



**City of Kingston
Report to Committee of Adjustment
Report Number COA-24-056**

To: Chair and Members of the Committee of Adjustment
From: Meghan Robidoux, Senior Planner
Date of Meeting: June 17, 2024
Application for: Minor Variance
File Number: D13-046-2024
Address: 102 Charles Street
District: District 11 – King’s Town
Owner: Richard Allen and Rebecca Rappeport
Applicant: NBS Design Group

Council Strategic Plan Alignment:

Theme: 1. Support Housing Affordability

Goal: 1.1 Promote increased supply and affordability of housing.

Executive Summary:

This report provides a recommendation to the Committee of Adjustment regarding an application for minor variance for the property located at 102 Charles Street. The applicant is proposing a new two-storey rear addition, in a similar location to that of the existing one-storey addition and screened-in porch. The proposed addition will provide additional living space for the single-detached house on the subject property. A minor variance for building depth is required to permit the proposed two-storey rear addition.

The requested minor variance is consistent with the general intent and purpose of both the City of Kingston Official Plan and Kingston 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. As such, the proposed application meets all four tests under Subsection 45(1) of the *Planning Act* and is recommended for approval.

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Recommendation:

That minor variance application, File Number D13-046-2024, for the property located at 102 Charles Street to construct a new two-storey rear addition, be approved, as described below:

Variance Number 1:

By-Law Number 2022-62:11.6.1.12. Maximum building depth

Requirement: 18.0 metres

Proposed: 21.5 metres

Variance Requested: 3.5 metres

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-056.

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Authorizing Signatures:



Meghan Robidoux, Senior Planner

In 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 May 28, 2024, an application for minor variance was submitted by NBS Design Group, on behalf of the owners, Richard Allen and Rebecca Rappeport, with respect to the property located at 102 Charles Street. The applicant is proposing a new two-storey rear addition, in a similar location to that of the existing one-storey addition and screened-in porch. The proposed addition will provide additional living space for the single-detached house on the subject property. A minor variance for building depth is requested to permit the proposed two-storey rear addition.

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

- Site Plan (Exhibit F);
- Floor Plans and Elevations (Exhibit G); and,
- Owner Authorization Form.

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 on the south side of Charles Street, west of Montreal Street, within the North King’s Town area (Exhibit B – Key Map). The property abuts other single detached houses in all directions, between one-and-a-half to two-storeys in height (Exhibit C – Neighbourhood Context Map).

The subject property is approximately 472 square metres in area with approximately 7.5 metres of frontage along Charles Street. The property currently contains a two-storey single detached house, with a one-storey addition and screened-in porch at the rear. A parcel depth of approximately 50 metres provides a deep rear yard, which contains ample outdoor amenity and landscaped open space.

The subject property is designated Residential in the Official Plan (Exhibit D – Official Plan Map) and zoned Urban Residential 5 (UR5) in Kingston Zoning By-Law Number 2022-62 (Exhibit E – Zoning By-Law Map).

Provincial Policy Statement

In addition to the four tests of a minor variance detailed below, 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

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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.

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:

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 (Exhibit D – Official Plan Map).

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 subject property is located in a Housing District, as shown on Schedule 2 of the Official Plan, wherein reinvestment and upgrading of residential uses is encouraged where it can integrate compatibility within the prevailing built form standards of height, density, and amenity that are generally found in the surrounding neighbourhood. The proposed addition is consistent with the two-storey built form found along Charles Street and will provide for the preservation of the generous rear amenity space that is characteristic of surrounding properties in the neighbourhood (Exhibit H – Site Photos). The rear addition will be only partially visible from Charles Street and is architecturally compatible in terms of scale, style, and massing with the character of the streetscape.

The building footprint of the proposed two-storey rear addition is generally consistent with the existing one-storey rear addition and screened-in porch, such that no change in impacts in regards to overlook or privacy are anticipated at the ground level. On the second-storey, no side-facing windows are proposed within the area of requested building depth relief, so as to ensure no new impacts in regards to overlook or privacy will result from the requested variance (Exhibit G – Elevations). As a condition of minor variance approval, staff recommend that the placement of windows along the east and west elevations of the proposed addition be consistent with the elevation drawings attached in Exhibit G.

The subject property is not designated under the *Ontario Heritage Act* and does not directly abut any heritage resources. The property is located within an Archaeologically Sensitive Area, as shown on the City's Archeological Master Plan. As such, Heritage Services staff have noted that archaeological clearance of the subject property is required as a condition of minor variance approval, beginning with a Stage One Archaeological Assessment. However, should the new area of disturbance be demonstrated to be not significantly greater than the existing disturbed area, archaeological clearance may not be required.

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The site will continue to function in an appropriate manner, with no change in access, parking, or amenity resulting from the proposed development. The subject property will continue to be serviced by municipal water and sewage services. The requested relief for building depth satisfies the applicable tests of a minor variance, as detailed further below, and will not set an undesirable precedent for the immediate area. Recommended conditions of minor variance approval are included in Exhibit A and may be altered at the Committee’s discretion.

The proposal meets the intent of the Official Plan, as the proposed two-storey rear addition and 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 Urban Residential 5 (UR5) in Kingston Zoning By-Law Number 2022-62 (Exhibit E – Zoning By-Law Map). The UR5 zone permits single-detached houses.

The proposal requires a variance to Section 11.6.1.12 of the Kingston Zoning By-Law, as follows:

Variance Number 1:

By-Law Number 2022-62:11.6.1.12. Maximum building depth

Requirement: 18.0 metres

Proposed: 21.5 metres

Variance Requested: 3.5 metres

The Kingston Zoning By-Law defines building depth as the horizontal distance between the required front setback and the principal building’s rear wall, measured perpendicular to the front setback. The intent of the maximum building depth provision is to limit the potential for adverse overlook and loss of privacy on neighbouring properties, to provide for a consistent pattern of development across residential properties, and to maintain adequate amenity and landscaped open space for site functionality.

In the case of the subject property, the existing front setback is recognized as the required front setback because the building existed as of the date of passing of the zoning by-law and the front setback is less than is otherwise required. As a result, the proposed rear addition results in a building depth of approximately 21.5 metres.

As previously noted, the building footprint of the proposed two-storey rear addition is generally consistent with the existing one-storey rear addition and screened-in porch. Side-facing windows have been strategically placed so as ensure no new impacts in regards to overlook or privacy will result from the requested variance for building depth (Exhibit G – Elevations). The proposed rear addition complies with the minimum interior setback and rear setback requirements of the UR5 zone. A generous setback of approximately 27 metres between the rear building wall and the rear lot line will continue to allow for a large rear yard with ample landscaped open space. The location and massing of the proposed addition is consistent with the pattern of development in the surrounding neighbourhood, with a peaked roof and two-storey height.

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The requested variance maintains the general intent and purpose of the zoning by-law.

3) The variance is minor in nature

The variance is considered minor as the proposed rear addition will not adversely impact the functionality of the subject property or abutting lots. The proposal meets all applicable performance standards of the UR5 zone, with the exception of maximum building depth. The proposed addition has been thoughtfully designed to mitigate any potential adverse impact on neighbouring properties and occupies a similar building footprint as the existing one-storey addition and screened-in porch on the property. The built form of the proposed addition is in keeping with the built form of surrounding properties located along Charles Street and will be only moderately visible from the street.

The proposal is considered minor in nature.

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

The requested variance will facilitate re-investment in the existing single-detached house on the property to improve its overall functionality for the property owners, in a form that is compatible with surrounding land uses and consistent with the character of the neighbourhood.

The variance is desirable and appropriate use of the land.

Technical Review: Circulated Departments and Agencies

- | | | |
|---|---|--|
| <input checked="" type="checkbox"/> Building Services | <input checked="" type="checkbox"/> Engineering | <input checked="" type="checkbox"/> Heritage Services |
| <input type="checkbox"/> Finance | <input checked="" type="checkbox"/> Utilities Kingston | <input type="checkbox"/> Real Estate |
| <input type="checkbox"/> Fire & Rescue | <input checked="" type="checkbox"/> Kingston Hydro | <input checked="" type="checkbox"/> Environment Division |
| <input type="checkbox"/> Solid Waste | <input checked="" type="checkbox"/> Parks Development | <input type="checkbox"/> Canadian National Railways |
| <input type="checkbox"/> Housing | <input checked="" type="checkbox"/> District Councillor | <input type="checkbox"/> Ministry of Transportation |
| <input type="checkbox"/> KEDCO | <input checked="" type="checkbox"/> Municipal Drainage | <input type="checkbox"/> Parks of the St. Lawrence |
| <input 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 |
| <input type="checkbox"/> Kingston Airport | | |

Technical Comments

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

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Public Comments

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

Previous or Concurrent Applications

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

Conclusion

The requested variance maintains the general intent and purpose of both the City of Kingston Official Plan and Kingston 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 is 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 facilitate the construction of additional living space for the existing single-detached house on the subject property in a built form that is compatible with surrounding land uses and provides for the preservation of all functional site elements.

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

Kingston Zoning By-Law Number 2022-62

Notice Provisions:

A Committee of Adjustment Meeting is going to be held respecting this application on June 17, 2024 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 57 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 (Exhibit I – Public Notification Map).

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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

Meghan Robidoux, Senior Planner, 613-546-4291 extension 1256

Other City of Kingston Staff Consulted:

None

Exhibits Attached:

- Exhibit A Recommended Conditions
- Exhibit B Key Map
- Exhibit C Neighbourhood Context Map (2022)
- Exhibit D Official Plan Map
- Exhibit E Zoning By-Law Map
- Exhibit F Site Plan
- Exhibit G Floor Plans and Elevations
- Exhibit H Site Photos
- Exhibit I Public Notification Map

Recommended Conditions

The approval of minor variance application, File Number D13-046-2024, to construct a two-storey rear building addition, shall be subject to the following recommended conditions:

1. Limitation

That the approved minor variance applies only to the two-storey rear addition at 102 Charles Street as shown on the 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

Archaeological clearance of the subject property is required, beginning with a Stage One Archaeological Assessment and including any subsequent assessments as required by the Ministry of Citizenship and Multiculturalism's Standards and Guidelines for Consultant Archaeologists, as amended from time to time, prior to any soil disturbance.

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

The City relies upon the report of the professional archaeologist as filed, but reserves the right to require further reports should further evidence be uncovered. The applicant may be required to further review the state of archaeological resources on the property depending on the recommendations of the report and

subject to input and review from the Ministry of Citizenship and Multiculturalism. The City shall not be restricted in its ability to determine requirements related to review, assessment and/or protection should archaeological resources be found on site. Any costs arising from such requirements of the City, or any other duly authorized Government body, shall be borne solely by the applicant.

5. Window Placement

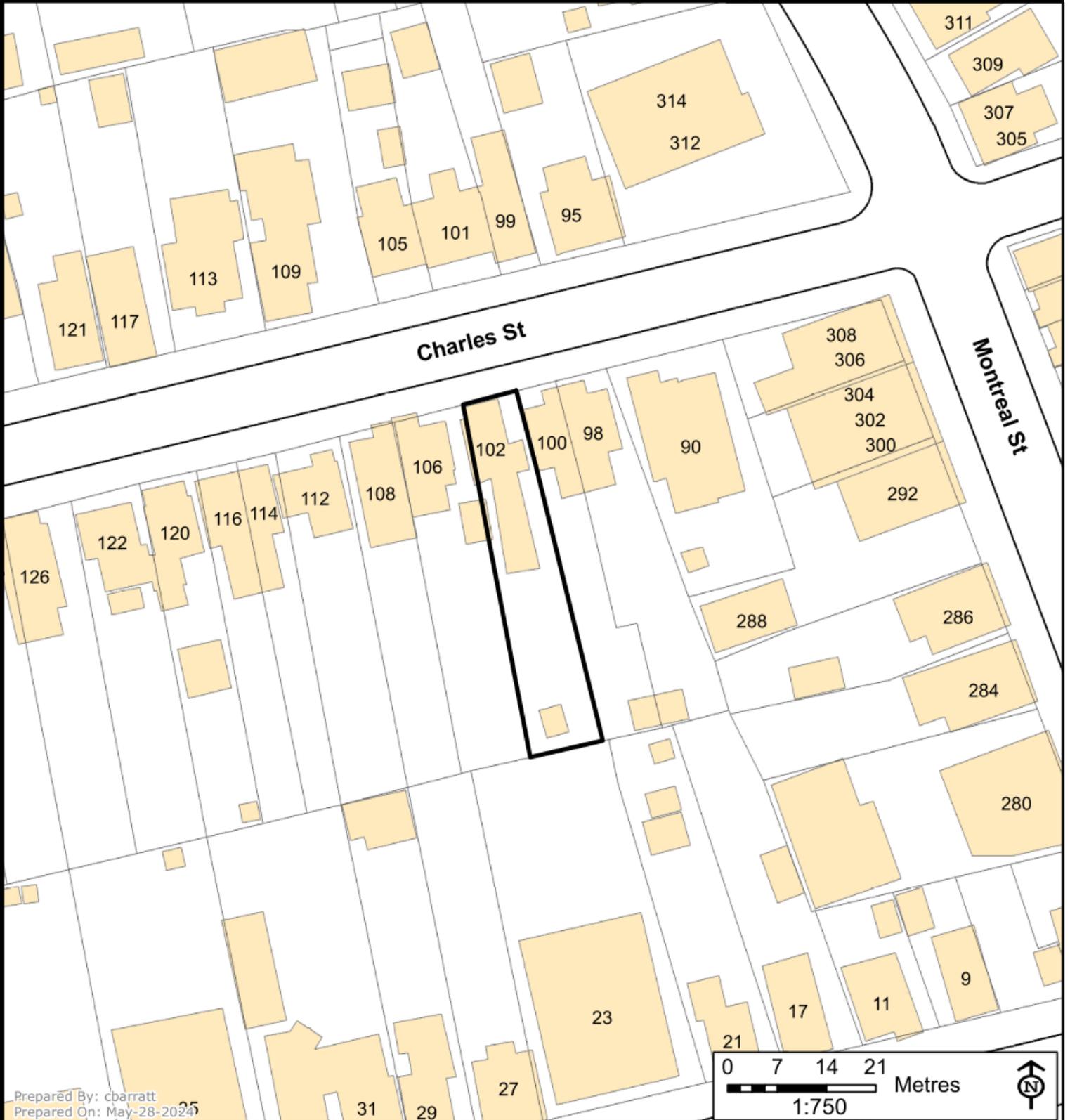
The placement of windows along the east and west elevations of the rear building addition shall generally be consistent with the elevation drawings attached to this Notice of Decision.



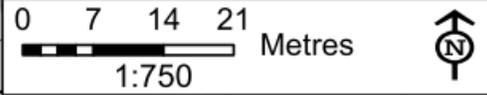
Committee of Adjustment Key Map

Address: 102 Charles Street
File Number: D13-046-2024
Prepared On: May-28-2024

 Lands Subject to Minor Variance



Prepared By: cbarratt
Prepared On: May-28-2024



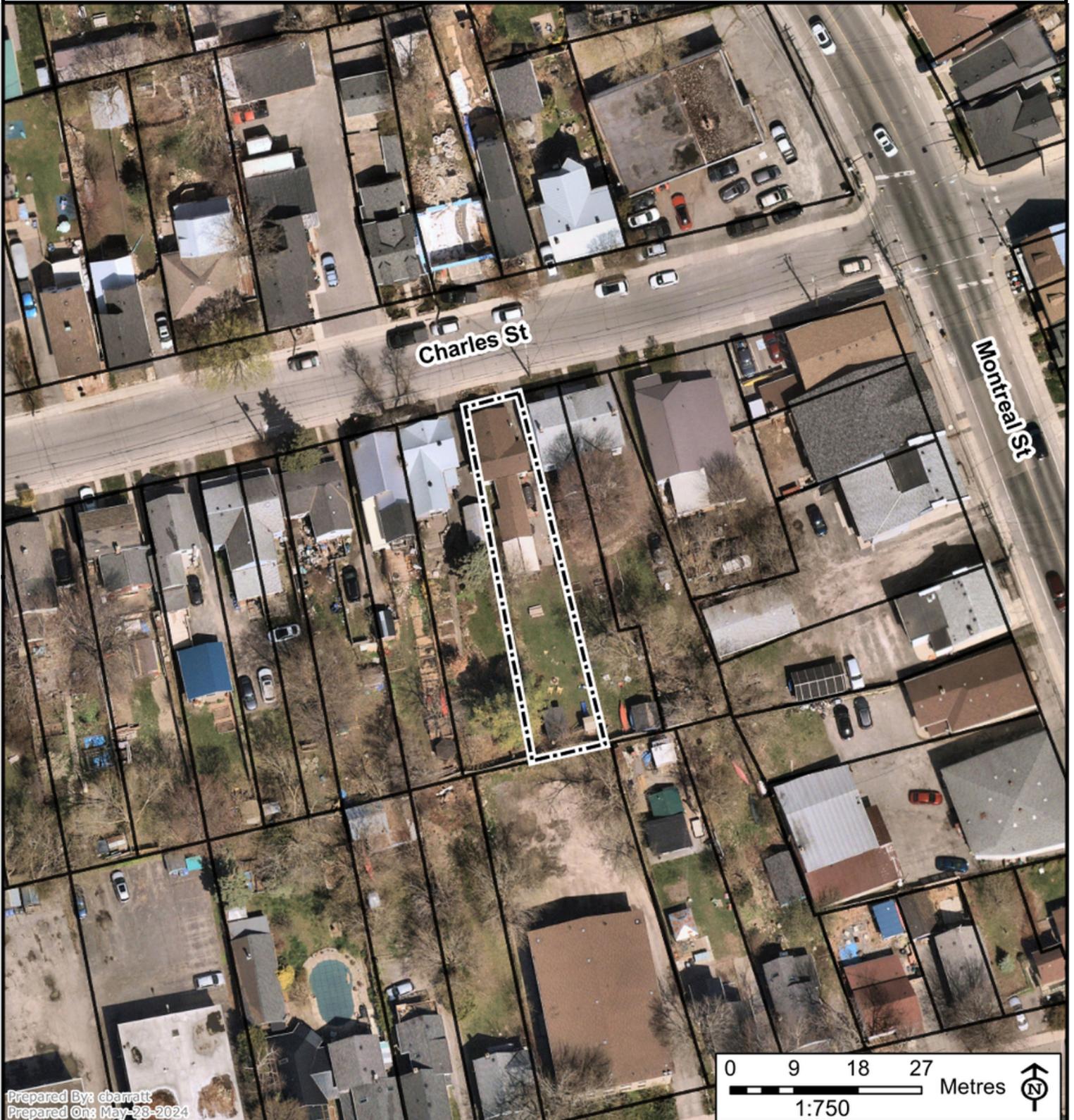
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Committee of Adjustment Neighbourhood Context

Address: 102 Charles Street
File Number: D13-046-2024
Prepared On: May-28-2024

- Subject Lands
- Property Boundaries
- Proposed Parcels



Prepared By: cbaratt
Prepared On: May-28-2024

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Committee of Adjustment Official Plan, Existing Land Use

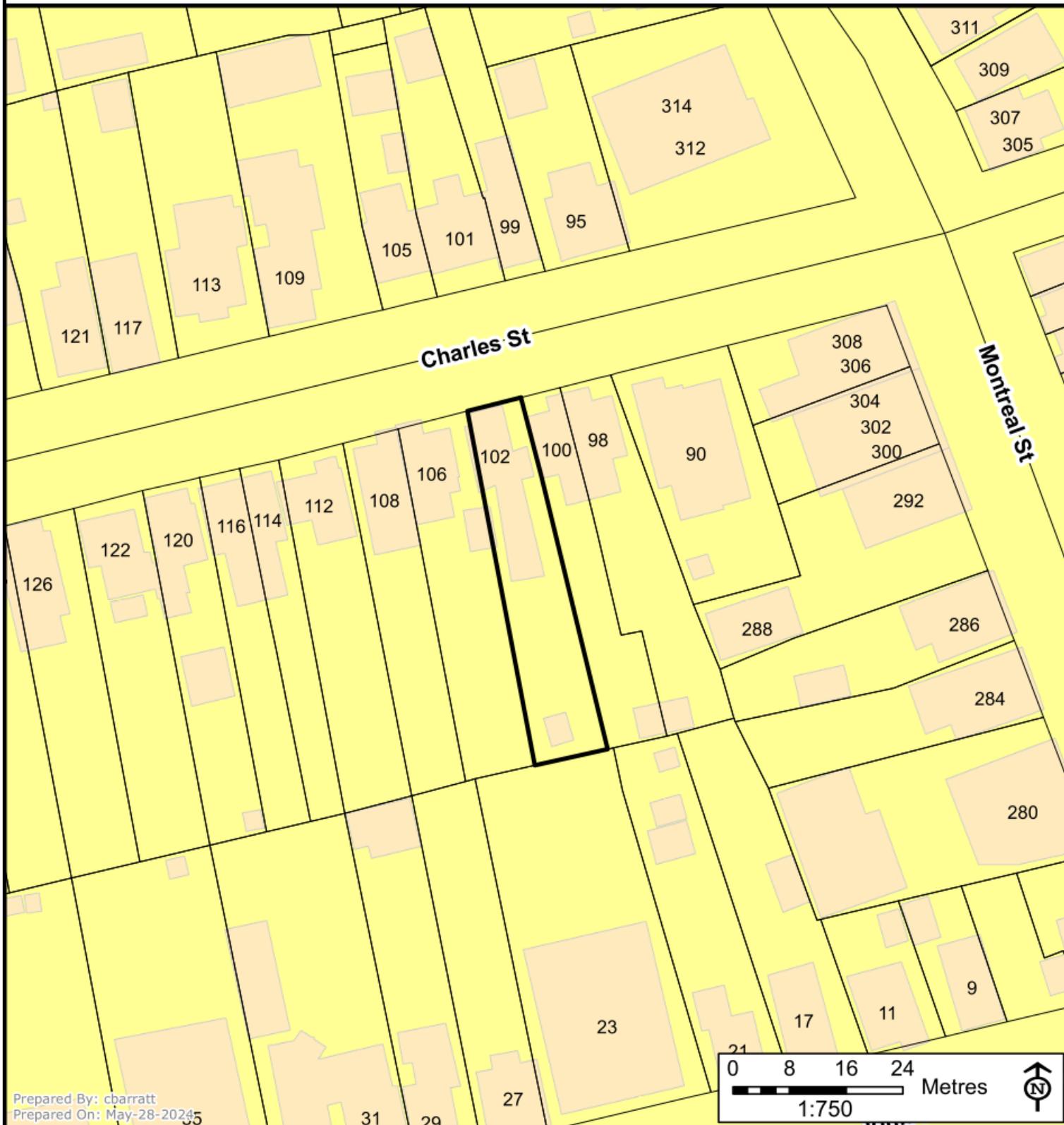
Address: 102 Charles Street

File Number: D13-046-2024

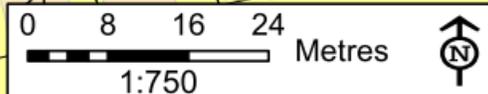
Prepared On: May-28-2024

Subject Lands

RESIDENTIAL



Prepared By: cbarratt
Prepared On: May-28-2024



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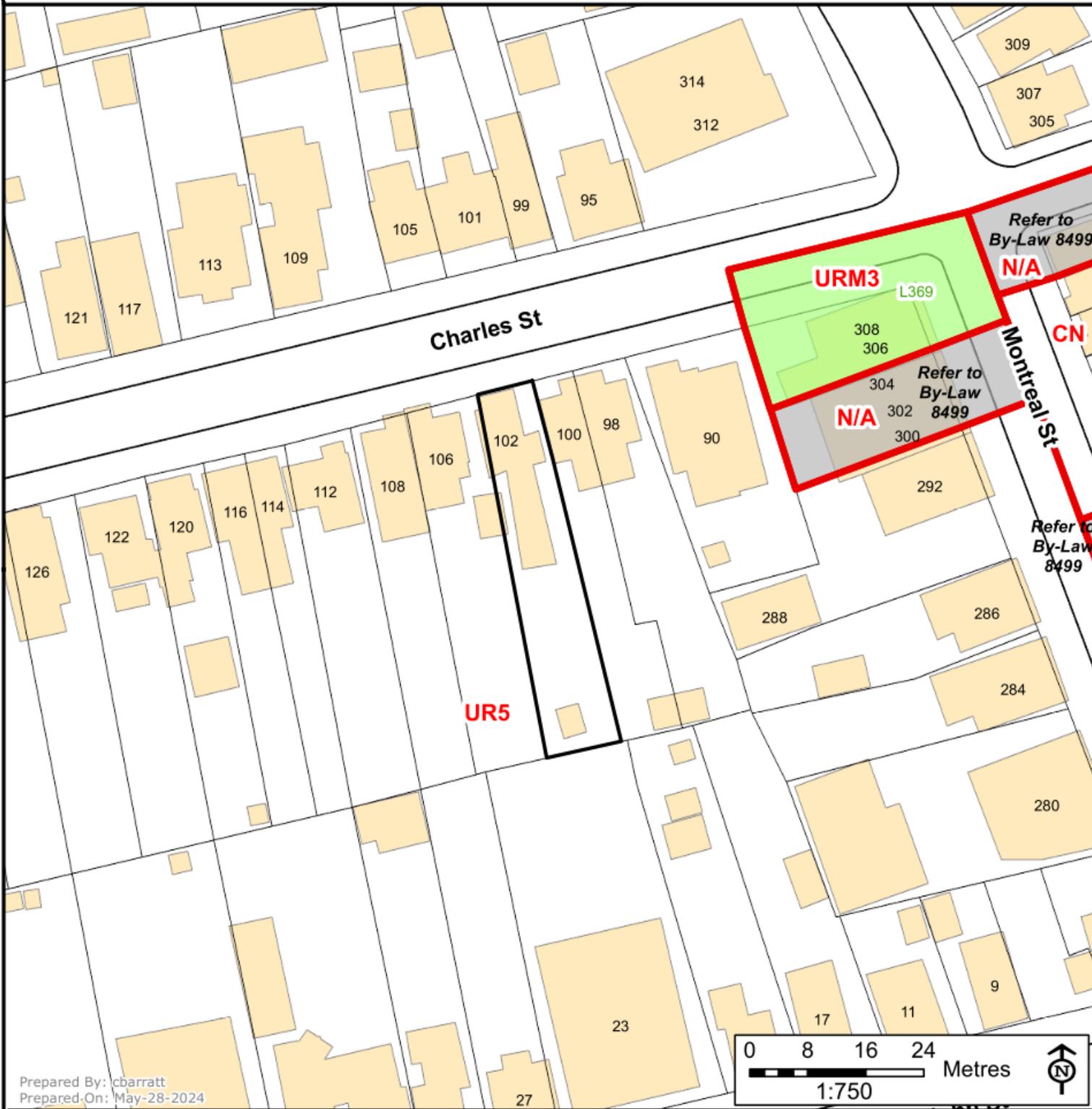


Planning Committee
Existing Zoning
Kingston Zoning By-Law 2022-62

Planning Services

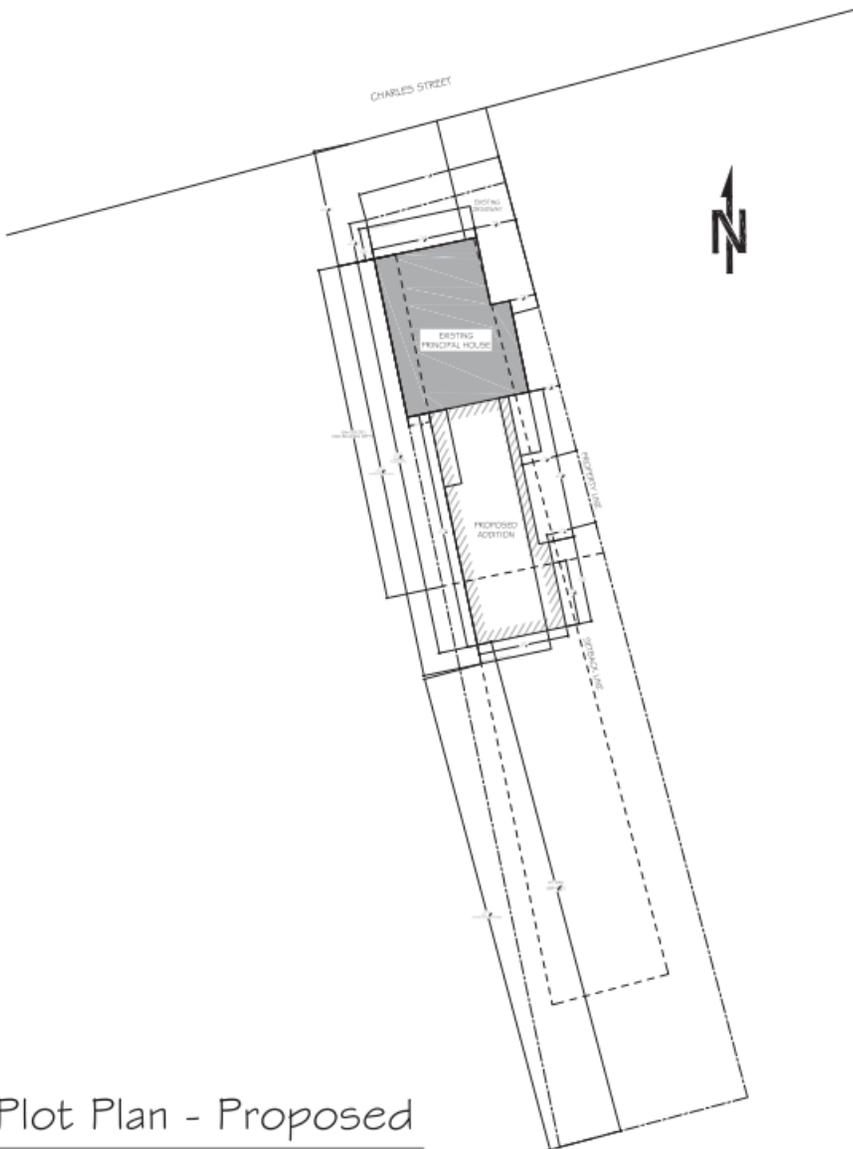
Address: 102 Charles Street
File Number: D13-046-2024
Prepared On: May-28-2024

- 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: cbarratt
Prepared On: May-28-2024

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Plot Plan - Proposed

**PROPOSED SITE STATISTICS - 102 CHARLES STREET - ZBL 2022-43 Urban residential Zone 5 (URS)
PRINCIPAL BUILDING - SFD**

	Existing	Proposed	Required	Variance Requested
Lot Area	463.79 sq m	-	370 sq m	-
Landscaped Area	88%	70%	30% min.	-
Ground Floor Area	103.35 sq m	112.36 sq m	-	-
Gross Building Floor Area	157.59 sq m	316.36 sq m	-	-
Number of Principal Buildings	1	1	1	-
Height of Building (ridge)	6.28 m	7.29 m	10.7 m	-
Number of Storeys	2	2	-	-
Number of Bedrooms	3	3	-	-
Front Yard Setback	2.13 m	2.13 m	2.13 m (established front setback)	-
Interior Yard Setback	0 m	0 m	0.6 m	0.6 m Maintain Existing
Agg. Interior Yard Setback	1.41 m	1.41 m	3.6m	2.19 m Maintain Existing
Rear Yard Setback	26.2 m	27.23 m	7.5m	-
Exterior Yard Setback	-	-	-	-
Site Triangle	-	-	-	-
Perch Area	2%	2.6%	10% max.	-
Building Depth	22.5 m	21.47 m	16 m	3.47 m

NBS
design group

108 Queen St
Kingston, ON

No.	REVISION	DATE

PROJECT
102 Charles St
Kingston ON

DRAWING
Plot Plan

DRAWN BY

SCALE
As Noted

DATE
05.22.2024

BCIN

SHEET
001

No.	REVISION	DATE

PROJECT
102 Charles St
Kingston ON

DRAWING
Proposed
Foundation Plan

DRAWN BY

SCALE
As Noted

DATE
03.21.2024

BCIN

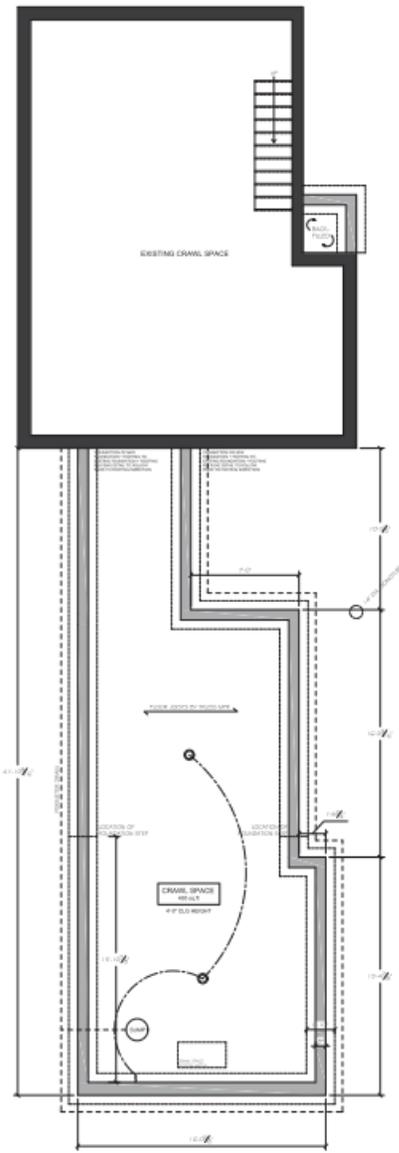
SHEET
002

SYMBOLS LEGEND

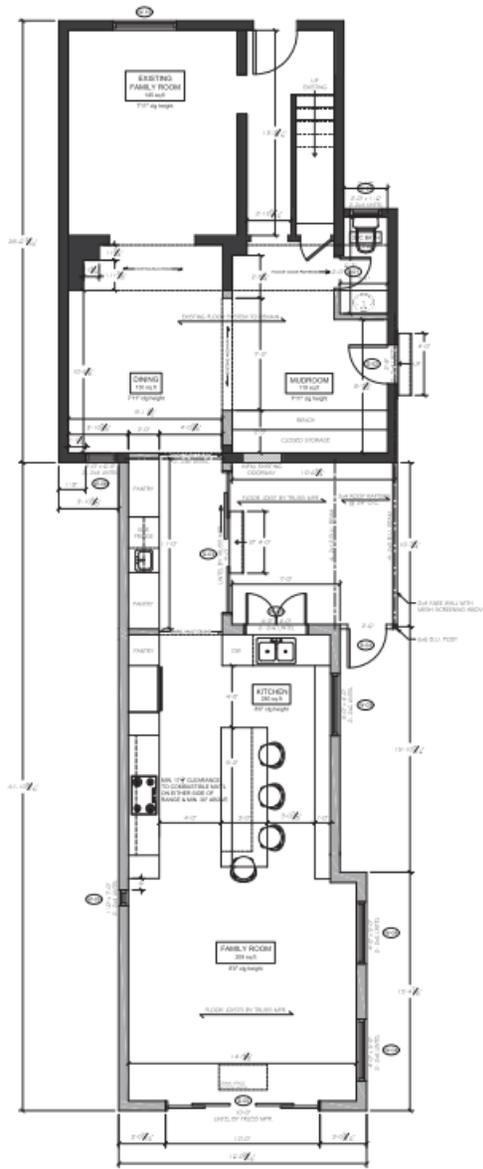
	EXISTING PARTITION
	NEW PARTITION
	REDUCED CEILING HEIGHT

ELECTRICAL LEGEND

	SWITCH
	EXHAUST FAN
	SMOKE/CO or STROBE
	RECESSED LIGHT
	CEILING LIGHT
	WALL LIGHT
	CEILING FAN
	LED STRIP LIGHTING



Foundation- Proposed
Scale: 1/8" = 1'-0"



SYMBOLS LEGEND

	EXISTING PARTITION
	NEW PARTITION
	REDUCED CEILING HEIGHT

NBS
 design group

108 Queen St
 Kingston, ON

No.	REVISION	DATE

PROJECT
 102 Charles St
 Kingston ON

DRAWING
 Main Floor
 Structural

DRAWN BY

SCALE
 As Noted

DATE
 01.17.2024

BCIN

SHEET
003

Main Floor- Partition + Structural Plan
 Scale: 1/8" = 1'-0"



108 Queen St
 Kingston, ON

No.	REVISION	DATE

PROJECT
 102 Charles St
 Kingston ON

DRAWING
 Proposed
 Second Floor

DRAWN BY

SCALE
 As Noted

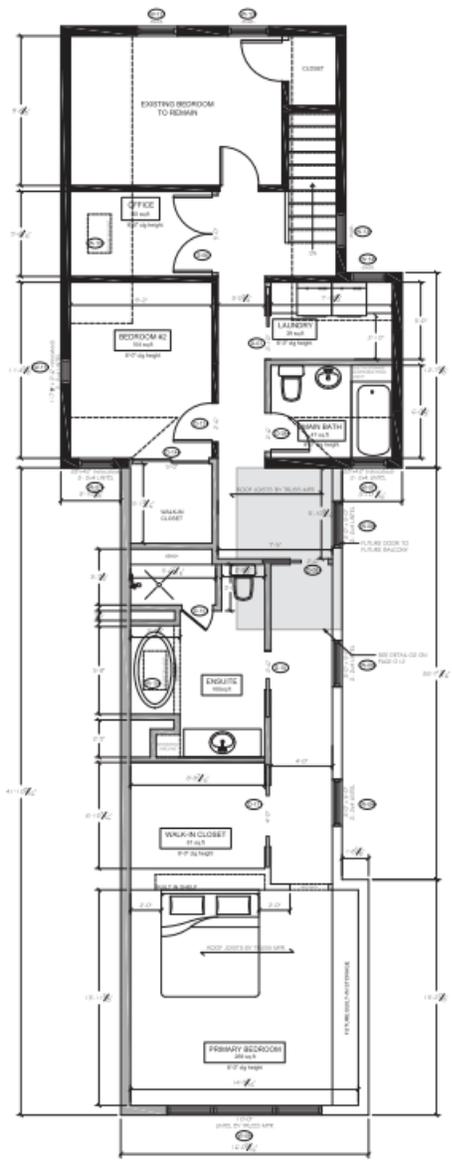
DATE
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BCIN

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SYMBOLS LEGEND

	EXISTING PARTITION
	NEW PARTITION
	REDUCED CEILING HEIGHT



Second Floor- Partition + Structural Plan
 Scale: 1/8" = 1'-0"

NBS
design group

108 Queen St
Kingston, ON

No.	REVISION	DATE

PROJECT
102 Charles St
Kingston ON

DRAWING
Proposed Elevations

DRAWN BY
SCALE
As Noted

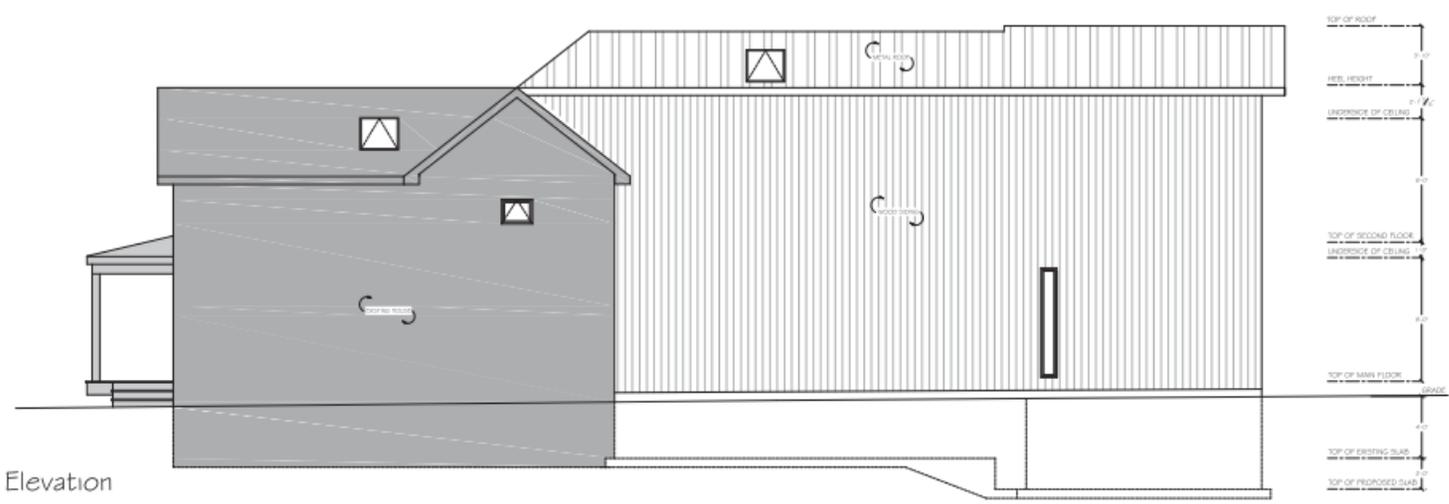
DATE
03.21.2024

BCN

SHEET
009



North Elevation
Scale: $\frac{1}{8}'' = 1'-0''$



West Elevation
Scale: $\frac{1}{8}'' = 1'-0''$

NBS
design group

108 Queen St
Kingston, ON

No.	REVISION	DATE

PROJECT
102 Charles St
Kingston ON

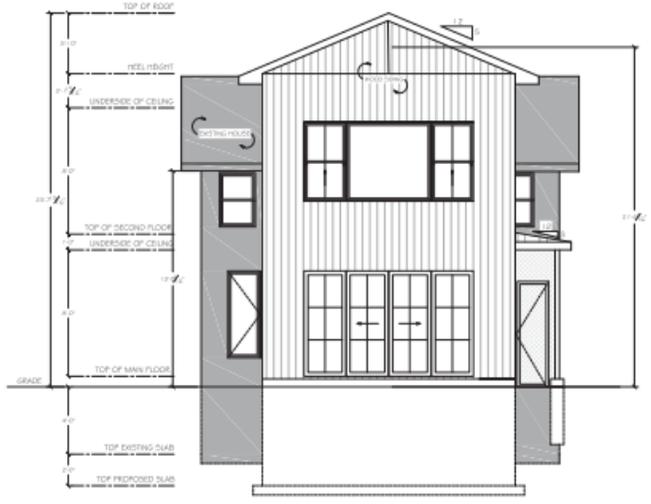
DRAWING
Proposed Elevations

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SCALE
As Noted

DATE
03.21.2024

BCIN
SHEET

010



South Elevation
Scale: 1/8" = 1'-0"



East Elevation
Scale: 1/8" = 1'-0"

NBS
 design group

108 Queen St
 Kingston, ON

No.	REVISION	DATE

PROJECT
 102 Charles St
 Kingston ON

DRAWING
 Roof Plan

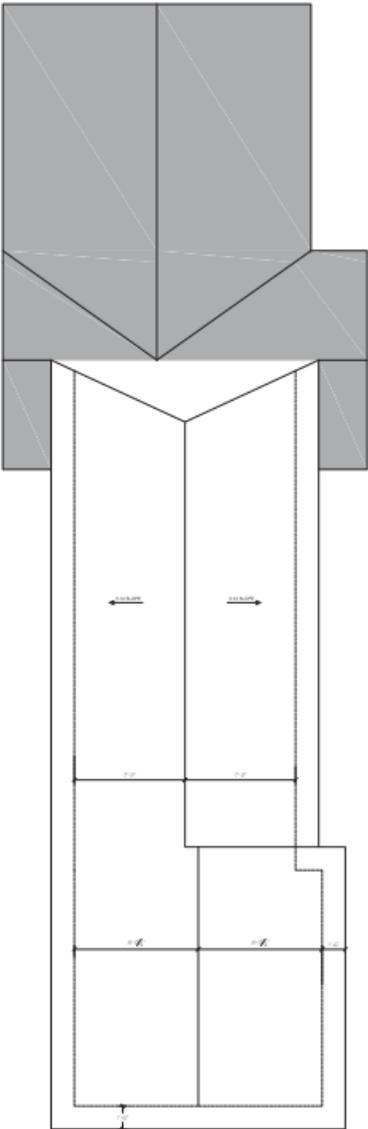
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SCALE
 As Noted

DATE
 03.21.2024

BCIN

SHEET
 011



Roof Plan
 Scale: 1/8" = 1'-0"



108 Queen St
 Kingston, ON

No.	REVISION	DATE

PROJECT
 102 Charles St
 Kingston ON

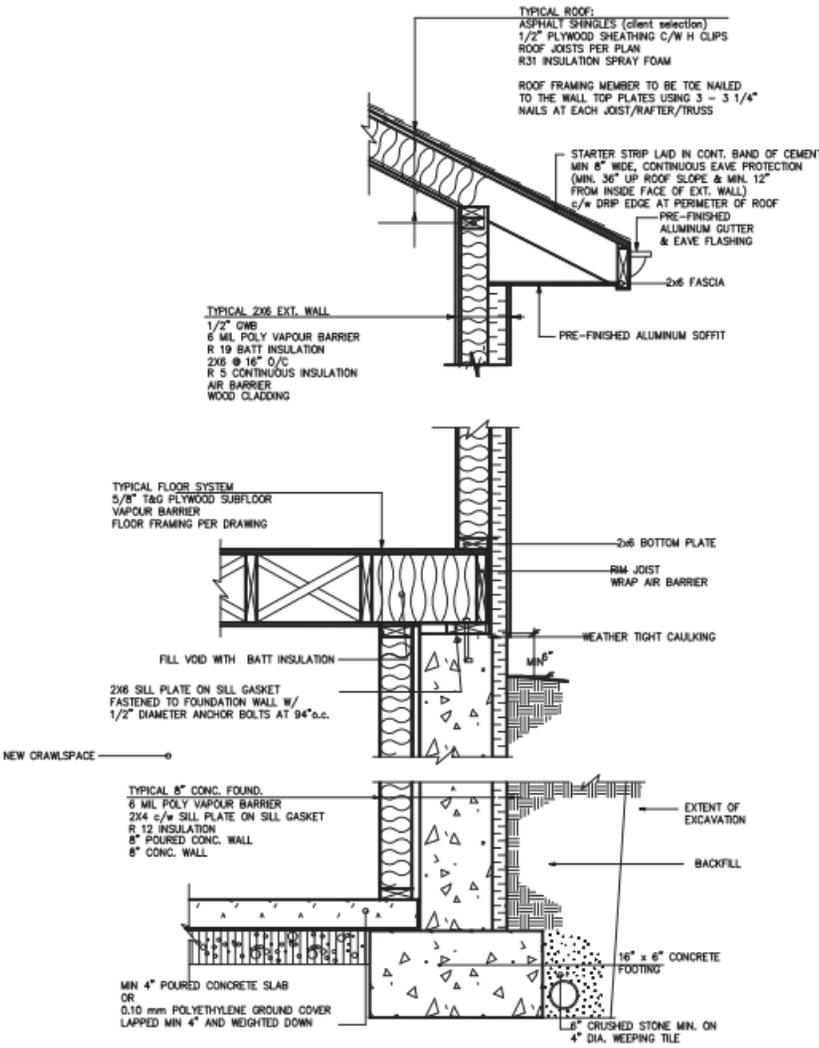
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DRAWN BY
 SCALE
 As Noted

DATE
 03.21.2024

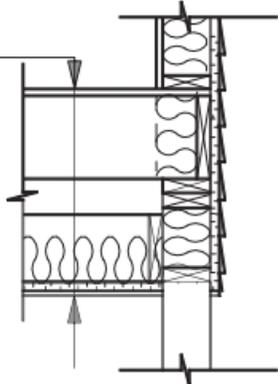
BCIN

SHEET
 012



01 FOUNDATION & CRAWL SPACE

TYP. EXPOSED FLOOR:
 FINISHED FLOOR
 SUBFLOOR
 FLOOR FRAMING - SEE ARCH. PLANS
 6 MIL POLY VAPOUR BARRIER
 R31 INSULATION
 CEILING JOISTS - SEE PLANS
 R5 C.I.
 AIR BARRIER
 SOFFIT



02 EXPOSED FLOOR DETAIL

NBS
 design group

108 Queen St
 Kingston, ON

No.	REVISION	DATE

PROJECT
 102 Charles St
 Kingston ON

DRAWING
 Existing

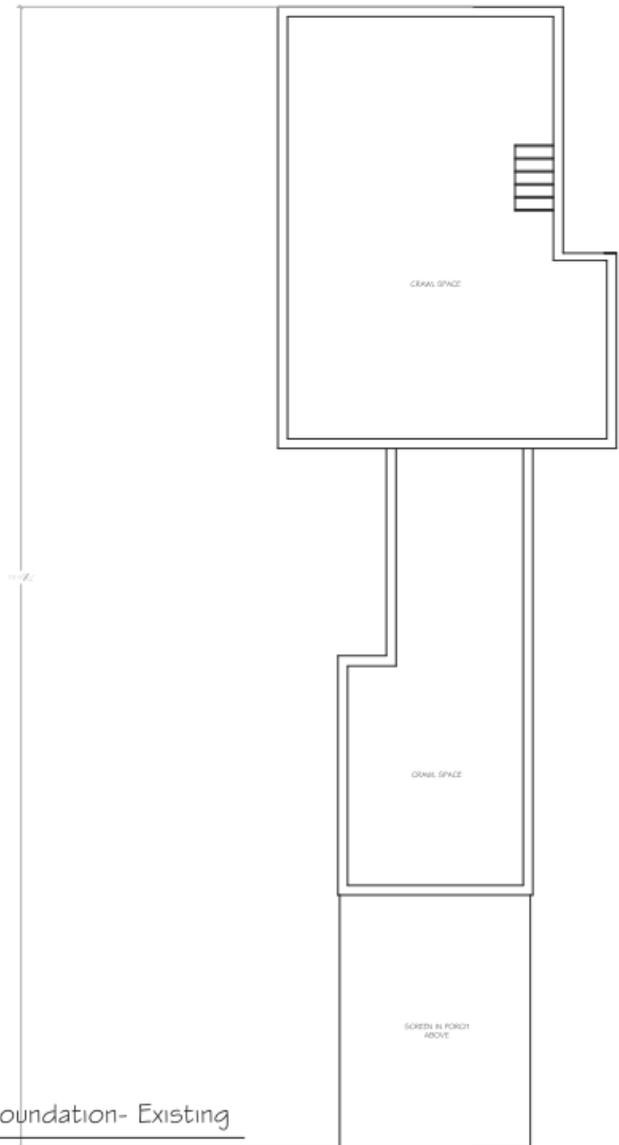
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SCALE
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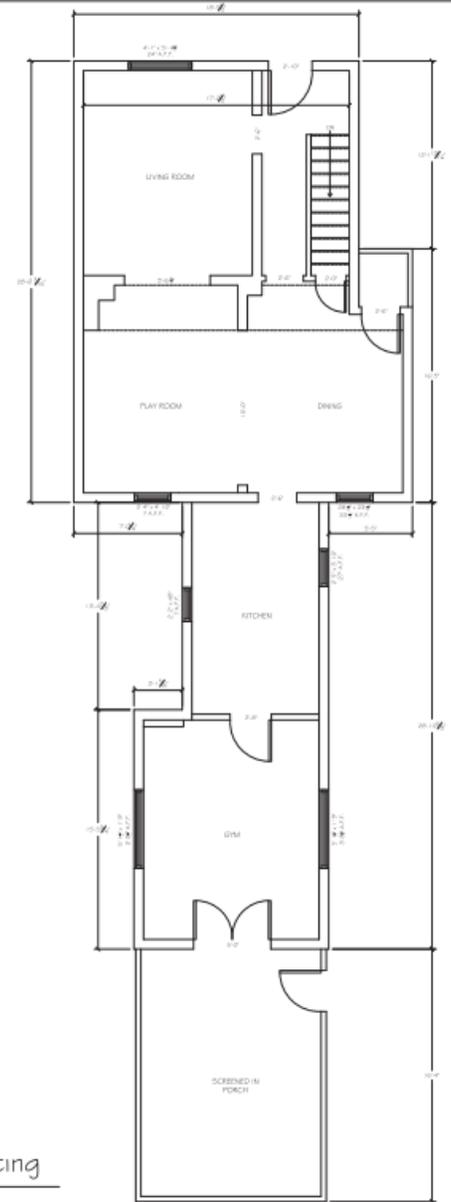
DATE
 03.21.2024

BCIN

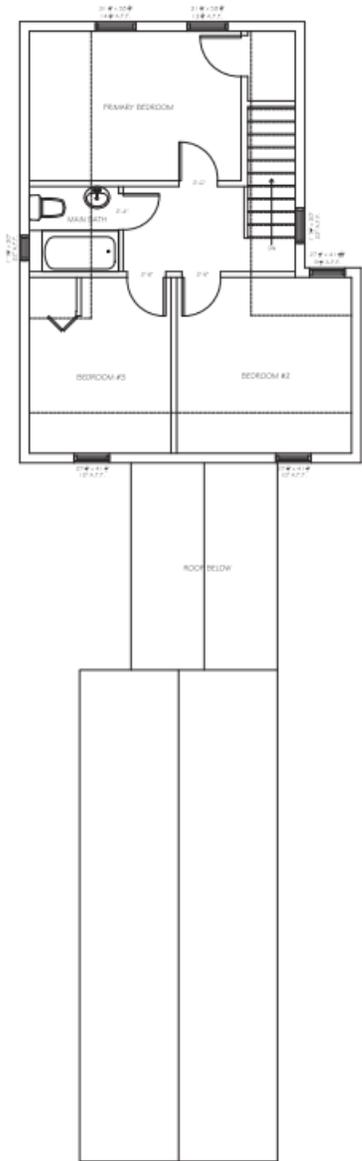
SHEET
014



Foundation- Existing



Main Floor- Existing



Second Floor- Existing

NBS
 design group

108 Queen St
 Kingston, ON

No.	REVISION	DATE

PROJECT
 102 Charles St
 Kingston ON

DRAWING
 Existing

DRAWN BY

SCALE
 As Noted

DATE
 03.21.2024

BCIN

SHEET
015

Site Photographs – May 29th, 2024



Figure 1: South facing view of the subject property.



Figure 2: North facing view of the existing house from the rear yard.



Figure 3: West facing view of Charles Street from the subject property.



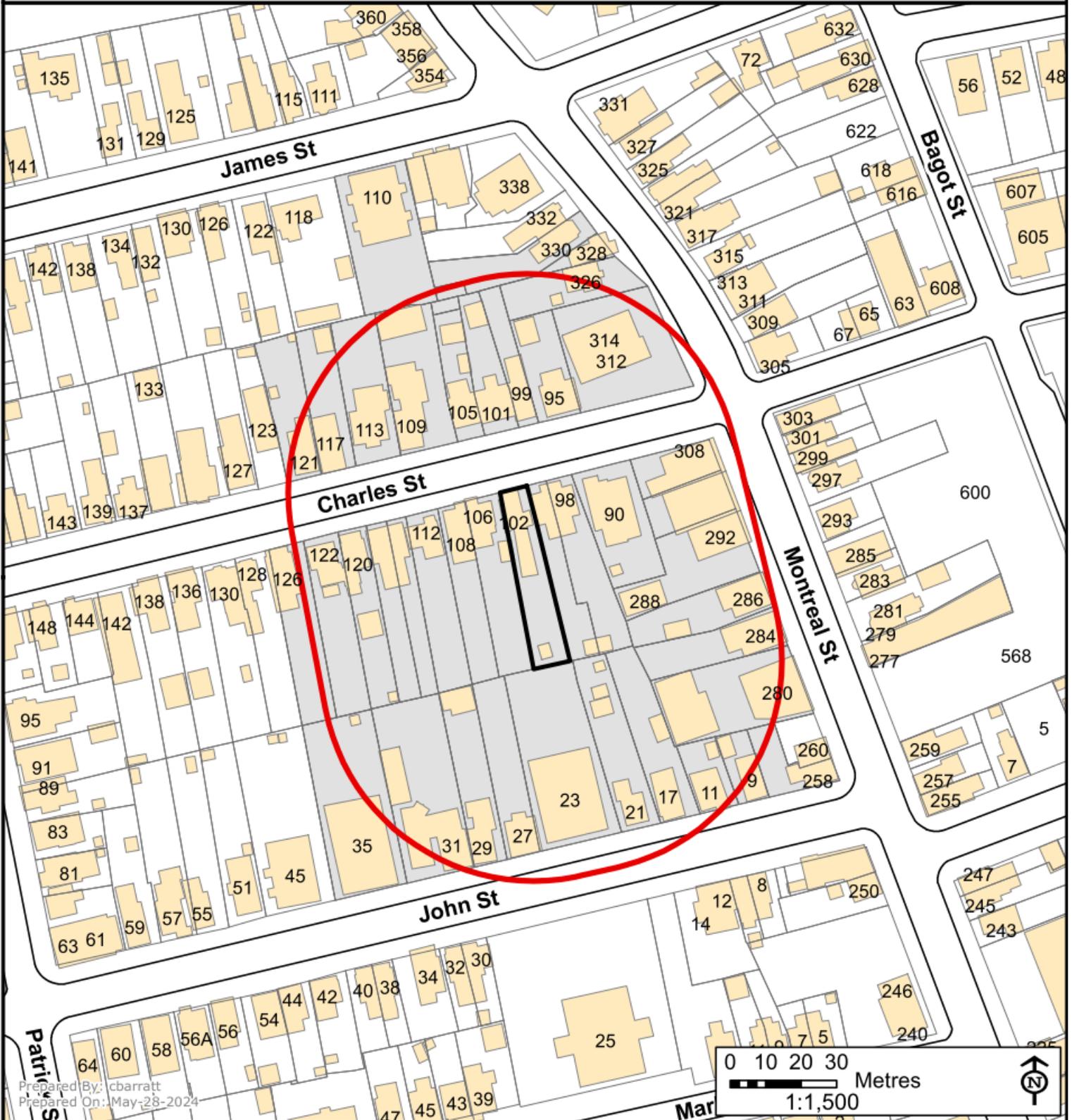
Figure 4: East facing view of Charles Street from the subject property.



Committee of Adjustment Public Notice Notification Map

Address: 102 Charles Street
File Number: D13-046-2024
Prepared On: May-28-2024

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



Prepared By: cbarratt
Prepared On: May-28-2024

