



**City of Kingston  
Report to Committee of Adjustment  
Report Number COA-20-019**

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**To:** Chair and Members of Committee of Adjustment  
**From:** Waleed Albakry, Senior Planner  
**Date of Meeting:** April 20, 2020  
**Application for:** Minor Variance  
**File Number:** D13-048-2019  
**Address:** 449 Princess Street  
**Owner:** Kingston Terminal Properties Limited  
**Applicant:** Kingston Terminal Properties Limited & Fotenn Consultants

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**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.

**Executive Summary:**

This report provides a recommendation to the Committee of Adjustment regarding a minor variance application requesting to alter a number of the zoning by-law provisions for the property located at 449 Princess Street. The applicant is proposing to convert the existing six-storey commercial office building to a mixed-use, commercial and residential building. The proposed development will maintain the existing ground floor commercial use and the upper five storeys will be converted to a residential use.

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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**Recommendation:**

**That** minor variance application, File Number D13-048-2019, for the property located at 449 Princess Street to allow for the conversion of an existing commercial office building to a mixed-use, commercial and residential building, be approved.

**Variance Number 1:**

**By-Law Number 8499:** Section 5.3A.(a)ii.(1) number of parking spaces for multiple-family dwellings  
**Requirement:** 1 parking space per dwelling unit  
**Proposed:** 0.5 parking space per dwelling unit  
**Variance Requested:** 0.5 space per dwelling unit

**Variance Number 2:**

**By-Law Number 8499:** Section 5.3A.(b)ii number of parking spaces for non-residential uses in the C4 zone  
**Requirement:** 1 parking space per 28.0 square metres of gross leasable area (GLA)  
**Proposed:** 1 parking space per 150 square metres of GLA  
**Variance Requested:** Site-specific rate of 1 parking space per 150 square metres of GLA, resulting in an increase of 122 square metres of GLA per parking space

**Variance Number 3:**

**By-Law Number 8499:** Section 5.3B.(h) design standards and size for off-street vehicle parking facilities  
**Requirement:** 2.7 metres wide and 6.0 metres long  
**Proposed:** 2.6 metres wide and 5.2 metres long  
**Variance Requested:** Reduction of 0.1 metre in width and 0.8 metre in length

**Variance Number 4:**

**By-Law Number 8499:** Section 5.3A.(d)ii)a) parking space length for Type A (van accessible) parking spaces  
**Requirement:** 6.0 metres  
**Proposed:** 5.2 metres  
**Variance Requested:** Reduction of 0.8 metre

**Variance Number 5:**

**By-Law Number 8499:** Section 5.3A.(d)ii)b) parking space length for Type B accessible parking spaces  
**Requirement:** 6.0 metres  
**Proposed:** 5.2 metres  
**Variance Requested:** Reduction of 0.8 metre

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**Variance Number 6:**

**By-Law Number 8499:** Section 5.3A.(d)ii)c) access aisle length for Type A and B accessible parking spaces

**Requirement:** 6.0 metres

**Proposed:** 5.2 metres

**Variance Requested:** Reduction of 0.8 metre

**Variance Number 7:**

**By-Law Number 8499:** Section 5.3B.(g)i residential parking facilities not located within an enclosed building

**Requirement:** Not permitted to be located in any front yard space

**Proposed:** Permit the residential parking facility in a front yard

**Variance Requested:** Permit the residential parking facility in a front yard

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

That the approved variances apply only to the conversion of the existing commercial office building into a mixed use, commercial and residential building at 449 Princess Street as shown on the approved drawings attached to the notice of decision.

**2. No Adverse Impacts**

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

**3. Building Permit Application Requirements**

The owner/applicant shall provide to the Building 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.

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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**

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**Waleed Albakry, Senior Planner**

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

Paige Agnew, Commissioner, Community Services

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**Options/Discussion:**

On October 22, 2019, a minor variance application was submitted by Kingston Terminal Properties Limited & Fotenn Consultants, on behalf of the owner, Kingston Terminal Properties Limited, with respect to the property located at 449 Princess Street. The variance is requested to alter a number of the zoning by-law provisions regarding the required minimum number of parking spaces for residential and non-residential uses, location and dimensions of standard and accessible parking spaces to facilitate the conversion of the currently unoccupied six-storey commercial office building to a mixed-use, commercial and residential building.

The proposed conversion will maintain the commercial use on the ground floor and the upper five storeys will be converted to a residential use. The development will contain approximately 490 square metres of ground floor commercial space and 31 residential units comprised of one-bedroom, and two-bedroom units. The proposal will include 29 on-site surface parking spaces, including two accessible parking spaces, and one loading space at the rear of the building accessed via Division Street. No major exterior alterations are proposed for the building or the parking area.

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

- Site Plan (Exhibit E – Site Plan); and
- Planning Justification Report.

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 Princess Street Corridor in the Williamsville neighbourhood (Exhibit A – Key Map). The property has frontage on both Princess and Division Streets. The subject property currently contains a six-storey, 758-square-metre commercial office building and on-site surface parking spaces accessed off Division Street. The subject property is surrounded by mixed-use developments and commercial uses to the south, east, and west. The area located to the north of the subject property includes townhouses, row houses and apartment buildings. The subject property is located in close proximity to public parks, including Victoria Park and McBurney Park (also known as Skeleton Park). The property is also in proximity to five transit stops: Two located west of the site on Princess Street within 120 metres, two located north of the site on Division Street within 100 metres, and one located east of the site within 190 metres on Princess Street. Kingston Transit Routes 4, Express Routes 501 and 502 service Princess Street. Furthermore, Routes 2, 18 and Express Routes 701 and 702 service Division Street.

The subject property is designated Main Street Commercial in the Official Plan (Exhibit C – Official Plan Map) and is zoned Williamsville Main Street Commercial “C4-H (T1)” in Zoning By-Law Number 8499 (Exhibit D – Zoning By-Law Map).

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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 are maintained**

The subject property is designated Main Street Commercial in the City of Kingston Official Plan (Exhibit C – Official Plan Map).

In considering whether this proposed variance is desirable, the Committee of Adjustment will have regard to the nine requirements included in Section 9.5.19 of the Official Plan. The 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 subject property is located within “Area 3, the Gateway, of Princess Street Corridor - Specific Policy Area Williamsville Main Street” on Schedules 2 and PS-1 – City Structure and Princess Street Corridor Specific Policy Area Williamsville Main Street. The subject property is designated Main Street Commercial on Schedule 3 – Land Use. The Williamsville Main Street is part of the Princess Street Corridor Specific Policy Area and is shown on Schedule PS-1 of the Official Plan. It extends between the westerly limit of the Central Business District at Division Street and the Kingston Centre and is intended to be a focus of development in a pedestrian-oriented form that will provide support for the Princess Street transit corridor and more sustainable means of growth. The Main Street Commercial designation is applied to areas that are pedestrian oriented, with a mix of uses including retail, service, residential, and office uses that are developed close to the sidewalk and it permits residential uses in upper storeys. The subject property is already developed with a six-storey office building and a commercial space on the main floor; however, it is currently unoccupied.

The proposed conversion of the existing six-storey commercial building (Exhibit F – Photo) will allow for the creation of a mixed-use building containing approximately 490 square metres of ground floor commercial space and 31 residential units on a site located

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within the Urban Boundary. The proposed residential density of 140 units per net hectare is considered a high density residential development and is appropriate for the site with respect to its context and its central location. Due to the central location of the subject property, it is expected that walking, transit riding, and cycling will be the prime modes of travel by residents and users of the site. The proposal would also make efficient use of existing infrastructure and public amenities.

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 development will utilize the existing building and no major exterior alterations will occur as a result of the proposal. The surrounding area is comprised of mainly two and three-storey buildings and is in proximity to a 12-storey mixed use building, located east of the intersection of Princess Street and Division Street. Therefore, the proposed mixed-use building will be compatible with the existing mixed-use buildings on Princess Street and the surrounding land uses.

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 property already has a vehicular access off Division Street and no changes to it are requested. Despite the requested reduction in the number of parking spaces required, no mitigation measures are required because of the central location of the property, the adequacy of the transit service and the existing active transportation infrastructure. Although the proposal is requesting reducing the length of the parking spaces for Type A and B accessible spaces as well as the length of their access aisles, the proposed length still meets the requirements of the *Accessibility for Ontarians with Disabilities Act* (AODA). Safety features and barrier free requirements are being reviewed as part of the Site Plan Control and the Building Permit applications.

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 proposed development will utilize the existing six-storey building. No exterior alterations, except for replacing the existing windows and adding some new ones on the west side, are proposed for the existing building.

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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The property is currently developed with a six-storey commercial office building and is not designated under the *Ontario Heritage Act*. Properties adjacent to the subject site, including 450 Princess Street and 426-436 Princess Street, are designated under Part IV of the *Ontario Heritage Act*. The proposed development will utilize the existing 758-square-metre, six-storey building. No exterior alterations, other than replacing the existing windows and adding some new ones on the west side, are proposed for the existing building. Therefore, the development is not anticipated to have any adverse impacts on any cultural heritage resources. Furthermore, the proposed development and minor variances are not anticipated to affect any protected views.

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 property is subject to a “H” Holding zone. As a result, a servicing report will be submitted as part of the corresponding Site Plan Control application (File Number D11-040-2019) and the subsequent application for the removal of the “H” Holding zone to demonstrate adequate municipal water and sewer 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 minor variances to reduce on-site parking requirements, length and width of parking spaces, and permit surface parking spaces in the front yard represent minor and compatible changes to facilitate a desirable infill development. The application would not be more appropriately addressed by a zoning by-law amendment as the proposed reliefs follow the general intent of the zoning by-law and will not have cumulative impacts better addressed through a rezoning process. The proposal does not request adding additional uses or density to the site beyond what is already permitted in the “C4-H (T1)” zone.

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;

No conditions are being requested for the minor variance application. Conditions will most likely be required as part of the subsequent Site Plan Control process.

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

The proposal meets the intent of the Official Plan, as the proposed minor variances represent minor and compatible changes to facilitate a desirable infill development and will not result in any negative impacts on adjacent properties or on the neighbourhood.

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

The subject property is zoned "C4-H (T1)" 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 "C4-H (T1)" zone permits mixed-use commercial and residential buildings.

The proposal requires a variance to the following sections:

**Variance Number 1:**

**By-Law Number 8499:** Section 5.3A.(a)ii.(1) number of parking spaces for multiple family dwellings

**Requirement:** 1 parking space per dwelling unit

**Proposed:** 0.5 parking space per dwelling unit

**Variance Requested:** 0.5 space per dwelling unit

**Variance Number 2:**

**By-Law Number 8499:** Section 5.3A.(b)ii number of parking spaces for non-residential uses in the C4 zone

**Requirement:** 1 parking space per 28.0 square metres of gross leasable area (GLA)

**Proposed:** 1 parking space per 150 square metres of GLA

**Variance Requested:** Site-specific rate of 1 parking space per 150 square metres of GLA, resulting in an increase of 122 square metres of GLA per parking space

**Variance Number 3:**

**By-Law Number 8499:** Section 5.3B.(h) design standards and size for off-street vehicle parking facilities

**Requirement:** 2.7 metres wide and 6.0 metres long

**Proposed:** 2.6 metres wide and 5.2 metres long

**Variance Requested:** Reduction of 0.1 metre in width and 0.8 metre in length

**Variance Number 4:**

**By-Law Number 8499:** Section 5.3A.(d)ii)a) parking space length for Type A (van accessible) parking spaces

**Requirement:** 6.0 metres

**Proposed:** 5.2 metres

**Variance Requested:** Reduction of 0.8 metre

**Variance Number 5:**

**By-Law Number 8499:** Section 5.3A.(d)ii)b) parking space length for Type B accessible parking spaces

**Requirement:** 6.0 metres

**Proposed:** 5.2 metres

**Variance Requested:** Reduction of 0.8 metre

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**Variance Number 6:****By-Law Number 8499:** Section 5.3A.(d)ii)c) access aisle length for Type A and B accessible parking spaces**Requirement:** 6.0 metres**Proposed:** 5.2 metres**Variance Requested:** Reduction of 0.8 metre**Variance Number 7:****By-Law Number 8499:** Section 5.3B.(g)i residential parking facilities not located within an enclosed building**Requirement:** Not permitted to be located in any front yard space**Proposed:** Permit the residential parking facility in a front yard**Variance Requested:** Permit the residential parking facility in a front yard

The subject property has an area of approximately 0.22 hectare and it currently contains a six-storey, 758-square-metre commercial office building. The proposed development will have approximately 490 square metres of ground floor commercial space and 31 residential units comprised of one-bedroom and two-bedroom units. No major exterior alterations are proposed for the building or the parking area. A variance is requested to alter a number of the zoning by-law provisions regarding the required minimum numbers of on-site parking spaces for the residential and non-residential uses, the location and dimensions of on-site standard and accessible parking spaces.

The intent of the minimum on-site parking requirement is to ensure that developments meet the needs of residents/users. The proposed reduction in residential parking to 0.5 parking spaces per residential unit has been permitted for other properties in the Williamsville area as the area has a central location and is therefore conducive to the use of alternate modes of transportation, including walking, cycling and public transit. Similarly, a site-specific rate for the number of non-residential parking spaces is being requested to vary the parking requirement from 1 parking space per 28 square metres of gross leasable area to 1 parking space per 150 square metres of gross leasable area. Providing relief from these provisions maintains the intent of the zoning by-law and is appropriate due to the property's proximity to downtown and the adequacy of alternate modes of transportation.

Along the same line, relief is requested from the required location of on-site parking spaces. The requested relief will recognize the existing location of on-site parking spaces on the subject property. The intent of prohibiting surface parking spaces in the front yard is to preserve the integrity of the streetscape, maintain the continuity of sidewalks, and provide space for landscaping and utilities. Due to the existing configuration of the subject property with frontage on both Princess Street and Division Street, a variance is required to recognize and permit the location of on-site parking spaces in the front yard along Division Street. The proposed variance will cause no injury to or removal of trees. It will not add a new vehicular access to the property, nor will it alter the character of the neighbourhood or the existing streetscape. Accordingly, the proposed variance will result in an efficient use of the property, maintain the general intent of the zoning by-law, and meet the needs of site users.

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Furthermore, the proposal requests reducing the length of standard parking spaces, accessible parking spaces and access aisle for accessible parking spaces to 5.2 metres and reducing the width of the standard parking space to 2.6 metres in order to maximize site efficiency. The intent of the minimum width and length requirements for parking spaces is to ensure that they provide adequate space for safe maneuvering. Despite the requested variance to reduce the width of the standard parking spaces from 2.7 metres to 2.6 metres, the standard parking space will still be functional and adequate maneuvering space will be provided as the reduction is minimal.

The location of the existing vehicular access combined with the irregular shape of the parking area makes it unfeasible to reconfigure the parking area to allow for longer parking spaces without reducing the size of the required amenity areas. The reduction in the length of the standard parking spaces, accessible parking spaces and access aisle for accessible parking spaces is not needed now but is being requested to provide flexibility in site design if additional parking spaces are added in the future. In view of the fact that the minimum required length for standard parking spaces, accessible parking spaces and their access aisles in the City of Kingston is bigger than that of some other Ontario municipalities, similar reductions have been approved previously in the Williamsville area. Despite the proposed reductions, the proposed parking spaces and access aisles will, nevertheless, meet the objective of providing adequate space and will still comply with the standards of the *Accessibility for Ontarians with Disabilities Act*.

The length of the parking space refers to its longitudinal dimension and is determined by the vehicle length plus the bumper-to-bumper clearance. Vehicle types are broken down into four categories: cars, vans, sport utility vehicles, and trucks. From an operational standpoint, the length of a parking space is less critical than its width, and can be compensated by a wider driving aisle to facilitate vehicles' ability to maneuver into a parking space in one continuous movement. The length of most cars and sport utility vehicles, the two vehicle types that are expected to be the most commonly used by residents living in the building, plus the bumper-to-bumper clearance do not exceed 5.2 metres. The proposed driving aisle maintains sufficient width to facilitate vehicles' ability to maneuver into parking spaces despite the proposed reductions in the length of parking spaces. In that regard, the intent of the minimum length requirements for parking spaces and access aisles in the zoning by-law, which is ensuring the functionality of the parking spaces and the provision of adequate space for safe maneuvering, is maintained as the proposed driving aisle width compensates for the requested shorter parking space. Consequently, the proposed reductions pertaining to the dimensions of parking spaces allow for adding more parking spaces in the future, if needed, while at the same time maintaining the zoning by-law's intent of providing adequate space for the safe maneuvering of vehicles in and out of the parking spaces.

Overall, staff is of the view that the requested variance to alter a number of the zoning by-law provisions regarding the required minimum numbers of on-site parking spaces for the residential and non-residential uses, the location and dimensions of on-site standard and accessible parking spaces maintains the general intent and purpose of the zoning by-law.

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

The subject property is located in the Williamsville area and is surrounded by other mixed-use developments. The proposed development will utilize the existing six-storey building and will not result in any major exterior alterations. The development represents an appropriate form of residential intensification in the Williamsville area. The proposed variances assist in the development of a compatible infill development by creating a more efficient site arrangement. The application applies only to the subject site and considers the unique site specific circumstances.

The variances are considered minor as there are no anticipated negative off-site impacts.

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

The property’s location on the edge of downtown with frontage on both Princess Street and Division Street supports the conversion of the existing commercial building to a mixed-use building. The proposed application is seeking to optimize site efficiency, facilitate the redevelopment and intensification of an existing six-storey building, and provide additional residential opportunity close to downtown Kingston. The site’s location on the edge of downtown provides support for reduced residential and commercial parking requirements. Additionally, the existing configuration of the property supports relief to permit a residential parking facility not located within an enclosed building to be located in the front yard. A reduction in parking space dimensions is consistent with other approved projects in the Williamsville area and will provide flexibility for reconfiguring the existing surface parking area.

Consequently, the proposed variances are appropriate and desirable for the development and use of the site and will help optimize site efficiency and facilitate the redevelopment and intensification of the currently underutilized property containing a six-storey building.

**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 checked="" type="checkbox"/> Housing           | <input checked="" type="checkbox"/> District Councillor    | <input type="checkbox"/> Ministry of Transportation              |
| <input type="checkbox"/> KEDCO                        | <input checked="" type="checkbox"/> Municipal Drainage     | <input type="checkbox"/> Parks of the St. Lawrence               |
| <input type="checkbox"/> CRCA                         | <input type="checkbox"/> KFL&A Health Unit                 | <input type="checkbox"/> Trans Northern Pipelines                |
| <input type="checkbox"/> Parks Canada                 | <input type="checkbox"/> Eastern Ontario Power             | <input type="checkbox"/> CFB Kingston                            |
| <input type="checkbox"/> Hydro One                    | <input type="checkbox"/> Enbridge Pipelines                | <input type="checkbox"/> TransCanada Pipelines                   |
| <input type="checkbox"/> Kingston Airport             |  |  |

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**Technical Comments**

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

**Public Comments**

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

**Previous or Concurrent Applications**

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

**Conclusion**

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

Approval of this application will facilitate the conversion of the currently unoccupied six-storey commercial office building to a mixed-use building containing commercial space on the main floor and residential units on the upper floors.

**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 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 35 property owners (according to the latest Assessment Roll) within 60 metres of the subject property

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(Exhibit B – Public 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:**

Accessibility considerations will be reviewed as part of the Site Plan Control process.

**Financial Considerations:**

None

**Contacts:**

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

Waleed Albakry, Senior Planner 613-564-4291 extension 3277

**Other City of Kingston Staff Consulted:**

None

**Exhibits Attached:**

Exhibit A Key Map

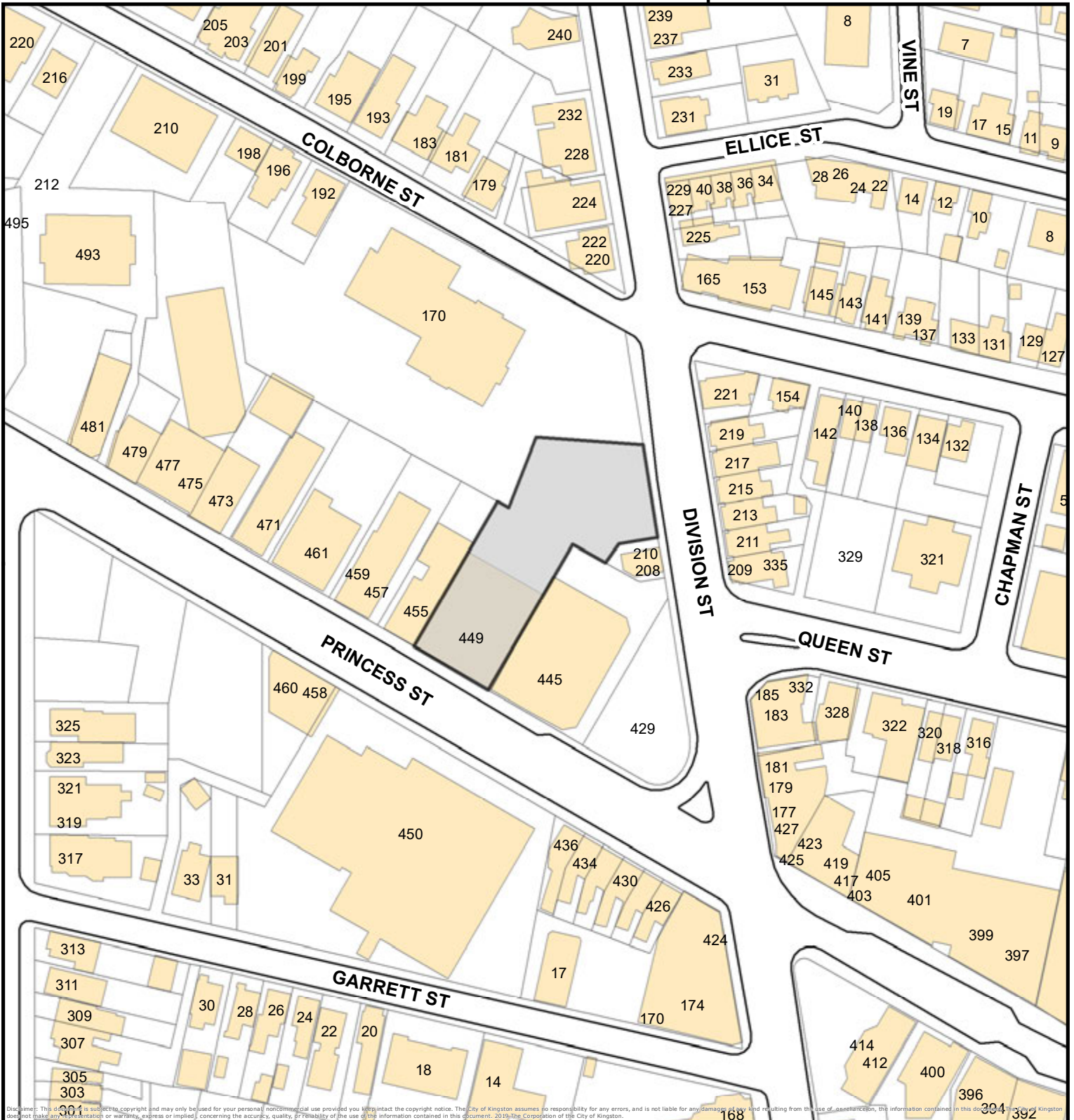
Exhibit B Public Notification Map

Exhibit C Official Plan Map

Exhibit D Zoning By-Law Map

Exhibit E Site Plan

Exhibit F Photo



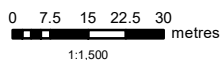
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Planning Services  
a department of  
Community  
Services

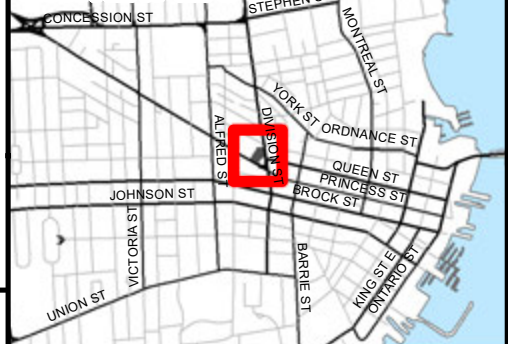
COMMITTEE OF ADJUSTMENT  
**Key Map**

File Number: D13-048-2019  
Address: 449 Princess Street



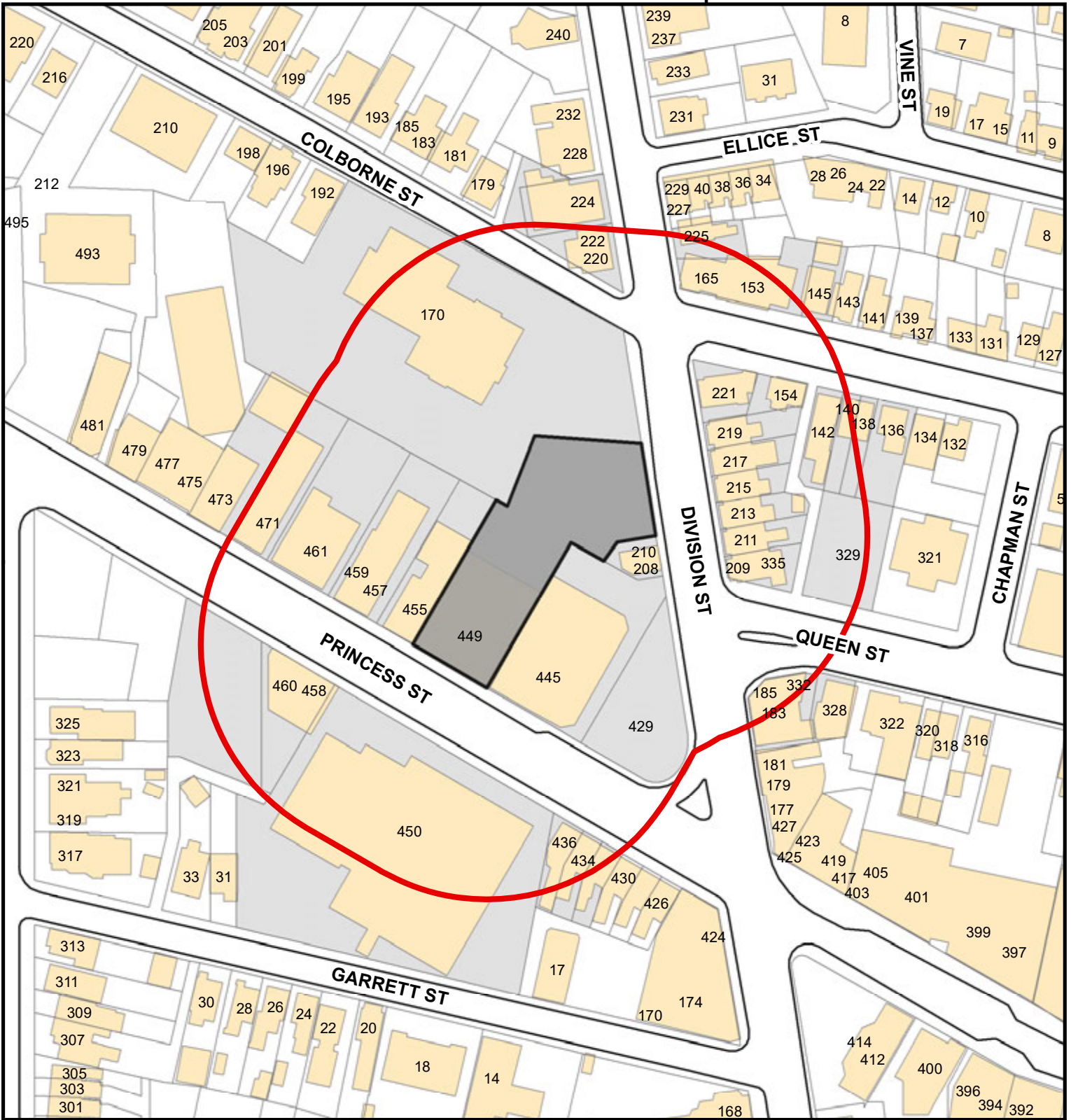
DATE: 2020-02-06  
PREPARED BY: akeeping

**CONTEXT MAP**



Lands Subject to Minor Variance

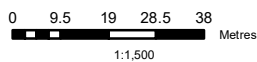




Planning Services  
a department of  
Community  
Services

COMMITTEE OF ADJUSTMENT  
**Public Notice Notification Map**

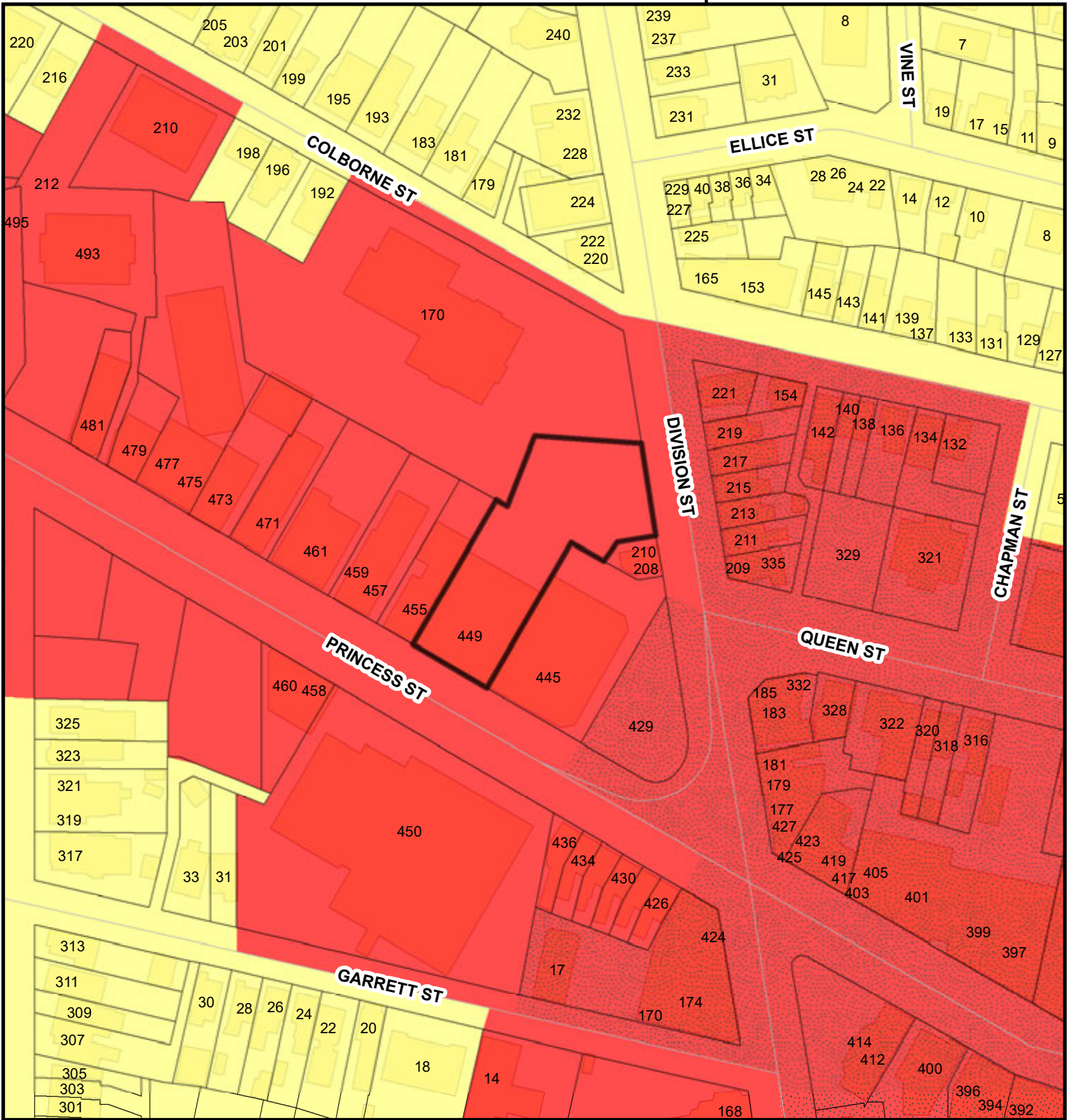
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**Legend**

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

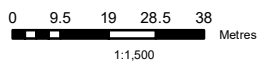




Planning Services  
a department of  
Community  
Services

COMMITTEE OF ADJUSTMENT  
**Official Plan, Existing Land Use**

File Number: D13-048-2019  
Address: 449 Princess Street



**Legend**

- Subject Lands
- CENTRAL BUSINESS DISTRICT
- MAIN STREET COMMERCIAL
- RESIDENTIAL







