



**City of Kingston
Report to Committee of Adjustment
Report Number COA-20-026**

To: Chair and Members of Committee of Adjustment
From: Chris Wicke, Senior Planner
Date of Meeting: April 20, 2020
Application for: Permission and Consent (Easement)
File Number: D10-014-2020, D10-015-2020, D10-016-2020, D10-017-2020 and D13-061-2019
Address: 31 Rideau Street
Owner: 2643573 Ontario Limited
Applicant: Youko Leclerc-Desjardins, Fotenn Consultants Inc.
Bryan Stone, Stone & Associates Designers

Executive Summary:

This is a report to recommend approval to the Committee of Adjustment regarding an application for permission and associated applications for consent (easement) for the property located at 31 Rideau Street. The applicant is proposing to expand the existing residential use at both 29 and 31 Rideau Street to permit the renovation and expansion of the existing townhouse dwelling unit that is proposed to ultimately occupy the second and third floor and the incorporation of a second residential unit in the ground floor and lower level walk-out of each unit, resulting in one principal unit and one second residential unit in an existing legal non-conforming residential building at each property. Residential uses are permitted in the Official Plan and in the zoning by-law; however, residential dwellings in this zone are to be located in or above the second storey (exclusive of the basement or cellar) in a mixed use commercial and residential building. While the original townhouse unit in 31 Rideau has legal non-conforming status, the existing use requires permission to expand the legal non-conforming use and to incorporate the second residential unit in association with the expanded townhouse unit. Construction is proposed at 31 Rideau Street to structurally upgrade an existing three-season room to support a new rooftop deck, to construct a rear shed dormer, and to add a front dormer to match and complement the existing adjacent dormer at 29 Rideau. The applications for consent (easement) are required to establish a legal right-of-way over the side and rear of 19,

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23, 27 and 29 Rideau Street for vehicular access to the parking for the second residential units located in the rear yards of 29 and 31 Rideau Street.

The requested applications for consent (easement) and permission are consistent with the general intent and purpose of both the City of Kingston Official Plan and Zoning By-Law Number 96-259. The requested consents are desirable for the orderly development of the lands. As such the proposed consent application satisfies the tests under Subsection 51(24) and are recommended for approval. The requested application for permission under Section 45(2)(a) of the *Planning Act* is in keeping with the intent of the zoning by-law, represents appropriate and desirable development of the lot, and will permit the expansion of an existing legal non-conforming residential unit and the incorporation of a second residential unit. Therefore, it is recommended that this application for permission under Section 45(2)(a) of the *Planning Act* be approved as it meets the prescribed tests of the Official Plan.

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Recommendation:**Consent Applications D10-014-2020, D10-015-2020, D10-016-2020, D10-017-2020**

That applications for consent (Easement), File Numbers D10-014-2020, D10-015-2020, D10-016-2020, D10-017-2020, submitted by Youko Leclerc-Desjardins of Fotenn Consultants Inc. for the properties located at 19, 23, 27 and 29 Rideau Street to provide an easement for a drive aisle to access two parking spaces provided for proposed second residential units at 29 Rideau Street and 31 Rideau Street, 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 the mailing of this notice. We suggest that the Land Registry Office be consulted for preapproval of the Certificate of Official to avoid delays.

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

2. Reference Plan

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

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 certificates. The owner/applicant must pay any outstanding realty taxes and all local improvement charges levied against the property.

4. Variance Applications

That the property at 31 Rideau Street obtains permission to recognize the expansion of the legal non-conforming townhouse dwelling unit (File Number D13-061-2019) and that all conditions of approval are complied with.

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Permission Application D13-061-2019

That the application for permission submitted by Youko Leclerc-Desjardins of Fotenn Consultants Inc. for the property located at 31 Rideau Street, to permit the expansion of an existing townhouse unit and the incorporation of a second residential unit, be approved.

Approval of the foregoing permission shall be subject to the following conditions:

1. Limitation

That the approved permission applies only to the existing building as per the plans attached to the Notice of Decision.

2. No Adverse Impacts

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

3. Building Permit Application Requirements

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

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

4. Standard Archaeological Condition

In the event that deeply buried or previously undiscovered archaeological deposits are discovered in the course of development or site alteration, all work must immediately cease and the site must be secured. The Cultural Program Branch of the Ministry of Tourism, Culture and Sport (416-314-7132) and the City of Kingston's Planning Division (613-546-4291, extension 3180) must be immediately contacted.

In the event that human remains are encountered, all work must immediately cease and the site must be secured. The Kingston Police (613-549-4660), the Registrar of Cemeteries Regulation Section of the Ontario Ministry of Consumer Business Services (416-326-8404), the Cultural Program Branch of the Ministry of Tourism, Culture and Sport (416-314-7132), and the City of Kingston's Planning Division (613-546-4291, extension 3180) must be immediately contacted.

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5. Associated Consents

That associated Consent Applications, File Numbers D10-014-2020, D10-015-2020, D10-016-2020, and D10-017-2020, are approved and all related conditions of approval are fulfilled prior to the issuance of the consent certificate by the Secretary-Treasurer Committee of Adjustment.

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Authorizing Signatures:

Chris Wicke, Senior Planner

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

Paige Agnew, Commissioner, Community Services

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Options/Discussion:

On December 16, 2019, applications for Permission were submitted by Youko Leclerc-Desjardins of Fotenn Consultants Inc. on behalf of the owner, 2643573 Ontario Limited, with respect to the property located at both 31 Rideau Street and 29 Rideau Street. On March 3, 2020, applications for Consent (Easement) were submitted by Youko Leclerc-Desjardins of Fotenn Consultants Inc. on behalf of the owner, 2643573 Ontario Limited, with respect to the properties located at 19, 23, 27 and 29 Rideau Street.

This application for Permission is requested to expand the existing residential use at 31 Rideau Street to permit the renovation and expansion of the existing townhouse dwelling unit that is proposed to ultimately occupy the second and third floor and the incorporation of a second residential unit in the ground floor and lower level walk-out, resulting in one principal unit and one second residential unit in an existing legal non-conforming residential building. Residential uses are permitted in the Official Plan and in the zoning by-law; however, residential dwellings in this zone are to be located in or above the second storey (exclusive of the basement or cellar) in a mixed use commercial and residential building. While the original townhouse dwelling unit at 31 Rideau Street has legal non-conforming status, the existing use requires permission to expand the legal non-conforming use and to incorporate the second residential unit in association with the townhouse dwelling unit. Construction is proposed at 31 Rideau Street to structurally upgrade an existing three-season room to support a new rooftop deck, to construct a rear shed dormer, and to add a front dormer to match and complement the existing adjacent dormer at 29 Rideau. The applications for Consent (Easement) are required to establish a legal right-of-way over the side and rear of 19, 23, 27 and 29 Rideau Street for vehicular access to the parking for the second residential units located in the rear yards of 29 and 31 Rideau Street.

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

- Building design plans, including conceptual floor plans and elevations;
- Consent Concept Plan and Grading Plan;
- Survey;
- Stage 1-2 Archaeological Assessment; and
- Planning Justification Letter and Consent Cover Letters.

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

Site Characteristics

The site is located on the east side of Rideau Street, south of Ordnance Street and north of Barrack Street (Exhibit A). The property at 31 Rideau Street has an area of approximately 151 square metres and is developed with a townhouse dwelling that is occupied by one residential unit. The property is currently designated 'Central Business District' in the City of Kingston Official Plan and zoned Neighbourhood Fringe Commercial 'C1-2' in Zoning By-Law Number 96-259. The site is adjacent to attached and semi-detached dwellings to the south and east. It is

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adjacent to single-detached and multi-unit dwellings and an apartment building and its adjacent parking area to the west and north of the site (Exhibit H – Site Photographs).

Consent (Easement) Application

The review of an application for consent is subject to Section 53 of the *Planning Act*. The Committee of Adjustment may grant a consent if it is satisfied that a plan of subdivision of the land is not necessary for the proper and orderly development of the municipality and shall have regard to matters under Subsection 51(24) when granting a provisional consent, including:

- the effect of development on matters of provincial interest;
- whether the proposed consent is premature or in the public interest;
- whether the plan conforms to the Official Plan;
- the suitability of the land for the purposes for which it is to be subdivided;
- if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;
- the dimensions and shapes of the proposed lots;
- the 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;
- conservation of natural resources and flood control;
- the adequacy of utilities and municipal services;
- the adequacy of school sites;
- the area of land, if any, that is to be conveyed or dedicated for public purposes;
- the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and
- the interrelationship between the proposed consent and Site Plan Control matters, if the development is subject to Site Plan Control.

Permission Application

Legal Non-conforming

Subsection 45(2)(a)(ii) of the *Planning Act* authorizes the Committee of Adjustment to permit the use of such land, building or structure for a purpose that, in the opinion of the Committee, is similar to the purpose for which it was used on the day the by-law was passed or is more compatible with the uses permitted by the by-law than the purpose for which it was used on the day the by-law was passed, if the use for a purpose prohibited by the by-law or another use for a purpose previously permitted by the Committee continued until the date of the application to the Committee. In determining whether to permit a use under Section 45(2)(a)(ii), the test is not one of reasonableness; rather, the test is established by the statutory criteria of:

- 1) A similarity between the uses; and
- 2) Whether the proposed expansion is desirable for the appropriate development or use of the land.

The former City of Kingston Zoning By-Law Number 96-259 was passed by Council in 1996 and was approved by the Ontario Municipal Board in 1997 and predates the City of Kingston Official Plan which came into effect in 2010. As a general rule, any structure legally existing at the date

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of approval of the implementing zoning by-law that does not comply with the policies, provisions or schedules of the Official Plan or the zoning by-law is deemed a non-conforming use and should cease to exist in the long run.

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 such, the proposal conforms to and is consistent with the PPS.

Official Plan

The subject property is designated 'Central Business District' in the City of Kingston Official Plan. Section 3.4.A of the Official Plan specifies that the goal of the Central Business District designation is to provide for the broadest range of commercial activity that is suitable to the Central Business District setting, in order to support the traditionally diverse role and pedestrian oriented activity focus of the City's architecturally valuable downtown core. A broad range of commercial uses is permitted and encouraged in the Central Business District, provided that the built form is sensitive to the historic building fabric, scale, pedestrian amenity linkages with the lake, and the protected view corridors. New medium and high density residential uses in the Central Business District are subject to the specific policies of Section 10A and the compatibility policies of Section 2.7 of this Plan, and must address the locational criteria of Sections 3.3.B.4 and 3.3.C.3, respectively. As per Section 10A.2.15 of the Official Plan, residential development of upper storey commercial space or older one and two unit dwellings into multi-residential buildings in the Central Business District is permitted providing that matters of adequate light, separate access, sufficient floor space, amenity area and appropriate parking can be satisfied.

The overall goal of the Official Plan is to manage future growth within the urban boundary and in rural areas in a strategic and efficient manner that optimizes infrastructure and public investment, promotes diverse economic activity and prosperity, supports an attractive, accessible, safe and sustainable city, protects Kingston's cultural and natural resources, provides a variety of housing options for all residents, and helps achieve Council's strategic priority for 'smart' growth. One of the supporting policies of the Official Plan is to focus the City's growth within the urban boundary where adequate urban services exist (Section 2.3.1). The City also intends to increase the overall net residential and non-residential density within the urban boundary through compatible and complementary intensification (Section 2.3.2). The vision for the phasing of growth is that the City will support sustainable development of a compact, efficient, urban area with a mix of land uses and residential unit densities that optimize the efficient use of land in order to: a. reduce infrastructure and public facility costs; b. reduce energy consumption and greenhouse gas emissions; c. support active transportation and viable public transit; d. conserve agriculture and natural resources within the city; and e. reduce reliance on private vehicles (Section 2.4.1).

In certain circumstances, it may be desirable to permit the expansion of a non-conforming use as provided by the *Planning Act*. When reviewing an application for such extension, enlargement or relocation, the Committee of Adjustment must be satisfied that the legal non-

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conforming structure existed in continuous use up to the date of the application. They must also be satisfied that the application complies with the eight criteria as per Section 9.5.13 of the Official Plan regarding the extension or expansion of a non-conforming use. The subject application, requesting permission to expand an existing legal non-conforming residential use to permit the renovation and expansion of an existing townhouse unit and the incorporation of a second residential unit, has been reviewed against these policies, provided below.

- Consistency with provincial policy in effect at the time of the decision, and general conformity of the proposal with the intent of the policies and schedules of this Plan;

The proposal is consistent with the policies of the Provincial Policy Statement and will not hinder future development intended for the Central Business District designation in the Official Plan. The proposed areas for expansion of the legal non-conforming use are at the rear of the building and would not be feasible as a commercial space in isolation. The Official Plan does not require mandatory commercial frontage in this location. Residential uses are permitted by the Official Plan as independent buildings on streets where ground floor commercial is not mandatory. The density of the building with the townhouse unit (as second residential units are not counted towards overall density) would be approximately 66 units per hectare, which is within the range for medium density residential land uses. Generally, medium density residential land uses are to be located on a site that is appropriate given the context of the surrounding land uses, adjacent to or within walking distance of commercial areas, in an area that has access to public transit, and within walking distance of parkland, open space, or community facilities (Section 3.3.B.4). The subject property meets these requirements. Section 2.7 of the Official Plan establishes land use compatibility principles to ensure that land uses avoid having an adverse impact on their neighbours. In this instance, the form, function and use of the subject property is compatible with the surrounding uses, which are also residential in character. Land use compatibility matters including but not limited to shadowing, loss of privacy, increased levels of noise, light pollution, traffic, potential for environmental damage, diminished service levels, reduction in the ability to enjoy a property, visual intrusion, architectural incompatibility, and the loss of significant views have all been considered. Given that the proposed exterior changes are limited and in keeping with the surrounding buildings and that an existing use is intended to continue, the proposal is deemed to be compatible with the neighbourhood context.

- Compatibility of the proposal with existing uses and zones, the natural heritage system, cultural heritage resources, and with future planned uses in accordance with this Plan;

The proposed expansion of the existing townhouse dwelling and the addition of a second residential unit are compatible with existing use of this residential unit, the adjacent houses and uses in close proximity. The proposed expansion of the residential use will result in limited and compatible exterior changes to the structure on both the front and rear of the building. The surrounding uses on the block are almost all residential in character, and the proposed expansion of the residential use is not anticipated to cause any impacts on surrounding properties.

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The building is not a heritage designated structure under the *Ontario Heritage Act*. A Heritage Impact Statement is not required for this application. Based on the City of Kingston archaeological potential mapping the property was originally in an area of “further study required”. An Archaeological Assessment has been provided in support of the application, and it states that the subject property tested during Stage 2 excavation has been assessed and found to contain no significant archaeological resources, with no further work required within the study area. The subject property is now in an area ‘cleared of archaeology’.

- Compatibility of proposed buildings or structures with existing buildings and structures, with zoning standards of adjacent sites, with any future planned standards as provided in this Plan, and with any urban design guidelines adopted by the City for the area or for the type of development;

The proposed expansion of the existing residential use of the townhouse dwelling with a three-season room and shed dormer at the rear of the building, along with a gabled dormer at the front of the building that is complementary to the adjacent one at 29 Rideau, does not significantly change the existing overall residential use on the subject property, and the continued residential use is compatible with the adjacent residential properties. The exterior changes proposed as part of the expansion are in keeping with the neighbourhood context, and the additions do not detract from the existing residential development in the neighbourhood. As it would retain the residential character of the area, no negative impacts are anticipated on the adjacent uses.

- The extent to which the proposal is warranted in this location and the extent to which areas zoned for the proposed use are available for development;

The expansion of the residential use in its existing location both the front and the rear of the building will not result in any increased impacts to the public realm or to adjacent properties, all of which are residential uses. It will also result in the retention of an existing residential unit and the incorporation of a second residential unit at a time when vacancy rates are low and housing is in demand. Residential uses in commercial and residential mixed use buildings are permitted in this zone. The subject property would retain as-of-right permissions for a commercial use should this become viable at some point in the future. The Official Plan does not require mandatory commercial frontage in this location (Schedule DH-3).

- The suitability of the site for the proposal, including its ability to meet all usual standards of parking for vehicles and bicycles, open space or amenity areas as well as the lack of any potential for noise, odour, traffic conflict or other nuisance from the proposal;

The subject property is located in the ‘Central Business District’ designated area as per the Official Plan and will remain within the Neighbourhood Fringe Commercial Zone ‘C1-2’ in Zoning By-Law Number 96-259, as amended. The proposed expansion of the residential use for both the existing townhouse dwelling unit and the addition of the second residential unit are not anticipated to have any adverse impacts on the future

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development/redevelopment of the property or the surrounding neighbourhood. The proposed permission will not detract from the existing structure. Exterior changes are proposed to the building, including the addition of a gabled dormer at the front of the building that will complement the adjacent dormer at 29 Rideau Street, as well as the construction of a shed dormer and the reinforcement of a three-season room with an added rooftop deck to the rear of the building that will not be visible from the street, as well as parking access and one parking space each for 29 Rideau Street and 31 Rideau Street. The continued residential use on the subject property will not create any new noise, odour, traffic conflict or other nuisance. The potential for nuisance to adjacent properties through loss of privacy or vehicular movement from this proposal is minimal given the current existence of the townhouse unit and the existence of parking in the rear yards of the adjacent residential units.

- The impact on municipal infrastructure, services and traffic;

The existing residential use will maintain existing municipal services and will not require the extension of existing services.

- Comments and submissions by staff, agencies and the public;

All comments and submissions by staff, agencies and the public have been addressed.

- The degree to which the proposal may inhibit conforming uses or creates a precedent;

The proposal will not negatively impact the surrounding lands or buildings or inhibit them from developing for their intended uses. The building is currently a residential use, and this use predates the zoning by-law. The zoning by-law permits mixed use commercial and residential buildings at this location. This proposal does not create a precedent as the residential use is existing and compatible with the surrounding properties, all of which are also residential in use.

Section 9.5.14 of the Official Plan states that no extension or enlargement of a non-conforming use will be granted by the Committee of Adjustment if traffic, noise or operating characteristics create or will increase adverse effects or nuisance factors which cannot be suitably mitigated, or if the proposal is within a land use designation that expressly prohibits such use. The application complies with this section because it is an expansion of a permitted use within an existing structure with only minor enlargements that are seen as compatible with the existing and surrounding built form and it does not introduce nuisance factors such as new noise, odour, or traffic.

The requested permission to permit the expansion of the residential use, along with the associated consents required to access the associated parking, meets the general intent and purpose of the City of Kingston Official Plan.

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Zoning By-Law

The subject property is zoned Neighbourhood Fringe Commercial 'C1-2' in Zoning By-Law Number 96-259, as amended. The 'C1-2' Zone permits a broad range of commercial uses and limited residential uses including Community Home, Community Support House, Crisis Care Shelter, Home Occupation, Recovery Home, and Residential Care Facility. Mixed Commercial/Residential Development is a permitted use in this zone in a building or structure which is used for a mixture of commercial and residential uses, where the entire first floor of such building or structure shall be used for commercial purposes. Section 7.2.4 also allows for conversion of commercial buildings for residential use. It states that any building erected on or before the date of approval of this by-law and located in the C1 Zone may be converted in such a manner as to contain one or more dwellings subject to the regulations contained in Section 7.2 and in accordance with the following: (a) all such dwellings are located in or above the second storey (exclusive of the basement or cellar); (b) there is no expansion or enlargement of the external walls or roof of the existing building; and (c) there shall be no regulations regarding Minimum Front Yards, Side Yards, Rear Yards, Maximum Percentage of Lot Coverage, and Amenity Area. The subject property is currently developed with a residential building. The residential use of the entirety of the building at 31 Rideau Street was established prior to 1996 with one residential unit determined to be present at that time. As a townhouse residential use is not a permitted use in C1-2 Zone, and in the absence of a commercial use, the continued use of the structure solely for residential use, specifically on the first floor, is considered legal non-conforming.

Zoning By-Law Number 96-259 defines townhouse dwelling as a separate building containing three or more dwellings, each dwelling separated from its neighbour by an unbroken party wall and each having its own entrance at grade. The definition states that the addition of a second residential unit to a townhouse dwelling does not change it into another type of dwelling. Second residential unit is defined as a residential unit which is ancillary to a principal residential unit and is located on the same lot therewith. Section 5.38 of the zoning by-law states that a second residential unit shall be permitted in association with townhouse dwellings. As such, recognizing the expanded townhouse use would thereby permit the introduction of the second residential unit.

The applicant is proposing to permit an expansion of the townhouse unit that will result in the creation of a two-bedroom principal unit in the upper two floors and the addition of a second residential unit on both the ground floor and lower level walk-out of the structure. The proposal for expansion of the existing residential unit constitutes an enlargement of a legal non-conforming use as it pertains to the townhouse unit. No other performance standards of the zoning by-law require relief for the proposed expansion of the existing townhouse unit and the addition of a second residential unit, including minimum front yards, side yards, rear yards, building height, amenity area, parking, or provisions related to second residential unit density, parking or size. The proposal will improve compliance with the maximum percentage of lot coverage, increasing it to 33.8%, where the minimum required lot coverage is 50%.

An expansion of a legal non-conforming use shall have regard to the zoning by-law requirements and is required to comply with Section 9.5.13 of the Official Plan. As outlined in the Official Plan requirements above, no change is proposed for the exterior of the structure.

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The proposal is in keeping with the built form and character of the neighbourhood and will be visibly compatible with the surrounding built form. The proposal will not result in any negative impacts on the abutting lands or their continued use or development.

Summary on Consent Application

In review of the tests for Consent under the Subsection 51(24) of the *Planning Act*, a Plan of Subdivision is not required for the logical and orderly development of the lands. The proposed consent application is consistent with the Provincial Policy Statement and conforms to the City of Kingston's Official Plan.

Technical Review: Circulated Departments and Agencies

- | | | |
|---|--|---|
| <input checked="" type="checkbox"/> Building Division | <input checked="" type="checkbox"/> Engineering Department | <input checked="" type="checkbox"/> Heritage (Planning Division) |
| <input checked="" type="checkbox"/> Finance | <input checked="" type="checkbox"/> Utilities Kingston | <input checked="" type="checkbox"/> Real Estate & Environmental Initiatives |
| <input checked="" type="checkbox"/> Fire & Rescue | <input checked="" type="checkbox"/> Kingston Hydro | <input checked="" type="checkbox"/> 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.

Public Comments

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

Previous or Concurrent Applications

A concurrent planning application is being filed for 29 Rideau Street (File Number D13-060-2019) adjacent to the subject property, which is subject to the Consent (Easement) applications including File Numbers D10-014-2020, D10-015-2020, and D10-016-2020 to secure a legal right of way for vehicular access to the proposed parking at the rear of 29 Rideau Street and 31 Rideau Street.

Conclusion

The requested consent (easement) application meets the tests under Subsection 51(24) of the *Planning Act*. The consent application is consistent with the Provincial Policy Statement and conforms to the City's Official Plan and represents logical and orderly development of the lands.

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The requested application for permission is consistent with the general intent and purpose of both the City of Kingston Official Plan and Zoning By-Law Number 96-259, as amended, and will be in keeping with the residential neighbourhood and abutting residential uses.

Approval of the consent (easement) and permission applications is consistent with the general purpose and general intent of both the City of Kingston Official Plan and Zoning By-Law Number 96-259. They will permit the expansion of an existing townhouse dwelling unit and the introduction of a second residential unit. The proposed applications represent good land use planning.

Existing Policy/By-Law:

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

Provincial

Provincial Policy Statement, 2014

Municipal

City of Kingston Official Plan
Zoning By-Law Number 96-259

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 the Statutory Public Meeting was provided by advertisement in the form of signs posted on the subject site 10 days in advance of the meeting. In addition, notices were sent by mail to a total of 34 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. If the application is approved, 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, Planning Division 613-546-4291 extension 3223

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

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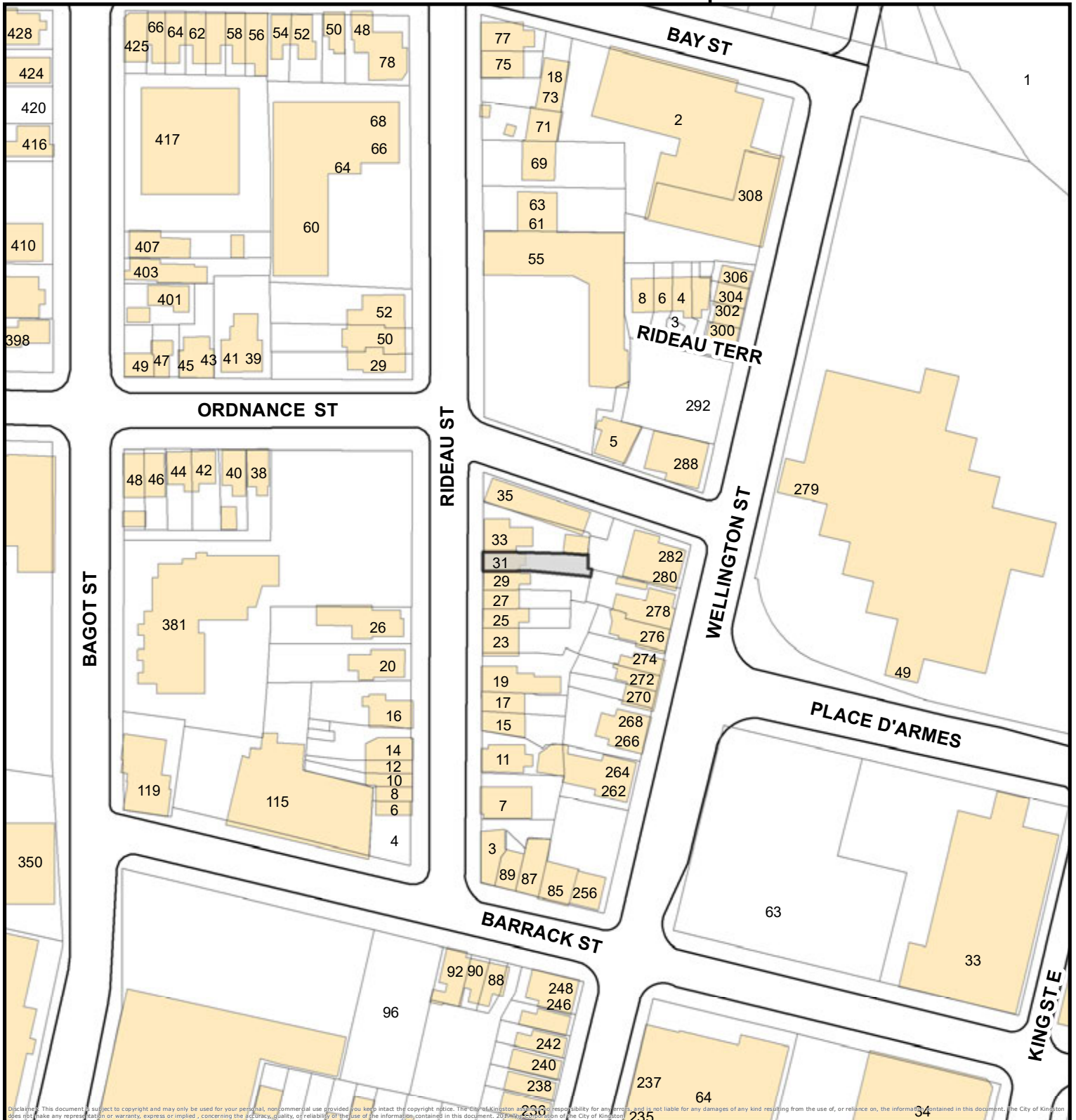
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Other City of Kingston Staff Consulted:

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 within this report.

Exhibits Attached:

- Exhibit A Key Map
- Exhibit B Neighbourhood Context
- Exhibit C Public Notice Notification Map
- Exhibit D Official Plan Designation
- Exhibit E Zoning By-Law Number 96-259, Map 1
- Exhibit F Consent Concept Plan and Grading Plan
- Exhibit G Site Plan, Floor Plans and Elevations
- Exhibit H Site Photographs

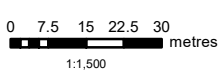


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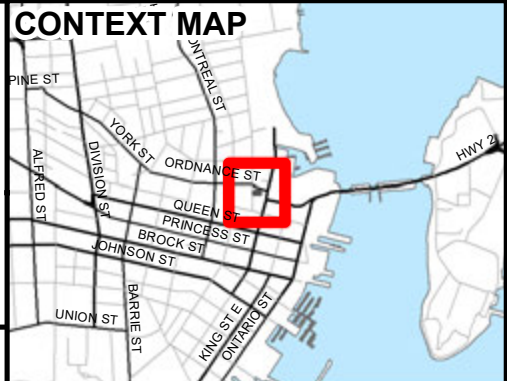


COMMITTEE OF ADJUSTMENT
Key Map

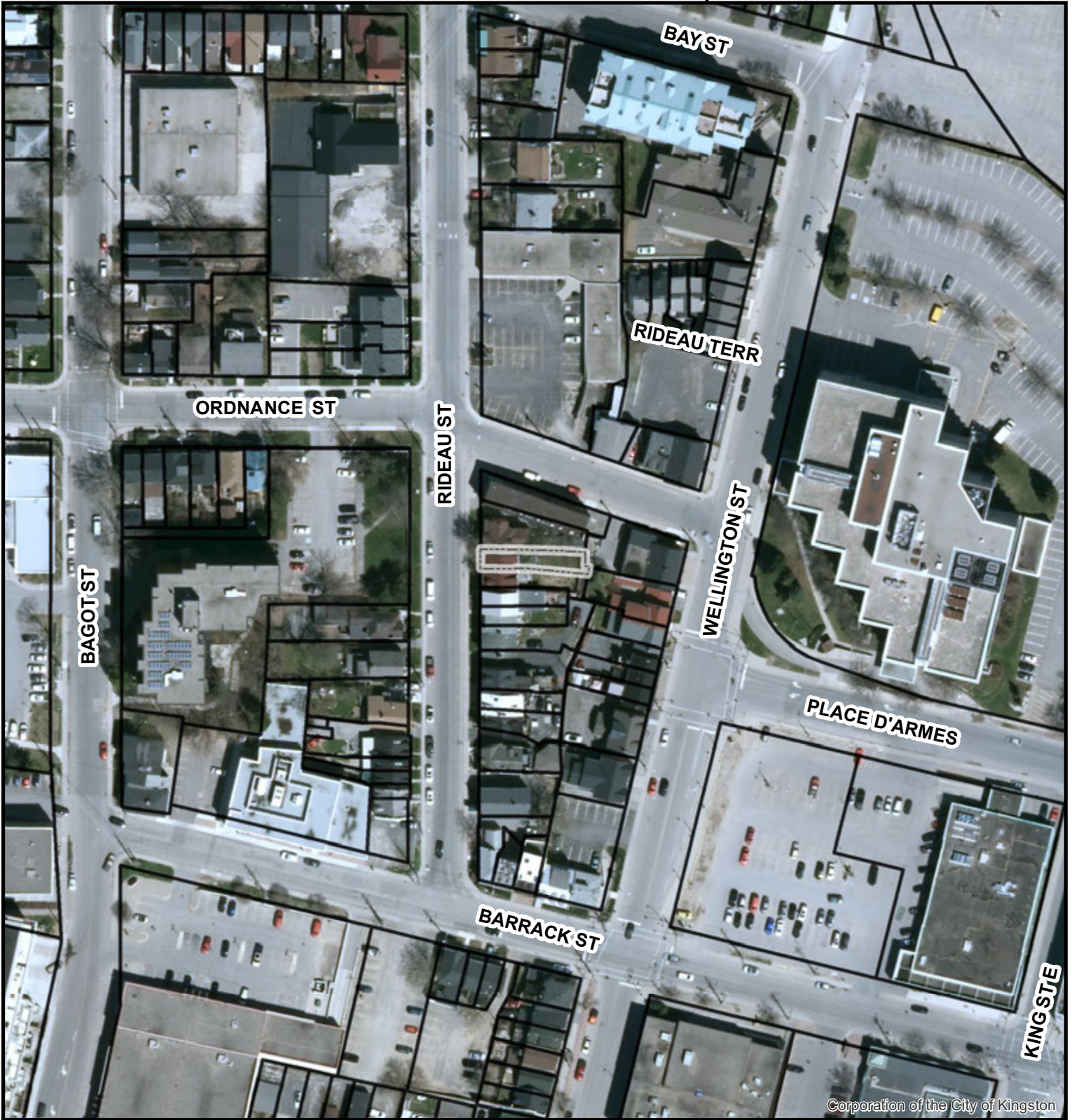
File Number: D13-061-2019
Address: 31 RIDEAU ST



DATE: 2020-03-02
PREPARED BY: akeeping



Lands Subject to Minor Variance



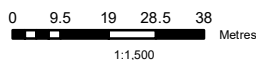
Corporation of the City of Kingston





Planning Services
a department of
Community
Services

COMMITTEE OF ADJUSTMENT
Neighbourhood Context (2018)

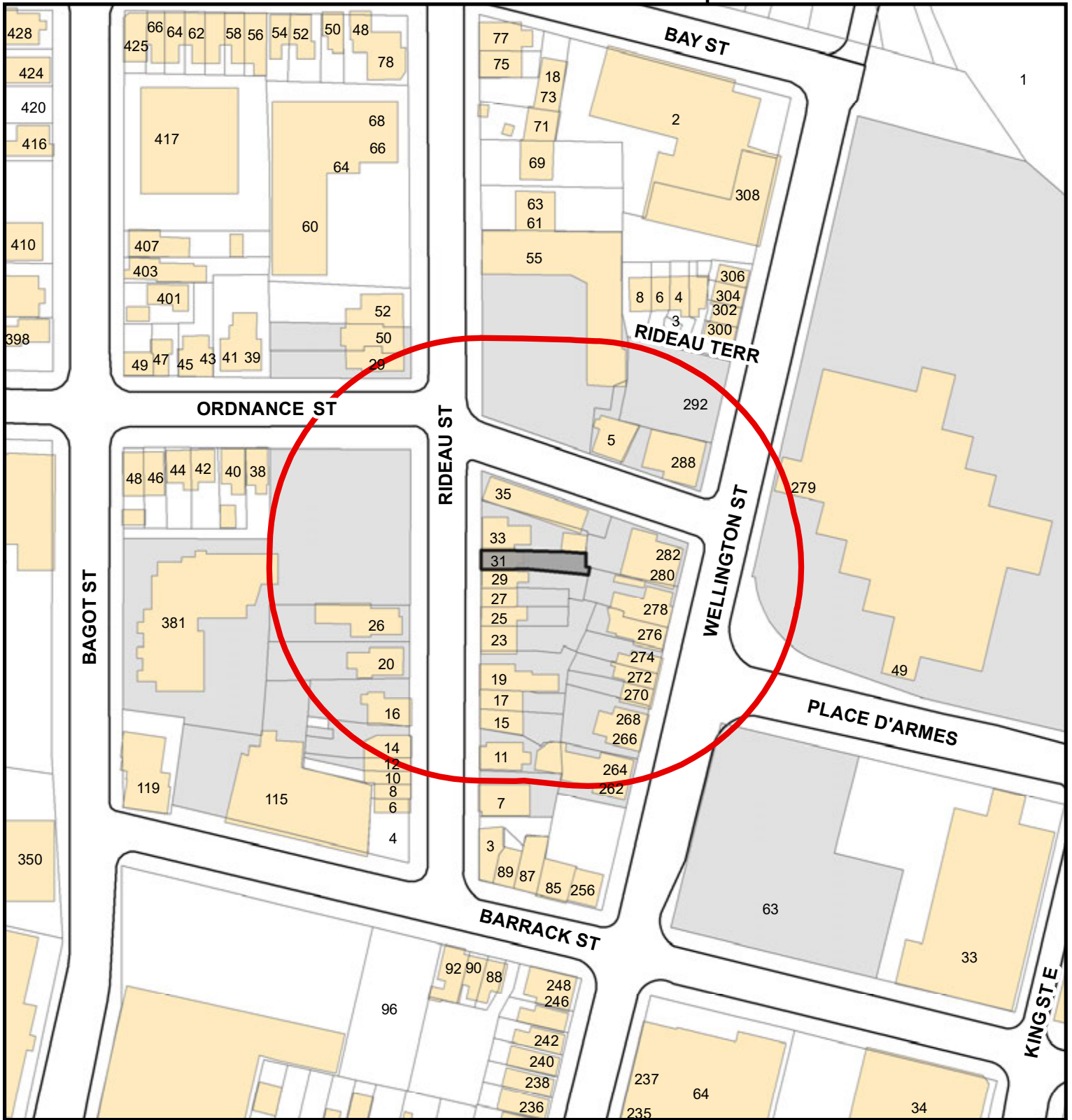
File Number: D13-061-2019
Address: 31 RIDEAU ST



Legend

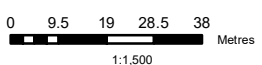
-  Subject Lands
-  Property Boundaries









COMMITTEE OF ADJUSTMENT
Public Notice Notification Map

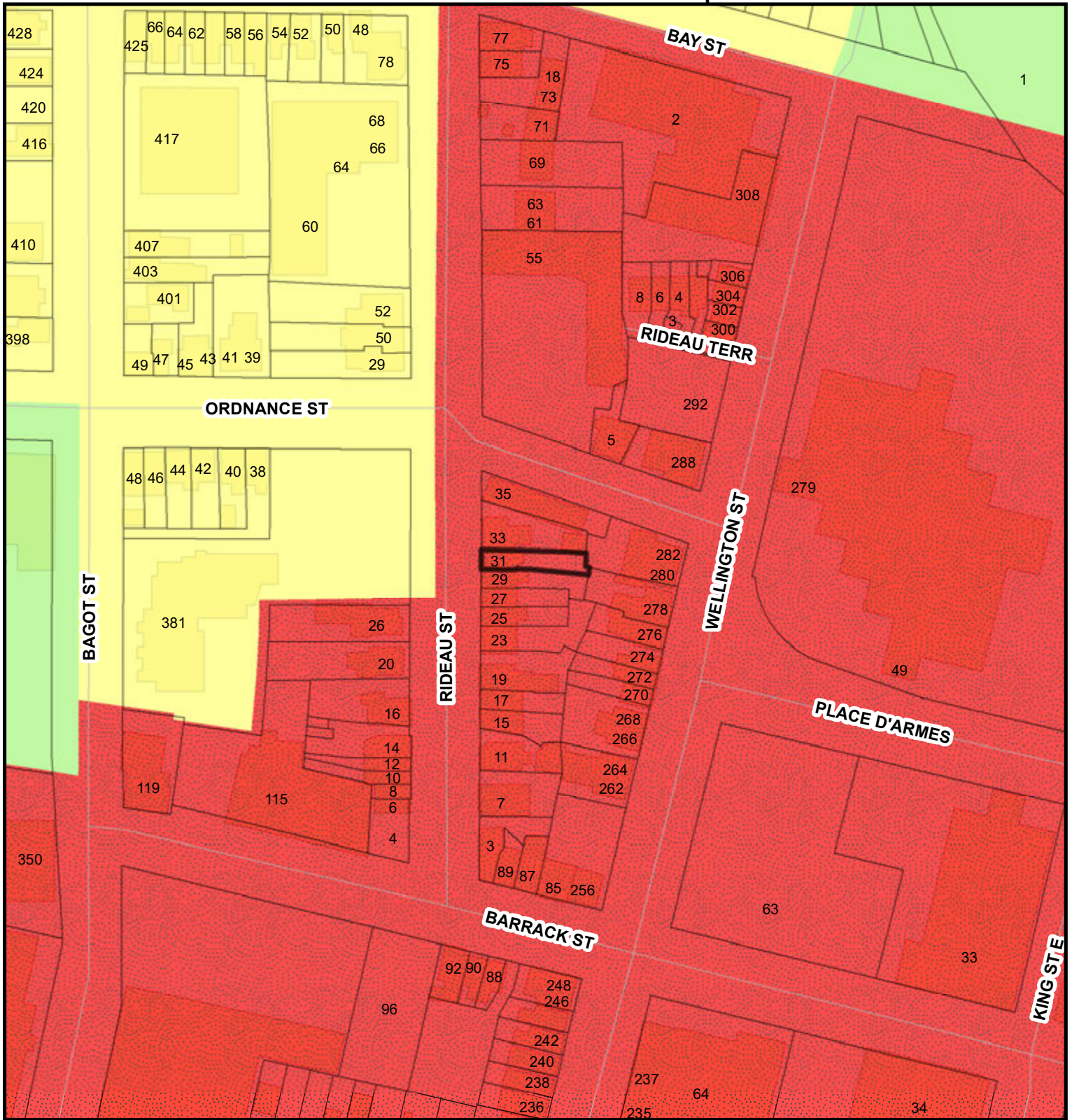
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Address: 31 RIDEAU ST



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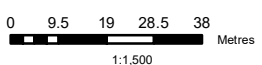
-  60m Public Notification Boundary
-  Subject Lands
-  Property Boundaries
-  34 Properties in Receipt of Notice (MPAC)





COMMITTEE OF ADJUSTMENT
Official Plan, Existing Land Use

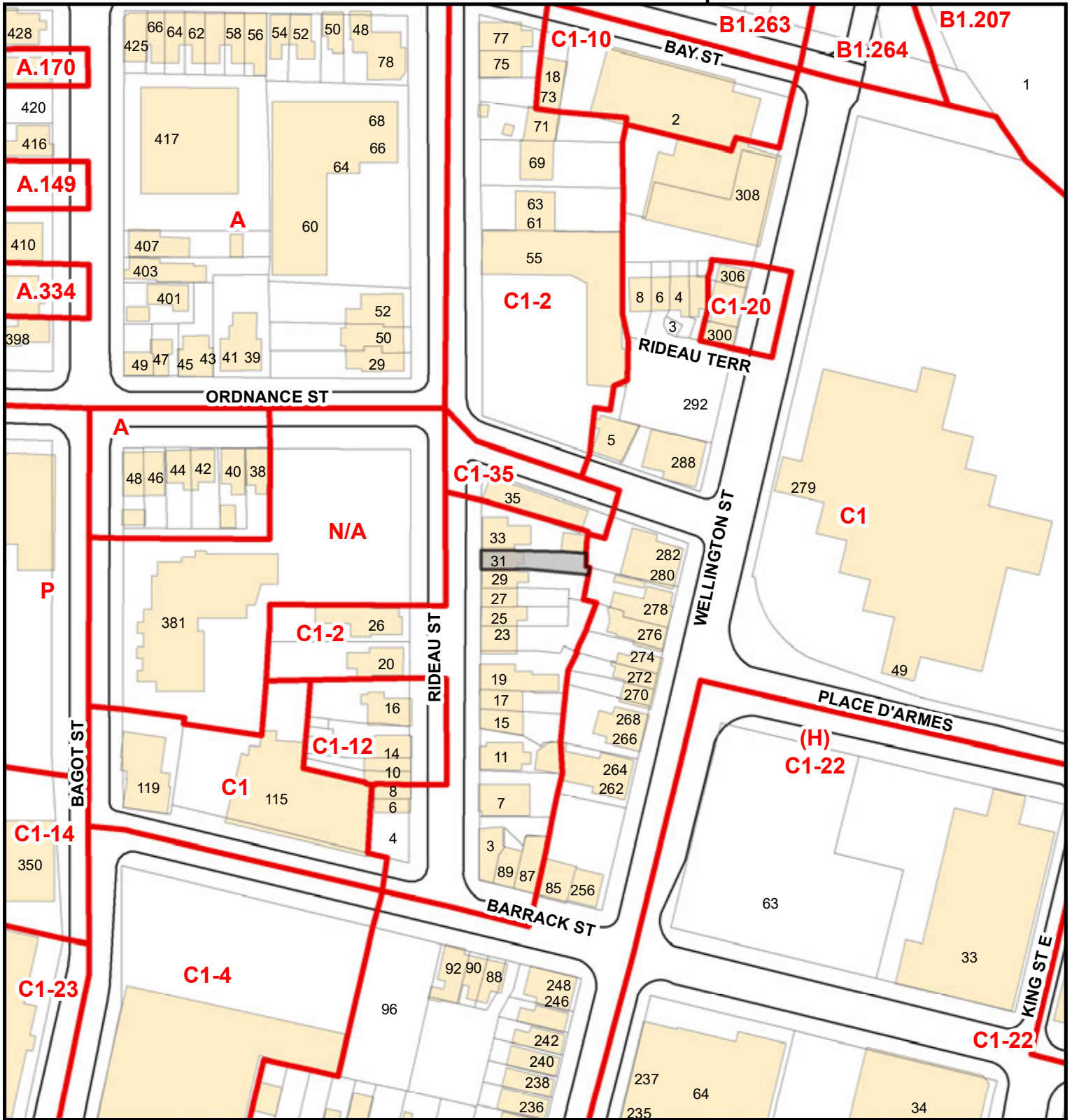
File Number: D13-061-2019
Address: 31 RIDEAU ST



Legend

- Subject Lands
- CENTRAL BUSINESS DISTRICT
- OPEN SPACE
- RESIDENTIAL





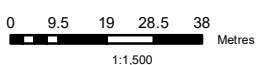


COMMITTEE OF ADJUSTMENT
Existing Zoning - By-law 96-259, Map 1

File Number: D13-061-2019
Address: 31 RIDEAU ST

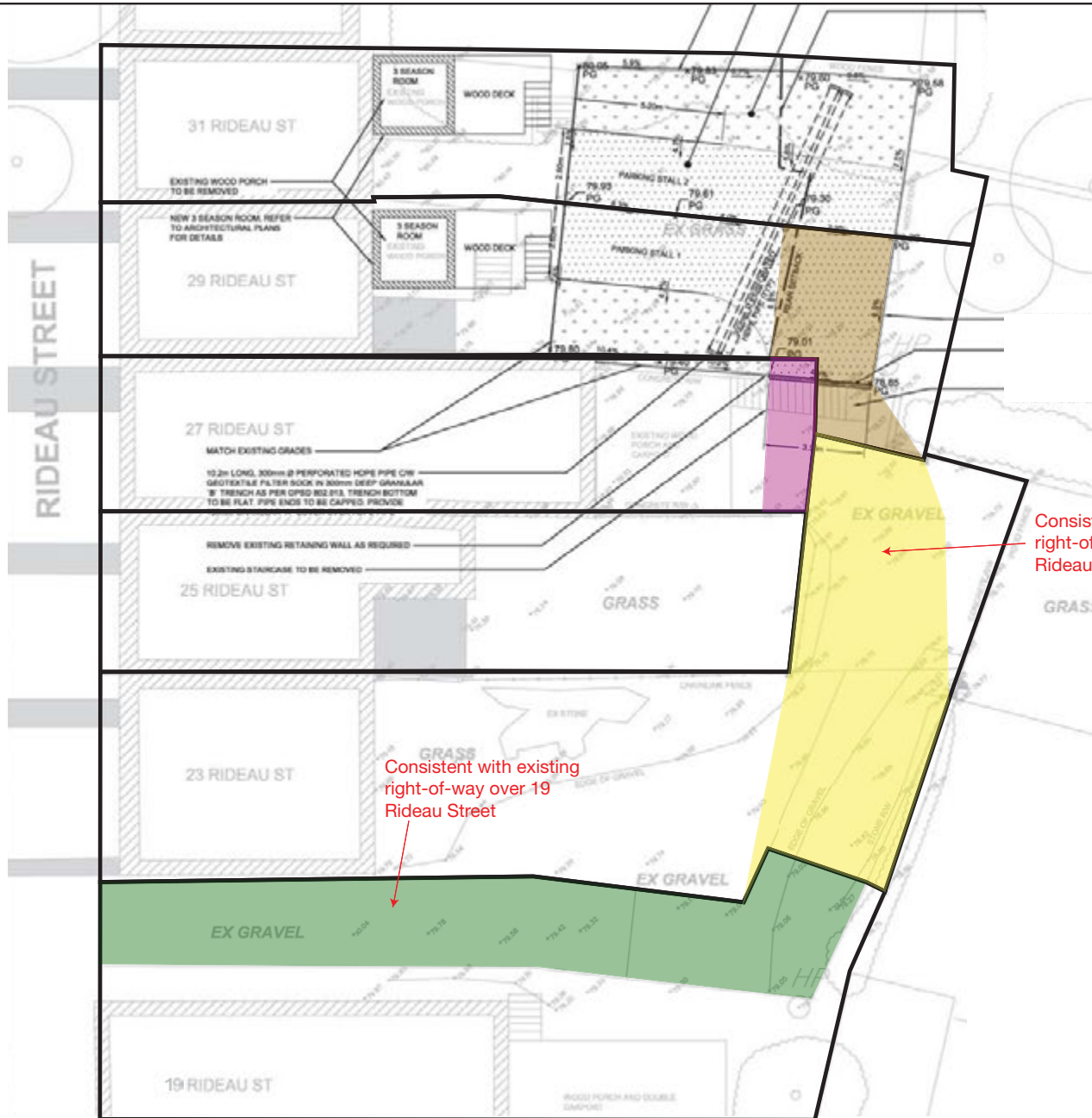
Legend

-  Subject Lands
-  Consolidated Zoning



29 & 31 Rideau Street,
Kingston

Right-of-Way
Concept Plan



Legend

- Property Line
- In favour of 29 & 31 Rideau St
 - ROW over 19 Rideau St
 - ROW over 23 Rideau St
 - ROW over 27 Rideau St
- In favour of 31 Rideau St
 - ROW over 29 Rideau St

Disclaimer: Distances are approximate. All measurements are made using online GIS software and should not be taken as a substitute for a legal survey prepared by an Ontario Land Surveyor.

Client: Steve Mann
Prepared By: KJ
Reviewed By: YL
Date: 03/03/2020

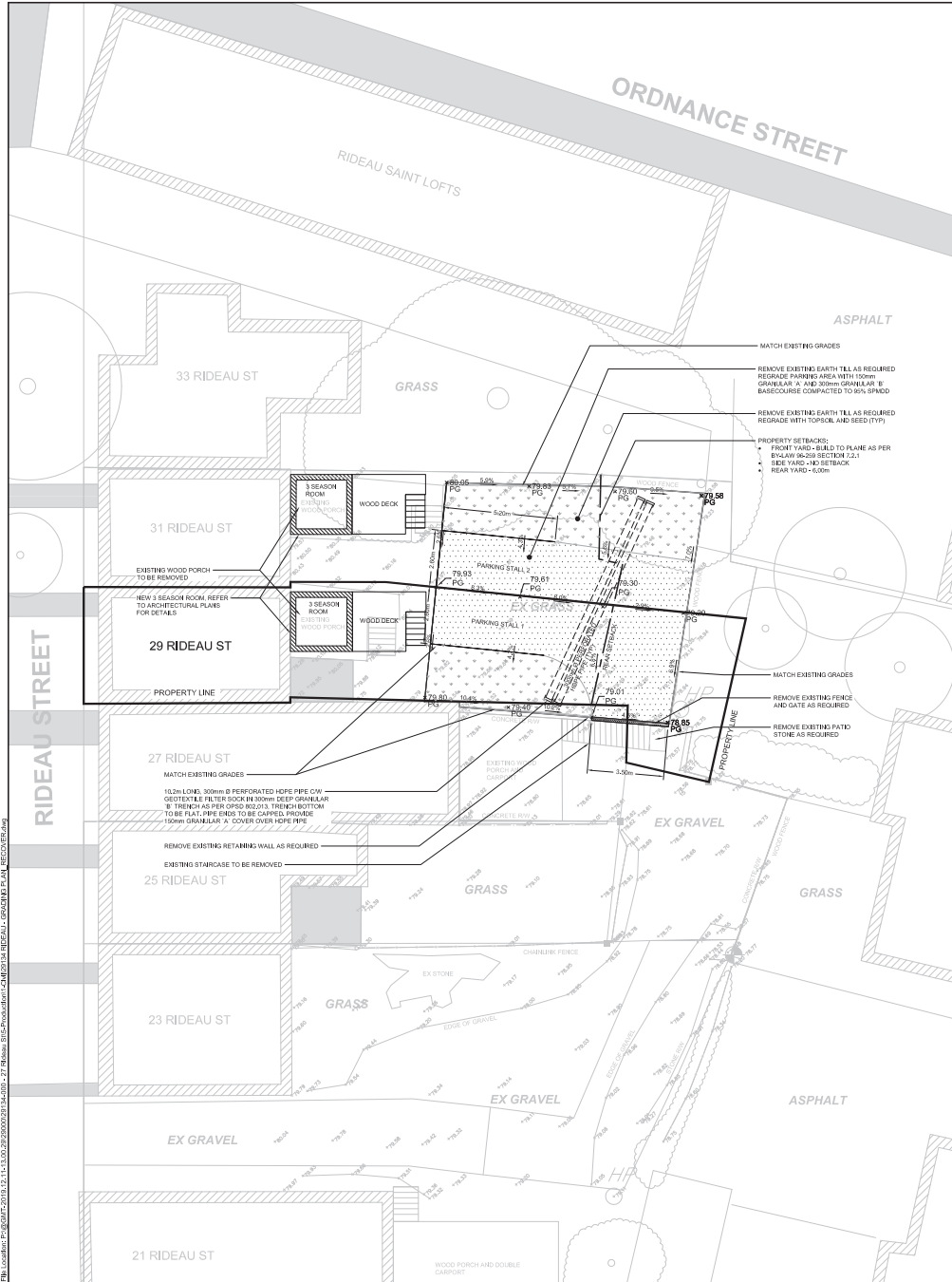


FOTENN
Planning + Design

KINGSTON
108-6 Cataragui Street
Kingston, ON K7K 1Z7
T 613.542.5454

fotenn.com

P1



GENERAL NOTES

1. ALL MATERIALS, SERVICES AND CONSTRUCTION METHODS TO BE IN ACCORDANCE WITH OPSB AND THE CITY OF KINGSTON CURRENT STANDARDS AND SPECIFICATIONS.
2. ALL DIMENSIONS SHOWN ON PLANS ARE IN METRES UNLESS OTHERWISE NOTED.
3. SURVEY AND BENCHMARK INFORMATION FROM JUR SURVEY COMPLETED ON 10/30/2016.
4. ALL DIMENSIONS AND MEASUREMENTS TO BE VERIFIED BY CONTRACTOR PRIOR TO CONSTRUCTION.
5. THE LOCATION DEPTH AND POTENTIAL CONTACTS OF ALL UNDERGROUND SERVICES IS TO BE CONFIRMED BY THE CONTRACTOR PRIOR TO COMMENCING EXCAVATION WORK AND SHALL PROTECT AND AVOID RESPONSIBLY FOR ALL UTILITIES.
6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL EXCAVATION BACKFILL RESTITUTION OF ALL AREAS OBTAINED DURING CONSTRUCTION AND ALL ASSOCIATED WORKS TO THE SATISFACTION OF THE ENGINEER.
7. IF ROCK IS ENCOUNTERED ABOVE THE PROPOSED SUBGRADE LEVEL, THE DESIGN ENGINEER IS TO BE NOTIFIED FOR REVIEW OF THE FIELD CONDITIONS.

GRADING NOTES

8. MATCH EXISTING ELEVATIONS AT ALL EXTERIOR PROPERTY LINES. ENSURE POSITIVE DRAINAGE TOWARDS A SUITABLE OUTLET (WHERE INDICATED) OR NYC.
9. ALL LOTS TO BE GRADED TO ALLOW POSITIVE DRAINAGE AWAY FROM DWELLINGS CONSISTENT WITH THE DRAINAGE PATTERNS OUTLINED ON PLAN.

ROAD / PARKING AREA STRUCTURE

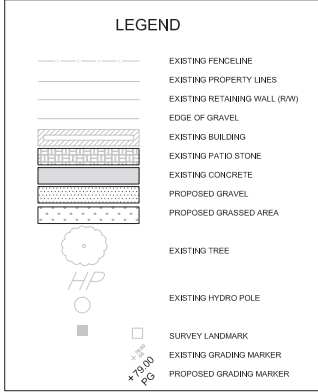
10. ROAD BASE SHALL BE:
 - 100mm GRANULAR 'A' CRUSHED STONE COMPACTED TO 90% SPND
 - 300mm GRANULAR 'B' CRUSHED STONE COMPACTED TO 90% SPND

EROSION AND SEDIMENT CONTROL NOTES

11. AS A MINIMUM, THE FOLLOWING EROSION AND SEDIMENTATION CONTROL MEASURES WILL BE PROVIDED DURING CONSTRUCTION:
 - SUPPLY AND INSTALL SILT FENCE BARRIER PER OPSD 215.110 TO ENCLOSE ALL BORROW AND STOCKPILE AREAS RESULTING FROM TOPSOIL STRIPPING ACTIVITIES OR ANY EXCAVATING ACTIVITIES. EXACT LOCATION TO BE DETERMINED DURING CONSTRUCTION.
 - ANY STOCKPILED MATERIAL WILL BE KEPT ON FLAT AREAS DURING CONSTRUCTION WELL AWAY FROM ANY NATURAL OR CULTIVATED PATHS. IN THE EVENT THAT THE STOCKPILE IS PLACED IN OTHER AREAS WHERE POTENTIAL WASHOFF TO THE CONVEYANCE SYSTEM IS EXPECTED, SILT FENCES PER OPSD 215.110 WILL BE INSTALLED TO ENCLOSE THE MATERIALS AND PREVENT ANY WASHOFF TO THE CONVEYANCE SYSTEM.
12. ALL CONTROL MEASURES WILL BE CARRIED OUT IN ACCORDANCE WITH THE FOLLOWING DOCUMENTS:
 - "GUIDELINES ON EROSION AND SEDIMENT CONTROL FOR URBAN CONSTRUCTION" ISSUED BY ONTARIO MINISTRIES OF NATURAL RESOURCES, ENVIRONMENT, MUNICIPAL AFFAIRS, AND TRANSPORTATION & COMMUNICATION ASSOCIATION OF CONSTRUCTION AUTHORITIES OF ONTARIO AND URBAN DEVELOPMENT INSTITUTE, ONTARIO, MAY 1997.
 - "EROSION AND SEDIMENT CONTROL" TRAINING MANUAL BY MINISTRY OF ENVIRONMENT, SPRING 1996.
 - APPLICABLE REGULATIONS AND GUIDELINES OF THE MINISTRY OF NATURAL RESOURCES.
13. SEDIMENT AND EROSION CONTROL MEASURES SHALL BE IMPLEMENTED PRIOR TO WORK AND MAINTAINED DURING THE WORK PHASE BY THE GENERAL CONTRACTOR TO PREVENT RELEASE OF SEDIMENT OFF OF THE PROPERTY. ALL SEDIMENT AND EROSION CONTROL MEASURES SHALL BE INSPECTED DAILY BY THE GENERAL CONTRACTOR TO ENSURE THAT THEY ARE FUNCTIONING PROPERLY AND ARE BEING MAINTAINED AND UPGRADED AS REQUIRED. IF THE SEDIMENT AND EROSION CONTROL MEASURES ARE NOT FUNCTIONING PROPERLY, NO FURTHER WORK SHALL OCCUR UNTIL THE PROBLEMS HAVE BEEN ADDRESSED AND RECTIFIED.
14. ALL MATERIALS AND EQUIPMENT USED FOR THE PURPOSE OF SITE PREPARATION AND PROJECT CONSTRUCTION SHALL BE OPERATED AND STORED IN A MANNER THAT PREVENTS ANY DELETERIOUS SUBSTANCES (IE, PETROLEUM PRODUCTS, SILT, ETC.) FROM LEAVING THE PROPERTY, VEHICLE AND EQUIPMENT RE-FUELLING AND MAINTENANCE SHALL BE CONDUCTED AWAY FROM ORANGE AREAS. ANY PART OF EQUIPMENT ENTERING ORANGE AREAS SHALL BE FREE OF FUEL LEAKS AND EXTERNALLY CLEANED/DEGREASED TO PREVENT ANY DELETERIOUS SUBSTANCES FROM LEAVING THE PROPERTY.
15. ALL STOCKPILED EXCAVATED MATERIALS TO BE LOCATED A MINIMUM OF 10M FROM DRAINAGE CHANNELS AND TO BE ENCLOSED WITH A SILT SCREEN PER OPSD 215.110 OR LIFT FACILITY STRAIN BALE BARRIER PER OPSD 215.18.
16. INSPECTIONS AND REPAIR OF SEDIMENT AND EROSION CONTROLS WILL BE CONDUCTED AS SOON AS POSSIBLE FOLLOWING ANY RAIN EVENTS.
17. WORKS WILL NOT BE CONSIDERED COMPLETE UNTIL ALL SEDIMENT CONTROLS ARE REMOVED.

THE PROPERTY, VEHICLE AND EQUIPMENT RE-FUELLING AND MAINTENANCE SHALL BE CONDUCTED AWAY FROM ORANGE AREAS. ANY PART OF EQUIPMENT ENTERING ORANGE AREAS SHALL BE FREE OF FUEL LEAKS AND EXTERNALLY CLEANED/DEGREASED TO PREVENT ANY DELETERIOUS SUBSTANCES FROM LEAVING THE PROPERTY.

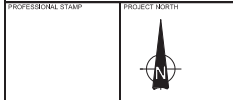
18. EXCESS SOILS TO BE REMOVED FROM SITE AS PER GOVERNING BODY REQUIREMENTS.
19. THE WORK IS TO BE COMPLETED IN ACCORDANCE WITH THE APPLICABLE REGULATORY REQUIREMENTS, THE REQUIREMENTS OF THE RECEIVING SITE, AND LOCAL BY-LAWS GOVERNING SOIL MOVEMENT AND PLACEMENT AT OTHER SITES.
20. THE SCOPE OF SERVICES FOR THE CONTRACTOR IS GENERALLY ANTICIPATED TO INCLUDE THE FOLLOWING:
 - 20.1. PERFORM THE NECESSARY SAMPLING AND TESTING IN ADVANCE OF THE SOIL (SPECIAL CHEMICAL TESTS, TLP TESTING, ETC).
 - 20.2. CONFIRMING THAT THE APPLICABLE SITE CONDITION STANDARDS FOR THE RECEIVING SITE ARE CONSISTENT WITH THE CHEMICAL QUALITY OF THE SOIL OBTAINED AT THE SOURCE SITE.
 - 20.3. ADDITIONAL SERVICES AS DETERMINED BY THE CONTRACTOR.



PRELIMINARY
NOT FOR
CONSTRUCTION
PRELIMINARY DESIGN REPORT

A	ISSUED FOR CLIENT REVIEW	19/11/19
NO.	ISSUE / REVISION	COMMYYY

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VERIFY SHEET SIZE AND SCALE, BAR TO THE RIGHT IS DIMPT THE 1/4" PL. SIZE DRAWING.
SCALE: 1:100
DATE: 19/11/19



PROJECT:
STONE & ASSOCIATES DESIGNERS
PARKING LOT REDEVELOPMENT

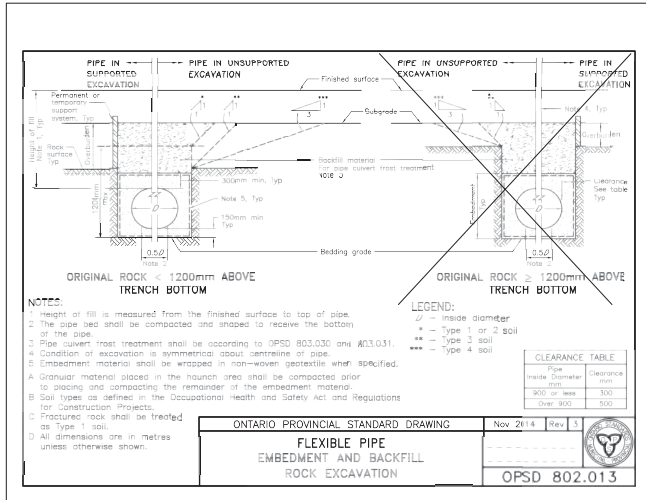
27 RIDEAU STREET, KINGSTON, ON

DRAWING:
CIVIL

29 RIDEAU STREET
SITE PLAN

DESIGN: CT
DRAWN: CT
CHECKED: LWM
JLR K: 29134

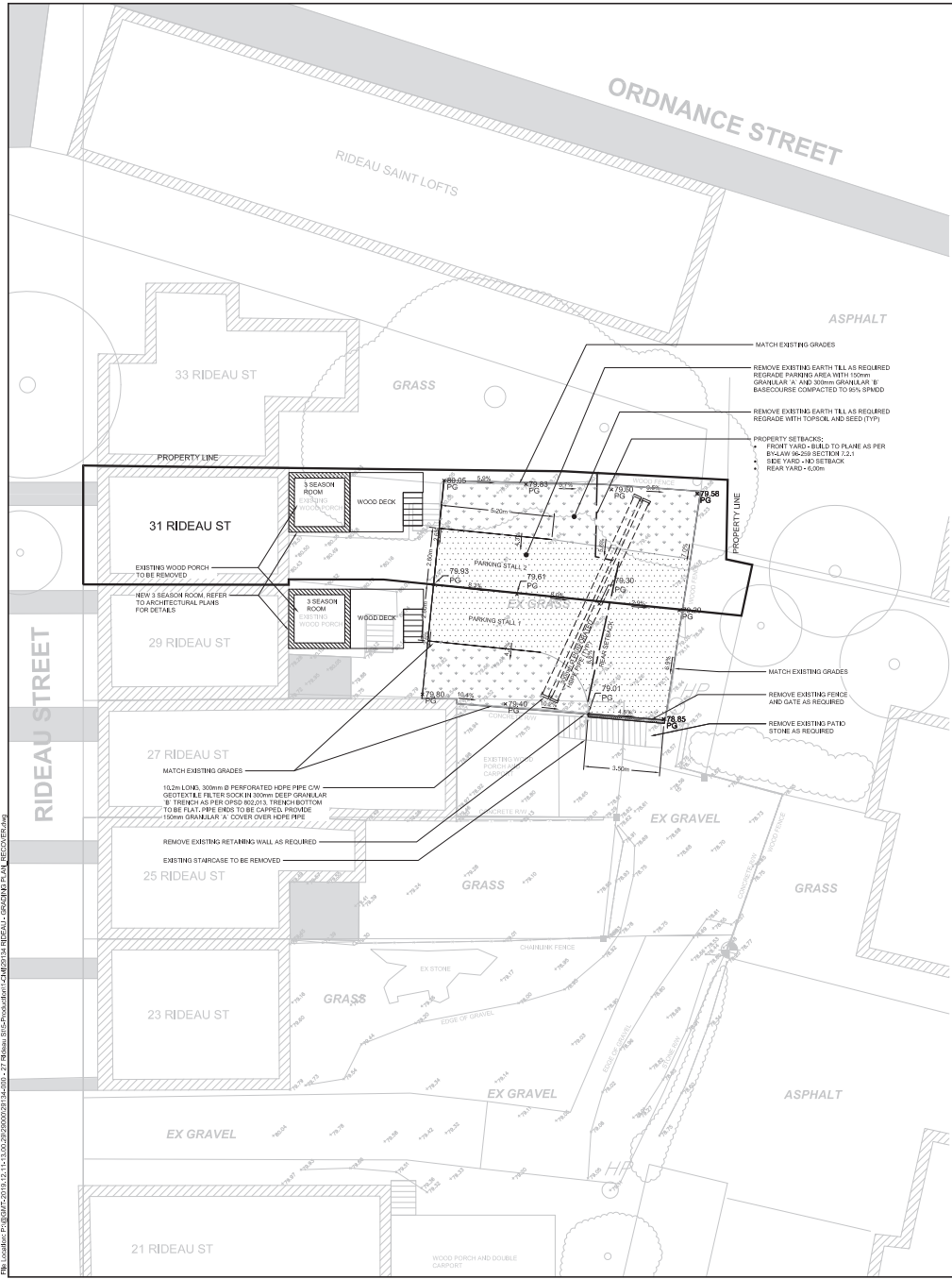
DRAWING R:
C02



NOTES

1. Height of fill is measured from the finished surface to top of pipe.
2. The pipe bed shall be compacted and shaped to receive the bottom of the pipe.
3. Pipe cuvert frost treatment shall be according to OPSD 803.030 and A03.031.
4. Condition of excavation is symmetrical about centreline of pipe.
5. Embankment material shall be wrapped in non-woven geotextile when specified.
6. Granular material placed in the haunch area shall be compacted prior to placing and compacting the remainder of the embankment material.
7. Soil types as defined in the Occupational Health and Safety Act and Regulations for Construction Projects.
8. Fractured rock shall be treated as Type 1 soil.
9. All dimensions are in metres unless otherwise shown.

ONTARIO PROVINCIAL STANDARD DRAWING
FLEXIBLE PIPE
EMBEDMENT AND BACKFILL
ROCK EXCAVATION
Nov 2014 Rev. 1
OPSD 802.013



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- ROAD / PARKING AREA STRUCTURE**
10. ROAD BASE SHALL BE:
 - 100mm GRANULAR 'A' CRUSHED STONE COMPACTED TO 90% SP/100
 - 300mm GRANULAR 'B' CRUSHED STONE COMPACTED TO 90% SP/100
 11. SUBGRADE SHALL BE IN SITU SOILS

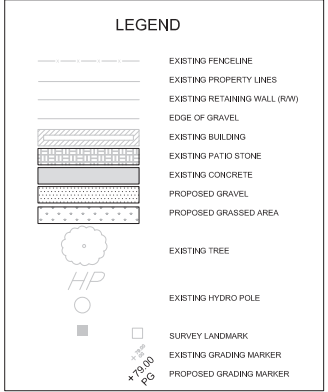
- EROSION AND SEDIMENT CONTROL NOTES**
12. AS A MINIMUM, THE FOLLOWING EROSION AND SEDIMENTATION CONTROL MEASURES SHALL BE PROVIDED DURING CONSTRUCTION:
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 - "EROSION AND SEDIMENT CONTROL" TRAINING MANUAL BY MINISTRY OF ENVIRONMENT, SPRING 1996.
 - APPLICABLE REGULATIONS AND GUIDELINES OF THE MINISTRY OF NATURAL RESOURCES.

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15. ALL MATERIALS AND EQUIPMENT USED FOR THE PURPOSE OF SITE PREPARATION AND PROJECT CONSTRUCTION SHALL BE OPERATED AND STORED IN A MANNER THAT PREVENTS ANY DELETERIOUS SUBSTANCES (IE, PETROLEUM PRODUCTS, SILT, ETC.) FROM LEAVING THE PROPERTY, VEHICLE AND EQUIPMENT (REFUELLING AND MAINTENANCE) SHALL BE CONDUCTED AWAY FROM DRAINAGE AREAS. ANY PART OF EQUIPMENT ENTERING DRAINAGE AREAS SHALL BE FREE OF FUEL LEAKS AND EXTERNALLY CLEANED/DRESSED TO PREVENT ANY DELETERIOUS SUBSTANCES FROM LEAVING THE PROPERTY.

16. ALL STOCKPILED EXCAVATED MATERIALS TO BE LOCATED A MINIMUM OF 10M FROM DRAINAGE CHANNELS AND TO BE ENCLOSED WITH A SILT SCREEN PER OPSB 215.110 OR LIFT FACILITY STRIP BALE BARRIERS PER OPSB 215.18.
17. INSPECTIONS AND REPAIR OF SEDIMENT AND EROSION CONTROLS WILL BE CONDUCTED AS SOON AS POSSIBLE FOLLOWING ANY RAIN EVENTS.
18. WORKS WILL NOT BE CONSIDERED COMPLETE UNTIL ALL SEDIMENT CONTROLS ARE REMOVED.
- DISPOSAL OF EXCESS SOIL**
19. EXCESS SOILS TO BE REMOVED FROM SITE AS PER GOVERNING BODY REQUIREMENTS.
20. THE WORK IS TO BE COMPLETED IN ACCORDANCE WITH THE APPLICABLE REGULATORY REQUIREMENTS, THE REQUIREMENTS OF THE RECEIVING SITE, AND LOCAL BY-LAWS GOVERNING SOIL MOVEMENT AND PLACEMENT AT OTHER SITES.
21. THE SCOPE OF SERVICES FOR THE CONTRACTOR IS GENERALLY ANTICIPATED TO INCLUDE THE FOLLOWING:
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- 22.2. CONFIRMING THAT THE APPLICABLE SITE CONDITION STANDARDS FOR THE RECEIVING SITE ARE CONSISTENT WITH THE CHEMICAL QUALITY OF THE SOIL OBTAINED AT THE SOURCE SITE.
- 22.3. ADDITIONAL SERVICES AS DETERMINED BY THE CONTRACTOR.



PRELIMINARY
NOT FOR
CONSTRUCTION
PRELIMINARY DESIGN REPORT

NO.	ISSUE / REVISION	DATE
A	ISSUED FOR CLIENT REVIEW	19/11/19

CLIENT:

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

PROFESSIONAL STAMP: PROJECT NORTH

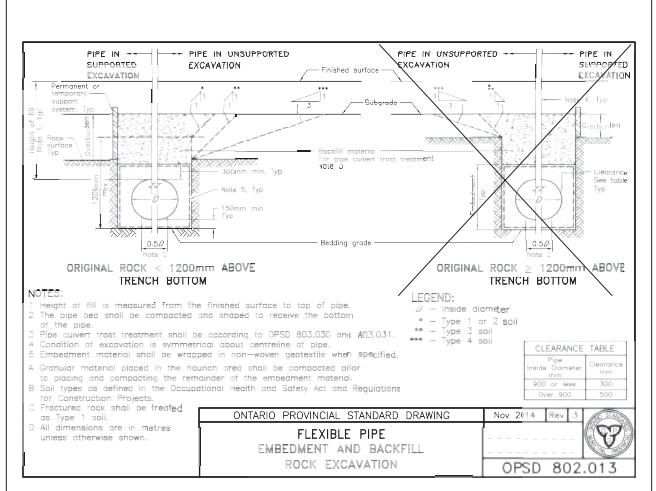
PROJECT: **STONE & ASSOCIATES DESIGNERS PARKING LOT REDEVELOPMENT**

27 RIDEAU STREET, KINGSTON, ON

DRAWING: **CIVIL 31 RIDEAU STREET SITE PLAN**

DESIGN: CT
DRAWN: CT
CHECKED: LWM
DATE: 29/13/4

C03





The undersigned has reviewed and takes responsibility for this design, and has the qualifications and meets the requirements set out in the Ontario Building Code to be a designer.

STONE & ASSOCIATES DESIGN INC.
BCIN 45209

BRYAN STONE BCIN 32123
These contract documents are the property of the Designer. The Designer bears no responsibility for the interpretation of these documents by the Contractor. Upon written application, the Designer will provide written / graphic clarification, or supplementary information regarding the intent of the Contract Documents. The Designer will review Shop Drawings submitted by the Contractor for design conformance only.

Drawings are not to be scaled for construction. Contractor to verify all existing conditions and dimensions required to perform the work and report any discrepancies with Contract Documents to the Designer before commencing work.

All work to be carried out under these Contract Documents to conform to local Building Codes.

No.	Description	Date

MANN

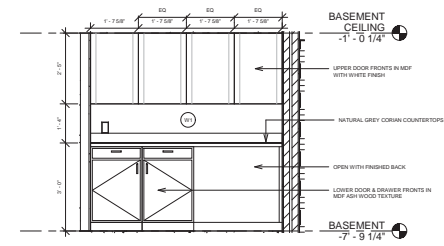
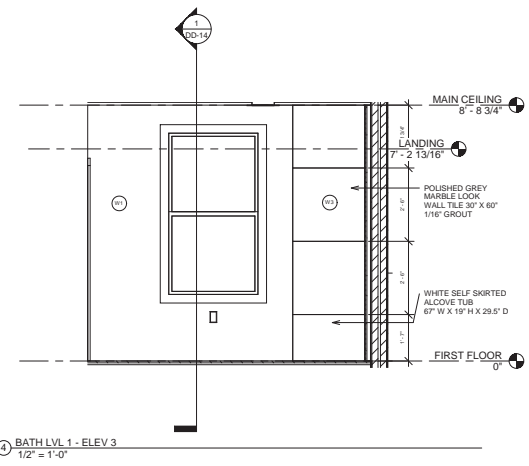
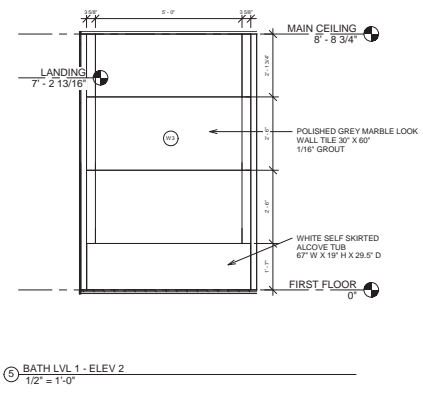
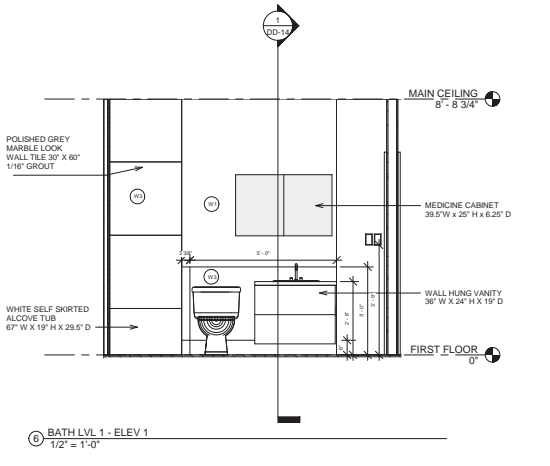
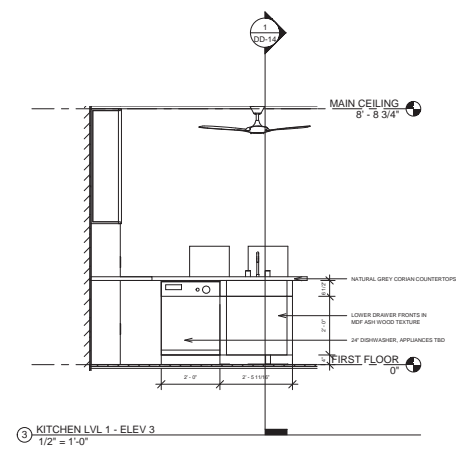
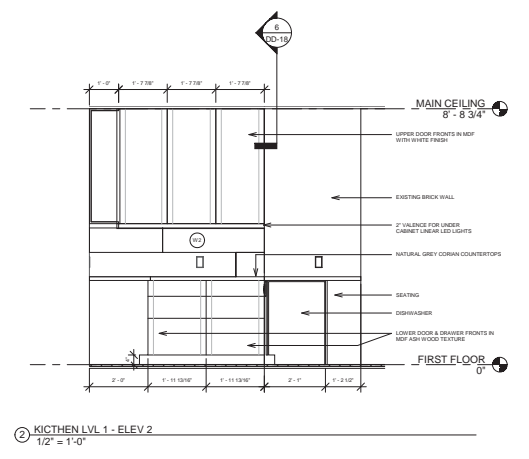
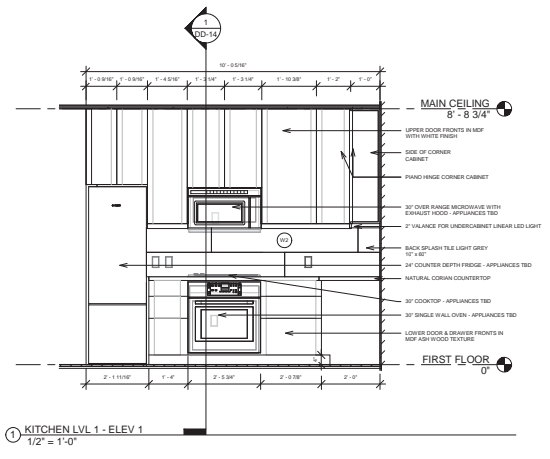
31 Rideau

ELEVATIONS

31 Rideau Street
Kingston, Ontario

Project Number	M865A824
Date	Nov 13/18
Drawn By	JR
Checked By	BCS

DD-10
Scale 1/2" = 1'-0"





The undersigned has reviewed and takes responsibility for this design, and has the qualifications and meets the requirements set out in the Ontario Building Code to be a designer.

STONE & ASSOCIATES DESIGN INC.
BCIN 45209

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No	Description	Date

MANN

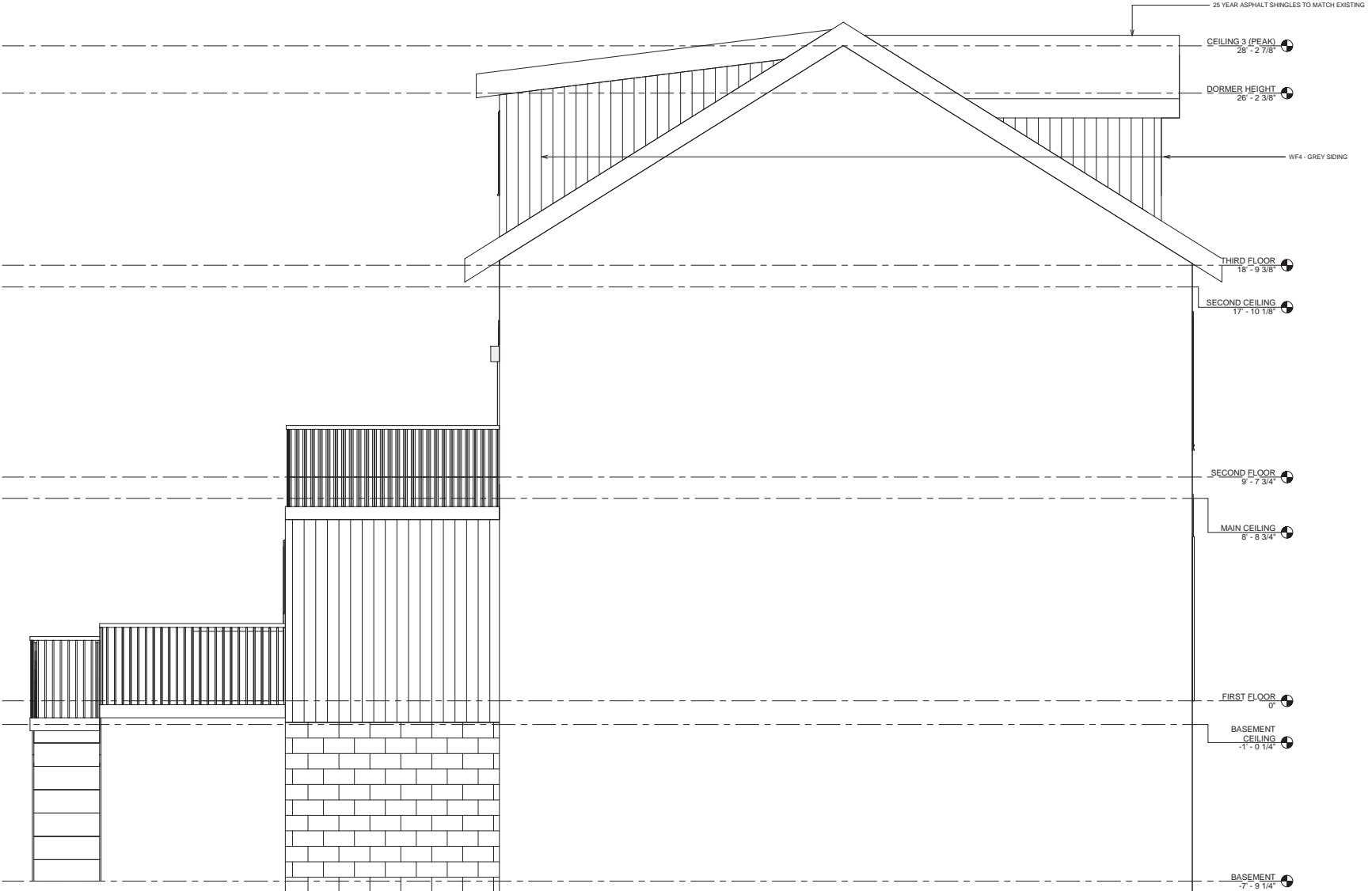
31 Rideau

EXTERIOR ELEVATION

31 Rideau Street
Kingston, Ontario

Project Number	M865A824
Date	Nov 13/18
Drawn By	JR
Checked By	BCS

DD-13
Scale 1/2" = 1'-0"



North
1/2" = 1'-0"



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STONE & ASSOCIATES DESIGN INC.
BCIN 45209

BRYAN STONE BCIN 32123

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No.	Description	Date

MANN

31 Rideau

SECTION

31 Rideau Street
Kingston, Ontario

Project Number	M865A824
Date	Nov 13/18
Drawn By	JR
Checked By	BCS

DD-14
Scale 1/2" = 1'-0"



Section 2
1/2" = 1'-0"



Subject property at 31 Rideau Street



East side of Rideau Street looking south past subject property



East side of Rideau Street looking north of the subject property



East side of Rideau Street looking north from Barrack Street



West side of Rideau Street looking north from Barrack Street



West side of Rideau Street looking South from 370 Ordnance Street