



**City of Kingston
Committee of Adjustment
Meeting Number 2021-01
Minutes**

**Monday, December 14, 2020 at 5:30 p.m.
In a virtual, electronic format**

Committee Members Present

Peter Skebo; Chair
Paul Babin
Vincent Cinanni
Greg Lightfoot
Somnath Sinha

Regrets

Blaine Fudge
Jordan Tekenos-Levy

Staff Members Present

Elizabeth Fawcett, Committee Clerk
Niall Oddie, Planner
Tim Park, Manager, Development Approvals
Phillip Prell, Planner
Meghan Robidoux, Planner
Lindsay Sthamann, Planner
James Thompson, Committee Clerk

Election of Officers

Moved by Mr. Cinanni
Seconded by Mr. Babin

That Mr. Skebo be elected as Chair of the Committee of Adjustment.

Carried

Moved by Mr. Babin
Seconded by Mr. Sinha

That Mr. Cinanni be elected as Vice-Chair of the Committee of Adjustment.

Carried

Meeting to Order

Mr. Skebo, Chair, called the meeting to order at 5:32 p.m.

Approval of the Agenda

Moved by Mr. Babin
Seconded by Mr. Sinha

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

Carried

Confirmation of Minutes

Moved by Mr. Sinha
Seconded by Mr. Cinanni

That the Minutes of Committee of Adjustment Meeting Number 2020-11, held November 16, 2020 be approved.

Carried

Disclosure of Pecuniary Interest

There were none.

Delegations

There were none.

Request for Deferral

There were none.

Returning Deferred Items

There were none.

New Business

- a) **Application for: Minor Variance**
File Number: D13-039-2020
Address: 230 Frontenac Street
Owner: Henglee Kingston Inc.
Applicant: The Boulevard Group Inc.

Moved by Mr. Babin
Seconded by Mr. Sinha

That consideration of Application for Minor Variance – 230 Frontenac Street be deferred to the January 18, 2021 meeting in order to provide the Committee with an opportunity to further review the correspondence.

Carried

- b) **Application for: Minor Variance**
File Number: D13-037-2020
Address: 61 Livingston Avenue
Owner/Applicant: Jeff Masuda

Ms. Sthamann introduced the application.

Mr. Prell conducted a PowerPoint presentation regarding 61 Livingston Avenue. A copy of the PowerPoint presentation is available in the City Clerk's Department.

Mr. Masuda, Applicant was present.

The Applicant thanked staff for their assistance with the application.

Mr. Babin referenced the maximum building depth and questioned if there are examples of other properties that use the entire lot for building depth. Mr. Prell referenced the "Key Map" PowerPoint slide and provided further clarification regarding this matter.

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

Councillor Stroud questioned if the Committee has received any correspondence in opposition of the application. He indicated that he does not have any concerns regarding the application.

Moved by Mr. Sinha

Seconded by Mr. Babin

That minor variance application, File Number D13-037-2020, for the property located at 61 Livingston Avenue, be approved; and

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-21-001.

Carried

The Chair stated that a copy of the Notice of Decision for the application will only be forwarded to those who have presented a written request for the Decision, or to those who have recorded their name and address on the form provided at the meeting by the Secretary-Treasurer. A formal request in the manner provided is necessary to be advised of a possible Local Planning Appeal Tribunal (LPAT) hearing on this matter and in order to be allowed to make a presentation to the LPAT.

c) Application for: Minor Variance

File Number: D13-053-2020

Address: 63 Elm Street

Owner/Applicant: Charles Brooks

Ms. Sthamann introduced the application.

Ms. Grant conducted a PowerPoint presentation regarding 63 Elm Street. A copy of the PowerPoint presentation is available in the City Clerk's Department.

Mr. Brooks, Applicant was present.

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

Members of the public did not provide comment.

Moved by Mr. Cinanni
Seconded by Mr. Babin

That minor variance application, File Number D13-053-2020, for the property located at 63 Elm Street to vary the maximum permitted residential building depth to permit the construction of a one-storey rear addition, be approved; and

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-21-002.

Carried

The Chair stated that a copy of the Notice of Decision for the application will only be forwarded to those who have presented a written request for the Decision, or to those who have recorded their name and address on the form provided at the meeting by the Secretary-Treasurer. A formal request in the manner provided is necessary to be advised of a possible Local Planning Appeal Tribunal (LPAT) hearing on this matter and in order to be allowed to make a presentation to the LPAT.

- d) Application for: Minor Variance**
File Number: D13-052-2020
Address: 101 College Street
Owner: Christopher Howard & Danielle Kain
Applicant: Chris Howard

Ms. Sthamann introduced the application.

Ms. Robidoux conducted a PowerPoint presentation regarding 101 College Street. A copy of the PowerPoint presentation is available in the City Clerk's Department.

Mr. Howard, Applicant was present.

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

Members of the public did not provide comment.

Moved by Mr. Babin

Seconded by Mr. Cinanni

That minor variance application, File Number D13-052-2020, for the property located at 101 College Street to increase the permitted projection into the exterior side yard to construct a new covered porch, be approved; and

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-21-003.

Carried

The Chair stated that a copy of the Notice of Decision for the application will only be forwarded to those who have presented a written request for the Decision, or to those who have recorded their name and address on the form provided at the meeting by the Secretary-Treasurer. A formal request in the manner provided is necessary to be advised of a possible Local Planning Appeal Tribunal (LPAT) hearing on this matter and in order to be allowed to make a presentation to the LPAT.

e) Application for: Permission

File Number: D13-054-2020

Address: 98 Clergy Street East

Owner: Nathan Krishan

Applicant: NCP Homes Ltd. (Paul Purves)

Ms. Sthamann introduced the application.

Mr. Oddie conducted a PowerPoint presentation regarding 98 Clergy Street East. A copy of the PowerPoint presentation is available in the City Clerk's Department.

Mr. Purves, Applicant was present.

The Agent referenced the third floor of the unit and indicated that the ceilings are conforming to the existing slope. He stated that this space in its previous form would not be considered a reasonable living space by modern standards. He indicated that the application is intended to compliment the building. He stated that all the plumbing and electrical has been replaced. He confirmed that the stonework will not be touched. He spoke to the design of the replacement heritage windows. He commented that the application is in compliance with the Ontario Heritage Act.

Mr. Babin questioned what the height of the ceiling will be once the dormer is raised. The Agent responded that the height will be increased to 90 inches to satisfy the

building code. He clarified that this adjustment will not exceed the existing roofline. He commented that the heritage structure will not be adjusted.

In response to a question from Mr. Skebo, the Agent indicated that the dormer in question will face the rear of the property.

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

Mr. Brigden indicated that he manages the property next door located at 100 Clergy Street. He mentioned that the contractors are working past the 7:00 p.m. curfew for construction. He indicated that there is adjoining brick wall between 100 Clergy Street and 98 Clergy Street and stated that it has been compromised. He mentioned that fumes and dust are now traveling into 100 Clergy Street and stated that the property has not been habitable for some time. He questioned if the interior wall is considered a heritage attribute. He suggested that additional mitigation is required.

Ms. Erdelsky stated that she would like to echo the statements of Mr. Brigden. She commented that the Applicant does not have the proper permits for the work that has been conducted. She indicated that the proposed dormer does not mesh with the surrounding homes. She suggested that the proposed dormer will be an eyesore. She expressed concern regarding the business practices of NCP Homes. She spoke to brick falling from her wall due to the ongoing construction. She indicated that the contractors are not following public health guidelines.

Mr. Oddie indicated that the interior wall is not protected by the Ontario Heritage Act. He stated that a Building Permit has been issued for the work occurring on the interior of the property. He commented that the concerns related to noise are an enforcement matter. He indicated that the interior wall is being reviewed by Building Services.

Mr. Skebo questioned if the brick wall is fire rated. The Agent responded that the wall has been approved the Building Inspector and an engineer. He spoke to the structural work which has occurred at the property. He stated that the contractors worked past 7:00 p.m. on two occasions and indicated that this is when the Police were called. He apologized for the inconveniences regarding the construction process. He stated that it is not easy to renovate a heritage building.

In response to a question from Mr. Skebo, the Agent spoke to Covid-19 protocols being followed at the site.

Mr. Lightfoot requested that the Agent work with the neighbouring properties to ensure that they are not inconvenienced during the remaining construction process.

Moved by Mr. Babin

Seconded by Mr. Sinha

That the application for permission, File Number D13-054-2020, for the property located at 98 Clergy Street East to expand the existing third floor dormer at the rear of the structure, be approved; and

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-21-004.

Carried

The Chair stated that a copy of the Notice of Decision for the application will only be forwarded to those who have presented a written request for the Decision, or to those who have recorded their name and address on the form provided at the meeting by the Secretary-Treasurer. A formal request in the manner provided is necessary to be advised of a possible Local Planning Appeal Tribunal (LPAT) hearing on this matter and in order to be allowed to make a presentation to the LPAT.

Motions

There were none.

Notices of Motion

There were none.

Other Business

There was none.

Correspondence

There was none.

Date and time of Next Meeting

The next meeting of the Committee of Adjustment is scheduled for January 18, 2021.

Adjournment

Moved by Mr. Babin

Seconded by Mr. Sinha

That the meeting of the Committee of Adjustment adjourns at 6:33 p.m.

Carried