



**City of Kingston
Committee of Adjustment
Meeting Number 06-2024
Agenda**

**Monday, May 13, 2024 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

Peter Skebo, Chair
Councillor Cinanni
Councillor Hassan
Ken Dakin
Douglas Perkins
Gaurav Rehan
Jeff Scott
Somnath Sinha
Jordan Tekenos-Levy

- 1. Meeting to Order**
- 2. Approval of the Agenda**
- 3. Confirmation of Minutes**
 - a) That** the minutes of Committee of Adjustment Meeting 05-2024, held Monday, April 15, 2024, be approved.
- 4. Disclosure of Pecuniary Interest**
- 5. Delegations**

6. Request for Deferral

7. Returning Deferral Items

8. Business

a) Application for: Minor Variance

File Number: D13-026-2024

Address: 3451 Highway 2

District: District 1 – Countryside

Owner: Cristine Thor

Applicant: Cristine Thor

The Report of the Commissioner of Growth & Development Services (COA-24-041) is attached.

Schedule Pages 1 – 29

Recommendation:

That minor variance application, File Number D13-026-2024, for the property located at 3451 Highway 2 to establish a food processing and catering operation as an agriculture-related use, be approved.

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-041.

b) Application for: Minor Variance and Consent

File Number: D13-030-2024 and D10-011-2024

Address: 77 and 79 Gore Street

District: District 10 – Sydenham

Owner: Patricia Mackay

Applicant: David Stocks

The Report of the Commissioner of Growth & Development Services (COA-24-042) is attached.

Schedule Pages 30 – 56

Recommendation:

That minor variance application, File Number D13-030-2024 for the property located at 77 and 79 Gore Street to permit a reduced minimum lot area, a reduced minimum lot frontage, reduced landscaped open space, and to permit an increased maximum residential density, be approved, as described below:

Retained Lot:

Variance Number 1: Minimum Lot Area

By-Law Number 2022-62: Table 13.4.1.1

- Requirement: 370 square metres
- Proposed: 106.8 square metres
- Variance Requested: 263.2 square metres;

Variance Number 2: Minimum Lot Frontage

By-Law Number 2022-62: Table 13.4.1.2

- Requirement: 10 metres
- Proposed: 4.9 metres
- Variance Requested: 5.1 metres;

Variance Number 3: Minimum Landscaped Open Space

By-Law Number 2022-62: Table 13.4.1.8

- Requirement: 30% of lot area
- Proposed: 18.2% of lot area
- Variance Requested: 11.8% of lot area;

Variance Number 4: Maximum Density

By-Law Number 2022-62: Table 13.4.1.13

- Requirement: 69 dwelling units per net hectare
- Proposed: 93.6 dwelling units per net hectare
- Variance Requested: 24.6 dwelling units per net hectare;

Severed Lot:

Variance Number 5: Minimum Lot Area

By-Law Number 2022-62: Table 13.4.1.1

- Requirement: 370 square metres
- Proposed: 124.2 square metres
- Variance Requested: 245.8 square metres;

Variance Number 6: Minimum Lot Frontage

By-Law Number 2022-62: Table 13.4.1.2

- Requirement: 10 metres
- Proposed: 5.7 metres
- Variance Requested: 4.3 metres;

Variance Number 7: Minimum Landscaped Open Space

By-Law Number 2022-62: Table 13.4.1.8

- Requirement: 30% of lot area
- Proposed: 5.6% of lot area
- Variance Requested: 24.4% of lot area

Variance Number 8: Maximum Density

- By-Law Number 2022-62: Table 13.4.1.13
- Requirement: 69 dwelling units per net hectare
- Proposed: 80.5 dwelling units per net hectare
- Variance Requested: 11.5 dwelling units per net hectare; and,

That approval of the minor variance application be subject to the conditions attached as Exhibit A (Recommended Conditions – Minor Variance) to Report Number COA-24-042; and,

That consent application, File Number D10-011-2024, to sever a 124.2 square metre parcel of land with 5.7 metres of frontage onto Gore Street containing one semi-detached dwelling municipally known as 77 Gore Street, to retain a 106.8 square metre parcel of land with 4.9 metres of frontage onto Gore Street containing one semi-detached dwelling municipally known as 79 Gore Street, and to create new easements to facilitate parking and to allow access to a crawl space for maintenance purposes, be **provisionally approved** subject to the conditions included in Exhibit B (Recommended Conditions – Consent) to Report Number COA-24-042.

c) Application for: Minor Variance

File Number: D13-021-2024

Address: 158 Casterton Avenue

District: District 5 Portsmouth

Owner: Josh Adams

Applicant: Josh Adams

The Report of the Commissioner of Growth & Development Services (COA-24-044) is attached.

Schedule Pages 57 – 93

Recommendation:

That minor variance application, File Number D13-021-2024, for the property located at 158 Casterton Avenue to construct a new second storey addition and rear one storey addition to the existing attached garage with a reduced aggregate interior setback, be approved, as described below:

Variance Number 1:

By-Law Number 2022-62: Table 11.8.1.(8) Minimum Aggregate of Interior Setbacks

- Requirement: 3.6 metres
- Proposed: 3.5 metres
- Variance Requested: 0.1 metres

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-044.

d) Application for: Minor Variance

File Number: D13-018-2024

Address: 146 Hillendale Avenue

District: District 8 – Meadowbrook-Strathcona

Owner: Jeff Almeida

Applicant: Douro Developments

The Report of the Commissioner of Growth & Development Services (COA-24-046) is attached.

Schedule Pages 94 – 121

Recommendation:

That minor variance application, File Number D13-018-2024, for the property located at 146 Hillendale Avenue to construct a rear and second-storey addition onto the existing dwelling, be approved, as described below:

Variance Number 1: Minimum Aggregate Interior Setback

By-Law Number 2022-62: Table 11.8.1 (8)

- Requirement: 3.6 metres
- Proposed: 3.51 metres
- Variance Requested: 0.09 metres

Variance Number 2: Maximum Building Depth

By-Law Number 2022-62: Table 11.8.1 (12)

- Requirement: 18 metres
- Proposed: 22.33 metres
- Variance Requested: 4.33 metres

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) Report Number COA-24-046.

e) Application for: Minor Variance

File Number: D13-029-2024

Address: 15 Theresa Crescent

District: District 7 – Kingscourt-Rideau

Owner: Tracy McKenna-Selkirk and James Selkirk

Applicant: Jordan McGregor, Miles Weekes, Fotenn Planning + Design

The Report of the Commissioner of Growth & Development Services (COA-24-043) is attached.

Schedule Pages 122 – 143

Recommendation:

That minor variance application, File Number D13-029-2024, for the property located at 15 Theresa Crescent to add one additional residential unit to an existing low-rise apartment building, increasing the number from eleven to a total of twelve residential units, be approved, as described below:

Variance Number 1:

By-Law Number 2022-62: Table 12.5.1 – Minimum interior setback

- Requirement: Residential buildings that are greater than 2 storeys: 3.0 metres plus 1.2 metres for each additional storey above 2 (4.2 metres)
- Proposed: 3.8 metres
- Variance Requested: 0.4 metres

Variance Number 2:

By-Law Number 2022-62: Table 12.5.1 – Maximum density

- Requirement: Apartment building: 69 dwelling units per net hectare
- Proposed: 74 dwelling units per net hectare
- Variance Requested: 5 units per net hectare; and

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-043.

f) Application for: Minor Variance and Consent

File Number: D10-008-2024 and D13-015-2024

Address: 91 Raglan Road

District: District 11 – King’s Town

Owner: Troy Ottenhof and Ali Houde Shulman

Applicant: The Boulevard Group

The Report of the Commissioner of Growth & Development Services (COA-24-037) is attached.

Schedule Pages 144 – 178

Recommendation:

That minor variance application, File Number D13-015-2024 for the property located at 91 Raglan Road to permit the establishment of a new lot containing a single detached house and attached garage be approved, as described below:

Severed Lot

Variance Number 1:

By-Law Number: 2022-62 Section 7.4.8 (8): Minimum required setback from a private garage to the streetline where the driveway gains access to a street.

- Requirement: 6 metres
- Proposed: 2.1 metres
- Variance Requested: 3.9 metres;

Variance Number 2:

By-Law Number: 2022-62 Table 11.6.1 (1): Minimum Lot Area

- Requirement: 370 square metres
- Proposed: 190 square metres
- Variance Requested: 180 square metres;

Variance Number 3:

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

- Requirement: 10 metres
- Proposed: 7.5 metres
- Variance Requested: 2.5 metres;

Variance Number 4:

By-Law Number: 2022-62 Table 11.6.1 (8): Minimum Aggregate of Interior Setbacks

- Requirement: 3.6 metres
- Proposed: 1.85 metres
- Variance Requested: 1.75 metres; and,

Variance Number 5:

By-Law Number: 2022-62 Table 11.6.1 (12a) Maximum Building Depth

- Requirement: 18 metres.
- Proposed: 19.1 metres
- Variance Requested: 1.1 metres

Variance Number 6:

By-Law Number: 2022-62 Table 11.6.1 (12b) Maximum Building Depth

- Requirement: The rear wall of a principal building must not be closer than 7.5 metres to the rear lot line.
- Proposed: 6 metres
- Variance Requested: 1.5 metres

Variance Number 7:

By-Law Number: 2022-62 Section 7.4.8 (5) (a)

- Requirement: The maximum cumulative width of all driveways on a lot within the required front setback or exterior setback is 40% of the length of the applicable streetline provided the minimum width of the driveway is 3 metres.
- Proposed: The maximum cumulative width of all driveways on a lot within the required front setback or exterior setback is 40% of the length of the applicable streetline provided the minimum width of the driveway is 4.7 metres.
- Variance Requested: 1.7 metres.

Retained Lot

Variance Number 8:

By-Law Number: 2022-62 Table 11.6.1 (1): Minimum Lot Area

- Requirement: 370 square metres
- Proposed: 200 square metres
- Variance Requested: 170 square metres;

Variance Number 9:

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

- Requirement: 10 metres
- Proposed: 7.7 metres
- Variance Requested: 2.3 metres;

Variance Number 10:

By-Law Number: 2022-62 Table 11.6.1 (8): Minimum Aggregate of Interior Setbacks

- Requirement: 3.6 metres
- Proposed: 1.7 metres
- Variance Requested: 1.9 metres; and,

That approval of the minor variance application be subject to the conditions attached as Exhibit A (Recommended Conditions – Minor Variance) to Report Number COA-24-037; and

That consent application, File Number D10-008-2024, to sever an approximately 190 square metre lot with approximately 7.5 metres of frontage on Raglan Road from the parcel of land known municipally as 91 Raglan Road and to create an easement for parking over the southeast corner of the severed lot in favour of the retained lot, be **provisionally approved** subject to the conditions included in Exhibit B (Recommended Conditions – Consent) to Report Number COA-24-037.

g) Application for: Minor Variance

File Number: D13-022-2024

Address: 2 Cataraqui Street

District: District 11 – King’s Town

Owner: ABNA Investments Ltd.

Applicant: ABNA Investments Ltd.

The Report of the Commissioner of Growth & Development Services (COA-24-048) is attached.

Schedule Pages 179 – 210

Recommendation:

That minor variance application, File Number D13-022-2024, for the property located at 2 Cataraqi Street to reduce the minimum separation distance from the highwater mark of a waterbody to any use or building and the minimum setback from Cataraqi Street for any building or structure to facilitate the construction of a new deck, be approved, as described below:

Variance Number 1:

By-Law Number 2022-62:4.23.1 waterbody separation distance

- Requirement: 30.0 metres
- Proposed: 23.5 metres
- Variance Requested: 6.5 metres

Variance Number 2:

By-Law Number 2022-62:L378 (c) (i) setback for any building or structure from Cataraqi Street

- Requirement: 90.0 metres
- Proposed: 10 metres
- Variance Requested: 80 metres

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-048.

h) Application for: Minor Variance and Consent

File Number: D13-045-2023 and D10-031-2023

Address: 154 Pine Street

District: District 9 – Williamsville

Owner: Amy Carson

Applicant: Adam Candon

The Report of the Commissioner of Growth & Development Services (COA-24-049) is attached.

Schedule Pages 211 – 237

Recommendation:

That minor variance application, File Number D13-045-2023 for the property located at 154 Pine Street to permit reductions in minimum lot area, minimum lot frontages, and reduced minimum interior setbacks for both the retained and severed parcels, be approved, as described below:

Retained Lot:

Variance Number 1: Minimum Lot Area

By-Law Number 2022-62: Table 12.5.1.1

- Requirement: 270 square metres
- Proposed: 237.4 square metres
- Variance Requested: 32.6 square metres

Variance Number 2: Minimum Lot Frontage

By-Law Number 2022-62: Table 12.5.1.2

- Requirement: 18 metres
- Proposed: 5.6 metres
- Variance Requested: 12.4 metres

Variance Number 3: Minimum Interior Setback

By-Law Number 2022-62: Table 12.5.1.7

- Requirement: 3 metres
- Proposed: 0 metres where a common party wall is located along a lot line
- Variance Requested: 3 metres

Severed Lot:

Variance Number 4: Minimum Lot Area

By-Law Number 2022-62: Table 12.5.1.1

Requirement: 270 square metres

Proposed: 143.8 square metres

Variance Requested: 126.2 square metres

Variance Number 5: Minimum Lot Frontage

By-Law Number 2022-62: Table 12.5.1.2

Requirement: 18 metres

Proposed: 3.8 metres

Variance Requested: 14.2 metres

Variance Number 6: Minimum Interior Setback

By-Law Number 2022-62: Table 12.5.1.7

- Requirement: 3 metres
- Proposed: 0 metres where a common party wall is located along a lot line
- Variance Requested: 3 metres; and

That approval of the minor variance application be subject to the conditions attached as Exhibit A (Recommended Conditions – Minor Variance) to Report Number COA-24-049; and,

That consent application, File Number D10-031-2023, to sever a 143.8 square metres parcel of land with 3.8 metres of frontage onto Pine Street, and to retain a 237.4 square metre parcel of land with 5.6 metres of frontage on Pine Street, and to establish an access easement over the retained parcel in favour of the severed parcel, be **provisionally approved** subject to the conditions included in Exhibit B (Recommended Conditions – Consent) to Report Number COA-24-049.

i) **Application for: Minor Variance**

File Number: D13-024-2024

Address: 4094 Bath Road

District: District 5 – Collins Bayridge

Owner: Stacy and Adam Hunt

Applicant: Stacy Hunt

The Report of the Commissioner of Growth & Development Services (COA-24-047) is attached.

Schedule Pages 238 – 255

Recommendation:

That minor variance application, File Number District 5- Collins Bayridge, for the property located at 4094 Bath Road to construct a 14.35 square metre accessory building 17 metres from the high-water mark, be approved, as described below:

Variance Number 1:

By-Law Number 2022-62:Section 4.23.1 Waterbody Separation Distance (accessory building)

- Requirement: 30 Metres
- Proposed: 17 Metres
- Variance Requested: 13 Metres

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-047.

j) Application for: Minor Variance

File Number: D13-014-2024

Address: 232 King Street East

District: District 10 – Sydenham

Owner: Katherine Bennett

Applicant: Brian Bennett and Katherine Bennett

The Report of the Commissioner of Growth & Development Services (COA-24-038) is attached.

Schedule Pages 256 – 278

Recommendation:

That minor variance application, File Number Sydenham, for the property located at 232 King Street East to convert an existing second floor artist's studio above a detached garage into a detached additional residential unit, be approved, as described below:

Variance Number 1:

By-Law Number 2022-62: Section 4.27.1.4 - Walkway provisions

- Requirement: The walkway must be separately delineated and measured distinctly from a required driveway and parking space. 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 permitted to overlap with the driveway

Variance Number 2:

By-Law Number 2022-62: Section 5.4.6.9(a) (i) Minimum rear setback

- Requirement: 1.2 metres
- Proposed: 0 metres
- Variance Requested: 1.2 metres

Variance Number 3:

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

- Requirement: 1.2 metres
- Proposed: 0 metres
- Variance Requested: 1.2 metres

Variance Number 4:

By-Law Number 2022-62: Section 5.4.6.9(a)(v) Maximum height (metres)

- Requirement: 4.6 metres
- Proposed: 5.5 metres
- Variance Requested: 0.9 metres

Variance Number 5:

By-Law Number 2022-62: Section 9(a)(vi) Maximum height (storeys)

- Requirement: 1 storey
- Proposed: 2 storeys
- Variance Requested: 1 storey; and

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-038.

k) Application for: Minor Variance

File Number: D13-027-2024

Address: 2331 Princess Street

District: District 8 – Meadowbrook-Strathcona

Owner: Rajkosh Inc.

Applicant: Fotenn Consultants

The Report of the Commissioner of Growth & Development Services (COA-24-039) is attached.

Schedule Pages 279 – 302

Recommendation:

That minor variance application, File Number D13-027-2024, for the property located at 2331 Princess Street to construct a six-storey hotel, be approved, as described below:

Variance Number 1: Building Height

By-Law Number 76-26: Section 19(2)(l)

- Requirement: 35 feet (22.9 metres)
- Proposed: 75.2 feet (10.7 metres)
- Variance Requested: 40.2 feet (12.3 metres)

Variance Number 2: Setbacks from a Provincial Highway or Major Arterial Road

By-Law Number 76-26: Section 5.20(a)(i)

- Requirement: 70 feet (21.3 metres)
- Proposed: 46.8 feet (14.3 metres)
- Variance Requested: 23.2 feet (7.1 metres)

Variance Number 3: Parking Space Dimensions

By-Law Number 76-26: Section 5.16(l)

- Requirement: 2.75 metres by 6.0 metres
- Proposed: 2.6 metres by 5.5 metres
- Variance Requested: 0.15 metres by 0.5 metres

Variance Number 4: Accessible Parking Design Standards

By-Law Number 76-26: Section 5.16(a)(a)(d)(ii)

- Requirement: 6.0 metre length
- Proposed: 5.5 metre length
- Variance Requested: 0.5 metres

Variance Number 5: Loading Space Requirements

By-Law Number 76-26: Section 5.12

- Requirement: 2
- Proposed: 1
- Variance Requested: 1; and

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-039.

l) Application for: Minor Variance

File Number: D13-019-2024

Address: 689 Portsmouth Avenue

District: District 8 – Meadowbrook-Strathcona

Owner: Randy Foster

Applicant: Randy Foster

The Report of the Commissioner of Growth & Development Services (COA-24-045) is attached.

Schedule Pages 303 – 321

Recommendation:

That minor variance application, File Number D13-019-2024, for the property located at 689 Portsmouth Avenue to construct a car port on the northside of the existing house, be approved, as described below:

Variance Number 1:

By-Law Number 2022-62: Section 4.1.2 (4) - Additional Accessory Provisions for Residential Uses and Buildings

- Requirement: The accessory building may encroach into the required setback on a lot provided that such accessory building must be setback a minimum of 1.2 metres from all lot lines.
- Proposed: 0.6 metres from the north interior lot line
- Variance Requested: 0.6 metres from the north interior lot line

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-045.

m) Application for: Minor Variance

File Number: D13-028-2024

Address: 322 Queen Street

District: District 11 – King’s Town

Owner: Cheng Myers

Applicant: Fotenn Consulting

The Report of the Commissioner of Growth & Development Services (COA-24-040) is attached.

Schedule Pages 322 – 341

Recommendation:

That minor variance application, File Number D13-028-2024, for the property located at 322 Queen Street to allow permit a total of seven dwellings within the existing mixed-use building and relief from certain parking requirements, be approved, as described below:

Variance Number 1: Maximum number of dwelling units per lot

By-Law Number 2022-62: Table 10.4.1.

- Requirement: Maximum 123 units per net hectare
- Proposed: Maximum 160 units per net hectare
- Variance Requested: 37 units per net hectare

Variance Number 2: Required number of parking spaces

By-Law Number 2022-62: Table 7.1.1.

- Requirement: 3 parking spaces
- Proposed: 2 parking spaces
- Variance Requested: 1 parking spaces;

Variance Number 3: Required number of visitor spaces

By-Law Number 2022-62: Table 7.1.1.

- Requirement: 1 visitor spaces
- Proposed: 0 visitor spaces
- Variance Requested: 1 visitor spaces;

Variance Number 4: Required number of accessible spaces

By-Law Number 2022-62: Section 7.2.6.3.

- Requirement: 1 Type A accessible space
- Proposed: 1 Type B accessible space
- Variance Requested: Type B versus Type A;

Variance Number 5: Walkway

By-Law Number 2022-62: 4.27.1.4

- Requirement: The walkway must be separately delineated and measured distinctly from a required driveway
- Proposed: Notwithstanding 4.27.1.4, the walkway may overlap the required driveway at a pinch point that is outside of any required parking space

- Variance Requested: The walkway may overlap the driveway at pinch point; and

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-040.

9. Motions

10. Notices of Motion

11. Other Business

12. Correspondence

- a) Correspondence received from Alice Nicolou, dated April 29, 2024, regarding Application for Minor Variance – 15 Theresa Crescent.

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13. Date of Next Meeting

The next meeting of the Committee of Adjustment is scheduled for Monday, June 17, 2024 at 5:30 p.m.

14. Adjournment