



**City of Kingston
Report to Committee of Adjustment
Report Number COA-20-022**

To: Chair and Members of Committee of Adjustment
From: Lindsay Sthamann, Planner
Date of Meeting: April 20, 2020
Application for: Consent
File Number: D10-046-2019 and D10-047-2019
Address: 163 Union Street
Owner: Magdalene Karkoulis
Applicant: Fotenn Consultants Inc. (Youko Leclerc-Desjardins)

Council Strategic Plan Alignment:

Theme: 2. Increase housing affordability

Goal: 2.2 Build a significant number of new residential units with a range of affordability.

Approval of these applications would result in two vacant residential lots.

Executive Summary:

These applications for consents to create two new lots have been submitted by Fotenn Consultants Inc. on behalf of the owner, Magdalene Karkoulis. The purpose of the application is to facilitate the creation of two new residential lots. One lot will have 11.5 metres of frontage on Union Street. The second lot will have 10.9 metres of frontage on Albert Street. The retained lot will contain the existing house.

The site is situated on the north side of Union Street and East Side of Albert Street. The property is developed with a single-family dwelling and associated accessory structures. The property is currently designated as Residential in the Official Plan and is zoned A – One-Family and Two-Family Dwelling in Zoning By-Law Number 8499. The subject property is adjacent to other residential properties in the A zone.

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

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

Recommendation:

That consent applications, File Numbers D10-046-2019 and D10-047-2019, to sever two new lots, be provisionally approved subject to the following conditions:

1. Deadline

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

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

2. Reference Plan

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

3. Payment of Taxes

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

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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 Service (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 Service (613-546-4291, extension 3180) must be immediately contacted.

5. Cash-In-Lieu of Parkland

That \$1,921.27 shall be paid to the City of Kingston as cash-in-lieu of land dedication for park or public recreational purposes for each new building lot being created. The applicant may choose to pay the fee through their DASH application, provide a certified cheque or provide payment at the front desk at 1211 John Counter Boulevard, prior to the issuance of the consent certificate.

6. Demolition Permit

The owner/applicant shall obtain a Demolition Permit through the Building Division for the removal of the accessory buildings located on the severed lot. The owner/applicant shall provide the Secretary-Treasurer, Committee of Adjustment, a copy of the Demolition Permit and confirmation that the accessory buildings have been removed prior to the issuance of the Certificate of Official.

7. Development Agreement

The owner shall enter into a development agreement satisfactory to the City to be registered on title to the severed and retained lands. All legal costs associated with the preparation and registration of the agreement shall be borne by the owner. The applicant shall provide a copy of the registered executed agreement to the Secretary-Treasurer, Committee of Adjustment, prior to the issuance of the consent certificate. The agreement shall contain conditions to ensure:

- a) That the recommendations from the Heritage Impact Statement prepared by André Scheinman, dated January 27, 2020 and its proposed conditions be included in the Development Agreement.
- b) 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 Service (613-546-4291, extension 3180) must be immediately contacted.

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- c) 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 Service (613-546-4291, extension 3180) must be immediately contacted.
- d) That the owner be advised that any new or altered entrance to the site will require an entrance permit from the Engineering Division.
- e) That a Building Permit is required prior to the construction or removal of all structures 10 square metres in area or greater. Issues such as but not limited to O.B.C., grading and servicing will be agreed through the permit review process.

8. Site Servicing Plan

The owner/applicant is to complete a Site Servicing Plan for the new lot, which shall be approved by Utilities Kingston, prior to the issuance of the consent certificate.

9. Stormwater Review

Prior to final approval the applicant shall provide a lot grading and drainage plan, prepared by a qualified professional, to the satisfaction of the Engineering Services Department demonstrating no negative affects to the neighbouring or subject lands, including both the severed and retained parcels.

10. Civic Address

The owner/applicant shall contact the Planning Service once the Reference Plan has been deposited and provided to the City, and obtain a draft civic address for each new lot created and all appropriate fees shall be paid. The owner/applicant shall provide to the Secretary-Treasurer, Committee of Adjustment, written confirmation from the City that the civic address has been obtained prior to the issuance of the consent certificate.

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Authorizing Signatures:

Lindsay Sthamann, Planner

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

Paige Agnew, Commissioner, Community Services

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Options/Discussion:

The consent applications were submitted on December 12th, 2019 by the applicant Fotenn Consultants on behalf of the owner Magdalene Karkoulis, and they proceeded through the Delegated Authority process. The City received public comments during the public notification period; therefore the files have been referred to the Committee of Adjustment for consideration. A new public notice was mailed to all property owners within a 60 metre radius of the property and new signage was posted on the site.

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

- Concept Plan (Exhibit G);
- Heritage Impact Statement (Exhibit H);
- Planning Letter (Exhibit I); and
- Survey (Exhibit J).

Site Characteristics

The site is situated on the north side of Union Street and East Side of Albert Street. The property is developed with a single-family dwelling and associated accessory structures. The property is currently designated as Residential in the Official Plan and is zoned A – One-Family and Two-Family Dwelling in Zoning By-Law Number 8499. The subject property is adjacent to other residential properties in the A zone. The subject property is a designated heritage property. It is adjacent to another designated heritage property at 151 Union Street.

Application

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

The purpose of the applications is to facilitate the creation of two new residential lots. One lot will have 11.5 metres of frontage on Union Street. The second lot will have 10.9 metres of frontage on Albert Street. The retained lot will contain the existing house.

Both proposed parcels and the retained parcel comply with all performance standards of the “A” zone in Zoning By-Law Number 8499. All accessory structures on the new parcels will be demolished. A minor variance is not needed in conjunction with these consents as all zoning requirements, including landscaped open space and lot coverage, setbacks, and lot area are met.

Planning Act

The applications meet the test under section 51(24) of the Planning Act. The proposal conforms to the Official Plan, the proposed parcels are suitable for residential development. The proposal

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conforms to the regulations in the zoning by-law in regards to the dimensions of the lots. There are no concerns from utilities or municipal services around servicing the new lot. A plan of subdivision is not necessary for this proposal for the proper and orderly development of the municipality

Provincial Policy Statement

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

The effect of these applications is to sever two new infill lots within a residential neighbourhood on full municipal services. The proposal is consistent with the Provincial Policy Statement with respect to the following:

Promoting efficient development and land use patterns which sustain the financial well-being of the province and municipalities over the long-term (Section 1.1.1.a).

Accommodating an appropriate range and mix of residential, employment (including industrial, commercial and institutional uses), recreational and open space uses to meet long-term needs (Section 1.1.1.b).

Promoting cost-effective development standards to minimize land consumption and servicing costs (Section 1.1.1.e).

Promoting opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs (Section 1.1.3.3).

Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas. Intensification and redevelopment within settlement areas on existing municipal sewage services and municipal water services should be promoted, wherever feasible (1.6.6.2).

Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved. (2.6.3)

The application for consent to create a new residential lot is consistent with the applicable policies in the Provincial Policy Statement.

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Official Plan

The subject property is designated 'Residential' in the City of Kingston Official Plan. The predominant use within the 'Residential' designation is residential dwellings, including detached, semi-detached or duplex dwellings, townhouses, and apartments. In addition to the various forms of housing, community facilities such as schools and places of worship are also permitted. Small-scale, convenience commercial uses which support residential neighbourhoods and are compatible with the residential setting may also be permitted in the designation.

The proposed consents are consistent with and conform to the residential intensification policies of the Official Plan (Section 2.3.2) and the residential density targets in Section 2.4.4(a) and 2.4.5. The retained and severed lot will not have any adverse effects on the adjacent residential uses or the neighbourhood. Any new development is subject to the land use, setback, and height requirements of the zoning by-law.

The City intends to increase the overall net residential density within the urban growth boundary. The Official Plan establishes the minimum targeted density of 22 dwelling units per net hectare for existing residential areas (Section 2.4.4.a). The proposed consents will help facilitate the density targets of the Official Plan and to make efficient use of existing infrastructure.

The consent applications are subject to the infill policies in the Official Plan (Section 3.3.7) for properties within the residential designation which are as follows:

- a) The severed and retained lots will use existing municipal services.
- b) The resulting lot fabric and proposed residential lot are compatible with the general pattern of adjacent lots.
- c) The lot sizes and frontages are compliant with the existing zoning.
- d) Development on the resulting lot is subject to the requirements of the 'A' zone in Zoning By-Law Number 8499.
- e) The resulting lot and the intended residential use will not result in adverse effects in terms of privacy, access to sunlight, or shadowing.
- f) The Engineering Department has no concerns with traffic or driveway access to the new lots. Any new or altered driveways will require an Entrance Permit from the Engineering Department.
- g) A Heritage Impact Statement was required. The recommendations in this report to minimize the impact on the heritage buildings at 163 Union Street and 151 Union Street will be ensured through a development agreement as a condition of the consent.

The proposed consents are consistent with the City's intent to provide new opportunities for growth and investment in a manner that respects existing development and minimizes conflict (Section 2.7).

New residential development created by consent is encouraged to locate in areas designated for growth. The lands within the Urban Boundary of the City are defined as a settlement area where growth is intended to be directed.

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The proposed consent is consistent with policies of Section 9.6.13.a, which states that the lot frontage, depth and area of any lot created by consent (severed and retained parcel) are appropriate for the residential use, and are in compliance with the provisions of the zoning by-law. Each parcel of land has frontage on a municipal street; the proposal is consistent with Section 9.6.13.c.

Zoning By-Law

The subject property is zoned "A – One-Family and Two-Family" 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 use permitted on each resulting lots will be limited to the uses permitted in the 'A' zone.

The 'A' zone requires a minimum lot area of 370 square metres per dwelling unit. Both severed parcels and the retained parcel will comply with the area provisions of the "A" zone. There is no minimum lot frontage in the 'A' zone. To determine the appropriateness of a proposed frontage planning considered the existing neighbourhood lot fabric as well as the viability of constructing a home on the proposed lot.

The proposed severance will result in three lots (2 severed and 1 retained) which are similar in lot area and frontage to other lots on the block. The table below includes the three nearest lots on each side of the subject parcel. The table describes the surrounding lots based on MPAC data, the City's mapping databases, and the applicant's submission. The neighbourhood contains parcels with a wide variety of frontages; it does not have a uniform lot fabric. The smallest Union Street frontage within 100 metres of the proposal is 4.5 metres (171 Union Street). The smallest Lot frontage on Albert Street within 100 metres of the proposal is 7.2 metres (223 Albert Street). The proposed parcels are not inconsistent with the lot fabric of the neighbourhood.

Address	Lot Area	Frontage
209/207 Albert St	767 square metres	15.3 metres
203 Albert St	632 square metres	14.8 metres
199 Albert St	550 square metres	11.2 metres
(Proposed Albert St. Lot)	467 square metres	10.9 metres
163 Union St. (Retained Lot)	986 square metres	36.4 Metres (Albert)
		29.5 Metres (Union)
(Proposed Union St. Lot)	370 square metres	11.5 metres
151 Union St	843 square metres	20.5 metres
149 Union St	266 square metres	13.5 metres
182 Frontenac St	426 square metres	27.5 metres

Any new development on either the severed or retained lots will be required to comply with the provisions of the 'A' zone. The 'A' zone provisions require a dwelling to have a front yard setback and building depth that are compatible with the neighbouring properties. The minimum

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side yard width is 0.6 metres and the minimum aggregate side yard setback is 3.6 metres. The maximum permitted lot coverage is 33.33% of the total lot area, and the minimum percentage of landscaped open space required is 30% of the total lot area. The setbacks will restrict the building envelope. A theoretical maximum building envelope is shown in the concept plan supplied by the applicant (Exhibit G).

The recommendations from the Heritage Impact Statement (Exhibit H) limit the building envelope and massing in excess of what is required by the zoning by-law.

Therefore, the consent is consistent with the zoning by-law.

Discussion

It is the opinion of the Planning Department that the consent applications to sever two new residential lots in a residential neighbourhood are consistent with the Provincial Policy Statement (2014) and is in keeping with the intent and purpose of the Official Plan and Zoning By-Law Number 8499.

Technical Review: Circulated Departments and Agencies

- | | | |
|---|--|---|
| <input checked="" type="checkbox"/> Building Division | <input checked="" type="checkbox"/> Engineering Department | <input checked="" type="checkbox"/> Heritage (Planning Service) |
| <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 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 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.

Heritage comments, copied below, have influenced the addition of a development agreement to the conditions of the consent applications. This development agreement will ensure the recommendations of the Heritage Impact Statement study are considered during future site plan, heritage permit, and Building Permit application.

We reviewed the revised concept sketch and updated Heritage Impact Statement (HIS), submitted as part of these applications, with regard to our previous comments.

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We concur with the impact assessment and mitigation recommendations of the HIS. While the “spacious grounds” are noted in the designating by-law, the emphasis of the reasons for designation statement is not the “grounds” but the building itself. Similarly, the write up in the City’s publication “Buildings of Architectural and Historic Significance” does not reference the property, grounds or landscaping. When compared to similar protected heritage properties whose grounds are heritage attributes, such as Lakeview, Roselawn, or St. Helen’s, staff do not consider the oversized lot and landscaping of 163 Union Street a pivotal heritage attribute.

We do however continue to have concerns regarding the impact of the new dwellings, particularly proposed Lot 1, on the prominence of the nearby heritage resources, namely 151 and 163 Union Street. In order to ensure that the mitigation recommendations of the HIS are followed, and available to any future developer of the severed lots, we recommend a development agreement be required as a condition of consent approval.

The development agreement should include specific direction, as noted in the HIS, regarding the following:

1. An increased front yard setback provision for Lot 1, so that the new dwelling is no closer to the street than the flanking heritage buildings.
2. A decreased maximum height provision, so that the new dwellings are no taller than the heritage building at 163 Union Street.
3. A requirement that parking is not to be permitted in the front yard.
4. A requirement that the roof of the new dwelling for Lot 1 be a low to medium pitched hipped or gabled style.
5. A requirement that the primary cladding for the new dwellings be brick, stucco or a similar material.
6. A requirement to retain, enhance, and protect from harm during and after construction, the existing vegetation/buffer between Lot 1 and 151 Union Street.
7. A requirement to construct a vegetative buffer along the southern lot line of Lot 2 adjoining 163 Union Street.
8. A requirement to retain the “yew hedge” along Union Street up to the drive/walk of Lot 1.

The implementation of the mitigation recommendations, as outlined in the development agreements, will be addressed through the future Site Plan Control and/or Heritage Permit processes. This would include specific details pertaining to new dwellings, fencing and new signage (if necessary), including materiality, colour(s), and architectural specifics such as fenestration pattern and roofing.

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Please also note that approval under the *Ontario Heritage Act* is required in order to permit the demolition of any structure on the subject property, including the detached garage and pool house.

Utilities Kingston has indicated that the parcels will require dedicated non-encroaching water and sanitary services. The applicant is required to provide a Site Servicing Plan showing all existing and any proposed services, the mains to which they connect or are proposed to connect, all existing and proposed property lines and existing and proposed building footprints. The applicant should contact a Utilities Kingston Services Advisor to arrange for a "Severance Locate" to confirm the location of the existing services with respect to the proposed property line between the severed and retained land.

Prior to the issuance of the Certificate of Official, Utilities Kingston must be satisfied that the severed and retained parcels are served with dedicated non-encroaching services. The owner/applicant is required to provide written confirmation from Utilities Kingston that this condition has been satisfied to the Secretary-Treasurer, Committee of Adjustment, prior to the issuance of the consent certificate. This is recommended as a condition of approval.

The City's Parks Development Division has requested that each new residential lot be subject to Cash-in-Lieu of Parkland. The owner/applicant is required to pay \$1,921.27 to the City of Kingston as cash-in-lieu of land dedication for park or public recreational purposes for each new building lot being created. A certified cheque or proof of payment is required to be provided to the Secretary-Treasurer, Committee of Adjustment, prior to the issuance of the consent certificate. This is recommended as a condition of approval.

Public Comments

At the time this report was finalized, 1 public comment was received. Any public comments received after the publishing of this report will be included as an addendum to the Committee of Adjustment agenda.

Public concern around the impact of the severances on heritage attributes, the impact on trees, the potential for second residential units, and the viability of another driveway access point on Union Street has been noted.

The heritage attribute concerns have been mitigated by a revised Heritage Impact Statement that will be recognized through a development agreement. Tree preservation is included in the recommendations of the revised Heritage Impact Statement.

Second residential units are permitted in this area by the Official Plan. It is not possible to address this concern through the consent applications.

Engineering has confirmed that they have no concerns with the proposed new driveway entrance locations assuming all other conditions are met as required for the properties.

Previous or Concurrent Applications

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

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Conclusion

The proposed consent applications are to sever two lots from 163 Union Street. The proposal has regard to the matters under subsection 51(24) of the *Planning Act*, is consistent with the Provincial Policy Statement, conforms with all applicable policies of the Official Plan, is in keeping with the general intent and purpose of the zoning by-law and a plan of subdivision is not necessary for the proper and orderly development of the property, as such, is recommended for provisional approval.

Provisional approval of these applications will permit the creation of two new residential lots through consent.

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 14 days in advance of the meeting. In addition, notices were sent by mail to a total number of 24 property owners (according to the latest Assessment Roll) within 60 metres of the subject property and a courtesy notice was placed in The Kingston Whig-Standard.

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, Development Approvals 613-546-4291 extension 3223

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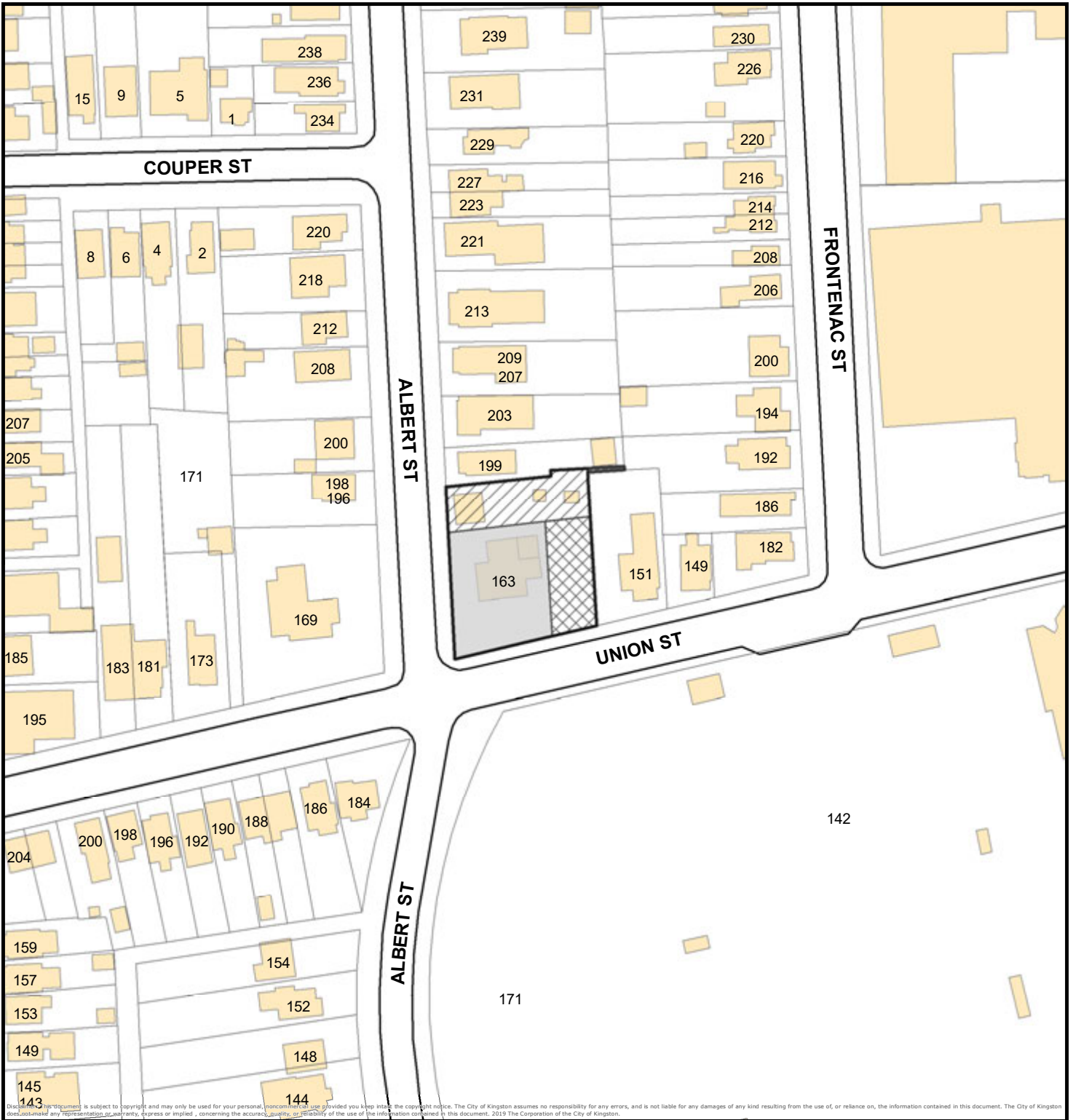
Lindsay Sthamann, Planner 613-546-4291 extension 3287

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 Public Notice Notification Map
- Exhibit C Existing Zoning Map
- Exhibit D Existing Official Plan Map
- Exhibit E Neighbourhood Context Map
- Exhibit F Site Photos
- Exhibit G Concept Plan
- Exhibit H Heritage Impact Statement
- Exhibit I Planning Justification Letter
- Exhibit J Survey
- Exhibit K Public Comments



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KINGSTON
Planning Services
a department of
Community Services

COMMITTEE OF ADJUSTMENT
Key Map

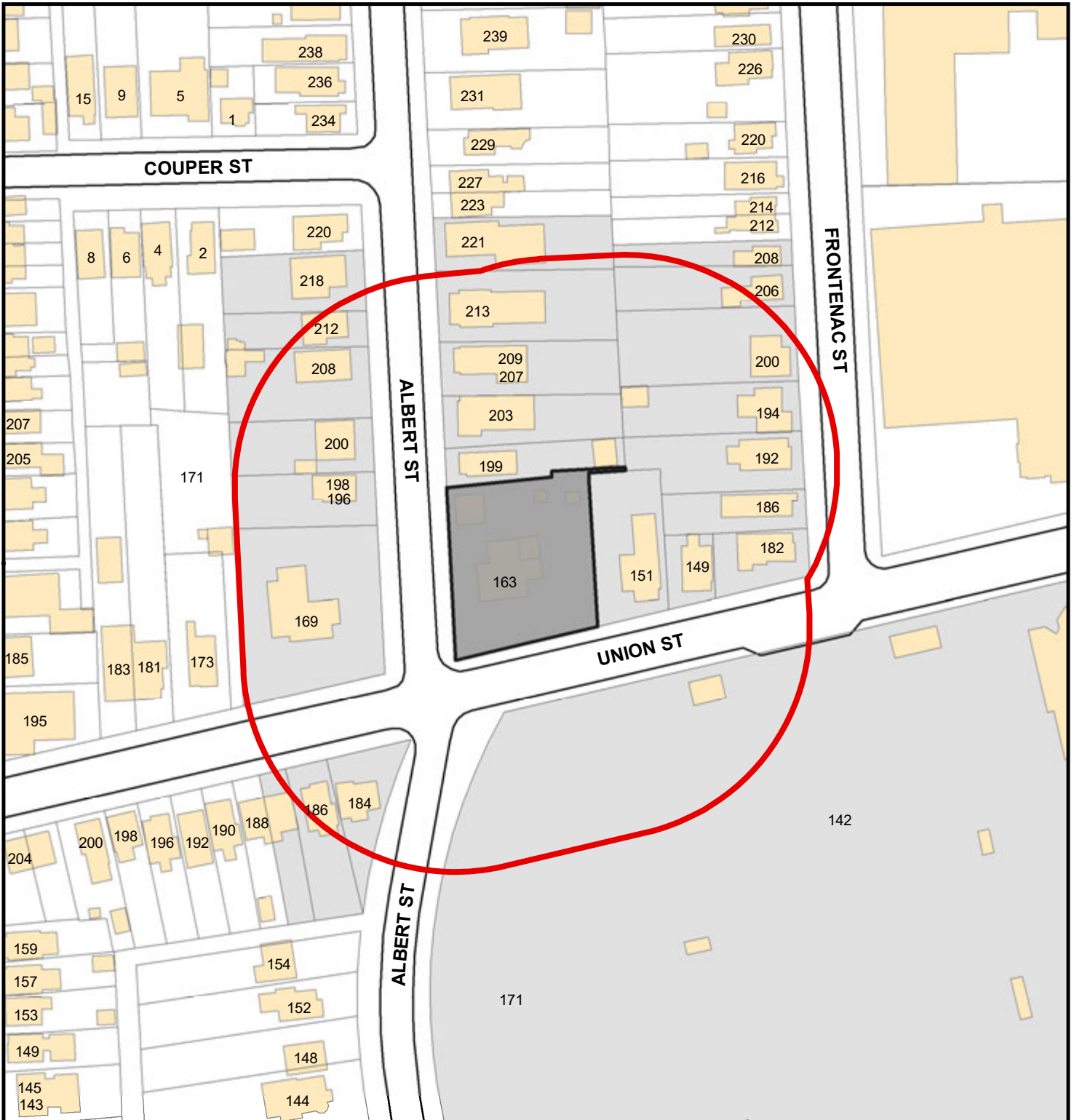
File Number: D10-046-2019 & D10-047-2019
Address: 163 Union Street

0 7.5 15 22.5 30 metres
1:1500

DATE: 2019-12-13
PREPARED BY: rrochefort

Subject Lands
 Retained Lands
 Severed Lands
 Severed Lands



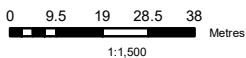


Planning Services

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Community
Services

CITY OF KINGSTON
Public Notice Notification Map

File Number: D10-046-2019 & D10-047-2019
Address: 163 Union Street



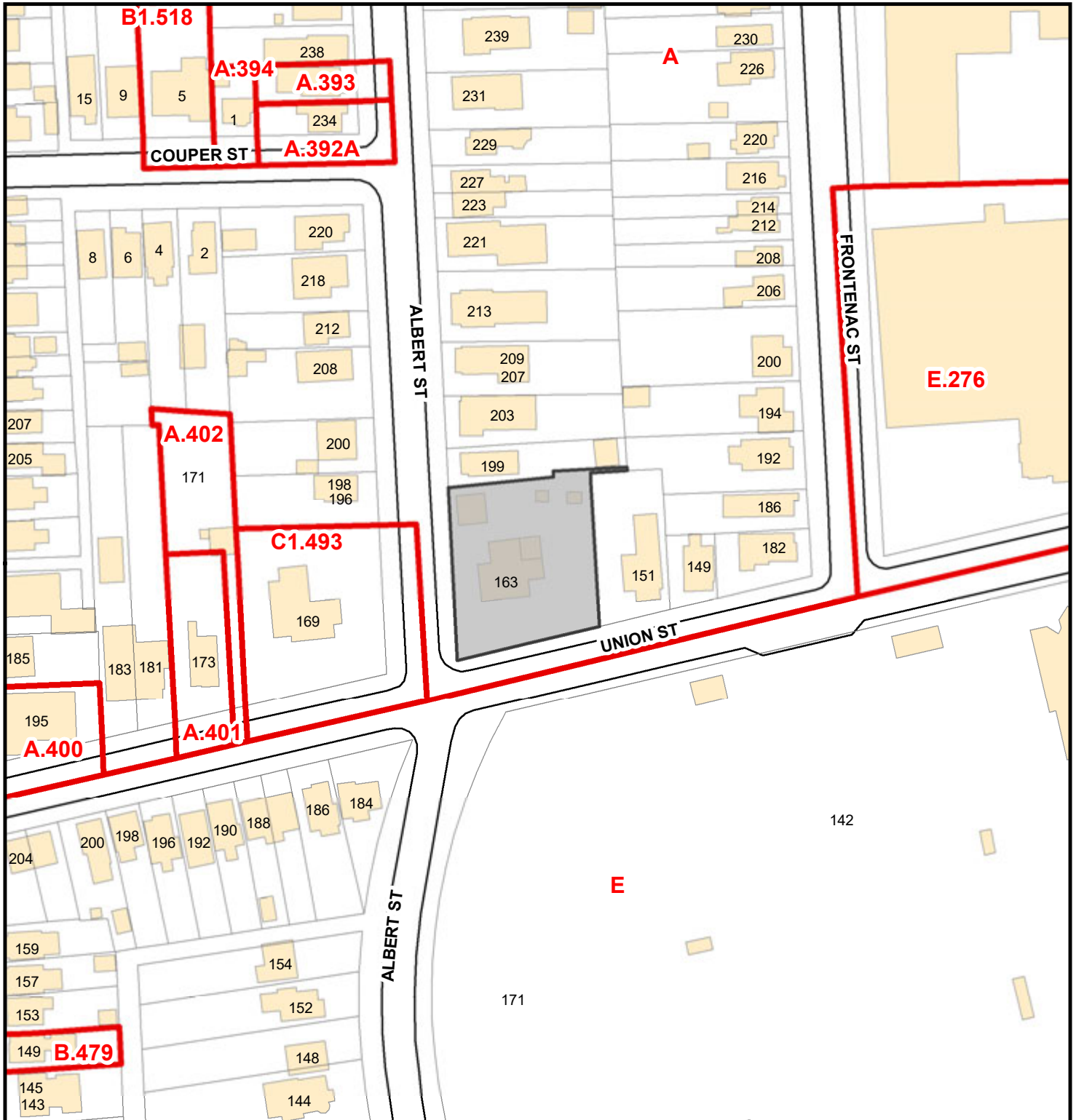
Legend

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



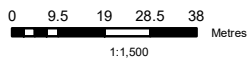
PREPARED BY: rochefort
DATE: 2019-12-13

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CITY OF KINGSTON
Existing Zoning - By-law 8499, Map 30

File Number: D10-046-2019 & D10-047-2019
Address: 163 Union Street



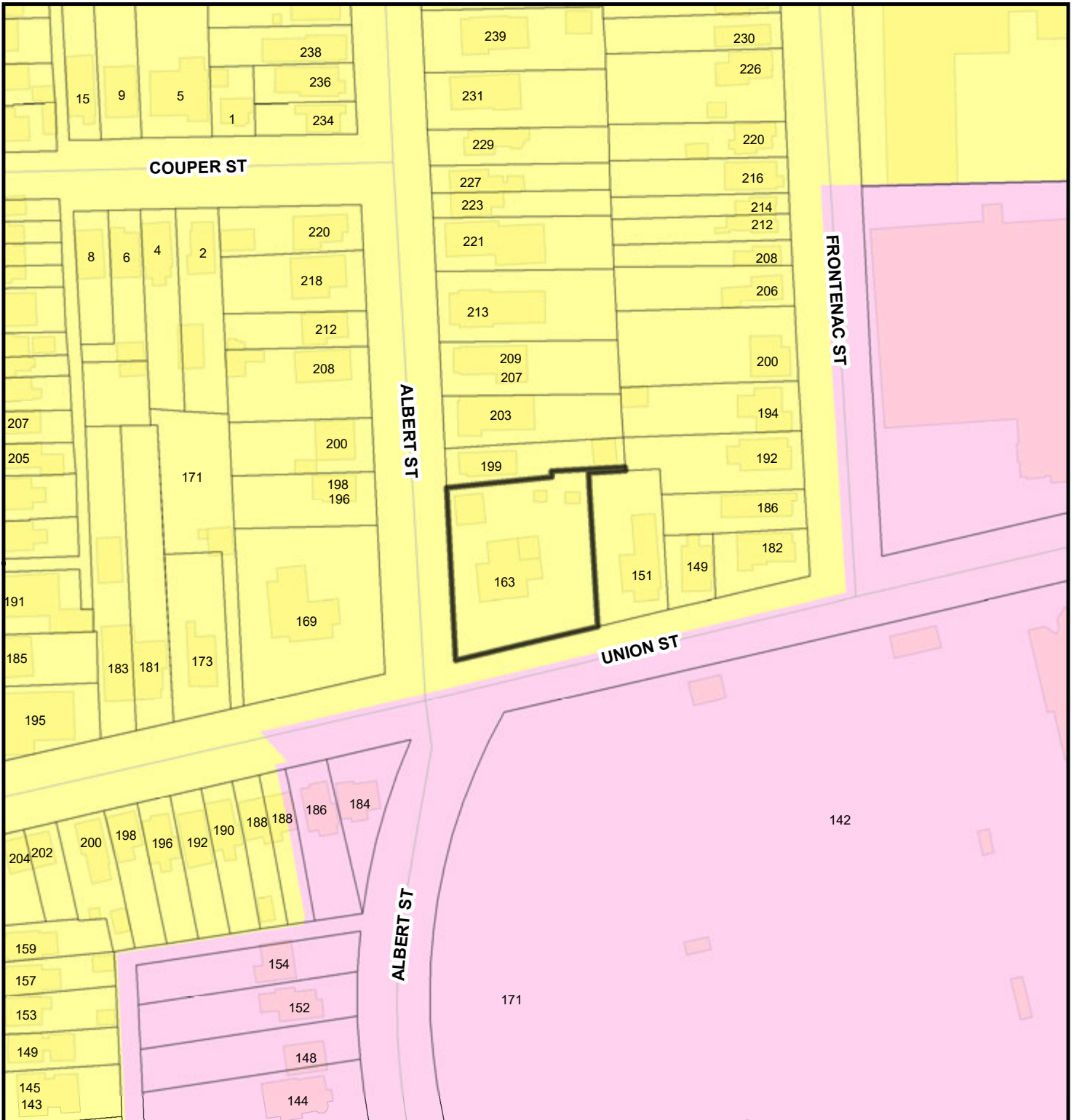
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-  Subject Lands
-  Consolidated Zoning



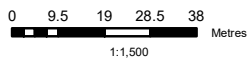
PREPARED BY: rochefort
DATE: 2019-12-13

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CITY OF KINGSTON
Official Plan, Existing Land Use

File Number: D10-046-2019 & D10-047-2019
Address: 163 Union Street



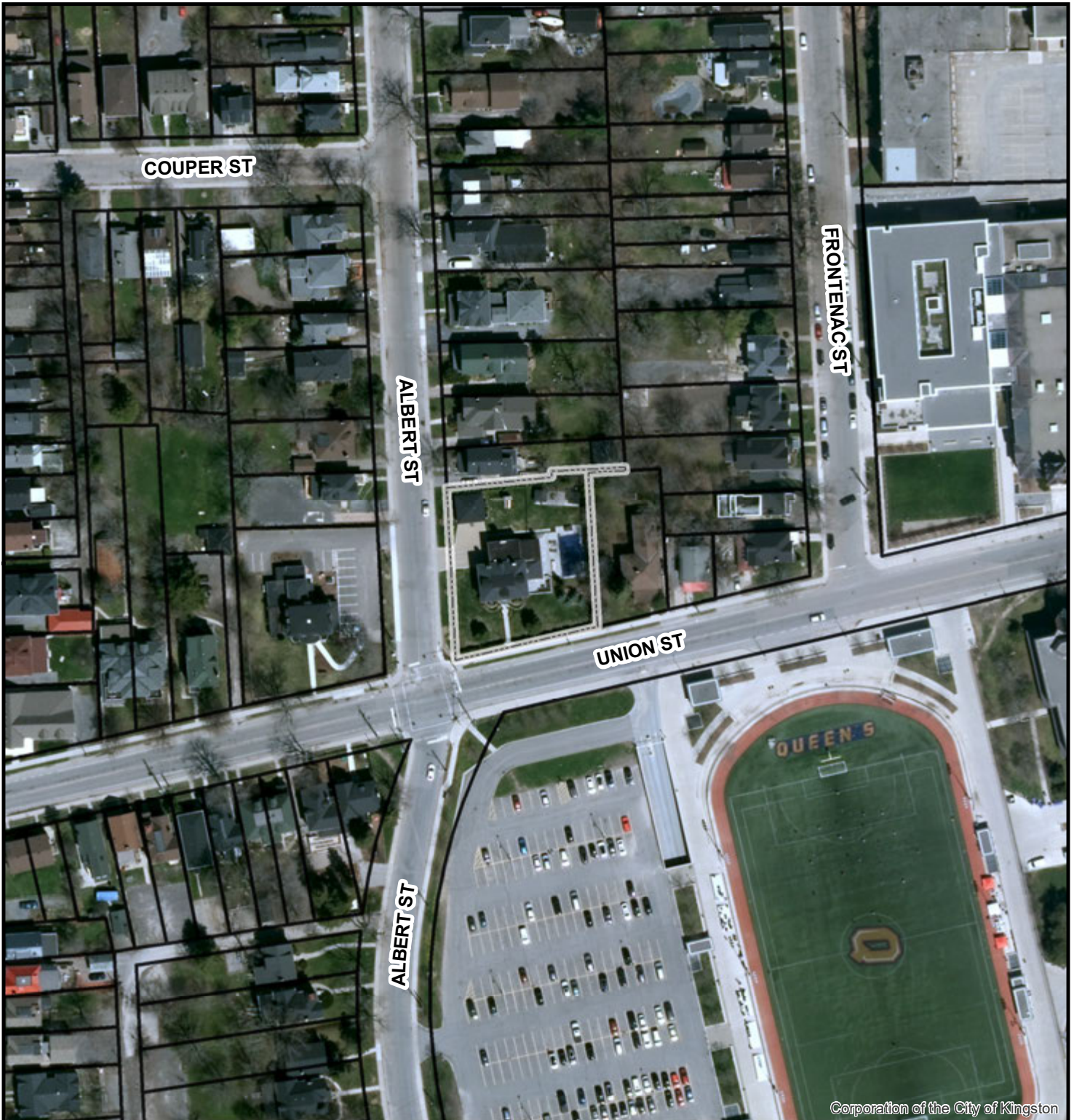
Legend

- Subject Lands
- INSTITUTIONAL
- RESIDENTIAL



PREPARED BY: rochefort
DATE: 2019-12-13

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Corporation of the City of Kingston

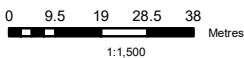


Planning Services



a department of
Community
Services

CITY OF KINGSTON
Neighbourhood Context (2018)

File Number: D10-046-2019 & D10-047-2019
Address: 163 Union Street



Legend

-  Subject Lands
-  Property Boundaries



PREPARED BY: rochefort
DATE: 2019-12-13

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Site Visit Photos (Captured Feb 20, 2020)



Albert Street Lot



Albert Street Lot



Albert Street Lot



Union Street Lot



Union Street Lot



Union Street Lot



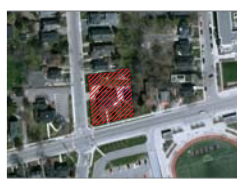
SITE INFORMATION

ZONING	A		
SITE AREA TOTAL	1822.6m ²		
PROPOSED LOT AREA			
RETAINED	SEVERED 1	SEVERED 2	
985.7m ²	370.3m ²	466.6m ²	
SETBACKS PROVIDED as shown			
LOT COVERAGE (MAX 33.33%)			
RETAINED	SEVERED 1	SEVERED 2	
22.8%	26.5%	29.4%	
LANDSCAPED OPEN SPACE (MIN 30% of LOT)			
RETAINED	SEVERED 1	SEVERED 2	
67.5%	54.1%	34.0%	
PROPOSED PARKING			
RETAINED	SEVERED 1	SEVERED 2	
1	2	2	
FLOOR SPACE INDEX RETAINED			
0.47			

NOTES

1. The base plan (lot lines, existing roads and surrounding areas) is based on a survey prepared by Hopkins Chilly Land Surveyors Inc. 2019. The site area is approximate and all dimensions need to be confirmed by a legal survey.

**163 UNION ST
KINGSTON, ON
CONCEPT PLAN**



LEGEND

- PROPERTY BOUNDARY
- EXISTING CEDAR HEDGE
- EXISTING STONE WALL
- PROPOSED PARKING SPACE
- LANDSCAPED OPEN SPACE
- BUILDING FOOTPRINT
- EXISTING BUILDING

REVISIONS

2	REVISION	2020.01.29	MC
1	DRAFT	2019.10.31	MC
No.	REVISION	DATE	BY

CLIENT
JOHN SOTIRIADIS

**FOTENN
Planning + Design**

6 Cataragui Street, Suite 108
Kingston ON K7K 1Z7
613.542.5454 www.fotenn.com

DESIGNED	MC
REVIEWED	YL
DATE	2019.10.31

P1

163 Union Street, Kingston: Proposed Lot Severances
Heritage Impact Statement (HIS)

Revised 27/01/20



Prepared by:



André Scheinman Heritage Preservation Consultant

163 Union Street, Kingston: Proposed Lot Severances
Heritage Impact Statement (HIS)

163 Union Street currently is a large, residential property (lot size approximately 1870 square metres) located at the northwest corner of Union Street and Albert Street with the existing dwelling fronting on to Union Street. The property is located largely within Lots 929 and 930 with the northeast corner extending into Lot 928 of Registered Plan A-12, originally part of Farm Lot 23, Concession 1, Kingston Township, now within the City of Kingston (Map 1).

Planning Rationale

163 Union Street is designated under Part IV (Section 29) of the Ontario Heritage Act (OHA) By-Law No.87-151 and the properties directly adjacent, 151 Union Street (to the east, By-Law No. 2008-80) and 169 Union Street (across Albert Street) are likewise designated. The designation of 169 Union Street is in association with a heritage easement agreement. Thus the proposed severing of 163 Union Street to create two additional lots requires that a Heritage Impact Assessment (HIA) be undertaken and reported in the form of a HIS. The authority for the HIS is derived from the Ontario Heritage Act, Section 2(d) of the Planning Act, and Section 2.6 of the Provincial Policy Statement, 2005/2014.

Site Context and Property Evolution

The subject property originally formed part of Farm Lot 23, the extensive land holdings acquired by the Herchmer family in 1793 (Crown Patent May 2, 1802). Between 1838 and 1841, with Kingston having been identified as the probable site for the capital of the Province of Canada, the Rev. William Macaulay Herchmer was approached by Lord Sydenham (Lieutenant Governor) seeking to obtain the bulk of the lot for “works which might be advantageous to the public service”. Herchmer agreed, retaining only a 12 ½ acre section for himself. The area north of Union Street and up to Concession Street was originally part of these British military Ordnance Lands, redundant to them after they left Kingston in 1870 and declared surplus by 1872. In 1873 (registered 1874), this area, bounded by Collingwood Avenue to the west and University Avenue to the east (about 115 acres), was divided into 522 lots by D. Williams (Plan A-12). The lots, laid out in a rigid grid, were generally ¼ to 1/5 of an acre in size creating a denser, more uniform, settlement pattern than was previously typical.

The plan of 1874 (Map 2) shows that the existing residence had already been constructed by that time making it, along with 169 Union Street, one of the first dwellings within the newly subdivided area and the first in the block between Frontenac and Albert Streets. The property, comprising Lots 929 and 930 (with a small extension into 928), was only

officially patented by the Crown to Annie Patterson (the wife of naval Captain Frank Patterson) in 1882, however.

In 1892 (Map 3) the dwelling is shown as comprising a 2 ½ storey main block with a 2 storey brick ‘tail’ and a small frame 2 storey section at the inside corner between main block and tail. The remainder of that block along Union Street had not yet been built upon by that time.

In 1899 the lawyer J.M. Mudie commissioned some alterations which has been suggested were undertaken by William Newland’s office (Buildings of Architectural and Historic Significance BAHS V.6). The property passed through a series of owners with the family of Byron Derbyshire having the longest tenure extending from 1906 until the 1920’s. By 1908, the configuration of the ‘tail’ had changed, extending to the west, with a frame structure added to the rear. The portico is also clearly indicated at that time. Over that period, 1892 to 1908 the adjacent Union Street lots were built out including the stone ‘cottage’, now 151 Union Street (Map 4). Renovations were undertaken in 1927 designed by architect Colin Drever for Percy Mahood (BAHS V.6) (Map 5)

The building ‘footprint’ of 163 Union Street has remained very much the same since that time except for the removal of the rear frame structure and the conversion of the ‘tail’ into a parking garage by 1947 (Map 6). It is not clear at what point the brick building exterior was rendered with roughcast but possibly at that time.

The current owner undertook major changes to the property in 2004, regrading/stripping all vegetation from around the house (Map 7) and creating a large pool within a fenced enclosure, and constructing a pump-house, ‘cabana’, freestanding garage as well as flag paths and new plantings (Map 8).

To the north along Albert Street the typical built form has remained the brick 2 ½ storey, gable front and Queen Anne dwellings typical of the 1885 – 1930 period (Fig.1). Along King Street, residences of similar form occupy the eastern corner while 151 Union remains something of an anomaly – hipped roof, cottage scale now clad in brick, presumably over the original stone (Fig.2). 169 Union Street, across Albert Street (Hedgewood House Dental) is a large brick structure with a Mansard roof (former).

Property Description (Fig. 3 – 5)

The large 2 ½ storey, hipped roof home, brick with roughcast finish, is sited just west of the center of the double lot (essentially tight to the lot line between 929 and 930), screened along its street faces with an evergreen hedge. The original two storey rear addition houses a garage. As noted above a hipped roof garage occupies the northwest corner, a large swimming pool is just east of the house with the ‘cabana’ and pump house located at the rear of the pool yard enclosed by an iron fence, Plantings have matured remarkably since 2004. The east property line is densely vegetated creating a screen. The property is entered via iron gates between stone piers, from Union Street on axis with the front walk/entrance and from Albert with the side garage.

The residence is unique in the area for both harking back to Picturesque/Italianate antecedents and anticipating Colonial Revival stylistic treatments. It features a well proportioned, symmetrical, three bay façade (Fig.6) with the central bay consisting of the main entrance with arched fanlight and leaded sidelights set within a semi-circular colonnaded portico with columns of the Corinthian order. Above this and slightly offset to either side of centre are two smaller windows while a central eyebrow dormer with paired arched casements extends from the hip roof. To either side of the portico is a tripartite arrangement of multi-paned casements within projecting bays. The wood soffit/frieze retains its modillion brackets. The central eyebrow dormer is repeated at the east and west elevations each of which has four openings, two casements above two French doors. At the northeast corner an addition now extends toward the pool accessed via the original French door.

Statement of Cultural Value (SCV)

163 Union Street is considered of cultural value for historical/associative, design/architectural and contextual reasons as set out in Ontario Regulation 9/06 of the OHA.

The dwelling was one of the first buildings constructed in the large new subdivision created out of the former Ordnance Lands north of Union Street and, as such, is associated with that essential transition from British military outpost to urban (originally suburban) fabric.

The residence is a fine architectural composition, unique within the existing neighbourhood (most of which was built out much later) as representing earlier design precedents regarding form, massing, symmetry and proportion but consistent with its 1873-1874 construction date. It contains elements of the Italianate as well as the picturesque country villa. Architecturally it is linked more closely with certain dwellings within Sydenham Ward.

Given its unique architectural design (within its urban context), and its location on a prominent corner, it can be considered a landmark.

List of Heritage Attributes

In general the form, symmetry, proportions and composition of the dwelling.

Specifically:

- The main entrance treatment with fanlight and arched leaded sidelights;
- The semi-circular portico /balcony with fluted Corinthian columns, moulded cornice and modillion brackets;
- The slightly projecting bays flanking the main entrance and featuring a tripartite arrangement of multi-paned casement windows;

- The eyebrow dormers, central to each elevation, with arched paired casements;
- The casement windows and French doors of the east and west elevations including the masonry French door surrounds;
- The ‘standing proud’ corner treatment;
- The hipped roof;
- The wood soffit/frieze with modillion brackets.

Heritage Context

As noted above 169 Union Street, straddling lots 922 and 923 of the 1874 sub-division, at the northwest corner of Union Street at Albert Street, had also already been constructed by the time the area was subdivided in 1874 though it may have been substantially altered in 1878 for owner W.B. Anglin, the ‘construction’ date asserted in the Queen’s University Heritage Study (QUHS). W.B. Anglin, with his brother, established a sawmill at the mouth of the Cataraqui River, becoming a major local industry and producing lumber from the early 19th Century until 1979, the company remaining in the family until 1997. 169 Union Street, known as “Hedgewood”, was the family home until well into the 20th century. The QUHS rated it **Very Good** because of its “2nd Empire style with Mansard and gables” (*note: should be dormers*), its age, mature landscape and prominent corner site (Fig.10). It is protected under the Heritage Easement Agreement between Queen’s University and the City of Kingston.

151 Union Street was constructed between 1892-1908. The Fire Insurance maps (1908, 1924, 1947) note the wall construction to be concrete block. Whether this is actually a reference to the brick exterior (a concrete brick) or whether the brick is a later veneer application is not completely clear. Architecturally the design is a relatively rare example, for Kingston, of the Craftsman style, - hipped roof, large corbelled chimney, multi-pane windows, front verandah supported by heavy timber posts on large brick piers. The verandah roof has exposed rafters with sculpted ‘tails’. These are all aspects of the picturesque treatment (Fig.2). The Statement of Cultural Value (SCV) associated with the designation by-law notes the above exterior features, a number of prototypical Craftsmen interior features and its siting in a large, landscaped yard as important design elements. It also cites the association of the property with the locally prominent Gibson family since 1912. Contextually it is described as “helping to define the character of the area.”

Proposed Lot Severances (Fig.9)

The current owner is proposing to create two new lots within the existing property boundary. Lot severance 1 would create an approximately 355.4 square meter property extending from the Union Street front to the proposed southern boundary of Lot severance 2 along the eastern edge of the current property (Fig.7). Access would be from Union Street. Lot severance 2 would create an approximately 460 square meter property at the northern end of the existing lot with access from Albert Street and extending to the current eastern lot line. These severances would still leave an approximately 1000 square

meter lot (29.5 m along Union Street x 36.4 m along Albert Street) for the existing residence.

Potential Heritage Impacts of the Proposal

163 Union Street

There are no direct impacts on the heritage residence and its associated built-heritage attributes. As noted earlier the yard was completely stripped out for new works and re-grading in 2004, so that, while the existing landscaping is very sympathetic to the house, it is not of heritage significance. In the course of the lot severance process the ancillary structures/features of the existing yard including garage, cabana, pump house and pool would be demolished. While currently complimentary to the original residence these all date post 2004 and thus are not of heritage significance. Therefore their loss is not considered a heritage impact.

Of course, the spacious yard on which the building sits will be somewhat diminished. However the original siting of the building tight to the eastern lot line of the western lot (Lot 929) means that the substantial western side-yard (Fig.3) will remain fully intact, particularly as viewed from Union Street. As regards the existing eastern side-yard, careful design can maintain help maintain a sense of the original space as viewed from Union Street (see below).

Impacts to Heritage Context

169 Union Street: There really is no discernible heritage impact to this property associated with the severance proposal. The unchanged presence of the large western side yard of 163 Union Street, the separation distance created by Albert Street and the proposed lot severance 2 being largely 'behind' 163 Union Street (as viewed from Union Street) indicates that there will be no appreciable effect on the heritage appearance/character of this heritage building.

151 Union Street: There is no direct heritage impact on 151 Union Street associated with the severance proposal. However, given the proximity of the proposed new lot, it is essential that any development on lot severance 1, be designed, both architecturally and from the landscape architecture perspective, to minimize visual impact on the cloistered, Craftsman heritage character of 151 Union Street. This is discussed at greater length below but an essential aspect is by simply retaining the dense vegetative screening between the two properties (Fig.11). Where this derives mainly from the treed edge of 151 Union Street adjacent infrastructure should be designed so as to ensure the ongoing health of the vegetation (though currently somewhat overgrown.)

The addition of a new structure between the existing 163 Union Street and 151 Union Street will of course alter the streetscape as viewed from across Union Street and the spatial relationship between the two heritage buildings. However, assuming careful

design, the new insertion should be able to fit in comfortably with the character of the existing block to the east which features smaller lots (than the double-sized 163 Union) and residences which are more tightly spaced.

The objective will be to design so that the new construction comes to seem very much a part of their respective streetscapes.

Mitigation: Appropriate Design

While City heritage policy, guided by the Ontario Heritage Act, would insist that any new construction on these lots, adjacent to designated heritage buildings, would be subject to Council approval, the current process provides an opportunity for ensuring that a prospective owner/builder is aware from the ‘get-go’ of the responsibility of constructing compatible and well-designed architectural infill and the guidelines for doing so. This could take the form of an easement agreement and/or development agreement that would be established as a condition of granting severance and be passed on to prospective buyers.

In general it is essential that the new buildings be designed to:

- fit relatively seamlessly into their respective streetscapes;
- ‘defer’ in terms of scale and siting to the original heritage residence ensuring that the original building not appear ‘crowded’ and/or diminished;
- utilize exterior materials and a colour palette sympathetic to the original building, adjacent heritage buildings and the general late 19th/early 20th century built-form.

‘High level ‘ guidance can be derived from the Standards and Guidelines or the Conservation of Historic Places in Canada Rehabilitation Standards 11 and 12. Though these were originally developed as guidance for additions and new construction on a heritage site they are also relevant to adjacent new construction.

Standard 11: Conserve the heritage value and character-defining elements when creating any new additions to an historic place or any related new construction. Make the new work physically and visually compatible with, subordinate to and distinguishable from the historic place.

Standard 12: 2. Create any new additions or related new construction so that the essential form and integrity of an historic place will not be impaired if the new work is removed in the future.

Guidelines/parameters would be established for each of the lots individually as the relationship of each with the original building and with the adjacent streetscapes are quite different. The following indicates the type of tenets that might be included in such a document(s), (in addition to already existing zoning requirements).

Recommendations associated with Lot Severance 1:

Objective: To maintain the visual primacy of the existing heritage building as viewed from Union Street and minimize impact on the adjacent heritage property while still allowing for a quality new residential opportunity.

- Set new dwelling back to line of southeast corner of existing building to ensure views to heritage façade are maintained from the southeast and existing is not ‘upstaged’;
- Ensure roof peak/ridge does not extend past that of original building;
- Orientate with width as front to allow maximum ‘breathing space’ to original building. Note that the proposed lot width dictates this orientation in any case. Depth of building is much less an issue as not a major publicly visible component.
- Preferred roof as low to medium hip though gable can be considered;
- Preferred wall finish as brick or stucco;
- Site driveway and front walk along eastern edge of property so as to minimize interruption of ‘apparent’ frontage. Ensure that paving does not denigrate the health of existing boundary plantings by maintaining a green strip to property line;
- Maintain and enhance vegetative screen along eastern boundary with 151 Union Street.
- Re-establish yew hedge along Union Street up to the drive/walk to replicate and continue the existing at 163 Union thereby retaining a sense of the original lot.

Recommendations associated with Lot Severance 2:

Option ‘A’:

Objective: Extend existing typical built-form southward.

- Maintain the typical setback from Albert Street;
- Continue the built-form established along the street as regards height (to peak), width, proportion and gable front orientation. This could also be associated with a Queen Anne, i.e. gable/hip or cross gable roof forms.
- Preferred wall finish as brick
- Front porch (open or enclosed) as a potential feature element.
- Site driveway to north of new building to minimize paved area adjacent to heritage property and establish visual separation between properties. Driveway can continue to area at east where, by historic anomaly, the lot widens by 2’, a benefit for parking.
- Vegetative screen along north and south lot lines of new lot

Option ‘B’:

Objective: Differentiate new residence as contemporary insertion in streetscape with some ‘echoes’ of historic building:

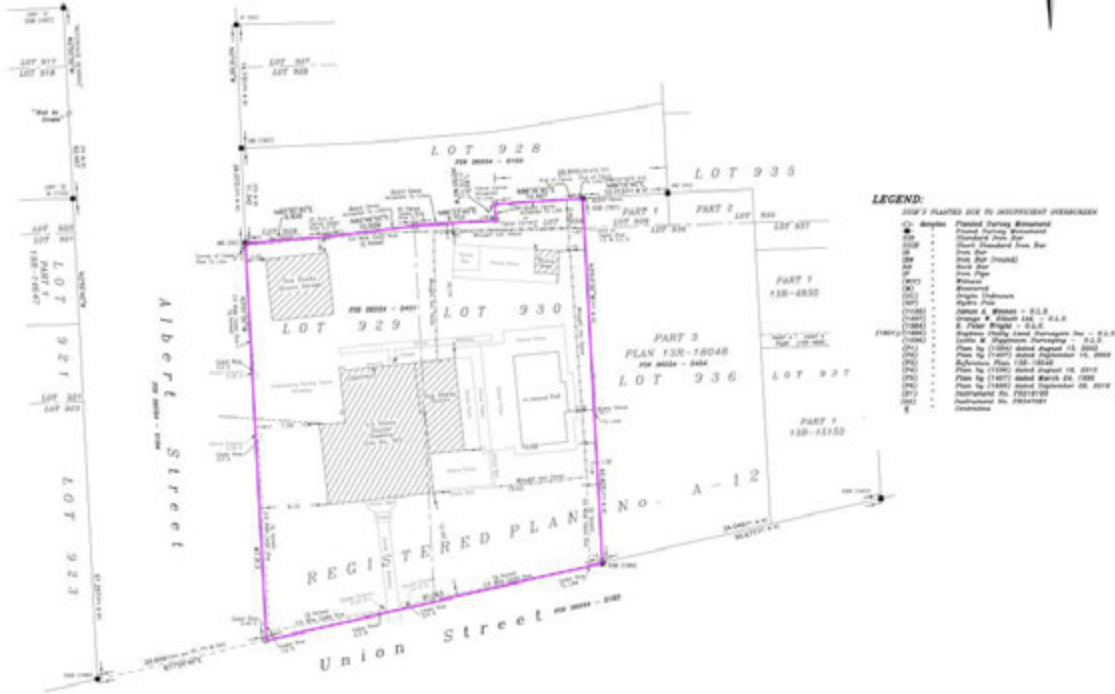
- Set dwelling further back (east) in lot than is typical to the north;
- Ensure that roof ridge/peak does not extend beyond that of existing heritage dwelling or typical residential streetscape preferably working with a low to medium pitch hip roof;
- Preferred wall finish as stucco or brick;
- Site driveway to north of new building to minimize paved area adjacent to heritage property and establish visual separation between properties; Driveway can continue to area at east where, by historic anomaly, the lot widens by 2', a benefit for parking.
- Vegetative screen along north and south lot lines of new lot.

As currently conceived the building on lot severance 2 would extend eastward deep into the existing lot. However this long south elevation, as viewed from Union Street, will be 'broken up' by the existing dwelling and by the proposed development on lot severance 1 so would not appear to overwhelm the adjacent structures. That being said it will be essential that, as noted above, its height does not extend beyond that of the existing dwelling, as otherwise the relative depth/mass of the elevation does become evident and an issue.

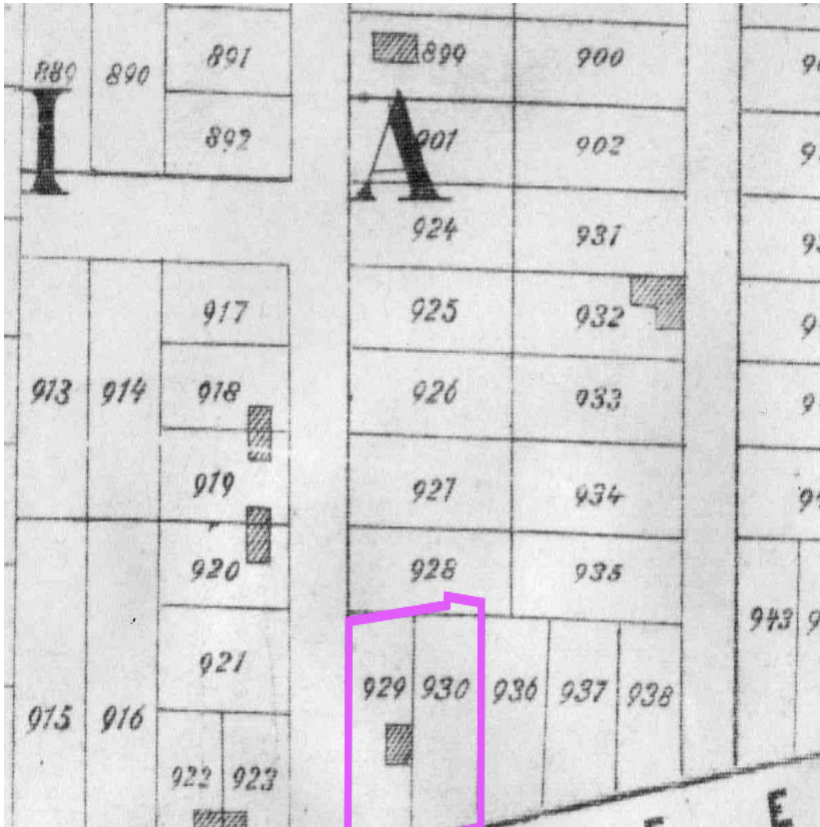
Conclusion

The evolution of the urban environment has traditionally been one of sub-division and infill - from Farm Lot to large lot country villa, to denser urban streetscapes. While, there are certain sites where it would be both essential and feasible to retain the full original lot, at a location such as 163 Union Street, now well within the core area of Queen's University, the reasonable objective would seem to be one of balance between the preservation of the heritage residence within a still appropriate context and that of creating further density within its original two (and a bit) lots. Having said that – the burden is then on the quality/appropriateness of the new design both in terms of built-form and landscape for this to become a successful evolution. There is the potential for two new structures to be inserted in their respective streetscapes with little negative impact on the existing heritage context but this will require sensitivity, co-operation and attention to detail.

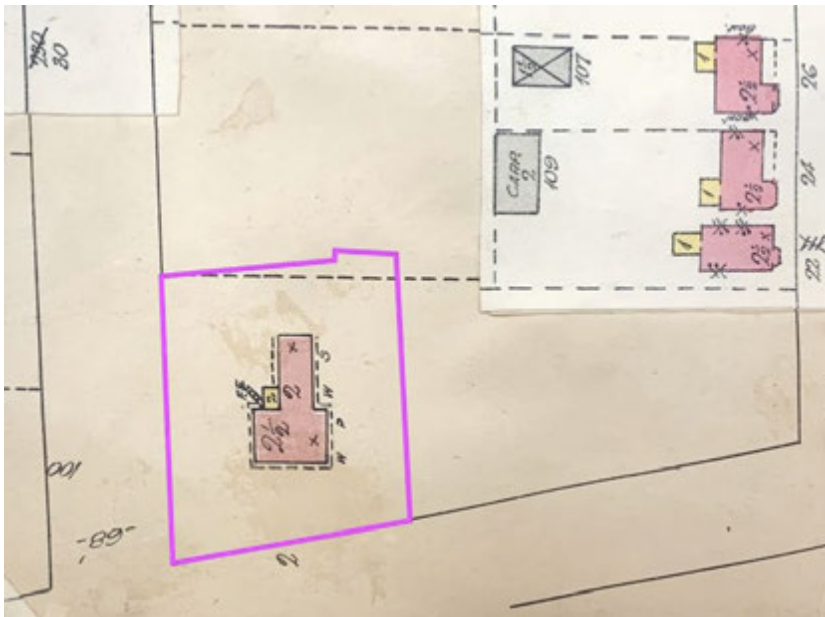
Surveyor's Real Property Report (PART 1)
 PLAN of All of LOT 930 and Part of LOTS 928 and 929
 REGISTERED PLAN A-12
 CITY OF KINGSTON
 COUNTY of FRONTENAC
 SCALE = 1:250
 HOPKINS CHITTY LAND SURVEYORS INC.
 - 2019 -



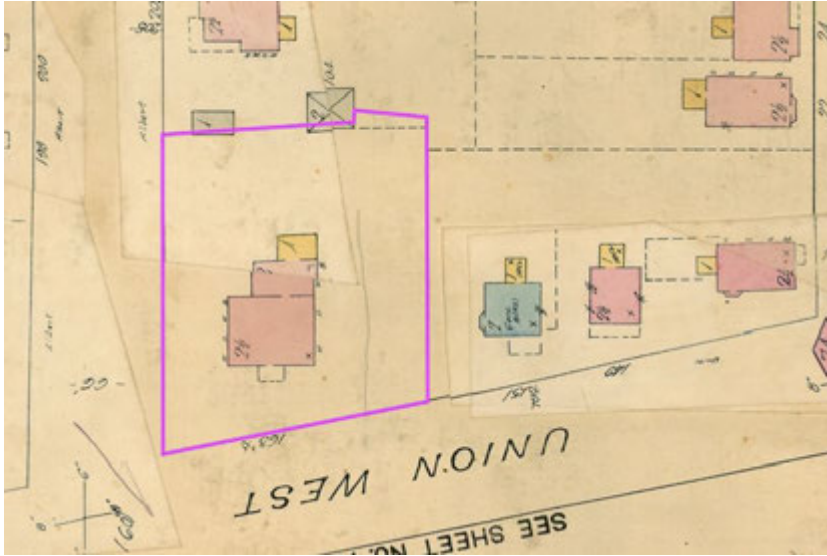
Map 1: Survey Plan of the subject Property (2019) (Hopkins Chitty Land Surveyors Inc.)



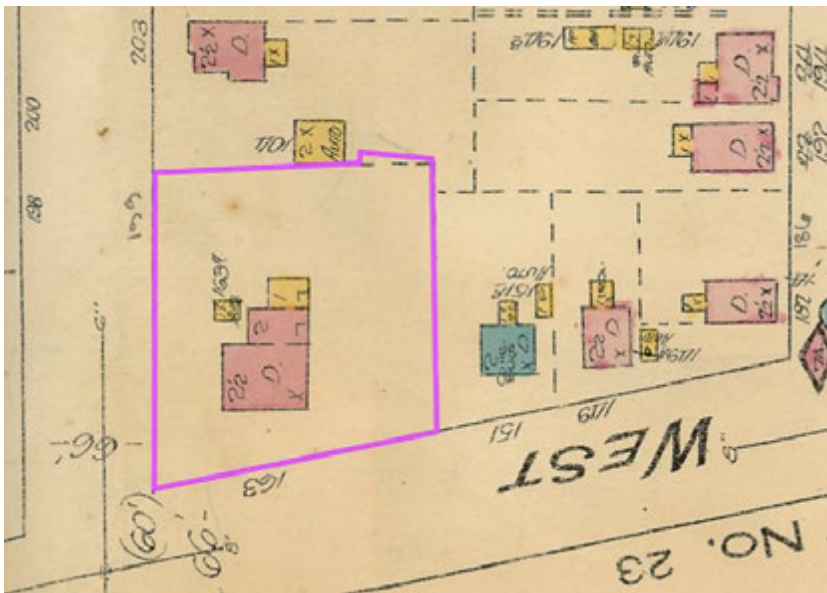
Map 2: Detail from 1874 Map of Kingston with property outlined



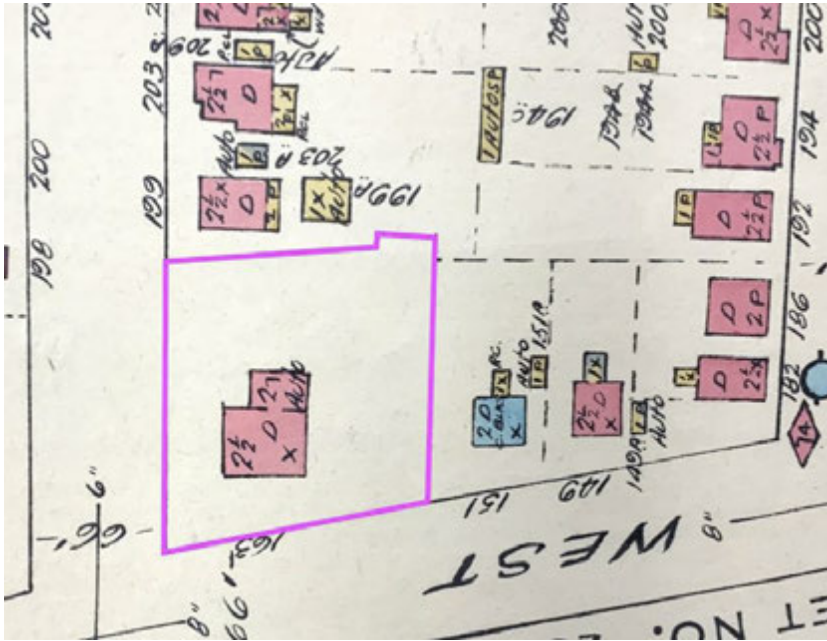
Map 3: Detail from Goad's Fire Insurance Map 1892



Map 4: Detail from Goad's Fire Insurance Map 1908



Map 5: Detail of Fire Insurance Map 1927



Map 6: Detail of Fire Insurance Map 1947



Map 7: 2004 Aerial View showing property stripped of vegetation (Kmaps)



Map 8: Aerial view of current (2017) conditions (Kmaps)



Fig.1: Streetscape along Albert St. including NW corner of subject property



Fig.2: Streetscape along Union St. east of subject property. Note 151 Union closest.



Fig 3: Front view of property



Fig.4: Property from SW



Fig.5: Property from SE



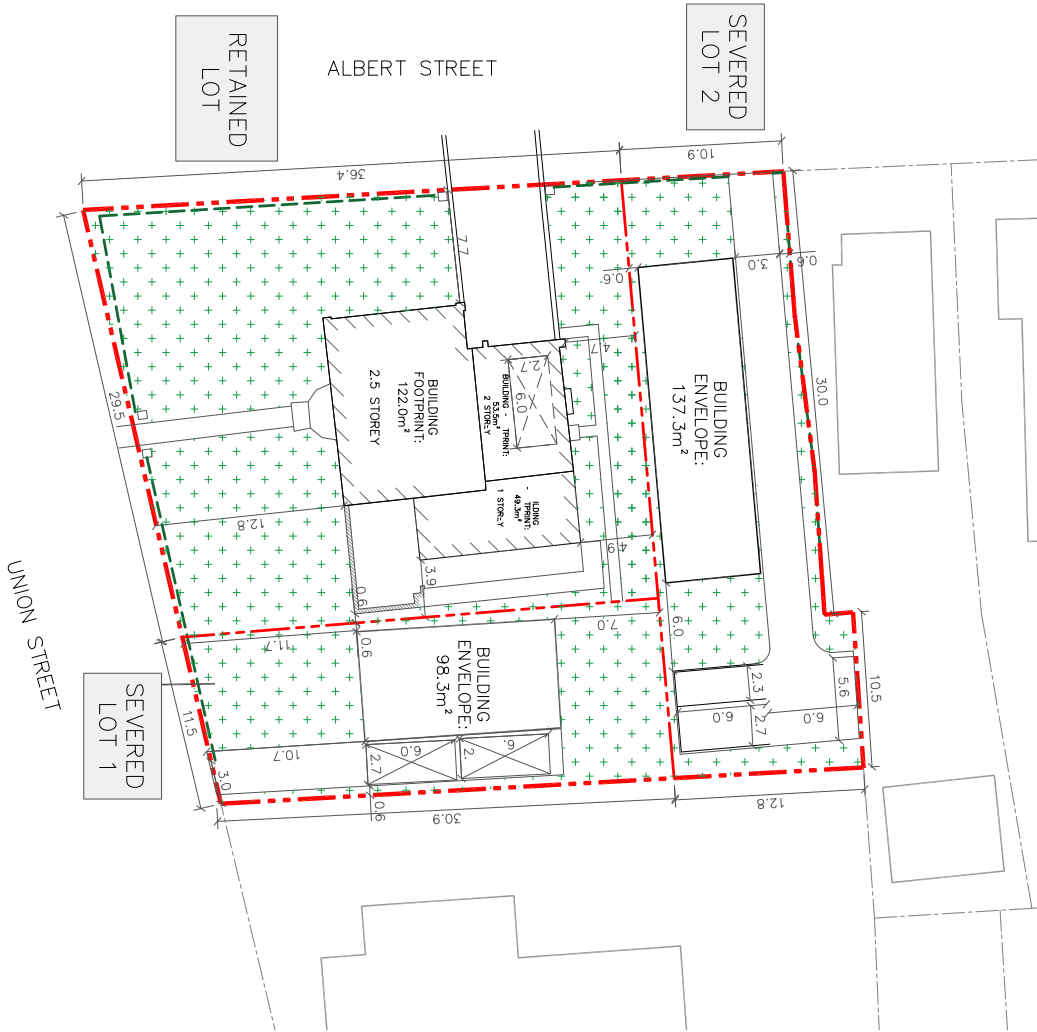
Fig.6: Front elevation



Fig.7: View south from pool



Fig.8: View across rear yard looking west



SITE INFORMATION

ZONING	A	
SITE AREA	1822	
TOTAL PROPOSED LOT AREA	1822	
RETAINED	SEVERED 1	SEVERED 2
983	839	as shown
SETBACKS	PROVIDED	
LOT COVERAGE	SEVERED 1	(MAX 3% /)
RETAINED	2% /	SEVERED 2
LANDSCAPED OPEN SPACE	(MIN 30% of LOT)	
RETAINED	SEVERED 1	SEVERED 2
6% /	5% /	3% /
PROPOSED PARKING	SEVERED 1	SEVERED 2
RETAINED	2	2
FLOOR SPACE INDEX	1	
RETAINED	1	

NOTES
1. This lot is based on a survey prepared by Hockel legal survey.

**163 UNION ST
KINGSTON, ON
CONCEPT PLAN**

- LEGEND**
- PROPERTY BOUNDARY
 - EXISTING CURB HDQC
 - EXISTING STORM W/L
 - EXISTING STRONG W/L
 - PROPOSED PARKING SPAC.
 - PROPOSED OPEN SPAC.
 - BUILDING - PRINT
 - EXISTING BUILDING

FOTENN
Planning + Design

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Kingston, ON K7K 1Z7
Tel: 613-332-1234
www.fotenn.com

DESIGNED BY: MC
REVIEWED BY: YL
DATE: 2019.10.31

P1

CLIENT: JOHN SOTIRIADIS

2020.01.29 MC
2019.10.31 MC
DATE BY

Fig.9: Proposed severances



Fig.10: 169 Union Street , 'Hedgewood'. Note substantial side-yard to east.



Fig.11: Vegetation at front corner interface between 163 Union and 151 Union

Prepared by:

*André Scheinman
Heritage Preservation Consultant
27/01/20 (Revised)*

André Scheinman is a heritage preservation consultant with 40 years of professional experience in assessing, planning and preserving heritage sites. An APTI and ICOMOS member since 1978 he has been a member of CAPH since its inception and in 2016 was the recipient of the CAHP Lifetime Achievement Award. Current projects include: the East Block, Parliament Hill; the Offices of the Prime Minister and Privy Council, Wellington Street, Ottawa; the Supreme Court of Canada Building, Ottawa and Yeo Hall, RMC, Kingston

All photos for Figures by André Scheinman

163 UNION STREET CONSENT TO SEVER

December 6, 2019

Ms. Lindsay Sthamann
Intermediate Planner
Planning, Building & Licensing Services
City of Kingston

Via Email: lsthmann@cityofkingston.ca

**RE: 163 Union Street
Application for Consent to Sever**

Dear Ms. Sthamann,

Fotenn Planning + Design has been retained by John Sotiriadis to submit applications for consent to sever two lots from the subject property located at 163 Union Street. The proposed consents will result in a total of three lots (two severed + one retained).

A pre-application report was issued by City of Kingston staff dated August 27, 2019 which identified the application requirements. Accordingly, the following are submitted in support of the application:

- / Conceptual Site Plan, Prepared by Fotenn Planning + Design, dated October 31, 2019;
- / Archaeological Report, Prepared by Abacus, Prepared By Abacus, dated September 30, 2019;
- / Heritage Impact Statement (HIS), Prepared by, Andre Scheinman Heritage Preservation Consultant, dated November 22, 2019;
- / Application forms as completed in the Development and Services Hub (DASH);
- / This planning letter.

Site Description + Surrounding Context

The subject property is located in the northeast corner of Albert Street and Union Street in the City's urban area. The lot has an area of approximately 0.18 hectares (± 0.44 acres), approximately 41 metres (± 134 feet) of frontage on Union Street, and approximately 47.3 metres (± 155 feet) of frontage on Albert Street. The property is currently developed with a two-and-a-half storey, single-detached dwelling and accessory structures including a one-storey detached garage, a pump-house, cabana, and an inground pool. All accessory structures including the existing inground pool, are proposed to be demolished to facilitate the proposed consent. The subject property is designated under Part IV of the *Ontario Heritage Act*, which recognizes the cultural heritage significance of various architectural elements of the existing property. It is understood that permits, including Heritage Permits, will be required before the proposed demolition can take place.

The subject property is located at the edge of a residential neighbourhood characterized by a mix of densities and built forms. Single-detached dwellings are predominant, however the surrounding neighbourhood includes a mix of semi-detached dwellings, converted dwellings, duplex dwellings and triplex dwellings, Queen's University is located to the east and west of the site. Residential density in terms of units per net hectare is difficult to ascertain in the area due to the high incidence of legal non-conforming uses that exceed the permitted number of dwellings in the current zoning by-law, although the surrounding built form suggests a low to medium residential density. Residential building heights in this neighbourhood generally range from one to two-and-a-half storeys, with sporadic incidences of three storey dwellings.

The subject site is well-suited to all standard modes of transportation. There are painted bicycle lanes along Union Street, as well as additional bicycle lanes located in proximity to the subject site on Brock Street, Johnson Street, and Princess Street which provide access to and from Kingston’s downtown core. The surrounding neighbourhood is pedestrian-friendly with sidewalks on both sides of the street, nearby amenities and a neighbourhood character



and scale which is appealing and conducive to pedestrian travel. Bus Routes 1, 2 and 3 travel along Union Street, directly adjacent to the subject property.

Figure 1: Context Map – Surrounding Area (Source: K-Maps)

Vehicular access is currently provided to the site by a paved driveway on the west side of the property accessed from Albert Street. Pedestrian access to the site is provided from Union Street at the front of the building. Sidewalks are present along both sides of Albert Street and Union Street.

The following uses are immediately adjacent to the subject site:

- / **North:** Residential
- / **East:** Residential
- / **South:** Institutional (Queen’s University)
- / **West:** Residential



Figure 2: Context Map – Immediate Area (Source: K-Maps)

Proposed Development

The lots to be severed are located in the north and east portion of the subject site. Severed Lot 1 will have approximately 11.5 metres (37.7 feet) of frontage on Union Street and an approximate lot area of 370.3 square metres. The rear lot line for severed Lot 1 will be the interior side lot line for severed Lot 2, therefore severed Lot 1 and the retained lot will have an approximate depth of 32.2 metres. Severed Lot 2 will have approximately 10.9 metres (35.8 feet) of frontage on Albert Street and an approximate lot area of 466.6 square metres. Severed Lot 2 will have a depth of 40.5 metres, extending the full depth of the current property as measured from Albert Street. The proposed severed lot areas exceed the minimum lot area requirement of the A zone. The severed lots will be serviced by existing municipal water and wastewater services from Union and Albert Street.

The retained parcel will maintain 36.4 metres (119.42 feet) of frontage on Albert Street and 29.5 metres (96.78 feet) of frontage on Union Street, with an approximate area of 985.7 square metres. The proposed lot area exceeds the minimum zoning bylaw requirements of the A zone. The retained lot will contain the existing two-and-a-half storey dwelling. No changes are proposed to the retained lot or existing building as a result of this proposed severance, aside from the removal of the accessory structures currently located within the area of the proposed severed lots.

A conceptual plan of the proposed severances is provided below. The plan includes an illustration of the viability of potential building envelopes, driveway locations, and parking locations for the proposed severed lots. Two parking spaces are shown on each severed lot to provide the potential to accommodate for Second Residential Units. Severed Lot 1 proposes tandem parking spaces, and severed Lot 2 proposes rear yard parking. Note that this concept is for illustrative purposes only to demonstrate the feasibility of developing single-detached dwellings on the proposed lots.

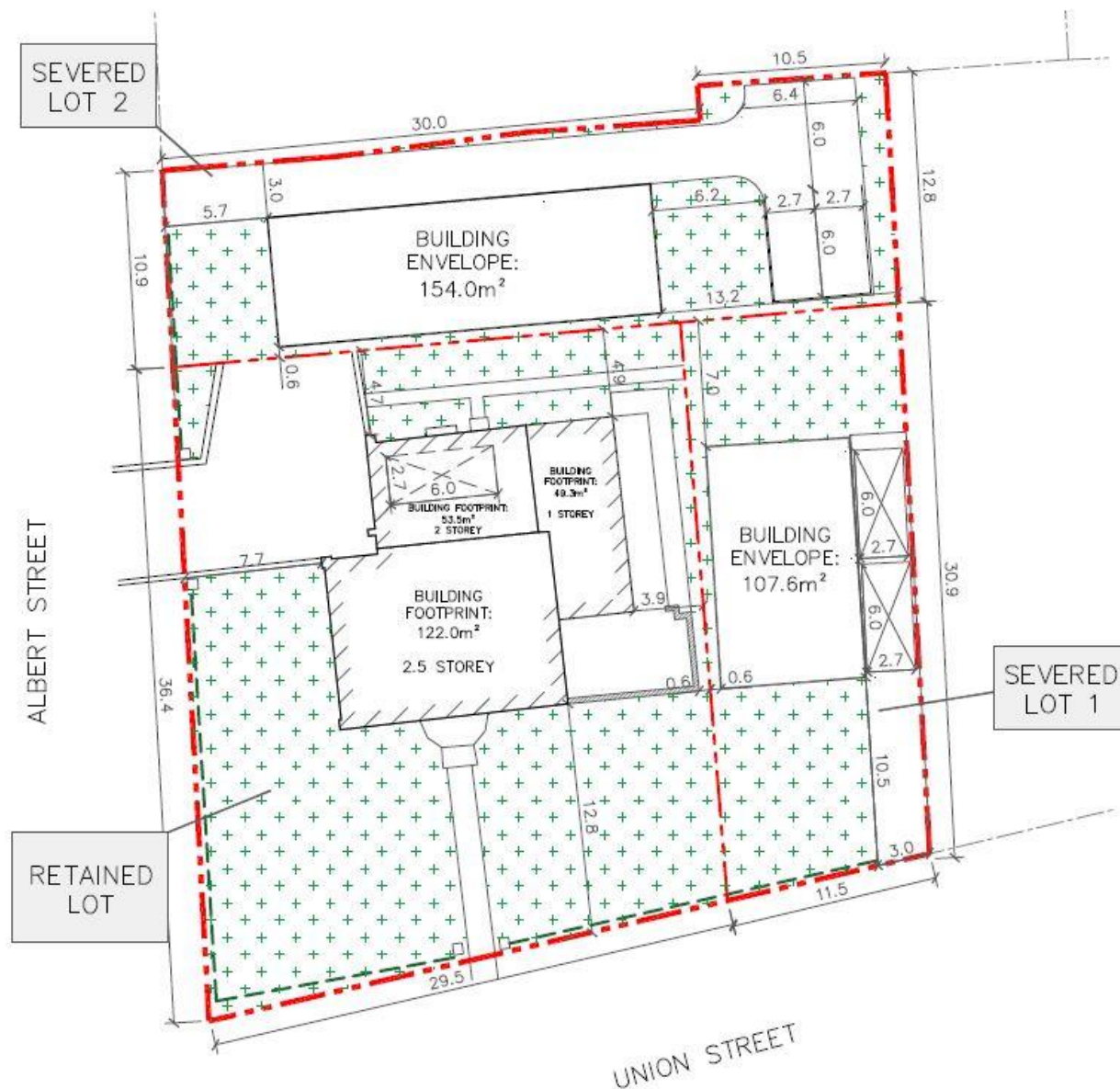


Figure 3: Concept Plan (Source: Fotenn)

Supporting Studies

At the pre-application meeting, City of Kingston staff advised on the supporting studies that would be required in support of an application for consent. At this meeting, staff advised that the following would be required for a complete application:

- / Archaeological Assessment; and
- / Heritage Impact Statement (HIS).

Stage 1 Archaeological Report

Abacus Archaeological Services conducted a Stage 1 Archaeological Assessment of the subject site. A review of historical documentation satisfied the requirement of the Stage 1 Assessment. The subject property has been determined to contain a low potential for significant archaeological resources. No further work is required within the study area, and the property has been cleared of archaeological potential.

Heritage Impact Statement

A Heritage Impact Statement (HIS) was prepared by André Scheinman to assess the potential heritage impact as a result of the proposed severances due to the heritage designation of the subject property. There are no direct impacts on the heritage residence and its associated attributes as a result of the proposed severance. The major heritage concern regarding the proposed severances would be associated with the design of the new structures to be built upon them. Any future development on the severed lots will be subject to site plan control, and heritage permits, therefore the HIS includes recommendations for the future development of the new lots.

Policy + Regulatory Review

Planning Act

In considering an application for land severance, the approving body must evaluate the merits of the proposal against Section 53 of the *Planning Act*, which further requires a review of Section 51 (24) of the *Planning Act*. The criteria relating to the proposed severances are below in *italics*.

53 (1) An owner of land or the owner's agent duly authorized in writing may apply for a consent as defined in subsection 50 (1) and the council or the Minister, as the case may be, may, subject to this section, give a consent if satisfied that a plan of subdivision of the land is not necessary for the proper and orderly development of the municipality.

The proposed severances conform to the City of Kingston's Official Plan and will comply with the City of Kingston's Zoning Bylaw 8499. It is our opinion that a plan of subdivision is not necessary for the proper and orderly development of the proposed severances.

53 (12) A council or the Minister in determining whether a provisional consent is to be given shall have regard to the matters under subsection 51 (24) and has the same powers as the approval authority has under subsection 51 (25) with respect to the approval of a plan of subdivision and subsections 51 (26) and (27) and section 51.1 apply with necessary modifications to the granting of a provisional consent.

Detailed criteria from section 51(24) is provided below.

51 (24) In considering a draft plan of subdivision, regard shall be had, among other matters, to the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality to

a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;

The proposed consents have regard for matters of provincial interest found in Section 2 in that they will not negatively impact natural, agricultural or cultural heritage resources and they represent orderly development on serviced lands with access to transit and public service facilities. The proposed consent will contribute to the range of housing in Kingston and provide a conceptual site layout that is well-designed and will not create challenges in terms of public health and safety. Recommendations from the HIS will further ensure that provincial interests relating to heritage conservation are satisfied.

b) whether the proposed subdivision is premature or in the public interest;

The proposed consent is not premature as it efficiently utilizes available infrastructure and public service facilities, and is in the public interest.

c) *whether the plan conforms to the official plan and adjacent plans of subdivision, if any;*

Conformity with the Official Plan is discussed below. The proposal conforms to the Official Plan.

d) *the suitability of the land for the purposes for which it is to be subdivided;*

The proposed consent represents an infill development which would see the creation of two additional lots in a neighbourhood predominated by residential dwellings. The proposed severed and retained parcels meet all requirements of the City's zoning by-law.

e) *the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;*

The subject parcel has frontage on existing municipal roads Albert Street and Union Street. The establishment of new driveways for the severed lots must be approved by the City's engineering department through the entrance permit process.

f) *the dimensions and shapes of the proposed lots;*

The severed and retained parcels meet all requirements of the City's zoning by-law. The severed and retained lots and rectangular in shape, meet the minimum lot area requirements of the zoning by-law and are compatible with the size and shape of lots in the surrounding area.

g) *the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;*

All buildings and structures on the severed and retained parcels will be subject to the performance standards of the One- and Two-Family Dwelling (A) zone. There are no known restrictions on adjoining lands.

h) *conservation of natural resources and flood control;*

There is a city owned tree planted along the Albert Street frontage of Severed Lot 2. Consideration was given to preserving the tree when designing the concept plan. Efforts will be made to preserve existing trees on the severed and retained lots, including the existing cedar hedge to the extent possible.

i) *the adequacy of utilities and municipal services;*

The subject site is not located within an area of any known or potential servicing constraints, as identified on Schedule 11-C Servicing Constraints in the City of Kingston's Official Plan.

j) *the adequacy of school sites;*

The proposed severed lots are within an established neighbourhood and in proximity to local schools. The addition of two new lots is not anticipated to have an impact on the capacity of local schools.

k) *the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;*

In accordance with the *Planning Act*, City staff have suggested a condition requiring cash-in-lieu of parkland.

l) *the extent to which the plan's design optimizes the available supply, means of supply, efficient use and conservation of energy; and,*

The proposed consent will create two new lots on an existing oversized parcel. This will contribute to the efficient use of land and existing municipal services.

m) *the interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control*

area designed under subsection 41 (2) of this Act or subsection 114 (2) of the *City of Toronto Act, 2006*. 1994, c. 23, 2. 30; 2001, c. 32, s. 31 (2); 2006, c. 23, s. 22 (3, 4).

Per the City of Kingston Site Plan Control By-law, any development of real property designated under the *Ontario Heritage Act* where the addition or alteration has the effect of adding one or more dwelling units, adding more than 100 square metres of building area or altering site grading; and any development of new buildings or additions more than 100 square metres on lands abutting a real property designated under the *Ontario Heritage Act* require site plan control. A site plan control agreement will be required for any future development of the severed lots.

The proposed Consent has proper regard for the criteria found in section 51 (24) of the Planning Act.

Provincial Policy Statement 2014

The 2014 Provincial Policy Statement (PPS) provides high-level land use policy direction on matters of Provincial Interest as they relate to land use planning in Ontario municipalities. Decisions of municipal councils must be consistent with the PPS, which provides direction for issues such as the efficient use of land and infrastructure, the protection of natural and cultural heritage resources, maintaining a housing stock that appropriately addresses the demographic and economic diversity of households, and preserving natural resources for their future use. In relation to the proposed consent, the 2014 PPS includes the following considerations:

Section 1.1.1 Healthy, livable and safe communities are sustained by:

- a) *Promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;*

The proposed consent will facilitate the creation of two new lots on an existing oversized parcel currently serviced by the municipality.

- b) *Accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;*

The subject application proposes to create two new lots that can accommodate the development of two single-detached dwellings within an existing residential neighbourhood. This will contribute to the City's housing supply in a manner that is compatible with the established character of the area.

- c) *Avoiding development and land use patterns which may cause environmental or public health and safety concerns;*

The proposed consent is within the urban boundary and not on any natural or human-made hazard lands. The proposed locations of driveways will be further reviewed at the time that an entrance permit is applied for to ensure compliance with the City of Kingston's standards.

- e) *Promoting cost effective development patterns and standards to minimize land consumption and servicing costs;*

The proposed consent will permit the future intensification of an existing oversized residential lot without the need for expansion of municipal services. The subject property is located within the urban boundary, the area intended to support the majority of the City's growth and development. There will be no need to expand or extend current municipal services in order to service the subject site.

Section 1.6.6.2 Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas. Intensification and redevelopment within settlement areas on existing municipal sewage services and municipal water services should be promoted, wherever possible.

The subject lands are currently serviced by municipal water and sewage.

This proposal is consistent with the 2014 Provincial Policy Statement in that it is located within the settlement area, will contribute to the range and mix of housing without incurring adverse effects, and will not require any unwarranted expansion of municipal servicing.

Official Plan

The City of Kingston's Official Plan describes goals, policies and objectives intended to guide the City's development over the planning horizon identified in the plan. The Official Plan was updated following the Ministry of Municipal Affairs' Approval of Official Plan Amendment (OPA) 50, which went into effect on August 29, 2017. The May 15, 2019 consolidation of the Official Plan is the most readily available version on the City's website.

The following sections of the OP are reviewed in relation to the proposed zoning:

- / Section 2: Strategic Policy Direction;
- / Section 3: Land Use Designations and Policy;
- / Section 7: Cultural Heritage Resources;
- / Section 9: Administration and Implementation.

Section 2: Strategic Policy Direction

Section 2 of the Official Plan provides strategic policy direction related to the development of lands within the City. Schedule 2 establishes the intended City Structure, which identifies the broad areas and structural elements of the City, noting areas where growth is anticipated to occur. The subject site is within the Housing District designation on Schedule 2, an area generally intended to remain stable while recognizing opportunities for intensification and infill.

Section 2.2 provides the policy direction for the City Structure identified on Schedule 2. Section 2.2.5 states:

Housing Districts are planned to remain stable in accordance with Section 2.6 of this Plan, but will continue to mature and adapt as the City evolves. Re-investment and upgrading will be encouraged through minor infilling and minor development (i.e. that which can integrate compatibly within the prevailing built form standards of height, density and amenity that are generally found in the neighbourhood). Housing Districts will be designated for residential uses of different types, but will also contain areas of open space, community facilities and commercial uses.

The proposed severances represent an opportunity for minor intensification and minor re-development by severing two lots from the existing oversized parcel of land to accommodate the future development of two single-detached dwellings with second units. The proposed lots meet the provisions of the zoning by-law.

Section 2.3 provides policy direction for the City's growth. The goal of this section is to manage future growth within the Urban Boundary in a strategic and efficient manner that optimizes infrastructure and provides a variety of housing options for all residents. Section 2.3.2 states:

In 2013, residential density within the City's Urban Boundary was 25.7 units per net hectare. The City intends to increase the overall net residential and non-residential density within the Urban Boundary through compatible and complementary intensification, the development of underutilized properties and brownfield sites, and through the implementation of area specific policy directives tied to Secondary Planning Areas and Specific Policy Areas, as illustrated in Schedule 13.

The proposed consent represents the opportunity for minor intensification and minor re-development by severing two lots from an existing oversized parcel currently serviced by the municipality. The subject property is located within the Urban Boundary and the proposed severed and retained lots are compatible in size and shape to the lots in the surrounding area. The retained and severed lots will not have any negative impacts on the adjacent residential and non-residential uses or the neighbourhood as a whole, as the lots are intended to support low density residential use which is in keeping with the character of the neighbourhood and permitted uses in the

Official Plan and zoning by-law. Future development on the proposed lots will be subject to the setback and height requirements of the zoning by-law as well as the recommendations of the HIS.

Section 2.4 provides policy direction for phasing the City's growth. The goal of this section is to guide growth within the Urban Boundary and to plan for future urban growth and infrastructure to ensure that the City develops in a compact and orderly manner within its ability to support a full range of utilities, infrastructure and social services. Section 2.4.4 states:

New residential development and new secondary plans are subject to the following policies and minimum densities:

- a. *for the existing built-up residential areas, a net urban residential density of 22 dwelling units per net hectare is established as the overall minimum density, except where specifically increased in subsections (b), (c), and (d) below;*

The existing single-detached dwelling on an 1822 square metre lot represents a net density of 5.5 units per net hectare. The proposed severances will increase the net density of the subject property, calculated to 16.4 units per net hectare, providing a more efficient use of an existing oversized lot. The net urban residential density target of 22 dwelling units per net hectare established by the City applies on a neighbourhood scale, and the proposed severances will contribute toward the neighbourhood goal.

Section 2.4.5 – The City has established the following minimum targets for intensification to occur within the Urban Boundary.

- a. *It is the intent of the City that 40 percent (%) of new residential development occur through intensification.*

The proposed consents permit the minor intensification of an existing oversized lot. Each of the proposed severed lots can accommodate a single-detached dwelling with a second residential unit, contributing to the City's range and mix of housing.

Section 2.7 provides policies to ensure that redevelopment and new development are consistent in terms of function and character with existing development. Section 2.7 also seeks to limit adverse effects and ensure that long term needs of users and occupants are met. Compatibility is defined in the Official Plan as the "ability of various land uses, buildings, sites, or urban design treatments to co-exist with one another in a manner that will not have an undue physical or adverse effect on, existing or proposed development in the area, or pose an unacceptable risk to environmental or human health."

Section 2.7.4 of the Official Plan contains policies regarding mitigation measures for achieving development and land use compatibility. Section 2.7.4 requires that some or all of the following mitigation measures be put in place:

- a. *Ensuring adequate setbacks and minimum yard requirements;*

The concept plan demonstrates that the required setbacks of the zoning by-law can be met, which will ensure the proposed dwelling is adequately separated from abutting uses and buildings.

- b. *Establishing appropriate transition in building heights, coverage and massing;*

Future development on the proposed lots will be subject to the setback and height requirements of the zoning by-law, as well as the recommendations of the HIS.

- c. *Requiring fencing, walls or berming to create a visual screen;*

Existing mature vegetation from adjacent properties to the north and east sides of the subject site provide a visual screen. The concept plan demonstrates that the required setbacks of the zoning by-law can be met

- d. *Designing the building in a way that minimizes adverse effects;*

Future development on the proposed lots will be subject to the setback and height requirements of the zoning by-law, as well as the recommendations of the HIS.

- e. *Maintaining mature vegetation and/or additional new landscaping requirements;*

Existing vegetation on the subject site will be preserved to the extent possible however, the removal of some vegetation is required within the proposed rear parking area on Severed Lot 2 to allow for paving and safe maneuvering of vehicles.

f. Controlling access locations, driveways, service areas and activity areas; and,

A single driveway is proposed on each of the severed lots, and adequate landscaping can be provided between adjacent properties. Tandem parking spaces are proposed on Severed Lot 1 to maintain an adequate area of landscaped open space. The concept plan demonstrates that the provisions of the zoning by-law can be met.

g. Regulating location, treatment and size of accessory uses and structures, lighting, parking areas, garbage storage facilities and signage.

Any future accessory structures will be subject to the general provisions of the zoning by-law, which are not proposed to be amended.

Section 3: Land Use Designations and Policy

Section 3 of the Official Plan establishes and describes the land use designations regulating the character and intended function of lands within the municipality. The subject site is designated Residential on Schedule 3-A Land Use of the Official Plan. This land use designation is intended for a broad range of residential uses including detached, semi-detached or duplex dwellings, townhouses, and apartments.

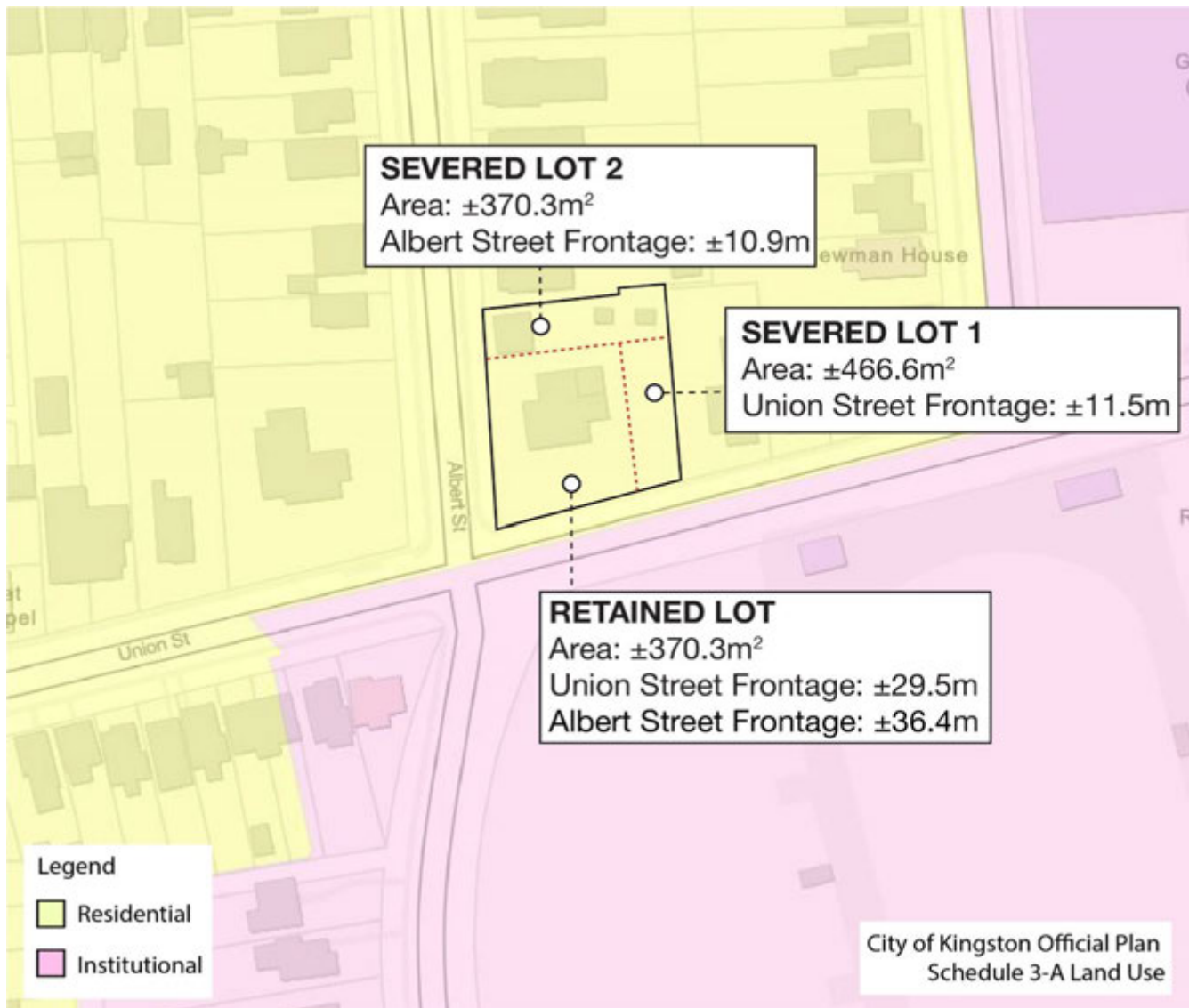


Figure 4: Official Plan Schedule 3-A Land Use Excerpt (Source: Kmaps)

Section 3.3 of the Official Plan indicates that Residential lands are intended to accommodate residential development in areas that are fully serviced by the municipality. A wide range of residential building types are supported to provide the full range of housing needs. Specific policies relating to the proposed development are discussed below:

Section 3.3.7 refers to infill development within stable areas:

Section 3.3.7 - Within existing stable residential areas, applications for infill must be located and organized to fit with neighbouring properties, including cultural heritage resources, and must satisfactorily address the following criteria:

- a. *confirmation that adequate municipal services can be provided;*

The proposed severed and retained lots will use municipal services. The subject site is not located within an area of any known or potential servicing constraints, as identified on Schedule 11-C Servicing Constraints in the City of Kingston's Official Plan. A servicing plan will be completed as a condition of the severance and will be reviewed to the satisfaction of Utilities Kingston.

- b. demonstrated suitability of dwelling type, lot size, building height and massing, building materials, and exterior design; and*

A single-detached dwelling with a second unit can be accommodated on each of the proposed severed lots and is compatible with the surrounding neighbourhood. The proposed building envelopes comply with the provisions of the zoning by-law. Single-detached dwellings and second residential units are permitted uses in the Official Plan and zoning by-law.

- c. demonstrated ability to achieve compatible use and development of the property taking into account the policies of Section 2.7.*

The proposed lots can each accommodate a single-detached dwelling which complies with the performance standards of the zoning by-law. This use is permitted within the current OP designation and the current zoning. The proposed development is compatible with surrounding land uses and built form.

Section 3.3.8 provides direction for intensification within the Residential designation:

Within the Urban Boundary, intensification through moderate increases in building height or density may be considered at the edge of neighbourhoods, provided that the development is adjacent to one or more of the following: transit routes, community facilities, areas of open space, or mixed use Centre or Corridors, as identified on Schedule 2.

The proposed severances will accommodate a modest increase in residential density. The site is within convenient walking distance of numerous transit routes (1,2,3), public parks (Victoria Park), Winston Churchill Public School, and the Princess Street commercial corridor in Williamsville. The site is well-suited for modest intensification.

Section 3.9.10 of the Official Plan provides the following relevant direction relating to consent authority types:

The Committee of Adjustment or the approval authority may grant consents to sever land in the City in situations where a plan of subdivision is not considered necessary and subject to the following policies:

- a. the creation of individual parcels of land by consent will only be permitted in conformity with the policies of this Plan and the provisions of the implementing zoning by-law;*
- b. any application for consent in Rural Areas as shown on Schedule 2 that proposes to create more than 3 new lots (2 severed, 1 retained) being created from an existing lot of record must be processed by way of a plan of subdivision; and*
- c. consents that do not create a new lot will be considered if required for such technical or legal reasons as minor boundary adjustments, easements, rights-of-way, leases in excess of 21 years, validation of title, partial discharge of a mortgage, power of sale, or severance along common party walls.*

The proposed severance will result in a total of three lots (two severed + one retained). The proposed severed and retained lots conform with the policies of the City of Kingston Official Plan and meet the provisions of City of Kingston Zoning Bylaw 8499.

Section 7: Cultural Heritage and Archaeology

Section 7 of the Official Plan outlines policies related to cultural heritage and archaeology in the City. Section 7.1 outlines the City's goal is "to conserve and enhance built heritage resources within the City so that they may be accessed, experienced and appreciated by all residents and visitors, and retained in an appropriate manner and setting, as a valued public trust held for future generations". Section 7.1.7 identifies that the City may require a

heritage impact statement for any development proposal which may impact a built heritage resource. Section 7.2.5 outlines policies related to development on lands adjacent to protected heritage property:

The City may permit development and site alteration on adjacent lands to a protected heritage property where the proposed development and site alteration has been evaluated, and it has been demonstrated through the preparation of a heritage impact statement that the heritage attributes of the protected heritage property will be conserved.

A heritage impact statement was prepared by André Scheinman to assess the proposed development from a cultural heritage perspective. The subject property is designated under Part IV of the Ontario Heritage Act. The property directly adjacent to the east of the site, 151 Union, is also designated under Part IV. The property to the west of the subject site, 169 Union Street, is associated with a heritage easement agreement. Through a review of the proposed development, there are no direct impacts anticipated on the heritage residence and its associated attributes, or on the adjacent properties, although mitigation measures through the implementation of the recommendations from the HIS is required.

Section 9: Administration and Implementation

Section 9 of the Official Plan describes the general administration and implementation policies. Included among these are policies regarding lot creation, described in Section 9.6 Land Division. Section 9.6.13 provides the following Criteria for Consent Approval:

a. the lot frontage, depth and area of any lot created by consent (severed and retained parcel) must be appropriate for the use proposed for the lot, be in compliance with the provisions of the zoning by-law and consistent, where possible, with adjacent lots;

The proposed consent will result in a total of three lots, two severed parcels and one retained parcel which exceed lot depth, and lot area requirements of the zoning by-law. There are no minimum frontage or width requirements in the One-and Two-Family Zone A.

b. proposed severances that would result in irregularly shaped lots are to be avoided where possible;
No irregularly shaped lots will be created as a result of this severance. The proposed severed and retained lots will be generally rectangular in shape.

c. consents may be granted only when each parcel of land has frontage and direct access from an assumed road, except for conservation lands such as those held by the Conservation Authority or a land trust that can be accessed through an easement or right-of-way on abutting lands;

The severed and the retained lots will have frontage on Union Street, and Albert Street which are municipal roads. On Schedule 4 – Transportation of the Official Plan, Union Street is designated as a Collector Road, and Albert Street is designated as a Local Road.

d. direct access from major roads is limited and is subject to the terms of any permits or approvals required from an agency having jurisdiction, with particular attention to controlled areas subject to Ministry of Transportation review and approval;

e. new access points or driveways must be located where they would not create a traffic hazard because of sight lines on curves, grades or corners;

The retained lot contains one existing entrance on Albert Street. It is understood that entrance permits will be required for the severed lots from the City's Engineering Department and any entrance improvements will be subject to review and approval by the City.

f. minor infilling of residential development is permitted except where the new lots would result in ribbon development of more than four non-farm residential lots that takes the form of a single depth of houses or other land uses fronting along roads in Rural Areas;

g. infill residential development is permitted within Rural Areas where there is a distance of 100 metres or less of frontage between two non-farm residential lots on the same side of the road and the lot can meet all of the other policies of this Plan and requirements of the zoning by-law;

h. compatibility and any separation distances required between the proposed land uses for the lot and the neighbouring land uses located in Rural Areas must be considered;

Items f., g., and h. would not be affected as the proposed severance is not located in a Rural Area.

i. any application for a consent must assess the impact on the natural heritage system, natural heritage features and areas, natural hazards, cultural heritage resources and areas of archaeological potential, or areas of archaeological significance as set out in Sections 5, 6 and 7 of this Plan; and,

The proposed severance is not in proximity to any natural heritage features or areas, natural hazards or significant environmental features. The subject property is designated under Part IV of the Ontario Heritage Act and the properties directly adjacent, 151 Union Street (to the east) and 169 Union are subject to a heritage easement. A Heritage Impact Statement (HIS) and a Stage 1 Archaeological Assessment have been completed for the proposed development and will be submitted in addition to this letter.

j. the City must be satisfied that any development lots created by consent can be supplied with such municipal services as fire protection, road maintenance, storm drainage and where applicable, water supply and sewage disposal facilities, such that the provision of services does not adversely affect the City's finances.

The proposed severance will be reviewed by all relevant departments at the City.

The proposed severance is suitable to the area context, conforms to the City of Kingston's Official Plan, and is appropriate for the lands and surrounding context.

City of Kingston Restricted Area By-law 8499

The proposed lot is within the One-Family Dwelling and Two-Family Dwelling Zone (A) of the City of Kingston's Zoning By-law 8499. The proposed severed and retained lots comply with the provisions of the zoning bylaw. The following table provides a review of the zoning applicable to the proposed lots. The performance standards defined for the buildings on the proposed severed lots are based on the concept plan, however there is no development proposed on the severed lots. The purpose of the concept plan is solely to demonstrate that the performance standards can be met.

Provision	Requirement	Proposed Retained Lot	Proposed Severed Lot 1 (Union St)	Proposed Severed Lot 2 (Albert St)	Compliance
One- and Two-Family Dwelling 'A' – ZBL 8499 (s. 6)					
Permitted Uses	(a) one-family dwellings; (b) two-family dwellings; (c) other community and public uses; and (d) second residential units.	One-family dwelling	One-family dwelling	One-family dwelling	Yes
Min. Lot Area	370 m ² per dwelling unit	985.7m ²	370.3m ²	466.6m ²	Yes
Min. Front Yard Setback	Average distance of the two adjacent properties Retained: 6.2m required Severed Lot 1: 8.0m required Severed Lot 2: 5.7m required	7.7m	10.5m	5.7m	Yes

Provision	Requirement	Proposed Retained Lot	Proposed Severed Lot 1 (Union St)	Proposed Severed Lot 2 (Albert St)	Compliance
Min. Side Yard Setback	0.6 metres	2.5m	0.6m	0.6m	Yes
Min. Aggregate Side Yard	3.6 metres or 3/10 the width of the lot	6.4m	3.6m	8.8m	Yes
Rear Yard	25% of lot depth or 7.5 m Severed Lot 1: 7.0m required Severed Lot 2: 7.5m required	N/A	7.0m	12.1m	Yes
Max. Percentage of Lot Coverage	33 1/3 %	22.8%	29.0%	33.0%	Yes
Max. Building Height	The maximum permitted height for any permitted residential building in the A Zone shall be 10.7m at the ridge line.	10.7m	10.7m	10.7m	Yes
Max. Building Depth	Average distance between the established front and rear building lines of the two nearest residential buildings on opposite sides of the building	N/A	20.4m	12.8m	Yes
Max. Permitted Floor Space Index	1.0	0.47	0.99	0.93	Yes
Max. Horizontal Dimensions of Courts	The least permissible horizontal dimension of any court shall not be less than the height of such court.	N/A	N/A	N/A	N/A
Min. Percentage of Landscaped Open Space	30%	65.8%	51.6%	30.5%	Yes
General Provisions					
Parking (s.5.3)	1 space per dwelling unit = 1 required	1 space	2 spaces	2 spaces	Yes
Design Standards	Max. 40m of rear or interior side yard may be used an uncovered parking area;	N/A	34.56 m ²	34.56 m ²	Yes
	Parking facilities for all permitted uses that are not located within an enclosed building shall not be located in any front yard space;	N/A	Side Yard Parking	Rear Yard Parking	Yes
	In a Residential Zone, the minimum width of a driveway shall be 3.0 metres.	5.9m	3.0m	3.0m	Yes
	In a Residential Zone, the maximum width of a driveway within the required front yard shall be the lesser of: (a) 6 metres, or	< 6.0m (16.2%)	< 6.0m (26.1%)	< 6.0m (27.5%)	Yes

Provision	Requirement	Proposed Retained Lot	Proposed Severed Lot 1 (Union St)	Proposed Severed Lot 2 (Albert St)	Compliance
	(b) 40% of the lot width, provided that the minimum width of the driveway shall not be less than 3.0 metres.				
Accessible Parking	4% accessible parking for duplexes with shared parking	N/A	N/A	N/A	N/A
Projection into Yards (s.5.8)	<p>(b) Cornices, eaves, belt courses, sills, canopies, or other similar architectural features (not including bay windows or vertical projections) may extend or project into a required side yard not more than 0.5m and may extend or project into a required front or rear yard not more than 0.8m. Chimneys may also project into a required front, side or rear yard not more than 0.3m.</p> <p>(c) Notwithstanding the yard and setback provisions of this by-law to the contrary, unenclosed porches, decks, balconies, steps, and verandas, covered or uncovered, are permitted in any Residential Zone in accordance with the following provisions: More than 1.2m in height: Max Area = 30 m²</p>	0.6m	N/A	N/A	Yes
	<p>Min. Setback from Exterior Side Lot Line= N/A Min. Setback from Interior Side Lot Line = 0.6 m Min. Setback from Rear Lot Line = 2 m Min Setbacks from Front Lot Line = N/A</p>				
Structures Permitted Above the Height Limit (s.5.14)	The height regulations herein set forth shall not apply to church spires, church belfries, chimneys, water tanks, elevator enclosures or penthouses of one storey only occupying in the aggregate less than 10 per cent of the area of the roof of the	N/A	N/A	N/A	N/A

Provision	Requirement	Proposed Retained Lot	Proposed Severed Lot 1 (Union St)	Proposed Severed Lot 2 (Albert St)	Compliance
	building on which they are located, nor shall they apply to silos, grain elevators, sugar refineries, scenery lofts, flagpoles, radio and television transmitters.				
Amenity Areas (s.5.26A)	One and two family dwellings shall contain a private amenity area (i.e. an indoor area or room within an individual dwelling unit which has a minimum clear ceiling height of 2.15 metres and a minimum floor area of 10m ²)	>10m ²	N/A	N/A	Yes

The proposed severed and retained lots comply with the Zoning Bylaw.



Figure 5: City of Kingston Restricted Area By-law 8499 Excerpt (Source: K-Maps)

Conclusion

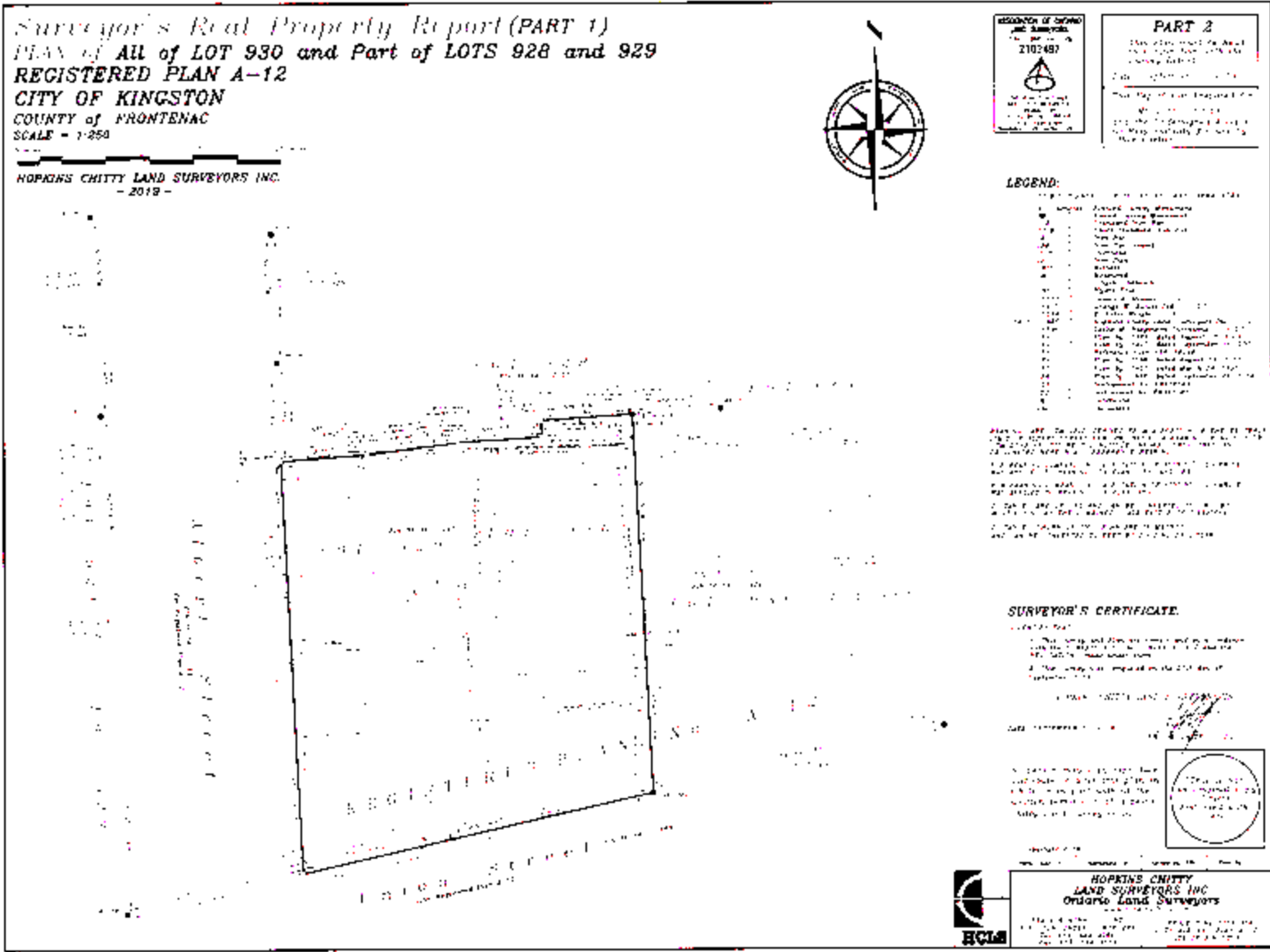
The applicant is seeking approval from the City of Kingston to create two new lots from the subject lands at 163 Union Street. As the proposed lots are consistent with the PPS, conform to the Official Plan and will comply with the requirements of the zoning by-law, the consent applications qualify for consideration under the Delegated Authority of the Committee of Adjustment by Council through Bylaw 8499.

It is our opinion that the proposed consents are appropriate for the subject property in question and represent good land use planning. Should you have any questions or comments, please do not hesitate to contact me at 613.542.5454 x 224 or leclerc@fotenn.com.

Respectfully submitted,



Youko Leclerc-Desjardins, MCIP RPP
Senior Planner
Fotenn Planning + Design



20 January, 2020

Ms. Lindsay Sthamann
Intermediate Planner
City of Kingston
(1211 John Counter Boulevard)
216 Ontario Street
Kingston, ON K7L 2Z3

RE: 163 Union Street: Consent to Sever Property (File Nos. D10-047-2019 and D10-046-2019)

Dear Ms. Sthamann,

This is to inform you that my brother and I, as co-executors and beneficiaries of our late mother Margaret Gibson's estate, and thus co-owners of the adjacent, heritage-designated property at 151 Union Street, wish to express our concerns regarding the proposed severance of two lots from the existing property at 163 Union Street. Our concerns include impacts on the heritage attributes of both properties, impacts on the existing mature vegetation, and impacts on the character of the neighbourhood. These and other concerns are described below.

As a result of our concerns, we would like the City to send these applications to the Committee of Adjustment for review, and we ask the Committee to refuse the applications.

Impact on Heritage Attributes

By-law 87-151 designated No. 163 Union Street under Section 29, Part IV of the Ontario Heritage Act. The by-law was an omnibus by-law that included a large number of properties along with No. 163 Union Street. In common with designating by-laws of that time, it has a focus on architectural elements. However, unlike most of the other descriptions of attributes in that by-law, the house is identified as a "dwelling set in spacious grounds" (p.3). This text emphasizes the importance of a generous setting within which a house of this style is intended to fit.

The adjacent property at No. 151 Union Street is designated under Section 29, Part IV of the Ontario Heritage Act. By-law No. 2008-08 states that (p.3) "it is of cultural heritage value or interest for its physical/design features, its historical associations and its contextual value." The identified heritage attributes of the setting include "large, landscaped front, side and rear gardens with mature plantings", "the property's prominent location on Union Street in helping define the character of the area" and "its visual historic relationship to the streetscape" (p. 4).

No. 151 Union Street's relationship to No. 163 Union Street has several aspects. It shares a row of mature deciduous and coniferous trees along the property line that divides the two lots. Like No. 163, No. 151 is situated on a large lot that is proportional to the size of the dwelling, giving visual "breathing room" around it, in common with the architectural styles the two dwellings express. The Arts and Crafts style of No. 151 makes use of lush gardens to complement the materials, massing and detailing of the house in order to express the ideals of the Arts and Crafts Movement. In like fashion, No. 163 is an example of the suburban villas that were popular in the mid-19th century. In common with others of their type, such as Bellevue House and the Donald Gordon Centre, they are placed on large lots and are intended to be seen in a generous landscape. In addition, both No. 163 and No. 169 Union Street are on

large lots and, in flanking Albert Street, are landmarks that provide visual “gateposts” to Albert Street. All three dwellings face Union Street and, when viewed from the street, are seen flanked by large gardens. As a result, there is clear design intent for these properties to be prominent in the streetscape and to be seen within large grounds.

Impact on Trees

Subject to a detailed tree inventory and evaluation, it is difficult at this time to determine the potential impact of the proposed severances on the mature trees that border the subject lands. From the proposed site plan, however, it is clear that the driveway and/or dwelling on the proposed Union Street lot would be located within the drip line of the mature trees along that property line, which would severely impact the health of these trees. Some of these trees are century-and-a-half-old black thorn locusts, a rare species in downtown Kingston and one meriting special care and conservation. In addition, any negative impacts on mature tree cover in Kingston are contrary to the City’s urban forestry goals and objectives and to its means of addressing the climate emergency that Council has recently declared for Kingston. According to recent data prepared by the City of Toronto as part of its urban forestry plan, it takes at least fifty years to match the carbon absorption and climate modification effects of a mature tree, when such trees are removed and replaced with new trees.

Other Impacts

As noted in the report of December 6, 2019 that accompanies the application for consent to sever, the subject property is located within a neighbourhood in which “single-detached dwellings are predominant” (FOTENN, p. 1). However, the proposed severances are intended to permit construction of two lots, each with “the potential to accommodate for Second Residential Units” (p. 3). This implies that each lot could contain two units, resulting in severances that would change the current single-family dwelling on a single lot to three properties on three lots, containing a total of five units (or six, if the main house is later provided with a second residential unit). This would not appear to be in concert with a neighbourhood of “single-detached dwellings”.

The block within which the proposed severances is situated is fully built out. In other words, there have been no infill properties created since the former Merriman house at No. 186 Frontenac Street, which was constructed in the 1930s. The fact that No. 163 Union Street is a larger lot than is the norm on the rest of the block is not justification for considering it as being suitable for subdivision, especially when its heritage character as a suburban villa is understood.

There are also functional and safety issues to be considered. Our experience of driving in and out of the driveway at No. 151 Union Street indicates that traffic is very busy on this part of the street because of proximity to the university, high school, and hospitals. This makes access and egress difficult and often hazardous, especially at peak times. Through traffic is heavy, as is pedestrian traffic and cycling traffic on the designated cycling lane that runs in front of these properties. Adding to this traffic, there is a major bus route along the street, with a stop opposite No. 169 Union Street. Access to the university’s underground and surface parking lot on the south side of Union Street is located directly opposite the proposed driveway for the Union Street lot. Diagonally across the Albert/Union intersection is a daycare centre. Union Street is a major route linking the main campus to the West Campus, and Albert Street is an important route through the main campus, linking residential neighbourhoods to the north to King Street and the lake shore to the south. As a result, any further access points along this part of Union Street constitute a potential safety hazard.

Heritage Impact Statement

The Heritage Impact Statement (HIS), dated November 22, 2019 and prepared by André Scheinman, Heritage Preservation Consultant, is inadequate in its assessment of the impacts of the proposed severances. It does not refer to the designation by-law nor to its descriptions of No. 163's heritage attributes. While it provides an evaluation of the property's cultural heritage value or interest using the criteria in O. Reg. 9/06 of the Ontario Heritage Act, it does not mention the attributes stated in the designating by-law (By-law 87-151) in which the grounds are specifically mentioned. The HIS notes the evolution of the property but it focuses solely on the architectural aspects of the existing dwelling, paying little heed to the existing landscape (no landscape attributes are identified) and making no reference to suburban villa development, of which this property is an example. While it notes that the current owner removed earlier landscape elements as part of renovations in 2004, the HIS does not provide any analysis of the current landscape of elaborate ornamental trees and shrubs which replaced the earlier landscape, beyond a description of its components. Similarly, there is no analysis of the potential impacts on the mature trees bordering the property which are included in the heritage attributes of "gardens and mature plantings" identified in the designating by-law for No. 151 Union Street.

The HIS also does not provide a policy analysis. There is no discussion of the ways in which the proposed severances address the heritage conservation policies of the Provincial Policy Statement, the City of Kingston Official Plan, or the City's Design Guidelines for Residential Lots, for example.

Conclusions and Recommendations

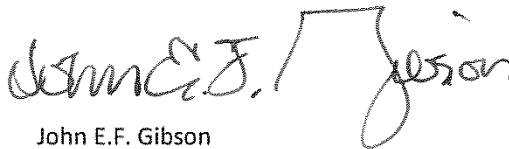
Our family has owned and occupied the property at No. 151 Union Street since 1912 (two years after its construction) and we are committed to conserving the property as well as the other heritage properties that reinforce the character of this neighbourhood. In light of the concerns expressed above, it is our determination that the proposed severances (File Nos. D10-047-2019 and D10-046-2019) will have a negative impact on the heritage attributes of Nos. 163 and 151 Union Street, will create a potential safety hazard, and will not be compatible with the character of the stable residential neighbourhood in which the subject property is located.

We therefore request that the City send the two applications to be considered by the Committee of Adjustment. In that meeting, we encourage the Committee to refuse the applications.

Yours sincerely,



Sarah L. M. Gibson-Bray



John E.F. Gibson