



**City of Kingston Committee of Adjustment
Minutes**

07-2024
June 17, 2024
5:30 p.m.
Council Chamber

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

Staff Present: James Bar, Manager, Development Approvals
Ian Clendening, Senior Planner
Annemarie Eusebio, Intermediate Planner
Allison Hannah, Committee Clerk
Tim Park, Director, Planning Services
Meghan Robidoux, Senior Planner
Jacob Slevin, Planner
Lindsay Sthamann, Secretary-Treasurer & Intermediate Planner
Iain Sullivan, Committee Clerk
Chris Wicke, Senior Planner

Others Present: Members of the public were present.

1. 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.

2. Call to Order

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

3. Approval of the Agenda

Moved by: Mr. Tekenos-Levy
Seconded by: Councillor Hassan

That the agenda be amended to include the addendum, and as amended, be approved.

Carried

4. Confirmation of Minutes

1. Previous Meeting Minutes

Moved by: Mr. Perkins
Seconded by: Mr. Dakin

That the minutes of Committee of Adjustment Meeting 06-2024, held Monday, May 13, 2024, be approved.

Carried

5. Disclosure of Pecuniary Interest

6. Delegations

7. Request for Deferral

8. Returning Deferral Items

1. Application for Minor Variance - 154 Pine Street

Ms. Sthamann introduced the application.

Adam Candon, Applicant, was present. He emphasized that this is the best use of this property which aims to be owner occupied.

Mr. Scott sought clarification from staff if the minor variances are long standing issues that are now being addressed, as the building predates zoning. Mr. Slevin confirmed that the property is older than the current Zoning By-Law and these minor variances are to recognize the existing conditions of the site and not to permit any new increased encroachments towards the lot line.

The 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: Councillor Hassan

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.

Carried

2. Application for Minor Variance - 322 Queen Street

Ms. Sthamann introduced the application.

Elysia Ackroyd, Agent for the Applicant, was present. She added that Fotenn Planning and Design agreed with the recommendations in the report.

Mr. Scott sought confirmation from the applicant that there will be no addition or construction to the exterior of the building. He asked where the extra unit is being found within the existing building. Ms. Ackroyd explained that the existing property already has the seven units within it as a result of an internal conversion and further additions to the building are required. She added that the only configuration of the property that will be changing is the formal recognition of the parking and the delineation of the amenity area.

Mr. Dakin asked staff why a noise study is required as a condition of approval for the seven units and commercial unit that already exist in this building. Mr. Clendening explained that in consultation with the City's Engineering Department, it was flagged as a condition to meet the NPC-300 guidelines, which is required when planning permissions allow for a residential unit. The noise study will look at any potential adverse impact to ensure it is within guidelines.

Mr. Dakin sought further confirmation that it is a numerical change that provokes the need for the noise study, not the structure itself, and the noise study is focused more on the impact of the environment on the building rather than the impact of the building itself. He noted there are a few factors that could impact the noise study such as a large residential building, and truck traffic. He asked if these factors could result changes in such as new windows. Mr. Clendening confirmed Mr. Dakin's assumptions and added that factors such as traffic could result the use of mitigation measures such as thicker paned windows.

The 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 D13-028-2024, 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.

Carried

9. Business

1. Application for Minor Variance - 70 Railway Street

Ms. Sthamann introduced the application.

Tom Gunsinger and John Richards, Applicants were present. They added that this variance allows for an expansion of the building which would double capacity and create more jobs.

Mr. Dakin asked staff if a noise study would be required to deal with any noise impacts on the residential uses as a product of the loading docks and influenced by the building addition. Mr. Bar explained that through Site Plan Control, a noise study would be required to examine the impact of any new noise emitting parts of the industrial building.

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

Moved by: Mr. Dakin

Seconded by: Mr. Tekenos-Levy

That minor variance application, File Number D13-017-2024, for the property located at 70 Railway Street to reduce the minimum rear yard setback from 15 metres to 3 metres to accommodate four shipping container accessory buildings on the southwest corner of the lot, be approved, as described below:

Variance Number 1:

By-Law Number 2022-62: Section 16.3.2.3

Requirement: 15 metres

Proposed: 3 metres

Variance Requested: 12 metres; and

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-051.

Carried

2. Application for Minor Variance - 158 Earl Street

Ms. Sthamann introduced the application.

Mac Gervan, Applicant, and Tom Skinner, Owner, were present. Mr. Gervan added in response to a letter from the Frontenac Heritage Foundation that this property has already been approved at the Kingston Heritage Properties Committee. He stated that the third floor has a low ceiling, and more room is needed on the third floor to make it livable for the family that occupies it. He concluded that shed dormers are not banned, and this one in particular will not be very visible, and is warranted in this case.

Mr. Scott asked staff if Heritage Services was consulted in the heritage aspects of this building. Mr. Wicke explained that the applicant was consulting with Heritage Services prior to contacting Planning Services, and a Heritage Permit was issued on April 17, 2024. He added that the result of the impact analysis which considered the Heritage Conservation District requirements was that the rear dormer was not negatively impacted by the changes to the rear of the roof with the new dormer which is designed to be sympathetic and compatible with the Heritage Conservation District and the building.

Mr. Dakin sought clarification regarding the approval process of the Kingston Heritage Properties Committee. He asked if the Committee's recommendations go to Council and if Council has spoken on this application relative to the Conservation Districts policies of the Official Plan. Mr. Bar explained that this had gone to Council, and Council voted in favour of the recommendation that had come from the Kingston Heritage Properties Committee. He stated that the next steps would be to obtain the relevant planning approvals to be in conformance with the approval through the Kingston Heritage Properties Committee and Council.

Mr. Skebo sought clarification on the reference made to a property on Montreal Street that was mentioned in the letter from the Frontenac Heritage Foundation. Mr. Bar explained that this property is different in that

it had a brick and limestone parapet that projects above the roof line which was damaged in the process of roof demolition.

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

Mr. Scott noted that it was unfortunate to have received the letter from the Frontenac Heritage Foundation late in the day as there was not much of time to go over it in detail. He noted that the applicant did good work ensuring the heritage aspects of this building were being taken care of and he was happy to support the motion.

Moved by: Mr. Dakin

Seconded by: Mr. Tekenos-Levy

That minor variance application, File Number D13-036-2024, for the property located at 158 Earl Street to expand the third floor of a residential dwelling to replace the existing two gable dormers with an expanded shed dormer, be approved, as described below:

Variance Number 1:

By-Law Number 2022-62: Section 13.4.2.1 (a)

Requirement: Front wall of the dormer is setback a minimum of 0.4 metres from the main wall.

Proposed: 0.0

Variance Requested: 0.4

Variance Number 2:

By-Law Number 2022-62: Section 13.4.2.1 (b)

Requirement: The side wall of a dormer is setback a minimum of 1.0 metres from the edge of the roof on which it is located.

Proposed: 0.1 metres

Variance Requested: 0.9 metres; and

Variance Number 3:

By-Law Number 2022-62: Section 13.4.2.1 (c)

Requirement: The maximum cumulative length of all dormers on the same portion of a sloped roof is the lesser of 4.6 metres or 50% of the length of the roof on which it is located (3.95 metres).

Proposed: 6.55 metres

Variance Requested: 2.6 metres; and

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-052.

Carried

3. Application for Minor Variance - 4266 Bath Road

Ms. Sthamann introduced the application.

Tim de Jong, Owner, was present and mentioned that the address on the report was incorrect and provided the correct one.

Mr. Scott asked for confirmation that the proposed changes would have no impact on the environment. He asked if the zoning had become more restricted since the building was built. Mr. de Jong stated that the house was built in the 1950s and a patio existed where the deck is proposed. Ms. Eusebio explained that the building is legal non-complaint. She noted that the Cataraqui Region Conservation Authority had reviewed the file and had no issues. Mr. Bar stated that the Zoning By-Laws have become more stringent regarding setbacks over time.

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

Moved by: Mr. Dakin

Seconded by: Councillor Cinanni

That minor variance application, File Number D13-035-2024, for the property located at 4226 Bath Road to construct a 50 square metre enclosed rear porch, located approximately 24.7 metres from the highwater mark be approved, as described below:

Variance Number 1:

By-Law Number 2022-62: Section 4.23.1 Waterbody Separation Distance (rear enclosed porch)

Requirement: 30 metres

Proposed: 24.7 metres

Variance Requested: 5.3 metres

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-054.

Carried

4. Application for Minor Variance - 16 Cowdy Street

Ms. Sthamann introduced the application.

Carol Knowles, Applicant, was present. She indicated that she had nothing further to add.

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. Tekenos-Levy

That minor variance application, File Number D13-033-2024, for the property located at 16 Cowdy Street to construct a one-storey addition in the rear yard of an existing single-detached house, be approved, as described below:

Variance Number 1:

By-Law Number 2022-62: Table 11.6.1.7: Minimum interior setback

Requirement: 0.6 metres

Proposed: 0.4 metres

Variance Requested: 0.2 metres; and

Variance Number 2:

By-Law Number 2022-62: Table 11.6.1.8: Minimum aggregate of interior setbacks

Requirement: 3.6 metres

Proposed: 1.5 metres

Variance Requested: 2.1 metres; and

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-050.

Carried

5. Application for Minor Variance - 102 Charles Street

Ms. Sthamann introduced the application.

Ashley Osmar, Applicant, was present. She indicated that she had nothing further to add.

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.

Committee of Adjustment Meeting Number 07-2024 – Monday, June 17, 2024 at 5:30 p.m.

Moved by: Councillor Hassan
Seconded by: Mr. Rehan

That minor variance application, File Number D13-046-2024, for the property located at 102 Charles Street to construct a new two-storey rear addition, be approved, as described below:

Variance Number 1:

By-Law Number 2022-62: 11.6.1.12. Maximum building depth

Requirement: 18.0 metres

Proposed: 21.5 metres

Variance Requested: 3.5 metres

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-056.

Carried

10. Motions

There were none.

11. Notices of Motion

There were none.

12. Other Business

There was none.

13. Correspondence

1. **Correspondence received, dated June 11, 2024, regarding Application for Minor Variance - 4226 Bath Road**
2. **Correspondence received, dated June 9 - 11, 2024, regarding Application for Minor Variance - 16 Cowdy Street**
3. **Correspondence received, dated June 17, 2024, regarding Application for Minor Variance - 158 Earl Street**

14. Date of Next Meeting

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

Committee of Adjustment Meeting Number 07-2024 – Monday, June 17, 2024 at 5:30 p.m.

15. Adjournment

Moved by: Mr. Perkins

Seconded by: Mr. Scott

That the meeting of the Committee of Adjustment adjourn at 6:10 p.m.

Carried