



**City of Kingston
Report to Committee of Adjustment
Report Number COA-20-017**

To: Chair and Members of the Committee of Adjustment
From: Genise Grant, Intermediate Planner
Date of Meeting: February 24, 2020
Application for: Minor Variance
File Number: D13-065-2019
Address: 193 Concession Street
Owner: Herbertco Projects Ltd.
Applicant: Weston Consulting

Council Strategic Plan Alignment:

Theme: 4. Strengthen economic development opportunities

Goal: 4.1 Support new and existing businesses

Granting relief of this minor variance application will support the expansion of a long-standing and successful local business.

Executive Summary:

This report provides a recommendation to the Committee of Adjustment regarding an application for minor variances for the property at 193 Concession Street. The applicant is proposing to construct an 87 square metre, two bay addition to the east side of the existing automotive repair garage on the site. Relief from provisions related to front, side, and rear yards are required both to recognize the existing on-site condition and to permit the addition. The application also proposes a reduction in required parking spaces from 11 to 10 spaces.

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

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The proposal is also subject to Site Plan Control approval. A concurrent Site Plan Control application has been submitted (File Number D11-015-2019) has been submitted and is being reviewed by relevant internal and external technical agencies.

Recommendation:

That minor variance application, File Number D13-065-2019, for the property located at 193 Concession Street to construct an 87 square metre, two bay addition to the east side of the existing automotive repair garage, be approved.

Variance Number 1:

By-Law Number 8499: 22.3 (b) - Minimum Front Yard
 Requirement: 15.0 metres
 Proposed: 6.2 metres
 Variance Requested: 8.8 metres of reduced front yard (east side)

Variance Number 2:

By-Law Number 8499: 22.3 (c) - Minimum Side Yard
 Requirement: 9 metres
 Proposed: 0 metres
 Variance Requested: 9 metres of reduced side yard (north side)

Variance Number 3:

By-Law Number 8499: 22.3 (c) - Minimum Side Yard
 Requirement: Nothing other than a driveway shall be located in a side yard where a C2 Zone abuts a street.
 Proposed: Parking facilities are permitted in the side yard, subject to approval through the Site Plan Control agreement.
 Variance Requested: Parking facilities are permitted in the side yard, subject to approval through the Site Plan Control

Variance Number 4:

By-Law Number 8499: 22.3 (d) - Minimum Rear Yard
 Requirement: 7.5 metres
 Proposed: 4 metres
 Variance Requested: 3.5 metres of reduced rear yard (west side)

Variance Number 5:

By-Law Number 8499: 5.3 (b) (ii) – Non-Residential Off-Street Vehicle Parking
 Requirement: 1 space per 18.5 square metres of gross leasable area (11 parking spaces)
 Proposed: 1 space per 20.1 square metres of gross leasable area (10 parking spaces)
 Variance Requested: 1 parking space

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Approval of the foregoing variance shall be subject to the following conditions:**1. Limitation**

That the approved variances applies only to a two-bay addition to the existing automotive repair shop at 193 Concession Street, as shown on the approved drawings attached to the notice of decision.

2. No Adverse Impacts

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

3. Building Permit Application Requirements

The owner/applicant shall provide to the Building Division a copy of the decision of the Committee of Adjustment, together with a copy of the approved drawings, when they make an 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 Cultural Program Branch of the Ministry of Tourism, Culture and Sport (416-314-7132) and the City of Kingston's Planning Division (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 Registrar of Cemeteries Regulation Section of the Ontario Ministry of Consumer Business Services (416-326-8404), the Cultural Program Branch of the Ministry of Tourism, Culture and Sport (416-314-7132), and the City of Kingston's Planning Division (613-546-4291, extension 3180) must be immediately contacted.

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Authorizing Signatures:

Genise Grant, Intermediate Planner

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

Paige Agnew, Commissioner of Community Services

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Options/Discussion:

On December 30, 2019, a minor variance application was submitted by Weston Consulting, on behalf of the owner, Herbertco Projects Ltd., with respect to the property located at 193 Concession Street. The variance is requested to permit the construction of a two bay addition to the east of the existing automotive repair garage. Relief is being requested from the front, rear and side yard provisions both to recognize the existing structure and to permit the location of the addition. Relief is also being requested to permit parking facilities in the side yard abutting Concession Street, as the zoning by-law currently states that “nothing other than a driveway shall be located in this side yard”.

The proposed development will also require Site Plan Control approval in accordance with the City’s Site Plan Control By-Law. Through this process, the City will be taking a 4.5 metre road widening for future road improvement purposes along Concession Street. Significant on-site landscaping improvements will also be required. As such, the application also requests a reduction in required on-site parking to accommodate a functional layout given the road widening and landscaping requirements.

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

- Site Survey, completed by Leslie M. Higginson Surveying Ltd.;
- Site Plan, completed by J.L. Richards & Associates Ltd.;
- Planning Justification Letter, completed by Weston Consulting;
- Parking Justification Letter, completed by Crozier Consulting Engineers;
- Landscape Plan, completed by Vorster Eliason Landscape Architects;
- Noise Impact Study, completed by Sirati & Partners Consultants Ltd.;
- Stormwater Management Brief, completed by Sirati & Partners Consultants Ltd.; and
- Site Servicing Report, completed by Sirati & Partners Consultants Ltd.

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 northwest corner of Concession Street and Victoria Street, approximately 120 metres west of the Kingston Memorial Centre. The subject property is designated Arterial Commercial in the City of Kingston Official Plan, and is zoned Arterial Commercial – C2 Zone in Zoning By-Law Number 8499, as amended. Concession Street is classified an arterial road, as shown in Schedule 4 of the Official Plan.

The property is currently developed with a 114 square metre automotive repair garage, which includes two car bays and a reception/office area. The entire site is currently paved with no delineated parking spaces. There is a vehicular access driveway provided from both Victoria Street and Concession Street. The site is bordered by residential uses on all four sides. A number of commercial uses exist in close proximity along Concession Street.

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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:

Provincial Policy Statement

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

1) The general intent and purpose of the Official Plan is maintained:

The subject property is designated arterial commercial in the City of Kingston Official Plan. The goal of the arterial commercial designation is to provide easily-accessed and visible locations to serve the needs of travellers and to accommodate distinct needs of commercial uses that require outdoor display that do not fit well within other commercial designations. Permitted uses in the arterial commercial designation include automotive uses such as gas bars and service stations.

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 following provides these nine requirements and an assessment of how the proposal is consistent with each.

1. The proposed development meets the intent of Section 2 Strategic Policy Direction, and all other applicable policies of this Plan;

The proposal meets the intent of Section 2 of the Official Plan, and the strategic policy direction to focus growth within the City's defined Urban Boundary. The application is not proposing a new use on the site, and an 87 square metre addition to an existing long-standing commercial use will not destabilize the surrounding housing district. The application represents minor commercial development that is compatible with the existing built form and the site's location on an Arterial Road.

2. The proposed development will be compatible with surrounding uses, buildings or structures and development standards associated with adjacent properties, and if necessary, incorporate means of alleviating adverse effects on abutting land uses as recommended in Section 2.7 of this Plan;

The single-storey addition to the existing commercial use will be compatible with the surrounding built form. The addition will be consistent in height with the existing building

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and will be built along the same plane in the same design. No adverse effects on neighbouring properties are anticipated related to shadowing, loss of privacy, intrusive overlook or visual intrusion. The applicant will be introducing improved separation between the adjacent residential use to the north by replacing the existing chain link fence with a wooden fence, and introducing a new maple tree to the northeast corner of the site. No changes in the relationship of the existing building with the adjacent residential property to the west are anticipated.

A stormwater management report has been submitted in support of the application, and has been reviewed by the City's Engineering Services department. This report concludes that the redevelopment will result in an overall reduction in runoff flow rate from the site.

A noise study was also submitted in support of the application and has been reviewed by Engineering Services. The report concludes that sound generated from the addition will be well within MECP guidelines related to noise and sensitive receptors. No adverse impacts related to noise are anticipated as a result of the development.

The property provides vehicular access from both an Arterial and Collector Road. These roads are designed to accommodate medium to relatively high volumes of traffic. Negligible traffic impacts are anticipated from an addition onto an existing use on the site. A parking justification letter was prepared by Crozier Consulting Engineers and supports the parking supply proposed for the site. This letter is attached as Exhibit J.

3. The ability of the site to function in an appropriate manner in terms of access, parking for vehicles and bicycles or any other matter and means of improving such function including considerations for universal accessibility;

The redevelopment of the site will provide a more functional layout in terms of vehicle access, pedestrian connectivity and on-site accessibility supports. The introduction of delineated parking spaces will improve the efficiency of the site layout. A pedestrian connection will be introduced connecting the Concession Street sidewalk through to the main entrance of the building. This walkway will extend through the barrier-free access aisle adjacent to a new Type A barrier free parking space.

4. The conformity of the proposal to any applicable urban design policies endorsed by Council, particularly if the site includes or could impact a *built heritage resource* or is within a Heritage District;

The site is not within a heritage conservation district, is not a designated heritage property, and is not adjacent to any identified heritage resources. The proposed addition will be consistent in form and design with the existing building on the site.

5. If the site is designated under the *Ontario Heritage Act*, the application shall be reviewed by Heritage Kingston for approval. If the property is adjacent to a designated property under the *Ontario Heritage Act* or shown as a Heritage Area feature, or is affected by the protected views shown on Schedule 9 of this Plan, then a heritage impact statement may be required to assist staff to determine if the resulting *development* is desirable;

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No identified cultural heritage resources will be impacted by this development. No heritage impact statement is required.

6. The resulting *development* has adequate *municipal water and sewage services* within the *Urban Boundary*, or is capable of providing *individual on-site water and sewage services* outside the *Urban Boundary*;

The site is on full existing municipal services. A site servicing report was submitted to the City in support of the proposal, and is being reviewed by Utilities Kingston and Kingston Hydro as part of the Site Plan Control process.

7. Whether the application and the cumulative impact of the proposed variances would be more appropriately addressed by a zoning amendment to the applicable zoning by-law;

The existing use is permitted by the Arterial Commercial land use designation and the 'C2' Arterial Commercial zoning. The requested relief related to yards, parking facility location and the reduction of one parking space is considered minor in nature. A zoning by-law amendment is not required.

8. The Committee of Adjustment may attach such conditions as it deems appropriate to the approval of the application for a minor variance including any reasonable requirements, recommendations of City departments, or the submission of studies as listed in Section 9.12 of this Plan that may be required to properly evaluate the application;

A number of conditions are being recommended as part of the approval, as found in this report.

9. The degree to which such approval may set an undesirable precedent for the immediate area.

The approval will not set an undesirable precedent for the neighbourhood. The automotive repair garage is existing on the site and the use is permitted by the City's land use planning policy framework.

The proposal meets the intent of the Official Plan, as the proposed expansion of the automotive repair garage will not result in adverse impacts to adjacent properties or to the neighbourhood. The redevelopment of the site will offer benefits to users and neighbouring properties by introducing additional landscaping, more effective storm water management, delineated parking areas, and improved pedestrian facilities on the site.

2) The general intent and purpose of the zoning by-law is maintained:

The subject property is zoned C2 in the City of Kingston Zoning By-Law Number 8499, entitled "Restricted Area (Zoning) By-Law of the Corporation of the City of Kingston", as amended. The C2 zone permits automobile service stations and motor sales room if no machining or body work or painting is carried on. The submitted planning justification letter indicates that the existing services provided on site are limited to oil changes, wheel alignments, brake repairs and minor repairs. No additional uses, such as body work or

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painting, is proposed. The application proposes a continuation of an existing use on the site, which is permitted by the 'C2' zoning.

In order to permit the location of the addition and the overall site layout, the proposal requests minor variances from the following sections of the zoning by-law:

Variance Number 1:

By-Law Number 8499: 22.3 (b) - Minimum Front Yard
 Requirement: 15.0 metres
 Proposed: 6.2 metres
 Variance Requested: 8.8 metres of reduced front yard (east side)

Variance Number 2:

By-Law Number 8499: 22.3 (c) - Minimum Side Yard
 Requirement: 9 metres
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 Variance Requested: 9 metres of reduced side yard (north side)

Variance Number 3:

By-Law Number 8499: 22.3 (c) - Minimum Side Yard
 Requirement: Nothing other than a driveway shall be located in a side yard where a C2 Zone abuts a street.
 Proposed: Parking facilities are permitted in the side yard, subject to approval through the Site Plan Control agreement.
 Variance Requested: Parking facilities are permitted in the side yard, subject to approval through the Site Plan Control agreement.

Variance Number 4:

By-Law Number 8499: 22.3 (d) - Minimum Rear Yard
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By-Law Number 8499: 5.3 (b) (ii) – Non-Residential Off-Street Vehicle Parking
 Requirement: 1 space per 18.5 square metres of gross leasable area (11 parking spaces)
 Proposed: 1 space per 20.1 square metres of gross leasable area (10 parking spaces)
 Variance Requested: 1 parking space

The relief from the minimum yard provisions are required to both recognize the placement of the existing building on the site, and to allow for the 87 square metre addition in the location proposed. The minimum required front yard is proposed to be reduced to 6.2 metres to allow for the addition at the east side of the existing building. This location provides for the most functional layout for the site, as it allows for vehicular access to the

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car bays, and is a natural extension of the existing building. This location also ensures the commercial building continues to face Concession Street, which is an arterial road, and directs on-site vehicular traffic away for the residential uses to the north. The provided front yard will continue to offer landscaped buffering from the street and support a transition between uses across Victoria Street. As noted by the applicant through the planning justification report (Exhibit I), the City's proposed consolidated zoning by-law currently contemplates a 3 metre minimum front yard for the site.

The proposed addition also requires relief from the minimum side yard setback provision as it relates to the northern side yard. The existing building is built nearly to the lot line. The addition is proposed along the same plane as the existing building. As noted above, this is the most functional location for an addition on the site. Through site plan control approval, the applicant will be required to replace the existing chain link fence with a wooden fence along the east and west sections of the northern lot line to provide separation from the abutting residential use. A new maple tree at the northeastern corner of the site is also proposed to improve the relationship with the abutting land use.

The C2 zoning also includes a provision related to side yards abutting a street which prohibits anything other than a driveway within a side yard. The applicant is proposing to introduce formal parking facilities and associated barrier free signage as part of the redevelopment of the site. Given the placement of the building, the majority of the site constitutes a side yard. Relief is requested from this provision to allow these facilities to be regulated as part of Site Plan Control approval. No accessory buildings are proposed within this side yard.

The relief from the minimum rear yard is requested to recognize the location of the existing structure. No extension of the building to the west is proposed.

Through the site plan control process, the City will be taking an approximately 4.5 metre road widening along Concession Street for future road improvement purposes, as is required by the City's Official Plan. The City will also be requiring the applicant to introduce landscaping in the east and south yards. In addition, the applicant will be introducing a 'Type A' barrier-free parking space and an exterior path of travel which satisfies AODA standards for accessibility. The on-site parking layout has been designed to accommodate these requirements and provide the most functional layout for the site. The applicant is requesting minor relief from the minimum parking requirements, as the zoning by-law standards require 10.8 parking spaces for the total leasable area, rounded up to the nearest whole number (11 spaces). The applicant is proposing 10 vehicular parking spaces for the site. To support this minor reduction, the applicant has submitted a parking justification letter completed by an Engineer (Exhibit J). The letter confirms that the forecasted peak parking demand for the use can be accommodated by the proposed supply of 10 parking spaces.

The proposed variances meet the intent of Zoning By-Law Number 8499, as amended. The proposal meets all other requirements of the C2 zone and the applicable general provisions of the zoning by-law.

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3) The variances are minor in nature:

The variances are considered minor in nature. The rear yard condition at the west of the site is existing and is not proposed to change. The addition is set to be built along the same plane of the existing building on the site, which is built at a nearly 0 metre setback from the north property line, as such, this is not a new condition but the extension of an existing condition. The location of the addition is most functional for the site and allows the building to continue to front onto Concession Street, being an arterial road. The reduction in required on-site parking by one space is considered minor. Delineated parking spaces, as well as the inclusion of a barrier-free parking space, will allow a more efficient use of the paved surface on the site.

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

The proposed addition to the existing local business will require site plan control approval. Through this process, the City is able to obtain a road widening from the property owner for future road improvements. In addition, the site plan control process will allow the City to ensure an improved functional parking layout, increased on-site landscaping (including two new trees), storm water management improvements, the introduction of barrier-free parking and access routes, and on-site pedestrian connections. The proposed location for the addition is the most functional for the site, and will allow the local business to grow. The application represents desirable development for this commercially zoned property on an Arterial Road.

Technical Review: Circulated Departments and Agencies

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

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.

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Public Comments

At the time this report was finalized, no written public correspondence has been received. Planning Staff received two phone calls from members of the public following postage of the Site Plan Control signage in June 2019, with questions related to parking and storm water management. These questions have been addressed in this report. 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(s) maintain(s) the general intent and purpose of both the City of Kingston Official Plan and Zoning By-Law Number 8499. The proposal is desirable for the appropriate development or use of the land, building or structure and the requested variance(s) are minor in nature. As such, the proposed application meets all four tests under Subsection 45(1) of the *Planning Act* and the application is being recommended for approval, subject to the proposed conditions.

Approval of this application will permit the construction of a 87 square metre, two bay addition to the east side of the existing automotive repair garage on the site.

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, 2014

Municipal

City of Kingston Official Plan
Zoning By-Law Number 8499

Notice Provisions:

A Committee of Adjustment Meeting is going to be held respecting this application on February 24, 2020. 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 36 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.

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*.

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Accessibility Considerations:

None

Financial Considerations:

None

Contacts:

Tim Park, Manager of Development Approvals 613-546-4291 extension 3223

Genise Grant, Intermediate Planner 613-564-4291 extension 3185

Other City of Kingston Staff Consulted:

The application was circulated to the relevant internal departments and external agencies for review and comment. The responses to the technical circulation have been addressed in the technical review and included in this report.

Exhibits Attached:

- Exhibit A Key Map
- Exhibit B Neighbourhood Context Map
- Exhibit C Context Photographs
- Exhibit D Official Plan Map
- Exhibit E Zoning By-Law Map
- Exhibit F Public Notice Notification Map
- Exhibit G Site Survey
- Exhibit H Site Plan and Elevations
- Exhibit I Planning Justification Letter (Weston Consulting)
- Exhibit J Parking Justification Letter (Crozier Consulting Engineers)



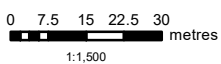
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COMMITTEE OF ADJUSTMENT
Key Map

File Number: D13-065-2019
Address: 193 Concession Street

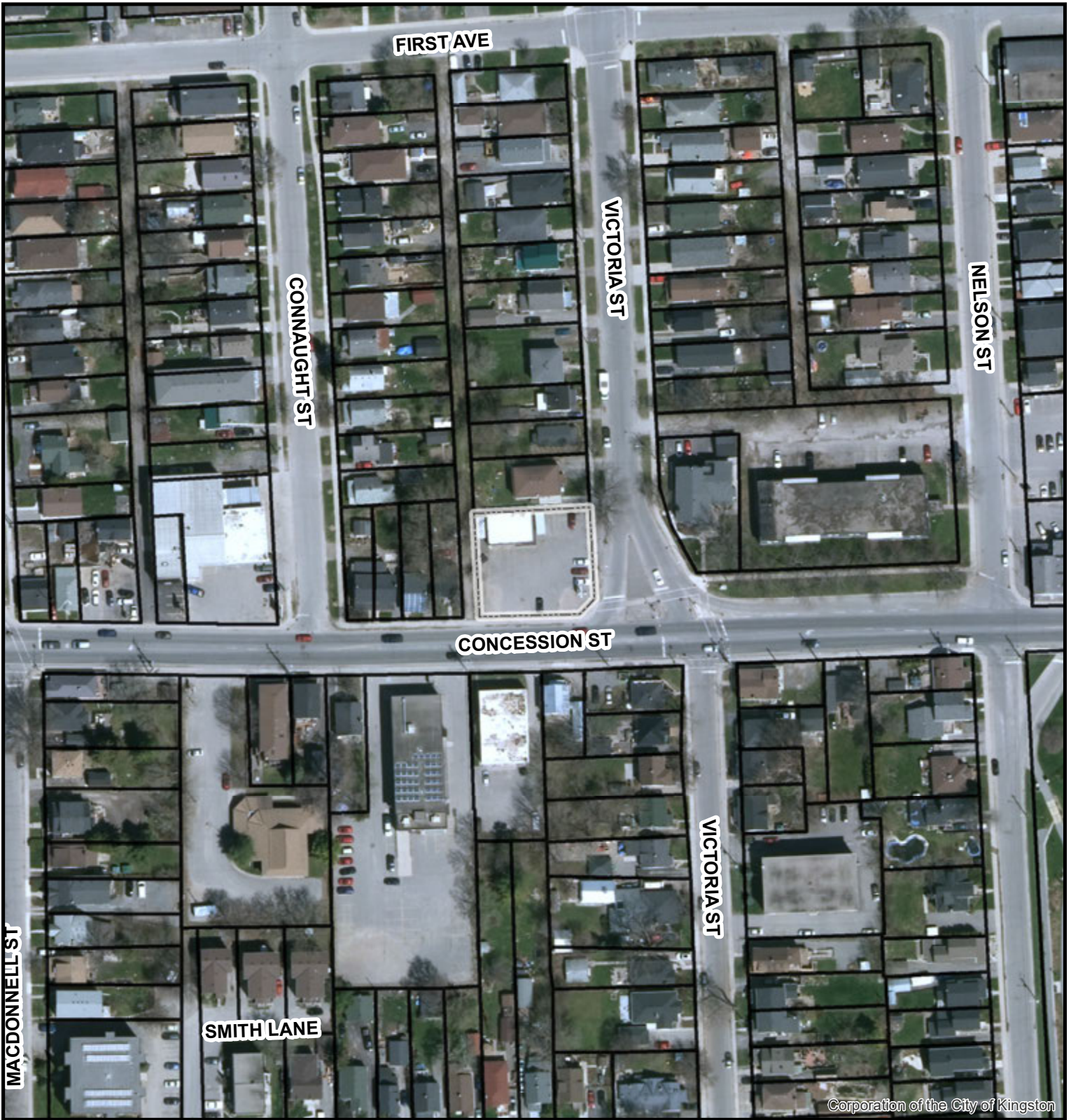
Planning, Building & Licensing Services
a department of
Community Services



DATE: 2020-01-08
PREPARED BY: rrocheport



Lands Subject to Minor Variance



Corporation of the City of Kingston

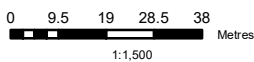


Planning, Building
& Licensing Services


a department of
Community
Services

CITY OF KINGSTON
Neighbourhood Context (2018)

File Number: D13-065-2019
Address: 193 Concession Street



Legend

-  Subject Lands
-  Property Boundaries

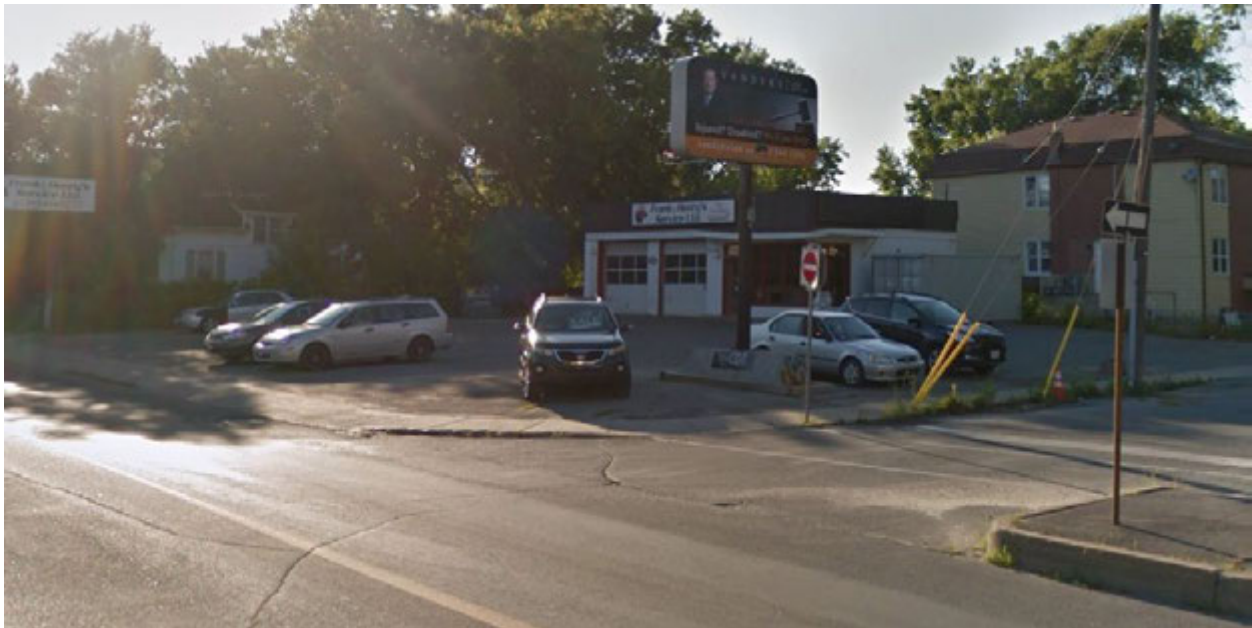


193 Concession Street – Context Images

Images taken from Google Maps



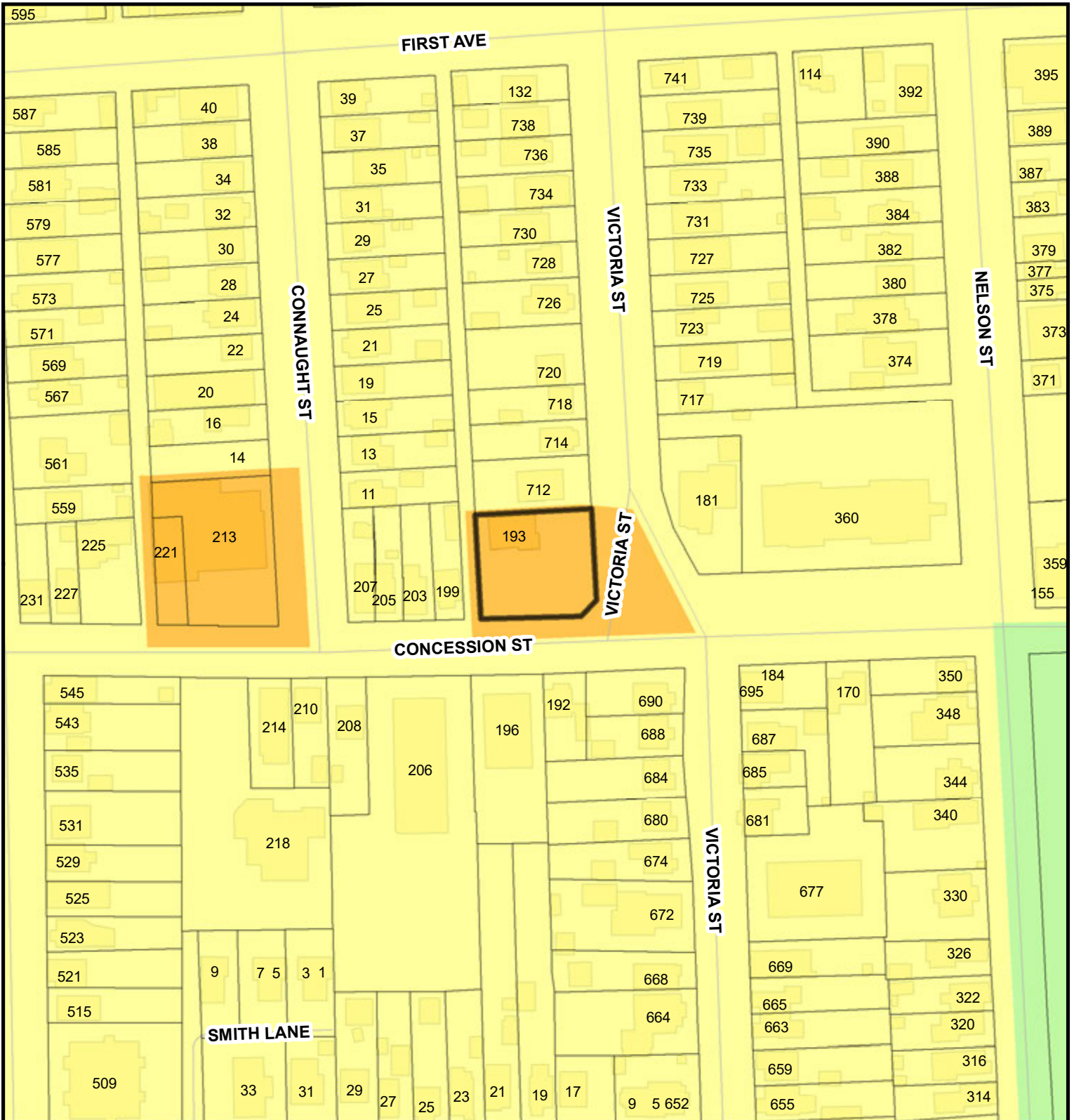
Looking north from Concession Street



Looking northwest from Concession Street



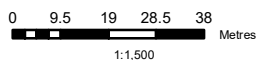
Looking west from Victoria Street



Planning, Building & Licensing Services
a department of
Community Services

CITY OF KINGSTON
Official Plan, Existing Land Use

File Number: D13-065-2019
Address: 193 Concession Street



Legend

-  Subject Lands
-  ARTERIAL COMMERCIAL
-  OPEN SPACE
-  RESIDENTIAL





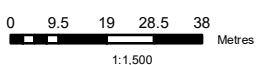
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 a department of
 Community Services

CITY OF KINGSTON
Existing Zoning - By-law 8499, Map 19

File Number: D13-065-2019
 Address: 193 Concession Street

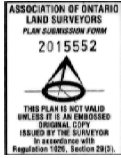
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- Subject Lands
- Consolidated Zoning

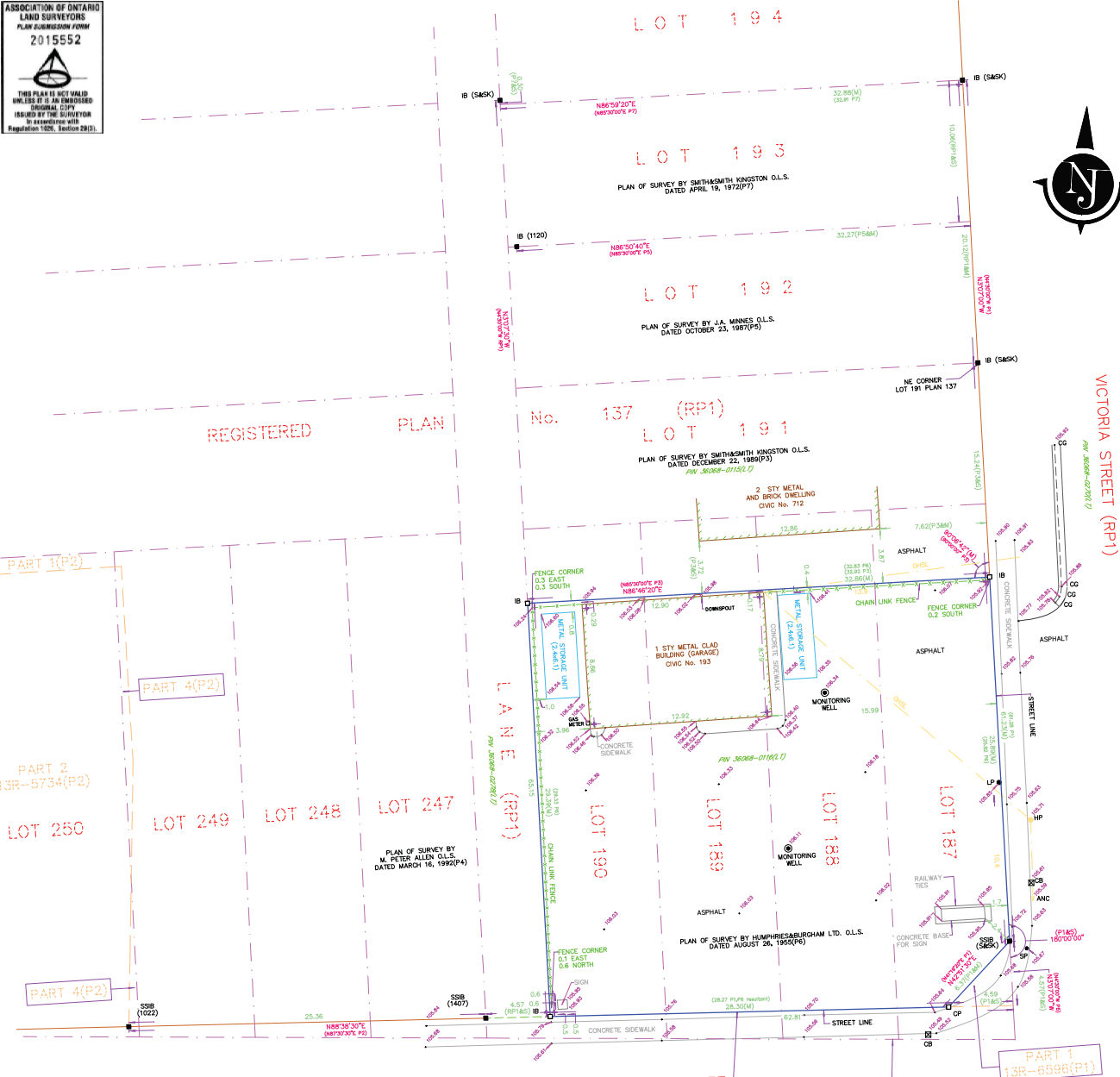


PREPARED BY: rochefort
 DATE: 2020-01-08

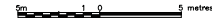
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PLAN OF SURVEY
OF PART OF LOTS 187-190
REGISTERED PLAN No. 137
CITY OF KINGSTON
COUNTY OF FRONTENAC
SCALE: 1 : 150



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

LESLIE M. HIGGINSON SURVEYING LTD.

2017

THIS REPORT WAS PREPARED FOR
HEBERTO PROJECTS LTD. & THE
UNDERSIGNED ACCEPTS NO RESPONSIBILITY
FOR USE BY OTHER PARTIES

SURVEYOR'S CERTIFICATE:

I CERTIFY THAT:
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY ACT, THE SURVEYORS ACT, THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
THE SURVEY WAS COMPLETED ON THE 26TH DAY OF JULY, 2017.

LESLIE M. HIGGINSON SURVEYING LTD.
ONTARIO LAND SURVEYOR
KINGSTON, ONTARIO

JULY 28, 2017
DATE
LESLIE M. HIGGINSON
ONTARIO LAND SURVEYOR

NOTE & LEGEND:

BEARINGS SHOWN HEREON ARE GRID BEARINGS REFERRED TO THE CENTRAL MERIDIAN, 75° WEST, ZONE 18, OF NAD 83 (1989 ADJUSTMENT), UTM COORDINATE SYSTEM (GRID ELLIPSOID) AND ARE DERIVED FROM HORIZONTAL CONTROL MONUMENTS 0101990201, 0081980616 & 0101984003. COMPARISONS SHOWN IN BRACKETS ARE TO ASTRONOMIC BEARINGS

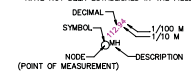
POINT No.	NORTHING (M)	EASTING (M)
0101990201	4897364.995	375546.430
0081980616	4908651.683	393861.806
0101984003	4904874.771	394067.750

COMBINED SCALE FACTOR : 0.999782961.

ALL DISTANCES SHOWN HEREON ARE HORIZONTAL GROUND DISTANCES.
GRID DISTANCES CAN BE CALCULATED BY MULTIPLYING THE GROUND DISTANCES SHOWN ON THE PLAN BY THE COMBINED SCALE FACTOR OF 0.999782961.

- DENOTES SURVEY MONUMENT PLANTED
- SURVEY MONUMENT FOUND
- SB SHORT STANDARD IRON BAR
- SB8 STANDARD IRON BAR
- IB IRON BAR
- CP CONCRETE PIN
- WITNESS
- CALC. CALCULATED
- SET
- M. MEASURED
- P. PAVEMENT
- CG CURB AND GUTTER
- LP LIGHT POLE
- HP HYDRO POLE
- SP SIGN POST
- ANC ANCHOR
- CB CATCH BASIN
- 1407 M. PETER ALLEN O.L.S.
- 1022 N. B. CAMPBELL O.L.S.
- 1020 J. A. MINNES O.L.S.
- S&6X SMITHSMITH KINGSTON O.L.S.
- P1 PLAN 13R-6596
- P2 PLAN 13R-6734
- P3 PLAN OF SURVEY BY SMITHSMITH O.L.S. DATED DECEMBER 22, 1989
- P4 PLAN OF SURVEY BY M.PETER ALLEN O.L.S. DATED MARCH 16, 1992
- P5 PLAN OF SURVEY BY J. A. MINNES O.L.S. DATED OCTOBER 23, 1987
- P6 PLAN OF SURVEY BY HUMPHRIESBURGH O.L.S. DATED AUGUST 26, 1955
- P7 PLAN OF SURVEY BY SMITHSMITH O.L.S. DATED APRIL 15, 1972
- OHSL OVERHEAD SERVICE LINE

THE POSITION OF THE UNDERGROUND SERVICES & STRUCTURES HAVE NOT BEEN ESTABLISHED IN THE FIELD.



NO PERSON MAY COPY, REPRODUCE, DISTRIBUTE OR ALTER THIS PLAN IN WHOLE OR IN PART WITHOUT THE WRITTEN PERMISSION OF LESLIE M. HIGGINSON SURVEYING LTD.

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LESLIE M. HIGGINSON O.L.S. 2017

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DATED JULY 28, 2017

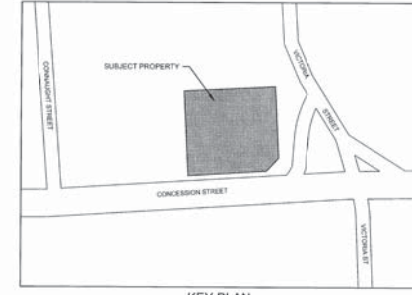
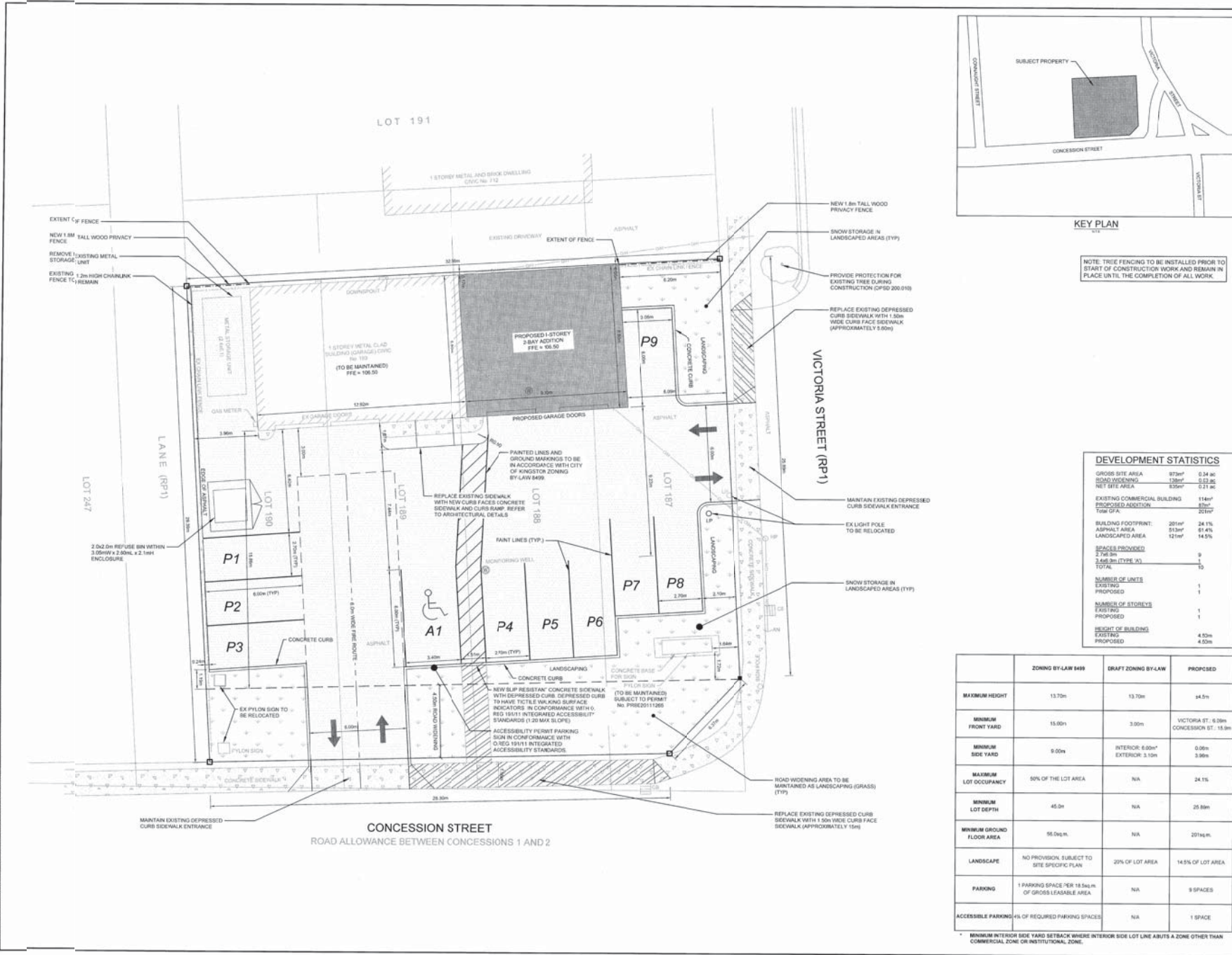
LESLIE M. HIGGINSON SURVEYING LTD.

1304 CHARLES ROAD
KINGSTON, ONTARIO, K7P 1R7
(613) 369-7986 (416) 369-8578 or leslie@mhjgigson.com

FILE: CITY RP137, 187-190/LMH1233GND POS

CITY OF KINGSTON BENCH MARKS
B.M. No.92K 2053
PRINCESS STREET @ UNIVERSITY AVENUE
TOP OF THE BOLT IN THE NE CORNER OF THE CONCRETE BASE
OF THE "MAC'S MILK" SIGN ON THE SW CORNER OF
PRINCESS STREET AND UNIVERSITY AVENUE
ELEV = 99.454

CONCESSION STREET
ROAD ALLOWANCE BETWEEN CONCESSIONS 1 AND 2



KEY PLAN

NOTE: TREE FENCING TO BE INSTALLED PRIOR TO START OF CONSTRUCTION WORK AND REMAIN IN PLACE UNTIL THE COMPLETION OF ALL WORK.

LEGEND	
	EXISTING FEATURES
	PROPOSED FEATURES
	ASPHALT EDGE
	OVERHEAD UTILITIES
	CHAINLINK FENCE
	HYDRO POLE
	LIGHT POLE
	ANCHOR
	CATCH BASIN
	MONITORING WELL
	SURVEY MARKER OR IRON BAR
	EXISTING CONCRETE SIDEWALK
	PROPOSED ASPHALT
	PROPOSED LANDSCAPING
	PROPOSED SIDEWALK

PRELIMINARY NOT FOR CONSTRUCTION
DECEMBER 10, 2019

DEVELOPMENT STATISTICS			
GROSS SITE AREA	973m ²	0.34 ac	
ROAD RESERVING	238m ²	0.23 ac	
NET SITE AREA	735m ²	0.27 ac	
EXISTING COMMERCIAL BUILDING	114m ²	87%	
PROPOSED ADDITION	87m ²	87%	
TOTAL GFA	201m ²	201m ²	
BUILDING FOOTPRINT	201m ²	24.1%	
ASPHALT AREA	513m ²	65.4%	
LANDSCAPED AREA	121m ²	14.5%	
BRACKETS PROVIDED	9		
TOTAL	10		
NUMBER OF UNITS			
EXISTING	1		
PROPOSED	1		
NUMBER OF STOREYS			
EXISTING	1		
PROPOSED	1		
HEIGHT OF BUILDING			
EXISTING	4.50m		
PROPOSED	4.50m		

	ZONING BY-LAW 649	DRAFT ZONING BY-LAW	PROPOSED
MAXIMUM HEIGHT	13.70m	13.70m	14.5m
MINIMUM FRONT YARD	15.00m	3.00m	VICTORIA ST. 6.20m CONCESSION ST. 15.00m
MINIMUM SIDE YARD	9.00m	INTERIOR: 6.00m ² EXTERIOR: 3.10m	0.00m ² 3.90m
MAXIMUM LOT OCCUPANCY	50% OF THE LOT AREA	N/A	24.1%
MINIMUM LOT DEPTH	45.0m	N/A	20.90m
MINIMUM GROUND FLOOR AREA	95.0sq.m.	N/A	201sq.m.
LANDSCAPE	NO PROVISION SUBJECT TO SITE SPECIFIC PLAN	20% OF LOT AREA	14.5% OF LOT AREA
PARKING	1 PARKING SPACE PER 18.0sq.m. OF GROSS LEASABLE AREA	N/A	9 SPACES
ACCESSIBLE PARKING	AS OF REQUIRED PARKING SPACES	N/A	1 SPACE

* MINIMUM INTERIOR SIDE YARD SETBACK WHERE INTERIOR SIDE LOT LINE ABUTS A ZONE OTHER THAN COMMERCIAL ZONE OR INSTITUTIONAL ZONE.

NO.	ISSUE / REVISION	DATE	BY
4	ISSUED FOR SITE PLAN APPROVAL	10/12/2018	
3	ISSUED FOR CLIENT APPROVAL	10/10/2018	
2	ISSUED FOR CLIENT REVIEW	2/28/2019	
1	ISSUED FOR SITE PLAN APPROVAL	02/05/2019	

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SCALE: 1:100

CLIENT: HERBERTCO PROJECTS LTD.

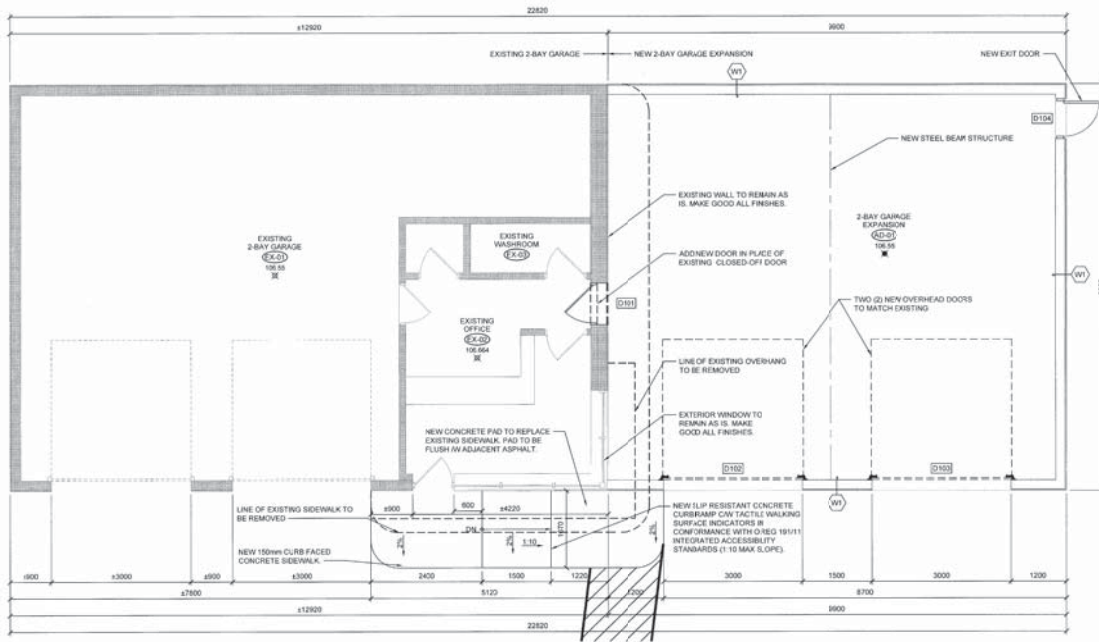
CONSULTANT: J.L. Richards ENGINEERS - ARCHITECTS - PLANNERS 305-863 PRINCESS STREET, KINGSTON, ONTARIO

PROJECT: PROPOSED 2-BAY ADDITION
183 CONCESSION STREET, KINGSTON ONTARIO
PT. LT. 187-190 PL. 137 KINGSTON AS IN FR201706 EXCEPT 1398996, KINGSTON, THE COUNTY OF FRONTENAC

DRAWING: SITE PLAN

DESIGN: SS
DRAWN: LL
CHECKED: SS
A.I.F. # 28428

DRAWING # C1



1 PLAN
A1 SCALE: 1/8"

LEGEND:

- R101 DENOTES ROOM NUMBER
- DOOR DENOTES DOOR NUMBER
- W1 DENOTES WINDOW TYPE
- 106.554 DENOTES EXISTING FLOOR ELEVATION
- 106.554 DENOTES NEW FLOOR ELEVATION

- NOTES:**
1. ALL DIMENSIONS AND MEASUREMENTS ARE IN mm UNLESS NOTED OTHERWISE
 2. PATCH, REPAIR AND MAKE GOOD ALL FLOORS, WALLS, CEILING, ETC., AS A RESULT OF REMOVING EXISTING ITEMS
 3. CONTRACTOR TO CONFIRM ALL DIMENSIONS ON SITE
 4. CONTRACTOR TO INVESTIGATE ON SITE TO DETERMINE EXACT LOCATION OF FORMER DOOR OPENING
 5. ALL DOORS ARE TO BE OFFSET 150mm FROM THE NEAREST PARTITION UNLESS NOTED OTHERWISE
 6. DOOR FRAMES AND HARDWARE ARE TO BE SUPPLIED BY OWNER

**PRELIMINARY
NOT FOR
CONSTRUCTION**
DECEMBER 15, 2019

3	ISSUED FOR SITE PLAN APPROVAL	19120911
2	ISSUED FOR CLIENT REVIEW	24090911
1	ISSUED FOR SITE PLAN APPROVAL	02050911
No.	ISSUE / REVISION	COMM/FF

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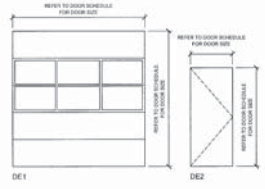
VERIFY SHEET SIZE AND SCALE BAR TO THE RIGHT & DRAW IT THIS IS A FULL SIZE DRAWING.

SCALE: AS NOTED

DOOR NUMBER	FROM ROOM NAME	TO ROOM NAME	DOOR			FRAME				REMARKS						
			TYPE	MATERIAL	HARDWARE GROUP	TYPE	MATERIAL	FINISH	OVERALL FRAME HEIGHT		ANCHOR DETAIL	FIRE RATING	SECURITY REQUIRED			
D101	EXISTING OFFICE EX-02	NEW GARAGE AD-01	D02	HM	-	-	915 x 2134	-	WS	-	-	-	-	-	-	-
D102	NEW GARAGE AD-01	EXTERIOR	DE1	AL	-	-	3000 x 3000	-	-	-	-	-	-	-	-	OVERHEAD DOOR
D103	NEW GARAGE AD-01	EXTERIOR	DE1	AL	-	-	3000 x 3000	-	-	-	-	-	-	-	-	OVERHEAD DOOR
D104	NEW GARAGE AD-01	EXTERIOR	DE2	HM	-	-	915 x 2134	-	-	-	-	-	-	-	-	OVERHEAD DOOR

ROOM NO.	ROOM NAME	FLOOR	BASE	WALLS	CEILING	CEILING HEIGHT
EX-01	EXISTING 2-BAY GARAGE	EXISTING TO REMAIN PATCH AS REQUIRED TO MATCH EXISTING FLOORING.	WALL BASE TO MATCH EXISTING.	NORTH, EAST & SOUTH EXISTING TO REMAIN. WEST PATCH AND REPAIR EXISTING WALLS AS REQUIRED AND PAINT.	EXISTING TO REMAIN.	EXISTING
EX-02	EXISTING OFFICE	EXISTING TO REMAIN.	WALL BASE TO MATCH EXISTING.	PATCH AND REPAIR EXISTING WALLS AS REQUIRED.	EXISTING TO REMAIN.	EXISTING
EX-03	EXISTING WASHROOM	EXISTING TO REMAIN.	WALL BASE TO MATCH EXISTING.	EXISTING TO REMAIN.	EXISTING TO REMAIN.	EXISTING
AD-01	NEW 2-BAY GARAGE EXPANSION	MATCH EX-01	WALL BASE TO MATCH EX-01	NORTH, EAST & SOUTH TO MATCH EX-01. WEST PATCH AND REPAIR EXISTING WALLS AS REQUIRED.	MATCH EX-01	MATCH EX-01

MATERIAL LEGEND:
 EX EXISTING TO REMAIN
 HPC HIGH PERFORMANCE COATING
 HM HOLLOW METAL
 IM INSULATED HOLLOW METAL
 IFS INSULATED PRESSED STEEL FRAME
 WS WELDED STEEL
 WD SOLID WOOD



WALL TYPE:
 W1 200mm CONCRETE BLOCK
 100mm RIGID INSULATION
 2 AIR SPACE
 SIDING TO MATCH EXISTING

DOOR ELEVATIONS
 DOOR NOTES:
 1. GEORGIAN FIRE GLASS ON FIRE RATED DOORS, REFER TO SCHEDULE.

CLIENT: **HERBERTCO PROJECTS LTD.**

CONSULTANT: **J.L. Richards ENGINEERS ARCHITECTS PLANNERS**

PROFESSIONAL STAMP: **ONTARIO ASSOCIATION OF ARCHITECTS** (Licence # 118)

PROJECT NORTH

PROJECT: **PROPOSED 2-BAY ADDITION**
 180 CONCESSION STREET, KINGSTON, ONTARIO
 PT 1: 181-180 PL 1ST KINGSTON AS IN FRONT TIES
 EXCEPT 13R6556; KINGSTON, THE COUNTY OF FRONTENAC

DRAWING: **PRELIMINARY FLOOR PLAN & SCHEDULES**

DESIGN: JS
 DRAWN: JRC
 CHECKED: JS
 A.R.#: 29426-000.0

DRAWING #: **A1**



**WESTON
CONSULTING**

planning + urban design

The Committee of Adjustment
City of Kingston
216 Ontario Street
Kingston, Ontario K7L 2Z3

December 17, 2019
File 8864

Attn: Tim Fisher, Secretary-Treasurer

Dear Sir,

**RE: Minor Variance Application
193 Concession Street, City of Kingston
Related Site Plan File: D11-015-2019**

Weston Consulting is the planning consultant for Herbertco Projects Ltd., the registered owner of the property municipally known as 193 Concession Street, in the City of Kingston (herein referred to as the 'subject property'). The following correspondence has been prepared in support of a Minor Variance application seeking relief from various provisions from the City of Kingston Zoning By-law No. 8499. The requested variances are for the number of required parking spaces, the required front yard and side yard setbacks, and the restriction on accessory structures. In support of this Minor Variance application, please find enclosed the following:

- Application Form and Fee of \$2,290.60;
- Site Plan, Floor Plan and Elevation Drawings, prepared by JL Richards & Associates;
- Landscape Plan, prepared by Vorster Eliason;
- Site Servicing Plan and Report, prepared by Sirati & Associates;
- Noise Study, prepared by Sirati & Associates;
- Parking Justification Letter, dated December 6, 2019, prepared by C.P. Crozier & Associates; and,
- Site Plan Control Resubmission Cover Letter, dated December 17, 2019

Description of Subject Property

The subject property is located on the northwest corner of Concession Street and Victoria Street, in the City of Kingston (see Figure 1). A one-storey automotive repair garage, with a floor area of approximately 114 square metres, occupies the subject property. The property has an area of approximately 0.10 hectares (0.24 acres) and frontages of approximately 35.03 metres on Concession Street and 25.89 metres on Victoria Street. Two vehicular access are located on each frontage. The subject property is legally described as follows:

PT LT 187-190 PL 137 KINGSTON AS IN FR201765 EXCEPT 13R6596; KINGSTON; THE COUNTY OF FRONTENAC.

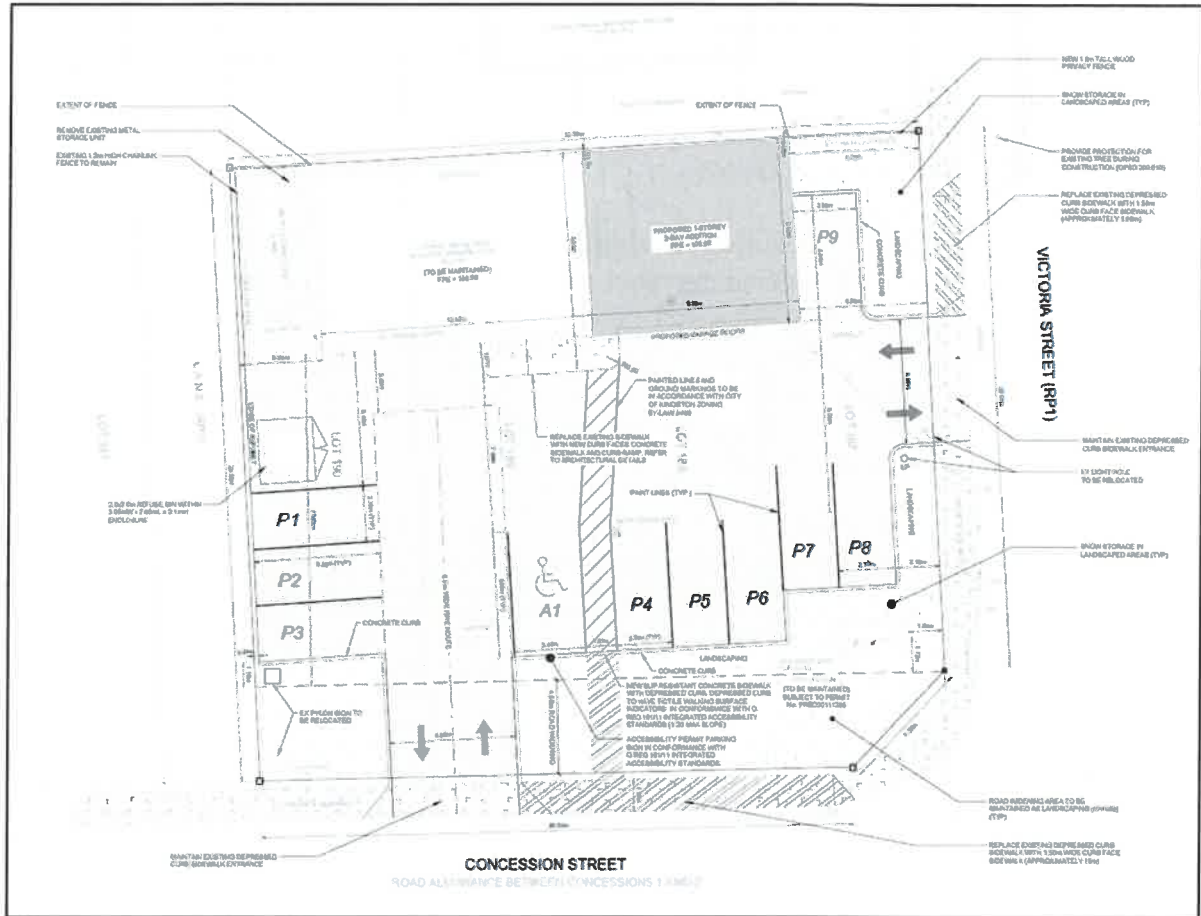
Figure 1: Air Photo of Subject Property



Development Proposal

Minor Variance and Site Plan Approval applications are being submitted to facilitate an 87 square metre addition of the existing one-storey automotive repair garage to allow for the creation of two (2) additional car-repair bays (see Figure 2). The proposed addition would result in a building with four (4) car-repair bays and a Gross Floor Area of 201 square metres. Ten (10) parking spaces will be provided on the subject property, of which one (1) will be a barrier-free parking space, per AODA requirements. The two existing vehicular entrances, from Concession Street and Victoria Street, will be maintained. A 4.5 metre strip of land abutting Concession Street will be conveyed to the City for future right-of-way widening. A pedestrian walkway will also be provided from the Concession Street sidewalk, leading to the main entrance to allow for better pedestrian accessibility. The proposed building addition of the subject property looks to improve the subject property's overall condition by providing landscaping along the Concession Street and Victoria Street frontages, and by delineating the required parking spaces. A Site Plan Application was submitted to the City of Kingston on May 10, 2019 to facilitate the proposed changes and improvements to the subject property. A resubmission of the Site Plan application, to address staff/agency comments was completed concurrently with the submission of this Minor Variance application submission(See enclosed Site Plan Control Resubmission Cover Letter).

Figure 2: Proposed Site Plan



Relevant Planning Policy

The City of Kingston Official Plan designates the subject property *Arterial Commercial*, which permits a range of uses including automotive and hospitality uses. The *Arterial Commercial* designation provides easily accessed and visible locations to serve the needs of travelers and accommodate the distinct use of commercial uses that do not fit well within other commercial designations.

The City of Kingston Zoning By-law No. 8499, as amended, designates the subject property C2 – *Arterial Commercial*, permitting automotive repair garage uses, provided that there is no machining, body work, or painting carried out on site. The addition to the existing building will maintain the existing uses, which are limited to oil changes, wheel alignments, brake repairs and minor repairs/uses that do not create potential land use compatibility and nuisance issues with the

surrounding area. A Noise Study dated May 2019 was completed by Sirati & Partners and submitted as part of the Site Plan Control Application.

Currently, the City of Kingston is in the process of preparing a new City-wide Zoning By-law to consolidate, update and replace the separate, outdated Zoning By-laws. The new Zoning Bylaw will provide one comprehensive regulatory framework for land use planning and development. Although the Draft Zoning By-law was considered during our analysis, the following will speak to the City of Kingston Zoning By-law No. 8499, currently in effect.

Requested Minor Variances

A Pre-Application Consultation Meeting was held on July 10, 2018 in order to receive preliminary feedback and to determine the required applications and studies to facilitate the approval for the proposed development. City staff identified that a Minor Variance Application was required to seek relief from the required the number of parking spaces, the required front yard and side yard setbacks, and the restriction on accessory structures. This was reconfirmed in the City's technical review comments for the Site Plan application, dated June 19, 2019. Table 1 below provides greater detail regarding the variances required.

Table 1: Requested Variances

Development Standards	By-law No. 8499 Requirements	Proposed
On-Site Parking	11 spaces	10 spaces
Front Yard Setback (Victoria Street)	15 metres	6.00 metres
(North) Side Yard Setback	9 metres	0.00 metres
(West) Side Yard Setback	9 metres	3.96 metres
Accessory Structures (i.e. garbage enclosure)	In any zone the required front yard for any building shall be kept free of structures other than permitted signs.	Garbage enclosure proposed in the front yard.

Planning Analysis and Justification

Section 45(1) of the *Planning Act*, authorizes the Committee of Adjustment to grant minor variances from the provisions of the Zoning By-law, provided that an application satisfies the “four tests” of a Minor Variance. These are that the minor variances requested maintain the purpose and general intent of the Official Plan, maintain the purpose and general intent of Zoning By-law, that the requested variances are minor in nature, and that the proposed development is an appropriate use of the lands. The following section below will demonstrate that the proposed development and associated requested variances satisfy each test.

Test 1: Do the Variances Maintain the Purpose and Intent of the Official Plan?

The subject property is designated *Arterial Commercial* by the City of Kingston Official Plan, and is located along an *Arterial Road* (Concession Street) and a *Collector Road* (Victoria Street). The

proposed addition to the automotive repair garage is permitted as per policy 3.4.E.1 which states that “*automotive uses such as gas bars and service stations*” can be located within *Arterial Commercial* designated areas. Policy 3.4.G.1 recognizes that automotive repair garages and services may cause compatibility and nuisance issues within neighbourhoods and are therefore permitted under different conditions and in different combinations in various land use designations. The policy further states that:

“With respect to such automotive and vehicle uses, it is the intent of this Plan that:

a. gas bars, service stations, car washes, and many specialty repair uses are generally considered commercial uses. Machine shops, autobody repair and towing compounds, and other uses are considered to be industrial in nature and may have adverse effects on neighbouring land uses;

b. gas bars are permitted to locate with convenience commercial uses on sites that can adequately accommodate both uses, but may not be permitted as neighbourhood commercial uses under Section 3.4.F of this Plan; and,

c. no outdoor storage of goods, materials, parts, derelict vehicles or parts thereof, is permitted in conjunction with automobile and vehicle service uses.”

The proposed addition to the existing building will maintain the existing uses, which are limited to oil changes, wheel alignments, brake repairs and minor repairs/uses that do not create potential land use compatibility and nuisance issues with the surrounding area. See enclosed Noise Study and Landscape Plan, submitted in support of the Site Plan Control Application.

With respect to development criteria for *Arterial Commercial* zones, policy 3.4.E.6 directs that any new development or expansion will be required to:

Development Criteria	Proposed Development and Justification
a. located on an arterial road;	The proposed development fronts onto Concession Street, which is an arterial road.
b. located on a site that offers good ingress and egress characteristics with the ability to allow clear vehicular access points that do not negatively impact arterial roads;	The site will maintain the existing ingress/egress entrances along Victoria Street and Concession Street, allowing for clear vehicle entrances that will not impact the arterial road. See Parking Letter prepared by C.F. Crozier & Associates, dated December 6, 2019.
c. limit traffic infiltration on local roads in the surrounding area;	The subject property is located on an arterial and collector road. The vehicle entrances along Victoria and Concession Street will allow for balanced traffic infiltration on both roads. See Parking Letter prepared by C.F. Crozier & Associates, dated December 6, 2019.

d. be compatible with existing and proposed adjacent development and transportation networks;	The proposed use of the addition is permitted by the Official Plan and will not affect adjacent development and transportation networks. See Parking Letter prepared by C.F. Crozier & Associates dated December 6, 2019.
e. provide share driveway access between adjacent sites, where feasible;	Not applicable.
f. provide landscaped buffering between parking areas and the sidewalk;	The proposed development will incorporate landscape strips along the Victoria Street and Concession Street frontages. See enclosed Landscape Plan.
g. define outdoor display areas with enhanced landscaping or architectural edge treatments;	The proposed development intends to enhance the site through the incorporation of landscaping along Victoria Street and Concession Street. See enclosed Landscape Plan.
h. enclose any storage areas for goods and materials within buildings;	All storage areas will be enclosed/screened as part of the proposed development.
i. meet the site plan control requirements of Section 3.4.18 to the satisfaction of the City; and,	The Site Plan has applied the policies of Section 3.4.48 and have also incorporated direction from the Site Plan Control Guidelines. The Site Plan was also reviewed by City staff and revised appropriately to address comments.
j. prepare any studies that the City determines are needed to support the proposal as required by Section 9.12 of this Plan.	Enclosed within this application, are the required supporting materials identified by City staff during the July 10, 2018 Pre-Application Consultation meeting, and technical review comments for Site Plan Control.

Overall, the proposed use maintains the function of an *Arterial Commercial* designation and meets the intent of the Official Plan.

Test 2: Do the Variances Maintain the Purpose and Intent of the Zoning By-law?

The subject property is designated *Arterial Commercial* by the City of Kingston Zoning By-law No. 8499, allowing for a range of automotive service uses that are typically consistent with the *Arterial Commercial* designation identified in the City of Kingston Official Plan. The Zoning By-law further specifies that service stations are permitted if no machining, body work, or painting services are provided. As mentioned above, there is no intention to provide these services on the subject property as part of the proposed addition.

The proposed addition requires relief from the number of on-site parking spaces, as well as the front yard and side yard setbacks in order to facilitate the development. Relief for the provision of a front yard accessory structure is also required for garbage storage and collection. Given that the

location of the existing structure is fixed based on previous approvals, the proposed development has been configured in a way that we believe to be the most appropriate to conform to the development standards identified in the Zoning By-law. The proposed built form allows for the maximization of landscaped area and on-site parking spaces, encourages efficient movement and access of vehicles on and off the site, and ensures the proposed building fronts onto Concession Street, which is an arterial road. Furthermore, the placement of the accessory garbage structure allows for employee access and for efficient access and movement of garbage removal vehicles. The accessory refuse bin is screened with an enclosure.

The intent of the City of Kingston Zoning By-law No. 8499 is to provide for the orderly development of lands and to assign appropriate development standards based on use and location. It is our opinion that the use, and the development standards such as setbacks, on-site parking, accessory structures, and landscaping are appropriate for the context of the subject property and maintain the intent of the development standards assigned to the *Arterial Commercial* zone. As such, despite the reliefs being requested, the proposed variances are consistent and compatible with the zoning standards and maintain the general intent and purpose of the Zoning By-law.

Test 3: Is the Variance Minor in Nature?

The requested variances for the required number of parking spaces, the required front yard and side yard setbacks, and the restriction on accessory structures are minor in nature as this will not prevent efficient use of the subject property for the commercial related uses envisioned by the Official Plan and Zoning By-law. The proposed use complements the built form of the existing structure and fits within the context of the abutting lands.

The variance for the required on-site parking is due to the road-widening conveyance along Concession Street, along with the provision of soft landscaping areas, both of which have reduced the area available for parking on the subject property. Additionally, the parking spaces have been delineated in accordance with the Zoning By-law Provisions. The proposed parking of 10 spaces is one (1) space short of the requirements of the Zoning By-law, which is not expected to cause parking demand on the subject property or adjacent lands. The parking reduction is further supported by a Parking Justification Letter prepared by C.F. Crozier & Associates, dated December 6, 2019.

The variance for front yard setback (east side) is also required to facilitate the proposed addition to the existing automotive repair garage. It would not be possible to satisfy the setback requirements as it would limit the addition to a width of approximately 1.0 metres which does not provide sufficient space for an additional two (2) car-repair bays; however, there will be sufficient space to provide a landscape strip along the Victoria Street frontage. It is further noted that the new city-wide draft Zoning By-Law reduces the minimum front yard requirement from 15m to 3m, which the proposed variance exceeds.

The variance for interior side yard setback (West Side) is an existing condition created by the location of the existing automotive repair garage building. The proposed addition does not further exacerbate this condition. The variance for the interior side yard setback (North Side) is required

to facilitate the proposed addition, however it should be noted that the north main wall of the addition is in the same plane as the north main wall of the existing automotive repair garage building. Additionally, a wooden fence will be installed to mitigate the reduced setback abutting the residential property on the east side of the building addition and the west side of the existing building. There is insufficient area to accommodate a wood privacy fence along the entire length of the rear property line without encroaching into the neighbouring property.

The variance for accessory structures is also required to facilitate the proposed placement of a garbage enclosure on the west side of the front yard. Due to the configuration of the subject property and the proposed addition, the proposed placement of the garbage enclosure is required for access of both employees and garbage removal vehicles. The 2.1 metre height enclosure together with the landscaping proposed along Concession and Victoria Street, will aid in screening the garbage from view.

Based on the above, the proposed minor variances are considered to be minor in nature.

Test 4: Is the Variance an Appropriate Use of the Lands?

The existing use on the subject property is a permitted use in accordance with the Official Plan and Zoning By-law and has operated successfully in this location for a number of years. The proposed expansion to the automotive repair garage is an appropriate use of lands as it will grow the City's economic base while continuing to provide an accessible location for automotive repair needs, as encouraged for *Arterial Commercial* areas in the Official Plan. Additionally, the proposed building addition and redevelopment of the subject property looks to improve the subject property's overall condition. The provision of landscaping along Concession Street and Victoria Street, and the incorporation of walkways and delineated parking stalls will help to enhance the overall aesthetic of the property.

We are of the opinion that the required minor variances for the proposed addition to the existing automotive repair garage on the subject property is an appropriate use for the lands as identified in the Official Plan and Zoning By-law. The variances reflect the desire to expand the existing use of the subject property, while improving existing site conditions.

Conclusion

The variances require to facilitate the proposed building addition are required to maintain and expand the existing use of the subject property. Specifically, variances are sought for relief from the required number of parking spaces, the minimum front yard and side yard setbacks, and the restriction on accessory structures. The existing business on the subject property has operated successfully for a number of years and its expansion is required for its continual growth. It would be unreasonable to expect these variances to be satisfied by altering the existing built form. The location of the garbage enclosure in the front yard is required to allow for employee and garbage removal vehicle access. With respect to the variance for number of required parking spaces, the shortfall of one (1) space, supported by the Parking Justification Letter, is not a significant deficiency and will not induce parking demands on adjacent properties. Furthermore, relief is

sought due to existing site conditions and restrictions that the road-widening conveyance along Concession Street will cause.

Based on the above, is it our opinion that the variances satisfy the four tests of Minor Variances as required by Section 45(1) of the *Planning Act*, as the variances:

1. Maintain the purpose and intent of the Official Plan;
2. Maintain the purpose and intent of the Zoning By-law;
3. Are minor in nature; and
4. Are desirable for the appropriate use of the Site.

For these reasons, it is our opinion that the requested variances represent good planning and should be approved.

Please do not hesitate to contact the undersigned at extension 245 or Jacob Dosman at extension 263 should you have any questions or concerns.

Yours truly,

Weston Consulting

Per:



Sandra K. Patano, BES, MES, MCIP, RPP
Associate

c. John Skidmore, Herbertco Projects Ltd.

DECEMBER 6, 2019

REFER TO FILE: 1669-5128

SENT VIA: EMAIL

SPATANO@WESTONCONSULTING.COM

Herbertco Projects Ltd.
20334 56th Avenue
Langley, BC, V3A 3Y7

C/o Weston Consulting
201 Millway Ave, Suite 19
Vaughan, ON, L4K 5K8

**Attention: Sandra Patano, BES, MES, MCIP, RPP
Associate, Weston Consulting**

**RE: PARKING JUSTIFICATION LETTER
193 CONCESSION STREET
CITY OF KINGSTON**

Dear Sandra,

This Parking Justification Letter has been prepared pursuant to your request for transportation engineering services in support of the Minor Variance and Site Plan Application (SPA) for the property located at 193 Concession Street in the City of Kingston. This Parking Justification Letter assesses the parking requirements associated with the proposed expansion of the mechanic shop at the site. The study further determines the adequacy of parking supply and the feasibility of a reduced parking supply than the requirements of the City of Kingston Zoning By-Law (8499).

The site is located at the northwest corner of the intersection of Concession Street at Victoria Street. The property is bounded by Concession Street to the south, Victoria Street to the east, and residential family houses to the north and west. The subject land is classified as an "arterial commercial – C2" according to the City of Kingston Zoning By-Law (8499).

Development Proposal

Based on the latest site plan prepared by J.L. Richards, dated October 10, 2019, the following elements are envisioned for the site.

- Maintain the existing one-storey auto-service garage (114 m²).
- A 2-bay auto-service garage addition of 87 m² GFA to the eastern limit of the existing building.
- A total supply of 10 surface level parking spaces, one of which is barrier free accessible.

There are currently two site accesses at the site, one access onto Concession Street and the other onto Victoria Street. The existing site accesses will be maintained to serve the entire site upon expansion. Given that the same accesses are being maintained, no new impacts to Concession Street (arterial road) or Victoria Street (collector road) are expected.

Additionally, the site expansion is not forecast to generate any traffic infiltration on the surrounding local roads. The proposed variance to the site is permitted by the City of Kingston Official Plan (May 2019) and is compatible with the current land use of the site and adjacent developments. Refer to the attachments to this letter for the latest site plan prepared by J.L. Richards, dated October 10, 2019.

Parking Requirements

This section discusses the parking requirements per the Zoning By-Law and the forecast of parking demand at the site based on standard parking forecast criteria.

Zoning By-Law Parking Requirements

Per the City of Kingston Zoning By-Law Number (8499) Section 5.3 (b), the required parking rate presented in **Table 1** are applicable to the site given the proposed land use. The site is currently used as an automotive service garage and the proposed addition is an expansion based on the current land use. The site is zoned as an "arterial commercial – C2", the parking rate for "C2 – uses not specifically designated" will be applied to this development.

Table 1: City of Kingston Zoning By-Law Number 8499 Parking Rates

Land Use	Proposed G.F.A.	Parking Rate	Required Parking	Parking Supply
Automotive Service Garage (C2 – uses not specifically designated)	201 m ²	1 per 18.5 m ²	11 spaces	10 spaces

As presented in **Table 1**, the required parking for the entire site is 11 spaces, which exceeds the proposed parking supply of 10 spaces by one (1) parking space.

Institute of Transportation Engineers (ITE) Parking Generation

The parking generation of the automotive service garage was calculated using the Institute of Transportation Engineers (ITE) Parking Generation Manual (5th Edition). The Land Use Category (LUC) 943 "Automobile Parts and Service Centre" was used to forecast the parking demand for the site.

Table 2 summarizes the ITE parking generation for the proposed site.

Table 2: ITE Parking Generation

Land Use	Proposed G.F.A.	Peak Period	Parking Rate	Required Parking	Parking Supply
Automobile Parts and Service Centre (LUC: 943)	201 m ² (2,163 ft ²)	Weekday	1.69 per 1,000 ft ²	4 spaces	10 spaces
		Saturday	1.07 per 1,000 ft ²	3 spaces	

As presented in **Table 2**, the peak parking demand for the entire site is 4 spaces per the ITE Parking Generation forecast. Given the proposed supply of 10 parking spaces at the site, the peak parking demand of 4 spaces results in a surplus supply of 6 spaces at the site.

Surrogate Site Parking Demand Forecast

A surrogate site at 35 Taber Road with similar uses to the proposed site herein was used to forecast the future demand at the site. The resultant parking demand rate provides a contextual basis by which the adequacy of the existing supply can be assessed.

The 35 Taber Road surrogate site is located in Etobicoke, in the City of Toronto. The building has a gross floor area (GFA) of 10,300 ft² (957 m²) and is used for automotive oriented services. The building consists of 7 units and 23 parking spaces.

The parking surveys at 35 Taber Road was undertaken by Ontario Traffic Inc. (OTI). The counts were undertaken on Thursday, October 27, 2016 from 12:00 p.m. to 7:00 p.m. and Saturday, October 29, 2016 from 11:00 a.m. to 5:00 p.m. The data and hours surveyed were selected to capture the peak parking demand at the site. The parking surveys recorded the number of vehicles that parked on-site in 15-minute intervals during the survey period.

After completing the parking survey, discussions with the owner indicated that there were three vehicles parked on the lot that were inoperable and part of one of the business' inventory. These vehicles are not representative of the typical parking operations associated with visitors and staff. Additionally, these vehicles have since been removed from the site and would no longer contribute to a peak parking demand. Accordingly, parking survey results were adjusted to account for the reduced number of parked vehicles. The detailed parking results and adjusted demand is provided in the attachments.

The peak parking demand at 35 Taber Road on Thursday, October 27, 2016 was recorded between 1:00 p.m. to 1:15 p.m. and 4:00 p.m. to 4:15 p.m., when 15 occupied parking spaces were recorded at the site. Similarly, the peak parking demand on Saturday, October 27, 2016 was recorded between 11:00 a.m. to 11:15 a.m. and 3:30 p.m. to 3:45 p.m., when 15 occupied parking spaces were recorded at the site.

One of the seven units was unoccupied at the time of the surveys, resulting in a total occupied area of 720 m². Using the results of the parking utilization survey, a peak parking demand based on the GFA of 720 m² will result in a demand of 2.08 vehicles per 100 m² for either of the Weekday or Saturday peak period. The established parking demand rate of 2.08 vehicles per 100 m² was then applied to the 193 Concession Street site to estimate a parking demand for the development herein as presented in **Table 3**.

Table 3: Surrogate Site Peak Parking Demand

Land Use	Proposed G.F.A.	Peak Period	Parking Rate	Required Parking	Parking Supply
Automobile Parts and Service Centre (LUC: 943)	201 m ² (2,163 ft ²)	Weekday	2.08 per 100 m ²	4 spaces	10 spaces
		Saturday	2.08 per 100 m ²	4 spaces	

As presented in **Table 3**, the peak parking demand for the entire site is 4 spaces per the surrogate site forecast. Given the proposed supply of 10 parking spaces at the site, the peak parking demand of 4 spaces results in a surplus supply of 6 spaces at the site.

Forecast per Other Ontario Municipality Parking Standards

In order to further determine the adequacy of the parking supply proposed at the 193 Concession Street site, the parking demand for the site was forecasted using parking supply standards used by neighbouring towns and cities within Ontario.

The County of Prince Edward (By-law 1816-2006), City of Cornwall Parking Requirements, City of Ottawa (By-Law 2016-249), the City of Mississauga (By-Law 0379-2009), the City of Vaughan Zoning By-Law 1-88 (January 2015), and the Harmonized City of Toronto and North York Zoning By-Law 569-2013 (September 2016) were all consulted to forecast the peak parking demand for the site.

Table 4 summarizes the forecasted parking demand for the proposed site expansion based on other Ontario municipalities' Zoning By-Laws.

Table 4: Forecasted Peak Parking Demand per Other Municipality Zoning By-Laws

Municipality	Parking Rate Requirements	Parking Required	Total Proposed Parking
County of Prince Edward (By-law 1816-2006)	201 m ² @ 1 spaces per 28 m ²	7 spaces	10 spaces
City of Cornwall	201 m ² @ 1 spaces per 28 m ²	7 spaces	
City of Ottawa (By-Law 2016-249)	201 m ² @ (1.25 to 3.4) spaces per 100 m ²	3 to 7 spaces	
City of Mississauga (By-Law 0379-2009)	201 m ² @ 4.3 spaces per 100 m ²	9 spaces	
City of Vaughan (By-Law 1-88)	201 m ² @ 4.5 spaces per 100 m ²	9 spaces	
Harmonized City of Toronto and North York (By-Law 569-2013)	201 m ² @ (1.0 to 4.0) spaces per 100 m ²	2 to 8 spaces	

As outlined in **Table 4**, the peak parking demand forecasted by any of the other municipality Zoning By-Law standards studied herein is between 2 to 9 spaces. The proposed total parking supply of 10 parking spaces at the site results in a minimum surplus supply of 1 space and a maximum surplus supply of 8 spaces.

Conclusion and Recommendation

This Letter has assessed the parking requirements associated with the proposed site expansion at the 193 Concession Street site and determined the adequacy of the parking supply by forecasting the peak parking demand using different analysis criteria.

The proposed expansion of the automotive service garage requires a total of 11 parking spaces according to City of Kingston By-Law Number (8499). The site proposes 10 parking spaces resulting in a deficiency of one parking space. However, the Zoning By-Law overestimates the parking demand, therefore the Institute of Transportation Engineers (ITE) Parking Generation Manual, a surrogate site and the neighboring municipality standards were used to forecast and compare the peak parking demand.

The parking rates from the "Institute of Transportation Engineers (ITE) Parking Generation Manual" and the 35 Taber Road surrogate site forecast's a peak period demand of 4 parking spaces, resulting in an excess supply of 6 parking spaces.

The parking standards of the Ontario municipalities studied herein forecast's a peak period demand of between 2 to 9 parking spaces. Therefore, there could be an excess supply of between 1 to 8 parking spaces during the peak period of parking utilization.

Accordingly, based on the ITE Parking Generation, the surrogate site parking demand forecast and the other Ontario municipalities, the proposed Minor Variance and Site Plan Application for the site at 193 Concession Street can be supported from a parking justification perspective. The forecasted peak parking demand can be accommodated by the proposed supply of 10 parking space.

Respectfully submitted by,

C.F. CROZIER & ASSOCIATES INC.



Peter Apasnore MASC., E.I.T.
Transportation
/pa

C.F. CROZIER & ASSOCIATES INC.



Aaron Wignall
Associate, Transportation

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ATTACHMENTS

Schools – 1 parking space for each 2 employees including teachers, administrators and maintenance staff.

(By-Law Number 8499 – 1975)

Bowling Greens, Tennis Courts – 1 parking space for every 70.0 m² of ground area.

Restaurants, Tea Rooms And Lunch Counters And Similar Uses – 1 parking space for every 5 employees, plus an additional space for each 4 seats. Where individual seats are not provided each 0.5 m of benches or other similar seating shall be considered as 1 seat for the purpose of determining requirements.

Community Centres And Community Halls – 1 parking space for every 25.0 m² of floor area designed or used specifically as a place of assembly.

(By-Law Numbers 8499 – 1975; 79-174 – 1979)

C, C1 And C4 Uses Not Specifically Designated In This Section – 1 parking space for every 28.0 square metres of gross leasable area.

(By-Law Numbers 8499; 8725; 8982; 79-174; 83-168; 2013-224)

C2 Uses Not Specifically Designated In This Section – 1 parking space for every 18.5 square metres of gross leasable area.

(By-Law Numbers 8499 – 1975; 8982 – 1977; 79-174; 83-168)

Industrial Or Manufacturing Establishment – 1 parking space for every 100 square metres of gross floor area.

(By-Law Number 8499 – 1975; 79-174 – 1979; 2013-101)

Mixed Uses – the parking facilities required shall be the sum of the requirements for the various individual uses.

(By-Law Number 8499 – 1975)

Day Care Centre – 1 parking space for every 117 m² G.F.A.

(By-Law Number 2005-208 – 2005)

(c) Deleted

Amended up to July 10, 2018

ii) Commercial Uses

Type of Use	Minimum Parking Requirement
Shopping Centres	5.5 spaces for every 100 m ² (1076 sq. ft.) gross floor area or portion thereof
Offices	1 space for every 33 m ² (355 sq. ft.) of gross floor area or portion thereof
Medical or Dental Clinics	6 spaces per practitioner
Restaurants	1 space for every 9 m ² (97 sq. ft.) of gross floor area or portion thereof.
Retail Commercial Use, Service or Repair Use, or Personal Service Use	1 space for every 18 m ² (193 sq. ft.) of gross floor area or portion thereof.
Commercial Recreation, Sports Facilities or Places of Amusement	The greater of: - 1 space for every 14 m ² (150 sq. ft.) of gross floor area; or - 1 space for every 4 persons of design capacity
Bowling Alley, Curling Rink	2 spaces per lane or curling sheet
Assembly Hall, Theatre	The greater of: - 1 space per 6 fixed seats or fraction thereof; or - 1 space for every 9 m ² (97 sq. ft.) of gross floor area or portion thereof
Hotel, Motel, Apartment Hotel	1 space per bedroom, plus 1 space for every 9 m ² (97 sq. ft.) of gross floor area of public use areas such as meeting rooms
Commercial Club or Private Club	The requirements for any uses which are applicable, particularly eating establishments and recreation facilities, plus 1 space per 9 m ² (97 sq. ft.) of gross floor area of common or public use areas.
Vehicle Service Station, Vehicle Body Repair or Repair Operation, Vehicle Rental Operation	1 space for every 28 m ² (300 sq. ft.) of gross floor area or portion thereof including service bays
Vehicle Wash, Self-Service	2 spaces per stall
Vehicle Wash, Mechanical	5 spaces in a storage lane
Vehicle Fueling Station	2 spaces
Vehicle Sales Outlet	10 spaces in addition to display areas
Undertaking Establishment	1 space for every 13 m ² (140 sq. ft.) of gross floor area or portion thereof
Banks	One space for every 23 m ² (250 square feet) of floor area devoted to general banking services for public use and office uses. Each drive-up window shall have sufficient stacking room for six cars, and a bypass lane shall be provided.

RESIDENTIAL	
TYPE OF BUILDING OR USE	MINIMUM PARKING REQUIRED
Sixplex	Six (6) spaces plus two (2) visitor spaces
Cluster Townhouses, Group Dwellings and Multiple Dwellings	1.33 spaces for each dwelling unit
Boarding and Rooming House and Tourist Home	<p>“New Build” - One (1) parking space for the main dwelling unit plus one (1) additional parking space for each person (renter). Associated parking lots will be subject to site plan approval.</p> <p>“Conversion” - One (1) parking space for the main dwelling unit plus one (1) additional technical parking space for each Boarding or Rooming Unit. Associated parking lots will be subject to site plan approval.”</p> <p>“NOTE” - These standards are exclusive of children under the age of 18, therefore, a parent or guardian renting 2 or 3 rooms for example, are not required to provide technical parking for those children under the age of 18.”</p>
Senior Citizen Dwelling (Buildings built and administered exclusively for senior citizens)	1 space for those units with cooking facilities, integral to the unit 1 space per 2 units where no cooking facilities, integral to the unit, are provided
Group Home	A minimum of two (2) parking spaces to be provided on the lot or one (1) parking space for every staff, on duty at any time, whichever is greater
Home Occupation and Physicians or Dentist Offices in Residential Zones	One (1) on-site parking space at the general commercial rate of one (1) space per 28 square metres (300 square feet), or part thereof, used or intended for the Home Occupation, in addition to the requirement for any dwelling. A minimum of 3 spaces for Physicians or Dentist offices

COMMERCIAL	
TYPE OF BUILDING OR USE	MINIMUM PARKING REQUIRED
<p>General Commercial/Retail Uses: (High intensity)</p> <p>Retail; Department; Retail Food; Convenience and Automotive Accessories Stores and Banks</p>	<p>One (1) parking space for every 28 square metres (300 square feet) of floor area used or intended for retail sales and display, exclusive of storage and service areas. Parking spaces may be on the same lot, or on land under the same ownership within 150 metres (492.1 feet) of the lot and within a Commercial or Institutional zone, which is commonly referred to as “Satellite Parking”.</p> <p>CBD and Le Village 50% of standards.</p>
2011-023 - Commercial Shopping Centres and Supermarkets, including Level 1 Community Shopping Centre (CSC), Level 2 Regional Shopping Centre (RSC)	Parking shall be provided at the rate of 5.5 spaces per every 100 square metres (1,076 square feet) of Gross Leasable Area (GLA). Where cinemas are built in the shopping centre, the parking shall be considered at a rate of one (1) parking space for every six (6) seats, or part thereof.





Sign-in ▾

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Table 101- Minimum parking space rates N75 to N82(By-law 2016-249)

	I	II	III	IV	V
Row	Land Use	Area X and Y on Schedule 1A	Area B on Schedule 1A	Area C on Schedule 1A	Area D on Schedule 1A
N75	Restaurant- Fast Food (By-law 2011-124)	5 per 100 m ² of gross floor area	3 for first 50 m ² of gross floor area plus 10 per 100 m ² of gross floor area over 50 m ² of gross floor area	10 per 100 m ² of gross floor area	10 per 100 m ² of gross floor area
N76	Restaurant- Full Service	5 per 100 m ² of gross floor area	3 for first 50 m ² of gross floor area plus 10 per 100 m ² of gross floor area over 50 m ² of gross floor area	10 per 100 m ² of gross floor area	10 per 100 m ² of gross floor area
N77	Restaurant- Take Out	2.5 per 100 m ² of gross floor area	1.5 for first 50 m ² of gross floor area plus 5 per 100 m ² of gross floor area over 50 m ² of gross floor area	5 per 100 m ² of gross floor area	5 per 100 m ² of gross floor area
N78	Retail Food Store	1.25 per 100 m ² of gross floor area	2.5 per 100 m ² of gross floor area	3.4 per 100 m ² of gross floor area	3.4 per 100 m ² of gross floor area
N78a (By-law 2016-336)	Retail Food Store, limited to a farmers' market (By-law 2016-131)	None	None	None	None
N79	Retail Store	1.25 per 100 m ² of gross floor area	2.5 per 100 m ² of gross floor area	3.4 per 100 m ² of gross floor area	3.4 per 100 m ² of gross floor area
N80 (Subject to 2017-303)	School, secondary	1.25 per classroom (includes portables)	2.5 per classroom (includes portables)	3 per classroom (includes portables)	3 per classroom (includes portables)
N81	School, other	0.75 per classroom (includes portables)	1.5 per classroom (includes portables)	1.5 per classroom (includes portables)	1.5 per classroom (includes portables)
N82	Service and Repair Shop	1.25 per 100 m ² of gross floor area	2.5 per 100 m ² of gross floor area	3.4 per 100 m ² of gross floor area	3.4 per 100 m ² of gross floor area

Retail Service	Parking spaces must be provided at the same rate as a retail store .	100%	100%	20%
Retirement Home	Parking spaces must be provided at a rate of 0.3 for each dwelling unit and bed-sitting room .	100%	100%	100%
Secondary Suite	Parking spaces must be provided at a minimum rate of 1.0 per secondary suite .	100%	100%	100%
Self Storage Warehouse ,	(See Warehouse , self storage)			
Seniors Community House	Parking spaces must be provided at a minimum rate of 1.0 per building .			
Service Shop	Parking spaces must be provided if the gross floor area is more than 200 square metres: (A) in Policy Area 1 (PA1) at a: (i) minimum rate of 1.0 for each 100 square metres of gross floor area ; and (ii) maximum rate of 3.5 for each 100 square metres of gross floor area ; and (B) in Policy Area 2 (PA2), Policy Area 3 (PA3) and Policy Area 4 (PA4) at: (i) minimum rate of 1.0 for each 100 square metres of gross floor area ; and (ii) maximum rate of 4.0 for each 100 square metres of gross floor area ; and (C) in all other areas of the City a minimum rate of 1.5 for each 100 square metres of gross floor area ; and (D) if the gross floor area is 200 square metres or less, no parking space is required.	100%	100%	100%
Software Development and Processing	Parking spaces must be provided at the same rate as an office.	100%	100%	10%
Vehicle Dealership	Parking spaces must be provided: (A) in Policy Area 1 (PA1), Policy Area 2 (PA2), Policy Area 3 (PA3) and Policy Area 4 (PA4): (i) at a minimum rate of 1.0 for each 100 square metres of gross floor area ; and (ii) at a maximum rate of 1.5 for each 100 square metres of gross floor area ; and (B) in all other areas of the City at a minimum rate of 3.0 for each 100 square metres of gross floor area .	100%	100%	100%
Vehicle Depot	Parking spaces must be provided: (A) in Policy Area 1 (PA1), Policy Area 2 (PA2) and Policy Area 3 (PA3) at a minimum rate of 0.1 for each 100 square metres of gross floor area ; and (B) in all other areas of the City at a minimum rate of 0.2 for each 100 square metres of gross floor area .	100%	100%	50%
Vehicle Fuel Station	Parking spaces must be provided: (A) in Policy Area 1 (PA1), Policy Area 2 (PA2) and Policy Area 3 (PA3) at a minimum rate of 2.5 for each 100 square metres of gross floor area ; (B) in Policy Area 4 (PA4) at a minimum rate of 3.0 for each 100 square metres of gross floor area ; and (C) in all other areas of the City at a minimum rate of 3.5 for each 100 square metres of gross floor area .	100%	100%	100%
Vehicle Service Shop	Parking spaces must be provided at a minimum rate of 3.5 for each 100 square metres of gross floor area .	100%	100%	100%
Vehicle Repair Shop	Parking spaces must be provided at a minimum rate of 3.5 for each 100 square metres of gross floor area .	100%	100%	100%

- c) Notwithstanding any other provisions of this By-law any dwellings erected in an A Agricultural Zone prior to the passing of this By-law may be enlarged, repaired or altered provided that the minimum front, rear and side yard requirements shall be those set out in Schedule "A" for an RR Zone or the existing yards whichever are the lesser.
- d) Notwithstanding provisions of this By-law regarding minimum yard requirements, residential dwellings lawfully erected prior to the passing of this By-law in a Residential R1, R2, R3, or R4 zone may be enlarged, repaired, altered or reconstructed provided that the minimum yard requirements shall be those set out in Schedule "A" or the existing yards, whichever are the lesser, provided that no yard may be reduced to less than fifty percent (50%) of the yard requirement in Schedule "A".
- e) Nothing in this By-law shall prevent the reconstruction of a dwelling that is demolished provided that the floor area shall not be less than the floor area of the original dwelling. If such dwelling is not in an R Zone, it shall comply with all of the requirements set out in Schedule "A" for the RR Zone. For the purposes of this section, a dwelling shall be deemed to be demolished if it is damaged to the extent of fifty percent (50%) or more of its value.

3.4 GREATER RESTRICTIONS

This By-law shall not affect any regulations by a Government authority having jurisdiction to make such regulations.

Where there is a conflict between this By-law and the *Oak Ridges Moraine Conservation Act*, or the Oak Ridges Moraine Conservation Plan (Ontario Regulation 140/02), the Oak Ridges Moraine Conservation Plan and Act prevails.

3.5 HEIGHT EXCEPTIONS

- i) Height restrictions set forth in this By-law shall not apply to a church spire, belfry and clock tower for institutional and commercial uses only, chimney, farm building or structure, flag pole, water tank, windmill, radio or television tower or antenna, communications receiving or transmission tower, a silo, or drive-in theatre screen.

3.6 OCCUPATION OF UNCOMPLETED BUILDINGS

Subject to the Ontario Building Code, no building or part of any building shall be occupied until the whole of the exterior of such building has been completed according to the plans and specifications thereof filed with the Chief Building Official and until the whole of the interior has been completed as set out in the building permit issued by the City thereof, with the exception of minor details not exceeding ten percent (10%) of the value of the building.

3.7 Deleted.

3.8 PARKING REQUIREMENTS

- a) The owner of every building or structure erected or used for any of the uses hereinafter set forth shall provide and maintain on the lot on which it is erected, for the sole use of the owner, occupant, or other persons entering upon or making use of the said premises from time to time, parking spaces and areas as follows:

<u>Type of Use</u>	<u>Minimum Parking Requirement</u>
All Season Sports Facility	1 parking space for every three (3) persons in the maximum design capacity
Automobile Service Station/ Autobody Repair Garage	4.5 parking spaces per 100 sq.m Gross Floor Area (GFA) or part thereof, plus one (1) for each motor vehicle kept for sale
Automotive Retail Store	6.0 parking spaces per 100 sq.m. GFA
Bank or Financial Institution	6.0 parking spaces per 100 sq.m GFA
Bed and Breakfast Establishment	1 parking space for each bedroom used for the purpose of the bed and breakfast establishment, in addition to the requirements for a Residential - Single Family Detached Dwelling
Bowling Alley	4.0 parking spaces per alley

Part 3 - Parking, Loading and Stacking Lane Regulations

Column A		Column B
Line 1.0	TYPE OF USE	MINIMUM OFF-STREET PARKING REGULATIONS
Table 3.1.2.2 continued from previous page		
20.0	<i>deleted by 0212-2015</i>	
21.0	Hospital	2.5 spaces per 100 m ² GFA - non-residential
22.0	Library	3.2 spaces per 100 m ² GFA - non-residential
23.0	Manufacturing Facility (Single-Occupancy Building) ⁽⁶⁾ <i>(0308-2011)</i>	1.6 spaces per 100 m ² GFA - non-residential up to 2 325 m ² GFA - non-residential ; and 1.1 spaces per 100 m ² GFA - non-residential between 2 325 m ² and 9 300 m ² GFA - non-residential ; and 0.6 spaces per 100 m ² GFA - non-residential over 9 300 m ² GFA - non-residential
24.0	Manufacturing Facility (Multiple-Occupancy Mixed Use Building) ⁽⁴⁾	1.6 spaces per 100 m ² GFA - non-residential Parking for restaurant, convenience restaurant, banquet hall/conference centre/convention centre, night club, and adult entertainment establishment will be provided in accordance with the applicable regulations contained in Table 3.1.2.2 of this By-law. Parking for individual manufacturing occupancies which exceed a GFA - non-residential of 2 325 m ² shall be calculated in accordance with the provisions applicable to manufacturing facility (Single-Occupancy Building) . Parking for individual warehouse/distribution occupancies, and wholesaling occupancies which exceed a GFA - non-residential of 6 975 m ² shall be calculated in accordance with the regulations applicable to warehouse/distribution facilities, wholesaling facilities (Single-Occupancy Building) .
25.0	Marina	0.6 spaces per slip or berth
25A.0	Medicinal Product Manufacturing Facility <i>(0055-2015)</i>	1.6 spaces per 100 m ² GFA - non-residential up to 2 325 m ² GFA - non-residential ; and 1.1 spaces per 100 m ² GFA - non-residential between 2 325 m ² and 9 300 m ² GFA - non-residential ; and 0.6 spaces per 100 m ² GFA - non-residential over 9 300 m ² GFA - non-residential
25B.0	Medicinal Product Manufacturing Facility - Restricted <i>(0055-2015)</i>	1.6 spaces per 100 m ² GFA - non-residential up to 2 325 m ² GFA - non-residential ; and 1.1 spaces per 100 m ² GFA - non-residential between 2 325 m ² and 9 300 m ² GFA - non-residential ; and 0.6 spaces per 100 m ² GFA - non-residential over 9 300 m ² GFA - non-residential
26.0	Motor Vehicle Body Repair Facility, Motor Vehicle Repair Facility - Commercial Motor Vehicle, Motor Vehicle Repair Facility - Restricted <i>(0379-2009)</i>	4.3 spaces per 100 m ² GFA - non-residential , of which 50% of the required spaces may be tandem parking spaces
27.0	Motor Vehicle Sales, Leasing and/or Rental Facility - Commercial Motor Vehicles; Motor Vehicle Sales, Leasing and/or Rental Facility - Restricted	4.3 spaces per 100 m ² GFA - non-residential (exclusive of display and storage parking)
28.0	Motor Vehicle Service Station	5.4 spaces per 100 m ² GFA - non-residential
29.0	Motor Vehicle Wash Facility - Commercial Motor Vehicle, Motor Vehicle Wash Facility - Restricted <i>(0379-2009)</i>	4.0 spaces per wash bay, of which 2.0 spaces can be located at vacuum stations, plus a stacking lane ⁽²⁾
30.0	Night Club	25.2 spaces per 100 m ² GFA - non-residential

Table 3.1.2.2 continued on next page

ONTARIO TRAFFIC INC - PARKING COUNTS

Location: 35 Taber Rd, Toronto

Date: Saturday, October 29, 2016

Time			Parked Vehicles	* Adjusted Demand	Residual Supply	Percent Utilization
11:00	to	11:15	18	15	5	75%
11:15	to	11:30	17	14	6	70%
11:30	to	11:45	17	14	6	70%
11:45	to	12:00	16	13	7	65%
12:00	to	12:15	15	12	8	60%
12:15	to	12:30	14	11	9	55%
12:30	to	12:45	16	13	7	65%
12:45	to	13:00	15	12	8	60%
13:00	to	13:15	14	11	9	55%
13:15	to	13:30	13	10	10	50%
13:30	to	13:45	15	12	8	60%
13:45	to	14:00	14	11	9	55%
14:00	to	14:15	14	11	9	55%
14:15	to	14:30	15	12	8	60%
14:30	to	14:45	13	10	10	50%
14:45	to	15:00	15	12	8	60%
15:00	to	15:15	17	14	6	70%
15:15	to	15:30	15	12	8	60%
15:30	to	15:45	18	15	5	75%
15:45	to	16:00	14	11	9	55%
16:00	to	16:15	15	12	8	60%
16:15	to	16:30	16	13	7	65%
16:30	to	16:45	15	12	8	60%
16:45	to	17:00	15	12	8	60%

*Demand adjusted to disclude the three inoperable vehicles which have been removed from the site.

ONTARIO TRAFFIC INC - PARKING COUNTS

Location: 35 Taber Rd, Toronto

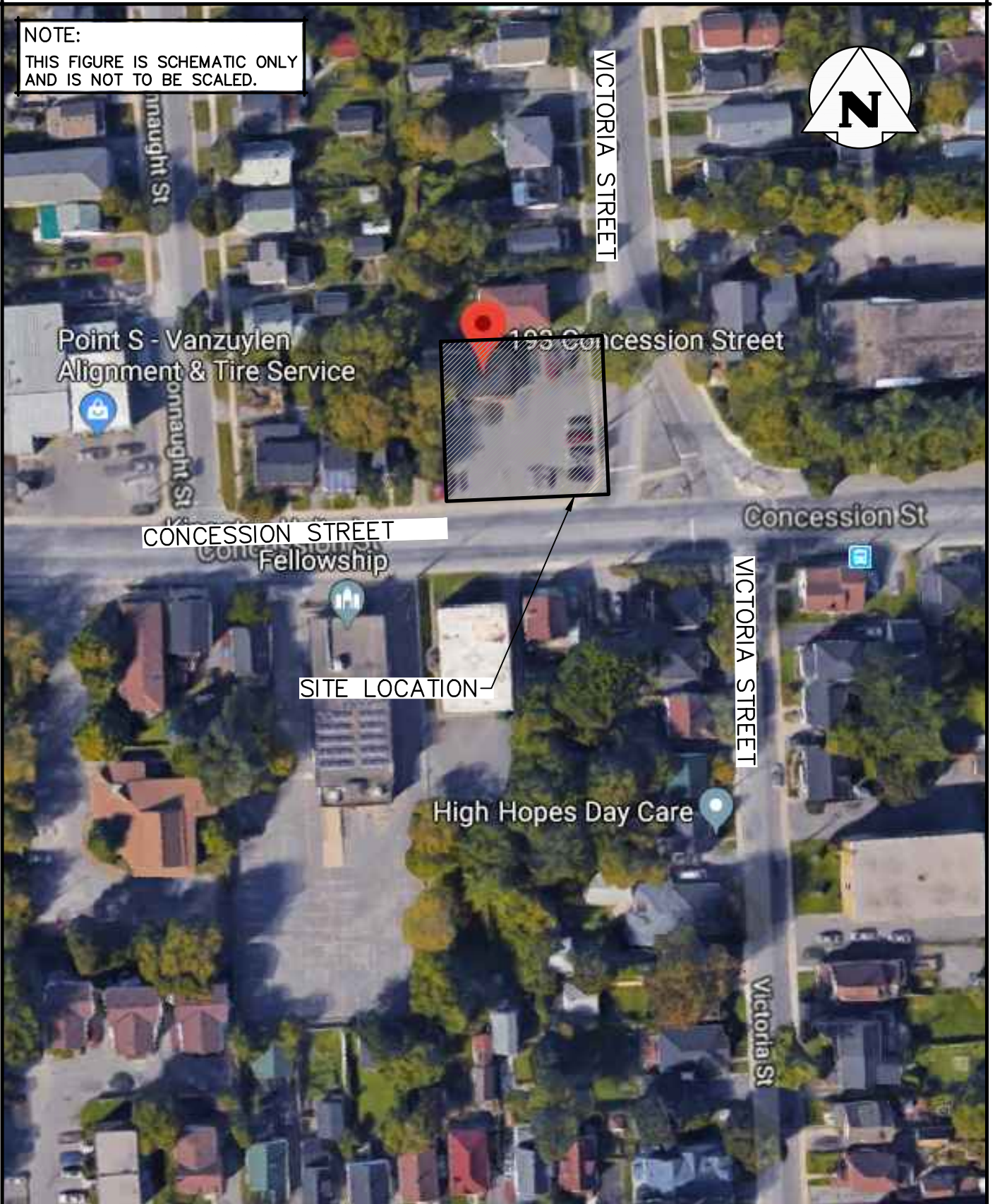
Date: Thursday, October 27, 2016

Time			Parked Vehicles	* Adjusted Demand	Residual Supply	Percent Utilization
12:00	to	12:15	16	13	7	65%
12:15	to	12:30	14	11	9	55%
12:30	to	12:45	17	14	6	70%
12:45	to	13:00	17	14	6	70%
13:00	to	13:15	18	15	5	75%
13:15	to	13:30	15	12	8	60%
13:30	to	13:45	15	12	8	60%
13:45	to	14:00	17	14	6	70%
14:00	to	14:15	16	13	7	65%
14:15	to	14:30	15	12	8	60%
14:30	to	14:45	15	12	8	60%
14:45	to	15:00	16	13	7	65%
15:00	to	15:15	16	13	7	65%
15:15	to	15:30	17	14	6	70%
15:30	to	15:45	15	12	8	60%
15:45	to	16:00	13	10	10	50%
16:00	to	16:15	18	15	5	75%
16:15	to	16:30	16	13	7	65%
16:30	to	16:45	13	10	10	50%
16:45	to	17:00	11	8	12	40%
17:00	to	17:15	12	9	11	45%
17:15	to	17:30	12	9	11	45%
17:30	to	17:45	11	8	12	40%
17:45	to	18:00	12	9	11	45%
18:00	to	18:15	14	11	9	55%
18:15	to	18:30	11	8	12	40%
18:30	to	18:45	12	9	11	45%
18:45	to	19:00	10	7	13	35%

*Demand adjusted to disclude the three inoperable vehicles which have been removed from the site.

FIGURES

NOTE:
THIS FIGURE IS SCHEMATIC ONLY
AND IS NOT TO BE SCALED.



HERBERTCO PROPERTIES LTD.
193 CONCESSION STREET
KINGSTON, ON

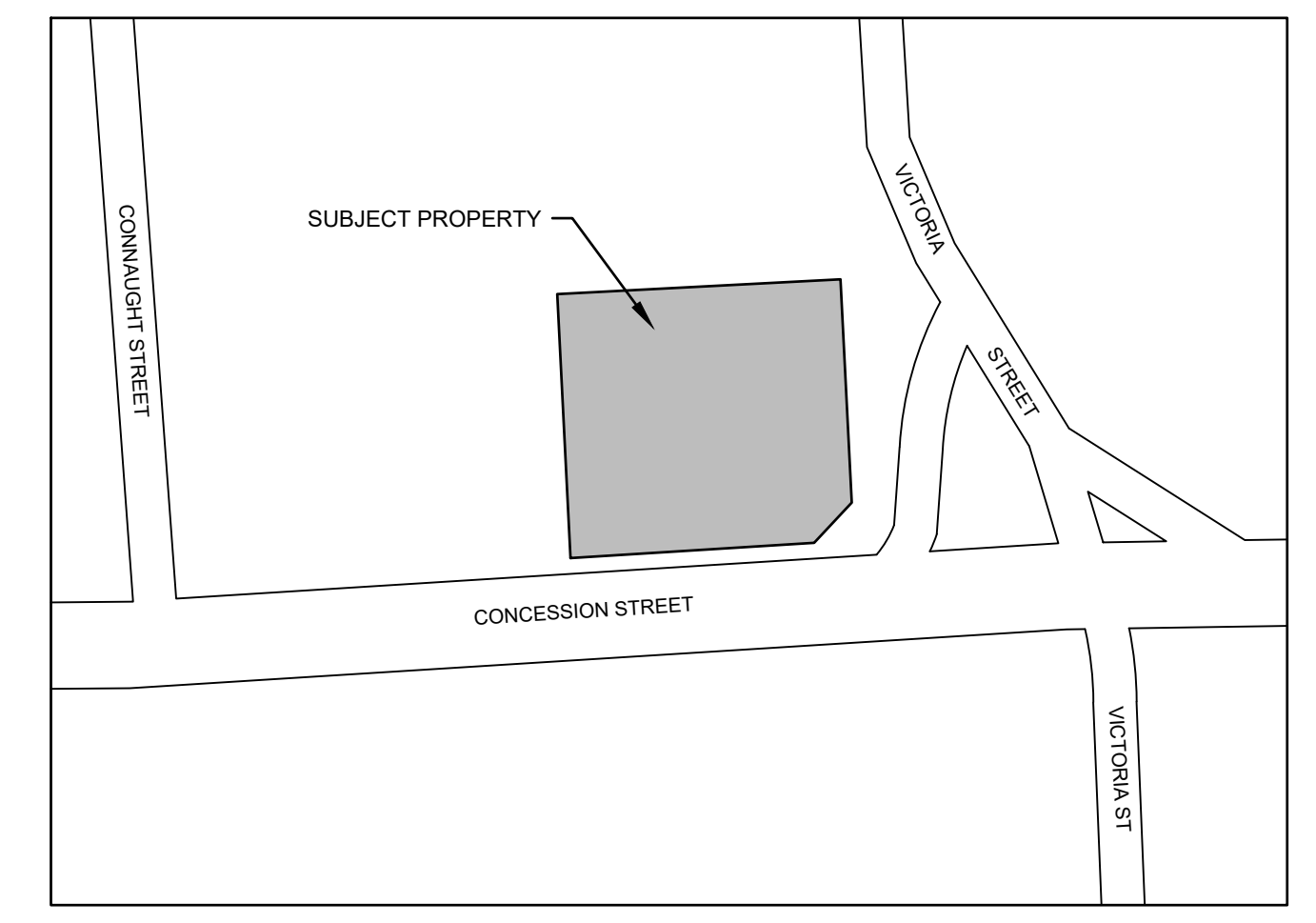


**CROZIER
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SITE LOCATION

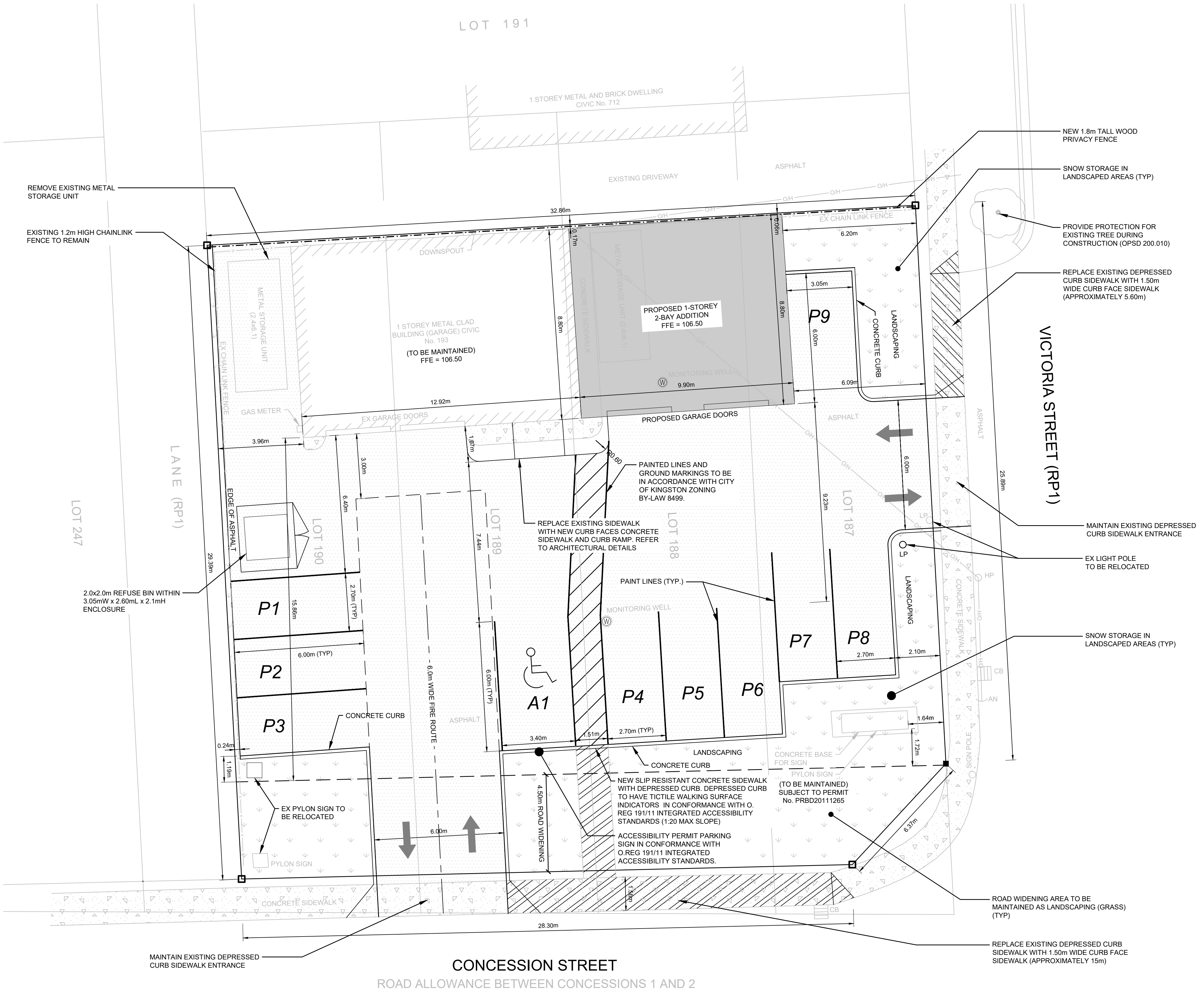
Drawn	P.A.	Design	Project No.	1669-5128
Check	R.A.W.	Check	Scale	N.T.S. Dwg. FIG. 01



KEY PLAN
N.T.S.

NOTE: TREE FENCING TO BE INSTALLED PRIOR TO START OF CONSTRUCTION WORK AND REMAIN IN PLACE UNTIL THE COMPLETION OF ALL WORK.

LEGEND	
	EXISTING FEATURES
	PROPOSED FEATURES
	ASPHALT EDGE
	OVERHEAD UTILITIES
	CHAINLINK FENCE
	HYDRO POLE
	LIGHT POLE
	ANCHOR
	CATCH BASIN
	MONITORING WELL
	SURVEY MARKER OR IRON BAR
	EXISTING CONCRETE SIDEWALK
	PROPOSED ASPHALT
	PROPOSED LANDSCAPING
	PROPOSED SIDEWALK



DEVELOPMENT STATISTICS			
GROSS SITE AREA	973m ²	0.24 ac	
ROAD WIDENING	138m ²	0.03 ac	
NET SITE AREA	835m ²	0.21 ac	
EXISTING COMMERCIAL BUILDING	114m ²		
PROPOSED ADDITION	87m ²		
Total GFA:	201m ²		
BUILDING FOOTPRINT:	201m ²	24.1%	
ASPHALT AREA	513m ²	61.4%	
LANDSCAPED AREA	121m ²	14.5%	
SPACES PROVIDED			
2.7x6.0m	9		
3.4x5.0m (TYPE 'A')	1		
TOTAL	10		
NUMBER OF UNITS			
EXISTING	1		
PROPOSED	1		
NUMBER OF STOREYS			
EXISTING	1		
PROPOSED	1		
HEIGHT OF BUILDING			
EXISTING	4.50m		
PROPOSED	4.50m		

	ZONING BY-LAW 8499	DRAFT ZONING BY-LAW	PROPOSED
MAXIMUM HEIGHT	13.70m	13.70m	±4.5m
MINIMUM FRONT YARD	15.00m	3.00m	VICTORIA ST.: 6.09m CONCESSION ST.: 15.9m
MINIMUM SIDE YARD	9.00m	INTERIOR: 6.00m* EXTERIOR: 3.10m	0.06m 3.96m
MAXIMUM LOT OCCUPANCY	50% OF THE LOT AREA	N/A	24.1%
MINIMUM LOT DEPTH	45.0m	N/A	25.89m
MINIMUM GROUND FLOOR AREA	56.0sq.m.	N/A	201sq.m.
LANDSCAPE	NO PROVISION, SUBJECT TO SITE SPECIFIC PLAN	20% OF LOT AREA	14.5% OF LOT AREA
PARKING	1 PARKING SPACE PER 18.5sq.m. OF GROSS LEASABLE AREA	N/A	9 SPACES
ACCESSIBLE PARKING	4% OF REQUIRED PARKING SPACES	N/A	1 SPACE

* MINIMUM INTERIOR SIDE YARD SETBACK WHERE INTERIOR SIDE LOT LINE ABUTS A ZONE OTHER THAN COMMERCIAL ZONE OR INSTITUTIONAL ZONE.

No.	ISSUE / REVISION	DATE
3	ISSUED FOR CLIENT APPROVAL	10/10/2019
2	ISSUED FOR CLIENT REVIEW	23/09/2019
1	ISSUED FOR SITE PLAN APPROVAL	02/05/2019

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VERIFY SHEET SIZE AND SCALES. BAR TO THE RIGHT IS 25mm IF THIS IS A FULL SIZE DRAWING.
SCALE: 1:100

CLIENT:
HERBERTCO PROJECTS LTD.

CONSULTANT:
J.L. Richards
ENGINEERS-ARCHITECTS-PLANNERS
203-863 PRINCESS STREET, KINGSTON ONTARIO

CONSULTANT:

PROFESSIONAL STAMP
PROJECT NORTH

PROJECT:
PROPOSED 2-BAY ADDITION
193 CONCESSION STREET, KINGSTON ONTARIO
PT LT 187-190 PL 137 KINGSTON AS IN FR201765
EXCEPT 13R6596; KINGSTON : THE COUNTY OF FRONTENAC

DRAWING:
SITE PLAN

DESIGN: SS
DRAWN: LL
CHECKED: SS
JLR #: 28426
DRAWING #: **C1**