



**City of Kingston  
Report to Committee of Adjustment  
Report Number COA-22-003**

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**To:** Chair and Members of the Committee of Adjustment  
**From:** Lindsay Sthamann, Planner  
**Date of Meeting:** December 13, 2021  
**Application for:** Permission  
**File Number:** D13-055-2021  
**Address:** 3441 Princess Street  
**Owner:** 1034246 Ontario Ltd  
**Applicant:** Jagdeep Walia

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**Council Strategic Plan Alignment:**

Theme: 4. Strengthen economic development opportunities

Goal: 4.1 Support new and existing businesses

**Executive Summary:**

This report provides a recommendation to the Committee of Adjustment regarding an application for permission for the property located at 3441 Princess Street. The applicant is proposing to convert the existing trucking facility/office on the rear portion of the property to a professional office use and establish a new driveway and parking area off Princess Street to serve the existing three-unit dwelling on the front portion of the property.

Permission is required to increase the existing non-conforming parking area in the interior side or rear yard and to allow the existing non-conforming office use portion of the rear building to expand throughout the entire building and add a second floor in a double-high portion of the building. The trucking facility/office use will be eliminated through this proposal.

**Permission 1: Maximum Uncovered Parking Area**

By-Law Number 76-26: Section 5(16)(c)

Requirement: Max 40 square metres of parking in the rear or interior side yard

December 13, 2021

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Existing: Approximately 1855 square metres  
Proposed: Approximately 1905 square metres

**Permission 2: Permitted Uses**

The rear building is an existing non-conforming trucking facility with some professional office space that was accessory to the trucking facility. The proposal is to use the entire building for a professional office use including the addition of a second floor in a double high portion of the existing building. Neither of these uses are permitted in the R1 zone of Zoning By-Law Number 76-26.

The requested application for permission under Section 45(2)(a)(i) of the *Planning Act* is consistent with the general purpose and general intent of both the City of Kingston Official Plan and Zoning By-Law Number 76-26. The proposed professional office and parking area are in keeping with the intent of the zoning by-law and represent appropriate and desirable development of the lot. Therefore, it is recommended that this application for permission under Section 45(2)(a)(i) of the *Planning Act* be approved.

**Recommendation:**

**That** the application for permission, File Number D13-055-2021, for the property located at 3441 Princess Street to convert the existing trucking facility/office to a fully professional office use and to establish a new driveway and parking area off Princess Street, be approved; and

**That** approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-22-003.

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**Authorizing Signatures:**

ORIGINAL SIGNED BY PLANNER

\_\_\_\_\_  
Lindsay Sthamann, 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 October 20, 2021, an application for permission was submitted by Jagdeep Walia, on behalf of the owner, 1034246 Ontario Ltd, with respect to the property located at 3441 Princess Street. The application for permission is requested to convert the existing trucking facility/office on the rear portion of the property to a professional office use and establish a new driveway and parking area off Princess Street to serve the existing three-unit dwelling on the front portion of the property.

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

- Site Plan (Exhibit G)
- Elevations (Exhibit H)
- Floor Plans (Exhibit I)
- Site Photos (Exhibit J)
- Cover Letter
- Servicing Brief
- Property Index Map
- Documentation relating to Non-conforming Status
- Owner's Authorization

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

**Site Characteristics**

The subject property is located at 3441 and 3443 Princess Street East of Westbrook Road and West of Creekside Valley Drive. South of the property is Glenvale Creek.

The subject property is designated 'Commercial; in the Official Plan and zoned 'R1 – Residential Type 1' in Zoning By-Law Number 76-26. The property abuts R1 zoned properties to the West and North, a commercial property to the East, and Environmental Protection Area to the South.

The site is currently developed with two main buildings. The front building contains a legal non-conforming three-unit dwelling. No changes to this building are proposed as part of this application. The rear building was formerly used as a trucking facility/office know as Holsgrove Trucking & Excavating Ltd. This is also legal non-conforming.

**Legal Non-conforming**

Pursuant to Subsection 45(2)(a)(i) of the *Planning Act*, the Committee of Adjustment may permit the enlargement or extension of a legal non-conforming building or structure, but no permission may be given to enlarge or extend the building or structure beyond the original limits of the land

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where the legal non-conforming building or structure is situated. In considering whether to grant a permission pursuant to Subsection 45(2)(a)(i), the relevant test is:

- a. Whether the application is desirable for appropriate development of the subject property;

The rear building on the subject property is currently used for both professional office and trucking facility uses. The proposal is to extend the professional office use throughout the entire building and eliminate the trucking facility use on the site. A fully professional office use is a more appropriate use of land in close proximity to environmental protection area and residential uses. The property is designated 'District Commercial' in the Official Plan. While the zoning by-law does not contemplate commercial uses the Official Plan does, commercial uses are desirable in this location according to the long-term plan for the City. When the new zoning by-law is adopted it is anticipated that the property will be rezoned to a commercial zone rather than remain in a residential zone.

The proposed driveway and associated parking area are appropriate to serve the existing three-unit dwelling at the front of the site. Residents currently utilize the existing driveway between 3453 and 3451 Princess Street and park at the rear. The new driveway will provide more convenient access and separate the residential parking from the professional office parking areas. The proposed parking area is set back a reasonable distance from Princess Street and is not oversized. Engineering does not have any objections to the additional entrance on Princess Street at this location. The minimum required landscaped open space will be maintained on the lot despite this additional parking and driveway area.

- b. Whether the application will result in undue adverse impacts on the surrounding properties and neighbourhood.

Undue adverse impacts are not anticipated as a result of this proposal. The professional office use is more compatible with the sensitive surrounding uses than the existing legal non-conforming trucking facility. The minimum number of parking spaces for a professional office of this size will be provided on the lot and no noise or odor issues are anticipated. The driveway between 3453 and 3451 is an existing scenario that will not be exacerbated by this proposal. The second existing entrance (through 3429 Princess Street) will be decommissioned.

The proposed parking area to serve the existing three-unit dwelling is not uncharacteristic of a low-density residential use. The new parking area is designed in such a way that reversing onto Princess Street will not be required, traffic impact should be minimal based on the maximum three new parking spaces proposed. There is an existing wood fence separating 3451 Princess Street from the proposed parking spaces. Undue adverse impacts on the surrounding properties are not anticipated.

### **Official Plan**

Schedule 3-A of the City of Kingston Official Plan indicates that the subject property is designated "District Commercial". The planned function of the District Commercial designation is

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to provide a range of the most frequently needed commercial goods and services, such as food shopping, in convenient and balanced locations throughout the City to serve the needs of the immediately surrounding neighbourhoods. The uses permitted in the District Commercial designation include a range of frequently used services and products, including food, at a scale that is suitable to serve the surrounding neighbourhoods within the City.

### **Zoning By-Law**

The subject property is zoned "R1" in the City of Kingston Zoning By-Law Number 76-26, as amended (Exhibit E). The R1 zone permits a single-family dwelling, a converted dwelling, a home occupation, or a public use. It does not permit a professional office use.

The proposed driveway complies with the Zoning By-law in terms of width and maximum number of driveways on a lot. The three proposed parking spaces for the three-unit dwelling do not comply with the maximum permitted amount of uncovered parking in the interior side or rear yard. The by-law limits this type of parking to 40 square meters. The applicant is proposing to add approximately 50 square metres of parking in the interior side yard.

Both of these zoning deficiencies are addressed through permission rather than minor variance because they are expansions of existing legal non-conforming elements of the site.

#### **Permission 1: Maximum Uncovered Parking Area**

By-Law Number 76-26: Section 5(16)(c)

Requirement: Max 40 square metres of parking in the rear or interior side yard

Existing: Approximately 1855 square metres

Proposed: Approximately 1905 square metres

#### **Permission 2: Permitted Uses**

The rear building is an existing non-conforming trucking facility with some professional office space. The proposal is to use the entire building for a professional office use and add a second floor space in a double high portion of the building. Neither of these uses are permitted in the R1 zone of Zoning By-Law Number 76-26.

The proposed professional office use and driveway with parking area do not create any new zoning deficiencies.

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**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.

Engineering:

The Engineering Department has requested a grading plan be required as a condition to ensure that the proposed driveway and parking area will not have an adverse effect on adjacent properties. This is reflected in Exhibit A of this report.

Cataraqui Region Conservation Authority:

The proposal was reviewed by Cataraqui Region Conservation Authority (CRCA) staff. As the proposal only involves internal changes where in close proximity to Glenvale Creek CRCA staff had no concerns with this proposal.

Utilities Kingston:

Utilities Kingston has requested a M.I.S.A. manhole and a sewer use discharge information report be included as conditions of the permission application. This is reflected in Exhibit A of this report.

**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.

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**Previous or Concurrent Applications**

Minor Variance / Permission application (File Number - U.COA.604.02) to expand the non-conforming use on the property in order to enlarge the existing non-conforming commercial use on the property to allow for the construction of a two-storey office addition was approved in 2002.

**Conclusion**

The requested application for permission under Section 45(2)(a)(i) of the Planning Act satisfies the applicable tests as the requested application is desirable for appropriate development of the subject property and will not result in undue adverse impacts on the surrounding properties and neighbourhood.

Approval of this application will permit a professional office to occupy the entire floor area of the existing rear building on the site as well as permit the establishment of 3 new parking spaces to service the existing three-unit dwelling on the front of the site.

**Existing Policy/By-Law:**

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

**Provincial**

Provincial Policy Statement, 2020

**Municipal**

City of Kingston Official Plan

Zoning By-Law Number 76-26

**Notice Provisions:**

A Committee of Adjustment Meeting is going to be held respecting this application on December 13, 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 17 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*.



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**Accessibility Considerations:**

None

**Financial Considerations:**

None

**Contacts:**

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

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

**Other City of Kingston Staff Consulted:**

None

**Exhibits Attached:**

- Exhibit A Recommended Conditions
- Exhibit B Key Map
- Exhibit C Public Notification Map
- Exhibit D Official Plan Map
- Exhibit E Zoning By-Law 76-26, Map 2
- Exhibit F Neighbourhood Context Map (2021)
- Exhibit G Site Plan
- Exhibit H Elevations
- Exhibit I Floor Plans
- Exhibit J Site Photos

## Recommended Conditions

### Application for permission, File Number D13-055-2021

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

#### 1. Limitation

That the approved permission applies only to the rear professional office building and three new parking spaces for the residential dwelling as shown on the approved drawings attached to the notice of decision. It does not permit any expansion to the footprint or height of the existing buildings.

#### 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. Entrance Permit**

New and/or altered driveways will require an Entranceway Permit from the City's Engineering Department.

**6. Site Grading Plan**

Prior to the issuance of an Entrance Permit it shall be necessary for the City of Kingston to receive, review and approve a Site Grading Plan for the proposed changes to the property.

**7. Utilities Kingston**

For industrial, commercial and institutional properties, a control manhole must be provided at the private side of the property line for the purpose of effluent sampling under the Municipal Industrial Strategy for Abatement (M.I.S.A) to the satisfaction of the City and Utilities Kingston. The manhole is to be constructed to approved Ontario Provincial Standards Drawings (OPSD) and allow for 24/7 access to Utilities Kingston personnel.

The submission of a Sewer Use By-Law Part 7 – Discharger Information Report (short version) is also required for industrial, institutional or commercial developments.




Planning Services

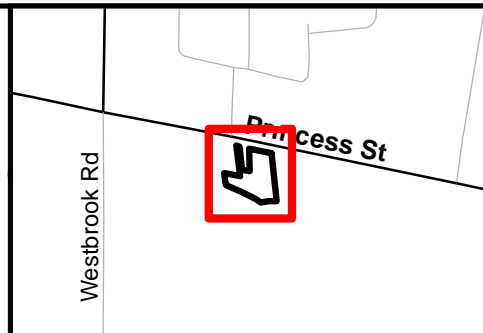
### Committee of Adjustment

### Key Map

Address: 3441 Princess Street

File Number: D13-055-2021

 Lands Subject to Minor Variance

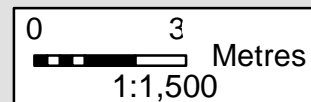
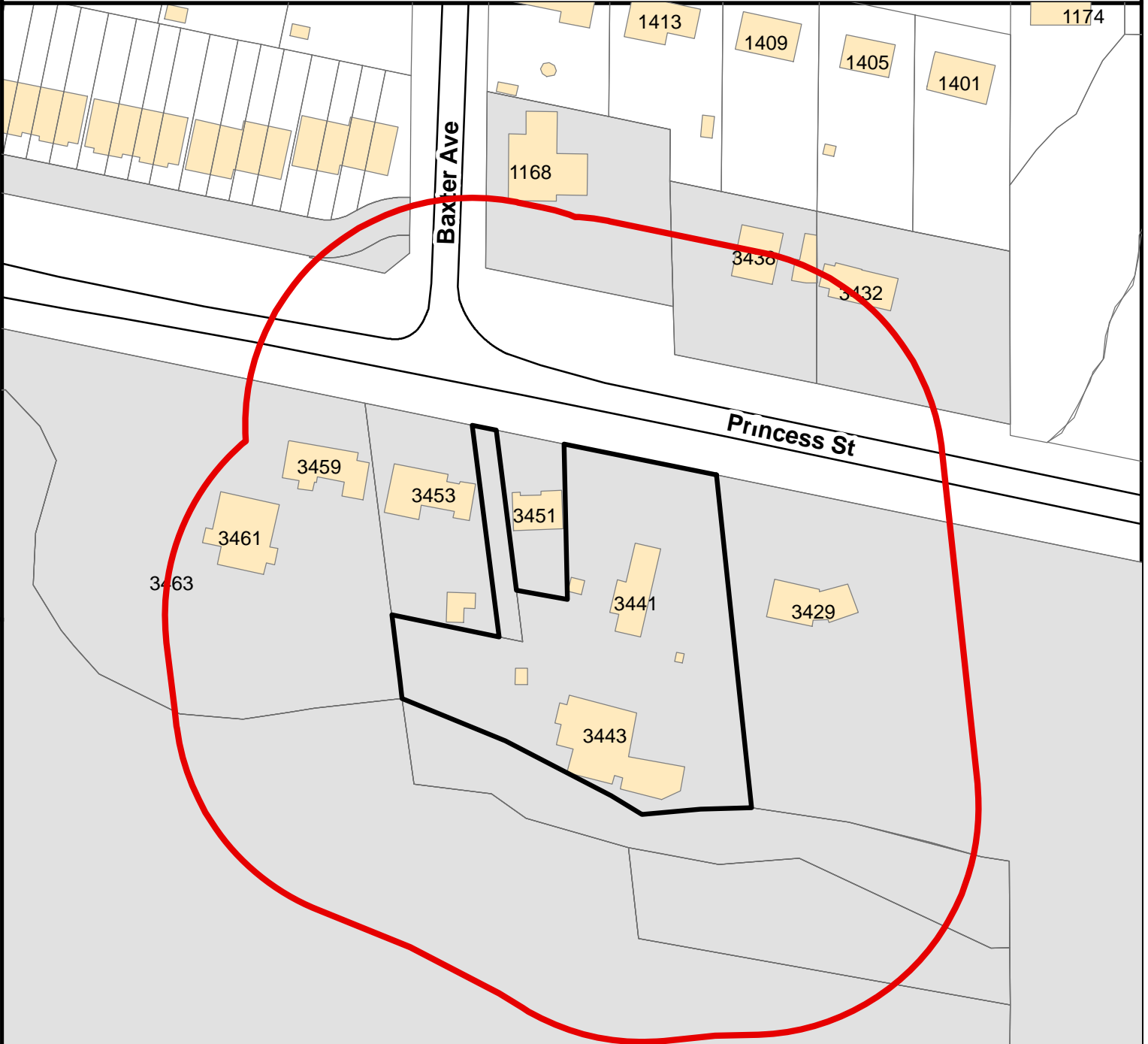




# Committee of Adjustment Public Notice Notification Map

Address: 3441 Princess Street  
File Number: D13-055-2021

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







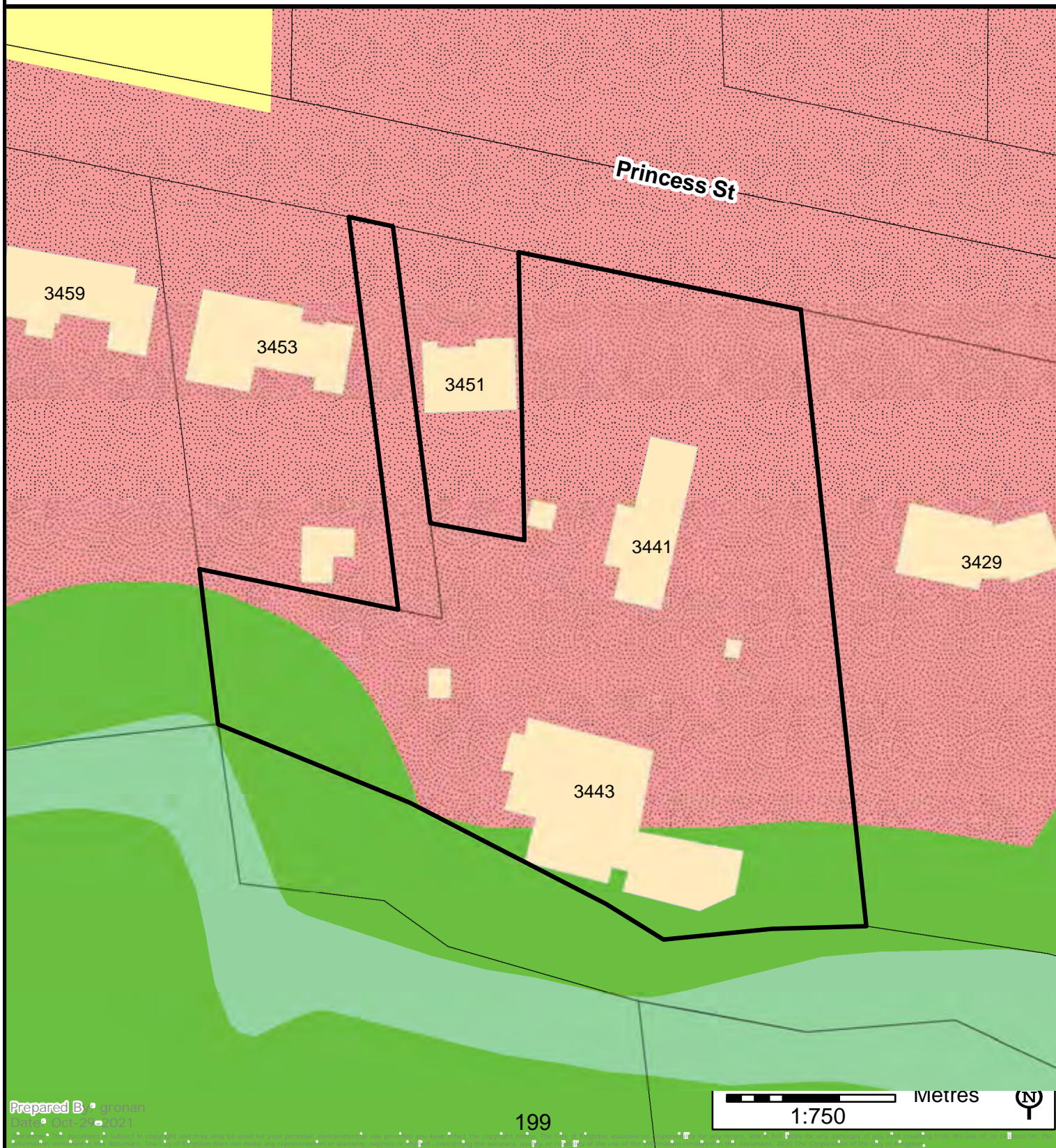


Committee of Adjustment  
**Official Plan, Existing Land Use**

Address: 3441 Princess Street  
File Number: D13-055-2021

**Planning  
Services**

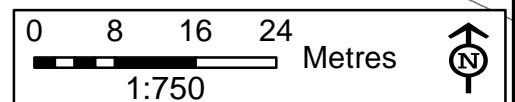
-  Subject Lands
-  DISTRICT COMMERCIAL
-  ENVIRONMENTAL PROTECTION AREA
-  RESIDENTIAL





Committee of Adjustment  
**Existing Zoning - By-law 76-26, Map 2**  
Address: 3441 Princess Street  
File Number: D13-055-2021

- Subject Lands
- Consolidated Zoning





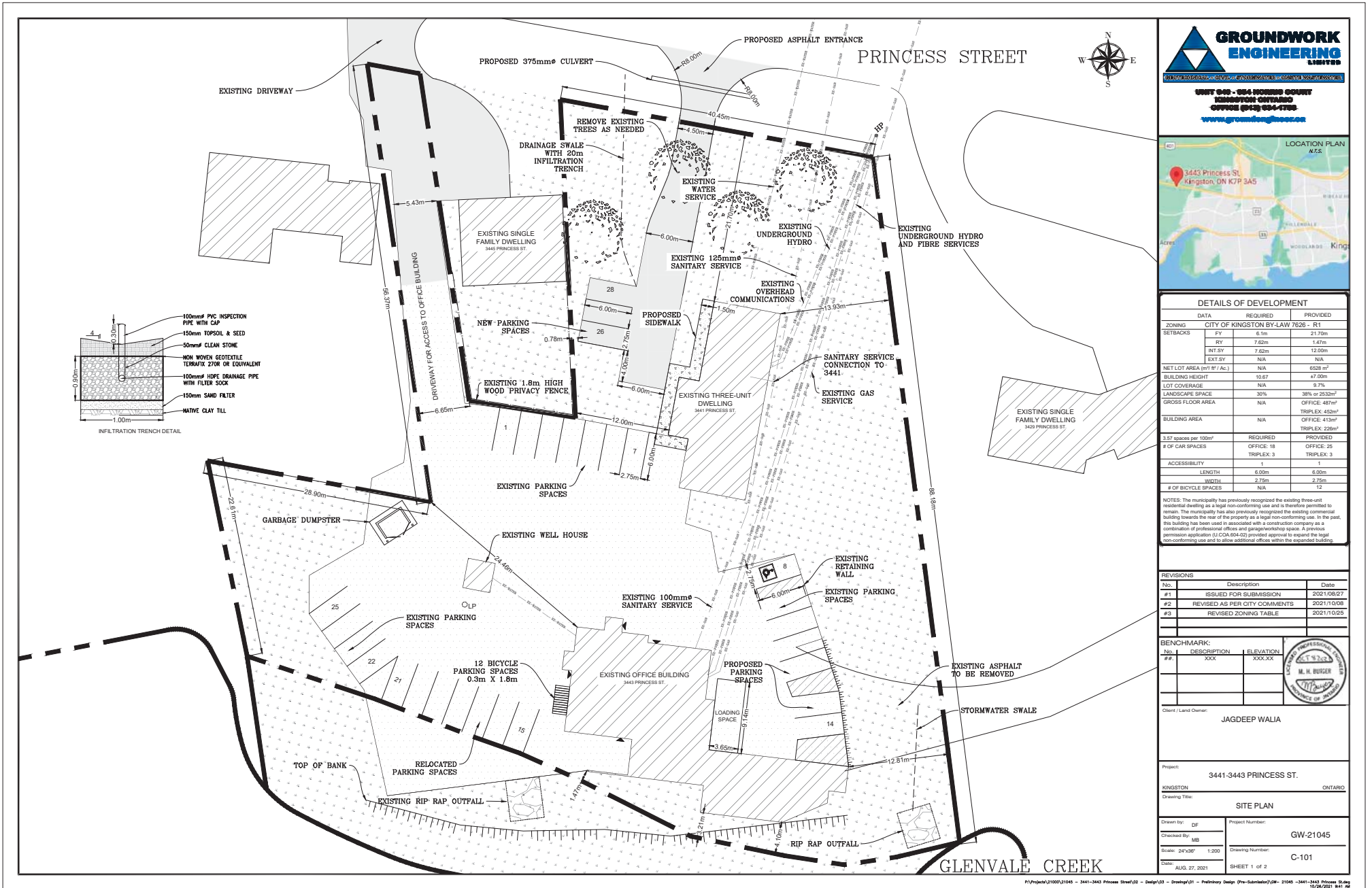
Committee of Adjustment  
**Neighbourhood Context (2021)**

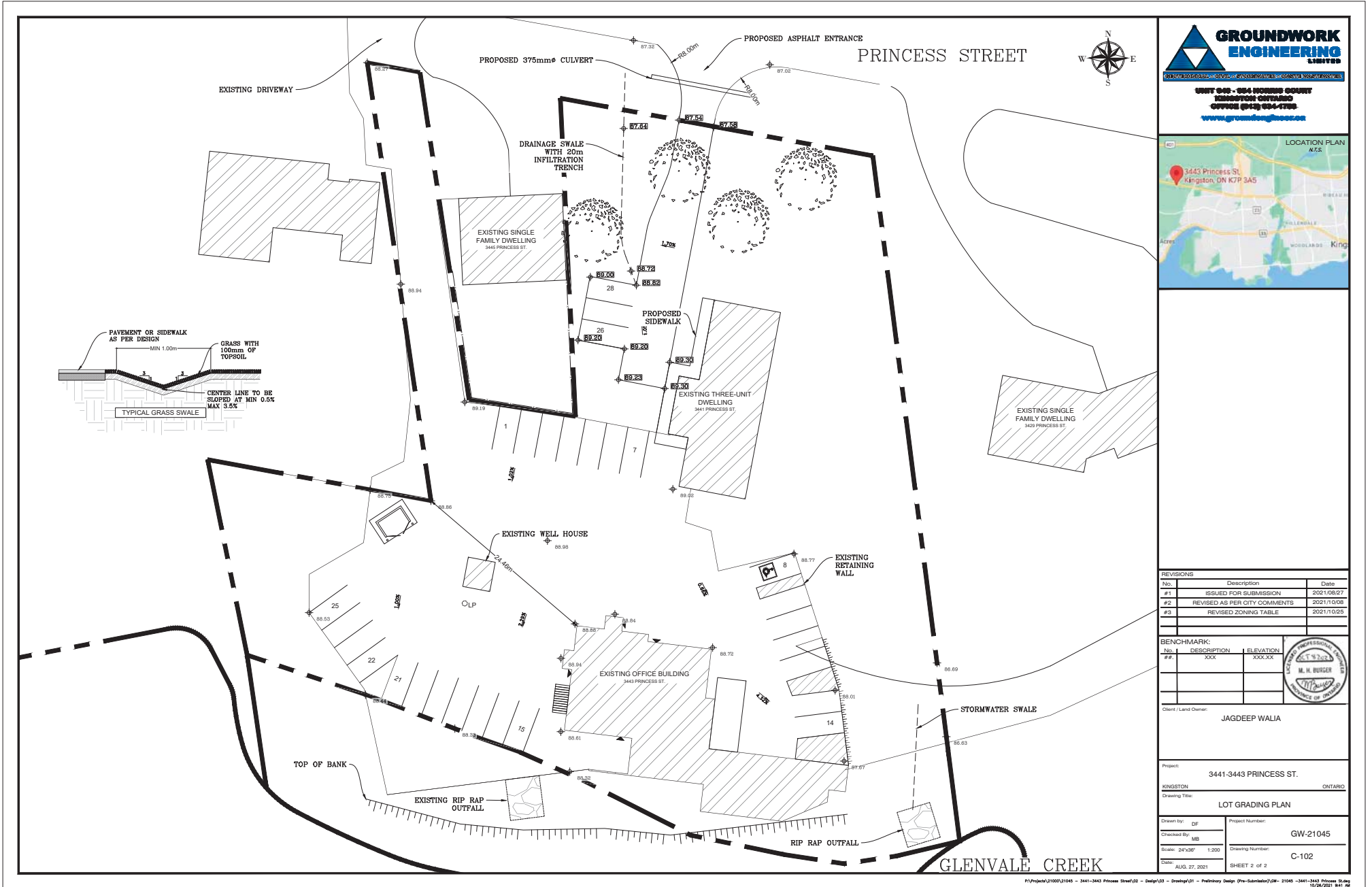
Address: 3441 Princess Street  
File Number: D13-055-2021

- Subject Lands
- Property Boundaries
- Proposed Parcels









**GROUNDWORK ENGINEERING LIMITED**  
 10011 642 - 624 HURON COURT  
 MISSISSAUGA, ONTARIO  
 OFFICE (905) 834-4788  
 www.groundwork.ca



REVISIONS		
No.	Description	Date
#1	ISSUED FOR SUBMISSION	2021/08/27
#2	REVISED AS PER CITY COMMENTS	2021/10/08
#3	REVISED ZONING TABLE	2021/10/25

BENCHMARK		
No.	DESCRIPTION	ELEVATION
XXX	XXX	XXX.XX



Client / Land Owner: JAGDEEP WALIA

Project: 3441-3443 PRINCESS ST.  
 KINGSTON ONTARIO

Drawing Title: LOT GRADING PLAN

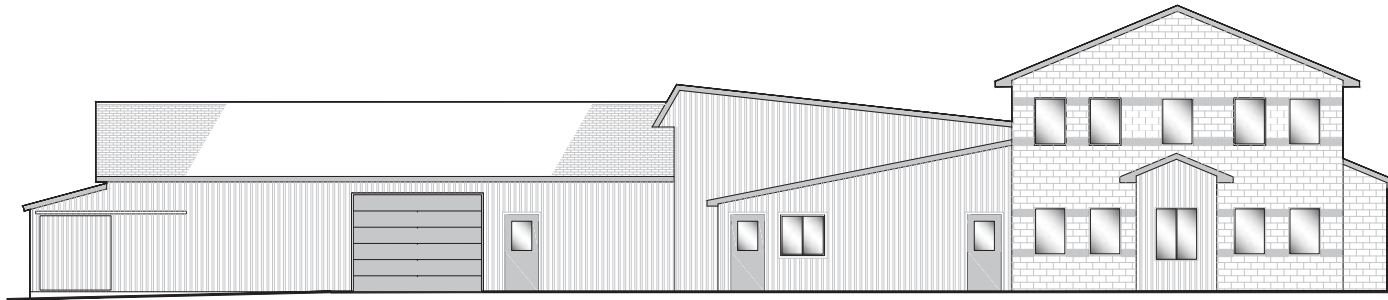
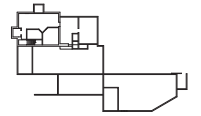
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Date: AUG. 27, 2021	SHEET 2 of 2

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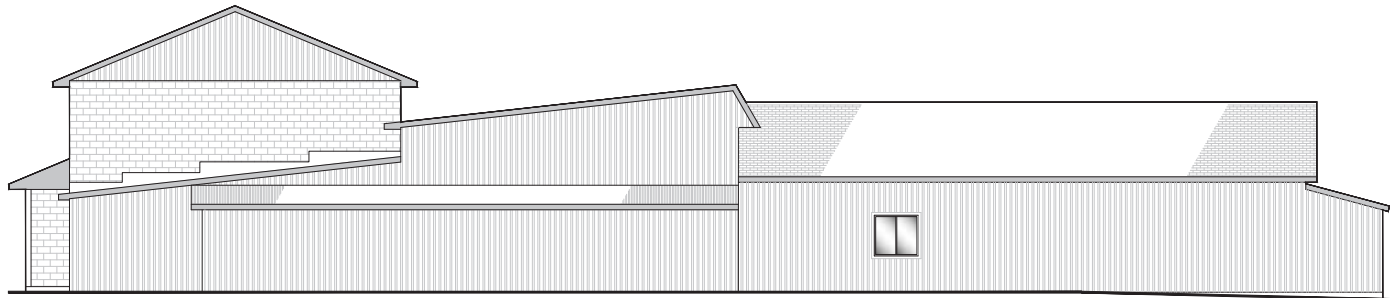
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KINGSTON, ONTARIO CEL: 613 561-3428  
K7M 1S2 FAX: 613 531-0602



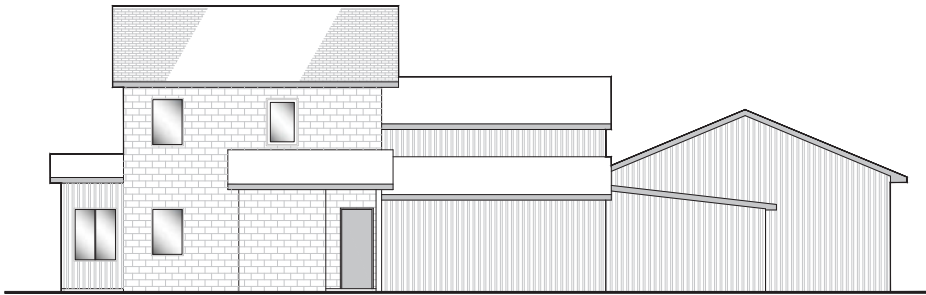
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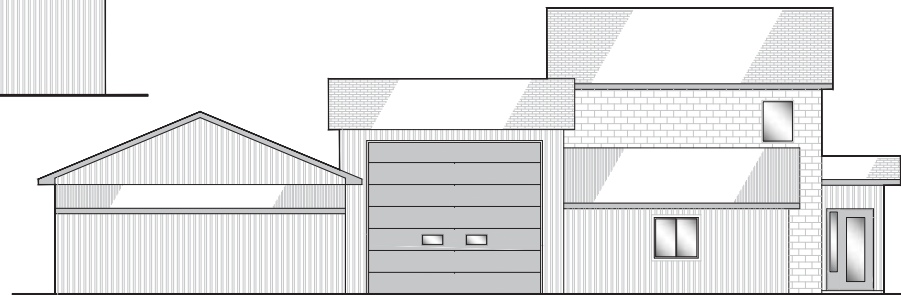
1  
A10 EXISTING NORTH ELEVATIONS  
3/16" = 1'-0"



2  
A10 EXISTING SOUTH ELEVATION  
3/16" = 1'-0"



3  
A10 EXISTING WEST ELEVATION  
3/16" = 1'-0"



4  
A10 EXISTING EAST ELEVATION  
3/16" = 1'-0"

No.	DATE	DESCRIPTION	BY

REVISIONS	

DRAWINGS MUST NOT BE SCALED CONTRACTOR SHALL VERIFY AND BE RESPONSIBLE FOR ALL DIMENSIONS AND SHALL REPORT ANY DISCREPANCY TO THE ENGINEER BEFORE PROCEEDING

THESE PLANS WERE DESIGNED IN ACCORDANCE WITH THE ONTARIO BUILDING CODE. THESE PLANS FORM THE BASIS FOR PERMIT ISSUANCE AND ANY DEVIATIONS FROM THESE PLANS AND DETAILS INCLUDING THE VENTILATION SYSTEM, HEATING SYSTEM, WOODSTOVE, FIREPLACES, DECKS, BALCONIES AND FINISHED BASEMENTS, WILL REQUIRE A REVISED DRAWING AND CLEARANCE BY THE BUILDING DEPARTMENT.

**RENOVATION PLAN**

LOCATION:  
3443 PRINCESS STREET KINGSTON

FOR:  
JAGDEEP WALIA

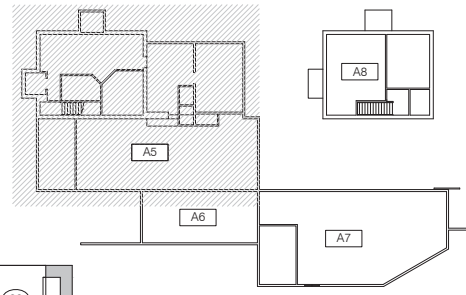
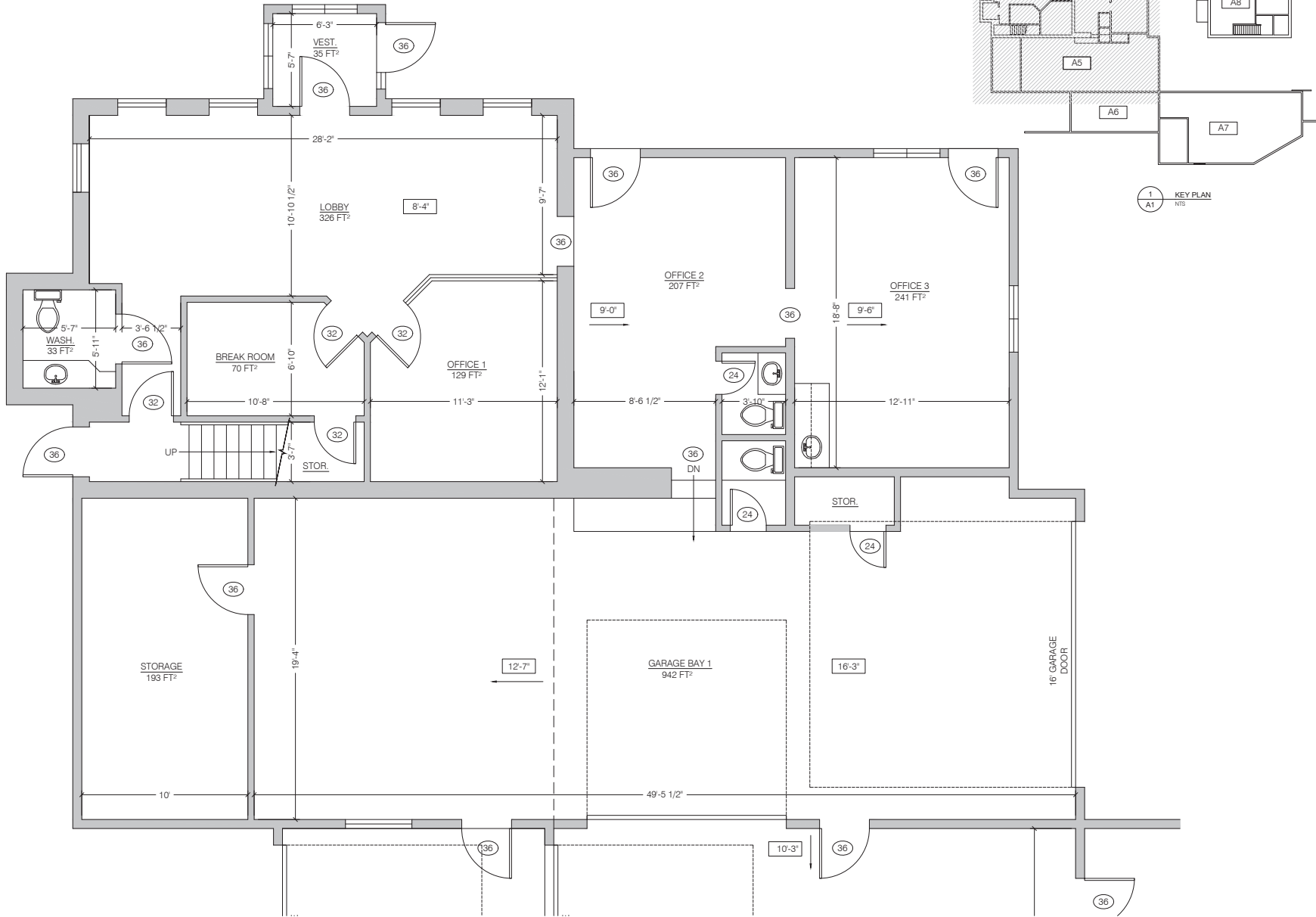
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EXISTING ELEVATIONS

REVIEWED BY:	SCALE	DRAWING No.
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ORDER JM		
STR. ET		
MEC. NA		
ELE. NA	DATE	
	OCT. 4, 2021	
JOB # 21049	SHEET 1 OF 2	21049

31 HILLENDALE AVE. TEL: 613 531-7873  
KINGSTON, ONTARIO CEL: 613 561-3428  
K7M 1S2 FAX: 613 531-0602



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1  
A1 KEY PLAN  
N/S

2  
A1 PARTIAL EXISTING MAIN FLOOR PLAN 1  
3/8" = 1'-0"

No.	DATE	DESCRIPTION	BY

REVISIONS	

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RENOVATION PLAN

LOCATION:  
3443 PRINCESS STREET KINGSTON

FOR:  
JAGDEEP WALIA

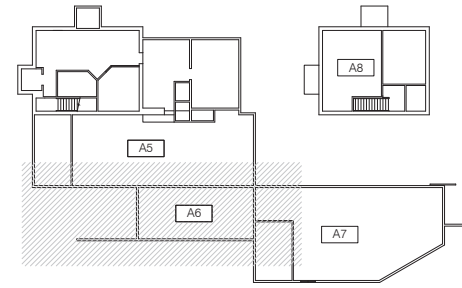
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PARTIAL EXISTING MAIN FLOOR PLAN

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MEC	NA		
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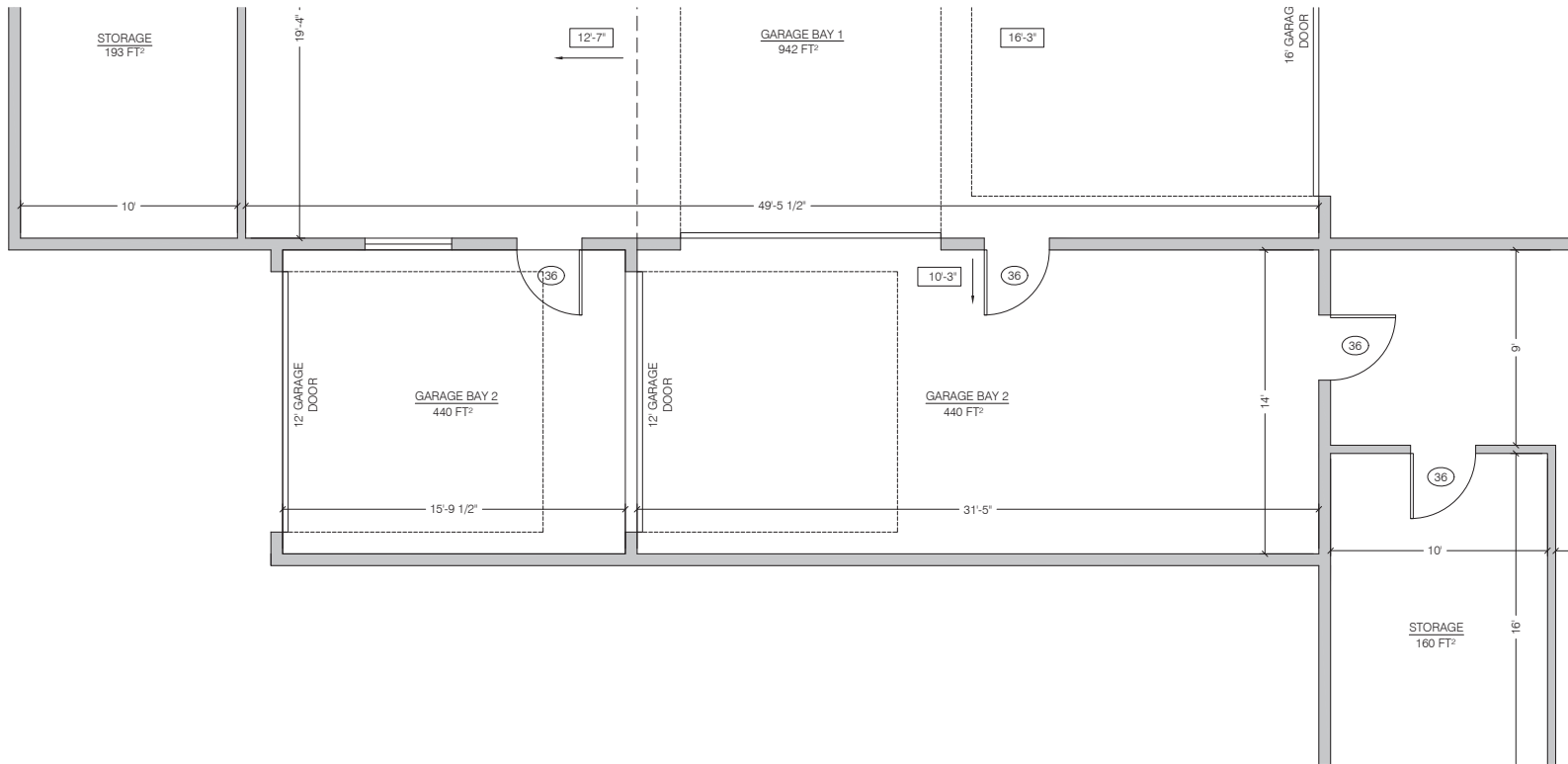
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1 KEY PLAN  
A2 N/S



2 PARTIAL EXISTING MAIN FLOOR PLAN 2  
A2 3/8" = 1'-0"

No.	DATE	DESCRIPTION	BY

REVISIONS	

DRAWINGS MUST NOT BE SCALED. CONTRACTOR SHALL VERIFY AND BE RESPONSIBLE FOR ALL DIMENSIONS AND SHALL REPORT ANY DISCREPANCY TO THE ENGINEER BEFORE PROCEEDING.

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**RENOVATION PLAN**

LOCATION:  
3443 PRINCESS STREET KINGSTON

FOR:  
JAGDEEP WALIA

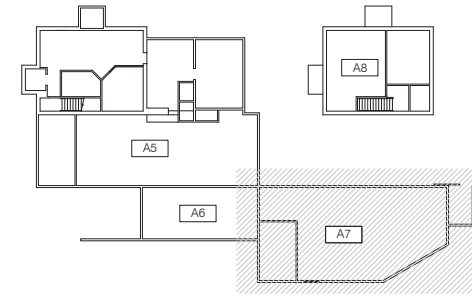
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PARTIAL EXISTING MAIN FLOOR PLAN 2

REVIEWED BY	SCALE	DRAWING No.
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STR. ET		
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ELE. NA	DATE	
JOB #	21049	AUG. 24, 2021
SHEET	2 OF 2	21049

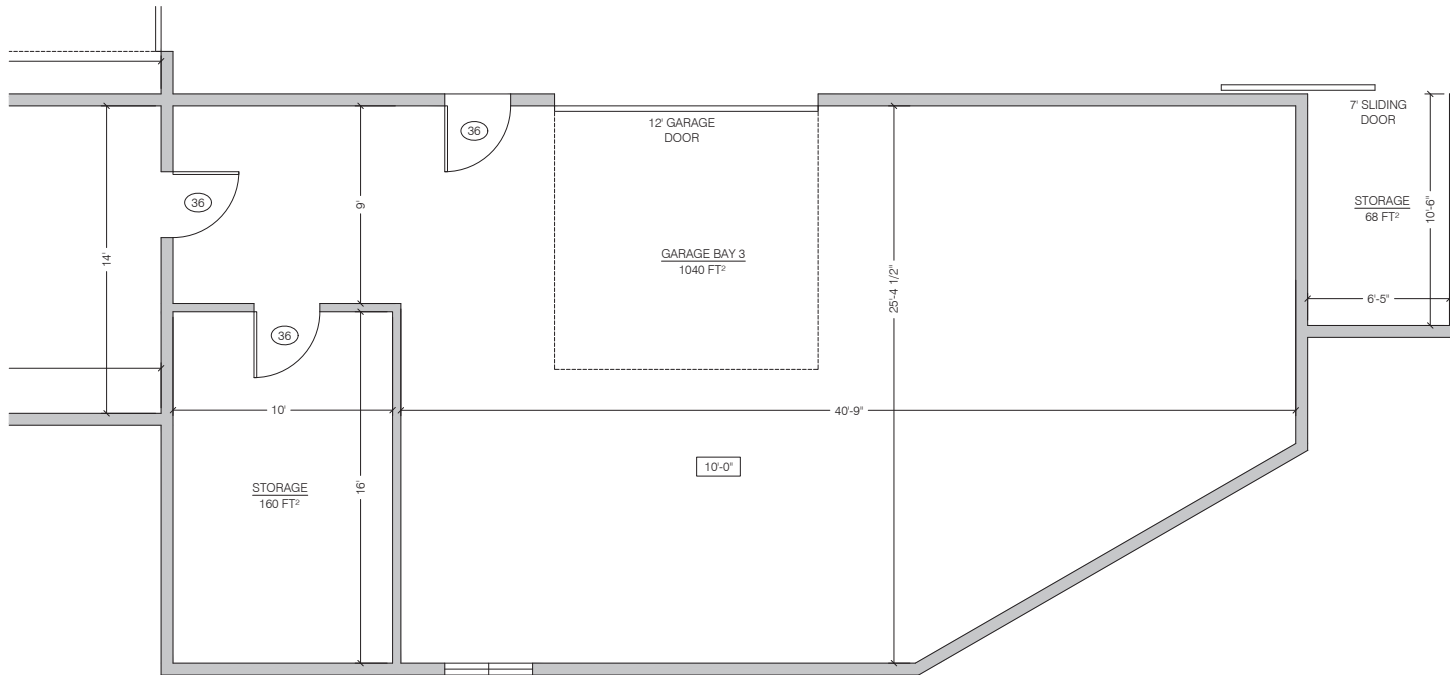
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1 KEY PLAN  
A3 N/S



2 PARTIAL EXISTING MAIN FLOOR PLAN 3  
A3 3/8" = 1'-0"

No.	DATE	DESCRIPTION	BY

REVISIONS	

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**RENOVATION PLAN**

LOCATION:  
3443 PRINCESS STREET KINGSTON

FOR:  
JAGDEEP WALIA

DRAWING:  
PARTIAL EXISTING MAIN FLOOR PLAN 3

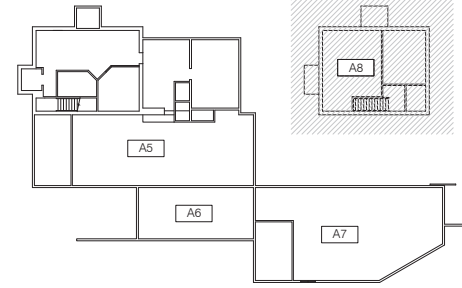
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DEPT. NAME	3/8" = 1'-0"	A3
DRGR. JM		
SIR. ET		
MEC. NA		
ELE. NA	DATE	
	AUG. 24, 2021	

JOB #: 21049 SHEET: 1 OF 2 21049

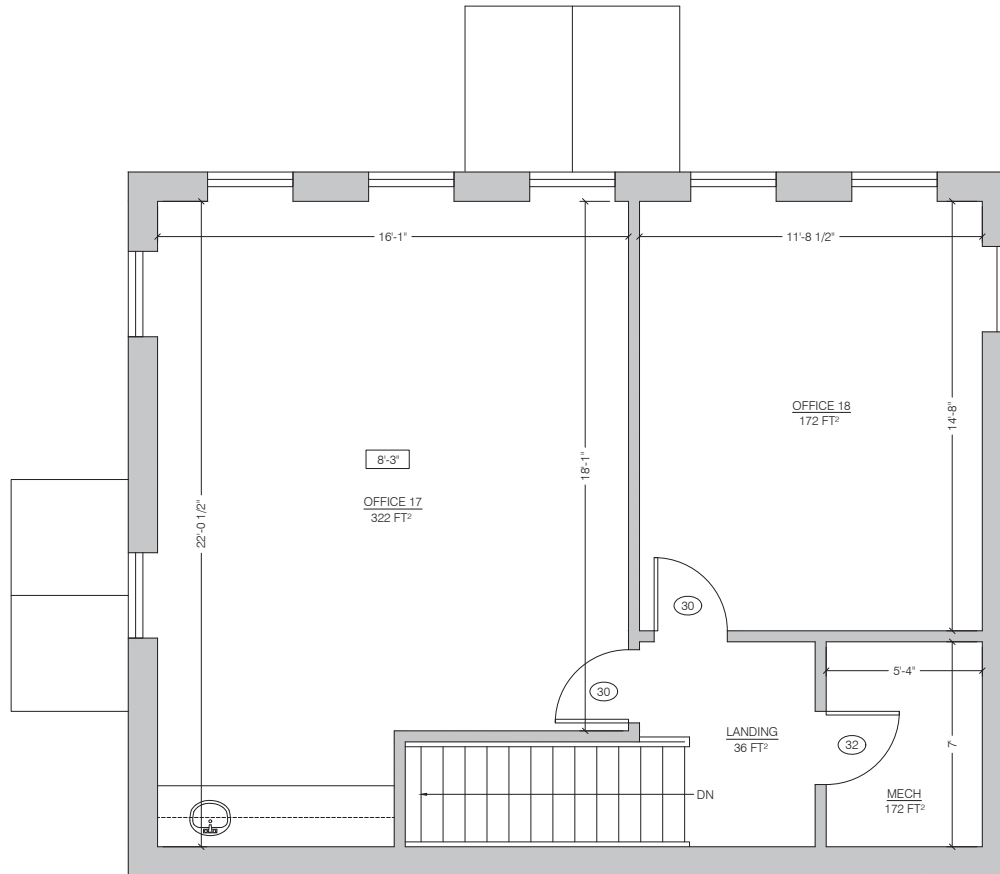
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1  
A4  
KEY PLAN  
N/S



2  
A4  
EXISTING SECOND FLOOR PLAN  
1/2" = 1'-0"

No.	DATE	DESCRIPTION	BY

REVISIONS	

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**RENOVATION PLAN**

LOCATION:  
3443 PRINCESS STREET KINGSTON

FOR:  
JAGDEEP WALIA

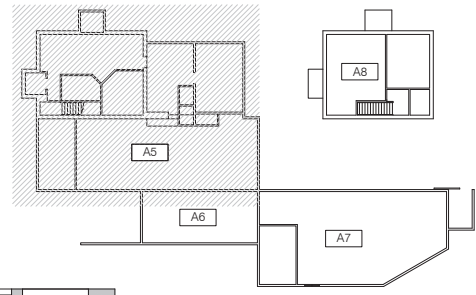
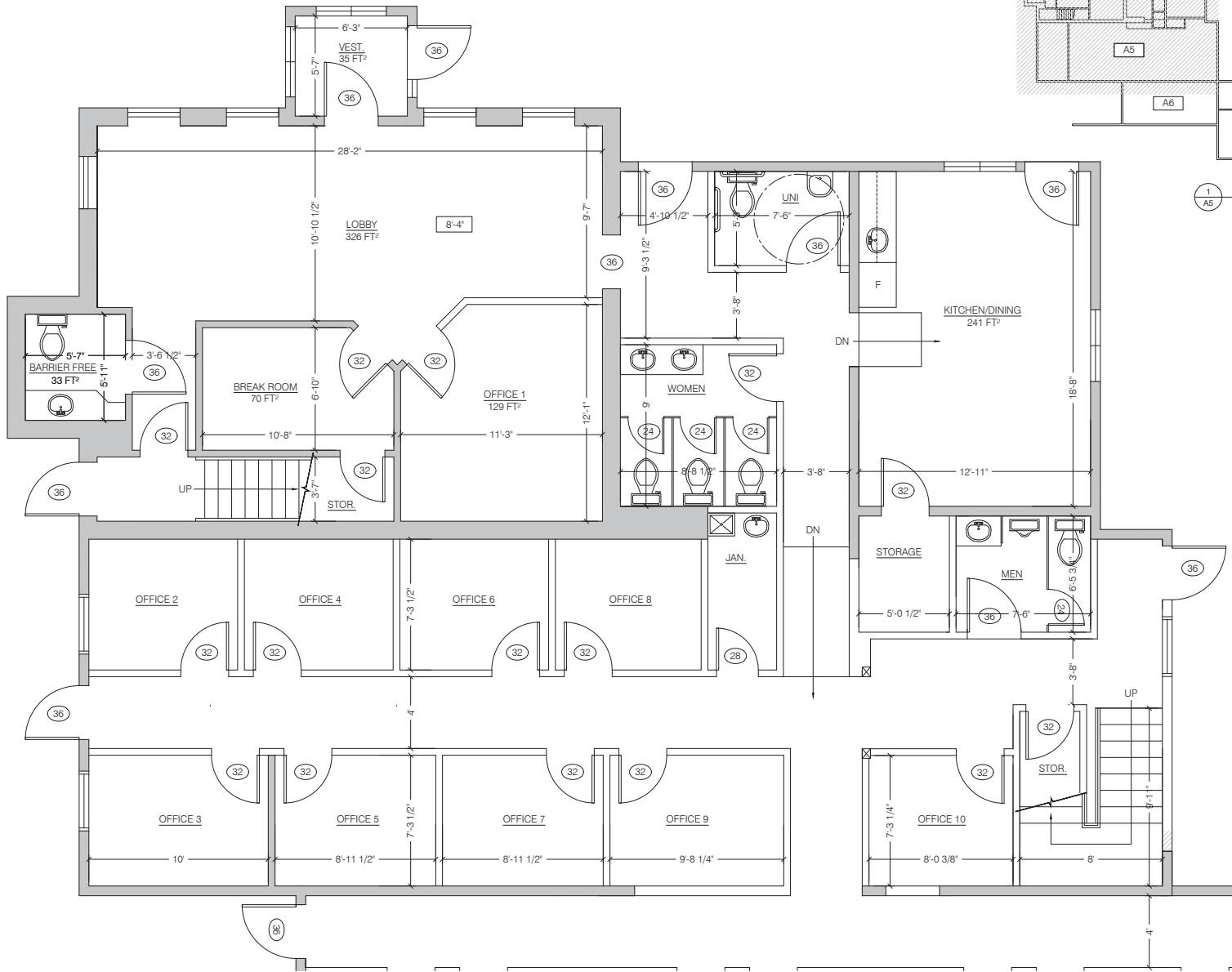
DRAWING:  
EXISTING SECOND FLOOR PLAN

REVIEWED BY	SCALE	DRAWING No.
DEPT. NAME	1/2" = 1'-0"	A4
ORDER JM		
SIR. ET		
MEC. NA		
ELE. NA	DATE	
	AUG. 24, 2021	
JOB # 21049	SHEET 1 OF 2	21049



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2 PARTIAL PROPOSED MAIN FLOOR PLAN 1  
3/8" = 1'-0"

No.	DATE	DESCRIPTION	BY
REVISIONS			

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RENOVATION PLAN

LOCATION:  
3443 PRINCESS STREET KINGSTON

FOR:  
JAGDEEP WALIA

DRAWING:  
PARTIAL PROPOSED MAIN FLOOR PLAN 1

REVIEWED BY	SCALE	DRAWING No.
DEPT. NAME	3/8" = 1'-0"	A5
DRWR. JM		
SUR. ET		
MEC. NA	DATE	
ELE. NA	AUG. 24, 2021	
JOB # 21049	SHEET 1 OF 2	21049



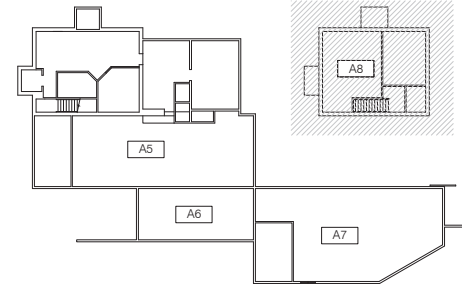




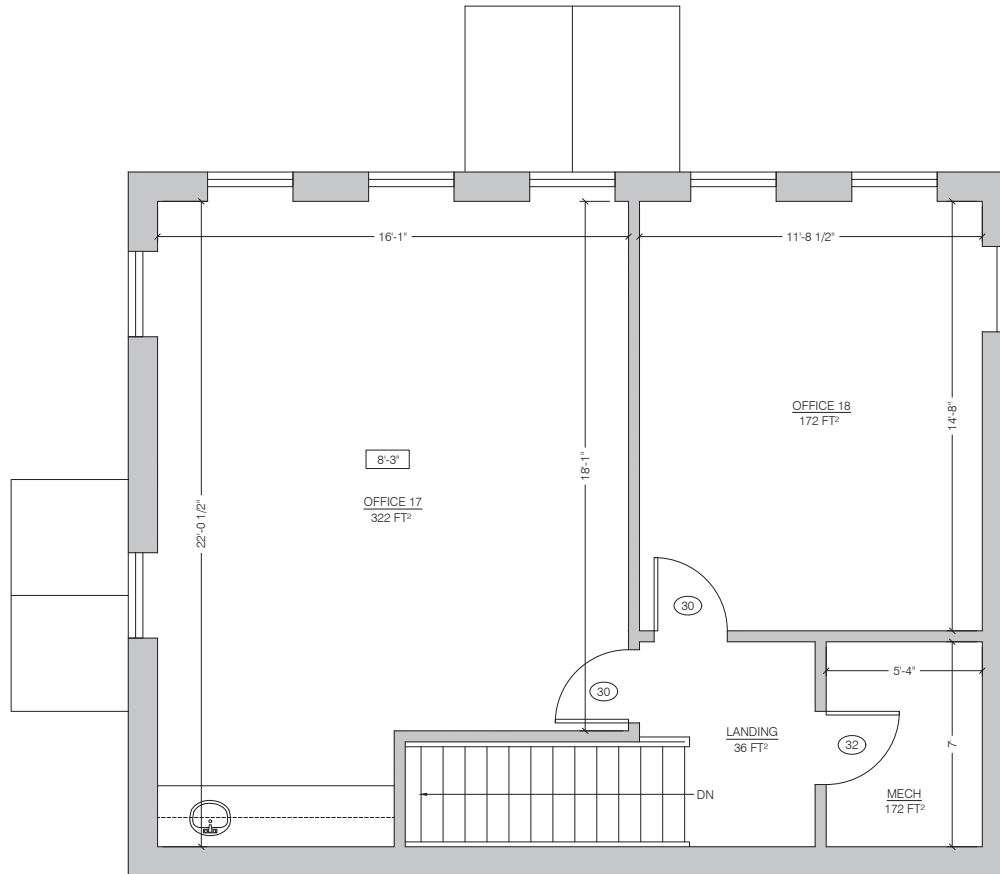
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1  
A8  
KEY PLAN  
N/S



2  
A8  
PROPOSED SECOND FLOOR PLAN  
1/2" = 1'-0"

No.	DATE	DESCRIPTION	BY

REVISIONS	

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**RENOVATION PLAN**

LOCATION:  
3443 PRINCESS STREET KINGSTON

FOR:  
JAGDEEP WALIA

DRAWING:  
PROPOSED SECOND FLOOR PLAN

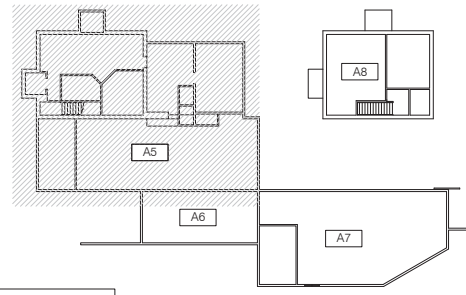
REVIEWED BY	SCALE	DRAWING No.
DEPT. NAME	1/2" = 1'-0"	A8
ORDER JM		
SITE ET		
MECH. NA		
ELE. NA	DATE	
	AUG. 24, 2021	

JOB #: 21049 SHEET: 1 OF 2 21049

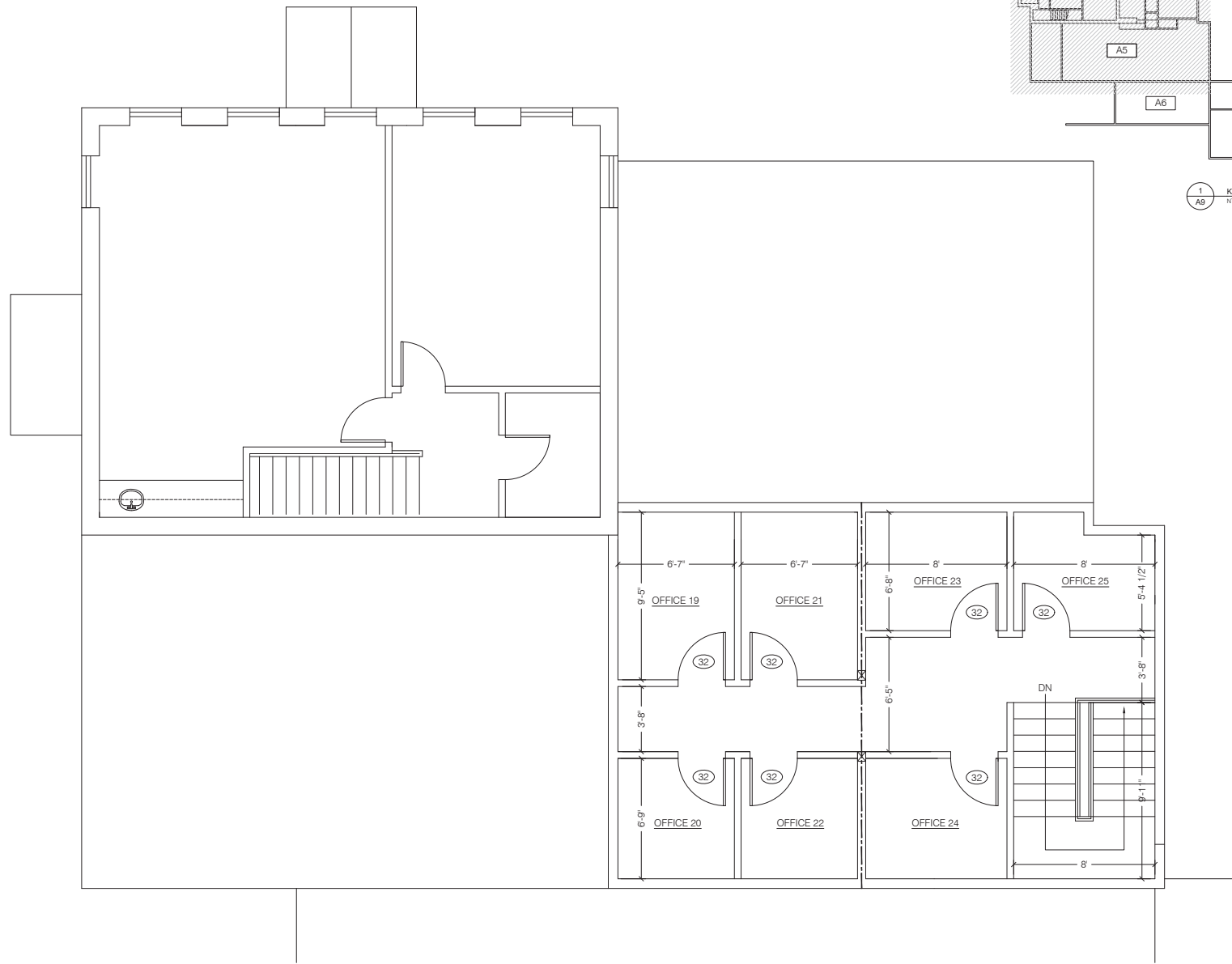
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1 KEY PLAN  
A9



2 PARTIAL PROPOSED MAIN FLOOR PLAN 1  
A9 3/8" = 1'-0"

No.	DATE	DESCRIPTION	BY

REVISIONS	

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RENOVATION PLAN

LOCATION:  
3443 PRINCESS STREET KINGSTON

FOR:  
JAGDEEP WALIA

DRAWING:  
PROPOSED SECOND FLOOR PLAN ADDITION

REVIEWED BY:		SCALE	DRAWING No.
DEPT.	NAME	3/8" = 1'-0"	A9
DRGR	JM		
SFR	ET		
MEC	NA		
ELE	NA	DATE	AUG. 24, 2021
JOB #	21049	SHEET	1 OF 2
			21049

Site Photos (Provided by Applicant November 24, 2021)





