



**City of Kingston
Committee of Adjustment
Meeting Number 04-2024
Minutes**

**Monday, March 18, 2024 at 5:30 p.m.
Hosted at City Hall in Council Chamber**

Committee Members Present

Ken Dakin, Vice-Chair
Douglas Perkins
Gaurav Rehan
Jeff Scott
Somnath Sinha (arrived to meeting at 5:37 p.m.)
Jordan Tekenos-Levy

Regrets

Peter Skebo, Chair

Staff Members Present

Ian Clendening, Senior Planner
Amy Didrikson, Senior Planner
Annemarie Eusebio, Intermediate Planner
Genise Grant, Senior Planner
Christine O'Connor, Committee Clerk
Jason Partridge, Planner
Meghan Robidoux, Manager, Development Approvals
Jacon Slevin, Planner
Lindsay Sthamann, Intermediate Planner & Secretary Treasurer
Iain Sullivan, Committee Clerk

Others Present

Members of the public were present.

This is not a verbatim report.

Introduction by the Vice-Chair

The Vice-Chair reviewed the order of proceedings for the meeting and informed the public that any individuals with a personal interest in an application can receive written notice of a decision by emailing a request to the Secretary-Treasurer including their name, address, and the file number of the application.

Meeting to Order

The Vice-Chair called the meeting to order at 5:34 p.m.

Approval of the Agenda

Moved by Mr. Perkins

Seconded by Mr. Scott

That the agenda be amended to include the addendum and to re-order the business to deal with item f) first, and as amended, be approved.

Carried

Confirmation of Minutes

Moved by Mr. Perkins

Seconded by Mr. Tekenos-Levy

That the minutes of Committee of Adjustment Meeting Number 03-2024, held Monday, February 26, 2024, be approved.

Carried

Disclosure of Pecuniary Interest

There were none.

Delegations

There were none.

Request for Deferral

There were none.

Returning Deferral Items

There were none.

Business

a) Application for: Minor Variance

File Number: D13-010-2024

Address: 18 Queen Street and 282 Ontario Street

District: District 11 – King’s Town

Owner: 18 Queen Street Holdings

Applicant: Homestead Land Holdings Ltd.

Ms. Sthamann introduced the application.

Nancy Wartman, Agent for the Applicant, was present. She indicated that she had nothing further to add.

The Committee did not provide comment.

The Vice-Chair afforded members of the public an opportunity to speak. There were no comments received from the public.

Moved by Mr. Rehan

Seconded by Mr. Perkins

That minor variance application, File Number D13-010-2024, for the property located at 18 Queen Street and 282 Ontario Street to vary maximum rooftop projections provisions to support development of the property with a 23-storey mixed-use building, be approved, as described below:

Variance Number 1:

By-Law Number 96-259:5.19 (i) i) Height Restrictions Exceptions – Maximum Height

- Requirement: 3.5 metres
- Proposed: 5.6 metres Variance
- Requested: 2.1 metres

Variance Number 2:

By-Law Number 96-259:5.19 (i) ii) Height Restrictions Exceptions – Maximum Area

- Requirement: 10%
- Proposed: 17%
- Variance Requested: 7%

Variance Number 3:

By-Law Number 96-259:5.1.9 (i) iii) Height Restrictions Exceptions – Maximum Length

- Requirement: 50%
- Proposed: 55%
- Variance Requested: 5%; and

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-034.

Carried

b) Application for: Minor Variance

File Number: D13-012-2024

Address: 900-920 Gardiners Road

District: District 6 – Trillium

Owner: Braebury Properties Co.

Applicant: Braebury Properties Co.

Ms. Sthamann introduced the application.

Alex Splinter, Agent for the Applicant, was present. He stated that there would be no negative impacts from the variance.

Mr. Scott asked if there would be mitigation factors to reduce the potential loss of privacy. He noted that there were several old oak trees on the property and asked if they were going to be removed. Mr. Splinter stated that planter boxes and a slight rise in the grade would ensure privacy remains intact. He confirmed that no trees would be removed.

The Vice-Chair afforded members of the public an opportunity to speak. There were no comments received from the public.

Moved by Mr. Sinha

Seconded by Mr. Perkins

That minor variance application, File Number D13-012-2024, for the property located at 900-920 Gardiners Road to obtain relief from minimum privacy yards and visitor parking setbacks to support development of the site with three new 6-storey residential buildings, be approved, as described below:

Variance Number 1:

By-Law Number 76-26: 15(2)(o)(ii) – Privacy Yards for Parking Area or Driveway

- Requirement: 7.6 metres (25 feet)
- Proposed: 3 metres
- Variance Requested: 4.6 metres

Variance Number 2:

By-Law Number 76-26: 15(2)(o)(ii) – Privacy Yards for Pedestrian Access Surface

- Requirement: 3.7 metres (12 feet)
- Proposed: 1 metre
- Variance Requested: 2.7 metres; and

Variance Number 3:

By-Law Number 76-26: 16 (c) – Visitor Parking Location

- Requirement: 7.6 metres (25 feet) to street line and 3.1 metres (10 feet) to side lot line
- Proposed: 0.5 metres from street line and side lot line
- Variance Requested: 7.1 metres and 2.6 metres

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-033.

Carried

c) Application for: Minor Variance

File Number: D13-007-2024

Address: 283 Rideau Street

District: District 11 – King’s Town

Owner: Louise Demorest

Applicant: Arcadis

Ms. Sthamann introduced the application.

Holly Robber, Agent for the Applicant, was present. She indicated that she had nothing further to add.

The Committee did not provide comment.

The Vice-Chair afforded members of the public an opportunity to speak. There were no comments received from the public.

Moved by Mr. Tekenos-Levy

Seconded by Mr. Perkins

That minor variance application, File Number D13-007-2024, for the property located at 283 Rideau Street to construct an additional residential unit, be approved, as described below:

Variance Number 1:

By-Law Number 8499: Section 5.45(xxiv)(b) & 5.17(a)(ii)

- Requirement: Maximum lot coverage of 10% for detached Second Residential Unit
- Proposed: Maximum lot coverage of 15% for detached Second Residential Unit
- Variance Requested: 5%;

Variance Number 2:

By-Law Number 8499: Section 5.45(xvi)

- Requirement: The exterior entrance to a Second Residential Unit, shall be accessed by a minimum 1.2 metre wide unobstructed pathway.
- Proposed: The exterior entrance to a Second Residential Unit, shall be accessed by a minimum 1.1 metre wide unobstructed pathway
- Variance Requested: 0.1 metre;

Variance Number 3:

By-Law Number 8499: Section 5.45(xvii)

- Requirement: A “pathway” is defined as a hard surface treated path that is separately delineated from the driveway and provides pedestrian access.
- Proposed: A “pathway” is defined as a hard surface treated path that is separately delineated, but may be overlapping with driveway where no parking spaces are located, from the driveway and provides pedestrian access.
- Variance Requested: “pathway” may be overlapping with driveway where no parking spaces are located; and

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-026.

Carried

d) Application for: Minor Variance

File Number: D13-011-2024

Address: 386 & 390 Johnson Street and 40 Aberdeen Street

District: District 10 – Sydenham

Owner: Amber Peak Developments Inc.

Applicant: Fotenn Consultants Inc.

Ms. Sthamann introduced the application.

Youko Leclerc, Agent for the Applicant, was present. He noted that the property had been before the Committee previously. He stated that the proposed system was physically larger than originally planned, hence the requirement for a variance.

Mr. Scott asked if the rooftop amenity space was a requirement. He asked for clarification if there would be anything mechanical in the structure that would affect the space. Mr. Leclerc stated that the amenity space was required and would be expanded. He stated that the machinery would be screened in and would not interfere with the amenity space. He further stated that it would be reviewed at the Site Plan Control stage.

The Vice-Chair afforded members of the public an opportunity to speak. There were no comments received from the public.

Moved by Mr. Scott

Seconded by Mr. Tekenos-Levy

That minor variance application, File Number D13-011-2024, for the property located at 386 & 390 Johnson Street and 40 Aberdeen Street to allow rooftop mechanical and service building components to project above the maximum permitted height for an area occupying 30% of the roof area, be approved, as described below:

Variance Number 1:

By-Law Number 2022-62: Section 4.18.2

- Requirement: Despite the height provisions of this By-law, mechanical and service equipment is permitted to project a maximum of 3.5 metres above the maximum permitted height, with a maximum area of 10% of the roof area on which they are located, in the aggregate, and a minimum setback from the edge of the roof equal to the vertical height of such building component.
- Proposed: Permit mechanical and service equipment to occupy a maximum total of 30% of the roof area on which they are located.
- Variance Requested: 20%; and

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-027.

Carried

e) Application for: Permission

File Number: D13-008-2024

Address: 814 River Styx Lane

District: District 1 – Countryside

Owner: Rita Girard

Applicant: EGIS Group Inc.

Ms. Sthamann introduced the application.

Tory Beck, Agent for the Applicant, indicated that she had nothing further to add.

Mr. Perkins noted a correction in the wording.

Mr. Scott asked if the property would have issues with flooding due to its location and what mitigation measures had been taken. He asked for confirmation that the Cataraqui Region Conservation Authority and Parks Canada had been contacted due to the

planned drainage out to the Rideau Canal. Ms. Beck stated that mitigation measures were being investigated and that no impact on drainage was projected. She confirmed that contact with those agencies had been made.

The Vice-Chair afforded members of the public an opportunity to speak. There were no comments received from the public.

Moved by Mr. Scott

Seconded by Mr. Perkins

That the application for permission, File Number D13-008-2024, for the property located at 814 River Styx Lane to re-construct and enlarge an existing legal non-conforming dwelling, be approved; and

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-030.

Carried

f) Application for: Minor Variance

File Number: D13-005-2024

Address: 51 Alwington Avenue

District: District 10 – Sydenham

Owner: Rory Dyck

Applicant: Fotenn Consulting

Note: this item was dealt with prior to Business Item a).

Ms. Sthamann introduced the application.

Myles Weeks, Agent for the Applicant, was present. He noted that the applicant would be amendable to an amendment to preserve existing fencing on the property.

Mr. Tekenos-Levy asked for confirmation on the number of variances being sought. Mr. Weeks confirmed the number as six.

Mr. Scott asked for confirmation that there would be zero setback. He asked for further confirmation that no new structures would be built on the property. He asked if new windows would be installed in the converted garage. He expressed concern regarding the slope of the roof and inquired about changes to its pitch. Mr. Weeks confirmed that the proposal was to convert the garage which was on the property line and that no

physical changes would occur to the lot. He explained that new windows would be installed on all façades except for the southern one to eliminate overlook. He stated that no major plans were contemplated for the roof. Ms. Robidoux noted that if any substantial changes were made to the building, the applicant was required to demonstrate it would have no impact on the building's drainage.

Mr. Scott asked for an explanation on how maintenance would be performed on the southern side of the property. He inquired about any outreach the applicant had conducted to the neighbouring property owners. He asked why the rear lot line would not have a privacy fence installed. Mr. Weeks stated that the neighbours would have to work together regarding access for maintenance. He noted his awareness that the neighbours had commented on the proposal. He commented that the application was technical in nature. Ms. Robidoux explained that the City does have a by-law for the right of entry for maintenance.

Mr. Dakin noted that the existing building covered a part of the property line and asked if it was intended to provide more fencing on the property. He asked for an explanation on the variances related to parking. He further asked if there had been any communication with the neighbours about the proposal. Mr. Weeks confirmed that the intention was to provide fencing where possible. He stated that the intention to keep the northern fence came from discussions with the neighbour. Ms. Robidoux explained that the parking space would be made larger than standard to allow vehicles to back out safely.

Mr. Scott sought confirmation that the applicant had the right to install a secondary unit and that the variances were required only to make it fit on the property. He asked if there was a requirement for outdoor private amenity space. Ms. Robidoux confirmed that all urban residential properties have the right to up to three units and eight total bedrooms. She stated that the variances were intended to allow the new unit and limit impacts. She explained that the requirements for amenity space only apply for buildings with four or more units.

The Vice-Chair afforded members of the public an opportunity to speak.

Hugh Langly, 46 Alwington Avenue, noted that he had submitted a letter found in the addendum. He stated that there would be negative impacts from the application. He commented on the number of vehicles that are currently on the property and that extra units would increase this. He expressed concern that the laneway on the property would be blocked by vehicles. He asked where residents were supposed to park. He noted his objection to the proposal and the amount of general objections to the project.

John Curtis, 44 Alwington Avenue, noted the number of residents present at the meeting. He stated that the development would make the street very busy. He expressed concern for the safety of children in the neighbourhood. He pointed to the expanded size of the parking space and asked where snow would be stored on the property. He expressed further concern that the building would not have windows.

Marguerite Van Die, 60 Alwington Avenue, expressed her disapproval of the proposal. She stated her belief in the application being aimed at turning the property into a student rental. She commented on the number of variances and stated that they were not minor in nature. She asked that the City stop allowing variances that change the characteristics of neighbourhoods. She reiterated her belief that the application should be refused.

Amy Schuster, 47 Alwington Avenue, highlighted the lack of communication to the neighbouring properties about the application. She explained a previous interaction with the property owner and the direction to speak at the Committee meeting instead. She asked who would be benefiting from the application. She asked for an explanation on what the impacts to the existing residents of the street would be. She noted her belief that the proposal only has negative impacts.

Councillor Glenn expressed understanding that the applicant could add an additional residential unit but noted that the number of requested variances was problematic. She asked for confirmation on the current width of the driveway. She agreed with previous speakers about the number of vehicles that will likely park at the property. She asked for further confirmation on the parking restrictions on Alwington Avenue. She stated that the Committee should ensure that the fences are installed via a condition. She commented that applications needed to be examined in the broader context.

Susan McNeill, 31 Alwington Avenue, expressed concern regarding the change of use of the building. She noted that the building had been in disrepair for the last few years. She explained that she also owned rental property on the street and expressed concern about the number of short-term rental units on the street. She noted that parking had been restricted on the street due to the amount of parking that used to take place. She expressed her belief that the application was fundamentally changing the character of the neighbourhood away from single family housing.

In response to the public questions Mr. Weeks clarified that windows would be installed on all sides of the building with the exception of the southern one. He stated that the property manager would clear the snow to ensure that the parking space remained usable. He further stated that the project was not a student housing project but noted

that students would likely rent the unit. He stated that the proposal would allow the existing dwelling to remain unaltered. He expressed understanding regarding the impacts from parking and stated that the unit's lease would specify that it only had one parking space.

Mr. Weeks stated his belief that the application would help housing affordability. He noted that there would be retained greenspace due to the parking arrangement. He explained the property manager system that the owner used for the property. He confirmed that the driveway was three metres wide. He further stated that the number of variances was appropriate.

Mr. Weeks expressed support for the fencing variances to be clarified by the Committee. He stated his belief that the application had minimal impacts as the application was not changing the function of the property from residential usage. He further emphasized that tenants would not be permitted to park in the laneway.

Ms. Robidoux agreed with Mr. Weeks that the fencing variance could be amended to improve the language. She explained that the Zoning By-Law deals with the uses of the land and cannot consider the users of the land. She pointed to the Official Plan which includes elements that a potential reduction in parking must be reviewed against. She stated that staff believed that the application was consistent with other applications that had been brought before the Committee.

Ms. Robidoux explained that the parking restrictions on Alwington Avenue disallowed parking overnight on weekdays and during the afternoon and restricted the total amount of time allowed on the weekends. She confirmed that parking staff had been circulated on the application. She stated that increasing the number of units would improve affordability. She further stated that applications always have impacts and that staff believe that this applications impacts were not undue.

The Committee recessed from 6:50 to 6:57 p.m.

Mr. Tekenos-Levy pointed to his voting history and stated that he would not be voting in favour of the application as the variances were not minor.

Mr. Scott stated that the number of bedrooms in the proposed secondary unit made it difficult to support. He expressed his belief that the site was being overused.

Mr. Dakin agreed with the other members of the Committee.

Moved by Mr. Tekenos-Levy

Seconded by Mr. Scott

That minor variance application, File Number D13-005-2024, for the property located at 51 Alwington Ave to permit the conversion of a detached garage to a detached additional residential unit, be approved, as described below:

Variance Number 1:

By-Law Number 2022-62:7.1.1 – Minimum required parking space

- Requirement: 2 parking spaces
- Proposed: 1 parking space
- Variance Requested: 1 parking space.

Variance Number 2:

By-Law Number 2022-62:7.4.1 Minimum parking space provisions

- Requirement: Perpendicular to drive aisle: 2.6 metres by 5.5 metres with a minimum driveway width of 6.7 metres
- Proposed: 3 metres by 6 metres parking space with a 3 metre driveway width.
- Variance Requested: 0.6 metre parking space width and 3 metre minimum driveway width.

Variance Number 3:

By-Law Number 2022-62: 4.27.1.4(iv) : Walkway Provisions

- Requirement: A walkway that is separately delineated and measured distinctly from a required driveway. A vehicle must not park on top of any part of the walkway.
- Proposed: That a portion of the walkway overlaps with the driveway.
- Variance Requested: That the walkway be allowed to overlap with the driveway.

Variance Number 4:

By-Law Number 2022-62: 5.4.6.9 (ii): Minimum interior setback

- Requirement: 1.2 metre
- Proposed: 0 metre
- Variance Requested: 1.2 metre.

Variance Number 5:

By-Law Number 2022-62 : 5.4.6.9.(iv) : Maximum lot coverage

- Requirement: 10%
- Proposed: 14%
- Variance Requested: 4%

Variance Number 6:

By-Law Number 2022-62 : 5.4.6.9.(b) : Privacy fence requirement

- Requirement: A 1.8 metre privacy fence along all interior lot lines and rear lot lines adjacent to the rear yard.
- Proposed: A 1.8 metre privacy fence along the rear lot line, no privacy fence along the northern interior lot line and the southern interior lot line where an existing accessory building is located.
- Variance Requested: A 1.8 metre fence along the northern interior lot line and along the southern interior lot line where an existing accessory building is located.

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-024.

Lost, as Amended

(See Motion to Amend, which Carried)

Moved by Mr. Tekenos-Levy

Seconded by Mr. Scott

That the recommendation for Report Number COA-24-024 - Application for Minor Variance at 51 Alwington Avenue, be amended in Variance 6 as described in bold below:

Variance Number 6:

By-Law Number 2022-62 : 5.4.6.9.(b) : Privacy fence requirement

- Requirement: A 1.8 metre privacy fence along all interior lot lines and rear lot lines adjacent to the rear yard.
- Proposed: **A 1.8 metre privacy fence along the rear lot line, no privacy fence along the northern interior lot line and the southern interior lot line where an existing accessory building is located.**
- Variance Requested: A 1.8 metre fence along the **northern interior lot line and** along the southern interior lot line **where an existing accessory building is located.**

Carried

The Committee recessed from 7:01 to 7:15 p.m.

Moved by Mr. Tekenos-Levy

Seconded by Mr. Scott

That Application for Minor Variance – 51 Alwington Avenue be denied due to the following land use planning rational:

That the variances for parking and walkway provisions, lot coverage, interior setback, and privacy fence do not meet one of the four tests, as they are not cumulatively minor in nature.

Carried

g) Application for: Minor Variance

File Number: D13-004-2024

Address: 11 Fergus Street

District: District 7 – Kingscourt-Rideau

Owner: Jamie Cochrane

Applicant: Jamie Cochrane

Ms. Sthamann introduced the application.

Jamie Cochrane, Owner, was present. He indicated that he had nothing further to add.

The Committee did not provide comment.

The Vice-Chair afforded members of the public an opportunity to speak. There were no comments received from the public.

Moved by Mr. Rehan

Seconded by Mr. Perkins

That minor variance application, File Number D13-004-2024, for the property located at 11 Fergus Street to legalize a deficient front setback for a single detached house, be approved, as described below:

Variance Number 1:

By-Law Number 2022-62: Table 11.14.1.4(b)

- Requirement: 2.8 metres
- Proposed: 1.6 metres
- Variance Requested: 1.2 metres; and

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-029.

Carried

h) Application for: Minor Variance

File Number: D13-061-2023

Address: 394 and 392 Division Street

District: District 9 – Williamsville

Owner: Carmela Piccinato

Applicant: Rudy Piccinato

Ms. Sthamann introduced the application.

Rudy Piccinato, Owner, was present. He indicated that he had nothing further to add.

The Committee did not provide comment.

The Vice-Chair afforded members of the public an opportunity to speak. There were no comments received from the public.

Moved by Mr. Tekenos-Levy

Seconded by Mr. Scott

That minor variance application, File Number D13-061-2023, for the property located at 394 and 392 Division Street to construct a front addition with exterior stairs, be approved, as described below:

Variance Number 1:

By-Law Number 2022-62: Section 4.19.3. Exterior Stairs

- Requirement: 0.5 metres
- Proposed: 0.33 metres
- Variance Requested: 0.17 metres.

Variance Number 2:

By-Law Number 2022: Section 11.6.1.(4) (d) Front Yard Setback

- Requirement: 2.92 metres
- Proposed: 1.63 metres
- Variance Requested: 1.29 metres; and

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-032.

Carried

- i) **Application for: Consent**
 - File Number: D10-021-2023**
 - Address: 1027 Coverdale Drive**
 - District: District 4 – Lakeside**
 - Owner: 1000028465 Ontario Ltd.**
 - Applicant: The Boulevard Group**

Ms. Sthamann introduced the application.

Alex Adams, Agent for the Applicant, was present. He indicated that he had nothing further to add.

Mr. Tekenos-Levy noted that the lot line proposed was irregular and asked if the shape would pose issues for the property if it was not developed according to the proposal. Mr. Adams stated that the lot was a significant size and the lot line would not have an impact in it.

The Vice-Chair afforded members of the public an opportunity to speak. There were no comments received from the public.

Mr. Scott asked if the issues raised in a letter of objection included in the report had been resolved. Mr. Adams noted that the issues related to future use of the property and not the severance of the land.

Moved by Mr. Scott
Seconded by Mr. Perkins

That consent application, File Number D10-021-2023, to sever an approximately 5463 square metre lot and establish easements for servicing and access across the severed and retained lot, be **provisionally approved** subject to the conditions included in Exhibit A (Recommended Conditions) to Report Number COA-24-023.

Carried

- j) Application for: Minor Variance**
File Number: D13-003-2024
Address: 117 Dundas Street
District: District 9 – Williamsville
Owner: John Ruciman and Donna McMillan
Applicant: Mac Gervan and Associates

Ms. Sthamann introduced the application.

Mac Gervan, Agent for the Applicant, was present. He indicated that he had nothing further to add.

The Committee did not provide comment.

The Vice-Chair afforded members of the public an opportunity to speak. There were no comments received from the public.

Moved by Mr. Tekenos-Levy

Seconded by Mr. Perkins

That minor variance application, File Number D13-003-2024, for the property located at 117 Dundas Street to construct an attached one storey addition, be approved, as described below:

Variance Number 1:

Minimum Exterior Setback - By-Law Number 2022-62: Table 11.6.1.(6)

- Requirement: 4.5 metres
- Proposed: 3.9 metres
- Variance Requested: 0.6 metres.

Variance Number 2:

Minimum Front Setback - By-Law Number 2022-62: Table 11.6.1.(4)

- Requirement: 4.5 metres
- Proposed: 9.08 metres
- Variance Requested: 4.5 metres.

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-031.

Carried

Motions

There were none.

Notices of Motion

There were none.

Other Business

There was none.

Correspondence

See Addendum.

Date and time of Next Meeting

The next meeting of the Committee of Adjustment is scheduled for Monday, April 15, 2024 at 5:30 p.m.

Adjournment

Moved by Mr. Scott

Seconded by Mr. Perkins

That the meeting of the Committee of Adjustment adjourn at 7:45 p.m.

Carried