



**City of Kingston
Committee of Adjustment
Meeting Number 01-2024
Agenda**

**Monday, December 11, 2023 at 5:30 p.m.
Hosted at City Hall in Council Chamber**

Please provide regrets to Iain Sullivan, Committee Clerk at 613-546-4291, extension 1864 or isullivan@cityofkingston.ca

Committee Composition

Ken Dakin
Douglas Perkins
Gaurav Rehan
Jeff Scott
Somnath Sinha
Peter Skebo
Jordan Tekenos-Levy

- 1. Election of Officers**
- 2. Meeting to Order**
- 3. Approval of the Agenda**
- 4. Confirmation of Minutes**
 - a) **That** the minutes of Committee of Adjustment Meeting Number 12-2023, held Monday, November 13, 2023, be approved.
- 5. Disclosure of Pecuniary Interest**
- 6. Delegations**

7. Request for Deferral

8. Returning Deferral Items

9. Business

a) Application for: Minor Variance

File Number: D13-065-2023

Address: 1586 Centennial Drive

District: District 2 – Loyalist-Cataraqui

Owner: Suncor Energy Inc.

Applicant: City of Kingston – Transportation Services

The Report of the Commissioner of Growth & Development Services (COA-24-007) is attached.

Schedule Pages 1 – 19

Recommendation:

That minor variance application, File Number D13-065-2023, for the property located at 1586 Centennial Drive to increase the maximum permitted width of the existing driveway along Centennial Drive, be approved, as described below:

Variance Number 1:

By-Law Number 2022-62: Section 7.4.10 (2)

- Requirement: The maximum width of a driveway within the required front setback or exterior setback is 9 metres.
- Proposed: The maximum width of a driveway within the required front setback or exterior setback is 12.2 metres.
- Variance Requested: 3.2 metres

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-007.

b) Application for: Minor Variance

File Number: D13-064-2023

Address: 525 & 555 Princess Street

District: District 9 – Williamsville

Owner: 9840478 Canada & 9840559 Canada Inc.

Applicant: Fotenn

The Report of the Commissioner of Growth & Development Services (COA-24-003) is attached.

Schedule Pages 20 – 45

Recommendation:

That minor variance application, File Number D13-064-2023, for the property located at 525 and 555 Princess Street to reduce the required parking, be approved, as described below:

Variance Number 1:

By-Law Number 2022-62: Table 7.1.1

- Requirement: 0.4 parking spaces per dwelling unit
- Proposed: 0.2 parking spaces per dwelling unit
- Variance Requested: 0.2 parking spaces per dwelling unit; and

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-003.

c) Application for: Minor Variance

File Number: D13-063-2023

Address: 390 Palace Road

District: District 9 – Williamsville

Owner: Roman Catholic Episcopal Corporation of the Diocese of Kingston in Canada

Applicant: Armando Sardinha

The Report of the Commissioner of Growth & Development Services (COA-24-005) is attached.

Schedule Pages 46 – 65

Recommendation:

That minor variance application, File Number D13-063-2023, for the property located at 390 Palace Road to facilitate the development of an office building addition, be approved, as described below:

Variance Number 1:

By-Law Number 2022-62: Table 12.5.1.5 – Minimum Rear Setback

- Requirement: 7.5 metres
- Proposed: 4.44 metres
- Variance Requested: 3.06 metres; and

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-005.

d) Application for: Minor Variance

File Number: D13-059-2023

Address: 5 York Street

District: District 11 – King's Town

Owner: Neil Glenn

Applicant: Neil Glenn

The Report of the Commissioner of Growth & Development Services (COA-24-001) is attached.

Schedule Pages 66 – 85

Recommendation:

That minor variance application, File Number D13-059-2023, for the property located at 5 York Street to permit the construction of a front porch, be approved, as described below:

Variance Number 1:

By-Law Number 2022-62: Table 4.20.4.2

- Requirement: 3.5 metres
- Proposed: 0.25 metres
- Variance Requested: 3.25 metres

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-001.

e) Application for: Minor Variance

File Number: D13-022-2023

Address: 1580 and 1600 Rockwell Drive

District: District 6 – Trillium

Owner: Homestead Land Holdings Limited

Applicant: Arcadis

The Report of the Commissioner of Growth & Development Services (COA-24-006) is attached.

Schedule Pages 86 – 126

Recommendation:

That minor variance application, File Number D13-022-2023, for the properties located at 1580 and 1600 Rockwell Drive for relief for privacy yard depth, berm and landscaping, balcony length and additional, visitor and car-share parking provisions, be approved, as described below:

1580 Rockwell Drive:

Variance Number 1:

By-Law Number 2022-62: Legacy Exception L89 (e) Privacy Yards (i) minimum depth and location at Apartment Dwelling Houses.

- Requirement: A privacy yard must be provided for Apartment Dwelling Houses with a minimum depth of 3.0 metres measured at right angles from such wall the window adjoins except at front entrance and rear entrance where a 1.5 metre yard is required.
- Proposed: A privacy yard must be provided for Apartment Dwelling Houses with a minimum depth of 1.5 metres measured at right angles from each

window located along such wall the window adjoins except at front entrance and rear entrance where a 1.5 metre yard is required.

- Variance Requested: 1.5 metres and parameters of width;

Variance Number 2:

By-Law Number 2022-62: Legacy Exception L89 (h) Parking (ii) minimum berm height and minimum width of landscaping strip if parking located within any yard adjacent to a street.

- Requirement: 1.0 metre high berm with a minimum 3.0 metres wide landscaping strip containing a mixture of coniferous and deciduous trees
- Proposed: Continuous landscaping containing a mix of multi-level planting beds, coniferous trees and deciduous trees
- Variance Requested: 1.0 metres high berm and 3.0 metre wide landscaping strip;

Variance Number 3:

By-Law Number 2022-62: 4.20.1.(2) Maximum horizontal length of each face of the main wall of each storey occupied by balconies.

- Requirement: 30%
- Proposed: North face: 33%, east face 38% and south face 33%
- Variance Requested: North face: 3%, east face 8% and south face 3%;

Variance Number 4:

By-Law Number 2022-62: 7.1.15.(2)(b) Permission to provide more parking spaces than the maximum, requirement for additional car-share spaces equipped with electric vehicle ready for every four additional parking spaces.

- Requirement: 6
- Proposed: 0
- Variance Requested: 6;

Variance Number 5:

By-Law Number 2022-62: Table 7.1.1.(1)(iii) Minimum visitor spaces

- Requirement: 24
- Proposed: 3
- Variance Requested: 21;

1600 Rockwell Drive:

Variance Number 6:

By-Law Number 2022-62: Legacy Exception L89 (e) Privacy Yards (i) minimum depth and location at Apartment Dwelling Houses.

- Requirement: A privacy yard must be provided for Apartment Dwelling Houses with a minimum depth of 3.0 metres measured at right angles from such wall the window adjoins except front entrance and rear where 1.5 metre is required.
- Proposed: A privacy yard must be provided for Apartment Dwelling Houses with a minimum depth of 1.5 metres measured at right angles from each window located along such wall the window adjoins except at front entrance and rear entrance where a 1.5 metre yard is required.
- Variance Requested: 1.5 metres and parameters of width;

Variance Number 7:

By-Law Number 2022-62: 4.20.1.(2) Maximum horizontal length of each face of the main wall of each storey occupied by balconies.

- Requirement: 30%
- Proposed: Southeast face: 33%, southwest face 38% and northwest face 33%
- Variance Requested: Southeast face: 3%, southwest face 8% and northwest face 3%;

Variance Number 8:

By-Law Number 2022-62: 7.1.15.(2)(b) Permission to provide more parking spaces than the maximum, requirement for additional car-share spaces equipped with electric vehicle ready for every four additional parking spaces.

- Requirement: 12
- Proposed: 0
- Variance Requested: 12;

Variance Number 9:

By-Law Number 2022-62: Table 7.1.1.(1)(iii) Minimum visitor spaces

- Requirement: 24
- Proposed: 3
- Variance Requested: 21.

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number CAO 24-006.

f) Application for: Minor Variance and Consent

File Number: D10-041-2023 & D13-062-2023

Address: 242 Alfred Street

District: District 9 – Williamsville

Owner: David Hamilton

Applicant: Fotenn Planning

The Report of the Commissioner of Growth & Development Services (COA-24-010) is attached.

Schedule Pages 127 – 152

Recommendation:

That minor variance application, File Number D13-062-2023 for the property located at 242 Alfred Street to provide relief for lot frontage, driveway width, interior setback, and interior setback of a porch on the severed lot, be approved, as described below:

Severed Lot:

Variance Number 1:

By-Law Number: 2022-62: Table 11.6.1.(2): Minimum Lot Frontage

- Requirement: 10 metres
- Proposed: 8.4 metres
- Variance Requested: 1.6 metres

Variance Number 2:

By-Law Number: 2022-62: Table 7.4.1.: Minimum Driveway Width

- Requirement: 3 metres
- Proposed: 2.5 metres
- Variance Requested: 0.5 metres

Variance Number 3:

By-law Number: 2022-62: 11.6.2.1 a) Where a common party wall is located along a lot line, the minimum interior setback is 0 metres along the lot with the common party wall and 3.0 metres from the other interior lot line and/or exterior lot line.

- Requirement: 3 metres
- Proposed: 2.7 metres
- Variance Requested: 0.3 metres

Variance Number 4:

By-Law Number: 2022:62: 4.20.4 Minimum interior setback for a porch greater than 0.6 metres up to 1.2 metres in height: Compliance with zone

- Requirement: 3 metres
- Proposed: 2.6 metres
- Variance Requested: 0.4 metres

That approval of the minor variance application be subject to the conditions attached as Exhibit A (Recommended Conditions – Minor Variance) to Report Number COA-23-010; and

That consent application, File Number D10-041-2023, to sever an approximately 446 square metre parcel with approximately 8.4 metres of frontage on Alfred Street, be provisionally approved subject to the conditions included in Exhibit B (Recommended Conditions – Consent) to Report Number COA-23-010.

g) Application for: Change to Provisional Consent Conditions

File Number: D10-020-2022

Address: 4085 and 4091 Bath Road

District: District 3 – Collins Bay-Bayridge

The Report of the Commissioner of Growth & Development Services (COA-24-011 is attached.

Schedule Pages 153 – 162

Recommendation:

That the Committee of Adjustment remove Condition 5 of the Notice of Decision for consent application, File Number D10-020-2022, pertaining to a required road widening.; and

That a new Notice of Decision be prepared reflective of the conditions approved as outlined in Report Number COA-23-037 and amended as per Report Number COA-24-011.

10. Motions

11. Notices of Motion

12. Other Business

13. Correspondence

14. Date of Next Meeting

The next meeting of the Committee of Adjustment is scheduled for Monday, January 22, 2024 at 5:30 p.m.

15. Adjournment