



**City of Kingston
Report to Committee of Adjustment
Report Number COA-21-041**

To: Chair and Members of the Committee of Adjustment
From: Lindsay Sthamann, Planner
Date of Meeting: May 17, 2021
Application for: Consent (Amended Conditions)
File Number: D10-007-2021
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

Executive Summary:

This report recommends that the Committee of Adjustment approve an amended condition of approval for a consent application that was approved by the Committee of Adjustment on June 22, 2020 ([Report Number COA-20-021](#)). The amended conditions are requested by the applicant to remove the requirement to demolish the single-detached dwelling. Although the ultimate intent is to demolish the dwelling, allowing the dwelling to remain through the consent process provided that it is connected to municipal sanitary sewer will allow the owners more time to find a suitable alternative living arrangement for the current tenant. The approval of the amended conditions will allow the applicant an additional year from the date of the revised notice of decision to fulfill the requirements. Without this approval, the conditional consent approval will lapse on June 22, 2021. No other changes are proposed to the existing approval through this report and recommendation.

May 17, 2021

Page 2 of 7

Recommendation:

That the Committee of Adjustment amend Condition Numbers 6, 8, and 9 of the Notice of Decision for consent application, File Number D10-048-2019, to read as follows:

6. Demolition Permit

The owner/applicant shall obtain a Demolition Permit through the Building Division for the removal of structures and buildings located on 3028 Princess Street as identified on the severance sketch dated March 23, 2021 (both transferred and retained portions). This includes three (3) temporary fabric shelters, the metal clad garage, and the single-family dwelling if it is not serviced. The owner/applicant shall provide the Secretary-Treasurer, Committee of Adjustment, a copy of the Demolition Permit(s) and confirmation that the buildings have been removed or serviced prior to the 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 connect the existing single family dwelling to applicable municipal sewer services and for Utilities Kingston to approve a Sketch showing all existing and new (and proposed (if applicable)) services and the mains they connect to, and existing buildings and all proposed and existing property lines.

9. Septic System

The owner/applicant shall ensure, to the satisfaction of the City of Kingston Building Services, 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 City of Kingston Building Services prior to the issuance of the Certificate of Official.; and

That a Notice of Decision for File Number D10-007-2021 be prepared reflective of the conditions approved as outlined in Report Number COA-20-21 and amended as per Report Number COA-21-041.

May 17, 2021

Page 3 of 7

Authorizing Signatures:



Lindsay Sthamann, Planner

Consultation with the following Management of the Community Services Group:

Tim Park, Acting Director, Planning Services

James Bar, Acting Manager, Development Approvals

May 17, 2021

Page 4 of 7

Options/Discussion:

On June 22, 2020 the Committee of Adjustment conditionally approved consent application File Number D10-048-2019 for a property located at 3028 Princess Street and 950-956 Woodhaven Drive. The details of the consent applications are provided in Exhibit A of this report which is the staff report to the Committee of Adjustment recommending approval of the consent application and the signed notice of decision dated June 22, 2020.

The approval for File Number D10-048-2019 was conditional contingent on satisfying 9 conditions as per the Notice of Decision dated June 22, 2020 (Exhibit B – Notice of Decision). Upon obtaining the conditional approval, the owner attempted to fulfil these conditions within the given timeframe of one calendar year. These conditions required the demolition of the existing single-family home on the 3028 Princess Street lot.

The effect of the provisionally approved consent was to sever the rear portion of the subject property, which will be conveyed and merged with 950-956 Woodhaven Drive. Through the application for consent, it was determined that the existing single-detached dwelling is serviced by an individual septic system. The intent of the conditions of consent related to demolition and utilities were to ensure that no buildings would remain on the lot to be created without road frontage and that no private servicing would remain on the subject site within the urban boundary. As the intent was to demolish the dwelling in any event, the applicant had no objection to this condition at the time.

The applicant has now requested to amend the conditions to allow the single detached dwelling on the retained lot to remain. Although the ultimate intent is to demolish the dwelling, allowing the dwelling to remain through the consent process provided that it is connected to municipal sanitary sewer will allow the owners more time to find a suitable alternative living arrangement for the current tenant. It is therefore proposed to amend Condition 6 related to the Demolition Permit and Condition 8 related Utilities to allow the single-detached dwelling to remain and to require that the dwelling be connected to applicable sewer services if it is not demolished. Should the tenant find a suitable living arrangement elsewhere, this condition would not preclude the applicant from demolishing the dwelling as originally intended.

It is also proposed to amend Condition 9 related to KFL&A Public Health Unit as a housekeeping matter, as approval authority for septic systems has transferred to the City's Building Services Division

All conditions of approval are required to be satisfied prior to finalizing the lot addition consent. The amended conditions will require an updated notice of decision with a new approval date which will result in additional time for the applicant to satisfy the conditions of approval.

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 outbuildings. The Woodhaven Drive property is developed with six residential units. The properties are

May 17, 2021

Page 5 of 7

currently designated as Residential in the Official Plan and are zoned R1, R2-10, and D in Zoning By-Law Number 76-26.

Application

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

- Severance Sketch (Exhibit D);
- Zoning Compliance Table (Exhibit E);
- Cover Letter (Exhibit F);
- Survey

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.

This report to the Committee of Adjustment is providing a recommendation to the Committee regarding amended conditions which will allow the applicant to retain the existing single family home on the 3028 Princess Street property. This condition was one of many conditions that the owner was required to satisfy such as but not limited to providing a Reference Plan, Lot Addition, Access, etc., which are in progress. The recommended amended conditions will allow the owner the time needed to fulfill all conditions and complete the severance process. All conditions must be fulfilled prior to the finalizing of the lot addition through the issuance of Certificate of Official by the municipality.

Provincial Policy Statement

No changes are being proposed through this report that impacts the Provincial Policy Statement.

Refer to Exhibit A - Report to Committee of Adjustment Dated June 22, 2020 for details.

Official Plan

No changes are being proposed through this report that impacts the Official Plan.

Refer to Exhibit A - Report to Committee of Adjustment Dated June 22, 2020 for review of Official Plan policies pertaining to the consent approval for application, File Number D10-048-2019.

Zoning By-Law

No changes are being proposed through this report that impacts the zoning by-law.

May 17, 2021

Page 6 of 7

Refer to Exhibit A - Report to Committee of Adjustment Dated June 22, 2020 for review of zoning by-law provisions pertaining to the consent approval for application, File Number D10-048-2019.

The portion of the subject property where the existing home is located is zoned R1 in the City of Kingston Zoning By-Law Number 76-26, entitled "Township of Kingston Restricted Area By-Law", as amended. The R1 zone permits a single-family dwelling and the existing dwelling complies with all zoning regulations for this zone.

Discussion

No other changes are being proposed through this report other than amended conditions to permit the retention of the existing single-family dwelling.

Technical Comments

Refer to Exhibit A - Report to Committee of Adjustment pertaining to the consent application, File Number D10-048-2019, for details on technical agencies that were circulated and reviewed the application, and the effect of technical comments on the decision.

Public Comments

Refer to Exhibit A - Report to Committee of Adjustment dated June 22, 2020, and Exhibit B – Notice of Decision Dated June 22, 2020, for details on public input provided and the response to public comments. The minutes from the June 22, 2020 Committee of Adjustment meeting are also included as Exhibit C for further details on public comments provided at the Public Meeting

Previous or Concurrent Applications

Consent application, File Number D10-048-2019.

Zoning By-Law Amendment, File Number D14-019-2020 – in technical review.

Conclusion

The conditional approval for consent application, File Number D10-048-2019, expires on June 22, 2020 based on the one year provided to satisfy all conditions. Approval of the amended conditions by the Committee of Adjustment will provide the owner the necessary additional time to satisfy the requirements and the option of retaining the existing single-family home. All conditions must be fulfilled prior the finalizing of the lot creation through the issuance of Certificate of Official by the municipality.

No other changes are proposed through this report. There is no anticipated impact on adjacent properties or any policy or regulations through the request to amend these conditions of approval. It is recommended that the Committee of Adjustment grant this approval to amend the conditions of consent approval.

May 17, 2021

Page 7 of 7

Notice Provisions:

Given the minor amendment to the original Notice of Decision there was no additional notification required.

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:

James Bar, Acting Manager, Development Approvals 613-546-4291 extension 3213

Lindsay Sthamann, Planner, 613-546-4291 extension 3287

Other City of Kingston Staff Consulted:

None

Exhibits Attached:

Exhibit A Report to Committee of Adjustment Dated June 22, 2020

Exhibit B Notice of Decisions Dated June 22, 2020

Exhibit C Minutes of Committee of Adjustment Meeting from June 22, 2020

Exhibit D Severance Sketch

Exhibit E Zoning Compliance Table

Exhibit F Cover Letter

Exhibit G Revised Conditions of Approval



**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.

Report to Committee of Adjustment

Report Number COA-20-021

June 22, 2020

Page 2 of 13

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 by-law and a plan of subdivision is not necessary for the proper and orderly development of the property, as such, is recommended for provisional approval.

Recommendation:

That consent 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.

June 22, 2020

Page 3 of 13

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

Report to Committee of Adjustment

Report Number COA-20-021

June 22, 2020

Page 4 of 13

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.

Report to Committee of Adjustment

Report Number COA-20-021

June 22, 2020

Page 5 of 13

Authorizing Signatures:

Original Signed by Planner

Lindsay Sthamann, Planner

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

Paige Agnew, Commissioner, Community Services

Report to Committee of Adjustment

Report Number COA-20-021

June 22, 2020

Page 6 of 13

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;

Report to Committee of Adjustment

June 22, 2020

Page 7 of 13

- 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.

June 22, 2020

Page 8 of 13

3. 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).

Report to Committee of Adjustment

Report Number COA-20-021

June 22, 2020

Page 9 of 13

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 re-development 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

Report to Committee of Adjustment

Report Number COA-20-021

June 22, 2020

Page 10 of 13

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

Report to Committee of Adjustment

Report Number COA-20-021

June 22, 2020

Page 11 of 13

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

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

Report to Committee of Adjustment

Report Number COA-20-021

June 22, 2020

Page 12 of 13

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.

Report to Committee of Adjustment

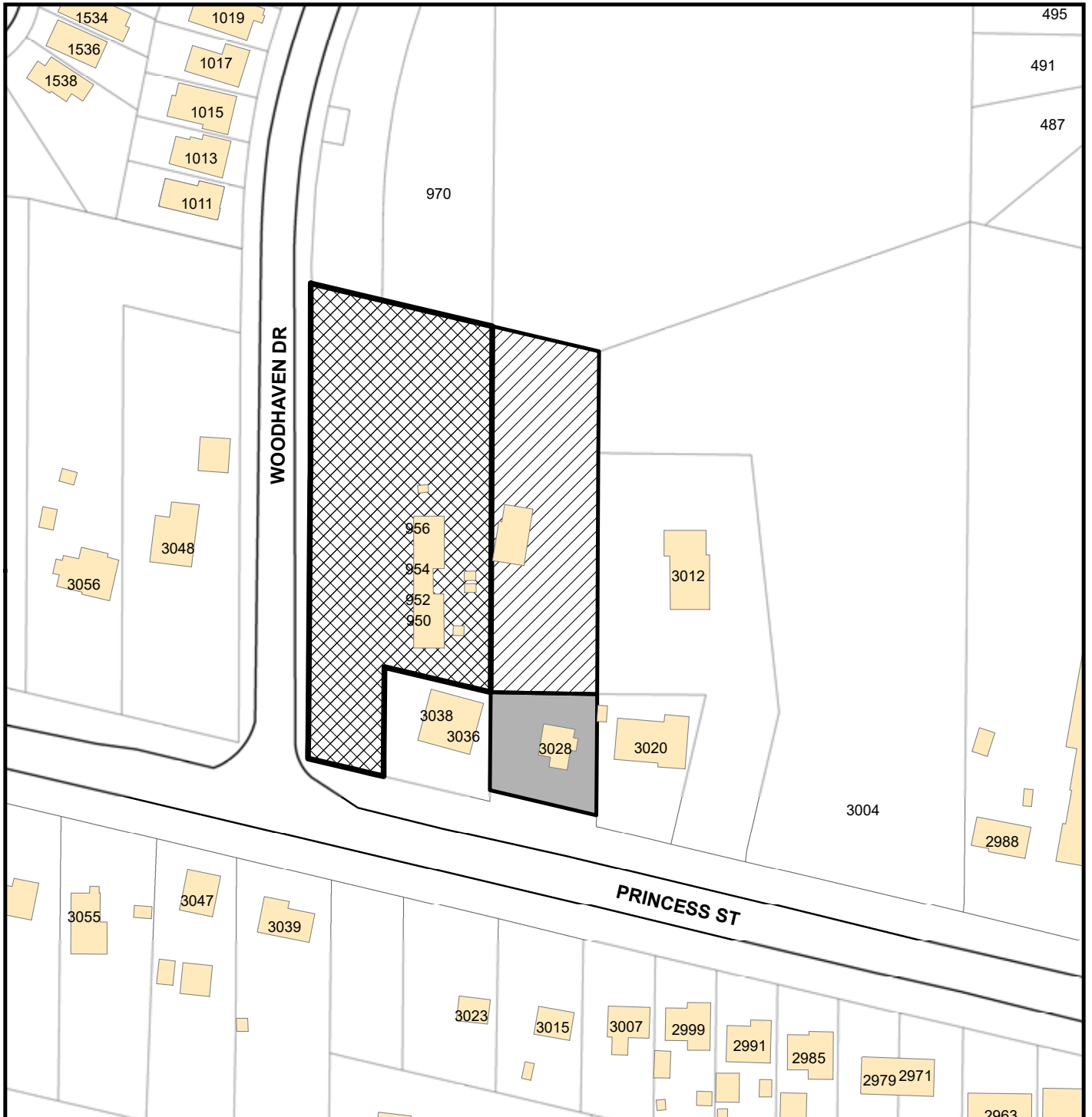
Report Number COA-20-021

June 22, 2020

Page 13 of 13

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



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COMMITTEE OF ADJUSTMENT

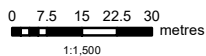
Key Map

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

- Lot to Recieve Lot Addition
- Lands to be Added
- Lands Retained

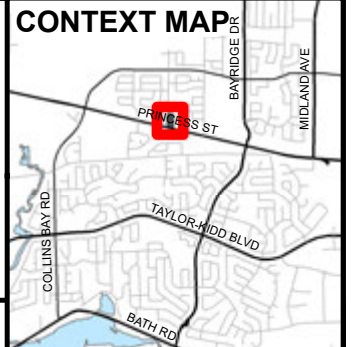


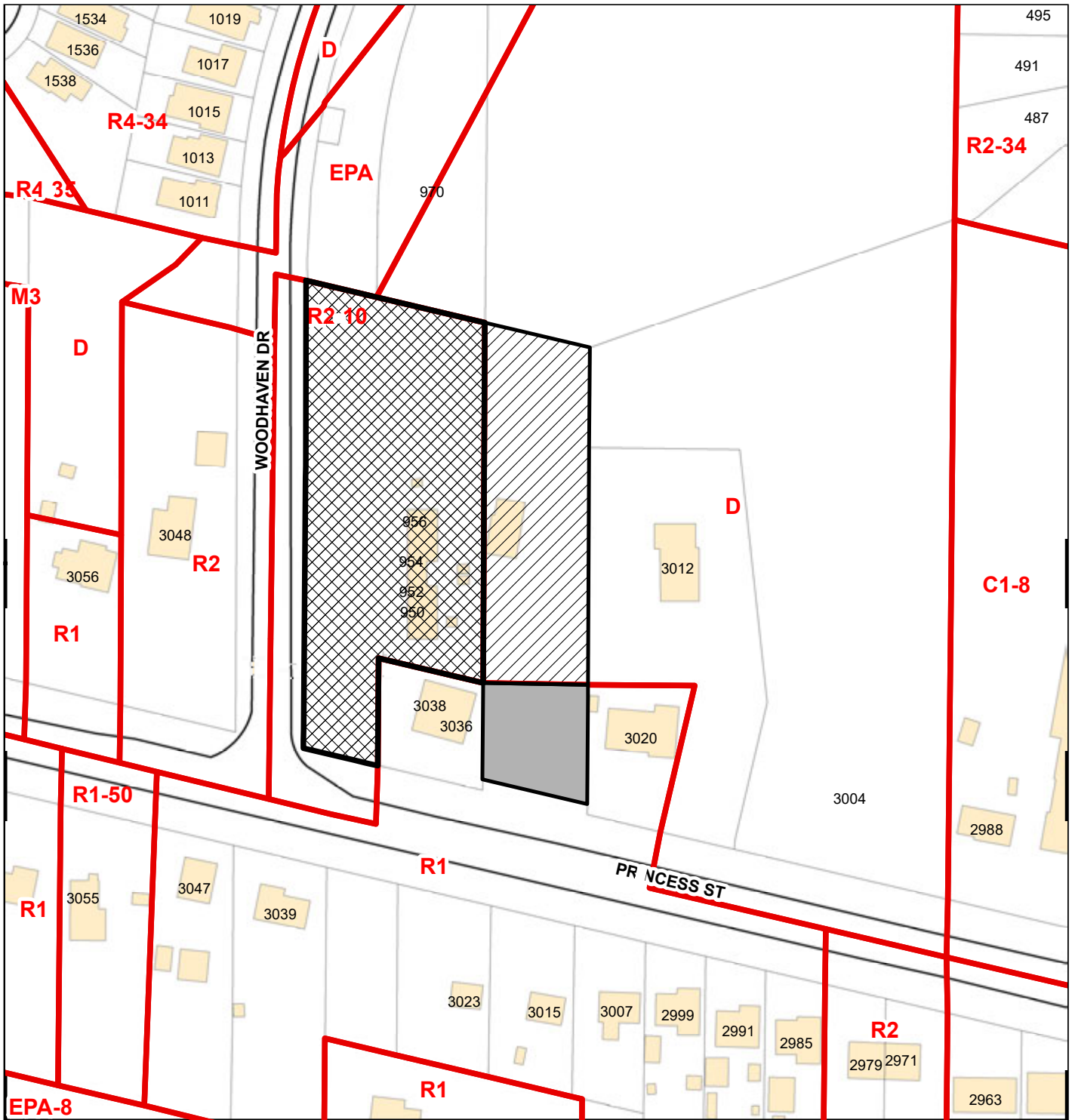
Planning Services
a department of
Community
Services



DATE: 2020-02-21
PREPARED BY: Ichu

CONTEXT MAP

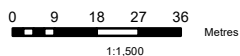




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COMMITTEE OF ADJUSTMENT
Existing Zoning - By-law 76-26, Map 3

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



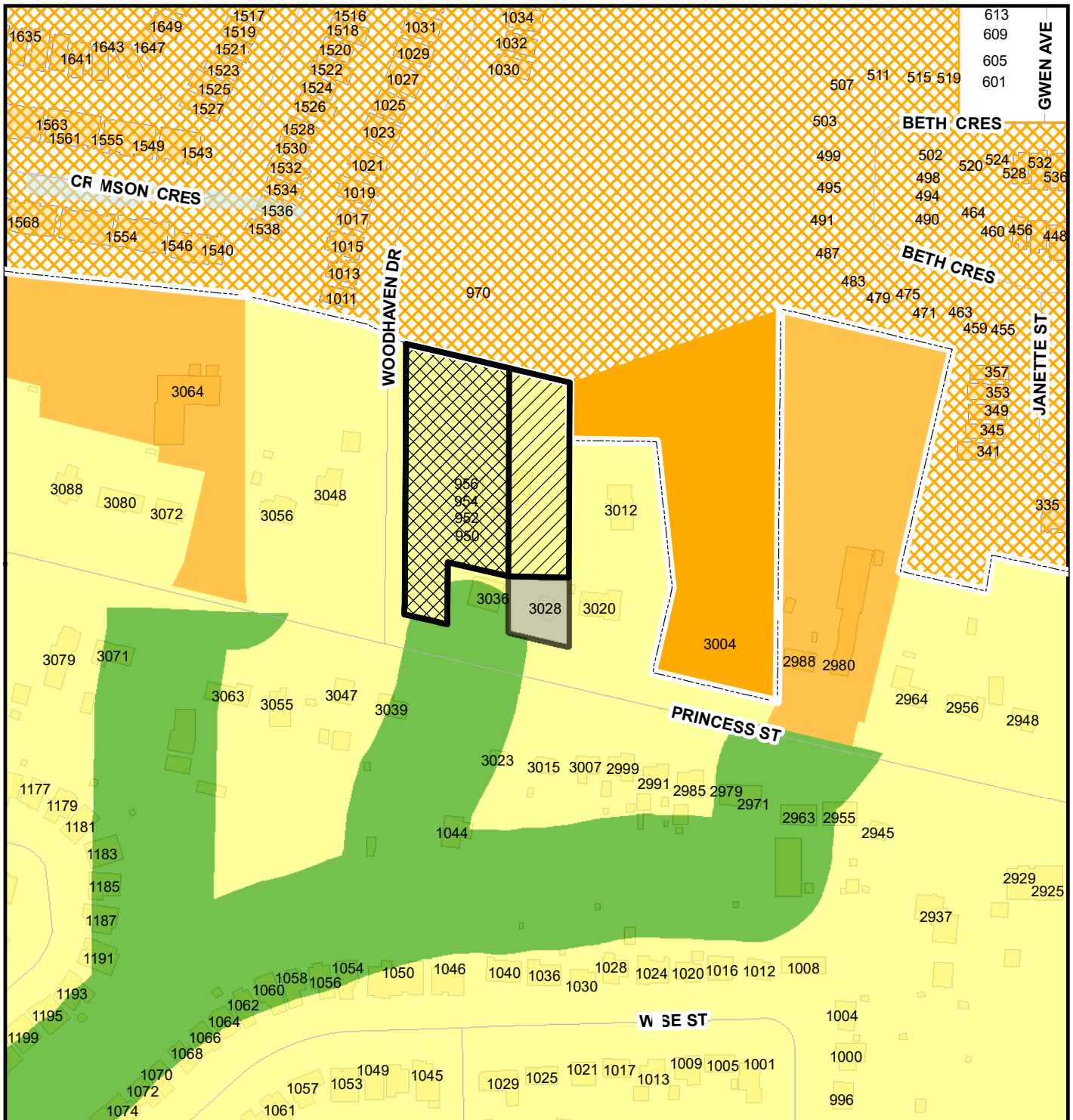
Legend

- Consolidated Zoning
- Lot to Recieve Lot Addition
- Lands to be Added
- Lands Retained



PREPARED BY: Ichu
DATE: 2020-02-21

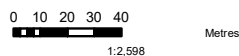
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COMMITTEE OF ADJUSTMENT
Official Plan, Existing Land Use

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



Legend

- Lot to Receive Lot Addition
- Lands to be Added
- Lands Retained
- MEDIUM DENSITY RESIDENTIAL
- ARTERIAL COMMERCIAL
- ENVIRONMENTAL PROTECTION AREA
- RESIDENTIAL
- SECONDARY PLAN AREA



PREPARED BY: rocheffort
DATE: 2020-05-21

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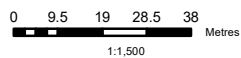
Planning Services

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Services

PREPARED BY: lchu
DATE: 2020-02-21

COMMITTEE OF ADJUSTMENT
Neighbourhood Context (2018)

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

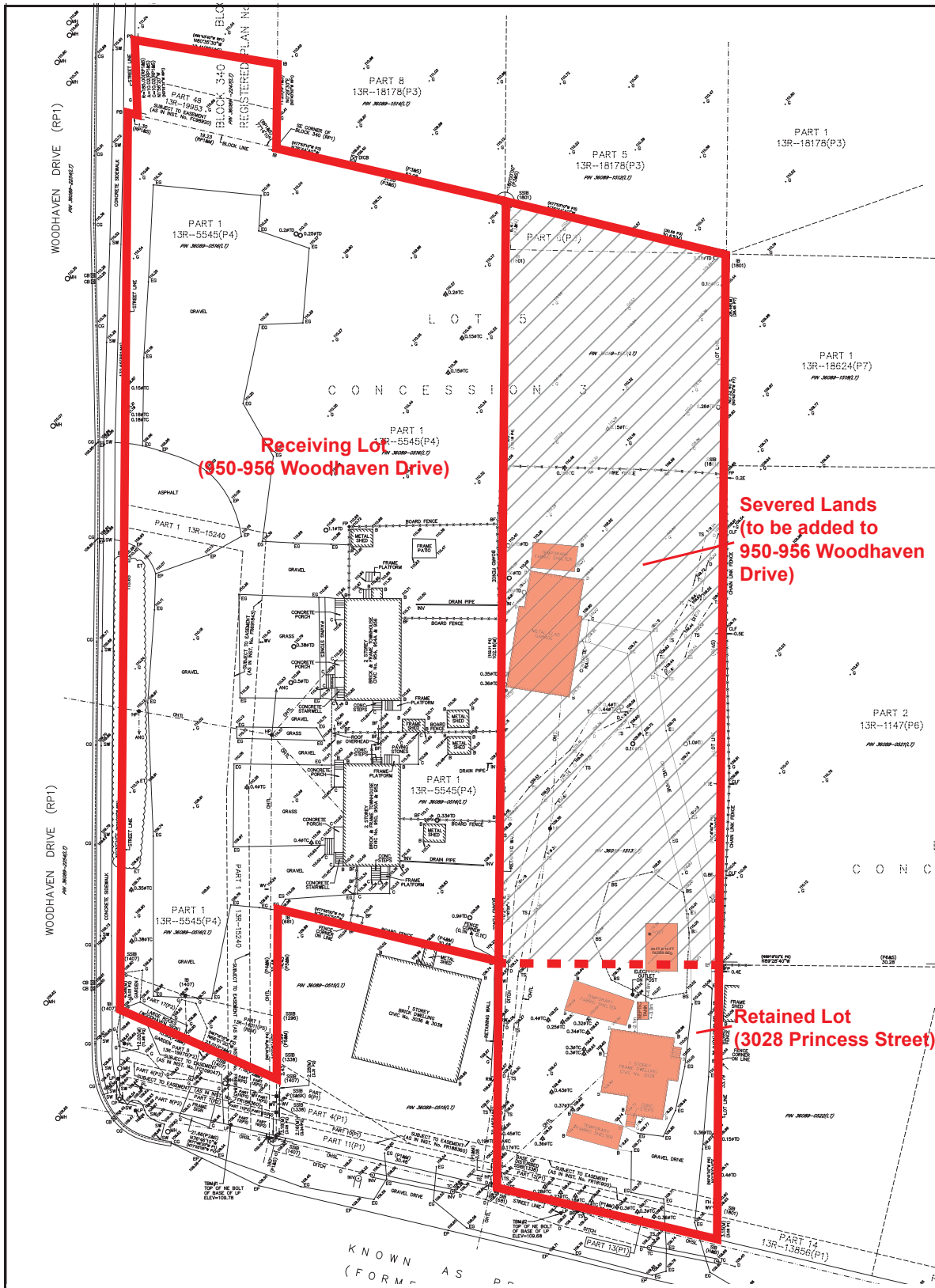


Legend

-  Subject Lands
-  Property Boundaries



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3028 Princess Street

**Severance Sketch
Lot Addition**

Legend

- Property Lines
- Proposed Lot Line
- Lot Addition
- Building/structure to be demolished, removed or decommissioned

Disclaimer: Distances are approximate. All measurements are made using a survey prepared by Leslie M. Higginson Surveying but must be verified by an Ontario Land Surveyor. Location of Septic Tank and Filter Bed are approximate based on KFL&A Health Unit Septic Permit #KI-54-93.

Client: 2676628 Ontario Inc.
Prepared By: KJ
Reviewed By: YL
Date: 04/08/2020

0 15m

FOTENN
Planning + Design

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

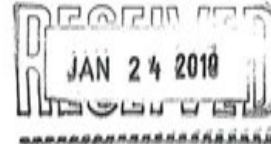
P1

fotenn.com

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

Committee of Adjustment
City of Kingston

Notice of Decision

In respect of Application D10-048-2019 submitted by Fotenn Consultants INC on behalf of the owner Vishal Valsadia & 2676628 Ontario INC, at the properties municipally addressed as **3028 Princess Street and 950 Woodhaven Drive**, to convey a portion of 3028 Princess Street, the portion zoned Development Zone, to the 950-956 Woodhaven Drive Property.

After considering the above-mentioned application for consent, the Committee of Adjustment decided to **provisionally approve** the application 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. You are advised to consult with the Land Registry Office for preapproval of the Certificate of Official to avoid delays.

The Certificate must be registered within one 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 your file.

2. Reference Plan

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

The Land Registry Office may pre-approve an alternative parcel description in writing which can be 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.

**Committee of Adjustment
City of Kingston**

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 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.

Committee of Adjustment
City of Kingston

Effect of Public Input on this Decision:

A summary of written submissions received relating to the application, staff responses to the submissions, and how the submissions were reflected in the staff recommendation are included in the staff report (Report Number COA-20-021). The staff report and any additional written and oral submissions received after the completion of the report were considered by the Committee, and through consideration of the report and submissions, the Committee choose to approve the applicaiton without amendments

Notice of Appeal:

Please note this decision, when not appealed, does not become final and binding until 20 days have elapsed from the date of this notice. Any person or public body may file a Notice of Appeal of the Decision of the Committee of Adjustment. The last date for filing a Notice of Appeal of the Decision of the Committee of Adjustment is July 16, 2020.

A Notice of Appeal must be filed with the Secretary-Treasurer of the Committee of Adjustment, at 1211 John Counter Boulevard, Kingston, Ontario, K7K 6C7, or the City Clerk at 216 Ontario Street, Kingston, Ontario, K7L 2Z3. A Notice of Appeal must set out the reasons for the appeal and must be accompanied by a fee, payable to the Minister of Finance, of \$300.00 for the initial consent and/or minor variance appeal and, if applicable, \$25.00 for each additional appeal filed by the same appellant against related consent or variance applications.

Only individuals, corporations and public bodies may appeal decisions in respect of applications for consent to the Local Planning Appeal Tribunal. A Notice of Appeal may not be filed by an unincorporated association or group. However, a Notice of Appeal may be filed in the name of an individual who is a member of the association or group on its behalf.

You will be entitled to receive notice of any changes to the conditions of the provisional consent if you have made a written request to be notified of changes to the conditions of the provisional consent.

Committee of Adjustment
City of Kingston

Peter Skebo, Chair

Blaine Fudge, Member

Alex Adams, Member

Paul Babin, Vice-Chair

Somnath Sinha, Member

Jordan Tekenos-Levy, Member

Vincent Cinanni, Member

I hereby certify this to be a true copy of the decision of the Committee of Adjustment and this decision was concurred in by a majority of the members who heard the application.



Annemarie Eusebio
Secretary Treasurer, Committee of Adjustment



**City of Kingston
Committee of Adjustment
Meeting Number 2020-06
Minutes
Monday June 22, 2020 at 5:30 p.m.
In a virtual, electronic format**

Committee Members Present

Peter Skebo; Chair
Paul Babin
Vincent Cinanni
Somnath Sinha
Jordan Tekenos-Levy

Regrets

Alex Adams
Blaine Fudge

Staff Present

Paige Agnew, Commissioner, Community Services
Annemarie Eusebio, Secretary-Treasurer
Tim Fisher, Planner
Andrea Gummo, Manager, Policy Planning
Ryan Leary, Senior Planner
Derek Ochej, Committee Clerk
Tim Park, Manager, Development Approvals
Jason Partridge, Planner
Phillip Prell, Planner
Lindsay Sthamann, Planner
James Thompson, Committee Clerk

Meeting to Order

Mr. Skebo, Chair, called the meeting to order at 5:35 p.m.

The Committee recessed for fifteen minutes to address a technical issue.

Approval of Agenda

Moved by Mr. Babin
Seconded by Mr. Cinanni

That the agenda be amended to include the addendum, and as amended, be approved.

Carried

Disclosure of Pecuniary Interest

There were none.

Delegations

There were none.

Request for Deferral

There were none.

Returning Deferred Items

- a) **Application for: Consent**
File Number: D10-046-2019 and D10-047-2019
Address: 163 Union Street
Owner: Magdalene Karkoulis
Applicant: Fotenn Consultants Inc. (Youko Leclerc-Desjardins)

Report COA-20-022 was attached to the agenda.

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

Mr. Leclerc-Desjardins, Agent, Mr. Scheinman, Agent and Mr. Karkoulis, Owner were present.

The agent stated that he has reviewed the staff report as well as the comments previously provided by members of the public. He indicated that he is in agreement with the recommendation of City of Kingston staff that the application meets the tests associated with consent applications as outlined in the Planning Act. He noted that the application complies with the Zoning By-Law and is consistent with the policies outlined in the Provincial Policy Statement. He commented that the proposed infill is appropriate as it would produce lots which are of a comparable lot fabric to neighbouring lots and as such would not impact the neighbourhood. He stated that the conditions outlined in the Report are appropriate for a complex application.

Mr. Babin sought further information regarding the Ontario Heritage Act Designation. Mr. Leary responded that the property is designated under Part iv. of the Ontario Heritage Act. Mr. Babin inquired whether the entire property or only the building is designated. Mr. Leary explained that the entire property is designated. He mentioned that the proposed severance would not impact the designation as all three lots would be designated under the Ontario Heritage Act.

Mr. Babin questioned why the application was not reviewed by Heritage Kingston. Mr. Leary responded that Heritage Kingston is not required to review files that are involved in a Planning Act application. He noted that in this situation the heritage matters were addressed at the staff level. He stated that the property will retain its designation and indicated that the new dwellings will require heritage permits.

Mr. Babin noted that the neighbouring property owners expressed concern regarding the preservation of the vegetation and questioned whether the vegetation and 100 year old trees were included in the designation. Mr. Leary responded that the designation does not speak to the trees specifically. He commented that as the trees are outside of the heritage permit staff have proposed that a development agreement be completed as a condition of approval to ensure that as much of the vegetation and trees are retain as possible.

Mr. Skebo invited comments from the public.

Dr. Gibson-Bray, 151 Union Street thanked the Committee for previously deferring this matter. She referenced the correspondence which she previously submitted to the Committee. She expressed concern regarding shadowing, traffic safety, privacy, the loss of the heritage setting and the mature trees being negatively impacted. She commented that 151 Union Street has always served as a family home and an anchor of stability in the neighbourhood. She noted that 151 and 163 Union are each unique and distinctive homes that are situated on unique grounds. She mentioned that the grounds contribute to Kingston's architectural legacy. She requested that the Committee deny the application for Lot 1 and suggested that serious consideration be given to the approval of Lot 2.

Dr. Bray, 151 Union Street indicated that he does not agree that the application conforms to the Provincial Policy Statement. He spoke to the Section 1.1.3.3. of the Provincial Policy Statement regarding intensification and indicated that this matter is often discussed at LPAT hearings. He referenced Section 1.7.1.E. of the Provincial Policy Statement regarding the sense of place and noted that this concept is also considered at LPAT hearings. He mentioned that the heritage designation by-law was created many years ago when the focus was on architecture rather than context. He noted that the by-law associated with 163 Union Street speaks to the spacious grounds. He spoke to the various types of lots located on Albert Street. He suggested that a tree survey should have been completed as a condition of approval. He noted that the conditions included in the Report do not give consideration to heritage conservation. He stated that the proposed dwelling could cast a shadow over the entire area. He

mentioned that the applicant could consider a condominium within the existing footprint of 163 Union Street as it would allow for the spacious grounds to be retained. He stated that Union Street is unique and commented that this matter has not been adequately addressed. He indicated that subtle aspects of the site have not been considered. He encouraged the Committee to view the frontages of Albert and Union Streets as different entities. He stated that the application regarding Lot 1 should not be approved. He expressed concern regarding traffic safety issues. He reiterated that he believes that the conditions do not address all of the issues. He commented that he believes that there are different options for redevelopment which have not been considered. He indicated that he is supportive of sensitive infill.

Mr. Gibson referenced the heritage designation by-law and sought confirmation that the entire property rather than only the building is covered. He commented that while the by-law does not directly mention the trees it does address the spacious grounds. He stated that the application would destroy the spacious grounds. He spoke to the site plan and noted that the proposed parking spaces and driveway on the western border of the property would destroy the trees and impact privacy. He commented that there would be a profound impact on 151 Union Street if the trees were removed. He stated that a tree survey should be completed before the application proceeds. He commented that the application regarding Lot 1 should be denied.

Mr. Skebo closed the public portion of the meeting.

The agent spoke to the heritage permit process and reiterated that there is a requirement that a development agreement be completed. He referenced page 11 of the Report and noted that the vegetated buffer is to be maintained. He clarified that a tree inventory and tree preservation plan is required to be completed prior to construction.

The agent referenced the concept plan and provided further explanation regarding privacy and shadowing.

The agent spoke to the proposed design in relation to the permitted zoning.

The agent provided additional clarification regarding the proposed front yard setback in relation to page 9 of the Report.

Mr. Scheinman spoke to the application in relation to heritage conservation. He provided further explanation regarding the context of the neighbourhood as outlined in the heritage impact statement. He noted that the entranceway to Albert Street will not be altered by the application. He spoke to the site lines associated with 163 Union Street. He clarified that 163 Union Street is not really considered a country villa. He commented that 163 Union Street better resembles an urban form similar to properties located on King Street. He noted that no original landscaping features remain at 163 Union Street. He commented that the landscaping is likely dates from post 2000. He provided additional clarification regarding spacious grounds in relation to the 1987 by-

law. He noted that as per the by-law the entranceway is seen as the major feature rather than the spacious grounds. He mentioned that alternative construction approaches for the driveway and parking lot could be considered which will not destroy the soil. He reiterated that the heritage designation applies to the whole property.

The agent advised the Committee that the Report discusses Section 1.1.3.3. of the Official Plan and spoke to permitted intensification as per the Zoning By-Law. The agent noted that the detailed design of the dwellings will occur through the development agreement as well as the heritage permit.

The agent spoke to Section 1.7.1.E. of the Provincial Policy Statement and commented that he does not believe that the creation of two additional lots will negatively impact the sense of place. He commented that preserving the sense of place will occur during the development agreement and heritage permit process. He reiterated that the eleven conditions will need to be met.

Mr. Babin stated that it appears that the lot has existed in this state since the 1800s. He commented that he believes that the severance would damage the heritage property. He stated that he cannot support the creation of Lot 1 and noted that he has no objections regarding Lot 2.

Mr. Tekenos-Levy asked staff if they have received comment from the owner of 199 Albert Street. Ms. Stahmann responded that staff have not heard from them.

Mr. Cinanni questioned if it is possible that the proposed dwelling could not meet the Ontario Heritage Act requirements. The agent responded that the concept drawings demonstrate that dwellings can be developed in accordance to the recommendations. He stated that development is possible.

Mr. Cinanni asked whether the trees will be addressed in the development agreement. The agent responded that the trees will be covered in the development agreement, which will be registered on title. He reiterated that all of the conditions outlined on page 11 of the Report must be met.

The agent provided the Committee with additional information regarding tree protection.

Following the initial vote, the Secretary-Treasurer advised the Committee that two distinct consent applications were before the Committee and sought confirmation that it was the desire of the Committee to vote on the applications as a package. The Chair indicated that the applications should have been voted on individually. The Committee Clerk suggested that the recommendation be reconsidered in order to allow the Committee to vote on the consent applications separately.

Moved by Mr. Sinha
Seconded by Mr. Babin

That consent application, File Number D10-046-2019, to sever a new lot, be provisionally approved subject to the following conditions:

1. Deadline

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

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

2. Reference Plan

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

3. Payment of Taxes

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

4. Standard Archaeological Condition

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

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

5. Cash-In-Lieu of Parkland

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

6. Demolition Permit

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

7. Development Agreement

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

- a) That the recommendations from the Heritage Impact Statement prepared by André Scheinman, dated January 27, 2020 and its proposed conditions be included in the Development Agreement.
- b) In the event that deeply buried or previously undiscovered archaeological deposits are discovered in the course of development or site alteration, all work must immediately cease and the site must be secured. The Cultural Program Branch of the Ministry of Tourism, Culture and Sport (416-314-7132) and the City of Kingston's Planning Service (613-546-4291, extension 3180) must be immediately contacted.
- c) In the event that human remains are encountered, all work must immediately cease and the site must be secured. The Kingston Police (613-549-4660), the Registrar of Cemeteries Regulation Section of the Ontario Ministry of Consumer Business Services (416-326-8404), the Cultural Program Branch of the Ministry of Tourism, Culture and Sport (416-314-7132), and the City of Kingston's Planning Service (613-546-4291, extension 3180) must be immediately contacted.
- d) That the owner be advised that any new or altered entrance to the site will require an entrance permit from the Engineering Division.
- e) That a Building Permit is required prior to the construction or removal of all structures 10 square metres in area or greater. Issues such as but not limited

to O.B.C., grading and servicing will be agreed through the permit review process.

8. Site Servicing Plan

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

9. Stormwater Review

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

10. Civic Address

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

Lost

Moved by Mr. Sinha
Seconded by Mr. Tekenos-Levy

That consent application, File Number D10-047-2019, to sever a new lot, be provisionally approved subject to the following conditions:

1. Deadline

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

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

2. Reference Plan

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

3. Payment of Taxes

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

4. Standard Archaeological Condition

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

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

5. Cash-In-Lieu of Parkland

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

6. Demolition Permit

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

7. Development Agreement

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

- a) That the recommendations from the Heritage Impact Statement prepared by André Scheinman, dated January 27, 2020 and its proposed conditions be included in the Development Agreement.
 - b) In the event that deeply buried or previously undiscovered archaeological deposits are discovered in the course of development or site alteration, all work must immediately cease and the site must be secured. The Cultural Program Branch of the Ministry of Tourism, Culture and Sport (416-314-7132) and the City of Kingston's Planning Service (613-546-4291, extension 3180) must be immediately contacted.
 - c) In the event that human remains are encountered, all work must immediately cease and the site must be secured. The Kingston Police (613-549-4660), the Registrar of Cemeteries Regulation Section of the Ontario Ministry of Consumer Business Services (416-326-8404), the Cultural Program Branch of the Ministry of Tourism, Culture and Sport (416-314-7132), and the City of Kingston's Planning Service (613-546-4291, extension 3180) must be immediately contacted.
 - d) That the owner be advised that any new or altered entrance to the site will require an entrance permit from the Engineering Division.
 - e) That a Building Permit is required prior to the construction or removal of all structures 10 square metres in area or greater. Issues such as but not limited to O.B.C., grading and servicing will be agreed through the permit review process.
- 8. Site Servicing Plan**
The owner/applicant is to complete a Site Servicing Plan for the new lot, which shall be approved by Utilities Kingston, prior to the issuance of the consent certificate.
- 9. Stormwater Review**
Prior to final approval the applicant shall provide a lot grading and drainage plan, prepared by a qualified professional, to the satisfaction of the Engineering Services Department demonstrating no negative affects to the neighbouring or subject lands, including both the severed and retained parcels.
- 10. Civic Address**
The owner/applicant shall contact the Planning Service once the Reference Plan has been deposited and provided to the City, and obtain a draft civic address for each new lot created and all appropriate fees shall be paid. The owner/applicant shall provide to the Secretary-Treasurer, Committee of Adjustment, written confirmation from the City that the civic address has been obtained prior to the issuance of the consent certificate.

Carried

Moved by Mr. Sinha
Seconded by Mr. Tekenos-Levy

That the recommendation of Mr. Sinha and Mr. Tekenos-Levy regarding File Numbers D10-046-2019 and D10-047-2019 be reconsidered in order for the Committee to vote on the respective consent applications seperately.

Carried

Moved by Mr. Sinha
Seconded by Mr. Tekenos-Levy

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

1. Deadline

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

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

2. Reference Plan

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

3. Payment of Taxes

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

4. Standard Archaeological Condition

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

Kingston's Planning Service (613-546-4291, extension 3180) must be immediately contacted.

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

5. Cash-In-Lieu of Parkland

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

6. Demolition Permit

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

7. Development Agreement

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

- a) That the recommendations from the Heritage Impact Statement prepared by André Scheinman, dated January 27, 2020 and its proposed conditions be included in the Development Agreement.
- b) In the event that deeply buried or previously undiscovered archaeological deposits are discovered in the course of development or site alteration, all work must immediately cease and the site must be secured. The Cultural Program Branch of the Ministry of Tourism, Culture and Sport (416-314-7132) and the City of Kingston's Planning Service (613-546-4291, extension 3180) must be immediately contacted.
- c) In the event that human remains are encountered, all work must immediately cease and the site must be secured. The Kingston Police (613-549-4660), the Registrar of Cemeteries Regulation Section of the Ontario Ministry of Consumer Business Services (416-326-8404), the Cultural Program Branch

of the Ministry of Tourism, Culture and Sport (416-314-7132), and the City of Kingston's Planning Service (613-546-4291, extension 3180) must be immediately contacted.

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

8. **Site Servicing Plan**

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

9. **Stormwater Review**

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

10. **Civic Address**

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

Lost

(See Motion to Reconsider which Carried)

Following voting on the file number D10-046-2019 the Committee recessed in order to provide the rationale for the refusal of the application.

Mr. Babin referenced page 11 of the Report and stated that he feels that the statement regarding spacious grounds is conflicting. He noted that it is apparent that the spacious grounds are important.

Mr. Babin referenced page 8 of the Report, "Item B" and stated that he does not agree that the resulting lot fabric would be compatible with the adjacent lot fabrics.

Mr. Skebo stated that the application does not preserve or respect the heritage designation of the property.

Mr. Tekenos-Levy stated that he would like to see proactive preservation of the tree line. He commented that he does not believe that the application is suitable for the community as a whole. He stated that he is supportive of the previous comments regarding heritage preservation.

Mr. Cinnani noted that he is in agreement with Mr. Babin's concerns regarding the preservation of heritage. He expressed concern regarding traffic and tree preservation. He commented that the application is too large for a small complicated space.

The Chair stated that a copy of the Notice of Decision for the application will only be forwarded to those who have presented a written request for the Decision, or to those who have recorded their name and address on the form provided at the meeting by the Secretary-Treasurer. A formal request in the manner provided is necessary to be advised of a possible Local Planning Appeal Tribunal (LPAT) hearing on this matter and in order to be allowed to make a presentation to the LPAT.

New Business

- a) **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)

Report COA-20-021 was attached to the agenda.

The purpose and effect of the application is to transfer approximately 2948 square metres of land from 3028 Princess St to 950 Woodhaven Dr. The frontage will not be changed and no new lots will be created. No development is proposed as part of this application.

Mr. Leclerc-Desjardins, Agent was present.

In response to a question from Mr. Babin, the agent provided additional clarification regarding the "D" zoning.

Mr. Sinha questioned if 3036 Princess Street is owned by the applicant. The agent responded that 3036 Princess Street is not owned by the applicant.

Mr. Skebo invited comments from the public.

There were none.

Mr. Skebo closed the public portion of the meeting.

Moved by Mr. Babin
Seconded by Mr. Sinha

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.

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. Theowner/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 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.

Carried

The Chair stated that a copy of the Notice of Decision for the application will only be forwarded to those who have presented a written request for the Decision, or to those who have recorded their name and address on the form provided at the meeting by the Secretary-Treasurer. A formal request in the manner provided is necessary to be advised of a possible Local Planning Appeal Tribunal (LPAT) hearing on this matter and in order to be allowed to make a presentation to the LPAT.

- b) Application for: Consent for Easements**
File Number: D10-011-2020
Address: 847 Development Drive
Owner: Ivey Lea Kitchens Supplies
Applicant: Nathan Richard

Report COA-20-035 was attached to the agenda.

The purpose and effect of the application is to create a right-of-way to the abutting property to allow access to parking areas and an easement to control the flow of storm water. 847 Development Drive is being developed with a 158-unit apartment building and 809 Development Drive is being developed with a 18-unit stacked town house. The right-of-way will allow the two properties to share a single entrance located on 847 Development Drive. The the easement will allow the storm water drainage plans of both properties are to be coordinated.

Mr. Touw, Agent was present.

Mr. Touw provided the Committee with a summary of the drawings.

In response to a question from Mr. Tekenos-Levy, Mr. Touw provided additional clarification regarding the entrance in relation to the neighbouring property.

Mr. Skebo invited comments from the public.

There were none.

Mr. Skebo closed the public portion of the meeting.

Moved by Mr. Babin
Seconded by Mr. Tekenos-Levy

That consent application, File Number D11-011-2020, to create a right-of-way for access to a parking area and an easement for storm water drainage, 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.

2. Reference Plan

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

The Land Registry Office may pre-approve an alternative parcel description in writing which can be 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.

Carried

The Chair stated that a copy of the Notice of Decision for the application will only be forwarded to those who have presented a written request for the Decision, or to those who have recorded their name and address on the form provided at the meeting by the Secretary-Treasurer. A formal request in the manner provided is necessary to be advised of a possible Local Planning Appeal Tribunal (LPAT) hearing on this matter and in order to be allowed to make a presentation to the LPAT.

Committee of Adjustment
Meeting Number 2020-06 – June 22, 2020

Page 19

- c) Application for: Minor Variance**
File Number: D13-019-2020
Address: 87 Cataraqui Street
Owners: Ian McIntyre & Sarah Tsiang
Applicant: Mac Gervan

Report COA-20-036 was attached to the agenda.

The purpose and effect of the application is to permit a reduction in minimum aggregate side yard width and to permit an increase to the maximum permitted building depth to facilitate a replacement rear yard addition with approximately 11.8 square metres of additional lot coverage.

Mr. Gervan, Agent, Mr. McIntyre and Ms. Tsiang, Owners were present.

Mr. Skebo invited comments from the public.

There were none.

Mr. Skebo closed the public portion of the meeting.

Moved by Mr. Babin
Seconded by Mr. Sinha

That minor variance application, File Number D13-019-2020, for the property located at 87 Cataraqui Street, be approved.

Carried

The Chair stated that a copy of the Notice of Decision for the application will only be forwarded to those who have presented a written request for the Decision, or to those who have recorded their name and address on the form provided at the meeting by the Secretary-Treasurer. A formal request in the manner provided is necessary to be advised of a possible Local Planning Appeal Tribunal (LPAT) hearing on this matter and in order to be allowed to make a presentation to the LPAT.

- d) Application for: Minor Variance**
File Number: D13-017-2020
Address: 826 Old Colony Road
Owner: Lauren Christie
Applicant: Lauren Christie

Report COA-20-037 was attached to the agenda.

Committee of Adjustment
Meeting Number 2020-06 – June 22, 2020

Page 20

The purpose and effect of the application is to permit a reduction in minimum setback to the southern interior lot line to facilitate the construction of a 232.5 square feet basement staircase.

Ms. Christie, Owner was present.

Mr. Skebo invited comments from the public.

There were none.

Mr. Skebo closed the public portion of the meeting.

Moved by Mr. Cinanni
Seconded by Mr. Tekenos-Levy

That minor variance application, File Number D13-017-2020, for the property located at 826 Old Colony Road be approved.

Carried

The Chair stated that a copy of the Notice of Decision for the application will only be forwarded to those who have presented a written request for the Decision, or to those who have recorded their name and address on the form provided at the meeting by the Secretary-Treasurer. A formal request in the manner provided is necessary to be advised of a possible Local Planning Appeal Tribunal (LPAT) hearing on this matter and in order to be allowed to make a presentation to the LPAT.

- e) Application for: Minor Variance**
File Number: D13-018-2020
Address: 35-39 Montreal Street
Owner: Zlatko Banic
Applicant: Jennifer Wood, Fotenn Consultants Inc.

Report COA-20-039 was attached to the agenda.

The purpose and effect of the application is to allow an additional residential unit within the existing three-storey mixed commercial/ residential structure without providing a parking space or providing amenity area. The application would increase the total residential units within the existing structure from ten (10) to eleven (11).

Ms. Wood, Agent was present.

In response to a question from Mr. Babin, Ms. Wood provided the Committee with information regarding the proposed renovations associated with the unit.

Mr. Skebo invited comments from the public.

There were none.

Mr. Skebo closed the public portion of the meeting.

Moved by Mr. Babin
Seconded by Mr. Cinanni

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.

Carried

The Chair stated that a copy of the Notice of Decision for the application will only be forwarded to those who have presented a written request for the Decision, or to those who have recorded their name and address on the form provided at the meeting by the Secretary-Treasurer. A formal request in the manner provided is necessary to be advised of a possible Local Planning Appeal Tribunal (LPAT) hearing on this matter and in order to be allowed to make a presentation to the LPAT.

Motions

There were none.

Notices of Motion

There were none.

Other Business

There was none.

Correspondence

There was none.

Confirmation of Minutes

Moved by Mr. Tekenos-Levy
Seconded by Mr. Sinha

That the minutes of Committee of Adjustment Meeting Number 2020-05, held May 11 2020, be approved.

Carried

Date of Next Meeting

The next meeting of the Committee of Adjustment is scheduled for Monday July 20, 2020.

Committee of Adjustment
Meeting Number 2020-06 – June 22, 2020

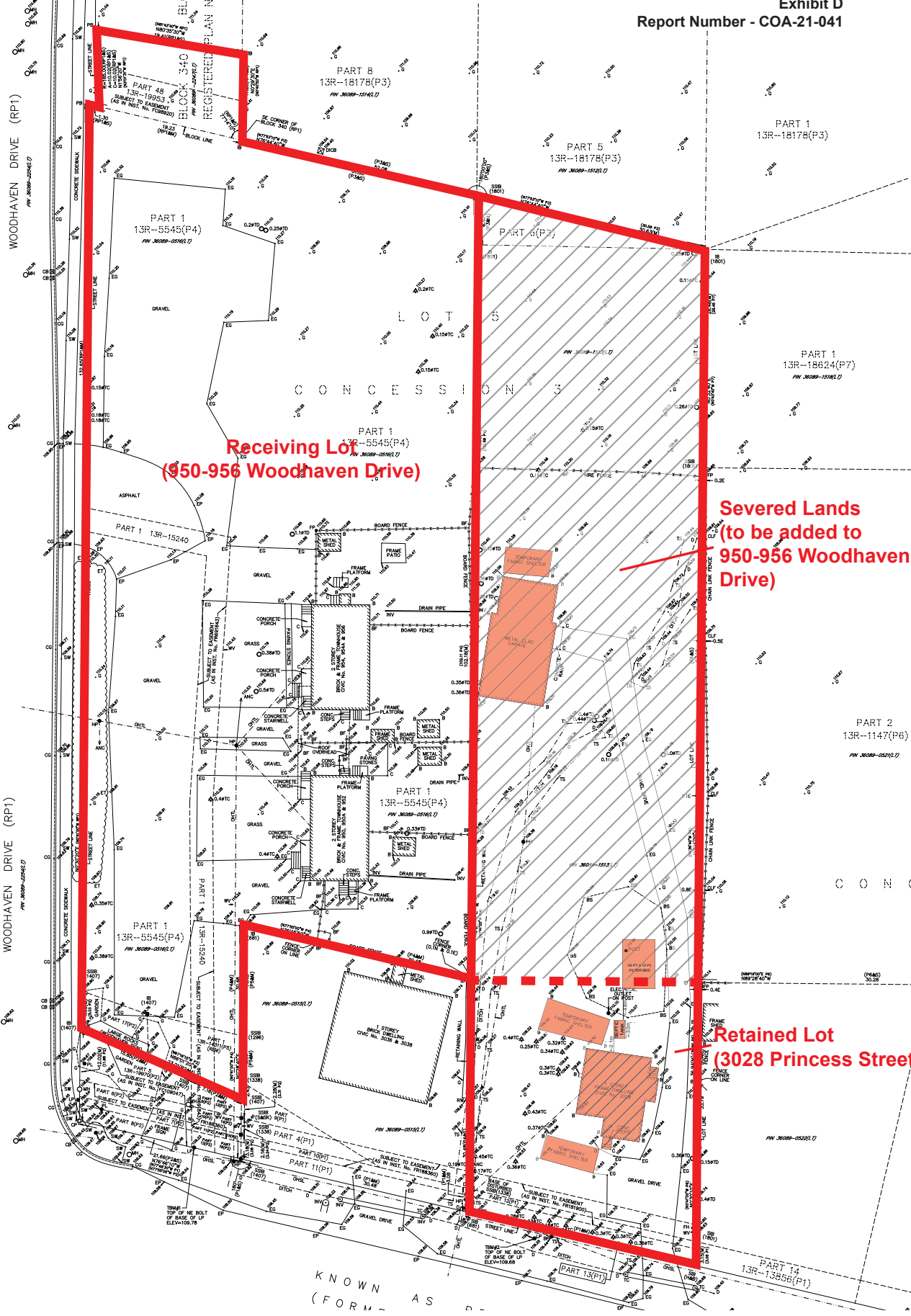
Page 22

Adjournment

Moved by Mr. Babin
Seconded by Mr. Cinanni

That the meeting of the Committee of Adjustment adjourns at 7:34 p.m.

Carried



3028 Princess Street
Severance Sketch
Lot Addition

Legend

- Property Lines
- Proposed Lot Line
- Lot Addition
- Building/structure to be demolished, removed or decommissioned
- Dwelling to be serviced or demolished

0 15m

Client: 2676628 Ontario Inc.
Prepared By: KJ
Reviewed By: YL
Date: 03/22/2021

Disclaimer: Distances are approximate. All measurements are made using a survey prepared by Leslie M. Higginson Surveying but must be verified by an Ontario Land Surveyor. Location of Septic Tank and Filter Bed are approximate based on KFL&A Health Unit Septic Permit #KI-54-93.

FOTENN
Planning + Design

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

fotenn.com

P1

ZONING COMPLIANCE TABLE

3028 PRINCESS STREET

The subject site, 3028 Princess Street, is split zoned Residential Type 1 (R1) Zone and Development (D) Zone in the Township of Kingston By-law Law Number 76-26. The following table assesses the existing and proposed zoning compliance of the R1 zoned portion of 3028 Princess Street:

3028 Princess Street – R1 Zoned Portion (Section 12)

Provision	Requirement	Existing	Proposed	Amendment Required?
Lot Area (Min)	5,000 square feet	+-1,002m ² (10,785 square feet)	No Change	No
Lot Frontage (Min)	50 feet (15.2m)	+-30m (100 feet)	No Change	No
Front Yard Depth (Min)	20 feet (6.0m)	+-13.6m (44.6 feet)	No Change	No
Interior Side Yard Width (Min)	4 feet (1.2m)	+-5.0 m (east) +-13.4 m (west)	No Change	No
Rear Yard Depth (Min)	25 feet (7.6m)	+-8.8 m (28.8 feet)	No Change	No
Dwelling Area (Min)	1,000 square feet	+-1,030 square feet	No Change	No
Landscaped Open Space (Min)	30%	+- 61% (+-6,600 ft ² / 10,870 ft ²)	No Change	No
Building Height (Max)	35 feet	Less than 35 feet	No Change	No
General Provisions (Section 5)				
Parking (s. 5.16(a))	1 space per unit	More than 1 space provided	No Change	No

The retained lot is proposed to include the entirety of the R1 zoned portion of the site. Since the zone boundary currently splits the subject property in two and the proposed lot line will be the same as the zone boundary, due to section 5.13(c) of Kingston Township Zoning By-law 76-26, there is no change in zoning compliance for this lot. The proposed lot and existing dwelling comply with all requirements of the R1 Zone.

Should you have any questions about the proposed amendments to the conditions, please do not hesitate to contact me at 613.542.5454 x 224 or leclerc@fotenn.com.

Respectfully,



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

AMEND CONDITIONS OF CONSENT

3028 PRINCESS STREET

March 24, 2021

Ms. Lindsay Sthamann

Planner, Deputy Secretary-Treasurer Committee of Adjustment
Planning Division, City of Kingston
1211 John Counter Blvd.

**RE: Application to Amend Conditions of Consent
3028 Princess Street, Kingston**

Dear Ms. Sthamann,

This application to amend the conditions of consent has been prepared by Fotenn Planning + Design on behalf of 2676628 Ontario Inc. for the property known as 3028 Princess Street. An application for consent for lot addition (D10-048-2019) was provisionally granted on June 22, 2020 to convey a portion of 3028 Princess Street, the portion zoned Development Zone, to 950-956 Woodhaven Drive.

The following are submitted in support of the proposed amendments:

- / Concept Plan;
- / Survey;
- / Application forms as completed in DASH;
- / Application fee;
- / This letter.

Through working to clear the conditions of consent, during the COVID-19 pandemic, it has proven challenging to relocate the existing tenant in order to demolish the existing single-detached dwelling on the property. The provisional approval for the consent application is set to expire on June 22, 2021 and requires the single-detached dwelling be demolished prior to the Certificate of Official being signed by the Secretary-Treasurer of the Committee of Adjustment. As a result, an application to amend conditions is being submitted to remove the requirement to demolish the single-detached dwelling.

The purpose of this application is to amend the following conditions:

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

The effect of the provisionally approved consent is to sever the rear portion of the subject property, which will be conveyed and merged with 950-956 Woodhaven Drive. Through the application for consent, it was determined that the existing single-detached dwelling is serviced by an individual septic system. The intent of the conditions of consent related to demolition and utilities were to ensure that no buildings would remain on the lot to be created without road frontage and that no private servicing would remain on the subject site within the urban boundary. As the intent was to demolish the dwelling in any event, the applicant had no objection to this condition at the time.

It is now proposed to allow the single detached dwelling on the retained lot to remain. Although the ultimate intent is to demolish the dwelling, allowing the dwelling to remain through the consent process provided that it is connected to municipal sanitary sewer will allow the owners more time to find a suitable alternative living arrangement for the current tenant. It is therefore proposed to amend the conditions related to the Demolition Permit and Utilities to allow the single-detached dwelling to remain and to require that the dwelling be connected to applicable sewer services if it is not demolished. Should the tenant find a suitable living arrangement elsewhere, this condition would not preclude the applicant from demolishing the dwelling as originally intended.

It is proposed to amend Conditions of Consent 6 and 8 as follows (changes identified in red):

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 and identified on the severance sketch dated March 23, 2021 (both transferred and retained portions). This includes three (3) temporary fabric shelters, and 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 the Demolition Permit(s) and confirmation that the buildings have been removed prior to the 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 connect the existing single family dwelling to applicable municipal sewer services ~~provide~~ and for Utilities Kingston to approve a Sketch showing all existing and new (and proposed (if applicable)) services and the mains they connect to, and existing buildings and all proposed and existing property lines.

As well, it is proposed to amend the condition related to KFL&A Public Health Unit as a housekeeping matter, as approval authority for these systems has transferred to the City's Building Services Division.

We propose to amend Condition of Consent 9 as follows (changes identified in red):

9. ~~KFL&A Public Health Unit~~ City of Kingston Building Services

The owner/applicant shall ensure, to the satisfaction of the ~~KFL&A Public Health Unit~~ City of Kingston Building Services, 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~~ City of Kingston Building Services prior to the issuance of the Certificate of Official.

It is our professional planning opinion that the proposed amendments comply with the Planning Act, are consistent with the Provincial Policy Statement, conform with the City of Kingston Official Plan, and comply with all applicable zoning provisions.

Should you have any questions about the proposed amendments to the conditions, please do not hesitate to contact me at 613.542.5454 x 224 or leclerc@fotenn.com.

Respectfully,



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

Recommended Revised Conditions

The provisional approval of consent application, File Number D10—048-2019, to convey a portion of 3028 Princess Street, the portion zoned Development Zone, to the 950-956 Woodhaven Drive Property, 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. You are advised to consult with the Land Registry Office for preapproval of the Certificate of Official to avoid delays.

The Certificate must be registered within one 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 your file.

2. Reference Plan

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

The Land Registry Office may pre-approve an alternative parcel description in writing which can be 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 structures and buildings located on 3028 Princess Street as identified on the severance sketch dated March 23, 2021 (both transferred and retained portions). This includes three (3) temporary fabric shelters, the metal clad garage, and the single-family dwelling if it is not serviced. The owner/applicant shall provide the Secretary-Treasurer, Committee of Adjustment, a copy of the Demolition Permit(s) and confirmation that the buildings have been removed or serviced 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 connect the existing single family dwelling to applicable municipal sewer services and for Utilities Kingston to approve a Sketch showing all existing and new (and proposed (if applicable)) services and the mains they connect to, and existing buildings and all proposed and existing property lines.

9. Septic System

The owner/applicant shall ensure, to the satisfaction of the City of Kingston Building Services, 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 City of Kingston Building Services prior to the issuance of the Certificate of Official