



**City of Kingston  
Committee of Adjustment  
Meeting Number 01-2024  
Unconfirmed Minutes**

**Monday, December 11, 2023 at 5:30 p.m.  
Hosted at City Hall in Council Chamber**

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**Committee Members Present**

Ken Dakin  
Douglas Perkins  
Gaurav Rehan  
Jeff Scott  
Somnath Sinha  
Peter Skebo

**Regrets**

Jordan Tekenos-Levy

**Staff Members Present**

James Bar, Manager, Development Approvals  
Ian Clendening, Senior Planner & Deputy Secretary-Treasurer  
Amy Didrikson, Intermediate Planner  
Annemarie Eusebio, Intermediate Planner  
Penelope Horn, Planner  
Derek Ochej, Deputy City Clerk  
Christine O'Connor, Committee Clerk  
Meghan Robidoux, Supervisor, Development Approvals  
Jacob Slevin, Planner  
Iain Sullivan, Committee Clerk

**Others Present.**

There were no members of the public present.

**This is not a verbatim report.**

**Election of Officers**

Mr. Sullivan called for nominations for the positions of Chair and Vice-Chair.

Moved by Mr. Perkins

Seconded by Mr. Sinha

**That** Peter Skebo be elected as Chair of the Committee of Adjustment.

**Carried**

Moved by Mr. Sinha

Seconded by Mr. Skebo

**That** Ken Dakin be elected as Vice-Chair of the Committee of Adjustment.

**Carried**

**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 5:34 p.m.

**Approval of the Agenda**

Moved by Mr. Sinha

Seconded by Mr. Scott

**That** the agenda be amended to include the addenda, and as amended, be approved.

**Carried**

### **Confirmation of Minutes**

Moved by Mr. Rehan  
Seconded by Mr. Dakin

**That** the minutes of Committee of Adjustment Meeting Number 12-2023, held Monday, November 13, 2023, be approved.

**Carried**

### **Disclosure of Pecuniary Interest**

There were 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: D13-065-2023**
  - Address: 1586 Centennial Drive**
  - District: District 2 – Loyalist-Cataraqui**
  - Owner: Suncor Energy Inc.**
  - Applicant: City of Kingston – Transportation Services**

Mr. Clendening introduced the application.

Tarita Diczki, Project Manager, Transportation Services, was present. She indicated that she had nothing further to add.

Mr. Scott noted that a significant amount of tandem transport vehicles came into the city nearby. He asked if the proposal was intended to help with the intersection. Ms. Diczki confirmed that was the intent of the proposal. She explained that additional left turn lanes would be added and lanes widened. She stated that the entrance to the plaza was being moved to accommodate these changes and noted that large vehicles could also access the site via the secondary entrance.

The Chair afforded members of the public an opportunity to speak. There were no members of the public present.

Moved by Mr. Sinha

Seconded by Mr. Dakin

**That** minor variance application, File Number D13-065-2023, for the property located at 1586 Centennial Drive to increase the maximum permitted width of the existing driveway along Centennial Drive, be approved, as described below:

**Variance Number 1:**

By-Law Number 2022-62: Section 7.4.10 (2)

- Requirement: The maximum width of a driveway within the required front setback or exterior setback is 9 metres.
- Proposed: The maximum width of a driveway within the required front setback or exterior setback is 12.2 metres.
- Variance Requested: 3.2 metres

**That** approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-007.

**Carried**

**b) Application for: Minor Variance**

**File Number: D13-064-2023**

**Address: 525 & 555 Princess Street**

**District: District 9 – Williamsville**

**Owner: 9840478 Canada & 9840559 Canada Inc.**

**Applicant: Fotenn**

Mr. Clendening introduced the application.

Kelsey Jones, Agent for the Applicant, was present. She indicated that she had nothing further to add.

Mr. Scott noted the low amount of parking spaces proposed and asked if there were nearby projects with similar amounts of parking. He asked for confirmation on the usage of the spaces. He inquired if there would be nearby services that would make using a personal vehicle unnecessary. Mr. Clendening confirmed that multiple projects had been approved with similar parking space amounts. He noted that the building was proposed to have large amounts of single bedroom and studio units. He highlighted the proximity of transit routes and the walkability of the area.

Mr. Scott noted that the applicant would be providing cash-in-lieu of parking and stated that he understood the benefit. He asked if additional public parking garages were planned in the area. He asked the applicant why the property could not be brought into compliance with the Zoning By-Law. Mr. Clendening confirmed that the application would provide 105 parking stalls. He explained that there would not be a one-to-one replacement of the stalls via the cash-in-lieu agreement and that the money would be used across the city. Mr. Bar noted that staff were aware of the parking constraints in the core of the city. He stated that there was a parking lot on Princess Street and street parking that people could use. He confirmed that there were no new parking garages planned. Ms. Jones explained that the cost of blasting the bedrock to add additional parking stalls underground would be cost prohibitive.

Mr. Skebo noted that reducing the proposal by one floor would bring it into compliance with the Zoning By-Law. He inquired what the adequate number of parking spots would be under the current performance standards. He noted the number of stalls 'lost' and asked for confirmation on the type of spaces being reduced. Ms. Jones stated that reducing the number of floors and units would impact the financial viability of the project. She noted that it was a complex balance between parking and a return on investment. Mr. Clendening stated that under the standards there would be 246 stalls at a rate of 0.4 stalls per unit. He confirmed the spaces lost were for visitors and carsharing.

The Chair afforded members of the public an opportunity to speak. There were no members of the public present.

Mr. Scott noted his awareness of the densification of Williamsville. He pointed to the letter received and stated that Council should be made aware of the responses being received regarding the loss of parking spaces in developments.

Mr. Skebo agreed with Mr. Scott. He stated that the proposal was otherwise good. He noted removing parking did not accommodate how people live. He stated that direction from Council was warranted.

Moved by Mr. Sinha

Seconded by Mr. Dakin

**That** minor variance application, File Number D13-064-2023, for the property located at 525 and 555 Princess Street to reduce the required parking, be approved, as described below:

**Variance Number 1:**

By-Law Number 2022-62: Table 7.1.1

- Requirement: 0.4 parking spaces per dwelling unit
- Proposed: 0.2 parking spaces per dwelling unit
- Variance Requested: 0.2 parking spaces per dwelling unit; and

**That** approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-003.

**Carried**

**c) Application for: Minor Variance**

**File Number: D13-063-2023**

**Address: 390 Palace Road**

**District: District 9 – Williamsville**

**Owner: Roman Catholic Episcopal Corporation of the Diocese of Kingston in Canada**

**Applicant: Armando Sardinha**

**Note:** Item c) was heard immediately after Item f).

Mr. Clendening introduced the application.

Armando Sarsinha, Applicant, was present. He explained the background regarding the application. He noted that the option presented allowed for the future widening of Sir John A. Macdonald Boulevard.

The Committee did not provide comment.

The Chair afforded members of the public an opportunity to speak. There were no members of the public present.

Moved by Mr. Sinha

Seconded by Mr. Perkins

**That** minor variance application, File Number D13-063-2023, for the property located at 390 Palace Road to facilitate the development of an office building addition, be approved, as described below:

**Variance Number 1:**

By-Law Number 2022-62: Table 12.5.1.5 – Minimum Rear Setback

- Requirement: 7.5 metres
- Proposed: 4.44 metres
- Variance Requested: 3.06 metres; and

**That** approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-005.

**Carried**

**d) Application for: Minor Variance**

**File Number: D13-059-2023**

**Address: 5 York Street**

**District: District 11 – King’s Town**

**Owner: Neil Glenn**

**Applicant: Neil Glenn**

Mr. Clendening introduced the application.

Neil Glenn and Nancy Glenn, Owners, were present. They asked that the application be deferred to allow them to work with staff regarding the neighbours’ concerns.

The Committee did not provide comment.

The Chair afforded members of the public an opportunity to speak. There were no members of the public present.

Moved by Mr. Perkins  
Seconded by Mr. Scott

**That** minor variance application, File Number D13-059-2023, for the property located at 5 York Street to permit the construction of a front porch, be approved, as described below:

**Variance Number 1:**

By-Law Number 2022-62: Table 4.20.4.2

- Requirement: 3.5 metres
- Proposed: 0.25 metres
- Variance Requested: 3.25 metres

**That** approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-001.

**Deferred**

**(See Motion to Defer, which Carried)**

Moved by Mr. Perkins  
Seconded by Mr. Scott

**That** Report Number COA-24-001 be deferred to the January 22, 2024 meeting to allow staff to work with the applicant and address concerns raised by the neighbouring property owner.

**Carried**

**e) Application for: Minor Variance**

**File Number: D13-022-2023**

**Address: 1580 and 1600 Rockwell Drive**

**District: District 6 – Trillium**

**Owner: Homestead Land Holdings Limited**

**Applicant: Arcadis**

Mr. Clendening introduced the application.

Tess Gilchrist, Agent for the Applicant, was present. She explained the reasonings the applicant had for requesting the variances. She noted that the development would consist of the under-construction tower and two additional 12-floor buildings with

underground parking. She further noted the application had begun under the previous Zoning By-Law and was carried forward under a Zoning exemption. She highlighted that the variances proposed would bring the property under the current Zoning By-Law. She explained the additions made to the underground parking including more electric vehicle charging stations and bicycle parking. She noted that Homestead had significant experience managing parking at its buildings.

Mr. Perkins asked for clarification on whether standard parking stalls would be assigned to a unit or be available for visitor parking. Ms. Gilchrist stated that the intention was to have the stalls be assigned. She noted that if there was a surplus of stalls, they would be available for visitors.

Mr. Scott inquired about the landscape buffer on the under-construction building on the site. He noted that the applicant was seeking relief from the requirement of a berm and asked what would replace it. He further asked when Homestead had come into ownership of the properties and why they had not requested site-specific zoning. Ms. Gilchrist explained that she did not have the current site plans for the under-construction building but that it had been in compliance with the zoning at the time. She confirmed that extensive landscaping for the new buildings would be installed instead of the berm. She stated she could not confirm the date of transfer of ownership. She noted that site-specific zoning had been in place and it was during Site Plan Control that the necessity of several minor variances became apparent. Mr. Bar noted that the exemptions carried forward had not been in regards to parking.

Mr. Dakin noted his understanding of the intention of the parking strategy and that the under-construction building was started under a different Zoning By-Law. He asked what the current building had in terms of visitor parking. He inquired about the mitigation measures proposed for the ground floor units near pathways. Ms. Reid confirmed that the under-construction building would have seven visitor parking spaces. Ms. Gilchrist noted that the design was influenced by the former Zoning By-Law. She stated that the intention was to ensure that there was sufficient separation between windows and the walkway. She confirmed that additional screening would also be installed near the corners of the buildings.

Mr. Skebo noted a misprint in the report and sought clarification on the number of variances. Ms. Robidoux stated that the variances had been grouped by type in the report. Ms. Reid confirmed the correct number of variances.

Mr. Perkins asked a procedural question regarding the separation of the variances for the purposes of voting. Mr. Sullivan explained the process.

Mr. Dakin asked for the parameters that allowed the usage of designated carshare spaces. He stated that it seemed quite unique and that in a suburban context it was less necessary. Ms. Robidoux explained that the carshare parking spaces and cash-in-lieu provisions work together. She explained further that they had been introduced in 2022 and there have only been a few opportunities for carsharing. She stated that staff had begun to accrue funds that would be used to allow partnerships to be explored.

The Chair afforded members of the public an opportunity to speak. There were no members of the public present.

Mr. Perkins asked for the variances regarding parking, Variances 5 and 9, to be voted on separately. Mr. Skebo, the Chair, consented to the separation. Mr. Sullivan explained to the Committee the procedure for the vote.

Moved by Mr. Sinha

Seconded by Mr. Dakin

**That** minor variance application, File Number D13-022-2023, for the properties located at 1580 and 1600 Rockwell Drive for relief for privacy yard depth, berm and landscaping, balcony length and additional, visitor and car-share parking provisions, be approved, as described below:

**1580 Rockwell Drive:**

**Variance Number 1:**

By-Law Number 2022-62: Legacy Exception L89 (e) Privacy Yards (i) minimum depth and location at Apartment Dwelling Houses.

- Requirement: A privacy yard must be provided for Apartment Dwelling Houses with a minimum depth of 3.0 metres measured at right angles from such wall the window adjoins except at front entrance and rear entrance where a 1.5 metre yard is required.
- Proposed: A privacy yard must be provided for Apartment Dwelling Houses with a minimum depth of 1.5 metres measured at right angles from each window located along such wall the window adjoins except at front entrance and rear entrance where a 1.5 metre yard is required.
- Variance Requested: 1.5 metres and parameters of width;

**Variance Number 2:**

By-Law Number 2022-62: Legacy Exception L89 (h) Parking (ii) minimum berm height and minimum width of landscaping strip if parking located within any yard adjacent to a street.

- Requirement: 1.0 metre high berm with a minimum 3.0 metres wide landscaping strip containing a mixture of coniferous and deciduous trees
- Proposed: Continuous landscaping containing a mix of multi-level planting beds, coniferous trees and deciduous trees
- Variance Requested: 1.0 metres high berm and 3.0 metre wide landscaping strip;

**Variance Number 3:**

By-Law Number 2022-62: 4.20.1.(2) Maximum horizontal length of each face of the main wall of each storey occupied by balconies.

- Requirement: 30%
- Proposed: North face: 33%, east face 38% and south face 33%
- Variance Requested: North face: 3%, east face 8% and south face 3%;

**Variance Number 4:**

By-Law Number 2022-62: 7.1.15.(2)(b) Permission to provide more parking spaces than the maximum, requirement for additional car-share spaces equipped with electric vehicle ready for every four additional parking spaces.

- Requirement: 6
- Proposed: 0
- Variance Requested: 6;

**1600 Rockwell Drive:**

**Variance Number 6:**

By-Law Number 2022-62: Legacy Exception L89 (e) Privacy Yards (i) minimum depth and location at Apartment Dwelling Houses.

- Requirement: A privacy yard must be provided for Apartment Dwelling Houses with a minimum depth of 3.0 metres measured at right angles from such wall the window adjoins except front entrance and rear where 1.5 metre is required.
- Proposed: A privacy yard must be provided for Apartment Dwelling Houses with a minimum depth of 1.5 metres measured at right angles from each window located along such wall the window adjoins except at front entrance and rear entrance where a 1.5 metre yard is required.
- Variance Requested: 1.5 metres and parameters of width;

**Variance Number 7:**

By-Law Number 2022-62: 4.20.1.(2) Maximum horizontal length of each face of the main wall of each storey occupied by balconies.

- Requirement: 30%
- Proposed: Southeast face: 33%, southwest face 38% and northwest face 33%
- Variance Requested: Southeast face: 3%, southwest face 8% and northwest face 3%;

**Variance Number 8:**

By-Law Number 2022-62: 7.1.15.(2)(b) Permission to provide more parking spaces than the maximum, requirement for additional car-share spaces equipped with electric vehicle ready for every four additional parking spaces.

- Requirement: 12
- Proposed: 0
- Variance Requested: 12;

**Carried**

**Note:** the Committee voted separately on the following variances.

Moved by Mr. Sinha

Seconded by Mr. Dakin

**Variance Number 5:**

By-Law Number 2022-62: Table 7.1.1.(1)(iii) Minimum visitor spaces

- Requirement: 24
- Proposed: 3
- Variance Requested: 21;

**Variance Number 9:**

By-Law Number 2022-62: Table 7.1.1.(1)(iii) Minimum visitor spaces

- Requirement: 24
- Proposed: 3
- Variance Requested: 21.

**Carried**

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

**File Number: D10-041-2023 & D13-062-2023**

**Address: 242 Alfred Street**

**District: District 9 – Williamsville**

**Owner: David Hamilton**

**Applicant: Fotenn Planning**

Mr. Clendening introduced the application.

Kelsey Jones, Agent for the Applicant, was present. She indicated she had nothing further to add.

Mr. Scott asked for confirmation on the purpose of the application. Ms. Jones explained that it was to clean-up the property.

The Chair afforded members of the public an opportunity to speak. There were no members of the public present.

Moved by Mr. Dakin

Seconded by Mr. Rehan

**That** minor variance application, File Number D13-062-2023 for the property located at 242 Alfred Street to provide relief for lot frontage, driveway width, interior setback, and interior setback of a porch on the severed lot, be approved, as described below:

**Severed Lot:**

**Variance Number 1:**

By-Law Number: 2022-62: Table 11.6.1.(2): Minimum Lot Frontage

- Requirement: 10 metres
- Proposed: 8.4 metres
- Variance Requested: 1.6 metres

**Variance Number 2:**

By-Law Number: 2022-62: Table 7.4.1.: Minimum Driveway Width

- Requirement: 3 metres
- Proposed: 2.5 metres
- Variance Requested: 0.5 metres

**Variance Number 3:**

By-law Number: 2022-62: 11.6.2.1 a) Where a common party wall is located along a lot line, the minimum interior setback is 0 metres along the lot with the common party wall and 3.0 metres from the other interior lot line and/or exterior lot line.

- Requirement: 3 metres
- Proposed: 2.7 metres
- Variance Requested: 0.3 metres

**Variance Number 4:**

By-Law Number: 2022:62: 4.20.4 Minimum interior setback for a porch greater than 0.6 metres up to 1.2 metres in height: Compliance with zone

- Requirement: 3 metres
- Proposed: 2.6 metres
- Variance Requested: 0.4 metres

**That** approval of the minor variance application be subject to the conditions attached as Exhibit A (Recommended Conditions – Minor Variance) to Report Number COA-23-010; and

**That** consent application, File Number D10-041-2023, to sever an approximately 446 square metre parcel with approximately 8.4 metres of frontage on Alfred Street, be provisionally approved subject to the conditions included in Exhibit B (Recommended Conditions – Consent) to Report Number COA-23-010.

**Carried**

**g) Application for: Change to Provisional Consent Conditions**

**File Number: D10-020-2022**

**Address: 4085 and 4091 Bath Road**

**District: District 3 – Collins-Bayridge**

**Note:** Business Item g) was withdrawn following the passing of Business Item h).

**h) Application for: Change to Provisional Consent Conditions**

**File Number: D10-020-2022**

**Address: 4085 and 4091 Bath Road**

**Subject: Supplemental Report**

**Note:** Business Item h) was heard prior to Business Item g).

Mr. Clendening introduced the application.

Nancy Wartman, Agent for the Applicant, was present. She noted that the Applicant was also available for any questions.

Mr. Dakin sought confirmation that the report was the one provided via the Addendum. Mr. Sullivan confirmed this.

The Chair afforded members of the public an opportunity to speak. There were no members of the public present.

Moved by Mr. Scott

Seconded by Mr. Sinha

**That** the Committee of Adjustment replace Condition 5 of the Notice of Decision for consent application, File Number D10-020-2022, pertaining to a required road widening with the following condition: “A road widening shall be conveyed to the City by the owner/applicant to achieve the City’s desired road allowance width on Station Street, being Parts 2, 3 and 11 on Reference Plan 13R22946, prior to the issuance of the Certificate of Official. After registration of said deed at the expense of the applicant, and prior to issuing the certificate for the severance herein, the solicitor for the applicant shall certify that the title of the municipality to the said widening is free and clear of all encumbrances of every nature and that the municipality has a good and marketable title”; and

**That** a new Notice of Decision be prepared reflective of the conditions approved as outlined in Report Number COA-23-037 and amended as per Report Number COA-24-014.

**Carried**

### **Motions**

There were none.

### **Notices of Motion**

There were none.

**Other Business**

Mr. Scott expressed concern regarding Council's awareness of the impacts of the changes to parking requirements at residential developments made in the current Zoning By-Law.

**Correspondence**

See Addendum.

**Date and time of Next Meeting**

The next meeting of the Committee of Adjustment is scheduled for Monday, January 22, 2024 at 5:30 p.m.

**Adjournment**

Moved by Mr. Sinha

Seconded by Mr. Rehan

**That** the meeting of the Committee of Adjustment adjourn at 6:44 p.m.

**Carried**