



**City of Kingston Committee of Adjustment
Minutes**

10-2024
September 16, 2024
5:30 p.m.
Council Chamber

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

Regrets Peter Skebo, Chair

Staff Present: James Bar, Manager, Development Approvals
Ian Clendening, Deputy Secretary-Treasurer & Senior Planner
Iain Sullivan, Committee Clerk
Allison Hannah, Committee Clerk
Victoria McCutcheon, Planner
Annemarie Eusebio, Intermediate Planner

Others Present: Councillor Stephen
Members of the public were present.

1. Introduction by the Chair

The Vice-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 Vice-Chair called the meeting to order at 5:35 p.m.

3. Approval of the Agenda

Moved by: Mr. Perkins
Seconded by: Mr. Scott

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: Councillor Cinanni
Seconded by: Mr. Perkins

That the minutes of Committee of Adjustment Meeting Number 09-2024, held on Monday, August 19, 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 - 901 and 915 Alnwick Lane

Mr. Clendening introduced the application.

Mike Preston, Agent for the Applicant, was present and added that the building will be 26 meters from the closest property line and that there are little to no anticipated impacts on neighboring properties.

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: Councillor Hassan

That minor variance application, File Number D13-051-2024, for the property located at 901 and 915 Alnwick Lane to increase the maximum height of an accessory building from 4.6 metres to 7.3 metres, be approved, as described below:

Variance Number 1: Maximum Height of an Accessory Building

By-Law Number 2022-62: 4.1.2.4

Requirement: 4.6 metres

Proposed: 7.3 metres

Variance Requested: 2.7 metres; and

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-075.

Carried

2. Application for Minor Variance and Consent - 757 Front Road

Mr. Clendening introduced the application. He noted five letters of concern included as correspondence in the addendum.

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

Mr. Scott sought clarification regarding the rear yard of the retained lot. He also asked what impact a one metre side yard will have on the retained house. He inquired how the severed lot size compares to newer single family properties in the City. Ms. Jones explained that the area that is to become the east yard of the retained lot will continue to function as the backyard as the existing driveway for the property is from Jorene Drive. She added that the proposed reduction will function as a side yard. She clarified that the proposed dwelling has not yet been designed and that the existing dwelling has three small windows towards the rear of the building. Ms. Eusebio explained that lot sizes with consent applications that have been approved in the past ranged from approximately 540 to 630 square metres. She added that although the proposed severed lot is smaller, it does provide a suitable building envelope and would not result in an increase in lot coverage. Mr. Bar added that modern lots north of Princess Street typically measure between 250 to 460 square meters for a single detached dwelling.

Councillor Cinanni asked if the proposed dwelling is constricted to the height and elevation of neighbouring buildings. Ms. Eusebio explained that building height as allowed by the zoning by-law is 9 metres for a flat roof,

and 10.7 metres for other roof types. She added that this height would allow for a two-storey dwelling.

Mr. Rehan sought confirmation regarding the setback for the existing dwelling. He also inquired about the height for the existing deck. Mr. Bar clarified that the setback for the existing dwelling is 1.2 metres from the newly created lot line. Ms. Jones added that the existing deck on the south portion of the property is proposed to be removed to accommodate the severance. She clarified there is a second story deck on the rear southeast corner of the existing building that would remain.

Mr. Perkins asked how the concerns outlined in the letters of correspondence will be addressed. Mr. Bar explained that the correspondence has been reviewed and no changes to the conditions or recommendation have been made. He added that conditions of approval associated with this application include a servicing and grading plan that will be built into a development agreement to be registered on the title of the land. Mr. Bar also noted that concerns outlined in the letters of correspondence that are outside the scope of a minor variance do not have an impact on this application.

Councillor Hassan sought clarification regarding public notice of minor variance applications. Mr. Bar explained that there is not a requirement under the Planning Act that neighbours receive notice of submission of the application. He clarified that neighbours are required to be notified 14 days prior to the application going to a public meeting.

Councillor Stephen sought clarification regarding the intent for the severed lot. She also asked if there was policy or procedure to prevent property owners from applying for numerous minor variances. Ms. Jones stated that the intent for the severed lot is to build a single family dwelling and sell it to a new owner. Ms. Eusebio explained that the proposed development for the single detached dwelling includes two variances and is at the maximum lot coverage. She noted that any expansion beyond the proposed would result in subsequent minor variances that would require further review. Mr. Bar added that every application for minor variance is a public process and one would not be exempt from review by staff and coming before the Committee of Adjustment.

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

Margot Jones, 60 Jorene Drive, was present and expressed concerns regarding the proposal not being consistent with other dwellings or lot sizes in the area. She added that several mature trees will be impacted as a result of the proposed build. Ms. Jones also noted that this development will impact the flood plain and drainage in the area.

Ron Cameron, 52 Jorene Drive, was present and commented that the lot size is not consistent with other lots in the area.

Pam Manders, 23 Lakeshore Boulevard, voiced concern with setting a precedence in the neighbourhood for this type of development.

John Williams, 129 Redden Street, expressed concern that reducing setbacks will obstruct fire safety and emergency services.

Kendall Watts, 60 Jorene Drive, raised concerns regarding public notice signage and the lack of an appeal process. He commented that the proposed dwelling will negatively impact the privacy of neighbours. He also voiced concern regarding servicing in the area.

In response to public comments, Ms. Jones clarified that no variances are sought related to the proposed building on the severed lot. She added that the concept plan shows a building envelope of approximately 1300 square feet and it has been demonstrated that a dwelling of that size can comfortably fit without any reductions to further setbacks or lot coverage. Ms. Jones explained that the proposed dwelling is expected to be two-storeys to maintain consistency with the existing dwelling on the retained lot. She noted that although some tree removal would be required to facilitate the proposed building envelope, the applicants are looking to protect as many trees as possible and this will be further evaluated through fulfilling the conditions of consent. Ms. Jones clarified that safety concerns will be evaluated during the building permit process. She added that the setback to 60 Jorene Drive is two metres which exceeds the minimum zoning requirement for an interior side setback.

Mr. Bar confirmed that the proposed severed lot would be the smallest lot in the area south of Front Road, however, would be consistent with other corner lot severances in the area. He clarified that there are no zoning changes proposed for the severed lot, and the zoning is consistent throughout Reddendale. In response to questions about limiting development on the property to a single family dwelling, Mr. Bar explained that this is not possible as the Province has mandated that each property can allow up to a maximum of three residential units. He added that Council recently passed fourth unit provisions for a property. In response to concerns with Bill 23 and appeal rights, Mr. Bar explained that the City is required by the Planning Act to post the specific verbiage for any signs and mail out notices.

Mr. Rehan asked how staff measures impact to streetscape. He also sought clarification regarding the placement of trees on the property. Mr. Bar noted this is not the first corner lot severance in the area. He explained that there are no trees that fall within the municipal road allowance, so any trees on private property are subject to the exemptions under the Tree By-Law.

Mr. Dakin noted that single family dwellings do not fall under site plan control, and asked how staff manages tree conservation in the context of a severance and development of single-family dwelling. Mr. Bar explained

that the Tree By-Law focuses on trees on municipal property. He clarified that trees situated on private property are up to the discretion of the property owner and any trees on lot lines are civil matters.

Councillor Stephen asked what the next steps were if this application were approved and if this application were denied. She also asked if the conditions as outlined in Exhibit A are standard and if this is the avenue to make amendments. Councillor Stephen asked the Committee to consider amending the recommended conditions for approval to address mitigating factors related to the privacy of neighbours. Mr. Bar explained that if this application is not approved, the applicant could choose not to seek further consideration of the application, or the applicant could appeal the decision to the Ontario Land Tribunal (OLT). He added that if this application is approved, the minor variance goes into effect subject to the passing of the consent application. He explained that the applicant must fulfill the conditions of consent within two years. Mr. Bar clarified that some of the conditions of approval are standard, however, it is important that a requirement for a grading plan to be reviewed and accepted by engineering staff is also a part of the development agreement. He added that the grading plan and recommendations from the noise study would be registered on the title of the lands. Mr. Bar noted that the Committee does have the ability to amend the recommended conditions. He added that consent conditions or minor variance conditions are typically written based on mitigating factors that need to be addressed.

Mr. Rehan asked why the Committee was not provided plans for the proposed single family dwelling on the severed lot. Mr. Bar explained that viewing the plans for the proposed single-family dwelling is not a requirement for a severance.

Mr. Tekenos-Levy clarified that some concerns outlined in letters of correspondence are not within the scope of the Committee and sought to remind members to focus on the four tests of a minor variance under the Planning Act. He questioned if the application was minor and if the application is desirable for the appropriate development of the lands in question. Mr. Tekenos-Levy noted a precedence for corner lot severances in the area.

Councillor Cinanni inquired if adding a condition for fence height and window placement is appropriate. He also asked if there are any exemptions in the Fences By-Law. Councillor Cinanni sought clarification regarding the intent of the severance and proposed dwelling. Ms. Jones noted that a fence would need to be in compliance with the Fences By-Law where a maximum of six feet is permitted. She added that although the dwelling has not been designed, the owners are aware of the privacy concerns and will undergo detailed design of the dwelling through fulfilling the conditions of the consent. Ms. Jones clarified that the applicants are not seeking relief related to the setbacks on the severed lot to the property

located at 60 Jorene Drive. She added that the current owners plan to continue to reside at the retained property.

Mr. Bar added that the Building Code restricts the number of windows adjacent to a lot line depending on proximity. He noted that there is an exemption in the Fences By-Law for fences over six feet if required and approved as a condition of development or redevelopment.

Mr. Scott voiced his support for the application.

Moved by: Councillor Cinanni
Seconded by: Councillor Hassan

That minor variance application, File Number D13-059-2024 for the property located at 757 Front 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 Table 11.5.1 (1) - Minimum Lot Area

Requirement: 557.4 square metres

Proposed: 405 square metres

Variance Requested: 152.4 square metres; and,

Retained Lot

Variance Number 2:

By-Law Number: 2022-62 Table 11.5.1 (5) – Minimum Rear Setback

Requirement: 7.6 metres

Proposed: 1.0 metres

Variance Requested: 6.6 metres.

That approval of the minor variance application be subject to the conditions attached as Exhibit A (Recommended Conditions – Minor Variance) to Report Number COA-24-076; and,

That consent application, File Number D10-027-2024, to sever an approximately 405 square metre lot with approximately 16 metres of frontage along Jorene Drive be provisionally approved subject to the conditions included in Exhibit B (Recommended Conditions – Consent) to Report Number COA-24-076.

Carried

Amendment:

Moved by: Councillor Cinanni

Seconded by: Councillor Hassan

That Application for Minor Variance and Consent – 757 Front Road be amended in Exhibit B to include new Condition 13 which reads as follows:

“The Owner is required to install an eight-foot privacy fence along the southern lot line at the time of construction of the new dwelling on the severed lot. This condition will be added to the development agreement registered on the title of the land.”

Lost

3. Application for Minor Variance - 590 Cataraqui Woods Drive

Mr. Clendening introduced the application.

Jason Sands, Agent for the Applicant, was present and indicated that he had nothing to add.

Mr. Scott asked how noise will be mitigated from the animal shelter. He inquired how close the nearest residential property is to the subject property. Mr. Sands explained that noise will be regulated through the Noise By-Law as well as through site plan control. He added that no outdoor use of the animal shelter is proposed. Mr. Sands clarified that the subject property is located in an employment area as designated in the Official Plan and Zoning By-Law and as a result, there are no sensitive uses in the immediate vicinity of the subject property.

Councillor Hassan asked if the subject property is zoned as commercial. He sought confirmation that the animal shelter will be indoors. Mr. Sands confirmed that the subject property is zoned as commercial. He added that units 1 and 2 in the existing building are the only units subject to this application based on recommended condition 5 as outlined in Exhibit A. Mr. Sands stated that an animal shelter use is incorporated as complementary in the consideration, however, the building floor plan is designed for an office use and as such the owner expects the wellness clinic to be the more likely proposed use.

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

Mark Ethier, 598 Cataraqui Woods Drive, voiced his support for the application. He asked why this application does not apply to all fourteen units, but only applies to units 1 and 2, when both addresses of 590 and 598 Cataraqui Woods Drive are used in the Notice of Decision.

Ms. McCutcheon noted that the application is only for units 1 and 2 as it is specific to the owner of those units. She added that the address for 598 Cataraqui Woods Drive was used for the general provisions of the property as a whole.

Moved by: Councillor Cinanni
Seconded by: Mr. Perkins

That minor variance application, File Number D13-065-2024, for the property located at 590 Cataraqui Woods Drive, Units 1 and 2, to permit a wellness clinic, animal care, animal shelter, and recreation facility as complementary uses, be approved, as described below:

Variance Number 1:

By-Law Number 2022-62: 16.1.2 Permitted Uses in the Employment Zones (M2)

Requirement: Wellness Clinic, Animal Care, Animal Shelter, and Recreation Facility are not identified as a permitted use in the M2 Zone

Proposed: Establish Wellness Clinic, Animal Care, Animal Shelter, and Recreation Facility as a complementary use

Variance Requested: Establish Wellness Clinic, Animal Care, Animal Shelter, and Recreation Facility as a complementary use in accordance with Section 16.3.2.5

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-077.

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 September 3 - September 13, 2024, regarding Application for Minor Variance and Consent - 757 Front Street**

14. Date of Next Meeting

The next meeting of the Committee of Adjustment is scheduled for Monday, October 21, 2024, at 5:30 p.m. The Chair noted that this meeting will be held virtually through Zoom.

15. Adjournment

Moved by: Councillor Cinanni
Seconded by: Councillor Hassan

That the meeting of the Committee of Adjustment adjourn at 7:17 p.m.