



**City of Kingston
Report to Committee of Adjustment
Report Number COA-21-011**

To: Chair and Members of Committee of Adjustment
From: Tim Fisher, Planner
Date of Meeting: January 18, 2021
Application for: Consents & Minor Variance
File Number: D10-048-2020, D13-063-2020 and D13-064-2020
Address: 323 and 327 Victoria Street
Owner: Victoria Huehn
Applicant: Peter Sauerbrei

Council Strategic Plan Alignment:

Theme: 2. Increase housing affordability

Goal: See above

Executive Summary:

This report provides a recommendation to the Committee of Adjustment regarding applications for consent and minor variances for the property located at 323 and 327 Victoria Street (Exhibit D - Key Map). The property was historically two lots which have been merged into one residential lot. The applicant is proposing to sever the lot containing two single-detached dwelling houses into two lots which are similar to the historical lot fabric prior to the lot merger in order to provide separate and independent title to each single-detached dwelling house on its own lot. The current zoning by-law provisions apply to the lots even though the historical boundaries are being reestablished as there are no provisions to retroactively apply the old provisions.

Consent Application, File Number D10-048-2020, is to sever a 367.8 square metre parcel of land with 10.8 metres of road frontage on Victoria Street containing a single-detached dwelling municipally addressed as 327 Victoria Street. The retained 378 square metre parcel of land will have 11.2 metres of road frontage on Victoria Street and contain a single detached dwelling municipally addressed as 323 Victoria Street.

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327 Victoria Street (File Number D13-063-2020) requires minor variances to reduce the minimum required aggregate side yard and reduce the minimum lot area requirement for a single detached dwelling requirements in order to comply with the provisions of the One and Two Family Dwelling "A" Zone in Zoning By-Law Number 8499.

Variance Number 1:

By-Law Number 8499:	Section 6.3(a)(i), Minimum Lot Area
Requirement:	370 square metres
Proposed:	367 square metres
Variance Requested:	3 square metres

Variance Number 2:

By-Law Number 8499:	Section 6.3(c)(i), Minimum Aggregate Side Yard
Requirement:	3.3 metres
Proposed:	2.1 metres
Variance Requested:	1.2 metres

323 Victoria Street (File Number D13-064-2020) requires minor variances to reduce the minimum required aggregate side yard and increase the maximum lot coverage requirements in order to comply with the provisions of the One and Two Family Dwelling "A" Zone in Zoning By-Law Number 8499.

Variance Number 1:

By-Law Number 8499:	Section 6.3(c)(i), Minimum Aggregate Side Yard
Requirement:	3.3 metres
Proposed:	2.1 metres
Variance Requested:	1.2 metres

Variance Number 2:

By-Law Number 8499:	Section 6.3(e), Maximum Lot Coverage
Requirement:	33.3 %
Proposed:	51 %
Variance Requested:	17.7 %

Recommendation:

That consent application, File Number D10-048-2020, for the property located at 323 and 327 Victoria Street, be approved subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-21-011; and

That minor variance application, File Number D13-063-2020, for the property located at 327 Victoria Street, be approved; subject to the conditions attached as Exhibit B (Recommended Conditions) to Report Number COA-21-011; and

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That minor variance application, File Number D13-064-2020, for the property located at 323 Victoria Street, be approved; subject to the conditions attached as Exhibit C (Recommended Conditions) to Report Number COA-21-011.

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Authorizing Signatures:



Tim Fisher, 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 and minor variance applications were submitted on December 2, 2020 by the applicant Peter Sauerbrei on behalf of the owner Victoria Huehn for their property located at 323 and 327 Victoria Street. The subject property was historically two lots which have been merged into one residential lot. The purpose of the applications is to sever the lot into two separate parcels to provide separate and independent title to each single detached dwelling. Each lot would be completely independent with all utilities services and access provided independently of the other lot. No exterior changes or additional units are proposed. Each lot would be developed with a house with a single dwelling unit.

Consent application D10-048-2020 is to sever a 367.8 square metre parcel of land with 10.8 metres of road frontage on Victoria Street containing a single detached dwelling municipally addressed as 327 Victoria Street. The retained 378 square metre parcel of land will have 11.2 metres of road frontage on Victoria Street and contain a single detached dwelling municipally addressed as 323 Victoria Street.

327 Victoria Street (File Number D13-063-2020) requires minor variances to reduce the minimum required aggregate side yard and reduce the minimum lot area requirement for a single detached dwelling requirements in order to comply with the provisions of the One and Two Family Dwelling "A" Zone in Zoning By-Law Number 8499.

323 Victoria Street (Application D13-064-2020) requires minor variances to reduce the minimum required aggregate side yard and increase the maximum lot coverage requirements in order to comply with the provisions of the One and Two-Family Dwelling "A" Zone in Zoning By-Law Number 8499.

No changes to the buildings or the use of the lands are proposed with these applications. The purpose of the applications is to re-establish the historical property boundaries.

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

- Severance Sketch (Exhibit H)

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

Site Characteristics

The subject property is located on the east side of Victoria Street and is situated within a residential area. The subject property is designated as Residential in the Official Plan (Exhibit F – Existing Official Plan) and zoned One and Two Family Dwelling 'A' zone in Zoning By-law Number 8499 (Exhibit G – Existing Zoning). The subject property is developed with two single detached dwellings. Each dwelling is a single family dwelling unit.

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Provincial Policy Statement

The Provincial Policy Statement (PPS), 2020 provides policy direction on matters of Provincial interest. The *Planning Act* requires that municipal councils be consistent with the PPS in carrying out their responsibilities under the Act. The PPS encourages efficient, cost effective development and patterns of land use which stimulate economic growth and protect the environment and public health. It encourages redevelopment where this can be accommodated taking into account existing building stock or areas. It also encourages land use patterns that accommodate an appropriate range and mix of residential and commercial uses, and provides that development be directed outside areas of hazard such as flood prone lands.

The proposed consent and variance applications are consistent with the 2020 Provincial Policy Statement. The proposal will represent a lot fabric that is compatible with the surrounding residential development. The proposal can be serviced by municipal infrastructure and is supportive of transit and active transportation.

Consent 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.

The following provides this review:

Official Plan

The subject property is designated 'Residential' in the City of Kingston Official Plan (Exhibit F – Official Plan, Land Use). The residential uses within the 'Residential' designation include detached, semi-detached or duplex dwellings, townhouses, and apartments of various types,

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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 'A' zone does not have minimum lot frontage or lot depth requirements. Each lot is required to have a minimum lot area of 370 square metres for a one unit dwelling. The severed lot will have 367.8 square metres of lot area and will require a minor variance to reduce the minimum lot area requirement. The retained lot will have 378 square metres of lot area which will comply with the minimum lot area requirement. Each resulting lot will maintain its residential use and will continue to function independently.

Variances are required for both the severed and retained lot to recognize the location of the existing house within the historical and proposed lot boundaries. This requires minor variances for the minimum aggregate side yard, and maximum lot coverage requirements in the 'A' zone. No new construction or exterior changes are proposed.

2. Proposed severances that would result in irregularly shaped lots are to be avoided where possible;

The proposed severed and retained lots have standard rectangular lot configurations.

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

Each resulting lot will have frontage on Victoria Street, which is an opened and maintained road.

4. 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 Victoria Street, which is a municipal road. Access and parking for the site will be provided on each lot.

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

The existing driveways will not result in any traffic hazards due to sightlines on curves, grades or corners. Any new or altered entrances will require an entrance permit from the Engineering Department.

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

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.

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

The subject property is located within the urban area and is connected to municipal services.

Section 9.6.13 f to i are not applicable as this application is to re-establish merged lots within the urban boundary and re-instate their historical lot fabric. There are no impacts to rural lands.

Zoning By-Law

The subject property is located within the One-Family and Two-Family 'A' zone in the City of Kingston Zoning By-Law Number 8499, entitled "Restricted Area (Zoning) By-Law of the Corporation of the City of Kingston", as amended.

The uses permitted in the One-Family Dwelling and Two-Family Dwelling 'A' zone include one-family dwellings, two-family dwellings and various institutional uses such as libraries and churches. The existing detached houses are considered as one-family dwellings and are a permitted use in the 'A' zone (Exhibit G – Existing Zoning).

The consent is intended to re-establish the historical lot boundaries prior to the lot merger. The severed and retained lots are required to comply with current zoning by-law requirements therefore, variances are required from the 'A' zone requirements in Zoning By-Law Number 8499 as follows:

327 Victoria Street (Application D13-063-2020) requires minor variances to reduce the minimum required aggregate side yard and reduce the minimum lot area requirement for a single detached dwelling requirements in order to comply with the provisions of the One and Two Family Dwelling "A" Zone in Zoning By-Law Number 8499.

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Variance Number 1:

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 Proposed: 367 square metres
 Variance Requested: 3 square metres

Variance Number 2:

By-Law Number 8499: Section 6.3(c)(i), Minimum Aggregate Side Yard
 Requirement: 3.3 metres
 Proposed: 2.1 metres
 Variance Requested: 1.2 metres

323 Victoria Street (File Number D13-064-2020) requires minor variances to reduce the minimum required aggregate side yard and increase the maximum lot coverage requirements in order to comply with the provisions of the One and Two Family Dwelling "A" Zone in Zoning By-Law Number 8499.

Variance Number 1:

By-Law Number 8499: Section 6.3(c)(i), Minimum Aggregate Side Yard
 Requirement: 3.3 metres
 Proposed: 2.1 metres
 Variance Requested: 1.2 metres

Variance Number 2:

By-Law Number 8499: Section 6.3(e), Maximum Lot Coverage
 Requirement: 33.3 %
 Proposed: 51 %
 Variance Requested: 17.7 %

No changes to the buildings or the use of the lands are proposed with these applications. The purpose of the applications is to re-establish the historical property boundaries.

The requested applications for consent and minor variances are consistent with the general intent and purpose of both the City of Kingston Official Plan and Zoning By-Law Number 8499. The requested consent is desirable for the orderly development of the lands. As such the proposed consent application satisfies the tests under Subsection 51(24) and is recommended for approval. The requested minor variances are desirable for the appropriate development or use of the land, building or structure and are minor in nature. As such, the proposed application meets all four tests under Subsection 45(1) of the *Planning Act* and is recommended for approval.

All other provisions of the 'A' zone are complied with.

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Minor Variance Applications

The review of an application for minor variance is not a simple mathematical calculation, but rather a detailed assessment of whether the variance(s) requested, both separately and together, meet the four tests of a minor variance outlined in Subsection 45(1) of the *Planning Act*. The following provides this review:

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

The subject property is designated 'Residential' in the Official Plan. In considering whether the proposed variances are 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 proposed consent meets the intent of Section 2 of the Official Plan. Each resulting lot will provide the functional needs for the residential use on each lot. The proposed variances are to recognize each lot and its existing residential development. No negative impacts on abutting properties will be created.

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;

There will be no exterior changes to the existing single detached dwellings or dwelling units added. The proposal is compatible with the surrounding residential uses and will not result in significant impacts or changes to the surrounding area.

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;

Vehicular access into each resulting lot will be maintained from Victoria Street. Parking is provided in the side yard and further parking can be accommodated in the rear yard for both proposed lots. One parking space will be provided for each dwelling unit on each resulting lot.

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 Official Plan also contains policies with respect to urban design in Section 8.3 to ensure that new residential development is integrated into the existing built fabric and conducive to active transportation:

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- a. Protect and preserve stable residential communities (in accordance with Section 2.6 of this Plan);

- a. A well-established land use pattern in terms of density, type of use(s) and activity level;

This form of residential development is long established and the proposal does not alter the built form of the property. Thus, the overall density, type of use and scale of activity of the area is maintained.

- b. A common or cohesive architectural and streetscape character, in terms of massing and built form, architectural expression, age of building stock, and street cross-section;

As there will be no exterior changes to the existing building and there will be no impact on the existing character of the streetscape.

- c. A stable pattern of land ownership or tenure;

The proposed consent will provide separate and independent title to each single detached dwelling municipally addressed as 323 and 327 Victoria Street.

- d. A consistent standard of property maintenance with relatively little vacancy in land or building occupancy;

All properties are subject to the City's Property Standards By-Law and Yards By-Law. This proposal does not change the enforcement or applicability of the by-laws.

- e. A limited number of applications for development that would alter the established pattern of land assembly and built form;

The requested consent application will allow the existing property to be divided which will result in each single detached dwelling having separate and distinct title, similar to the historical lot fabric prior to its merger. The proposed severance will not significantly alter the established pattern of land assembly and built form.

- f. A sufficient base of social and physical infrastructure to support existing and planned development;

No deficiencies in social infrastructure were identified to limit this application. The appropriate level of physical infrastructure is present to support the development.

- b. Foster developments that are context appropriate;

The proposal will recognize the existing built form on the site and will not cause any adverse impacts on adjacent properties.

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- c. Foster attractive developments which add to the existing sense of place;

The proposal will not alter the existing character of the surrounding established residential neighbourhood.

- d. Provide a variety of housing types;

The existing single-detached dwellings on the site maintains a range of housing available which will assist in meeting the housing demand in the City.

- e. Ensure compact, accessible mixed-use development;

The proposal contributes to the compact nature of the neighbourhood.

- f. Encourage environmentally sustainable development;

The proposal will recognize the existing built form and is located within a serviced area. This supports sustainable use of lands, infrastructure and resources.

- g. Integrate and highlight cultural heritage resources;

The subject lands are not designated cultural heritage and there are no identified cultural heritage resources in the immediate area.

There will be no exterior changes to the dwellings and the existing residential use will be maintained. The site is not located within a Heritage District. The site is not identified on the City of Kingston Heritage Register; therefore, there will be no impact on built heritage resources.

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;

No built heritage concerns. The Master Plan indicates that the property has composite archaeological potential. As no excavation is proposed in connection with this application no assessment is required at this time. If excavation is proposed, archaeological assessment and clearance is required prior to any soil disturbance.

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 site is located within the Urban Boundary and is developed with sufficient municipal water and sewage services.

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

The proposed consent and variances will recognize the location of the dwelling on each resulting lot. The proposed variances are considered minor and will recognize the built form of the resulting lots. The single-detached dwelling use on the severed and retained lots is permitted in the 'A' zone; therefore a zoning by-law amendment is not required.

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 this report recommended conditions are 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;

The surrounding residential uses include single-detached dwellings, semi-detached dwellings and small scale apartment buildings. The approval of the requested consent and variances are considered minor and will not set a precedent for the immediate area.

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

The subject property at 323 and 327 Victoria Street is zoned One-Family Dwelling and Two-Family Dwelling 'A' in the City of Kingston Zoning By-Law Number 8499, entitled "Restricted Area (Zoning) By-Law of the Corporation of the City of Kingston", as amended. The uses permitted in the 'A' zone include one-family dwellings, two-family dwellings and various institutional uses such as libraries and churches. (Exhibit G – Existing Zoning).

327 Victoria Street (Application D13-063-2020) requires minor variances to reduce the minimum required aggregate side yard and reduce the minimum lot area requirement for a single detached dwelling requirements in order to comply with the provisions of the One and Two Family Dwelling "A" Zone in Zoning By-Law Number 8499.

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Proposed: 2.1 metres
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 Proposed: 51 %
 Variance Requested: 17.7 %

No changes to the buildings or the use of the lands are proposed with these applications. The purpose of the applications is to re-establish the historical property boundaries.

The requested applications for consent and minor variances are consistent with the general intent and purpose of both the City of Kingston Official Plan and Zoning By-Law Number 8499. The requested consent is desirable for the orderly development of the lands. As such the proposed consent application satisfies the tests under Subsection 51(24) and is recommended for approval. The requested minor variances are desirable for the appropriate development or use of the land, building or structure and are minor in nature. As such, the proposed application meets all four tests under Subsection 45(1) of the *Planning Act* and is recommended for approval.

All other provisions of the 'A' zone are complied with.

3) The variance is minor in nature

The proposal is in keeping with the existing property fabric of the surrounding area. The proposed consent and variances will not have any negative impacts on abutting properties or residential and/or uses or structures. The variances will not alter the character of the neighbourhood or the existing streetscape as there are no external changes proposed to either single detached dwelling. The variances will recognize the existing built form.

The proposed minor variances are deemed to be minor in nature.

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

The proposed development will provide the functional needs for the proposed residential use on each lot. There are no changes proposed to the exterior of the existing buildings. The proposed parking will be in the rear yard which is a permitted location for parking.

The variances are appropriate and compatible with the surrounding residential uses and will not result in significant impacts or changes to the surrounding area.

Technical Review: Circulated Departments and Agencies

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

Technical Comments

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

Public Comments

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

Previous or Concurrent Applications

There are no other current or previous applications filed under the Planning Act on file.

Conclusion

The requested consent application meets the tests under Subsection 51(24) of the *Planning Act*; a Plan of Subdivision is not required to advance the land division. 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.

The requested variances maintain the general intent and purpose of both the City of Kingston Official Plan and Zoning By-Law Number 8499. The proposal is desirable for the appropriate

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development or use of the land, building or structure and the requested variance(s) 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 the consents and minor variance applications are consistent with the general purpose and general intent of both the City of Kingston Official Plan and Zoning By-Law Number 8499. 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, 2020

Municipal

City of Kingston Official Plan
Zoning By-Law Number 8499

Notice Provisions:

A Committee of Adjustment Meeting is going to be held respecting this application on January 18, 2021. Pursuant to the requirements of the *Planning Act*, a notice of Statutory Public Meeting was provided by advertisement in the form of signs posted on the subject site 14 days in advance of the meeting. In addition, notices for this meeting were sent by mail to a total number of 42 property owners (according to the latest Assessment Roll) within 60 metres of the subject property (Exhibit E – Public Notice Notification Map). A courtesy notice was placed in The Kingston Whig-Standard.

Once a decision has been rendered by the Committee of Adjustment, a Notice of Decision will be circulated in accordance with the provisions of the *Planning Act*.

Accessibility Considerations:

None

Financial Considerations:

None

Contacts:

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

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Tim Fisher, Planner 613-546-4291 extension 3215

Other City of Kingston Staff Consulted:

None

Exhibits Attached:

- Exhibit A Recommendation, D10-048-2020 - Consent
- Exhibit B Recommendation, D13-063-2020 – Minor Variance
- Exhibit C Recommendation, D13-064-2020 – Minor Variance
- Exhibit D Key Map
- Exhibit E Public Notice Notification Map
- Exhibit F Official Plan, Land Use
- Exhibit G Existing Zoning
- Exhibit H Severance Sketch
- Exhibit I Site Photos

Recommended Conditions

The provisional approval of consent application, File Number D10-048-2020, to sever a 367.8 square metre parcel of land with 10.8 metres of road frontage on Victoria Street containing a single detached dwelling municipally addressed as 327 Victoria Street. The retained 378 square metre parcel of land will have 11.2 metres of road frontage on Victoria Street and contain a single detached dwelling municipally addressed as 323 Victoria Street, is subject to the following recommended conditions:

1. **Deadline**

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

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

2. **Reference Plan**

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

3. **Payment of Taxes**

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

4. **Services**

Prior to the issuance of the Certificate of Official, the owner/applicant shall provide written approval from Utilities Kingston to the Secretary-Treasurer Committee of Adjustment, that Utilities Kingston is satisfied that the existing services to the severed and retained lot do not encroach on either lot.

5. **Associated Applications**

That associated Minor Variance Applications D13-063-2020 and D13-064-2020 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.

Recommended Conditions

Application for minor variance, File Number D13-063-2020

Approval of the foregoing application shall be subject to the following recommended conditions:

1. Limitation

That the approved minor variance applies only to the location of the single detached dwelling and lot area of the severed lot (327 Victoria 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. Associated Applications

That associated Consent Application D10-048-2020 and Minor Variance Application D13-064-2020 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.

Recommended Conditions

Application for minor variance, File Number D13-064-2020

Approval of the foregoing application shall be subject to the following recommended conditions:

1. Limitation

That the approved minor variance applies only to the location of the single detached dwelling and lot coverage of the retained lot (323 Victoria 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. Associated Applications

That associated Consent Application D10-048-2020 and Minor Variance Application D13-063-2020 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.



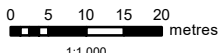
Planning Services
a department of
Community
Services

COMMITTEE OF ADJUSTMENT

Key Map

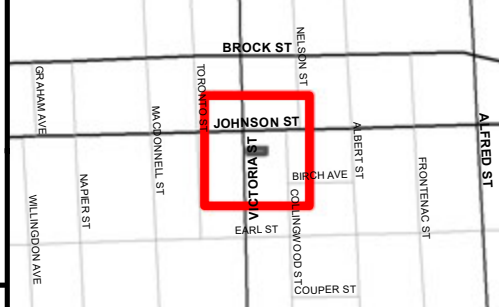
File Number: D10-048-2020, D13-063,2020,
D13-064-2020

Address: 323 and 327 Victoria Street



DATE: 2020-12-17
PREPARED BY: Ichu

CONTEXT MAP

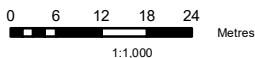


Subject Lands



COMMITTEE OF ADJUSTMENT
Public Notice Notification Map

File Number: D10-048-2020, D13-063,2020,
D13-064-2020
Address: 323 and 327 Victoria Street



Legend

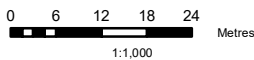
- 60m Public Notification Boundary
- Subject Lands
- Property Boundaries
- 42 Properties in Receipt of Notice (MPAC)





COMMITTEE OF ADJUSTMENT
Official Plan, Existing Land Use

File Number: D10-048-2020, D13-063,2020,
D13-064-2020
Address: 323 and 327 Victoria Street



Legend

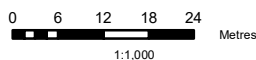
- Subject Lands
- RESIDENTIAL







COMMITTEE OF ADJUSTMENT
Existing Zoning - By-law 8499, Map 30

File Number: D10-048-2020, D13-063,2020,
D13-064-2020
Address: 323 and 327 Victoria Street



Legend

-  Subject Lands
-  Consolidated Zoning



Victoria Street t

