



**City of Kingston
Committee of Adjustment
Meeting Number 04-2024
Agenda**

**Monday, March 18, 2024 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
Ken Dakin
Douglas Perkins
Gaurav Rehan
Jeff Scott
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 03-2024, held Monday, February 26, 2024, 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: D13-010-2024

Address: 18 Queen Street and 282 Ontario Street

District: District 11 – King’s Town

Owner: 18 Queen Street Holdings

Applicant: Homestead Land Holdings Ltd.

The Report of the Commissioner of Growth & Development Services (COA-24-034) is attached.

Schedule Pages 1 – 21

Recommendation:

That minor variance application, File Number D13-010-2024, for the property located at 18 Queen Street and 282 Ontario Street to vary maximum rooftop projections provisions to support development of the property with a 23-storey mixed-use building, be approved, as described below:

Variance Number 1:

By-Law Number 96-259:5.19 (i) i) Height Restrictions Exceptions – Maximum Height

- Requirement: 3.5 metres
- Proposed: 5.6 metres Variance
- Requested: 2.1 metres

Variance Number 2:

By-Law Number 96-259:5.19 (i) ii) Height Restrictions Exceptions – Maximum Area

- Requirement: 10%
- Proposed: 17%
- Variance Requested: 7%

Variance Number 3:

By-Law Number 96-259:5.1.9 (i) iii) Height Restrictions Exceptions – Maximum Length

- Requirement: 50%
- Proposed: 55%
- Variance Requested: 5%; and

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-034.

b) Application for: Minor Variance

File Number: D13-012-2024

Address: 900-920 Gardiners Road

District: District 6 – Trillium

Owner: Braebury Properties Co.

Applicant: Braebury Properties Co.

The Report of the Commissioner of Growth & Development Services (COA-24-033) is attached.

Schedule Pages 22 – 44

Recommendation:

That minor variance application, File Number D13-012-2024, for the property located at 900-920 Gardiners Road to obtain relief from minimum privacy yards and visitor parking setbacks to support development of the site with three new 6-storey residential buildings, be approved, as described below:

Variance Number 1:

By-Law Number 76-26: 15(2)(o)(ii) – Privacy Yards for Parking Area or Driveway

- Requirement: 7.6 metres (25 feet)
- Proposed: 3 metres
- Variance Requested: 4.6 metres

Variance Number 2:

By-Law Number 76-26: 15(2)(o)(ii) – Privacy Yards for Pedestrian Access Surface

- Requirement: 3.7 metres (12 feet)
- Proposed: 1 metre
- Variance Requested: 2.7 metres; and

Variance Number 3:

By-Law Number 76-26: 16 (c) – Visitor Parking Location

- Requirement: 7.6 metres (25 feet) to streetline and 3.1 metres (10 feet) to side lot line
- Proposed: 0.5 metres from streetline and side lot line
- Variance Requested: 7.1 metres and 2.6 metres

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-033.

c) Application for: Minor Variance

File Number: D13-007-2024

Address: 283 Rideau Street

District: District 11 – King’s Town

Owner: Louise Demorest

Applicant: Arcadis

The Report of the Commissioner of Growth & Development Services (COA-24-026) is attached.

Schedule Pages 45 – 69

Recommendation:

That minor variance application, File Number D13-007-2024, for the property located at 283 Rideau Street to construct an additional residential unit, be approved, as described below:

Variance Number 1:

By-Law Number 8499: Section 5.45(xxiv)(b) & 5.17(a)(ii)

- Requirement: Maximum lot coverage of 10% for detached Second Residential Unit
- Proposed: Maximum lot coverage of 15% for detached Second Residential Unit
- Variance Requested: 5%;

Variance Number 2:

By-Law Number 8499: Section 5.45(xvi)

- Requirement: The exterior entrance to a Second Residential Unit, shall be accessed by a minimum 1.2 metre wide unobstructed pathway.
- Proposed: The exterior entrance to a Second Residential Unit, shall be accessed by a minimum 1.1 metre wide unobstructed pathway
- Variance Requested: 0.1 metre;

Variance Number 3:

By-Law Number 8499: Section 5.45(xvii)

- Requirement: A “pathway” is defined as a hard surface treated path that is separately delineated from the driveway and provides pedestrian access.
- Proposed: A “pathway” is defined as a hard surface treated path that is separately delineated, but may be overlapping with driveway where no parking spaces are located, from the driveway and provides pedestrian access.
- Variance Requested: “pathway” may be overlapping with driveway where no parking spaces are located; and

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-026.

d) Application for: Minor Variance

File Number: D13-011-2024

Address: 386 & 390 Johnson Street and 40 Aberdeen Street

District: District 10 – Sydenham

Owner: Amber Peak Developments Inc.

Applicant: Fotenn Consultants Inc.

The Report of the Commissioner of Growth & Development Services (COA-24-027) is attached.

Schedule Pages 70 – 100

Recommendation:

That minor variance application, File Number D13-011-2024, for the property located at 386 & 390 Johnson Street and 40 Aberdeen Street to allow rooftop mechanical and service building components to project above the maximum permitted height for an area occupying 30% of the roof area, be approved, as described below:

Variance Number 1:

By-Law Number 2022-62: Section 4.18.2

- Requirement: Despite the height provisions of this By-law, mechanical and service equipment is permitted to project a maximum of 3.5 metres above the maximum permitted height, with a maximum area of 10% of the roof area on which they are located, in the aggregate, and a minimum setback from the edge of the roof equal to the vertical height of such building component.
- Proposed: Permit mechanical and service equipment to occupy a maximum total of 30% of the roof area on which they are located.
- Variance Requested: 20%; and

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-027.

e) Application for: Permission

File Number: D13-008-2024

Address: 814 River Styx Lane

District: District 1 – Countryside

Owner: Rita Girard

Applicant: EGIS Group Inc.

The Report of the Commissioner of Growth & Development Services (COA-24-030) is attached.

Schedule Pages 101 – 126

Recommendation:

That the application for permission, File Number D13-008-2024, for the property located at 814 River Styx Lane to re-construct and enlarge an existing legal non-conforming dwelling, be approved; and

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-030.

f) Application for: Minor Variance

File Number: D13-005-2024

Address: 51 Alwington Avenue

District: District 10 – Sydenham

Owner: Rory Dyck

Applicant: Fotenn Consulting

The Report of the Commissioner of Growth & Development Services (COA-24-024) is attached.

Schedule Pages 127 – 153

Recommendation:

That minor variance application, File Number D13-005-2024, for the property located at 51 Alwington Ave to permit the conversion of a detached garage to a detached additional residential unit, be approved, as described below:

Variance Number 1:

By-Law Number 2022-62:7.1.1 – Minimum required parking space

- Requirement: 2 parking spaces
- Proposed: 1 parking space
- Variance Requested: 1 parking space.

Variance Number 2:

By-Law Number 2022-62:7.4.1 Minimum parking space provisions

- Requirement: Perpendicular to drive aisle: 2.6 metres by 5.5 metres with a minimum driveway width of 6.7 metres
- Proposed: 3 metres by 6 metres parking space with a 3 metre driveway width.
- Variance Requested: 0.6 metre parking space width and 3 metre minimum driveway width.

Variance Number 3:

By-Law Number 2022-62: 4.27.1.4(iv) : Walkway Provisions

- Requirement: A walkway that is separately delineated and measured distinctly from a required driveway. A vehicle must not park on top of any part of the walkway.
- Proposed: That a portion of the walkway overlaps with the driveway.
- Variance Requested: That the walkway be allowed to overlap with the driveway.

Variance Number 4:

By-Law Number 2022-62: 5.4.6.9 (ii): Minimum interior setback

- Requirement: 1.2 metre
- Proposed: 0 metre
- Variance Requested: 1.2 metre.

Variance Number 5:

By-Law Number 2022-62 : 5.4.6.9.(iv) : Maximum lot coverage

- Requirement: 10%
- Proposed: 14%
- Variance Requested: 4%

Variance Number 6:

By-Law Number 2022-62 : 5.4.6.9.(b) : Privacy fence requirement

- Requirement: A 1.8 metre privacy fence along all interior lot lines and rear lot lines adjacent to the rear yard.
- Proposed: A 1.8 metre privacy fence along the rear lot line and northern interior lot line, no privacy fence along the southern interior lot line.
- Variance Requested: A 1.8 metre fence along the southern interior lot line.

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-024.

g) Application for: Minor Variance

File Number: D13-004-2024

Address: 11 Fergus Street

District: District 7 – Kingscourt-Rideau

Owner: Jamie Cochrane

Applicant: Jamie Cochrane

The Report of the Commissioner of Growth & Development Services (COA-24-029) is attached.

Schedule Pages 154 – 172

Recommendation:

That minor variance application, File Number D13-004-2024, for the property located at 11 Fergus Street to legalize a deficient front setback for a single detached house, be approved, as described below:

Variance Number 1:

By-Law Number 2022-62: Table 11.14.1.4(b)

- Requirement: 2.8 metres
- Proposed: 1.6 metres
- Variance Requested: 1.2 metres; and

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-029.

h) Application for: Minor Variance

File Number: D13-061-2023

Address: 394 and 392 Division Street

District: District 9 – Williamsville

Owner: Carmela Piccinato

Applicant: Rudy Piccinato

The Report of the Commissioner of Growth & Development Services (COA-24-032) is attached.

Schedule Pages 173 – 192

Recommendation:

That minor variance application, File Number D13-061-2023, for the property located at 394 and 392 Division 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

- Requirement: 0.5 metres
- Proposed: 0.33 metres
- Variance Requested: 0.17 metres.

Variance Number 2:

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

- Requirement: 2.92 metres
- Proposed: 1.63 metres
- Variance Requested: 1.29 metres; and

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-032.

i) Application for: Consent

File Number: D10-021-2023

Address: 1027 Coverdale Drive

District: District 4 – Lakeside

Owner: 1000028465 Ontario Ltd.

Applicant: The Boulevard Group

The Report of the Commissioner of Growth & Development Services (COA-24-023) is attached.

Schedule Pages 193 – 214

Recommendation:

That consent application, File Number D10-021-2023, to sever an approximately 5463 square metre lot and establish easements for servicing and access across the severed and retained lot, be **provisionally approved** subject to the conditions included in Exhibit A (Recommended Conditions) to Report Number COA-24-023.

j) Application for: Minor Variance

File Number: D13-003-2024

Address: 117 Dundas Street

District: District 9 – Williamsville

Owner: John Runciman and Donna McMillan

Applicant: Mac Gervan and Associates

The Report of the Commissioner of Growth & Development Services (COA-24-031) is attached.

Schedule Pages 215 – 238

Recommendation:

That minor variance application, File Number D13-003-2024, for the property located at 117 Dundas Street to construct an attached one storey addition, be approved, as described below:

Variance Number 1:

Minimum Exterior Setback - By-Law Number 2022-62: Table 11.6.1.(6)

- Requirement: 4.5 metres
- Proposed: 3.9 metres
- Variance Requested: 0.6 metres.

Variance Number 2:

Minimum Front Setback - By-Law Number 2022-62: Table 11.6.1.(4)

- Requirement: 4.5 metres
- Proposed: 9.08 metres
- Variance Requested: 4.5 metres.

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-031.

9. Motions

10. Notices of Motion

11. Other Business

12. Correspondence

13. Date of Next Meeting

The next meeting of the Committee of Adjustment is scheduled for Monday, April 15, 2024 at 5:30 p.m.

14. Adjournment