



**City Of Kingston
Planning Committee
Meeting Number 21-2019
Minutes
Thursday October 17, 2019 at 6:30 p.m.
Council Chamber, City Hall**

Committee Members Present

Councillor Neill; Chair
Councillor Chapelle
Councillor Hutchison
Councillor Osanic

Regrets

Councillor Hill
Councillor Kiley

Staff Members Present

Annemarie Eusebio, Intermediate Planner
Tim Fisher, Planner
Genise Grant, Intermediate Planner
Andrea Gummo, Acting Manager, Policy Planning
Tim Park, Manager, Development Approvals
James Thompson, Committee Clerk

Others Present

Members of the public were present

Introduction by Committee Chair

Councillor Neill, Chair, explained the purpose of the meeting and read the rights and obligations afforded to the Committee members and members of the public during public meetings.

Public Meeting
Held Pursuant to the Planning Act
6:30 p.m.
Zoning By-Law Amendment

The following is a Public Meeting report to the Planning Committee regarding an application for a zoning by-law amendment submitted by Fotenn Consultants Inc. on behalf of Green Rental Properties Incorporated, with respect to the subject property located at 49 Beverley Street. This report describes the proposed application and includes an overview of the relevant policies and regulations that will be evaluated as part of a future comprehensive report.

The applicant is proposing to amend Zoning By-Law Number 8499 to facilitate the redevelopment of 49 Beverley Street with a three-storey dwelling containing three residential units. The property is currently developed with a one-and-a-half-storey single-detached residential dwelling containing two dwelling units. The existing dwelling on the subject property is proposed to be demolished. The proposed development contains one four-bedroom unit on each floor for a total of three units. The proposed triplex will have an increased footprint and height. A shared front entrance and separate interior access to each of the units is provided. Secondary access will also be provided at the rear of each unit. 73 square metres of at-grade communal amenity area is provided in the rear yard and common interior amenity area will be located in the basement. The basement will not contain a residential unit.

Three paved surface parking spaces will be located at the rear of the building and will be accessed from a driveway located off Beverley Street. A 1.5 metre unobstructed pathway will be provided along the south and east sides of the proposed dwelling to provide pedestrian access to the rear parking and backyard. Bicycle parking will be provided in a shed located at the rear of the property.

A triplex is not permitted within the One-Family Dwelling 'A' Zone. The applicant is proposing to apply a site-specific Three-To-Six-Family Dwelling 'B' Zone, as this zone allows for a three unit dwelling. The applicant is requesting a modification to the following Three-To-Six-Family Dwelling 'B' zone provisions:

- a) A reduction in the minimum front yard setback from 6 metres to 3 metres;
- b) A reduction in the minimum side yard setback from 3.68 metres to 3.2 metres to the west and 2.1 metres to the east;
- c) A reduction in the minimum aggregate side yard from 9.2 metres to 5.3 metres;
- d) A reduction in parking space size from 2.7 metres by 6 metres to 2.6 metres by 5.2 metres;
- e) Projection into Yards - A reduction in the minimum setback from the interior side lot line from 3.68 metres to 2.1 metres; and
- f) Projection into Yards - A reduction in the minimum setback from the front lot line from 6 metres to 1.7 metres.

File Number: D14-014-2019
Address: 49 Beverley Street
Application Type: Zoning By-Law Amendment
Owner: Green Rental Properties Incorporated
Applicant: Fotenn Consultants Inc.

Councillor Neill, Chair, called the public meeting regarding a Zoning By-Law Amendment regarding 49 Beverley Street to order at 6:31 p.m.

The agent conducted a PowerPoint presentation regarding a Zoning By-Law Amendment regarding 49 Beverley Street. A copy of the PowerPoint presentation is attached to the original set of minutes located in the City Clerk's Department.

Ms. Eusebio noted that pursuant to the requirements of the Planning Act, a notice of the Statutory Public Meeting was provided by advertisement in the form of signs posted on the subject site 20 days in advance of the Public Meeting. In addition, notices were sent by mail to all 70 property owners (according to the latest Assessment Rolls) within 120 metres of the subject property. A courtesy notice was also placed in The Kingston Whig-Standard on September 30, 2019.

Councillor Hutchison questioned whether the application meets the "a" zoning requirements with the exception of the proposed number of units. The agent responded that the application is requesting three units and provided additional clarification regarding the requested zoning.

In response to a question from Councillor Hutchison, the agent spoke to the Infill Design Parameters PowerPoint slide.

Councillor Hutchison questioned if there are examples of "b" zoning anywhere else on the street. The agent responded that in the past a modified "a" zoning would be utilized to account for a third unit. He stated that staff suggested a modified "b" zoning as it properly governs a multi-family dwelling.

In response to a request from Councillor Hutchison, the agent spoke further to the differences between an "a" zone and a "b" zone.

Councillor Hutchison sought further information regarding whether the application is compatible with the street scape. The agent responded that the design of the building resembles a one unit dwelling. He commented that the proposed density is appropriate for the neighbourhood.

Councillor Chapelle noted that the property is described as a family dwelling and asked the agent to describe a family which would require four bedrooms. The agent

responded that he personally has three children and commented that he would want to live in a five bedroom dwelling to account for a guest room. He stated that the property is located in close proximity to a hospital and would also be suitable for students. He mentioned that a wide range of people would enjoy living at this development.

In response to a question from Councillor Chapelle, the agent provided additional information related to parking and bicycle storage. He noted that the application meets zoning by-law requirements regarding this matter.

Councillor Chapelle asked the agent whether the parking lot will include a vehicle charging station. The agent responded that this suggestion will be considered.

Councillor Chapelle asked the agent if there is space onsite for recycling storage. The agent responded that the basement is intended to be used for storage as well as the garbage and recycling room. He mentioned that the basement will also include a community room. He noted that there would also be room for a garbage storage shed.

Councillor Chapelle referenced a piece of correspondence which suggested that the application does not conform to the Official Plan. The agent explained that the application conforms to the Official Plan and clarified that the application does not meet all zoning by-law requirements as the by-law is very out of date and does not mesh with the Official Plan.

Councillor Osanic questioned how many bedrooms are in the current house. The agent replied that the house currently consists of two units with four bedrooms.

In response to a question from Councillor Osanic, the agent provided additional information regarding the proposed design of the parking lot.

Councillor Osanic asked the agent whether the trees located along the fence line will be retained. The agent stated that the trees located along the fence will not be impacted. He indicated that the pine tree located in the front yard may be removed.

Councillor Osanic expressed concern that an illegal unit may be created in the basement. The agent reiterated that the application relates to a three unit building. He explained that the basement is completely separate from the units. He stated that it would be illegal for someone to reside in the basement. He commented that he will review this matter further with staff.

Councillor Neill requested that Councillor Osanic assume the role of Chair.

Councillor Neill suggested that electric vehicle charging stations be installed. He mentioned that the applicant should also consider constructing the parking lot with a permeable surface. He stated that it would be appreciated if one of the parking spaces could accommodate an accessible vehicle.

Councillor Neill resumed the role of Chair.

Councillor Chapelle questioned if it would be possible to remove the bathroom from the basement. The agent replied that he would discuss this suggestion with the applicant.

Ms. Gummo provided the Committee with additional information related to illegal units.

Councillor Neill requested that Councillor Osanic assume the role of Chair.

Councillor Neill noted that permitting "b" zoning could permit a building with three to six units. He noted that there would be potential for the applicant to submit another application requesting additional units.

The agent spoke to the proposed Zoning By-Law Amendment PowerPoint slide and reiterated that the applicant is only seeking the ability to construct a triplex.

Councillor Neill expressed concern that an illegal unit could be created in the basement.

Ms. Gummo indicated that staff are working to create stronger illegal unit enforcement policies.

Councillor Neill resumed the role of Chair.

Councillor Chapelle suggested that a crawl space be considered for the basement to remove the concern of an illegal unit being created in the basement.

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

Mr. Rubens, 265 King Street West spoke in opposition to the application. A transcript of his statement is available in the City Clerk's Department.

Mr. Mitchell noted that he is appearing before the Committee on behalf of the Sydenham District Association. He commented that in general the community accepts intensification and understands the intent of the Provincial Policy Statement. He indicated that there is concern with the application due to the location of the property. He commented that the City of Kingston zoning by-laws should be updated as soon as possible. He stated that intensification should not occur in the middle of a block. He

mentioned that this type of development is better suited for Brock Street or a corner lot. He noted that “b” zoning has greater flexibility and was of the opinion that it is not the appropriate zoning for this proposal. He indicated that he would have a different opinion of the application if it was proposed for a more suitable location. He expressed concern that there will be insufficient parking provided on site. He stated that he is also concerned about the proposed setbacks. He suggested that an accessible at-grade unit should be considered.

Ms. Dixon, 20 Beverley Street mentioned that Beverley Street is at the tipping point. She explained that the neighbourhood is impacted by noise stemming from Breakwater Park. She noted that parking is also an issue on Beverley Street. She commented that the neighbourhood has been negatively impacted by the increased density.

Mr. Dixon, 495 Alfred Street indicated that he is opposed to the project. He questioned if the property is of heritage significance. He suggested that the proposal is not appropriate for the middle of the block or the neighbourhood. He suggested that the applicant consider only putting an addition on the existing building. He mentioned that he was surprised to learn that there are currently eight bedrooms in the existing house. He questioned if tenants are currently living in the basement.

Mr. Kennedy, 26 Beverley Street expressed concern regarding the transition of the street. He commented that most of the houses on the street serve as just a series of bedrooms. He stated that many residents have come to similar meetings over the years but have given up due to the outcomes. He requested further information regarding spot zoning. He stated that while the property would currently be an exception it would become the justification to allow for future redevelopment. He commented that the City of Kingston requires a better infill policy. He reiterated that the street is at a tipping point and mentioned that there are better ways to intensify.

Ms. Wood stated that she is opposed to the application. She noted that she is supportive of the statements provided by other members of the public. She indicated that she does not support the transition from “a” zoning to “b” zoning and commented that a modified “a” zone would be better. She spoke to parking issues in the neighbourhood. She stated that the application would not conform to the existing neighbourhood.

The agent provided clarification regarding the differences between the Official Plan and Zoning By-Law. He spoke further to residential designation and intensification as outlined in the Official Plan.

The agent provided additional explanation regarding the proposed “b” zoning.

The agent noted that the sewage system proposed for the new building will improve the situation.

The agent indicated that the application meets the parking requirements.

In response to a question from Councillor Neill, Ms. Gummo provided additional explanation regarding spot zoning.

Ms. Gummo stated that staff are working on a new comprehensive zoning by-law and continue to examine intensification policy further.

Councillor Hutchison referenced intensification and stated that this neighbourhood has already experienced an increase in density. He commented that since density has been achieved in Sydenham District further density should occur on a corner lot or arterial road. He stated that this type of development is better suited for areas with lower density. He commented that people are only submitting these types of applications to make money which is not a valid planning justification.

Mr. Park noted that any property owner has the right to seek an official plan or zoning by-law amendment. He stated that the purpose of the public meeting report is to provide a summary of the application. He indicated that the comprehensive report will analyze the application.

Councillor Neill requested that Councillor Osanic assume the role of Chair.

Councillor Neill indicated that he is not supportive of the proposed "b" zoning. He commented that he believes that the property is better suited with "a" zoning and requested that staff examine this matter further in the comprehensive report.

The public meeting regarding an Application for a Zoning By-Law Amendment regarding 49 Beverley Street adjourned at 7:58 p.m.

Public Meeting
Held Pursuant to the Planning Act
6:30 p.m.
Zoning By-Law Amendment

The following is a Public Meeting and comprehensive report recommending approval to the Planning Committee regarding an application for zoning by-law amendment submitted by John Hawes & Fotenn Consultants Inc., on behalf of the property owner, John Hawes, with respect to the subject site located at 60 Collingwood Street.

The applicant is seeking a zoning by-law amendment to permit three dwelling units within the existing 2.5-storey residential structure on the property. The property owner indicates that three units have existed since before their purchase of the property in 1992. No additions to the existing structure are proposed as part of the application. The applicant will be introducing three formal vehicle and bicycle parking spaces in the rear yard to serve the existing units, as will be required by the amended zoning.

The applicant is seeking an amendment to rezone the property to a site-specific Three to Six-Family 'B' Zone to reflect the existing use. Provisions related to maximum density, parking stall length and aggregate amenity space require relief to reflect the conditions of the site. The setbacks of the existing building will be recognized through the site-specific zoning.

File Number: D14-009-2019
Address: 60 Collingwood Street
Application Type: Zoning By-Law Amendment
Owner: John Hawes
Applicant: John Hawes & Fotenn Consultants Inc.

Councillor Neill, Chair, called the public meeting regarding a Zoning By-Law Amendment regarding 60 Collingwood Street to order at 8:05 p.m.

The agent conducted a PowerPoint presentation regarding a Zoning By-Law Amendment regarding 60 Collingwood Street. A copy of the PowerPoint presentation is attached to the original set of minutes located in the City Clerk's Department.

Ms. Grant noted that pursuant to the requirements of the Planning Act, a Public Meeting is being held concurrent with the Comprehensive Report submission with respect to this application on October 17, 2019. Pursuant to the requirements of the *Planning Act*, a notice of the Statutory Public Meeting was provided by advertisement in the form of a sign posted on the subject site 20 days in advance of the Public Meeting. In addition, notices were sent by mail to 64 property owners (according to the latest Assessment Rolls) within 120 metres of the subject property and a courtesy notice placed in The Kingston Whig-Standard on October 11, 2019.

Councillor Chapelle questioned if it would be possible for the building to be considered a legal non-conforming triplex. The agent responded that a three unit building is not currently permitted on site and indicated that the building permit is for a two unit dwelling. He explained that the zoning should be amended to account for the three residential units. He noted that "b" zoning allow for three to six units per site and clarified that the existing density would limit the number of the units permitted. He stated that four to six units would not be permitted on the site due to density.

In response to a question from Councillor Chapelle, the agent provided information regarding the history of the property.

Councillor Osanic asked whether three parking spaces are currently in place on the property. The agent referenced a diagram of the proposed parking proposal and provided additional information regarding the proposed parking plan.

In response to a question from Councillor Osanic, the agent provided additional information regarding the amenity area and setbacks.

Councillor Osanic suggested that a permeable surface be considered for the parking lot to address storm water concerns.

Councillor Hutchison asked the agent why modified “a” zoning was not proposed. The agent responded creating a modified “a” zone was formerly the common practice and reiterated that staff have suggested a change in practice. He indicated that the new practice is to create a modified “b” zone where appropriate. He provided additional information regarding the “b” zoning standards requirements.

Councillor Hutchison requested further explanation regarding why a modified “a” zoning is not being utilized as it conforms to the general intent of the neighbourhood. Mr. Park responded that staff will review this matter further. Ms. Grant added that “b” zoning pertains to multi-residential units as it governs amenity spacing and parking. She stated that “b” zoning is more properly equipped to ensure that the site is functional for multiple units.

Councillor Neill requested that Councillor Osanic assume the role of Chair.

Councillor Neill commented that it's often several years down the road when property owners become aware that their property is not in compliance. He stated that typically in those situations a change from an “a” zone to “b” zone was not requested. He commented that value is not in the land it's in the zoning. He noted that once the property becomes “b” zoning the applicant would be able to consider an expansion from three to six units. He commented that he is supportive of a modified “a” zoning. He suggested that this matter be deferred in order for staff to provide additional information regarding “a” and “b” zoning.

Ms. Gummo informed the Committee that the zoning would be site specific. Ms. Grant added that the site specific zoning would limit the building to a triplex. She commented that a site plan process would also deal with any future consolidation of land. She clarified that zoning only applies for this portion of land and noted that the surrounding zoning would remain “a” zoning.

Councillor Neill asked staff if the application is time sensitive. The agent responded that the applicant is hoping to sell the property and indicated that the sale has been delayed by this process.

Councillor Neill resumed the role of Chair.

Councillor Chapelle stated that the property owner has benefitted economically from operating a non-complying building since 1992 and indicated that the owner could simply sell the property as a duplex. He questioned why this matter was not enforced earlier. Ms. Gummo replied that enforcement occurs on a complaint basis and indicated that staff were made aware of this situation during a building permit application.

Councillor Neill mentioned that he traditionally supports applications which bring buildings up to code, however, typically the process does not involve up-zoning.

The agent stated that this type of situation is quite routine. He noted that over the past few years, triplexes have been developed in “b” zoning. He reiterated that this property will be limited to three units.

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

Ms. Wood stated that this application is very similar to the previous file. She commented that she would like to echo the comments of the Committee. She indicated that this issue should have been enforced earlier. She was of the opinion that a backyard should not serve as a parking lot. She stated that “b” zoning is not suitable for this neighbourhood.

Mr. Rubens, 265 King Street West stated that this application will result in the loss of green space. He indicated that the Committee should not rush to make a decision. He suggested that consideration should be given to keeping this property in “a” zoning. He mentioned that if this application is approved, other property owners in the area will attempt to rezone their property to “b” zoning.

Mr. Dixon, 495 Alfred Street stated that he is supportive of the proposal. He indicated that the footprint is staying the same and none of the requested variances are major. He requested further information regarding storm water management.

The agent informed the Committee that “b” zoning has more appropriate performance standards for a multi-unit dwelling.

Councillor Hutchison expressed concern that approving the “b” zoning would make it easier for the property owner to seek additional units in the future.

Councillor Osanic asked staff if it is possible to request that only one parking space be located in the backyard. Ms. Grant responded that staff could not support the creation of three parking spots in tandem. She noted that the application exceeds landscaping requirements. The agent stated that they are making an attempt to maximize the green space on the site.

Councillor Neill requested that Councillor Osanic assume the role of Chair.

Councillor Neill asked staff if this situation could be further impacted if the provincial government permitted secondary suites as a right. Ms. Gummo explained that Beverley Street has servicing issues and commented that there would be a review to determine if additional development was possible from an infrastructure standpoint.

The public meeting regarding an Application for a Zoning By-Law Amendment regarding 60 Collingwood Street adjourned at 9:01 p.m.

Public Meeting
Held Pursuant to the Planning Act
6:30 p.m.
Zoning By-Law Amendment

The following is a Public Meeting and comprehensive report recommending approval to the Planning Committee regarding an application for zoning by-law amendment submitted by Stephen Haynes, on behalf of the property owners, Stephen Haynes and Yvette Haynes, with respect to the subject site located at 2722 Highway 38.

The applicant is seeking a zoning by-law amendment to Zoning By-Law Number 76-26 to recognize the lot frontage of the severed and retained lots as a result of Consent Application, File Number D10-019-2019. The subject property is currently developed with a single-detached dwelling and a converted dwelling house on private services. The applicant proposes to sever the property which will result in each dwelling and its private on-site services to be on separate lots and provide separate title to either lot. A shared right-of-way will be created to maintain the shared road access to Highway 38. No new development is proposed as a result of the applications.

The applicant is seeking an amendment to rezone the property to a site-specific 'R1' Residential Type One Zone in Zoning By-Law Number 76-26, to reflect the lot frontage of the severed and retained lots as per Consent Application, File Number D10-019-2019.

File Number: D14-013-2019
Address: 2722 Highway 38
Application Type: Zoning By-Law Amendment
Owner: Stephen Haynes and Yvette Haynes
Applicant: Stephen Haynes

Councillor Neill, Chair, called the public meeting regarding a Zoning By-Law Amendment regarding 2722 Highway 38 to order at 9:02 p.m.

The applicant conducted a PowerPoint presentation regarding a Zoning By-Law Amendment regarding 2722 Highway 38. A copy of the PowerPoint presentation is attached to the original set of minutes located in the City Clerk's Department.

Mr. Fisher noted that pursuant to the requirements of the Planning Act, a Public Meeting is being held concurrent with the Comprehensive Report submission with respect to this application on October 17, 2019. Pursuant to the requirements of the *Planning Act*, a notice of the Statutory Public Meeting was provided by advertisement in the form of a sign posted on the subject site 20 days in advance of the Public Meeting. In addition, notices were sent by mail to 13 property owners (according to the latest Assessment Rolls) within 120 metres of the subject property and a courtesy notice was placed in The Kingston Whig-Standard on October 11, 2019.

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

Mr. Dixon, 495 Alfred Street indicated that he is supportive of the application.

The public meeting regarding an Application for a Zoning By-Law Amendment regarding 2722 Highway 38 adjourned at 9:12 p.m.

Regular Planning Committee Meeting Number 21-2019

Meeting to Order

Councillor Neill, Chair, called the regular meeting to order at 9:13 p.m.

Approval of the Agenda

Moved by Councillor Chapelle

Seconded by Councillor Hutchison

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

Carried

Confirmation of Minutes

Moved by Councillor Osanic

Seconded by Councillor Chapelle

That the minutes of Planning Committee Meeting Number 20-2019, held Thursday October 3, 2019, be confirmed.

Carried

Disclosure of Pecuniary Interest

There was none.

Delegations

There were none.

Briefings

There were none.

Business

- a) **Subject: Public Meeting & Comprehensive Report**
File Number: D14-009-2019
Address: 60 Collingwood Street
Application Type: Zoning By-Law Amendment
Owner: John Hawes
Applicant: John Hawes & Fotenn Consultants Inc.

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

The Chair ruled the comments provided by Mr. Dixon out of order.

Councillor Chapelle stated that the City of Kingston must do a better job in terms of enforcement. He commented that properties should not go unchecked for twenty years.

Councillor Hutchison noted that he was in agreement with Councillor Chapelle and mentioned that he believes that staff understand this concern. He commented that he will reluctantly support the recommendation. He stated that he would have preferred that the property remained within "a" zoning. He reiterated that the Committee requires more information between "a" and "b" zoning.

Councillor Neill requested that Councillor Osanic assume the role of Chair.

Councillor Neill expressed concern regarding how the zoning by-law amendment is being used to address this situation. He stated that he is worried that the site specific "b" zoning could serve as a precedent. He commented that he does not believe that up-zoning is appropriate in this situation. He indicated that he will not support the recommendation.

Councillor Hutchison stated that "a" zoning with modification or "b" zoning with limits is essentially the same thing. He indicated that the issue is that other applicants will use the proposed "b" zoning as a precedent.

Moved by Councillor Osanic
Seconded by Councillor Chapelle

That it be recommended to Council that the application for a zoning by-law amendment (File Number D14-009-2019) submitted by John Hawes & Fotenn Consultants Inc., on behalf of John Hawes, for the property municipally known as 60 Collingwood Street, be approved; and

That By-Law Number 8499, entitled "Restricted Area (Zoning) By-Law of the Corporation of the City of Kingston", as amended, be further amended, as per Exhibit A (Draft By-Law and Schedule A to Amend Zoning By-Law Number 8499) to Report Number PC-19-060; and

That Council determines that in accordance with Section 34(17) of the *Planning Act*, no further notice is required prior to the passage of the by-law; and

That the amending by-law be presented to Council for all three readings.

Deferred
See Motion to Defer which Carried

Moved by Councillor Hutchison
Seconded by Councillor Osanic

That the Planning Committee defer File Number: D14-009-2019 regarding Zoning By-Law Amendment – 60 Collingwood Street in order for staff to give consideration to comments received during the public meeting related to zoning classification; and

That staff be directed to report back to the Committee regarding this matter at the first available opportunity.

Carried

- b) Subject: Public Meeting & Comprehensive Report**
File Number: D14-013-2019
Address: 2722 Highway 38
Application Type: Zoning By-Law Amendment
Owner: Stephen Haynes and Yvette Haynes
Applicant: Stephen Haynes

Moved by Councillor Hutchison
Seconded by Councillor Osanic

That it be recommended to Council that the application for a zoning by-law amendment (File Number D14-013-2019) submitted by Stephen Haynes, on behalf of Stephen Haynes and Yvette Haynes, for the property municipally known as 2722 Highway 38, be approved; and

That By-Law Number 76-26, entitled "Township of Kingston Restricted Area By-Law", as amended, be further amended, as per Exhibit A (Draft By-Law and Schedule A to Amend Zoning By-Law Number 76-26) to Report Number PC-19-059; and

That Council determines that in accordance with Section 34(17) of the *Planning Act*, no further notice is required prior to the passage of the by-law; and

That the amending by-law be presented to Council for all three readings.

Carried

Motions

There were none.

Notices of Motion

There were none.

Other Business

There was none.

Correspondence

Date and Time of Next Meeting

The next meeting of the Planning Committee is scheduled for November 7, 2019 at 6:30 p.m. at City Hall.

Adjournment

Moved by Councillor Chapelle
Seconded by Councillor Osanic

That the meeting of the Planning Committee adjourn at 9:42 p.m.

Carried