



**City of Kingston  
Report to Committee of Adjustment  
Report Number COA-22-049**

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**To:** Chair and Members of the Committee of Adjustment  
**From:** Riccardo Peggi, Planner  
**Date of Meeting:** July 18, 2022  
**Application for:** Minor Variance  
**File Number:** D13-020-2022  
**Address:** 35-39 Montreal Street  
**Owner:** Zlatko Banic  
**Applicant:** FOTENN Consultants Inc.

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**Council Strategic Plan Alignment:**

Theme: 2. Increase housing affordability

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

**Executive Summary:**

This report provides a recommendation to the Committee of Adjustment regarding an application for minor variances at the property located at 35-39 Montreal Street.

The property is currently developed with a three-story mixed-use building containing three at-grade commercial units and 11 residential units on the upper floors. The proposal is to divide an existing residential unit into two separate units, resulting in a total of 12 residential units in the building. The proposal will not result in any exterior changes to the existing building. As is the case with the 11 existing units within the building, no parking is proposed for the 12th unit.

The property is zoned 'C1-3' Heritage Commercial in Zoning By-Law 96-259, and Downtown Zone 2 in Zoning By-Law 2022-62, and designated 'Central Business District' in the Official Plan. Variances are required for maximum density, off-street vehicle parking, bicycle parking,

July 18, 2022

Page 2 of 14

and amenity area provisions in Zoning By-Law 96-259, and for maximum density, amenity area, and long-term bike parking provisions in Zoning By-Law 2022-62.

The requested minor variances are consistent with the general intent and purpose of both the City of Kingston Official Plan, Zoning By-Law Number 96-259, and Zoning By-Law 2022-62. The requested minor variances are desirable for the appropriate development or use of the land, building or structure and are minor in nature. As such, the proposed application meets all four tests under Subsection 45(1) of the *Planning Act* and is recommended for approval.

**Zoning By-Law Number 96-259**

**Variance Number 1A: Maximum Density**

By-Law Number 96-259:Section 7.2

Requirement: 123 units per net hectare  
Proposed: 261 units per net hectare  
Variance Requested: 138 units per net hectare

\*\* Note previous variance D13-018-2020 for the 11<sup>th</sup> unit varied the density to 240 units per net hectare.

**Variance Number 2A: Amenity Area**

By-Law Number 96-259:Section 5.5.1

Requirement: 10 square metres per residential unit  
Proposed: 0 square metres per residential unit  
Variance Requested: 10 square metres per residential unit

**Variance Number 3A: Bicycle Parking**

By-Law Number 96-259:Section 5.22.8

Requirement: 1 bicycle parking space per residential unit  
Proposed: 0 bicycle parking space per residential unit  
Variance Requested: 1 bicycle parking space per residential unit

**Variance Number 4A: Off-Street Vehicle Parking**

By-Law Number 96-259:Section 5.22.5.6

Requirement: 1 parking space per residential unit  
Proposed: 0 parking space per residential unit  
Variance Requested: 1 parking space per residential unit

**Zoning By-Law Number 2022-62**

**Variance Number 1B: Maximum Density**

By-Law Number 2022-62: Table 10.5.1.12.

Requirement: 123 units per net hectare  
Proposed: 261 units per net hectare  
Variance Requested: 138 units per net hectare

July 18, 2022

Page 3 of 14

**Variance Number 2B: Amenity Area**

By-Law Number 2022-62: Section 4.3.2.

Requirement: 10 square metres per residential unit

Proposed: 0 square metres per residential unit

Variance Requested: 10 square metres per residential unit

**Variance Number 3B: Long-Term Bike Parking**

By-Law Number 2022-62: Table 7.3.1.1.

Requirement: 0.9 long-term bike spaces per residential unit

Proposed: 0 long-term bike spaces per residential unit

Variance Requested: 0.9 long-term bike spaces per residential unit

**Recommendation:**

**That** minor variance application, File Number D13-020-2022, for the property located at 35-39 Montreal Street to vary amenity area, vehicle parking, bike parking and maximum density provisions for the addition of one unit, be Approved, subject to the conditions attached as Exhibit A to Report Number COA-22-049.

July 18, 2022

Page 4 of 14

**Authorizing Signatures:**

ORIGINAL SIGNED BY PLANNER

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Riccardo Peggi, Planner

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

Tim Park, Director, Planning Services

James Bar, Manager, Development Approvals

July 18, 2022

Page 5 of 14

**Options/Discussion:**

On May 19, 2022, a minor variance application was submitted by FOTENN Consultants Inc., on behalf of the owner, Zlatko Banic, with respect to the property located at 35-39 Montreal Street. The proposal is to provide an additional residential unit within the existing mixed commercial/residential building. Variances are required to provisions in both Zoning By-Law Number 96-259 and Zoning By-Law Number 2022-62. Namely, the proposal requires variances to increase the maximum residential density, to reduce vehicle and long-term bike parking, and to reduce amenity area requirements.

In 1995 the subject lands were granted minor variance application A.COA-1.3276-95 to permit an increase in residential units from six to ten and to reduce the number of required parking spaces from four to zero. The zoning by-law in effect at that time was Zoning By-Law Number 8499, rather than the current Zoning By-Law Number 96-259.

In 2020, the subject property was granted variances through Application D13-018-2020 to increase the maximum residential density and to reduce parking and amenity area requirements to provide an eleventh residential unit within the existing building.

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

- Site Plan (Exhibit G)
- Floor Plans (Exhibit H)
- Planning Justification Letter

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

**Site Characteristics**

The subject property is located at 35-39 Montreal Street, which is on the east side of Montreal Street between Princess Street and Queen Street (Exhibit B – Key Map and Exhibit C – Neighbourhood Map). The subject property is developed with an existing three storey mixed commercial/residential building that was constructed in the early twentieth century and contains three commercial units on the ground floor and a total of eleven residential units on the second and third floors (Exhibit J – Site Photographs). The existing structure occupies the entire 459 square metre parcel of land and does not provide any parking or exterior amenity spaces.

The subject property is located in the City's Central Business District which contains a wide variety of nearby commercial, residential and institutional uses and recreational opportunities. Lands immediately adjacent to the north, south and west of the site are used for similar mixed commercial/residential uses, while the lands to the east are operated as a commercial parking lot. The subject site is serviced by several Kingston Transit routes and express routes which run

July 18, 2022

Page 6 of 14

along Princess Street, and the site is located within approximately 165 metres of the Downtown Transfer Point.

The subject property is designated Central Business District in the Official Plan (Exhibit C – Official Plan) and zoned ‘C1-3’ Heritage Commercial in Zoning By-Law Number 96-259 (Exhibit D – Zoning By-law 96-259). The lands are to be zoned ‘DT2’ Mixed-Use Downtown Type 2 in Zoning By-Law 2022-62 (Exhibit E – Zoning By-Law 2022-62).

### **Application**

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

### **Provincial Policy Statement**

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

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

The subject property is designated Central Business District in the City of Kingston Official Plan.

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

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

The subject lands are located within a ‘Centre’ on Schedule 2 of the Official Plan. Section 2.2.7 indicates that Centres are areas “where intensification will be focused and where greater densities of residential and commercial development will be permitted”. Further, the subject lands are located within the ‘Central Business District’ Centre, which is intended to remain as the primary Centre within the municipality for the duration of the Official Plan due to the availability of diverse uses and public amenities. Section 2.3.2 indicates that the City intends to increase the overall net residential density within the urban boundary through compatible and complementary intensification. Section 2.4.1

July 18, 2022

Page 7 of 14

confirms the City supports compact and efficient development that reduces infrastructure and public facility costs, supports active transportation and viable public transit and reduces reliance on private vehicles. Section 2.7 requires development to be compatible with surrounding uses and consider potential adverse effects, such as shadowing and loss of privacy due to overlook. Section 3.3.C provides direction on high density residential development, including compatibility and locational criteria.

The proposed development represents a modest increase in density through intensification of an existing mixed commercial/ residential structure within the Central Business District Centre. The proposed development is compatible with the surrounding land uses, which are also developed as mixed commercial/ residential structures. The subject lands are located within walking distance of public transit and recreation and open space amenities, which will help to reduce reliance of private vehicles and support public transit and active transportation. The proposed development is located on a collector street, immediately abutting two arterial roads. There are no compatibility concerns with the introduction of an additional unit within the existing building where no exterior alterations are proposed as described in the proceeding section.

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

The proposed development seeks to provide an additional residential unit within an existing mixed commercial/ residential structure within the Central Business District of the municipality. No external modifications are proposed as a result of this development. It is acknowledged that the development proposal would not provide a parking space or outdoor amenity area for the proposed twelfth (12) unit. The subject lands are surrounded by similar mixed commercial/ residential structures that pre-date municipal zoning by-laws. The proposed development is located within walking distance of public transit and a variety of commercial and recreational amenities.

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

The existing structure occupies the entire 459 square metre parcel of land and as such there is no ability to provide parking or exterior bicycle storage on the subject lands. As the lands are located within the Central Business District, the proposed development is within walking distance of commercial and recreational amenities and several major transit routes. The existing development functions appropriately and the addition of a residential unit within the existing structure is not anticipated to generate any adverse impacts. The existing development is not universally accessible and converting the structure to become universally accessible is beyond the scope of the current application.

July 18, 2022

Page 8 of 14

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

The subject lands are located within the Lower Princess Street Heritage Character Area, which is an area of special character under the Official Plan but has no status under the Ontario Heritage Act. The development proposes only interior modifications to the existing structure. Mixed commercial / residential buildings are consistent with the character of the area. The proposed development is not anticipated to impact the character of the surrounding area. The building is not designated under the Ontario Heritage Act nor is it located within a Heritage Conservation District.

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

The subject lands are not designated under the *Ontario Heritage Act*, nor are they adjacent to any designated structures. The subject lands are not affected by the protected views shown on Schedule 9 of the Official Plan. A Heritage Impact Statement was not requested for the application.

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

The subject lands are located within the urban boundary and are serviced by municipal water and sewer systems. Utilities Kingston was circulated on the application and raised no concerns with respect to servicing capacity. Whether the application and the cumulative impact of the proposed variances would be more appropriately addressed by a zoning amendment to the applicable zoning by-law;

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

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

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

The approval of the requested variance will not set an undesirable precedent for the immediate area.



July 18, 2022

Page 9 of 14

The proposal meets the intent of the Official Plan, as the proposed establishment of a twelfth (12) dwelling unit within the existing building will not result in any negative impacts to adjacent properties or to the neighbourhood.

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

**Zoning By-Law Number 96-259**

The subject property is zoned 'C1-3' Heritage Commercial in City of Kingston Zoning By-Law Number 96-259, entitled "Downtown and Harbour Zoning By-Law of the Corporation of the City of Kingston", as amended. The C1-3 zone permits a wide range of commercial, residential and institutional uses and allows for residential uses to be located above commercial uses in mixed use buildings.

The proposal requires variances to maximum density, amenity area, and off-street vehicle parking provisions.

**Zoning By-Law Number 2022-62**

The subject property is zoned 'DT2' Mixed-Use Downtown Type 2 in City of Kingston Zoning By-Law 2022-62, as amended. The DT2 zone permits a wide range of commercial, residential and institutional uses which can be located in mixed use buildings.

The proposal requires variances to the maximum density, amenity area, and long-term bike parking provisions.

**Variance Number 1A: Maximum Density**

By-Law Number 96-259:	Section 7.2
Requirement:	123 units per net hectare
Proposed:	261 units per net hectare
Variance Requested:	138 units per net hectare

**Variance Number 1B: Maximum Density**

By-Law Number 2022-62:	Table 10.5.1.12.
Requirement:	123 units per net hectare
Proposed:	261 units per net hectare
Variance Requested:	138 units per net hectare

The maximum density of 123 units per hectare would result in a maximum of six dwelling units on the 459 square metre property. The proposal is to increase the density to 261 dwellings units per hectare which results in a maximum of 12 dwelling units. While this seems like a substantial increase in density, it is important to acknowledge that the subject lands were previously granted multiple variances. Minor variance A.COA-1.3276-95 in 1995 approved an increase in maximum density from 123 to 218 units per net hectare, and minor variance D13-018-2020 in 2020 approved an increase in maximum density from 218 to 240 units per net hectare. Although the current variance is to double the permitted

July 18, 2022

Page 10 of 14

density on the site, the effect of the variance will be to enable an increase from eleven to twelve permitted units.

The purpose of the maximum density provision is to ensure that the number of dwelling units is appropriate proportional to the size of the property and that the property has enough space for other requirements such as landscaped open space or off-street parking. In this case, the existing structure occupies the entire parcel of land and the proposal does not include any external changes to the building. Further, the function of the building is not expected to change as the proposal is also for the internal conversion of a two-bedroom unit into two one-bedroom units which will not result in a greater amount of residents.

**Variance Number 2A: Amenity Area**

By-Law Number 96-259: Section 5.5.1  
 Requirement: 10 square metres per residential unit  
 Proposed: 0 square metres per residential unit  
 Variance Requested: 10 square metres per residential unit

**Variance Number 2B: Amenity Area**

By-Law Number 2022-62: Section 4.3.2.  
 Requirement: 10 square metres per residential unit  
 Proposed: 0 square metres per residential unit  
 Variance Requested: 10 square metres per residential unit

The proposal requires a reduction in amenity space to enable the proposal. Amenity space is typically provided in balconies or shared outdoor or indoor communal spaces made available to the residents of the building. Communal amenity areas must also be at least 54 square metres in size. In this case, the building does not currently provide amenity space as previously approved by Minor Variance D13-018-2020. The current proposal does not propose any external or internal changes and the applicant would need to either include a 10 square metre balcony, or a 54 square metre communal amenity area, neither of which are viable solutions in the existing structure. It is noted that the site is located in the Central Business District with recreational and open space opportunities nearby including the Artillery Park recreational facility, and McBurney Park.

**Variance Number 3A: Bicycle Parking**

By-Law Number 96-259: Section 5.22.8  
 Requirement: 1 bicycle parking space per residential unit  
 Proposed: 0 bicycle parking space per residential unit  
 Variance Requested: 1 bicycle parking space per residential unit

**Variance Number 3B: Long-Term Bike Parking**

By-Law Number 2022-62: Table 7.3.1.1.  
 Requirement: 0.9 long-term bike spaces per residential unit  
 Proposed: 0 long-term bike spaces per residential unit  
 Variance Requested: 0.9 long-term bike spaces per residential unit

July 18, 2022

Page 11 of 14

The intent of the bicycle parking provision is to provide residents with secured and weather protected bike storage areas that are separate from internal dwelling unit spaces. Bike parking spaces are intended to be located on the ground floor with easy access to the street so residents do not have to carry bikes up and down stairs. In the case of the subject property, the building is constrained by the existing uses and structure. The entirety of the ground floor is utilized by the existing commercial tenants so long-term bike storage is not available on the ground floor. The upper floors containing residential uses also do not have space outside of the existing dwelling units to provide bicycle parking. Lastly, the building also completely covers the entire parcel so an external structure is also to feasible.

**Variance Number 4A: Off-Street Vehicle Parking**

By-Law Number 96-259:	Section 5.22.5.6
Requirement:	1 parking space per residential unit
Proposed:	0 parking space per residential unit
Variance Requested:	1 parking space per residential unit

The current Zoning By-Law Number 96-259 requires one off-street vehicle parking spot per dwelling unit. However, the existing mixed use building was constructed in the early twentieth century prior to the consideration of parking requirements. The existing building occupies the entire parcel of land, and as such, there is no ability to provide on-site parking.

Further, the subject property is located in an area that is conducive to alternative modes of travel. The site is located within the Central Business District and within walking distance of many commercial, employment and recreational spaces. The site is also located within approximately 100 metres of the Downtown Transfer Point, which facilitates transit access throughout the urban boundary. Lastly, the subject lands abut a commercial parking lot to the east, which may be utilized on an as-needed basis for guests.

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

The variance is considered minor as the proposal will not result in any external modifications to the building or result in additional bedrooms onsite. The calculations for density, vehicle parking, bike parking and amenity space provisions are all based on a per unit calculation rather than a reflection of how many residents are in the building.

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

The proposed development will not result in any exterior alterations or changes to built form which may impact the character the area. The creation of the twelfth unit will technically increase the density of the subject site according to the zoning by-law but will not result in any additional bedrooms or increase the residential capacity of the building. Previous approvals have varied the maximum density of the site to 240 units per net hectare, and the current proposal for 261 units per net hectare represents a marginal increase. The site is located in Kingston’s downtown core with excellent access to

July 18, 2022

Page 12 of 14

employment, recreational and commercial opportunities via pedestrian travel. Residents also have excellent access to multiple regular transit routes and express transit routes to enable travel outside of the downtown core.

The variance is desirable and appropriate use of the land.

**Technical Review: Circulated Departments and Agencies**

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

**Technical Comments**

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

**Public Comments**

At the time this report was finalized, no public comments were received with regards to this application. 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**

In 1995 the subject lands were granted minor variance application A.COA-1.3276-95 to permit an increase in residential units from six to ten and to reduce the number of required parking spaces from four to zero. The zoning by-law in effect at that time was Zoning By-Law Number 8499, rather than the current Zoning By-Law Number 96-259.

In 2020, the subject property was granted variances through Application D13-018-2020 to increase the maximum residential density and to reduce parking and amenity area requirements to provide an eleventh residential unit within the existing building.

July 18, 2022

Page 13 of 14

**Conclusion**

The requested variances maintain the general intent and purpose of the City of Kingston Official Plan, Zoning By-Law Number 96-259, and Zoning By-Law 2022-62. The proposal is desirable for the appropriate development or use of the land, building or structure and the requested variances are minor in nature. As such, the proposed application meets all four tests under Subsection 45(1) of the *Planning Act* and the application is being recommended for approval, subject to the proposed conditions.

Approval of this application will enable the internal conversion of a multi-use building to add one additional residential unit.

**Existing Policy/By-Law:**

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

**Provincial**

Provincial Policy Statement, 2020

**Municipal**

City of Kingston Official Plan

Zoning By-Law Number 96-259

Zoning By-Law Number 2022-62

**Notice Provisions:**

A Committee of Adjustment Meeting is going to be held respecting this application on July 18, 2022. 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 46 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

July 18, 2022

Page 14 of 14

**Financial Considerations:**

None

**Contacts:**

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

Riccardo Peggi, Planner, 613-546-4291 extension 3237

**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 Official Plan Map
- Exhibit E Zoning By-Law 96-259, Map 1
- Exhibit F Zoning By-Law Map 2022-62
- Exhibit G Site Plan
- Exhibit H Floor Plans
- Exhibit I Public Notification Map
- Exhibit J Site Photographs

## Recommended Conditions

### Application for minor variance, File Number D13-020-2022

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

#### 1. Limitation

That the approved minor variance applies only to maximum density, amenity area, vehicle parking, and long-term bicycle parking as shown on the approved drawings attached to the notice of decision.

#### 2. No Adverse Impacts

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

#### 3. Building Permit Application Requirements

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

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

#### 4. Standard Archaeological Condition


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

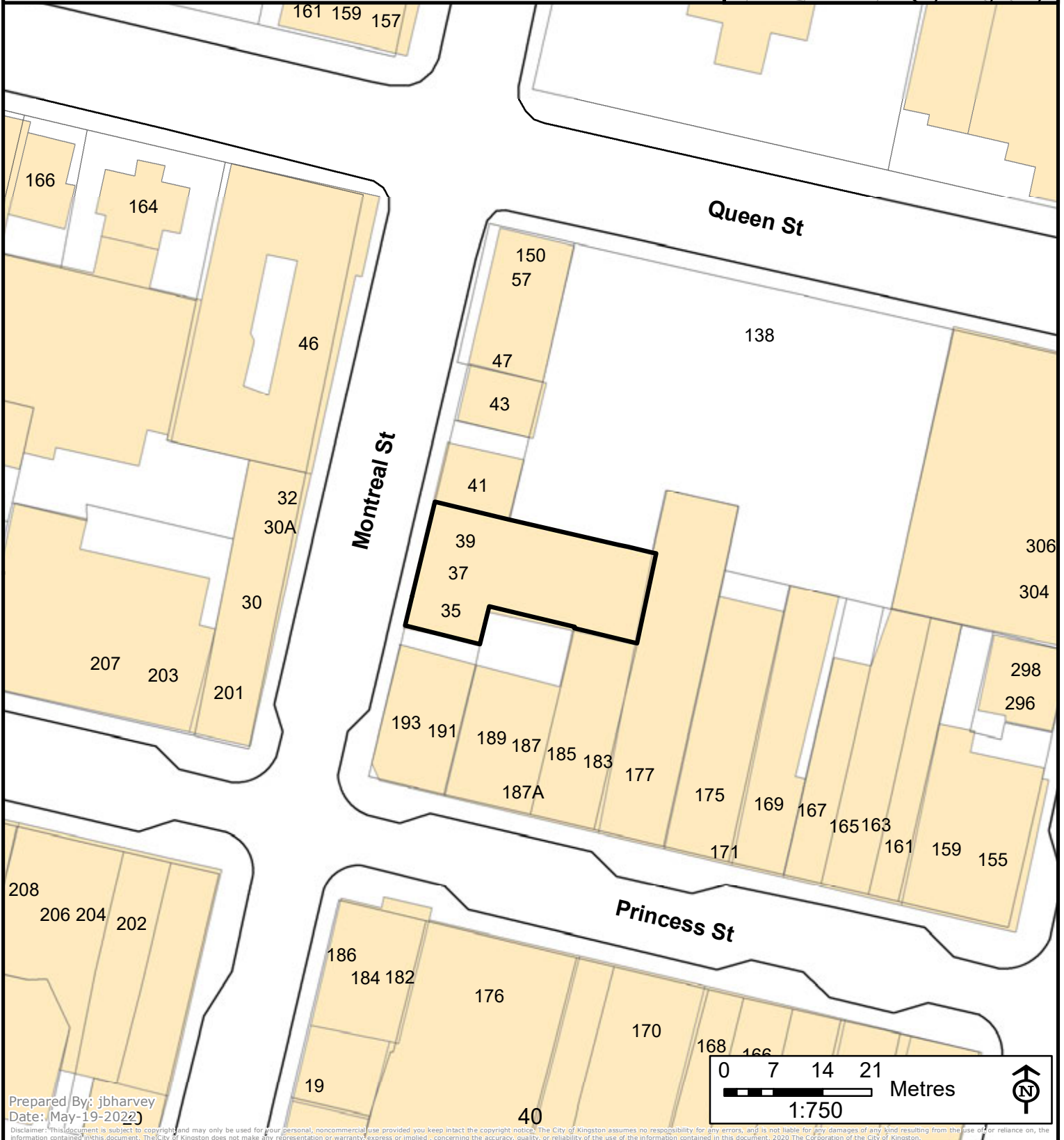
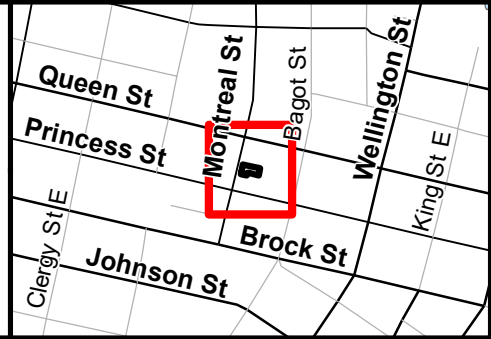
In the event that human remains are encountered, all work must immediately cease and the site must be secured. The Kingston Police (613-549-4660), the Registrar of Cemeteries at the Ministry of Government and Consumer Services (416-212-7499), the Program and Services Branch of the Ministry of Heritage,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



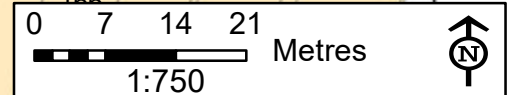
# Committee of Adjustment Key Map

Address: 39 Montreal St  
File Number: D13-020-2022

 Lands Subject to Minor Variance



Prepared By: jbhharvey  
Date: (May-19-2022)



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

Address: 39 Montreal St  
File Number: D13-020-2022

- Subject Lands
- Property Boundaries
- Proposed Parcels



Prepared By: jbhharvey  
Date: May-19-2022

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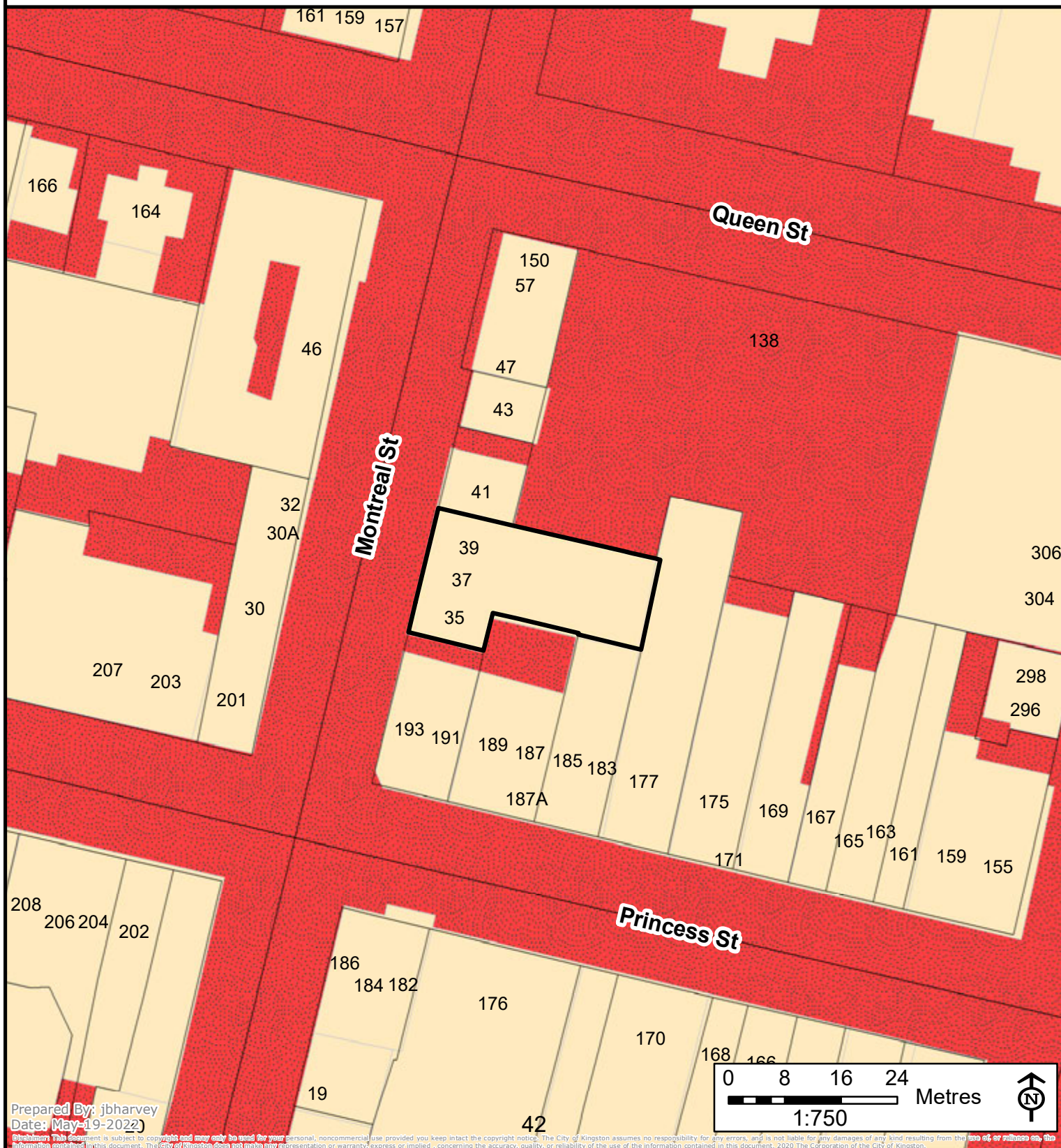
Planning Services

Committee of Adjustment  
Official Plan, Existing Land Use

Address: 39 Montreal St  
File Number: D13-020-2022

Subject Lands

CENTRAL BUSINESS DISTRICT



Prepared By: jbhharvey  
Date: May-19-2022

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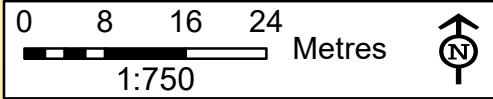
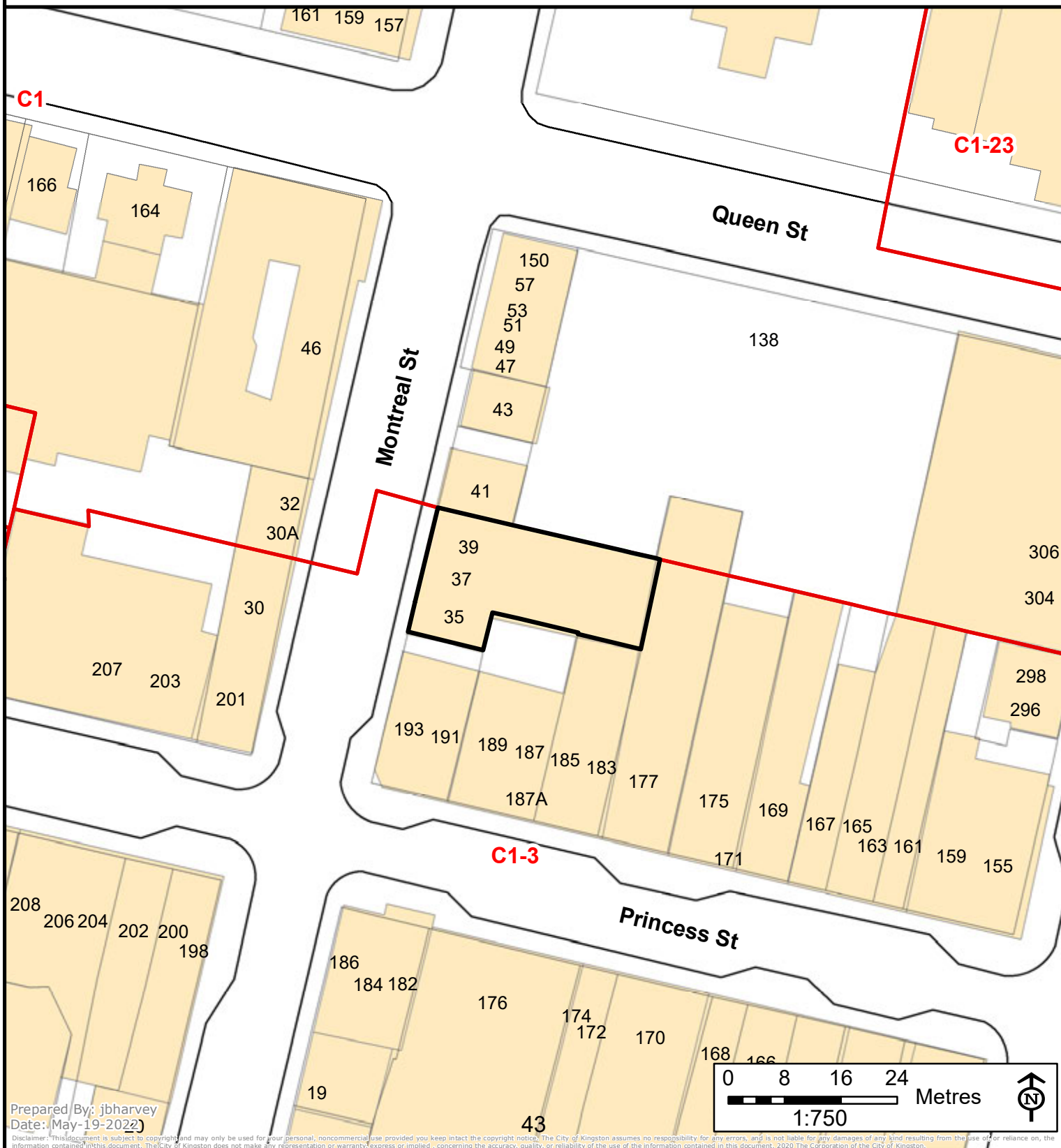


Planning Services

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

Address: 39 Montreal St  
File Number: D13-020-2022

- Subject Lands
- Consolidated Zoning



Prepared By: jbhharvey  
Date: May-19-2022

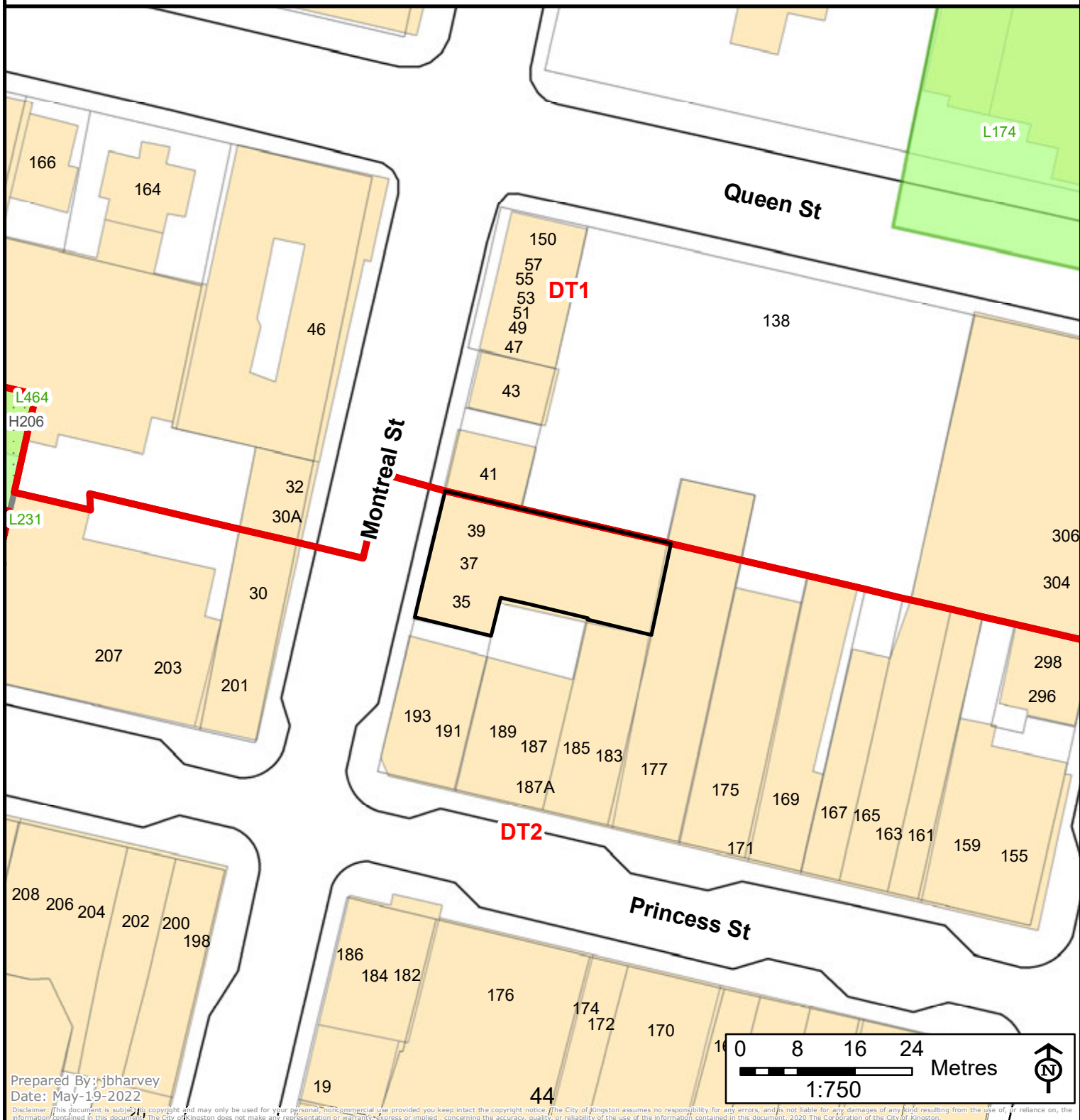
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# Committee of Adjustment Reference Kingston Zoning By-Law

Address: 39 Montreal St  
File Number: D13-020-2022

- Subject Lands
- Schedule 1 Zoning Map
- Zone
- Not Subject to the Kingston Zoning By-law
- Schedule E - Exception Overlay
- Legacy Exceptions (LXXX)
- Exceptions (EXXX)
- Schedule F - Holding Overlay
- Holding Overlay (HXXX)



Prepared By: jbhharvey  
Date: May-19-2022

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**SITE INFORMATION**

ZONING: C1-3

**SITE AREA**  
Total Site Area: 459m<sup>2</sup>

**SETBACKS**

	F.Y.	S.Y.	R.Y.
EXISTING	0m	0m	0m

**DEVELOPMENT STATISTICS**

EXISTING RESIDENTIAL UNITS  
Apartment: 11

PROPOSED RESIDENTIAL UNITS  
Apartments: 12

EXISTING COMMERCIAL UNITS  
Retail: 3

**NOTES**

1. The base plan (lot lines, existing roads and surrounding areas) is based on the City's Open Data and aerial images. The site area is approximate and all dimensions need to be confirmed by a proper survey.

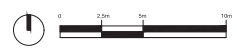
**35-39 MONTREAL ST  
KINGSTON  
CONCEPT PLAN**



**LEGEND**

EXISTING BUILDING

PROPERTY BOUNDARY



No.	REVISION	DATE	BY
2	REVISED	2022.01.18	MB
1	DRAFT	2020.04.21	MC

**CLIENT**  
ZLATKO BANIC

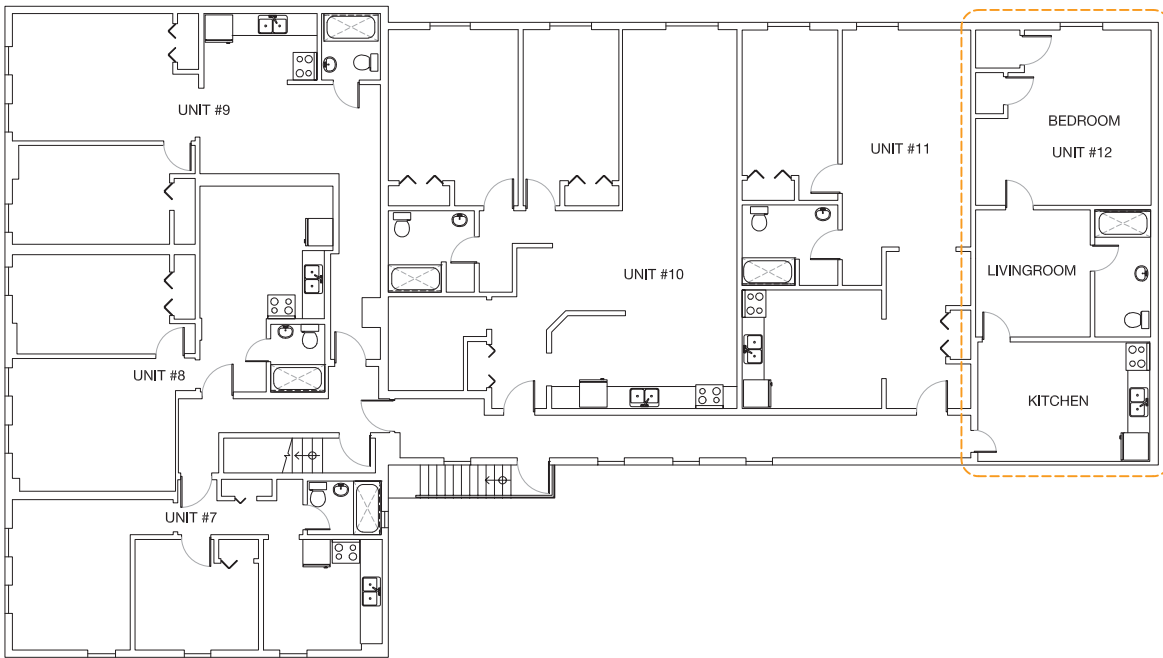
**FOTENN**  
Planning + Design

4 Cataragui Street, Suite 315, Kingston ON K7K 1Z7  
613.542.5454 www.fotenn.com

DESIGNED	MC
REVIEWED	JW
DATE	2022.01.18

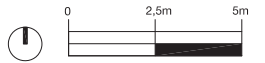
**P1**

**35-39 MONTREAL ST  
KINGSTON  
CONCEPT PLAN**



PROPOSED THIRD FLOOR PLAN

<b>SITE INFORMATION</b>			
ZONING	C1-3		
<b>SITE AREA</b>			
Total Site Area	459m <sup>2</sup>		
<b>SETBACKS</b>			
	F.Y.	S.Y.	R.Y.
EXISTING	0m	0m	0m
<b>DEVELOPMENT STATISTICS</b>			
<b>EXISTING RESIDENTIAL UNITS</b>			
Apartment	11		
<b>PROPOSED RESIDENTIAL UNITS</b>			
Apartment	12		
<b>EXISTING COMMERCIAL UNITS</b>			
Retail	3		



1	FOR MUNICIPAL REVIEW	2022.03.24	GKM
No.	REVISION	DATE	BY

**CLIENT**  
ZLATKO BANIC

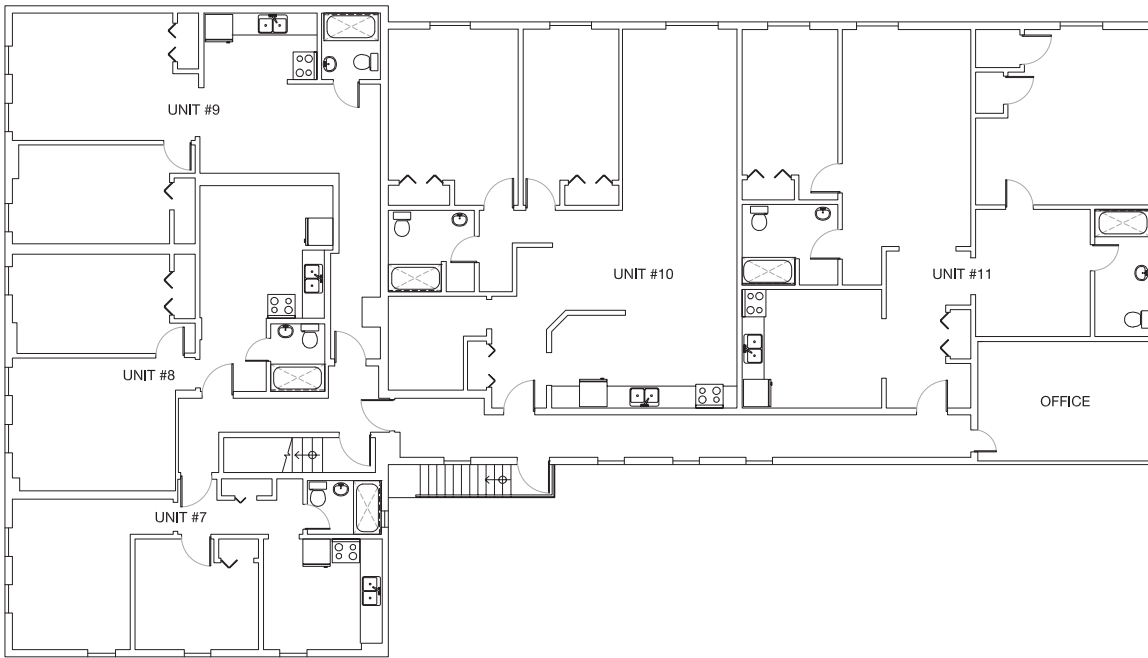
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613.542.5454 www.fotenn.com

DESIGNED	GKM
REVIEWED	JW
DATE	2022.03.24

**P3**

**35-39 MONTREAL ST  
KINGSTON  
CONCEPT PLAN**



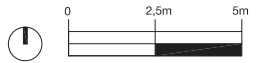
EXISTING THIRD FLOOR PLAN

**SITE INFORMATION**

ZONING	C1-3
SITE AREA	
Total Site Area	459m <sup>2</sup>
SETBACKS	F.Y. S.Y. R.Y.
EXISTING	0m 0m 0m

**DEVELOPMENT STATISTICS**

EXISTING RESIDENTIAL UNITS	
Apartment	11
PROPOSED RESIDENTIAL UNITS	
Apartment	12
EXISTING COMMERCIAL UNITS	
Retail	3



1	FOR MUNICIPAL REVIEW	2022.03.24	GKM
No.	REVISION	DATE	BY

CLIENT  
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DESIGNED	GKM
REVIEWED	JW
DATE	2022.03.24

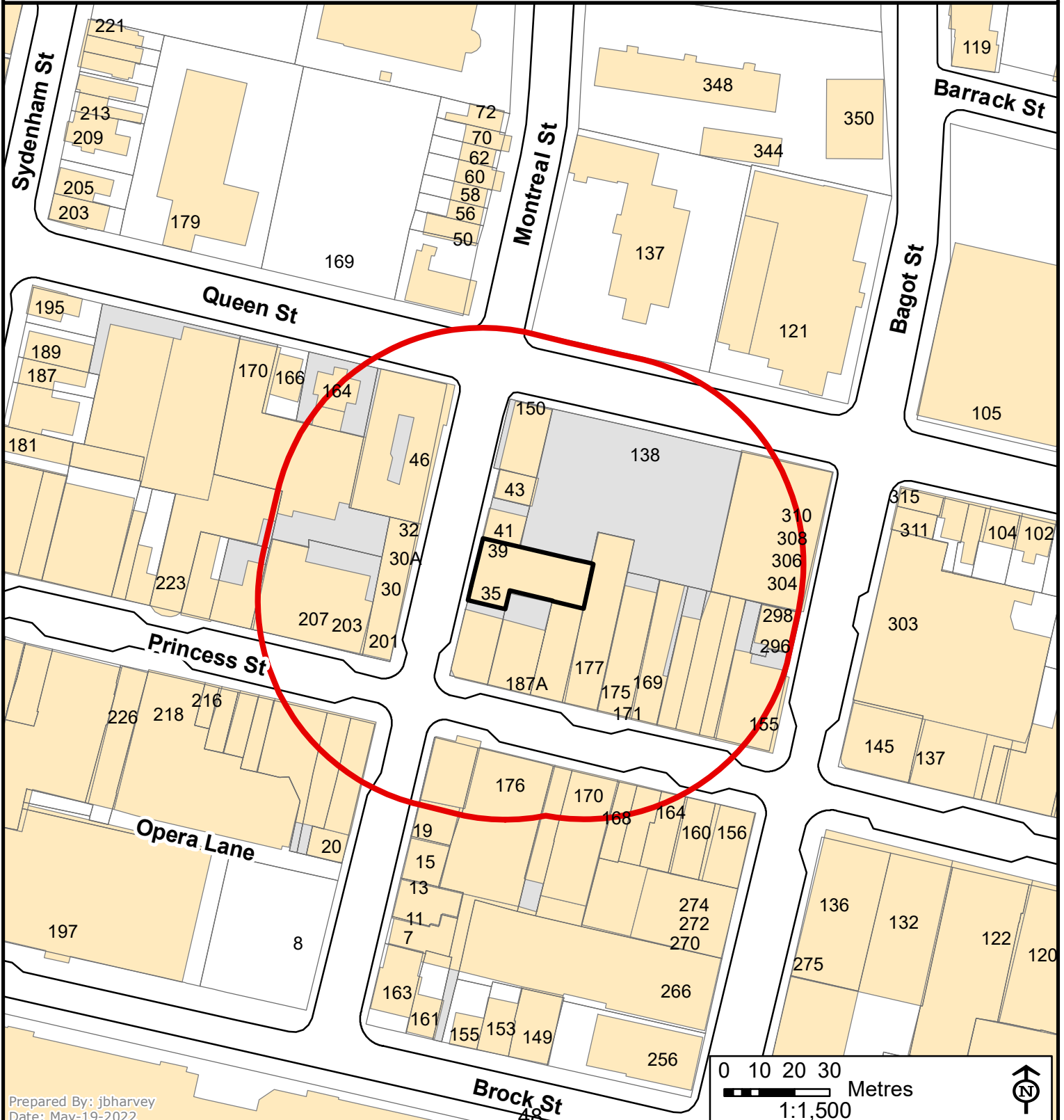
**P3**



# Committee of Adjustment Public Notice Notification Map

Address: 39 Montreal St  
File Number: D13-020-2022

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





Site Photographs – 35-39 Montreal Street

