



**City of Kingston
Committee of Adjustment
Meeting Number 2021-12
Minutes**

**Monday, November 15, 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

Regrets

Blaine Fudge
Jordan Tekenos-Levy

Staff Members Present

James Bar, Manager, Development Approvals
Ian Clendening, Senior Planner
InGi Kim, Planner
Julia McCaughtery-Jansman, Committee Clerk
Derek Ochej, Committee Clerk
Meghan Robidoux, Intermediate 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. Lightfoot

Seconded by Mr. Babin

That the agenda be approved.

Carried

Confirmation of Minutes

Moved by Mr. Lightfoot

Seconded by Mr. Cinanni

That the minutes of Committee of Adjustment Meeting Number 2021-11 held on Monday, October 18, 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 and Consent**
 - File Number: D13-057-2021 & D10-032-2021**
 - Address: 1338 Princess Street**
 - Owner: Kingston Co-operative Homes, City of Kingston**
 - Applicant: Co-operative Housing Federation of Canada**

Ms. Sthamann introduced the application.

Ms. Robidoux conducted a PowerPoint presentation regarding Application for Minor Variance and Consent – 1338 Princess Street. A copy of the presentation is available upon request through the City Clerk's Department.

Youko Leclerc, Agent, was in attendance.

Mr. Skebo sought clarity regarding the easements required for the application. Ms. Robidoux clarified that the necessary easements would be granted through the consent application before the Committee.

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

There were no comments from members of the public.

Moved by Mr. Lightfoot

Seconded by Mr. Cinanni

That minor variance application, File Number D13-057-2021 for the property located at 1338 Princess Street to permit a maximum driveway width of 4.8 metres and a maximum lot occupancy of 63.4%, be approved subject to the conditions attached as Exhibit A (Recommended Conditions – Minor Variance) to Report Number COA-21-077; and

That consent application, File Number D10-032-2021, to sever a 4,096 square metre parcel, be provisionally approved subject to the conditions included in Exhibit B (Recommended Conditions – Consent) to Report Number COA-21-077.

Carried

b) Application for: Minor Variance

File Number: D13-056-2021

Address: 4672 Highway 15

Owner: Richard Kramer and Debra Kramer

Applicant: Rod Stokes Consulting Inc.

Ms. Sthamann introduced the application.

Mr. Sinha arrived to the meeting at 5:43 p.m.

Mr. Kim conducted a PowerPoint presentation regarding Application for Minor Variance – 4672 Highway 15. A copy of the presentation is available upon request through the City Clerk's Department.

Rod Stokes, Applicant, was present at the meeting.

Mr. Babin sought further details regarding the location of the proposed accessory structure on the property. Mr. Kim referenced the site plan drawing included with the agenda, stating that the structure would be located on the northeast side of the property. He added that a permit had been granted by the Ministry of Transportation.

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

There were no comments from members of the public.

Moved by Mr. Lightfoot

Seconded by Mr. Babin

That minor variance application, File Number D13-056-2021, for the property located at 4672 Highway 15 to reduce the interior side yard width to 1.2 metres to construct a 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-21-078.

Carried

c) Application for: Minor Variance

File Number: D13-059-2021

Address: 310 Sydenham Street

Owner: Helen Lavoie

Applicant: FOTENN Consultants Inc.

Ms. Sthamann introduced the application.

Mr. Clendening conducted a PowerPoint presentation regarding Application for Minor Variance – 310 Sydenham Street. A copy of the presentation is available upon request through the City Clerk's Department.

Youko Leclerc, Agent, was in attendance.

Mr. Babin sought clarity regarding the procedure for Variance 3 if the Ontario Land Tribunal (OLT) does not approve the zoning by-law. Mr. Clendening stated that the property would be in compliance with the current zoning applied to maximum height up until such date that the zoning by-law amendment appeal is either refused by the OLT or the appeal is withdrawn. He clarified that until that date, the application is in compliance with the existing zoning with respect to maximum height.

In response to additional comments from Mr. Babin, Mr. Bar stated that Variance 3 is being sought for technical reasons as the by-law is not currently in effect, adding that changes have been made to the second residential unit policy, with these changes currently appealed to the OLT. Mr. Bar stated that staff have reviewed the application and determined that the built form is appropriate for the site and staff are not concerned with the proposed height. He explained that the new policy creates a maximum height of 4.6 metres for second residential units. Mr. Bar stated that staff are of the opinion that the application is appropriate and prefer the applicant not to be caught between two regulations. He advised that the application should be reviewed in its totality.

Mr. Sinha expressed support for Mr. Babin's concerns. He stated that maximum allowable height under the by-law under appeal is 4.6 metres and the applicant is proposing a structure 5.6 metres in height. He expressed support for separating the vote on the variances.

Mr. Lightfoot sought confirmation that no public comments expressing opposition to the application were received. Mr. Clendening confirmed that no comments opposing the application were received.

Mr. Babin requested a separate vote be conducted for Variance 3.

Mr. Bar advised the Committee that Variance 3 is administrative as the proposed height is not above the maximum height currently applied to the property. He further stated that Variance 3 is being sought in the event that the zoning by-law changes once the OLT decides on the appeal.

In response to a question from Mr. Cinanni, Mr. Bar stated that if Variance 3 is not granted before the new zoning by-law comes into effect, the applicant would be required to redesign the building to be in compliance with the zoning by-law or re-apply to the Committee for a variance for the proposed height.

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

There were no comments from members of the public.

Moved by Mr. Lightfoot

Seconded by Mr. Babin

That Variances 1 and 2 for minor variance application, File Number D13-059-2021, for the property located at 310 Sydenham Street to vary the required lot coverage and accessory building coverage to construct a detached second residential unit with no more than 3 bedrooms, be approved;

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-21-079.

Carried

Moved by Mr. Babin

Seconded by Mr. Sinha

That Variance 3 for minor variance application, File Number D13-059-2021, for the property located at 310 Sydenham Street to vary the required lot coverage and accessory building coverage to construct a detached second residential unit with no more than 3 bedrooms, be approved;

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-21-079.

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 meeting is scheduled on Monday, December 13, 2021 at 5:30 p.m.

Adjournment

Moved by Mr. Babin

Seconded by Mr. Lightfoot

That the meeting of the Committee of Adjustment adjourns at 6:11 p.m.

Carried