



**City of Kingston  
Report to Committee of Adjustment  
Report Number COA-21-077**

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**To:** Chair and Members of the Committee of Adjustment  
**From:** Meghan Robidoux, Intermediate Planner  
**Date of Meeting:** November 15, 2021  
**Application for:** Minor Variance and Consent  
**File Numbers:** D13-057-2021 and D10-032-2021  
**Address:** 1338 Princess Street  
**Owner:** Kingston Co-operative Homes, City of Kingston  
**Applicant:** Co-operative Housing Federation of Canada

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**Council Strategic Plan Alignment:**

Theme: 2. Increase housing affordability

Goal: 2.2 Build a significant number of new residential units with a range of affordability.

**Executive Summary:**

This report provides a recommendation to the Committee of Adjustment regarding applications for minor variance and consent submitted by the Co-operative Housing Federation of Canada on behalf of the owner, Kingston Co-operative Homes and the City of Kingston for the property located at 1338 Princess Street.

The purpose of the consent application (File Number D10-032-2021) is to permit the severance of the subject lands to result in one severed and one retained lot. The retained parcel is proposed to have an area of approximately 21,640 square metres and approximately 8.9 metres of frontage on Princess Street. The severed parcel is proposed to have a lot area of approximately 4,096 square metres and approximately 8.9 metres of frontage on Princess Street. The retained parcel contains two and three-storey row houses. The three-storey multiple residential building was recently approved for the severed parcel (File Number D14-028-2021). Vehicular and pedestrian access is currently provided to the site via a private driveway off Princess Street. The application for consent to sever will result in the severing of the existing

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driveway, with each parcel having one lane within their property boundary. As a result, a consent application to establish a legal right-of-way over the driveway is also proposed to permit both the severed and retained lots to maintain use of the private driveway.

Two servicing easements are also proposed as part of the consent application. A servicing easement within the front yard of the severed lot in favour of the retained lot is proposed to provide a water servicing connection across the severed lot from Princess Street. A servicing easement is also proposed across the retained lot in favour of the severed lot to provide a sanitary connection from the retained lot to the severed lot.

A minor variance (File Number D13-057-2021) is requested to permit a driveway width of 4.8 metres, or 54% of the lot width, where a maximum driveway width of 40% of the lot width is permitted. A minor variance is also requested to permit lot occupancy of 63.4% on the retained lands where a maximum lot occupancy of 35% is permitted in the B2.410 Zone.

The subject property is situated on the south side of Princess Street. The property is currently designated as Arterial Commercial and Residential in the Official Plan and is zoned B2.410 Zone and B3.607 Zone in Zoning By-Law Number 8499. The subject property is adjacent to a variety of residential and commercial uses ranging one to two storeys in height.

The requested minor variance and consent applications are consistent with the Provincial Policy Statement and conform with the general intent and purpose of both the Official Plan and Zoning By-Law Number 8499. The requested minor variance is desirable for the appropriate development or use of the land, building or structure and is minor in nature. The proposed minor variance application meets all four tests under Subsection 45(1) of the *Planning Act* and is recommended for approval. The requested consent application has regard to the matters set out in subsection 51(24) of the *Planning Act* and a plan of subdivision is not necessary for the proper and orderly development of the property, as such, is recommended for provisional approval.

**Variance Number 1:**

By-Law Number: 8499	5.3(k)(ii) Driveway Width
Requirement:	40% of the lot width
Proposed:	54% of the lot width
Variance Requested:	14%

**Variance Number 2:**

By-Law Number: 8499	15.3(g) Maximum Percentage of Lot Occupancy
Requirement:	35%
Proposed:	63.4%
Variance Requested:	28.4%

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**Recommendation:**

**That** minor variance application, File Number D13-057-2021 for the property located at 1338 Princess Street to permit a maximum driveway width of 4.8 metres and a maximum lot occupancy of 63.4%, be approved subject to the conditions attached as Exhibit A (Recommended Conditions – Minor Variance) to Report Number COA-21-077; and

**That** consent application, File Number D10-032-2021, to sever a 4,096 square metre parcel, be provisionally approved subject to the conditions included in Exhibit B (Recommended Conditions – Consent) to Report Number COA-21-077.

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**Authorizing Signatures:**



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Meghan Robidoux, Intermediate  
Planner

**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 September 27, 2021, applications for minor variance and consent were submitted by The Co-operative Housing Federation of Canada on behalf of the owner Kingston Co-operative Housing and the City of Kingston for the subject property located at 1338 Princess Street. A related City initiated zoning by-law amendment (File Number D14-028-2020; [Report Number PC-21-038](#)) was previously approved by Council for a portion of the subject property on June 22, 2021 to permit the development of a three-storey multiple residential building containing 38 affordable housing units. The Co-operative Housing Federation of Canada relies on funding obtained from the Canadian Mortgage and Housing Corporation (CMHC) to support the development of affordable housing. CMHC has advised that establishing two separate, conveyable parcels will support the necessary funding process for the proposed development. As such, the applicant has submitted concurrent consent and minor variance applications to facilitate the creation of two separate, conveyable parcels, one containing the existing townhouse development and the other to contain the proposed three-storey multiple residential building.

The purpose of the consent application (File Number D10-032-2021) is to permit the severance of the subject lands to result in one severed and one retained lot. The retained parcel is proposed to have an area of approximately 21,640 square metres and approximately 8.9 metres of frontage on Princess Street. The severed parcel is proposed to have a lot area of approximately 4,096 square metres and approximately 8.9 metres of frontage on Princess Street (Exhibit H – Concept Plan). The retained parcel contains two and three-storey row houses. A three-storey multiple residential building was recently approved for the severed parcel (File Number D14-028-2020), as noted above. Vehicular and pedestrian access is currently provided to the site via a private driveway off Princess Street. The application for consent to sever will result in the severing of the existing driveway, with each parcel having one lane within their property boundary. As a result, a consent application to establish a legal right-of-way over the driveway is also proposed to permit both the severed and retained lots to maintain use of the private driveway.

In addition, two servicing easements are proposed as part of the consent application. A servicing easement within the front yard of the severed lot in favour of the retained lot is proposed to provide a water servicing connection across the severed lot from Princess Street. A servicing easement is also proposed across the retained lot in favour of the severed lot to provide a sanitary connection from the retained lot to the severed lot.

The minor variance (File Number D13-057-2021) is requested to permit a driveway width of 4.8 metres, or 54% of the lot width, where a maximum driveway width of 40% of the lot width is permitted. A minor variance is also requested to permit lot occupancy of 63.4% on the retained lot where a maximum lot occupancy of 35% is permitted in the B2.410 Zone.

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## Site Characteristics

The subject property is situated on the south side of Princess Street (Exhibit C – Key Map). The site has an area of approximately 2.57 hectares with approximately 17.9 metres of frontage on Princess Street. The property currently contains two and three-storey row houses. A three-storey multiple residential building was also recently approved to be developed on the northeast portion of the subject lands (File Number D14-028-2020). Vehicular and pedestrian access is currently provided to the site via a private driveway off Princess Street (Exhibit I – Site Photographs).

The property is currently designated as Arterial Commercial and Residential in the Official Plan (Exhibit E – Official Plan) and is zoned B2.410 Zone and B3.607 Zone in Zoning By-Law Number 8499 (Exhibit F – Zoning By-Law Number 8499).

The surrounding area is primarily characterized by residential uses, with commercial uses and some institutional uses concentrated along Princess Street. The surrounding built form is predominately composed of single detached dwellings, with building heights in the neighbourhood generally ranging from one to two storeys (Exhibit D – Neighbourhood Context).

## Application

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

- Concept Plan (Exhibit H);
- Servicing Sketch (Exhibit H);
- Preliminary Reference Plan; and,
- Planning Justification Letter.

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.

## Provincial Policy Statement

The Provincial Policy Statement (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 much, the proposal conforms to and is consistent with the PPS.

## Consent Application

The review of an application for consent is subject to Section 53 of the *Planning Act*. The Committee of Adjustment may grant a consent if it is satisfied that a plan of subdivision for the

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land is not necessary for the property and orderly development of the municipality. An application for consent was determined to be appropriate for the creation of one new lot.

### Official Plan

The subject property is designated Arterial Commercial and Residential in the Official Plan (Exhibit E – Official Plan). The Residential designation is intended for a broad range of residential uses including detached, semi-detached or duplex dwellings, townhouses, and apartments of various types, tenure, and density that respond to a wide range of housing needs. The Arterial Commercial designation allows for medium or high-density residential development on sites which are outmoded or underutilized as arterial commercial sites. The proposed consent application complies with the residential uses permitted within the Residential and Arterial Commercial designations.

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 section 9.6.13 titled: "Criteria for Consent Approval". The following lists these requirements and is an assessment of how the proposal is consistent with each relevant policy.

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 proposed consent will result in a total of two lots, one severed and one retained parcel. The existing zoning of the subject site does not require minimum lot frontages or lot area requirements. The lots have been designed appropriately for the use of each. The surrounding neighbourhood contains a range of lot areas and frontages and the proposed severance will not impact the existing lot fabric of the neighbourhood.

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

The proposed severed and retained lots will not be regular in shape; however, this is a result of the existing shape of the subject site. The existing site has a unique parcel shape due to its location internal to the block bound by Portsmouth Avenue, Princess Street, Hillendale Avenue, and Fairview Drive. The proposed retained lot will continue to have a unique shape and the proposed severed lot will have a flag shape to provide frontage and access from Princess Street.

The buildings as proposed through the zoning by-law amendment process have not changed and the site will continue to function as planned for vehicular and pedestrian access, as well as site servicing with the appropriate easements established.

3. Consents may be granted only when each parcel of land has frontage and direct access from an assumed road, except for conservation lands such as those held by the

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Conservation Authority or a land trust that can be accessed through an easement or right-of-way on abutting lands;

Both the severed and retained lots will have approximately 8.9 metres of frontage on Princess Street, which is a municipal road. A right-of-way easement is proposed across the existing driveway to provide for its equal use between the retained and severed for vehicle and pedestrian access to Princess Street.

4. Direct access from major roads is limited and is subject to the terms of any permits or approvals required from an agency having jurisdiction, with particular attention to controlled areas subject to Ministry of Transportation review and approval;

The site contains an existing entrance from Princess Street. The entrance will not be altered, nor will a new entrance be created, therefore an entrance permit will not be required from the City's Engineering Department.

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

The site contains an existing entrance from Princess Street, which is not proposed to be altered in its physical configuration.

6. Minor infilling of residential development is permitted except where the new lots would result in ribbon development of more than four non-farm residential lots that takes the form of a single depth of houses or other land uses fronting along roads in Rural Areas;

The severed lot is located within the urban boundary and is considered infill as it will be created between existing lots on the periphery of an existing residential neighbourhood.

7. Infill residential development is permitted within Rural Areas where there is a distance of 100 metres or less of frontage between two non-farm residential lots on the same side of the road and the lot can meet all of the other policies of the Plan and requirements of the zoning by-law;

The subject property is located within the urban boundary and is not subject to this provision.

8. Compatibility and any separation distances required between the proposed land uses for the lot and the neighbouring land uses located in Rural Areas must be considered;

The subject property is located within the urban boundary. The severed and retained lots and their intended uses will not result in any adverse impacts on the abutting residential uses or their continued use.

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



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The subject site is not located in proximity to any natural heritage features or areas, natural hazards, or significant environmental features as identified on Schedule 7-A and 8-A of the Official Plan. An archaeological assessment will be required at the Site Plan Control stage for the proposed development on the severed lot.

10. The City must be satisfied that any development lots created by consent can be supplied with such municipal services as fire protection, road maintenance, storm drainage and where applicable, water supply and sewage disposal facilities, such that the provision of services does not adversely affect the City's finances.

The subject property is currently on full municipal services. Two servicing easements are proposed to facilitate the continued servicing of both the severed and retained lots by municipal water and sanitary service. As indicated Exhibit B – Recommended Conditions, prior to the issuance of a Certificate of Official it shall be necessary for Utilities Kingston to receive, review and approve, a Site Servicing Plan for the proposed severed and retained lots.

The proposal meets the intent of the Official Plan, as the proposed severance and easements and will not result in any negative impacts to adjacent properties or to the neighbourhood.

### **Zoning By-Law**

The subject property is zoned B2.410 Zone and B3.607 Zone in Zoning By-Law Number 8499, entitled "Restricted Area (Zoning) By-Law of the Corporation of the City of Kingston", as amended (Exhibit F – Zoning By-Law Number 8499).

The existing zoning of the subject site does not require minimum lot frontages or lot area requirements. However, the both the retained and severed lots are subject to a minor variance application for maximum driveway width as the proposed severance will result in a driveway width of 4.8 metres, or 54% of the lot width, where a maximum driveway width of 40% of the lot width is permitted. A minor variance is also requested to permit a lot occupancy of 63.4% on the retained lot where a maximum lot occupancy of 35% is permitted in the B2.410 Zone. Any new development on the resulting lots is required to comply with the B2.410 Zone and B3.607 Zone requirements respectively.

### **Minor Variance 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:

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

The subject property is designated Residential and Arterial Commercial in the Official Plan.

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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 proposed development of the severed lot, as approved by Council on June 22<sup>nd</sup>, 2021 (File Number D14-028-2020) will provide additional affordable housing supply within the City's urban boundary on an underutilized lot. The proposed variances for driveway width and lot occupancy are appropriate and required to support the intensification and development of the site.

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;

While there is no additional development intended on the retained lot, the lot area will be reduced slightly through the proposed severance. The existing percentage of lot occupancy on the subject property is approximately 60%. The proposed severance will result in a lot occupancy of 63.4%. The existing dwellings on the retained lot will continue to comply with applicable zoning provisions and an appropriate buildable area is provided on the severed lot. The physical configuration of the shared driveway will be unaltered. The proposed variances are not anticipated to result in any land use compatibility issues and will support the optimal use of the site.

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

The requested variance for maximum driveway width will facilitate the site's ability to provide appropriate access and parking. The existing private driveway will not be altered. Considerations for universal accessibility will be reviewed through the concurrent Site Plan Control application for the severed lands (File Number D11-013-2021).

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 proposal generally conforms with the applicable urban design policies, as outlined in Section 8 of the Official Plan. The development of the severed lands is subject to a concurrent Site Plan Control application (File Number D11-013-2021), through which considerations such as exterior design, sustainable design elements, and accessibility will be reviewed.

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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;

The subject property is not on the City's Heritage Register and as such a Heritage Impact Statement is not required. The site is not located in proximity to any designated built heritage resources or cultural significant landscapes.

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

The site is located within the urban boundary and is developed with sufficient municipal water and sewage services. Two servicing easements are proposed to facilitate the continued servicing of both the severed and retained lots by municipal water and sanitary service.

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

The application and the cumulative impact of the proposal does not warrant a zoning by-law amendment.

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;

The Committee of Adjustment may attach such conditions as it deems appropriate to the approval of the application. Suggestions conditions are listed in the recommendations in Exhibits A and B. Conditions may be added, altered, or removed at the Committee's discretion.

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

The approval of the requested variances will not set a precedent for the immediate area.

The proposal meets the intent of the Official Plan, as the proposal 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 Site-Specific Multiple Family Dwelling B2.410 Zone and B3.607 Zone in Zoning By-Law Number 8499, entitled "Restricted Area (Zoning) By-Law of the Corporation of the City of Kingston", as amended. The proposed retained lot is located within the B2.410 zone, which permits the existing townhouse development on the subject lands to a

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maximum of 103 dwelling units. The proposed severed lot is located within the B3.607 Zone, which permits a multiple family dwelling to a maximum density of 130 dwelling units per net hectare, as is currently proposed and undergoing Site Plan Control approval.

The proposal requires a variance to the following sections:

**Variance Number 1:**

By-Law Number: 8499	5.3(k)(ii) Driveway Width
Requirement:	40% of the lot width
Proposed:	54% of the lot width
Variance Requested:	14%

**Variance Number 2:**

By-Law Number: 8499	15.3(g) Maximum Percentage of Lot Occupancy
Requirement:	35%
Proposed:	63.4%
Variance Requested:	28.4%

A variance is required from Section 5.3(k)(ii) of Zoning By-Law Number 8499 to seek relief for driveway width. Within Section 5.3(k)(ii), the maximum width of a driveway in a residential zone shall be the lesser of 6 metres or 40% of the lot width. The proposed driveway width on both the retained and severed lots will be 4.8 metres, or 54% of the lot width, which does not comply with the maximum driveway width provision of Section 5.3(k)(ii). As such, the applicant is seeking a variance of 14%.

The intent of the maximum driveway width provision is to provide for an agreeable interface with the streetscape and contribute to regulating the quantity of hardscaping on a lot. The physical configuration of the driveway and the Princess Street frontage will be unaltered by the proposal. The requested variance is required to facilitate the proposed severance of the subject property along the driveway, though the driveway will continue to be equally shared by the retained and severed lots in its existing configuration. The proposed variance is not anticipated to result in any land use compatibility issues and will support the optimal use of the site. The proposed increased driveway width will maintain the general intent and purpose of the zoning by-law.

A variance is also required from Section 15.3(g) of Zoning By-Law Number 8499 to seek relief for maximum percentage of lot occupancy. Within Section 15.3(g), the maximum percentage of lot occupancy is 35%. The resulting percentage of lot occupancy on the retained lands following severance will be 63.4%, which does not comply with the maximum percentage of lot occupancy provision of Section 15.3(g). As such, the applicant is seeking a variance of 28.4%.

The intent of the maximum percentage of lot coverage provision is to provide a reasonable building area and building scale in relation to the lot area. While there is no additional development intended on the retained lot, the lot area will be reduced slightly by virtue of the proposed severance. The existing percentage of lot occupancy on the subject property is approximately 60%. The proposed severance will result in a slightly increased lot occupancy of 63.4%. The existing dwellings on the retained lot will continue to comply with applicable zoning

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provisions and an appropriate buildable area is provided on the severed lot. The proposed increased percentage of lot occupancy is in keeping with the general intent and purpose of the zoning by-law.

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

The requested variances will not alter the streetscape or the existing neighbourhood fabric. The variances are required to facilitate a legal change through the severance of the subject property to support the necessary CMHC funding. The existing condition of the retained lot exceeds the maximum permitted lot occupancy; therefore the proposed variance would generally recognize the existing site condition. The proposed increase in driveway width will not change the physical characteristics of the streetscape nor will it impact the driveway’s functionality as an access route. The proposed variances are considered minor as there will be no negative impacts on abutting properties or uses.

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

The requested variances are necessary to increase the maximum permitted driveway width and increase the maximum percentage of lot occupancy of the retained lot to permit the creation of one new residential lot and the establishment of a right-of-way to allow the retained and severed lots to maintain access to the existing private driveway. The proposed development seeks to efficiently use an existing oversized parcel and to support the process of obtaining CMHC funding for the Co-operative Housing Federation of Canada. The proposal will provide for the functional needs of the existing and future residential uses. The proposed is appropriate and compatible with surrounding uses and will not result in significant impacts to the surrounding area. The variances are a desirable and appropriate use of the land.

**Technical Review: Circulated Departments and Agencies**

- |   |  |   |
|---|--|---|
| <input checked="" type="checkbox"/> Building Division | <input checked="" type="checkbox"/> Engineering Department | <input checked="" type="checkbox"/> Heritage (Planning Services)            |
| <input type="checkbox"/> Finance                      | <input checked="" type="checkbox"/> Utilities Kingston     | <input checked="" type="checkbox"/> Real Estate & Environmental Initiatives |
| <input checked="" type="checkbox"/> Fire & Rescue     | <input checked="" type="checkbox"/> Kingston Hydro         | <input checked="" type="checkbox"/> City’s Environment Division             |
| <input checked="" type="checkbox"/> Solid Waste       | <input 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 type="checkbox"/> CRCA                         | <input type="checkbox"/> KFL&A Health Unit                 | <input type="checkbox"/> Trans Northern Pipelines                           |
| <input type="checkbox"/> Parks Canada                 | <input type="checkbox"/> Eastern Ontario Power             | <input type="checkbox"/> CFB Kingston                                       |
| <input type="checkbox"/> Hydro One                    | <input type="checkbox"/> Enbridge Pipelines                | <input type="checkbox"/> TransCanada Pipelines                              |
| <input type="checkbox"/> Kingston Airport             |  |   |

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**Technical Comments**

The applications were circulated to external agencies and internal departments for their review and comment and there were no comments or concerns raised that would preclude the applications 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 correspondence had been received. Any public comments received after the publishing of this report will be included as an addendum to the Committee of Adjustment Agenda.

**Previous or Concurrent Applications**

A City initiated zoning by-law amendment (File Number D14-028-2020) was approved by Council for a portion of the subject property on June 22, 2021 to permit the development of a three-storey multiple residential building containing 38 affordable housing units. No appeals to the zoning by-law amendment were received. Following the approval of the zoning, the City initiated a land division process which will have the result of transferring a portion of the rezoned lands to the Co-operative Housing Federation of Canada's ownership and merging these lands with the existing Co-operative lands at 1338 Princess Street. An Agreement of Purchase and Sale has been prepared and the land transfer is scheduled to be completed November 30, 2021. The land transfer will also facilitate a stormwater easement across 1338 Princess Street, in favour of 1316 Princess Street. This easement will be registered on title and will be unaltered by the proposed severance of 1338 Princess Street. A condition of approval is recommended in Exhibit B to require the completion of the land transfer process in advance of the issuance of a Certificate of Official.

A site plan control application (File Number D11-013-2021) for the proposed development has also been submitted and is currently undergoing technical review.

**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.

The requested variance(s) maintain(s) the general intent and purpose of both the Official Plan and Zoning By-Law Number 8499. 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.

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Approval of the consent and minor variance applications will create one new parcel of land and permit the existing townhouse development on the retained lands. A legal right-of-way will be created over the driveway to provide for its shared use by the retained and severed lots. Finally, two servicing easements will be established to provide for connections to municipal water and sanitary servicing for both the severed and retained lots. The proposal represents good land use planning.

**Existing Policy/By-Law:**

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

**Provincial**

Provincial Policy Statement, 2020

**Municipal**

City of Kingston Official Plan

Zoning By-Law Number 8499

**Notice Provisions:**

A Committee of Adjustment Meeting is going to be held respecting this application on November 15, 2021. Pursuant to the requirements of the Planning Act, a notice of Statutory Public Meeting was provided by advertisement in the form of signs posted on the subject site 14 days in advance of the meeting. In addition, notices were sent by mail to a total number of 64 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 (Exhibit G – Public Notification Map).

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

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Meghan Robidoux, Intermediate Planner, 613-546-4291 extension 1256

**Other City of Kingston Staff Consulted:**

None

**Exhibits Attached:**

- Exhibit A Recommended Conditions – Minor Variance
- Exhibit B Recommended Conditions – Consent
- Exhibit C Key Map
- Exhibit D Neighbourhood Context Map (2021)
- Exhibit E Official Plan Map
- Exhibit F Zoning By-Law Number 8499, Map 12
- Exhibit G Public Notification Map
- Exhibit H Concept Plan and Servicing Sketch
- Exhibit I Site Photographs



## Recommended Conditions

### Application for minor variance, File Number D13-057-2021

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

#### 1. Limitation

That the approved minor variances apply only to the maximum permitted driveway width on the retained lot and the severed lot and to the maximum percentage of lot occupancy on the retained lot 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

Archaeological clearance of the rear of 1330 & 1334 Princess Street will be required at the Site Plan Control application stage, beginning with a Stage One Archaeological Assessment and including any subsequent assessments as required by the Ministry of Heritage, Sport, Tourism, and Culture Industries' Standards and Guidelines for Consultant Archaeologists, as amended from time to time, prior to any soil disturbance.

## Recommended Conditions

The provisional approval of consent application, File Number D10-032-2021, to sever one 4,096 square metre parcel with approximately 8.9 metres of frontage on Princess Street, establish a reciprocal right-of-way easement over the driveway in favour of both the severed and retained lots, establish a water servicing easement over the severed lot in favour of the retained lot, and to establish a sanitary servicing easement over the retained lot in favour of the severed lot, is subject to the following recommended conditions:

### 1. Certificate of Official and 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 years 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 and easements be prepared and presented to the Secretary-Treasurer, Committee of Adjustment prior to the issuance of the Certificate of Official.

The final reference plan must meet the intent of Exhibit H – Concept Plan.

### 3. Payment of Taxes

The owner/applicant shall contact the Tax Department at [tax@cityofkingston.ca](mailto: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

Archaeological clearance of the rear of 1330 & 1334 Princess Street will be required at the Site Plan Control application stage, beginning with a Stage One Archaeological Assessment and including any subsequent assessments as required by the Ministry of Heritage, Sport, Tourism, and Culture Industries' Standards and Guidelines for Consultant Archaeologists, as amended from time to time, prior to any soil disturbance.

## **5. Associated Minor Variance**

That associated Minor Variance application D13-057-2021 is approved and all related conditions of approval are fulfilled prior to the issuance of the consent certificate by the Secretary-Treasurer Committee of Adjustment.

## **6. Easement or Right-of-Way**

That the Certificate of Official shall include the following, as shown on Exhibit H:

- a. A reciprocal right-of-way easement along the driveway of the severed and retained lots to provide vehicle and pedestrian access from Princess Street;
- b. A water servicing easement within the front yard of the severed lot in favour of the retained lot to provide a water servicing connection from Princess Street across the severed lot; and,
- c. A sanitary servicing easement across the retained lot in favour of the severed lot to provide a sanitary servicing connection out to Portsmouth Avenue.

## **7. Site Servicing Plan**

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 too, and the existing buildings and all proposed and existing property lines to ensure separate non-encroaching services.

## **8. Land Transfer**

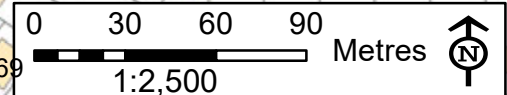
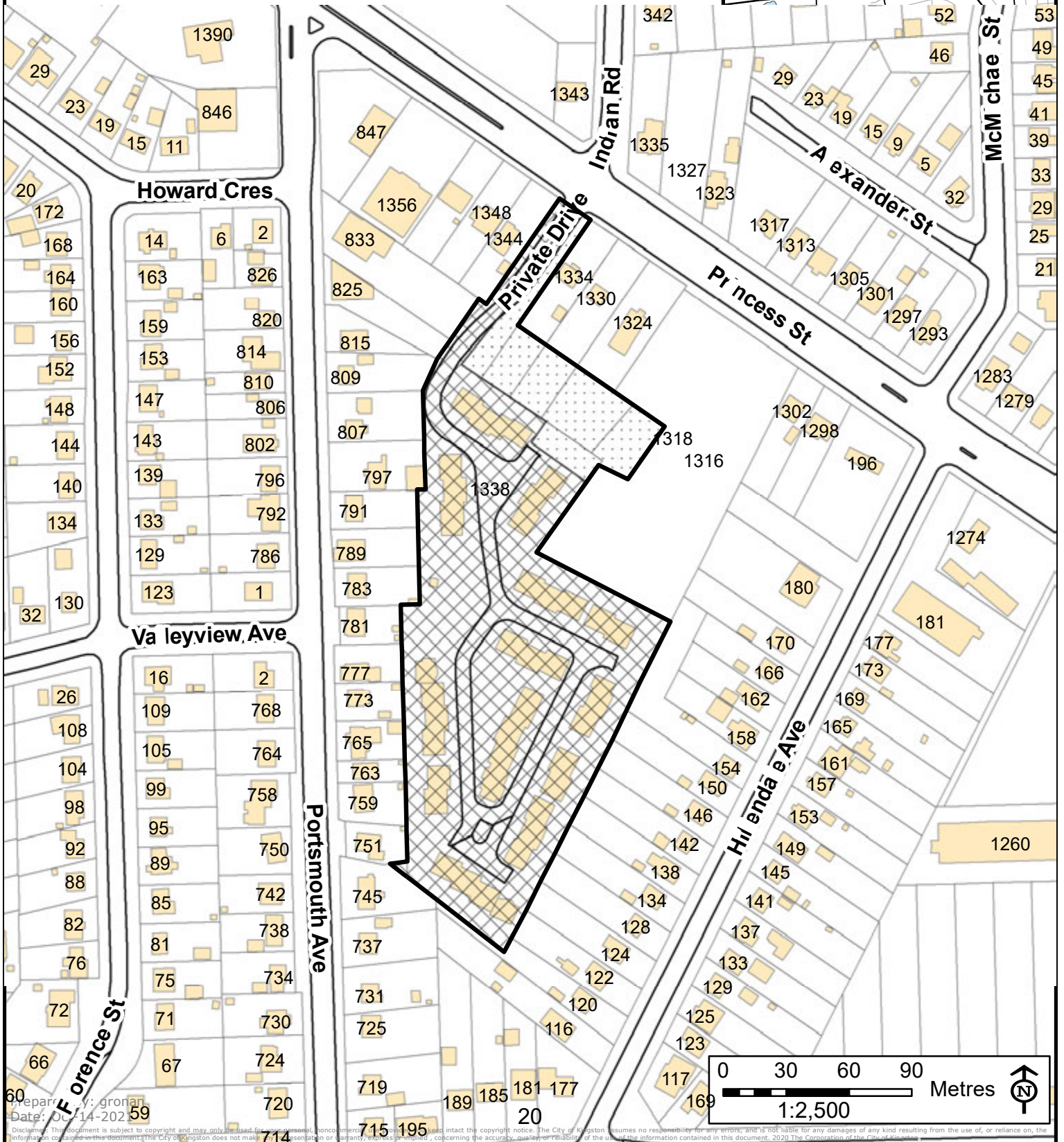
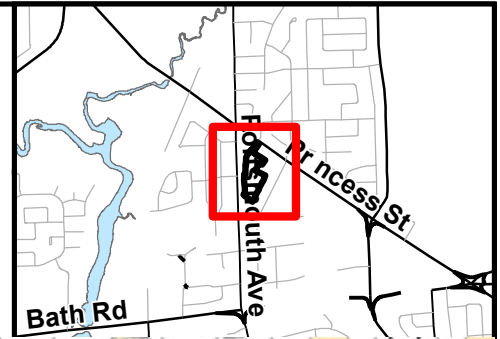
In advance of issuance of a Certificate of Official, the applicant shall complete the land transfer process from the City of Kingston for a portion of 1316 Princess Street and all of 1318 Princess Street.



Delegated Authority  
**Key Map**

Address: 1338 Princess Street  
File Number: D10-032-2021

- Subject Lands
- Severed Lands
- Retained Lands





Delegated Authority  
**Neighbourhood Context (2021)**

Address: 1338 Princess Street  
File Number: D10-032-2021

- Subject Lands
- Property Boundaries
- Proposed Parcels



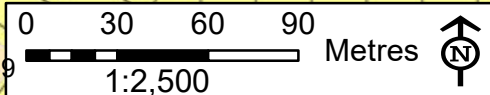
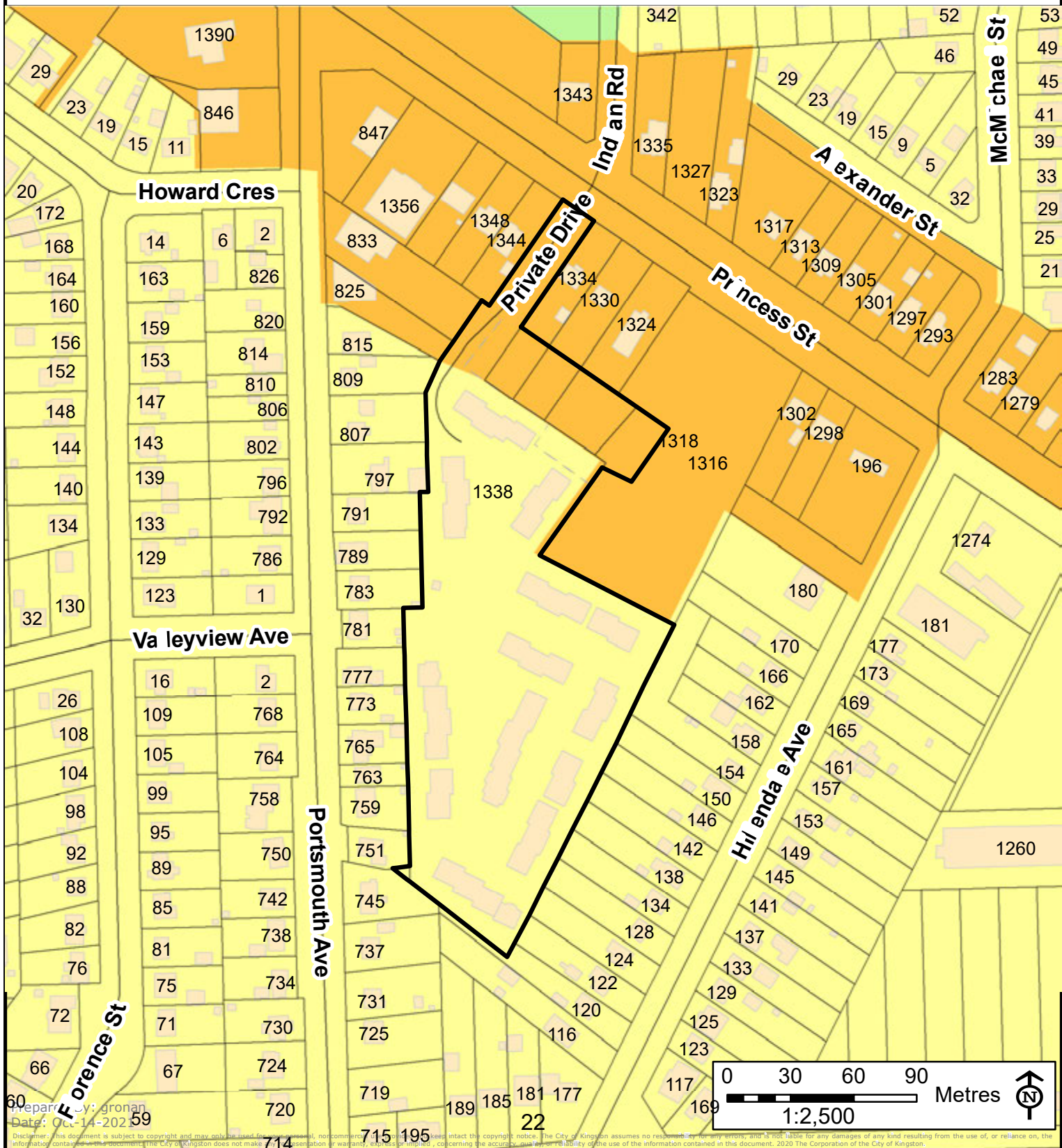


Planning Services

Delegated Authority  
Official Plan, Existing Land Use

Address: 1338 Princess Street  
File Number: D10-032-2021

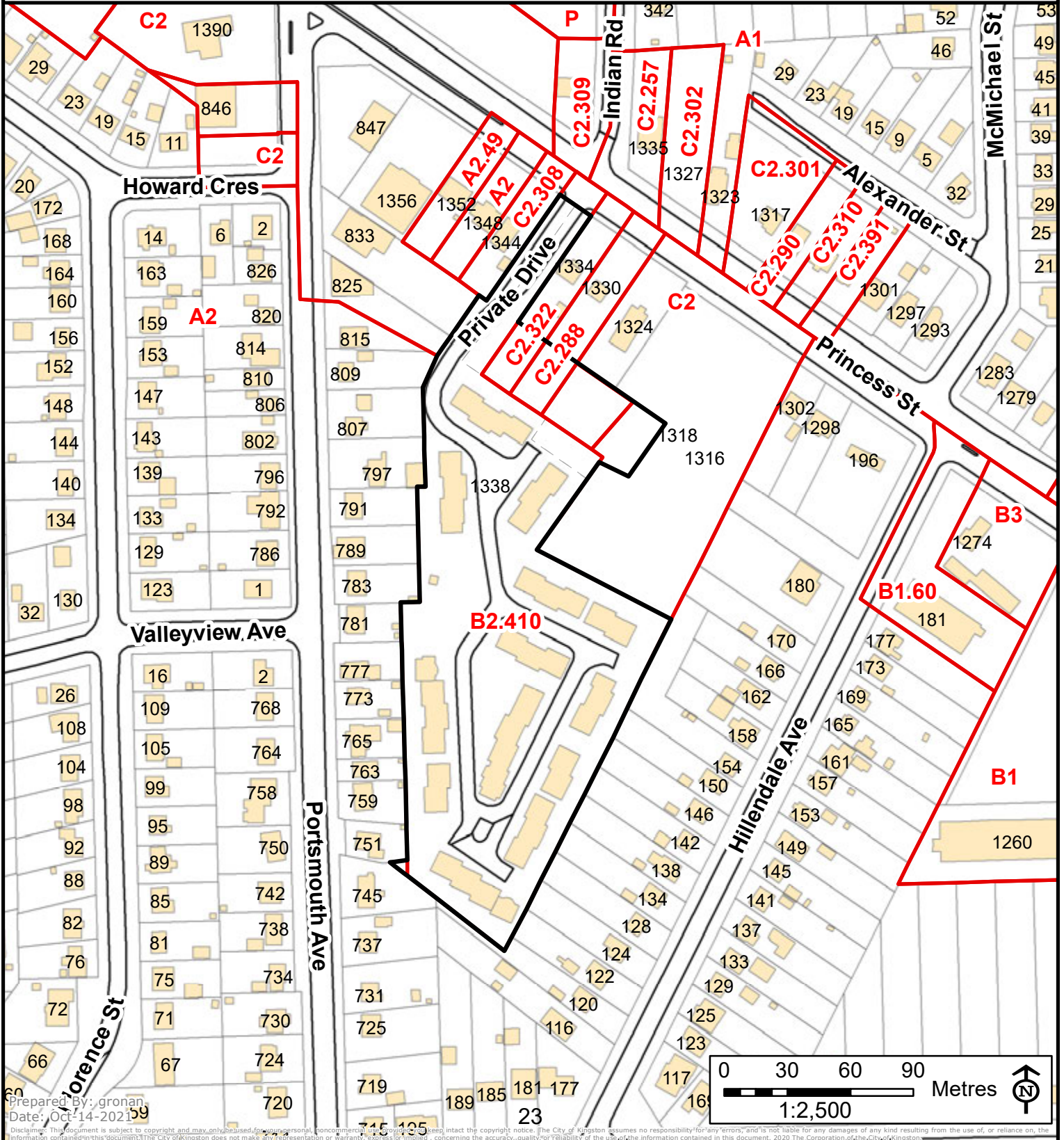
- Subject Lands
- ARTERIAL COMMERCIAL
- OPEN SPACE
- RESIDENTIAL



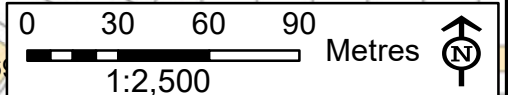


Delegated Authority  
**Existing Zoning - By-law 8499, Map 12**  
Address: 1338 Princess Street  
File Number: D10-032-2021

Subject Lands  
 Consolidated Zoning



Prepared By: gronan  
Date: Oct-14-2021

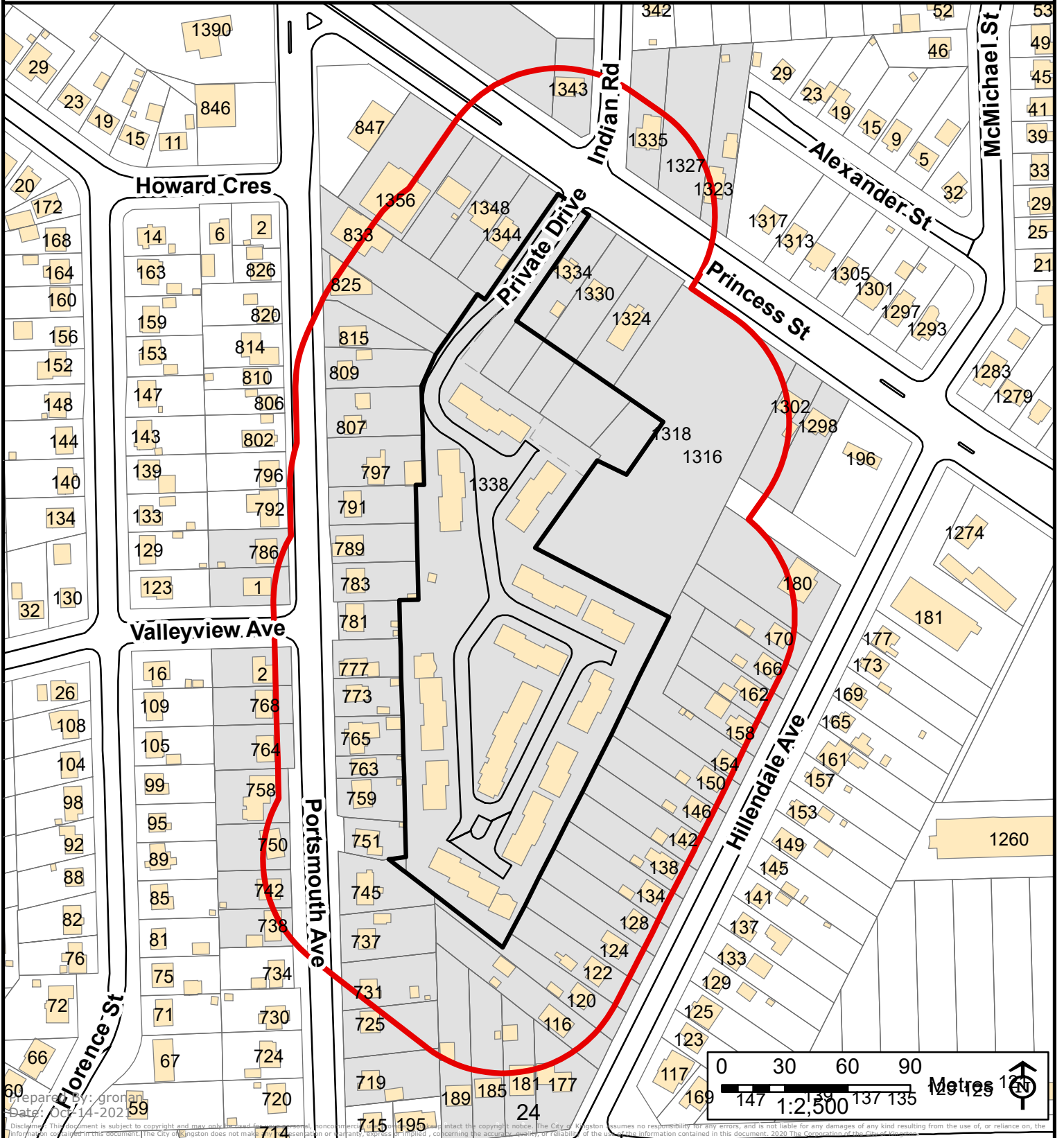


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Delegated Authority  
**Public Notice Notification Map**  
Address: 1338 Princess Street  
File Number: D10-032-2021

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



Prepared by: gron...  
Date: Oct-14-2021

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**SITE PLAN GENERAL NOTES:**

1. ALL GENERAL SITE INFORMATION AND CONDITIONS COMPILED FROM EXISTING PLANS AND SURVEYS
2. DO NOT SCALE THIS DRAWING
3. REPORT ANY DISCREPANCIES PRIOR TO COMMENCING WORK. NO RESPONSIBILITY IS BORN BY THE CONSULTANT FOR UNKNOWN SUBSURFACE CONDITIONS
4. CONTRACTOR TO CHECK AND VERIFY ALL DIMENSIONS ON SITE AND REPORT ANY ERRORS AND/OR OMISSIONS TO THE CONSULTANT
5. REINSTATE ALL AREAS AND ITEMS DAMAGED AS A RESULT OF CONSTRUCTION ACTIVITIES TO THE SATISFACTION OF THE CONSULTANT
6. CONTRACTOR TO LAYOUT PLANTING BEDS, PATHWAYS ETC. TO APPROVAL OF CONSULTANT PRIOR TO ANY JOB EXCAVATION
7. THE ACCURACY OF THE POSITION OF UTILITIES IS NOT GUARANTEED - CONTRACTOR TO VERIFY PRIOR TO EXCAVATION
8. INDIVIDUAL UTILITY COMPANY MUST BE CONTACTED FOR CONFIRMATION OF UTILITY EXISTENCE AND LOCATION PRIOR TO DIGGING
9. ALL DISTURBED AREAS TO BE RESTORED TO ORIGINAL CONDITION OR BETTER UNLESS OTHERWISE NOTED

**SITE PLAN KEYNOTES:**

1. AREA OF EXPOSING BUILDING FACE: 48.3m<sup>2</sup>  
LIMITING DISTANCE: 4m  
MAXIMUM PERCENTAGE UNPROTECTED OPENINGS: 28%
2. UPPER DWELLING UNIT  
AREA OF EXPOSING BUILDING FACE: 48.8m<sup>2</sup>  
LIMITING DISTANCE: 4m  
MAXIMUM PERCENTAGE UNPROTECTED OPENINGS: 28%

**SITE PLAN LEGEND:**

- EXISTING BUILDING
- RETAINED LOT
- SEVERED LOT
- STORM WATER
- DOMESTIC WATER
- GAS
- HYDRO
- SANITARY
- WATER EASEMENT ACROSS SEVERED LOT IN FAVOUR OF RETAINED LOT
- SANITARY EASEMENT ACROSS RETAINED LOT IN FAVOUR OF SEVERED LOT
- ACCESS EASEMENT ACROSS RETAINED LOT IN FAVOUR OF SEVERED LOT
- ACCESS EASEMENT ACROSS SEVERED LOT IN FAVOUR OF RETAINED LOT

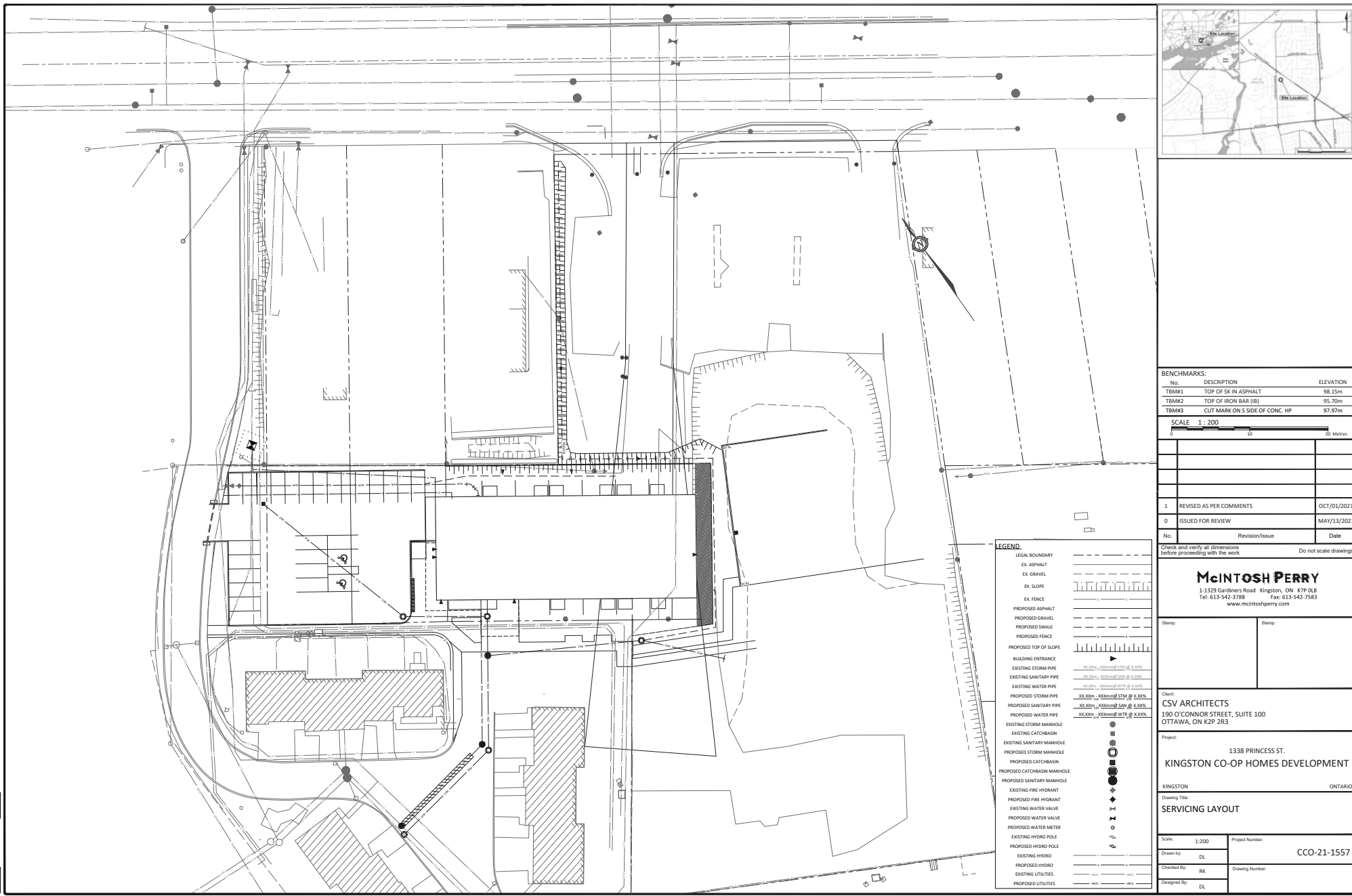
**Severed Portion of 4338 Princess Street to Consist of Proposed Three-Storey Apartment Building**

Provision	Requirement	Proposed	Compliance?
<b>Site-Specific Multiple Family Dwelling (B3.607) Zone</b>			
Lot Area	N/A	+/- 4,006 m <sup>2</sup> (3,361 m <sup>2</sup> + 735 m <sup>2</sup> )	N/A
Lot Frontage	N/A	8.9 m	N/A
Front Lot Line Setback (min)	7.5 m	+/- 15 m	Yes
Other Lot Line Setback (min)	3.0 m	No change	Yes
Lot Occupancy (max)	100	73.4%	Yes
Density (max)	130 du/ha	92.8 du/ha	Yes
Landscape Open Space (min)	30 %	46.2 %	Yes
<b>General Provisions (Section 5)</b>			
Parking Spaces (min)	0.5 space per dwelling unit	No change	Yes
Parking Space Dimensions (min)	2.7 m x 6.0 m	No change	Yes
Accessible Parking (min)	4% of required parking spaces	No change	Yes
Accessible Parking Dimensions (min)	Type A: 3.4 m x 6.0 m Type B: 2.7 m x 6.0 m Access Aisle: 1.5 m x 6.0 m	No change	Yes
Parking Location	May be located in front of the main wall of the main building	No change	Yes
Driveway Width (min)	Min: 3.0 m Max: 6.0 m or 40% of lot width	4.8 m or 54% of lot width	No
Boysie Parking	1 space per dwelling unit	No change	Yes
Amenity Area (min)	18.5 m <sup>2</sup> per dwelling unit	Greater than 703 m <sup>2</sup>	Yes

**Retained Portion of 4338 Princess Street Containing Existing Kingston Co-Op Townhouses**

Provision	Requirement	Proposed	Compliance?
<b>Site-Specific Multiple Family Dwelling (Unifed Ownership) (B2.410) Zone</b>			
Lot Area	N/A	+/- 21,640 m <sup>2</sup> (22,373 m <sup>2</sup> - 733 m <sup>2</sup> )	N/A
Lot Frontage	N/A	8.9 m	N/A
Height (max)	8 m	No Change	Yes
Number of Storeys (max)	3	No Change	Yes
Front Yard Setback (min)	7.5 m	No Change	Yes
Side Yard Setback (min)	3.0 m	No Change	Yes
Rear Yard Setback (min)	12.0 m 6.0 m if adjacent to private park, playground, court, side yard 7.5 m if parking provided elsewhere	No Change	Yes
Distance Between Buildings (min)	4.8 m 16.0 m between rear faces of opposite housing locks and / or apartment buildings	No Change	Yes
Lot Occupancy (max)	35 %	63.4% (13,720 m <sup>2</sup> / 21,640 m <sup>2</sup> )	No
Floor Area (min)	0 BR: 28 m <sup>2</sup> ; 1 BR: 42 m <sup>2</sup> ; 2 BR: 56 m <sup>2</sup> ; 3 BR: 70 m <sup>2</sup> ; 4 BR: 78 m <sup>2</sup> ; Each Additional BR: 0 m <sup>2</sup>	No Change	Yes
Density (max)	69 du/ha	46.6 du/ha (101 units / 2,164 ha)	Yes
Number of Dwelling Units (max)	103	101 (two changes)	Yes
Number of Dwelling Units Per Building (max)	12	No Change	Yes
Landscape Open Space (min)	12,800 m <sup>2</sup>	+/- 13,000 m <sup>2</sup>	Yes
<b>General Provisions (Section 5)</b>			
Amenity Areas (min)	10 m <sup>2</sup> of common interior amenity area	No Change	Yes
On-Street Parking (min)	108 spaces	No Change	Yes
Parking Space Dimensions (min)	2.7 m x 6.0 m	No Change	Yes
Driveway Width (min)	Min: 3.0 m Max: 6.0 m or 40% of lot width	4.8 m or 54% of lot width	No





**BENCHMARKS:**

No.	DESCRIPTION	ELEVATION
TBM#1	TOP OF SK IN ASPHALT	98.15m
TBM#2	TOP OF IRON BAR (IB)	95.70m
TBM#3	CUT MARK ON S SIDE OF CONC. HP	97.97m

SCALE 1 : 200  
0 10 20 Metres

No.	Revision/Issue	Date
1	REVISED AS PER COMMENTS	OCT/01/2021
0	ISSUED FOR REVIEW	MAY/13/2021

Check and verify all dimensions before proceeding with the work. Do not scale drawings.

**McINTOSH PERRY**  
1-1925 Gardiners Road Kingston, ON K7P 0L8  
Tel: 613-542-3788 Fax: 613-542-7583  
www.mcintoshperry.com

Stamp: \_\_\_\_\_ Stamp: \_\_\_\_\_

Client:  
**CSV ARCHITECTS**  
190 O'CONNOR STREET, SUITE 100  
OTTAWA, ON K2P 2R3

Project:  
1338 PRINCESS ST.  
**KINGSTON CO-OP HOMES DEVELOPMENT**  
KINGSTON ONTARIO

Drawing Title:  
**SERVICING LAYOUT**

Scale: 1:200	Project Number: CCO-21-1557
Drawn by: DL	Checked By: JAC
Checked By: JAC	Drawing Number:
Designer by: DL	

**LEGEND**

LEGAL BOUNDARY	---
EX ASPHALT	
EX GRAVEL	
EX SLOPE	---\---
EX FENCE	---x---
PROPOSED ASPHALT	
PROPOSED GRAVEL	
PROPOSED SWALE	---\---
PROPOSED FENCE	---x---
PROPOSED TOP OF SLOPE	---\---
BUILDING ENTRANCE	▶
EXISTING STORM PIPE	XX.XXXm - XXXXXm STM @ X.XXX%
EXISTING SANITARY PIPE	XX.XXXm - XXXXXm SAN @ X.XXX%
EXISTING WATER PIPE	XX.XXXm - XXXXXm WTR @ X.XXX%
PROPOSED STORM PIPE	XX.XXXm - XXXXXm STM @ X.XXX%
PROPOSED SANITARY PIPE	XX.XXXm - XXXXXm SAN @ X.XXX%
PROPOSED WATER PIPE	XX.XXXm - XXXXXm WTR @ X.XXX%
EXISTING STORM MANHOLE	●
EXISTING SANITARY MANHOLE	○
EXISTING CATCHBASIN	□
PROPOSED STORM MANHOLE	●
PROPOSED SANITARY MANHOLE	○
PROPOSED CATCHBASIN	□
EXISTING FIRE HYDRANT	◆
PROPOSED FIRE HYDRANT	◆
EXISTING WATER VALVE	⊕
PROPOSED WATER VALVE	⊕
EXISTING HYDRO POLE	⊕
PROPOSED HYDRO POLE	⊕
EXISTING HYDRO	---
PROPOSED HYDRO	---
EXISTING UTILITIES	---
PROPOSED UTILITIES	---

PLANNING & DESIGN SERVICES LTD. 1338 PRINCESS ST. KINGSTON, ONTARIO K7P 0L8  
 TEL: 613-542-3788 FAX: 613-542-7583 WWW.MCINTOSH-PERRY.COM

Site Photographs – October 14<sup>th</sup>, 2021



**Figure 1:** Existing driveway, northwest facing view down Princess Street.



**Figure 2:** Existing driveway, south facing view down the driveway from Princess Street.



**Figure 3:** Existing townhouse developed on the propose retained lot.



**Figure 4:** Existing treed area on a portion of the severed lot.