



**City of Kingston  
Report to Committee of Adjustment  
Report Number COA-24-088**

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**To:** Chair and Members of the Committee of Adjustment  
**From:** Niki Van Vugt, Intermediate Planner  
**Date of Meeting:** November 18, 2024  
**Application for:** Minor Variance  
**File Number:** D13-071-2024  
**Address:** 55 Queen Street  
**District:** District 11 – King’s Town  
**Owner:** Homestead Land Holdings Ltd.  
**Applicant:** Homestead Land Holdings Ltd.

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**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 municipally addressed as 55 Queen Street, formerly referred to as 51-57 Queen Street, in the North Block area (also referred to as “Block 3”) of Downtown Kingston. The applicant is requesting relief from the mechanical projection provisions and permitted yard projections for canopies and awnings of the zoning by-law to support the development of the property with a 19-storey mixed-use building. Land use permissions for the development were approved in 2021 by decision of the Ontario Land Tribunal (OLT) which amended the City’s Official Plan and zoning by-law, and recognized Minutes of Settlement between the City and the owner.

The subject property is designated as Central Business District in the Official Plan (Exhibit D – Official Plan Schedule 3A), is located within Site Specific Policy Area 66, as shown on Schedule

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3-D of the Official Plan. Following Council’s approval of administrative zoning by-law amendments on July 9th, 2024 ([see Report Number PC-24-041](#)), the site is considered a Red Exception in that it is zoned a site specific Central Business System Zone (C1-47-H) in the former Downtown and Harbour Zoning By-Law Number 96-259, as amended and Downtown Zone 1 (DT1) under the Kingston Zoning By-Law 2022-62, as amended (Exhibit E – Zoning By-Law Map). Transition provisions were included in the text of each former zoning by-law to ensure that existing development applications can proceed in accordance with the provisions as they existed in the zoning by-law at the time of the application.

Since this property is currently subject to an active Site Plan Control application under City File D11-003-2024, and the applicant had submitted a complete Site Plan Control Pre-Application (City File D02-005-2024) prior to July 9<sup>th</sup>, 2024, the owners are looking to apply Transition Clause 10.b. on Schedule ‘A’ to By-law Number 2024-337 to allow this minor variance application to be reviewed against the former Downtown and Harbour Zoning By-Law Number 96-259 for the purpose of obtaining minor relief to facilitate the placement of the required mechanical equipment and allow the proposed canopies to extend closer to the southern lot line along Queen Street.

The requested minor variances are consistent with the general intent and purpose of both the City of Kingston Official Plan and Kingston Zoning By-Law Number 96-259. The requested minor variances are desirable for the appropriate development or use of the land, building or structure and are 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 D13-071-2024, for the property located at 55 Queen Street to vary maximum rooftop projections and yard projections for canopies and awnings to support the development of the property with a 19-storey mixed-use building, be approved, as described below:

**Variance Number 1:** Height Restrictions Exceptions – Maximum Height

By-Law Number 96-259: 5.19(i)i)  
Requirement: 3.5 metres  
Proposed: 5.6 metres  
Variance Requested: 2.1 metres

**Variance Number 2:** Height Restrictions Exceptions – Maximum Area

By-Law Number 96-259: 5.19(i)ii)  
Requirement: 10%  
Proposed: 43%  
Variance Requested: 33%

**Variance Number 3:** Height Restrictions Exceptions – Maximum Length

By-Law Number 96-259: 5.19(i)iii)  
Requirement: 50%

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Proposed: 68%  
Variance Requested: 18%

**Variance Number 4:** Permitted Yard Projections – Minimum Setback from Lot Line for Canopies and Awnings Above Doors and Windows

By-Law Number 96-259: 5.29

Requirement: 0.5 metres

Proposed: 0 metres

Variance Requested: 0.5 metres; and

**That** approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-088.

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**Authorizing Signatures:**

ORIGINAL SIGNED BY PLANNER

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Niki Van Vugt, Intermediate  
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:**

The subject lands were formerly subject to applications for Official Plan Amendment and Zoning By-law Amendment (City Files D09-039-2015 & D14-146-2015) which sought permission to redevelop the property with a tall mixed-use building. A non-decision by Council on those applications was appealed by the applicant to the former Local Planning Appeals Tribunal (LPAT), now referred to as the Ontario Land Tribunal (OLT), under Case Number PL170714. Those applications were subject to two hearings at the Tribunal, which ultimately resulted in approval of amendments to the Official Plan and Zoning By-Law and execution of Minutes of Settlement between the City and the property owner. These approvals allow for development of the site with a 19-storey mixed-use development with a podium and tower form that includes at grade commercial and gallery space and a total of 203 new homes.

On September 5, 2024, a minor variance application was submitted by Homestead Land Holdings Ltd. with respect to the property municipally addressed as 55 Queen Street in the North Block area (also referred to as “Block 3”) of Downtown Kingston. Land use permissions for the development of a 19-storey tall mixed-use building were approved in 2021 by decision of the Ontario Land Tribunal (OLT) which amended the City’s Official Plan and zoning by-law, and recognized Minutes of Settlement between the City and the owner (Exhibit H – Height Map).

The subject property is designated as Central Business District in the Official Plan (Exhibit D – Official Plan Schedule 3A), is located within Site Specific Policy Area 66, as shown on Schedule 3-D of the Official Plan, intended to accommodate a mixed use, high-rise residential building. The Official Plan recognizes the special status of the North Block Central Business District Area as an area in the city core which was assessed in the context of an urban design study, analyzing the potential for long-term intensification and development of the area.

Following Council’s approval of administrative zoning by-law amendments on July 9th, 2024, the site is considered a Red Exception in that it is zoned a site specific Central Business System Zone (C1-47-H) in the former Downtown and Harbour Zoning By-Law Number 96-259, as amended and Downtown Zone 1 (DT1) under the Kingston Zoning By-Law 2022-62, as amended (Exhibit E – Zoning By-Law Number 2022-62). Transition provisions were included in the text of each former zoning by-law to ensure that existing development applications can proceed in accordance with the provisions as they existed in the zoning by-law at the time of the application.

Since this property is currently subject to an active Site Plan Control application under City File D11-003-2024, and the applicant had submitted a complete Site Plan Control Pre-Application (City File D02-005-2024) prior to July 9<sup>th</sup>, 2024, the owners are looking to apply Transition Clause 10.b. on Schedule ‘A’ to By-law Number 2024-337 to allow this minor variance application to be reviewed against the former Downtown and Harbour Zoning By-Law Number 96-259.

The applicant is seeking variances for the maximum rooftop projection provisions for the required mechanical equipment and the permitted yard projections for canopies and awnings

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above doors and windows of the Downtown and Harbour Zoning By-Law Number 96-259 to support the functional and aesthetic needs associated with the proposed as-of-right development for a 19-storey mixed-use building on the subject property.

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

- Site Plan (Exhibit F)
- Site Survey
- Roof Plans, Elevations and Perspective (Exhibit G)
- Planning Justification prepared by Arcadis Professional Services and dated August 28, 2024

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.

Following the Committee of Adjustment decision regarding this application for minor variance, the proposed development will also be subject to the concurrent Site Plan Control (City File D11-003-2024) and a future hold removal application which will require separate approvals.

### **Site Characteristics**

The subject property is located in Downtown Kingston in the North Block Area, on the north side of Queen Street bounded between King Street East to the east and Wellington Street to the west (Exhibit B – Key Map). The property is approximately 4,351 square metres in size with frontage on multiple roads, having 45 metres of frontage on Wellington Street and 100 metres of frontage on Queen Street - both considered Arterial Roads - and 45 metres of frontage on King Street East, which is considered a Collector Road as shown on Schedule 4 of the Official Plan. The site was previously occupied by the municipally operated Drury parking lot and is currently being used for the purpose of construction staging and parking for the ongoing construction project at 18 Queen Street and 282 Ontario Street, also referred to as Block 5 in the North Block Area. Similar to 55 Queen Street, land use permissions for the development of a 23-storey tall mixed-use building was approved in 2021 by the same OLT decision.

The property is surrounded by a range of uses and building forms found in the Downtown area of Kingston including commercial, residential, parks and open space, and surface parking areas (Exhibit C – Neighbourhood Context Map). To the north, the property directly abuts commercial buildings at 235-237 Wellington Street & 64 Barrack Street (this site includes Goodlife Fitness and a community arts centre) and 34 Barrack Street (LCBO) that range from 1 to 2.5 storeys in height. The surrounding area contains similar mixed-use forms ranging from 1 to 4 storeys in height, with some buildings containing a mix of commercial and residential while others remain solely commercial or residential (Exhibit I – Site Photos).

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## 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:

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

The subject property is designated Central Business District as shown in Schedule 3A – Land Use and is subject to Site Specific Policy Number 66 in Schedule 3-D in the City of Kingston Official Plan (Exhibit D – Official Plan, Existing Land Use Map). The property is also located within the North Block Area of the Downtown and Harbour Specific Policy Area and identified as a Major Development Site.

The goal of the Central Business District is to provide for the broadest range of commercial activity that is suitable to the Central Business District setting, in order to support the traditionally diverse role and pedestrian oriented activity focus of the City's architecturally valuable downtown core. The Site Specific Policy 66 is intended to provide for the broadest range of commercial activity that is suitable to the Central Business District setting, in order to support the traditionally diverse role and pedestrian oriented activity focus of the City's architecturally valuable downtown core. To provide for the broadest range of commercial activity that is suitable to the Central Business District setting, in order to support the traditionally diverse role and pedestrian oriented activity focus of the City's architecturally valuable downtown core.

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 proposed development implements the Official Plan permissions established through an Official Plan amendment approved by the OLT November 4, 2021. As demonstrated through hearing evidence and affirmed by the Tribunal's decision, the 19-storey mixed-use development meets the general intent and purpose of the Official Plan and represents an appropriate and compatible land use. The requested variances for size and height related to the mechanical equipment and canopy projection will not result in undue adverse effects on the surrounding neighbourhood as the applicant is looking to incorporate mitigative measures to improve the visual impact of the mechanical equipment and will allow for improvements to the public realm through additional opportunities for protection from the elements and improve streetscape

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aesthetic via the proposed canopies along the lot lines. The proposed 19-storey mixed-use building complies with all building height, setback, stepback, tower floorplate of Zoning By-Law 96-259 which regulates the massing and overall footprint of the building as determined through the Minutes of Settlement. The subject property is not designated under the *Ontario Heritage Act*. However, it is in close proximity to a number of listed and designated properties, including the Public Utilities Commission substation #1 to the east on the opposite side of King Street East.

In regard to functional needs of the site users, the site plan included in Exhibit F illustrates that vehicular access will be off Wellington Street and King Street to 57 surface parking spaces and the required loading space. Approximately an additional 213 vehicle parking spaces are provided to two levels of underground parking, access from a down ramp on the north side of the podium. Long-term bike parking spaces are included internal to the building, with 20 bike spaces located at grade. Sidewalks are present along all three frontages, providing opportunity for safe passage of residents and visitors of the subject lands. Pedestrian entrances to the proposed ground floor commercial are located along King Street and Queen Street with access to the gallery space to be provided along Wellington Street and Queen Street.

The requested minor variances do not impact the development's ability to comply with the Official Plan, nor its compatibility with surrounding land uses, as further review in the below sections. The proposal meets the intent of the Official Plan, as the proposed development will introduce a mix of uses, including a commercial space, gallery space and 203 new homes in a high-density form into the North Block area, and area intended for intensification, 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 site is considered a Red Exception in that it is zoned a site-specific Central Business System Zone (C1-47-H) in the former Downtown and Harbour Zoning By-Law Number 96-259, as amended and Downtown Zone 1 (DT1) under the Kingston Zoning By-Law 2022-62, as amended (Exhibit E – Zoning By-Law Map). Transition provisions were included in the text of each former zoning by-law to ensure that existing development applications can proceed in accordance with the provisions as they existed in the zoning by-law at the time of the application

The site-specific C1-47-H Zone on the subject lands regulates development of the parcel using a schedule (Exhibit H – Height Map) that identifies the required setbacks, stepbacks, heights (in metres and storeys) for the future development. The Site Plan indicates an overall building height of 61.9 metres for “occupied” floor space, with the upper mechanical penthouse and mechanical units reaching a height of 67.4 metres. The C1-47-H Zone permits a maximum height of 63 metres (19 storeys), not including mechanical elements as shown in Exhibit H, with no maximum lot coverage or density provisions applying. The amending zoning by-law contains an exemption for building height as it relates to the erection of decorative, functional, or mechanical elements but does not specifically identify an exemption from the Height Restriction Exceptions under Section 5.19. or the Permitted Yard Projections under Section 5.29. of the By-Law 96-259. The planning consultant notes that having been involved in the crafting of the site-



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specific provision, it is their understanding that this site-specific provision was intended to replace Section 5.19 of the General Provisions of Zoning By-law 96-259 which speaks to Height Restrictions Exceptions, although it is recognized this is not explicitly stated. Given the ambiguity, Staff have advised it should be interpreted to apply in conjunction with Section 5.19 of the Downtown and Harbour Zoning By-law.

The C1-47-H Zone permits a range of commercial and non-commercial uses as identified in Section 7.1 of By-Law 96-259. As indicated earlier in the report, the intent of the proposal is to facilitate a 19 storey mixed-use building which includes commercial space at the corner of King Street and Queen Street with Art Gallery Space provided at the corner of Wellington Street and Queen Street. The subject property is also subject to a Holding Overlay. Prior to the removal of the Holding Overlay, a Record of Site Condition prepared and registered by a qualified person or defined by the municipality and is completed to the satisfaction of the municipality with demonstrated adherence to all municipal and provincial requirements.

The proposal requires variances from the height restriction exceptions and canopy projection standards, as detailed below.

**Variance Number 1:** Height Restrictions Exceptions – Maximum Height

By-Law Number 96-259: 5.19(i)i  
Requirement: 3.5 metres  
Proposed: 5.6 metres  
Variance Requested: 2.1 metres

**Variance Number 2:** Height Restrictions Exceptions – Maximum Area

By-Law Number 96-259: 5.19(i)ii  
Requirement: 10%  
Proposed: 43%  
Variance Requested: 33%

**Variance Number 3:** Height Restrictions Exceptions – Maximum Length

By-Law Number 96-259: 5.19(i)iii  
Requirement: 50%  
Proposed: 68%  
Variance Requested: 18%

It is important to note that under the recent administrative amendments, passed by Council July 9<sup>th</sup> of 2024, updates were made to the Kingston Zoning By-Law 2022-62 as it relates to the maximum height projection of mechanical and other building components on a rooftop, increasing it to 5 metres (from 3.5 metres) and the maximum area, increasing it to 30% (from 10%). The proposed amendment reflects staff's experiences working on development applications and is more reflective of the construction needs of a multi-unit residential building.

The requested variance maintains the general intent and purpose of the zoning by-law as the proposed approach will look to place and potentially screen the mechanical equipment from views at-grade and provide for a more pleasant aesthetic of the required equipment, rather than

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having exposed mechanical units on the upper floor. The applicant notes that the height of the proposed tower at 61.9 metres is permitted by the site-specific zoning, where the height map identifies as maximum height of 63 metres, not including mechanical elements. To lessen the impact of the projection, the applicant has identified the inclusion of a parapet to minimize the appearance of the mechanical penthouse and unenclosed mechanical equipment protruding above the top of the parapet (Exhibit G). The intent of the rooftop projection in the zoning by-law is to allow for the functional needs of a building to be met while limiting the permitted size of those elements to ensure that the functional projections do not appear as an additional storey and affect the visual aesthetic of the building from grade. In light of the recent amendments to the Kingston Zoning By-Law, relief of 0.6 metres would be required.

The applicant notes that the increase to the maximum area associated with the mechanical equipment is being sought in light of the smaller tower floorplate on the 19<sup>th</sup> floor (560.8 square metre) rather than through floors 6 to 18 which have a floorplate of 784 square metres. In light of the smaller floorplate on the 19<sup>th</sup> floor, to improve the overall look of the tower and reduce the impact of the upper floors, a greater variance is being sought under By-Law 96-259 to this particular requirement versus if the 19<sup>th</sup> floor maintained the same floorplate as floors 6 through 18<sup>th</sup> which would have ultimately been permitted under the updated amendments to the Kingston Zoning By-Law 2022-62. Although the requested relief appears greater under Zoning By-Law 96-269, it will ultimately allow for improvements to the overall aesthetic of the required mechanical equipment to support the construction of the 19-storey mixed use building.

**Variance Number 4:** Permitted Yard Projections – Minimum Setback from Lot Line for Canopies and Awnings Above Doors and Windows

By-Law Number 96-259: 5.29

Requirement: 0.5 metres

Proposed: 0 metres

Variance Requested: 0.5 metres; and

The intent of the setback associated with canopies and awnings above doors is to ensure that canopies can be maintained and will not encroach into the public realm and affect municipal operations, such as winter snow plowing. Canopies and awnings are permitted to project a maximum 1.8 metres from the foundation wall of the building. However, given the reduced building setbacks granted through the amending zoning by-law and associated height map found in Exhibit H, there is only 0.75 metres of space between the main wall and the southern lot line for the canopy to extend into with no opportunity to meet the required 0.5 metre setback from the southern lot line.

It is important to note that the proposed canopies will remain within the limits of the subject lands along the Queen Street frontage and will provide adequate clearance from a municipal maintenance perspective, given the minimum ground floor height of 4.5 metres in the site-specific zone under Section 7.3.47.2.(k)(i) of By-Law 96-259. The proposed canopies will provide weather protection and improve the overall pedestrian aesthetic along the Queen Street frontage of the proposed building. In addition, recent changes were made to the Kingston Zoning By-Law 2022-62, which include revisions to projections of certain architectural features

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into required setbacks. Section 4.19.1. identifies that in the DT1 Zone, setback provisions do not apply to canopies and awnings above doors and windows. Given the recent change under the Kingston Zoning By-Law, it is staffs opinion that the requested variance maintains the general intent and purpose of the zoning by-law.

**3) The variance is minor in nature**

The variances are considered minor as the proposed mechanical and service equipment which projects from the roof will not detract from the overall look and appearance of the built for as a 19 storey (63 metre) mixed-use building and mitigative measures are being contemplated through the placement and potential use of visual screens. The variance to extend the proposed canopies along the Queen Street frontage will allow for an improved pedestrian realm, providing opportunities for shelter from the elements and improved aesthetic along the public sidewalk. The location is appropriate and remains within the bounds of the subject lands with no encroachments into the municipal right-of-way. The variances are considered minor as the projection of the mechanical equipment and canopies will not have adverse impacts on surrounding properties and improve the overall massing of the proposed building.

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

The site-specific zoning for the site was intended to provide flexibility with respect to height projections to allow for changes as a result of the detailed design leaving regulation of these elements up to Staff’s discretion at the Site Plan Control stage given the scale and complexity of the development. The mechanical equipment and penthouse as proposed are necessary for the functional operation of a building of this size and mitigation measures have been utilized to minimize its appearance ensuring that the general built form of the building is maintained.

The proposed variance is desirable and appropriate to support the functional needs of the building and facilitates development of the property with a 19-storey mixed-use building which will introduce additional commercial floor area, a gallery space, and 203 new homes into the Kingston market.

**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"/> 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 type="checkbox"/> Housing                      | <input type="checkbox"/> District Councillor           | <input checked="" type="checkbox"/> Ministry of Transportation |
| <input type="checkbox"/> KEDCO                        | <input 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                 |

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### **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 comments have been received on the application. 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**

- Official Plan and Zoning By-Law Amendment (D09-039-2015 & D14-146-2015)
- Site Plan Control Pre-App (D02-005-2024)
- Site Plan Control (D11-003-2024)

### **Conclusion**

The requested variances maintain the general intent and purpose of both the City of Kingston Official Plan and Zoning By-Law Number 96-259. The proposal is desirable for the appropriate development or use of the land, building or structure and the requested variance(s) are minor in nature. As such, the proposed application meets all four tests under Subsection 45(1) of the *Planning Act* and the application is being recommended for approval, subject to the proposed conditions.

Approval of this application will permit the construction of the rooftop mechanical equipment and implementation of canopies to support the functional needs and at grade aesthetic of the permitted 19-storey mixed-use building.

### **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

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Downtown and Harbour Zoning By-Law Number 96-259

**Notice Provisions:**

A Committee of Adjustment Meeting is going to be held respecting this application on November 18, 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 45 properties (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 H – Public Notice 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:**

James Bar, Manager, Development Approvals, 613-546-4291 extension 3213

Niki Van Vugt, Intermediate Planner, 613-546-4291 extension 3253

**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, Existing Land Use Map
- Exhibit E Zoning By-Law Map
- Exhibit F Site Plan

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Exhibit G Roof Plan, Elevations and Perspectives

Exhibit H Height Map

Exhibit I Site Photos

Exhibit J Public Notice Notification Map

## Recommended Conditions

The approval of minor variance application, File Number D13-071-2024, to vary the maximum rooftop projection and canopy projection provisions to support the development of the property with a 19-storey mixed-use building, shall be subject to the following recommended conditions:

### 1. Limitation

That the approved minor variance applies only to size and location of rooftop mechanical equipment and canopy projection to support the 19-storey mixed-use building, 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](mailto:archaeology@ontario.ca)) and City of Kingston's Planning Services (613-546-4291, extension 3180) must be immediately contacted.

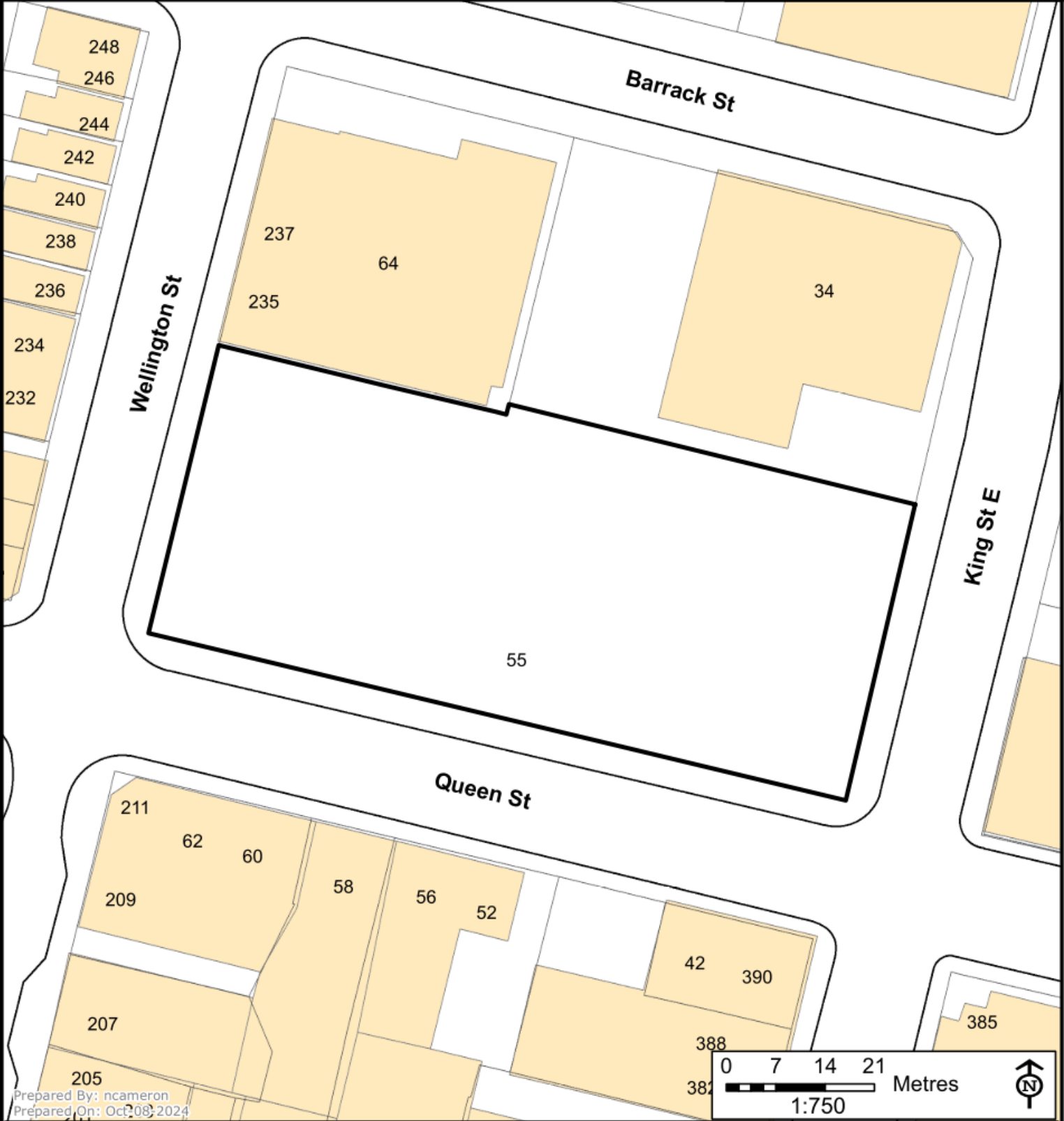
In the event that human remains are encountered, all work must immediately cease and the site must be secured. The Kingston Police (613-549-4660), the Office of the Chief Coroner as a part of the Ontario Ministry of the Solicitor General (1-877-991-9959), the Archaeology Program Unit of the Ministry of Citizenship and Multiculturalism ([archaeology@ontario.ca](mailto:archaeology@ontario.ca)), and City of Kingston's Planning Services (613-546-4291, extension 3180) must be immediately contacted.



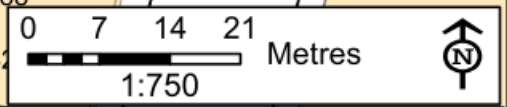
# Committee of Adjustment Key Map

Address: 55 Queen Street  
File Number: D13-071-2024  
Prepared On: Oct-08-2024

 Lands Subject to Minor Variance



Prepared By: ncameron  
Prepared On: Oct 08 2024



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# Committee of Adjustment Neighbourhood Context

Address: 55 Queen Street  
File Number: D13-071-2024  
Prepared On: Oct-08-2024

- Subject Lands
- Property Boundaries
- Proposed Parcels



Prepared By: neameron  
Prepared On: Oct-08-2024



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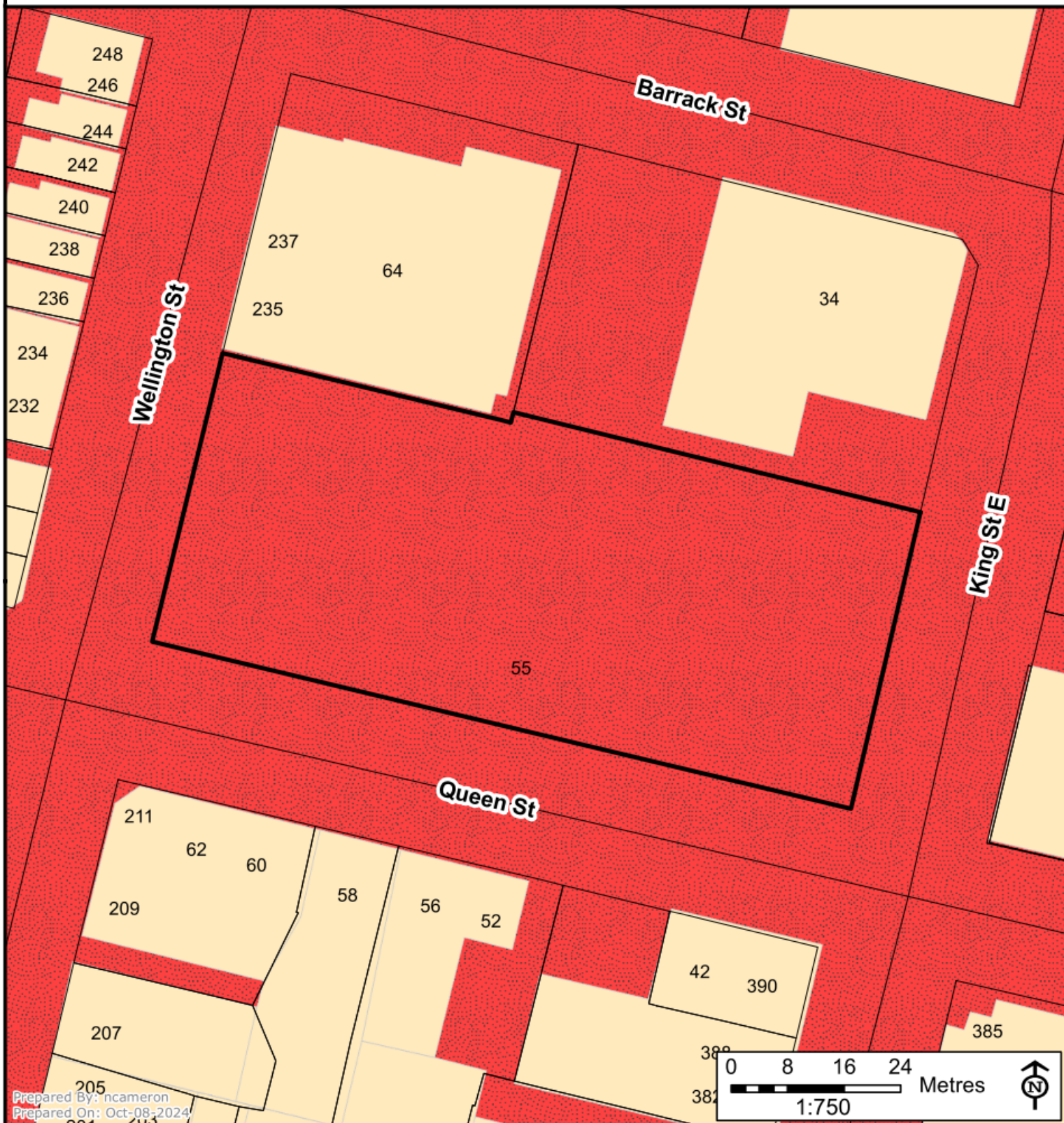


Committee of Adjustment  
Official Plan, Existing Land Use

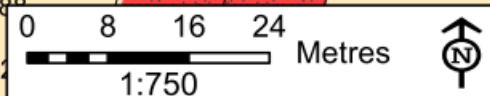
Address: 55 Queen Street  
File Number: D13-071-2024  
Prepared On: Oct-08-2024

Subject Lands

CENTRAL BUSINESS DISTRICT



Prepared By: ncameron  
Prepared On: Oct-08-2024



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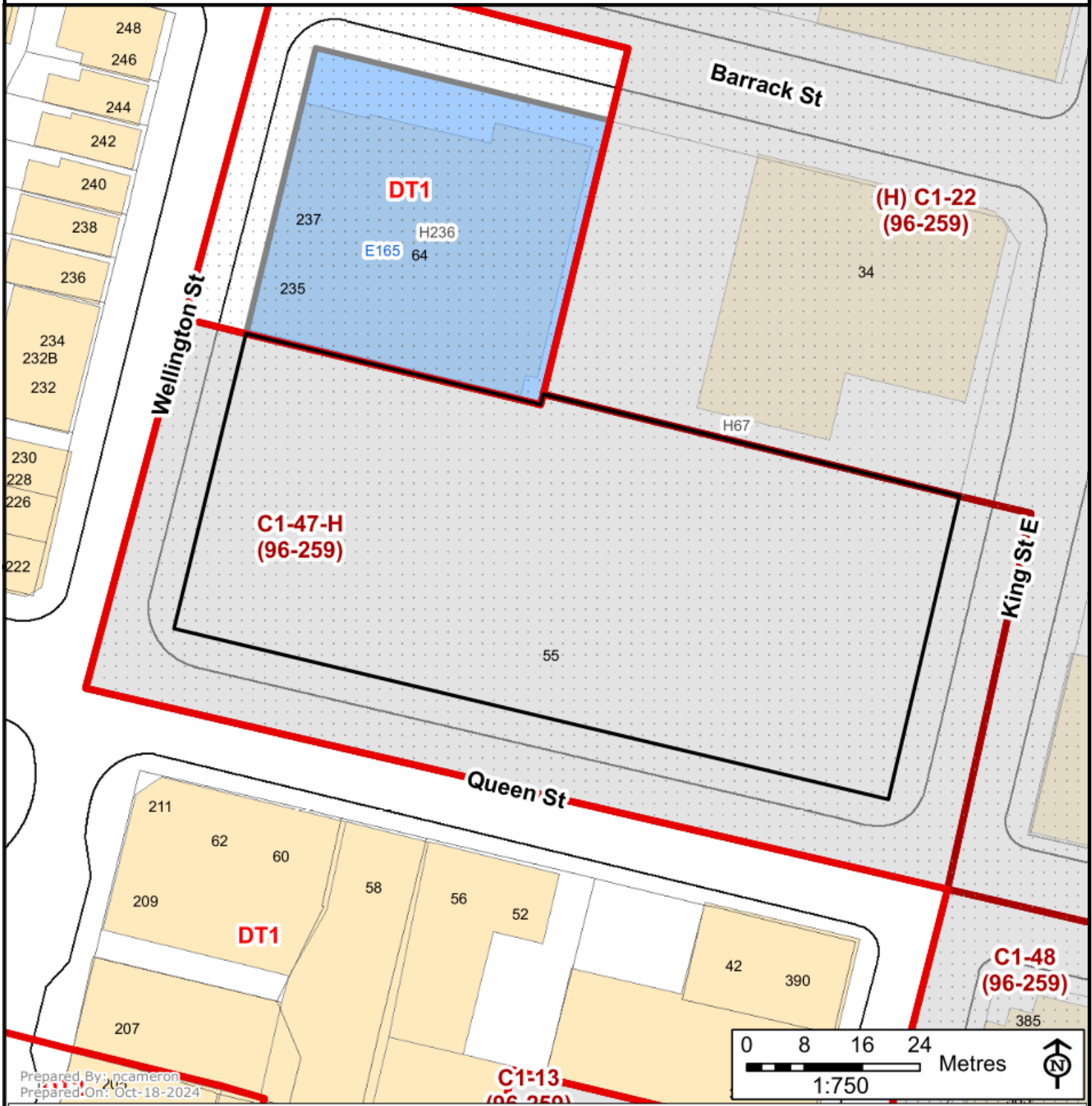


Planning Services

Committee of Adjustment  
Existing Zoning  
Kingston Zoning By-Law 2022-62

Address: 55 Queen Street  
File Number: D13-071-2024  
Prepared On: Oct-18-2024

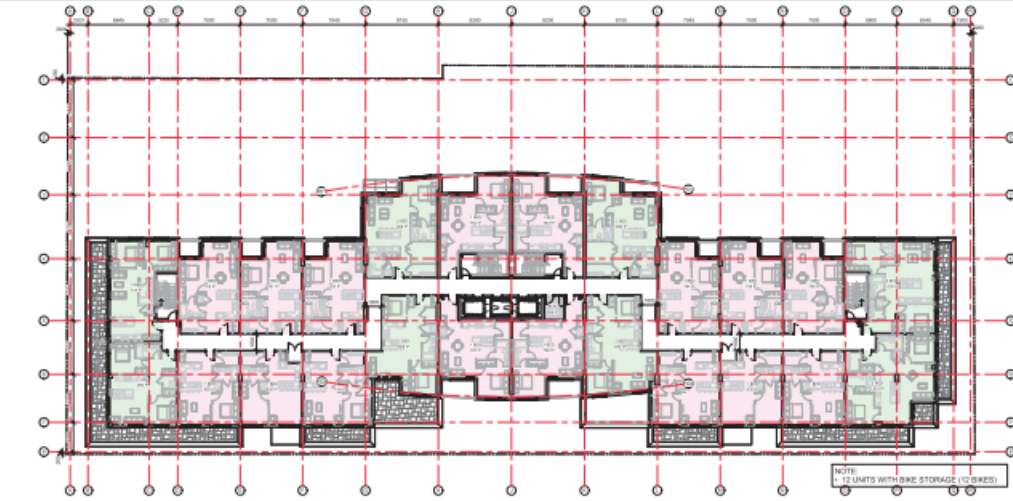
- Subject Lands
- Schedule 1 Zoning Map
- Zone
- Red Exception
- Schedule E - Exception Overlay
- Legacy Exceptions (LXXX)
- Exceptions (EXXX)
- Schedule F - Holding Overlay
- Holding Overlay (HXXX)



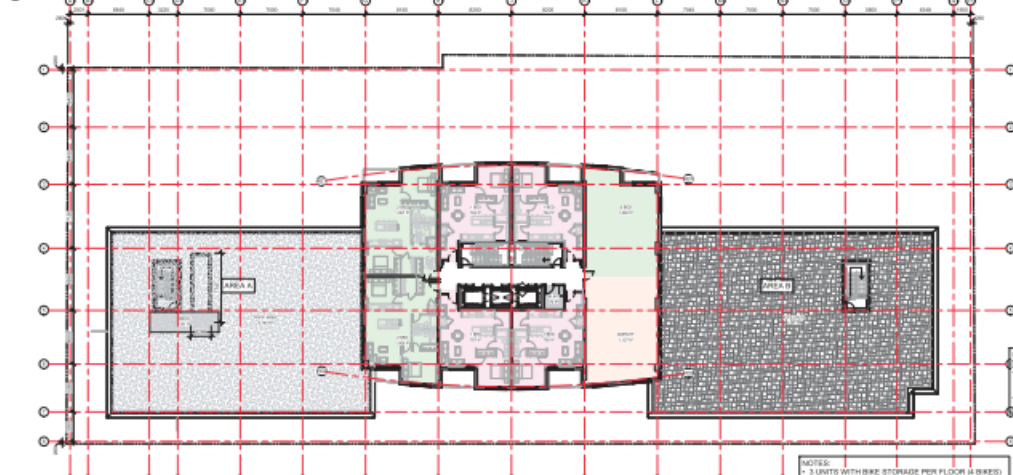
Prepared By: ncameron  
Prepared On: Oct-18-2024

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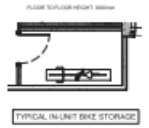




15 FLOOR PLAN



16 FLOOR PLAN



NOTE:  
12 UNITS WITH BIKE STORAGE (12 BIKES)

NOTE:  
TOTAL ROOF AREA ON 16 = AREA A + AREA B = 12039 SQF.  
MECHANICAL AREA = 191 SQF = 1.5% OF TOTAL ROOF AREA.

NOTE:  
3 UNITS WITH BIKE STORAGE PER FLOOR (6 BIKES)

IT IS THE RESPONSIBILITY OF THE APPLICANT/OWNER TO VERIFY THAT ALL DIMENSIONS SHOWN ARE ACCURATE TO THE PROJECT AS SHOWN ON THE ARCHITECT'S DRAWINGS. THE APPLICANT/OWNER SHALL VERIFY ALL DIMENSIONS SHOWN ARE ACCURATE TO THE PROJECT AS SHOWN ON THE ARCHITECT'S DRAWINGS. THE APPLICANT/OWNER SHALL VERIFY ALL DIMENSIONS SHOWN ARE ACCURATE TO THE PROJECT AS SHOWN ON THE ARCHITECT'S DRAWINGS. THE APPLICANT/OWNER SHALL VERIFY ALL DIMENSIONS SHOWN ARE ACCURATE TO THE PROJECT AS SHOWN ON THE ARCHITECT'S DRAWINGS.

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**HOMESTEAD**  
 HOMESTEAD  
 ARCHITECT  
 rla/architecture  
 55 Queen St. East, Toronto, Ontario M5C 1S5  
 416-593-7888  
 www.rlaarchitecture.ca  
 PROJECT:  
 55 QUEEN ST  
 55 Queen St. Kingston, Ontario  
 SHEET NO:  
 FLOOR PLANS  
 DRAWN:  
 G.S.  
 CHECKED:  
 J.S.  
 SCALE:  
 As Indicated  
 PROJECT NO:  
 1511  
 SHEET NO:  
**A-103**

I am the responsible party for the information contained in this report and I warrant that the information is true and correct to the best of my knowledge and belief.

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REVISED FOR 2015 BUILDING CODES	024-18-13
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REVISED FOR 2015 BUILDING CODES	024-18-49
REVISED FOR 2015 BUILDING CODES	024-18-50

DATE: 02/18/2015

SCALE: 1/8" = 1'-0"

PROJECT: 55 QUEEN ST

CLIENT: HOMESTEAD

ARCHITECT: rla/architecture  
55 Queen St. East, Ontario M1S 2J8  
416.593.7652 1453 DAVIDSON

PROJECT: 55 QUEEN ST

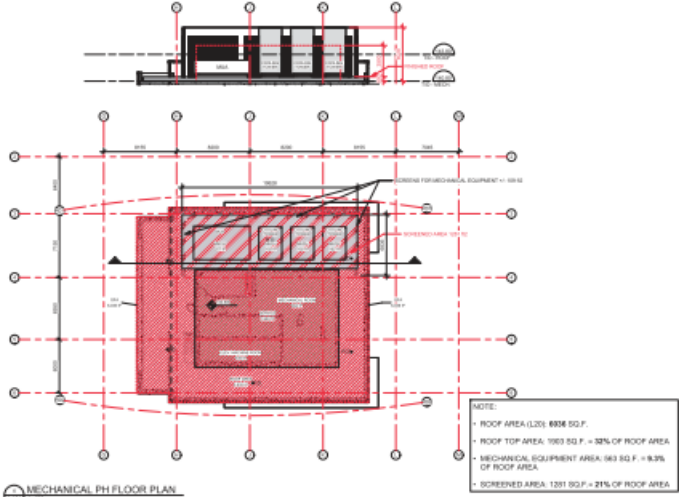
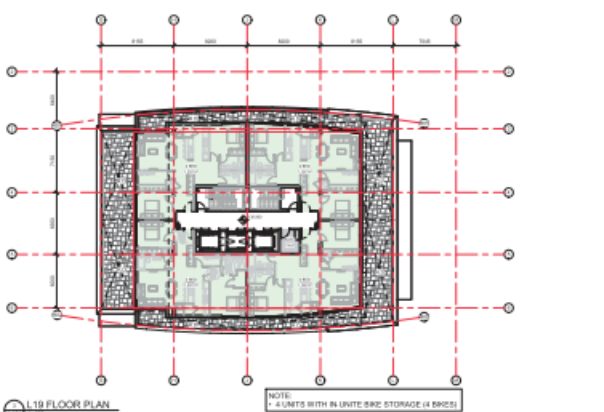
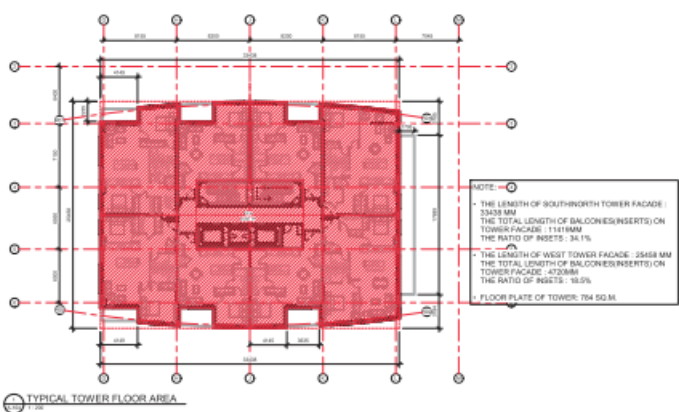
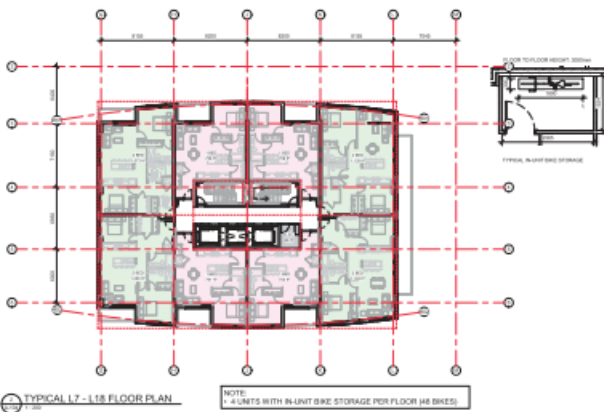
55 Queen St. Kingston, Ontario

DATE: 02/18/2015

FLOOR PLANS

DESIGNER: G.E.	CHECKED: J.S.
DATE: As Indicated	DATE: As Indicated
PROJECT: 1511	PROJECT: 1511

A-104



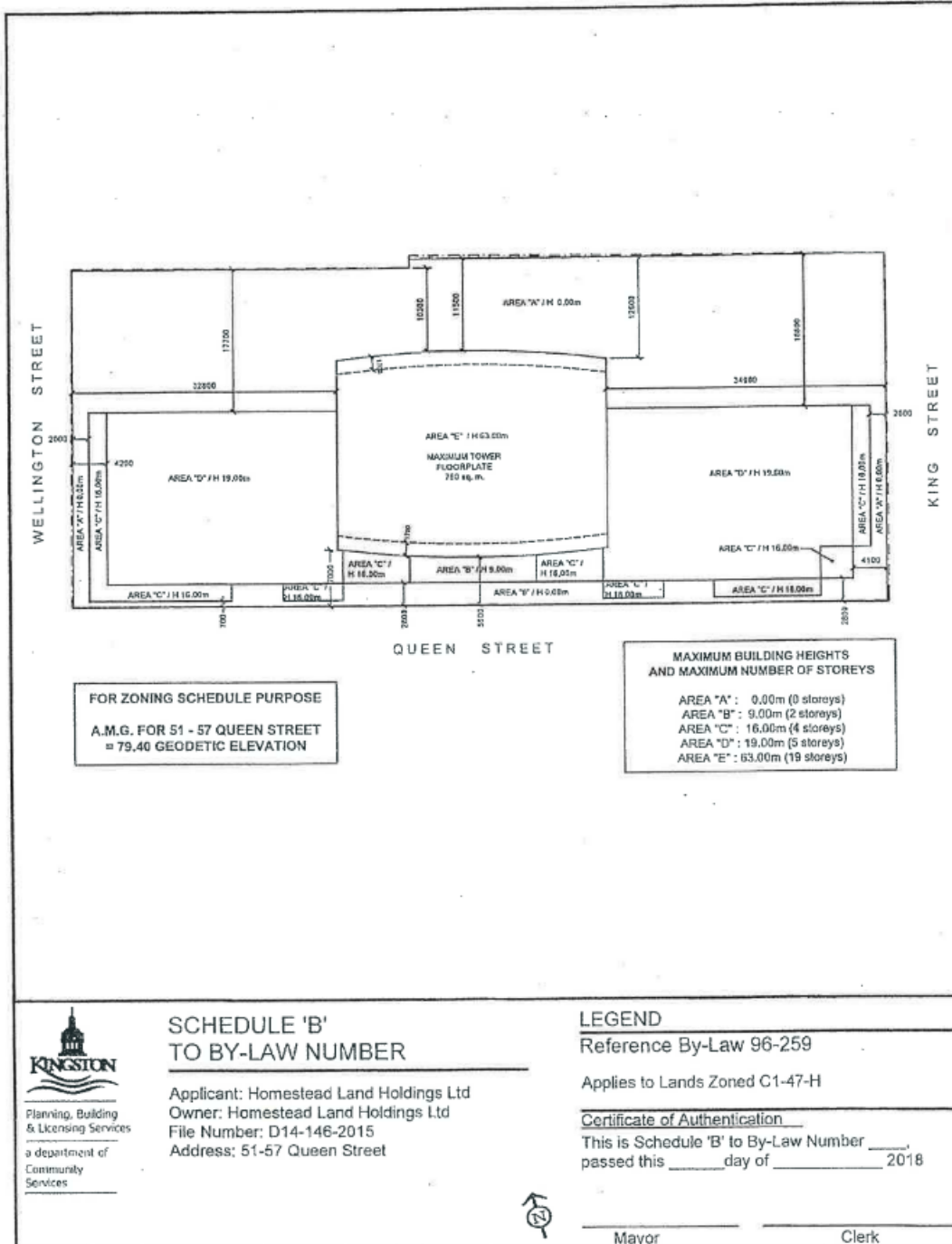












**SCHEDULE 'B'  
TO BY-LAW NUMBER**

Applicant: Homestead Land Holdings Ltd  
Owner: Homestead Land Holdings Ltd  
File Number: D14-146-2015  
Address: 51-57 Queen Street

**LEGEND**

Reference By-Law 96-259

Applies to Lands Zoned C1-47-H

Certificate of Authentication

This is Schedule 'B' to By-Law Number \_\_\_\_\_,  
passed this \_\_\_\_\_ day of \_\_\_\_\_ 2018



\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk

Site Photos – 55 Queen Street

City File D13-071-2024



**Figure 1:** Front facing view of the of the subject property at 55 Queen Street, taken from the Queen Street frontage (October 22, 2024).



**Figure 2:** Front facing view of the subject property taken from the Queen Street frontage (October 22, 2024).



**Figure 3:** Existing sidewalk located along the Queen Street frontage of the subject property (October 22, 2024).



**Figure 4:** Existing built form located south of the property on the south side of Queen Street (October 22, 2024).



**Figure 5:** Existing built form on the south side of Queen Street, taken October 22, 2024.





**Figure 6:** View of 18 Queen Street and 282 Ontario Street, currently under construction, located southeast of the subject property on Queen Street (October 22, 2024).



**Figure 7:** Existing property located across King Street East frontage at 29 Queen Street (October 22, 2024).



**Figure 8:** Existing sidewalk located along the King Street East frontage of the subject property (October 22, 2024).



**Figure 9:** View from the King Street East frontage of the subject property at 55 Queen Street (October 22, 2024).



**Figure 10:** Example of commercial use within walking distance of the subject property located at 33 Barrack Street (October 22, 2024).



**Figure 11:** Example of commercial use north of the subject property located at 34 Barrack Street (October 22, 2024).



**Figure 12:** Example of existing commercial use north of the subject property located at 64 Barrack Street, shown on the Wellington Street frontage of the subject property with existing sidewalk conditions (October 22, 2024).



**Figure 13:** Example of existing mixed-use opportunities and varied built form along the Wellington Street frontage, west of the subject property at 55 Queen Street (October 22, 2024).

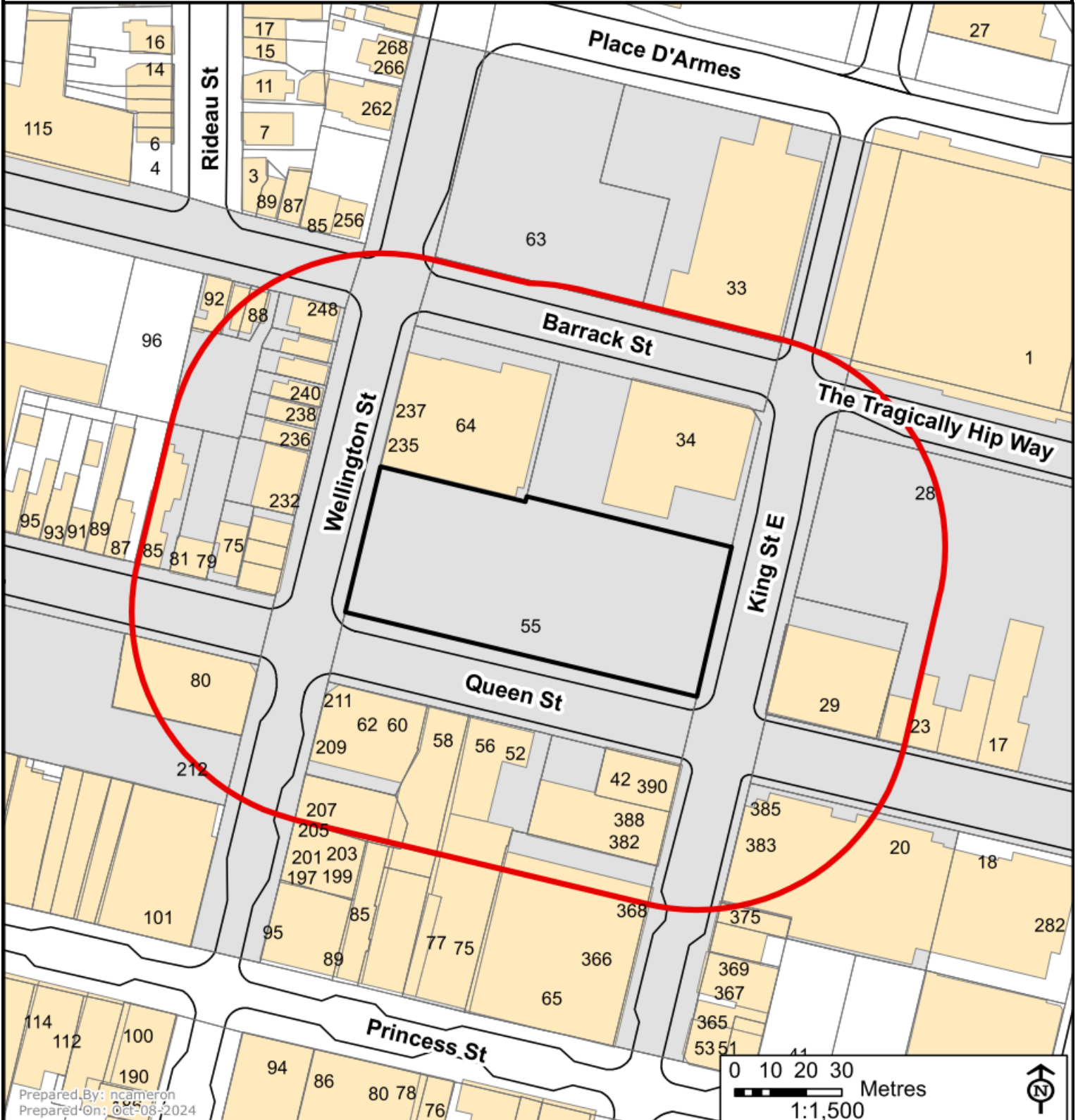




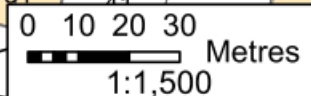
# Committee of Adjustment Public Notice Notification Map

Address: 55 Queen Street  
File Number: D13-071-2024  
Prepared On: Oct-08-2024

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



Prepared By: ncameron  
Prepared On: Oct-08-2024



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