



**City of Kingston
Committee of Adjustment
Meeting Number 09-2022
Minutes**

**Monday, August 15, 2022 at 5:30 p.m.
In a virtual, electronic format**

Committee Members Present

Peter Skebo, Chair
Paul Babin
Vincent Cinanni
Blaine Fudge
Greg Lightfoot
Somnath Sinha (Arrived to meeting at 5:37 p.m.)
Jordan Tekenos-Levy

Regrets

None.

Staff Members Present

James Bar, Manager, Development Approvals
Ian Clendening, Senior Planner
Elizabeth Fawcett, Committee Clerk
Lindsay Lambert, Senior Planner
Jacob Slevin, Planning Intern
Lindsay Sthamann, Intermediate Planner & Secretary Treasurer
Iain Sullivan, Committee Clerk
Viki Van Vugt, Planner

Others Present

Members of the public were present.

This is not a verbatim report.

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 5:32 p.m.

Approval of the Agenda

Moved by Mr. Babin

Seconded by Mr. Fudge

That the agenda be amended to include the addendum, 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 08-2022 held on Monday, July 18, 2022, be amended to include a note regarding the Date and Time of Next Meeting, and as amended, be approved.

Carried

Disclosure of Pecuniary Interest

Mr. Cinanni declared a pecuniary interest with respect to Business Item 8 b) Application for Minor Variance – 31 Alamein Street as he is campaigning for election in the area.

Delegations

There were none.

Briefings

There were none.

Request for Deferral

There was none.

Returning Deferral Items

There was none

Business

- a) Application for: Minor Variance**
 - File Number: D13-034-2022**
 - Address: 47 MacDonnell Street**
 - Owner: Estate of Audrey Louise Kirkland**
 - Applicant: Fen Laird**

Ms. Sthamann introduced the application.

Ms. Lambert conducted a PowerPoint presentation regarding the Application for Minor Variance at 47 MacDonnell Street. A copy of the presentation is available upon request through the City Clerk's Department.

Fen Laird, Applicant, indicated that he had no additional information to provide.

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

The Committee did not provide comment.

Moved by Mr. Babin

Seconded by Mr. Fudge

That minor variance application, File Number D13-034-2022, for the property located at 47 MacDonnell Street to reduce the minimum number of off-street vehicle parking

spaces from one to zero for a proposed second residential unit within an existing single unit dwelling, be Approved, as described below:

Minor Variance 1A: Minimum Number of Off-Street Parking Spaces for a Second Residential Unit

By-Law Number: 8499 Section 5.3 A.(a)v.

Requirement: 1 parking space per Second Residential Unit

Proposed: 0 parking spaces per Second Residential Unit

Variance Requested: 1 parking space per Second Residential Unit

Minor Variance 1B: Minimum Number of Off-Street Parking Spaces for a Second Residential Unit

By-Law Number: 2022-62 Table 7.1.1, Section 3(b)

Requirement: 1 parking space per Second Residential Unit

Proposed: 0 parking spaces per Second Residential Unit

Variance Requested: 1 parking space per Second Residential Unit; and

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-22-058.

Carried

b) Application for: Minor Variance

File Number: D13-040-2022

Address: 31 Alamein Drive

Owner: Vera Vine and Edward Allen MacDuffie

Applicant: Shoalts and Zaback Architects

Mr. Cinanni left the meeting due to his pecuniary interest.

Ms. Sthamann introduced the application.

Mr. Clendening conducted a PowerPoint presentation regarding the Application for Minor Variance at 31 Alamein Drive. A copy of the presentation is available upon request through the City Clerk's Department.

Golsa Kheir-Moghadam, Agent for the Applicant, indicated that she had no additional information to provide.

Mr. Babin sought clarification on the difference in maximum building depth between the two zoning by-laws as well as confirmation that the addition would not be used for a secondary suite. Mr. Bar explained that the by-laws measure depth from different points, one from the front wall of the dwelling and the other from the front yard line. He added that the drawings received by staff do not indicate any potential use as a secondary suite. Ms. Kheir-Moghadam confirmed that the intent of the addition is for living space for the family.

Mr. Fudge referred to the correspondence and asked staff to clarify when the drawings and figures were made available on DASH for the public. Mr. Bar confirmed that the drawings were posted to DASH in June 2022.

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

Sue McIver, 33 Alamein Street, spoke in favour of the project and expressed her relief that the dwelling would not be used for rentals.

Nina Lavalley, 157 Westdale Avenue, spoke in favour of the project and asked if the trees between 31 and 33 Alamein Street would be retained.

Brigitte Carriere, 163 Helen Street, spoke about the drainage of the site noting that large amounts of water pool at and near the fence line and asked if the planned elevation work would change the drainage patterns on the site.

In response to the public comments, Ms. Vine, Owner, stated that they had consulted with a civil engineer and could confirm that drainage on the property would not be affected. She added that the water will continue to pool where it currently does and that they will look to install a drain in the future. She commented that they had brought in arborists to survey the trees on the property and confirmed that only the dead or dying trees, along with any invasive species, would be removed and new trees planted. Ms. Kheir-Moghadam spoke to the tree inventory and the drainage plans that are available on DASH.

Mr. Skebo spoke to the concerns raised in correspondence regarding the application and pointed to the letters received on the addendum and asked staff to comment on the concerns raised within, specifically noting concerns about the diagrams, lack of access for Utilities Kingston, and changing the neighbourhood composition.

Mr. Clendening confirmed that staff had reviewed the drainage plan and were comfortable with it. He also stated that the application had been circulated to Utilities Kingston, who confirmed that they were comfortable with access on the site and

understood how to address any future issues. He stated that notice was given as per the *Planning Act* and that the building's use was not changing. Ms. Kheir-Moghadam explained that the variance was mainly for the south side yard, due to the planned attaching of the garage to the main dwelling which will make it part of the main structure. She confirmed again that no secondary suites were planned.

Mr. Tekenos-Levy commented that the owners had quelled most of the issues raised.

There were no further comments from the Committee.

Moved by Mr. Babin

Seconded by Mr. Lightfoot

That minor variance application, File Number D13-040-2022, for the property located at 31 Alamein Drive to allow for the development of a two-storey dwelling addition, be Approved, as described below:

Zoning By-Law Number 8499

Variance Number 1A: Minimum Side Yard

By-Law Number 8499: Section 6.3(c)(i)

Requirement: 0.6 metres

Proposed: 0 metres

Variance Requested: 0.6 metres

Variance Number 2A: Minimum Aggregate Side Yard

By-Law Number 8499: Section 6.3(c)(i)

Requirement: 3.6 metres

Proposed: 1.7 metres

Variance Requested: 1.9 metres

Variance Number 3A: Maximum Residential Building Depth

By-Law Number 8499: Section 6.3(g)(ii)(1)(a)

Requirement: 9.3 metres

Proposed: 19.88 metres

Variance Requested: 10.58 metres

Zoning By-Law Number 2022-62

Variance Number 1B: Minimum Interior Setback

By-Law Number 2022-62: Section 11.6.1.7

Requirement: 0.6 metres

Proposed: 0.0 metres

Variance Requested: 0.6 metres

Variance Number 2B: Minimum Aggregate of Interior Setbacks

By-Law Number 2022-62: Section 11.6.1.8

Requirement: 3.6 metres

Proposed: 1.7 metres

Variance Requested: 1.9 metres

Variance Number 3B: Maximum Residential Building Depth

By-Law Number 2022-62: Section 11.6.1.12(a)

Requirement: 18.0 metres

Proposed: 21.1 metres

Variance Requested: 3.1 metres; and

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-22-057.

Carried

Mr. Cinanni returned to the meeting.

c) Application for: Minor Variance

File Number: D13-035-2022

Address: 60 Fergus Street

Owner: Meredith Powell

Applicant: Meredith Powell

Ms. Sthamann introduced the application.

Mr. Slevin conducted a PowerPoint presentation regarding the Application for Minor Variance at 60 Fergus Street. A copy of the presentation is available upon request through the City Clerk's Department.

Meredith Powell, Owner, indicated that she had no additional information to provide.

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

The Committee did not provide comment.

Moved by Mr. Cinanni

Seconded by Mr. Fudge

That minor variance application, File Number D13-035-2022, for the property located at 60 Fergus Street to reduce the front yard setback to allow construction of a sunroom, be Approved, as described below:

Zoning By-Law Number 8499

Variance Number 1A:

By-Law Number 8499: 11.3(b) – Minimum Front Yard

Requirement: 7.5 metres

Proposed: 0.9 metres

Variance Requested: 6.6 metres

Zoning By-Law Number 2022-62

Variance Number 1B:

By-Law Number 2022-62: Table 11.14.1.4 – Minimum Front Setback

Requirement: 4.5 metres

Proposed: 0.9 metres

Variance Requested: 3.6 metres; and

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-22-059.

Carried

d) Application for: Minor Variance

File Number: D13-036-2022

Address: 1032 & 1066 King Street West

Owner: Homestead Land Holdings

Applicant: Jack Mangan & Mark Brule

Ms. Sthamann introduced the application.

Ms. Van Vugt conducted a PowerPoint presentation regarding the Application for Minor Variance at 1032 & 1066 King Street West. A copy of the presentation is available upon request through the City Clerk's Department.

Jack Mangan, Applicant, indicated that he had no additional information to provide.

Mr. Skebo asked staff for clarification on where the nine spaces being removed were located, specifically referencing Exhibit H of the report. Ms. Van Vugt explained that the property rented from Transport Canada contained twenty spaces. Mr. Mangan added that by removing the twenty spaces, the site then falls nine spaces short of the 109 required as per the site's zoning.

There were no further comments from the Committee.

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

Moved by Mr. Fudge
Seconded by Mr. Sinha

That minor variance application, File Number D13-036-2022, for the property located at 1032 and 1066 King Street West to reduce the total required parking from 329 to 320 spaces, be Approved, as described below:

Variance Number 1: Minimum Off-Street Parking Space Requirement

By-Law Number 8499: Exception Section 316(iv)

Requirement: 220 underground parking spaces and 109 surface parking spaces

Proposed: 220 underground parking spaces and 100 surface parking spaces

Variance Requested: 9 surface parking spaces; and

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-22-060.

Carried

e) Application for: Minor Variance

File Number: D13-007-2022

Address: 9 The Point Road

Owner: Lisa and Francois Bechard

Applicant: Lisa and Francois Bechard

Ms. Sthamann introduced the application.

Ms. Sthamann conducted a PowerPoint presentation regarding the Application for Minor Variance at 9 The Point Road. A copy of the presentation is available upon request through the City Clerk's Department.

Francois Bechard and Lisa Bechard, Owners, indicated that they had no additional information to provide.

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

The Committee did not provide comment.

Moved by Mr. Lightfoot
Seconded by Mr. Cinanni

That minor variance application, File Number D13-007-2022, for the property located at 9 The Point Road to build a new accessory building, be Approved, as described below:

Variance Number 1: Maximum Height of an Accessory Building

By-Law Number 32-74: Section 5(1)(e)(i)

Requirement: 5 metres

Proposed: 6.3 metres

Variance Requested: 1.3 metres; and

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-22-030.

Carried

Motions

There were none.

Notices of Motion

There were none.

Other Business

There was none.

Correspondence

See addendum.

Date and time of Next Meeting

The next meeting of the Committee of Adjustment is scheduled on Monday, September 19, 2022

Adjournment

Moved by Mr. Fudge

Seconded by Mr. Lightfoot

That the meeting of the Committee of Adjustment adjourn at 6:30 p.m.

Carried