



**City of Kingston  
Report to Committee of Adjustment  
Report Number COA-21-057**

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**To:** Chair and Members of the Committee of Adjustment  
**From:** Lindsay Sthamann, Planner  
**Date of Meeting:** September 20, 2021  
**Application for:** Minor Variance  
**File Number:** D13-035-2021  
**Address:** 35 Brock Street  
**Owner:** Annuzoato and Lieselotte Romeo  
**Applicant:** IBI Group (Mark Touw)

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**Council Strategic Plan Alignment:**

Theme: 2. Increase housing affordability

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

**Executive Summary:**

This report provides a recommendation to the Committee of Adjustment regarding an application for minor variances for the property located at 35 Brock Street. The applicant is proposing to convert the upper two floors from commercial to residential as well as alter and expand the second and third floors. A total of four (4) new residential units are proposed and the ground floor will continue to be used as a restaurant. Each of the residential units is proposed to have one (1) bedroom. Access to the four units is provided by a common entrance vestibule with stairs leading to Brock Street that is shared with CASA restaurant.

This proposal requires minor variance to increase the maximum permitted density, reduce the minimum amenity area, reduce the number of parking spaces, and reduce the number of bicycle parking spaces. Relief from amenity space and parking provisions is required as the existing heritage building, which is currently listed under the *Ontario Heritage Act*, covers nearly one hundred percent of the lot.

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The City's Downtown and Harbour Zoning By-Law (By-Law Number 96-259) encourages upper-storey conversions of older commercial buildings in the downtown core to provide additional residential units. This type of conversion allows for gentle residential intensification within the main city centre that can conserve important cultural heritage resources, minimize impacts on surrounding properties and the downtown character, contribute to the vitality of the downtown core, and offer urban lifestyle housing options for both new and existing residents. Residential conversions in city centre, allow residents to utilize the alternative transportation modes offered by the City, including express transit services, cycling infrastructure, and improved sidewalks. This type of gentle residential intensification supports a number of Council priorities and represents good planning.

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

#### **Variance Number 1: Minimum Amenity Area**

By-Law Number 96-259: Section 5.5.1

Requirement: 10 square metres per unit (40 square metres in total)

Proposed: 15.6 square metres for one unit

Variance Requested: 0 square metres for three units

#### **Variance Number 2: Minimum Required Parking Spaces**

By-Law Number 96-259: Section 5.22.5.2

Requirement: 4 spaces

Proposed: 0 spaces

Variance Requested: 4 spaces

#### **Variance Number 3: Minimum Bicycle Parking Spaces**

By-Law Number 96-259: Section 5.22.8.1

Requirement: 4 spaces

Proposed: 0 spaces

Variance Requested: 4 spaces

#### **Variance Number 4: Maximum Density**

By-Law Number 96-259: Section 8.2

Requirement: 123 dwelling units per net hectare

Proposed: 161 dwelling units per net hectare

Variance Requested: 38 units per net hectare

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**Recommendation:**

**That** minor variance application, File Number D13-035-2021, for the property located at 35 Brock Street to increase the maximum permitted density, reduce the minimum amenity area, reduce the number of parking spaces, and reduce the number of bicycle parking spaces, be approved; and

**That** approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-21-057.

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**Authorizing Signatures:**



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Lindsay Sthamann, Planner

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

Tim Park, Director, Planning Services  
James Bar, Manager, Development Approvals

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**Options/Discussion:**

On June 7, 2021, a minor variance application was submitted by IBI Group (Mark Touw), on behalf of the owners, Annuzoato and Lieselotte Romeo, with respect to the property located at 35 Brock Street. The variance is requested to convert the upper two floors from commercial to residential as well as alter and expand the second and third floors. A total of four (4) new residential units are proposed and the ground floor will continue to be used as a restaurant. This proposal requires minor variance to increase the maximum permitted density, reduce the minimum amenity area, reduce the number of parking spaces, and reduce the number of bicycle parking spaces.

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

- Site Plan (Exhibit H)
- Floor Plans (Exhibit I)
- Elevations (Exhibit J)
- Survey
- Servicing Brief
- Heritage Impact Statement
- Noise Impact Study
- Parking Study
- Zoning Compliance Table
- Planning Justification Report

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

**Site Characteristics**

The subject property is located 35 Brock Street. It has an area of approximately 249 square metres (0.025 hectares). The site is currently developed with a 2.5-storey building housing Casa Restaurant. The upper floors are underutilized space for the restaurant.

The subject property is designated ‘Central Business District’ in the Official Plan and zoned ‘CMS – Market Square Commercial’ in Zoning By-Law Number 96-259. The property abuts other mixed commercial and residential uses and City Hall to the South.

The subject property is designated under Part IV of the *Ontario Heritage Act* and is also located within a Part V Heritage Conservation District.

The lower Brock Street area is one of the city’s main downtown streets and in combination with lower Princess Street supports a number of commercial uses in close proximity including retail

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stores, service shops, restaurants and bars, grocery stores, banks, and offices. The area is generally highly walkable as the main centre of the city and is in close proximity to transit routes.

### Application

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

### Provincial Policy Statement

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

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

The subject property is designated Central Business District on Schedule 3A – Land Use, in the City of Kingston Official Plan (Exhibit D). The Central Business District designation is applied to the City's downtown core, and specifically along Princess Street east of Division Street. The goal of the designation is to provide for the broadest range of commercial activity that is suitable to the Central Business District setting, in order to support the traditionally diverse role and pedestrian oriented activity focus of the City's architecturally valuable downtown core. Medium and high-density residential developments are permitted within the designation, subject to locational criteria and the policies of Section 10A (Downtown & Harbour Specific Policy Area). The zoning by-law implements the policies of the Official Plan.

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

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

The subject property is located within the City's defined Urban Boundary, and more specifically is within a Centre, as shown on Schedule 2 – City Structure, of the Official Plan. The City's Centres are mixed-use areas where intensification is intended to be focused. The Central Business District Centre is intended to be the City's primary Centre throughout the duration of the Plan.

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The property is within the Central Business District land use designation, as shown on Schedule 3A, and described above. High density residential uses are permitted within the designation, and the subject property satisfies the location criteria outlined in Section 3.3.C.3. The conversion will maintain the existing ground floor commercial uses on Princess Street.

The proposed development will contribute to increased residential density within the City's Central Business District, while maintaining the existing commercial unit which fronts onto Brock Street and contributes to the character and vitality of the street. The proposal will also maintain the heritage character of Brock Street, which is noted in the Official Plan as an important cultural heritage resource. The conversion of the building will not have negative impacts on surrounding properties. The proposal meets the intent of the applicable Official Plan policies.

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

The introduction of residential units and the rear addition within the existing building footprint will not have adverse impacts on adjacent properties or on the public realm. The height, which is consistent with what existing on the block, aligns with the existing heights in the immediate area and will not result in increased shadowing, wind or intrusive overlook. The heritage impacts and specific design elements of the addition have been assessed through the Heritage Impact Statement and a Heritage permit will be required prior to any Building Permit issuance. The application will be subject to Site Plan Control, at which time aspects such as noise, lighting and drainage will be further reviewed.

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

Access to both the commercial unit and residential units will be provided through the existing shared front entrance on Brock Street. Given the existing lot coverage on the site, pedestrian access is provided from the building directly to the Brock Street sidewalk. This is in keeping with the downtown character, where many buildings are built to front lot lines. Accessibility within the building will be in accordance with the Ontario Building Code. The application will be subject to Site Plan Control, at which time the City's Municipal Accessibility Advisory Committee will review and comment on the design details of the application.

The site is within walking distance to a number of municipal parking spaces and lots. Given the location of the site and the infrastructure and amenities available, this site provides the ability for residents to live a car free lifestyle. The property is centrally located in the downtown with abundant and direct access to transit and active transportation options. Bicycle parking cannot be provided in compliance with the zoning requirement of ground floor access due to the existing lot coverage and built form.

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

The submitted Heritage Impact Statement reviewed the proposed addition as it relates to the existing heritage building. The addition is small in size and will not detract from the heritage value of the existing building.

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

A Heritage Impact Statement was completed by a qualified person and submitted in support of this application. Heritage Act approval will be required for the proposed alterations and additions to the building. The cultural heritage value of the building will be maintained.

An application for a Heritage permit (File Number P18-045-2021) has been submitted to the City.

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

The property is within the City's Urban Boundary. Further details related to servicing will be reviewed through the Site Plan Control process by Utilities Kingston to ensure the residential units will be adequately serviced.

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

As per Section 2.2.7, the City's existing Centres will be the areas where intensification will be focused and where greater densities of residential and non-residential development will be focused. The Downtown and Harbour Zoning By-Law encourages the conversion of upper storeys of older commercial buildings within the downtown core which is maintained within existing building envelopes and will not adversely impact neighbouring properties. The proposed conversion aligns with the intent of both the Official Plan and zoning by-law and does not represent an over development of the site. The relief requested is adequately addressed through a minor variance process, as described throughout this report.

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



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Recommended conditions are included in Exhibit A. The proposal will also be subject to Site Plan Control approval.

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

This type of residential conversion is desirable and fulfills many objectives of the City's planning policy framework and of recent Council priorities. As such, this type of project sets a positive precedent for the adaptive reuse City's downtown heritage buildings. Any similar application would be reviewed based on its own merits to determine whether the proposed development is appropriate and desirable within its own context.

The proposal meets the intent of the Official Plan, as the proposed residential units will provide residential intensification within the city's Central Business District, while continuing to provide an at-grade commercial use on the site and also maintaining a cultural heritage resource and will not result in any negative impacts to adjacent properties or to the neighbourhood.

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

The subject property is zoned 'CMS – Market Square Commercial' in the City of Kingston Zoning By-Law Number 96-259, entitled "Downtown and Harbour Zoning By-Law of the Corporation of the City of Kingston", as amended (Exhibit E). The 'CMS' zone permits a wide variety of commercial uses, as well as mixed commercial/residential development. The CMS zone contains special provisions related to building height and is currently generally applied to properties surrounding Market Square and City Hall.

Zoning By-Law Number 96-259 encourages the introduction of residential uses into the upper storey(s) of older commercial buildings within the downtown core. Specifically, the CMS zone contains a provision (Section 8.2.4), which exempts these interior conversions from yard, lot coverage, and amenity area requirements of the by-law. The provision is clear that these exemptions to residential conversions only in or above the second storey, and only where there is no expansion or enlargement of the external walls or roof of the existing building. The intent of these specifications is to facilitate straight-forward conversions and to ensure that more intensive redevelopments (i.e. additional residential storeys or expansions to building footprints), are considered within the entire framework of the by-law.

In this case, the applicants are proposing additions on the second and third floors of the building to accommodate the proposed floor plan. As such, Section 8.2.4 cannot be applied to this project. The additions will be above the existing ground floor commercial space and will be no taller than the existing building. The addition will be used to create additional living area for the proposed residential units. This addition does not represent new lot coverage on the site, will not have adverse impacts on neighbouring properties, and will not be readily visible from the public realm. As such, the proposed development meets the general intent of the Zoning By-Law to utilize existing commercial heritage

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buildings in the downtown core as prime locations for compatible residential intensification which does not have any negative impacts on neighbouring properties or on the public realm.

The proposal requires a variances to increase the maximum permitted density, reduce the minimum amenity area, reduce the number of parking spaces, and reduce the number of bicycle parking spaces as discussed below.

### **Variance Number 1: Minimum Amenity Area**

By-Law Number 96-259: Section 5.5.1

Requirement: 10 square metres per unit (40 square metres in total)

Proposed: 15.6 square metres for one unit

Variance Requested: 0 square metres for three units

The zoning by-law requires 10 square metres of amenity space per residential dwelling unit, which would require 40 square metres in this case. The applicants are requesting relief from this provision as they are unable to provide amenity space for three of the four proposed units. The rear unit on the second floor, as shown on the proposed floor plans, will provide private amenity space in the form of a private courtyard. This courtyard will exceed the minimum per-unit requirement of the zoning by-law. The remaining three units will not have exterior amenity space.

Section 8.2.4 of the zoning by-law exempts internal conversions from amenity space requirements of the by-law; thus signalling that the intent of the by-law is to accommodate residential units while understanding the limitations related to communal space for existing buildings downtown. The front façade of the building is not proposed to change, no increase in height if proposed, and no relief is required with respect to minimum yards. As such, the proposed development is comparable to an upper storey conversion and other proposals that are exempt from the amenity space requirement of Section 8.2.4. The property is centrally located and within walking distance to municipal sites including Confederation Park and Market Square, which offer amenity for residents. The city's waterfront is also easily accessed. The proposed amenity space on the site is consistent with the general intent of the zoning by-law and its existing considerations related to internal conversions.

### **Variance Number 2: Minimum Required Parking Spaces**

By-Law Number 96-259: Section 5.22.5.2

Requirement: 4 spaces

Proposed: 0 spaces

Variance Requested: 4 spaces

The zoning by-law requires the provision of one parking space per residential unit to provide transportation options to residents who reside within the building. These ratios have been in the by-law for a number of decades and parking ratios are currently being reviewed through the City's consolidated zoning by-law project. Reductions to required

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parking ratios are often sought within the downtown core, where access to transit and increased walkability provide users alternative options that align with the City’s desired modal-share shift. In this case, a reduction of 4 vehicular spaces to 0 parking spaces is requested. Given that the existing building covers nearly 100 percent of the lot, there is no ability to provide at-grade or below-grade parking on the site.

The zoning by-law does offer off-site parking or cash-in-lieu of parking alternatives for those sites within the downtown area which are unable to provide on-site parking. These provisions acknowledge that providing on-site parking is not always possible or desirable within the downtown area. In this case, cash-in-lieu of parking is not being sought as the City’s Parking Division has commented that alternative approaches, such as a minor variance, is preferred. There are currently no plans for the City to provide additional off-street parking spaces to support long-term parking for residential development downtown.

The location of the property, with direct access to express transit services and its walkability to commercial, recreational, open space and employment uses satisfies the intent of the Zoning By-Law to provide adequate mobility options for residents. The applicants have submitted a Scoped Parking Review (available in DASH) in support of the request. The review indicates that the site’s location makes the development attractive to tenants who prefer an urban lifestyle and who are not reliant on automobiles as their primary mode of transportation.

**Variance Number 3: Minimum Bicycle Parking Spaces**

By-Law Number 96-259:	Section 5.22.8.1
Requirement:	4 spaces
Proposed:	0 spaces
Variance Requested:	4 spaces

The purpose of the minimum bicycle parking space requirements for residential units and their location within a Bicycle Parking Area in Zoning By-law Number 96-259 is to provide appropriate parking to meet the needs of the residents, to ensure that the bicycle has an appropriate secure facility that is covered from the elements and ensure that residents are able to access active modes of transportation.

The by-law requires one bicycle parking space per unit and that the spaces be located on the ground floor or accessible by a ramp if not on the ground floor. Given the constraints on-site related to the overall lot coverage of the building, there is no opportunity to locate a secure, covered bicycle parking space as per the requirements of the by-law. The applicant proposes to provide one bicycle space in each unit, but as the space will not be accessible from the public street via a ramp (only stairs), these spaces do not count as formal parking spaces. Therefore, a variance is required to reduce the formal bike parking requirement to 0 spaces.

The variance to the bicycle parking space maintains the general intent and purpose of the Zoning By-law because the resident(s) will still be able to access active modes of

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transportation given the walkability of the neighbourhood and the subject property's proximity to commercial areas, an express bus route, and a public park.

#### **Variance Number 4: Maximum Density**

By-Law Number 96-259:	Section 8.2
Requirement:	123 dwelling units per net hectare
Proposed:	161 dwelling units per net hectare
Variance Requested:	38 units per net hectare

The maximum permitted density within the CMS Zone is 123 units per net hectare. The zoning by-law therefore already contemplates a high-density residential use, similar to the Official Plan policies for Centres. The introduction of 4 dwelling units on the subject site constitutes a residential density of 161 units per net hectare. The lot size would currently permit 3 residential units "as-of-right"; meaning that the relief requested is for the fourth residential unit. The fourth residential unit can be accommodated within the existing lot coverage. The existing building footprint will not change, nor will the front façade of the building facing Brock Street. No relief is required for the building envelope expansion as all setbacks are met and the height is compliant with the zone allowances. The increase in density also allows for the provision of smaller units, specifically one-bedroom units. The proposed residential density therefore meets the general intent of the zoning by-law.

### **3) The variance is minor in nature**

The determination of whether a variance can be considered minor in nature is not based on a specific number or percentage of relief, but rather on the effect of that relief on the functionality of the site. The variances requested are considered minor in nature as they will allow for the introduction of functional and desirable residential units within the existing building, and are required in order to respect the size and location of the existing heritage building on the site. The zoning by-law facilitates relief related to parking and amenity space for similar situations, and thus contemplates this type of relief as reasonable. The existing heritage building with almost 100 percent lot coverage requires creativity and adaptability in order to ensure its effective reuse. The applicants have confirmed through the submitted documents that the site will function effectively for users at the density proposed.

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

This heritage building is an important part of the Brock Street streetscape and is readily visible from City Hall and Market Square. The proposal add four residential units to the upper floors will contribute to the conservation and ongoing viability of the building. The introduction of one-bedroom residential units in this central location will provide additional housing options for the city's population. The proposal represents gentle residential intensification which will not have negative impacts on neighbouring properties and will contribute to the vitality of the downtown core. Through the submitted supporting

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documentation, the applicants have confirmed that the site will be functional for its users. The variances, if approved, will facilitate a desirable and appropriate use of the land

**Technical Review: Circulated Departments and Agencies**

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

**Technical Comments**

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

**Public Comments**

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

**Previous or Concurrent Applications**

Heritage Permit File Number P18-045-2021 has been submitted and is under review.

**Conclusion**

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

Approval of this application will permit the introduction of four residential units on the upper floors of the existing structure including an addition to the second and third floors on the rear of the building within the existing footprint.

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**Existing Policy/By-Law:**

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

**Provincial**

Provincial Policy Statement, 2020

**Municipal**

City of Kingston Official Plan

Zoning By-Law Number 96-259 (Downtown and Harbour)

**Notice Provisions:**

A Committee of Adjustment Meeting is going to be held respecting this application on September 20, 2021. Pursuant to the requirements of the *Planning Act*, a notice of Statutory Public Meeting was provided by advertisement in the form of signs posted on the subject site 10 days in advance of the meeting. In addition, notices were sent by mail to a total number of 21 property owners (according to the latest Assessment Roll) within 60 metres of the subject property and a courtesy notice was placed in The Kingston Whig-Standard.

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, Manager, Development Approvals, 613-546-4291 extension 3213

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

**Other City of Kingston Staff Consulted:**

None

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**Exhibits Attached:**

- Exhibit A Recommended Conditions
- Exhibit B Key Map
- Exhibit C Public Notification Map
- Exhibit D Official Plan, Existing Land Use Map
- Exhibit E Zoning By-Law Map 96-259, Map 1
- Exhibit F Neighbourhood Context Map (2021)
- Exhibit G Site Photo
- Exhibit H Site Plan
- Exhibit I Floor Plans
- Exhibit J Elevations

## Recommended Conditions

### Application for minor variance, File Number D13-035-2021

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

#### 1. Limitation

That the approved minor variance applies only to the introduction of 4 residential dwelling units on the site at 35 Brock Street and the proposed additions as shown on the approved drawings attached to the notice of decision.

#### 2. No Adverse Impacts

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

#### 3. Building Permit Application Requirements

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

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

#### 4. Standard Archaeological Condition

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

In the event that human remains are encountered, all work must immediately cease and the site must be secured. The Kingston Police (613-549-4660), the Registrar of Cemeteries at the Ministry of Government and Consumer Services (416-212-7499), the Program and Services Branch of the Ministry of Heritage, Sport, Tourism and Culture Industries (416-314-7132), and City of Kingston's Planning Services (613-546-4291, extension 3180) must be immediately contacted.



**5. Site Plan Control Requirements**

The owner/applicant shall obtain Site Plan Control approval for the proposed development, in accordance with Site Plan Control By-Law Number 2010-217.

**6. Heritage Requirements**

Heritage Act approval will be required for the proposed alterations and additions to the building.



Planning Services

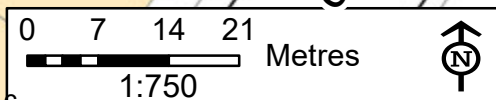
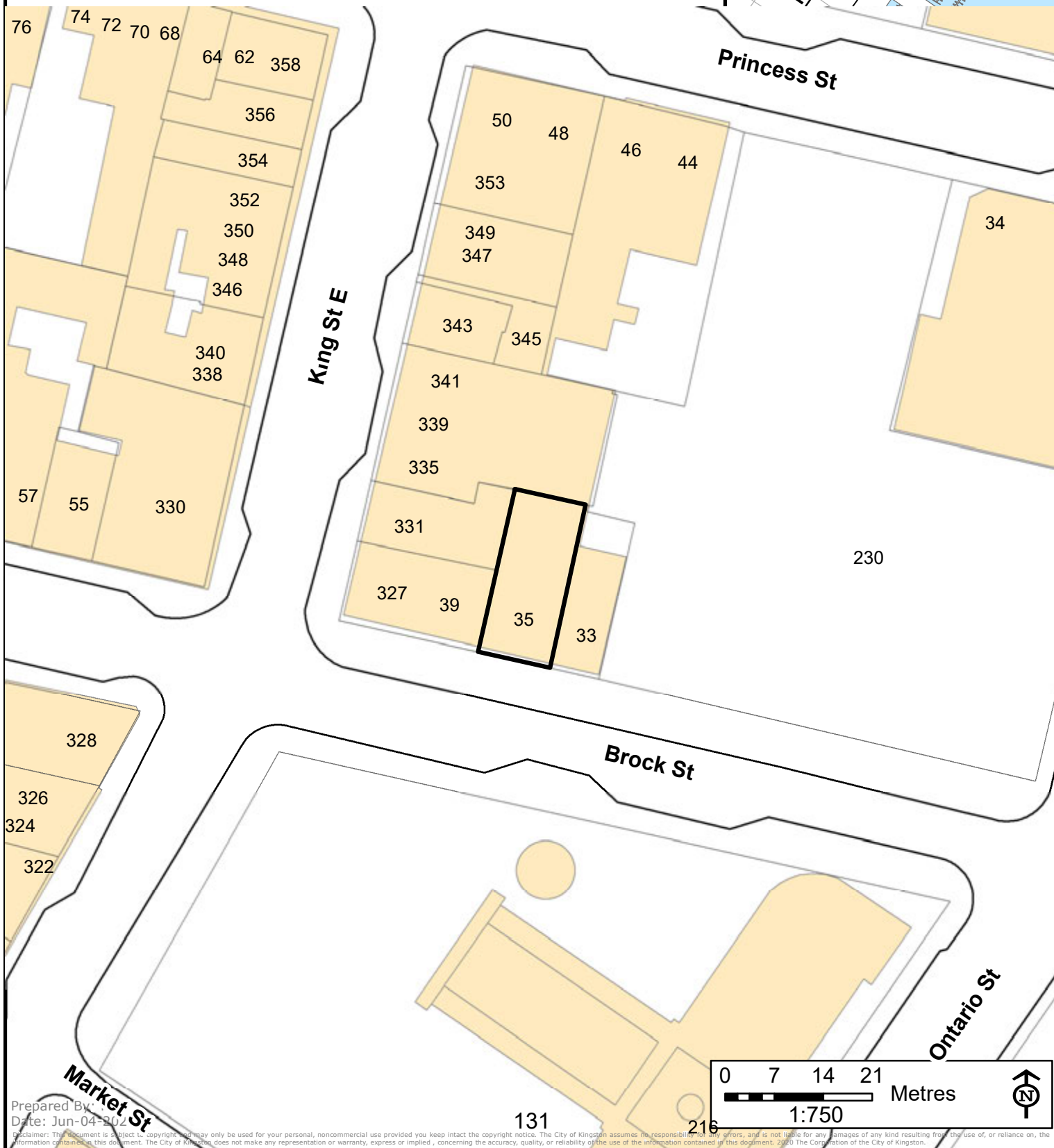
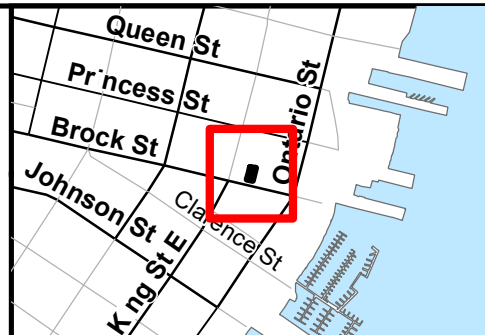
# Committee of Adjustment

## Key Map

Address: 35 Brock Street

File Number: D13-035-2021

Lands Subject to Minor Variance

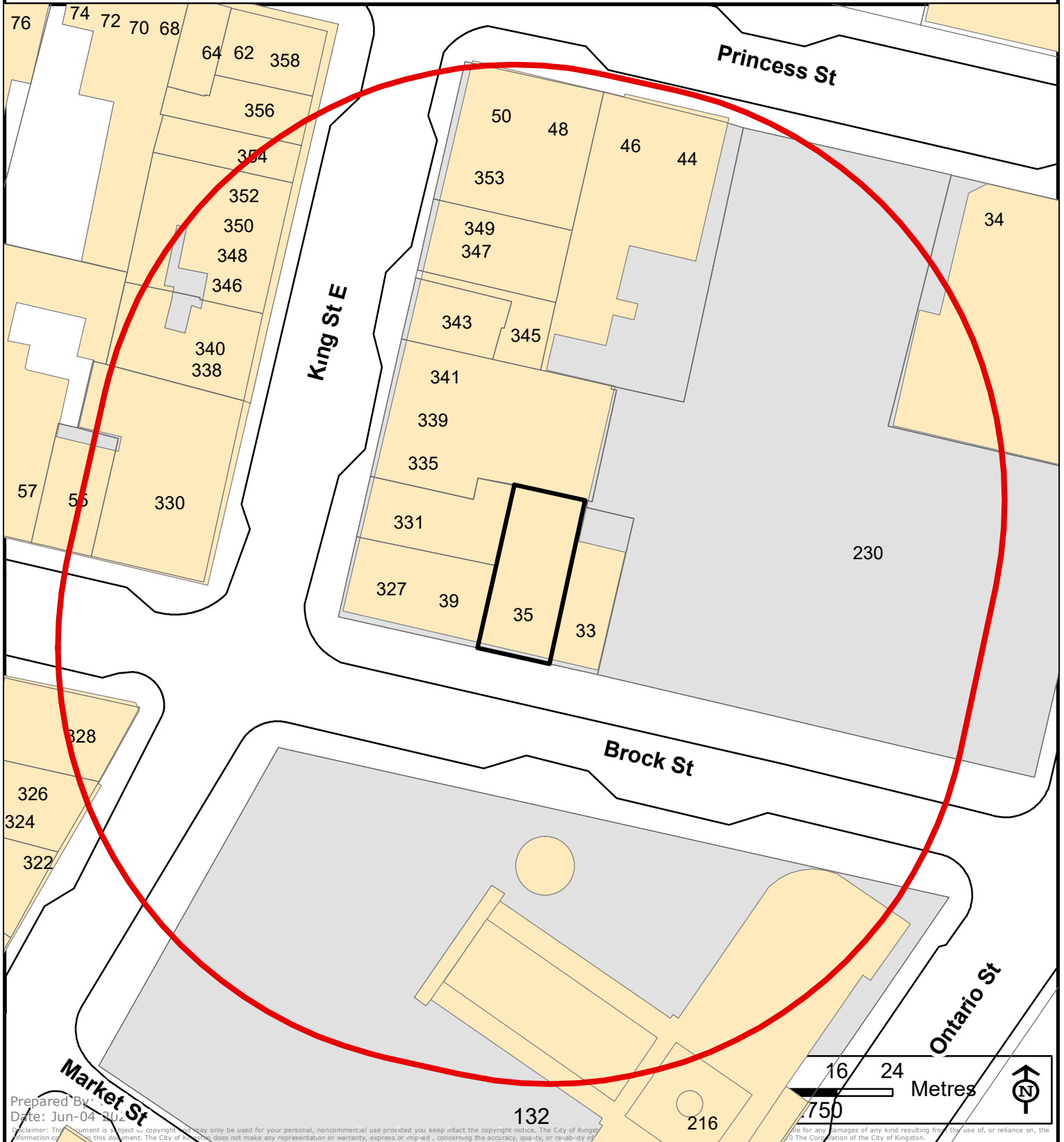




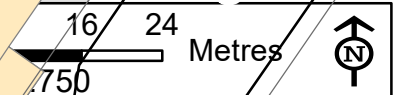
# Committee of Adjustment Public Notice Notification Map

Address: 35 Brock Street  
File Number: D13-035-2021

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



Prepared By: [Name]  
Date: Jun-04-2021






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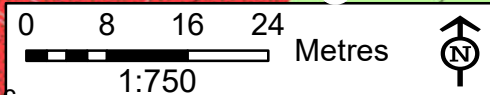
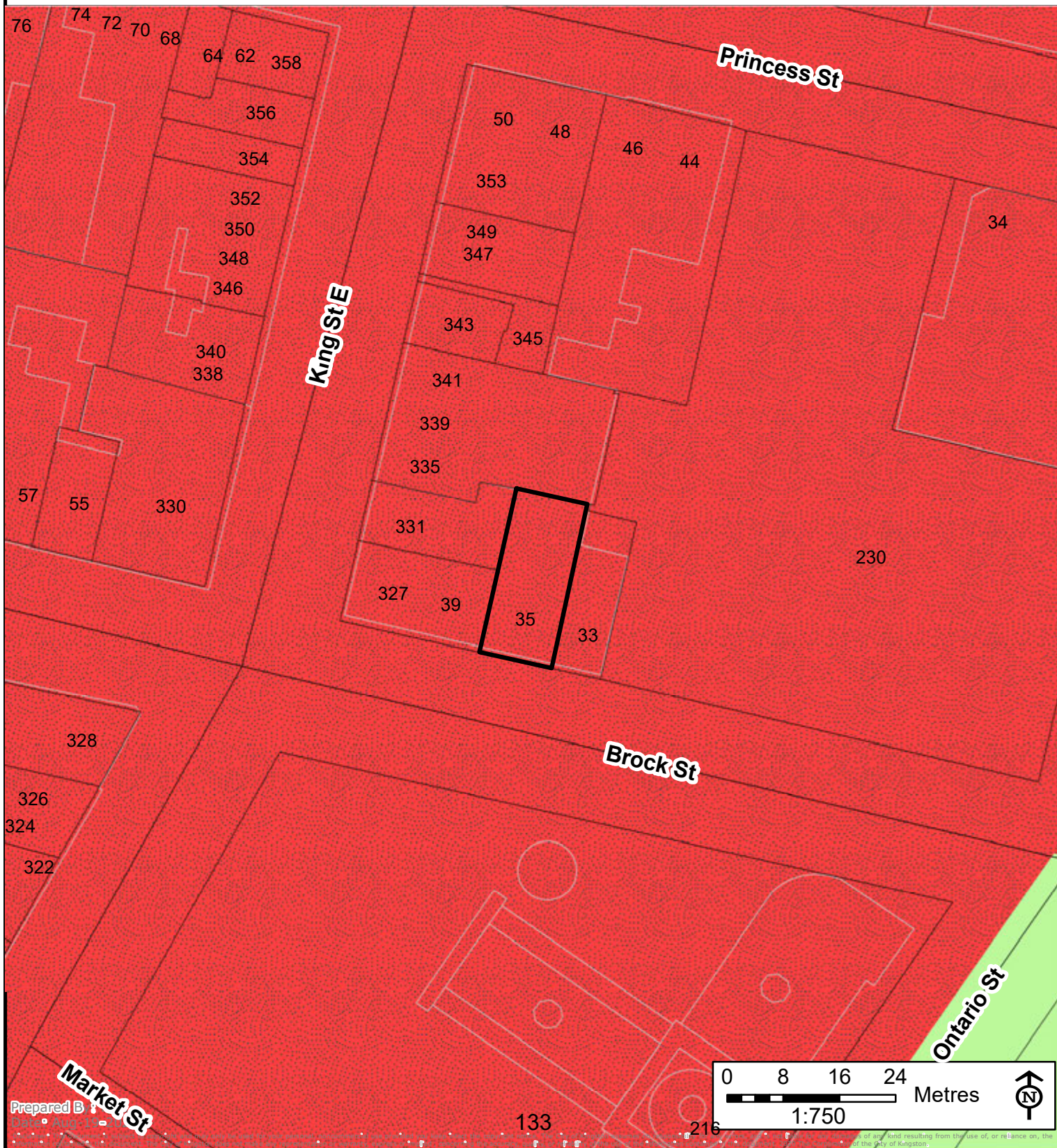


Planning Services

# Committee of Adjustment Official Plan, Existing Land Use

Address: 35 Brock Street  
File Number: D13-035-2021

-  Subject Lands
-  CENTRAL BUSINESS DISTRICT
-  OPEN SPACE



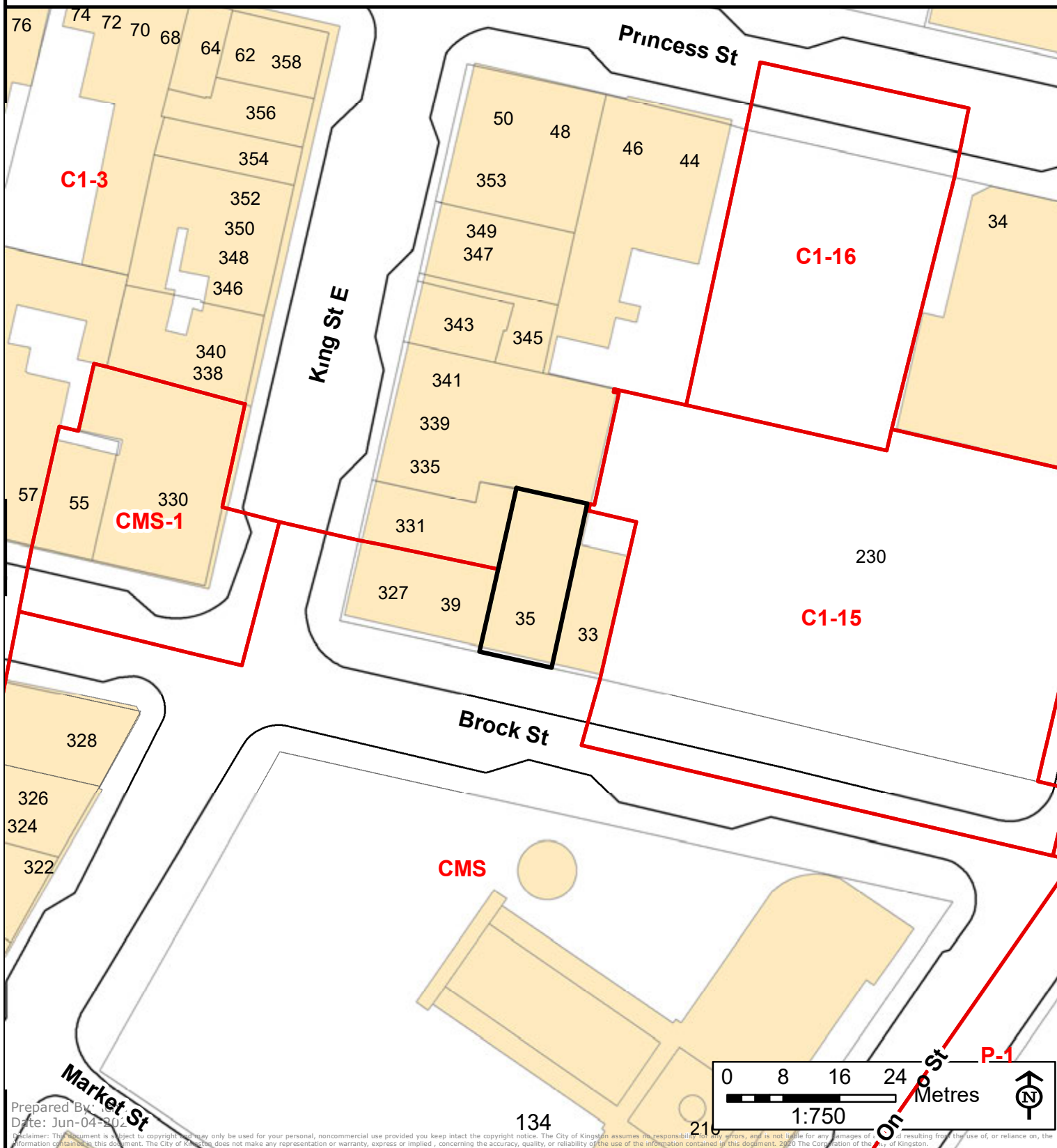


Planning Services

Committee of Adjustment  
Existing Zoning - By-law 96-259, Map 1

Address: 35 Brock Street  
File Number: D13-035-2021

- Subject Lands
- Consolidated Zoning



Prepared By:  
Date: Jun-04-2021

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Committee of Adjustment  
**Neighbourhood Context (2021)**

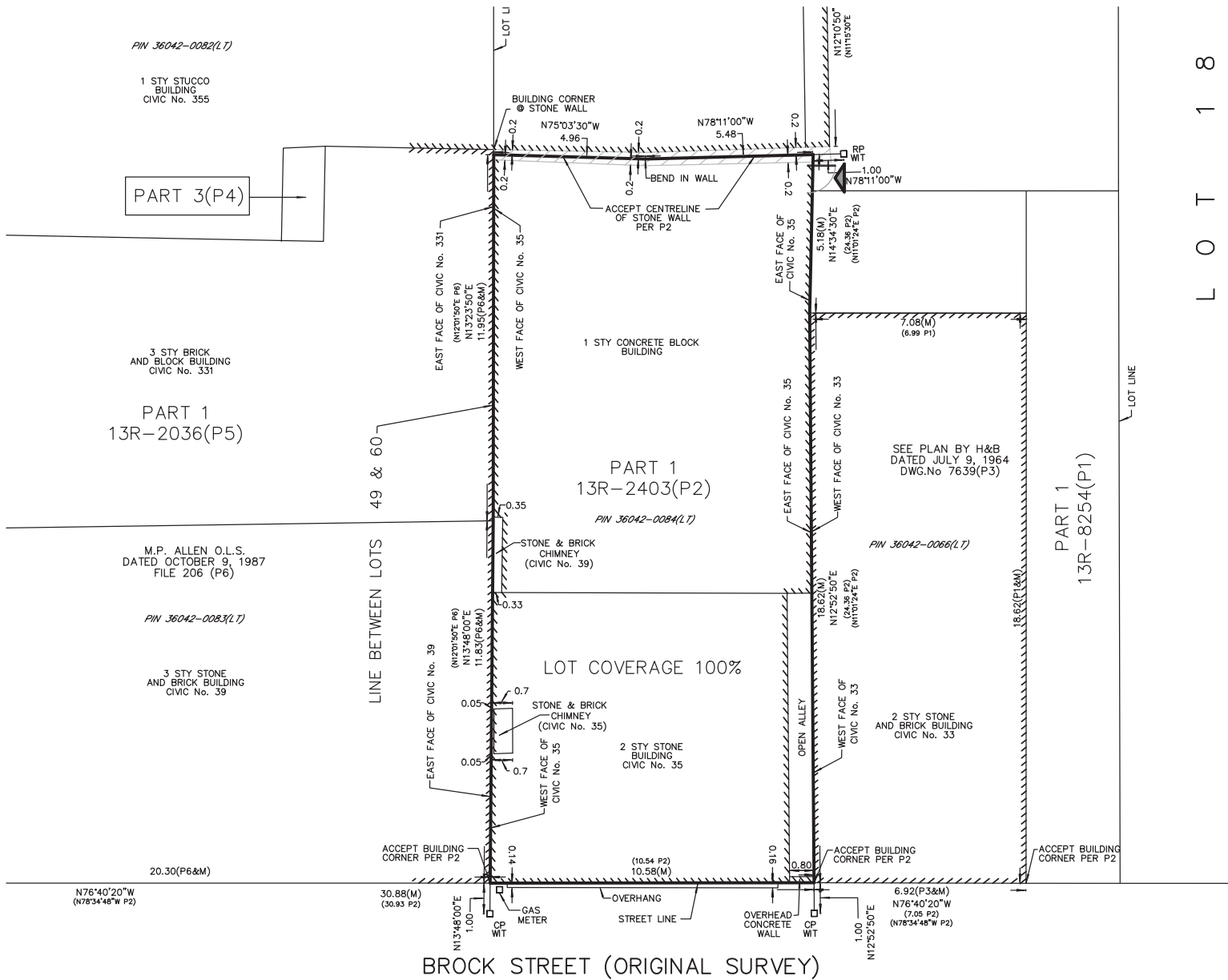
Address: 35 Brock Street  
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- Subject Lands
- Property Boundaries
- Proposed Parcels





Google street view Captured August 19, 2021 (Imagery from Nov 2020)



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REV.	DATE	DESCRIPTION
1	2021.05.07	ISSUED FOR REVIEW
2	2021.05.13	RE-ISSUED FOR REVIEW
3	2021.05.14	RE-ISSUED FOR REVIEW
4	2021.05.17	RE-ISSUED FOR REVIEW
5	2021.06.11	RE-ISSUED FOR REVIEW
6	2021.08.03	ISSUED FOR SPA
7	2021.08.26	RE-ISSUED FOR SPA
8	2021.08.18	RE-ISSUED FOR SPA

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RENOVATION TO EXISTING  
CASA DOMENICO &  
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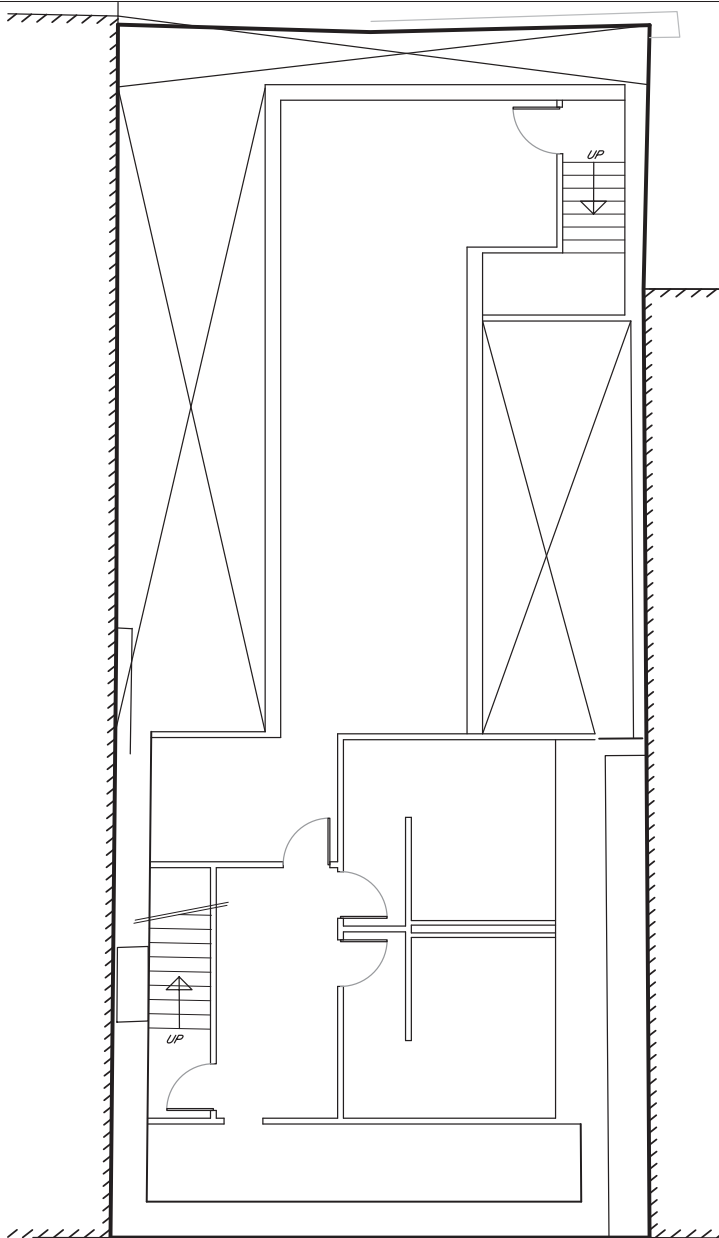
35 BROCK STREET  
KINGSTON, ONTARIO

SITE PLAN

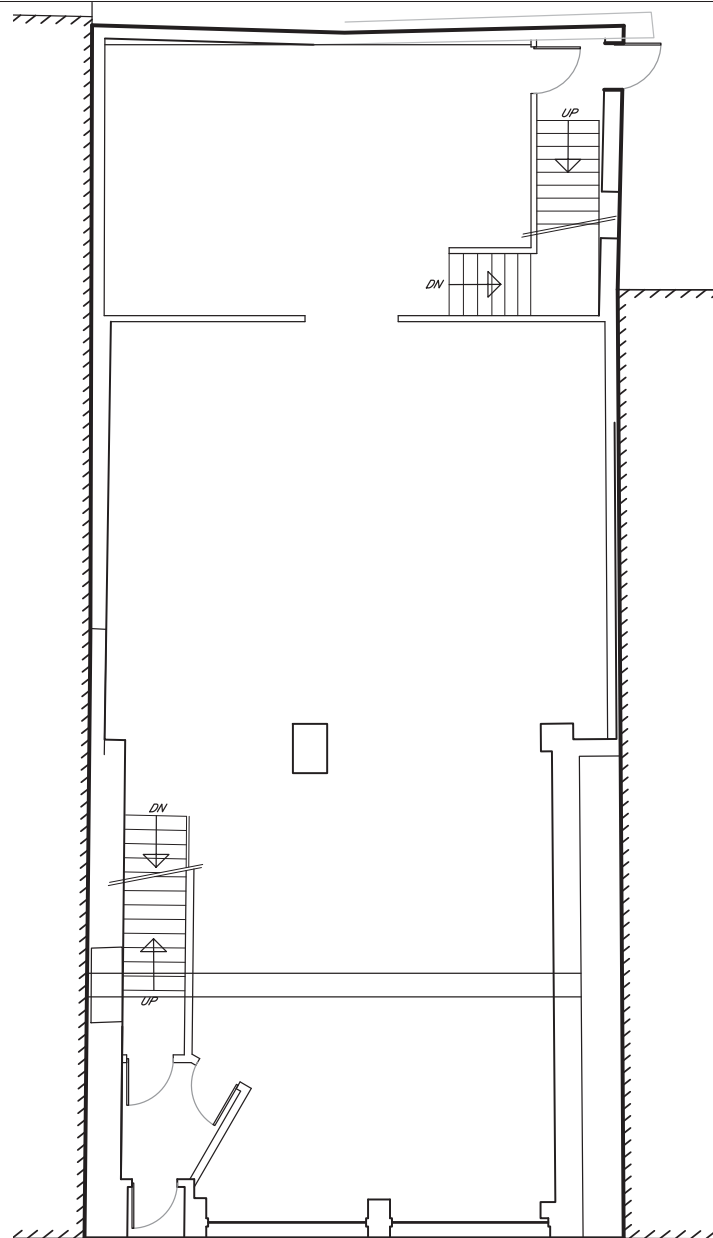
Drawn By	GW	Checked By	---
Scale	3/32" = 1'-0"	Date	AUGUST 2021
Project No.	1970	Revision	8
Drawing No.			SP100

1 SITE PLAN  
SP100 SCALE: 3/32" = 1'-0"





**1** BASEMENT PLAN – COMMERCIAL RESTAURANT  
SCALE: 1/8" = 1'-0"



**2** FIRST FLOOR PLAN – COMMERCIAL RESTAURANT  
SCALE: 1/8" = 1'-0"

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7	2021.08.09	RE-ISSUED FOR SPA
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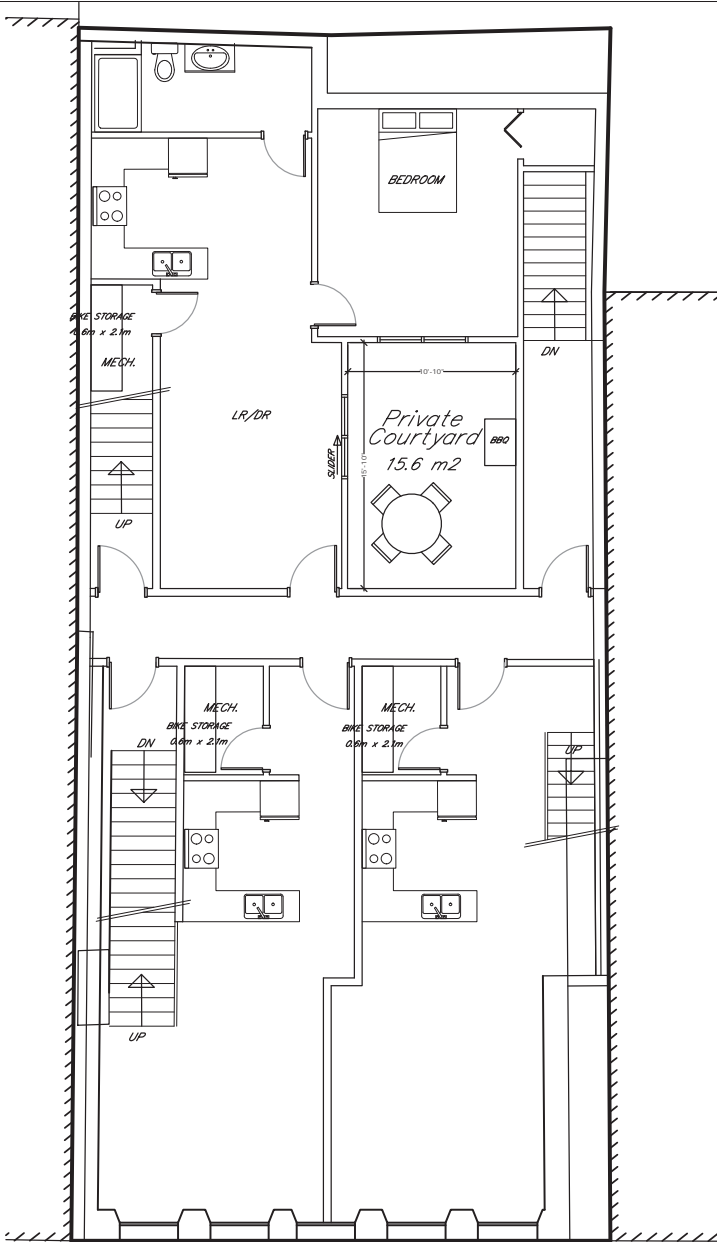
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**BASEMENT AND FIRST  
FLOOR PLANS**

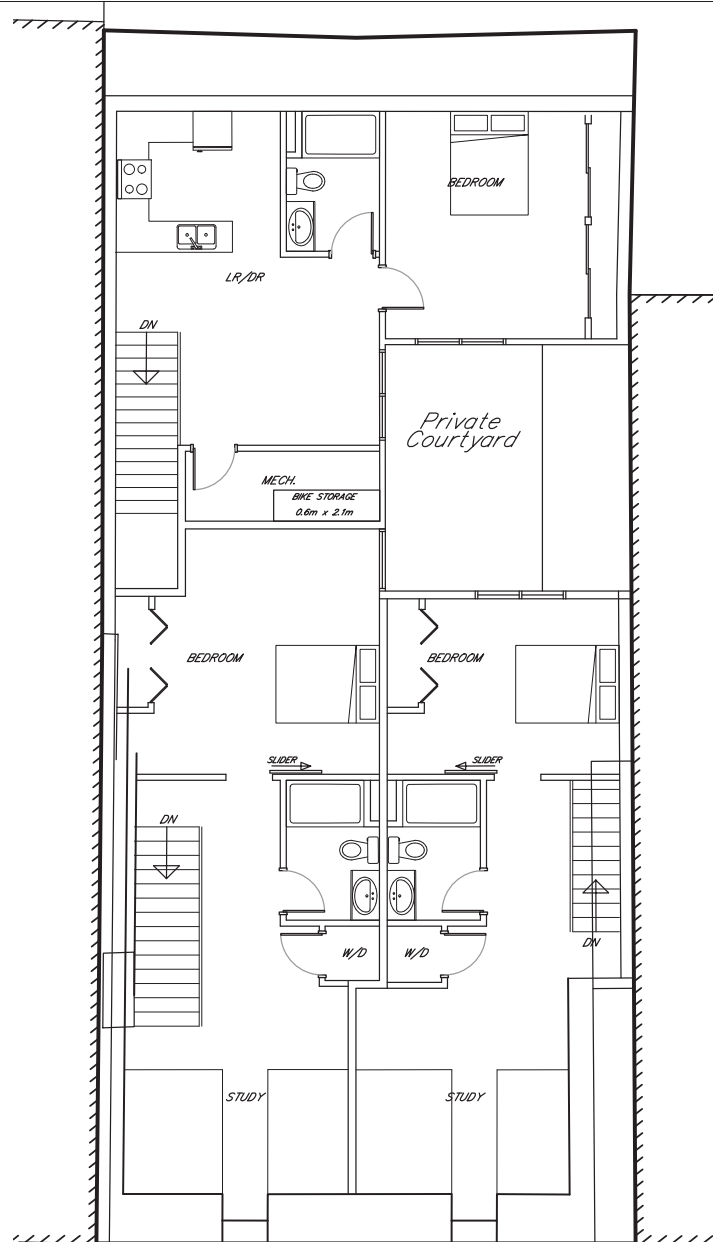
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Drawing No.			<b>A100</b>

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7	2021.08.09	RE-ISSUED FOR SPA
8	2021.08.18	RE-ISSUED FOR SPA



1 SECOND FLOOR PLAN - RESIDENTIAL  
A101 SCALE: 1/8" = 1'-0"



2 THIRD FLOOR PLAN - RESIDENTIAL  
A101 SCALE: 1/8" = 1'-0"

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RENOVATION TO EXISTING  
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35 BROCK STREET  
KINGSTON, ONTARIO

SECOND AND THIRD  
FLOOR PLANS

Drawn By	GW	Checked By	---
Scale	1/8" = 1'-0"	Date	AUGUST 2021
Project No.	1970	Revision	8
Drawing No.			A101

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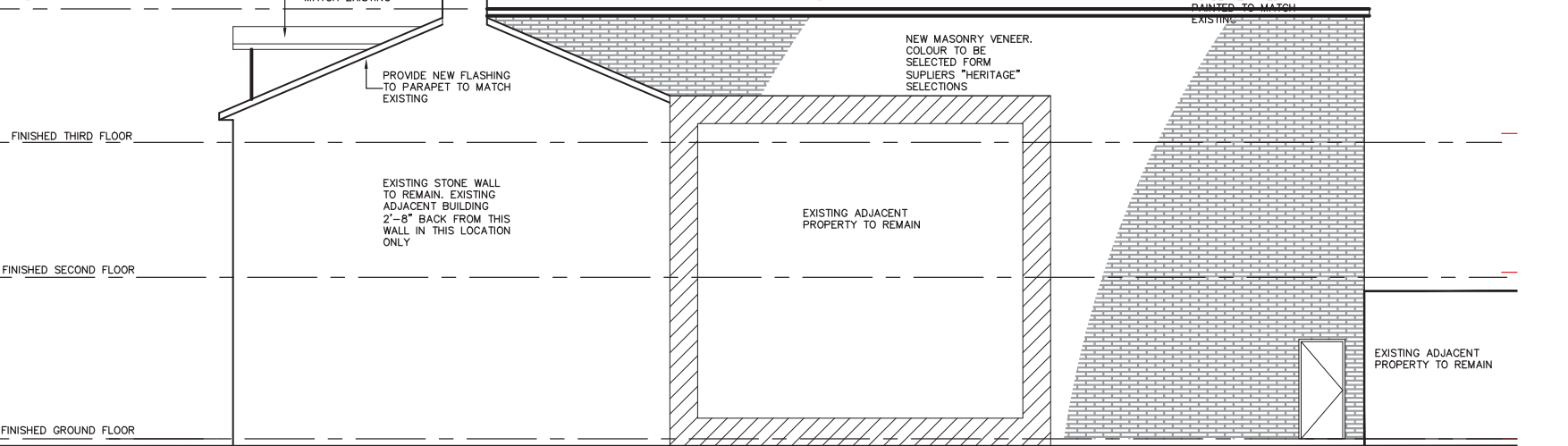
Revisions and Issues

REV.	DATE	DESCRIPTION
1	2021.05.07	ISSUED FOR REVIEW
2	2021.05.13	RE-ISSUED FOR REVIEW
3	2021.05.14	RE-ISSUED FOR REVIEW
4	2021.05.17	RE-ISSUED FOR REVIEW



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

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



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

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35 BROCK STREET  
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ELEVATIONS

Drawn By	GW	Checked By	---
Scale	1/8" = 1'-0"	Date	MAY 2021
Project No.	1970	Revision	2
Drawing No.			A200