



**City of Kingston
Report to Committee of Adjustment
Report Number COA-22-072**

To: Chair and Members of the Committee of Adjustment
From: Jason Partridge, Planner
Date of Meeting: October 17, 2022
Application for: Minor Variance and Consent
File Numbers: D13-056-2022 and D10-022-2022
Address: 3 Karlee Court
Owner: Pedro Martins
Applicant: Pedro Martins

Council Strategic Plan Alignment:

Theme: Policies & by-laws

Goal: See above

Executive Summary:

This report provides a recommendation to the Committee of Adjustment regarding applications for minor variance and consent submitted by Pedro Martins behalf of the owner, Pedro Martins for the property located at 3 Karlee Court.

The site is situated on the corner of Karlee Court and Guthrie Drive and is currently an undeveloped lot. The property is currently designated as Residential in the Official Plan and is zoned in 'UR10 (L460)' Zoning By-Law Number 2022-62.

The purpose of the consent application (File Number D10-022-2022) is to sever the lands municipally known as 3 Karlee Court to create a new lot for the purposes of developing a semi-detached dwelling. The severed parcel is proposed to have an area of 206.1 square metres with 6.45 metres frontage on Karlee Court. The retained parcel will have an area of 380.2 square metres and 14.5 metres frontage on Karlee Court and 32.61 metres frontage on Guthrie Drive.

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The minor variance (File Number D13-056-2022) is requested to reduce the minimum lot frontage, minimum lot area, and minimum side yard setback for a corner lot in Section 20.1.1, Legacy Exceptions Subsection L460 of By-Law 2022-62.

The requested minor variance and consent applications are consistent with the Provincial Policy Statement and conform with the general intent and purpose of both the City of Kingston Official Plan and Zoning By-Law Number 2022-62. The requested minor variance is desirable for the appropriate development or use of the land, building or structure and is minor in nature. The proposed minor variance application meets all four tests under Subsection 45(1) of the Planning Act and is recommended for approval. The requested consent application has regard to the matters set out in subsection 51(24) of the Planning Act and a plan of subdivision is not necessary for the proper and orderly development of the property, as such, is recommended for provisional approval.

Recommendation:

That minor variance application, File Number D13-056-2022 for the property located at 3 Karlee Court to reduce the minimum lot frontage, minimum lot area, and minimum side yard setback provisions for a corner lot, be approved, as described below:

Variance 1:

By-Law Number 2022-62: Section 20.1.1, Legacy Exceptions Subsection L460 (b) (iii)
Minimum Lot Frontage
Requirement: 7.5 metres
Proposed: 6.45 metres
Variance Requested: 1.05 metres

Variance 2:

By-Law Number 2022-62: Section 20.1.1, Legacy Exceptions Subsection L460 (a) – Minimum Lot Area

Requirement: 230 square metres per dwelling unit
Proposed: 206.1 square metres
Variance Requested: 23.9 square metres

Variance 3:

By-Law Number 2022-62: Section 20.1.1, Legacy Exceptions Subsection L460 (f) (vi)
Minimum Side Yard (Corner lot)
Requirement: 7.5 metres
Proposed: 6.0 metres
Variance Requested: 1.5 metres

That approval of the Minor Variance be subject to the conditions attached as Exhibit A (Recommended Conditions – Minor Variance) to Report Number COA-22-072; and,

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That consent application, File Number D10-022-2022, to sever a lot with 206.1 square metres of land with 6.45 metres of lot frontage on Karlee Court, be **provisionally approved** subject to the conditions included in Exhibit B (Recommended Conditions – Consent) to Report Number COA-22-072.

Authorizing Signatures:

ORIGINAL SIGNED BY PLANNER

Jason Partridge, Planner

Consultation with the following Management of the Community Services Group:

Tim Park, Director, Planning Services
James Bar, Manager, Development Approvals

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Options/Discussion:

On September 7, applications for minor variance and consent were submitted by Pedro Martins on behalf of the owner Pedro Martins for the subject property located at 3 Karlee Court.

The purpose of the consent application (File Number D10-022-2022) is to sever the lands municipally known as 3 Karlee Court to create a new parcel of land. The severed parcel is proposed to have an area of 206.1 square metres with 6.45 metres of frontage on Karlee Court. The retained parcel will have an area of 380.2 square metres and 14.5 metres of frontage on Karlee Court and 32.61 of road frontage on Guthrie Drive.

The minor variance (File Number D13-056-2022) is requested to reduce the zoning provisions in Zoning By-Law Number 2022-62 'UR10 (L460)' zone for the minimum lot frontage and lot area for the severed parcel and the side yard setback for the retained parcel.

Site Characteristics

The subject property is located on the corner of Karlee Court and Guthrie Drive. The lands are currently undeveloped with the ability to be serviced with municipal water and sewer services. Karlee Court's building types are entirely semi-detached homes with similar lot areas and frontage sizes. The site has an area of 586.3 square metres and approximately 20.95 metres of frontage along Karlee Court and 32.61 metres of frontage on Guthrie Drive. The surrounding area is predominantly characterized by residential development with some nearby commercial and parkland uses.

The subject property is designated Residential in the Official Plan and 'UR10 (L460)' zone Zoning By-Law 2022-62.

The subject property is in proximity to various community and open space uses, local schools and commercial uses. Kingston Transit operates in proximity to the site, with Transit Routes 1 and 2 operating along Guthrie Drive south of the site.

Application

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

- Site Plan (Exhibit H);
- Floor Plans and Elevations;
- Servicing Memo; and
- Grading Plan

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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Provincial Policy Statement

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

Consent Application

The review of an application for consent is subject to Section 53 of the Planning Act. The Committee of Adjustment may grant a consent if it is satisfied that a plan of subdivision of the land is not necessary for the proper and orderly development of the municipality. An application for consent was determined to be appropriate for the creation of one new lot.

Official Plan

The subject property is designated Residential in the City of Kingston Official Plan. The uses within the 'Residential' designation include detached, semi-detached or duplex dwellings, townhouses, and apartments of various types, tenure, and density that respond to a wide range of housing needs. In addition to the various forms of housing, community facilities such as schools and places of worship are also permitted. The proposed consent application complies with the uses permitted within the 'Residential' designation (Exhibit D – Official Plan Mapping).

The creation of individual parcels of land by way of consent is subject to the consent policies of the Official Plan. In considering whether the proposal is appropriate, the Committee of Adjustment will have regard for the requirements included within the Official Plan, specifically section 9.6.13 titled: "Criteria for Consent Approval". The following lists these requirements and is an assessment of how the proposal is consistent with each relevant policy.

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

The severed and retained parcels conform with all regulations of the UR10 (L460) Zone except those that form part of this application. The severed parcel requires variances to reduce the minimum lot frontage and lot area requirements, while the retained requires a variance to reduce the corner lot setback. These variances are appropriate for the development of the land as the built form maintains the existing character of Karlee Court.

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

The severed and retained lots will not result in any irregularly shaped lot. Lot sizes and resultant built form are compatible with existing development in the area.

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3. Consents may be granted only when each parcel of land has frontage and direct access from an assumed road, except for conservation lands such as those held by the Conservation Authority or a land trust that can be accessed through an easement or right-of-way on abutting lands;

Each resulting lot will have frontage on an opened and maintained road.

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

Any new or altered entrances on the severed or retained lot will require an Entrance Permit from the Engineering Department prior to any excavation or work within the road allowance.

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

The severed and retained lot and its frontages have good sight lines and even grades. The severance should not result in any negative traffic hazards. The engineering Department was circulated on both applications and had no concerns towards the proposed entrances along Karlee Court.

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

The severed lot is located within the urban boundary and is considered infill as it will be created between two existing residential lots within a residential neighbourhood.

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

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

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

The subject lot is located within the urban boundary. The severed and retained lots and their intended residential use will not result in any adverse impacts on the abutting residential uses or their continued use. The resulting lots and its residential use will maintain the character of the neighbourhood and will not have any negative impacts on traffic.

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

The subject property is located within a plan of subdivision within the Rideau Heights. There are no concerns regarding impacts on the natural heritage system, natural heritage features and areas. An archaeological assessment is not required.

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

The proposed will be on full municipal services. No proposed changes.

This application complies with the policies of the Official Plan, the Provincial Policy Statement and is in keeping with the intent and purpose of the zoning by-law.

Zoning By-Law

The subject property is zoned "UR10 (L460)" in Zoning By-Law 2022-62. A minor variance is requested to reduce the minimum lot frontage requirement in the 'UR10 (L460)' zone in 2022-62. The variance is requested in order to sever a lot with a frontage of 6.45 metres frontage on Karlee Court. The retained parcel will have a frontage of 14.5 metres frontage on Karlee Court and 32.61 metres frontage on Guthrie Drive and will not require a variance.

A second minor variance is requested to reduce the minimum lot area requirement in the 'UR (L460)' zone in 2022-62.. The variance is requested in order to sever a lot with an area of 206.1 square metres with frontage on Karlee Court. The retained parcel will have an area of 380.2 with frontage on Karlee Court and 32.61 metres frontage on Guthrie Drive and will not require a variance.

A third minor variance is requested to reduce the minimum side yard setback on a corner lot requirement in the in the 'UR (L460)' zone in 2022-62. The variance is requested in order to sever a lot with an area of 380.2 square metres with 6.0 metres side yard setback on the retained corner lot along Karlee Court and Guthrie Drive. The severed parcel fronting on Karlee Court will not require a variance.

Minor Variance Application

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

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

The subject property is designated Residential 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 proposed development of a newly severed lot will provide additional housing supply within the City of Kingston urban boundary. The overall scale and massing of the proposed semi-detached dwelling on the severed and retained lots is in keeping with the existing semi-detached dwellings along Karlee Court and any future development will be subject to the UR10 (L460) zone requirements that are applicable to adjacent properties. The site will maintain its outdoor amenity space in the rear yard of both properties.

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 severed/retained lots will result in a development that is consistent with the built form of several residential buildings located, east, west, north and south of the subject property along Karlee Court. The overall design and scale of the proposal is not anticipated to cause any adverse impacts on the adjacent residential properties.

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 proposal involves the severance of one lot from the subject property. There will be no concerns with respect to the parking of vehicles and bicycles or issues relating to accessibility for the retained or severed property. The overall large size of the two lots will allow for the one parking space that is required.

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

The proposal generally conforms to applicable urban design policies, as outlined in Section 8 of the Official Plan. The reduced lot frontage of the severed lot will be similar to other lots within the neighbourhood. The proposed semi-detached dwelling will be able to maintain the setbacks of the UR10 (L460) Zone for the front, interior and rear lot lines.

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

The subject property is not on the City's Heritage Register and as such a Heritage Impact Statement is not required.

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

The site is located within the Urban Boundary and is developed with sufficient municipal water and sewage services.

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

The proposed variances are considered minor and the development is consistent with the existing built form along Karlee Court. Therefore, a zoning by-law amendment is not required.

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

As part of the recommendation, suggested conditions have been listed. The conditions may be added, altered, or removed at the Committee's discretion.

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

The surrounding residential uses include semi-detached dwellings. The approval of the requested variance is considered minor and will not set a precedent for the immediate area.

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

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

The subject property is zoned Rural Residential 'UR10' and Legacy Exception L460 in the Kingston Zoning By-Law Number 2022-62, which also permits a semi-detached dwelling use.

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The proposal requires a variance to the following sections:

Variance 1:

By-Law Number 2022-62:Section 20.1.1, Legacy Exceptions Subsection L460 (b) (iii)

Minimum Lot Frontage

Requirement: 7.5 metres

Proposed: 6.45 metres

Variance Requested: 1.05 metres

A variance is required from Section 20.1.1, Legacy Exceptions Subsection L460 (b) (iii) Zoning By-Law Number 2022-62 to seek relief from the minimum lot frontage provision. Within Section 20.1.1, Legacy Exceptions Subsection L460 (b) (iii) the minimum lot frontage is 7.5 metres. The proposed severed lot is to have 6.45 metres in lot frontage along Karlee Court, which does not comply with the minimum lot frontage provision. As such, the applicant is seeking a variance of 1.05 metres to sever one lot at 3 Karlee Court

The intent of the minimum lot frontage zoning provisions is to maintain character of the neighbourhood or the existing streetscape. The proposed sever lot will be able to meet the front, interior and rear yard setbacks which will reduce impact on the neighbouring properties. Both the severed and retained lots have appropriate side yard setbacks which will maintain access to the rear of the property. The reduced lot width will keep the general intent and purpose of the by-law.

Variance 2:

By-Law Number 2022-62:Section 20.1.1, Legacy Exceptions Subsection L460 (a)

Minimum Lot Area

Requirement: 230 square metres per dwelling unit

Proposed: 206.1 square metres

Variance Requested: 23.9 square metres

A second variance is required from Section 20.1.1, Legacy Exceptions Subsection L460 (a) Zoning By-Law Number 2022-62 to seek relief from the minimum lot area provision. Within Section 20.1.1, Legacy Exceptions Subsection L460 (a) the minimum lot area is 230 square metres. The proposed severed lot is to have 206.1 square metres of lot area, which does not comply with the minimum lot area provision. As such, the applicant is seeking a variance of 23.9 metres to sever one lot at 3 Karlee Court

The intent of the minimum lot area zoning provisions is to ensure lots have sufficient size to accommodate their permitted uses and maintain character of the neighbourhood or the existing streetscape. The intent of the minimum lot area provision is also to prevent the overdevelopment of an undersized lots. The proposed sever and retained lots will be able to meet the front, interior and rear yard setbacks which will reduce impacts on the neighbouring properties. The reduced lot area will keep the general intent and purpose of the by-law.

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Variance 3:

By-Law Number 2022-62:Section 20.1.1, Legacy Exceptions Subsection L460 (f) (vi)
Minimum Side Yard (Corner lot)

Requirement: 7.5 metres
Proposed: 6.0 metres
Variance Requested: 1.5 metres

A third variance is required from Section 20.1.1, Legacy Exceptions Subsection L460 (f) (vi) Zoning By-Law Number 2022-62 to seek relief from the minimum side yard setback provision. Within Section 20.1.1, Legacy Exceptions Subsection L460 (f) (vi) the minimum side yard setback on a corner lot is 7.5 metres. The proposed severed lot building is to be setback 6.0 metres, which does not comply with the minimum side yard setback on a corner lot provision. As such, the applicant is seeking a variance of 1.5 metres to sever one lot and fit the proposed semi-detached dwelling at 3 Karlee Court

The intent of the minimum setback from a side yard on a corner lot is to reduce concerns about reducing the sight lines for vehicles turning the corner onto another street. The proposed severance and semi-detached dwelling maintains a 6.0 metres setback to preserve proper sightlines for vehicles. The general intent and purpose of the by-law is maintained.

The general intent and purpose of the by-law is maintained.

3)The variance is minor in nature

The proposed severance will result in a development that is consistent with the existing built form of residential development along Karlee Court. The proposed retained/severed lots will have lot frontages, lot areas and side yard setbacks of similar UR10 (L460) zoned properties in the area and will not result in intrusive overlook with respect to adjacent residential properties. The minimum interior, front and rear yard setbacks will be met for the proposed semi-detached dwelling. The variance will not alter the character of the neighbourhood or the existing streetscape.

The variance is considered minor as there will be no negative impacts on abutting properties or residential and/or uses or structures.

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

The proposed development will provide the functional needs for the proposed residential use. The resulting built form satisfies all applicable provisions of the zoning by-law, except for the minimum lot area, lot frontage and minimum side yard setbacks for a corner lot zoning provisions.

The proposal is appropriate and compatible with the surrounding residential uses and will not result in significant impacts or changes to the surrounding area.

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The variance is desirable and appropriate use of the land.

Technical Review: Circulated Departments and Agencies

- Building Division
- 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

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

Public Comments

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

Previous or Concurrent Applications

D13-026-2018 – Minor Variance for the minimum side yard abutting a street setback from 7.5 metres to 6.0 metres. Previously, the reduced 6 metre setback was for Zoning By-law 8499. With the enactment of the new Kingston Zoning By-law 2022-62, the same variance is being considered in order for the applicant to have it in permanence under this by-law.

Conclusion

The requested consent application meets the tests under Subsection 51(24) of the Planning Act; a Plan of Subdivision is not required to advance the land division. The consent applications are consistent with the Provincial Policy Statement and conform to the City’s Official Plan and represent logical and orderly development of the lands.

The requested variances maintain the general intent and purpose of both the City of Kingston Official Plan and Zoning By-Law Number 2022-62. The proposal is desirable for the appropriate development or use of the land, building or structure and the requested variance(s) are minor in nature. As such, the proposed application meets all four tests under Subsection 45(1) of the

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Planning Act and the application is being recommended for approval, subject to the proposed conditions.

Approval of the consent and minor variances application will create one new parcel of land and permit a semi-detached use on the lands. The proposed applications represent good land use planning.

Existing Policy/By-Law:

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

Provincial

Provincial Policy Statement, 2020

Municipal

City of Kingston Official Plan

Zoning By-Law Number 2022-62

Notice Provisions:

A Committee of Adjustment Meeting is going to be held respecting this application on October 17, 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 14 days in advance of the meeting. In addition, notices were sent by mail to a total number of 41 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

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Jason Partridge, Planner, 613-546-4291 extension 3216

Other City of Kingston Staff Consulted:

None

Exhibits Attached:

Exhibit A Recommended Conditions – Minor Variance

Exhibit B Recommended Conditions – Consent

Exhibit C Key Map

Exhibit D Public Notification Map

Exhibit E Official Plan Map

Exhibit F Zoning By-Law Number 2022-62

Exhibit G Site Plan

Exhibit H Neighbourhood Context Map (2021)

Recommended Conditions

Application for minor variance, File Number D13-056-2022

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

1. Limitation

That the approved minor variance applies only to the lot frontage associated with the proposed severed lot at 3 Karlee Court 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 Cultural Program Branch of the Ministry of Tourism, Culture and Sport (416-314-7132) and the 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 Regulation Section of the Ontario Ministry of Consumer Business Services (416-326-8404), the Cultural Program Branch of the Ministry of Tourism, Culture and Sport (416-314-7132), and the City of Kingston's Planning Services (613-546-4291, extension 3180) must be immediately contacted.

5. Associated Consent

That associated Consent Application D10-022-2022 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

Application for consent, File Number D10-022-2022

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

1. Limitation

That the approved consent applies only to the severed and retained lots associated with the proposed consent at 3 Karlee Court as shown on the approved drawings attached to the notice of decision.

2. 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 the mailing of this notice. You are advised to consult with the Land Registry Office for preapproval of the Certificate of Official to avoid delays.

The Certificate must be registered within one year 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 your file.

3. 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.

4. Reference Plan

That a digital version of a Reference Plan(s) be provided in a PDF and/or AutoCAD Windows readable format on a compact disc (CD), USB memory stick or by email, illustrating the easements as parts on a plan be prepared and presented to the Secretary-Treasurer, Committee of Adjustment prior to the issuance of the Certificate of Official.

The Land Registry Office may pre-approve an alternative parcel description in writing which can be presented to the Secretary-Treasurer, Committee of Adjustment prior to the issuance of the Certificate of Official.

5. 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.

6. Civic Address

The owner/applicant shall contact Planning Services 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.

7. 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.

8. 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 Cultural Program Branch of the Ministry of Tourism, Culture and Sport (416-314-7132) and the 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 Regulation Section of the Ontario Ministry of Consumer Business Services (416-326-8404), the Cultural Program Branch of the Ministry of Tourism, Culture and Sport (416-314-7132), and the City of Kingston's Planning Services (613-546-4291, extension 3180) must be immediately contacted.

9. Engineering

Entrance permits are required for any new or altered entrances.

10. Parks

Cash-in-lieu of parkland will be required for the creation of one residential lot. The rate as of January 1st 2022 will be \$2048.15.

11. Utilities Kingston

Applicant is responsible to verify existing services are of sufficient size and condition and do not encroach on neighbouring property.

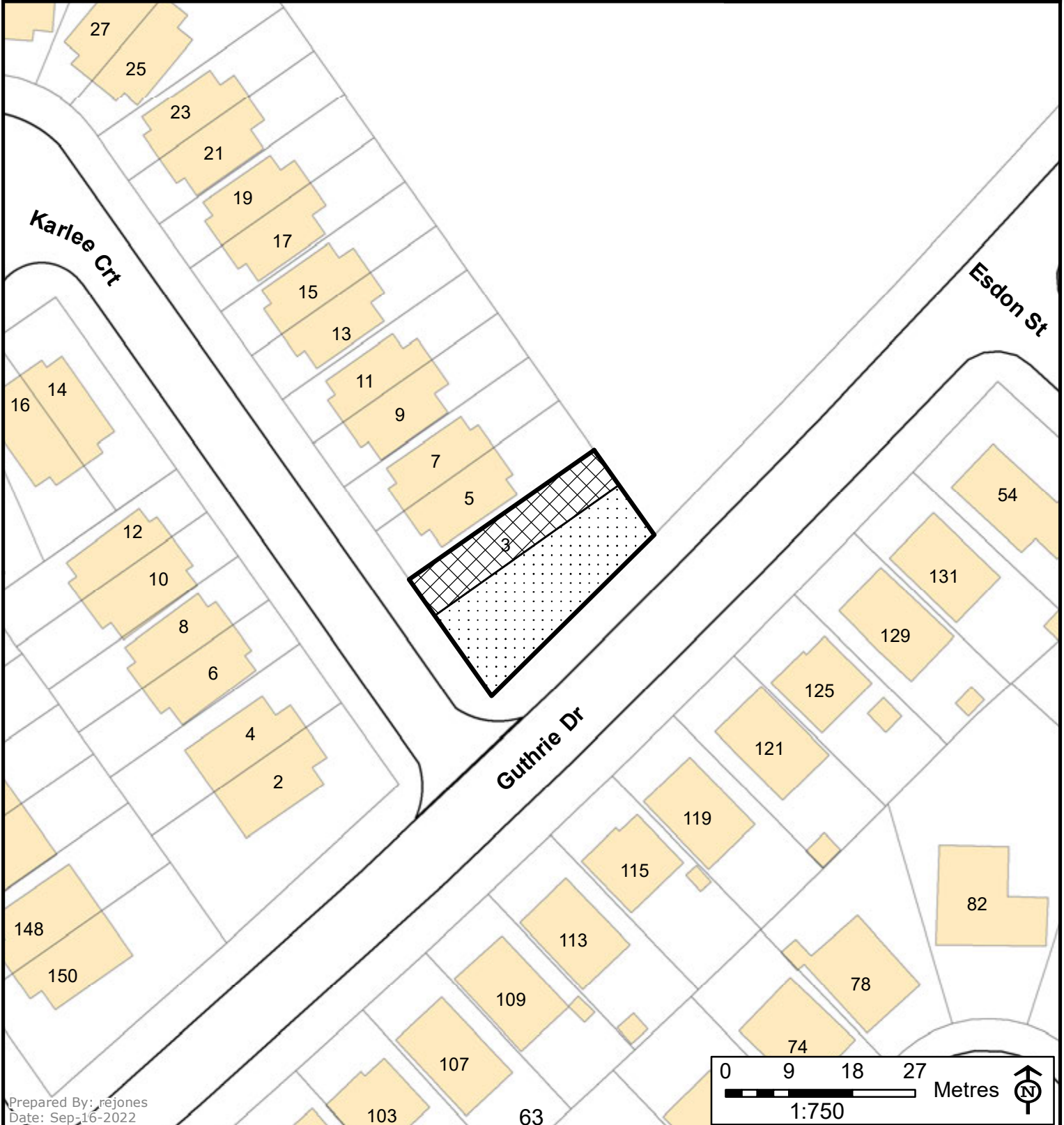
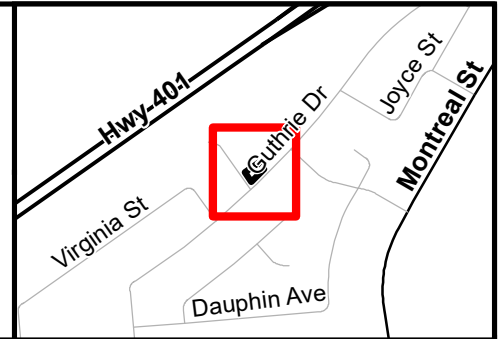
12. Associated Minor Variance

That associated Minor Variance Application D13-056-2022 is approved and all related conditions of approval are fulfilled.



Committee of Adjustment
Key Map
Address: 3 Karlee Court
Consent File Number: D10-022-2022
Minor Variance File Number: D13-056-2022

- Subject Lands
- Retained Lands
- Severed Lands








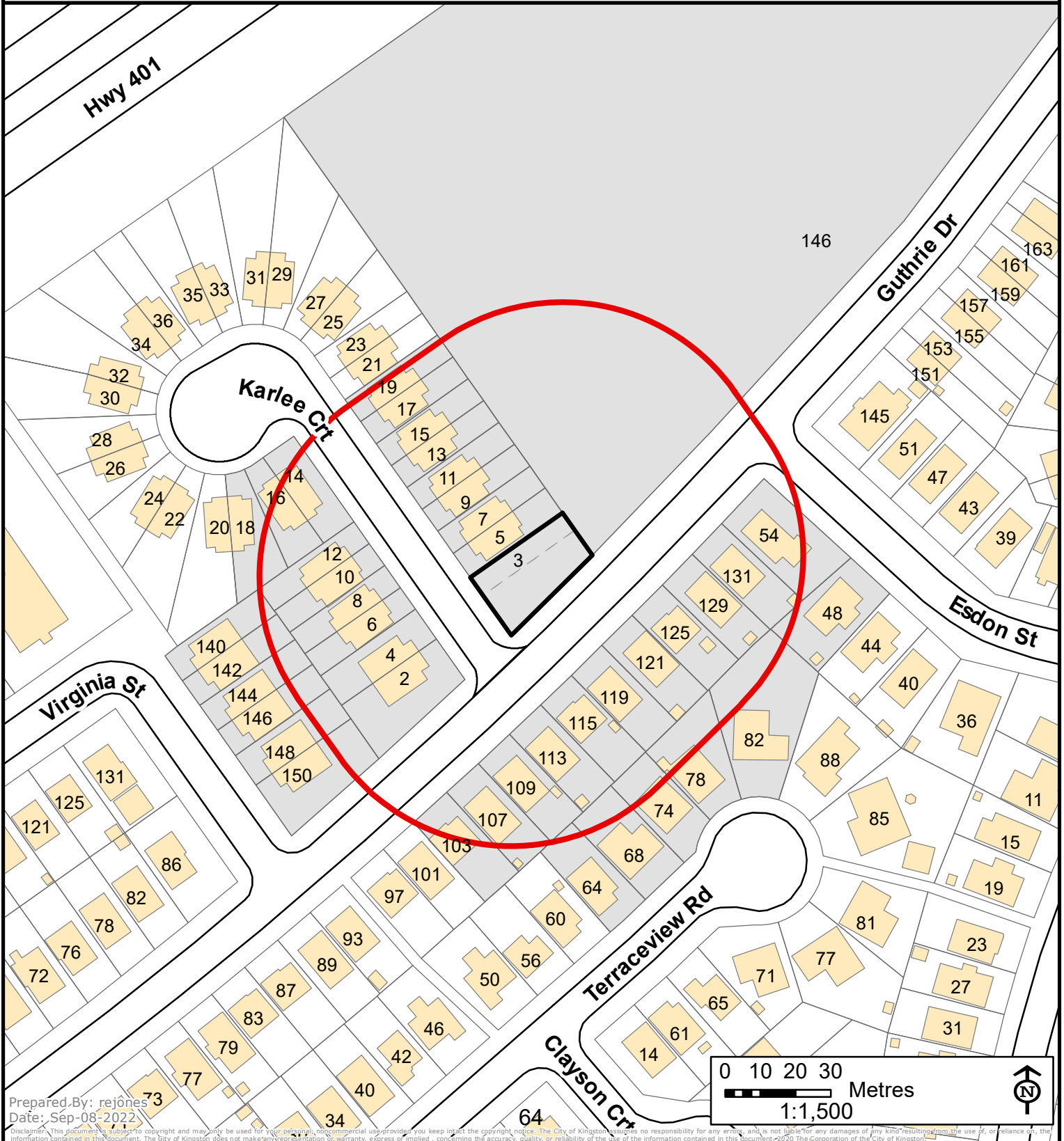
Prepared By: rejones
Date: Sep-16-2022



Committee of Adjustment Public Notice Notification Map

Address: 3 Karlee Court
File Number: D13-056-2022

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



Prepared By: rejonés
Date: Sep-08-2022




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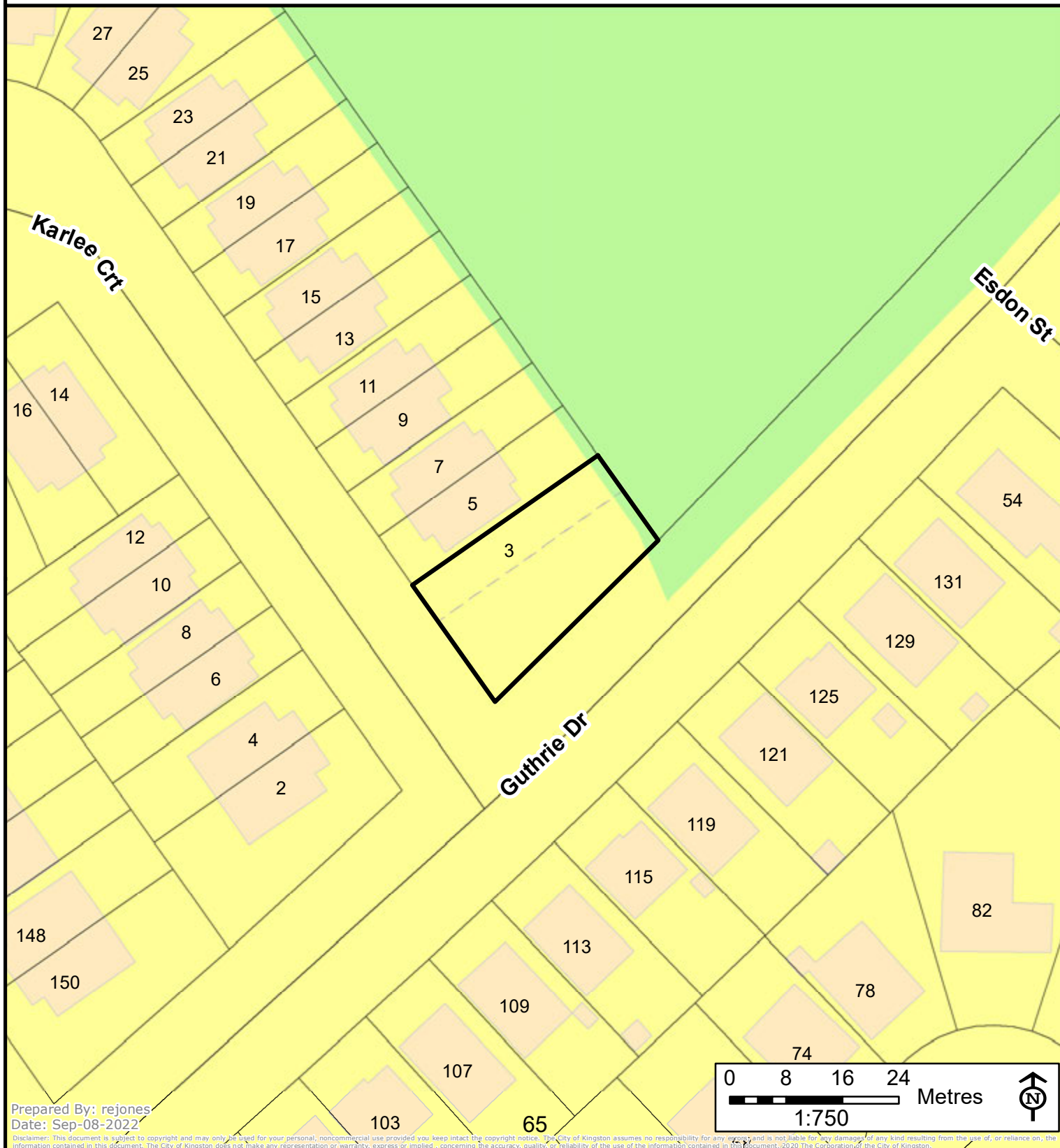


Planning Services

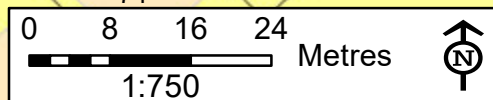
Committee of Adjustment Official Plan, Existing Land Use

Address: 3 Karlee Court
Consent File Number: D10-022-2022
Minor Variance File Number: D13-056-2022

-  Subject Lands
-  OPEN SPACE
-  RESIDENTIAL



Prepared By: rejonas
Date: Sep-08-2022



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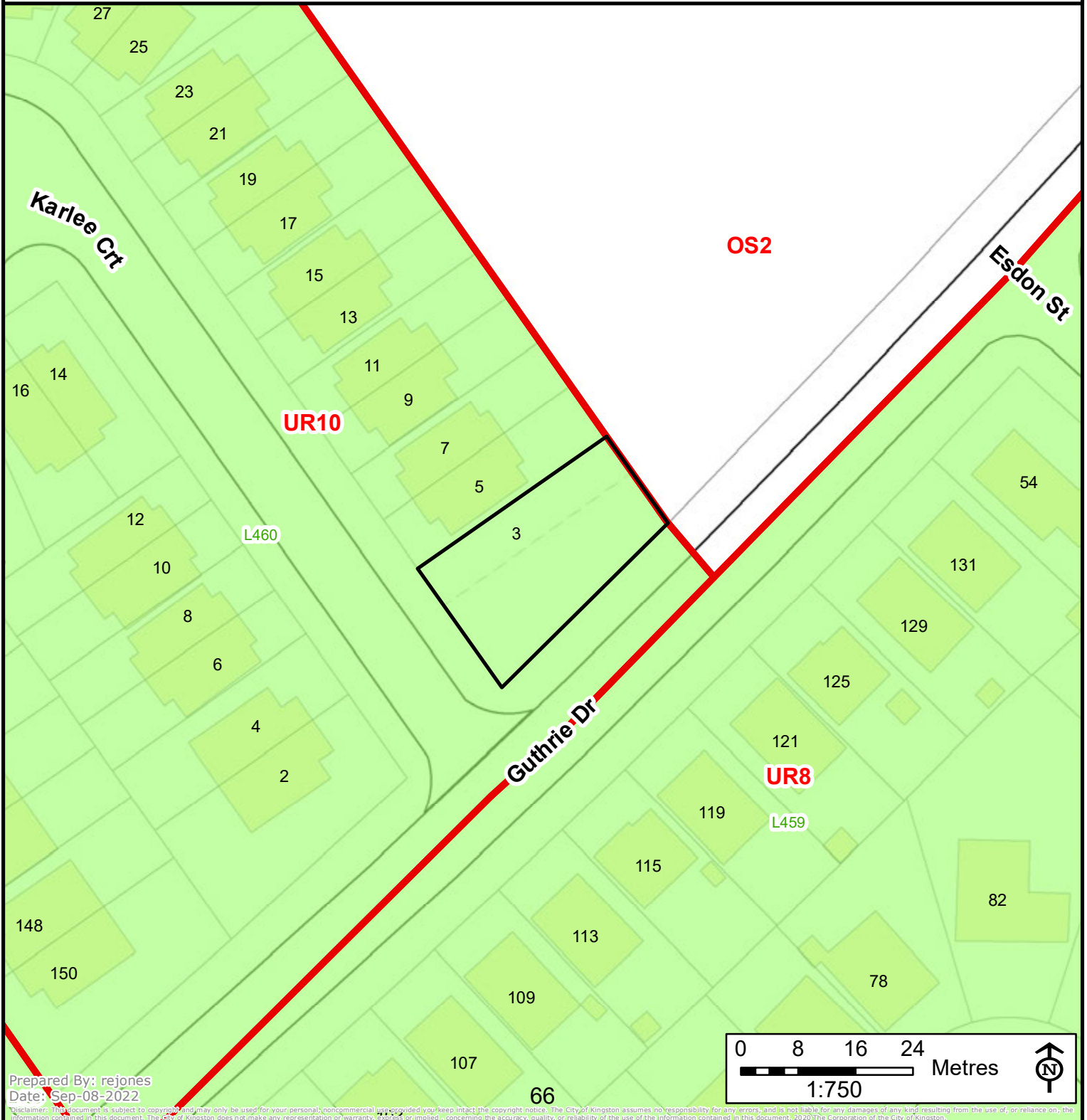


Planning Committee Reference Kingston Zoning Bylaw

Address: 3 Karlee Court
File Number: D13-056-2022

Subject Lands
 Schedule 1 Zoning Map
 Zone

Schedule E - Exception Overlay
 Legacy Exceptions (LXXX)
 Exceptions (EXXX)
 Schedule F - Holding Overlay
 Holding Overlay (HXXX)

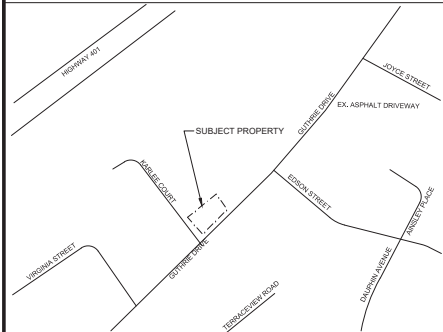


NOTES:

- 1) LOCATIONS OF PROPERTY BOUNDARIES PROVIDED BY CLIENT AND ARE APPROXIMATE.
- 2) ALL DRAWING UNITS IN METRES UNLESS SPECIFIED OTHERWISE

KEYMAP

SCALE: N.T.S.



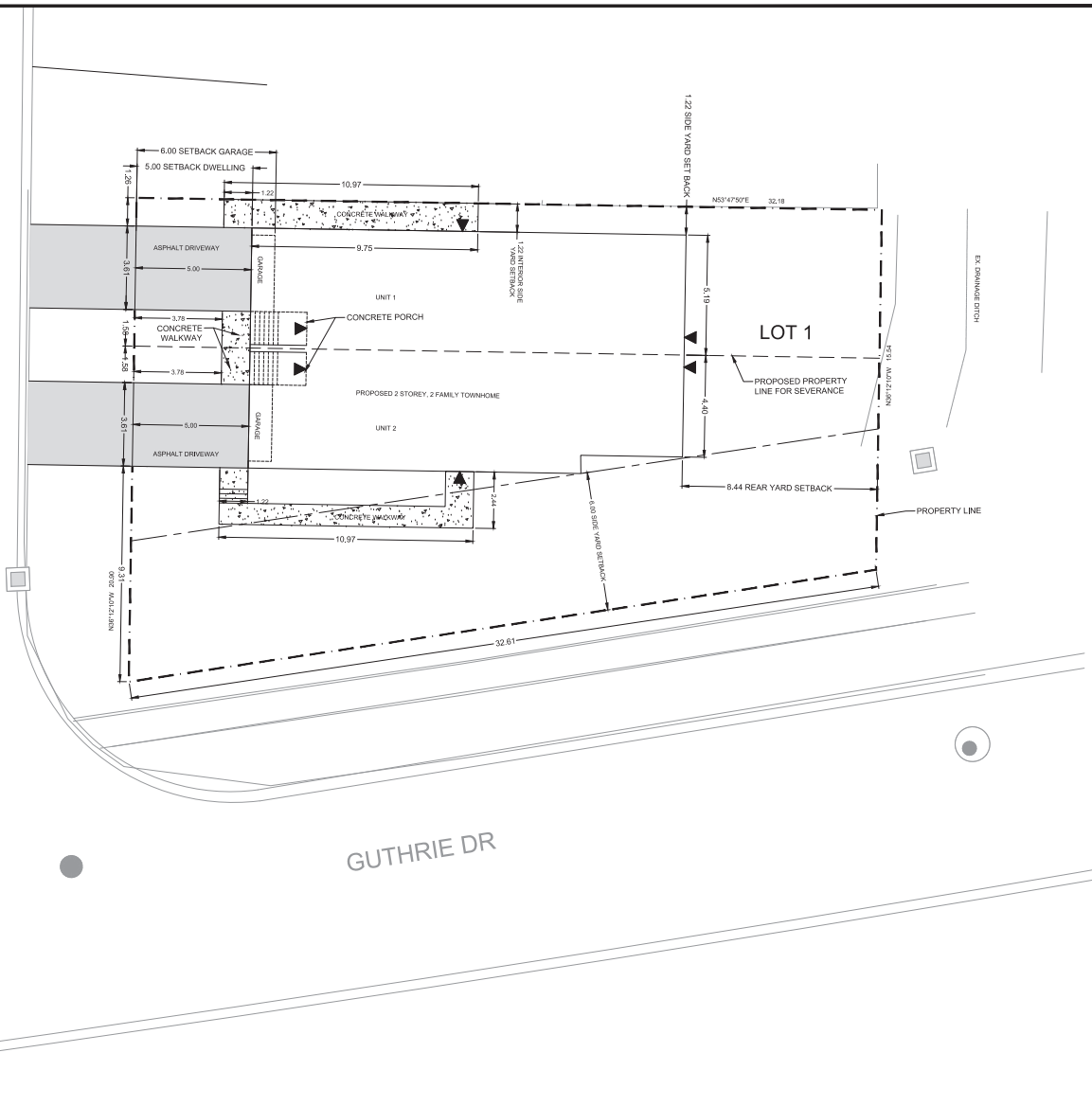
ZONING R4-7 (2021-154) File No. B-77-1136

PROVISION	ZONING REQUIREMENTS	PROPOSAL	COMPLIANCE
MINIMUM LOT AREA	230 m ² /DWELLING	206 m ²	No
MINIMUM LOT FRONTAGE	7.5m/DWELLING	6.45m	No
MINIMUM FRONT YARD DEPTH	5m TO MAIN STRUCTURE, 6m TO GARAGE	5m & 6m	Yes
MAXIMUM FRONT YARD DEPTH	6m	5m	Yes
MINIMUM REAR YARD DEPTH FOR LOTS BACKING ONTO A FREEWAY	8m	N/A	Yes
MINIMUM SIDE YARD WIDTH	1.2m	1.26m	Yes
SIDE YARD WIDTH ALONG COMMON WALL	0m	0m	YES
ABUTTING STREET SIDE YARD	7.5m	6.0m	No

* The proposed lot for Unit 2 complies with the Zoning Requirements, having an area of 380.2m².

KARLEE CT

GUTHRIE DR



REV.#	REVISIONS	DATE	INITIAL
2	RE-ISSUED TO CITY	SEP 16/22	ND
1	ISSUED TO CITY	JUL 05/22	ND

Not Valid Unless Signed And Dated

SCALE: 1:100
DESIGN: MF
DRAWN: MF
CHECKED: ND
DATE: APRIL 2022

3 KARLEE COURT (LOT 1)
KINGSTON, ON

SITE PLAN



CONTRACT No. 22560-1 DWG C100



Committee of Adjustment Neighbourhood Context (2021)

Address: 3 Karlee Court
File Number: D13-056-2022

- Subject Lands
- Property Boundaries
- Proposed Parcels



Prepared By: rejonas
Date: Sep-08-2022

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