



**City of Kingston Committee of Adjustment  
Minutes**

11-2024  
October 21, 2024  
5:30 p.m.

Hosted in a virtual, electronic format

Members Present: Peter Skebo, Chair  
Councillor Cinanni  
Ken Dakin  
Douglas Perkins  
Gaurav Rehan

Regrets Councillor Hassan  
Jeff Scott  
Somnath Sinha  
Jordan Tekenos-Levy

Staff Present: James Bar, Manager, Development Approvals  
Ian Clendening, Deputy Secretary-Treasurer & Senior Planner  
Christine O'Connor, Committee Clerk  
Lindsay Sthamann, Secretary-Treasurer & Intermediate Planner  
Allison Hannah, Committee Clerk  
Chanti Birdi, Intermediate Planner  
Chris Wicke, Senior Planner  
Amy Didrickson, Senior Planner  
Jacob Slevin, Planner

Others Present: Members of the public were present.

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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 5:34 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: Councillor Cinanni

**That** the minutes of Committee of Adjustment Meeting Number 10-2024, held on Monday, September 16, 2024, be approved.

**Carried**

**5. Disclosure of Pecuniary Interest**

There were none.

**6. Delegations**

There were none.

**7. Request for Deferral**

There were none.

**8. Returning Deferral Items**

There were none.

**9. Business**

**1. Application for Minor Variance - 627 Princess Street**

Ms. Sthamann introduced the application. She noted one item included as correspondence in the addendum.

Tyler Hamilton, Applicant, was present and indicated that he had nothing to add.

Mr. Perkins expressed support for the building design. He asked if there are units designated exclusively for residents with mobility issues. He inquired if there will be charging options for electric vehicles. Mr. Perkins also asked if there were short-term parking spaces for delivery vehicles and for residents moving in to the building. Mr. Hamilton explained that the

intent is to provide accessible units to those who require them. He added that electric vehicle parking will be evaluated during site plan control. Mr. Hamilton also noted that the Applicant is willing to accommodate a short-term parking space. He added that there will be a two-way access from 518 Albert Street which would allow enough space for a truck to pass through. He clarified that the building can be accessed from Princess Street as well as from the rear of the building, where the parking will be located.

Councillor Cinanni stated that there is a history of vehicles parking along Princess Street in this area, blocking bicycle lanes and sidewalks.

Mr. Dakin noted there are three parking spots proposed at the immediate rear of the building envelope. He asked if an alternative layout for the proposed parking spaces could be considered in site plan control to avoid separating green space from the building envelope. Mr. Clendening clarified that the easements provide sufficient space for turn movements as required under the by-law. He added that the laneway affords two lanes of traffic due to a six-metre easement on this property and the abutting property to the north. In response to concerns regarding greenspace, Mr. Clendening clarified that the City will be working with the Applicant to create a functional space and the design as seen in the site plan is shown as a conceptual demonstration. Mr. Bar added that there is no requirement under the zoning by-law for buildings with 50 units or less to have a loading zone. He clarified that this property can be accessed from Albert Street, where short term parking can be facilitated. He added that parking management has programs where residents are able to rent specified spaces for longer amounts of time for loading or unloading.

Mr. Skebo inquired if there are studies that test the feasibility of move-in and move-out for a 45 unit building during high volume times of the year. Mr. Bar clarified that there are no scientific studies to demonstrate this. He added that the requirement under the Zoning By-Law for buildings with 50 units or more to have a loading zone was driven by experiences observed in the city in the past.

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

Mr. Rehan sought clarification regarding the role of the Committee in prescribing conditions related to short-term delivery spaces when it is not delineated as one of the variances requested. Mr. Clendening explained that buildings with 30 or more units are required to provide a short-term delivery space under the Zoning By-Law. He specified that this is different than a loading zone, which is only required for buildings with 50 or more units. He clarified that relief is sought for a short-term delivery space. Mr. Clendening added that the amending motion would not approve the relief for a short-term delivery space, while affording the others permission.

Mr. Dakin sought clarification regarding the amending motion. Mr. Clendening clarified that the Applicants could address this amendment in several different ways. He explained that one of the proposed parking stalls could be dedicated to short-term parking. He added that the Applicants are looking for the ability to provide offsite parking at 518 Albert Street where there is an existing easement. He explained that an additional parking space could be provided within the 60-metre relief permitted by the Zoning By-Law. Mr. Clendening added that the Applicant is able to pursue cash in lieu of parking pursuant to City by-laws and the Planning Act for majority of the regular tenant parking spaces. Mr. Bar clarified that the amending motion increases the proposed to 20 spaces with the addition of a short-term delivery space, and decreases the variance requested to a reduction of 3 visitor spaces. Mr. Hamilton added that the Applicants are aware and happy to move forward with the amendment as provided.

Mr. Rehan expressed support for the amendment.

Moved by: Councillor Cinanni

Seconded by: Mr. Dakin

**Recommendation:**

**That** minor variance application, File Number D13-062-2024, for the property located at 627 Princess Street to construct a six-storey apartment building, be approved, as described below:

**Variance Number 1: Minimum Rear Yard Setback**

By-Law Number 2022-62:10.2.1.5

Requirement: 8 metres

Proposed: 6 metres

Variance Requested: 2 metres.

**Variance Number 2: Maximum Residential Density**

By-Law Number 2022-62:10.2.1.11:

Requirement: 210 dwelling units per net hectare

Proposed: 528 dwelling units per net hectare

Variance Requested: 318 dwelling units per net hectare

**Variance Number 3: Streetwall Setback**

By-Law Number 2022-62: 10.2.3.1

Requirement: A minimum of 75% of the streetwall of a building must be built to the minimum required front setback for the height of the streetwall.

Proposed: A minimum of 75% of the streetwall of a building is to be built within 0.4 metres of the minimum required front setback for the height of the streetwall

Variance Requested: 0.4 metres;

#### **Variance Number 4: Offsite Parking**

By-Law Number 2022-62: Section 7.1.12.

Requirement: Where a building that exists as of the date of passing of this By-law is converted resulting in an increase in the number of dwelling units, required parking spaces may be provided off-site, within 60.0 metres of the lot.

Proposed: A building that that is constructed resulting in an increase in the number of dwelling units, required parking spaces may be provided off-site, within 60.0 metres of the lot

Variance Requested: Existing Building;

#### **Variance Number 5: Parking Ratios**

By-Law Number 2022-62: Row 1 Table 7.1.1.: Number of Parking Spaces

Requirement: 23 spaces: 18 parking spaces; 1 car-share parking space; 3 visitor spaces; and, 1 short-term delivery parking space

Proposed: 20 spaces: 18 parking spaces; 1 car-share parking space; 1 visitor spaces; and, 0 short-term delivery parking space

Variance Requested: Reduction of 3 spaces: 0 parking spaces; 0 car-share parking spaces; 3 visitor spaces; and, 0 short-term delivery parking space; and

**That** approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-078.

**Carried as Amended**

#### **Amendment:**

Moved by: Councillor Cinanni

Seconded by: Mr. Dakin

**That** the recommendation for Application for Minor Variance – 627 Princess Street (Report Number COA-24-078) be amended in Variance Number 5: Parking Ratios to add one short-term delivery parking space so that it reads as follows:

#### **Variance Number 5: Parking Ratios**

By-Law Number 2022-62: Row 1 Table 7.1.1.: Number of Parking Spaces

Requirement: 23 spaces: 18 parking spaces; 1 car-share parking space; 3 visitor spaces; and 1 short-term delivery parking space

Proposed: 20 spaces: 18 parking spaces; 1 car-share parking space; 0 visitor spaces; and 1 short-term delivery parking space.

Variance Requested: Reduction of 3 spaces: 0 parking spaces; 0 car-share parking spaces; 3 visitor spaces; and 0 short-term delivery parking space; and

**Carried**

**2. Application for Permission - 196 Concession Street**

Ms. Sthamann introduced the application.

Atif Haider, Applicant, was present and indicated that he had nothing to add.

The Committee did not provide comment.

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

Artem Bogachuk introduced himself as a member of the construction team for 196 Concession Street. He added that he is available to answer questions if needed.

Moved by: Councillor Cinanni

Seconded by: Mr. Dakin

**Recommendation:**

**That** the application for permission, File Number D13-067-2024, for the property located at 196 Concession Street to increase the number of residential units within the existing legal non-conforming apartment building from 11 units to 12 units, be **Approved**; and,

**That** approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-080.

**Carried**

**3. Application for Minor Variance - 29 Railway Street**

Ms. Sthamann introduced the application.

Mark Levac, Applicant, was present and indicated that he had nothing 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: Councillor Cinanni

**Recommendation:**

**That** minor variance application, File Number D13-066-2024, for the property located east of 25 Railway Street to permit two, 30 square metre accessory storage buildings, be approved, as described below:

**Variance Number 1: Accessory Building Location**

By-Law Number 2022-62:Section 4.1.1

Requirement: The principal use or building must already be established on the same lot as the accessory use or building.

Proposed: The principal use is established on the east abutting lot.

Variance Requested: To permit two accessory storage buildings associated with a principal use on the east abutting lot at 25 Railway Street.

**Variance Number 2: Rear Setback**

By-Law Number 2022-62:Table 16.2.1

Requirement: Minimum rear setback of 7.5 metres

Proposed: Minimum rear setback of 5.5 metres

Variance Requested: 2.0 metres; and Variance Number 2: Interior Setback

By-Law Number 2022-62:Table 16.2.1

Requirement: Minimum interior setback of 6.0 metres

Proposed: Minimum interior setback of 1.2 metres

Variance Requested: 4.8 metres;

**That** approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-083.

**Carried**

**4. Application for Minor Variance - 2912 4th Concession Road**

Ms. Sthamann introduced the application.

Patrick Stenson, Applicant, was present and indicated that he had nothing 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. Dakin

Seconded by: Councillor Cinanni

**Recommendation:**

**That** minor variance application, File Number D13-061-2024, for the property located at 2912 4th Concession Road to provide relief from setback requirements to permit the construction of a detached garage adjacent to an existing single detached house on a rural residential lot, be approved, as described below:

**Variance Number 1:**

By-Law Number: 2022-62: Table 8.2.1.7 – Minimum interior setback  
- existing house

Requirement: 9.0 metres

Proposed: 4.5 metres

Variance Requested: 4.5 metres; and

**That** approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-086.

**Carried**

**5. Application for Consent - 1668 Victoria Street**

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

Kelsey Jones, Agent for Applicant, was present and indicated she had nothing 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. Dakin

Seconded by: Mr. Rehan

**Recommendation:**

**That** consent application, File Number D10-026-2024, to sever a residential lot with an area of approximately 1,294 square metres and to establish an access easement through the retained lot, be provisionally



approved subject to the conditions included in Exhibit A (Recommended Conditions) to Report Number COA-24-087.

**Carried**

**6. Application for Minor Variance and Consent - 101 Charles Street**

Ms. Sthamann introduced the application. She noted two letters of concern included as correspondence in the addendum.

Scott Gordon, Agent for Applicant, was present and indicated he had nothing to add.

The Committee did not provide comment.

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

Mary Ann Higgs, 3-1 Place D'armes, voiced support for the application but indicated a desire for City oversight on the proposal. She expressed concerns regarding precedence and densification in the area. She noted historical functions of the previous townhouse without vehicular access and expressed that it should remain this way. Ms. Higgs also highlighted groundwater concerns and past investments to manage the risk of flooding.

Mr. Slevin clarified that the property benefits from an existing easement over the neighbouring properties at 105 and 109 Charles Street which allows access from the street line to the rear yard. He added that this easement also benefits 99 Charles Street which is currently developed with a parking space at the rear of the property. Mr. Slevin added that an additional variance was added to this application to address the narrowness of the easement. He clarified that the rear of 101 Charles Street is sufficiently wide to accommodate two parking spaces side by side. He noted that although the right-of-way length is not to the current standards of the Zoning By-Law, it is considered legal non-conforming due to the historical use of the easement. Mr. Slevin added that this property could function with or without parking spaces, given its location. He stated that relieving parking requirements will allow for flexibility in the future. He added that additional parking is available on Charles Street and at a private parking lot at 568 Bagot Street.

Mr. Skebo sought clarification regarding the variance specific to parking.

Mr. Slevin confirmed that both the severed and retained lots have variances for parking that bring the required parking spots from one to zero. He clarified that this does not prohibit parking on the property, but eliminates the requirement.

Mr. Dakin expressed agreement with variances related to parking.

Moved by: Mr. Dakin

Seconded by: Councillor Cinanni

**Recommendation:**

**That** minor variance application, File Number D13-063-2024 for the property located at 101 Charles Street to permit a reduced minimum lot area, a reduced minimum lot frontage, a reduced front setback, and reduced parking requirements for both the severed and retained parcels, be approved, as described below:

**Retained Lot (101 Charles Street):**

**Variance Number 1: Minimum Lot Area**

By-Law Number 2022-62: Table 11.6.1.1

Requirement: 295 square metres for a townhouse

Proposed: 165 square metres

Variance Requested: 130 square metres

**Variance Number 2: Minimum Lot Frontage**

By-Law Number 2022-62: Table 11.6.1.2

Requirement: 8 metres for a townhouse

Proposed: 4.5 metres

Variance Requested: 3.5 metres

**Variance Number 3: Minimum Front Setback**

By-Law Number 2022-62: Table 11.6.1.4(d)

Requirement: 3.85 metres

Proposed: 1.5 metres

Variance Requested: 2.35 metres

**Variance Number 4: Number of Parking Spaces**

By-Law Number 2022-62: Table 7.1.1.2(b)

Requirement: 1 parking space per lot

Proposed: 0 parking spaces per lot

Variance Requested: 1 parking space

Severed Lot (103 Charles Street):

**Variance Number 5: Minimum Lot Area**

By-Law Number 2022-62: Table 11.6.1.1

Requirement: 295 square metres for a townhouse

Proposed: 165 square metres

Variance Requested: 130 square metres

**Variance Number 6: Minimum Lot Frontage**

By-Law Number 2022-62: Table 11.6.1.2

Requirement: 8 metres for a townhouse

Proposed: 4.5 metres

Variance Requested: 3.5 metres

**Variance Number 7: Minimum Front Setback**

By-Law Number 2022-62: Table 11.6.1.4(d)

Requirement: 3.85 metres

Proposed: 1.5 metres

Variance Requested: 2.35 metres

**Variance Number 8: Number of Parking Spaces By-Law Number**

2022-62: Table 7.1.1.2(b)

Requirement: 1 parking space per lot

Proposed: 0 parking spaces per lot

Variance Requested: 1 parking space; 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-24-084; and,

**That** consent application, File Number D10-028-2024, to sever an approximately 165 square metre parcel with approximately 4.5 metres of frontage which will be known as 103 Charles Street, to retain an approximately 165 square metre parcel with approximately 4.5 metres of frontage which will be known as 101 Charles Street, and to create a new easement over 103 Charles Street in favour of 101 Charles Street, be provisionally approved subject to the conditions included in Exhibit B (Recommended Conditions – Consent) to Report Number COA-24-084.

**Carried**

**10. Motions**

There were none.

**11. Notices of Motion**

There were none.

**12. Other Business**

Mr. Perkins introduced a set of questions attached to the addendum as correspondence regarding the function and processes of the Committee of Adjustment.

Mr. Rehan requested that this be addressed at another meeting to allow for absent members to provide input at a later date.

Mr. Dakin expressed support for the set of questions and noted the importance of understanding and learning what happens after the Committee of Adjustment makes a decision.

Councillor Cinanni echoed Mr. Dakin's statement and expressed his support.

Mr. Bar noted that Planning staff will bring a report to a future meeting with thoughtful responses to the questions submitted.

Mr. Perkins asked if additional questions could be submitted to the Committee Clerk. Ms. Hannah indicated that she can receive further questions and distribute to the Committee and Planning staff as needed.

**13. Correspondence**

1. **Correspondence received, dated October 14-17, regarding Application for Consent - 1668 Victoria Street**
2. **Correspondence received, dated October 18, regarding Application for Minor Variance - 627 Princess Street**
3. **Correspondence received, dated October 21, regarding Application for Minor Variance and consent - 101 Charles Street**
4. **Correspondence received, dated October 21, regarding the function and processes of the Committee of Adjustment**

**14. Date of Next Meeting**

The next meeting of the Committee of Adjustment is scheduled for Monday, November 18, 2024 at 5:30 p.m.

**15. Adjournment**

Moved by: Councillor Cinanni  
Seconded by: Mr. Perkins

**That** the meeting of the Committee of Adjustment adjourn at 6:35p.m.

**Carried**