



**City of Kingston
Committee of Adjustment
Meeting Number 05-2024
Minutes**

**Monday, April 15, 2024 at 5:30 p.m.
Hosted at City Hall in Council Chamber**

Committee Members Present

Peter Skebo, Chair
Councillor Cinanni (arrived to meeting at 5:39 p.m.)
Councillor Hassan (arrived to meeting at 5:39 p.m.)
Ken Dakin
Douglas Perkins
Gaurav Rehan
Jeff Scott

Regrets

Somnath Sinha
Jordan Tekenos-Levy

Staff Members Present

Chris Booth, Senior Planner
Christine O'Connor, Committee Clerk
Jason Partridge, Planner
Lindsay Reid, Senior Planner
Meghan Robidoux, Supervisor, Development Approvals
Lindsay Sthamann, Intermediate Planner & Secretary-Treasurer
Iain Sullivan, Committee Clerk
Niki van Vugt, Intermediate Planner

Others Present

Councillor Osanic
Members of the public were present.

This is not a verbatim report.

Introduction by the Chair

The 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 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 as amended, be approved.

Carried

Confirmation of Minutes

Moved by Mr. Scott
Seconded by Mr. Rehan

That the minutes of Committee of Adjustment Meeting Number 04-2024, held March 18, 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: D13-006-2024**
 - Address: 931 Malvern Terrace**
 - District: District 3 – Colins-Bayridge**
 - Owner: Robert Koss**
 - Applicant: Martin Mack**

Ms. Sthamann introduced the application.

Martin Mack, Applicant, was present. He indicated that he had nothing further to add.

Mr. Scott asked for confirmation that the project was to replace a previously constructed building. He asked for further clarification on the amount of footprint left. He noted that the setback would be changing and asked if the Cataraqui Region Conservation Authority (CRCA) was satisfied with the proposal. Mr. Mack explained that the proposal would replace a dwelling that burned down two years previously. He confirmed that the foundation of that building was still present. Mr. Booth stated that the setbacks to the water were being adjusted but that the property had always been adjacent to the water. He confirmed that the CRCA was satisfied by the proposal.

Mr. Rehan asked for clarification on the impact to the waterway and the species in it. He further asked for confirmation that no land or soil would be lost. Mr. Booth explained that the species in the creek was fairly tolerant and that the plantings on the bank would limit soil entry into the water. He stated that no land would be lost through the application. He further noted that the site was already developed.

Mr. Dakin noted that there were several site plans and asked if the CRCA would be comfortable with a three-metre setback. Mr. Booth confirmed this.

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

Councillor Osanic asked for confirmation that no flooding would be caused by the proposal.

In response to the public comments Mr. Booth confirmed that the proposal would not lead to higher water levels and that the CRCA had confirmed this to staff.

Moved by Mr. Perkins
Seconded by Mr. Scott

That minor variance application, File Number D13-006-2024, for the property located at 931 Malvern Terrace to reconstruct a single-detached house with expanded footprint, be approved, as described below:

Variance Number 1:

By-Law Number 2022-62: 4.23.1 Waterbody Separation Distance

- Requirement: 30 metre separation from the high-water mark to any use or building.
- Proposed: 23 metres
- Variance Requested: 7 metres

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-028.

Carried

b) Application for: Minor Variance

File Number: D13-009-2024

Address: 920 Princess Street

District: District 9 – Williamsville

Owner: The Springer Group of Companies

Applicant: The Springer Group of Companies and Fotenn Consultants Inc.

Ms. Sthamann introduced the application.

Michael Keene, Agent for the Applicant, was present. He noted his support for the application.

Mr. Scott noted that the length of a parking stall was being reduced. He asked how the proposal would compare to the City's current standards. Ms. Van Vugt explained that the application was under the previous by-law and was being modernized to the current standards and would be in compliance with the by-law.

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

Moved by Mr. Perkins

Seconded by Councillor Hassan

That minor variance application, File Number D13-009-2024, for the property located at 920 Princess Street to construct a new eight-storey multi-unit residential building, containing 47 residential dwelling units, located at the undeveloped southeastern portion of the property, be approved, as described below:

Variance Number 1:

By-Law Number 8499: Exception Section 74

- Requirement: The construction shall be restricted to a commercial and apartment complex containing a total of 48 dwelling units, 613 square metres of commercial area and a total of 100 parking spaces.
- Proposed: The construction shall be restricted to an apartment complex containing a total of 48 dwelling units, 0 square metres of commercial area, and a total of 22 parking spaces.
- Variance Requested: 613 square metres of commercial area and 78 parking spaces; and

Variance Number 2:

By-Law Number 8499: 5.3A.(d)(ii)(a) Off-Street Vehicle Parking Facilities – Accessible Parking

- Requirement: Type A (Van accessible) spaces shall have minimum rectangular dimensions of 3.4 metres width by 6.0 length and must signage specifying that they are van-accessible.
- Proposed: Type A (Van accessible) spaces shall have minimum rectangular dimensions of 3.4 metres width by 5.5 metres length and must have signage specifying that they are van-accessible
- Variance Requested: 0.5 metre length; and

Variance Number 3:

By-Law Number 8499: 5.3B.(h) – Off-Street Vehicle Parking Facilities – Design Standards

- Requirement: The minimum size of a parking space shall be 2.7m wide and 6.0m long. All off-street automobile parking facilities shall be designed with appropriate means of access to streets or lanes as well as maneuvering areas and all parking facilities shall be suitably graded and surfaced, and all parking spaces suitably marked. Where four or more parking spaces are required, such parking areas shall be provided with at least one entrance lane and one exit lane for vehicles. All parking areas shall be provided with adequate driveways and aisles for the removal of a vehicle without the necessity of moving any other vehicle.
- Proposed: The minimum size of a parking space shall be 2.6 metre wide and 5.5 metre long. All off-street automobile parking facilities shall be designed with appropriate means of access to streets or lanes as well as maneuvering areas and all parking facilities shall be suitably graded and surfaced, and all parking spaces suitably marked. Where four or more parking spaces are required, such parking areas shall be provided with at least one entrance lane and one exit lane for vehicles. All parking areas shall be provided with adequate driveways and aisles for the removal of a vehicle without the necessity of moving any other vehicle.
- Variance Requested: 0.1 metre width and 0.5 metre length; and

Variance Number 4:

By-Law Number 8499: 5.27(a) – Amenity Area for Multiple Family Dwellings

- Requirement: A minimum of 18.5 square metres of amenity area shall be provided for each dwelling unit on the lot.
- Proposed: A minimum of 10.0 square metres of amenity area shall be provided for each dwelling unit on the lot.
- Variance Requested: 8.5 square metres; and

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-025.

Carried

c) Application for: Minor Variance

File Number: D13-013-2024

Address: 32 Country Club Drive

District: District 5 – Portsmouth

Owner: Cataraqui Golf & Country Club

Applicant: Forefront Engineering

Ms. Sthamann introduced the application.

Kyle Nielissen, Agent for the Applicant, was present. He explained that the subject area was currently the maintenance area of the club. He stated that the proposal would pull the extent of the yard away from the high-water mark. He noted that the aim for the project was to move the works indoors into a new building which would reduce pollution.

Mr. Skebo asked for a description of the wash bay. He sought clarification on what would happen to solid waste. Mr. Nielissen explained that golf carts are currently washed outdoors and that the wash bay was intended to be the new location. He confirmed that the solid waste materials were mainly organic in nature and would be disposed of properly.

Councillor Hassan asked if the water in the system would be re-used after being cleaned. Mr. Nielissen confirmed this.

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

Moved by Councillor Hassan

Seconded by Mr. Perkins

That minor variance application, File Number D13-013-2024, for the property located at 32 Country Club Drive to establish two aggregate stations, one recirculation wash bay and a stormwater swale within the waterbody separation distance, be approved, as described below:

Variance Number 1:

By-Law Number 2022-62: Section 4.23.1 Waterbody Separation Distance (aggregate stations and recirculation wash bay)

- Requirement: 30 Metres
- Proposed: 10 Metres
- Variance Requested: 20 Metres

Variance Number 2:

By-Law Number 2022-62: Section 4.23.1 Waterbody Separation Distance (stormwater swale)

- Requirement: 30 Metres
- Proposed: 7 Metres
- Variance Requested: 23 Metres

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-035.

Carried

d) Application for: Minor Variance

File Number: D13-016-2024

Address: 655 Princess Street

District: District 9 – Williamsville

Owner: WCPT Princess Inc.

Applicant: Arcadis

Ms. Sthamann introduced the application.

Emma Stucke, Agent for the Applicant, was present. She explained that the purpose of the application was to extend the lifespan of the building. She confirmed that the removed balconies would be replaced with Juliette balconies.

The Committee did not provide comment.

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

Moved by Councillor Cinanni

Seconded by Mr. Scott

That minor variance application, File Number D13-016-2024, for the property located at 655 Princess Street to reduce the amenity area, be approved, as described below:

Variance Number 1:

By-Law Number 2022-62: Legacy Exception 153 (f) minimum amenity area

- Requirement: Minimum amenity area is 6,214 square metres
- Proposed: Minimum amenity area is 5,649 square metres
- Variance Requested: 565 square metres of balcony area.

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-036.

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, May 13, 2024 at 5:30 p.m.

Adjournment

Moved by Mr. Perkins

Seconded by Mr. Scott

That the meeting of the Committee of Adjustment adjourn at 5:58 p.m.

Carried