



**City of Kingston
Report to Committee of Adjustment
Report Number COA-22-004**

To: Chair and Members of the Committee of Adjustment
From: InGi Kim, Planner
Date of Meeting: December 13, 2021
Application for: Consent
File Number: D10-027-2021 and D10-033-2021
Address: 1264 Britt Street and 716 Glen Cove Street
Owner: Marc Labrie and Sonja Van de Ven
Applicant: Marc Labrie

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:

The applications for consent to create one new residential lot at 1264 Britt Street and 716 Glen Cove Street has been submitted by the owner, Marc Labrie (Exhibit C - Key Map). The newly created lot will be 947 square metres in size with 21 metres of road frontage on Britt Street. The newly created lot will be used to develop a single-family dwelling in the future.

- File Number D10-027-2021, 1264 Britt Street

The purpose of application File Number D10-027-2021 is to sever a 613 square metres parcel of land with an approximately 12 metres of road frontage on Britt Street. The retained parcel will maintain its residential use and will comply with the performance standards of the 'R1-3' zone.

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- File Number D10-033-2021, 716 Glen Cove Street

The purpose of application File Number D10-033-2021 is to sever a 334 square metres parcel of land with an approximately 9 metres of road frontage on Britt Street and have it merge on title with the severed parcel at 1264 Britt Street. The retained parcel will maintain its residential use and will comply with the performance standards of the 'R1-3' zone.

The consent application proceeded through the Delegated Authority process. The City received public comments during the public notification period therefore the file has been referred to the Committee of Adjustment for consideration. A new public notice was mailed to all property owners within a 60-metre radius of the property and new signage was posted on the site.

This report provides a recommendation to the Committee of Adjustment regarding the application for consent. The proposal has regard to the matters under subsection 51(24) of the *Planning Act*, is consistent with the Provincial Policy Statement, conforms with all applicable policies of the Official Plan, is in keeping with the general intent and purpose of the zoning by-law and a plan of subdivision is not necessary for the proper and orderly development of the property, as such, is recommended for provisional approval.

Recommendation:

That consent application, File Number D10-027-2021, to sever a 613 square metres parcel of land with an approximately 12 metre of road frontage on Britt Street, be provisionally approved subject to the conditions included in Exhibit A (Recommended Conditions, D10-027-2021) to Report Number COA-22-004.

That consent application, File Number D10-033-2021, to sever a 334 square metres parcel of land with an approximately 9 metre of road frontage on Britt Street and have it merged on title with the severed parcel from the associated consent application, File Number D10-027-2021, be provisionally approved subject to the conditions included in Exhibit B (Recommended Conditions, D10-033-2021) to Report Number COA-22-004.

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Authorizing Signatures:

ORIGINAL SIGNED BY PLANNER

InGi Kim, 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:

The consent application, File Number D10-027-2021, was submitted on August 31, 2021 and the consent application, File D10-033-2021, was submitted on September 28, 2021 by the owner Marc Labrie, and it proceeded through the Delegated Authority process. The City received public comments during the public notification period; therefore the file has been referred to the Committee of Adjustment for consideration (Exhibit I – Technical Consent Public Comment). A new public notice was mailed to all property owners within a 60 metre radius of the property and new signage was posted on the site (Exhibit H - Public Notice Notification Map).

Site Characteristics

The subject properties are located on the east side of Glen Cove Street and the north side of Britt Street and is situated within a suburban area known as Bayridge West (Exhibit F – Neighbourhood Context Map).

1264 Britt Street is currently 0.25 hectares in size, with 37 metres of frontage onto Britt Street. The site is currently developed with a single-family dwelling with an attached private garage.

716 Glen Cove Street is currently 0.14 hectares in size, with 36 metres of frontage onto Glen Cove Street and 38 metres of frontage onto Britt Street. The site is currently developed with a single-family dwelling with an attached private garage.

The subject properties are designated 'Residential' in the Official Plan and zoned 'R1-3' in Zoning By-Law Number 76-26. The surrounding land use is predominantly low density residential (Exhibit D - Official Plan Map and Exhibit E - Zoning By-Law 76-26, Map 4).

Application

The Director of Planning Services, through delegated authority, can process applications for consent that are technical in nature without holding a Public Meeting. All residents within a 60 metre radius of the property were notified through this process, however, letters of objection and concerns were received. As such, this consent application is being referred to the Committee of Adjustment for consideration. Revised signage has been posted on the site and public notification of the Public Meeting has been sent to all property owners within a 60 metre radius. A courtesy advertisement has been published in the local newspaper.

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

- Proposed Site Plan (Exhibit G)

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.

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Planning Act

The requested consent applications have regard to the matters set out in subsection 51(24) of the *Planning Act*, are consistent with the general purpose and intent of the City of Kingston Official Plan and it complies with the requirements of Zoning By-Law Number 76-26.

Provincial Policy Statement

The Provincial Policy Statement provides policy direction on matters of provincial interest related to land use planning and development which are complemented by local policies addressing local interests. The application being considered is site specific to accommodate a specific proposal and does not involve any major policy considerations and as much, the proposal conforms to and is consistent with the PPS.

Official Plan

The subject property is designated 'Residential' in the City of Kingston Official Plan. The Residential land use designation on Schedule 3-A denotes urban residential land uses that are intended to be on full municipal services. Residential uses are primarily forms of housing 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 proposed lot creation with its intended development and the retained lots will comply with the intent of the Residential policies of the Official Plan.

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.

- a. 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 lot frontage and lot area of the severed and retained parcels comply with the provisions of the 'R1-3' zone in Zoning By-Law Number 76-26. The severed lot will have a lot area of 947 square metres with 21 metres of road frontage on Britt Street. The new lot is intended for residential development subject to the provisions of the 'R1-3' zone.

The retained lot at 1264 Britt Street will have a lot area of 1,907 square metres with 24 metres of road frontage on Britt Street. The existing single-family dwelling will remain on the retained lot. The location of the dwelling will comply with the provisions of the 'R1-3' zone.

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The retained lot at 716 Glen Cove Street will have a lot area of 1,059 square metres with 29 metres of road frontage on Britt Street. The existing single-family dwelling will remain on the retained lot. The location of the dwelling will comply with the provisions of the 'R1-3' zone.

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

The severed and retained parcels will have adequate road frontage on Britt Street and will have more than 33 metres of lot depth.

- c. Consents may be granted only when each parcel of land has frontage and direct access from an assumed road, except for conservation lands such as those held by the Conservation Authority or a land trust that can be accessed through an easement or right-of-way on abutting lands;
- d. 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 retained lot at 1264 Britt Street has direct access from Britt Street and the retained lot at 716 Glen Cove has direct access from Glen Cove Street. The newly created lot will have new access from Britt Street. Any new or altered entrances will require an entrance permit from Engineering Services.

- e. 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;

Any new or upgraded entrances will not create a traffic hazard because of sightlines as both severed and retained lots has clear views of Britt Street. Engineering and Transportation Services have reviewed the application and do not have any concerns.

- f. 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 would be an infill lot within the Urban Boundary which is in keeping with the intensification policies of the Official Plan.

- g. 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;
- h. 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;

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The subject lot is located within the urban boundary and is not subject to provisions g. and h.

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 archeological significance as set out in Sections 5, 6, and 7 of this Plan; and

The subject property is not a protected heritage property, nor is it adjacent to a protected heritage property. However, the subject property is identified as having composite archeological potential in the Archaeological Master Plan. As a result, archeological clearance of the severed parcels will be required prior to issuance of final consent approval.

- i. 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 owner is to complete a Severance Locate for both 1264 Britt Street and 716 Glen Cove Street, which shall be approved by Utilities Kingston, prior to the issuance of the consent certificate.

Additionally, the owner is to submit a Grading and Servicing Plan, which shall be approved by Engineering, prior to the issuance of the consent certificate.

In conclusion, the proposal meets the intent of the Official Plan, as the proposed consent will not result in any negative impacts to adjacent properties or to the neighbourhood and will provide intensification of residential uses within the urban boundary.

Zoning By-Law

The subject property is zoned 'R1-3' in the City of Kingston Zoning By-Law Number 76-26, entitled "Township of Kingston Restricted Area By-Law", as amended. The 'R1-3' zone permits a single-family dwelling house, a converted dwelling house, a home occupation, and a public use in accordance with the provisions of Section 5(18) hereof.

The minimum lot area required for the 'R1-3' zone is 6,000 square feet and the minimum lot frontage required is 55 feet [Section 12(3)(c)]. The severed and the retained parcels will comply with the minimum lot area and lot frontage required (Please see Table 1).

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Table 1. Zoning By-Law Compliance, the severed and the retained parcels

Proposed Severances	Lot Area	Lot Frontage
Section 12(3)(c), ZB 76-26	6,000 square feet (~557 square metres)	55 feet (~17 metres)
Newly Created Lot	~10,200 square feet (~1,050 square metres)	~70 feet (~21 metres)
Retained lot 1: 1264 Britt Street	~20,530 square feet (~1,900 square metres)	~80 feet (~24 metres)
Retained lot 2: 716 Glen Cove Street	~11,400 square feet (~950 square metres)	~95 feet (~29 metres)

Discussion

The proposed lot creation will result in a development that is consistent with the built form of existing residential buildings located adjacent to the subject property on Britt Street. The severed and the retain parcels will exceed the minimum lot area and lot frontage required under Section 12(3)(c) of Zoning By-Law Number 76-26. Additionally, the size of the severed and the retained parcels are comparable to the existing residential lots in the area (Please see Table 2).

Table 2. Lot area comparison

Address	Lot Area
Newly Created Lot	~1,050 square metres
Retained lot 1: 1264 Britt Street	~1,900 square metres
Retained lot 2: 716 Glen Cove Street	~950 square metres
Adjacent lot to the west: 713 Glen Cove Street	~1,399 square metres
Adjacent lot to the west: 717 Glen Cove Street	~1,400 square metres
Adjacent lot to the south: 704 Glen Cove Street	~780 square metres
Adjacent lot to the south: 1261 Britt Street	~613 square metres
Abutting lot to the south: 1265 Britt Street	~3,277 square metres
Abutting lot to the east: 713 Centre Street	~1,370 square metres
Abutting lot to the east: 717 Centre Street	~1,385 square metres
Abutting lot to the north: 720 Glen Cove Street	~1,394 square metres
Abutting lot to the north: 1263 Lea Place	~1,180 square metres
Abutting lot to the north: 1265 Lea Place	~1,325 square metres

The proposal and the future development are not anticipated to cause any adverse impacts on the adjacent and abutting residential properties. Any future development on-site will be subject to zoning provisions including the minimum front yard depth, rear yard depth, and side yard width. No adverse effects in regard to overlook or loss of privacy are anticipated, as the setback requirements will ensure that the future development will be located 20 feet away from the front lot line, 25 feet away from the rear lot line, and at least 4 ft away from the side lot lines (Exhibit J - Developable Area for the New Lot).

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Additionally, it is also anticipated that the proposed development will have no impact on the existing streetscape as the retained parcels will maintain their existing accesses. Any new and/or altered accesses to the properties will require an Entranceway Permit.

Technical Review: Circulated Departments and Agencies

- | | | |
|---|--|--|
| <input 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 type="checkbox"/> Real Estate & Environmental Initiatives |
| <input type="checkbox"/> Fire & Rescue | <input checked="" type="checkbox"/> Kingston Hydro | <input type="checkbox"/> City’s Environment Division |
| <input type="checkbox"/> Solid Waste | <input checked="" type="checkbox"/> Parks Development | <input type="checkbox"/> Canadian National Railways |
| <input type="checkbox"/> Housing | <input checked="" type="checkbox"/> District Councillor | <input type="checkbox"/> Ministry of Transportation |
| <input type="checkbox"/> KEDCO | <input type="checkbox"/> Municipal Drainage | <input type="checkbox"/> Parks of the St. Lawrence |
| <input checked="" 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 checked="" type="checkbox"/> Hydro One | <input type="checkbox"/> Enbridge Pipelines | <input type="checkbox"/> TransCanada Pipelines |
| <input type="checkbox"/> Kingston Airport | | |

Technical Comments

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

Public Comments

One public comment was received on the application when it was proceeding as a technical consent by owners of two adjacent properties. Six concerns were expressed regarding water pressure, electricity capacity, trees, impact on property value and tax, location of the driveway, and the construction noise. The comment was received by e-mail (Exhibit I - Technical Consent Public Comment).

- Water pressure
Concern: “In 2020 the water mains and piping for our entire area were replaced/upgraded but Britt Street was not included. We are concerned that the infrastructure on our street will not support an additional residence. The water pressure has already been highlighted by the Tough's as being low, and the Tayles concur. The system would require upgrading to support an additional residence and we oppose any increase to our taxes for this, and any other impact that would incur financial obligation on our behalves.”

Comment: The applications were reviewed by Utilities Kingston and no concerns regarding the water infrastructure were identified. As a condition of approval, the applicant will provide a sketch showing all existing services and the mains they connect

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to, and the existing buildings and all proposed and existing property lines for Utilities Kingston to approve.

- Electrical Capacity

Concern: "The existing electrical lines and supporting transformer are already being stretched to the limit on Britt St. One of us is an electrician and strongly believes that a new residence on this street would require an upgrade to the existing infrastructure. We oppose any increase to our taxes for this, and any other impact that would incur financial obligation on our behalves."

Comment: The subject sites are in the Hydro One's service area. Hydro One has reviewed the applications and had no comments or concerns.

- Impact on Trees

Concern: "While we recognize that the drawings provided are specific to severance, they do not include trees and the building structure depicted on the Glen Cove property is inaccurate. We assume that the applicants have secured the required approvals to remove trees should this be in their plans."

Comment: At this stage, there is no plan to remove any boulevard trees on Glen Cove Street nor on Britt Street. At the Building Permit stage, a tree permit may be required to remove any City-owned trees.

- Property value and Tax

Concern: "While we recognize that the drawings provided are specific to severance, we are jointly concerned about the impact of any new residence on our property values including property taxes and require some clarification on this."

Comment: Increase or decrease in property values do not form part of the planning review process. The applications were reviewed against the Official Plan, specifically section 9.6.13 titled "Criteria for Consent Approval" and section 2.7 titled "Land Use Compatibility Principles", and they meet the intent of the Official Plan and comply to the requirements of Zoning By-Law Number 76-26. The proposed lot creation will result in a development that is consistent with the built form of existing residential buildings located adjacent to the subject property on Britt Street. The severed and the retain parcels will exceed the minimum lot area and lot frontage required under Section 12(3)(c) of Zoning By-Law Number 76-26. Additionally, any future development onsite will be subject to zoning provisions including the minimum front yard depth, rear yard depth, and side yard width (Exhibit J - Developable Area for the New Lot). As a result, the proposed lot creation is compatible with the existing neighbourhood characteristics and will not result in any negative impacts to adjacent properties or to the neighbourhood.

- Driveway location

Concern: "The drawings do not indicate where the applicants plan to have a new driveway. We jointly request clarity on this. With the increased traffic on our normally

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quiet residential street, the placement of driveways is critical. There should neither be a driveway directly across from 1261 driveway, nor in any location that impedes access at 1265 from that driveway.”

Comment: At this stage, the location of the new driveway is not undetermined. At the development stage, the driveway width will be regulated by Zoning By-Law and any new or altered entrances will require an entrance permit from Engineering Services.

- **Construction Noise**

Concern: “It is our understanding (indirectly) that the applicant intends to build their own residence if everything is approved. We live in a quiet area, the primary reason for living here and are very concerned with the noise level of construction. Recognizing that if someone is approved to build a new residence, we want to be assured that there is a maximum time frame for completion such that the noise levels created by constant construction is contained in accordance with the laws. Also, we do not want our access to our homes impeded in any way, and if there is damage to the street we oppose being assessed any financial liability or obligation in this regard.”

Comment: Good Neighbour Guide provides a guide to the City of Kingston’s bylaws that ensure developments are carried out in a safe manner and minimize any potential negative impacts on neighbours. Regulated by the City’s Noise By-Law Number 2004-52, any construction activities between 7 p.m. and 7 a.m. and on Sundays and holidays is prohibited in residential areas. Additionally, during the construction, the Streets By-Law Number 2004-190 will ensure the sidewalks and roads are clean and the Building By-Law Number 2005-99 will ensure the construction site is safe with the protective fence.

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

Previous or Concurrent Applications

There are no concurrent or relevant historic planning applications on the subject property.

Conclusion

The proposal has regard to the matters under subsection 51(24) of the *Planning Act*, is consistent with the Provincial Policy Statement, conforms with all applicable policies of the Official Plan, is in keeping with the general intent and purpose of the zoning by-law and a plan of subdivision is not necessary for the proper and orderly development of the property, as such, is recommended for provisional approval.

Provisional approval of this application will create one (1) new residential lot for the future single-family dwelling development. The proposal will improve the function of the underutilized portion of the site and represents good land use planning.

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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 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 14 days in advance of the meeting. In addition, notices were sent by mail to a total number of 38 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 on December 7, 2021 (Exhibit H – Public Notice 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

InGi Kim, Planner, 613-546-4291 extension 3277

Other City of Kingston Staff Consulted:

None

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Exhibits Attached:

- Exhibit A Recommended Conditions, File Number D10-027-2021
- Exhibit B Recommended Conditions, File Number D10-033-2021
- Exhibit C Key Map
- Exhibit D Official Plan Map
- Exhibit E Zoning By-Law Number 76-26, Map 4
- Exhibit F Neighbourhood Context Map (2021)
- Exhibit G Proposed Site Plan
- Exhibit H Public Notice Notification Map
- Exhibit I Technical Consent Public Comment
- Exhibit J Developable Area for the New Lot

Recommended Conditions

The provisional approval of consent application, File Number D10-027-2021, to sever a 613 square metres parcel of land with an approximately 12 metre of road frontage on Britt Street, is subject to the following recommended conditions. The retained parcel will maintain the existing single-family dwelling municipally addressed as 1264 Britt Street having road frontage on Britt Street.

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

3. Payment of Taxes

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

4. Standard Archaeological Condition

Archaeological clearance of the severed parcel is required, 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.

One digital copy of the assessment report(s) and any acceptance letter(s) from the Ministry of Heritage, Sport, Tourism, and Culture Industries shall be provided to the Secretary-Treasurer of the Committee of Adjustment, prior to the issuance of the Certificate of Official.

The City relies upon the report of the professional archaeologist as filed, but reserves the right to require further reports should further evidence be uncovered. The applicant may be required to further review the state of archaeological resources on the property depending on the recommendations of the report and subject to input and review from the Ministry of Heritage, Sport, Tourism, and Culture Industries. The City shall not be restricted in its ability to determine requirements related to review, assessment and/or protection should archaeological resources be found on site. Any costs arising from such requirements of the City, or any other duly authorized Government body, shall be borne solely by the applicant.

5. Cash-In-Lieu of Parkland

In accordance with City of Kingston By-law 2013-107, the Owner shall provide cash-in-lieu of parkland conveyance in the total amount of \$1968.70 prior to issuance of final consent approval of associated Consent Applications D10-027-2021 and D10-033-2021.

6. Site Servicing Plan

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

7. Utilities Services

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

8. Site Grading Plan

Prior to the issuance of a Certificate of Official, it shall be necessary for the City of Kingston to receive, review and approve a Site Grading Plan for the proposed severed and retained lots.

9. Entranceway Permit

New and/or altered driveways to the proposed severed and retained lots will require an Entranceway Permit.

10. Civic Address

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

11. Associated Consents

That associated Consent Application D10-033-2021 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.

Recommended Conditions

The provisional approval of consent application, D10-033-2021, to sever a 334 square metres parcel of land with an approximately 9 metre of road frontage on Britt Street and have it merged on title with the severed parcel from the associated consent application, D10-027-2021, is subject to the following recommended conditions. The retained parcel will maintain the existing single-family dwelling municipally addressed as 716 Glen Cove Street having road frontages on Glen Cove Street and Britt Street.

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

3. Payment of Taxes

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

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Archaeological clearance of the severed parcel is required, 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.

One digital copy of the assessment report(s) and any acceptance letter(s) from the Ministry of Heritage, Sport, Tourism, and Culture Industries shall be provided to the

Secretary-Treasurer of the Committee of Adjustment, prior to the issuance of the Certificate of Official.

The City relies upon the report of the professional archaeologist as filed, but reserves the right to require further reports should further evidence be uncovered. The applicant may be required to further review the state of archaeological resources on the property depending on the recommendations of the report and subject to input and review from the Ministry of Heritage, Sport, Tourism, and Culture Industries. The City shall not be restricted in its ability to determine requirements related to review, assessment and/or protection should archaeological resources be found on site. Any costs arising from such requirements of the City, or any other duly authorized Government body, shall be borne solely by the applicant.

5. Site Servicing Plan

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

6. Utilities Services

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

7. Site Grading Plan

Prior to the issuance of a Certificate of Official, it shall be necessary for the City of Kingston to receive, review and approve a Site Grading Plan for the proposed severed and retained lots.

8. Entranceway Permit

New and/or altered driveways to the proposed severed and retained lots will require an Entranceway Permit.

9. Civic Address

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

10. Associated Consents

That associated Consent Application D10-027-2021 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.

11. Lot Addition

That the lands herein conveyed shall be consolidated with the severed parcel of land associated with Consent Application D10-027-2021 described as 1264 Britt Street and any subsequent conveyance or transaction of the said lands shall be subject to the part lot control provisions of Subsection (3) or (5) of Section 50 of the Planning Act, R.S.O. 1990 as amended. Failure to consolidate the subject lands shall render this consent null and void.

12. Accessory Building

That the existing accessory structure located on the severed lot to be removed or to be moved to the retained lot in compliance with the interior side yard requirement and all applicable regulations of the Zoning By-Law. The owner/applicant shall provide the Secretary-Treasurer, Committee of Adjustment, a confirmation that the detached accessory building has been removed prior to the issuance of the Certificate of Official.

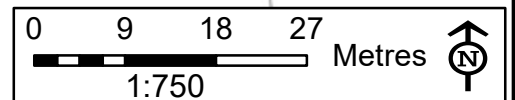
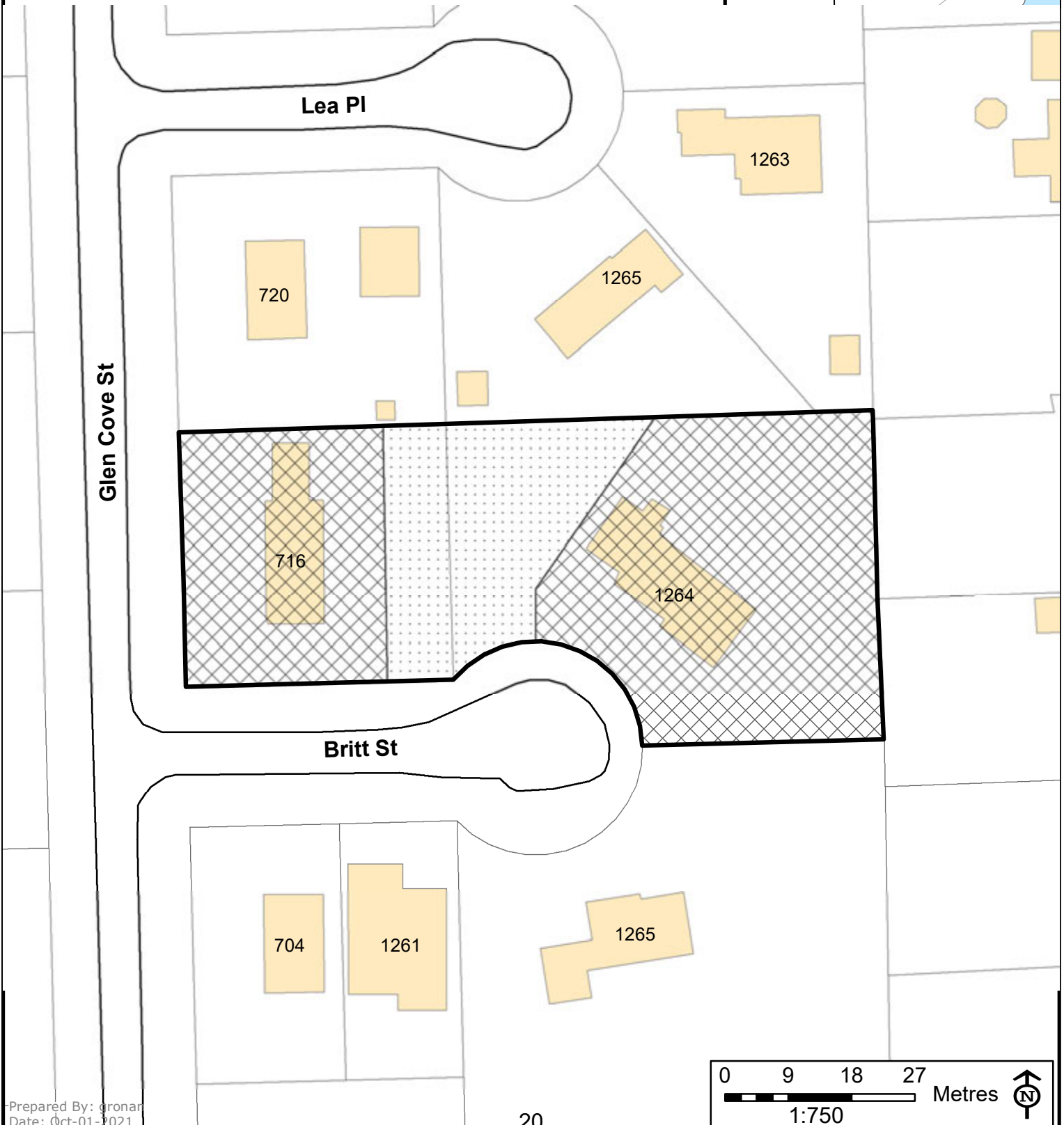
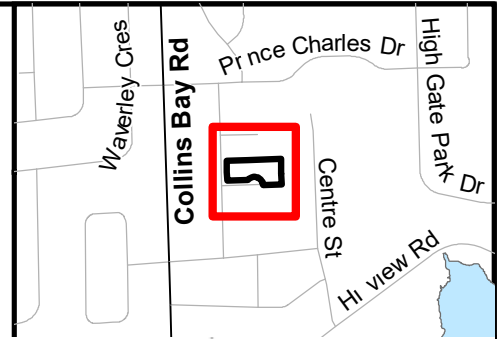


Delegated Authority

Key Map

Address: 1264 Britt Street and 716 Glen Cove Street
File Number: D10-027-2021 and D10-033-2021

- Subject Lands
- Severed Lands
- Retained Lands



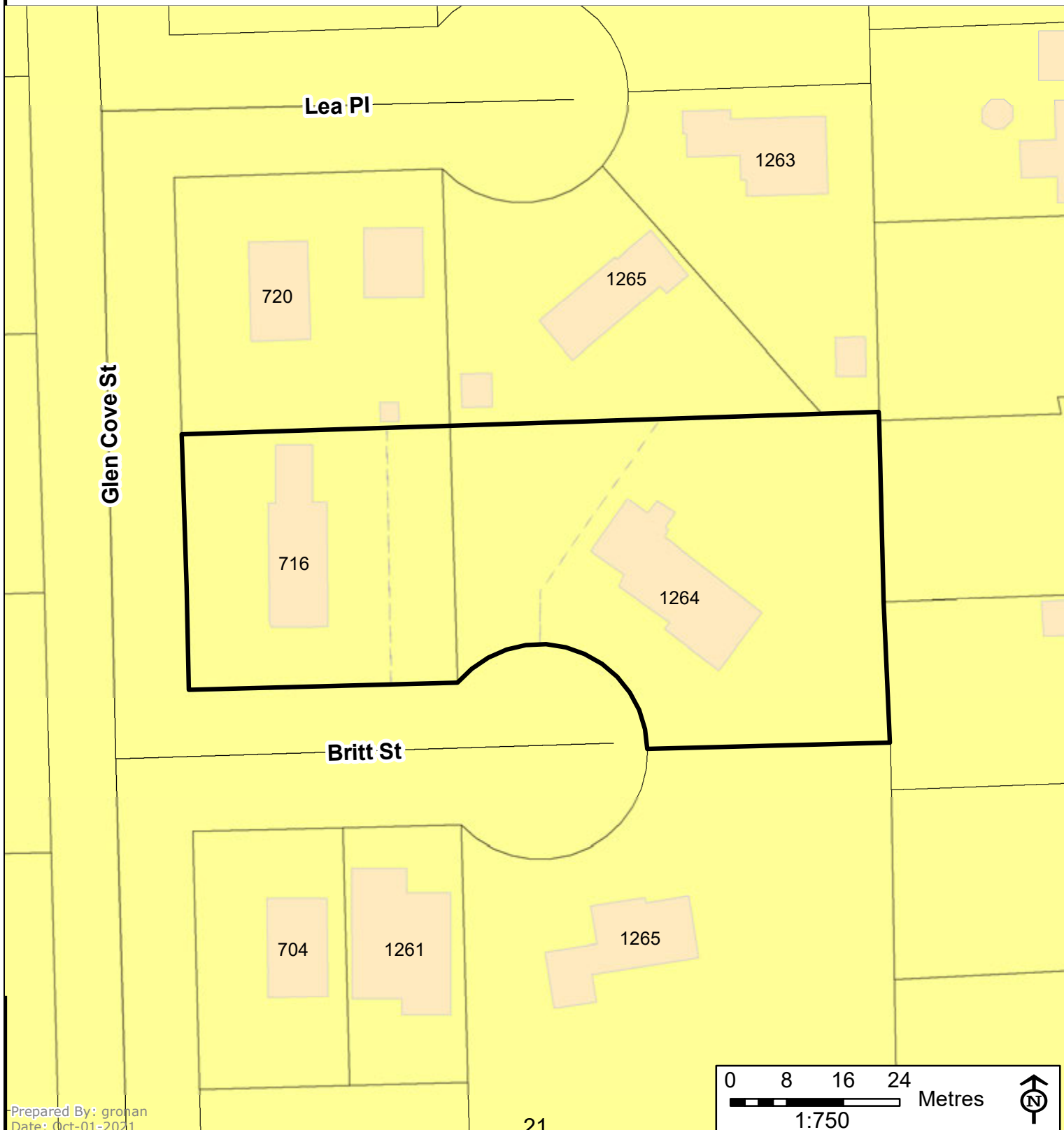


Planning Services

Delegated Authority
Official Plan, Existing Land Use

Address: 1264 Britt Street and 716 Glen Cove Street
File Number: D10-027-2021 and D10-033-2021

- Subject Lands
- RESIDENTIAL





Delegated Authority

Existing Zoning - By-law 76-26, Map 4

Address: 1264 Britt Street and 716 Glen Cove Street

File Number: D10-027-2021 and D10-033-2021

Subject Lands

Consolidated Zoning

Glen Cove St

Lea Pl

720

1263

1265

716

R1.3

1264

Britt St

704

1261

1265

0 8 16 24

Metres

1:750









Planning Services

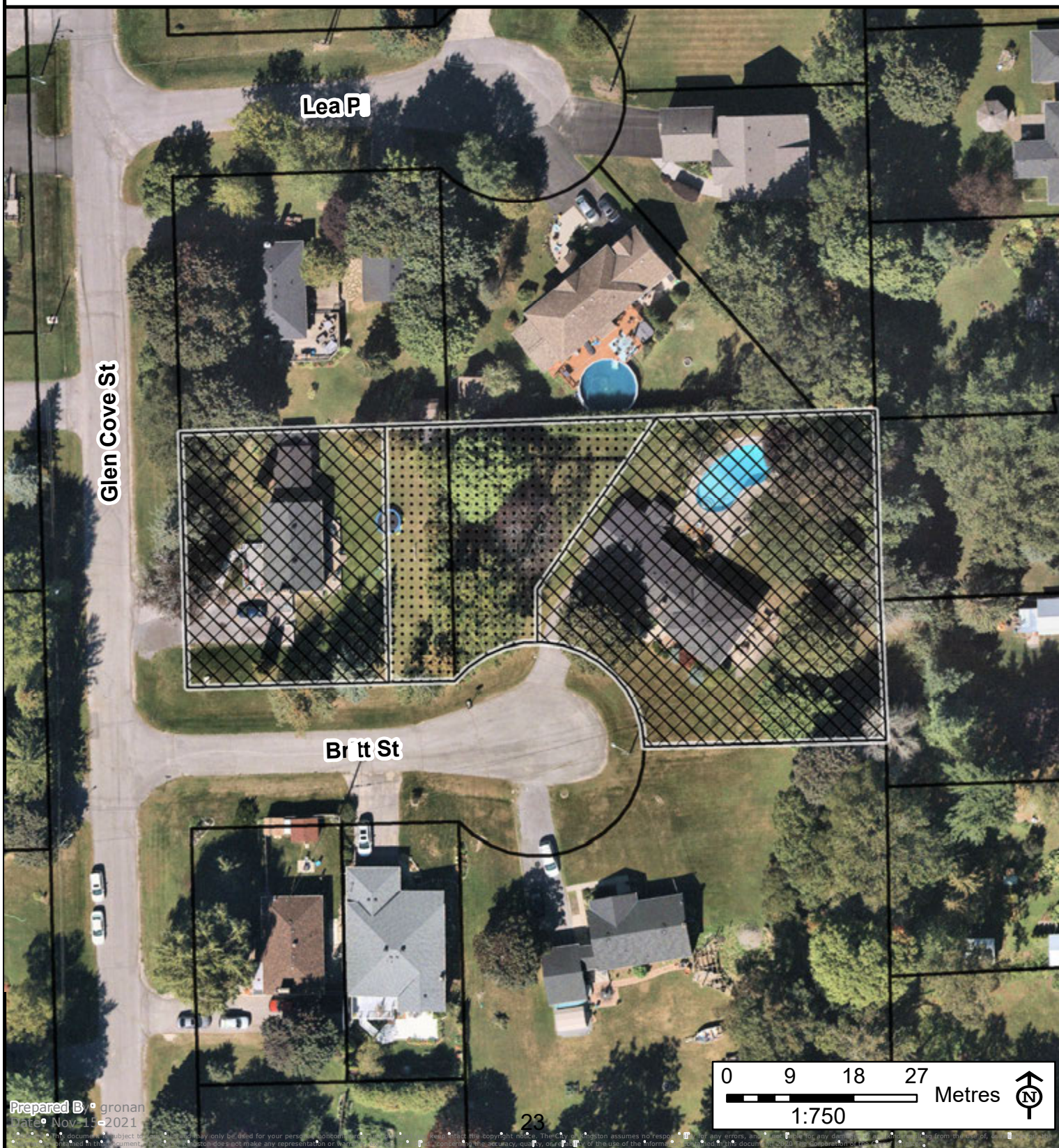
Delegated Authority

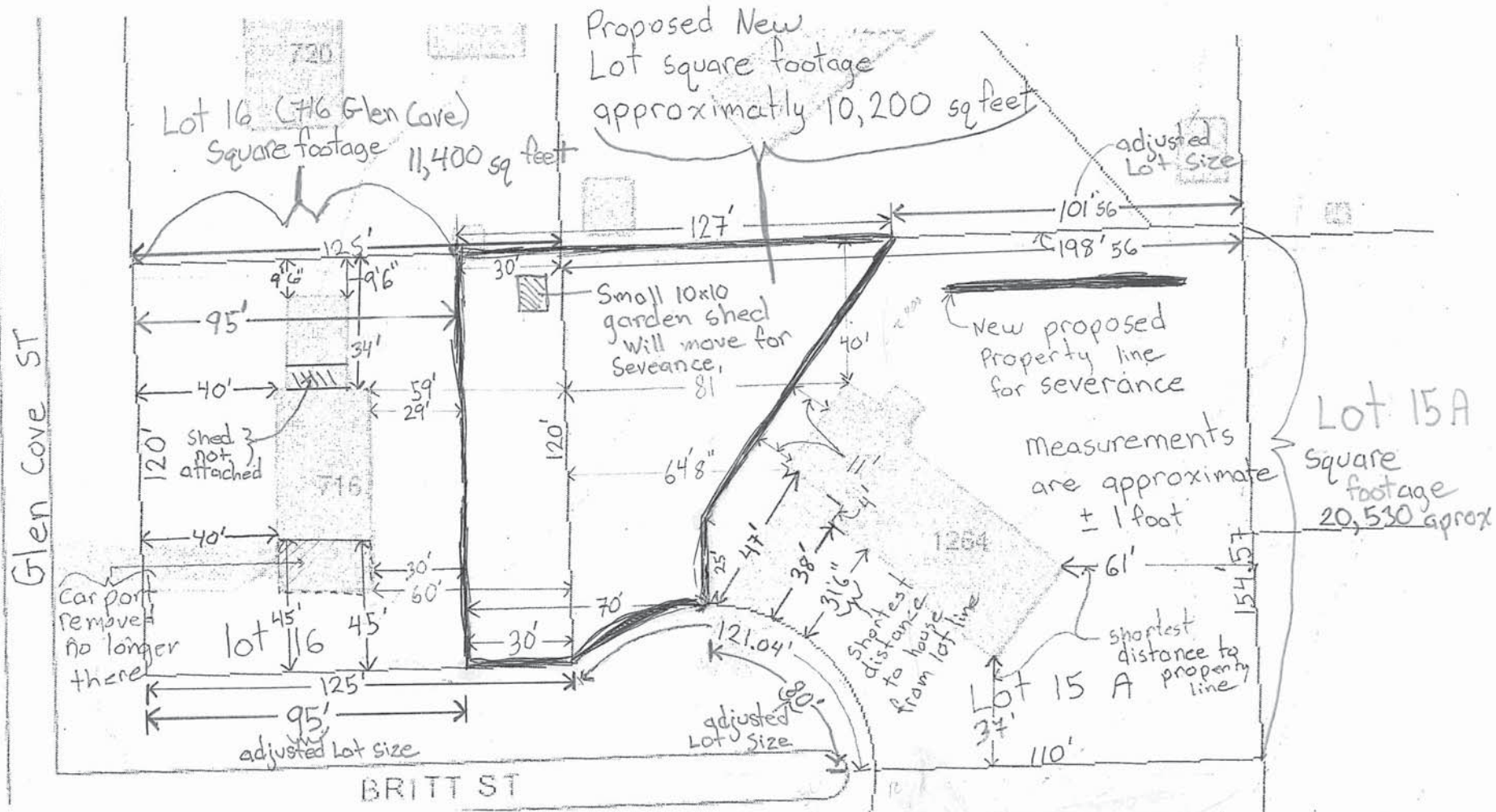
Neighbourhood Context (2021) Address:

1264 Britt Street and 716 Glen Cove Street

File Number: D10-027-2021 and D10-033-2021

-  Property Boundaries
-  Proposed Parcels
-  Retained Lands
-  Severed Lands





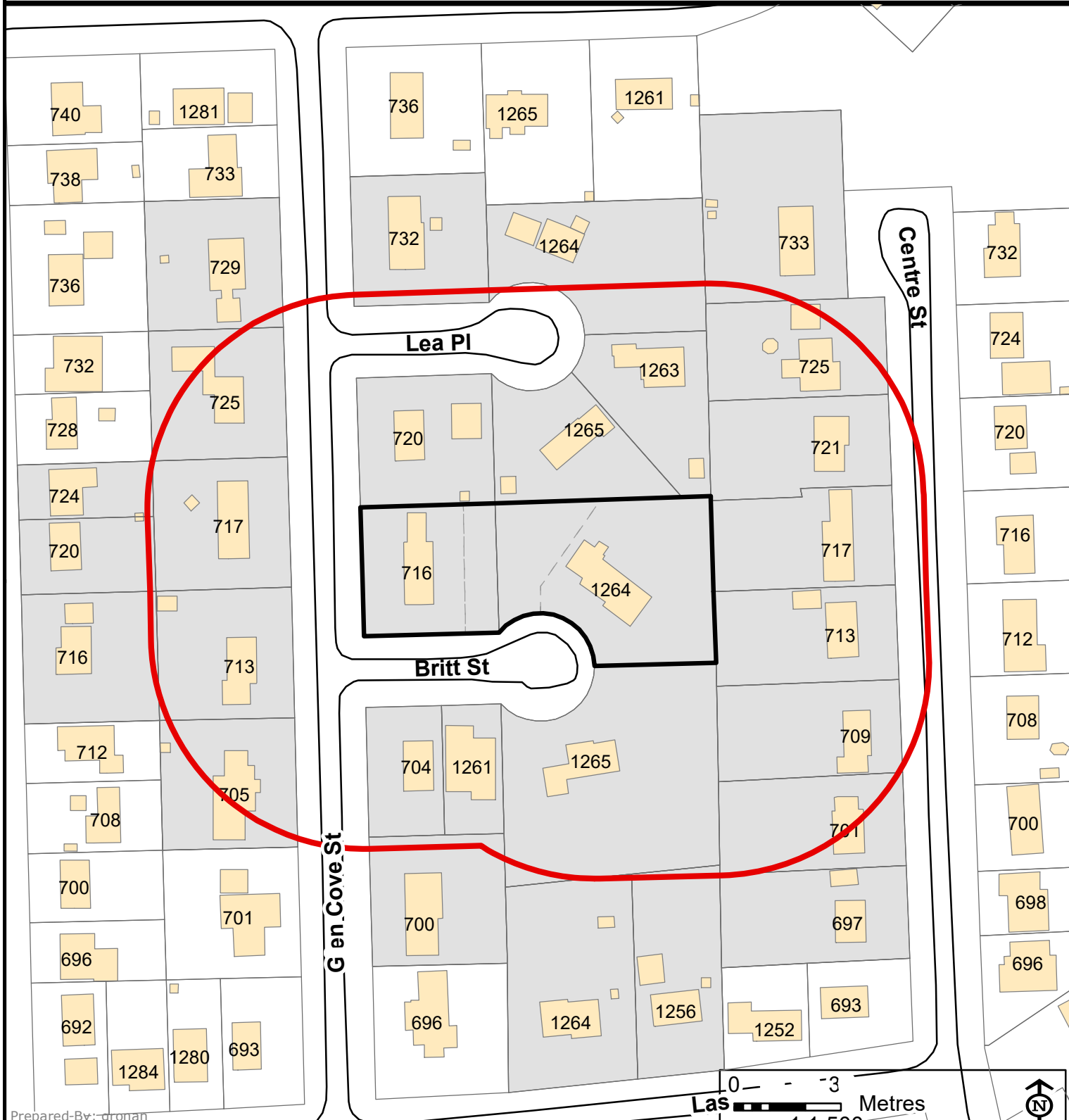


**Planning
Services**

Delegated Authority Public Notice Notification Map

Address: 1264 Britt Street and
716 Glen Cove Street
File Number: D10-027-2021
and D10-033-2021

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



Prepared By: gronan
Date: Oct-01-2021

From: [REDACTED]
To: [Planning Outside Email: Kim.InGi](#)
Cc: [REDACTED]
Subject: File Number D10-027-2021 and D10-033-2021 1264 Britt St and 716 Glen Cove St.
Date: Friday, October 22, 2021 9:01:06 AM

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Thank you for the opportunity to comment on the above noted severance. Please be advised that this email represents the combined concerns/questions of the owners of 1261 and 1265 Britt Street, Karen and Gilbert Tayles and Janice and Don Tough. Both our email addresses are included in this email. Please take these comments under advisement and inform us if you require more information:

1. in 2020 the water mains and piping for our entire area were replaced/upgraded but Britt Street was not included. We are concerned that the infrastructure on our street will not support an additional residence. The water pressure has already been highlighted by the Tough's as being low, and the Tayles concur. The system would require upgrading to support an additional residence and we oppose any increase to our taxes for this, and any other impact that would incur financial obligation on our behalves.
2. the existing electrical lines and supporting transformer are already being stretched to the limit on Britt St. One of us is an electrician and strongly believes that a new residence on this street would require an upgrade to the existing infrastructure. We oppose any increase to our taxes for this, and any other impact that would incur financial obligation on our behalves;
3. While we recognize that the drawings provided are specific to severance, they do not include trees and the building structure depicted on the Glen Cove property is inaccurate. We assume that the applicants have secured the required approvals to remove trees should this be in their plans.
4. While we recognize that the drawings provided are specific to severance, we are jointly concerned about the impact of any new residence on our property values including property taxes and require some clarification on this.
5. The drawings do not indicate where the applicants plan to have a new driveway. We jointly request clarity on this. With the increased traffic on our normally quiet residential street, the placement of driveways is critical. There should neither be a driveway directly across from 1261 driveway, nor in any location that impedes access at 1265 from that driveway.
6. It is our understanding (indirectly) that the applicant intends to build their own residence if everything is approved. We live in a quiet area, the primary reason for living here and are very concerned with the noise level of construction. Recognizing that if someone is approved to build a new residence, we want to be assured that there is a maximum time frame for completion such that the noise levels created by constant construction is contained in accordance with the laws. Also, we do not want our access to our homes impeded in any way, and if there is damage to the street we oppose being assessed any financial liability or obligation in this regard.

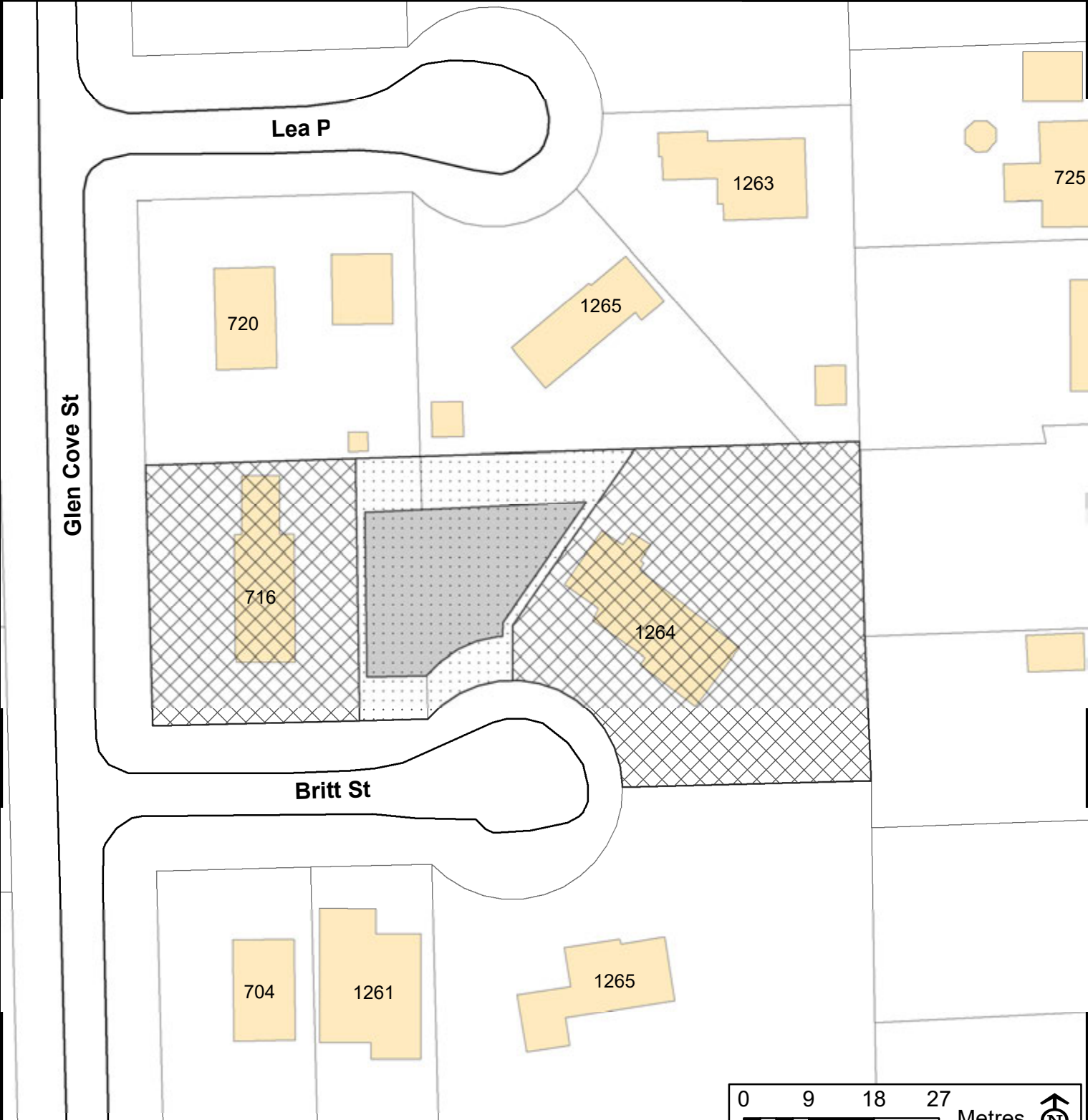
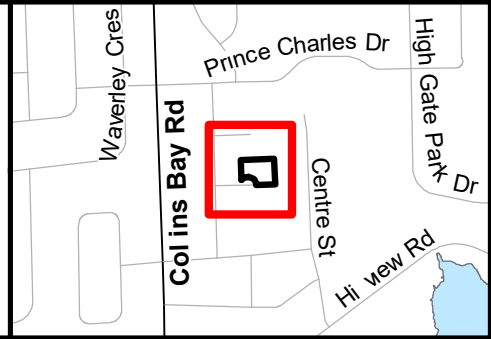
We look forward to a response to our concerns and appreciate the opportunity to comment on this matter that obviously has raised some significant concerns to both of our families.

Karen and Gilbert Tayles
Janice and Don Tough



Delegated Authority
Developable Area for the New Lot
Address: 1264 Britt Street and 716 Glen Cove Street
File Number: D10-027-2021 and D10-033-2021

⊠ Retained Lands ⋯ Severed Lands ■ Developable Area



Prepared By: gronan
Date: Nov-10-2021

