



**City of Kingston
Report to Committee of Adjustment
Report Number COA-20-012**

To: Chair and Members of Committee of Adjustment
From: Meghan Robidoux, Planner
Date of Meeting: April 20, 2020
Application for: Minor Variance
File Number: D13-068-2019
Address: 457 College Street
Owner: Jane Howe and Peter Ellis
Applicant: Peter Ellis

Council Strategic Plan Alignment:

Theme: 2. Increase housing affordability

Goal: 2.1 Pursue development of all types of housing city-wide through intensification and land use policies.

The proposed additions will provide additional living space to an existing single-family dwelling in the urban area. The additions will result in a further mix of type and affordability in a residential area.

Executive Summary:

This report provides a recommendation to the Committee of Adjustment regarding an application for minor variance for the property located at 457 College Street. The property known as 457 College Street is approximately 460 square metres in size and contains an existing one-storey single-detached dwelling and detached garage. The applicant is proposing to construct a two-storey addition at the rear of existing single-detached dwelling. The total gross floor area of the rear addition will be approximately 57.6 square metres. Each floor of the addition will be approximately 28.8 square metres, with a sunroom and bedroom located on the first floor and two bedrooms and a bathroom located on the second floor. The total number of bedrooms in the dwelling will increase from three to four. The applicant is also proposing to

April 20, 2020

Page 2 of 13

construct a 3.0 square metre addition on the north side of the legal non-complying garage, construct a new rear deck, and extend the existing front porch.

The subject property is designated Residential in the City of Kingston Official Plan and located in the One-Family Dwelling and Two-Family Dwelling Zone 'A' of Zoning By-Law Number 8499.

A variance is required from Section 6.3 (g) of Zoning By-Law Number 8499 to seek relief from the maximum permitted residential building depth of the One-Family Dwelling and Two-Family Dwelling Zone 'A'. Within the One-Family and Two-Family 'A' Zone, the maximum permitted building depth for any permitted residential building is the average distance between the established front building lines and the established rear building lines of the two nearest permitted residential buildings on the nearest lots on the same block on opposite sides of the subject building. Based on these criteria, it has been determined that the maximum permitted residential building depth for the subject site is 12.05 metres. The proposed residential building depth is 16.53 metres, which does not comply with the maximum permitted residential depth of the 'A' zone. As such, the applicant is seeking a variance of 4.48 metres.

A variance is also required from Section 5.17(b)(iii)(1) of Zoning By-Law Number 8499 to seek relief from the general provisions for accessory building location on a lot. Within the One-Family and Two-Family 'A' Zone, accessory building are required to be a minimum of 1.2 metres from any lot lines. The legal non-complying detached garage is located 0.6 metres from the side lot line and 0.7 metres from the rear lot line. In order to recognize the existing condition of the legal non-complying garage and permit a 3.0 square metre addition, the applicant is seeking a variance of 0.6 metres from the side lot line and 0.5 metres from the rear lot line.

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.

Recommendation:

That minor variance application, File Number D13-068-2019, for the property located at 457 College Street to increase building depth and decrease rear yard and side yard setbacks of an accessory building to construct a 28.8 square metre addition at the rear of the existing single detached dwelling and construct a 3.0 square metre addition on the existing detached garage, be approved.

Variance 1:

By-Law Number 8499:	Section 6.3(g) Maximum Permitted Residential Building Depth
Requirement:	12.05 metres
Proposed:	16.53 metres
Variance Requested:	4.48 metres

April 20, 2020

Page 3 of 13

Variance 2:

By-Law Number 8499:	Section 5.17(b)(iii)(1) Accessory Building Location on Lot
Requirement:	1.2 metres from any lot line
Proposed:	Side Yard Setback – 0.6 metres
	Rear Yard Setback – 0.7 metres
Variance Requested:	Side Yard Setback – 0.6 metres
	Rear Yard Setback – 0.5 metres

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

That the approved variance(s) applies only to the location of the single-detached dwelling and detached garage 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.

April 20, 2020

Page 4 of 13

Authorizing Signatures:

Meghan Robidoux, Planner

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

Paige Agnew, Commissioner, Community Services

April 20, 2020

Page 5 of 13

Options/Discussion:

On December 23, 2019, a minor variance application was submitted by Peter Ellis, the property owner, with respect to the property located at 457 College Street. The purpose of the application is to construct a two-storey addition at the rear of existing single-detached dwelling (Exhibit E – Site Plan). The total gross floor area of the rear addition will be approximately 57.6 square metres. Each floor of the addition will be approximately 28.8 square metres, with a sunroom and bedroom located on the first floor and two bedrooms and a bathroom located on the second floor. The total number of bedrooms in the dwelling will increase from three to four. The applicant is also proposing to construct a 3.0 square metre addition on the north side of the legal non-complying garage, a new rear deck, and extension to the existing front porch.

A variance is required from Section 6.3 (g) of Zoning By-Law Number 8499 to seek relief from the maximum permitted residential building depth of the One-Family Dwelling and Two-Family Dwelling Zone 'A'. Within the One-Family and Two-Family 'A' Zone, the maximum permitted building depth for any permitted residential building is the average distance between the established front building lines and the established rear building lines of the two nearest permitted residential buildings on the nearest lots on the same block on opposite sides of the subject building. Based on these criteria, it has been determined that the maximum permitted residential building depth for the subject site is 12.05 metres. The proposed residential building depth is 16.53 metres, which does not comply with the maximum permitted residential depth of the 'A' zone. As such, the applicant is seeking a variance of 4.48 metres.

A variance is also required from Section 5.17(b)(iii)(1) of Zoning By-Law Number 8499 to seek relief from the general provisions for accessory building location on a lot. Within the One-Family and Two-Family 'A' Zone, accessory building are required to be a minimum of 1.2 metres from any lot lines. The legal non-complying detached garage is located 0.6 metres from the side lot line and 0.7 metres from the rear lot line. In order to recognize the existing condition of the legal non-complying garage and permit a 3.0 square metre addition, the applicant is seeking a variance of 0.6 metres from the side lot line and 0.5 metres from the rear lot line.

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

- Site Plan (Exhibit E); and
- Floor Plans and Elevations (Exhibit F).

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

Site Characteristics

The subject property is located at on the east side of College Street and is situated in the Sunnyside neighbourhood (Exhibit A – Key Map). The subject property is approximately 460 square metres in size has 12.2 metres of road frontage on College Street. The property is currently developed with a one-storey, single-detached dwelling (Exhibit G – Site Photographs).

April 20, 2020

Page 6 of 13

The subject property is designated Residential in the Official Plan (Exhibit C – Official Plan) and zoned One-Family Dwelling and Two-Family Dwelling Zone ‘A’ in Zoning By-Law Number 8499 (Exhibit D – Zoning By-Law Map). The property abuts single-detached dwellings to the north, east, south, and west ranging from one to two-storeys in height (Exhibit B – Neighbourhood Context).

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 are maintained

The subject property is designated Residential in the City of Kingston Official Plan. 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 will not have any negative impacts on abutting properties or residential uses and/or structures. The proposal is compatible with the surrounding residential uses and will not result in significant impacts or changes to the surrounding area.

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 proposed two-storey rear addition will result in a development that is consistent with the existing built form of several residential buildings located along College Street, including the existing two-storey dwellings located directly west of the subject property at 458 and 462 College Street. The overall design and scale of the proposal is not anticipated to cause any adverse impacts on the adjacent residential properties and is in

April 20, 2020

Page 7 of 13

keeping with the existing character of the street. The proposed rear addition is setback from the street and will have no impact on the existing streetscape.

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 proposal includes the construction of a 3.0 square metre addition on the north side of the existing detached garage. The proposed addition is intended to improve the functionality of the existing garage. There will be no concerns with respect to the parking of vehicles and bicycles or issues relating to accessibility. One parking space is provided, which is located in the existing detached garage.

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 Official Plan contains the following policies with respect to urban design in Section 8.3 to ensure that new residential development is integrated into the existing built fabric and conducive to active transportation:

- a. Protect and preserve stable residential communities (in accordance with Section 2.6 of this Plan);

- a. A well-established land use pattern in terms of density, type of use(s) and activity level;

The form of residential development is long established. Thus, the overall density, type of use and scale of activity as proposed is consistent with the existing built form of residential buildings along College Street.

- b. A common or cohesive architectural and streetscape character, in terms of massing and built form, architectural expression, age of building stock, and street cross-section;

The proposed development will not create intrusive overlook with respect to adjacent residential properties. The height of the proposed rear addition does not exceed the maximum permitted height in the zoning by-law and does not propose any side-facing windows on the rear addition. The proposed variance will not alter the character of the neighbourhood or the existing streetscape.

- c. A stable pattern of land ownership or tenure;

The proposal will result in a stable pattern of land ownership.

- d. A consistent standard of property maintenance with relatively little vacancy in land or building occupancy;

April 20, 2020

Page 8 of 13

All properties are subject to the City's Property Standards By-Law and Yards By-Law. This proposal does not change the enforcement or applicability of the by-laws.

- e. A limited number of applications for development that would alter the established pattern of land assembly and built form;

The proposed variance will not significantly alter the established pattern of land assembly and built form. The design of the rear addition is in keeping with the existing built form of the neighbourhood.

- f. A sufficient base of social and physical infrastructure to support existing and planned development;

No deficiencies in social infrastructure were identified to limit this application. The appropriate level of physical infrastructure is present to support the development permitted by the draft by-law.

- b. foster developments that are context appropriate;

The proposal does not involve significant alteration to the existing built form on the site and will not cause any adverse impacts on the adjacent properties.

- c. foster attractive developments which add to the existing sense of place;

The proposal will not alter the existing character of the established surrounding residential neighbourhood.

- d. provide a variety of housing types;

The existing single-detached dwelling on the site will provide housing which will assist in meeting the housing demand in the city.

- e. ensure compact, accessible mixed-use development;

The proposal contributes to the compact nature of the neighbourhood.

- f. encourage environmentally sustainable development; and

The proposal will not create a significant impact on the existing built form along College Street. The subject property is located within a serviced area which supports the sustainable use of lands, infrastructure, and resources.

- g. integrate and highlight cultural heritage resources.

The existing residential use will be maintained on the subject property. The site is not located within a Heritage District. The site is not identified on the City of Kingston Heritage Register, therefore, there will have no impact on built heritage resources.

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

April 20, 2020

Page 9 of 13

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;

The subject property is not on the City's Heritage Register and as such a Heritage Impact Statement is not 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 located within the Urban Boundary and is developed with sufficient municipal water and sewage services.

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 proposed variances are considered minor and the development is consistent with the existing built form along College Street. Therefore 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;

As part of the recommendation, suggested conditions have been listed. The conditions may be added, altered or removed at the Committee's discretion.

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

The surrounding residential uses include single-detached dwellings. The approval of the requested variance is considered minor and will not set a precedent for the immediate area.

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

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

The subject property is zoned One-Family Dwelling and Two-Family Dwelling Zone 'A' 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 'A' zone permits a single detached dwelling subject to the requirements of Section 6 of Zoning By-Law Number 8499.

The proposal requires variances to Section 6.3(g) and Section 5.17(b)(iii)(1).

April 20, 2020

Page 10 of 13

Variance Number 1:

By-Law Number: 8499 Section 6.3(g) Maximum Permitted Residential Building Depth
Requirement: 12.05 metres
Proposed: 16.53 metres
Variance Requested: 4.48 metres

Variance Number 2:

By-Law Number: 8499 Section 5.17(b)(iii)(1) Accessory Building Location on Lot
Requirement 1.2 metres from any lot line
Proposed: Side Yard Setback – 0.6 metres
 Rear Yard Setback – 0.7 metres
Variance Requested: Side Yard Setback – 0.6 metres
 Rear Yard Setback – 0.5 metres

The proposed variances meet the intent of the zoning by-law. The application meets all other requirements of the One-Family Dwelling and Two-Family Dwelling Zone ‘A’ and Zoning By-Law Number 8499. The general intent and purpose of the zoning by-law are maintained.

3) The variance is minor in nature

The proposal will result in a development that is consistent with the existing built form of residential development along College Street. The variances will not alter the character of the neighbourhood or the existing streetscape. The proposed two-storey rear addition will not result in intrusive overlook with respect to adjacent residential properties. The requested variance regarding accessory building location on a lot is required to recognize the existing location of the legal non-complying garage. The variances are considered minor as there will be no negative impacts on abutting properties or residential and/or uses or structures.

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

The proposed development will provide for the functional needs for the proposed residential use. The resulting built form satisfies all applicable provisions of the zoning by-law save and except for the maximum permitted building depth and accessory building location on a lot which is largely intended to ensure the development will adequately function on the land.

The proposal is appropriate and compatible with the surrounding residential uses and will not result in significant impacts or changes to the surrounding area.

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 checked="" 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 |

April 20, 2020

Page 11 of 13

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

Technical Comments

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

Public Comments

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

Previous or Concurrent Applications

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

Conclusion

The requested 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 is consistent with the general purpose and intent of both the City of Kingston Official Plan and Zoning By-Law Number 8499. The proposed application represents good land use planning.

Existing Policy/By-Law:

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

Provincial

Provincial Policy Statement, 2014

April 20, 2020

Page 12 of 13

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 March 23, 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 53 property owners (according to the latest Assessment Roll) within 60 metres of the subject property (Exhibit H – Public Notice Notification Map) 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*.

Accessibility Considerations:

None

Financial Considerations:

None

Contacts:

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

Meghan Robidoux, Planner 613-564-4291 extension 1256

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 COA review and included in this report.

Exhibits Attached:

- Exhibit A Key Map
- Exhibit B Neighbourhood Context
- Exhibit C Official Plan Map
- Exhibit D Zoning By-Law Map
- Exhibit E Site Plan

April 20, 2020

Page 13 of 13

Exhibit F Floor Plans and Elevations

Exhibit G Site Photographs

Exhibit H Public Notice Notification Map

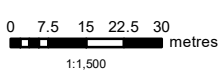


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COMMITTEE OF ADJUSTMENT
Key Map

File Number: D13-068-2019
Address: 457 College Street

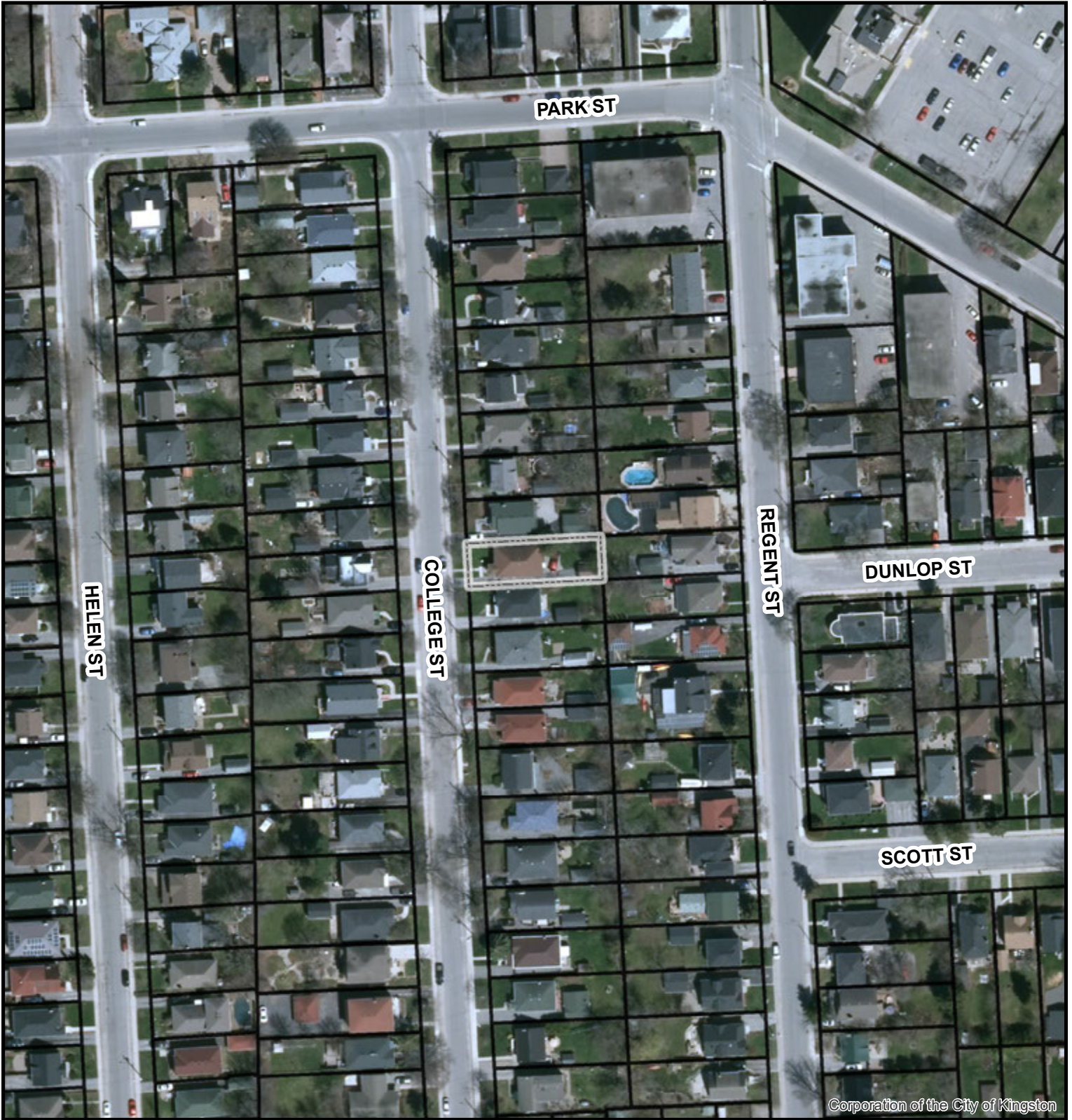


DATE: 2020-01-09
PREPARED BY: rrochefort



Lands Subject to Minor Variance





Corporation of the City of Kingston

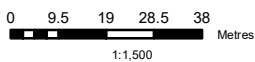


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CITY OF KINGSTON
Neighbourhood Context (2018)

File Number: D13-068-2019
Address: 457 College Street



Legend

-  Subject Lands
-  Property Boundaries





Planning Services

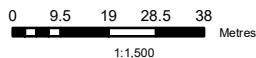
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CITY OF KINGSTON
Official Plan, Existing Land Use

File Number: D13-068-2019
Address: 457 College Street

Legend

- Subject Lands
- RESIDENTIAL



PREPARED BY: rochefort
DATE: 2020-01-09

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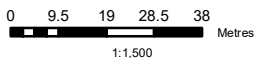
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CITY OF KINGSTON
Existing Zoning - By-law 8499, Map 20

File Number: D13-068-2019
Address: 457 College Street

Legend

-  Subject Lands
-  Consolidated Zoning

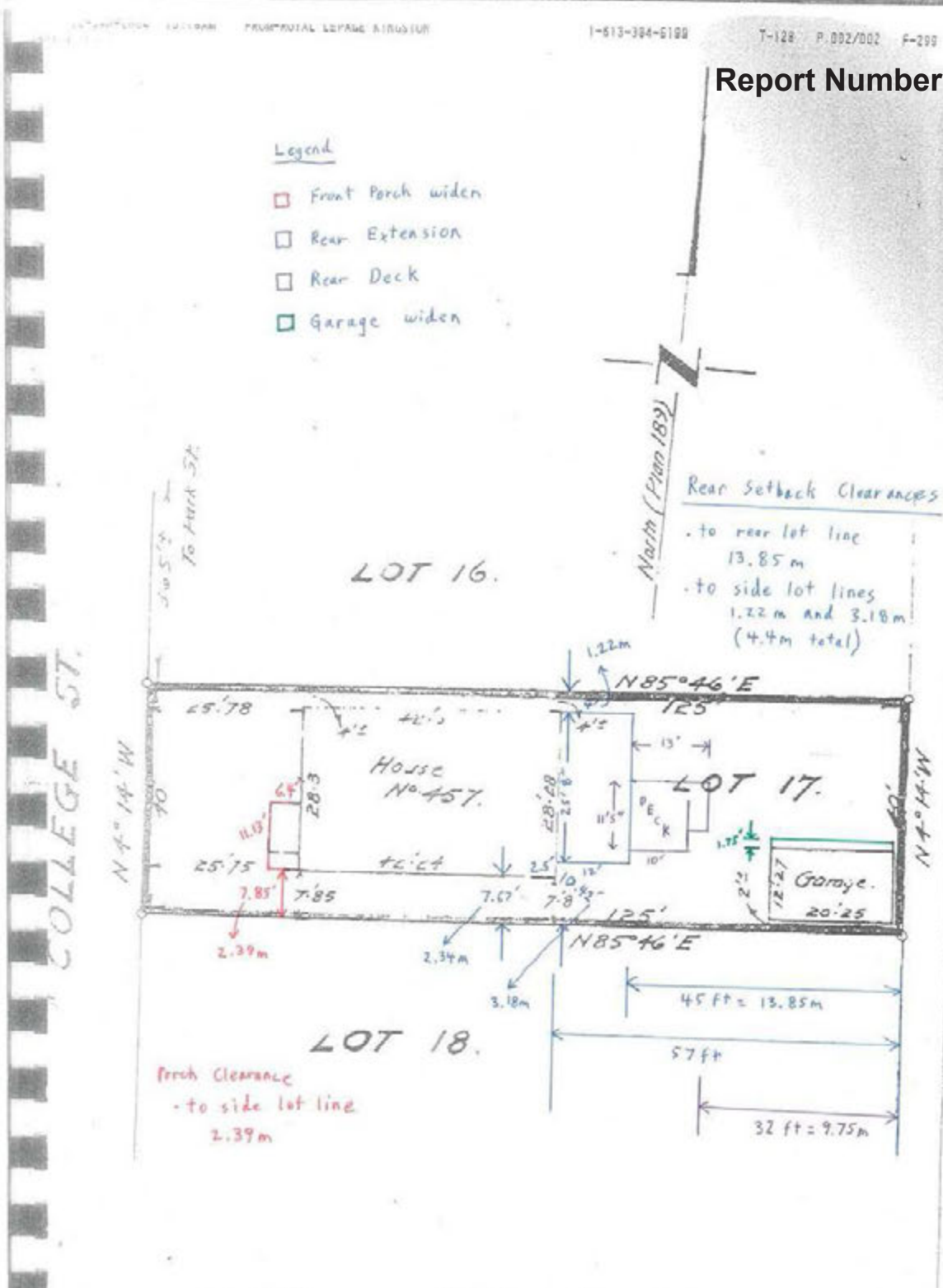


PREPARED BY: rochefort
DATE: 2020-01-09

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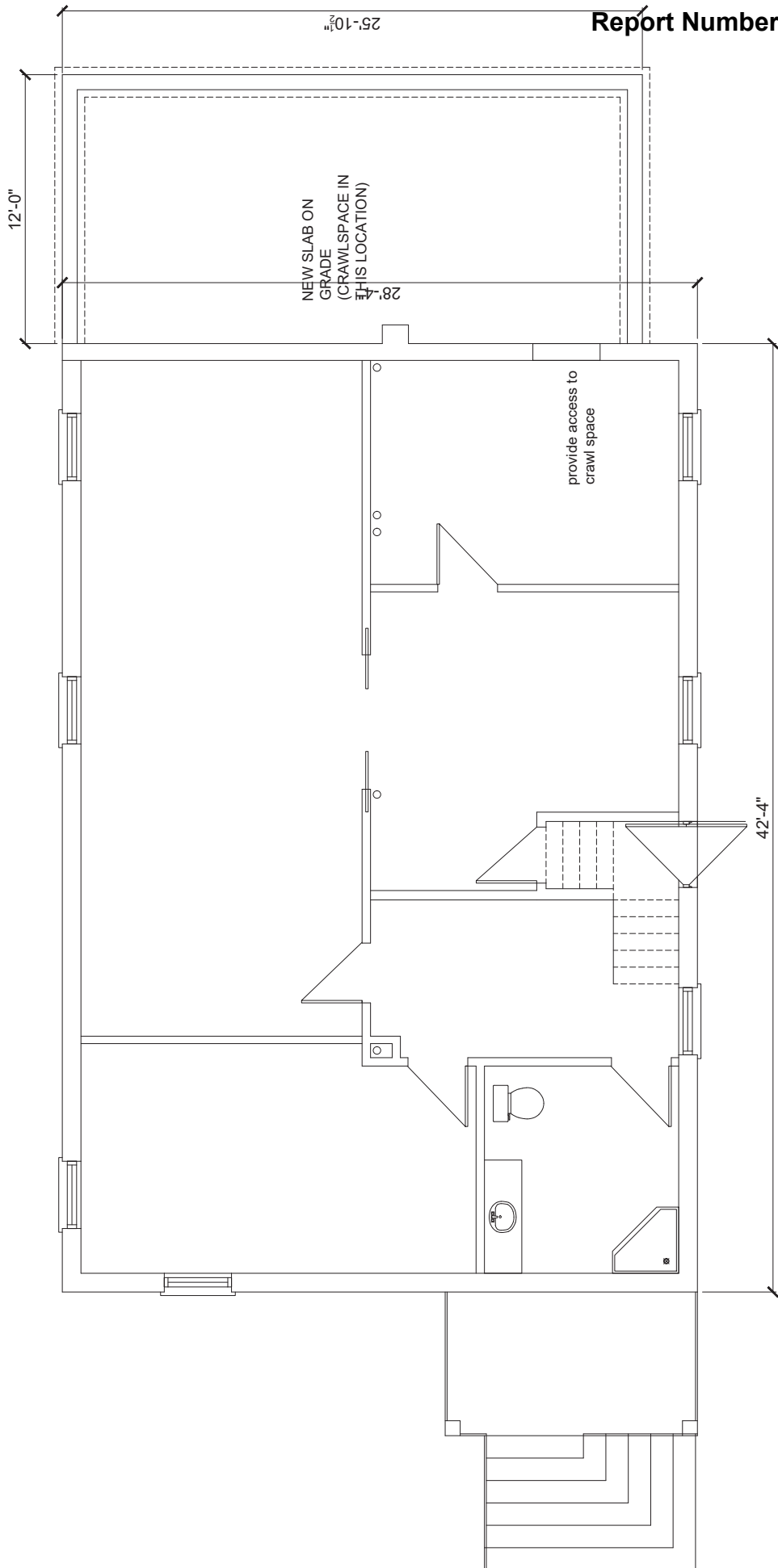
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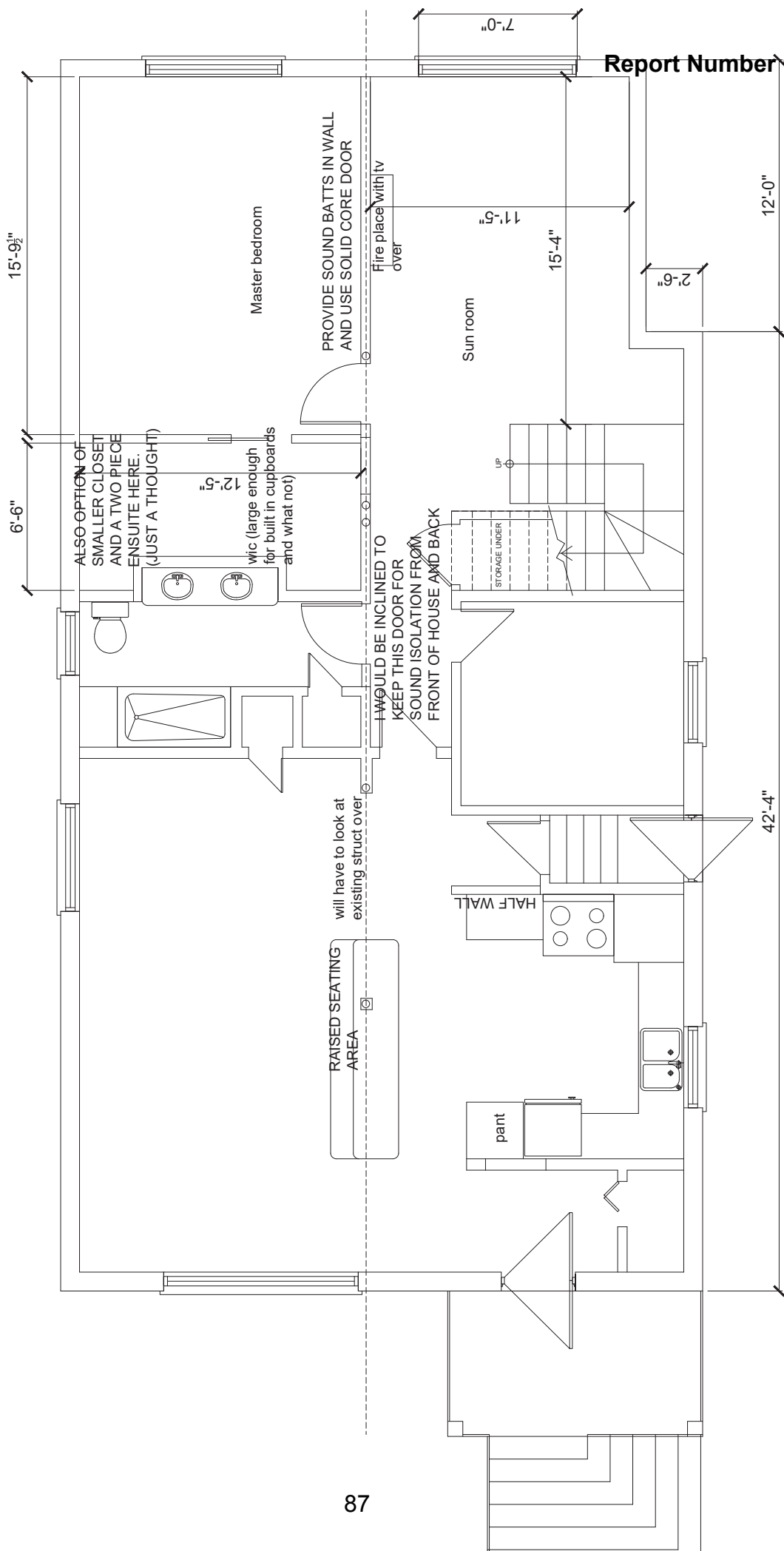
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- Rear Extension
- Rear Deck
- Garage widen

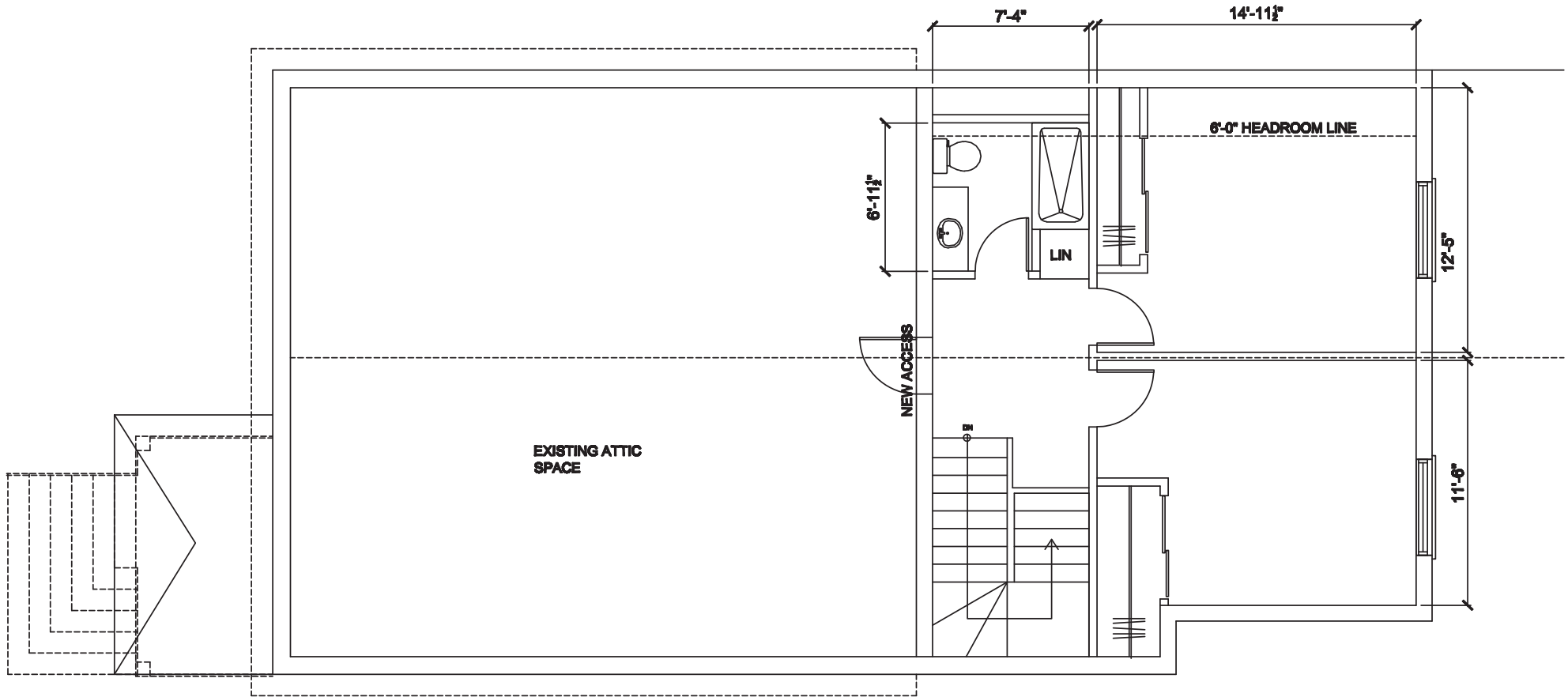


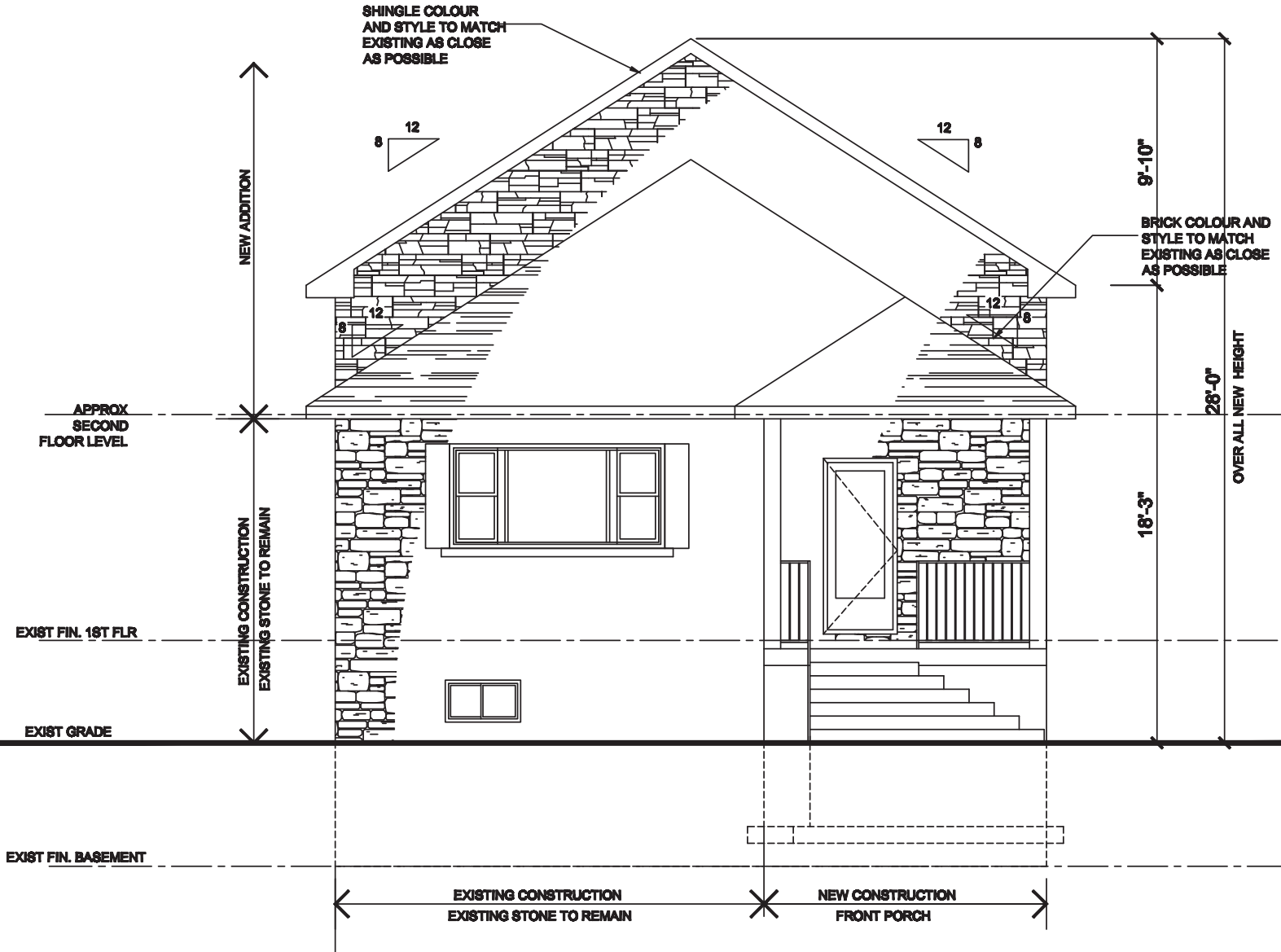
PLAN OF SURVEY OF
 LOT 17,
 REG. PLAN No. 189,
 CITY OF KINGSTON.

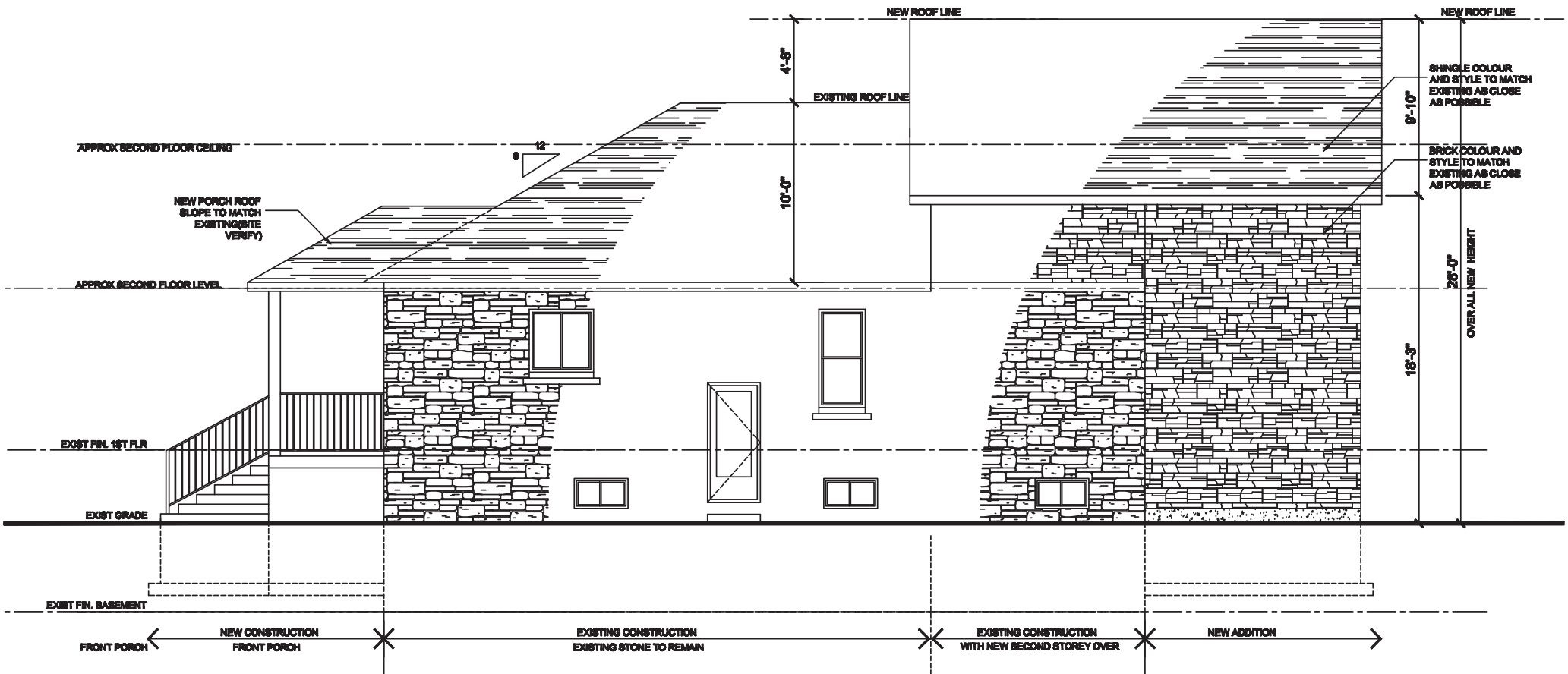
David H. King
 CHIEF ENGINEER
 OF THE
 CITY OF KINGSTON
 MAY 8th, May 1961.
 No. 5908.











Site Photos – January 20th & February 10th, 2020



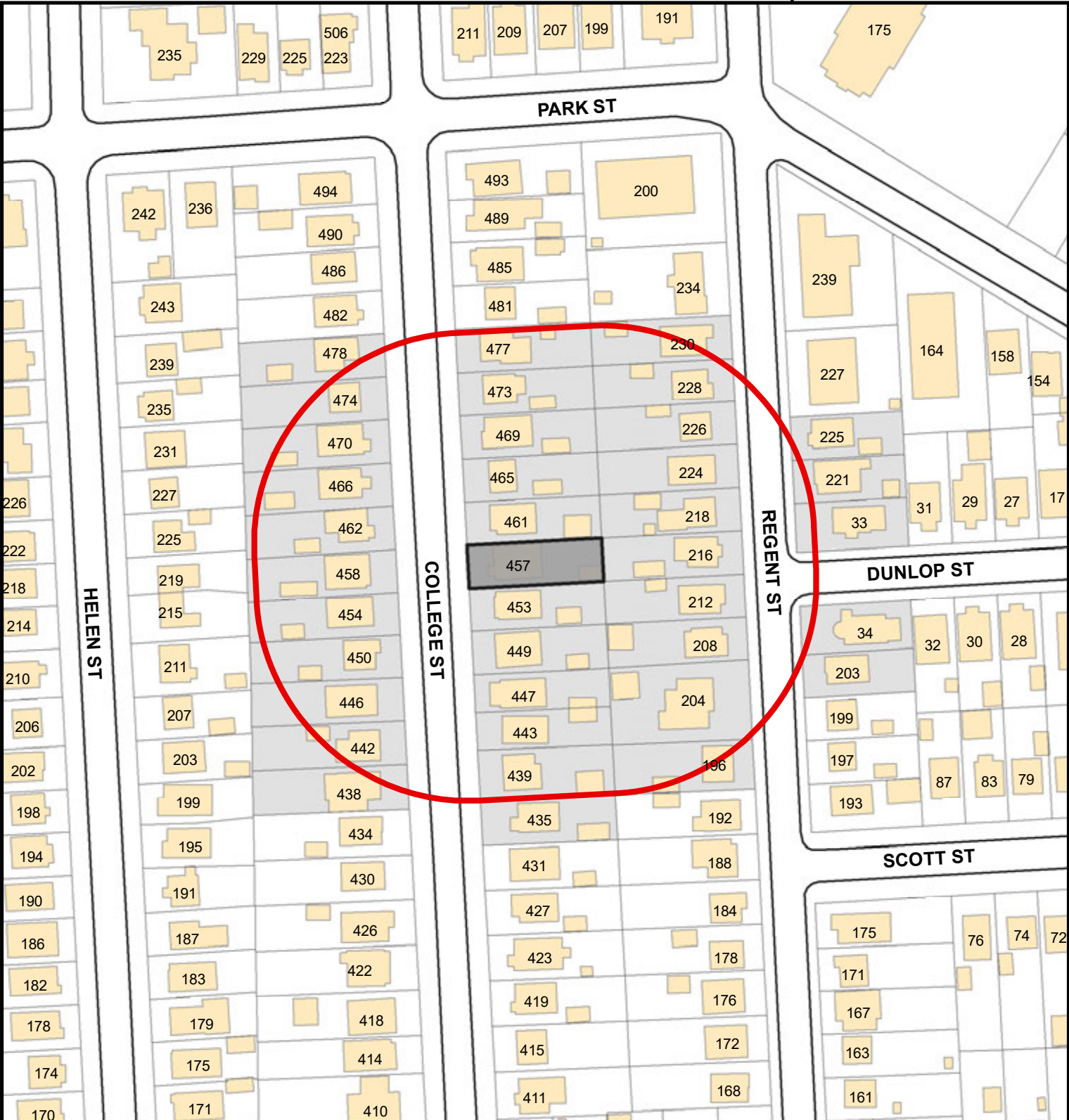
Figure 1: 457 College Street existing front elevation.



Figure 2: Neighbouring properties to the north, 461 and 465 College Street.



Figure 3: Neighbouring properties to the west, 458, 462 and 466 College Street.

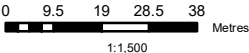


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CITY OF KINGSTON
Public Notice Notification Map

File Number: D13-068-2019
Address: 457 College Street



Legend

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

