



**City of Kingston
Report to Committee of Adjustment
Report Number COA-22-013**

To: Chair and Members of the Committee of Adjustment
From: Ian Clendening, Senior Planner
Date of Meeting: December 13, 2021
Application for: Consent
File Number: D10-034-2021
Address: 3028 Princess Street
Owner: Vishal Valsadia
Applicant: FOTENN Consultants Inc.

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:

An application for consent to sever the existing residential lot located at 3028 Princess Street into two lots, has been submitted by FOTENN Consultants Inc. on behalf of Vishal Valsadia. Previously, consent application File Number D10-048-2019 was approved to sever the rear 2,948 square metres of the subject lands for addition purposes to the abutting lot located at 950-956 Woodhaven Drive; the purpose of the current application is to sever the retained lands from the prior consent to create two roughly equal sized residential lots measuring 476 and 525 square metres in area, and each having 15.24 metres frontage on Princess Street.

The site is situated on the north side of Princess Street. The property is developed with a single detached dwelling. The property is currently designated as Residential in the Official Plan and is zoned Residential Type 1 (R1) Zone in Zoning By-Law Number 76-26. The subject property is

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situated adjacent to a duplex dwelling to the west; a single detached dwelling to the east; with the area on the south side of Princess Street generally occupied by single detached dwellings.

The consent application proceeded through the Delegated Authority process pursuant to By-Law Number 2006-75. 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 D10-034-2021, to sever a 525.1 square metre lot from the existing 3,946.3 square metre lot, be provisionally approved subject to the conditions included in Exhibit A (Recommended Conditions) to Report Number COA-22-013.

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Authorizing Signatures:

ORIGINAL SIGNED BY PLANNER

Ian Clendening, Senior 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 was submitted on September 28, 2021 by the owner Vishal Valsadia, and it proceeded through the Delegated Authority process. The City received public comments during the public notification period; therefore the file has been referred to the Committee of Adjustment for consideration. A 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.

Site Characteristics

The subject property is situated on the north side of Princess Street, which is classified as an Arterial Street, and approximately 53 metres east of Woodhaven Drive, which is classified as a Local Street. A larger section of the property was granted provisional consent on May 17, 2021 through File Number D10-007-2021 such that it would be added to the abutting property which itself is part of a larger development proposal (File Number D35-004-2020) for the creation of 40 townhouse dwellings at 950 Woodhaven Drive. For the purposes of this review, the rear portion of the property being added to the abutting lands is not being considered, as it is assumed that the conditions imposed on that consent will be fulfilled shortly and will no longer form a part of this parcel. It is worth noting that, in the unlikely event that the consent for the rear portion lapses and is not added to the abutting property, there is no substantive impact to the review of the current application, or the commentary set out herein, with the only effect being that the retained, eastern, lot would 'bump out' at the rear of the severed lot.

The subject property is designated Residential in the Official Plan and zoned Residential Type 1 (R1) Zone in Zoning By-Law Number 76-26.

Application

The Director of Planning Services, through delegated authority, can process applications for consent that are technical in nature without holding a Public Meeting. All residents within a 60 metre radius of the property were notified through this process, however, letters of objection and concerns were received. As such, this consent application is being referred to the Committee of Adjustment for consideration. 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:

- Site Plan (Exhibit G);
- Planning Letter
- Survey

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

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Planning Act

The review of an application for consent is subject to Section 53 of the *Planning Act*. The Committee of Adjustment may grant a consent if it is satisfied that a plan of subdivision of the land is not necessary for the proper and orderly development of the municipality and shall have regard to matters under Subsection 51(24) when granting a provisional consent, including:

- the effect of development on matters of provincial interest;
- whether the proposed consent is premature or in the public interest;
- whether the plan conforms to the Official Plan;
- the suitability of the land for the purposes for which it is to be subdivided;
- if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;
- the dimensions and shapes of the proposed lots;
- the proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;
- conservation of natural resources and flood control;
- the adequacy of utilities and municipal services;
- the adequacy of school sites;
- the area of land, if any, that is to be conveyed or dedicated for public purposes;
- the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and
- the interrelationship between the proposed consent and Site Plan Control matters, if the development is subject to Site Plan Control.

The following provides this review:

Provincial Policy Statement

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

Official Plan

The subject property is designated Residential in the City of Kingston Official Plan. It is a goal of the Official Plan that the Residential Designation respond to the housing needs of the City's

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citizens by retaining and augmenting a broad range of housing at all levels of affordability within a safe, convenient and stable setting, organized primarily into neighbourhoods. The predominant use of land in a Residential designation will be for various forms of housing.

The creation of individual parcels of land by way of consent is subject to the consent policies of the Official Plan. In considering whether the proposal is appropriate, the Committee of Adjustment will have regard for the requirements included within the Official Plan, specifically 9.6.13.

1. The lot frontage, depth and area of any lot created by consent (severed and retained parcel) must be appropriate for the use proposed for the lot, be in compliance with the provisions of the zoning by-law and consistent, where possible, with adjacent lots;

Both of the resultant lots created through the proposed severance comply will all provisions in Zoning By-Law Number 76-26 for the R1 zone. The size and frontage of the two lots are consistent with other lots within this stretch of Princess Street. The Concept Plan provided by the applicant anticipates the removal of the existing dwelling which would be reconstructed together with a new dwelling in compliance with all required setbacks from the lot lines. Each of the two dwellings contemplate an accessory dwelling unit, as permitted within the R1 Zone, and comply with the provisions for such. No variances are required.

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

The proposed lots have standard rectangular lot configurations. In the unlikely event that the rear portion of the lands are not added to the abutting property as anticipated by File Number D10-007-2021, the minor 'bulb out' at the rear of the retained lot would be more beneficial than having two very long and narrow lots and would allow for this area to be developed under one ownership, or conveyed to an adjacent development to allow for the same (i.e., as proposed for the lands to the west, but equally applicable to the lands to the east).

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

Direct access will be obtained from Princess Street, an arterial road, by means of a shared 6-metre-wide driveway which would allow for unencumbered entry/exit into and out of the property. Princess Street currently accommodates a centre turn-lane in the area directly in front of the property. The City's Transportation Services has been circulated on this proposal and has no comment or issue.

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

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As referenced above, access to the property is by means of a shared driveway while a centre turn lane exists on Princess Street in the area directly in front of the property. This entrance configuration has been reviewed and approved by Transportation Services and City Engineering.

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

A small, intermittent watercourse is located partially on 3028 Princess Street. The watercourse is a remnant of Upper Highgate Creek and starts off as general runoff from northeast of the site and flows to the southwest where it becomes a more defined channel in the area of the adjacent property to the west. A previous assessment of this watercourse found that it had low ecological value and does not contain fish habitat. In lieu of engineered flood plain mapping, Cataraqui Region Conservation Authority (CRCA), under Ontario Regulation 148/06, may apply a generic 30 metre setback from the top of bank of a watercourse and are requesting a Stormwater Management Brief which is required to be provided to the satisfaction of Staff and the CRCA as a condition of approval. Accordingly, the proposed severance will not cause any adverse impacts on the natural heritage system, natural heritage features and areas or natural hazards.

The subject property is not identified on the City's Heritage Register. There are no anticipated impacts to cultural heritage resources and areas of archaeological potential, or areas of archaeological significance as a result of the consent application.

6. The City must be satisfied that any development lots created by consent can be supplied with water supply and sewage disposal facilities;

The subject property is located within the urban area and will be connected to municipal services. The lot is currently served by a private septic system. All structures on this lot, including the single detached house and the associated septic system, must be removed prior to the issuance of a certificate of official and is a condition of Consent. The proposed lots will be too small for a private septic system but City sewer is available for future development of the resulting parcels.

Given the above, proposal meets the intent of the Official Plan, as the proposed lot creation will not result in any negative impacts to adjacent properties or to the neighbourhood. No land use changes or construction is proposed as part of this application.

Zoning By-Law

The subject property is zoned Residential Type 1 (R1) Zone in the City of Kingston Zoning By-Law Number 76-26, entitled "Township of Kingston Restricted Area By-Law", as amended. The R1 zone permits residential uses in the form of either a single-family dwelling house and a

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converted dwelling house as well as non-residential uses in the form of a home occupation and a public use subject to certain provisions.

In regards to minimum Lot Area and Minimum Lot Frontage, Sections 12(2)(a) & (b) provide that where a lot is serviced by a public water system and a sanitary sewer system, as is the case here, a single-family dwelling is permitted subject to a 5,000 square foot (464.5 square metre) minimum lot area; and 50 feet (15.2 metres) of lot frontage. Both the severed and retained lots meet these minimums.

Given that the applicant has expressed an intention to have each property accommodate a second residential unit, the provisions of Section 5(30)(a) allow for such in any zone which permits a single-family dwelling. The proposed secondary residential units meet all of the requirements set out in Section 5(30).

Discussion

The proposed lot creation will result in a development that is consistent with the built form of existing residential buildings within the area. Although the frontage is slightly less than other residential lots within the area, both the severed and retained parcels are compliant with the Zoning By-Law requirements of the R1 Zoning. The impact of the smaller lot size is also balanced by the fact that access to the property is proposed by way of a single shared driveway.

Development within the Urban Boundary shall be on full municipal services. Through the consent application process, the owner/ applicant will be required to provide each lot (severed and retained) with full municipal services. The onsite private sewage disposal system in the rear yard will be decommissioned once full services are installed. This is recommended as a condition of consent.

The consent application to sever the existing lot for the purposes of creating two new lots (one severed and one retained) complies with the City of Kingston Official Plan and Zoning By-Law Number 76-26. The consent is not anticipated to have any negative impacts on the residential neighbourhood, the streetscape or traffic along Princess Street.

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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 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 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"/> Kingston Airport |
| <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 type="checkbox"/> Hydro One | <input type="checkbox"/> Enbridge Pipelines | <input type="checkbox"/> TransCanada Pipelines |

Technical Comments

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

Public Comments

At the time this report was finalized, two comments had been received. While one piece of correspondence indicated a general “objection” another more detailed piece of correspondence outlined concerns for:

- Insufficient frontage along Princess Street & increased residential access thereupon;
- Lot frontage inconsistent with character of surrounding neighbourhood;
- Storm drainage;
- Flood setback & developability of proposed lot(s);
- Potential future application(s); and
- Not in public interest (i.e., traffic)

In regards to the access off of Princess Street, there currently exists one driveway while the proposed severance will result in a single, shared, driveway with easements placed upon each property in favour of the other to ensure safe access. As a result there will be minimal change to the character of the area, especially in terms of the access points, while the single existing lot is proposed to accommodate four dwelling units (two primary and two accessory) should the severance be approved which would allow for a greater degree of intensification along this Arterial Street that accommodates express transit.

In regards to the lots being too narrow and out of character for the area, the surrounding neighbourhood currently hosts a large number of single-detached and duplex dwellings with

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frontages consistent with the 15.24 metre frontage proposed. A cursory review indicates consistent frontages of approximately 17.6 metres for the properties at 2971-2991 Princess Street located on the south side approximately 50 metres east; and, approximately 30 metres properties at 3080-3088 Princess Street located on the north side approximately 150 metres west. In the first comparison there is almost no deviation from the frontage proposed; while in the second comparison, it is recognized that the frontage is roughly double however each of those lots have separate entrances whereas the proposed lots would share an entrance.

Both comments have been attached to this report. 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

The property is currently subject to a concurrent application for consent for lot addition to allow for the rear portion of the property to be added the abutting property to the west (Application D35-004-2020). The property owner is in the process of fulfilling the conditions of provisional consent, however; while there is no reason to believe the previously contemplated lot addition will not proceed, the configuration of the proposed severance now being proposed is the most logical development regardless of final approval of that severance.

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 allow for the creation of one (1) new residential lot to accommodate the single-family dwelling development and associated secondary dwelling units. The proposal will improve the function of the underutilized portion of the site and represents good land use planning.

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

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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 19 property owners (according to the latest Assessment Roll) within 60 metres of the subject property and a courtesy notice was placed in The Kingston Whig-Standard.

Once a decision has been rendered by the Committee of Adjustment, a Notice of Decision will be circulated in accordance with the provisions of the *Planning Act*.

Accessibility Considerations:

None

Financial Considerations:

None

Contacts:

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

Ian Clendening, Senior Planner, 613-546-4291 extension 3126

Other City of Kingston Staff Consulted:

None

Exhibits Attached:

- Exhibit A Recommended Conditions
- Exhibit B Key Map
- Exhibit C Neighbourhood Context Map (2021)
- Exhibit D Public Notification Map
- Exhibit E Official Plan Map

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Exhibit F Zoning By-Law 76-26, Map 3

Exhibit G Site Plan

Exhibit H Public Comments

Recommended Conditions

The provisional approval of consent application, File Number D10-034-2021, to sever a single residential 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 be prepared and presented to the Secretary-Treasurer, Committee of Adjustment prior to the issuance of the Certificate of Official.

3. Payment of Taxes

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

4. Standard Archaeological Condition

In the event that deeply buried or previously undiscovered archaeological deposits are discovered in the course of development or site alteration, all work must immediately cease and the site must be secured. The 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. Services

Prior to the issuance of a Certificate of Official, the applicant shall provide to the satisfaction of Utilities Kingston a sketch showing all existing services and the mains they connect too, and the existing buildings and all proposed and existing property lines.

6. Mutual Easement Required

Prior to the issuance of a Certificate of Official, the applicant shall have registered upon each the severed and retained lands an easement to the benefit of the other, of sufficient length and width to accommodate parking and road access, to the satisfaction of the City of Kingston.

7. Noise Study Required

Prior to the issuance of a Certificate of Official the applicant shall provide a noise study demonstrating the appropriateness of the proposed use to the satisfaction of the City. The noise study must address potential impacts on the proposed development due to stationary and/or transportation noise sources in the vicinity and is to be prepared by a qualified individual with experience in environmental acoustics and is to demonstrate compliance with NPC-300.

8. Grading Plan Required

Prior to the issuance of a Certificate of Official the applicant shall provide a Site Grading Plan for the proposed severed and retained lots to the satisfaction of City of Kingston and the Cataraqui Region Conservation Authority (CRCA).

9. 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 amount of \$1,968.70 prior to issuance of the Certificate of Official.

10. Storm Water Management Brief Required

Prior to the issuance of a Certificate of Official the applicant shall provide a Stormwater Management Brief demonstrating how the recommended control targets (pre=post quantity for 2-100 yr events & normal level quality control) will be provided for runoff from the site to the satisfaction of City of Kingston and the Cataraqui Region Conservation Authority (CRCA).

11. Site Development Agreement

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

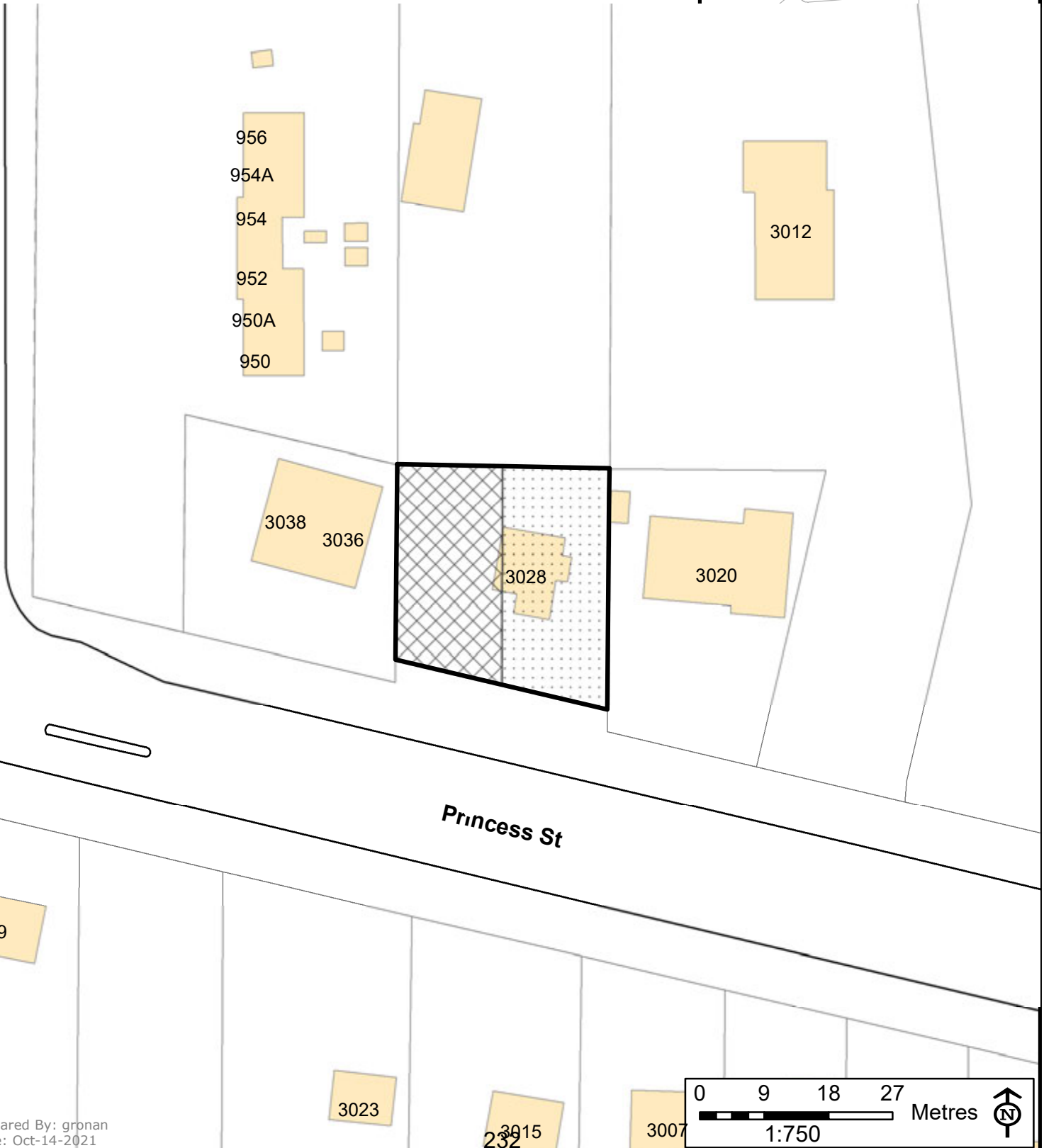
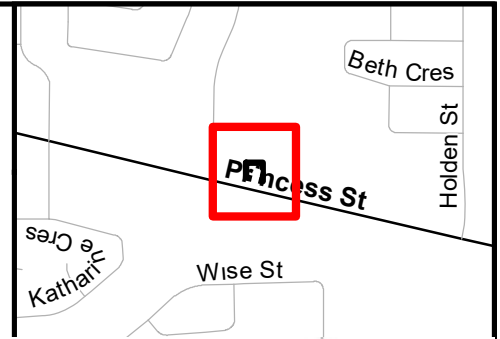
- a) Any recommendations resulting from the Noise Study are included within the development agreement for the lands.
- b) That the recommendations from the Stormwater Brief including any proposed conditions be included in the Development Agreement.
- c) That any lot grading be in conformity with the Site Grading Plan and subject to any permission required under and O.Reg 149/06: Development, Interference within Wetlands and Alterations to shorelines and Watercourses and other Municipal By-Laws and requirements shall be included within the Development Agreement.



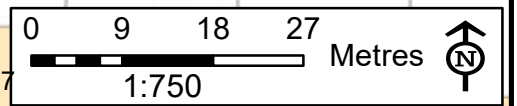
Delegated Authority Key Map

Address: 3028 Princess Street
File Number: D10-034-2021

- Subject Lands
- Severed Lands
- Retained Lands



Prepared By: gronan
Date: Oct-14-2021








Planning Services

Delegated Authority Neighbourhood Context (2021)

Address: 3028 Princess Street

File Number: D10-034-2021

-  Subject Lands
-  Property Boundaries
-  Proposed Parcels








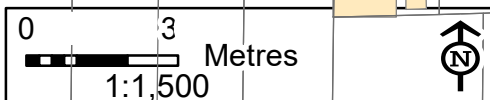
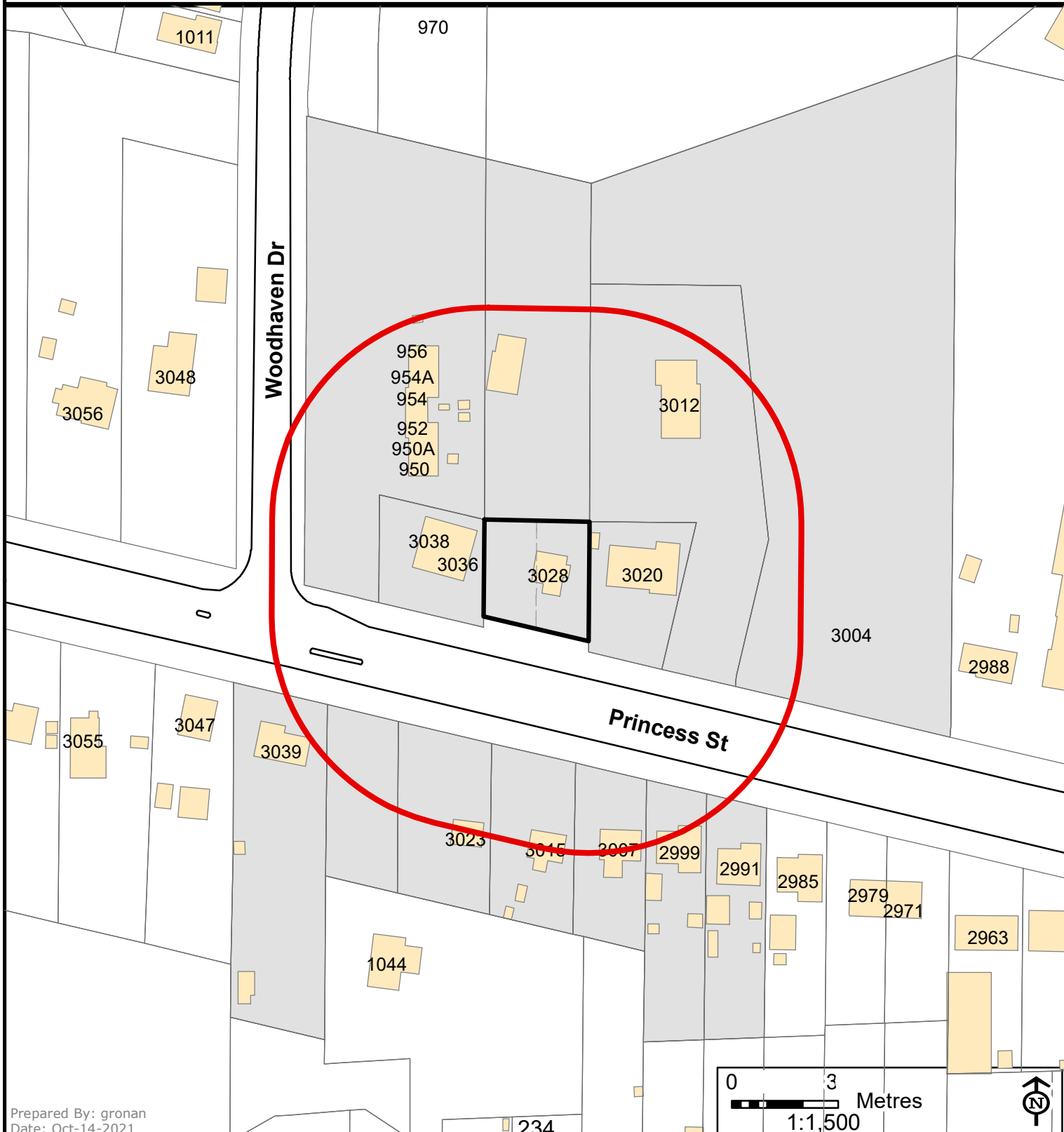


Planning Services

Delegated Authority Public Notice Notification Map

Address: 3028 Princess Street
File Number: D10-034-2021

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



Prepared By: gronan
Date: Oct-14-2021

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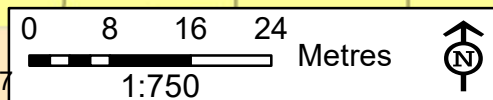
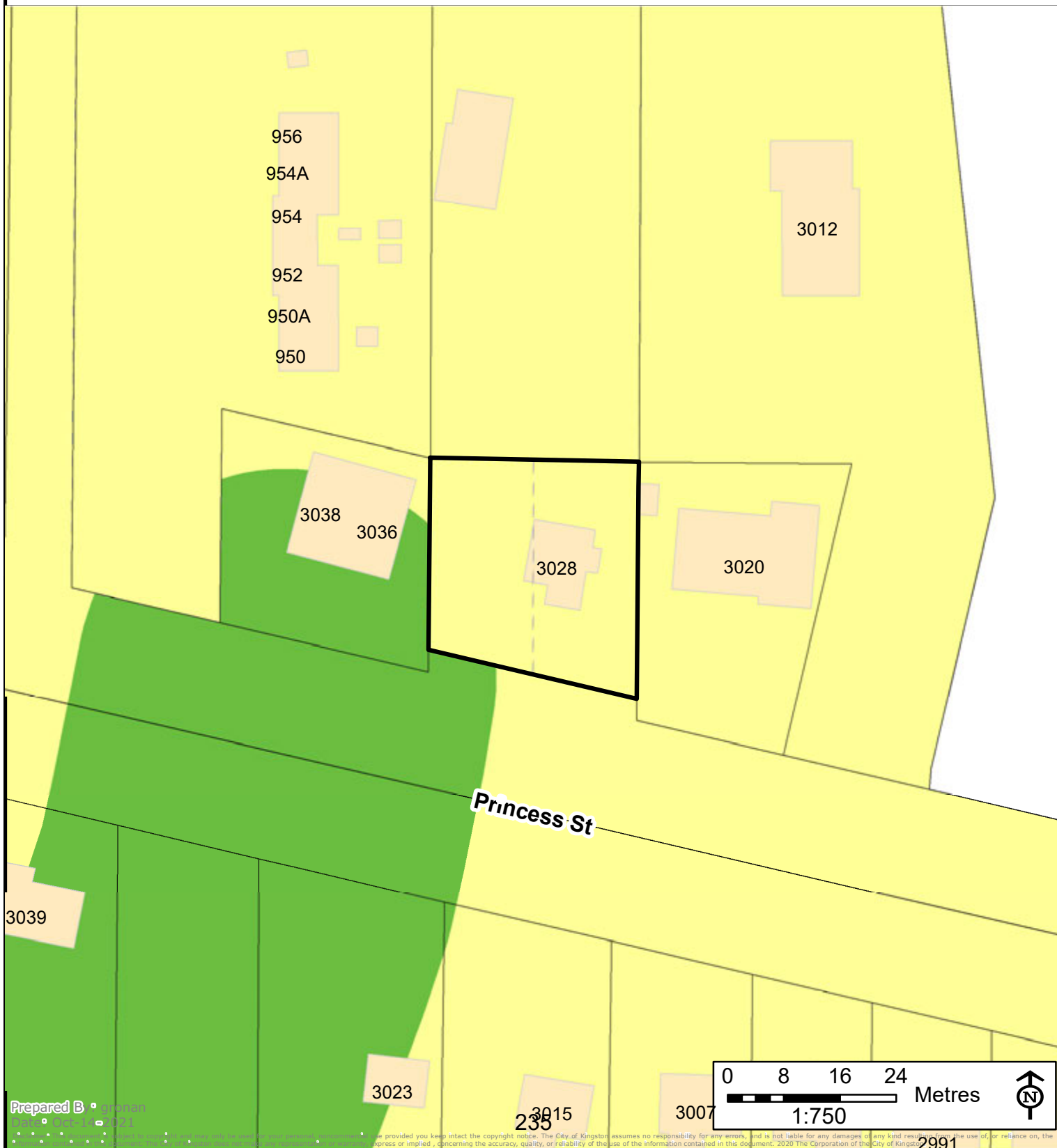
Planning Services

Delegated Authority
Official Plan, Existing Land Use

Address: 3028 Princess Street

File Number: D10-034-2021

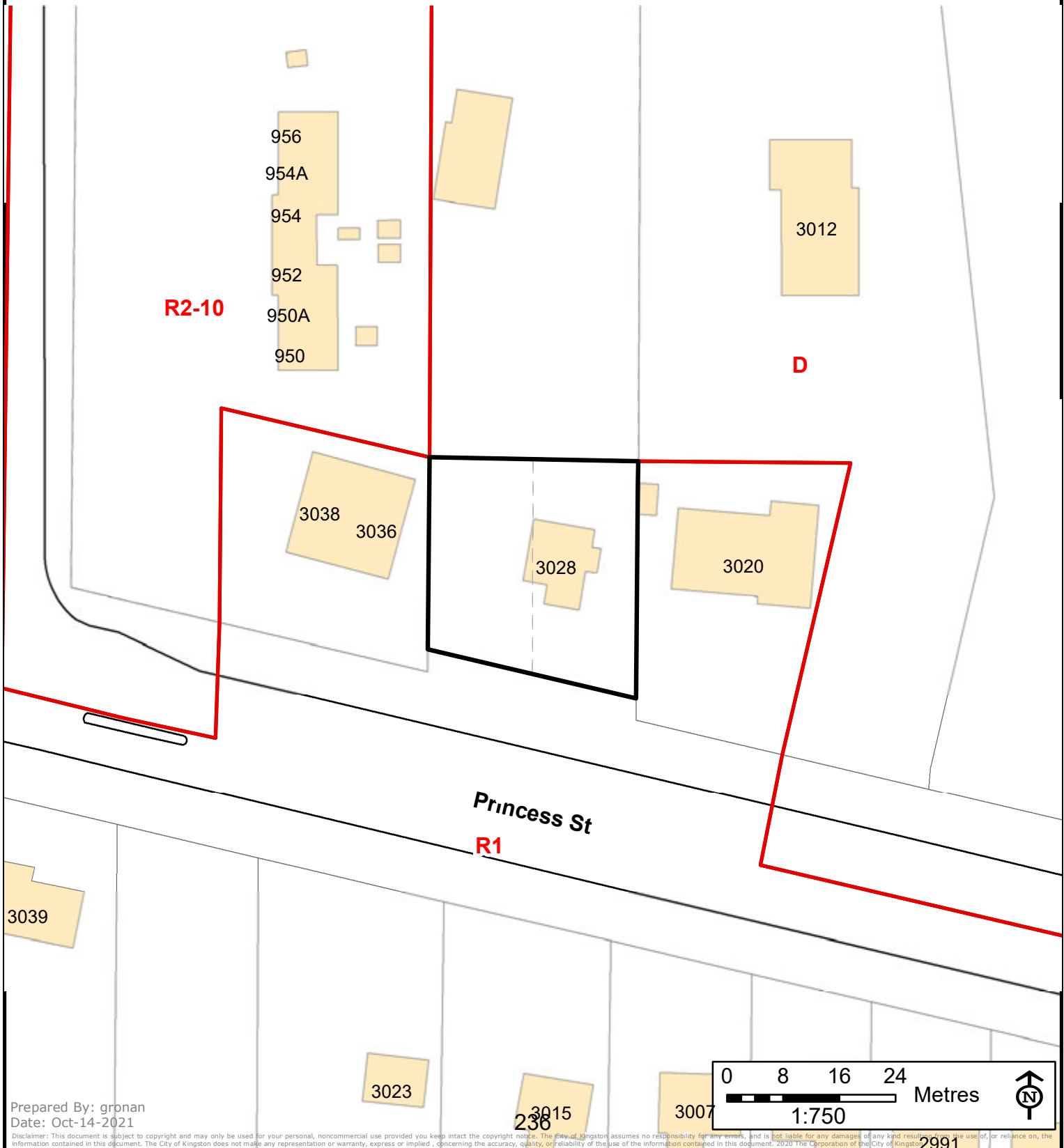
-  Subject Lands
-  ENVIRONMENTAL PROTECTION AREA
-  RESIDENTIAL
-  SECONDARY PLAN AREA





Delegated Authority
Existing Zoning - By-law 76-26, Map 3
Address: 3028 Princess Street
File Number: D10-034-2021

- Subject Lands
- Consolidated Zoning



CONCEPTUAL SITE PLAN
ON PART OF LOT 5
CONCESSION 3
CITY OF KINGSTON
(GEOGRAPHIC TOWNSHIP OF KINGSTON)
COUNTY OF FRONTENAC

1 : 100

METRIC
CONVERT TO METRIC UNITS BY DIVIDING BY 3.281
CONVERT TO METRIC UNITS BY DIVIDING BY 1.094
CONVERT TO METRIC UNITS BY DIVIDING BY 1.094

NOTE:
REARLINED DASHED LINES ARE ONLY BEARING DERIVED FROM GPS OBSERVATIONS USING REAL TIME KINEMATIC (RTK) DATA AND HAVE BEARING AND ARE RELATED TO THE UTM ZONE 18 UTM METRIC COORDINATE SYSTEM (UTM).

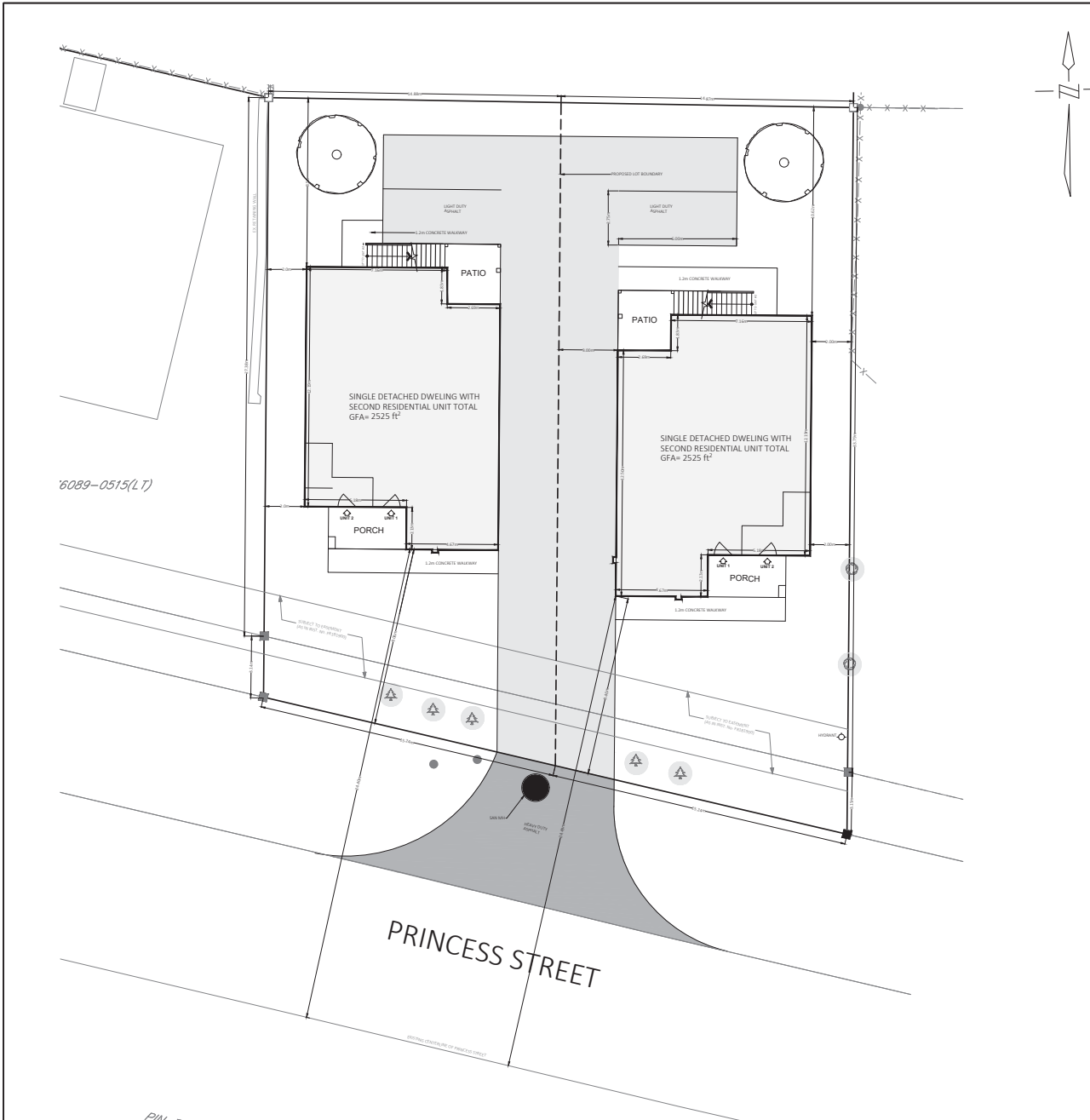
▲ TREE PRESERVATION



KEY PLAN

Provision	Requirement	Lot 1 (West)	Lot 2 (East)	Amendment Required?
Residential Type 1 (R1) (Section 1.2)				
Lot Area (Min)	5,000 square feet	5134.3 m ²	5652.1 m ²	NO
Lot Frontage (Min)	60 feet (18.2m)	15.24 m	15.24 m	NO
Front Yard Depth (Min)	20 feet (6.0m)	5.06m	9.40 m	NO
Interior Side Yard Width (Min)	One Side: 4 feet (1.2m) Other Side: 8 feet (2.5m)	2.0 m and 3.0 m	3.00 m and 2.99 m	NO
Rear Yard Depth (Min)	25 feet (7.6m)	8.5 m	10.62 m	NO
Dwelling Area (Min)	1,000 square feet	1269 m ²	1269 m ²	NO
Landscaped Open Space (Min)	30%	2178 B ² (42%)	2600 B ² (47%)	NO
Building Height (Max)	35 feet	27'-11"	27'-11"	NO
General Provisions (Section 5)				
Parking (s. 5.16(x))	2 parking spaces (1 space per unit, 1 space per second residential unit)	2 (2.75 m x 6 m)	2 (2.75 m x 6 m)	NO
Driveway (s. 16(d))	Min width = 3 m Max width = 6 m or 40% of lot width	3.10 m	3.00 m	NO
Setbacks (s. 5.20(a))	(i) Major Arterial Road- 60 feet (18.3 m), plus 20 feet (6.1 m) or 60 ft (24.4 m).	24.4 m	24.43 m	NO
Yard, Setback, and Height Encroachment Permitted (s. 5.25)	(b) Porches, Balconies, Steps, Covered and Uncovered, in a Residential Zone more than 1.2 m in height Max Area: 30 m ² Min. Interior Side Yard Setback: 1.2 m Min. Rear Yard Setback: 4 m Min. Front Yard Setback: 6 m	Requirements met	Requirements met	NO
Second Residential Units (s. 5.30)	(p) separate entrance required (q) Accessed by a 1.2 m unobstructed pedestrian pathway (r) GFA = equal to or less than principal dwelling unit	Requirements met	Requirements met	NO

ZONING MATRIX



From: [Harold Leroux](#)
To: [Clendening, Ian](#)
Subject: Application for Consent 3028 Princess St. File Number D10-034-2021
Date: November 10, 2021 8:54:16 AM

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

Hello Ian,

I have an objection to this Consent and may make a future submission with regard to this application at a later date. I received this Notice to Technical Consent this afternoon, Tuesday, November 9, 2021, in the mail. The final submissions date for any objection with regard to this Consent is 4:30pm Friday, November 19, 2021. I was of the understanding that there is a required 14 day notification period. The fact that this document has a date of November 5, 2021 doesn't do me any good if I only receive it on November 9, 2021 leaving only 10 calendar days to respond. So that I can better understand this issue can you please direct me as to where in the Planning Act or other legislation that this meets legislative requirements. Given that, for instance, a person may have personal matters to attend to, it would seem to be insufficient time to adequately respond to this application. If the legislative requirement is based on calendar days, and not business days, which the timing would suggest, then I have to ask why is the time limit for a submission set at 4:30pm and not 11:59pm; the end of the calendar day. Notwithstanding the 14 days may be the minimum requirement for notification, if that is the case, then I also have to ask why the minimum notification was necessary in this case, as this applicant has been pursuing development on this site for well over a year. Why wasn't the notification sent out, say, the week before? Did the applicant request that only the minimum notification period be applied?

This application is a Technical Consent application. I see from the Fee & Charges by-law that the term "Technical Consent" applies to: (i) an application for the creation of a new lot, which complies with the zoning by-law and Official Plan. This application proposes to divide the existing lot so that the two new lots' frontages would be 50 ft. If the application is successful then there is an implicit approval that the applicant would be allowed to construct a residential building on each lot. This would mean that a driveway would be allowed to each severed lot to gain access to the lots from Princess St. It would seem also that this means that a precedent would be set, that all lots currently zoned Residential on Outer Princess St. can now be severed so they too could have 50 ft frontages with driveways on Princess St. But Princess St. is an Arterial road. One of the main roads in Kingston. Having 50 ft. lots all along Outer Princess St. would then essentially be turning it into a subdivision road with driveways every 50 ft. I heard councilor Osanic mention in one meeting that 10,000 vehicles use this road every day, not to mention that the road is used as an Emergency Detour Route for the

401. Would the Official Plan really allow this? Driveways every 50 ft on Princess St.? Doesn't anyone think this is something that then needs to be reviewed and passed by Council and not simply rubber stamped by the Director of Planning. I don't know that any other lot on Outer Princess St. has this minimal lot frontage. Will the applicant be requested to submit data as to which other lots on Princess St from Bayridge Drive to Collin Bay Road have a 50 ft. frontage, so that this application can be assessed as to whether it fits in with the character of other lots along this stretch of road.

There are also issues with the storm drainage and the ditch that runs along the western border of the most westerly of the subdivided lots. A representative from the Cataraqui Conservation Authority addressed this issue in response to the applicant's previous development application, for this same site, requesting engineered flood plain mapping or in the absence of that a setback of 30m could be imposed from the top of the watercourse (i.e. the ditch). This would mean that nothing could be built on the most westerly lot. In fact, the 30m setback would extend across both lots. So that would lead to a contradiction, that being, the City would be giving implicit approval to construct some kind of residential structure on these lots and at the same time not allowing it. I would suggest that City Planning review the comments made in that submission because I believe they may still relate to this application.

The applicant's previous "site-specific" re-zoning application had many, many issues with it. The issues were almost completely due to the extreme over-development proposed. Ultimately due to these many issues the application did not seem to be well received by the Planning Committee and was ultimately withdrawn. It was noted in the previous application that it was the applicant's intention to ultimately sever the lot down the middle. It seems now the developer is planning to do some kind of end around by requesting approval of the severance of the lot first. It seems there is no doubt, given the previous submissions from this developer, some kind of extremely intense development proposal will be forth coming if this severance application is approved. No severance application is ever requested in isolation, but invariably with a future development in mind. It is not clear to me why these are treated as separate applications.

In any case 50 ft. lots along Princess St. appears not to be in keeping with the character of other lots and development along this road. No lots on Bayridge Drive nor on Collins Bay Road, nor Centennial Drive nor frankly any newish arterial road have direct residential driveway access to these roads. The current residential driveways that provide access to Princess St are mostly historical in nature. I submit it is definitely not in the City's interest nor in the interest of the users of Princess St. to increase residential access to this road. This can only negatively impact traffic flow now and in the future and will ultimately lead to more traffic accidents.

Please accept this email as my objection to this application and request that this severance not be approved. I also want to formally request notification of a decision on this application.

I assume it is sufficient to make this request to you and that it is not necessary to email it to planning@cityofkingston.ca . Please confirm this to me.

Thanks,

Harold Leroux

From: [Mvers, Cheryl](#)
To: [Clendenin, Ian](#); [Sthamann, Lindsay](#)
Cc: [Gregory, Katharine](#); [Planning Outside Email](#)
Subject: FW: File D10-034-2021 Address 3028 Princess Street
Date: November 12, 2021 8:19:11 AM

Ili Ian,

Here is an objection to one of your files.

Thank you,
Cheryl

-----Original Message-----

From: Carl Sytema [REDACTED]
Sent: November 11, 2021 12:11 PM
To: Planning Outside Email <Planning@cityofkingston.ca>
Subject: File D10-034-2021 Address 3028 Princess Street

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I object to the severance requested in the above noted application. Carl Sytema.

Sent from my iPhone