



**City of Kingston
Report to Council
Report Number 24-040**

To: Mayor and Members of Council
From: Paige Agnew, Commissioner, Growth & Development Services
Resource Staff: Tim Park, Director, Planning Services
Date of Meeting: February 20, 2024
Subject: Changes to Committee of Adjustment Membership
Composition and Honorarium for Non-Council Members

Council Strategic Plan Alignment:

Theme: Corporate business

Goal: See above

Executive Summary:

The Committee of Adjustment is a statutory committee established pursuant to Section 44 of the *Planning Act*, R.S.O. 1990, c.P.13. Procedures and composition of the Committee are set out in the Committee By-Law ([By-Law Number 2023-204](#)) under Schedule 14 – Committee of Adjustment. At present, the membership and composition of the Committee is to be comprised of no less than five members and no more than seven members, with no members of Council on the Committee.

This report proposes to change composition of the members that sit on the Committee of Adjustment to include two Councillors given the increasing number of larger and more complex applications proceeding through the Committee and to provide continuity and insight to Council's strategic goals and objectives.

An honorarium program for the non-Council members of the Committee is also proposed to be funded out the Development Approvals budget. This is in line with other like sized municipalities who provide their non-Council members compensation for attending meetings.

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Recommendation:

That By-Law Number 2023-204, "Committee By-Law", as amended, be further amended as per Exhibit A to Report Number 24-040; and

That Council direct staff to place on the agenda for the March 5, 2024, Council meeting an item of miscellaneous business requesting the appointment of two Council members to the Committee of Adjustment for a term ending November 30, 2024.

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Authorizing Signatures:

ORIGINAL SIGNED BY COMMISSIONER

**Paige Agnew, Commissioner,
Growth & Development Services**

ORIGINAL SIGNED BY CHIEF

ADMINISTRATIVE OFFICER

**Lanie Hurdle, Chief
Administrative Officer**

Consultation with the following Members of the Corporate Management Team:

Jennifer Campbell, Commissioner, Community Services	Not required
Neil Carbone, Commissioner, Corporate Services	Not required
David Fell, President & CEO, Utilities Kingston	Not required
Peter Huigenbos, Commissioner, Major Projects & Strategic Initiatives	Not required
Brad Joyce, Commissioner, Infrastructure, Transportation & Emergency Services	Not required
Desirée Kennedy, Chief Financial Officer & City Treasurer	

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Options/Discussion:**Addition of Councillors to the Committee of Adjustment**

The Committee of Adjustment is a statutory committee established pursuant to Section 44 of the *Planning Act*, R.S.O. 1990, c.P.13. Procedures and composition of the Committee are set out in the Committee By-Law ([By-Law Number 2023-204](#)) under Schedule 14 – Committee of Adjustment. Post amalgamation, the City had two Committees of Adjustment, one for the rural area and one for the urban area. Both committees were comprised of citizen members which did not change in 2009 when the rural and urban committees were merged.

Historically the Committee's work has focused on severance applications (new lot creation) in the rural and urban area with accompanying minor variances, or minor variance applications that would allow homeowners to build a larger deck, accessory structure, or addition onto their home. However, this is changing and applications before the Committee are increasingly becoming larger and more complex.

As the City continues to review and change policies in the Official Plan and regulations in the zoning by-laws, areas of the city are intentionally being upzoned in new streamlined ways in order to expediate the development review timeline for new buildings that are in conformance or near conformance with zoning regulations.

Recent minor variance applications before the Committee have included variances to setbacks, parking, and density for six-storey mid-rise buildings within central Kingston. Examples include sites at 563 Princess Street, 627 Princess Street, and 390 Johnson Street that were upzoned through recent policy work (Williamsville Main Street Study, or the Central Kingston Growth Strategy) to encourage re-development with mid-rise multi-unit buildings. Other applications have included reductions to the number of required parking spaces and increased density for multi-residential buildings across the city.

The current composition of the Committee requires no less than five and no more than seven resident members. Given the increasing complexity of applications at the Committee of Adjustment, staff are recommending that the membership of the Committee be amended to include two Councillors to support the Committee in their decision making. The addition of two members of Council to the Committee of Adjustment will help to provide Council with a greater understanding of what is being processed through the Committee and how it fits into the overall growth and development of the city.

The two Council members on the Committee would be in place of two resident members, meaning the maximum number of members would still be seven. The new composition of the Committee would be no more than five and no less than three residents, and two members of Council. As a new Committee of Adjustment membership was appointed by Council in early 2023, the seven existing resident members will continue to serve on the Committee alongside the two Councillors; however, should two resident members resign at any time, they will not be replaced. Should no mid-term resignations of resident members occur until the expiry of the

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current term of appointment (November 15, 2026) the Committee would follow the new composition under the Committee By-Law at the time of re-appointment in November 2026.

If the staff recommendation contained within this report is approved, an item of miscellaneous business will be added to the March 5 Council agenda seeking two members of Council to serve on the Committee of Adjustment. Council member appointments would not come into effect until April 1, 2024 to allow for an orientation to be provided by staff.

Honorarium

In mid 2023, the Committee had three members resign citing meeting length and complexity of applications being more than they had anticipated. Recognizing the commitment that sitting on the Committee has become, it is recommended that non-Council members be compensated for their time through an honorarium for meetings they attend. The honorarium would be funded through an increase to application fees for applications that are processed through the Committee of Adjustment.

Staff have reviewed like sized municipalities to discern if they paid an honorarium and if they did, how much members were compensated. Some cities, like Burlington, Hamilton, and Ottawa, did not provide honorariums. However, Milton provides members a \$75 honorarium, Ajax \$100 for their chair and \$75 for members, Sudbury \$105 for their chair and \$82 for their members, and Guelph \$100 for their chair and \$85 for their members. Larger municipalities like Brampton and Mississauga provide higher compensation of \$175 and \$200 respectively.

Kingston currently holds 12 Committee of Adjustment meetings annually on the third Monday of every month. Similar municipalities also hold monthly meetings, with Ajax and Guelph both holding 12 meetings a year, and Guelph providing a second monthly meeting if required due to application volume.

In 2023, 83 applications were reviewed by the Committee of Adjustment consisting of three different application types, as follows:

- 48 - Category 1 Minor Variance applications which include variances for primary buildings, permissions, and interpretation of uses;
- 11 - Category 2 Minor Variance applications which include variances to accessory uses in the rural and urban areas including garages, decks, swimming pools, and storage barns; and
- 24 - Consent applications that result in new lot creation and require zoning relief.

The honorarium proposed for each of the non-Council members would be \$100 per meeting, with the chair receiving \$120 per meeting. Should all five members attend each of the 12 meetings, each meeting would cost \$520 with a total annual cost of \$6,240. Knowing that all members do not attend every meeting, the overall cost may fluctuate throughout the year.

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The honorarium program will be funded from the revenue generated from *Planning Act* applications in the Development Approvals budget. Any adjustment to the fees will be reviewed as part of the annual fee review near the end of 2024.

Other Considerations

With the scale and complexity of change being facilitated through the Committee of Adjustment given the strategic objective to accelerate Planning Approvals for new housing, Planning Services is examining ways to increase the notice requirements for Minor Variance applications.

Existing Policy/By-Law

Committee By-Law, By-Law Number 2023-204

Financial Considerations

The cost of honorariums will be funded by application fee revenues collected under the *Planning Act*. Costs in 2024 will be absorbed within the 2024 approved operating budget. Any subsequent adjustments to fees will be reviewed and incorporated into the 2025 operating budget estimates. Non-council members would be paid at the end of every month.

Contacts:

James Bar, Manager, Development Approvals, 613-546-4291 extension 3213

Other City of Kingston Staff Consulted:

Andrew Reeson, Senior Legal Counsel, Legal Services

Lana Foulds, Director, Financial Services

Derek Ochej, Deputy City Clerk

Exhibits Attached:

Exhibit A Amendment to the Committee By-Law

City of Kingston By-Law Number 2024–...

By-Law to Amend City of Kingston By-Law Number 2023-204 Committee By-Law

Whereas:

The Corporation of the City of Kingston (the “**City**”) is a single-tier municipality incorporated pursuant to an order made under section 25.2 of the *Municipal Act*, R.S.O. 1990, c. M.45.

The powers of a municipality must be exercised by its council (*Municipal Act*, 2001, S.O. 2001, c. 25 (the “**Municipal Act, 2001**”), s. 5 (1)).

A municipal power must be exercised by by-law unless the municipality is specifically authorized to do otherwise (*Municipal Act*, 2001, s. 5 (3)).

A single tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public (*Municipal Act*, 2001, s. 10 (1)).

If a municipality has passed a by-law under section 34 of the *Planning Act*, R.S.O. 1990, c. P.13 (the “**Planning Act**”), the council of the municipality may by by-law constitute and appoint a committee of adjustment for the Municipality composed of such persons, not fewer than three, as the council considers advisable (*Planning Act*, s. 44 (1)).

On April 26, 2022, council for the *City* (“**council**”) passed-*City of Kingston By-Law Number 2022–62* pursuant to section 34 of the *Planning Act*.

On November 21, 2023, *council* passed *City of Kingston By-Law Number 2023-204* (the “**Committee By-Law**”).

Council considers it necessary and desirable for the public to amend the *Committee By-Law* in order to change the composition of the committee of adjustment.

Therefore, *council* enacts:

1. Amendment

1.1 The *Committee By-Law* is amended as follows:

By-Law to Amend By-Law 2023–204

- (a) the paragraph titled “Composition” on Schedule 14 – Committee of Adjustment, is deleted in its entirety and is replaced with:

“Composition:

- no less than three but no more than five *residents*;
- two members of *council*.”

2. Coming into Force

- 2.1 This by-law will come into force and take effect on April 1, 2024.

1st Reading date

2nd Reading date

3rd Reading date

Passed date

Janet Jaynes
City Clerk

Bryan Paterson
Mayor