



**City of Kingston
Committee of Adjustment
Meeting Number 2021-10
Unconfirmed Minutes**

**Monday, September 20, 2021 at 5:30 p.m.
In a virtual, electronic format**

Committee Members Present

Peter Skebo, Chair
Paul Babin
Vincent Cinanni
Greg Lightfoot
Somnath Sinha
Jordan Tekenos-Levy

Regrets

Blaine Fudge

Staff Members Present

Annemarie Eusebio, Intermediate Planner
Blair Johnson, Corporate Records & Information Officer
Derek Ochej, Committee Clerk
Tim Park, Director, Planning Services
Jason Partridge, Planner
Lindsay Sthamann, Planner & Secretary-Treasurer

Others Present

Members of the public were present.

Introduction by 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 5:33 p.m.

Approval of the Agenda

Moved by Mr. Babin

Seconded by Mr. Cinnani

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 2021-09 held on Monday, August 16, 2021 be approved.

Carried

Disclosure of Pecuniary Interest

There was 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: D13-047-2021

Address: 96 Regent Street

Owner: Glenn and Mona Warner

Applicant: Fotenn Consultants Inc.

Ms. Sthamann introduced the application.

Ms. Eusebio conducted a PowerPoint presentation regarding Application for Minor Variance – 96 Regent Street. A copy of the presentation is available upon request through the City Clerk's Department.

Jennifer Wood, Applicant, was in attendance and stated her agreement with the recommendations contained in the Report.

There were no questions from the Committee.

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

Annette Burfoot, 74 Regent Street, questioned if the application met the test of a minor variance. She expressed concern with the lot line distance and the proposed aggregate side yard width. Ms. Burfoot spoke to the proposed maximum lot coverage and building height increases. She expressed concern with the design of the building and the effect on shadowing, referencing the use of a flat roof as compared to the pitched roof of the current building. Ms. Burfoot stated that the totality of the variances has an enormous impact. She sought assurance that the proposed home business use would not negatively impact traffic flows and questioned why only the backyard was considered for shadowing effects.

Chris Saliba, 319 Mack Street, expressed concern with the proposed height increase. He stated that the change from a pitched to flat roof represents a larger increase than noted in the application. Mr. Saliba sought assurance that the home business use would not affect neighbourhood traffic flows.

In response to the public comments, Ms. Wood stated that the property owner has worked with a designer to create a customer home that meets their needs and mitigates potential impact on neighbouring properties. She advised that the majority of windows for the house would be placed on sides that face onto the street and not neighbouring properties. Ms. Wood clarified that only a portion of the building would project closer to the lot line and that this was done to lessen the massing towards the property line. She acknowledged that the existing detached garage, with minimal setback, will have its mass relocated to the main dwelling. Ms. Wood added that there will be a step back on the second floor on the Mack Street side. She advised that the proposed roof is different from a traditional peaked roof, adding that the zoning by-law provides different heights for peaked versus flat roofs. Regarding the home business, Ms. Wood stated that the business will be entirely virtual and not have customers attending in-person.

Mr. Peter Cohrs, Agent, stated that the shadowing of the proposed building would be slightly more significant than the current building. He spoke to the materials to be used on the exterior of the building, adding that the use of horizontal lines will reduce the apparent height of the building.

Mr. Skebo requested that staff address the concerns raised in correspondence item 12 b). Ms. Eusebio responded that staff did not receive any comments or objections regarding access to neighbouring properties from internal departments circulated the application.

Mr. Babin inquired if the tree on the corner of Mack Street would be retained. Mr. Cohrs stated that the tree was on City property and would therefore be retained.

Mr. Cinnani sought clarity on the height of the proposed building compared to nearby buildings. Mr. Cohrs estimated that the proposed building would be under the peak of the existing building. Ms. Wood added that there are two-and-a-half to three storey buildings nearby and that the proposed building would be lower and have less massing.

Mr. Park advised the Committee that there are two nearby multi-unit buildings that have different zoning requirements allowing them to be slightly higher than similar buildings in the area.

Mr. Tekenos-Levy stated that the Committee cannot bind people to future use and future traffic patterns. He stated that the minor variance maintains the intent of the zoning by-law and Official Plan. Mr. Tekenos-Levy stated that the issue before the Committee was to determine if the cumulative variances are minor in nature. He expressed an opinion that the variances were sufficiently minor and desirable.

Moved by Mr. Cinnani
Seconded by Mr. Sinha

That minor variance application, File Number D13-047-2021, for the property located at 96 Regent Street to construct a new two-storey single-detached dwelling with a second residential unit in the basement on the subject property, be approved; and

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-21-075.

Carried

b) Application for: Minor Variance and Consent

File Number: D10-024-2021 & D13-045-2021

Address: 134 Butler Street

Owner: Kenneth & Linda Westfall

Applicant: Fotenn Consultants

Ms. Sthamann introduced the application.

Mr. Partridge conducted a PowerPoint presentation regarding Application for Minor Variance and Consent – 134 Butler Street. A copy of the presentation is available upon request through the City Clerk's Department.

Kelsey Jones, Applicant, was present at the meeting. She expressed agreement with the recommendations in the Report.

Mr. Babin inquired if there were existing lot sizes on Butler Street similar to those proposed in the application. Mr. Partridge spoke to the block format of housing in the area of the application. He stated that the application does exceed the lot area minimum and does not change the character of the neighbourhood.

Mr. Babin requested that specific lot addresses of a similar size to the application be provided. Mr. Partridge responded that properties on the west side of Butler Street had frontages ranging from 11 to 15 metres.

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

Adam Haws, 122 Butler Street, spoke to his item of correspondence included on the addendum. He stated that the neighbourhood is against the application due to size constraints and the limited frontage proposed in the application. Mr. Haws stated that he owned the property at 128 Butler Street and expressed concern about the proximity of the severed lot to that property given that the majority of windows at 128 Butler Street face the proposed severed lot. He expressed concerns with drainage and the potential for basement flooding. Mr. Haws spoke to the densification occurring in the surrounding area, stating that similar densification is not appropriate for Butler Street.

In response to the public comments, Ms. Jones cited 133 Butler Street and 151 & 153 Drennan Street as nearby properties with lot frontages that met the minimum 15 metre requirements. She stated that no building plans had been submitted for the application and that public comments in this regard would be taken into consideration. Ms. Jones advised that grading plans must be submitted along with buildings plans, and that these plans would require drainage impacts on other properties to be mitigated. She advised that the existing residential dwelling would be retained and that a similar-sized dwelling is being considered for the new parcel. Ms. Jones stated that the proposed lot sizes are large in relation to similar areas and are well over the minimum lot area required by the zoning by-law.

Mr. Babin stated that the lots at 151 & 153 Drennan Street are semi-detached houses. He further stated that he could not support the application without evidence justifying the variance request.

Mr. Tekenos-Levy sought confirmation that an additional residence would be built on the severed lot. Ms. Jones confirmed the owner's intention to build a residential dwelling on the severed lot.

Mr. Cinnani stated that the existing house on the property is small compared to others in the neighbourhood. He sought information on the variances that would be required for a similar building to be constructed on the severed lot. Mr. Partridge spoke to the application process that would be required for constructing a dwelling on the severed lot.

Mr. Cinnani inquired about the future plans for the sheds on the property. Ms. Jones confirmed that the sheds on south portion of the property would be demolished.

Mr. Skebo stated that the Committee had received similar applications in the past, adding that the application is not far removed from the fabric of the neighbourhood. He stated that he did not believe the application is dissimilar to the neighbourhood.

Moved by Mr. Lightfoot

Seconded by Mr. Sinha

That minor variance application, File Number D13-045-2021 for the property located at 134 Butler Street, be approved subject to the conditions attached as Exhibit A (Recommended Conditions – Minor Variance) to Report Number COA-21-066; and

That consent application, File Number D10-024-2021, to sever a parcel with an area of 542 square metres with 11.1 metres frontage on Butler Street, be provisionally approved subject to the conditions included in Exhibit B (Recommended Conditions – Consent) to Report Number COA-21-066.

Carried

c) Application for: Permission

File Number: D31-041-2021

Address: 11 Gardiner Street

Owner: Kristen Brooks and Wesley Brooks

Applicant: Wesley Brooks

Ms. Sthamann introduced the application and conducted a PowerPoint presentation regarding Application for Permission at 11 Gardiner Street. A copy of the presentation is available upon request through the City Clerk's Department.

Wesley Brooks, Applicant, was present. He clarified that the application was not necessarily seeking the addition of a third storey, but rather the addition of an attic truss that increased the height 14 inches from the previous application.

There were no questions from the Committee.

The Chair offered members of the public an opportunity to comment. There were no comments from members of the public.

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

That the application for permission, File Number D13-041-2021, for the property located at 11 Gardiner Street to add a third storey addition with a south facing dormer and a west facing bay window on the first floor of the existing dwelling unit, be approved; and

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-21-067.

Carried

d) Application for: Permission and Minor Variance

File Number: D13-046-2021

Address: 254 Alfred Street

Owner: Daniel Welsh

Applicant: Fotenn Consultants Inc.

Ms. Sthamann introduced the application.

Ms. Eusebio conducted a PowerPoint presentation regarding Application for Permission and Minor Variance – 254 Alfred Street. A copy of the presentation is available upon request through the City Clerk's Department.

Jennifer Wood, Applicant, was present at the meeting.

There were no questions from the Committee.

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

Joan Bowie, 414 Albert Street, expressed concern regarding access to the property. She stated that the tandem parking arrangement blocks access to the backyard. Ms. Bowie questioned how tenants would be able to move waste containers or bicycles, and how emergency services would access the backyard. She inquired as to how the neighbouring property would access their rear yard.

In response to Ms. Bowie's comments, Ms. Eusebio stated that the application was circulated to Kingston Fire & Rescue and the City's Building Department and that no concerns were raised regarding access. She further advised that 252 Alfred Street has a separate front entrance from 254 Alfred Street.

Mr. Skebo sought further details regarding the rear yard access for 252 Alfred Street. Ms. Wood advised that to the best of her knowledge there was no easement agreement in place for access to 252 Alfred Street across 254 Alfred Street. She further stated that no legal easement is proposed as part of the application.

Mr. Skebo sought confirmation that no legal easement existed for 252 Alfred Street. Ms. Wood confirmed that based on the legal information provided, there were no known easements.

Mr. Cinnani stated that he was not in favour of tandem parking for the number of proposed units.

Mr. Babin stated that the dwellings in similar applications are often referred to as rooming houses by the public. He stated that he did not recall receiving applications with similar designs on a semi-detached building. Mr. Babin expressed support for the application, acknowledging the concerns raised by the public regarding tandem parking and the number of people who would be occupying the lot.

Mr. Skebo agreed with Mr. Babin's statements. He stated that he was not in favour of tandem parking, and that no concerns were raised during the technical circulation. Mr. Skebo stated that in the future he would like to see more details regarding the technical circulation with respect to tandem parking. He stated that the neighbouring property would have received notice regarding the application and evidently has not raised concerns regarding potential loss of rear yard access.

Moved by Mr. Lightfoot
Seconded by Mr. Sinha

That the application for permission and minor variances, File Number D13-046-2021, for the property located at 254 Alfred Street to construct a second residential unit with a maximum of four bedrooms to the northern side of the existing semi-detached dwelling, be approved; and

That approval of the applications be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-21-076.

Carried

e) Application for: Minor Variance

File Number: D13-035-2021

Address: 35 Brock Street

Owner: Annuzoato and Lieselotto Romeo

Applicant: IBI Group (Mark Touw)

Ms. Sthamann introduced the application and conducted a PowerPoint presentation regarding Application for Minor Variance – 35 Brock Street. A copy of the presentation is available upon request through the City Clerk's Department.

Mark Touw, Applicant, was present. He spoke to the circumstances of the business owner, stating that the goal of the residential units is to supplement the existing business' income.

Mr. Babin sought further details regarding the Heritage Impact Statement and heritage approvals process. Mr. Touw advised that the owner had undertaken a pre-consultation with Heritage Kingston in 2020 and received feedback and support for the proposal. He further advised the owner would be seeking a heritage permit at the October 2021 meeting of Heritage Kingston.

Mr. Skebo sought further details regarding the relocation of washrooms. Mr. Touw stated that the washrooms for the business would be relocated to the basement, which had been reconstructed for additional commercial space.

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

Will Hodgskiss, 33 Brock Street, expressed support for the application. He asked if the application would have any effect on future plans for his property.

Mr. Park responded that Mr. Hodgskiss would need to submit an application through DASH to receive comments regarding the feasibility of any plans.

Mr. Touw advised that no new windows were proposed for the side lot line and that the current rear entry door that opened onto 33 Brock Street would be removed. He added that the application should not put any constraints on the property.

Mr. Cinnani expressed support for the application, stating that the addition of housing in the downtown area where vehicles are not required is a positive.

Mr. Skebo stated that the application represents a great use of underutilized space.

Moved by Mr. Babin

Seconded by Mr. Cinnani

That minor variance application, File Number D13-035-2021, for the property located at 35 Brock Street to increase the maximum permitted density, reduce the minimum amenity area, reduce the number of parking spaces, and reduce the number of bicycle parking spaces, be approved; and

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-21-057.

Carried

f) Subject: Supplementary Report (to Report Number COA-21-065)

File Number: D13-047-2021

Address: 96 Regent Street

Owner: Glenn and Mona Warner

Applicant: Fotenn Consultants Inc.

Note: Business Item 8 f) was considered in advance of Business Item 8 a)

Ms. Eusebio provided an overview of the Report.

Mr. Park stated that there were no additional changes to recommended conditions of Report Number COA-21-065 aside from those indicated in the Report.

Moved by Mr. Cinnani

Seconded by Mr. Sinha

That paragraph 2 of the recommendation in Report Number COA-21-065, 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-21-075.

Carried

g) Subject: Supplementary Report (to Report Number COA-21-064)

File Number: D13-046-2021

Address: 254 Alfred Street

Owner: Daniel Welsh

Applicant: Fotenn Consultants Inc.

Note: Business Item 8 g) was considered in advance of Business Item 8 d)

Ms. Eusebio provided an overview of the Report.

Moved by Mr. Lightfoot

Seconded by Mr. Tekenos-Levy

That paragraph 2 of the recommendation in Report Number COA-21-064, 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-21-076.

Carried

Motions

There were none.

Notices of Motion

There were none.

Other Business

Mr. Park provided clarity to his earlier comments regarding Application for a Minor Variance - 96 Regent Street. He advised that the zoning for the nearby multi-unit buildings was legal non-conforming and not site specific.

Correspondence

There was none.

Committee of Adjustment Meeting Number 2021-10 – Monday, September 20, 2021 at 5:30 p.m.

Page 13 of 13

Date and time of Next Meeting

The next meeting of the Committee of Adjustment meeting is scheduled on Monday, October 18, 2021 at 5:30 p.m.

Adjournment

Moved by Mr. Lightfoot

Seconded by Mr. Sinha

That the meeting of the Committee of Adjustment adjourns at 7:08 p.m.

Carried