



**City of Kingston
Committee of Adjustment
Meeting Number 12-2022
Agenda**

**Monday, November 21, 2022 at 5:30 p.m.
Hosted at City Hall in Council Chamber**

Please provide regrets to Iain Sullivan, Committee Clerk at 613-546-4291, extension 1864 or isullivan@cityofkingston.ca

Committee Composition

Peter Skebo; Chair
Paul Babin
Vincent Cinanni
Blaine Fudge
Greg Lightfoot
Somnath Sinha
Jordan Tekenos-Levy

- 1. Meeting to Order**
- 2. Approval of the Agenda**
- 3. Confirmation of Minutes**
 - a) That the minutes of Committee of Adjustment Meeting Number 11-2022 held on Monday October 17, 2022 be approved.
- 4. Disclosure of Pecuniary Interest**
- 5. Delegations**
- 6. Request for Deferral**

7. Returning Deferral Items

8. Business

a) Application for: Minor Variance

File Number: D13-063-2022

Address: 597 Davis Drive

Owner: Mark Foster

Applicant: Mark Foster

The Report of the Commissioner of Community Services (COA-22-076) is attached.

Schedule Pages 1 – 19

Recommendation:

That minor variance application, File Number D13-063-2022, for the property located at 597 Davis Drive to reduce the required parking for a second residential unit from 1 parking spaces to 0 parking spaces, be approved, as described below:

Variance Number 1:

By-Law Number 2022-62: Table 7.1.1

- Requirement: 1 parking space per second residential unit
- Proposed: 0 parking spaces per second residential unit
- Variance Requested: 1 parking space

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-22-076.

b) Application for: Minor Variance

File Number: D13-062-2022

Address: 338 Palace Road

Owner: Pablo Morse, Paul Morse and Valentina Pereira

Applicant: Pablo Morse

The Report of the Commissioner of Community Services (COA-22-085) is attached.

Schedule Pages 20 – 38

Recommendation:

That minor variance application, File Number D13-062-2022, for the property located at 338 Palace Road to reduce the required parking for a second residential unit from one space to zero spaces, be approved, as described below:

Variance Number 1:

By-Law Number 2022-62: Table 7.1.1.3(b) – Required Number of Parking, Visitor and Car-Share Spaces

- Requirement: 1 parking space per dwelling unit
- Proposed: 0 parking spaces for the second residential unit
- Variance Requested: Reduction of 1 parking space

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-22-085.

c) Application for: Consent

File Number: D10-023-2017

Address: 237 Mowat Avenue and 6 Herbert Street

Owner: 6948928 Canada Limited and JA Holdings c/o James Nikas

Applicant: RFA Planning Consultant Inc.

The Report of the Commissioner of Community Services (COA-22-079) is attached.

Schedule Pages 39 – 134

Recommendation:

That consent application, File Number D10-023-2017, to sever a 634.7 square metre parcel of land with 26 metres of road frontage on Herbert Street, be **provisionally approved** subject to the conditions included in Exhibit A (Recommended Conditions) to Report Number COA-22-079.

d) Application for: Minor Variance

File Number: D13-057-2022

Address: 1445 Kendal Avenue

Owner: Anthony, Cliara and Milton Tingle

Applicant: Milton Tingle

The Report of the Commissioner of Community Services (COA-22-075) is attached.

Schedule Pages 135 – 161

Recommendation:

That minor variance application, File Number D13-057-2022, for the property located at 1445 Kendal Avenue to reduce the rear yard to construct a 11.7 square metre three-season sunroom, be approved, as described below:

Variance Number 1: Minimum Rear Setback

By-Law Number 2022-62: Table 11.4.3, UR3.B

- Requirement: 6.0 metres
- Proposed: 4.36 metres
- Variance Requested: 1.64 metres

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-22-075.

e) Application for: Minor Variance

File Number: D13-047-2022

Address: 636 MacDonnell Street

Owner: Samuel Browne

Applicant: Samuel Browne

The Report of the Commissioner of Community Services (COA-22-080) is attached.

Schedule Pages 162 – 187

Recommendation:

That minor variance application, File Number D13-047-2022, for the property located at 636 MacDonnell Street to replace the existing uncovered front porch and exterior stairs with a new covered front porch and uncovered exterior stairs, be approved, as described below:

Variance Number 1:

By-Law Number 2022-62:Table 4.20.4.(2): Minimum front setback for a porch

- Requirement: 3.5 metres
- Proposed: 2.4 metres
- Variance Requested: 1.1 metres

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-22-080.

f) Application for: Minor Variance

File Number: D13-038-2022

Address: 88 Helen Street

Owner: Justine Carlone and Jeffrey Di Labio

Applicant: NBS Design Group

The Report of the Commissioner of Community Services (COA-22-066) is attached.

Schedule Pages 188 – 217

Recommendation:

That minor variance application, File Number D13-038-2022, for the property located at 88 Helen Street to expand the existing single detached one and a half storey residential dwelling through the construction of a second storey and a two-storey rear addition, a new covered front porch and uncovered set of stairs, a new exterior door and accompanying set of stairs on the south elevation, and new uncovered rear decks, be approved, as described below:

Variance Number 1: Minimum Exterior Setback

By-Law Number 2022-62: Section 11.6.1.(6)

- Requirement: 4.5 metres
- Proposed: 2.7 metres
- Variance Requested: 1.8 metres

Variance Number 2: Decks and Porches

By-Law Number 2022-62: Section 4.20.4.(1): Maximum surface area of floor levels

- Requirement: 10% of the lot area
- Proposed: 14.6% of the lot area
- Variance Requested: 4.6% of the lot area

Variance Number 3: Decks and Porches

By-Law Number 2022-62: Section 4.20.4.(4): Minimum exterior setback for front porch

- Requirement: 4.5 metres
- Proposed: 2.7 metres
- Variance Requested: 1.8 metres

Variance Number 4: Decks and Porches

By-Law Number 2022-62: Section 4.20.4.(4): Minimum exterior setback for rear deck

- Requirement: 4.5 metres
- Proposed: 2.8 metres
- Variance Requested: 1.7 metres

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-22-066.

g) Application for: Minor Variance

File Number: D13-048-2022

Address: 917 Edward Riley Drive

Owner: Robert and Sheila Napier

Applicant: Shivani Khapare

The Report of the Commissioner of Community Services (COA-22-083) is attached.

Schedule Pages 218 – 238

Recommendation:

That minor variance application, File Number D13-048-2022, for the property located at 917 Edward Riley Drive, to construct a 10.78 square metre, three-season sunroom addition, be approved, as described below:

Variance Number 1:

By-Law Number 2022-62:11.4.3 (5) Minimum rear setback

- Requirement: 6.0 metres
- Proposed: 3.18 metres
- Variance Requested: 2.82 metres

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-22-083.

h) Application for: Minor Variance

File Number: D13-059-2022

Address: 30 Stanley Street

Owner: William Nelson

Applicant: William Nelson

The Report of the Commissioner of Community Services (COA-22-084) is attached.

Schedule Pages 239 – 259

Recommendation:

That minor variance application, File Number D13-059-2022, for the property located at 30 Stanley Street to construct a front addition with exterior stairs, be approved, as described below:

Variance Number 1:

By-Law Number 2022-62:Section 4.19.3. Exterior Stairs in Other Zones Setback

- Requirement: 0.5 metres
- Proposed: 0.0 metres
- Variance Requested: 0.5 metres

Variance Number 2:

By-Law Number 2022: Section 11.6.1.(4) (d) Front Yard Setback

- Requirement: 1.91 metres
- Proposed: 1.14 metres
- Variance Requested: 0.77 metres; and

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-22-084.

i) Application for: Permission

File Number: D13-025-2022

Address: 42 Lower Union Street

Owner: Margaret Elie-Garbutt

Applicant: Sam Miller

The Report of the Commissioner of Community Services (COA-22-046) is attached.

Schedule Pages 260 – 282

Recommendation:

That the application for permission, File Number D13-025-2022, for the property located at 42 Lower Union Street to construct a front and rear dormer onto the roof the existing building, be approved; and

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-22-046.

j) Application for: Minor Variance

File Number: D13-060-2022

Address: 4016 Bath Road

Owner: James and Margaret Somerville

Applicant: James Somerville

The Report of the Commissioner of Community Services (COA-22-077) is attached.

Schedule Pages 283 – 306

Recommendation:

That minor variance application, File Number D13-060-2022, for the property located at 4016 Bath Road to enclose a 42 square metre, covered second-level deck for a three-season sunroom, be approved, as described below:

Variance Number 1:

By-Law Number 2022-62: Table 11.2.2.5 Minimum Rear Setback

- Requirement: 7.5 metres
- Proposed: 4.8 metres
- Variance Requested: 2.7 metres

Variance Number 2:

By-Law Number 2022-62: Section 4.23.1 Minimum Distance from the High-Water Mark of a Waterbody

- Requirement: 30 metres
- Proposed: 8.4 metres
- Variance Requested: 21.6 metres; and

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-22-077.

9. Motions

10. Notices of Motion

11. Other Business

12. Correspondence

- a) Correspondence received from D. Workman, dated November 8, 2022, regarding Application for Minor Variance - 1445 Kendal Avenue.

Schedule Pages 307 – 308

13. Date of Next Meeting

The next meeting of the Committee of Adjustment is scheduled on Monday, December 12, 2022 at 5:30 p.m.

14. Adjournment