



**City of Kingston
Committee of Adjustment
Meeting Number 2021-06
Minutes**

**Monday, May 17, 2021 at 5:30 p.m.
In a virtual, electronic format**

Committee Members Present

Peter Skebo, Chair
Vincent Cinanni
Greg Lightfoot

Regrets

Paul Babin
Blaine Fudge
Somnath Sinha
Jordan Tekenos-Levy

Staff Members Present

James Bar, Acting Manager, Development Approvals
Steven Chew, Senior Planner
Elizabeth Fawcett, Committee Clerk
Golsa Kheir-Moghadam, Planner
Julia McCaugherty-Jansman, Committee Clerk
Sarah Oldenburger, Planner
Tim Park, Acting Director, Planning Services
Jason Partridge, Planner
Phillip Prell, Planner

Lindsay Sthamann, Planner and Secretary-Treasurer

Others Present

Members of the public were present.

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 5:32 p.m.

Approval of the Agenda

Moved by Mr. Lightfoot

Seconded by Mr. Cinanni

That the agenda be approved.

Carried

Confirmation of Minutes

Moved by Mr. Cinanni

Seconded by Mr. Lightfoot

That the minutes of Committee of Adjustment Meeting Number 2016-05 hold on April 19, 2021 by approved.

Carried

Disclosure of Pecuniary Interest

There were none.

Delegations

There were no delegations.

Request for Deferral

There were none.

Returning Deferral Items

There were none.

Business

a) Application for: Minor Variance

File Number: D13-022-2021

Address: 2 Dale Street

Owner: Chris Przontka

Applicant: Chris Przontka

Ms. Sthamann introduced the application.

Mr. Chew conducted a PowerPoint presentation regarding an Application for Minor Variance at 2 Dale Street. A copy of the presentation is available upon request through the City Clerk's department.

Mr. Przontka, the Applicant, provided additional rationale for his application and noted that he has not received any concerns from the neighbours.

The Committee provided no comment.

The Chair afforded members of the public an opportunity to speak.

Mr. Durant commented that the addition will be providing a complete second storey to the building and asked if it will remain a single-family dwelling and asked for additional information regarding parking on the property.

Mr. Przontka confirmed that the building will remain as a single-family dwelling. He noted that the driveway will not be changed and that sufficient parking is available.

Moved by Mr. Lightfoot

Seconded by Mr. Cinanni

That minor variance application, File Number D13-022-2021, for the property located at 2 Dale Street to reduce the minimum required exterior side yard, be approved; and

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-21-038.

Carried

b) Application for: Minor Variance

File Number: D13-017-2021

Address: 4016 A Bath Road

Owner: James Somerville and Margaret Somerville

Applicant: James Somerville

Ms. Sthamann introduced the application.

Ms. Kheir-Moghadam conducted a PowerPoint presentation regarding an Application for Minor Variance at 4016 A Bath Road. A copy of the presentation is available upon request through the City Clerk's department.

James Somerville, the Applicant, had nothing further to add.

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

Moved by Mr. Lightfoot

Seconded by Mr. Cinanni

That minor variance application, File Number D13-017-2021, for the property located at 4016 A Bath Road to obtain relief from minimum flood plain setback requirement and maximum permitted area for the construction of an approximately 60 square metre, two-level attached deck in the rear yard of the property, be approved; and

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-20-037.

Carried

c) Application for: Minor Variance

File Number: D13-014-2021

Address: 198, 200 Princess Street and 20 Montreal Street

Owner: Phillip Brown, President of 1709884 Ontario Limited

Applicant: Mac Gervan (Gervan & Associates)

Ms. Sthamann introduced the application.

Ms. Oldenburger conducted a PowerPoint presentation regarding an Application for Minor Variance at 198, 200 Princess Street and 20 Montreal Street. A copy of the presentation is available upon request through the City Clerk's department.

Mac Gervan, agent for the applicant, noted that plans provide for good use of space and work within both the provincial and City guidelines. He highlighted that the balcony doesn't stick out too far to impede neighbouring sightlines.

The Committee provided no comment.

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

Moved by Mr. Lightfoot
Seconded by Mr. Cinanni

That minor variance application, File Number D13-014-2021, for the property located at 198, 200 Princess Street and 20 Montreal Street, be approved; and

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-21-040.

Carried

d) Application for: Minor Variance

File Number: D13-016-2021

Address: 1399 Swallowdale Court

Owner: David and Paula Le Sarge-Mayo

Applicant: David Le Sarge-Mayo

Ms. Sthamann introduced the application.

Mr. Prell conducted a PowerPoint presentation regarding an Application for Minor Variance at 1399 Swallowdale Court. A copy of the presentation is available upon request through the City Clerk's department.

Mr. Mayo, the Applicant, was present and had no further comments.

The Committee provided no comment.

The Chair afforded members of the public an opportunity to speak to the application. There were no comments from members of the public.

Moved by Mr. Cinanni

Seconded by Mr. Lightfoot

That minor variance application, File Number D13-016-2021, for the property located at 1399 Swallowdale Court, be approved; and

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-21-034.

Carried

e) Application for: Minor Variance

File Number: D13-019-2021

Address: 2812 Battersea Road

Owner: Matthew Cooper

Applicant: Matthew Cooper & Mandy Mclellan

Ms. Sthamann introduced the application.

Mr. Partridge conducted a PowerPoint presentation regarding an Application for Minor Variance at 2812 Battersea Road. A copy of the presentation is available upon request through the City Clerk's department.

Mr. Cooper, the Applicant, was present and had no further comment.

The Committee had no comment.

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

Moved by Mr. Cinanni
Seconded by Mr. Lightfoot

That minor variance application, File Number D13-019-2021, for the property located at 2812 Battersea Road seeking relief from the interior yard setback, in order to permit the construction of 35.4 square metres rear yard accessory building, be approved; and

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-21-036.

Carried

f) Application for: Minor Variance

File Number: D13-021-2021

Address: 1613 Brookedayle Avenue

Owner: Franco DiPietrantonio & Christine Irving

Applicant: Joe DiPietrantonio

Ms. Sthamann introduced the application.

Mr. Partridge conducted a PowerPoint presentation regarding an Application for Minor Variance at 1613 Brookedayle Avenue. A copy of the presentation is available upon request through the City Clerk's department.

Mr. DiPietrantonio, the Agent for the Applicant, had no further comment.

The Committee had no comment.

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

Moved by Mr. Lightfoot
Seconded by Mr. Cinanni

That minor variance application, File Number D13-021-2021, for the property located at 1613 Brookedayle Avenue seeking relief from the minimum setback from rear lot line and maximum Area for decks above 1.2 metres above grade, in order to permit the construction of a new 13.8 square metres rear yard deck, 1.2 metres above grade, be approved; and

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-021-035.

Carried

g) Application for: Permission

File Number: D13-027-2021

Address: 585 Union Street

Owner: Rory Dyke

Applicant: Fotenn Consultants Inc.

Ms. Sthamann introduced the application.

Mr. Bar conducted a PowerPoint presentation regarding an Application for Permission at 585 Union Street. A copy of the presentation is available upon request through the City Clerk's department.

Mr. Keene, the Agent for the Applicant, was present and noted he had no further comments.

The Committee had no comment.

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

Moved by Mr. Lightfoot

Seconded by Mr. Cinanni

That the application for permission, File Number D13-027-2021, for the property located at 585 Union Street to construct a two-story addition at the rear of the existing building, be approved; and

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-21-043.

Carried

h) Application for: Consent

File Number: D10-002-2021 & D10-003-2021

Address: 2040 Sydenham Road

Owner: V. Marques Construction LTD

Applicant: The Boulevard Group

Ms. Sthamann introduced the application.

Mr. Partridge conducted a PowerPoint presentation regarding an Application for Consent at 2040 Sydenham Road. A copy of the presentation is available upon request through the City Clerk's department.

Mr. Adams, the Agent for the Applicant, was present and noted he had no further comments.

In response to Mr. Skebo, Mr. Adams confirmed that there is an entrance to the retained portion of the property from Sydenham Road to the north.

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

Moved by Mr. Lightfoot
Seconded by Mr. Cinanni

That consent application, File Number D10-002-2021, to sever off a 1.5-hectare parcel of land, be provisionally approved subject to the conditions included in Exhibit A (Recommended Conditions) to Report Number COA-21-039; and

That consent application, File Number D10-003-2021, to sever off a 1.68-hectare parcel of land, be provisionally approved subject to the conditions included in Exhibit B (Recommended Conditions) to Report Number COA-21-039.

Carried

i) Application for: Consent (Amended Conditions)

File Number: D10-034-2020

Address: 1444 Sproule Street

Owner: Mark Willadsen

Applicant: Mark Willadsen

Ms. Sthamann introduced the application.

Mr. Partridge conducted a PowerPoint presentation regarding an Application for Consent (Amended Conditions) at 1444 Sproule Street. A copy of the presentation is available upon request through the City Clerk's department.

Mr. Willadsen, the Applicant, was present and had no further comment.

The Committee had no comment.

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

Moved by Mr. Lightfoot

Seconded by Mr. Cinanni

That the Committee of Adjustment add the following Conditions to the Notice of Decision for consent application, File Number D10-034-2020, as follows:

1. Reference Plan

That a digital version of a Reference Plan(s) be provided in a PDF and/or AutoCAD Windows readable format on a compact disc (CD), USB memory stick or by email, illustrating the easements as parts on a plan be prepared and presented to the Secretary-Treasurer, Committee of Adjustment prior to the issuance of the Certificate of Official. The Land Registry Office may pre-approve an alternative parcel description in writing which can be presented to the Secretary-Treasurer, Committee of Adjustment prior to the issuance of the Certificate of Official.

2. Payment of Taxes

The owner/applicant shall contact the Tax Department at tax@cityofkingston.ca and secure in writing from the Treasurer or the Manager of Taxation and Revenue, proof of payment of current taxes and any special charges (not simply a copy of the tax bill) required to be paid out and a statement of proof that is received and shall be provided to the Secretary-Treasurer Committee of Adjustment, prior to the issuance

of the consent certificate. The owner/applicant must pay any outstanding realty taxes and all local improvement charges levied against the property.

3. Civic Address

The owner/applicant shall contact Planning Services once the Reference Plan has been deposited and provided to the City, and obtain a draft civic address for each new lot created and all appropriate fees shall be paid. The owner/applicant shall provide to the Secretary-Treasurer, Committee of Adjustment, written confirmation from the City that the civic address has been obtained prior to the issuance of the consent certificate; and

That an amended Notice of Decision for File Number D10-034-2020 be prepared reflective of the conditions approved as outlined in Report Number COA-21-19 and amended as per Report Number COA-21-042.

Carried

j) Application for: Consent (Amended Conditions)

File Number: D10-007-2021

Address: 3028 Princess Street and 950-956 Woodhaven Drive

Owner: Vishal Valsadia & 2676628 Ontario Inc.

Applicant: Fotenn Consultants Inc. (Youko Leclerc-Desjardins)

Ms. Sthamann introduced the application and conducted a PowerPoint presentation regarding an Application for Consent (Amended Conditions) at 3028 Princess Street and 950-956 Woodhaven Drive. A copy of the presentation is available upon request through the City Clerk's department.

Mr. Leclerc-Desjardins, the Agent for the applicant, was present and had no further comment.

In response to Mr. Skebo, Ms. Sthamann provided more information regarding the approval of septic systems through the City's Building and Licensing Services Department.

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

Mr. Lightfoot asked if they neighbour submitted further correspondence since the initial application. Ms. Sthamann clarified that public notice is not required under the Planning

Act with respect to amendments to conditions. She added that the neighbour will be provided a copy of the Notice of Decision from this meeting as part of the required circulation and will have 20 days to file an appeal of the decision if desired.

Moved by Mr. Cinanni

Seconded by Mr. Lightfoot

That the Committee of Adjustment amend Condition Numbers 6, 8, and 9 of the Notice of Decision for consent application, File Number D10-048-2019, to read as follows:

6. Demolition Permit

The owner/applicant shall obtain a Demolition Permit through the Building Division for the removal of structures and buildings located on 3028 Princess Street as identified on the severance sketch dated March 23, 2021 (both transferred and retained portions). This includes three (3) temporary fabric shelters, the metal clad garage, and the single-family dwelling if it is not serviced. The owner/applicant shall provide the Secretary-Treasurer, Committee of Adjustment, a copy of the Demolition Permit(s) and confirmation that the buildings have been removed or serviced prior to the issuance of the Certificate of Official.

8. Utilities

Prior to the issuance of a Certificate of Official it shall be necessary for the applicant to connect the existing single family dwelling to applicable municipal sewer services and for Utilities Kingston to approve a Sketch showing all existing and new (and proposed (if applicable)) services and the mains they connect to, and existing buildings and all proposed and existing property lines.

9. Septic System

The owner/applicant shall ensure, to the satisfaction of the City of Kingston Building Services, the removal and decommissioning of the existing septic tank and septic field on the 3028 Princess Street property. The owner/applicant shall provide the Secretary-Treasurer, Committee of Adjustment, confirmation from City of Kingston Building Services prior to the issuance of the Certificate of Official; and

That a Notice of Decision for File Number D10-007-2021 be prepared reflective of the conditions approved as outlined in Report Number COA-20-21 and amended as per Report Number COA-21-041.

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 Monday, June 21, 2021.

Adjournment

Moved by Mr. Lightfoot

Seconded by Mr. Cinanni

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

Carried