



**City of Kingston Committee of Adjustment  
Minutes**

08-2024  
July 15, 2024  
5:30 p.m.  
Council Chamber

Members Present: Peter Skebo, Chair  
Councillor Cinanni  
Ken Dakin  
Douglas Perkins  
Somnath Sinha

Regrets Councillor Hassan  
Gaurav Rehan  
Jeff Scott  
Jordan Tekenos-Levy

Staff Present: James Bar, Manager, Development Approvals  
Amy Didrickson, Senior Planner  
Annemarie Eusebio, Intermediate Planner  
Allison Hannah, Committee Clerk  
Jason Partridge, Planner  
Jacob Slevin, Planner  
Lindsay Sthamann, Secretary-Treasurer & Intermediate Planner  
Iain Sullivan, Committee Clerk  
Chris Wicke, Senior Planner

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**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 5:33 p.m.

**3. Approval of the Agenda**

Moved by: Councillor Cinanni  
Seconded by: Mr. Dakin

**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. Dakin  
Seconded by: Mr. Perkins

**That** the minutes of Committee of Adjustment Meeting Number 07-2024, held on Monday, June 17, 2024, be approved.

**Carried**

**5. Disclosure of Pecuniary Interest**

Mr. Skebo declared a pecuniary interest with respect to Report Number COA-24-061 and COA-24-064 as he has a business relationship with the applicant.

**6. Delegations**

**7. Request for Deferral**

**1. Application for Minor Variance - 2267-2271 Princess Street**

The Committee consented to the deferral of Application for Minor Variance - 2267-2271 Princess Street.

**8. Returning Deferral Items**

**9. Business**

**1. Application for Minor Variance - 1441 Montreal Street**

Ms. Sthamann introduced the application. She noted one letter of concern included as correspondence in the addendum.

Vincent Varghese, Applicant, was present. He indicated that there would be no further construction on the property, and this application requests a relief for parking.

The Chair asked staff to address the questions outlined in the letter of concern received as correspondence. In response to the concerns outlined in the letter, Ms. Eusebio stated that the second residential unit is located in the basement of the property and will be accessed through a

side entrance as a result of the minor variance. She added that there will be two zone compliant parking spaces, and it is anticipated there will be no visual impact on the neighborhood. She explained that the property is not located in a constrained area for second residential units and no concerns were identified throughout the technical review by Utilities Kingston or Hydro services. She added that parking will be on private property and there is no anticipated impact to on street parking.

In response to concerns regarding noise and privacy, Ms. Eusebio explained that construction has already been completed internally, and there are no external changes proposed for the second residential unit. She added that the second residential unit was reviewed through the building permit process zoning provisions, including the area of the dwelling unit, the walkway, servicing, and the requirement for bicycle parking. She clarified that the only zoning deficiency identified through this process was the reduction in the driveway width from 3 meters to 2.4 meters at midpoint of the driveway. She added that it was determined to be a tandem parking arrangement for the second residential unit.

Ms. Eusebio noted in response to setting precedence for similar developments in the area, that there were three building permits issued for basement apartments in properties south of 1441 Montreal Street. She added that these were reviewed under the building permit review and there was no need for relief through the minor variance process. She addressed a concern with respect to the dwelling being built at grade and backfilled with large rocks, and clarified that all development is happening internally within the existing semi-detached house and there are no external additions required. She explained that the minor variance is to reduce the width at the midpoint of the driveway to facilitate tandem parking arrangements.

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

Catherine Nolan, 1447 Montreal Street, stated that many houses in this area face structural concerns, and any changes past the back corner of the house should be evaluated by an engineer. She voiced her concern in maintaining traffic safety in this neighborhood as there are often children playing outside.

In response to the public comments Mr. Bar explained that the applicant went through a building permit process for the second residential unit, where no structural issues were flagged and therefore do not have an impact on the minor variance. He added that the homes in this area are zoned to have additional residential units in accordance with the zoning regulations passed by Council. He added that Transportation, Parks, and Engineering departments have not identified any safety concerns with the addition of a second residential unit.

Mr. Dakin added that the addition of a residential unit in the basement with tandem parking is permitted as-of-right in the Official Plan. He clarified that the variance is only dealing with a car being able to pass through the width of 2.4 metres rather than 3 metres. He stated that there is a condition of approval that there are no adverse impacts with respect to changes to grading and drainage of the property, which should address some of the public concerns regarding the physical changes of the property.

Moved by: Mr. Dakin

Seconded by: Councillor Cinanni

**That** minor variance application, File Number D13-037-2024, for the property located at 1441 Montreal Street to reduce the minimum required driveway width of 3 metres to 2.4 metres, be approved, as described below:

**Variance Number 1:**

By-Law Number 2022-62:Table 7.4.1 Minimum Parking Space and Drive Aisle Dimensions

Requirement: In line with and accessed directly from driveway as tandem parking spaces, minimum driveway width is 3 metres

Proposed: In line with and accessed directly from driveway as tandem parking spaces, minimum driveway width is 2.4 metres

Variance Requested: 0.6 metres

**That** approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-059

**Carried**

**2. Application for Minor Variance - 26 Maitland Street**

Ms. Sthamann introduced the application.

Alex Cleave and Dave Nanton, Agents for the Applicant, were present. Ms. Cleave indicated that they 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.

Councillor Cinanni asked if this structure was pre-existing and how many units were in the building.

Ms. Cleave stated that the structure is not pre-existing and there is one unit in each building.

Moved by: Councillor Cinanni  
Seconded by: Mr. Perkins

**That** minor variance application, File Number D13-044-2024, for the property located at 26 Maitland Street to permit an accessory structure in the front yard of the semi-detached house, be approved, as described below:

**Variance Number 1:**

By-Law Number 2022-62: 4.1.2.1 – Additional Accessory Provisions for Residential Uses and Buildings

Requirement: The accessory building must be located in a rear yard, exterior yard or interior yard

Proposed: Front yard

Variance Requested: Front yard;

**Variance Number 2:**

By-Law Number 2022-62: 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 metre setback from the side lot line

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-24-062

**Carried**

**3. Application for Minor Variance - 28 Maitland Street**

Ms. Sthamann introduced the application.

Alex Cleave and Dave Nanton, Agents for the Applicant, were present. Ms. Cleave indicated that they 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. Perkins

**That** minor variance application, File Number D13-045-2024, for the property located at 28 Maitland Street to permit accessory structures in the front yard of the semi-detached house, be approved, as described below:

**Variance Number 1:**

By-Law Number 2022-62: 4.1.2.1 – Additional Accessory Provisions for Residential Uses and Buildings

Requirement: The accessory building must be located in a rear yard, exterior yard or interior yard

Proposed: Front yard

Variance Requested: Front yard

**That** approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-063.

**Carried**

**4. Application for Minor Variance - 933 Innovation Drive**

Ms. Sthamann introduced the application.

Kelsey Jones, Agent for the Applicant, was present and indicated that she had nothing further to add.

Mr. Dakin sought clarification regarding the land to be acquired from the City. He asked if the City lands to be acquired lie on the right-hand side of the drawing in Exhibit F, and are occupied by the proposed building, parking, and storm water pond. He also asked where the proposed loading spaces would be located on the property.

Ms. Jones confirmed that City lands to be acquired lie on the right-hand side of the drawing in Exhibit F. She added that the loading spaces would be located along the frontage of the building on the south side.

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. Perkins

**That** minor variance application, File Number D13-047-2024, for the property located at 933 Innovation Drive, as well as approximately 3.6 acres (1.46 hectares) of city-owned land abutting the property to the east, to permit loading spaces in the front yard and to eliminate a planting strip requirement along the rear lot line of the subject property to enable a proposed building addition to the light industrial facility on the subject property, be approved, as described below:

### **Variance Number 1: Location of Loading Spaces**

By-Law Number 2022-62:Section 7.5.7

Requirement: Loading spaces must be located in the rear yard or in the interior yard and must be provided with a visual screen in such a manner that the loading space is not visible from a street or any abutting residential use.

Proposed: Loading spaces in the front yard with visibility from the street

Variance Requested: Permit loading spaces in the front yard with visibility from the street

### **Variance Number 2: Planting Strip**

By-Law Number 2022-62:Section 16.2.2.3

Requirement: A minimum 3.0 metre wide planting strip is required adjacent to a lot line abutting a lot in any Zone other than an Employment Zone

Proposed: No planting strip proposed on the north lot line abutting the RU (General Rural Area) zone

Variance Requested: Permit no planting strip on the north lot line abutting the RU (General Rural Area) zone; and

**That** approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-058.

**Carried**

#### **5. Application for Permission - 393-395 Earl Street**

Ms. Sthamann introduced the application. She noted several letters of support included in the addendum as correspondence.

Carlos Marques, Agent for the Applicant, was present and indicated that he 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: Mr. Perkins

Seconded by: Mr. Dakin

**That** the application for permission, File Number D13-025-2024, for the property located at 393395 Earl Street to permit a hair salon use, be Approved; and,

**That** approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-060.

**Carried**

**6. Application for Minor Variance - 780 Gardiners Road**

Mr. Skebo withdrew from the meeting due to his pecuniary interest. The Chair was passed to Mr. Dakin.

Ms. Sthamann introduced the application.

Jason Sands, 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: Councillor Cinanni

Seconded by: Mr. Perkins

**That** minor variance application, File Number D13-040-2024, for the property located at 780 Gardiners Road to exempt a proposed automatic car wash from the requirement to provide a loading space, be approved, as described below:

**Variance Number 1:**

By-Law Number 2022-62:Table 7.5.1

Requirement: 1 loading space required for commercial uses with 300 to 2,500 square metres of gross floor area

Proposed: 0 loading spaces required for commercial uses with 300 to 2,500 square metres of gross floor area

Variance Requested: 1 loading space; and

**That** approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-061.

**Carried**

**7. Application for Minor Variance - 1813 Moore Lane**

Ms. Sthamann introduced the application.

Jason Sands, 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. Perkins  
Seconded by: Mr. Sinha

**That** minor variance application, File Number , for the property located at 1813 Moore Lane to construct a 147.72 square metre front yard accessory building, be approved, as described below:

**Variance Number 1:**

By-Law Number 2022-62:4.1.2.1 Accessory building yard location

Requirement: Rear yard, Interior yard, and the Exterior yard

Proposed: Front yard

Variance Requested: Front yard

**Variance Number 2:**

By-Law Number :2022-62:4.1.2.3 Maximum height of an accessory building

Requirement: 4.6 metres

Proposed: 6.5 metres

Variance Requested: 1.9 metres; and

**That** approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-064.

**Carried**

**10. Motions**

Mr. Skebo returned to the meeting and resumed the role of the Chair.

There were no motions.

**11. Notices of Motion**

There were none.

**12. Other Business**

There was none.

**13. Correspondence**

- 1. Correspondence received, dated July 10 - July 15, 2024, regarding Application for Minor Variance - 2267-2271 Princess Street**

2. **Correspondence received, dated July 12, 2024, regarding Application for Minor Variance - 1441 Montreal Street**
3. **Correspondence received, dated July 8 - July 15, 2024, regarding Application for Permission - 393-395 Earl Street**

**14. Date of Next Meeting**

The next meeting of the Committee of Adjustment is scheduled for Monday, August 19, 2024, at 5:30 p.m., and will be held fully virtually through Zoom.

**15. Adjournment**

Moved by: Mr. Dakin

Seconded by: Mr. Perkins

**That** the meeting of the Committee of Adjustment adjourn at 6:04 p.m.

**Carried**