



**City of Kingston
Report to Committee of Adjustment
Report Number COA-25-012**

To: Chair and Members of the Committee of Adjustment
From: Amy Didrikson, Senior Planner
Date of Meeting: December 16, 2024
Application for: Minor Variance
File Number: D13-081-2024
Address: 111, 119, 123, 125 and 129 Van Order Drive
District: District 5 - Portsmouth
Owner: Kingston and Frontenac Housing Corporation
Applicant: RFA Planning

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 variances for the property located at 111, 119, 123, 125 and 129 Van Order Drive. The applicant is proposing to establish one new, affordable dwelling unit within the existing apartment building municipally addressed as 123 Van Order Drive through the conversion of a ground floor common room amenity space. No exterior changes or changes to the footprint of the existing building are proposed, with the exception of the establishment of an accessory building in the courtyard to provide a long-term bike parking space for the additional dwelling unit.

The subject property is located in the Residential land use designation of the Official Plan, and is within walking distance of a primary "Centre" connected to the Princess Street Corridor. The property is zoned Urban Multi-Residential 4 (URM4) zone in the Kingston Zoning By-Law

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Number 2022-62 and is subject to an Exception Overlay E125 which limits the number of total dwelling units in the area subject to the Exception to 160. The proposed additional dwelling unit at 123 Van Order Drive requires relief from the maximum number of dwelling units specified in the Exception Overlay to permit 161 total dwelling units.

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.

Recommendation:

That minor variance application, File Number D13-081-2024, for the property located at 111, 119, 123, 125 and 129 Van Order Drive to permit one additional affordable dwelling unit in the apartment building known municipally as 123 Van Order Drive, be approved, as described below:

Variance Number 1: Maximum Number of Units

By-Law Number 2022-62:Section 21.1.1.

Requirement:	The maximum number of dwelling units is 160 on the lands subject to Exception E125.
Proposed:	The maximum number of dwelling units is 161 on the lands subject to Exception E125.

Variance Requested: 1

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-25-012.

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Authorizing Signatures:

ORIGINAL SIGNED BY PLANNER

Amy Didrikson, Senior Planner

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

Tim Park, Director, Planning Services

Malcolm Norwood, Supervisor, Development Approvals

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Options/Discussion:

On October 22, 2024, a minor variance application was submitted by RFA Planning, on behalf of the owner, Kingston and Frontenac Housing Corporation, with respect to the property located at 111, 119, 123, 125 and 129 Van Order Drive. The variance is requested to convert a common room amenity area on the ground floor of a two storey apartment building at 123 Van Order Drive into one new, affordable dwelling unit, which will increase the number of dwelling units in the building from 30 to 31, and will increase the number of dwelling units subject to the Exception Overlay from 160 to 161. No exterior changes or changes to the footprint of the existing building are proposed, with the exception of the establishment of an accessory building in the courtyard to provide a long-term bike parking space for the additional dwelling unit.

The proposed, additional dwelling unit requires relief to the maximum of 160 dwelling units specified in the applicable Exception Overlay (E125), that applies to the subject property, to permit a total of 161 dwelling units. It should be noted that E125 applies to two lots of record which are owned by the Kingston and Frontenac Housing Corporation. Presently there are 51 dwelling units at 111 Van Order Drive, 30 dwelling units at 123 Van Order Drive, and 30 dwelling units at 125 Van Order Drive. Exception overlay (E125) also applies to the property known municipally as 129 Van Order Drive which contains a 49-unit apartment building, and an office building at 119 Van Order Drive, all owned and operated by the Kingston & Frontenac Housing Corporation.

A summary table of the dwelling units present on the lands subject to Exception E125 is provided below.

Lands Subject to E125	
Lot 1 (Owned by Kingston & Frontenac Housing Corporation)	
<i>Municipal Addresses</i>	
<i>Dwelling units</i>	
111 Van Order Drive	51
123 Van Order Drive	30 (Proposed to be increased by 1 through this application)
125 Van Order Drive	30
Sub-Total	111 (Proposed to be increased by 1 through this application)
Lot 2 (Owned by Kingston & Frontenac Housing Corporation)	
<i>Municipal Addresses</i>	
<i>Dwelling units</i>	
119 Van Order Drive	Not Applicable (office)
129 Van Order Drive	49
Total Number of Dwelling Units	160 (Proposed to be increased by 1 through this application)

The dwelling units on the subject property owned and operated by the Kingston & Frontenac Housing Corporation comply with the definition in the Zoning By-law as affordable rental housing.

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

- Planning Rationale, prepared by RFA Planning;
- Site Plan (Exhibit F);
- Registered Plan 1158 (Calvin Park Subdivision Plans);
- Plan 13R-2774;
- Plan 13R-18532; 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 west of Sir John A MacDonald Boulevard and north of the intersection with MacPherson Avenue in the Calvin Park neighbourhood (Exhibit B – Key Map). The subject property has an area of approximately 2.4 hectares with approximately 175 metres of frontage on the east side of Van Order Drive and approximately 116 metres of frontage on the west side of Sir John A. Macdonald Boulevard. The property is located south of an elementary school and high school, with residential uses to the south and west. A church and public library are located to the north west, beyond Sir John A MacDonald Boulevard (Exhibit C – Neighbourhood Context Map).

The subject property includes four affordable rental apartment buildings which form part of an apartment complex known as Van Order Place. There are 51 dwelling units at 111 Van Order Drive, 30 dwelling units at 123 Van Order Drive, 30 dwelling units at 125 Van Order Drive, and 49 dwelling units at 129 Van Order Drive. The subject property includes extensive open space, which has been organized into courtyards with pathways, seating areas and landscaping (Exhibit F). The courtyard adjacent to the building known municipally as 123 Van Order Drive includes approximately 450 square metres of open space, with a pergola and seating area (Exhibit G – Site Photos). There are 57 parking spaces on the lot containing 123 Van Order Drive, including 4 accessible parking spaces.

The subject property is designated Residential in the Official Plan (Exhibit D – Official Plan Map) and zoned URM4 in Kingston Zoning By-Law Number 2022-62 subject to Exception Overlay E125 (Exhibit E – Zoning By-Law Map).

The subject property is located in a Housing District according to the City Structure detailed in Schedule 2 of the Official Plan and is within walking distance of a “Centre” (i.e. the Kingston Centre) which are areas of mixed use and mixed buildings, including employment, residential, commercial and supporting uses and facilities. The subject property is also well connected through sidewalks and pathway connections to parks and several community facilities. As a

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result, active transportation is a viable option in this location to meet daily needs. The property is also within walking distance of numerous bus transit stops, including stops for bus route 2 on Van Order Drive and Express Transit bus stops on Palace Road.

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

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:

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). Permitted uses in the Residential land use designation include various forms of housing contemplated by the low-rise, mid-rise and high rise residential policies in Section 2.6. The proposed internal conversion to create one additional dwelling unit in an existing, 2-storey apartment building on the subject property conforms with the uses contemplated in the Residential land use designation.

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 proposal meets the intent of strategic policy direction in Section 2 of the Official Plan pertaining to the City of Kingston's Housing Districts in the Urban Boundary, as it would allow for minor infill of an additional dwelling unit in an existing low-rise apartment building on full municipal services. The proposal also contributes to numerous strategic objectives pertaining to sustainable development and affordable housing development, detailed in Section 2 of the Official Plan. The proposed dwelling unit on the subject property would be within walking distance of commercial uses, open space, community facilities (i.e. schools, a library, etc.) and is also within walking distance of a number of transit stops. As a result, gentle intensification of the site can foster sustainable practices, such as using active transportation and transit to meet daily needs.

The proposed development and land use change will be compatible with existing and planned development, as there is no expansion to the existing building envelope, and no associated

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potential for undue adverse shadows, intrusive overlook, increased wind speed, or visual incompatibility. The additional dwelling unit represents a minimal increase to the intensity of the site, which will not result in any increased traffic or disrupt the intended function of the property or the neighbourhood. The existing low-rise apartment at 123 Van Order Drive has existed on the subject property since 1969 and is compatible in scale and intensity to the low-rise residential neighbourhood to the north, east and south.

The subject property is not designated under the *Ontario Heritage Act* individually, or as part of a District, and is not adjacent to any properties designated under the *Ontario Heritage Act*.

Functional needs of the additional dwelling unit will be met by the site, in terms of a clearly defined amenity area, access, and parking. The proposal will not result in any exterior modifications, with the exception of an accessory building to contain a long-term bike space, to be located in an internal courtyard. This minor exterior change will improve the functionality of the site and will not result in any tree removals or affect grading or drainage.

Having regard to the above, the impact of the variance is expected to be minor and would not create an undesirable precedent for the area with the application most appropriately addressed through a Minor Variance rather than a Zoning By-law Amendment. Recommended conditions have been provided for the Committee’s consideration and are included as Exhibit A to this report.

The proposal meets the intent of the Official Plan, as the development conforms with direction for compatible and functional residential development on a site where residents can access a proximate mix of land uses and where sustainable practices can be fostered.

The general intent and purpose of the Zoning By-Law are maintained

The subject property is zoned URM4 in Kingston Zoning By-Law Number 2022-62 subject to Exception Overlay E125 (Exhibit E – Zoning By-Law Map). The URM4 zone (E125) permits apartment buildings, limited to a total of 160 dwelling units according to Exception Overlay E125. The proposal includes one additional dwelling unit at 123 Van Order Drive, increasing the number of dwelling units in the subject building to 31, and the overall total number of dwelling units in the lands subject to E125 to 161 dwelling units. The proposal requires a variance to increase the maximum permitted number of dwelling units. The conversion of the indoor amenity area common room will not result in a deficiency pertaining to amenity area, or trigger any additional vehicular parking requirements, as discussed further below.

Variance Number 1: Maximum Number of Units

By-Law Number 2022-62:Section 21.1.1.

Requirement: The maximum number of dwelling units is 160 on the lands subject to Exception E125.

Proposed: The maximum number of dwelling units is 161 on the lands subject to Exception E125.

Variance Requested: 1

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The intent of Exception E125, as detailed through City File Number D14-010-2023, was to carry forward applicable site-specific provisions from the former City of Kingston Zoning By-Law 8499, being site-specific zone B1.349, into the Kingston Zoning By-Law. The overall intent of regulating the number of dwelling units on a property is to establish a maximum number of dwelling units which have been demonstrated through a development application to be a compatible and functional density for a site.

The requested variance maintains the general intent and purpose of the Zoning By-law, as the functional needs of one additional dwelling unit can be accommodated on the subject property and will not represent an overdevelopment of the site. The additional dwelling unit will require one long-term bike parking space according to Table 7.3.1 of the Kingston Zoning By-Law which can be accommodated in a new accessory building in the courtyard of the building at 123 Van Order Drive, as shown on the site plan (Exhibit F). The subject property has extensive outdoor amenity areas which exceed the Kingston Zoning By-Law amenity area requirements for apartment buildings in this location. For example, the courtyard available at 123 Van Order Drive provides approximately 450 square metres of outdoor amenity area, which exceeds the amenity area requirements for a 31-unit apartment building in this location (i.e. 310 square metres). Overall, the dwelling units on the subject property require 1,610 square metres of amenity area according to the Kingston Zoning By-Law, and over 3000 square metres of outdoor amenity area is provided.

The proposed additional dwelling unit will not require an additional parking space, as affordable dwelling units do not have an associated minimum number of parking spaces according to Section 7.1.13.1 of the Kingston Zoning By-law, and furthermore, one additional dwelling unit will not trigger the need for additional visitor or accessible parking spaces on the site. The additional dwelling unit represents a minimal increase to the intensity of the site, which will not result in any increased traffic or disrupt the intended function of the property or the neighbourhood. The proposal will not require an expansion to the existing buildings or to the parking areas. As a result, this “gentle” intensification of the site meets the intent of the Kingston Zoning By-Law.

The variance is minor in nature

The variance is considered minor as the additional, studio dwelling unit within the existing 2-storey, 30-unit apartment building at 123 Van Order Drive represents a minimal increase to the 160 total dwelling units on the subject property and will not impact the compatibility or functioning of the existing residential use of the property. As discussed in further detail above, the internal conversion will not result in adverse effects to the property or the neighbourhood, and the functional needs of the additional dwelling unit can be met through existing amenity areas, parking and a new long-term bike space established on the property.

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

The minor variance is appropriate given the overall intent of the Residential land use designation, as it enables additional, affordable housing on a site that can accommodate an additional dwelling unit without the potential for adverse impacts on existing and planned development in the area. The variance will ultimately increase the proportion of residents that live within walking distance of a mix of land uses and community facilities and can choose active transportation to meet daily needs. The variance will enable development that 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 checked="" type="checkbox"/> Real Estate |
| <input checked="" type="checkbox"/> Traffic | <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 | | |

Technical Comments

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

Public Comments

At the time this report was finalized, no public comments 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.

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Previous or Concurrent Applications

Previously, the subject property was subject to a city-initiated Zoning By-Law Amendment to bring the property, with an older site-specific exception that pre-dated the Official Plan, into the Kingston Zoning By-Law with an updated site-specific exception (City File Number D14-010-2023). The subject property was also previously severed through consent file D10-197-2006, establishing the lot containing the apartments municipally addressed as 111, 123 and 125 Van Order Drive and retaining the lot containing the apartment municipally addressed as 129 Van Order Drive and the associated administrative office at 119 Van Order Drive.

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 enable the establishment of one additional, studio dwelling unit in the apartment building at 123 Van Order Drive, through the conversion of a common room amenity area on the ground floor.

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 Planning Statement, 2024

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 December 16, 2024. Pursuant to the requirements of the *Planning Act*, a notice of Statutory Public Meeting was provided by advertisement in the Kingston Whig Standard on Friday November 29, 2024. The notice was also placed on the City's website and a sign was placed on the subject site.

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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

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

Amy Didrikson, Senior Planner, 613-546-4291 extension 3296

Other City of Kingston Staff Consulted:

None

Exhibits Attached:

- Exhibit A Recommended Conditions
- Exhibit B Key Map
- Exhibit C Neighbourhood Context Map
- Exhibit D Official Plan Map
- Exhibit E Zoning By-Law Map
- Exhibit F Site Plan
- Exhibit G Site Photos

Recommended Conditions

The approval of minor variance application, File Number D13-081-2024, to permit one additional affordable unit in the apartment building known municipally as 123 Van Order Drive, for a total of 161 dwelling units on the property subject to Exception E125, shall be subject to the following recommended conditions:

1. Limitation

That the approved minor variance applies only to permit one additional dwelling unit in the apartment building known municipally as 123 Van Order Drive on the conceptual site plan drawing 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 any 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

The Owner shall ensure that the building's civic address identification is displayed in conformance with City of Kingston By-Law Number 2005-098, *A By-Law to Direct the Orderly Addressing of Buildings and Properties and Appropriate Naming of Roads Within the City of Kingston*, as may be amended from time to time.



Committee of Adjustment Neighbourhood Context

Address: 111, 119, 123, 125 and 129 Van Order
Dr. File Number: D13-081-2024
Prepared On: Nov-28-2024

- Subject Lands
- Property Boundaries
- Proposed Parcels



Prepared By: akarami
Prepared On: Nov-28-2024

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Planning Services

Committee of Adjustment Official Plan, Existing Land Use

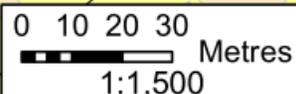
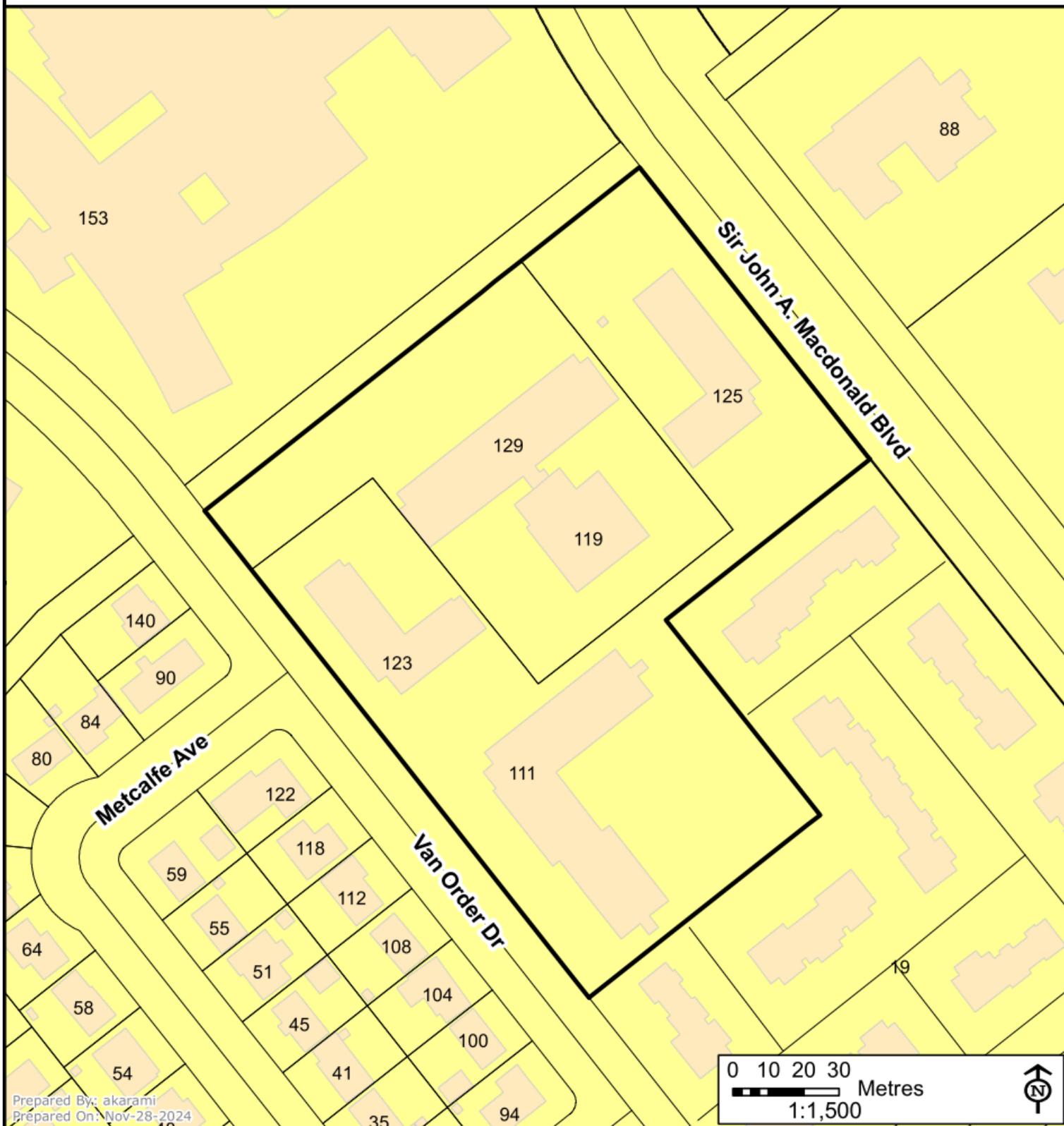
Address: 111, 119, 123, 125 and 129 Van Order Dr.

File Number: D13-081-2024

Prepared On: Nov-28-2024

Subject Lands

Residential



Prepared By: akarami
Prepared On: Nov-28-2024

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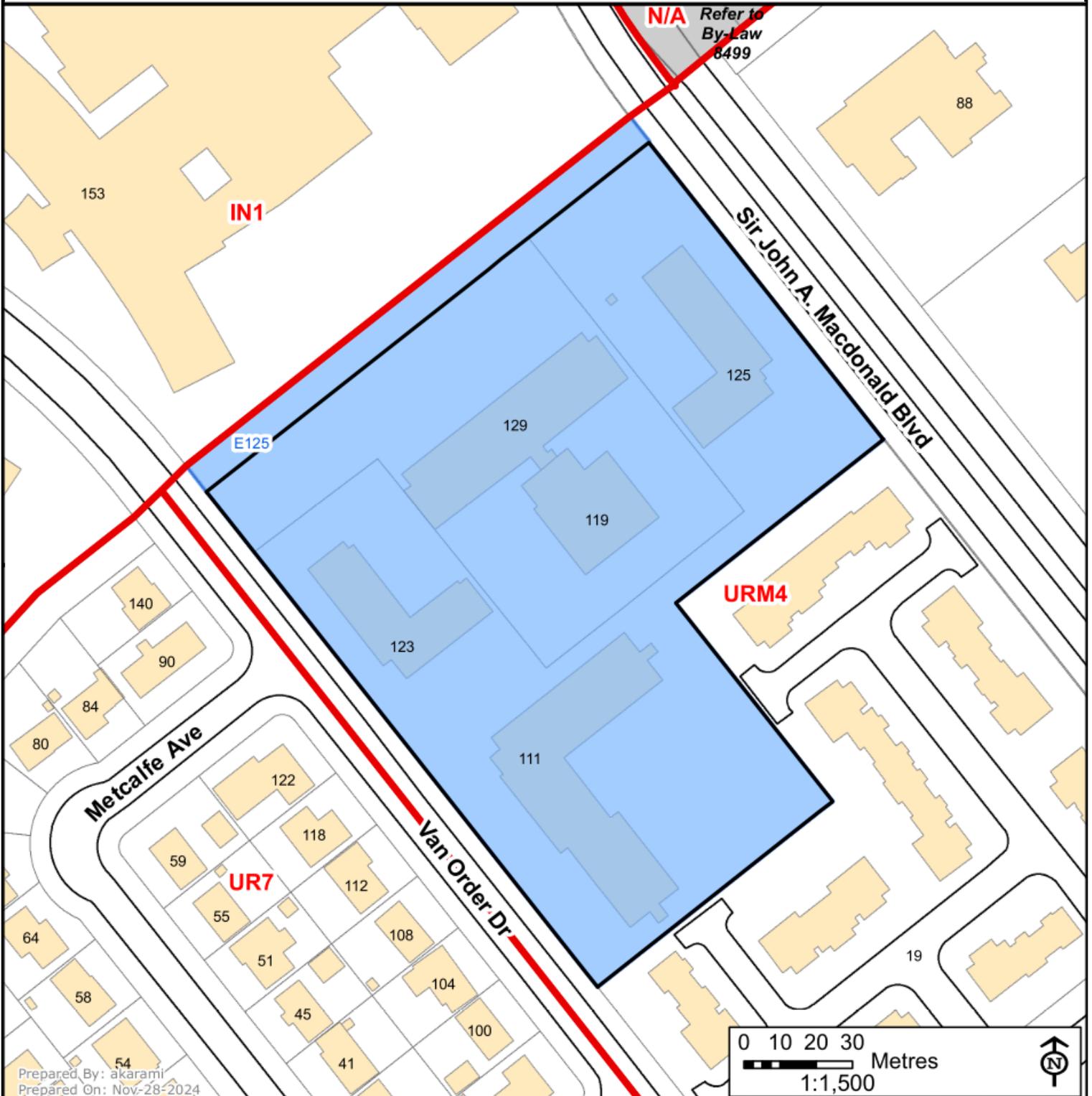


Planning Committee
Existing Zoning
Kingston Zoning By-Law 2022-62

Planning Services

Address: 111, 119, 123, 125 & 129 Van Order Drive
File Number: D13-081-2024
Prepared On: Nov-28-2024

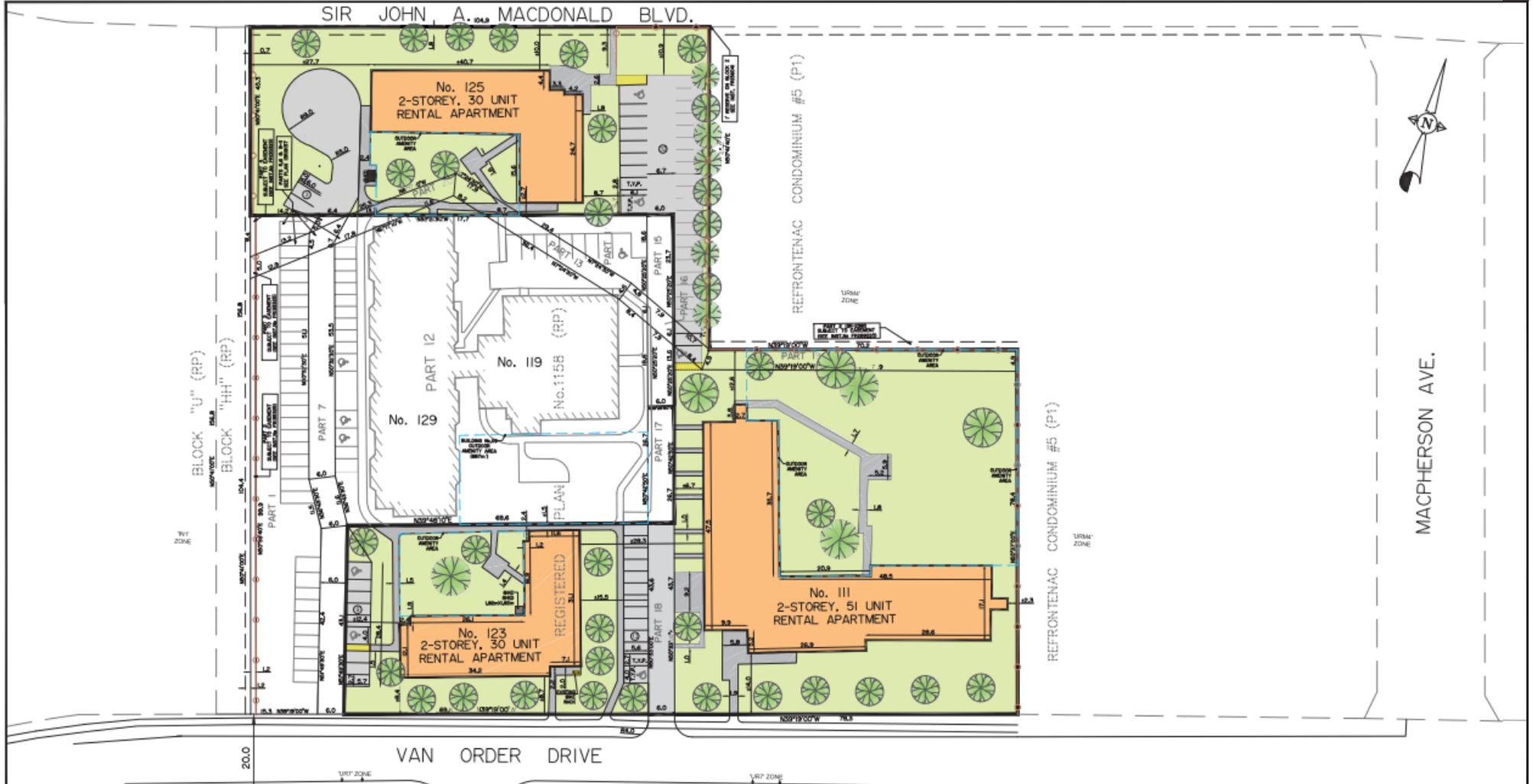
- Subject Lands
- Schedule 1 Zoning Map
- Zone
- Not Subject to the Kingston Zoning By-law
- Schedule E - Exception Overlay
- Legacy Exceptions (LXXX)
- Exceptions (EXXX)
- Schedule F - Holding Overlay
- Holding Overlay (HXXX)



Prepared By: akarami
Prepared On: Nov-28-2024



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PLOT PLAN
123 VAN ORDER DRIVE
BLOCK "Z" REGISTERED PLAN No.1158
SAVE AND EXCEPT PARTS A THROUGH E
PLAN 13R-2774 AND
PARTS 1-17, PLAN 13R-18532
CITY OF KINGSTON
COUNTY OF FRONTENAC

SCALE = 1:850 METRIC

DATE: OCTOBER 9, 2024



- LEGEND**
- ASPHALT DRIVEWAY
 - CONCRETE WALKWAYS
 - LANDSCAPED AREA
 - EXISTING 2-STORY APARTMENT BUILDING FOOTPRINT
 - EXISTING TREE
 - EXISTING OUTDOOR AMENITY AREAS
 - EXISTING FENCE
 - EXISTING S-LOOP BICYCLE RACK

GENERAL NOTES:
LOT AREA: 14,344.02m²
NUMBER OF PARKING SPACES: 57
OUTDOOR AMENITY AREA WITHIN THE URM4-E25 ZONE: 4905m²
INDOOR AMENITY SPACE: 1,714m² WITHIN THE URM4-E25 ZONE

METRIC NOTE:
DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO BY DIVIDING BY 0.3048.

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BUILDING NOTE:
BUILDING FOOTPRINT, LANDSCAPED OPEN SPACE AND PARKING AREAS ARE CONCEPTUAL AND SUBJECT TO CHANGE.

OCTOBER 9, 2024



Site Photographs



Figure 1: Streetview of vehicular access to 123 Van Order Drive, and 129 Van Order Drive further beyond.



Figure 2: Streetview of 123 Van Order Drive.



Figure 3: View of 123 Van Order Drive interior Courtyard.