



**City of Kingston
Committee of Adjustment
Meeting Number 2020-02
Minutes**

**Monday January 20, 2020 at 5:30 p.m.
Second Floor Board Room, 1211 John Counter Boulevard**

Committee Members Present

Peter Skebo; Chair
Paul Babin
Vincent Cinanni
Blaine Fudge
Jordan Tekenos-Levy

Regrets

Alex Adams
Somnath Sinha

Staff Present

Annemarie Eusebio, Intermediate Planner
Tim Fisher, Planner
Tim Park, Manager, Development Approvals
Jason Partridge, Planner
James Thompson, Committee Clerk

Election of Officers

Moved by Mr. Babin
Seconded by Mr. Fudge

That Peter Skebo be elected Chair of the Committee of Adjustment.

Carried

Moved by Mr. Babin
Seconded by Mr. Fudge

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

Carried

Meeting to Order

Mr. Skebo, Chair, called the meeting to order at 5:33 p.m.

Approval of Agenda

Moved by Mr. Babin
Seconded by Mr. Tekenos-Levy

That the agenda 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. Subject: Application for Minor Variance**
Address: 107 Resource Road
File Number: D13-052-2019

Report COA-20-007 of the Commissioner of Community Services was attached to the agenda.

The purpose and effect of the proposed minor variance is to seek relief to allow open storage on a portion of the front yard of the subject lands. The proposal is to add 0.25 acres of land that is currently owned by the City onto 107 Resource Road for a total lot area of 1.28 acres. The City-owned lands are located directly north of 107 Resource Road. A gravel area for additional open storage and parking is proposed on the lands that are currently City-owned.

Ms. Eusebio provided the Committee with a summary of the Report.

Mr. Josselyn, Josselyn Engineering, Agent, was present.

The agent indicated that the applicant purchased one acre of land a few years ago and has since purchased an additional quarter acre to provide additional space for outdoor storage. He noted that the building could be expanded in the future. The agent referenced the site plan drawing and indicated that the site will be screened appropriately.

Mr. Fudge questioned why the drawings included in Exhibit 'C' of the Report list Caraco Developments as the owner. The agent responded that the drawings will be updated prior to the completion of the site plan process.

Mr. Babin sought further information regarding the use of the storage area. The agent responded that the storage space will be used to hold counter top slabs.

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 D13-052-2019, for the property located at 107 Resource Road and portion of Part Lot 12 Concession 3, former Township of Kingston be approved.

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.

b. Subject: Application for Minor Variance
Address: 3370 Loughborough Drive
File Number: D13-054-2019

Report COA-20-008 of the Commissioner of Community Services was attached to the agenda.

The purpose and effect of the proposed minor variance is to reduce the front yard setback to accommodate a front door verandah and to reduce the floodplain setback to recognize a proposed second storey addition and roof deck over the existing footprint and two small additions to the north and south of the existing structure.

Ms. Eusebio provided the Committee with an overview of the Report.

Mr. Roy, Applicant, was present.

The applicant informed the Committee that he has received approvals from both KFL&A Public Health and the Cataraqui Region Conservation Authority (CRCA).

Mr. Babin requested further explanation regarding Regulation 18046. Mr. Fisher indicated that the regulation is governed by the Cataraqui Region Conservation Authority and relates to development within a floodplain. He stated that it does not directly relate to the application before the Committee.

In response to a question from Mr. Babin, Mr. Fisher noted that the building is currently considered a legal non-conforming structure. He elaborated that the second storey and additions must comply with the current zoning by-law.

Mr. Babin referenced page 47 regarding the buffering associated with the ribbon of life and questioned if this requirement will form part of the permit. Mr. Fisher responded that this matter is addressed through the CRCA.

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

Ms. Rodding, 3364 Loughborough Drive sought confirmation that she would have access to her parking spot during the construction process. She requested further information regarding the size of the rooftop deck.

Mr. Fisher requested that the applicant place traffic cones around the parking spot to ensure that it is not blocked during construction.

The applicant stated that he will address this matter as it is a reasonable request.

Mr. Tekenos-Levy sought further information regarding parking. Mr. Fisher indicated that it is his understanding that when the applicant purchased the property there was an agreement to provide the neighbor with a parking space. He stated that a survey has since been completed which determined that the parking space was located on his property. He noted that the neighbor now parks in front of the house.

The applicant elaborated that the survey was prepared by Hopkins Chitty Land Surveyors after becoming aware of the problems with the parking space.

Moved by Mr. Babin
Seconded by Mr. Tekenos-Levy

That minor variance application, File Number D13-054-2019, for the property located at 3370 Loughborough Road to reduce the setback from a flood plain and the front yard setback and to construct two ground floor additions, a front door vestibule and a second storey with roof top deck, be approved.

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. Subject: Application for Permission
Address: 851 Norwest Road
File Number: D13-064-2019

Report COA-20-009 of the Commissioner of Community Services was attached to the agenda.

The purpose and effect of the proposed minor variance is to clarify the list of permitted uses within the C1-3 zone in Zoning By-Law Number 76-26 to include a commercial club, which will permit such uses as gyms, yoga studios and other similar uses.

Ms. Eusebio provided the Committee with a summary of the Report.

Mr. Van Leuken, Braebury Homes Corp., Agent was present.

Mr. Babin sought further information regarding the nature of business being considered for the site. Mr. Van Leuken responded that a studio will be utilizing the space. He indicated that the language within the Zoning By-Law requires clarification.

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

Members of the public did not provide comment.

Mr. Babin sought confirmation that the amendment to the Zoning By-Law would be site specific. Mr. Fisher confirmed that the amendment would be site specific.

Moved by Mr. Cinanni
Seconded by Mr. Tekenos-Levy

That the Application for Permission submitted by Jordan Van Leuken, Braebury Development for the property located at 819 to 863 Norwest Road, to clarify the list of permitted uses within the C1-3 zone in Zoning By-Law Number 76-26 to permit a commercial club, be approved.

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. Subject: Application for Minor Variance
Address: 47 Gibson Avenue
File Number: D13-053-2019

Report COA-20-010 of the Commissioner of Community Services was attached to the agenda.

The purpose and effect of the proposed minor variance is to legalize an existing one-storey carport at the side of the existing single-family dwelling. The total area of the carport will be 22.77 square metres. The resulting building complies with all minimum side/rear yard, lot coverage and landscaped open space requirements.

Ms. Eusebio provided the Committee with a summary of the Report.

Mr. Davies, Applicant was present.

The applicant advised the Committee that the property was purchased in March, 2019. He indicated that construction of a carport commenced, however, the project was stopped once it was determined that a minor variance was required.

The Committee did not provide comment regarding the application.

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. Fudge

That minor variance application, File Number D13-053-2019, for the property located at 47 Gibson Avenue be approved.

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.

Confirmation of Minutes

Moved by Mr. Fudge
Seconded by Mr. Tekenos-Levy

That the minutes of Committee of Adjustment Meeting Number 2020-01, held December 16, 2019, as amended, be approved.

Carried

Date of Next Meeting

The next meeting of the Committee of Adjustment is scheduled for Monday February 24, 2020.

Adjournment

Moved by Mr. Cinanni
Seconded by Mr. Fudge

That the meeting of the Committee of Adjustment adjourns at 6:04 p.m.

Carried