



**City of Kingston
Report to Committee of Adjustment
Report Number COA-24-049**

To: Chair and Members of the Committee of Adjustment
From: Jacob Slevin, Planner
Date of Meeting: June 17, 2024
Application for: Minor Variance and Consent
File Numbers: D13-045-2023 and D10-031-2023
Address: 154 Pine Street
District: District 9 – Williamsville
Owner: Amy Carson
Applicant: Adam Candon

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 applications for minor variance and consent submitted by Adam Candon on behalf of the owner, Amy Carson, for the property located at 154 Pine Street. The applications for minor variance and consent are requested to facilitate the severance of the existing semi-detached dwelling along the common party wall. No physical development or exterior changes to the subject property is proposed.

The purpose of the consent application (File Number D10-031-2023) is to permit a severance along the common party wall of the existing semi-detached house and to establish an access easement over the retained parcel in favour of the severed parcel. The existing house contains two residential units, currently known as 154 Pine Street and 154-A Pine Street. The proposed retained lot, containing 154 Pine Street, would have a total lot area of 237.4 square metres and

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a lot frontage of 5.6 metres. The proposed severed lot, containing 154-A Pine Street, would have a total lot area of 143.8 square metres and a lot frontage of 3.8 metres.

The minor variance (File Number D13-045-2023) is requested to address existing zoning deficiencies that are currently recognized as legal non-complying but will increase the extent of their non-compliance resulting from approval of the consent application. The required variances include reductions in minimum lot area, minimum lot frontages, and reduced minimum interior setbacks, for both the retained and severed parcels.

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 Kingston Zoning By-Law Number 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. 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 D13-045-2023 for the property located at 154 Pine Street to permit reductions in minimum lot area, minimum lot frontages, and reduced minimum interior setbacks for both the retained and severed parcels, be approved, as described below:

Retained Lot:**Variance Number 1: Minimum Lot Area**

By-Law Number 2022-62: Table 12.5.1.1

Requirement: 270 square metres

Proposed: 237.4 square metres

Variance Requested: 32.6 square metres

Variance Number 2: Minimum Lot Frontage

By-Law Number 2022-62: Table 12.5.1.2

Requirement: 18 metres

Proposed: 5.6 metres

Variance Requested: 12.4 metres

Variance Number 3: Minimum Interior Setback

By-Law Number 2022-62: Table 12.5.1.7

Requirement: 3 metres

Proposed: 0 metres where a common party wall is located along a lot line

Variance Requested: 3 metres

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Severed Lot:

Variance Number 4: Minimum Lot Area

By-Law Number 2022-62: Table 12.5.1.1
Requirement: 270 square metres
Proposed: 143.8 square metres
Variance Requested: 126.2 square metres

Variance Number 5: Minimum Lot Frontage

By-Law Number 2022-62: Table 12.5.1.2
Requirement: 18 metres
Proposed: 3.8 metres
Variance Requested: 14.2 metres

Variance Number 6: Minimum Interior Setback

By-Law Number 2022-62: Table 12.5.1.7
Requirement: 3 metres
Proposed: 0 metres where a common party wall is located along a lot line
Variance Requested: 3 metres; and,

That approval of the minor variance application be subject to the conditions attached as Exhibit A (Recommended Conditions – Minor Variance) to Report Number COA-24-049; and,

That consent application, File Number D10-031-2023, to sever a 143.8 square metres parcel of land with 3.8 metres of frontage onto Pine Street, and to retain a 237.4 square metre parcel of land with 5.6 metres of frontage on Pine Street, and to establish an access easement over the retained parcel in favour of the severed parcel, be **provisionally approved** subject to the conditions included in Exhibit B (Recommended Conditions – Consent) to Report Number COA-24-049.

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Authorizing Signatures:



Jacob Slevin, Planner

Consultation with the following Management of the Growth & Development Services Group:

Tim Park, Director, Planning Services

Meghan Robidoux, Supervisor, Development Approvals

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Options/Discussion:

On July 26th, 2023, applications for minor variance and consent were submitted by Adam Candon on behalf of the owner Amy Carson for the subject property located at 154 Pine Street. As the initial submission materials were unclear regarding the dimensions of the proposed severed and retained lots, Planning Staff advised that the applicant obtain a new survey showing the proposed severed and retained lots to ensure the accuracy of the requested variances for lot frontage and lot area. The consent and minor variance applications were temporarily deferred until the new survey was submitted. In March of 2024, the applicant provided staff with the updated survey and the application for consent and minor variance was scheduled for the Committee of Adjustment application on June 17, 2024.

The subject property is a legal non-conforming semi-detached house, which currently functions as two separate residential units. The applicant is seeking to divide this semi-detached house along the common party wall in order to create a new, separately conveyable property. No physical development or exterior changes to the property are contemplated as part of this application.

The purpose of the consent application (File Number D10-031-2023) is to permit a severance along the common party wall of the existing semi-detached house located on the subject property. The proposed retained lot, containing 154 Pine Street, would have a total lot area of 237.4 square metres and a lot frontage of 5.6 metres. The proposed severed lot, containing 154-A Pine Street, would have a total lot area of 143.8 square metres and a lot frontage of 3.8 metres.

The minor variance (File Number D13-045-2023) is requested to permit reductions in minimum lot area, minimum lot frontages, and reduced minimum interior setbacks, for both the retained and severed parcels.

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

- Survey (Exhibit G);
- Easement Sketch (Exhibit J); and,
- Owner Authorization

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 south-east of the intersection of Lansdowne Street and Pine Street, within an established residential neighbourhood (Exhibit C – Key Map). The property is developed as a semi-detached dwelling, first established around 1920 according to available

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data. Access to the rear yard is provided via a pathway between 154 Pine Street and 152 Pine Street, and via rear entrances in both semi-detached units.

No vehicle parking spaces are provided on the site, as the pathway between 154 Pine Street and 152 Pine Street is too narrow to accommodate vehicular access. As the existing semi-detached property was established legally prior to the enactment of Kingston Zoning By-Law 2022-62, the lack of parking on-site is recognized as legal non-complying.

154 Pine Street abuts numerous residential units to the north, east, south, and west (Exhibit D – Neighbourhood Context Map). The subject property is in close proximity to public green space, approximately 30 metres east of the Pine Street Triangle public park, and approximately 190 metres from the Kingston Memorial Centre. Additionally, the subject property is approximately 105 metres from the Pine Street bus stop on the west side of Division Street which provides access to the Kingston Transit Route 2 and Kingston Transit Route 18.

The subject property is designated Residential in the Official Plan (Exhibit E – Official Plan Map) and zoned Urban Multi-Residential 4 (URM4) in Kingston Zoning By-Law Number 2022-62 (Exhibit F – Zoning By-Law Map). A semi-detached house is not a permitted use in the URM4 Zone. However, as this house was established legally prior to the enactment of Kingston Zoning By-Law Number 2022-62, the semi-detached house is recognized as a legal non-conforming use.

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 a consent is subject to Section 53 of the *Planning Act* which requires the approval authority be satisfied that a plan of subdivision is not necessary for the proper and orderly development of the municipality having regard to the matters addressed in subsection 51(24).

The proposal will result in the creation of two lots: a severed lot, containing 154-A Pine Street, and a retained lot, containing 154 Pine Street. The proposal also seeks to establish an access easement over the retained parcel in favour of the severed parcel. The proposed consent meets the tests set out in the *Planning Act* and plan of subdivision is not required for the proper and orderly development of the property.

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Official Plan

The subject property is designated Residential in the City of Kingston Official Plan. The Residential land use designation denotes urban residential land uses that are intended to be on full municipal services. It is the goal of the Official Plan that the Residential designation to respond to the housing needs of the City's citizens by retaining and augmenting a broad range of housing at all levels of affordability within a safe, convenient and stable setting, organized primarily into neighbourhoods.

The 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 application proposes to create a new severed lot with 3.8 metres of frontage onto Pine Street and an area of 143.8 square metres, and a retained lot with 5.6 metres of frontage onto Pine Street and an area of 237.4 square metres. While the proposed new lot frontages and lot areas do not meet the performance standards of the URM4 zone, these dimensions are appropriate for accommodating the existing semi-detached residential homes. Furthermore, these proposed lot dimensions are comparable with a number of other lots in the surrounding neighbourhood. The subject property is currently developed with two semi-detached dwellings which function as independent lots for all intents and purposes. Given that the existing homes are already functional, and no expansion or enlargement of the buildings are proposed to the subject property, the proposed lot areas and lot frontages are considered to be appropriate for the existing use.

In terms of compatibility with the surrounding neighbourhood, numerous other properties on Pine Street have similar lot areas and frontages to the dimensions which are proposed for the severed and retained lots at 154 Pine Street. For example, directly adjacent to the east of the subject property, the semi-detached homes at 150 and 152 Pine Street each have a frontage of approximately 5.1 metres and areas of approximately 220 square metres and 210 square metres, respectively. Directly adjacent to the west of the subject property is the townhouse building at 156 Pine Street, which has a frontage of approximately 5.2 metres and an area of 156.8 square metres. Given this neighbourhood context, the proposed frontages and lot areas for the severed and retained lots are both appropriate for the existing development and compatible with the lot dimensions of other nearby properties.

The newly created lots would be rectangular in shape, in keeping with the surrounding neighbourhood character. Both the retained and severed parcels will have frontage onto Pine Street, a municipal road. This application does not propose direct access from any major roads, and no new access points or driveways are proposed as part of this application. The proposed access easement over the retained lot in favour of the severed lot will provide access for maintenance and pedestrian purposes only, as sufficient space does not exist to provide vehicle access into the rear yards.

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The subject property at 154 Pine Street does not contain any natural heritage features or natural hazards of any kind. The property is not subject to any designation under the *Ontario Heritage Act*. The property is within an area of Composite Archeological Potential, but given that no development is proposed, Heritage Planning staff have not raised any concerns or requested an Archeological Assessment.

The subject lands are developed with existing residential dwellings within the Urban Boundary, and as such can be supplied by existing municipal services and infrastructure.

The proposal meets the intent of the Official Plan, as the proposed severance along the common party wall is consistent with all applicable Official Plan policies and will not result in any negative impacts to adjacent properties or to the neighbourhood.

Zoning By-Law

The subject property is zoned Urban Multi-Residential Zone 4 (URM4) in Kingston Zoning By-Law Number 2022-62 (Exhibit F – Zoning By-Law Map). The URM4 zone permits a number of residential and several non-residential uses. A semi-detached house is not a permitted use in the URM4 zone, however, available data indicates that the semi-detached house was first constructed around 1920. As no zoning by-law was in effect at the time this semi-detached house was first constructed, it is considered to be a legal non-conforming use.

A minor variance is requested to permit reductions in minimum lot area, minimum lot frontages, and reduced minimum interior setbacks, for both the retained and severed parcels.

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 E – 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.

As this application does not contemplate physical development of any kind, there are no concerns regarding land use compatibility matters outlined Section 2.7 of the Official Plan. Furthermore, as no new residential units are being added, there are no concerns regarding the destabilization of existing stable areas established by Section 2.6 of the Official Plan.

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There are currently no parking spaces provided for the subject property at 154 Pine Street. The lack of parking spaces is permitted by the property's legal non-conforming status, as the semi-detached house was developed at a time before any zoning by-law required that parking spaces be provided. To date, the property at 154 Pine Street has functioned effectively without parking spaces. The property is located within walking distance of parkland, commercial uses, and several Kingston Transit bus routes. As such, there are no concerns with the continued lack of vehicular access or parking spaces on this property.

No impacts to heritage resources are anticipated from this proposal. The subject property is not designated under the *Ontario Heritage Act*. The property is located within an area of Composite Archeological Potential. Through technical review of this application, Heritage Planning staff have determined that no archaeological assessments are required given that no new ground disturbance is proposed.

The property at 154 Pine Street is within the Urban Boundary and can be serviced by municipal water and sewage services. As a condition of approval for this application, the applicant shall be required to confirm that separate water and sanitary services are provided to the severed and retained lots.

A minor variance application is a more appropriate means of seeking the required zoning relief than a full zoning by-law amendment application. No change of use is proposed, nor is any physical expansion or enlargement of the existing semi-detached house. The proposed variances meet the four tests outlined in the *Planning Act* and detailed throughout this report. As such, a minor variance is considered to be a more appropriate application than a zoning by-law amendment to facilitate this proposal.

Approval of the requested variances will not set any undesirable precedents. As was outlined above in the discussion of Official Plan considerations for the consent application, the proposed lot areas and lot frontages for the severed and retained parcels are in keeping with the character of the surrounding homes on Pine Street. The requested variances to permit a 0 metre interior setback along the common party wall is also consistent with existing patterns of development in the surrounding area. For example, the adjacent semi-detached homes at 150 and 152 Pine Street are divided by a lot line along the common party wall, with a 0 metre interior setback. Additionally, there are numerous townhouse buildings at 156, 158, 160, and 162 Pine Street which are each divided along the common party wall with a 0 metre interior setback.

Given that the requested variances for reduced lot area, reduced lot frontages, and reduced interior setbacks will permit lot dimensions and setbacks which are comparable to numerous other existing lots on Pine Street, none of these variances will create any undesirable precedents.

Recommended conditions have been provided for the Committee's consideration and are included as Exhibit A and Exhibit B to this report, for the minor variance and consent respectively.

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The proposal meets the intent of the Official Plan, as the requested variances are compliant with all applicable Official Plan policies 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 Multi-Residential Zone 4 (URM4) in Kingston Zoning By-Law Number 2022-62 (Exhibit F – Zoning By-Law Map). The URM4 zone permits residential uses, but does not permit semi-detached houses. However, the existing semi-detached house at 154 Pine Street is permitted as a legal non-conforming use.

The proposal requires a variance several provisions established in the URM4 zone. Details on each of the requested variances and an assessment of how these variances maintain the intent and purpose of the Kingston Zoning By-law are provided below:

Variance Number 1: Minimum Lot Area (Retained Lot)

By-Law Number 2022-62: Table 12.5.1.1
Requirement: 270 square metres
Proposed: 237.4 square metres
Variance Requested: 32.6 square metres

Variance Number 4: Minimum Lot Area (Severed Lot)

By-Law Number 2022-62: Table 12.5.1.1
Requirement: 270 square metres
Proposed: 143.8 square metres
Variance Requested: 126.2 square metres

Relief is requested from the minimum lot area requirement of 270 square metres to permit a lot area of 237.4 square metres for the retained lot and an area of 142.8 square metres for the severed lot. The intent of the minimum lot area requirement is to ensure that a property has sufficient area to accommodate required setbacks, amenity area, access and to ensure overall site functionality. As the property is developed as a semi-detached dwelling that currently functions as two separate properties, the reduced lot area is not anticipated to affect the functionality or enjoyment of either lot, which will continue to function as existing in terms of access, amenity, and built form.

Variance Number 2: Minimum Lot Frontage (Retained Lot)

By-Law Number 2022-62: Table 12.5.1.2
Requirement: 18 metres
Proposed: 5.6 metres
Variance Requested: 12.4 metres

Variance Number 5: Minimum Lot Frontage (Severed Lot)

By-Law Number 2022-62: Table 12.5.1.2
Requirement: 18 metres

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Proposed: 3.8 metres

Variance Requested: 14.2 metres

Relief is requested to permit a lot frontage of 5.6 metres onto Pine Street for the retained lot and a frontage of 3.8 metres onto Pine Street for the severed lot. The intent of the minimum lot frontage is to provide separation between parcels, safe driveway separation, and a consistent lot fabric throughout the neighbourhood. As discussed above, the reduced lot frontages would not appear out of character with the surrounding area given that several other lots on Pine Street have similarly small frontages. Considering that there is no driveway along the frontage of 154 Pine Street and that no parking spaces are provided on the property, reduction of the frontages for the proposed retained and severed lots would not impact existing conditions on the property in terms of vehicular access or parking.

Variance Number 3: Minimum Interior Setback (Retained Lot)

By-Law Number 2022-62: Table 12.5.1.7

Requirement: 3 metres

Proposed: 0 metres where a common party wall is located along a lot line

Variance Requested: 3 metres

Variance Number 6: Minimum Interior Setback (Severed Lot)

By-Law Number 2022-62: Table 12.5.1.7

Requirement: 3 metres

Proposed: 0 metres where a common party wall is located along a lot line

Variance Requested: 3 metres

The purpose of setback requirements from interior lot lines is to ensure that land uses are appropriately separated from one another such that adjacent land uses are functional and do not interfere with each other. However, for residential land uses such as semi-detached houses and townhouses, the built form of these uses is designed so that the residential units are developed directly against one another in a manner that each unit remains functional. As such, in zones where semi-detached houses and townhouses are permitted, the zoning provisions typically specify that a setback of 0 metres is permitted where the interior lot line is provided along a common party.

These variances are only requested because semi-detached houses are not permitted uses within the URM4 zone. Townhouses are permitted uses in the URM4 zone, and the URM4 zone recognizes that townhouses are permitted to have an interior setback of 0 metres along a common party wall. As semi-detached houses are not permitted in the URM4 zone, a minor variance is required to approve an interior setback of 0 metres along a common party wall for a semi-detached house. Although a variance is required for this technical reason, the general intent of the zoning by-law is met. Semi-detached houses are designed in such a way that each unit is independently functional and does not interfere with the other, despite the lack of separation.

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For the reasons described above, the requested variances maintain the general intent and purpose of the zoning by-law.

3) The variance is minor in nature

The variances are considered minor as this proposal is technical in nature and will not facilitate any physical development involving the expansion or enlargement of the existing semi-detached house. The requested variances are proposed solely to recognize the creation of a new lot line along the common party wall of the existing semi-detached dwelling, as certain zoning deficiencies are created by the addition of this new lot line. Given that both residential units within the semi-detached dwelling at 154 Pine Street have historically functioned as separate properties independent of one another, the proposed severance will simply provide separate legal title for both halves of the existing dwelling. The purpose of the requested variances is solely to provide relief from a few select provisions of the URM4 zone.

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

The requested variances are desirable and appropriate, as they would facilitate the creation of a new lots within Kingston’s Urban Boundary which are already developed with a semi-detached dwelling and fully serviced by municipal infrastructure. Given the fact that no physical development is proposed as part of this application, approval of the requested variances would facilitate an opportunity for infill development without creating any compatibility issues with the character of the surrounding neighbourhood since there would be no external changes. Providing each unit within the existing semi-detached house with separate legal title will create opportunities for home ownership within the Urban Boundary. Allowing each semi-detached unit to be conveyed separately will allow for the acquisition of these properties at a lower cost than current conditions, in which both homes are part of a single landholding and must be purchased together.

As such, the variance is considered to be a desirable and appropriate use of the land.

Technical Review: Circulated Departments and Agencies

- | | | |
|---|---|--|
| <input checked="" type="checkbox"/> Building Division | <input checked="" type="checkbox"/> Engineering | <input checked="" type="checkbox"/> Heritage Services |
| <input checked="" type="checkbox"/> Finance | <input checked="" type="checkbox"/> Utilities Kingston | <input checked="" type="checkbox"/> Real Estate |
| <input checked="" type="checkbox"/> Fire & Rescue | <input checked="" type="checkbox"/> Kingston Hydro | <input checked="" type="checkbox"/> Environment Division |
| <input checked="" type="checkbox"/> Solid Waste | <input checked="" type="checkbox"/> Parks Development | <input type="checkbox"/> Canadian National Railways |
| <input checked="" 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 | | |

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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 have been received. Any public comments received after the publishing of this report will be included as an addendum to the Committee of Adjustment Agenda.

Previous or Concurrent Applications

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

Conclusion

The 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 Kingston Zoning By-Law Number 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. The proposed minor variance application meets all four tests under Subsection 45(1) of the *Planning Act* and is being recommended for approval, subject to the proposed conditions.

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, the requested consent application is recommended for provisional approval.

Provisional approval of these applications will facilitate the proposed severance of the existing semi-detached dwelling at 154 Pine Street along the common party wall and associated access easement, and permit select zoning deficiencies that will be created by this proposed severance. No physical development or exterior changes to the subject property is contemplated.

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

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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 14 days in advance of the meeting. In addition, notices were sent by mail to a total number of 78 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).

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:

Meghan Robidoux, Supervisor, Development Approvals 613-546-4291 extension 1256

Jacob Slevin, Planner, 613-546-4291 extension 2176

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 Neighbourhood Context Map

Exhibit E Official Plan Map

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Exhibit F Zoning By-Law Map

Exhibit G Survey

Exhibit H Site Photos

Exhibit I Public Notification Map

Exhibit J Easement Sketch

Recommended Conditions

The approval of minor variance application, File Number D13-045-2023, to permit a reduced minimum lot area, reduced lot frontage, and reduced minimum interior setback requirements for the proposed severed and retained parcels, shall be subject to the following recommended conditions:

1. Limitation

That the approved minor variance applies only to the severed and retained lots and to the existing buildings 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 Archaeology Program Unit of the Ministry of Citizenship and Multiculturalism (archaeology@ontario.ca) 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 Office of the Chief Coroner as a part of the Ontario Ministry of the Solicitor General (1-877-991-9959), the Archaeology Program Unit of the Ministry of Citizenship and Multiculturalism (archaeology@ontario.ca), and City of Kingston's Planning Services (613-546-4291, extension 3180) must be immediately contacted.

5. Approval of Consent Application (File Number D10-031-2023)

That the associated Consent Application (File Number D10-031-2023) is approved and all attached conditions of approval are fulfilled.

Recommended Conditions

The provisional approval of consent application, File Number D10-031-2023, to sever the existing semi-detached dwelling at 154 Pine Street along the common party wall and establish a new access easement over the retained lot in favour of the severed lot, shall be subject to the following recommended conditions:

1. Certificate of Official and Deadline

That all conditions are satisfied and the Certificate of Official be presented to the Secretary-Treasurer, Committee of Adjustment for certification under Section 53(42) of the Planning Act, R.S.O. 1990 as amended, within two years of mailing of this notice. We suggest that the Land Registry Office be consulted for preapproval of the Certificate of Official to avoid delays.

The Certificate must be registered within two years from the issuance of the certificate as required under Section 53(43) of the Planning Act, R.S.O. 1990, as amended. A copy of the registered transfer certificate shall be provided to the Secretary-Treasurer, Committee of Adjustment to complete the file.

2. Reference Plan

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

3. Payment of Taxes

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

4. Standard Archaeological Condition

In the event that deeply buried or previously undiscovered archaeological deposits are discovered in the course of development or site alteration, all work must immediately cease and the site must be secured. The Archaeology Program Unit of the Ministry of Citizenship and Multiculturalism (archaeology@ontario.ca) 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 Office of the Chief Coroner as a part of the Ontario Ministry of the Solicitor General (1-877-991-9959), the Archaeology Program Unit of the Ministry of Citizenship and

Multiculturalism (archaeology@ontario.ca), and City of Kingston's Planning Services (613-546-4291, extension 3180) must be immediately contacted.

5. Civic Addressing

As this application creates a new property, the applicant will be required to submit a D20 Civic Addressing application to obtain new addresses for the severed and retained lots prior to receiving a Certificate of Official.

6. Separate Services

Prior to the issuance of a Certificate of Official it shall be necessary for the applicant to provide and for Utilities Kingston to approve a drawing showing all existing services and the mains they connect too, and the existing buildings and all proposed and existing property lines.

7. Relocation of Common Party Wall on Second Floor

A portion of the centerline of the common party wall on the second floor is not consistent with the centerline of the common party wall on the first floor. Prior to issuance of the Certificate of Official, the applicant shall obtain a building permit and relocate the common party wall on the second floor and ensure that the common party wall maintains a consistent centerline on both floors of the semi-detached house at 154 Pine Street.

8. Privacy Fence for Deck in Rear Yard

The property at 154 Pine Street contains an existing deck in the rear yard which will be divided between the severed and retained lots. Properties developed with semi-detached dwellings are permitted to have decks with a 0 metre interior setback when such a deck is developed against a common party wall and a 1.5 metre tall common privacy fence is provided. Prior to the issuance of the Certificate of Official, the applicant shall construct a common privacy fence for the rear deck in accordance with Table 4.20.4 of the Kingston Zoning By-Law Number 2022-62.

9. Easement to be Registered on Title

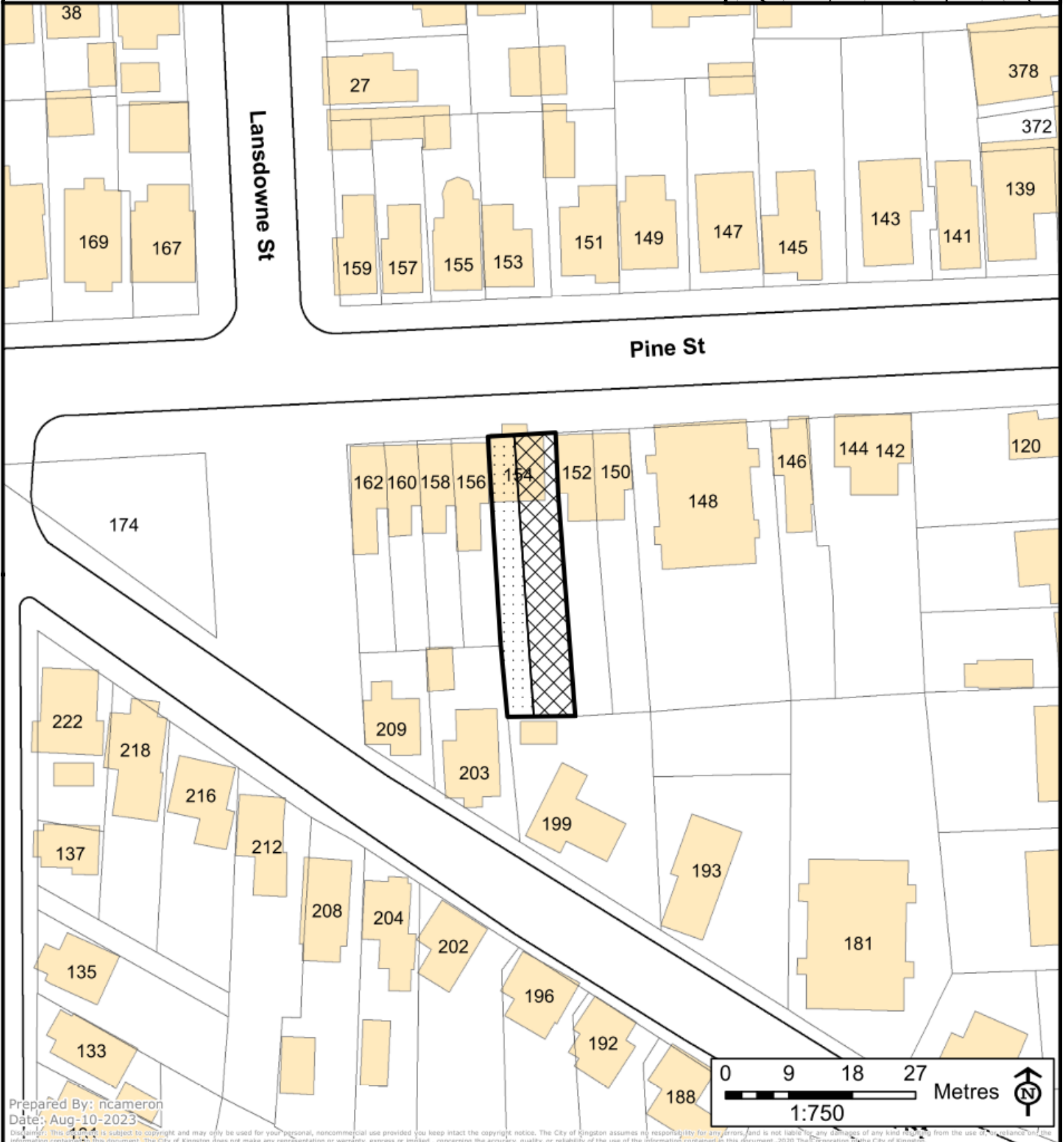
Prior to the issuance of the Certificate of Official, the owner shall provide a draft transfer easement for the City to review as it relates to the required access easement over the retained parcel in favour of the severed parcel. The applicant shall be required to register the proposed easements on title, as shown on the approved drawing attached to the notice of decision.



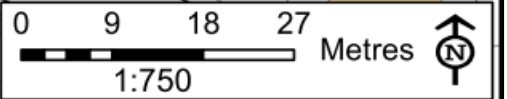
Delegated Authority Key Map

Address: 154 Pine St.
File Number: D10-031-2023

- Subject Lands
- Severed Lands
- Retained Lands



Prepared By: ncameron
Date: Aug-10-2023






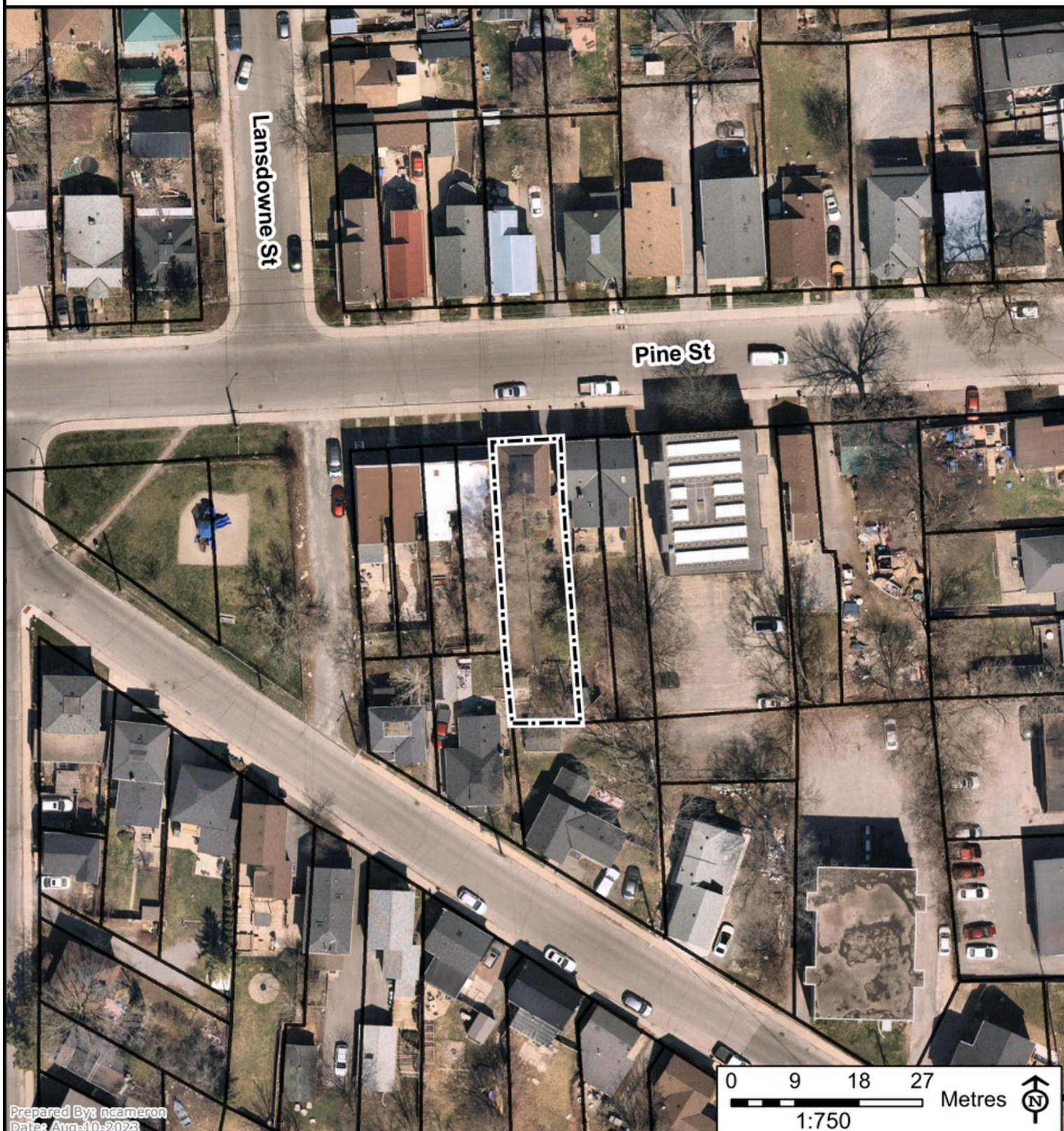
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Delegated Authority Neighbourhood Context (2023)

Address: 154 Pine St.
File Number: D10-031-2023

-  Subject Lands
-  Property Boundaries
-  Proposed Parcels



Prepared By: neameron
Date: Aug-10-2023




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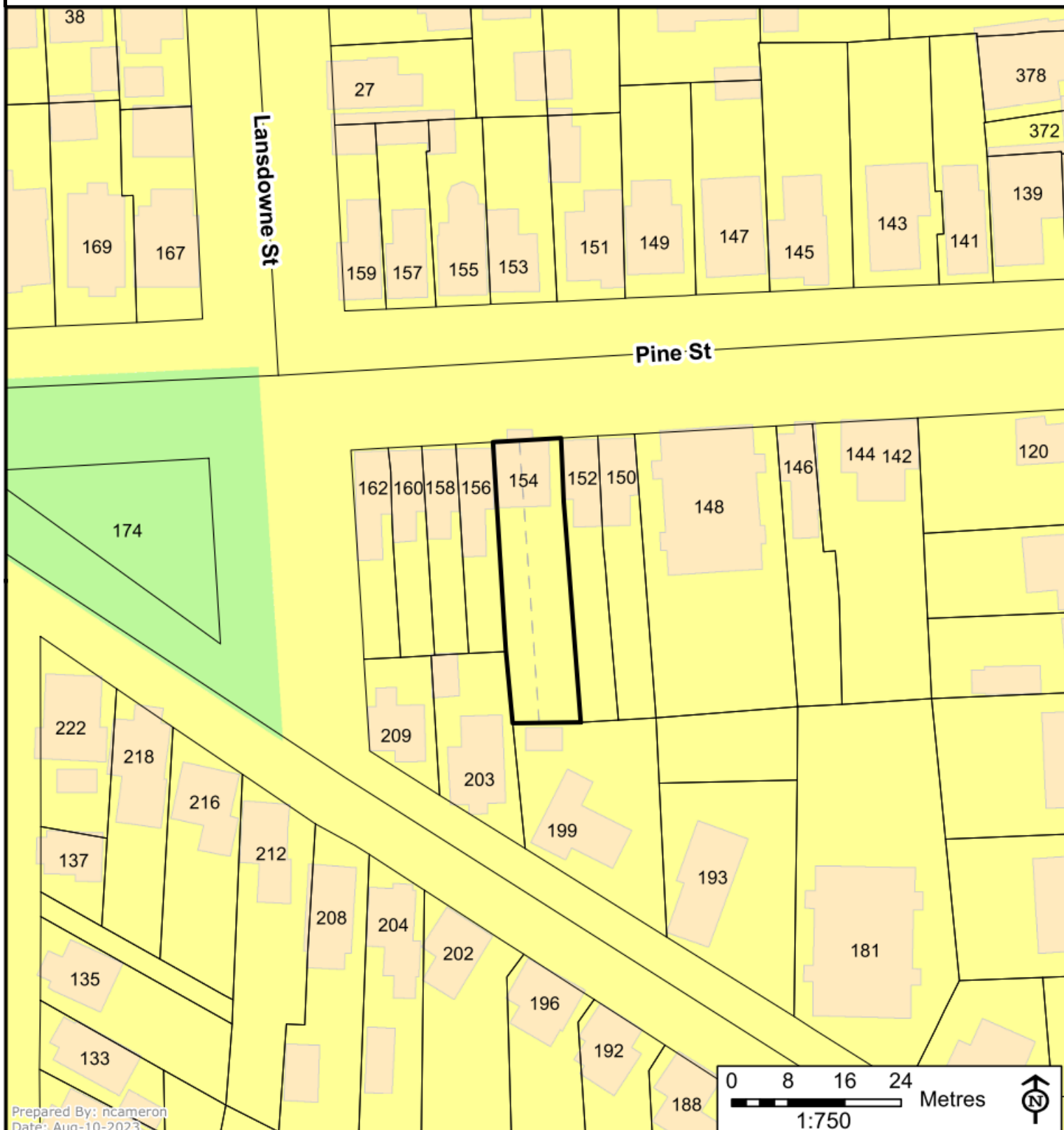


Planning Services

Delegated Authority Official Plan, Existing Land Use

Address: 154 Pine St.
File Number: D10-031-2023

-  Subject Lands
-  OPEN SPACE
-  RESIDENTIAL



Prepared By: ncameron
Date: Aug-10-2023

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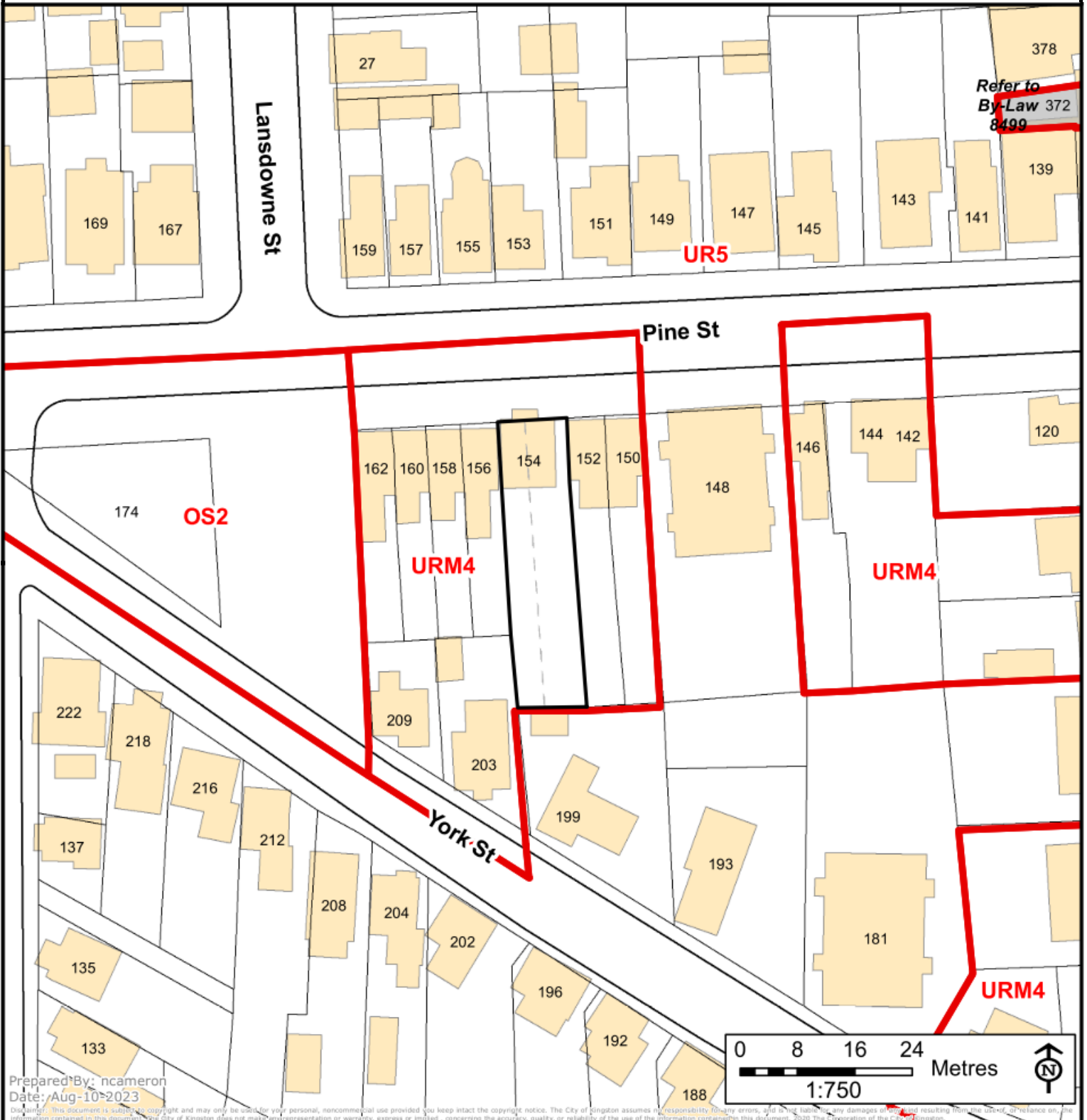


Planning Committee
Existing Zoning
Kingston Zoning By-Law 2022-62

Planning Services

Address: 154 Pine St.
File Number: D10-031-2023

- 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: ncameron
Date: Aug-10-2023

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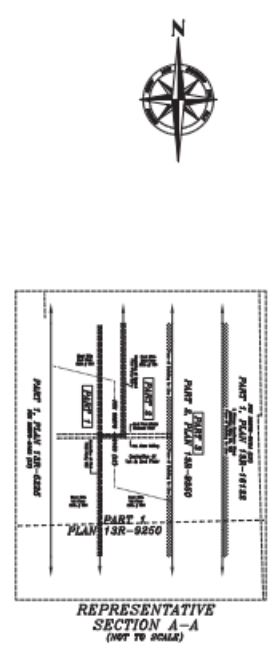
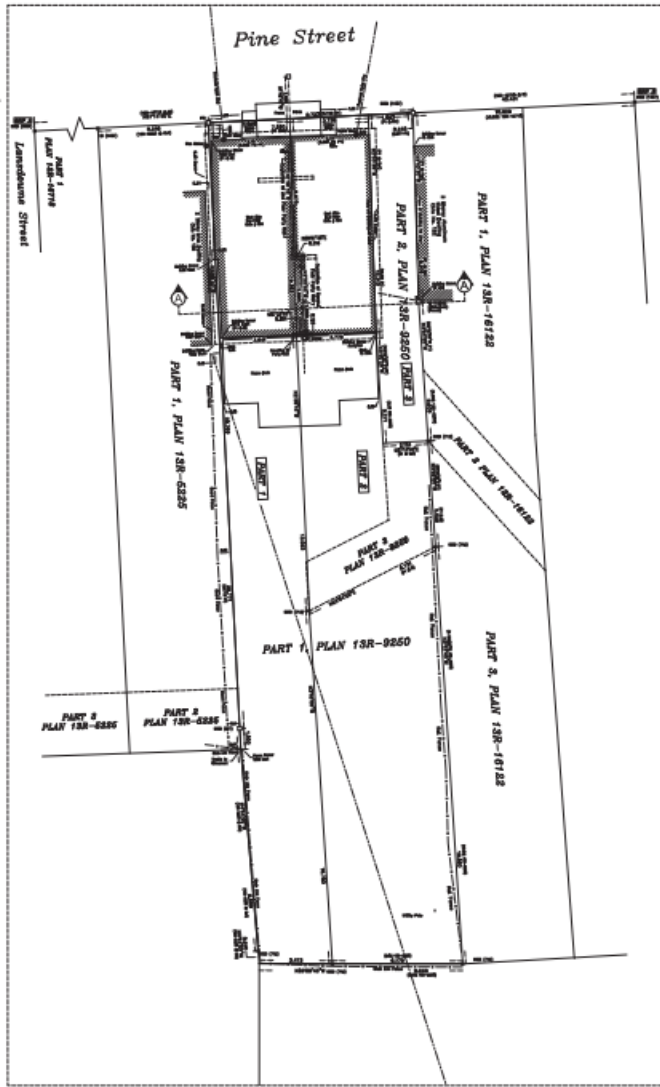
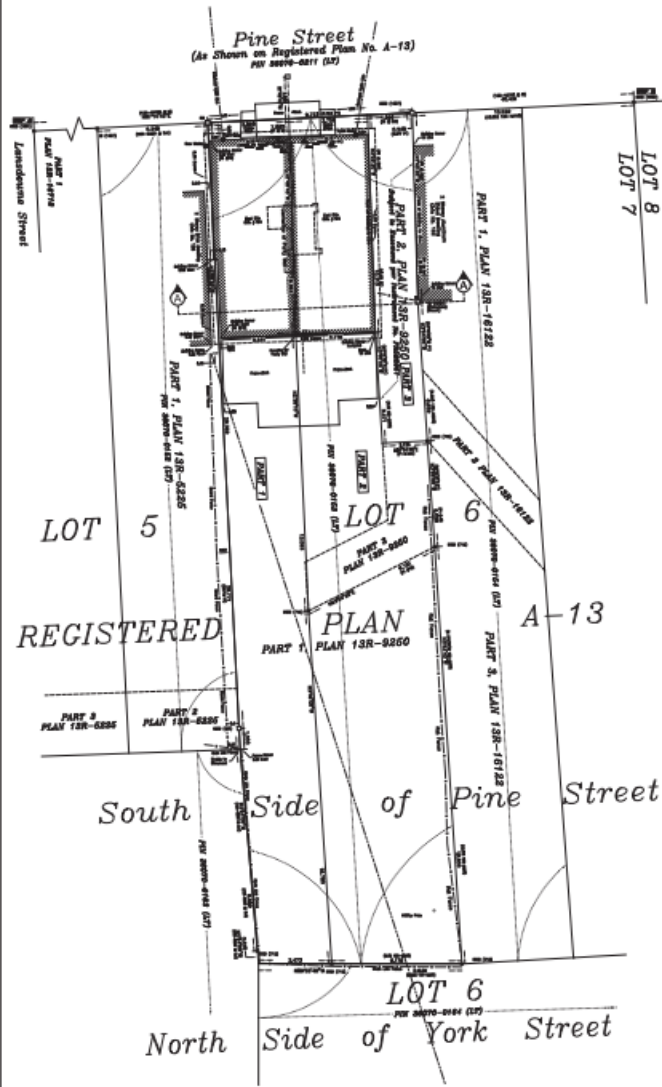
**STRATA PLAN of SURVEY of
PART of LOT 6, REGISTERED PLAN A-13
CITY of KINGSTON
COUNTY of FRONTENAC**

SCALE = 1:75
REGISTERED CITY LAND SURVEYORS INC.
-2024-
THIS DOCUMENT HAS BEEN MADE BY ME OR BY MEASUREMENT BY MEASUREMENT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS OF THE DATE OF THIS PLAN.

PLAN	DATE	BY	FOR
Part of A-13	2024-08-15	[Signature]	REGISTERED CITY LAND SURVEYORS INC.

NO.	DESCRIPTION	DATE
1	PREPARED	2024-08-15
2	REVISION	
3	REVISION	
4	REVISION	

WARNING NOTE:
THIS PLAN IS A STRATA PLAN AND IS NOT TO BE USED AS A TITLE DEED OR AS EVIDENCE OF TITLE. IT IS NOT TO BE USED AS A BASIS FOR THE SALE OF LAND OR AS EVIDENCE OF TITLE. IT IS NOT TO BE USED AS A BASIS FOR THE SALE OF LAND OR AS EVIDENCE OF TITLE. IT IS NOT TO BE USED AS A BASIS FOR THE SALE OF LAND OR AS EVIDENCE OF TITLE.



LEGEND:

- Boundary of Lot
- Boundary of Part
- Boundary of Unit
- Boundary of Common Area
- Boundary of Easement
- Boundary of Right of Way
- Boundary of Other Right

SURVEYOR'S CERTIFICATE:

I, the undersigned, being a duly qualified and registered surveyor, do hereby certify that this plan is a true and correct copy of the original plan as shown to me by the owner thereof, and that the same has been prepared in accordance with the provisions of the Act.

REGISTERED CITY LAND SURVEYORS INC.
2024-08-15
[Signature]



Figure 1: Frontal view of the semi-detached dwelling at 154 Pine Street.

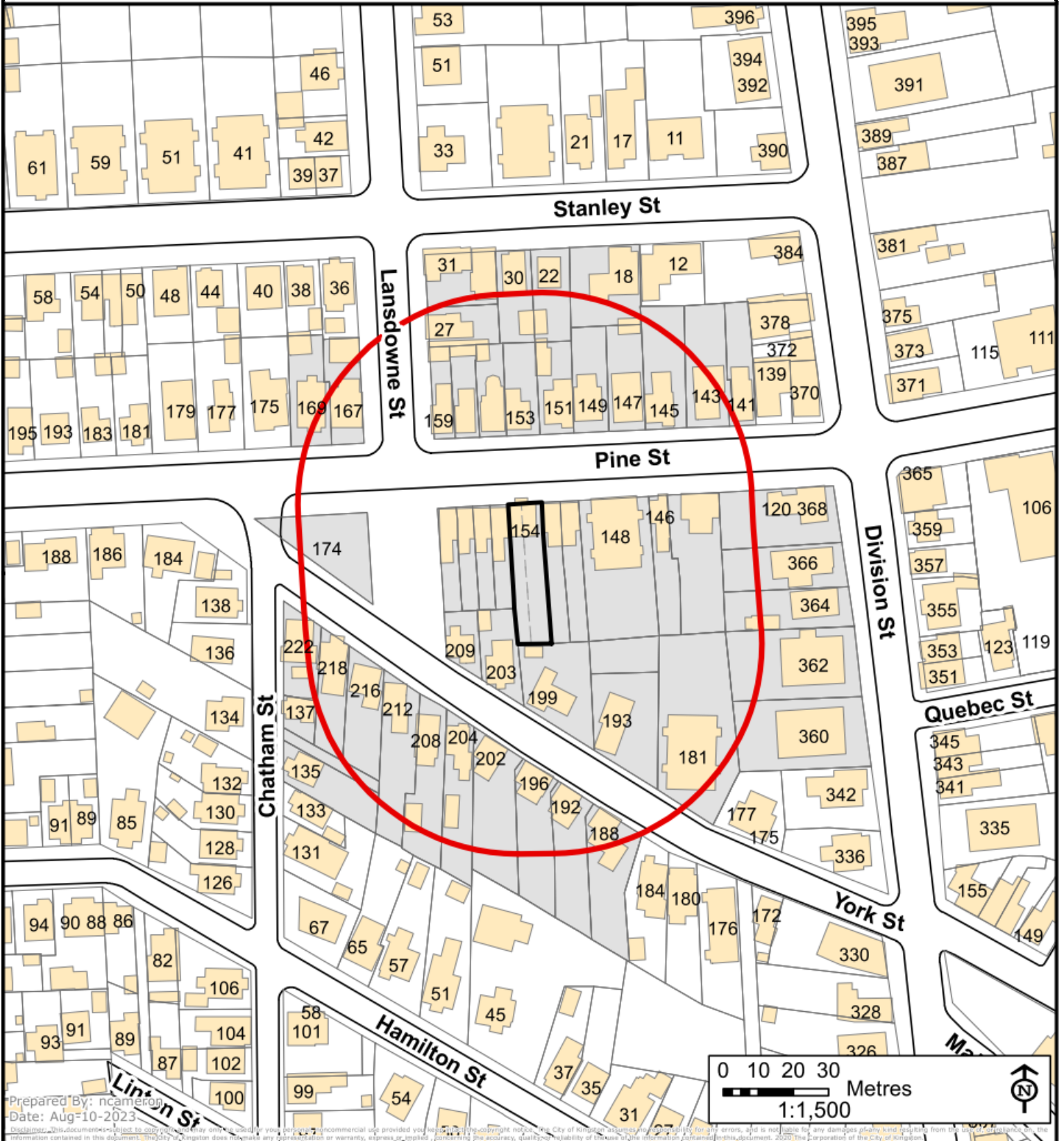


Figure 2: View of the rear yard of the subject property. The yard is developed with an existing deck and a walkway for access.



Delegated Authority
Public Notice Notification Map
Address: 154 Pine St.
File Number: D10-031-2023

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



Prepared By: ncameron
Date: Aug-10-2023

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STRATA PLAN of SURVEY of
 PART of LOT 6, REGISTERED PLAN A-13
 CITY of KINGSTON
 COUNTY of FRONTENAC
 SCALE = 1:75
 HOPKINS CHITTY LAND SURVEYORS INC.
 -5224-
 THE APPROVED PLAN SIZE OF THIS PLAN IS EITHER IN ACCORD
 WITH 1617M OR OTHER PLAN PLOTTED AT A SCALE OF 1:100

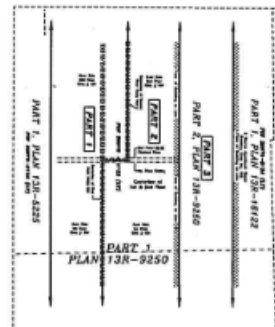
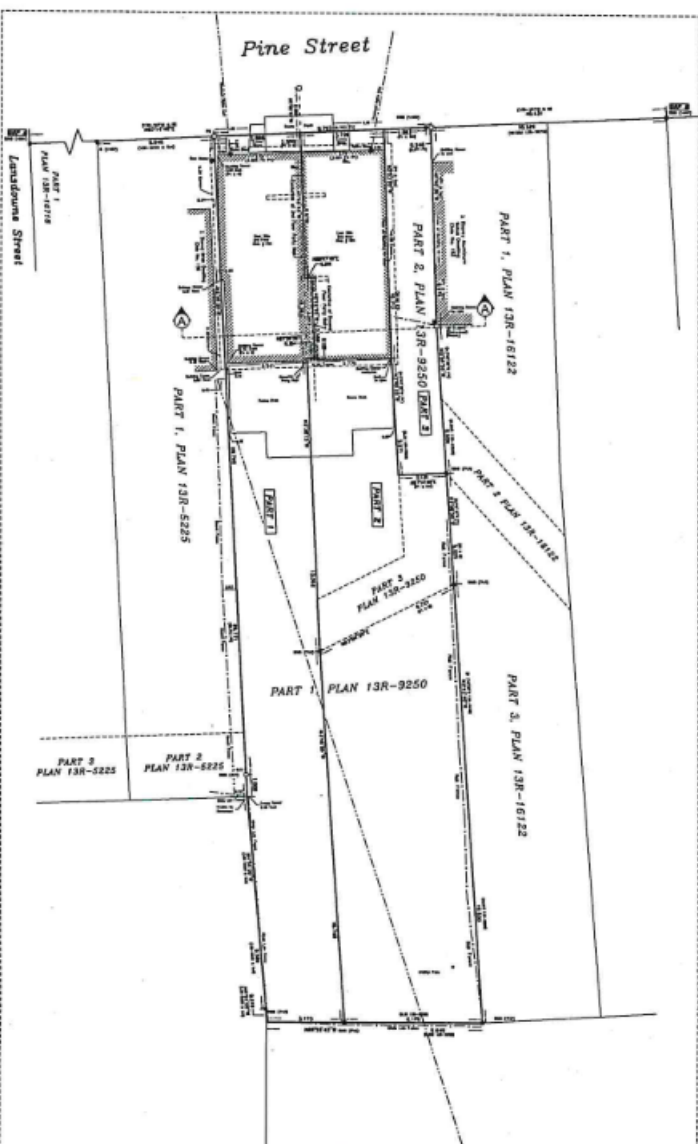
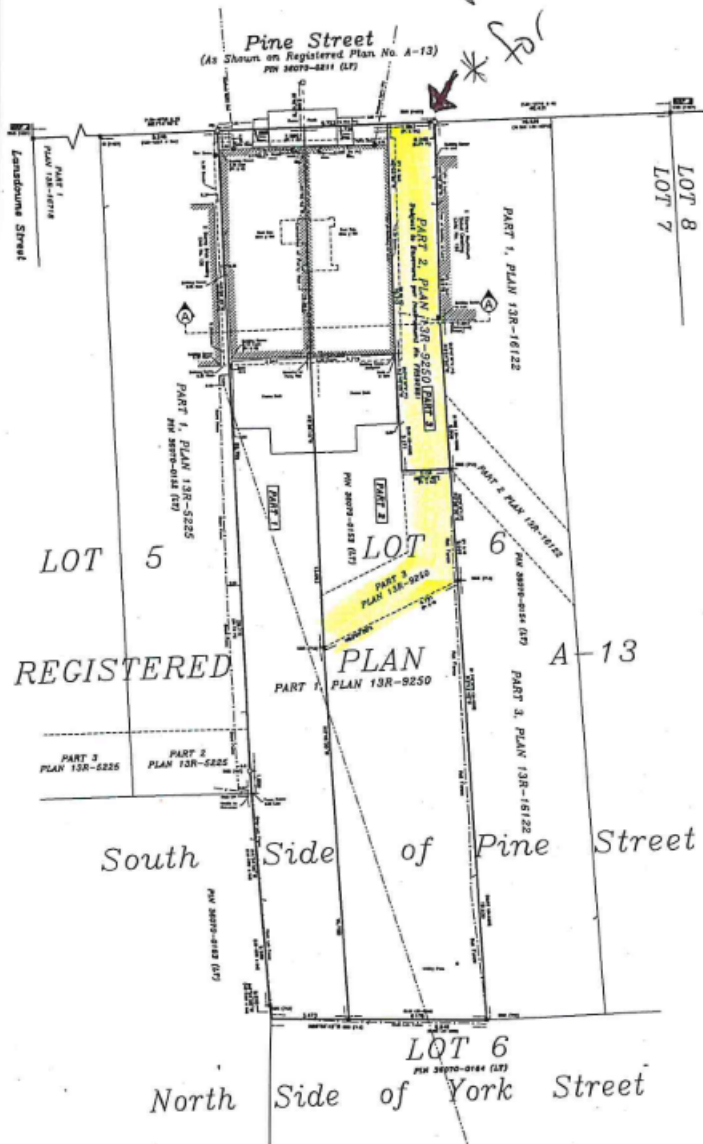
SCHEDULE		
PART	LOT	PLAN No.
1	6	A-13
2	7	A-13
3	8	A-13

REGISTERED STRATA PLAN (PART 1) FOR LOT 6, PART 13, PART 13-9250 (PART 1) OF REGISTERED PLAN A-13, CITY OF KINGSTON, COUNTY OF FRONTENAC, ONTARIO, CANADA, AS SHOWN ON THE PLAN HEREON, IS HEREBY APPROVED BY THE REGISTRAR OF STRATA PLANS, ON THE 14th DAY OF APRIL, 2024.

THE APPROVED PLAN SIZE OF THIS PLAN IS EITHER IN ACCORD WITH 1617M OR OTHER PLAN PLOTTED AT A SCALE OF 1:100.

BEARING NOTE:
 ALL BEARINGS AND DISTANCES ARE TO BE TAKEN AS SHOWN ON THE PLAN HEREON, UNLESS OTHERWISE SPECIFIED. THE BEARINGS AND DISTANCES ARE TO BE TAKEN AS SHOWN ON THE PLAN HEREON, UNLESS OTHERWISE SPECIFIED. THE BEARINGS AND DISTANCES ARE TO BE TAKEN AS SHOWN ON THE PLAN HEREON, UNLESS OTHERWISE SPECIFIED.

*New easement
 * for access*



REPRESENTATIVE SECTION A-A (NOT TO SCALE)

- LEGEND:
- PART 1, PLAN 13R-16122
 - PART 2, PLAN 13R-9250
 - PART 3, PLAN 13R-5225
 - PART 4, PLAN 13R-5225
 - PART 5, PLAN 13R-5225
 - PART 6, PLAN 13R-5225
 - PART 7, PLAN 13R-5225
 - PART 8, PLAN 13R-5225
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 - PART 99, PLAN 13R-5225
 - PART 100, PLAN 13R-5225

SURVEYOR'S CERTIFICATE:
 I, the undersigned, being a duly qualified and licensed Surveyor of the Province of Ontario, do hereby certify that the above plan is a true and correct copy of the original plan as shown to me by the owner thereof, and that the same has been approved by me as being in accordance with the provisions of the Act respecting the Surveyors Act, R.S.O. 1990, c. 43, s. 40.

PLAN VIEW SHOWING 2nd FLOOR
 ELEVATION ABOVE 98.99m.

HCLIS

HOPKINS CHITTY
 LAND SURVEYORS INC.
 Chartered Land Surveyors

1000 SHEPPARD AVENUE EAST, SUITE 1000, SCARBOROUGH, ONTARIO M1S 1T7
 TEL: (416) 291-1111 FAX: (416) 291-1112
 WWW.HOPKINSCHITTY.COM