



**City of Kingston Committee of Adjustment  
Minutes**

12-2024  
November 18, 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

Regrets Jordan Tekenos-Levy

Staff Present: Chris Booth, Senior Planner  
Amy Didrikson, Senior Planner  
Allison Hannah, Committee Clerk  
Victoria McCutcheon, Planner  
Malcolm Norwood, Supervisor, Development Approvals  
Tim Park, Director, Planning Services  
Jason Partridge, Planner  
Jacob Slevin, Planner  
Lindsay Sthamann, Secretary-Treasurer & Intermediate Planner  
Iain Sullivan, Committee Clerk  
Niki Van Vugt, Intermediate 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 5:34 p.m.

**3. Approval of the Agenda**

Moved by: Mr. Perkins  
Seconded by: Councillor Cinanni

**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. Rehan

**That** the minutes of Committee of Adjustment Meeting Number 11-2024, held on Monday, October 21, 2024, be approved.

**Carried**

**5. Disclosure of Pecuniary Interest**

There were none.

**6. Delegations**

There were none.

**7. Request for Deferral**

**1. Application for Minor Variance and Consent - 22-28 Ellice Street**

The Committee consented to the deferral of Application for Minor Variance and Consent - 22-28 Ellice Street.

**8. Returning Deferral Items**

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

Returning Deferral Item 8.1. was withdrawn due to the approval of Business Item 9.1.

**Recommendation:**

**That** minor variance application, File Number D13-039-2024, for the property located at 2267 – 2271 Princess Street to reduce the minimum east interior setback, the minimum rear setback and the minimum drive aisle width requirement to enable a proposed commercial development comprising a gas station with convenience store and drive-through restaurant and multi-unit retail building, be approved, as described below:

**Variance Number 1: Minimum Interior Setback**

By-Law Number 2022-62: Row 7, Table 15.6.1

Requirement: 9.1 metres for a gas station

Proposed: 7.1 metres for a gas station

Variance Requested: 2.0 metres;

**Variance Number 2: Minimum Rear Setback**

By-Law Number 2022-62: Row 5, Table 15.6.1

Requirement: 7.5 metres

Proposed: 2.0 metres

Variance Requested: 5.5 metres;

**Variance Number 3: Minimum Drive Aisle Width for Perpendicular Parking Space**

By-Law Number 2022-62: Row 3, Table 7.4.1

Requirement: 6.7 metres

Proposed: 6.0 metres Variance Requested: 0.7 metres; and

**That** approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-057.

**Withdrawn**

**9. Business**

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

Business Item 9.1. was considered immediately before Returning Deferral Item 8.1.

Councillor Hassan joined the meeting at 5:36 p.m.

Ms. Sthamann introduced the application.

Nitin Malhotra, Applicant, was present and noted that this application was deferred from July 15 to conduct a Noise Impact Study. He added that the Noise Impact Study resulted in minor changes in the conditions of approval, that he is happy to implement.

Mr. Scott sought clarification regarding the minimum rear setback. He inquired about the proposed use of the property behind the development.

Ms. Didrikson noted that the property to the southeast of the proposed development is designated as district commercial land use and is in a

general commercial zone with a legacy exception. She added that there are no active public facing development applications at this time. Ms. Didrikson explained that due to the configuration of the site, a rear loading area is not required. She noted that the rear yard setback will facilitate access around the building for maintenance and functionality. She added that the Noise Impact Study evaluated noise associated with HVAC equipment and it was determined that sound levels are predicted to comply with the Provincial sound limit levels.

Mr. Dakin asked if the position of the two-metre-high noise wall could be adjusted during site plan control. Ms. Didrikson explained that details such as fencing and mitigation measures can be examined further through site plan control. She added that the Applicant's noise consultant would need to review any modifications to ensure noise mitigation requirements. She added that there is a requirement for a planting strip adjacent to land with residential uses. She noted that the setback three metres from the east property line would allow for a planting strip.

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

Mark Touw, Planner, Arcadis Professional Services, was present and indicated that he was representing the neighbours to the west of the subject property. He voiced concern regarding noise impacts on future residential uses on the neighbouring property. Ms. Didrikson explained that the Noise Impact Study reviewed the adjacent property. She noted that noise mitigation will occur during site plan control to address the findings of the report.

Moved by: Councillor Hassan

Seconded by: Mr. Scott

**Recommendation:**

**That** minor variance application, File Number D13-039-2024, for the property located at 2267 – 2271 Princess Street to reduce the minimum east interior setback, the minimum rear setback and the minimum drive aisle width requirement to enable a proposed commercial development comprising a service station with convenience store and drive-through restaurant and multi-unit retail building, be approved, as described below:

**Variance Number 1: Minimum Interior Setback (east)**

By-Law Number 2022-62: Row 7, Table 15.6.1

Requirement: 9.1 metres for a service station

Proposed: 7.1 metres for a service station

Variance Requested: 2.0 metres;

**Variance Number 2: Minimum Rear Setback**

By-Law Number 2022-62: Row 5, Table 15.6.1

Requirement: 7.5 metres

Proposed: 2.0 metres

Variance Requested: 5.5 metres;

**Variance Number 3: Minimum Drive Aisle Width for Perpendicular Parking Space**

By-Law Number 2022-62: Row 3, Table 7.4.1

Requirement: 6.7 metres

Proposed: 6.0 metres

Variance Requested: 0.7 metres; and

**That** approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-057.

**Carried**

**2. Application for Minor Variance and Permission - 10 Birch Avenue**

Ms. Sthamann introduced the application. She noted one letter of Correspondence included in the Addendum.

Alex Adams, Agent for Applicant, was present and noted a proposed amendment for Condition #4 included in the Addendum as Correspondence.

Mr. Dakin sought clarification regarding Condition #4.

Ms. Van Vugt noted that this is a standard condition of approval on all planning applications that may result in any ground disturbance. She explained that this requirement is based on the findings of the City of Kingston Archaeological Master Plan that was completed to satisfy ministerial archaeological requirements under the Ontario Heritage Act. She added that the existing condition states that archaeological clearance is only required prior to any soil disturbance, and is not required for siteworks not involving ground disturbance.

Councillor Cinanni inquired about bedroom limits for the subject property. Ms. Van Vugt explained that the current configuration of the building results in an apartment type use based on the definitions under the Zoning By-Law. She noted that this results in a permission application to expand a legal nonconforming use. Ms. Van Vugt added that relief is being sought through a variance as the building currently complies with the urban residential zone for eight bedrooms but is seeking relief to expand seven

bedrooms to accommodate four bedrooms in one unit and three in another unit.

Mr. Skebo inquired why staff cannot support the proposed amendment from the Applicant. Ms. Van Vugt explained that building permits are not required for walkways, waste and recycling storage areas, or parking reconfigurations. She noted that Condition #4 was worded to ensure changes on site related to this application would require an archaeological study.

Mr. Rehan sought clarification regarding short-term and long-term parking spaces. He asked if bicycle parking spaces are included on the property. Ms. Van Vugt explained that the parking requirements are based on an apartment type use. She added that the Applicant is seeking relief for the reduction of one standard space. She noted this is to allow for the addition of one accessible space to meet accessibility requirements. Ms. Van Vugt explained that the existing units without bicycle parking do not need to make up for that existing deficiency. She noted the Applicant is looking to go above and beyond the current bicycle parking requirements under section 7.3 of the Zoning By-Law with the two proposed units.

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

Somnath Sinha joined the meeting at 6:03 p.m.

Mr. Skebo voiced support for the proposed amendment to Condition #4. He noted the Applicant's willingness to garner an archaeological assessment if the ground is to be disturbed. He added this amendment will assist the Applicant in obtaining a building permit. He inquired if the Applicant would be willing to sign an undertaking to ensure an archaeological assessment is completed if the ground is to be disturbed.

Mr. Dakin explained that he cannot support the amendment as there would be no mechanism of guarantee or control on the Applicants disturbance of ground elevations. He added that if an undertaking is signed, it would need to be included in the condition of approval to ensure it is enforced.

Councillor Cinanni asked if there is an alternate mechanism to mandate the Applicant to obtain the archaeological assessment. Mr. Park indicated unfamiliarity with the Ontario Heritage Act regarding legislative enforcement of completing an archaeological study but noted that complaints would not spark such an assessment.

The Committee of Adjustment recessed at 6:25 p.m.

Gaurav Rehan left the meeting at 6:34 p.m.

The Committee of Adjustment returned from recess at 6:40 p.m.

Moved by: Mr. Scott  
Seconded by: Mr. Rehan

**Recommendation:**

**That** the application for permission, File Number D13-052-2024, for the property located at 10 Birch Avenue to expand the legal non-conforming apartment building on the subject property by raising the height to 9.95 metres through the construction of a third storey addition to accommodate two additional dwelling units, be Approved; and  
That the application for minor variance, File Number D13-052-2024, for the property located at 10 Birch Avenue to seek relief from select zone provisions of the Kingston Zoning By-Law, including maximum number of bedrooms and minimum number of standard parking spaces, be approved, as described below:

**Variance Number 1: Maximum Number of Bedrooms**

By-Law Number 2022-62: Section 4.28.1.1.

Requirement: A maximum of 8 bedrooms are permitted per lot, in the aggregate, on any lot in the Urban Residential Zones, DR Zone, and the HCD1 Zone;

Proposed: A maximum of 15 bedrooms are permitted per lot, in the aggregate, on across six dwelling units;

Variance Requested: 7 bedrooms;

**Variance Number 2: Minimum Number of Parking Spaces**

By-Law Number 2022-62: Table 7.1.1.1.(a)

Requirement: 4 parking spaces;

Proposed: 3 parking spaces;

Variance Requested: 1 parking space; and

**That** approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-068.

**Carried**

**Amendment:**

Moved by: Councillor Hassan  
Seconded by: Mr. Scott

**That** the Condition #4 for Application for Minor Variance and Permission – 10 Birch Avenue (Report Number COA-24-068) be amended to insert the highlighted wording so that it reads as follows:

4. Standard Archaeological Condition

Archaeological clearance of the subject property is required **if ground disturbance is proposed**, beginning with a Stage One Archaeological Assessment and including any subsequent assessments as required by the Ministry's 'Standards and Guidelines for Consultant Archaeologists', as amended from time to time, prior to any soil disturbance.

One digital copy of the assessment report(s) and any acceptance letter(s) from the Ministry of Citizenship and Multiculturalism shall be provided to the Secretary-Treasurer of the Committee of Adjustment, prior to the issuance of a building permit **related to any structures/building associated with the ground disturbance**.

The City relies upon the report of the professional archaeologist as filed, but reserves the right to require further reports should further evidence be uncovered. The applicant may be required to further review the state of archaeological resources on the property depending on the recommendations of the report and subject to input and review from the Ministry Citizenship and Multiculturalism. The City shall not be restricted in its ability to determine requirements related to review, assessment and/or protection should archaeological resources be found on site. Any costs arising from such requirements of the City, or any other duly authorized Government body, shall be borne solely by the applicant.

**If no new ground disturbance is proposed, archaeological clearance of the property is not required.**

**Carried**

**3. Application for Minor Variance and Consent - 264-266 Weller Avenue**

Ms. Sthamann introduced the application.

Philip Osterhout, 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 an opportunity to speak. There were no comments received from the public.

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

**Recommendation:**

**That** minor variance application, File Number D13-068-2024 for the property located at 264-266 Weller Avenue to permit reduced minimum lot frontages, increased maximum driveway widths, and increased maximum building depths for the proposed semi-detached homes, be approved, as described below:



**Retained Lot (264 Weller Avenue):**

**Variance Number 1: Minimum Lot Frontage**

By-Law Number 2022-62: Table 11.7.1.2(b)

Requirement: 9 metres for a semi-detached house

Proposed: 8 metres

Variance Requested: 1 metre

**Variance Number 2: Maximum Building Depth**

By-Law Number 2022-62: Table 11.7.1.12(a)

Requirement: 18 metres

Proposed: 22.5 metres

Variance Requested: 4.5 metres

**Variance Number 3: Maximum Width of a Driveway**

By-Law Number 2022-62: Section 7.4.8.5

Requirement: Maximum 40% of the length of the street line

Proposed: 65% of the length of the street line

Variance Requested: 25%

**Severed Lot (266 Weller Avenue):**

**Variance Number 4: Minimum Lot Frontage**

By-Law Number 2022-62: Table 11.7.1.2(b)

Requirement: 9 metres for a semi-detached house

Proposed: 8 metres

Variance Requested: 1 metre

**Variance Number 5: Maximum Building Depth**

By-Law Number 2022-62: Table 11.7.1.12(a)

Requirement: 18 metres

Proposed: 22.5 metres

Variance Requested: 4.5 metres

**Variance Number 6: Maximum Width of a Driveway**

By-Law Number 2022-62: Section 7.4.8.5

Requirement: Maximum 40% of the length of the street line

Proposed: 65% of the length of the street line

Variance Requested: 25%; 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-24-085; and,

**That** consent application, File Number D10-032-2024, to sever an approximately 372 square metre parcel and retain an approximately 372 square metre parcel on the property at 264-266 Weller Avenue, be provisionally approved subject to the conditions included in Exhibit B (Recommended Conditions – Consent) to Report Number COA-24-085.

**Carried**

#### **4. Application for Minor Variance - 51-57 Queen Street**

Ms. Sthamann introduced the application and noted one letter of correspondence forwarded to the Committee by e-mail.

Mark Touw, Agent for 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: Mr. Perkins

#### **Recommendation:**

**That** minor variance application, File Number D13-071-2024, for the property located at 55 Queen Street to vary maximum rooftop projections and yard projections for canopies and awnings to support the development of the property with a 19-storey mixed-use building, be approved, as described below:

##### **Variance Number 1: Height Restrictions Exceptions – Maximum Height**

By-Law Number 96-259: 5.19(i)i)

Requirement: 3.5 metres

Proposed: 5.6 metres

Variance Requested: 2.1 metres

##### **Variance Number 2: Height Restrictions Exceptions – Maximum Area**

By-Law Number 96-259: 5.19(i)ii)

Requirement: 10%

Proposed: 43%

Variance Requested: 33%

**Variance Number 3: Height Restrictions Exceptions – Maximum Length**

By-Law Number 96-259: 5.19(i)iii)

Requirement: 50%

Proposed: 68%

Variance Requested: 18%

**Variance Number 4: Permitted Yard Projections – Minimum Setback from Lot Line for Canopies and Awnings Above Doors and Windows**

By-Law Number 96-259: 5.29

Requirement: 0.5 metres

Proposed: 0 metres

Variance Requested: 0.5 metres; and

**That** approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-088.

**Carried**

**5. Application for Minor Variance - 47 Wycliffe Crescent**

Ms. Sthamann introduced the application.

Sarah McConnell, Owner, was present and indicated that 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. Perkins

**Recommendation:**

**That** minor variance application, File Number D13-075-2024, for the property located at 47 Wycliffe Crescent to legalize the existing driveway and accommodate a new walkway, be approved, as described below:

**Variance Number 1: Maximum Width of a Driveway at the Point of Intersection with the Front Lot Line**

By-Law Number 2022-62:7.4.8.2

Requirement: 40% of the length of the applicable street line, provided that the minimum width of the driveway is 2.6 metres

Proposed: 57%

Variance Requested: 17%

**Variance Number 2: Minimum Parking Space Length**

By-Law Number 2022-62: 7.4.1

Requirement: 6.0 metres

Proposed: 5.3 metres

Variance Requested: 0.7 metres; and

**That** approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-089.

**Carried**

**6. Application for Minor Variance - 4292 Bath Road**

Ms. Sthamann introduced the application.

Brett Smith, Applicant, was present and indicated that he had nothing further to add.

Mr. Scott sought clarification regarding the intention of setback. He sought confirmation that there will be no impact to the waterbody. Mr. Smith explained that relief is sought to construct two rear yard decks. He added that there is no anticipated impact to the waterbody.

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. Scott

**Recommendation:**

**That** minor variance application, File Number D13-074-2024, for the property located at 4292 Bath Road to construct two rear yard decks. The

western deck will be 51.65 square metres with 49.31 square metres over 1.2 metres in height with a 11.87 metre setback from the waterbody and the eastern side deck will be 13.95 square metres under 1.2 metres in height., be approved, as described below:

**Variance Number 1: Waterbody Separation Distance (Deck)**

By-Law Number 2022-62:Section 4.23.1

Requirement: 30 metres

Proposed: 11.87 metres

Variance Requested: 18.13 metres

**Variance Number 2: Maximum surface area of floor level(s) above 1.2 metres**

By-Law Number 2022-62:Section 4.20.5.1 metres in height

Requirement: 30 square metres

Proposed: 49.31 square metres

Variance Requested: 19.31 square metres

**That** approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-092.

**Carried**

**7. Application for Minor Variance - 283 Queen Street**

Ms. Sthamann introduced the application.

Elysia Ackroyd, Agent for Applicant, was present and indicated that she had nothing to add.

Mr. Dakin asked how garbage will be collected. Ms. Ackroyd explained that garbage will be collected privately at the street side.

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

**Recommendation:**

**That** minor variance application, File Number D13-079-2024, for the property located at 283 Queen Street to construct an apartment building with reduced vertical clearance for access to the interior loading space, be approved, as described below:

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

By-Law Number 2022-62: 7.5.8.1

Requirement: 4.2 metre minimum vertical clearance for access to a loading space;

Proposed: 3.8 metres;

Variance Requested: 0.4 metres; and

**That** approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-096.

**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 November 14, 2024, regarding Application for Minor Variance and Permission - 10 Birch Avenue**

#### **14. Date of Next Meeting**

The next meeting of the Committee of Adjustment is scheduled for Monday, December 16, 2024, at 5:30 p.m.

#### **15. Adjournment**

Moved by: Mr. Perkins

Seconded by: Councillor Cinanni

**That** the meeting of the Committee of Adjustment adjourn at 6:51 p.m.

**Carried**