



**City of Kingston  
Committee of Adjustment  
Meeting Number 07-2022  
Minutes**

**Monday, June 20, 2022 at 5:30 p.m.  
In a virtual, electronic format**

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**Committee Members Present**

Peter Skebo, Chair  
Paul Babin  
Vincent Cinanni  
Blaine Fudge  
Greg Lightfoot  
Somnath Sinha

**Regrets**

Jordan Tekenos-Levy

**Staff Members Present**

James Bar, Manager, Development Approvals  
Tim Fisher, Planner  
Derek Ochej, Acting Deputy City Clerk  
Jason Partridge, Planner  
Meghan Robidoux, Intermediate Planner  
Lindsay Sthamann, Intermediate Planner & Secretary-Treasurer  
Iain Sullivan, Committee Clerk

### **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. Cinanni

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. Fudge

**That** the minutes of Committee of Adjustment Meeting Number 06-2022 held on Monday, May 16, 2022 be approved.

**Carried**

### **Disclosure of Pecuniary Interest**

Mr. Skebo declared a pecuniary interest with respect to Business Item 8 e) – Application for Minor Variance and Consent – 100 Napier Street as he has a business relationship with the applicant.

### **Delegations**

There were none.

### **Request for Deferral**

**a) Application for: Minor Variance**

**File Number: D13-028-2022**

**Address: 720 Innovation Drive**

**Owner: City of Kingston**

**Applicant: J.S.M. Corporation (Ontario) Limited and IBI Group**

Request for Deferral was requested to provide the prescribed public notice of the application.

Moved by Mr. Fudge

Seconded by Mr. Lightfoot

**That** Application for Minor Variance – 720-730 Innovation Drive be deferred to the July 18, 2022 meeting to allow for prescribed public notice of the application.

**Carried**

### **Returning Deferral Items**

There were none.

### **Business**

**a) Application for: Minor Variance**

**File Number: D13-014-2022**

**Address: 1177 Bentley Terrace**

**Owner: Heather and Cormac Trainor**

**Applicant: Cormac Trainor**

Ms. Sthamann introduced the application.

Mr. Fisher conducted a PowerPoint presentation regarding Application for Minor Variance – 1177 Bentley Terrace. A copy of the presentation is available upon request through the City Clerk's Department.

Cormac Trainor, Applicant, was in attendance. He advised the committee he had nothing to add to the staff presentation.

There were no questions from members of the Committee.

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

No comments were received from the public.

Moved by Mr. Babin

Seconded by Mr. Fudge

**That** minor variance application, File Number D13-014-2022, for the property located at 1177 Bentley Terrace to reduce the minimum setback to a floodplain and increase the maximum area for a deck which is greater than 1.2 metres in height from finished grade in Zoning By-Law Number 76-26, to construct a 10.8 square metre addition to the rear of the single detached dwelling, and construct a 37 square metre deck with stairs and landing with an area of 6 square metres to the rear of the dwelling, be approved, subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-22-050.

**Carried**

**b) Application for: Minor Variance**

**File Number: D13-021-2022**

**Address: 295 Emerald Street**

**Owner: Pamela Large**

**Applicant: Pamela Large**

Ms. Sthamann introduced the application.

Mr. Fisher conducted a PowerPoint presentation regarding Application for Minor Variance – 295 Emerald Street. A copy of the presentation is available upon request through the City Clerk's Department.

Sayyed Ahmad, agent for the applicant, was in attendance. He advised the committee he had nothing further to add.

There were no questions from members of 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. Fudge

Seconded by Mr. Lightfoot

**That** minor variance application, File Number D13-021-2022, for the property located at 295 Emerald Street to reduce the rear yard setback to construct a 10.2 square metre three-season unheated room, be approved, subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-22-051.

**Carried**

**c) Application for: Minor Variance**

**File Number: D13-028-2022**

**Address: 720 Innovation Drive**

**Owner: City of Kingston**

**Applicant: J.S.M. Corporation (Ontario) Limited and IBI Group**

NOTE: see Request for Deferral item a).

**d) Application for: Permission and Minor Variance**

**File Number: D13-013-2022**

**Address: 2 Nina's Lane**

**Owner: Gerald Sutton**

**Applicant: Clark Consulting Services**

Ms. Sthamann introduced the application.

Ms. Robidoux conducted a PowerPoint presentation regarding Application for Permission and Minor Variance – 2 Nina's Lane. A copy of the presentation is available upon request through the City Clerk's department.

Robert Clark, Applicant, was in attendance. He advised the committee he had nothing further to add.

There were no questions from members of the Committee.

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

Connie Morrow, 18 Nina's Lane, spoke to the size of the house and expressed concern that she would not be able to access her home. She commented that she was concerned that her home could be demolished.

Heather Patterson, 3 Nina's Lane, agreed with the previous public speaker. She expressed concern that she would lose her home and stated that she had limited financial and alternative housing options.

In response to the public comments, Mr. Sutton, Owner, commented that he was in legal proceedings regarding these properties. He stated that he owned the land and intended to build. Mr. Clark clarified that the application before the Committee does not deal with the other properties nearby.

Ms. Robidoux explained that the City does not have a role in the ongoing proceedings mentioned by the applicant and indicated that demolition of the adjacent buildings is not anticipated to be required.

Mr. Skebo observed that Ms. Morrow's concern was the continued access to her home and sought clarification that this would be confirmed. Ms. Robidoux confirmed that access to the properties would continue.

Moved by Mr. Fudge

Seconded by Mr. Sinha

**That** permission application, File Number D13-013-2022, for the property located at 2 Nina's Lane to facilitate the alteration of the existing non-complying use, be approved; and

**That** minor variance application, File Number D13-013-2022, for the property located at 2 Nina's Lane to allow the LSR zone provisions to be measured from the lot boundary, as opposed to the zone boundary, be approved; and

**That** minor variance application, File Number D13-013-2022, for the property located at 2 Nina's Lane to allow a minimum separation distance from the high water mark of a waterbody to the proposed dwelling of 16 metres, be approved; and

**That** approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-22-041.

**Carried**

**e) Application for: Minor Variance and Consent**

**File Number: D13-026-2022 and D10-014-2022**

**Address: 100 Napier Street**

**Owner: Kingston Lawn Bowling Club**

**Applicant: Rogers & Trainor**

Mr. Skebo passed the Chair to Mr. Cinanni. Mr. Skebo left the meeting due to his pecuniary interest.

Ms. Sthamann introduced the application.

Ms. Robidoux conducted a PowerPoint presentation regarding Application for Minor Variance and Consent – 100 Napier Street. A copy of the presentation is available upon request through the City Clerk's Department.

Alex Adams, Agent, was in attendance. He advised the Committee that the club was committed to staying in the area. He asked if Condition 4 from the recommendations could be removed.

There were no questions from members of the Committee

The Vice-Chair offered an opportunity for the public to provide comment.

Angie James, 315 Willingdon Avenue, expressed concern with the rear and side setbacks requested. She stated that there was considerable anxiety among the neighbours about what a buyer might do to the severed parcel.

Joana Dion and Jason Beyea, 307 Willingdon Avenue, noted that they had two concerns. They stated that the variances requested at the rear seemed more significant. They expressed concern that the severed parcel could be developed without further approvals.

In response to the public comments, Mr. Adams stated that the rear yard setback only applied to the existing clubhouse which does not comply with current zoning requirements. He added that the setback variances did not apply to the severed lot.

Ms. Robidoux concurred with Mr. Adams regarding the setback and added that any development on the severed parcel would require an Official Plan amendment and a zoning by-law amendment, both of which are public processes. She confirmed that is not what was being proposed by the applicant at this time.

Mr. Adams asked if staff could comment on Condition 4 found in the recommendations. In response to Mr. Adams, Ms. Robidoux clarified that the archeological assessment included in Condition 4 of the staff recommendation was not required for the current application as it could be included in a future site-plan control application.

Mr. Lightfoot commented on the nature of the current development.

Moved by Mr. Somnath

Seconded by Mr. Fudge

**That** minor variance application, File Number D13-026-2022 for the property located at 100 Napier Street to facilitate the proposed lot severance and the development of a private tennis court use, be approved subject to the conditions attached as Exhibit A (Recommended Conditions – Minor Variance) to Report Number COA-22-048; and

**That** consent application, File Number D10-014-2022, to sever an 1,800 square metre parcel of land with 34.9 metres of frontage on Napier Street and retain a 3,800 square metre parcel of land with 67.0 metres of frontage on Napier Street containing the Kingston Lawn Bowling Club, be provisionally approved subject to the conditions included in Exhibit B (Recommended Conditions – Consent) to Report Number COA-22-048.

**Carried, as Amended**

**See Motion to Amend, which carried**

Moved by Mr. Babin

Seconded by Mr. Fudge

**That** Condition 4 in Exhibits A and B to Report Number COA-22-048 be deleted.

**Carried**



**f) Application for: Minor Variance**

**File Number: D13-023-2022**

**Address: 991 Sydenham Road**

**Owner: Susan MacRae**

**Applicant: Craig MacRae**

Mr. Skebo returned to the meeting and resumed the role of Chair.

Ms. Sthamann introduced the application.

Mr. Partridge conducted a PowerPoint presentation regarding Application for Minor Variance – 991 Sydenham Road. A copy of the presentation is available upon request through the City Clerk's Department.

Craig MacRae, Owner, was in attendance. He advised the Committee he had nothing further to add.

There were no questions from members of 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. Babin

**That** the minor variance application, File Number D13-023-2022, for the property located at 991 Sydenham Road to construct a new 91.42 square metre detached rear yard accessory building be approved, subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-22-47.

**Carried**

**g) Application for: Permission and Minor Variance**

**File Number: D13-018-2022**

**Address: 442 Albert Street**

**Owner: Stonepoint Properties Inc.**

**Applicant: Annie Lee and Fotenn Consultants Inc.**

Ms. Sthamann introduced the application.

Ms. Sthamann conducted a PowerPoint presentation regarding Application for Permission and Minor Variance – 442 Albert Street. A copy of the presentation is available upon request through the City Clerk's Department.

Youko Leclerc, Agent, was present. He advised the Committee that he had nothing further to add.

Mr. Babin asked staff to speak to the parking situation on Albert Street and if parking was allowed for pick-up and drop-offs. Ms. Sthamann highlighted the 5-minute drop-off zone in front of the building.

Mr. Cinanni commented on the 5-minute parking zones and mentioned that the public comments indicated public desire for more parking. He asked if that was something the Committee could add to the recommendation. Mr. Bar responded that parking was not an item which could be added at this time. He added that there are multiple different travel methods located near the subject property and that staff in the Transportation Services department are working on improving the road network.

Mr. Skebo commented further on the parking and road safety issues. He asked where comments related to this issue should be sent. Mr. Bar stated that he will forward all comments to Transportation Services staff.

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

Mary Purcell, 419 Albert Street, expressed concern with parking on Albert Street. She commented that many individuals were parking on the wrong side of the street, without permits, and it was making travelling on the road dangerous. She concluded by asking staff to study the traffic on the road.

In response to the public comments, Mr. Bar stated that the concerns were noted. He explained that staff were trying to balance the growth of the community and mitigating

impacts to the community. Mr. Leclerc added that more bicycle parking is being planned for the area and the daycare plans to have its staff commute to work via public transit.

Mr. Cinanni stated that he hoped the City looked at the discussion and planned for more parking. He expressed his positive opinion on the daycare itself.

Mr. Lightfoot agreed with Mr. Cinanni stating that the bad behaviour seen on Albert Street is common and not limited to the area by the daycare.

Moved by Mr. Fudge

Seconded by Mr. Somnath

**That** the application for permission, File Number D13-018-2022, for the property located at 442 Albert Street to expand the existing day care into the existing accessory buildings on the site, be approved; and

**That** minor variance application, File Number D13-018-2022, for the property located at 442 Albert Street to reduce the required 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-22-040.

**Carried**

**h) Application for: Minor Variance**

**File Number: D13-017-2022**

**Address: 655 Princess Street**

**Owner: WCPT Princess Inc.**

**Applicant: WCPT Princess Inc. – Mark Harries**

Ms. Sthamann introduced the application.

Ms. Sthamann conducted a PowerPoint presentation regarding Application for Minor Variance – 655 Princess Street. A copy of the presentation is available upon request through the City Clerk's Department.

Mike Keene, Agent, was present. He advised the Committee that he had nothing further to add.

Mr. Cinanni inquired if the units were in the basement of the building or faced the sidewalk. He asked whether the proposed units would replace any commercial space.

Mr. Keene confirmed the location and direction of the units and that some of the commercial space along with an underutilized amenity space will be used for the residential units.

Mr. Skebo asked for confirmation that the proposed units had egress out to the courtyard and would receive natural light. Mr. Keene confirmed that they would.

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 D13-017-2022, for the property located at 655 Princess Street to increase the maximum number of dwelling units and to decrease the residential parking ratio, be Approved, subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-22-039.

**Carried**

### **Motions**

There were none.

### **Notices of Motion**

There were none.

### **Other Business**

Mr. Skebo inquired about correspondence item a) and requested more information from staff. Mr. Bar responded by stating the history of the property and noted that staff have been made aware of the concerns brought forward.

Mr. Babin asked that staff ensure that the item of correspondence is looked after. Mr. Sullivan assured the Committee that it would also be sent to Council as an item of correspondence.

**Correspondence**

See agenda and addendum.

**Date and time of Next Meeting**

The next meeting of the Committee of Adjustment is scheduled on Monday, July 18, 2022 at 5:30 p.m.

**Adjournment**

Moved by Mr. Babin

Seconded by Mr. Cinanni

**That** the meeting of Committee of Adjustment adjourned at 7:20 p.m.

**Carried**