



**City of Kingston  
Committee of Adjustment  
Meeting Number 2021-02  
Minutes  
Monday January 18, 2021 at 5:30 p.m.  
In a virtual, electronic format**

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**Committee Members Present**

Peter Skebo; Chair  
Paul Babin  
Vincent Cinanni  
Blaine Fudge  
Greg Lightfoot  
Somnath Sinha  
Jordan Tekenos-Levy

**Regrets**

**Staff Present**

Waleed Albakry, Planner  
Tim Fisher, Planner  
Golsa Kheir-Moghadam, Planner  
Tim Park, Manager, Development Approvals  
Phillip Prell, Planner  
Lindsay Sthamann, Planner  
James Thompson, Committee Clerk

**Meeting to Order**

Mr. Skebo, Chair, called the meeting to order at 5:31 p.m.

**Approval of Agenda**

Moved by Mr. Babin  
Seconded by Mr. Cinanni

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

### **Confirmation of Minutes**

Moved by Mr. Babin  
Seconded by Mr. Sinha

**That** the Minutes of Committee of Adjustment Meeting Number 2021-01, held December 14, 2020 be approved.

**Carried**

### **Disclosure of Pecuniary Interest**

There were none.

### **Delegations**

There were none.

### **Request for Deferral**

There were none.

### **Returning Deferred Items**

- a) **Application for: Minor Variance**  
**File Number: D13-039-2020**  
**Address: 230 Frontenac Street**  
**Owner: Henglee Kingston Inc.**  
**Applicant: The Boulevard Group Inc.**

Ms. Sthamann introduced the Application.

Mr. Albakry conducted a PowerPoint presentation regarding 230 Frontenac Street. A copy of the PowerPoint presentation is available in the City Clerk's Department.

Mr. Adams and Mr. Sands, Agents were present.

Mr. Sands noted that the Committee has on two occasions deferred consideration of the application. He requested that the Committee make a decision regarding the application during this meeting. He mentioned that the application process commenced in April, 2020 and noted that a completed application was submitted in August, 2020. He referenced the conditions proposed in the Report and indicated that he does not have objections to the conditions. He referenced the correspondence provided by the Agent to the Committee.

Mr. Babin questioned whether the Planning Committee would be the more appropriate body to consider the application. Mr. Albakry provided the Committee with further

explanation regarding the definition of minor variance. He noted that as outlined in the Planning Act the application meets the minor variance criteria.

Mr. Lightfoot asked the Agent if the Applicant intends to continue to own the property should the application be approved. Mr. Sands indicated that he does not have information regarding this matter.

In response to a question from Mr. Tekenos-Levy, Mr. Albakry provided further clarification regarding the rationale to process the application as a minor variance. He spoke to the “Residential Building Depth” PowerPoint slide.

Mr. Babin requested further explanation regarding Variance Number 2. and Variance Number 3. Mr. Albakry referenced the “Lot and Driveway” PowerPoint slide as well as the “Site Plan” PowerPoint slide and provided additional information regarding this matter.

Mr. Lightfoot questioned if staff are certain that the application provides sufficient clearance for emergency vehicles. Mr. Albakry responded that Kingston Fire & Rescue did not have issue with the application.

Mr. Fudge commented that there does not appear to be examples of other buildings in the block with a building depth similar to what is proposed in the application. Mr. Albakry spoke to mapping contained in the Report. Mr. Sands suggested that the Committee review Figure 3. of page 39 of the December 14, 2020 meeting Addendum.

Mr. Cinanni questioned if there is sufficient space to provide additional parking spaces. Mr. Albakry responded that the application meets the minimum parking requirements of the Zoning By-Law. Mr. Sands noted that the Zoning By-Law sets the maximum parking area to 40 square meters. He commented that providing more than two parking spaces would be in contravention of the By-Law.

Mr. Skebo referenced the correspondence submitted by Mr. Clark and questioned if the proposed parking area design is functional. Mr. Albakry provided the Committee with further information regarding the parking dimension requirements. Mr. Sands offered additional clarification regarding the standard parking stall depth and driveway width. He mentioned that it is his understanding that if four parking spaces are exceeded, the width of the driveway isle must increase. He stated that it appears that there is space to add another 0.6 meters to the parking area. He noted that this adjustment would conform to the Zoning By-Law. He reiterated that the current design conforms to the Zoning By-Law requirements.

Mr. Skebo referenced page 25 of the Agenda and sought clarification regarding the proposed gross floor area. Mr. Sands provided clarification regarding the proposed gross floor area. Mr. Albakry spoke to the proposed gross floor area of the addition. Mr. Adams provided further clarification regarding the proposed ground floor area in regards to the proposed building footprint.

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

Councillor Stroud advised the Committee that he has reviewed the correspondence related to the application. He was of the opinion that the test to determine whether the application should be reviewed via the minor variance process or the zoning by-law amendment process is subjective. He suggested that the application, if approved, would change the nature of the property. He stated that the proposed building is large enough to accommodate more than one family. He spoke to the mixed-use characteristics of the neighbourhood. He expressed concern that the design of the parking lot will not be functional and indicated that the location of the parking area will also impact the ability of neighbors to enjoy their backyard. He reiterated that while the application is seeking a minor variance it will permanently change the block. He commented that the proposed building depth will exceed the depth of neighbouring properties. He spoke to a property on Frontenac Street which was previously granted a minor variance and its impact on the neighbourhood. He stated that the application would set a precedent if approved. He mentioned that the Zoning By-Law is currently under review and commented that the Committee is being asked to make a decision on an application that the new zoning by-law may not permit. He requested that the Committee consider the requests of the near neighbours and deny the application.

Ms. Lounsbury, 226 Frontenac Street indicated that she is opposed to the application. She commented that the Report suggests that the application will not negatively impact the neighbourhood and stated that she does not agree with this assessment. She spoke to the size of the proposed addition in relation to the size of nearby homes. She commented that the proposed structure would be located two feet from her property line and would loom over her backyard. She stated that she believes that the proposed sub-pump system would drain towards her home. She spoke to a minor variance as defined by the Planning Act and suggested that a 26-foot variance fails to meet the basic tests associated with a minor variance. She stated that the application is proposing to construct neither a tiny home or a secondary suite and commented that it is not an example of good intensification. She spoke to the number of people that would be living in the addition and stated that the proposed application should not be considered as gentle intensification or affordable housing. She spoke to the projected rental costs of the units. She stated that the property is located within a stable mixed-use neighbourhood. She referenced the definition of intensification as outlined in the Official Plan and noted that intensification should not destabilize a neighbourhood. She expressed concern regarding the proposed amount of parking. She spoke to the importance of maintaining property standards and neighbourhood stability. She indicated that she will be forced to sell her property if the application is approved. She requested that the Committee deny the application.

Mr. Clark spoke to the four tests associated with a minor variance. He expressed concern regarding the design of the parking area. He noted that the parking lot, roof and sub-pump may cause drainage issues. He indicated that the proposed number of parking spaces is not sufficient for the proposed number of bedrooms. He indicated that the Official Plan considers the neighbourhood as a stable area. He stated that he

believes that the application would be precedent setting. He spoke to the proposed building depth. He stated that the increase in building size is not minor and would impact adjacent properties. He indicated that the relocation of the driveway to the rear yard should not be considered as a minor adjustment.

Mr. Mitchell, 43 Gibson Avenue provided correspondence regarding 230 Frontenac Street. A copy of the correspondence is available in the City Clerk's Department. He stated that comparing the proposed building depth with existing buildings demonstrates that applications do set a precedent. He spoke to the staff position regarding the 160 MacDonnell Street file in relation to the 268 Victoria Street file which was appealed to the OMB. He indicated that a subjective situation is before the Committee. He expressed concern regarding the design of the pathway from an accessibility standpoint and suggested that a defined exterior pathway should be constructed. He sought further information regarding the proposed signage for the pathway. He questioned if consideration of the application has involved people zoning.

Mr. Walmsley, 239 Albert Street indicated that his property abuts the site in question. He stated that his property could be considered the anchor property of the block and mentioned that he has lived in the neighbourhood for twenty years. He suggested that the neighbourhood could be at or just past the tipping point. He stated that many of his neighbours have given up fighting development. He spoke to an application that was previously approved which doubled the size of the building and commented that as a result his property is surrounded by vinyl walls. He indicated that he is already experiencing shadowing issues in his backyard. He noted that most backyards are now being used as parking lots. He reiterated that the views from his windows are only of vinyl walls. He stated that the application would be precedent setting for the neighbourhood. He commented that approving the application would negatively impact the neighbourhood.

Ms. Sharkey, 28 Hill Street stated that she is not supportive of the Committee approving minor variances in this type of situation as the file should not be considered minor if numerous residents are opposed to it. She suggested that the Central Kingston Growth Strategy should be approved before additional applications are approved. She commented that in general terms she is supportive of secondary suites. She spoke to examples of what secondary suites can offer residents and suggested that the City of Kingston should examine their vision for secondary suites further.

Ms. Bowie, 414 Albert Street referenced the correspondence that she submitted which was included in the December 14, 2020 meeting addendum. She noted that garbage storage and parking supply represent major issues. She suggested that there is not sufficient space to accommodate additional garbage storage. She indicated that a hydrogeological study may be required. She commented that the sub-pump appears to drain to the left of the house which could cause flooding on the neighbouring property. She spoke to flooding issues in the neighbourhood and commented that she is worried that bedrooms located in the basement will flood. She questioned who will be responsible for maintaining the sub-pump system. She stated that the Committee has

the authority to limit the number of permitted bedrooms and referenced 278 Frontenac Street as an example. She emphasized that defining the number of bedrooms is important. She commented that the creation of the proposed number of bedrooms will not contribute to the affordable housing supply. She spoke to the previously offered secondary suite grant program. She requested that the Committee reject the application.

Mr. Albakry provided the Committee with additional explanation regarding the loss of privacy versus the loss of a view. He stated that there is not a legal recourse for a loss of view.

Mr. Albakry addressed the concerns raised regarding storm water management and indicated that the recommendation includes a condition that storm water management cannot negatively impact neighbouring properties. He indicated that this matter would be reviewed further by Engineering Services during the building permit approval process.

Mr. Albakry noted that the garbage storage facility is proposed to be located on the northern side of the building.

Mr. Albakry reiterated that staff believe that the application should be processed as a minor variance. He clarified that staff are required to process the application despite the Central Kingston Growth Strategy being in progress.

Mr. Albakry confirmed that the proposed lane is suitable from an emergency access standpoint.

Mr. Albakry indicated that the Zoning By-Law permits a parking area being located in the rear yard.

Mr. Albakry commented that secondary suites are considered the gentlest form of intensification.

Mr. Albakry spoke to the review of the application in relation to meeting the intent of the Zoning By-Law. He stated that he is of the opinion that the application will negatively impact the neighbourhood or set a precedent. He commented that gentle intensification is occurring through adding units that are compatible with the character of the neighbourhood.

Mr. Fudge expressed concern regarding shadowing and questioned why this issue is not grounds for preventing the proposed building to be extended to such a depth. He suggested that the addition should be built within the existing footprint. Mr. Albakry responded that the proposed height meets the Zoning By-Law requirements. Mr. Adams noted that due to safety considerations entrances normally face the street.

Mr. Fudge reiterated that he is concerned about the overall length of the building. He stated that the proposed building would virtually consume all of the open space on the property. Mr. Albakry responded that the application would likely result in some shadowing. He commented that shadowing is to be expected. He indicated that the side yard setbacks are being maintained and the proposed height conforms to the Zoning By-Law. He reiterated that some shadowing is to be expected when a new building is constructed.

Mr. Lightfoot questioned if the application would impact the property value of nearby homes. Mr. Adams responded that he does not have the data to offer an opinion.

In response to a question from Mr. Cinanni, Mr. Park spoke to the legality of parking lots being located in rear yards.

Mr. Tekenos-Levy stated that many of the comments provided by members of the public were based on speculation. He commented that just because the public is opposed to an application does not mean there is an issue with the application. He indicated that he does not believe that the application would set a precedent moving forward.

Mr. Lightfoot indicated that he is in agreement with the comments provided by Ms. Bowie that the inability to provide proper garbage storage is a major problem.

Mr. Skebo stated that the application is seeking to double the occupancy of the property. He was of the opinion that the proposed parking design is problematic. He indicated that he will not support the approval of the application.

Mr. Cinnani noted that he is in agreement with the comments offered by Mr. Skebo. He stated that the application is proposing a second addition to the property. He mentioned that the application is requesting permission to double the floor space. He noted that the application would negatively impact the neighbourhood. He stated that the application would also cause shadowing.

Moved by Mr. Babin  
Seconded by Mr. Lightfoot

**That** minor variance application, File Number D13-039-2020, for the property located at 230 Frontenac Street to allow for the development of an attached second residential unit through the development of a rear addition totaling approximately 69 square metres, be approved; and

**That** approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-21-005.

**Lost**

Moved by Mr. Tekenos-Levy  
Seconded by Mr. Sinha

**That** Application for Minor Variance: 230 Frontenac Street be denied due to the following land use planning rationale:

- Variance Number 1. effectively doubles the building footprint; and
- The Combined variances are not desirable for the appropriate development or use of the land as they result in a development that is out of character with the surrounding properties and will contribute to the destabilization of a stable neighborhood.

**Carried**

The Chair stated that a copy of the Notice of Decision for the application will only be forwarded to those who have presented a written request for the Decision, or to those who have recorded their name and address on the form provided at the meeting by the Secretary-Treasurer. A formal request in the manner provided is necessary to be advised of a possible Local Planning Appeal Tribunal (LPAT) hearing on this matter and in order to be allowed to make a presentation to the LPAT.

### **New Business**

- a) **Application for: Minor Variance and Consent**  
**File Numbers: D13-027-2020, D10-028-2020 & D10-029-2020**  
**Address: 3108 Babcock Road**  
**Owners: Beverley and William MacDonald**  
**Applicant: Brad Harmsen**

Ms. Sthamann introduced the Application.

Mr. Prell conducted a PowerPoint presentation regarding 3108 Babcock Road. A copy of the PowerPoint presentation is available in the City Clerk's Department.

Mr. Harmsen, Agent was present.

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

Members of the public did not provide comment.

Moved by Mr. Babin  
Seconded by Mr. Cinanni

**That** minor variance application, File Number D13-027-2020 for the property located at 3108 Babcock Road, be Approved subject to the conditions attached as Exhibit A (Recommended Conditions – Minor Variance) to Report Number COA-21-006; and



**That** consent application, File Number D10-028-2020, to sever a 1.05 hectare parcel of land with 60 metres of road frontage on Babcock Road, be provisionally approved subject to the conditions included in Exhibit B (Recommended Conditions – Consent) to Report Number COA-21-006; and

**That** consent application, File Number D10-029-2020, to sever a 1.1 hectare parcel of land with 60 metres of road frontage on Babcock Road, be provisionally approved subject to the conditions included in Exhibit C (Recommended Conditions – Consent) to Report Number COA-21-006.

**Carried**

The Chair stated that a copy of the Notice of Decision for the application will only be forwarded to those who have presented a written request for the Decision, or to those who have recorded their name and address on the form provided at the meeting by the Secretary-Treasurer. A formal request in the manner provided is necessary to be advised of a possible Local Planning Appeal Tribunal (LPAT) hearing on this matter and in order to be allowed to make a presentation to the LPAT.

- b) Application for: Consent**  
**File Numbers: D10-040-2020**  
**Address: 160 MacDonnell Street**  
**Owners: Yuri Levin Consulting Inc.**  
**Applicant: Yuri Levin, Sergiy Kolosov, Michael Keene (FOTENN), & Montana Caletti (FOTENN)**

Ms. Sthamann introduced the Application.

Mr. Prell conducted a PowerPoint presentation regarding 160 MacDonnell Street. A copy of the PowerPoint presentation is available in the City Clerk's Department.

Mr. Keene and Mr. Polowin, Agents were present.

Mr. Keene conducted a PowerPoint presentation regarding 160 MacDonnell Street. A copy of the PowerPoint presentation is available in City Clerk's Department.

Mr. Polowin, Gowling WLG advised the Committee that the built from is not within the jurisdiction of the Committee. He spoke to case law and noted that the application only relates to the land use and clarified the issues that can be considered by the Committee. He elaborated that the Committee is not able to discuss who will live in the building or whether the building would serve as a rental property. He indicated that this type of discussion is referred to as people zoning and is prohibited by law. He noted that case law would suggest that the application conforms with the Official Plan as minimum frontage is not set out in the Zoning By-Law and stated that staff is not correct with respect to this issue. He referenced Section 51.24.F. of the Planning Act and indicated that it is not appropriate to deny the creation of rectangular lots which have a similar depth of adjacent lots. He elaborated that there are many examples of the

proposed lot configuration in the nearby area. He spoke to comments raised at LPAT hearings related to Section 51.24.F. He reiterated that the Official Plan and Zoning By-Law does not prohibit the creation of the type of lot outlined in the application. He was of the opinion that the application is being subjected to consideration of matters not within the jurisdiction of the Committee. He requested that the Committee approve the application.

Mr. Cinanni requested that staff provide a rebuttal to the statements provided by Mr. Polowin. Mr. Park responded that the Report was reviewed by Legal Services. He stated that staff are confident in the content of the Report and associated recommendation. He indicated that staff have reviewed case law from the LPAT related to this matter.

Mr. Fudge requested further explanation regarding the number of units and dwellings proposed for each lot. Mr. Keene clarified that a single detached dwelling is being proposed for each lot. He noted that the Zoning By-Law would permit the construction of a single secondary suite on each lot. He indicated that there could be two, three or four units in each dwelling which all would be permitted under the Zoning By-Law. Mr. Fudge questioned if the secondary suites would require approval. Mr. Keene responded that the Zoning By-Law permits the construction of secondary suites provided that they conform to the zoning.

Mr. Lightfoot commented that the Committee is unaware of the details of what will be constructed on the site. Mr. Prell responded that the applicant is permitted to construct a one or two family dwelling.

In response to a question from Mr. Babin regarding the 37 Ellerbeck Street example, Mr. Prell spoke further to the “Context – Narrow Lot Development” PowerPoint slide.

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

Councillor Stroud stated that it is important for the Committee to be aware of what is being requested in the application. He mentioned that the Zoning By-Law permits for the construction of one or two family dwellings. He referenced the property located at 37 Ellerbeck Street and commented that it is an example of a semi-detached dwelling and indicated that this property is located in a different context and is not similar to what is being proposed in the application before the Committee. He indicated that the applicant is currently permitted to construct one semi-detached dwelling as a right and stated that they would like to construct two dwellings. He mentioned that staff do not support the approval of the application as it does not conform to Official Plan policies. He noted that the Committee is not a LPAT hearing and was of the opinion that the legal arguments are not necessarily in order. He reiterated that the applicant is attempting to sever the lot in order to build two detached dwellings as a right as well as the associated secondary suites.

Ms. Craig expressed concern that the application would set a precedent for the entire block. She stated that the neighbourhood should be defined as only the block in question as Johnson Street is a different entity. She noted that the lots in question are impacted by severe water issues and indicated that it might not be possible to build on the rear of the lots. She requested that the Committee do not approve the application.

Ms. Sharkey, 28 Hill Street stated that she is supportive of the recommendation as presented in the Report. She indicated that the application would change the character of the neighbourhood. She commented that the City must complete the Central Kingston Growth Strategy as soon as possible.

Mr. Mitchell, 43 Gibson Avenue advised the Committee that the Sydenham District Association has reviewed the application. He indicated that the Board did not believe that the application was appropriate. He commented that it appears that the easy lots to redevelop have been picked over and suggested that developers are now looking at other areas. He stated that the application would be much more appropriate if the lot was located on Brock Street or Johnson Street. He noted that the lot is located a half block from a school and indicated that the neighbourhood is already dealing with traffic issues. He stated that the application would result in a major density change. He indicated that while there is some merit to the application, he suggested that lot severances should mainly be considered for arterial roads which would provide more housing as well as affordable housing. He expressed concern that the application would lead to too much density by a school.

Mr. Ruffo, Napier Street noted that traffic is an issue within this neighbourhood. He commented that professionals are leaving this very nice neighbourhood due to student behavior. He stated that houses in this area are turning into rooming houses. He indicated that the amount of garbage in the neighbourhood is appalling.

Mr. Keene stated that he would like to assure the Committee that the intent of the application is to construct single detached dwellings which meet Zoning By-Law requirements. He indicated that secondary suites which are permitted may also be constructed. He mentioned that Provincial policy is moving toward permitting three units as a right. He stated that the direction from the Provincial Government is to permit intensification. He commented that the application represents an opportunity for micro-intensification. He noted that the applicant believes in creating high quality homes. He indicated that the proposed lot meets the Planning Act tests related to lot shape and conforms to the Zoning By-Law from a front yard width standpoint. He requested that the application be approved.

In response to a question from Mr. Tekenos-Levy, Mr. Keene confirmed that the application is not seeking to alter the depth of the lots.

Mr. Skebo stated that he believes that staff have done a good job with respect to the preparation of the Report. He indicated that he is in agreement that the Committee is not permitted to engage in people zoning. He noted that he does not agree that is

appropriate to compare lots on Johnson Street with the lots on MacDonnell Street as they are very different. He stated that the approval of the application would destabilize a stable neighbourhood.

Moved by Mr. Tekenos-Levy  
Seconded by Mr. Babin

**That** consent application, File Number D10-040-2020, to sever a parcel of land with 7.9 metres of frontage and a lot area of 542.3 square metres from the existing parcel with 15.8 metres of frontage and a lot area of 1,109.8 square metres, be denied.

**Carried**

The Chair stated that a copy of the Notice of Decision for the application will only be forwarded to those who have presented a written request for the Decision, or to those who have recorded their name and address on the form provided at the meeting by the Secretary-Treasurer. A formal request in the manner provided is necessary to be advised of a possible Local Planning Appeal Tribunal (LPAT) hearing on this matter and in order to be allowed to make a presentation to the LPAT.

- c) Application for: Minor Variance**  
**File Numbers: D13-057-2020**  
**Address: 35 Gibson Avenue**  
**Owners: Kathleen McIlquham**  
**Applicant: Fotenn Consultants Inc.**

Ms. Sthamann introduced the Application.

Ms. Sthamann conducted a PowerPoint presentation regarding 35 Gibson Avenue. A copy of the PowerPoint presentation is available in the City Clerk's Department.

Ms. Jones, Agent was present.

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

Councillor Stroud indicated that he has not received emails from residents regarding this matter.

Moved by Mr. Fudge  
Seconded by Mr. Babin

**That** minor variance application, File Number D13-057-2020, for the property located at 35 Gibson Avenue to construct an enclosed front porch and unenclosed stairs in the front yard of the existing single-family dwelling, be Approved; and

**That** approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-21-008.

**Carried**

The Chair stated that a copy of the Notice of Decision for the application will only be forwarded to those who have presented a written request for the Decision, or to those who have recorded their name and address on the form provided at the meeting by the Secretary-Treasurer. A formal request in the manner provided is necessary to be advised of a possible Local Planning Appeal Tribunal (LPAT) hearing on this matter and in order to be allowed to make a presentation to the LPAT.

**d) Application for: Permission**  
**File Numbers: D13-060-2020**  
**Address: 17 Gordon Street**  
**Owners: Donald Hulton and Anna Leigh Hulton**  
**Applicant: Donald Hulton**

Ms. Sthamann introduced the Application.

Ms. Kheir-Moghadam conducted a PowerPoint presentation regarding 17 Gordon Street. A copy of the PowerPoint presentation is available in the City Clerk's Department.

Mr. Hulton, Applicant was present.

Mr. Hulton offered an apology to Mr. Gallagher and indicated that he was not aware that he was speaking to the tenant of 19 Gordon Street regarding the application. He mentioned that the garage is in the process of being built.

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

Mr. Gallagher, 19 Gordon Street sought clarification regarding the encroachment from the eaves and eavestrough.

Mr. Hulton responded that the encroachment includes both the eaves and eavestrough.

Moved by Mr. Sinha  
Seconded by Mr. Babin

**That** the application for permission, File Number D13-060-2020, for the property located at 17 Gordon Street, to permit the replacement of a 44.6 square metre detached garage within the rear yard of the property, be approved; and

**That** approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-21-010.

**Carried**

The Chair stated that a copy of the Notice of Decision for the application will only be forwarded to those who have presented a written request for the Decision, or to those who have recorded their name and address on the form provided at the meeting by the Secretary-Treasurer. A formal request in the manner provided is necessary to be advised of a possible Local Planning Appeal Tribunal (LPAT) hearing on this matter and in order to be allowed to make a presentation to the LPAT.

- e) Application for: Consents & Minor Variance**  
**File Numbers: D10-048-2020, D13-063-2020 and D13-064-2020**  
**Address: 323 and 327 Victoria Street**  
**Owners: Victoria Huehn**  
**Applicant: Peter Sauerbrei**

Ms. Sthamann introduced the Application.

Mr. Fisher conducted a PowerPoint presentation regarding 323 and 327 Victoria Street. A copy of the PowerPoint presentation is available in the City Clerk's Department.

Mr. Sauerbrei, Applicant was present.

Mr. Sauerbrei referenced Condition Number 4. and requested that the Committee give consideration to the removal of the condition. He stated that the servicing in this area is clear as the sanitary sewer lines were installed in 2015 as per Utilities Kingston guidance. He indicated that the services run through the driveway. Mr. Fisher responded that this condition is standard for severances in the urban area. He commented that the clause is required to prevent encroachment. He stated that it is the opinion of staff that the condition should remain in place.

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

Ms. Huehn provided the Committee with additional explanation regarding the rationale for the application. She noted that she has upgraded all of the utility infrastructure.

Moved by Mr. Fudge  
Seconded by Mr. Cinanni

**That** consent application, File Number D10-048-2020, for the property located at 323 and 327 Victoria Street, be approved subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-21-011; and

**That** minor variance application, File Number D13-063-2020, for the property located at 327 Victoria Street, be approved; subject to the conditions attached as Exhibit B (Recommended Conditions) to Report Number COA-21-011; and

**That** minor variance application, File Number D13-064-2020, for the property located at 323 Victoria Street, be approved; subject to the conditions attached as Exhibit C (Recommended Conditions) to Report Number COA-21-011.

**Carried**

The Chair stated that a copy of the Notice of Decision for the application will only be forwarded to those who have presented a written request for the Decision, or to those who have recorded their name and address on the form provided at the meeting by the Secretary-Treasurer. A formal request in the manner provided is necessary to be advised of a possible Local Planning Appeal Tribunal (LPAT) hearing on this matter and in order to be allowed to make a presentation to the LPAT.

**f) Application for: Minor Variance**  
**File Numbers: D13-061-2020**  
**Address: 938 Hudson Drive**  
**Owners: Helen and Richard Gora**  
**Applicant: Heather Cirella**

Ms. Sthamann introduced the Application.

Mr. Fisher conducted a PowerPoint presentation regarding 938 Hudson Drive. A copy of the PowerPoint presentation is available in the City Clerk's Department.

Ms. Cirella, Agent was present.

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

Members of the public did not provide comment.

Moved by Mr. Fudge  
Seconded by Mr. Tekenos-Levy

**That** minor variance application, File Number D13-061-2020, for the property located at 938 Hudson Drive to reduce the rear yard setback requirement in the 'R1-3' zone in Zoning By-Law Number 76-26 in order to construct a 42.5 square metre, one storey addition to the rear of the existing single detached dwelling, be approved; and **That** approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-21-012.

**Carried**

The Chair stated that a copy of the Notice of Decision for the application will only be forwarded to those who have presented a written request for the Decision, or to those who have recorded their name and address on the form provided at the meeting by the Secretary-Treasurer. A formal request in the manner provided is necessary to be advised of a possible Local Planning Appeal Tribunal (LPAT) hearing on this matter and in order to be allowed to make a presentation to the LPAT.

- g) Application for: Permission**  
**File Numbers: D13-068-2020**  
**Address: 392-394 Division Street**  
**Owners: Carmela Piccinato and Rodolfo Piccinato**  
**Applicant: Rudy Piccinato**

Ms. Sthamann introduced the Application.

Ms. Kheir-Moghadam conducted a PowerPoint presentation regarding 392-394 Division Street. A copy of the PowerPoint presentation is available in the City Clerk's Department.

The Applicant was not present.

In response to a question from Mr. Skebo, Ms. Kheir-Moghadam confirmed that the file number is accurate.

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

Members of the public did not provide comment.

Moved by Mr. Fudge  
Seconded by Mr. Sinha

**That** the application for permission, File Number D13-068-2018, for the property located at 392-394 Division Street, to permit the construction of a roof over an existing front porch and stairs, be approved; and

**That** approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-21-013.

**Carried**

The Chair stated that a copy of the Notice of Decision for the application will only be forwarded to those who have presented a written request for the Decision, or to those who have recorded their name and address on the form provided at the meeting by the Secretary-Treasurer. A formal request in the manner provided is necessary to be advised of a possible Local Planning Appeal Tribunal (LPAT) hearing on this matter and in order to be allowed to make a presentation to the LPAT.

- h) Application for: Minor Variance**  
**File Numbers: D13-056-2020**  
**Address: 1719, 1721, 1723, 1725, 1731, 1733 Bath Road & 509, 511 Days Road**  
**Owners: Kenlar Investments Inc**  
**Applicant: IBI Group Incorporated**

Ms. Sthamann introduced the Application.



Ms. Kheir-Moghadam conducted a PowerPoint presentation regarding 1719, 1721, 1723, 1725, 1731, 1733 Bath Road & 509, 511 Days Road. A copy of the PowerPoint presentation is available in the City Clerk's Department.

Ms. Gilchrist and Ms. Powder, Agents were present.

Mr. Cinanni questioned if there has been any opposition to the application. Ms. Kheir-Moghadam responded nearby residents have not submitted any objections in writing.

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

Members of the public did not provide comment.

Mr. Babin sought further information regarding the locker space. Ms. Powder responded that the relocation of the locker space has not been considered. She stated that she would raise this matter with the property manager.

Moved by Mr. Fudge  
Seconded by Mr. Babin

**That** minor variance application, File Number D13-056-2020, for the property located at 1719, 1721, 1723, 1725, 1731, 1733 Bath Road & 509, 511 Days Road to reduce the minimum dwelling unit area for three new bachelor units, be approved; and

**That** approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-21-014.

**Carried**

The Chair stated that a copy of the Notice of Decision for the application will only be forwarded to those who have presented a written request for the Decision, or to those who have recorded their name and address on the form provided at the meeting by the Secretary-Treasurer. A formal request in the manner provided is necessary to be advised of a possible Local Planning Appeal Tribunal (LPAT) hearing on this matter and in order to be allowed to make a presentation to the LPAT.

### **Motions**

There were none.

### **Notices of Motion**

There were none.

### **Other Business**

There was none.

**Correspondence**

- a) Correspondence received from Mr. Mitchell, dated January 18, 2021 regarding 230 Frontenac Street.

**Date of Next Meeting**

The next meeting of the Committee of Adjustment is scheduled for February 22, 2021.

**Adjournment**

Moved by Mr. Babin  
Seconded by Mr. Fudge

**That** the meeting of the Committee of Adjustment adjourns at 9:08 p.m.

**Carried**