



**City Of Kingston
Committee of Adjustment
Meeting Number 2021-03
Minutes
Monday, February 22, 2021 at 5:30 p.m.
In a virtual electronic format**

Committee Members Present

Peter Skebo, Chair

Paul Babin

Vincent Cinanni (arrived at 5:36 p.m.)

Gregory Lightfoot

Somnath Sinha

Regrets

Blaine Fudge

Jordan Tekenos-Levy

Staff Members Present

Elizabeth Fawcett, Committee Clerk

Golsa Kheir-Moghadam, Planner

Tim Park, Manager, Development Approvals

Meghan Robidoux, Planner

Lindsay Sthamann, Secretary-Treasurer

Iain Sullivan, Information Compliance Analyst

Others Present

Members of the public were present

Introduction by Committee 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 5:32 p.m.

Approval of the Agenda

Moved by Mr. Babin

Seconded by Mr. Lightfoot

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. Babin

That the Minutes of Committee of Adjustment Meeting Number 02-2021, held January 18, 2021 be approved.

Carried

Disclosure of Pecuniary Interest

There was none.

Delegations

There were none.

Request for Deferral

There was none.

Returning Deferral Items

There were none.

Business

- a) **Application for: Minor Variance**
File Numbers: D13-001-2021
Address: 370 Brock Street
Owners: Jeffrey Peck & Stephanie Baxter
Applicant: Paul Hungler

Ms. Sthamann introduced the application.

Ms. Robidoux conducted a PowerPoint presentation regarding an Application for Minor Variance at 370 Brock Street. A copy of the presentation is available upon request through the City Clerk's department.

Mr. Hungler, the Applicant, 106 Lakeshore Blvd, was present. He agreed with Ms. Robidoux's presentation and noted that the application is to demolish an existing addition to rebuild in line with the current uses.

Mr. Babin spoke to Variance 1 to ask about lot coverage and a similar example on Brock Street. Ms. Robidoux spoke to the setbacks explaining that the current structure on site is a legal non-complying unit, but the proposed new addition would be in compliance with the setback requirements. She referred to a property located to the east of the subject property with respect to the rearmost wall of the building which would be in line with the proposed addition on the subject property and therefore would be a comparable property for lot coverage.

Mr. Skebo asked what the increase in lot coverage would be with the new addition. Ms. Robidoux and Mr. Hungler stated the lot coverage is close to the permitted 33.3% and that the new addition would slightly increase the lot coverage. Mr. Park directed the Committee to Exhibit G of the report which outlines the existing lot coverage and the proposed lot coverage with the new addition.

The Chair afforded members of the public an opportunity to speak to the application. No members of the public wished to speak.

Moved by Mr. Babin
Seconded by Mr. Somnath

That minor variance application, File Number D13-001-2021, for the property located at 370 Brock Street to increase the permitted lot coverage and residential building depth to construct a new one-storey, 45 square metres 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-21-016.

Carried

- b) Application for: Permission**
File Numbers: D13-067-2020
Address: 662 Portsmouth Avenue
Owners: Susan Corcoran, Jess Morgan Corcoran-Fowler, Paul Fowler
Applicant: Jesse Corcoran

Ms. Sthamann introduced the application.

Ms. Kheir-Moghadam conducted a PowerPoint presentation regarding an Application for Permission at 662 Portsmouth Avenue. A copy of the presentation is available upon request through the City Clerk's department.

Jesse Corcoran, the Applicant, 662 Portsmouth Avenue, was present. She spoke to the history of the property and her application for a Repair and Replace Permit to rebuild the garage to the same dimensions. She continued that in 2018 when the By-Law for secondary dwellings changed, she applied for permits to renovate the current structure but she was unaware of the setback requirements which is why she is seeking relief from the Committee.

Mr. Skebo asked the Applicant to speak to the concerns that the current building is in fact a new building rather than a repair and replace. Ms. Corcoran confirmed that the building was removed under the Repair and Replace Permit and the concrete pad was poured to the original dimensions of the garage.

Mr. Lightfoot asked for clarification on the location of the driveway for the secondary unit. Ms. Corcoran responded that the second entrance into her property from Phillips Street already existed when she purchased the property and why she uses it as an established driveway.

Mr. Babin asked whether the structure was on the property at the time that staff completed their assessment of the application, and if so, what considerations were taken to ensure it meets the requirements of the By-Law. Ms. Kheir-Moghadam spoke to a 2013 permit issued to repair the legal non-conforming structure and the structure was subsequently removed and the concrete pad was replaced as part of the repair. She continued that the legal non-conforming status of the structure is retained for the duration of the work and that there is no expiry date or sunset clause for the permit. She added that there is a new building permit for the current renovations and that further review of the structure will take place under the Building Code requirements.

Mr. Skebo sought clarification on what will replace the parking area at the front of the property given the plans for it to be removed. Ms. Corcoran replied that concrete planters and a sitting area are currently planned but the pavement will not be removed.

The Chair afforded members of the public an opportunity to speak

Mr. Mhatre spoke on behalf of his parents who live on Phillips Street and who have already submitted questions in writing. He sought clarification on the permit for repair issued in 2013 and why this would be granted given the structure was previously demolished. He asked why the current building was permitted to be built so close to the property line. He noted that the building already looks like it is being used as a residential unit and asked for clarification on why they are referring to this application as a conversion.

Ms. Stuart, 272 Phillips, commented that the building in question was completely torn down and a new concrete pad was poured. She noted her concerns with the driveway exiting on Phillips Street due to the traffic and the number of pedestrians that use the street to access the conservation area. She asked whether new plumbing was being installed on site given the digging she had witnessed on the property. She also commented that the current structure had been built for residential use.

Ms. Corcoran spoke to the demolition of the original garage and the Repair and Replace Permit she received to complete that work and retain the legal non-conforming status of the structure. She noted that the structure was built to match resemble the house and to line up with the existing driveway. She confirmed that she did have a backhoe on her property to remove two giant trees located next to the garage. She said that she did apply for a plumbing permit last year but that permit has been subsequently closed.

Ms. Kheir-Moghadam confirmed that the use of the building as a residential unit is beyond the scope of the minor variance application. She provided that the City's Engineering Services department has reviewed the application with respect to traffic concerns and did not raise any issues.

Mr. Skebo asked staff to confirm that the removal of the pavement at the front of the property was not required. Ms. Kheir-Moghadam clarified that the pavement did not need to be removed but it could not be used as a parking area.

Moved by Mr. Lightfoot
Seconded by Mr. Cinanni

That the application for permission, File Number D13-067-2020, for the property located at 662 Portsmouth Avenue, to permit the conversion of an existing legal non-conforming detached garage within the interior side yard of the property, into a second residential unit, be approved; and

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-21-018.

Carried

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 March 22, 2021.

Adjournment

Moved by Mr. Babin

Seconded by Mr. Lightfoot

That the meeting of the Committee of Adjustment adjourns at 6:13 p.m.

Carried