



**City of Kingston  
Committee of Adjustment  
Meeting Number 2021-04  
Minutes**

**Monday, March 22, 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  
Gregory Lightfoot  
Jordan Tekenos-Levy

**Regrets**

Blaine Fudge  
Somnath Sinha

**Staff Members Present**

Elizabeth Fawcett, Committee Clerk  
Tim Fisher, Planner  
Ryan Leary, Senior Planner  
Julia McCaugherty-Jansman, Committee Clerk  
Niall Oddie, Planner  
Sarah Oldenburger, Planner  
Tim Park, Manager, Development Approvals  
Lindsay Sthamann, Secretary-Treasurer  
Iain Sullivan, Information Compliance Analyst

### **Others Present**

Members of the public were present

### **Introduction by Committee 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.

### **Meeting to Order**

The Chair called the meeting to order at 5:32 p.m.

### **Approval of the Agenda**

Moved by Mr. Babin

Seconded by Mr. Lightfoot

**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. Cinanni

**That** the minutes of Committee of Adjustment Meeting Number 2021-03 held February 22, 2021 be approved.

**Carried**

### **Disclosure of Pecuniary Interest**

There were none.

### **Delegations**

There were none.

### **Request for Deferral**

There were none.

### **Returning Deferral Items**

There were none.

### **Business**

#### **a) Application for: Minor Variance**

**File Number: D13-059-2020**

**Address: 966 Old Front Road**

**Owner/Applicant: Mary Reid**

Ms. Sthamann introduced the application.

Ms. Oldenburger conducted a PowerPoint presentation regarding an Application for Minor Variance at 966 Old Front Road. A copy of the presentation is available upon request through the City Clerk's department.

Ms. Reid, the applicant, stated that the house is old and the existing front porch is not in good condition. She expressed the desire to make an improvement to porch rather than just replacing what is currently on the property.

Mr. Tekenos-Levy asked what the nature of the complaint from the neighbour was. Ms. Oldenburger noted that there were concerns regarding sightlines, maintenance of the property and the aesthetic appearance of the deck. Ms. Reid added that she is working with a designer to make sure both the design and materials will be aesthetically pleasing.

In response to Mr. Tekenos-Levy, Ms. Oldenburger confirmed that the neighbour who issued the complaint was given information regarding the meeting and how to participate at the meeting.

The Chair afforded the public an opportunity to speak.

Mr. Wowk, 974 Old Front Road, comment that although the application is considered minor in nature, it has a significant impact on the sightlines of surrounding property to the water. He noted that the deck would obscure the view of Lake Ontario from his property and suggested that it be moved back further on the property. He commented that the new deck would create a hazard when exiting their driveway creating a blind

spot for traffic. He noted that rebuilding it to the original size would be more suitable for the property as the current proposal is disproportionate to the house and the neighbourhood.

Mr. Weller, 990 Old Front Road, asked about the location of the septic system on the property.

Ms. Weller, 990 Old Front Road, reiterated the earlier comment that the deck would create a blind spot for traffic on the corner and she was concerned for the number of walkers and cyclists who use the roadway.

Ms. VanMannen 974 Old Front Road, indicated that she has two school-aged children and she was concerned for their safety if the deck were to protrude too far out causing restrictions for vehicle sightlines. She commented that she has not seen the design of the deck and she is concerned that it would not be in keeping with the character of the neighbourhood. She agreed that structure needed to be repaired but she was concerned about the size of the deck that would be replacing what is currently there. She asked how wide the deck would be.

Mr. Park noted that staff would not know where the septic system would be located on the property, but this would be identified under the Building Permit process before any structure could be built.

Ms. Oldenburger confirmed the current dimensions of the porch structure and provided the proposed dimensions of the new deck noting it would only be an additional nine inches out from the house. She indicated that there are no concerns with creating blind spots for vehicles on the corner given the set back of the deck from the white picket fence that runs along the property line. She spoke to the location of the property with respect to neighbouring properties indicating that the deck should not obscure the sightlines to the water for neighbouring properties.

Mr. Tekenos-Levy sought confirmation that the proposed deck would only add half a foot to the current structure. Ms. Oldenburger confirmed this adding that this addition creates more amenity space for the resident as an extension of the living space.

Mr. Lightfoot asked if there was anything that could be done to address the concerns of Mr. Wowk regarding sightlines on the property. Mr. Park confirmed that should traffic become an issue, the City could investigate this concern at that time; however, the analysis completed by staff indicate no traffic or other transportation concerns. He confirmed that sightlines through a neighbouring property to water is not something that can be controlled through the Planning process, but staff did review the application for overview and shadowing and found no impact on surrounding properties.

Mr. Cinanni asked what the expected height of the structure would be. Ms. Oldenburger provided the measurements. Ms. Reid added that the railing would be a standard height and that it was not going to be a covered deck.

Mr. Babin asked if any trees would need to be removed from the front of the house. Ms. Reid indicated the vegetation was large shrubs and, even if removed, they would not change the sightlines to the water.

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

**That** minor variance application, File Number D13-059-2020, for the property located at 966 Old Front Road, be Approved; and

**That** approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-21-020.

**Carried**

**b) Application for: Minor Variance**

**File Number: D13-068-2020**

**Address: Supplemental Report – 9 Birch Avenue**

**Owner: AND Estates Inc.**

**Applicant: BLVD Group**

Moved by Mr. Lightfoot  
Seconded by Mr. Babin

**That** the second clause of the recommendation outlined in Report Number COA-21-021, be replaced with the following:

**That** approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-21-028.

**Carried**

**c) Application for: Minor Variance**

**File Number: D13-068-2020**

**Address: 9 Birch Avenue**

**Owner: AND Estates Inc.**

**Applicant: BLVD Group**

Ms. Sthamann introduced the application.

Mr. Oddie conducted a PowerPoint presentation regarding an Application for Minor Variance at 9 Birch Avenue. A copy of the presentation is available upon request through the City Clerk's department.

Mr. Sands, Agent for the owner, was present and noted there were no concerns on behalf of owner with the inclusion of the recommended conditions.

Mr. Babin sought confirmation that the current driveway is proposed to serve as both the new driveway as well as pedestrian access. Mr. Sands confirmed this noting that both parking stalls are located beyond the entrance to the proposed second residential unit and the primary residential unit entrance.

Mr. Babin asked if there would be signage posted on the property to prevent vehicles from obstructing the building access. Mr. Sands noted it was not a specified condition for the application but would be happy to install a sign to preserve the ingress and egress of the property.

Mr. Skebo sought clarification on why tandem parking was being proposed on the site. Mr. Oddie replied that the initial application sought to extend the driveway further into the yard to permit angled parking at the rear; however, this required the applicant to submit a turning radius drawing to ensure that vehicles could properly manoeuvre in the rear yard. He added that the current zoning permit either angled parking or tandem parking as of right and the applicant has chosen to provide tandem parking as permitted.

Mr. Babin asked if any concerns about the application had been raised by neighbours in the area. Mr. Oddie referred to a letter received in the addendum that provided comment but did not raise any concerns with the proposal itself.

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

Ms. Bowie, 414 Albert Street, asked whether a condition could be imposed limiting the number of bedrooms permitted on the property. She noted that Planning staff do not

often receive comment from the public as much of the surrounding properties are used as student housing. She noted that this type of housing is only intended to be on corridor streets which this property is not.

Mr. Mitchell, 43 Gibson Avenue, spoke on behalf of the Sydenham District Association and commented that this Committee may not be the right forum for this application indicating that the change in access is a matter for consideration by the Planning Committee. He commented on the growing radius for “near campus” accommodations with respect to the University District leading to increased instability in these neighbourhoods. He noted that the removal of the requirement for site parking could ensure a safe pedestrian walkway. He cautioned that the application does not meet the needs of accessibility for all people. He asked if the basement bedrooms have been given the fullest consideration for safety concerns given the number of bedrooms removed from below-grade.

Mr. Park confirmed that the application met the intent of the Zoning By-Law and the Official Plan as well as the four tests ensuring that this matter could proceed through minor variance. He added that staff reviewed the application with respect to compatibility with the neighbourhood noting abutting dwellings that have gone through similar additions and variances over the years. He noted that limiting the bedroom count is outside of the scope of the current application and reminded the Committee of the scope of a variance.

Mr. Niall spoke to intensification on corridors noting that the Official Plan deems second residential units as appropriate growth when compatibility is satisfied. He spoke to the configuration of the windows, the size of the amenity space, garbage bin space, and pedestrian access. He added that the parking is intentionally located to the north of the property to keep the driveway clear for ingress and egress and for suitable walkway space.

Mr. Lightfoot commented that he was happy to see that garbage and recycling was being properly addressed.

Mr. Skebo commented that he did not believe tandem parking would provide good quality of life for the residents at this property and indicated that the driveway would likely still be used by visitors which could impede pedestrian access to the building. He added that he appreciated the comments from Ms. Bowie regarding the limitation of bedrooms but recognized that the Committee could not impose such a condition given that the variances do not relate to the bedrooms. He stated that he would not be supporting the application.

Mr. Oddie reiterated that parking in the rear of the property would only be viable with a technical review and submission of a turning radius diagram demonstrating that the two parking stalls would be functional.

Ms. Sthamann confirmed that the Committee could impose additional conditions on the application, such as reconfiguration of the parking, should it choose. She continued that should the Committee wish to do so, a deferral to allow for a new proposal and new site plan may be required to consider the impacts on other aspects of the zoning.

Mr. Oddie clarified that both Variance 2 and 3 would still be required for the application to allow for the co-location of the driveway and the walkway regardless of where the parking was located. Mr. Sands confirmed the comments from Mr. Oddie and spoke to the reasons for submitting an application with tandem parking.

Mr. Babin provided that posting a “no parking” sign in the pedestrian pathway would alleviate some concerns over the shared driveway and pedestrian access. He stated that the Committee must assess the application based on the current Zoning By-Law and that the issue of density falls outside of the Committee’s scope. He added that he will be supporting the application based on the information provided in the staff report.

Mr. Cinanni asked if there were similar dwellings with comparable secondary unit space in the neighbourhood. Mr. Oddie provided information concerning a structure to the west of the subject property and information concerning a structure located to the east.

Mr. Lightfoot commented that he agreed with Mr. Babin reiterating that if staff have reviewed the application and brought it forward through this Committee than it is in the right forum.

Moved by Mr. Lightfoot

Seconded by Mr. Tekenos-Levy

**That** minor variance application, File Number D13-068-2020, for the property located at 9 Birch Avenue to allow the construction of a rear addition to accommodate an attached second residential unit, be approved; and

**That** approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-21-028.

**Carried**



**d) Application for: Minor Variance**

**File Number: D13-065-2020**

**Address: 124 Baiden Street**

**Owner: 1809743 Ontario Limited**

**Applicant: Paul Doherty**

Ms. Sthamann introduced the application.

Mr. Fisher conducted a PowerPoint presentation regarding an Application for Minor Variance at 124 Baiden Street. A copy of the presentation is available upon request through the City Clerk's department.

Mr. Doherty, applicant, commented that the structure requires major repairs and added that the property is located on a transportation corridor with access to an express bus route.

The Chair afforded members of the public an opportunity to speak. There were no members of public that wished to speak.

The Committee provided no further comment.

Moved by Mr. Tekenos-Levy

Seconded by Mr. Babin

**That** minor variance application, File Number - D13-065-2020, for the property located at 124 Baiden Street to reduce the minimum front yard, and side yard width to recognize the existing building footprint to the lot lines; and to reduce the projections into yards provisions to permit a new landing and stairs from each unit entrance be Approved; and

**That** approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-21-023.

**Carried**

**e) Application for: Permission**

**File Number: D13-055-2020**

**Address: 7 George Street**

**Owner: Gerhard and Bernadette Pratt**

**Applicant: Mikaela Hughes**

Ms. Sthamann introduced the application.

Mr. Leary conducted a PowerPoint presentation regarding an Application for Permission at 7 George Street. A copy of the presentation is available upon request through the City Clerk's department.

Ms. Hughes, agent for the applicant, was present along with Mr. Pratt, the applicant.

The Chair afforded members of the public an opportunity to speak. There were no members of public that wished to speak.

The Committee provided no further comment.

Moved by Mr. Babin

Seconded by Mr. Lightfoot

**That** the application for permission, File Number D13-055-2020, for the property located at 7 George Street to expand an existing detached accessory building, be approved; and

**That** approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-21-024.

**Carried**

**Motions**

There were no motions.

**Notices of Motion**

There were none.

**Other Business**

There was none.

**Correspondence**

There was none.

**Date and time of Next Meeting**

The next meeting of the Committee of Adjustment is scheduled for April 19, 2021.

**Adjournment**

Moved by Mr. Cinanni

Seconded by Mr. Lightfoot

**That** the meeting of Committee of Adjustment adjourn at 7:06 p.m.

**Carried**