

City of Kingston Report to Committee of Adjustment Report Number COA-20-021

To: Chair and Members of Committee of Adjustment

From: Lindsay Sthamann, Planner

Date of Meeting: June 22, 2020

Application for: Consent

File Number: D10-048-2019

Address: 3028 Princess Street and 950-956 Woodhaven Drive

Owner: Vishal Valsadia & 2676628 Ontario Inc.

Applicant: Fotenn Consultants Inc. (Youko Leclerc-Desjardins)

Council Strategic Plan Alignment:

Theme: Regulatory & compliance

Goal: See above

This application is for a lot boundary adjustment.

Executive Summary:

This application for consent to transfer land has been submitted by Fotenn Consultants Inc. on behalf of the owner, Vishal Valsadia/2676628 Ontario Inc. The purpose of the application is to convey a portion of 3028 Princess Street, the portion zoned Development Zone, to the 950-956 Woodhaven Drive property.

The proposal will consolidate the lands in support of future redevelopment applications. The retained lot will have a resulting lot area of approximately 1,000 square metres (0.1 hectares). The lot frontage on Princess Street will be unchanged, but the lot depth would be reduced to approximately 33 metres. All structures on the 3028 Princess Street parcel will be demolished, removed, or decommissioned as part of this application; the retained lot will be vacant.

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The approximately 2,948-square metre severed lands will be added to 950-956 Woodhaven Drive, which includes existing townhouse dwellings. The resulting lot area will be approximately 8,777 square metres (0.87 hectares).

No new lots will be created, and the resulting lands will comply with zoning by-law requirements. No changes to the residential buildings on the Woodhaven Drive property are proposed with this application.

The site is situated on the north side of Princess Street and east of Woodhaven Drive. The Princess Street property is currently developed with a single-family dwelling and out-buildings. The Woodhaven Drive property is developed with six residential units. The properties are currently designated as Residential in the Official Plan and are zoned R1, R2-10, and D in Zoning By-Law Number 76-26.

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 placed in The Kingston Whig Standard on June 5, 2020.

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 bylaw 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 application, File Number D10-048-2019, to convey a portion of 3028 Princess Street to 950-956 Woodhaven Drive, 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. However, in accordance with Ontario Regulation 149/20 (Special Rules Relating to Declared Emergency) made under the *Planning Act*, the period of the COVID-19 emergency is not included for the purposes of calculating the above-noted timeframe. 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.

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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.

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.

5. Lot Addition

That the lands herein conveyed shall be consolidated with the adjacent lands owned by 2676628 Ontario Inc. and described as 950-966 Woodhaven Drive and any subsequent conveyance or transaction of the said lands shall be subject to the part lot control provisions of Subsection (3) or (5) of Section 50 of the *Planning Act*, R.S.O. 1990 as amended. Failure to consolidate the subject lands shall render this consent null and void.

6. Demolition Permit

The owner/applicant shall obtain a Demolition Permit through the Building Division for the removal of all structures and buildings located on 3028 Princess Street (both transferred and retained portions). This includes three (3) temporary fabric shelters, the metal clad garage, and the single-family dwelling as shown on the severance sketch. The owner/applicant shall provide the Secretary-Treasurer, Committee of Adjustment, a copy of

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the Demolition Permit(s) and confirmation that the buildings have been removed prior to the issuance of the Certificate of Official.

7. Access

The owner/applicant shall insure, to the satisfaction of the Engineering Department, that the access to the severed parcel from the retained parcel is removed in order to ensure that the parcel can only be accessed from the lands it is being added to prior to issuance of the Certificate of Official.

8. Utilities

Prior to the issuance of a Certificate of Official it shall be necessary for the applicant to provide and for Utilities Kingston to approve a Sketch showing all existing (and proposed) services and the mains they connect to, and existing buildings and all proposed and existing property lines.

9. KFL&A Public Health Unit

The owner/applicant shall ensure, to the satisfaction of the KFL&A Public Health Unit, the removal and decommissioning of the existing septic tank and septic field on the 3028 Princess Street property. The owner/applicant shall provide the Secretary-Treasurer, Committee of Adjustment, confirmation from KFL&A prior to the issuance of the Certificate of Official.

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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 application was submitted on Dec 30, 2019 by the applicant, Fotenn Consultants Inc., and it 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 notice was placed in The Kingston Whig Standard on June 5, 2020.

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

- Severance Sketch (Exhibit E);
- Survey (Exhibit F);
- Planning Letter; and
- Assessment of Highgate Creek Tributary.

Site Characteristics

The site is situated on the north side of Princess Street and east of Woodhaven Drive. The Princess Street property is currently developed with a single-family dwelling and out-buildings. The Woodhaven Drive property is developed with six residential units. The properties are currently designated as Residential in the Official Plan and are zoned R1, R2-10, and D in Zoning By-Law Number 76-26.

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. A new public notice was provided by advertisement in The Kingston Whig-Standard.

Planning Act

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;

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- 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.

The following provides this review:

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.

Official Plan

The subject properties are both designated 'Residential' in the City of Kingston Official Plan (Exhibit C – Official Plan, Land Use). The residential uses within the 'Residential' designation include detached, semi-detached or duplex dwellings, townhouses, and apartments of various types, tenure, and density that respond to a wide range of housing needs. 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 creation of individual parcels of land by way of consent is subject to the consent policies of the Official Plan. In considering whether the proposal is appropriate, the Committee of Adjustment will have regard for the requirements included within the Official Plan, specifically 9.6.13.

- 1. 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 proposal complies will all provisions in Zoning By-Law Number 76-26 for the R2-10 and the R1 zones. The existing detached garage on the portion of 3028 Princess Street that is zoned D does not comply with the zoning uses or setback regulation. A condition of this consent requires the garage be demolished before the certificate of official is issued. No variances are required.
- 2. Proposed severances that would result in irregularly shaped lots are to be avoided where possible;

The proposed lots have relatively standard rectangular lot configurations.

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 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;

Direct access will be obtained from Princess Street and from Woodhaven Drive, which are municipal roads. Access and parking for each lot will not be changed as part of this consent.

4. 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;

No new access points are proposed.

5. Any application for 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;

The proposed severance will not cause any adverse impacts on the natural heritage system, natural heritage features and areas or natural hazards. The subject property is not identified on the City's Heritage Register. There are no anticipated impacts to cultural heritage resources and areas of archaeological potential, or areas of archaeological significance as a result of the consent application.

6. The City must be satisfied that any development lots created by consent can be supplied with water supply and sewage disposal facilities:

The subject properties are located within the urban area and are can be connected to municipal services. The 3028 Princess Street lot is currently served by a private septic system. All structures on this lot, including the single detached house and the associated septic system, must be removed prior to the issuance of a certificate of official. The retained lot will be too small for a private septic system but City sewer is available for future development of the resulting vacant parcel.

The proposal meets the intent of the Official Plan, as the proposed lot addition will not result in any negative impacts to adjacent properties or to the neighbourhood. No land use changes or construction is proposed as part of this application.

Zoning By-Law

The subject properties are zoned site-specific Residential Type 2 'R2-10', Residential Type 1 'R1', and Development 'D' in the City of Kingston Zoning By-Law Number 76-26, entitled "Township of Kingston Restricted Area By-Law", as amended (Exhibit B – Existing Zoning). The zones permit the existing residential uses on the properties.

The uses permitted in the R1 zone include: a single-family dwelling house, a converted dwelling house, a home occupation, and a public use in accordance with the provisions of Section 5(18).

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The uses permitted in the R2-10 zone are limited to two dwelling houses each containing no more than 3 dwelling units.

The uses permitted in the D - Development Zone include: an existing single-family dwelling house, an accessory dwelling house, a cemetery, a church, a farm other than a specialized farm, a fraternal lodge or community centre, a public use, a seasonal fruit, and a vegetable, flower or farm produce sales outlet, provided such produce is the product of the farm on which such sales outlet is located.

Both lots will comply with the zoning provisions in their respective zones. The zoning compliance tables below provide detailed analysis. When a lot has split lot zoning each portion of the lot is treated a separate lot for the purposes of the zoning bylaw, the table below reflects this split zone configuration.

3028 Princess Street – R1 Zoned Portion (Section 12)

This portion of the lot will be vacant after the required demolition of all existing structures. The vacant lot will comply with the zone provisions for R1.

Provision	Requirement	Proposed
Lot Area (minimum)	5,000 square feet	10,785 square feet
Lot Frontage (minimum)	50 feet	100 feet

D - Development Zone

This portion of the lot will be vacant after the required demolition of the existing detached garage. This portion of the lot does not have frontage and will require re-zoning before any redevelopment can occur. The entirety of the D zoned portion will be transferred from 3028 Princess Street to 950-956 Woodhaven Drive.

950-956 Woodhaven Drive – R2-10 Zone (Section 13)				
Provision	Requirement	Proposed/Existing		
From R2 Base Zone				
Lot Area (minimum)	7,800 square feet (semi- detached dwelling house)	60,440 square feet		
Lot Frontage (minimum)	80 feet	395.7 feet		
Front Yard Depth (minimum)	20 feet	94 feet		
Exterior Side Yard Depth (minimum)	20 feet	Not applicable		
Rear Yard Depth (minimum)	25 feet	42.5 feet		

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Dwelling Area (minimum)	900 square feet per semi- detached dwelling unit	Greater than 900 square feet per unit		
Landscaped Open Space (minimum)	30%	33% (+- 19,700 square feet/60,440 square feet)		
Building Height (Max)	35 feet	Less than 35 feet		
R2-10 Site Specific Provisions				
Interior Side Yard Width (Minimum)	27 metres for the side yard on the west side of the property and 7.62 metres for all other side yards.	8.0 metres (south) 53.5 metres (north)		
Permitted Use	two dwelling houses each containing no more than 3 dwelling units	Two dwelling houses, each with three units		
General Provisions (Section 5)				
Accessory Use Lot Coverage	10%	5.5 % (340 square feet/60,440 square feet)		
Accessory Use Height	15 feet	Less than 15 feet		
Accessory Use Location	(ii) Except as otherwise provided herein, in a Residential Zone, any accessory building or structure which is not attached to the main building shall not be erected in any yard other than the interior side yard or rear yard.	All accessory building located in the interior side or rear yards		
Accessory Use Yards and Setbacks	(i) Minimum 4 feet from interior side lot line (ii) Minimum 4 feet from rear lot line	All accessory buildings located greater than 4 feet from interior side and rear lot lines		
Parking (s. 5.16(a))	1 space per unit	Greater than 1 space provided per unit		

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Discussion

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

\boxtimes	Building Division		
	Finance	□ Utilities Kingston	□ Real Estate & Environmental Initiative
\boxtimes	Fire & Rescue		□ City's Environment Division
\boxtimes	Solid Waste	□ Parks Development	□ Canadian National Railways
\boxtimes	Housing	□ District Councillor	☐ Ministry of Transportation
	KEDCO	☐ Municipal Drainage	□ Parks of the St. Lawrence
\boxtimes	CRCA		☐ Trans Northern Pipelines
	Parks Canada	☐ Eastern Ontario Power	☐ CFB Kingston
	Hydro One	□ Enbridge Pipelines	☐ TransCanada Pipelines
	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, one public comment was received (Exhibit G) and one additional public enquiry was received. The comment was regarding a concern that not enough information was provided in the original public notice. Planning Services has responded to all requests for more information. The letter also mentions the lack of detail regarding the proposed development. The individual was advised there is no proposed at this time and that depending on the nature of any proposed development, the owner may or may not have to submit planning related applications for review by the City. Any public comments received after the publishing of this report will be included as an addendum to the Committee of Adjustment agenda.

Previous or Concurrent Applications

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

Conclusion

The 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.

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Provisional approval of this application will permit a lot addition from 3028 Princess Street to 950-956 Woodhaven Drive.

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, 2020

Municipal

City of Kingston Official Plan Zoning By-Law Number 76-26

Notice Provisions:

A Committee of Adjustment Meeting is going to be held respecting this application on June 22, 2020. Pursuant to the requirements of the *Planning Act*, a notice of Statutory Public Meeting was provided by advertisement in The Kingston Whig-Standard at least 14 days in advance of the Public Meeting. A courtesy notice was also 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

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.

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Exhibits Attached:

Exhibit A Key Map

Exhibit B Existing Zoning Map

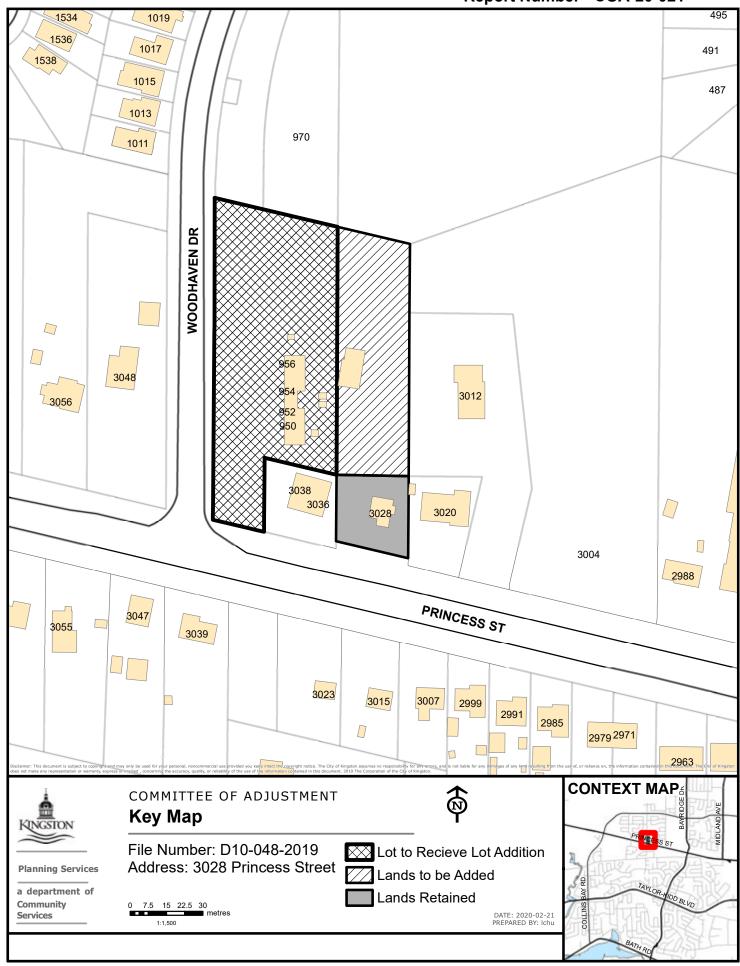
Exhibit C Existing Official Plan Map

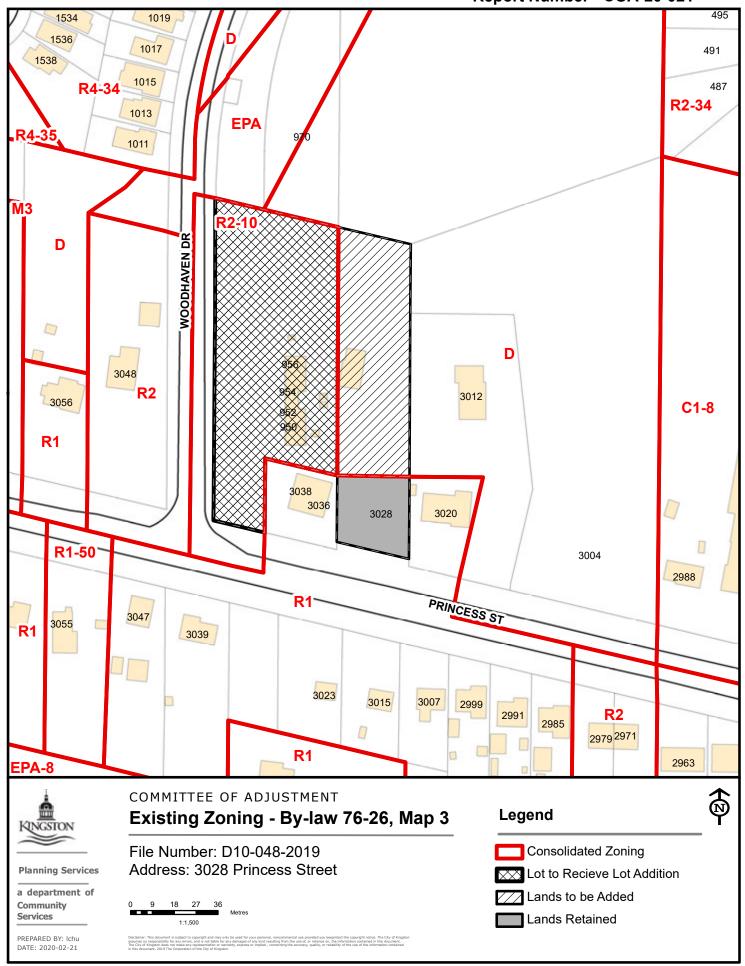
Exhibit D Neighbourhood Context Map

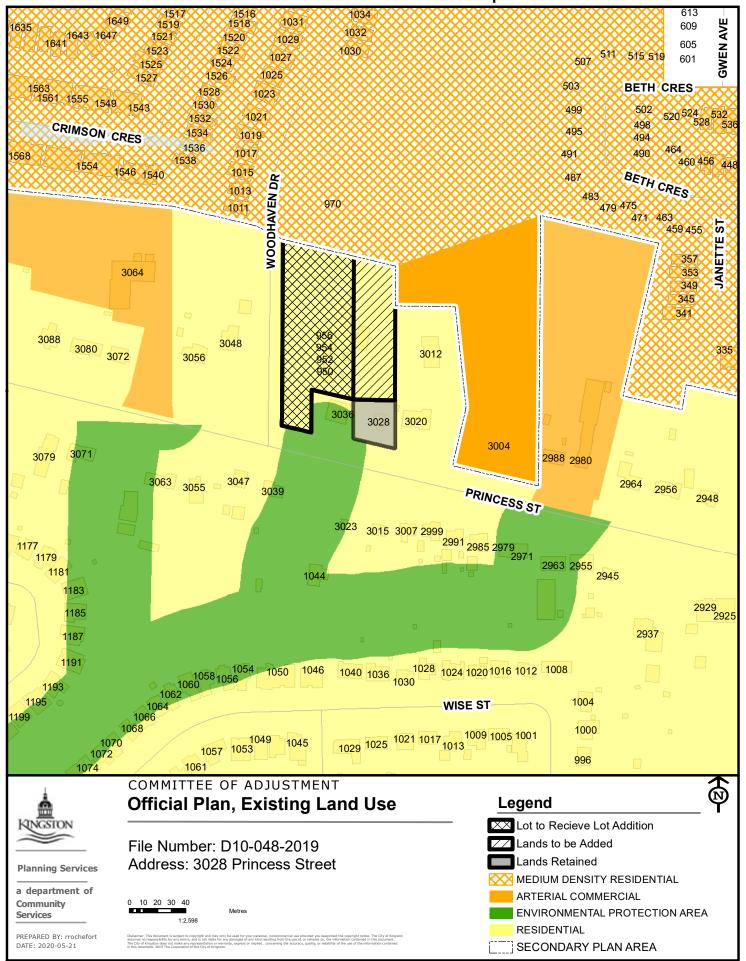
Exhibit E Severance Sketch

Exhibit F Survey

Exhibit G Public Comments











Planning Services

a department of Community Services

PREPARED BY: Ichu DATE: 2020-02-21

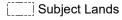
COMMITTEE OF ADJUSTMENT

Neighbourhood Context (2018)

File Number: D10-048-2019 Address: 3028 Princess Street

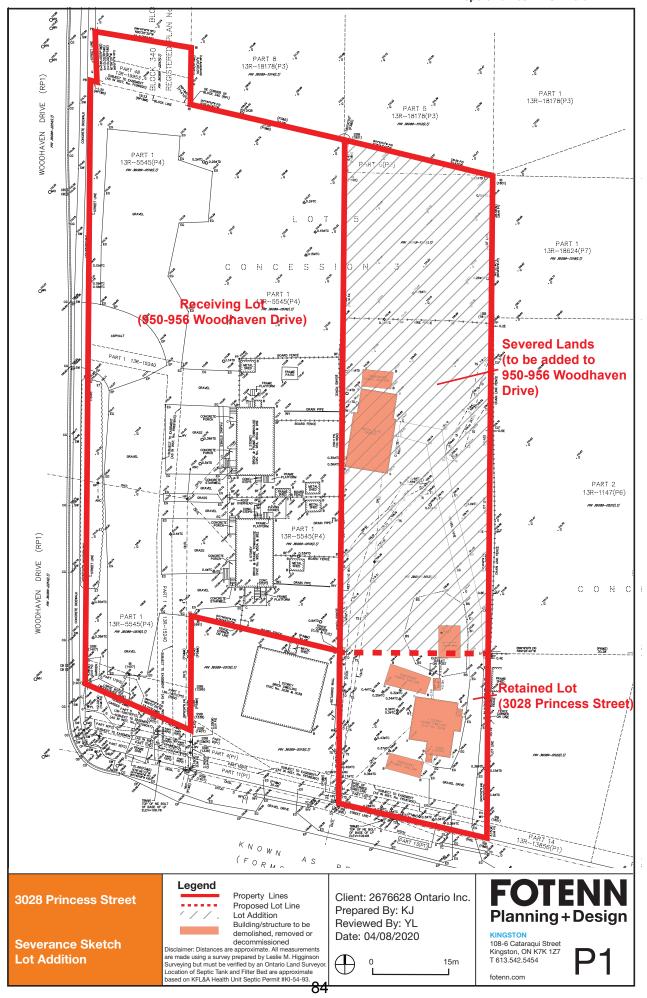


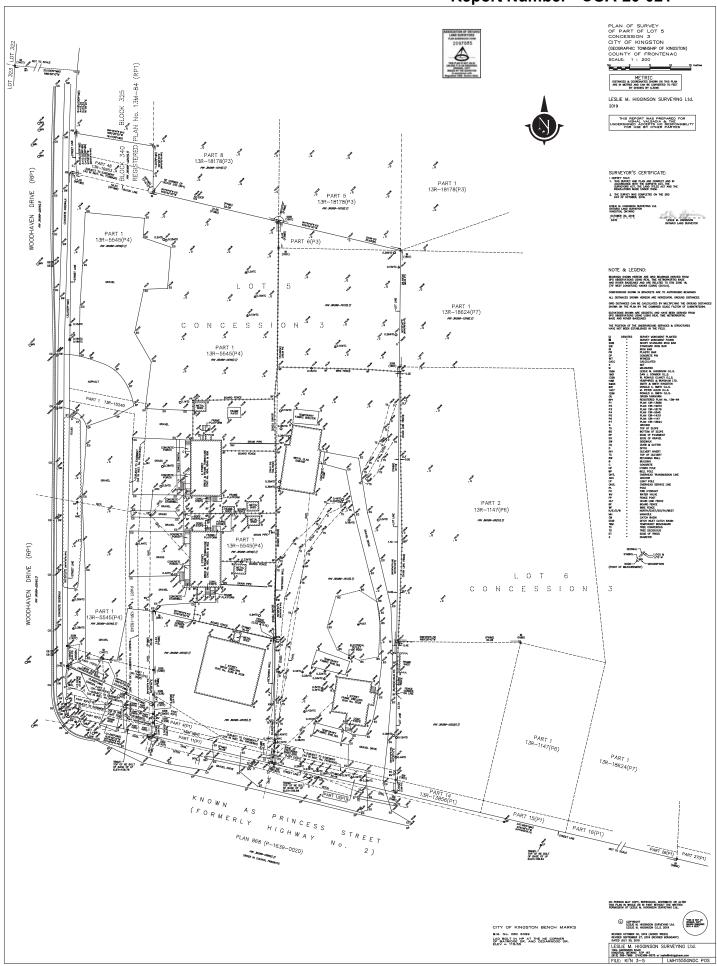
Legend



Property Boundaries



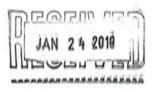




January 24, 2020

Harold Leroux 948 Kenshaw St. Kingston, ON K7P 1M1

City of Kingston Planning Division 216 Ontario Street Kingston, Ontario K7L 2Z3



Re:

Application for Consent for Lot Addition

File Number: D10-048-2019

Address: 3028 Princess Street and 950 Woodhaven Drive

I am the owner of the property at 3036-3038 Princess St. I object to the application, firstly, on the grounds of the limited time allowed for an objection to be registered that being less than 10 working days from the date of receipt of the notification through regular mail. This gives inadequate time to seek consultation on this matter. Please be advised that my objection to the combination of lots as proposed includes but is not necessarily limited to a lack of detail provided on the application of the proposed development that would take place on this amalgamated property that may or may not have a material negative impact on the property I own.

Regards,

Harold Leroux