



**City of Kingston  
Report to Committee of Adjustment  
Report Number COA-25-013**

---

**To:** Chair and Members of the Committee of Adjustment  
**From:** Jacob Slevin, Planner  
**Date of Meeting:** December 16, 2024  
**File Number:** D10-028-2024  
**Address:** 101 Charles Street  
**District:** District 11 – King’s Town  
**Subject:** Supplemental Report to COA-24-084

---

**Council Strategic Plan Alignment:**

Theme: Policies & by-laws

Goal: See above

**Executive Summary:**

This report recommends a change to a condition of approval for a consent application for 101 Charles Street which was provisionally approved by the Committee of Adjustment on October 21, 2024 ([Report Number COA-24-084](#)). This provisionally approved consent application included a condition requiring the completion of an archeological assessment on the subject property prior to the finalization of the consent process and the creation of a new lot. After the October 21, 2024 Committee of Adjustment meeting the applicant provided additional information about the property and the extent of disturbance that occurred after a fire destroyed the townhouse building that previously existed on the lot. Heritage Planning staff reviewed this additional information and determined that an archeological assessment of the property is not necessary due to the recent extensive disturbance of the site.

Staff recommend that the Committee of Adjustment approve a new Notice of Decision for the consent application which would not require the applicant to submit an archeological assessment. This previous archeology condition would be replaced by a new condition with the City’s standard wording for applications in which an archeological assessment is not required.

**December 16, 2024**

Page 2 of 5

No additional changes to the proposal or any other changes to the previous conditions of approval of the consent application are proposed.

**Recommendation:**

**That** the Committee of Adjustment remove Condition 4 of the Notice of Decision for consent application, File Number D10-028-2024, requiring the completion of an archeological assessment; and

**That** a new Notice of Decision be prepared reflective of the conditions approved as outlined in Report Number COA-24-084 and amended as per Report Number COA-25-013.

December 16, 2024

Page 3 of 5

**Authorizing Signatures:**

ORIGINAL SIGNED BY PLANNER

---

Jacob Slevin, Planner

**Consultation with the following Managers of Growth & Development Services Group:**

Tim Park, Director, Planning Services

Malcolm Norwood, Supervisor, Development Approvals

December 16, 2024

Page 4 of 5

**Options/Discussion:**

A consent application to facilitate the creation of a new lot on the subject lands, municipally addressed as 101 Charles Street, was approved by the Committee of Adjustment on October 21, 2024 ([Report Number COA-24-084](#)). No appeals were received for this application.

The purpose of the previously approved consent application was to sever an existing landholding at 101 Charles Street, creating a new severed and retained lot. The property was previously developed with a single townhouse building that had been severely damaged by a fire. The applicant proposed to sever the property and redevelop it with two separate townhouse buildings. Additions are proposed to the front and rear of the townhouse structure to provide additional usable floor area for future residents.

Archeological assessments are often requested for planning applications where new ground disturbance is proposed for lands that have not previously been cleared of archeology. In situations where an archeological assessment has not been completed but the ground on the subject lands has already been disturbed, Heritage Planning staff may advise that an assessment is not required due to the previous ground disturbance.

Following provisional approval of the consent application, the applicant engaged in further discussions with Heritage Staff regarding whether an archeological assessment would be required given the ground disturbance from excavation and backfill activities which had occurred at 101 Charles Street after the fire damage to the townhouse. It was determined that extensive ground disturbance had already occurred on the property and as such, an archeological assessment does not need to be completed. Staff are therefore recommending that a new Notice of Decision be approved that would not require the applicant to complete an archeological assessment.

This change does not alter the planning opinion contained within Report Number COA-24-084. No other changes are being contemplated for the applicant's proposal, and no other changes are recommended to the previously approved Notice of Decision.

Under section 53(23) of the *Planning Act*, an approval authority has the ability to change conditions of consent at any time before a consent has been granted. In this case, the change to conditions of consent is considered minor and appropriate, as the completion of an archeological assessment should not be required if potential archeological resources on the site have already been disturbed.

**Existing Policy/By-law**

Please refer to Report Number COA-24-084.

December 16, 2024

Page 5 of 5

**Notice Provisions**

The applicant and prescribed persons and public bodies will be notified in accordance with section 53 (24) and (26) of the Planning Act of the Committee's decision.

**Accessibility Considerations**

None

**Financial Considerations**

None

**Contacts:**

Malcolm Norwood, Supervisor, Development Approvals, 613-546-4291

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

**Other City of Kingston Staff Consulted:**

Not Applicable

**Exhibits Attached:**

Exhibit A – Revised Conditions of Approval

## Recommended Conditions

The provisional approval of consent application, File Number D10-028-2024, to sever the existing townhouse building at 101 Charles Street and create a severed and retained parcel with approximately 165 square metres of area for each 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](mailto: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](mailto: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. Cash-in-Lieu of Parkland**

That \$2,428.00 shall be paid to the City of Kingston as cash-in-lieu of land dedication for park or public recreational purposes for each new building lot being created. The applicant may choose to pay the fee through their DASH application, provide a certified cheque, or provide payment at the front desk at 1211 John Counter Boulevard, prior to the issuance of the consent certificate.

**6. Separate Services**

Each lot will require separate non-encroaching 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. It is recommended that the applicant contact Utilities Kingston 'Service Advisors' to arrange for a 'Severance locate' to confirm that the location of the existing water and sanitary services are not encroaching onto other property prior to, and once the severance has been completed.

**7. 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.

**8. 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 severed parcel in favor of the retained 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.