



**City of Kingston
Committee of Adjustment
Meeting Number 2021-07
Minutes**

**Monday, June 21, 2021 at 5:30 p.m.
In a virtual, electronic format**

Committee Members Present

Peter Skebo, Chair
Paul Babin
Vincent Cinanni
Blaine Fudge
Jordan Tekenos-Levy

Regrets

Greg Lightfoot
Somnath Sinha

Staff Members Present

Ashley Anastasio, Planning Intern
James Bar, Acting Manager, Development Approvals
Elizabeth Fawcett, Committee Clerk
Tim Fisher, Planner
Lindsay Lambert, Senior Planner
Julia McCaugherty-Jansman, Committee Clerk
Niall Oddie, Senior Planner
Jason Partridge, Planner
Lindsay Sthamann, Planner and Secretary-Treasurer

Others Present

Members of the public were present.

Introduction of the Chair

The Chair reviewed the order of proceedings for the meeting and informed the public that any individuals with a personal interest in an application can receive written notice of a decision by emailing a request to the Secretary-Treasurer including their name, address, and the file number of the application.

Meeting to Order

The Chair called the meeting to order at 5:34 p.m.

Approval of the Agenda

Moved by Mr. Babin

Seconded by Mr. Cinanni

That the agenda be amended to withdraw Business Item 8.b) Application for Minor Variance at 233 Colborne Street, and as amended, be approved.

Carried

Confirmation of Minutes

Moved by Mr. Cinanni

Seconded by Mr. Fudge

That the minutes of Committee of Adjustment Meeting Number 2021-06 held on Monday, May 17, 2021 be approved.

Carried

Disclosure of Pecuniary Interest

Mr. Babin declared a pecuniary interest in Business Item 8.h) Application for Minor Variance at 11 The Point Road as he personally knows the applicant.

Delegations

There were none.

Request for Deferral

There were none.

Returning Deferral Items

There were none.

Business

- a) Application for: Minor Variance**
 - File Number: D13-004-2021**
 - Address: 1295 Centennial Drive**
 - Owner: Frulact Canada Inc.**
 - Applicant: Mallot Creek Group Inc.**

Ms. Sthamann introduced the application.

Ms. Lambert conducted a PowerPoint presentation regarding Application for Minor Variance at 1295 Centennial Drive. A copy of the presentation is available upon request through the City Clerk's department.

Mr. Beeler, the Applicant, indicated he had nothing further to add to the application.

Mr. Cinanni asked if additional parking may be required off-site. Mr. Beeler confirmed that there is a surplus of parking spaces available on the property. Ms. Lambert provided further numbers concerning the average number of personnel and visitors using the property daily.

Mr. Babin sought clarification on whether any of the spaces proposed to be reduced are accessible spaces would be reduced. Mr. Beeler noted that a reduction has not been sought in any of the barrier-free parking spaces on the site.

The Chair afforded members of the public an opportunity to speak. No members of the public wished to speak.

Moved by Mr. Cinanni

Seconded by Mr. Fudge

That minor variance application, File Number D13-004-2021, for the property located at 1295 Centennial Drive to reduce the off-street parking requirement for the existing food processing facility with approximately 5,317 square metres of gross floor area plus a

proposed additional gross floor area of approximately 3,712.39 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-21-052.

Carried

b) Application for: Minor Variance

File Number: D13-026-2021

Address: 233 Colborne Street

Owner: ELM Towns GP INC

Applicant: Peter Sauerbrei

This business item was withdrawn.

c) Application for: Permission

File Number: D13-031-2021

Address: 124 Centre Street

Owner: Congregation of Beth Israel

Applicant: Michael Springer

Ms. Sthamann introduced the application.

Ms. Anastasio conducted a PowerPoint presentation regarding Application for Permission at 124 Centre Street. A copy of the presentation is available upon request through the City Clerk's department.

Mr. Keene, Agent for the Applicant, noted that he has reviewed the recommendations of staff and indicated that he had nothing further to add to the application.

Mr. Babin sought clarification on the conditional approvals already granted for the subject property and whether those approvals were for the exterior or interior of the building. Ms. Anastasio reviewed the heritage permit and building permit approved earlier this year for exterior work on the building and clarified that the current application is for interior reconfiguration of 3 existing units.

Mr. Keene added that, as a designated heritage property, advice and approval of the Heritage Kingston Committee was sought ahead of the current application to ensure support of the work. He noted that restoration work is required for the porch and that a fire escape needs to be added to the building.

The Chair afforded members of the public an opportunity to speak. No members of the public wished to speak.

Moved by Mr. Fudge
Seconded by Mr. Babin

That the application for permission, File Number D13-031-2021, for the property located at 124 Centre Street to reconfigure a legal non-conforming use, be approved; and

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-21-049.

Carried

- d) Application for: Consent (new lot) and Minor Variance**
File Number: D10-043-2020 and D13-046-2020
Address: 2355 Horning Road
Owner: Jennifer and Owen Jones
Applicant: Owen Jones

Ms. Sthamann introduced the application.

Mr. Fisher conducted a PowerPoint presentation regarding Application for Consent and Minor Variance at 2355 Horning Road. A copy of the presentation is available upon request through the City Clerk's department.

Mr. Jones, the Applicant, indicated that he has no intention of establishing any part of the property for livestock.

Mr. Tekenos-Levy asked whether severing the parcel is desirable for the neighbourhood and sought confirmation that should both parcels be developed for residential use that the houses wouldn't be too close in comparison to the other properties along this road. Mr. Fisher confirmed that there already exists some homes that are located close together so this property would be consistent with existing lots should it be further developed.

The Chair afforded members of the public an opportunity to speak. No members of the public spoke.

Moved by Mr. Fudge
Seconded by Mr. Babin

That minor variance application, File Number D13-046-2020 for the property located at 2355 Horning Road to reduce the minimum lot frontage requirement from 100 metres to 80 metres to recognize the retained lot subject to consent application, File Number D10-043-2020, be approved subject to the conditions attached as Exhibit A (Recommended Conditions – Minor Variance) to Report Number COA-21-044; and

That consent application, File Number D10-043-2020, to sever a 1.6 hectare parcel of land with approximately 110 metres of road frontage on Horning Road which will maintain the existing single detached dwelling and detached garage, and retain a 8.6 hectare parcel of undeveloped land with approximately 80 metres of road frontage on Horning Road, be provisionally approved subject to the conditions included in Exhibit B (Recommended Conditions – Consent) to Report Number COA-21-044.

Carried

- e) Application for: Minor Variance**
 - File Number: D13-012-2021**
 - Address: 85 Connaught Street**
 - Owner: Vincenzo and Janina Bracciodieta**
 - Applicant: Mac Gervan**

Ms. Sthamann introduced the application.

Mr. Fisher conducted a PowerPoint presentation regarding Application for Minor Variance at 85 Connaught Street. A copy of the presentation is available upon request through the City Clerk's department.

Mr. Gervan, Agent for the Applicant, spoke to the benefits of the application noting that the addition will not protrude further than the width of the main building and that the relief sought is minor in nature.

The Committee provided no further comment.

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

Moved by Mr. Cinanni
Seconded by Mr. Fudge

That minor variance application, File Number D13-012-2021, for the property located at 85 Connaught Street to vary the provisions regarding the minimum front yard and minimum aggregate side yard setback in order to permit a two storey addition with a porch on the front of the dwelling and an addition to the front of the garage, be approved; and

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-21-050.

Carried

- f) Application for: Permission**
 - File Number: D13-024-2021**
 - Address: 137 Resource Road**
 - Owner: City of Kingston**
 - Applicant: UTAH Holdings Inc.**

Ms. Sthamann introduced the application.

Mr. Oddie conducted a PowerPoint presentation regarding Application for Permission at 137 Resource Road. A copy of the presentation is available upon request through the City Clerk's department.

Mr. Mack, the Applicant, noted he had nothing further to add to the application.

In response to Mr. Fudge, Mr. Mack confirmed that the garage doors noted in the plans are being considered for future uses.

Mr. Skebo asked whether the change in definition of use for this property could have an impact on applications in a similar zone. Mr. Oddie responded that the use would still be considered on a case-by-case basis to assess compatibility with the site. He added that this specific application is supported by staff given the list of professions already listed in the By-Law as well as the fact that this use will not contribute to traffic, noise, odors or other types of sensitive land use.

The Chair afforded members of the public an opportunity to speak. No members of the public spoke to the application.

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

That the application for permission, File Number D13-024-2021, for the property located at 137 Resource Road to clarify the definition of 'Professional Office', be approved; and

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-21-048.

Carried

- g) Application for: Permission**
 - File Number: D13-025-2021**
 - Address: 73 Gore Street**
 - Owner: Mac Graydon and Stacy Ridi**
 - Applicant: Mac Gervan – Gervan & Associates**

Ms. Sthamann introduced the application and conducted a PowerPoint presentation regarding Application for Permission at 73 Gore Street. A copy of the presentation is available upon request through the City Clerk's department.

Mr. Gervan, Agent for the Applicant, spoke to the age of the building, the size of the lot and the support of the Heritage Kingston Committee through an approved heritage permit.

The Committee provided no comment on the application.

The Chair afforded members of the public an opportunity to speak. No members of the public spoke to the applicant.

Moved by Mr. Fudge
Seconded by Mr. Babin

That the application for permission, File Number D13-025-2021, for the property located at 73 Gore Street to construct a two-storey rear addition, be approved; and

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-21-046.

Carried

- h) Application for: Minor Variance**
File Number: D13-028-2021
Address: 11 The Point Road
Owner: Ruth Bailey and John Dorland
Applicant: Ruth Bailey

Mr. Babin was absent for the duration of this business item.

Ms. Sthamann introduced the application and conducted a PowerPoint presentation regarding Application for Minor Variance at 11 The Point Road. A copy of the presentation is available upon request through the City Clerk's department.

Ms. Bailey, the Applicant, indicated that she had nothing further to add.

Mr. Cinanni asked whether the variance is measured off the lowest point rather than the great point. Ms. Sthamann confirmed that the garage could not be built taller than the plans already submitted to staff. She indicated that a height of up to 5.9 metres has been permitted to account for any shifting off the granite.

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

Mr. Skebo commended staff for approaching the application with a client-focused lens to account for the extra height consideration.

Moved by Mr. Fudge

Seconded by Mr. Tekenos-Levy

That minor variance application, File Number D13-028-2021, for the property located at 11 The Point Road to reduce the minimum setback from a right-of-way and to increase the maximum permitted height of an 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-21-047.

Carried

Motions

There were none.

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 Monday, July 19, 2021 at 5:30 p.m.

Adjournment

Moved by Mr. Babin

Seconded by Mr. Fudge

That the meeting of the Committee of Adjustment adjourn at 6:35 p.m.

Carried