. The intent of the application is to facilitate the future development of a two-storey house with an additional residential unit on the severed lot. In addition to the consent application to create the new lot, the applicant is also seeking to establish an easement for access as shown on the concept plan attached in Exhibit G.

The Director of Planning Services, through delegated authority, can process applications for consent that are technical in nature without holding a Public Meeting. All residents within a 60 metre radius of the property were notified through this process, and a letter of objection and concern was received. As such, this consent application is being referred to the Committee of Adjustment for consideration. Revised signage has been posted on the site and public notification of the Public Meeting has been sent to all property owners within a 60 metre radius. A courtesy advertisement has been published in the local newspaper.

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

- Concept (Exhibit G)
- Planning Justification Letter
- Stormwater Management Brief
- Servicing and Grading Plan
- Noise and Vibration Impact Study
- Survey
- Owner's Authorization

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 1668 Victoria Street (Exhibit B – Key Map). The property abuts low density residential uses to the north, west and east and a CN Rail line to the south (Exhibit C – Neighbourhood Context Map).



October 21, 2024

Page 5 of 9

The subject property is designated Residential in the Official Plan (Exhibit D – Official Plan Map) and zoned Urban Residential (UR2) in Kingston Zoning By-Law Number 2022-62 (Exhibit E – Zoning By-Law Map).

### **Planning Act**

The review of an application for a consent is subject to Section 53 of the *Planning Act* which requires the approval authority be satisfied that a plan of subdivision is not necessary for the proper and orderly development of the municipality having regard to the matters addressed in subsection 51(24).

The proposal will result in the creation of a new lot and an easement for access. The proposed consent meets the tests set out in the *Planning Act* and plan of subdivision is not required for the proper and orderly development of the property.

### **Provincial Planning Statement**

The Provincial Planning Statement (2024) 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 much, the proposal conforms to and is consistent with the PPS.

### **Official Plan**

The subject property is designated Residential in the City of Kingston Official Plan (Exhibit D – Official Plan Map). The goal of the Residential designation is to respond to the housing needs of the City's citizens by retaining and augmenting a broad range of housing at all levels of affordability within a safe, convenient and stable setting, organized primarily into neighbourhoods.

The creation of individual parcels of land by way of consent is subject to the consent policies of the Official Plan. In considering whether the proposal is appropriate, the Committee of Adjustment will have regard for the requirements included within the Official Plan, specifically section 9.6.13 titled: Criteria for Consent Approval

The proposed lot size and configuration is appropriate for the proposed residential development of the site and complies with the zoning requirements. The proposed lot has frontage on an assumed road. Due to the lot configuration relative to the public right-of-way, which is a local road, access proposed through this application is via an access easement over the existing driveway of the retained parcel. No impact to the heritage system, natural heritage features, natural hazards, cultural heritage resources, or areas with archaeological potential are anticipated. The site has been previously cleared of archaeological significance.

Technical details relating to the development of the proposed retained lot such as servicing, traffic impacts, stormwater management, and noise have been reviewed through the technical

October 21, 2024

Page 6 of 9

review process. There are no anticipated issues with the provision of municipal services for the proposed retained and severed lots.

The proposal meets the intent of the Official Plan, as the proposed new lot is appropriately sized and configured to contain a residential use and the consent and easement are not anticipated to result in any negative impacts to adjacent properties or to the neighbourhood.

**Zoning By-Law**

The subject property is zoned Urban Residential (UR2) in Kingston Zoning By-Law Number 2022-62 . The Urban Residential zone permits a variety of residential uses including a house, a semi-detached house, and a townhouse. A house is defined as a ground-oriented residential building that is used for the purpose of one or more principal dwelling units on one lot.

The proposed severed and retained lots are zoning compliant, as demonstrated in the following table:

Table 1 – Zone Comparison for Severed and Retained Lots

	Lot Area	Lot Frontage
UR2 Zone Minimum Requirement	No minimum	12 metres
Proposed Severed Lot	1,294 square metres	12 metres
Proposed Retained Lot	556 square metres	19.4

**Technical Review: Circulated Departments and Agencies**

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

October 21, 2024

Page 7 of 9

## 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, one public comment was received (Exhibit I – Public Correspondence). Any public comments received after the publishing of this report will be included as an addendum to the Committee of Adjustment Agenda.

Public comments focused on issues related to construction issues such as noise, timing and potential damage to adjacent buildings; creation of drainage issues; removal of mature trees; increased traffic, parking issues, and carbon emissions due to vehicle access to the property; and concerns about the nature of the tenancy of a future home. The public commenter also requests the construction of an eight-foot fence between the proposed severed lot and the adjacent property for reduced noise and increased privacy.

The applicant has responded to these concerns as follows:

- The final building design and construction methods have not been confirmed at this stage. However, if impacts or damage to neighbouring properties occurs through the future construction, the contractor and / or property owner would be responsible.
- A grading plan has been prepared for the proposed severance and has been submitted with the application. The grading plan incorporates a new grass swale along the east property line, which abuts 669 Collins Bay Road, that will convey water along the lot line to the south where an existing ditch exists.
- As shown on the submitted concept plan, some on-site tree removal is anticipated to accommodate the proposed building envelope and driveway extension. The applicant intends to replant trees on-site to replace those removed.
- The application seeks to create one new lot for a single detached dwelling with an additional residential unit. An extension of the existing driveway is proposed to accommodate two new parking spaces. Given the limited scale of development, excess emissions are not anticipated.
- Two on-site parking spaces are proposed to meet future resident needs.
- Future construction on the severed lot would be subject to the City's Noise By-law (2004-52) which states "Construction activity is prohibited from 7 pm to 7 am and on Sundays and holidays."
- The proposed dwelling on the severed lot will be located further south and will have a greater setback from 669 Collins Bay Road than the existing dwelling on the subject property. Any future fence between the properties would comply with the City's fence by-law which allows a fence height up to 6 feet.

October 21, 2024

Page 8 of 9

In addition to the applicant's response, a tree permit will be required by the applicant to address the removal or protection of trees within the municipal right-of-way to facilitate access to the proposed severed lot.

### **Previous or Concurrent Applications**

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

### **Conclusion**

The proposal has regard to the matters under subsection 51(24) of the *Planning Act*, is consistent with the Provincial Planning Statement, conforms with all applicable policies of the Official Plan, is in keeping with the general intent and purpose of the zoning by-law and a plan of subdivision is not necessary for the proper and orderly development of the property, as such, is recommended for provisional approval.

Provisional approval of this application will result in the creation of a new residential lot with an easement for access. This will ultimately facilitate the future development of a two-storey single detached dwelling with an additional residential unit on the severed lot.

### **Existing Policy/By-Law:**

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

#### **Provincial**

Provincial Planning Statement, 2024

#### **Municipal**

City of Kingston Official Plan

Kingston Zoning By-Law Number 2022-62

### **Notice Provisions:**

A Committee of Adjustment Meeting is going to be held regarding this application on October 21, 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 14 days in advance of the meeting. In addition, notices were sent by mail to a total number of 24 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).

October 21, 2024

Page 9 of 9

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:**

James Bar, Manager, Development Approvals 613-546-4291 extension 3213

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

**Other City of Kingston Staff Consulted:**

None

**Exhibits Attached:**

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

## Recommended Conditions

The provisional approval of consent application, File Number D10-026-2024, to sever an approximately 1,294 square metre lot with approximately 12 metres of frontage on Victoria Street and to establish easements across the retained lot for access, shall be subject to the following recommended conditions:

### 1. Certificate of Official and Deadline

That all conditions are satisfied and the Certificate of Official be presented to the Secretary-Treasurer, Committee of Adjustment for certification under Section 53(42) of the Planning Act, R.S.O. 1990 as amended, within two years of mailing of this notice. We suggest that the Land Registry Office be consulted for preapproval of the Certificate of Official to avoid delays.

The Certificate must be registered within two years from the issuance of the certificate as required under Section 53(43) of the Planning Act, R.S.O. 1990, as amended. A copy of the registered transfer certificate shall be provided to the Secretary-Treasurer, Committee of Adjustment to complete the file.

### 2. Reference Plan

That a digital version of a Reference Plan be provided in a PDF format by email, illustrating the severed and retained parcels be prepared and presented to the Secretary-Treasurer, Committee of Adjustment prior to the issuance of the Certificate of Official. The reference plan must, in the opinion of the City, conform to the general intent and description of the approved drawings attached to the notice of Decision, including any amendments and conditions approved by the Committee of Adjustment, as stated in the decision.

### 3. Payment of Taxes

The owner/applicant shall contact the Tax Department at [tax@cityofkingston.ca](mailto:tax@cityofkingston.ca) and secure in writing from the Treasurer or the Manager of Taxation and Revenue, proof of payment of current taxes and any special charges (not simply a copy of the tax bill) required to be paid out and a statement of proof that is received and shall be provided to the Secretary-Treasurer Committee of Adjustment, prior to the issuance of the consent certificate. The owner/applicant must pay any outstanding realty taxes and all local improvement charges levied against the property.

### 4. Cash-In-Lieu

In accordance with City of Kingston By-Law Number 2022-145, the Owner shall provide cash-in-lieu of parkland conveyance in the amount of \$2428.00 prior to issuance of the Certificate of Official.

### 5. Civic Address

A new civic address, granted through a D20 Civic Addressing Application, is required for the severed lot. For further information please see the City of Kingston Civic Addressing and Road Naming By-law 2005-98. The owner/applicant shall provide to the Secretary-Treasurer, Committee of Adjustment, written confirmation

from the City that the civic address has been obtained prior to the issuance of the consent certificate. Please contact [civicaddressing@cityofkingston.ca](mailto:civicaddressing@cityofkingston.ca) with any questions.

## **6. Standard Archaeological Notice**

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.

## **7. Utilities Kingston**

The owner/applicant is to provide a drawing showing all existing and proposed services and the mains they connect to, and the existing buildings and all proposed and existing property lines, which shall be approved by utilities Kingston. There shall be no encroachment of services (unless easements are created). Contact Utilities Kingston 'Service Advisors' and quote the application number to arrange for a 'Severance locate' to confirm that the location of the existing water and sanitary service for 1668 Victoria Street will not encroach onto the newly created lot.

## **8. Easements**

The Certificate of Official shall include an easement for access as shown on the attached concept plan.

## **9. Tree Protection**

The owner/applicant is required to undertake a Tree Permit application to address the potential removal and / or preservation of existing City-owned tree assets within the road allowance adjacent to the proposed development. Tree preservation requirements and/or conditions will be addressed through the permit.

## **10. Development Agreement**

The owner shall enter into a development agreement satisfactory to the City to be registered on title to the severed and retained lands. All legal costs associated with the preparation and registration of the agreement shall be borne by the owner. The



applicant shall provide a copy of the registered executed agreement to the Secretary-Treasurer, Committee of Adjustment, prior to the issuance of the consent certificate. The agreement shall contain the following conditions:

- a) Compliance with the recommendations as outlined in the Noise Impact Study, prepared by J.E Coulter Associates.
- b) That the provided reporting and supporting Engineering design be implemented to ensure suitable operation of site drainage in perpetuity.
- c) That as per Kingston Zoning By-law 2022-62 and comments from CN Rail, the safety setback of principal buildings from the railway rights-of-way shall be a minimum of 30 metres in conjunction with a safety berm. The safety berm shall be 2.5 metres above grade, with side slopes not steeper than 2.5 to 1, with returns at the ends, along the lot line adjoining and parallel to the railway right-of-way.
- d) That as per Kingston Zoning By-law 2022-62 and comments from CN Rail, the owner shall install and maintain a chain link security fence with a minimum 1.83 metres height along the entire mutual property line adjacent to the railway right-of-way, to be constructed by the owner entirely on private property, and to be installed and maintained at the owner's expense.
- e) That the following clause should be inserted in all development agreements, offers to purchase, and agreements of Purchase and Sale or Lease of each dwelling unit within 300m of the railway right-of-way: "Warning: Canadian National Railway Company or its assigns or successors in interest has or have a right-of-way within 300 metres from the land the subject hereof. There may be alterations to or expansions of the railway facilities on such rights-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). CNR will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid rights-of-way."
- f) That the storm water management facility be designed to control storm water runoff to pre-development conditions including the duration and volume of the flow and accordingly have no impacts on CN right of way, including ditches, culverts and tracks. Any proposed alterations to the existing drainage pattern affecting railway property must receive prior concurrence from CNR and be substantiated by a drainage report to the satisfaction of the Railway.
- g) That the owner be advised of the following:
  - i. A building permit is required for any proposed construction.
  - ii. Spatial separations and construction of exposed building faces are to be considered.

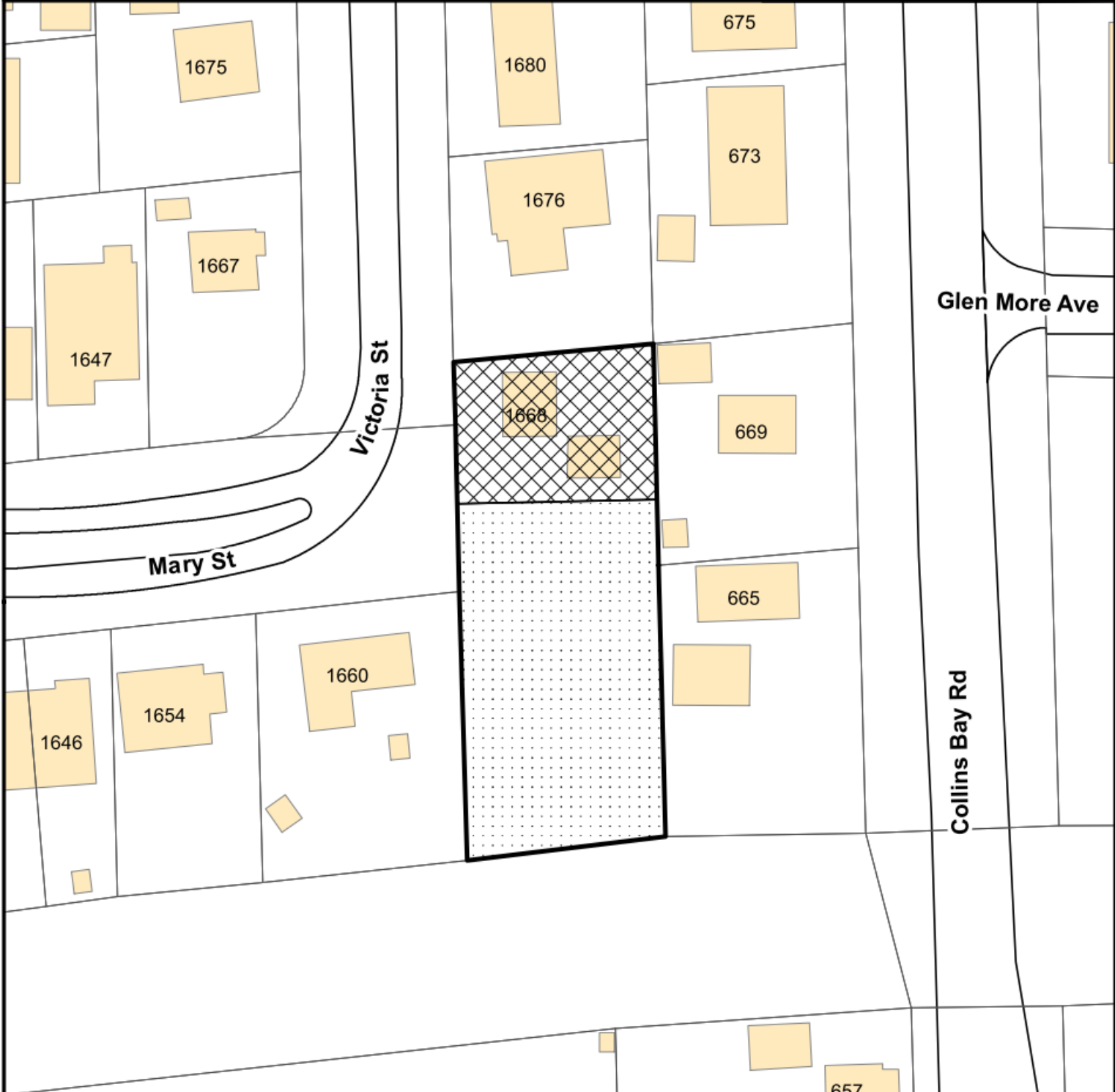
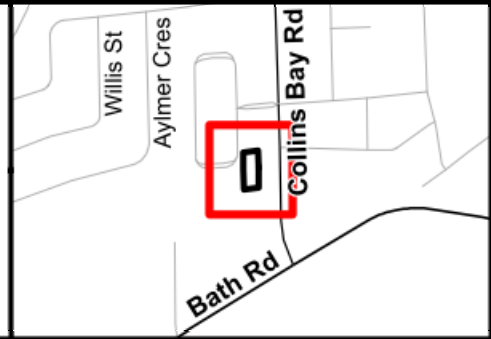
- iii. Development and impost charges will be applicable.
- iv. Proposed construction, building size and construction type will be assessed for fee purposes.
- v. Building shall be located, or the building site graded, so that water will not accumulate at or near the building and will not adversely affect adjacent properties.
- vi. The building designer is required to have BCIN with Small Buildings, if more than 2 units are proposed in the building.



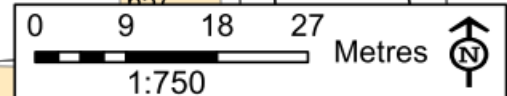
### Delegated Authority Key Map

Address: 1668 Victoria Street  
File Number: D10-026-2024  
Prepared On: Aug-14-2024

- Subject Lands
- Severed Lands
- Retained Lands



Prepared By: cbarratt  
Prepared On: Aug-14-2024



Disclaimer: This document is subject to copyright and may only be used for your personal, noncommercial use provided you keep in mind that the City of Kingston assumes no responsibility for any errors, and is not liable for any damages of any kind resulting from the use of, or reliance on, the information contained in this document. The City of Kingston does not make any representation or warranty, express or implied, concerning the accuracy, quality, or reliability of the use of the information contained in this document. 2020 The Corporation of the City of Kingston.





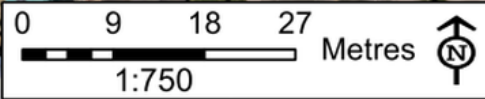
### Delegated Authority Neighbourhood Context

Address: 1668 Victoria Street  
File Number: D10-026-2024  
Prepared On: Aug-14-2024

- Subject Lands
- Property Boundaries
- Proposed Parcels



Prepared By: ebarratt  
Prepared On: Aug-14-2024






Disclaimer: This document is subject to copyright and may only be used for your personal, noncommercial use provided you keep the City of Kingston logo and name visible. The City of Kingston does not make any representation or warranty, express or implied, concerning the accuracy, quality, or reliability of the use of the information contained in this document. 2020 The Corporation of the City of Kingston.

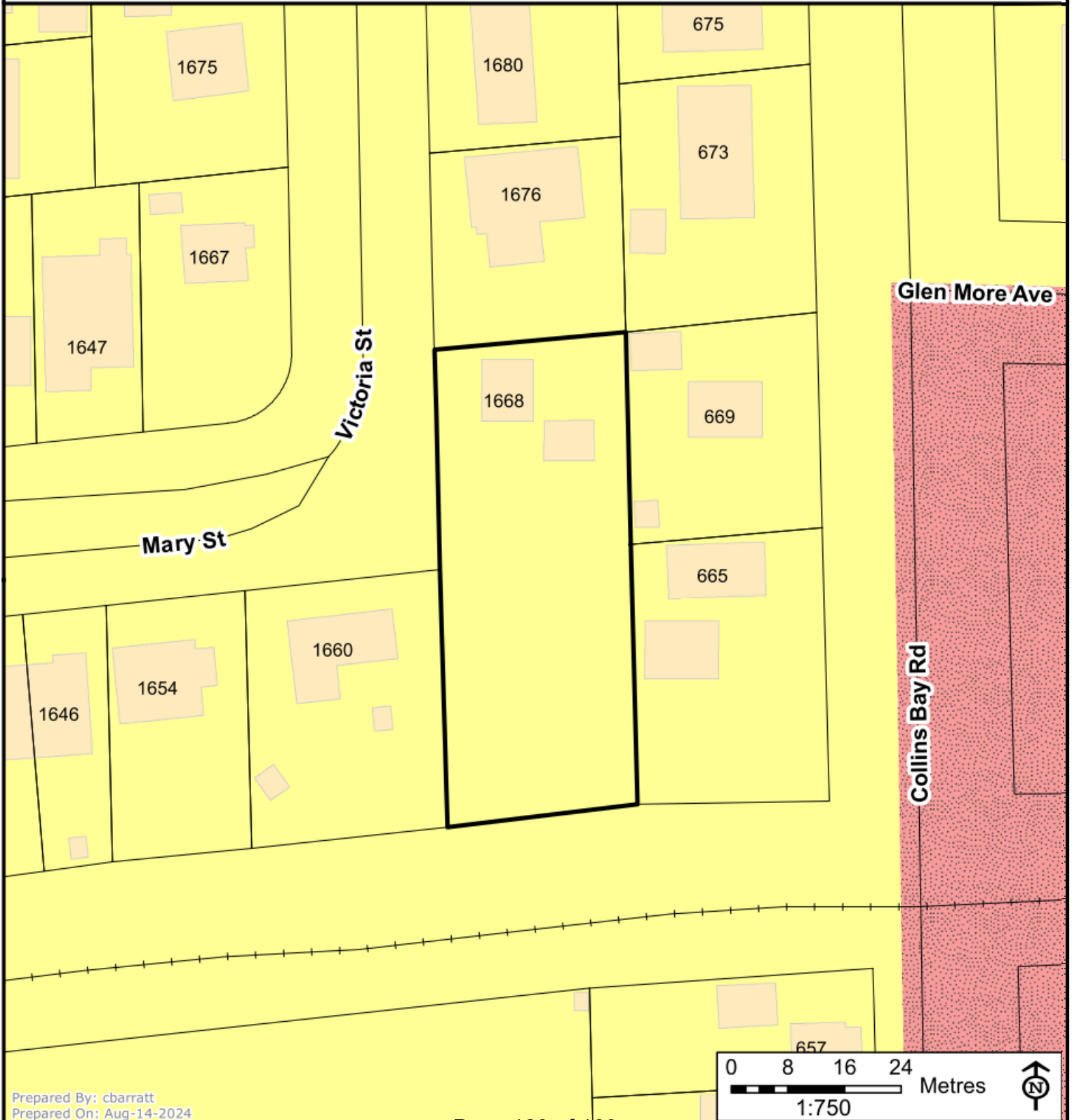




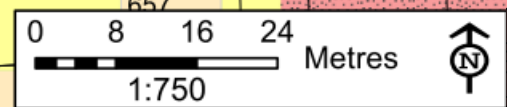
Delegated Authority  
Official Plan, Existing Land Use

Address: 1668 Victoria Street  
File Number: D10-026-2024  
Prepared On: Aug-14-2024

-  Subject Lands
-  DISTRICT COMMERCIAL
-  RESIDENTIAL



Prepared By: cbarratt  
Prepared On: Aug-14-2024





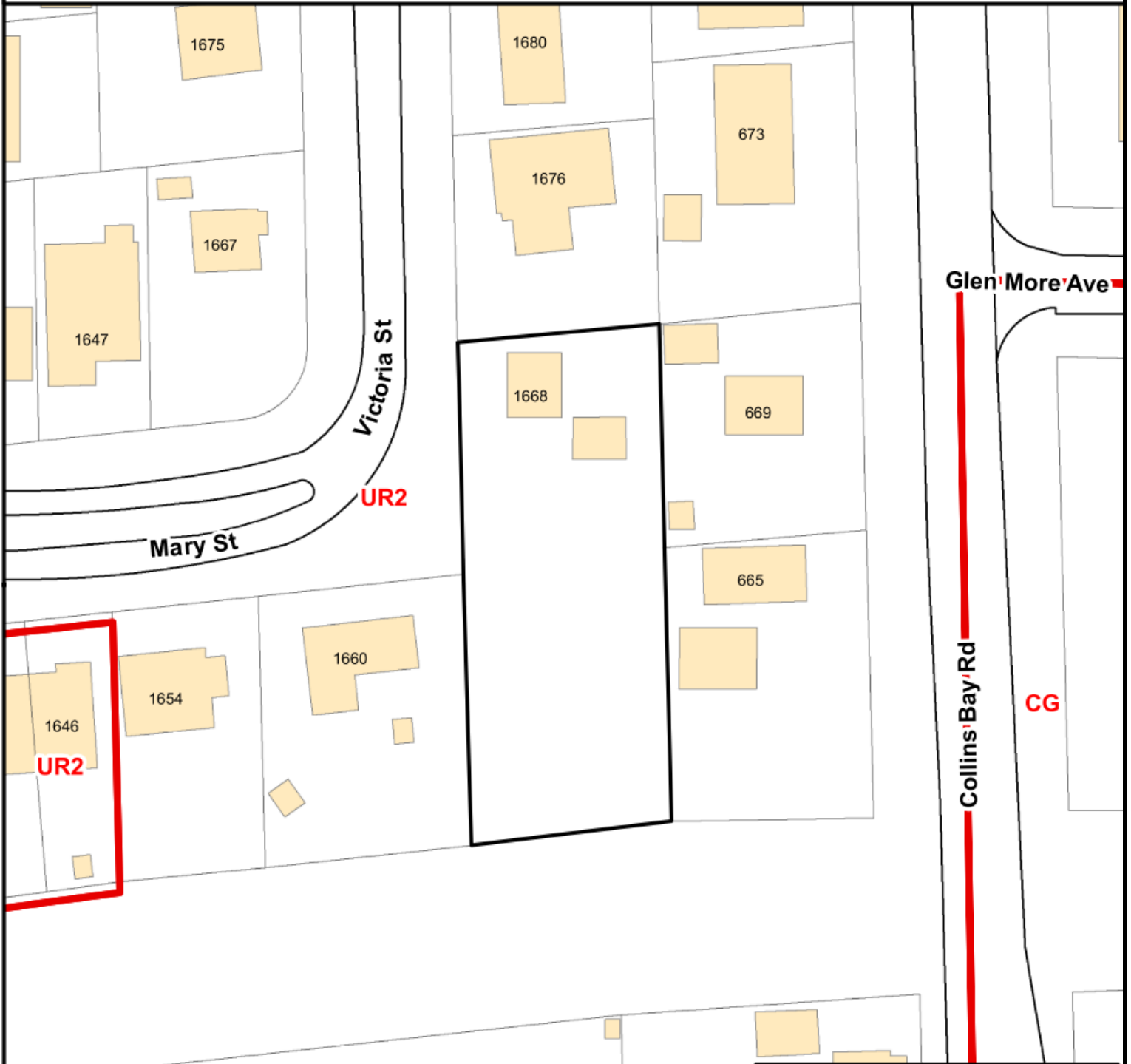
Planning Committee  
**Existing Zoning**  
**Kingston Zoning By-Law 2022-62**

**Planning Services**

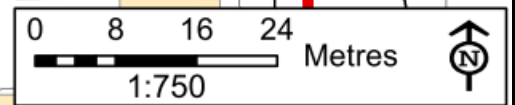
Address: 1668 Victoria Street  
File Number: D10-026-2024  
Prepared On: Aug-14-2024

Subject Lands  
Schedule 1 Zoning Map  
 Zone

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



Prepared By: cbarratt  
Prepared On: Aug-14-2024



Disclaimer: This document is subject to copyright and may only be used for your personal, noncommercial use provided you keep intact the copyright notice. The City of Kingston assumes no responsibility for any errors, and is not liable for any damages of any kind resulting from the use of, or reliance on, the information contained in this document. The City of Kingston does not make any representation or warranty, express or implied, concerning the accuracy, quality, or reliability of the use of the information contained in this document. 2020 The Corporation of the City of Kingston.





**SITE INFORMATION**

<b>ZONING</b>		UR1A
<b>SITE AREA</b>		
Total Site Area:		1,850 m <sup>2</sup>
<b>LOT AREA</b>		
Severed Lot:		1,294 m <sup>2</sup>
Retained Lot:		556 m <sup>2</sup>
<b>LOT FRONTAGE</b>		
Severed Lot:		12.0 m
Retained Lot:		19.4 m
<b>SETBACKS:</b>		<b>FRONT</b> <b>SIDE</b> <b>REAR</b>
Severed Lot:		6.0 m    6.5 m & 32.6 m    7.5 m
Retained Lot:		6.6 m    2.4 m & 8.7 m    13.4 m
<b>RAILWAY SEPARATION DISTANCE</b>		34.3 m
<b>PARKING</b>		Required:    Provided:
Single detached dwelling:		2            2
<b>BIKE PARKING</b>		Required:    Provided:
Single detached dwelling:		2            2
<b>LANDSCAPED OPEN SPACE</b>		
Severed Lot:		1,087 m <sup>2</sup> (84%)
Retained Lot:		379 m <sup>2</sup> (68%)

1668  
VICTORIA STREET  
KINGSTON  
Concept Plan



**LEGEND**

- EXISTING BUILDING
- PROPOSED BUILDING
- WALKWAY
- LANDSCAPED OPEN SPACE
- PROPOSED DRIVEWAY
- SUBJECT PROPERTY BOUNDARY
- PROPERTY SEVERANCE LINE
- PROPERTY BOUNDARY
- 30m RAILWAY SEPARATION
- MINIMUM SETBACKS
- HYDRO LINE
- DITCH
- HYDRO POLE
- EXISTING/PROPOSED TREE
- TREE TO BE REMOVED
- PROPOSED EASEMENT

0 1m 2m 5m 10m

CLIENT  
**Mohamed Khan**

**FOTENN**  
Planning + Design

OTTAWA: 395 Cooper Street, Suite 303, Ottawa, ON K2P 2H7 613.733.9739  
KINGSTON: 4 Cataract St., Suite 215, Kingston, ON K7K 1Z7 613.842.8454  
TORONTO: 174 Spadina Ave., Suite 304, Toronto, ON M5T 2C2 416.789.4530

www.fotenn.com

DESIGNED	GK
REVIEWED	TS
DATE	2024-02-02

**P1**





Figure 1: Looking east at existing dwelling on the subject property.



Figure 2: Looking southeast at proposed location of the lot to be severed and proposed dwelling.



Figure 3: Adjacent property to the west of the subject property.



Figure 4: Adjacent property to the north of the subject property.



Figure 5: Looking south along Victoria Street toward the frontage of the subject property.



Figure 6: Looking west to the southern edge of the property past the adjacent land and rail lines.

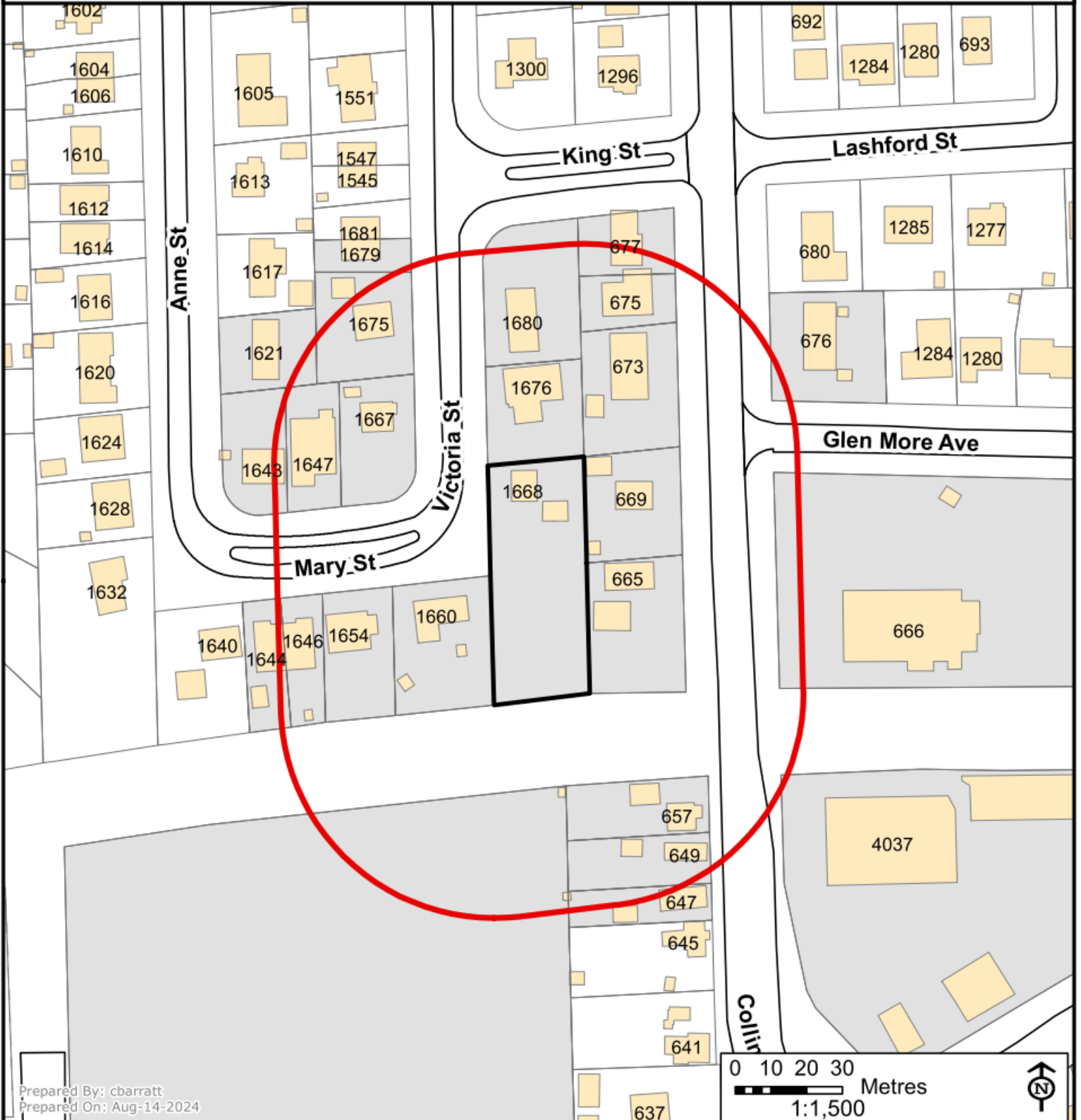




# Delegated Authority Public Notice Notification Map

Address: 1668 Victoria Street  
File Number: D10-026-2024  
Prepared On: Aug-14-2024

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



Prepared By: cbarratt  
Prepared On: Aug-14-2024



Disclaimer: This document is subject to copyright and may only be used for your personal, noncommercial use provided you keep the copyright notice intact. The City of Kingston assumes no responsibility for any errors, and is not liable for any damages of any kind resulting from the use of, or reliance on, the information contained in this document. The City of Kingston does not make any representation or warranty, express or implied, concerning the accuracy, quality, or reliability of the use of the information contained in this document. 2020 The Corporation of the City of Kingston.

**From:** [REDACTED]  
**To:** [Wicke,Chris](#)  
**Subject:** Application for Consent to Sever New Lot & Create an Easement/File Number: D10-026-2024/Address: 1668 Victoria St., Kingston ON K7M 5H3  
**Date:** September 3, 2024 1:59:11 PM

---

**Caution:** This email is from an external source. Please exercise caution when opening attachments or clicking links, especially from unknown senders.

Please accept the following written comments in respect to the proposed above application:

- Concerned when fracking of the ground takes place may cause damage to my foundation and other infrastructure (i.e. sewer & water) as house was built in 1946. Who will be responsible if this happens?
- Drainage issues at back of property.
- Mature trees will be removed.
- Excess carbon emissions due to vehicle access to the property.
- More traffic on small street with minimal parking.
- Current residence is being utilized as a rooming house. Concerned if application is approved that work on new dwelling will be done after hours (night time) and on weekends as in the past with current residence.
- If application moves forward, request that an 8ft fence be built between properties to avoid noise, have privacy from new rental dwelling by home owner at 1668 Victoria St., Kingston ON.

Thank you,

Michael & Leisha Woods  
669 Collins Bay Rd.  
Kingston ON K7M 5G7



**City of Kingston  
Report to Committee of Adjustment  
Report Number COA-24-084**

---

**To:** Chair and Members of the Committee of Adjustment  
**From:** Jacob Slevin, Planner  
**Date of Meeting:** October 21, 2024  
**Application for:** Minor Variance and Consent  
**File Numbers:** D10-028-2024 and D13-063-2024  
**Address:** 101 Charles Street  
**District:** District 11 – King’s Town  
**Owner:** Scott Gordon  
**Applicant:** Scott Gordon

---

**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 applications for minor variance and consent submitted by Scott Gordon, owner of the property located at 101 Charles Street. The applications for minor variance and consent are requested to facilitate the severance of an existing townhouse structure, creating two separate townhouses.

The purpose of the consent application (File Number D10-028-2024) is to permit a severance along the centreline of the existing lot at 101 Charles Street, dividing the townhouse structure in half. Each new lot would have an area of approximately 165 square metres and an approximate frontage of 4.5 metres.

The minor variance (File Number D13-063-2024) is requested to permit zoning deficiencies which will be created as a result of the consent application. The requested variances include a

October 21, 2024

Page 2 of 17

reduction in minimum lot area and minimum lot frontage for both the severed and retained parcels. Additionally, variances are requested to reduce the required front setback to allow the construction of a new front vestibule and to remove vehicle parking requirements for both the severed and retained lots.

The requested minor variance and consent applications are consistent with the Provincial Planning Statement and conform with the general intent and purpose of both the City of Kingston Official Plan and Kingston Zoning By-Law Number 2022-62. The requested minor variances are desirable for the appropriate development or use of the land, building or structure and are minor in nature. The proposed minor variance application meets all four tests under Subsection 45(1) of the *Planning Act* and is recommended for approval. The requested consent application has regard to the matters set out in subsection 51(24) of the *Planning Act* and a plan of subdivision is not necessary for the proper and orderly development of the property, as such, is recommended for provisional approval.

**Recommendation:**

**That** minor variance application, File Number D13-063-2024 for the property located at 101 Charles Street to permit a reduced minimum lot area, a reduced minimum lot frontage, a reduced front setback, and reduced parking requirements for both the severed and retained parcels, be approved, as described below:

**Retained Lot (101 Charles Street):**

**Variance Number 1: Minimum Lot Area**

By-Law Number 2022-62: Table 11.6.1.1  
Requirement: 295 square metres for a townhouse  
Proposed: 165 square metres  
Variance Requested: 130 square metres

**Variance Number 2: Minimum Lot Frontage**

By-Law Number 2022-62: Table 11.6.1.2  
Requirement: 8 metres for a townhouse  
Proposed: 4.5 metres  
Variance Requested: 3.5 metres

**Variance Number 3: Minimum Front Setback**

By-Law Number 2022-62: Table 11.6.1.4(d)  
Requirement: 3.85 metres  
Proposed: 1.5 metres  
Variance Requested: 2.35 metres

**Variance Number 4: Number of Parking Spaces**

By-Law Number 2022-62: Table 7.1.1.2(b)  
Requirement: 1 parking space per lot  
Proposed: 0 parking spaces per lot



October 21, 2024

Page 3 of 17

Variance Requested: 1 parking space

**Severed Lot (103 Charles Street):**

**Variance Number 5: Minimum Lot Area**

By-Law Number 2022-62: Table 11.6.1.1  
Requirement: 295 square metres for a townhouse  
Proposed: 165 square metres  
Variance Requested: 130 square metres

**Variance Number 6: Minimum Lot Frontage**

By-Law Number 2022-62: Table 11.6.1.2  
Requirement: 8 metres for a townhouse  
Proposed: 4.5 metres  
Variance Requested: 3.5 metres

**Variance Number 7: Minimum Front Setback**

By-Law Number 2022-62: Table 11.6.1.4(d)  
Requirement: 3.85 metres  
Proposed: 1.5 metres  
Variance Requested: 2.35 metres

**Variance Number 8: Number of Parking Spaces**

By-Law Number 2022-62: Table 7.1.1.2(b)  
Requirement: 1 parking space per lot  
Proposed: 0 parking spaces per lot  
Variance Requested: 1 parking space; and,

**That** approval of the minor variance application be subject to the conditions attached as Exhibit A (Recommended Conditions – Minor Variance) to Report Number COA-24-084; and,

**That** consent application, File Number D10-028-2024, to sever an approximately 165 square metre parcel with approximately 4.5 metres of frontage which will be known as 103 Charles Street, to retain an approximately 165 square metre parcel with approximately 4.5 metres of frontage which will be known as 101 Charles Street, and to create a new easement over 103 Charles Street in favour of 101 Charles Street, be **provisionally approved** subject to the conditions included in Exhibit B (Recommended Conditions – Consent) to Report Number COA-24-084.

October 21, 2024

Page 4 of 17

**Authorizing Signatures:**

ORIGINAL SIGNED BY PLANNER

---

Jacob Slevin, Planner

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

Tim Park, Director, Planning Services  
James Bar, Manager, Development Approvals

October 21, 2024

Page 5 of 17

**Options/Discussion:**

On August 6, 2024, applications for minor variance and consent were submitted by Scott Gordon, owner of the subject property located at 101 Charles Street. The subject property is developed with a townhouse building, sharing common party walls with the adjacent properties at 99 Charles Street and 105 Charles Street.

The previous two-storey townhouse structure at 101 Charles Street was severely damaged by a fire in May of 2022. The exterior stone walls of the first storey remain intact; however, the interior of the building and the second storey was destroyed and needs to be entirely rebuilt. The applicant is proposing to retain the existing exterior shell of the building while redeveloping the interior as two separate townhouses. The second storey is proposed to be rebuilt. A new vestibule addition at the front of the building is also proposed. This new front addition would occupy the same space that was previously used as an unenclosed front porch prior to the fire. Additionally, new additions are proposed at the rear of the building to provide space for new kitchen areas in the new townhouse units.

The purpose of the consent application (File Number (D10-028-2024)) is to permit a severance along the centreline of the existing lot at 101 Charles Street, dividing the townhouse structure in half. The eastern half of the lot will be the retained lot and will continue to be addressed as 101 Charles Street. The western half of the lot will be the severed lot and will be addressed as 103 Charles Street. Each new lot would have an area of approximately 165 square metres and an approximate frontage of 4.5 metres. Additionally, a new easement will also be created through the consent process to facilitate access to the rear yards of both the severed and retained parcels.

The minor variance application (File Number D13-063-2024) is requested to permit zoning deficiencies which will be created as a result of the consent application. The requested variances include a reduction in minimum lot area and minimum lot frontage for both the severed and retained parcels. Additionally, variances are requested to permit a reduced front setback to allow for the development of the proposed front vestibule. Variances are also requested to remove parking requirements for both the severed and retained lots.

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

- Concept Plan (Exhibit G)
- Easement Sketch (Exhibit H)
- Survey (Exhibit I)
- Elevations (Exhibit J);

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.

October 21, 2024

Page 6 of 17

## Site Characteristics

The subject property is located in the North King's Town area of the City, approximately 60 metres west of the intersection of Charles Street and Montreal Street (Exhibit C – Key Map). The property abuts residential uses in all directions. Nearby residential properties on Charles Street are developed with a mix of low rise residential homes, including detached houses, semi-detached houses, and townhouses (Exhibit D – Neighbourhood Context Map). The subject property is within walking distance of several commercial uses along Montreal Street, including a convenience store, a café, and a pharmacy. The property and is located approximately 500 metres to the north of McBurney Park, and approximately 300 metres to the south of Megaffin Park.

The property at 101 Charles Street is developed with a townhouse structure but is currently vacant due to interior fire damage. The parcel containing 101 Charles Street has an area of 341.5 square metres and 9.8 metres of frontage onto Charles Street. As a townhouse with out interior side yards, the rear yard of the subject property is accessed through the house or via an existing easement in favour of 101 Charles Street over a driveway at 109 and 105 Charles Street which provides access to the rear yard. A new easement will be created through this consent application, granting the new retained lot at 101 Charles Street access over the new severed lot at 103 Charles Street.

The subject property is designated Residential in the Official Plan (Exhibit E – Official Plan Map) and zoned UR5 in Kingston Zoning By-Law Number 2022-62 (Exhibit F – Zoning By-Law Map)

## Provincial Planning Statement

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

## Consent Application

The review of an application for a consent is subject to Section 53 of the *Planning Act* which requires the approval authority be satisfied that a plan of subdivision is not necessary for the proper and orderly development of the municipality having regard to the matters addressed in subsection 51(24).

The proposal will result in the creation of two lots: a retained lot on the eastern half of the existing property which will retain the address of 101 Charles Street, and a severed lot on the western half of the existing property which will be addressed as 103 Charles Street. The proposed consent will also enable the creation of a new easement over the severed lot in favour of the retained lot to ensure that the severed lot will have legal access to the rear yard. The

October 21, 2024

Page 7 of 17

proposed consent meets the tests set out in the *Planning Act* and plan of subdivision is not required for the proper and orderly development of the property.

### Official Plan

The subject property is designated Residential in the City of Kingston Official Plan. The Residential land use designation denotes urban residential land uses that are intended to be on full municipal services. It is the goal of the Official Plan that the Residential designation to respond to the housing needs of the City's citizens by retaining and augmenting a broad range of housing at all levels of affordability within a safe, convenient and stable setting, organized primarily into neighbourhoods.

The creation of individual parcels of land by way of consent is subject to the consent policies of the Official Plan. In considering whether the proposal is appropriate, the Committee of Adjustment will have regard for the requirements included within the Official Plan, specifically Section 9.6.13 titled: "Criteria for Consent Approval".

The proposed severance would create two new lots, each with approximately 165 square metres of area and 4.5 metres of frontage onto Charles Street. While the proposed lot areas and frontages do not comply with the requirements of the UR5 Zone, they are considered to be appropriate for the proposed use of the lots and consistent with lot fabric of the surrounding neighbourhood.

Charles Street contains a number of older houses that predate the Kingston Zoning By-Law, and as such, many nearby lots are also deficient in terms of lot area and frontage. In particular, undersized lot areas and frontages are especially common for existing semi-detached houses and townhouses on Charles Street. For example, the townhouses at 147 and 149 Charles Street have lot areas of approximately 117 square metres and 112 square metres, respectively. These nearby townhouses also have lot frontages of approximately 4.5 metres. Given this neighbourhood context, the proposed new lots are consistent with the surrounding lot fabric.

Both the severed and retained lots are proposed to be rectangular in shape, with frontage and access from Charles Street, a municipal road. No new driveways or access points are proposed. The subject property can be serviced by existing municipal infrastructure, and the applicant will be required to provide each new lot with separate municipal services.

No adverse impacts are anticipated to natural heritage features or areas, natural hazards, or any built cultural heritage resources. Heritage Planning staff have confirmed that this property is located within an archeologically sensitive area, and as such, archeological clearance of the property will be required prior to building activities to ensure no archeological resources will be impacted.

The proposal meets the intent of the Official Plan, as the proposed severance is consistent with all applicable Official Plan policies and will not result in any negative impacts to adjacent properties or to the neighbourhood.

October 21, 2024

Page 8 of 17

## Zoning By-Law

The subject property is zoned UR5 in Kingston Zoning By-Law Number 2022-62 (Exhibit F – Zoning By-Law Map). The UR5 Zone permits a variety of residential uses, including a townhouse. As such, the proposal to create two new townhouse units is permitted by the UR5 Zone.

A minor variance is requested to permit a reduced minimum lot area and reduced minimum lot frontage for both the severed and retained lots.

## Minor Variance Application

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

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

The subject property is designated Residential in the City of Kingston Official Plan (Exhibit E – Official Plan Map).

In considering whether this proposed variance is desirable, the Committee of Adjustment will have regard to the nine requirements included in Section 9.5.16 of the Official Plan.

The subject property is located within a Housing District as defined by Section 2.2.5 of the Official Plan. Housing Districts are planned to ensure land use compatibility is maintained while supporting the construction of new housing. Section 2 of the Official Plan also encourages the development of all forms of housing to increase the City's overall housing supply. The development of new low-rise residential buildings such as townhouses are encouraged within existing low rise residential areas. As this proposal represents an opportunity for infill townhouse development within an existing low rise residential area, it meets the intent of the Strategic Policy Direction outlined in Section 2 of the Official Plan.

The proposal would be compatible with the surrounding uses and buildings, as directed by Section 2.7 of the Official Plan. The applicant is proposing to primarily maintain the existing shell of the townhouse building at 101 Charles Street and to rebuild the previously existing second storey, with modest new additions proposed at the front and rear of the building. The proposed rear additions be developed as 'bump-outs' additions of the existing building footprint (Exhibit G – Concept Plan). These rear additions would extend the building footprint close to the eastern and western interior lot lines but would not extend the overall footprint of the building closer to the rear lot line. As rear additions to a townhouse, these would not be visible from the perspective of Charles Street. The new front vestibule area would occupy the same footprint as a front porch that was previously in place at the front of the building (Exhibit J – Elevations and Exhibit K – Site Photos).



October 21, 2024

Page 9 of 17

Given that the existing townhouse shell is proposed to remain, and the second storey will be rebuilt, the new townhouses will appear visually similar to the previous townhouse building that functioned prior to the fire in May of 2022. The proposed additions to the front and rear are modest in size and will not significantly alter the character of the building.

During the review process of this application, there were discussions regarding how a functional vehicle parking configuration would be best achieved. Given the lack of a driveway on the subject property, the only opportunity for providing parking spaces would be to provide spaces in the rear yard, to be accessed via an existing easement, approximately 3.57 metres in width, over the adjacent properties at 105 and 109 Charles Street (Exhibit I – Survey).

The purpose of this easement is to provide access from Charles Street to the rear yards of the townhouses at 105, 101, and 99 Charles Street. Despite the existence of this easement, the previous townhouse at 101 Charles Street was not developed with a parking space. It is noted that 99 Charles Street is developed with a rear parking space accessed by this same easement, demonstrating access to parking via this easement has proved functional for a similar property. However, as the addition of two parking spaces for each proposed new unit would represent a change compared to the previous townhouse which functioned without a parking space, variances have been requested to exempt both lots from parking space requirements.

It is noted that parking is not being prohibited for the proposed severed and retained lots, and that parking spaces could potentially be added at a future date. Based on the survey of the subject property, there is sufficient space within the rear yard to provide two parking spaces that meet the minimum length and width requirements of the Kingston Zoning By-law. The intent of the requested variances is to allow residents and property owners to determine themselves whether parking spaces will be provided. The requested variances will create the option of developing the proposed townhouses with or without parking spaces. In the event that the townhouses are developed without parking spaces, residents will be able to meet their basic transportation needs without a vehicle parking space, as is demonstrated in more detail on Pages 13-14 of this report.

Regardless of whether parking is provided, the access easement will allow for bicycle access or vehicular access for construction or maintenance purposes. The retained lot will continue to benefit from this easement while the applicant will be required to obtain a new easement for the severed lot to ensure that both new lots can legally access the rear yard. Bicycle parking for the new townhouse units will be required in accordance with the Kingston Zoning By-law, and this will be confirmed at the Building Permit stage.

The proposed new townhouses can be adequately serviced by existing municipal infrastructure. The applicant will be required to demonstrate that there are no adverse impacts from stormwater flows at the Building Permit stage.

The subject property is not designated under the *Ontario Heritage Act* or adjacent to any designated Heritage properties. As such, there will be no impacts to built cultural heritage

October 21, 2024

Page 10 of 17

resources. However, archeological clearance of the property will be required prior to any ground disturbance.

The proposed variances are consistent with the intent of the Kingston Zoning By-law, minor in nature, and appropriate for the subject property, as will be expanded upon below. Given that the requested variances satisfy the four tests as required by the *Planning Act*, a minor variance is the most appropriate method for seeking zoning relief and a zoning by-law amendment is not considered necessary in this case. As discussed throughout this report, other properties on Charles Street already have similarly sized lot areas, lot frontages, and front setbacks compared to the proposal for the subject property. Additionally, several properties in this neighbourhood area are developed without parking spaces, such as 137 Charles Street and 125-127 Patrick Street. Considering this neighbourhood context, approval of the requested variances will not set an undesirable precedent.

Recommended conditions have been provided for the Committee’s consideration and are included as Exhibit A and Exhibit B to this report, for the minor variance and consent respectively.

The proposal meets the intent of the Official Plan, as the requested variances are compliant with all applicable Official Plan policies and will not result in any negative impacts to adjacent properties or to the neighbourhood.

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

The subject property is zoned UR5 in Kingston Zoning By-Law Number 2022-62 (Exhibit F – Zoning By-Law Map). The UR5 Zone permits residential uses, including townhouses. For a lot containing a townhouse, the UR5 Zone requires a minimum lot area of 295 square metres and a frontage of 8 metres.

To accommodate the proposed severance and infill development of two new townhouses, minor variances are required to provide relief from the minimum lot area and minimum lot frontage requirements, to reduce the required front setback, and to reduce parking requirements. Details on each of the requested variances and an assessment of how these variances maintain the intent and purpose of the Kingston Zoning By-Law are provided below.

**Variance Number 1: Minimum Lot Area (Retained Lot – 101 Charles Street)**

By-Law Number 2022-62:	Table 11.6.1.1
Requirement:	295 square metres for a townhouse
Proposed:	165 square metres
Variance Requested:	130 square metres

**Variance Number 5: Minimum Lot Area (Severed Lot – 103 Charles Street)**

By-Law Number 2022-62:	Table 11.6.1.1
Requirement:	295 square metres for a townhouse
Proposed:	165 square metres
Variance Requested:	130 square metres

October 21, 2024

Page 11 of 17

Both the severed and retained lots are proposed to have an area of approximately 165 square metres, while the UR5 Zone requires a minimum area of 295 square metres for lots developed with a townhouse. The intent of the minimum lot area requirement is to ensure that a property has sufficient area to accommodate required setbacks, landscaped open space, access and to ensure overall site functionality. The requested variance maintains the intent of this zoning provision, as the newly created lots will have sufficient space to be functional and to comply with other zoning provisions and development standards.

The UR5 Zone does not require minimum interior setbacks for lots developed with townhouses that share a common party wall. Given that the subject property shares a common party wall with the adjacent townhouses at 99 Charles Street and 105 Charles Street, the reduction in minimum lot area will have no effect on the ability of the newly created lots to meet interior setback requirements. The proposed rear additions will comply with the rear setback and maximum building depth provisions. Lastly, both new lots will maintain a sufficient amount of landscaped open space to meet the zoning requirements. Given the above, the proposed reduction in minimum lot area will not inhibit the new lots in terms of functionality or their ability to comply with other relevant zoning requirements.

**Variance Number 2: Minimum Lot Frontage (Retained Lot – 101 Charles Street)**

By-Law Number 2022-62: Table 11.6.1.2  
Requirement: 8 metres for a townhouse  
Proposed: 4.5 metres  
Variance Requested: 3.5 metres

**Variance Number 6: Minimum Lot Frontage (Severed Lot – 103 Charles Street)**

By-Law Number 2022-62: Table 11.6.1.2  
Requirement: 8 metres for a townhouse  
Proposed: 4.5 metres  
Variance Requested: 3.5 metres

Both the severed and retained lots are proposed to have a minimum lot frontage of approximately 4.5 metres each. The intent of the minimum lot frontage requirement is to provide separation between parcels, safe driveway separation, and a consistent lot fabric throughout the neighbourhood. As mentioned earlier in this report, numerous surrounding properties on Charles Street contain lot frontages that below the zoning requirements. In this context, the requested variances to permit reduced lot frontages would not be inconsistent with the surrounding parcel fabric. Additionally, there is no driveway on the subject property at 101 Charles Street, with access to the rear yard provided via an easement over the adjacent lands at 109 and 105 Charles Street. With access configured in this manner, concerns about maintaining driveway separation are not applicable in this case.

**Variance Number 3: Minimum Front Setback (Retained Lot – 101 Charles Street)**

By-Law Number 2022-62: Table 11.6.1.4(d)  
Requirement: 3.85 metres  
Proposed: 1.5 metres

October 21, 2024

Page 12 of 17

Variance Requested: 2.35 metres

**Variance Number 7: Minimum Front Setback (Severed Lot – 103 Charles Street)**

By-Law Number 2022-62: Table 11.6.1.4(d)

Requirement: 3.85 metres

Proposed: 1.5 metres

Variance Requested: 2.35 metres

For existing buildings in the UR5 zone developed prior to the enactment of the Kingston Zoning By-law, the existing front setback is considered to be the required front setback. The existing front setback of the townhouse building on the subject property is approximately 3.85 metres from the front lot line (Exhibit I – Survey). The intent of the front setback provision is to provide an appropriate distance from the municipal right-of-way and to ensure that a consistent development pattern is maintained while recognizing existing setbacks on developed lots. Given that the required front setback is identical to the existing front wall of the townhouse, the new front vestibule area proposed by the applicant requires a variance to allow any expansion of the building towards the front lot line.

The proposed vestibule would be setback approximately 1.7 metres from the front lot line, and as such the addition would be sufficiently setback to avoid encroachment onto municipal property. Numerous properties on Charles Street have similar front setbacks to the requested 1.7 metres. For example, 106 Charles Street, 108 Charles Street, 117 Charles Street, and 126 Charles Street appear to have front setbacks of approximately 0 metres from the front property lines. In terms of built form, 106 and 108 Charles Street are developed with front vestibules similar to what is proposed on the subject property. Given the built form and existing setbacks of nearby properties, approval of the requested variance would not create an inconsistent development pattern on Charles Street. Furthermore, as the proposal would maintain an adequate setback from municipal property, the requested variance meets the intent and purpose of the front setback requirement.

**Variance Number 4: Number of Parking Spaces (Retained Lot – 101 Charles Street)**

By-Law Number 2022-62: Table 7.1.1.2(b)

Requirement: 1 parking space per lot

Proposed: 0 parking spaces per lot

Variance Requested: 1 parking space

**Variance Number 8: Number of Parking Spaces (Severed Lot – 103 Charles Street)**

By-Law Number 2022-62: Table 7.1.1.2(b)

Requirement: 1 parking space per lot

Proposed: 0 parking spaces per lot

Variance Requested: 1 parking space

For townhouses in the urban area, the Kingston Zoning By-law requires that one parking space is provided per lot. As many City residents are car owners, the provision of vehicle parking spaces is intended to help these residents meet their regular transportation needs by providing

October 21, 2024

Page 13 of 17

adequate space for vehicle parking. Some primary transportation needs are considered to be access to commercial uses, access to public spaces, and allowing residents to travel to any desired destination within the City.

The requested variance to exempt the proposed severed and retained lots from the requirement to provide a parking space is appropriate in this case and meets the intent of the Kingston Zoning By-law. Prior to the fire that damaged the previous townhouse on the subject property, the townhouse at 101 Charles Street had functioned without a parking space. The rear yard was developed with a storage shed, and not used for parking purposes. The subject lands are located in an area where private vehicle ownership is not considered necessary for meeting the transportation needs of a future resident.

The subject lands are within walking distance of numerous commercial uses, City parks, and a Kingston Transit bus stop serviced by numerous routes. Nearby commercial uses include a convenience store (235 Montreal Street), a pharmacy (240-246 Montreal Street), a café (303 Montreal Street), and a grocery store (61-63 John Street). City Parks within walking distance include McBurney Park, Hillside Park, and Megaffin Park. Additionally, the bus stops at the intersection of Charles Street and Montreal Street are serviced by Kingston Transit Routes 1 and 31, as well as Express Transit Routes 801 and 802.

Given these nearby amenities, provision of a vehicle parking space is not considered to be necessary to meet the standard transportation needs of future residents. It is also noted that the subject property is approximately 160 metres from a privately owned commercial parking lot at 568 Bagot Street, which has parking spaces available for rent. As such, even vehicle owning residents of the proposed townhouses would have parking options. Considering the neighbourhood's walkability, nearby bus stop, and options for private parking space rental, the requested variance to relieve parking requirements for these lots is considered to meet the intent of the zoning by-law.

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

### **3) The variances are minor in nature**

The variance is considered minor as this proposal is largely technical in nature, with only modest building expansions proposed for the front vestibule and at the rear of the property for each new townhouse unit. The requested reductions in required minimum lot area and lot frontage are technical changes, given that they are requested solely to facilitate the severance of the property which would allow the townhouse units to be conveyed to separate owners. As discussed above, the front vestibule enabled through the requested front setback reduction is in keeping with the neighbourhood character. Other than these additions, the townhouse building will be rebuilt in a manner that will appear visually similar to the previous townhouse structure.

The applicant intends to retain the walls of the existing townhouse shell in their current location while redeveloping the interior of the building to accommodate two new townhouses separated

October 21, 2024

Page 14 of 17

by a common party wall. Despite the fact that two townhouse units will be created where one had existed previously, the new townhouses will appear visually similar to the previous townhouse building when viewed from Charles Street. The variances to remove parking requirements are also considered to be minor, given that the previous townhouse had functioned without use of parking. The removal of parking requirements will not impede residents from meeting their basic transportation needs, as described above.

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

The requested variances are desirable and appropriate, as they would facilitate the creation of two new townhouse units through an infill development that would be compatible with the character, lot fabric, and built form of the surrounding residential area. This application proposes to redevelop a property that has been vacant and unused since sustaining severe fire damage over two years ago. This redevelopment of a damaged property would improve the visual quality of the streetscape and create more housing units, while also maintaining an overall built form relatively similar to what had existed prior to the fire. Furthermore, creating two new townhouse units and allowing them to be conveyed separately will allow for the acquisition of these properties at a lower cost than if the property were redeveloped as a single townhouse unit.

For the reasons described above, the requested variances are considered to be an appropriate and a desirable use of the land.

**Technical Review: Circulated Departments and Agencies**

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

**Technical Comments**

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



October 21, 2024

Page 15 of 17

**Public Comments**

At the time this report was finalized, Planning staff have engaged in discussions with nearby property owner on the subject of this application. Topics for discussion included the status of the damaged townhouse structure on the subject property, overall timelines for the application with regards to when construction on the property might begin, and the functionality of a potential parking area at the rear of the property. As a result of these discussions, additional variances were included in the application to exempt the proposed severed and retained lots from the requirement to provide parking spaces. These variances will create the option for the proposed townhouses to be developed without parking spaces.

Any additional 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 minor variance and consent applications are consistent with the Provincial Planning Statement and conform with the general intent and purpose of both the City of Kingston Official Plan and Kingston Zoning By-Law Number 2022-62. The requested minor variances are desirable for the appropriate development or use of the land, building or structure and are minor in nature. The proposed minor variance application meets all four tests under Subsection 45(1) of the *Planning Act* and is being recommended for approval, subject to the proposed conditions.

The requested consent application has regard to the matters set out in subsection 51(24) of the *Planning Act* and a plan of subdivision is not necessary for the proper and orderly development of the property. As such, the requested consent application is recommended for provisional approval.

Provisional approval of these applications will enable the proposed severance of the subject property at 101 Charles Street, creating an opportunity for infill development of two new townhouse units.

**Existing Policy/By-Law:**

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

**Provincial**

Provincial Planning Statement, 2024

October 21, 2024

Page 16 of 17

**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 October 21, 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 14 days in advance of the meeting. In addition, notices were sent by mail to a total number of 62 property owners (according to the latest Assessment Roll) within 60 metres of the subject property and a courtesy notice was placed in The Kingston Whig-Standard (Exhibit I – Public Notification Map).

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

**Accessibility Considerations:**

None

**Financial Considerations:**

None

**Contacts:**

James Bar, Manager, Development Approvals 613-546-4291 extension 3213

Jacob Slevin, Planner, 613-546-4291 extension 2176

**Other City of Kingston Staff Consulted:**

None

**Exhibits Attached:**

Exhibit A Recommended Conditions – Minor Variance

Exhibit B Recommended Conditions – Consent

Exhibit C Key Map

Exhibit D Neighbourhood Context Map

Exhibit E Official Plan Map

October 21, 2024

Page 17 of 17

- Exhibit F     Zoning By-Law Map
- Exhibit G     Concept Plan
- Exhibit H     Easement Sketch
- Exhibit I     Survey
- Exhibit J     Elevations
- Exhibit K     Site Photos
- Exhibit L     Public Notification Map

## Recommended Conditions

The approval of minor variance application, File Number D13-063-2024, to permit a reduced minimum lot area, minimum lot frontage, and front yard setback for an enclosed porch for the proposed severed and retained parcels, shall be subject to the following recommended conditions:

### 1. Limitation

That the approved minor variance applies only to the severed and retained lots 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

Archaeological clearance of the subject property is required, beginning with a Stage One Archaeological Assessment and including any subsequent assessments as required by the Ministry of Citizenship and Multiculturalism's Standards and Guidelines for Consultant Archaeologists, as amended from time to time, prior to any soil disturbance.

One digital copy of the assessment report(s) and 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 City relies upon the report of the professional archaeologist as filed, but reserves the right to require further reports should further evidence be uncovered. The applicant may be required to further review the state of archaeological

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

**5. Approval of Consent Application (File Number D10-028-2024)**

That the associated Consent Application (File Number D10-028-2024) is approved and all attached conditions of approval are fulfilled.

## Recommended Conditions

The provisional approval of consent application, File Number D10-028-2024, to sever the existing townhouse building at 101 Charles Street and create a severed and retained parcel with approximately 165 square metres of area for each lot, shall be subject to the following recommended conditions:

### 1. Certificate of Official and Deadline

That all conditions are satisfied and the Certificate of Official be presented to the Secretary-Treasurer, Committee of Adjustment for certification under Section 53(42) of the Planning Act, R.S.O. 1990 as amended, within two years of mailing of this notice. We suggest that the Land Registry Office be consulted for preapproval of the Certificate of Official to avoid delays.

The Certificate must be registered within two years from the issuance of the certificate as required under Section 53(43) of the Planning Act, R.S.O. 1990, as amended. A copy of the registered transfer certificate shall be provided to the Secretary-Treasurer, Committee of Adjustment to complete the file.

### 2. Reference Plan

That a digital version of a Reference Plan be provided in a PDF and AutoCAD Windows readable format on a compact disc (CD), USB memory stick or by email, illustrating the severed parcel be prepared and presented to the Secretary-Treasurer, Committee of Adjustment prior to the issuance of the Certificate of Official.

### 3. Payment of Taxes

The owner/applicant shall contact the Tax Department at [tax@cityofkingston.ca](mailto:tax@cityofkingston.ca) and secure in writing from the Treasurer or the Manager of Taxation and Revenue, proof of payment of current taxes and any special charges (not simply a copy of the tax bill) required to be paid out and a statement of proof that is received and shall be provided to the Secretary-Treasurer Committee of Adjustment, prior to the issuance of the consent certificate. The owner/applicant must pay any outstanding realty taxes and all local improvement charges levied against the property.

### 4. Standard Archaeological Condition

Archaeological clearance of the subject property is required, beginning with a Stage One Archaeological Assessment and including any subsequent assessments as required by the Ministry of Citizenship and Multiculturalism's Standards and Guidelines for Consultant Archaeologists, as amended from time to time, prior to any soil disturbance.

One digital copy of the assessment report(s) and 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 City relies upon the report of the professional archaeologist as filed, but reserves the right to require further reports should further evidence be uncovered. The applicant may be required to further review the state of archaeological resources on the property depending on the recommendations of the report and subject to input and review from the Ministry of Citizenship and Multiculturalism. The City shall not be restricted in its ability to determine requirements related to review, assessment and/or protection should archaeological resources be found on site. Any costs arising from such requirements of the City, or any other duly authorized Government body, shall be borne solely by the applicant.

**5. Cash-in-Lieu of Parkland**

That \$2,428.00 shall be paid to the City of Kingston as cash-in-lieu of land dedication for park or public recreational purposes for each new building lot being created. The applicant may choose to pay the fee through their DASH application, provide a certified cheque, or provide payment at the front desk at 1211 John Counter Boulevard, prior to the issuance of the consent certificate.

**6. Separate Services**

Each lot will require separate non-encroaching services. Prior to the issuance of a Certificate of Official it shall be necessary for the applicant to provide and for Utilities Kingston to approve a drawing showing all existing services and the mains they connect too, and the existing buildings and all proposed and existing property lines. It is recommended that the applicant contact Utilities Kingston 'Service Advisors' to arrange for a 'Severance locate' to confirm that the location of the existing water and sanitary services are not encroaching onto other property prior to, and once the severance has been completed.

**7. Civic Addressing**

As this application creates a new property, the applicant will be required to submit a D20 Civic Addressing application to obtain new addresses for the severed and retained lots prior to receiving a Certificate of Official.

**8. Easement to be Registered on Title**

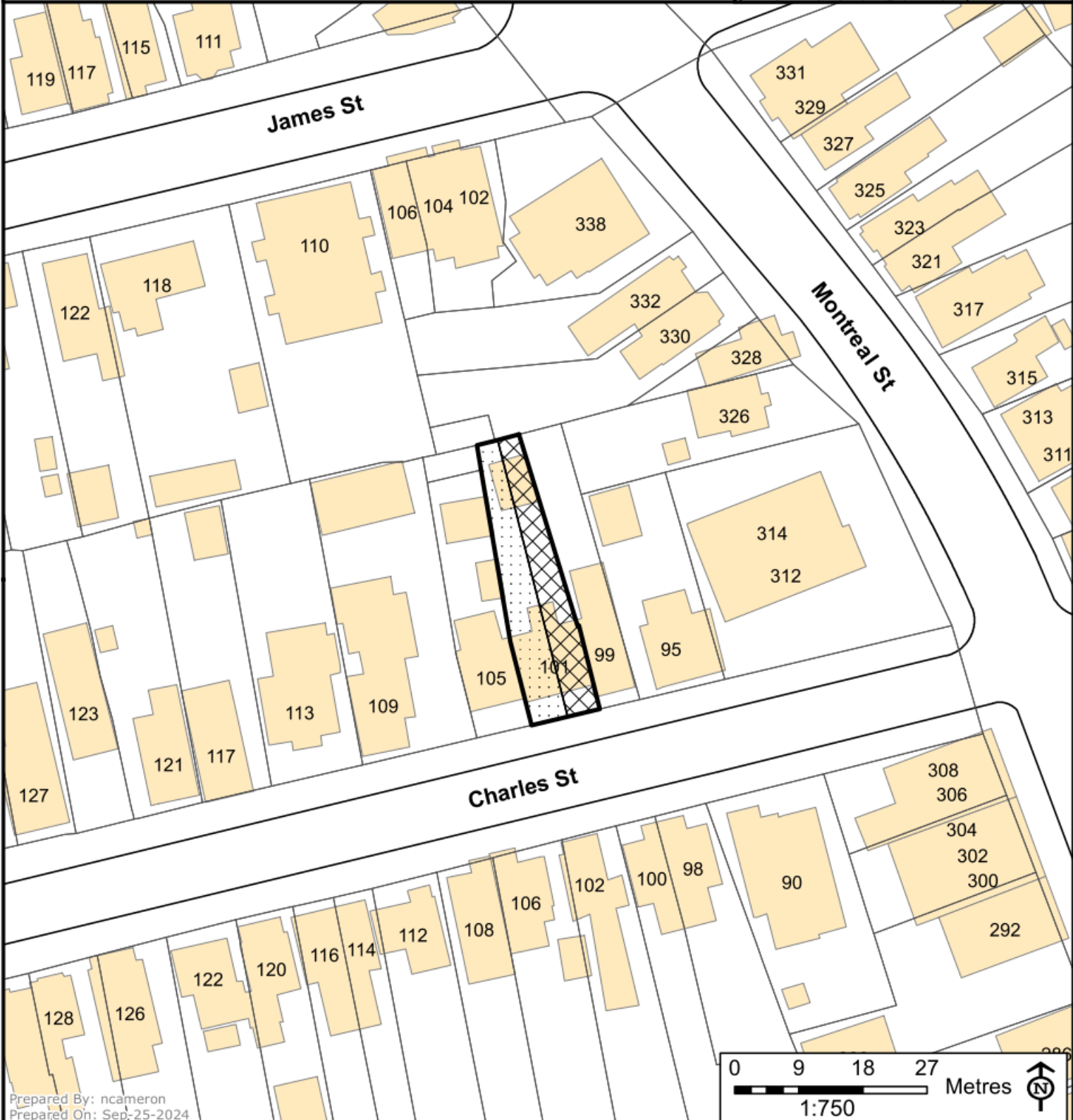
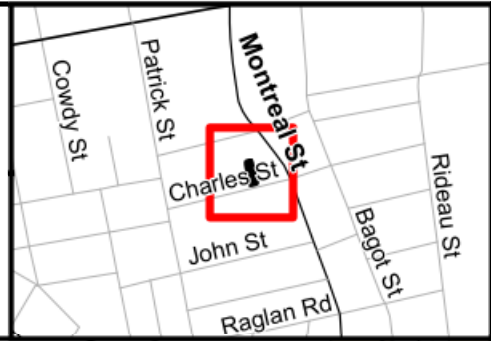
Prior to the issuance of the Certificate of Official, the owner shall provide a draft transfer easement for the City to review as it relates to the required access easement over the severed parcel in favor of the retained parcel. The applicant shall be required to register the proposed easements on title, as shown on the approved drawing attached to the notice of decision.



# Delegated Authority Key Map

Address: 101 Charles Street  
File Number: D10-028-2024

- Subject Lands
- Severed Lands
- Retained Lands



Prepared By: ncameron  
Prepared On: Sep-25-2024

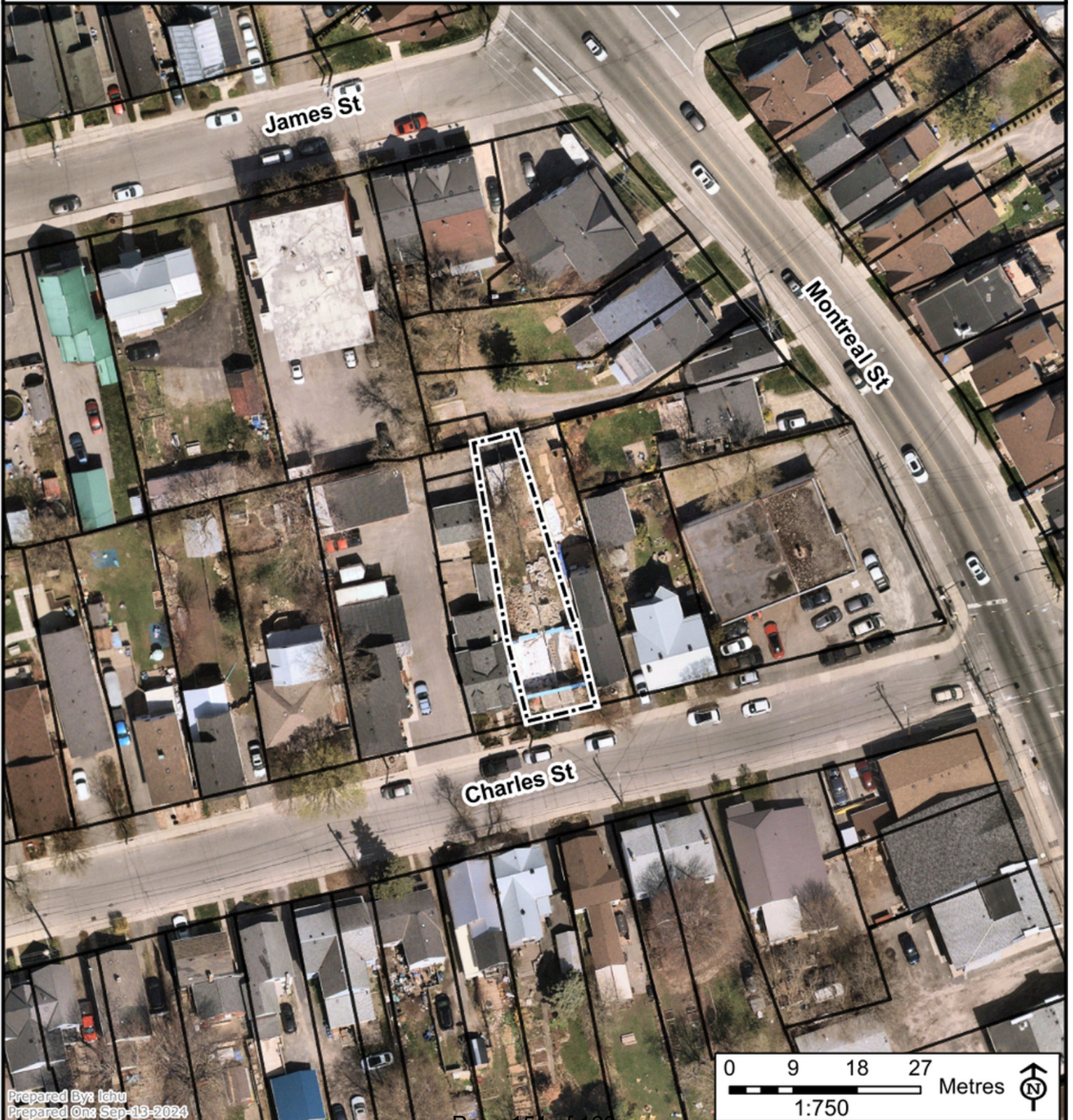




### Delegated Authority Neighbourhood Context

Address: 101 Charles Street  
File Number: D10-028-2024  
Prepared On: Sep-13-2024

- Subject Lands
- Property Boundaries
- Proposed Parcels



Prepared By: lchu  
Prepared On: Sep-13-2024

Disclaimer: This document is subject to copyright and may only be used for your personal, noncommercial use provided you keep the City of Kingston logo and report number visible. The City of Kingston assumes no responsibility for any errors, and is not liable for any damages of any kind resulting from the use of, or reliance on, the information contained in this document. The City of Kingston does not make any representation or warranty, express or implied, concerning the accuracy, quality, or reliability of the use of the information contained in this document. 2020 The Corporation of the City of Kingston.





Planning Services

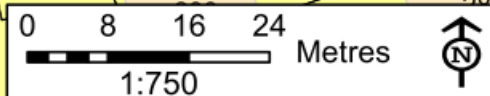
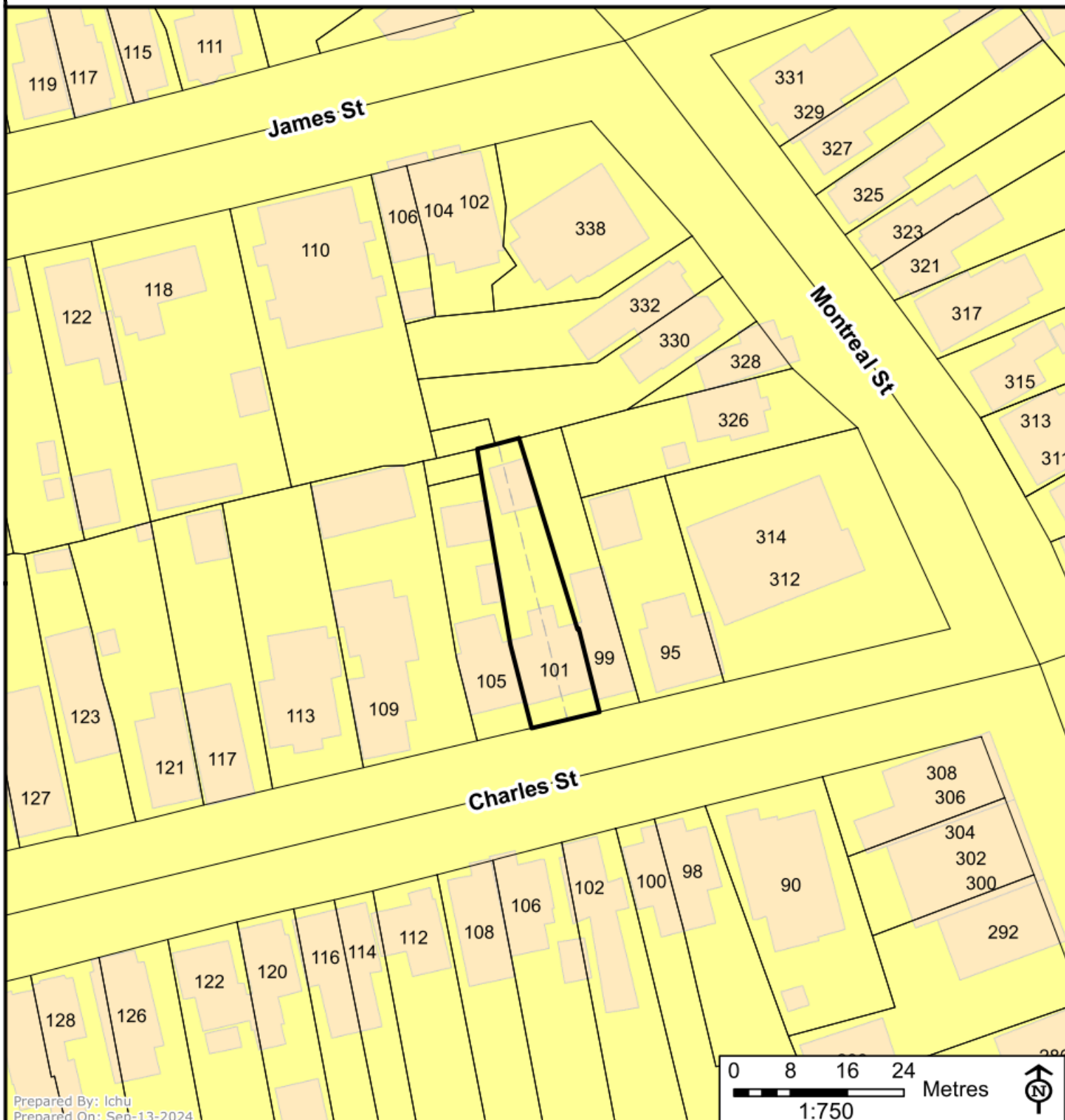
Delegated Authority  
Official Plan, Existing Land Use

Address: 101 Charles Street

File Number: D10-028-2024

Prepared On: Sep-13-2024

- Subject Lands
- RESIDENTIAL





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

**Planning Services**

Address: 101 Charles Street  
File Number: D10-028-2024  
Prepared On: Sep-13-2024

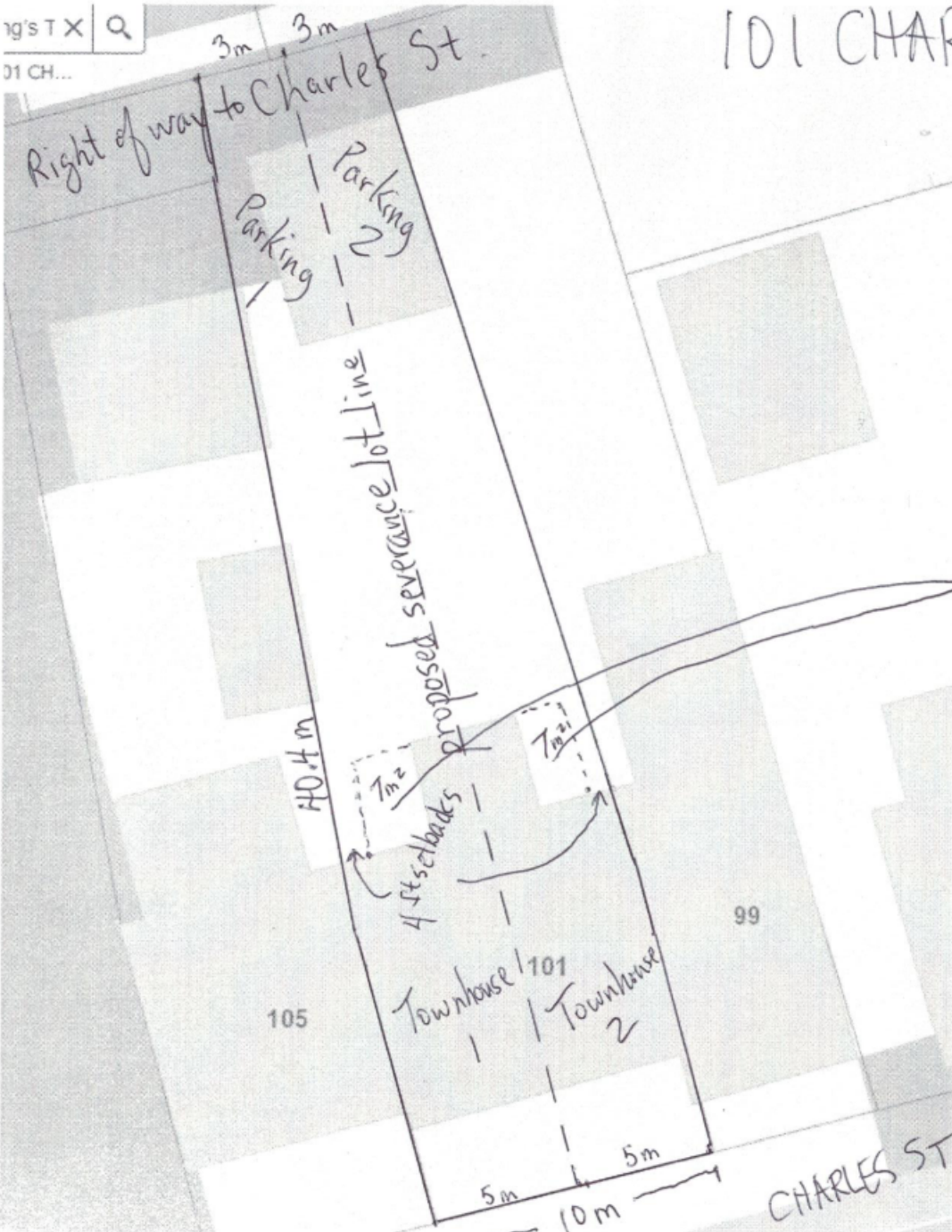
- Subject Lands
- Schedule 1 Zoning Map
- Zone
- Not Subject to the Kingston Zoning By-law
- Schedule E - Exception Overlay
- Legacy Exceptions (LXXX)
- Exceptions (EXXX)
- Schedule F - Holding Overlay
- Holding Overlay (HXXX)



Prepared By: Ichu  
Prepared On: Sep-13-2024

Disclaimer: This document is subject to copyright and may only be used for your personal, noncommercial use provided you keep the City of Kingston logo and acknowledge the City of Kingston as the source of the information. The City of Kingston does not make any representation or warranty, express or implied, concerning the accuracy, quality, or reliability of the use of the information contained in this document. 2020 The Corporation of the City of Kingston.

# 101 CHARLES ST CONCEPT PLAN



Total area of original lot = 344 m<sup>2</sup>

Total area of each<sup>^</sup> proposed new lot = 172 m<sup>2</sup> (severed+retained)

→ proposed increase of original foot print for new kitchens (new square meters 7m<sup>2</sup> for each unit)





101 CHARLES ST CONCEPT  
 103 CHARLES ST

Total area of original  
 344 m<sup>2</sup>

Total area of each<sup>A</sup> p<sup>v</sup>  
 new lot = 172 m<sup>2</sup> (sever)

→ proposed increase of  
 foot print for new  
 (new square meters  
 for each unit)

PLAN of SURVEY of  
Part of LOTS 7&8, REGISTERED PLAN B-30,  
North Side of Charles Street,  
City of KINGSTON  
COUNTY of FRONTENAC  
SCALE=1:200

5m 0 5 10 15 20m  
HOPKINS & CORMIER SURVEYING LIMITED  
-2001-

**METRIC**

Distances Shown on This  
Plan are in Metres and  
can be Converted to Feet  
by Dividing by 0.3048

I REQUIRE THIS PLAN TO BE  
DEPOSITED UNDER THE  
REGISTRY ACT.

Plan 13R-162/3

RECEIVED AND DEPOSITED

DATE: November 15, 2001

DATE: NOVEMBER 9th, 2001

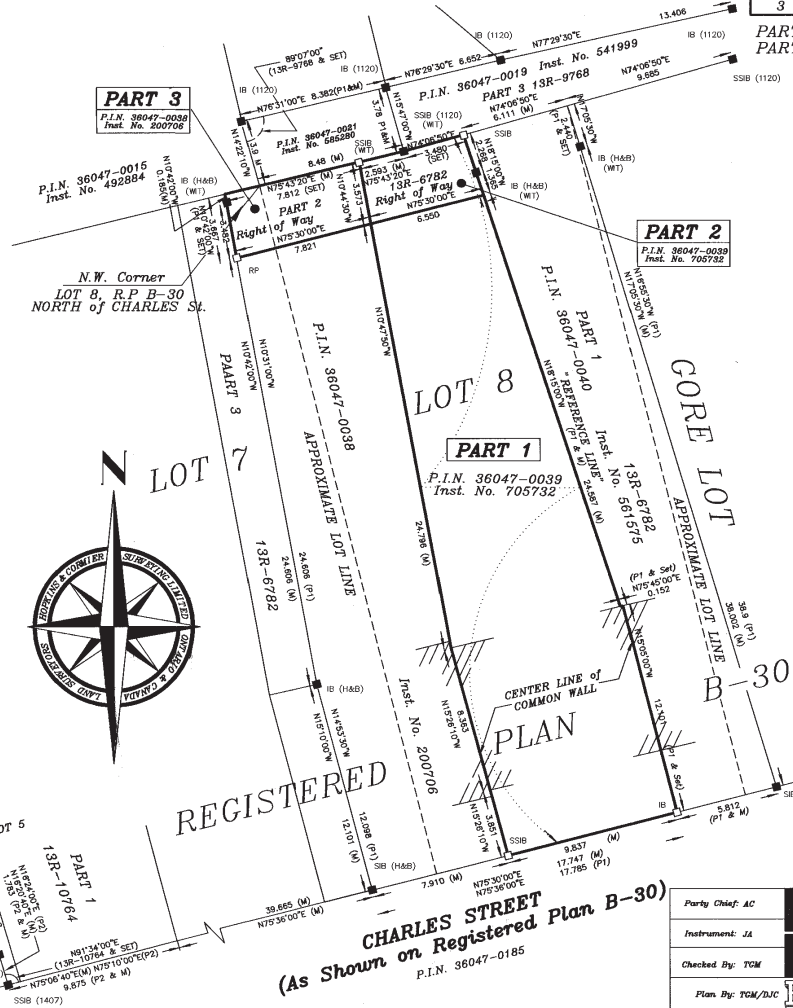
*Dan Cormier*  
DAN J CORMIER  
ONTARIO LAND SURVEYOR

*Wendy M. Ha*  
SIGNATURE

LAND REGISTRAR FOR THE  
REGISTRY DIVISION OF  
(13R) FRONTENAC

SCHEDULE					
PART	LOT	Registered Plan	INST. No.	PIN No.	AREA ha
1	8	B-30	705732	36047-0039	0.045
2	8	B-30	705732	36047-0039	0.002
3	7&8	B-30	200706	36047-0038	0.003

PART 1 & 2 COMPRISE ALL OF P.I.N. 36047-0039  
PART 3 COMPRISE PART OF P.I.N. 36047-0038



**NOTES:**

BEARINGS ARE ASTRONOMIC DERIVED FROM THE  
WESTERLY LIMIT OF PART 1 ON PLAN 13R-6782  
HAVING A BEARING OF N18°15'00"W AND DESIGNATED  
HEREON AS "REFERENCE LINE"

**LEGEND:**

- denotes Planted Survey Monument
- Found Survey Monument
- SIB Standard Iron Bar
- SSIB Short Standard Iron Bar
- IB Iron Bar
- IB# Iron Bar (round)
- RB Rock Bar
- RP Rock Post
- (WT) Witness
- (M) Measured
- (R.P.) Registered Plan
- (HP) Hydro Pole
- (1120) James A. Minnes - OLS
- (1407) Peter M. Allen - OLS
- (H&B) Humphries & Burgham - OLS
- (P1) 13R-6782

**SURVEYOR'S CERTIFICATE:**

I CERTIFY THAT:

- This Survey and Plan are correct and in accordance with the SURVEYS ACT, the SURVEYORS ACT and the REGISTRY ACT and the REGULATIONS made under them.
- The SURVEY was completed on the 12th day of October, 2001

HOPKINS & CORMIER SURVEYING LIMITED

DATE: NOVEMBER 15th, 2001

*Dan J Cormier*  
DAN J CORMIER - O.L.S.

Party Chief: AC

Instrument: JA

Checked By: TCM

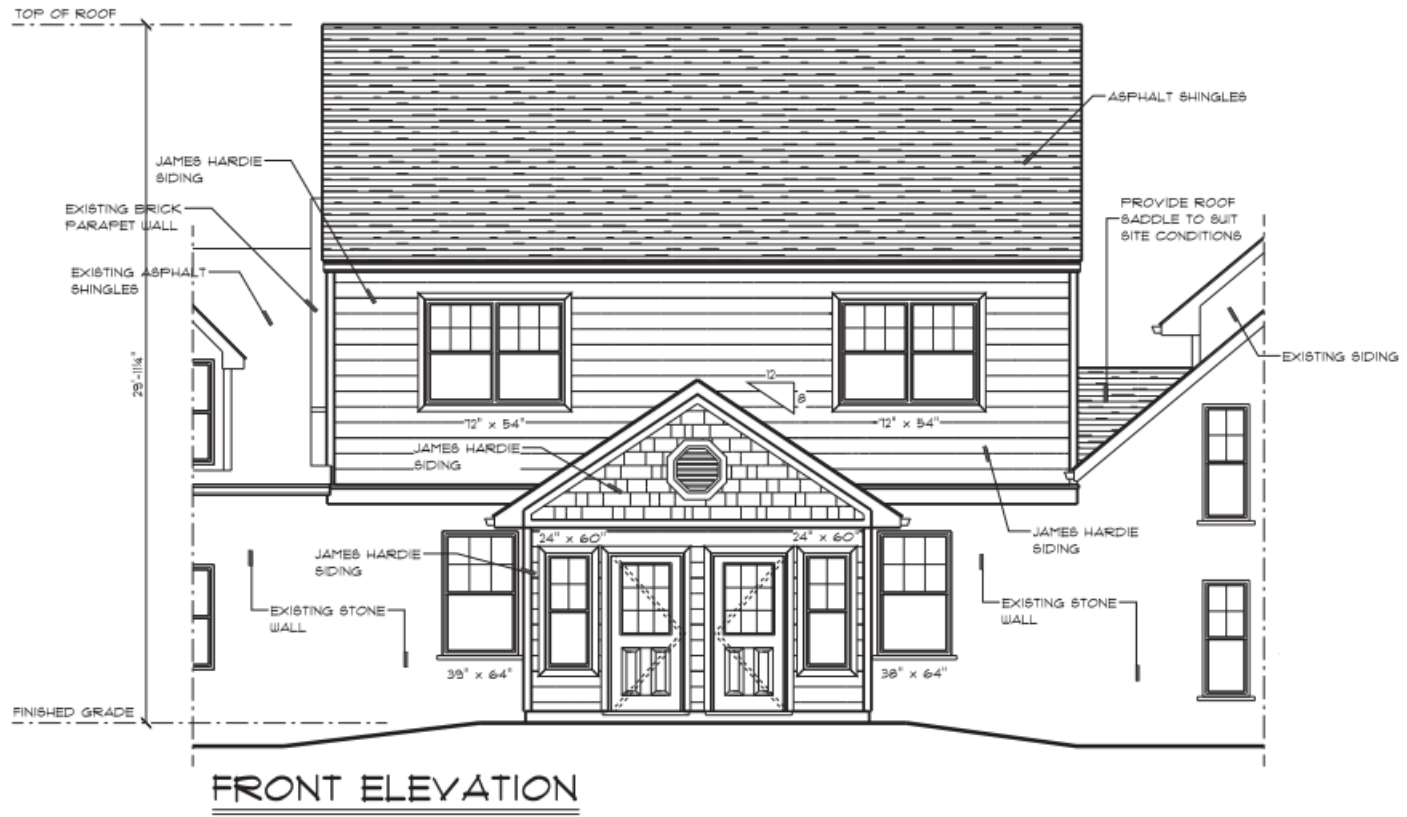
Plan By: TCM/DJC

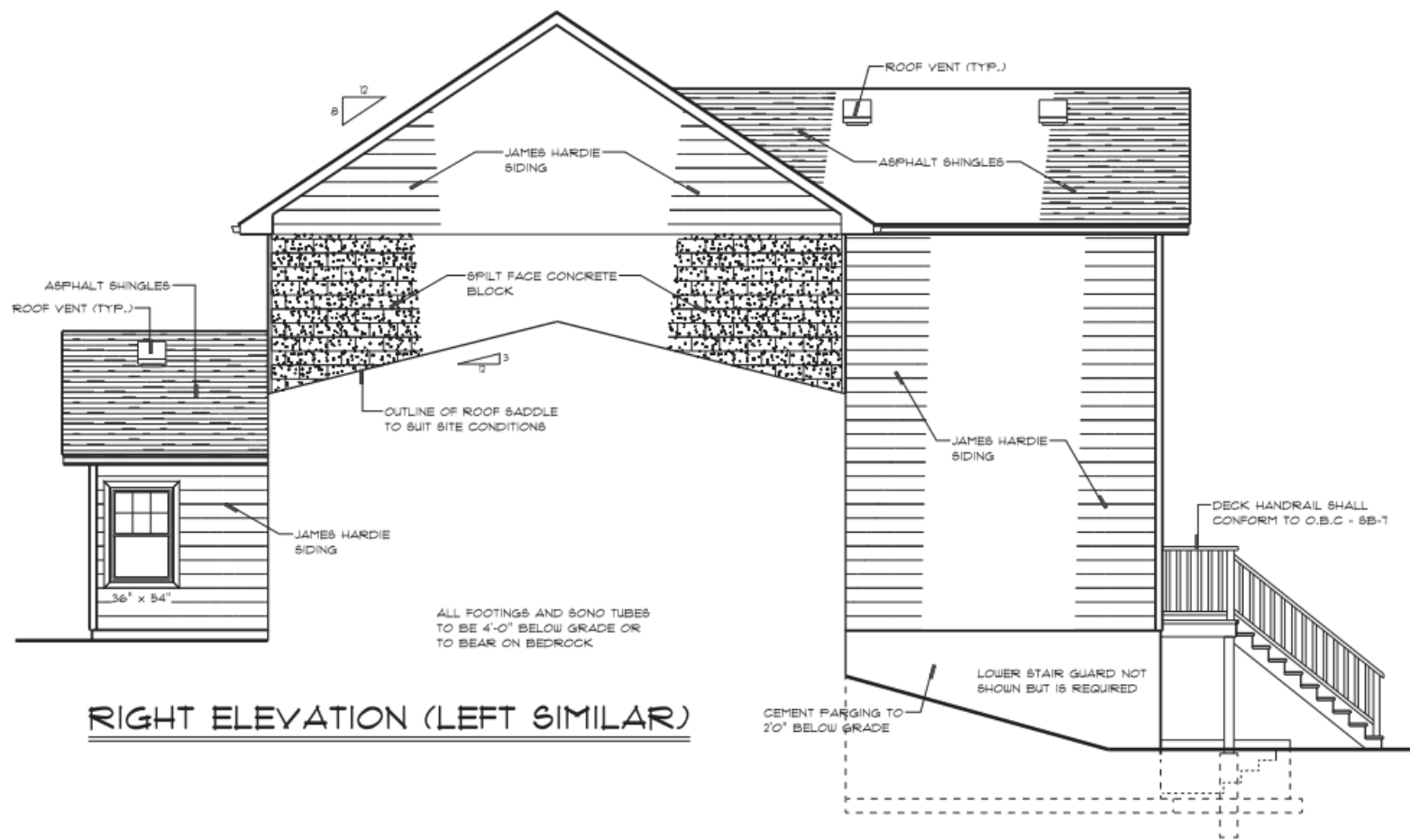


**HOPKINS & CORMIER SURVEYING LIMITED**  
Ontario & Canada Land Surveyors

P.O. Box 207, K0H-2H0  
MILLHAVEN ROAD, ODESSA ONT.  
Fax (613)-386-7302  
Tel. (613)-386-7395

PROJECT No. 2001-153  
LOT 8 - RP B-30  
KINGSTON (CITY)





RIGHT ELEVATION (LEFT SIMILAR)





**Figure 1:** Frontal view of the existing townhouse walls at 101 Charles Street. The second storey that had previously existed was destroyed by fire. Applicant has proposed to rebuild the structure as two separate two-storey townhouses.



**Figure 2:** Rear view of the townhouse structure. Applicant proposes to divide the townhouse evenly in half to create two townhouse units. An addition is proposed at the rear of the building to provide the new units with more floor space.



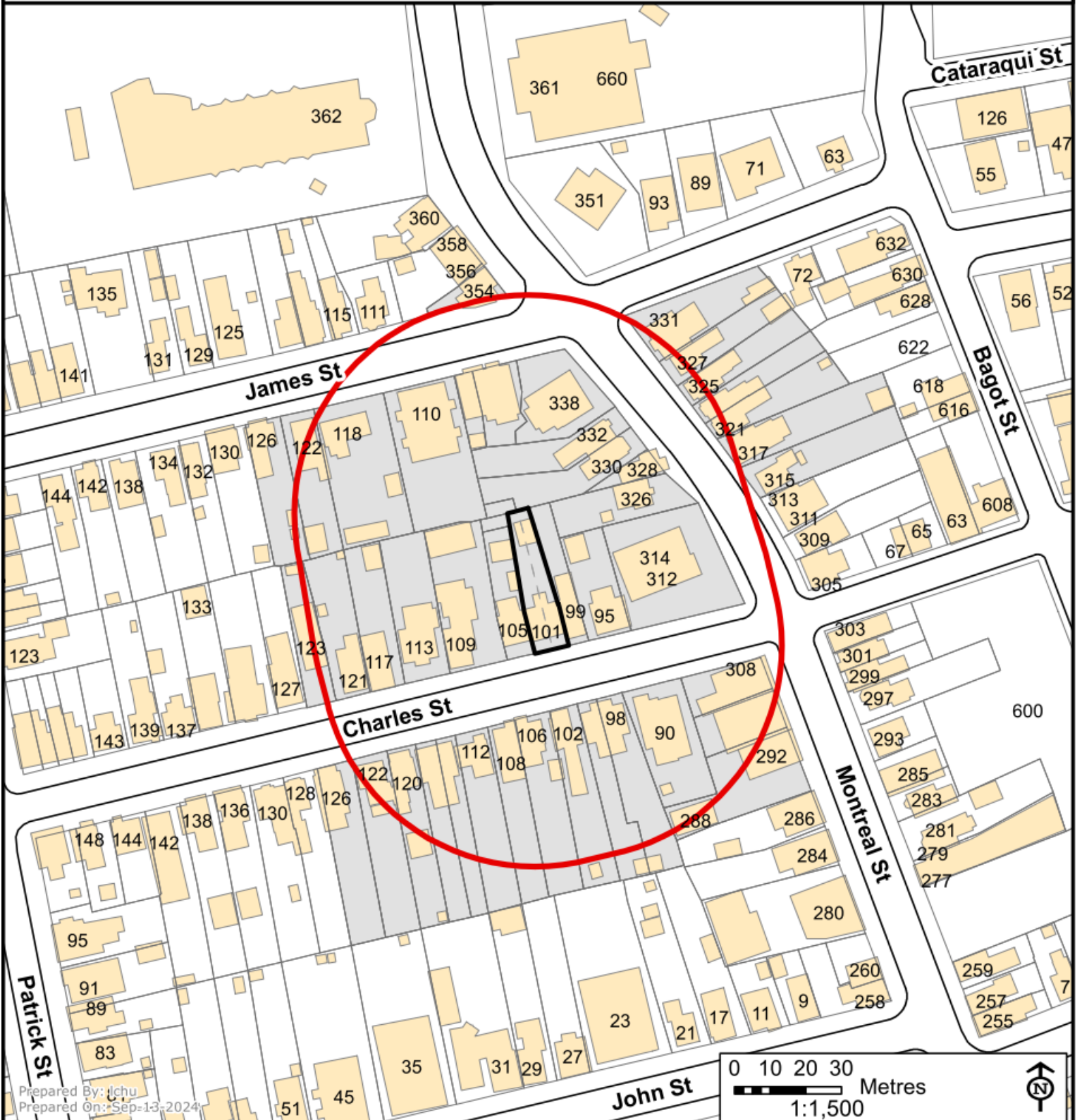
**Figure 3:** Proposed parking area at the rear of the property. The existing shed shown here is to be removed and replaced with a parking area which can accommodate two parking spaces, allowing one space per townhouse unit.



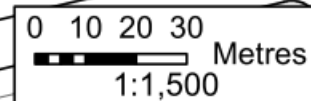
# Delegated Authority Public Notice Notification Map

Address: 101 Charles Street  
File Number: D10-028-2024  
Prepared On: Sep-13-2024

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



Prepared By: jchu  
Prepared On: Sep-13-2024



Disclaimer: This document is subject to copyright and may only be used for your personal, noncommercial use provided you keep the City of Kingston logo and name visible. The City of Kingston assumes no responsibility for any errors, and is not liable for any damages of any kind resulting from the use of, or reliance on, the information contained in this document. The City of Kingston does not make any representation or warranty, express or implied, concerning the accuracy, quality, or reliability of the use of the information contained in this document. 2020 The Corporation of the City of Kingston.