



**City of Kingston
Report to Committee of Adjustment
Report Number COA-20-039**

To: Chair and Members of Committee of Adjustment
From: Niall Oddie, Planner
Date of Meeting: June 22, 2020
Application for: Minor Variance
File Number: D13-018-2020
Address: 35-39 Montreal Street
Owner: Zlatko Banic
Applicant: Jennifer Wood, Fotenn Consultants Inc.

Council Strategic Plan Alignment:

Theme: 2. Increase housing affordability

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

Approval of the application would result in modest residential intensification in the Central Business District within an existing mixed commercial/ residential structure.

Executive Summary:

This report provides a recommendation to the Committee of Adjustment regarding an application for minor variances for the property located at 35-39 Montreal Street. The applicant is proposing to legalize the existing eleventh unit within the existing mixed commercial/ residential structure by obtaining a minor variance to increase maximum residential density and reduce parking and amenity area requirements. The proposed development would be located within the existing structure and exterior modifications would not be required. The proposed development is located within walking distance of public transit routes, including the Downtown Transfer Point, and within walking distance of various commercial and recreational amenities.

The requested minor variances are consistent with the general intent and purpose of both the City of Kingston Official Plan and Zoning By-Law Number 96-259. The requested minor

June 22, 2020

Page 2 of 14

variances are desirable for the appropriate development or use of the land, building or structure and are minor in nature. As such, the proposed application meets all four tests under Subsection 45(1) of the *Planning Act* and is recommended for approval.

Recommendation:

That minor variance application, File Number D13-018-2020, for the property located at 35-39 Montreal Street to increased maximum permitted density, reduce the parking requirement and reduce the amenity space requirement in order to permit an additional residential unit within the existing mixed commercial/residential structure, be approved.

Variance Number 1:

By-Law Number 96-259:	Section 7.2 Maximum Density
Requirement:	123 units per net hectare
Proposed:	240 units per net hectare (11 residential units)
Variance Requested:	116 units per net hectare

Variance Number 2:

By-Law Number 96-259:	Section 5.22.5.2 Parking Requirement
Requirement:	1 parking space per residential unit
Proposed:	Zero parking space per residential unit
Variance Requested:	1 parking space per residential unit

Variance Number 3:

By-Law Number 96-259:	Section 5.5.1 Amenity Area
Requirement:	10 square metres per residential unit
Proposed:	Zero square metres per residential unit
Variance Requested:	10 square metres per residential unit

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

1. Limitation

That the approved variances apply only to the establishment of eleven residential units at 35-39 Montreal Street as shown on the approved drawings attached to the notice of decision.

2. No Adverse Impacts

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

3. Building Permit Application Requirements

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

June 22, 2020

Page 3 of 14

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

June 22, 2020

Page 4 of 14

Authorizing Signatures:

Niall Oddie, Planner

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

Paige Agnew, Commissioner, Community Services

June 22, 2020

Page 5 of 14

Options/Discussion:

On April 21, 2020, a minor variance application was submitted by Jennifer Wood, Fotenn Consultants Inc., on behalf of the owner, Zlatko Banic, with respect to the property located at 35-39 Montreal Street. The application seeks variances to increase the maximum residential density and to reduce parking and amenity area requirements in order to provide an additional residential unit within the existing mixed commercial/ residential building.

In 1995 the subject lands were granted minor variance application A.COA-1.3276-95 to permit an increase in residential units from six (6) to ten (10) and to reduce the number of required parking spaces from four (4) to zero (0). The zoning by-law in effect at that time was Zoning By-Law Number 8499, rather than the current Zoning By-Law Number 96-259. An eleventh residential unit was established within the structure without seeking additional planning approvals; the current minor variance application seeks to recognize this existing eleventh unit and to bring the building into conformity with the current municipal zoning by-law.

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

- Site Plan (Exhibit E)
- Floor Plans (Exhibit G)

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

Site Characteristics

The subject property is located at 35-39 Montreal Street, which is on the east side of Montreal Street between Princess and Queen Streets (Exhibit A – Key Map and Exhibit B – Neighbourhood Map). The subject property is developed with an existing three (3) storey mixed commercial/ residential building that was constructed in the early twentieth century and contains three (3) commercial units on the ground floor and a total of eleven (11) residential units on the second and third floors (Exhibit F – Photographs). The existing structure occupies the entire 459 square metre parcel of land and as such, does not provide any parking or exterior amenity spaces.

The subject property is designated Central Business District in the Official Plan (Exhibit C – Official Plan) and zoned Central Business System – Special Exception 3 in Zoning By-Law Number 96-259 (Exhibit D – Zoning By-law). The lands to the north, south and west of the subject lands are used for similar mixed commercial/ residential uses, while the lands to the east are operated as a commercial parking lot.

Application

The review of an application for minor variance(s) is not a simple mathematical calculation, but rather a detailed assessment of whether the variance(s) requested, both separately and

June 22, 2020

Page 6 of 14

together, meet the four tests of a minor variance outlined in Subsection 45(1) of the *Planning Act*. The following provides this review:

Provincial Policy Statement

In addition to the four tests of a minor variance detailed above, Subsection 3(5) of the *Planning Act* requires that a decision in respect of the exercise of any authority that affects a planning matter shall be consistent with the Provincial Policy Statement (the PPS). The PPS provides policy direction on matters of provincial interest related to land use planning and development which are complemented by local policies addressing local interests. The application being considered is site specific to accommodate a specific proposal and does not involve any major policy considerations and as such, the proposal conforms to and is consistent with the PPS.

1) The general intent and purpose of the Official Plan are maintained

The subject property is designated Central Business District in the City of Kingston Official Plan (Exhibit C – Official Plan).

In considering whether this proposed variance is desirable, the Committee of Adjustment will have regard to the nine requirements included in Section 9.5.19 of the Official Plan. The following provides these nine requirements and an assessment of how the proposal is consistent with each.

1. The proposed development meets the intent of Section 2 Strategic Policy Direction, and all other applicable policies of this Plan;

The subject lands are shown as being within a 'Centre' on Schedule 2 of the Official Plan. Section 2.2.7 indicates that Centres are areas "where intensification will be focused and where greater densities of residential and commercial development will be permitted". Further, the subject lands are located within the 'Central Business District' Centre, which is intended to remain as the primary Centre within the municipality for the duration of the Official Plan due to the availability of diverse uses and public amenities. Section 2.3.2 indicates that the City intends to increase the overall net residential density within the urban boundary through compatible and complementary intensification. Section 2.4.1 confirms the City supports compact and efficient development that reduces infrastructure and public facility costs, supports active transportation and viable public transit and reduces reliance on private vehicles. Section 2.7 requires development to be compatible with surrounding uses and consider potential adverse effects, such as shadowing and loss of privacy due to overlook. Section 3.3.C provides direction on high density residential development, including compatibility and locational criteria.

The proposed development represents a modest increase in density through intensification of an existing mixed commercial/ residential structure within the Central Business District Centre. The proposed development is compatible with the surrounding land uses, which are also developed as mixed commercial/ residential structures. The subject lands are located within walking distance of public transit and recreation and open space amenities, which will help to reduce reliance of private vehicles and support

June 22, 2020

Page 7 of 14

public transit and active transportation. The proposed development is located on a collector street, immediately abutting two arterial roads.

2. The proposed development will be compatible with surrounding uses, buildings or structures and development standards associated with adjacent properties, and if necessary, incorporate means of alleviating adverse effects on abutting land uses as recommended in Section 2.7 of this Plan;

The proposed development seeks to provide an additional residential unit within an existing mixed commercial/ residential structure within the Central Business District of the municipality. No external modifications are proposed as a result of this development. It is acknowledged that the development proposal would not provide a parking space or outdoor amenity area for the proposed eleventh (11) unit. The subject lands are surrounded by similar mixed commercial/ residential structures that pre-date municipal zoning by-laws. The proposed development is located within walking distance of public transit and a variety of commercial and recreational amenities.

3. The ability of the site to function in an appropriate manner in terms of access, parking for vehicles and bicycles or any other matter and means of improving such function including considerations for universal accessibility;

The existing structure occupies the entire 459 square metre parcel of land and as such there is no ability to provide parking or exterior bicycle storage on the subject lands (Exhibit E – Site Plan). As the lands are located within the Central Business District, the proposed development is within walking distance of commercial and recreational amenities and several major transit routes. The existing development functions appropriately and the addition of a residential unit within the existing structure is not anticipated to generate any adverse impacts. The existing development is not universally accessible and converting the structure to become universally accessible is beyond the scope of the current application.

4. The conformity of the proposal to any applicable urban design policies endorsed by Council, particularly if the site includes or could impact a built heritage resource or is within a Heritage District;

The subject lands are located within the Lower Princess Street Heritage Character Area. The development proposes only interior modifications to the existing structure. Mixed commercial / residential buildings are consistent with the character of the area. The proposed development is not anticipated to impact the character of the surrounding area. The building is not designated under the *Ontario Heritage Act* nor is it located within a Heritage Conservation District.

5. If the site is designated under the *Ontario Heritage Act*, the application shall be reviewed by Heritage Kingston for approval. If the property is adjacent to a designated property under the *Ontario Heritage Act* or shown as a Heritage Area feature, or is affected by the protected views shown on Schedule 9 of this Plan, then a Heritage Impact Statement may be required to assist staff to determine if the resulting development is desirable;

June 22, 2020

Page 8 of 14

The subject lands are not designated under the *Ontario Heritage Act*, nor are they adjacent to any designated structures. The subject lands are not affected by the protected views shown on Schedule 9 of the Official Plan. A Heritage Impact Statement was not requested for the application.

6. The resulting development has adequate municipal water and sewage services within the Urban Boundary, or is capable of providing individual on-site water and sewage services outside the Urban Boundary;

The subject lands are located within the urban boundary and are serviced by municipal water and sewer systems. Utilities Kingston was circulated on the application and raised no concerns with respect to servicing capacity.

7. Whether the application and the cumulative impact of the proposed variances would be more appropriately addressed by a zoning amendment to the applicable zoning by-law;

The effect of the application is to increase the number of residential units within the existing building from ten (10) to eleven (11), which requires variances to maximum density, parking requirements and provision of amenity area. The cumulative impact of the requested variances is appropriately dealt with through the minor variance process and a zoning by-law amendment is not necessary.

8. The Committee of Adjustment may attach such conditions as it deems appropriate to the approval of the application for a minor variance including any reasonable requirements, recommendations of City departments, or the submission of studies as listed in Section 9.12 of this Plan that may be required to properly evaluate the application;

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

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

It is important to acknowledge that the subject lands were granted a minor variance in 1995 to increase the residential density from six (6) to ten (10) units without providing any parking. The previous variance, application A.COA-1.3276-95, was issued under Zoning By-law Number 8499, prior to the implementation of the current Zoning By-law Number 96-259. As such, the property retains the legal permission for ten residential units without any parking. The effect of the current application is to provide one (1) additional residential unit, without providing the required parking space or the required 10 square metres of amenity area.

The subject lands are located within the Central Business District and within walking distance of a variety of commercial, recreation and open space uses and several transit routes. Various policies within the Official Plan indicate intensification should be focused in areas with these amenities. It is further noted that several recent minor variance applications have provided approval for one additional residential unit and reductions in parking requirements have been supported for constrained locations within walking distance of transit routes and adequate amenities. It is further recognized that the

June 22, 2020

Page 9 of 14

proposed increase in density can be accommodated within the existing structure without any exterior modifications (Exhibit G – Floor Plans).

As such, the current application is not anticipated to set an undesirable precedent for the immediate area.

The proposal meets the intent of the Official Plan, as the proposed minor variance application will generate modest intensification within the Central Business District and will not result in any negative impacts to adjacent properties or to the neighbourhood.

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

The subject property is zoned Central Business System – Special Exception 3 in the City of Kingston Zoning By-Law Number 96-259, entitled "Downtown and Harbour Zoning By-Law of the Corporation of the City of Kingston", as amended (Exhibit D – Zoning By-law). The C1-3 zone permits 'mixed commercial/residential development' subject to the requirements outlined in Section 7 of the zoning by-law.

The application proposes to increase the number of dwelling units within the existing building by one unit, bringing the total number of residential units within the structure to eleven (11). The application does not conform to the requirements of the C1-3 zone and requires three (3) variances, as detailed below:

Variance Number 1:

By-Law Number 96-259:	Section 7.2 Maximum Density
Requirement:	123 units per net hectare
Proposed:	240 units per net hectare
Variance Requested:	116 units per net hectare

The C1-3 zone permits a maximum residential density of 123 units per net hectare, which translates to six (6) residential units for the 459 square metre subject lands. The applicant is seeking approval for 240 units per net hectare, which translates to eleven (11) residential units. While this seems like a substantial increase in density, it is important to acknowledge that the subject lands were previously granted a minor variance A.COA-1.3276-95 in 1995 which approved an increase in density from six (6) to ten (10) residential units. As the variance was issued prior to the implementation of the current zoning by-law, the current application must seek relief from the requirements of the current zoning by-law. While the current application must acknowledge the maximum residential density permitted by the current zoning by-law, the effect of the application is to increase the number of residential units from ten (10) to eleven (11), an increase of one residential unit.

The existing structure occupies the entire 459 square metre parcel of land (Exhibit E – Site Plan). Three commercial units occupy the ground floor of the structure, while the second and third floors are used for residential purposes (Exhibit G – Floor Plans). The zoning by-law currently permits a maximum of six (6) residential units for the subject lands, which would result in three exceptionally large units per floor of the existing

June 22, 2020

Page 10 of 14

structure. The floor area devoted to residential use within the existing structure has the capacity to accommodate more density than contemplated by the zoning by-law without any external modifications; the second floor can provide six (6) residential units while the third floor can provide five (5) residential units for a total of eleven (11) residential units within the existing structure (Exhibit G – Floor Plans). The proposed development would result in a range of housing options, including bachelor, one- and two-bedroom rental units within the Central Business District.

The eleventh unit that the applicant is seeking approval for through this application has existed within the mixed commercial/residential building for an unknown length of time. A previous two-bedroom unit on the second floor was converted into separate bachelor and one-bedroom apartments. Should this minor variance be approved, the development will require a Building Permit to recognize the eleventh dwelling unit.

Variance Number 2:

By-Law Number 96-259:Section 5.22.5.2 Parking Requirement

Requirement: 1 parking space per unit

Proposed: Zero parking space per unit

Variance Requested: 1 parking space per unit

Section 5.22.5.2 of Zoning By-Law Number 96-259 requires one parking space per residential unit. The existing mixed commercial/residential building was constructed in the early twentieth century prior to the consideration of parking requirements. The existing building occupies the entire parcel of land, and as such, there is no ability to provide on-site parking.

It is acknowledged that parking requirements are important and that development proposals should be required to comply with these parking requirements. However, it is also acknowledged that there are space constraints within the Central Business District that create significant challenges for minor intensification projects. The subject lands are within walking distance of various commercial and recreational amenities and within approximately 100 metres of the Downtown Transfer Point, which facilitates transit access throughout the urban boundary. Further, the subject lands abut a commercial parking lot to the east, which may be utilized on an as-needed basis for guests. While a parking space would not be provided for the proposed residential unit, the future tenants would have adequate access to amenities and transit.

Variance Number 3:

By-Law Number 96-259:Section 5.5.1 Amenity Area

Requirement: 10 square metres per residential unit

Proposed: Zero square metres per residential unit

Variance Requested: 10 square metres per residential unit

Section 5.5 of Zoning By-law Number 96-259 requires residential developments that contain three or more units to provide 10 square metres of amenity space per unit. The site does not currently provide amenity area for the 10 legal units. The applicant has

June 22, 2020

Page 11 of 14

requested relief from this requirement to provide zero square metres of amenity space for the proposed eleventh residential unit within the existing mixed commercial/residential structure.

Amenity areas within multi-unit residential developments provide important recreation and leisure opportunities for the tenants and every opportunity should be reviewed to ensure these spaces are accommodated within development proposals. The current development proposal involves creating additional density within an existing mixed commercial/residential building that was constructed during the early twentieth century prior to the requirement of amenity area. There does not appear to be an opportunity to provide interior or exterior amenity area for the proposed development as the existing building occupies the entire parcel of land (Exhibit E – Site Plan) and the existing interior layout of the structure did not previously contemplate interior amenity area (Exhibit G – Floor Plans). It is acknowledged that the proposed development is located within walking distance of various parks and recreation facilities, which would help to offset the reduction in amenity area. The general intent and purpose of the zoning by-law are maintained.

3) The variance is minor in nature

The variances are considered minor as the application would provide a modest amount of intensification within an existing mixed commercial/residential building within the Central Business District. The proposed development would not result in any exterior modifications to the existing structure. The proposed development will continue the existing mixed commercial/ residential use of the land, which is compatible with the surrounding land uses. The reduction in parking and amenity area requirements are considered minor given the central location of the subject lands, which is within walking distance of transit and commercial and recreational amenities.

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

The variances are desirable and an appropriate use of the land as the proposed development would maintain the continued use as a mixed commercial/ residential structure within the Central Business District. The reductions in parking requirement is not anticipated to generate any adverse impacts given the walking distance to various commercial and recreational amenities and the close-proximity to the Downtown Transfer Point, which provides transit access throughout the urban boundary. The reduction in amenity area is not anticipated to generate any adverse impacts given the number of public parks and open spaces within walking distance of the proposed development.

June 22, 2020

Page 12 of 14

Technical Review: Circulated Departments and Agencies

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

Technical Comments

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

Public Comments

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

Previous or Concurrent Applications

Minor variance A.COA-1.3276-95 provided approval to increase residential density from 123 units per net hectare (6 units) to 220 units per net hectare (10 units) and to reduce the required parking spaces from four (4) to zero (0). The previous minor variance application was granted under Zoning By-law 8499, prior to the implementation of current Zoning By-law Number 96-259.

Conclusion

The requested variance(s) maintain(s) the general intent and purpose of both the City of Kingston Official Plan and Zoning By-Law Number 96-259. The proposal is desirable for the appropriate development or use of the land, building or structure and the requested variances are minor in nature. As such, the proposed application meets all four tests under Subsection 45(1) of the *Planning Act* and the application is being recommended for approval, subject to the proposed conditions.

Approval of this application will facilitate modest intensification within an existing mixed commercial/residential building in a manner that is compatible with the central business district.

June 22, 2020

Page 13 of 14

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 96-259

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 10 days in advance of the meeting. An additional 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 of Development Approvals 613-546-4291 extension 3223

Niall Oddie, Planner 613-546-4291 extension 3259

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.

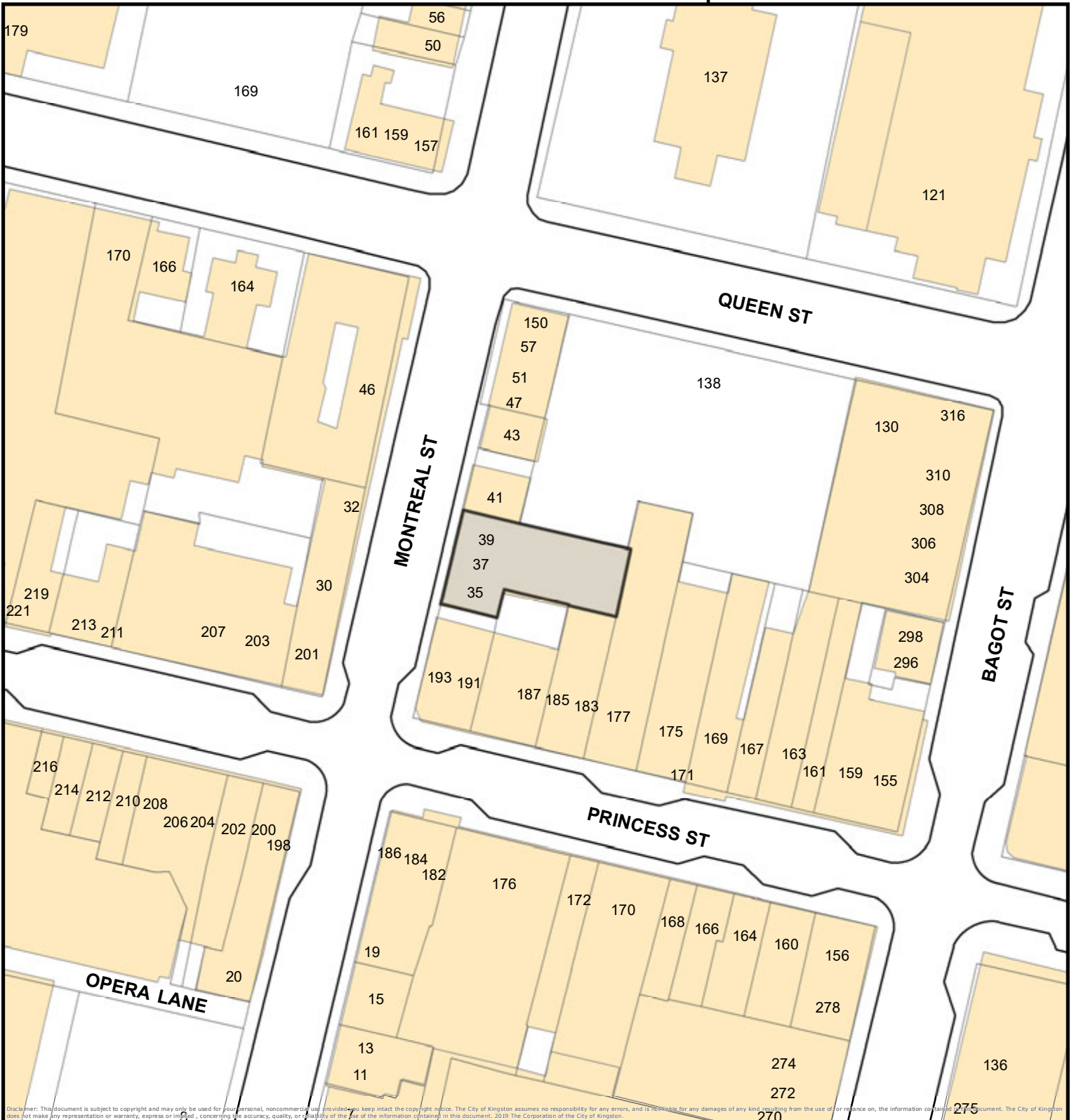
Exhibits Attached:

Exhibit A Key Map

June 22, 2020

Page 14 of 14

- Exhibit B Neighbourhood Map
- Exhibit C Official Plan Map
- Exhibit D Zoning By-Law Map
- Exhibit E Site Plan
- Exhibit F Photo
- Exhibit G Floor Plans



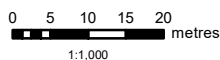
Disclaimer: This document is subject to copyright and may only be used for your personal, noncommercial use, provided you keep intact the copyright notice. The City of Kingston assumes no responsibility for any errors, and is not liable for any damages of any kind resulting from the use of or reliance on, the information contained in this document. The City of Kingston does not make any representation or warranty, express or implied, concerning the accuracy, quality, or reliability of the use of the information contained in this document. © 2019 The Corporation of the City of Kingston.



Planning Services
a department of
Community
Services

COMMITTEE OF ADJUSTMENT
Key Map

File Number: D13-018-2020
Address: 35-39 Montreal Street



DATE: 2020-05-01
PREPARED BY: akeeping



Lands Subject to Minor Variance



Corporation of the City of Kingston





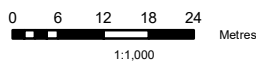
Planning Services
a department of
Community
Services

COMMITTEE OF ADJUSTMENT
Neighbourhood Context (2018)

File Number: D13-018-2020
Address: 35-39 Montreal Street

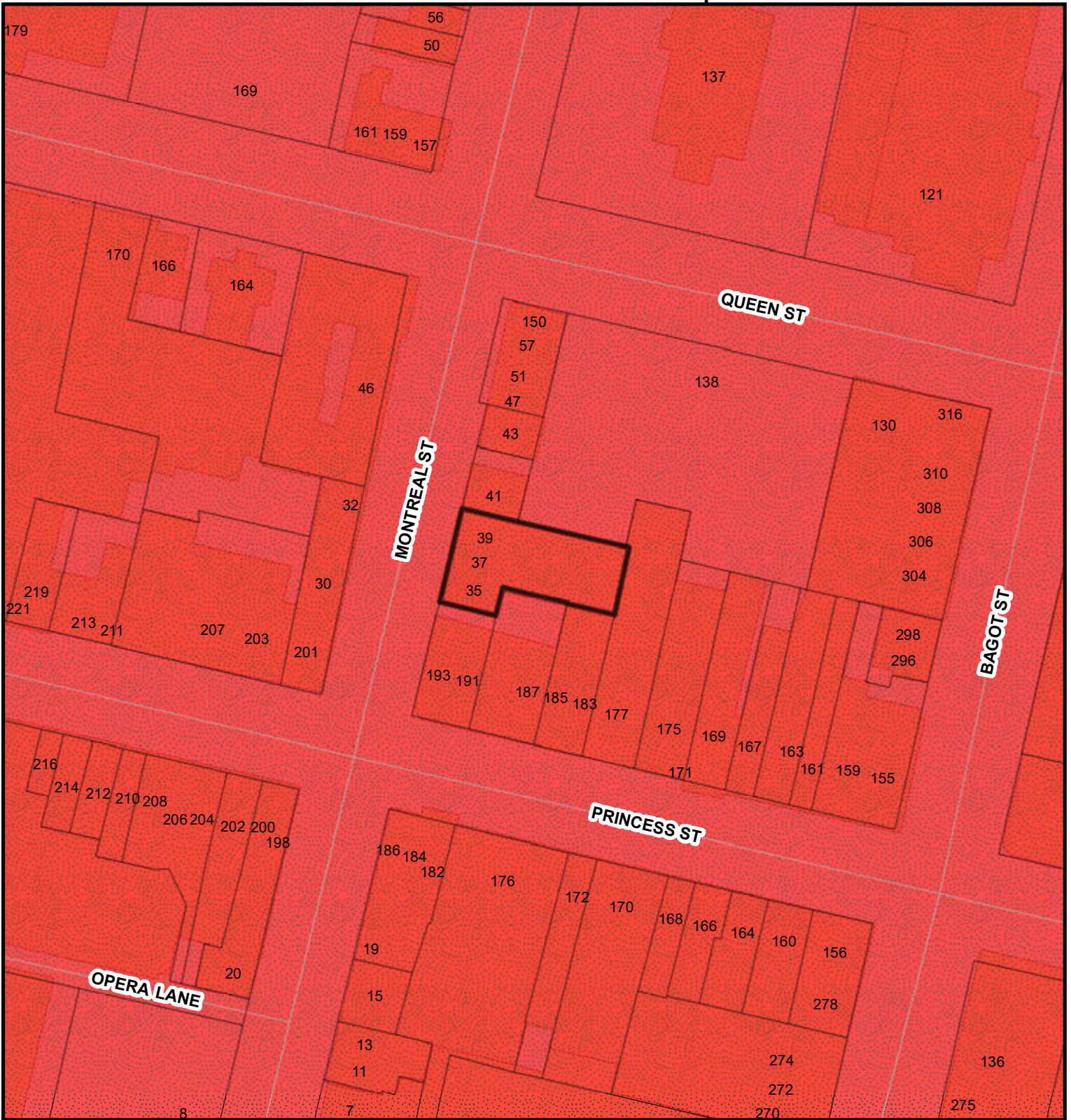
Legend

-  Subject Lands
-  Property Boundaries



PREPARED BY: akeeping
DATE: 2020-05-01


Disclaimer: This document is subject to copyright and may only be used for your personal, noncommercial use provided you keep intact the copyright notice and acknowledge the City of Kingston as the source of the information. The City of Kingston does not make any representation or warranty, express or implied, concerning the accuracy, quality, or reliability of the use of the information contained in this document. © 2019 The Corporation of the City of Kingston.

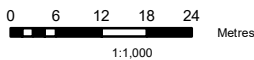


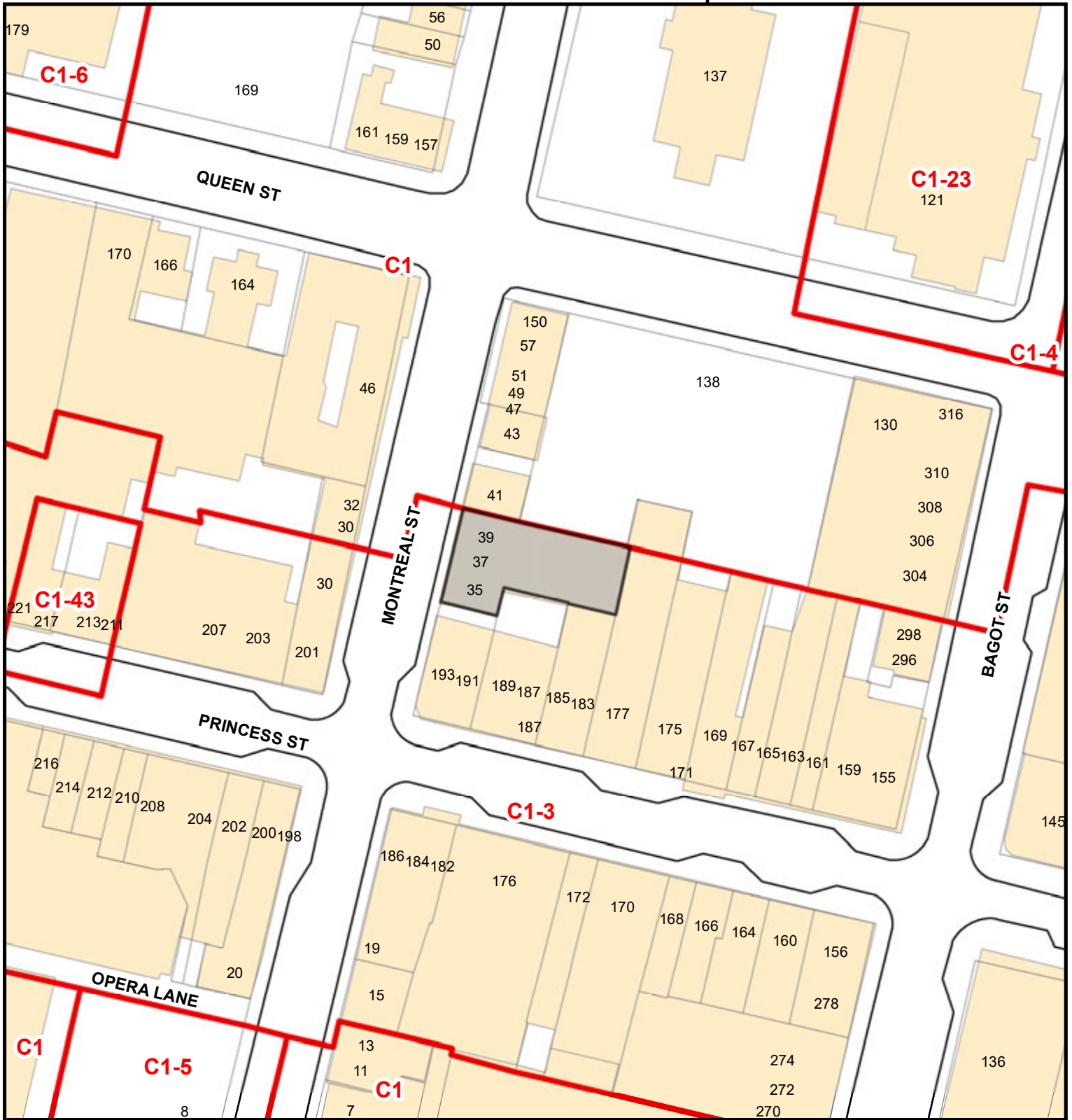
COMMITTEE OF ADJUSTMENT
Official Plan, Existing Land Use

File Number: D13-018-2020
Address: 35-39 Montreal Street

Legend

-  Subject Lands
-  CENTRAL BUSINESS DISTRICT







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

File Number: D13-018-2020
Address: 35-39 Montreal Street

Legend

-  Subject Lands
-  Consolidated Zoning





SITE INFORMATION

ZONING	C1-3
SITE AREA	
Total Site Area: 459m ²	
SETBACKS	F.Y. S.Y. R.Y.
EXISTING	0m 0m 0m
DEVELOPMENT STATISTICS	
EXISTING RESIDENTIAL UNITS	
Apartment: 11	
EXISTING COMMERCIAL UNITS	
Retail: 3	

NOTES

1. The base plan (lot lines, existing roads and surrounding areas) is based on the City's Open Data and aerial images. The site area is approximate and all dimensions need to be confirmed by a proper survey.



LEGEND

EXISTING BUILDING

PROPERTY BOUNDARY



1	DRAFT	2020.04.21	MC
No.	REVISION	DATE	BY

CLIENT
ZLATKO BANIC

FOTENN
Planning + Design

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

DESIGNED	MC	P1
REVIEWED	JW	
DATE	2020.04.21	

Site Photographs

Google Street View due to limitation on site visits during COVID-19



Figure 1: 35 - 39 Montreal Street, as seen from Montreal Street



Figure 2: 35 - 39 Montreal Street, as seen from Queen Street



1 SITE CONTEXT
SCALE: NTS



2 AREA OF WORK
SCALE: NTS

- DOORS, INCLUDING SLIDING DOORS THAT OPEN MORE THAN 600MM (23 5/8") ABOVE GROUND OR A LANDING SHALL HAVE A RESTRICTED OPENING OR BE PROVIDED WITH GUARDS, OBC 9.8.8 (4)
- PROVISIONS FOR RESISTANCE TO FORCED ENTRY SHALL BE PROVIDED IN CONFORMANCE TO OBC 9.6.8 AND 9.7.5.2.
- PROVIDE MINIMUM OF (195MM) 6'-5" HEADROOM CLEARANCE OF STAIRS, 9.6.2.2. (withn suite)
- NOSING FOR STAIRS SHALL BE ROUNDED OR BEVELED AND CONFORM TO 9.8.4.6.
- AT LEAST ONE HANDRAIL SHALL BE CONTINUOUS (9.8.7.2).
- HANDRAILS TO BE (800MM TO 965MM) 32" TO 38" HIGH. GUARDS TO BE NOT MORE THAN 1070MM HIGH (9.8.7.4).
- STEEL ANGLE LINTELS SUPPORTING MASONRY SHALL BE PRIME PAINTED, (9.20.5.2,(5)).
- FLASHING SHALL BE INSTALLED BEHIND SHEATHING MEMBRANE, (9.20.13.6.). FLASHING MUST BE INSTALLED WHERE SLOPING SURFACES INTERSECT TO FORM A VALLEY, INTERSECTION OF ROOF WALLS AND SHINGLED ROOFS, AND AT CHIMNEY AND CHIMNEY SADDLE INTERSECTIONS, (9.26.4).
- THE CONSTRUCTION OF THE PLUMBING SYSTEM SHALL CONFORM TO PART 7 OF THE O.B.C., (9.31.2.1).
- RESERVED
- SERVICE WATER HEATERS SHALL BE ANCHORED TO THE STRUCTURE TO PREVENT OVERTURNING, (9.31.6.2).
- 32 MPA CONCRETE SHALL BE USED FOR THE GARAGE AND EXTERIOR FLATWORK, (9.3.1.6).
- RESERVED
- PROVIDE BATHROOMS WITH EXHAUST FAN WITH DUCT TERMINATING OUTSIDE OF BUILDING.
- RESERVED
- MOISTURE BARRIER SHALL BE PROVIDED IN ALL AREAS WHERE WOOD IS IN CONTACT WITH CONCRETE OR UNIT MASONRY LOCATED BELOW GRADE (9.23.2.3).
- GUARDS ARE REQUIRED WHEN THERE IS A DIFFERENCE IN ELEVATION OF MORE THAN 600MM (23 5/8") BETWEEN THE WALKING SURFACE AND THE ADJACENT SURFACE (9.8.9.1). GUARDS SHALL CONFORM TO THE LOADING CRITERIA IN PART 4 OF THE O.B.C. OR BE CONSTRUCTED AS SET OUT IN THE O.B.C.(9.8.8) AND SUPPLEMENTARY GUIDELINES SB-7. FOR METAL GUARDS SUPPLIERS SHOP DRAWINGS MUST BE CERTIFIED FOR DESIGN INSTALLATION CONFORMING TO O.B.C. 4.1.5.15, 18, RESERVED
- SPANS AND SIZES OF WOOD LINTELS SHALL CONFORM TO 9.23.12.3 (TABLES A-12 TO A-16).
- STEEL LINTELS FOR MASONRY VENEER SHALL BE DESIGNED BY ENGINEER
- SMOKE ALARMS WITH VISUAL INDICATORS SHALL BE PROVIDED ON ALL LEVELS. IN EACH BEDROOM AND BE INTERCONNECTED (AC, NOT BATTERY) (9.10.19.4).
- CARBON MONOXIDE DETECTOR SHALL BE INSTALLED ADJACENT TO EACH SLEEPING AREA WITHIN 5 METERS(9.33.4.1, 9.33.4.2 & 9.33.4.3).
- ALL OTHER APPLIANCES TO BE ULC LISTED, AND INSTALLED AS PER MANUFACTURERS' SPECIFICATIONS.
- ROOF TRUSSES SHALL NOT BE NOTCHED, DRILLED OR OTHERWISE WEAKENED UNLESS ALLOWED IN THE DESIGN (9.23.5.6).
- AN EXTERIOR GUARD MUST BE A MINIMUM HEIGHT OF (900MM) 2'11" IF THE WALKING SURFACE IS LESS THAN (1800MM) 5'11" ABOVE THE ADJACENT GRADE OTHERWISE THE HEIGHT MUST BE A MINIMUM OF (1070MM) 42". ALL REQUIRED GUARDS WITHIN DWELLING UNITS MUST BE A MINIMUM OF (900MM) 2'11", (9.8.8.3).
- A LANDING SHALL BE PROVIDED AT THE TOP & BOTTOM OF ALL INTERIOR & EXTERIOR STAIRS (9.8.6.2 & 9.8.6.3).
- CERAMIC TILE REQUIRES 5/8" UNDERLAY (9.30.6).
- ALL FLOOR JOISTS MUST BE CALCULATED AS SIMPLY SUPPORTED OR CONTINUOUS SPAN FOR THE FOLLOWING LOADS :LIVE LOAD = 40PSF, DEAD LOAD = 15 PSF MAX., TOTAL DEFLECTION = L/360.
- WELD A 6"x10"x1/4" STEEL PLATE UNDER THE BOTTOM FLANGE OF THE STEEL BEAM WHERE DOUBLE TELEPOST ARE LOCATED.
- MAINTAIN ONE LINE OF PASSAGE FROM THE UTILITY ROOM TO THE EXTERIOR WITH ALL DOORWAYS BEING A MIN. OF (810mm)32" IN WIDTH.
- PROVIDE A MINIMUM OF 3 1/2" END BEARING FOR ALL BEAMS.
- FIRE PROTECTION FOR GAS AND ELECTRIC RANGES TO BE PROVIDED AS PER 9.10.22 OF THE O.B.C.
- PROVIDE WATER PROOF WALL FINISH AT ALL TUB AND SHOWER AREAS AS PER O.B.C. 9.29.2 OF THE O.B.C.
- ENSURE FIRE PLACE AND WOOD STOVE INSTALLATION CONFORMS TO ALL APPLICABLE CODES AND STANDARDS
- ROOF DRAIN RAIN WATER LEADERS WHERE THEY PASS THROUGH LIVING SPACE ARE TO BE WRAPPED IN SOUND INSULATION

GENERAL CONST. NOTES:

- ALL WORK IS TO BE CARRIED OUT IN ACCORDANCE WITH THE CONDITIONS AND REQUIREMENTS SET OUT IN THE "ONTARIO BUILDING CODE" AND ALL OTHER LOCAL AND/OR MUNICIPAL CODES AND REGULATIONS HAVING JURISDICTION.
- THESE DRAWINGS FORM THE BASIS OF PERMIT ISSUANCE AND ANY DEVIATION FROM THESE PLANS AND DETAILS, INCLUDING VENTILATION SYSTEM AND HEATING SYSTEM WILL REQUIRE A REVISED DRAWING AND CLEARANCE BY THE BUILDING DEPARTMENT.
- THESE DRAWINGS ARE NOT TO BE SCALED.
- CONTRACTOR SHALL BEAR THE RESPONSIBILITY FOR VERIFICATION OF ALL DIMENSIONS AND SHALL IMMEDIATELY REPORT DISCREPANCIES TO THE OWNER PRIOR TO COMMENCEMENT OF WORK.
- ALL INTERIOR DIMENSIONS ARE TO THE INSIDE FACE OF GWB.
- ALL OUTLETS TO BE GFI PROTECTED WHEN WITHIN 1M OF A SOURCE OF WATER.
- ANY UNREFERENCED ELECTRICAL AND MECHANICAL ITEMS ARE EXISTING TO REMAIN
- EMERGENCY & EXIT LIGHTING TO BE PROVIDED IN ACCORDANCE WITH OBC 3.2.7.3
- ENSURE ALL PENETRATIONS IN EXISTING FIRE SEPARATION HAVE BEEN SEALED WITH HILTI FS-ONE OR APPROVED EQUAL.
- INSTALLATION LOCATIONS OF ELECTRICAL OUTLETS, DATA & PHONE DROPS TO BE CO-ORDINATED WITH CLIENTS FURNITURE PLAN. TO CONFORM TO ALL APPLICABLE CURRENT CODES AND STANDARDS.
- RELOCATION OR ADDITION OF HEAT SENSOR TO COORDINATE WITH NEW PARTITION PLAN. ADDITIONAL FIRE SAFETY TO BE ADDED AS NEEDED.

DEMOLITION NOTES

- ENSURE THAT ALL FLOORS AND ADJACENT FINISHES EFFECTED BY WORK WERE MADE GOOD AND LEVEL IN PREPARATION FOR NEW FLOOR FINISHES
- ENSURE CONTRACTOR CARRIED OUT PROFESSIONAL CLEANING UPON COMPLETION OF DEMOLITION
- REFER TO SPECIFIC DISCIPLINE DRAWING (STRUCTURAL, MECHANICAL, ELECTRICAL & PLUMBING, ETC.) FOR SPECIFIC DEMOLITION NOTES. ALL HVAC, ELECTRICAL & PLUMBING ITEMS REMOVED SHALL BE CAPPED AND IDENTIFIED.
- ANY PENETRATION TO FIRE RATED WALL/STRUCTURE WILL HAVE EXISTING FIRE PROTECTION REPAIRED. FIRE DONUTS AND/OR FIRE DAMPERS AS REQUIRED TO MEET WITH CURRENT OBC REQUIREMENTS

ITEM	ONTARIO BUILDING CODE DATA MATRIX PARTS 3 & 9	OBC REFERENCE	
1	Project Description: 35-39 MONTREAL ST Kingston Ontario <input type="checkbox"/> New <input checked="" type="checkbox"/> Part 11 <input checked="" type="checkbox"/> Part 3 <input type="checkbox"/> Part 9 <input type="checkbox"/> Addition <input type="checkbox"/> Change of Use <input checked="" type="checkbox"/> Alteration		2.1.1 9.10.1.3
2	Major Occupancy(s) GROUP C - RESIDENTIAL	3.1.2.1(1)	9.10.2
3	Floor Area (m2) Existing 459 New 0 Total 459	1.1.3.2	1.1.3.2
4	Building Area (m2) Existing 1377 New 0 Total 1377	1.1.3.2	1.1.3.2
5	Number of Storeys Above Grade 3 Below Grade 0	3.2.1.1 & 1.1.3.2	2.1.1.3
6	Height of Building EXISTING		2.1.1.3
7	Number of Streets / Access Routes 1	3.2.2.10 & 3.2.5.5	
8	Suite Classification GROUP D, UP TO 3 STOREYS	3.2.2.46	9.10.4
9	Sprinkler System Proposed <input type="checkbox"/> Entire Building <input type="checkbox"/> Basement & Ground Flr <input type="checkbox"/> In Lieu of Roof Rating <input checked="" type="checkbox"/> Not Required	3.2.2.46	9.10.8
10	Standpipe Required <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	3.2.9	
11	Fire Alarm Required <input checked="" type="checkbox"/> Yes (EX) <input type="checkbox"/> No	3.2.4 (2) (c)	9.10.17.2
12	Water Service/Supply Is Adequate <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	3.2.2.46	
13	High Building <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	3.2.6	
14	Permitted Construction Actual Construction <input type="checkbox"/> Combustible <input type="checkbox"/> Non-Combustible <input checked="" type="checkbox"/> Both <input type="checkbox"/> Combustible <input type="checkbox"/> Non-Combustible <input checked="" type="checkbox"/> Both	3.2.2.46	9.10.6
15	Mezzanine(s) Area (m2) N/A	3.2.1.1.(3)-(8)	9.10.4.1
16	Occupant load based on <input type="checkbox"/> m2/person <input checked="" type="checkbox"/> design of building	3.1.16	9.9.1.3
	EXISTING		
17	Barrier-free Design <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	3.8	9.5.2
18	Hazardous Substances <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	3.3.1.2.(1) & 3.3.1.19(1)	9.10.1.3
19	Required Fire Resistance Rating (FRR) Horizontal Assemblies FRR (Hours) Floors 1 Hours Roof 1 Hours Mezzanine Hours FRR of Supporting Members Listed Design No. or Description (SG-2) Floors 1 Hours Roof 1 Hours Mezzanine N/A Hours	Listed Design No. or Description (SG-2) 3.2.2.46	9.10.8 9.10.9
20	Spatial Separation - Construction of Exterior Walls Wall Area of EBF (m2) L.D. (m) L/H or H/L Permitted Max. % of Openings Proposed %FRR (Hours) Listed Design or Description Comb Const. Comb. Const. Nonc. Cladding Noncomb. Const.	3.2.3	9.10.14
ALL	NO NEW UNPROTECTED OPENINGS.		
21	Other - Describe EMERGENCY LIGHTING WAS PROVIDED AS PER OBC. PORTABLE FIRE EXTINGUISHERS ARE PROVIDED AS PER ONTARIO FIRE CODE 6.2		

DO NOT SCALE DRAWINGS
CHECK AND VERIFY ALL DIMENSIONS BEFORE PROCEEDING WITH THE WORK.
DRAWINGS NOT TO BE USED FOR CONSTRUCTION UNLESS STAMPED AND SIGNED BY THE CONSULTANT.
THESE DRAWINGS HAVE BEEN DESIGNED IN CONFORMANCE WITH THE ONTARIO BUILDING CODE.

REV.	DATE	DESCRIPTION
1	2020/02/04	ISSUED FOR REVIEW

A	Alexander Wilson Architect Inc Address: 106-20 Gore Street Kingston, ON K7L 2L1 T: 613-546-0744 F: 613-546-1411
	<i>(Signature)</i>

APARTMENT LEGALIZATION

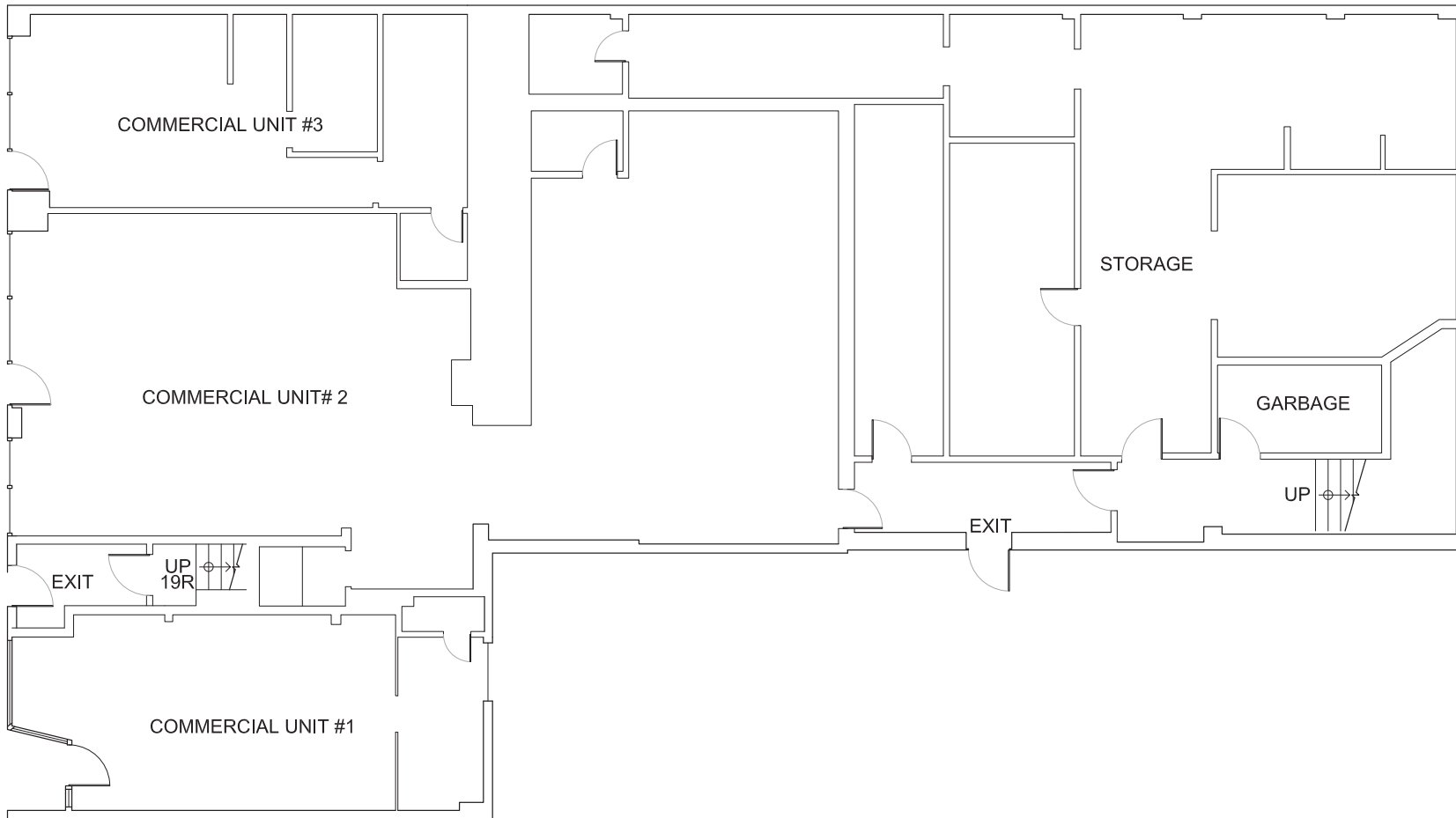
35, 37 & 39 MONTREAL ST
KINGSTON, ONTARIO
ONK7L 2L1

TITLE PAGE

Drawn By: GW	Checked By:
Date: RTS	Date: APR 2020
Project No.: 2006	Rev. No.: 1
Drawing No.:	A000

DO NOT SCALE DRAWINGS
 CHECK AND VERIFY ALL DIMENSIONS BEFORE
 PROCEEDING WITH THE WORK.
 DRAWINGS NOT TO BE USED FOR CONSTRUCTION
 UNLESS STAMPED AND SIGNED BY THE CONSULTANT.
 THESE DRAWINGS HAVE BEEN DESIGNED IN
 CONFORMANCE WITH THE ONTARIO BUILDING CODE.

REV.	DATE	DESCRIPTION
1	2020/02/04	ISSUED FOR REVIEW



**Alexander Wilson
 Architect Inc**
 Admiralty Place
 105-20 Gore Street
 Kingston, ON K7L 2L1
 T: 613-545-0744
 F: 613-545-1411



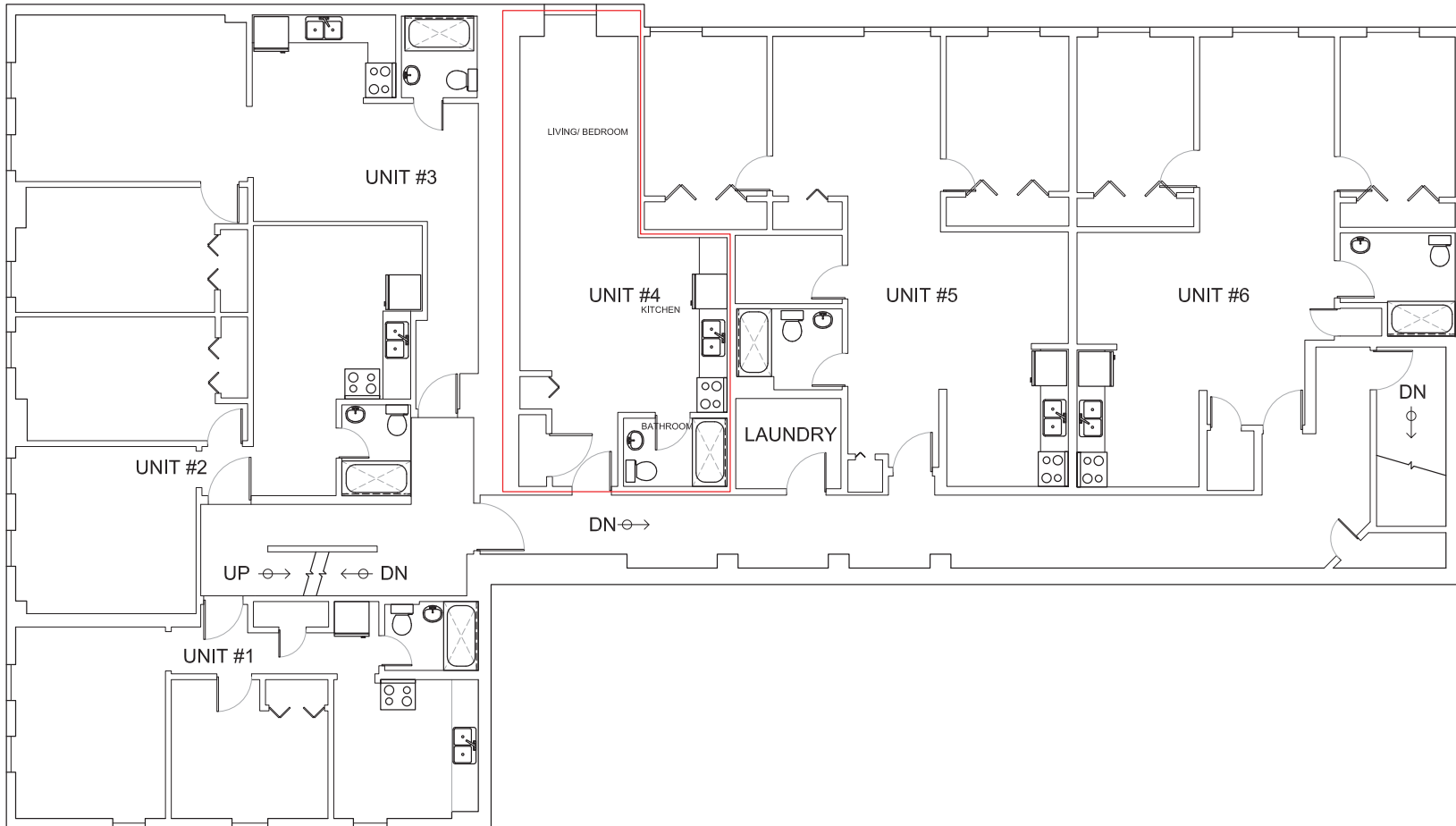
APARTMENT LEGALIZATION

35, 37 & 39 MONTREAL ST
 KINGSTON, ONTARIO

FIRST FLOOR PLAN

Drawn By	GW	Checked By	
Scale	1/8" = 1'-0"	Date	APR 2020
Project No.	2006	Rev. No.	1
Sheet No.			A100

1 FIRST FLOOR PLAN
 SCALE: 1/8" = 1'-0"



DO NOT SCALE DRAWINGS
CHECK AND VERIFY ALL DIMENSIONS BEFORE
PROCEEDING WITH THE WORK.
DRAWINGS NOT TO BE USED FOR CONSTRUCTION
UNLESS STAMPED AND SIGNED BY THE CONSULTANT.
THESE DRAWINGS HAVE BEEN DESIGNED IN
CONFORMANCE WITH THE ONTARIO BUILDING CODE.

REV.	DATE	DESCRIPTION
1	2020/02/04	ISSUED FOR REVIEW

**Alexander Wilson
Architect Inc**
Admiralty Place
105-20 Gore Street
Kingston, ON K7L 2L1
T: 613-545-0744
F: 613-545-1411

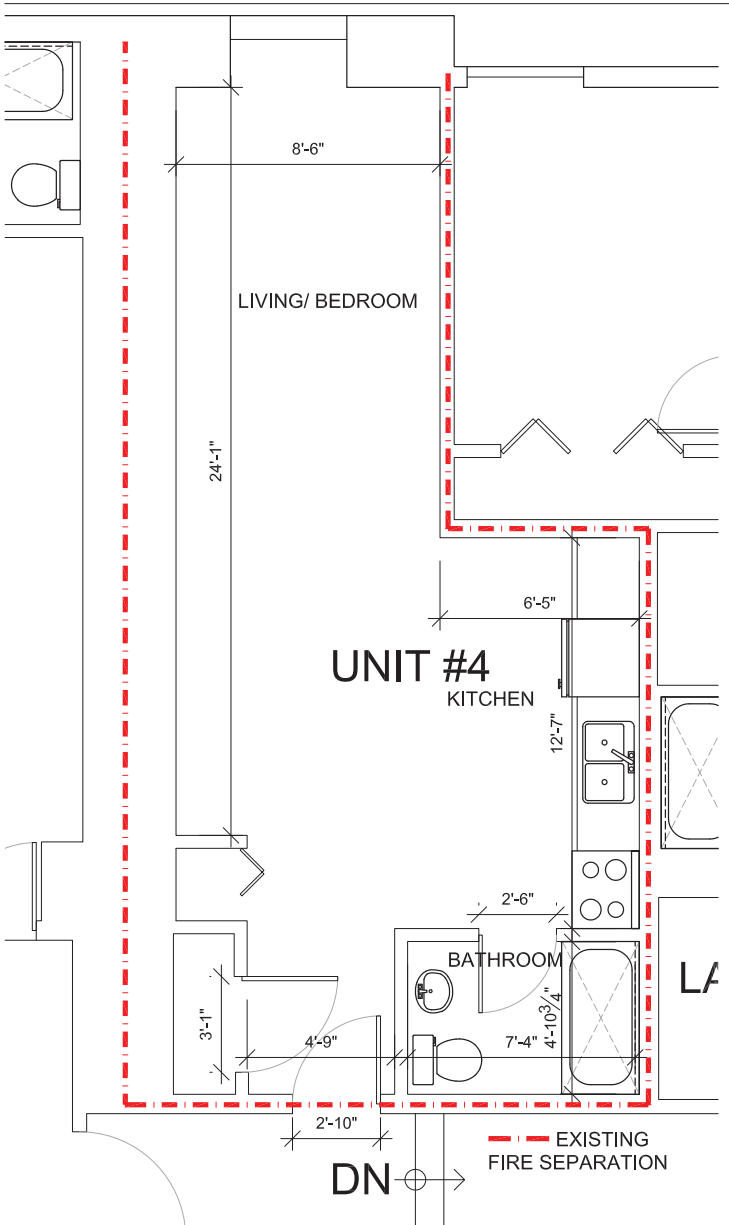
APARTMENT LEGALIZATION

35, 37 & 39 MONTREAL ST
KINGSTON, ONTARIO

SECOND FLOOR PLAN

Drawn By:	GW	Checked By:	
Scale:	1/8" = 1'-0"	Date:	APR 2020
Project No.:	2006	Rev. No.:	1
Drawn To:			A101

1 SECOND FLOOR PLAN
SCALE: 1/8" = 1'-0"



1 EXISTING UNIT #4 PLAN
 SCALE: 1/4" = 1'-0"

DO NOT SCALE DRAWINGS
 CHECK AND VERIFY ALL DIMENSIONS BEFORE
 PROCEEDING WITH THE WORK.
 DRAWINGS NOT TO BE USED FOR CONSTRUCTION
 UNLESS STAMPED AND SIGNED BY THE CONSULTANT.
 THESE DRAWINGS HAVE BEEN DESIGNED IN
 CONFORMANCE WITH THE ONTARIO BUILDING CODE.

Revisions

REV.	DATE	DESCRIPTION
1	2020/02/04	ISSUED FOR REVIEW

**Alexander Wilson
 Architect Inc**
 Admiralty Place
 105-20 Gore Street
 Kingston, ON K7L 2L1
 T: 613-545-0744
 F: 613-545-1411

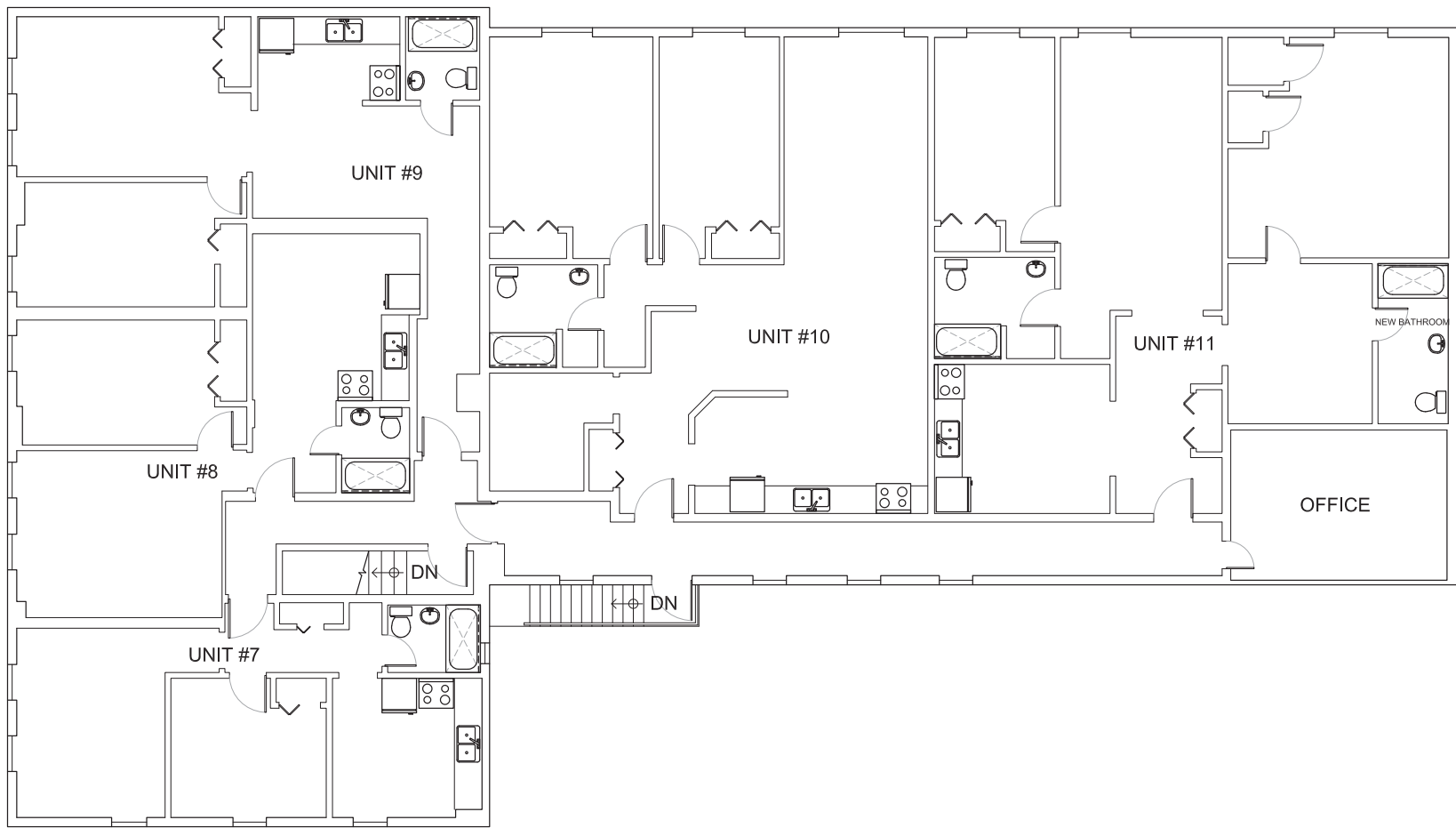


APARTMENT LEGALIZATION

35, 37 & 39 MONTREAL ST
 KINGSTON, ONTARIO

EXISTING UNIT #4 PLAN

Drawn By:	GW	Checked By:	
Scale:	1/4" = 1'-0"	Date:	APR 2020
Project No.:	2008	Rev. No.:	1
Drawn To:		Rev. To:	A102



DO NOT SCALE DRAWINGS
CHECK AND VERIFY ALL DIMENSIONS BEFORE
PROCEEDING WITH THE WORK.
DRAWINGS NOT TO BE USED FOR CONSTRUCTION
UNLESS STAMPED AND SIGNED BY THE CONSULTANT.
THESE DRAWINGS HAVE BEEN DESIGNED IN
CONFORMANCE WITH THE ONTARIO BUILDING CODE.

REV.	DATE	DESCRIPTION
1	2020/02/04	ISSUED FOR REVIEW

1 THIRD FLOOR PLAN
SCALE: 1/8" = 1'-0"

**Alexander Wilson
Architect Inc**
Admiralty Place
105-20 Gore Street
Kingston, ON K7L 2L1
T: 613-545-0744
F: 613-545-1411

APARTMENT LEGALIZATION

35, 37 & 39 MONTREAL ST
KINGSTON, ONTARIO
K7K 4G4

THIRD FLOOR PLAN

Drawn By:	GW	Checked By:	
Scale:	1/8" = 1'-0"	Date:	APR 2020
Project No.:	2006	Rev. No.:	1
Drawn To:			A103