



**City of Kingston
Committee of Adjustment
Meeting Number 2020-04
Minutes
Monday April 20, 2020 at 5:30 p.m.
In a virtual, electronic format**

Committee Members Present

Peter Skebo; Chair
Paul Babin
Vincent Cinanni

Regrets

Alex Adams
Blaine Fudge
Somnath Sinha
Jordan Tekenos-Levy

Staff Present

Paige Agnew, Commissioner, Community Services
Waleed Albakry, Planner
James Bar, Planner
John Bolognone, City Clerk
Steve Chew, Planner
Annemarie Eusebio, Secretary-Treasurer
Tim Fisher, Planner
Janet Jaynes, Deputy-Clerk
Derek Ochej, Committee Clerk
Niall Oddie, Planner
Meghan Robidoux, Planner
Tim Park, Manager, Development Approvals
Philip Prell, Planner
Lindsay Sthamann, Planner
James Thompson, Committee Clerk
Chris Wicke, Planner

Meeting to Order

Mr. Skebo, Chair, called the meeting to order at 5:34 p.m.

Approval of Agenda

Moved by Mr. Babin
Seconded by Mr. Cinanni

That the agenda be amended to include both addendums, and as amended, 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**
File Number: D13-052-2019
Address: 14 Garrett Street
Owner: 14 Garrett Street GP Ltd.
Applicant: Highpoint Development and IBI Group Incorporated

Report COA-20-003 was attached to the agenda.

The purpose and effect of the application is to seek relief from select regulations of Zoning Bylaw 8499 in order to facilitate the development of a 4 storey mixed use commercial residential building with at grade parking.

Mark Touw, Applicant, and Ally Mallo, Owner were present.

Mr. Babin requested further information regarding the design of the parapet. He questioned if staff have received any correspondence regarding the file. Mr. Touw referenced page 31 of the agenda and spoke to the design of the rooftop amenity area. He indicated that this variance was requested out of caution and stated that this matter will be examined further during the site plan process. Mr. Bar noted that staff did not receive correspondence related to the application.

Mr. Skebo invited comments from the public.

There were none.

Mr. Skebo closed the public portion of the meeting.

Moved by Mr. Cinanni
Seconded by Mr. Babin

That the minor variance application, File Number D13-050-2019, for the property located at 14 Garrett Street to: reduce the residential parking ratio requirements; reduce the length of a Type A barrier free accessible parking space and access aisle, reduce the minimum rear yard setback for the main building and bicycle parking structure; reduce the minimum interior side yard setback; increase the maximum permitted density; permit sections of the building within the angular plane; and permit architectural details above the height limit as approved through a Site Plan Control agreement, 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 Consent & Minor Variance
File Number: D10-050-2019
Address: 339 & 343 College Street
Owner: Albert Desousa & Marilyn Desousa/Paul Newhouse
Applicant: Paul Newhouse

Report COA-20-011 was attached to the agenda.

The purpose and effect of the minor variance application is to increase building depth, decrease side yard setback, and decrease aggregate side yard setback to facilitate a 18.2 square metre addition at the rear of the existing attached garage and to facilitate the enclosure of the existing front porch. The property is also the subject of an application for consent under the Planning Act (City D10-050-2019). The purpose and effect of the consent application is to request an easement to permit the existing eaves encroachment from 343 College Street onto the side yard of 339 College Street.

Paul Newhouse, Applicant, was present.

Mr. Newhouse indicated that the item of correspondence relates to drainage which was addressed in the report from the engineer.

Mr. Babin questioned whether Variance Number 1. is consistent with other residences in the area. Ms. Robidoux spoke to Variance Number 1 in relation to building depth and provided additional information regarding “A” zoning.

In response to a question from Mr. Cinanni, Ms. Robidoux spoke to the review of the drainage plan.

Mr. Skebo invited comments from the public.

There were none.

Mr. Skebo closed the public portion of the meeting.

Moved by Mr. Babin
Seconded by Mr. Cinanni

That the consent application, File Number D10-050-2019, for the property located at 339 College Street to create an encroachment easement over 339 College Street to benefit 343 College Street, be provisionally approved subject to the following conditions:

1. Deadline

That all conditions are satisfied and the Certificate of Official be presented to the Secretary Treasurer, Committee of Adjustment for certification under Section 53(42) of the Planning Act, R.S.O. 1990 as amended, within one year of the mailing of this notice. We suggest that the Land Registry Office be consulted for preapproval of the Certificate of Official to avoid delays. The Certificate must be registered within two years from the issuance of the certificate as required under Section 53(43) of the Planning Act, R.S.O. 1990, as amended. A copy of the registered transfer certificate shall be provided to the Secretary-Treasurer, Committee of Adjustment to complete the file.

2. Reference Plan

That a Reference Plan illustrating the encroachment easement be prepared and presented to the Secretary-Treasurer, Committee of Adjustment prior to the issuance of the Certificate of Official. In addition, the Reference Plan is to be provided in a PDF and AutoCAD Windows readable format on a compact disc (CD), USB memory stick or by email.

3. 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.

4. Variance Applications

That 343 College Street obtains a minor variance to recognize the location of the attached garage from the side lot line (File Number D13-068-2019) and that all conditions of approval are complied with; and

That the minor variance application, File Number D13-068-2019, for the property located at 343 College Street to increase building depth, decrease side yard, and decrease aggregate side yard to construct a 18.2 square metre addition at the rear of the existing attached garage and to enclose the existing 5.1 square metre front porch, 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 Minor Variance

File Number: D13-068-2019

Address: 457 College Street

Owner: Jane Howe and Peter Ellis

Applicant: Peter Ellis

Report COA-20-012 was attached to the agenda.

The purpose and effect of the application is to increase building depth of the primary building and decrease rear yard and side yard setbacks of an accessory building to construct a two-storey addition at the rear of the existing single detached dwelling and construct a 3.0 square metre addition on the legal noncomplying detached garage.

Peter Ellis, Applicant, was present.

Mr. Babin questioned how close the proposed addition will be situated to the property line. Ms. Robidoux provided the Committee with additional information regarding the proposed setbacks. She spoke further to the nature of the proposed variances.

Mr. Babin questioned if any of the neighbours have expressed concern regarding the application. Ms. Robidoux responded that staff has not received any comments from neighbouring properties.

Mr. Skebo invited comments from the public.

There were none.

Mr. Skebo closed the public portion of the meeting.

Moved by Mr. Cinanni
Seconded by Mr. Babin

That minor variance application, File Number D13-068-2019, for the property located at 457 College Street to increase building depth and decrease rear yard and side yard setbacks of an accessory building to construct a 28.8 square metre addition at the rear of the existing single detached dwelling and construct a 3.0 square metre addition on the existing detached garage, 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**
File Number: D13-048-2019
Address: 449 Princess Street
Owner: Kingston Terminal Properties Limited
Applicant: Kingston Terminal Properties Limited & Fotenn Consultants

Report COA-20-019 was attached to the agenda.

The purpose and effect of the application is to request a reduction in the required number of parking spaces, their dimensions and locations to facilitate the conversion of the six-storey office building to a mixed-use, commercial and residential building.

Mike Keene, Agent, and Bryon Springer, Applicant were present.

In response to a question from Mr. Babin, Mr. Keene and Mr. Park provided additional information regarding Variance Number 1 related to the reduction of parking spaces.

Mr. Skebo invited comments from the public.

There were none.

Mr. Skebo closed the public portion of the meeting.

Moved by Mr. Babin
Seconded by Mr. Cinanni

That minor variance application, File Number D13-048-2019, for the property located at 449 Princess Street to allow for the conversion of an existing commercial office building to a mixed-use, commercial and residential building, 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.

- e) Subject: Application for Minor Variance**
File Number: D13-004-2020
Address: 827 Woodbine Road
Owner/Applicant: Martin Smith

Report COA-20-020 was attached to the agenda.

The purpose and effect of the application is to reduce the Minimum Side Yard requirement; the effect would be to allow the conversion of the garage into habitation space. This would result in a larger area for a second dwelling unit in the basement. No changes to the exterior dimensions of the house are proposed. Vehicle parking would be located on the existing driveway.

Martin Smith, Owner/Applicant, was present.

Mr. Skebo invited comments from the public.

There were none.

Mr. Skebo closed the public portion of the meeting.

Moved by Mr. Babin
Seconded by Mr. Cinanni

That minor variance application, File Number D13-004-2020, for the property located at 827 Woodbine Road to reduce the minimum side yard requirement for a house without an attached garage, 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.

- f) Subject: Application for Consent**
File Number: D10-046-2019 & D10-047-2019
Address: 163 Union Street
Owner: Magdalene Karkoulis
Applicant: Fotenn Consultants INC. (Youko Leclerc-Desjardins)

Report COA-20-022 was attached to the agenda.

The purpose and effect of the two consent applications are to facilitate the creation of two new residential lots. One lot will have 11.5 metres of frontage on Union Street. The second lot will have 10.9 metres of frontage on Albert Street. The retained lot will contain the existing house.

Youko Leclerc-Desjardins, Applicant, was present.

Ms. Sthamann referenced the item of correspondence related to the application which was received following the circulation of the addendum.

Mr. Leclerc-Desjardins provided the Committee with a summary of the conditions requested related to the consent application.

In response to a question from Mr. Cinanni, Ms. Sthamann spoke to the elements of the application related to the Ontario Heritage Act designations and landscaping.

Mr. Skebo invited comments from the public.

Dr. Gibson-Bray, 151 Union Street spoke in opposition to the application. A transcript of her statement is attached to the minutes as Correspondence item "a".

Dr. Bray referenced the site plan drawing for Lot 1 and noted that the proposed building footprint, driveway and garage are situated very close to the eastern property line. He indicated that the mature trees will likely be severely impacted by the proposed dwelling. He spoke further to the lot line in relation to the established trees.

Dr. Bray stated that he does not believe that the application before the Committee conforms to the spirit of the existing properties located at 151, 163 and 169 Union Street. He explained that the aforementioned properties are large villas situated on large properties. He was of the opinion that the Zoning By-Law and the heritage impact statement focus on buildings but not the full effect of the property. He spoke to the concept of spacious ground related to the villas.

Mr. Gibson, 151 Union Street noted that the spacious grounds are the most important feature of the lot in question as well as the neighbouring lots. He commented that the entrance way is very important and spoke to the symmetry of the property. He indicated that if a house was built on the eastern side of the lot, the key heritage feature would be lost. He reiterated that if the application is approved the spacious grounds, which is the key feature of the property, will be eliminated. He referenced page 163 of the agenda and spoke to the comments regarding the mature landscaping on the site as outlined in

the heritage impact study. He stated that 163 Union Street is located in the centre of three villa properties and commented that each of the neighbouring properties have large gardens. He indicated that the severance would permit two building at 163 Union Street which would negatively impact the heritage designation of the property as well as destroy the heritage context of the neighbouring properties. He commented that if absolutely necessary only “lot 2” should be permitted to be created. He referenced the pictures of the trees found on pages 156 and 176 of the agenda and spoke to the size of the trees and indicated that the trees will be damaged by the construction of the proposed driveway and building. He referenced page 154 of the agenda which outlines the parking lot at Queen’s University and indicated that another driveway entering Union Street would further congest the area from a traffic standpoint.

Mr. Leclerc-Desjardins referenced the concept plan and spoke to the trees in relation to the proposed driveway. He spoke to the concerns related to traffic and noted that City of Kingston staff did not raise any issues with respect to traffic. He indicated that an engineer will review the design of the entrance further.

Mr. Leclerc-Desjardins addressed the comments raised related to privacy and light loss and mentioned that the proposed setbacks are permitted under the Zoning By-Law. He stated that the vegetation located nearby the lot lines will be maintained as much as possible.

Mr. Leclerc-Desjardins provided the Committee with additional information regarding tree retention. He reiterated that the intention is to limit the damage to the tree line. He referenced page 145 and 146 of the agenda and spoke to the heritage impact study as well as the heritage permit process. He noted that a detailed review of the tree preservation plan will occur.

Mr. Leclerc-Desjardins provided further clarification regarding the large villas and spacious grounds concept. He stated that he does not agree with the interpretation provided by members of the public and referenced the City staff comments related to this matter as outlined on page 146 of the agenda.

Moved by Mr. Babin
Seconded by Mr. Cinanni

That the Committee of Adjustment defer further consideration of the Application for Consent - 163 Union Street to the June 22, 2020 Committee meeting.

Carried

- g) Subject: Application for Minor Variance**
File Number: D13-005-2020
Address: 628 Johnson Street
Owner: Janani Sivakumar
Applicant: Heather Cirella

Report COA-20-023 was attached to the agenda.

The purpose and effect of the application is to reduce exterior side yard setbacks requirements to accommodate a deck projection, with a covered porch, for access purposes and increase the maximum allowable building depth requirements to accommodate a second residential unit.

Mark Touw, Agent, and Heather Cirella, Applicant were present.

Mr. Skebo invited comments from the public.

There were none.

Mr. Skebo closed the public portion of the meeting.

Moved by Mr. Cinanni
Seconded by Mr. Babin

That minor variance application, File Number D13-005-2020, for the property located at 628 Johnson Street be approved so long as the following condition(s) are fulfilled:

Before ground disturbance, archaeological clearance of the subject property is required in the form of an archeological assessment report(s) in conformity with the Ministry of Heritage, Sport, Tourism, and Culture Industries' Standards and Guidelines for Consultant Archaeologists, must be submitted to the City heritage planning staff, together with correspondence from the Ministry outlining the results of their review

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.

- h) Subject: Application for Consent (new lot) and Minor Variance**
File Number: D10-004-2020 and D13-002-2020
Address: 1270 John F. Scott Road
Owner: Philip and William Thompson
Applicant: Philip and Vanessa Thompson

Report COA-20-024 was attached to the agenda.

The purpose and effect of the applications is for consent to sever a residential lot and minor variance to reduce the road frontage of the retained lot. Application D10-004-2020 is to sever a 2 hectare parcel of land with 90 metres of road frontage on John F Scott Road and is located at the south east corner of the lot. The retained 10.8 hectare parcel of land will have 63 metres of road frontage on John F Scott Road and will remain as agricultural lands. Application D13-002-2020 is to request a minor variance to reduce the minimum road frontage requirement of 90 metres to 63 metres to recognize the frontage of the retained lot (subject to D10-004-2020).

Vanessa Thompson, Applicant, and Philip Thompson were present.

Mr. Skebo invited comments from the public.

There were none.

Mr. Skebo closed the public portion of the meeting.

Moved by Mr. Babin
Seconded by Mr. Cinanni

That consent application, File Number D10-004-2020, for the property located at 1270 John F. Scott Road to sever a 2 hectare parcel of land with approximately 90 metres of road frontage on John F. Scott Road, and retain a 10.8 hectare parcel of land with approximately 63 metres of road frontage on John F. Scott Road, be provisionally approved subject to the following conditions:

1. Deadline

That all conditions are satisfied and the Certificate of Official be presented to the Secretary-Treasurer, Committee of Adjustment for certification under Section 53(42) of the Planning Act, R.S.O. 1990 as amended, within one year of mailing of this notice. We suggest that the Land Registry Office be consulted for preapproval of the Certificate of Official to avoid delays. The Certificate must be registered within two years from the issuance of the certificate as required under Section 53(43) of the Planning Act, R.S.O. 1990, as amended. A copy of the registered transfer certificate shall be provided to the Secretary-Treasurer, Committee of Adjustment to complete the file.

2. 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 consent 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; or

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.

3. 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.

4. Cash-In-Lieu of Parkland

That \$1,252.37 shall be paid to the City of Kingston as cash-in-lieu of land dedication for park or public recreational purposes for each new building lot being created. The applicant may choose to pay the fee through their DASH application, provide a certified cheque or provide payment at the front desk at 1211 John Counter Boulevard, prior to the issuance of the consent certificate.

5. KFL&A Public Health Unit

The applicant shall contact KFL&A Public Health Unit and have an inspection conducted of the property and pay the required review fee. A satisfactory report by the Health Unit in support of the consent shall be provided to the Secretary-Treasurer, Committee of Adjustment, prior to the issuance of the Certificate of Official.

6. Hydrogeological Assessment

A hydrogeological assessment is required to be signed off by the Environment Department prior to the issuance of the Certificate of Official. The assessment shall demonstrate adequate potable water supply on both the severed and retained lots. Due to groundwater sensitivity in the area and resultant density of lots, the assessment will need to be completed to the City's standard for a full hydrogeological investigation that demonstrates quality, quantity, well construction, and potential for interference with existing users of the groundwater resource. The assessment must be performed by a Professional Engineer (P.Eng.) or Professional Geoscientist (P.Geo.) licensed to practice in Ontario; and, meet the objectives of Provincial Procedure D-5-5 for long-term, safe yields. Each newly created lot will require confirmation of a well that is constructed to provincial regulation 903 standards. The well water must meet health related parameters without treatment. Dug wells are strongly discouraged and will only be permitted if a drilled well is found to be unsuitable. Evidence from the professional must be submitted in advance when seeking approval to attempt a dug well; or If the applicant wishes to not establish a well and hydrogeological assessment on the retained parcel, the applicant may apply for a holding "H" provision on the lot until such time that a well and hydro geological assessment is completed to support future development. The holding 'H' application shall be completed prior to the issuance of the Certificate of Official.

7. Archaeological Assessment

An Archaeological Assessment (beginning with a Stage One Assessment) and any subsequent or supporting studies are required on the property as the site falls under several of the criteria for archaeological potential. Any area of development or site alteration, including access routes, on lands containing archaeological resources or areas of archaeological potential will need to be assessed by an archaeologist licensed in the Province of Ontario. The applicant shall contact the Planning Service to confirm their requirements for approval of this condition. Two (2) copies of the study and all relative information shall be provided to the Secretary Treasurer of the Committee of Adjustment. The report shall be registered with the Ministry of Tourism, Culture and Sport or an acceptance letter shall be obtained by the Ministry prior to the issuance of the Certificate of Official. The City relies upon the report of the professional archaeologist as filed, but reserves the right to require further reports should further evidence be uncovered. The applicant may be required to further review the state of archaeological resources on the property depending on the recommendations of the report and subject to input and review from the Ministry of Tourism, Culture and Sport. The City shall not be restricted in its ability to determine requirements related to review, assessment and/or protection should archaeological resources be found on-site. Any costs arising from such requirements of the City, or any other duly authorized Government body, shall be borne solely by the applicant.

8. Road Widening

The applicant shall have their surveyor verify if a road widening of 10 metres from the centreline of road is required along the entire frontage of the severed and retained lot along John F. Scott Road. If a widening is required, then it shall be conveyed to the City prior to the issuance of the Certificate of Official. The surveyor shall illustrate the widening as a separate part on a reference plan and, after registration of said deed at the expense of the applicant, and prior to issuing the certificate for the severance herein, the solicitor for the applicant shall certify that the title of the municipality to the said strip is free and clear of all encumbrances of every nature and that the municipality has a good and marketable title.

9. 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.

10. Associated Variance

That associated Minor Variance application, File Number D13-002-2020, is approved and all related conditions of approval are fulfilled prior to the issuance of the consent certificate by the Secretary-Treasurer Committee of Adjustment.

11. Cataraqui Region Conservation Authority

The owner/applicant is advised that all development and site alteration proposed within 120 metres of the lake is subject to permission under Ontario Regulation 148/06:

Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses. This will apply to any development, construction, any associated grading, placement of fill or other site alteration. The application package can be downloaded from <https://crca.ca/wp-content/uploads/PDFs/Planning-Policy/2018-148-06-ApplicationPackage.pdf>.

12. Development Agreement

The owner shall enter into a development agreement satisfactory to the City to be registered on title to the severed and retained lands. All legal costs associated with the preparation and registration of the agreement shall be borne by the owner. The applicant shall provide a copy of the registered executed agreement to the Secretary-Treasurer, Committee of Adjustment, prior to the issuance of the consent certificate. The agreement shall contain conditions to ensure:

- a. That any new septic system on the severed or retained parcels shall conform to the provisions of the City's Official Plan and shall be constructed in accordance with the requirements of the Kingston Frontenac Lennox and Addington Public Health Unit.
- b. Any recommendations resulting from the hydro-geological assessment are included within the development agreement for the lands.
- c. Any recommendations resulting from the Archaeological Assessment shall be included within the development agreement for the lands.
- d. Any recommendations resulting from the Archaeological Assessment shall be included within the development agreement for the lands.
- e. In the event that deeply buried or previously undiscovered archaeological deposits are discovered in the course of development or site alteration, all work must immediately cease and the site must be secured. The Cultural Program Branch of the Ministry of Tourism, Culture and Sport (416-314-7132) and the City of Kingston's Planning Service (613-546-4291, extension 3180) must be immediately contacted. In the event that human remains are encountered, all work must immediately cease and the site must be secured. The Kingston Police (613-549-4660), the Registrar of Cemeteries Regulation Section of the Ontario Ministry of Consumer Business Services (416-326-8404), the Cultural Program Branch of the Ministry of Tourism, Culture and Sport (416-314-7132), and the City of Kingston's Planning Service (613-546-4291, extension 3180) must be immediately contacted.
- f. That the owner be advised that the severed and retained lots are located in the rural area and may be adjacent to existing or future agricultural uses. Any new residential development on the severed or retained lands shall be outside of the required calculated Minimum Distance Separation (MDS) setback from any neighbouring livestock facility or manure storage and all other applicable requirements at the time of Building Permit issuance.
- g. That the owner be advised that any new or altered entrance to the site will require an entrance permit from the Engineering Division.
- h. That a Building Permit is required prior to the construction or removal of all structures 10 square metres in area or greater. Issues such as but not limited to O.B.C., grading and servicing will be agreed through the permit review process.
- i. That the owner be advised that the subject property abuts a provincial highway (Highway 401) to the north. In the event of future development on the retained land,

the owner should be aware that this property is within the Ministry's permit control area as defined by the Public Transportation and Highway Improvement Act R.S.O. 1990. Therefore Ministry approvals and permits are required prior to the construction and/or demolition of any building and/or structures and prior to the issuance of any municipal Building Permits or approvals as per section 8.(2)(a) of the Building Code Act.

j. That the owner acknowledges that a portion of the retained parcel is within an Environmental Protection Area (EPA) and any development shall occur only outside of the defined EPA area and shall be subject to Cataraqui Region Conservation Authority (CRCA) and O.Reg 149/06: Development, Interference within Wetlands and Alterations to shorelines and Watercourses and other Municipal By-Laws and requirements;

k. That the owner acknowledges and agrees with the City that:

i. The severed lands and the retained lands are located outside the limits of the municipal water and sewer service area and are not serviced by the City's water treatment plant or sewage treatment facility;

ii. The owner shall be solely responsible for ensuring at all times and by all means that there is an adequate supply of potable water and adequate onsite sewage treatment facility maintained by the owner, for the owner's intended use of the severed lands and retained lands;

iii. Despite the Committee of Adjustment approval to sever the lands, or that the City has approved zoning for either or both of the severed lands and retained lands that would permit construction of a building thereon, or that the City has or may at any time in the future issue a Building Permit or approve a site plan for either or both the severed lands and retained lands, the City will have no obligation to extend the municipal water area or provide municipal water services, or to extend the municipal sewer service area or provide municipal sewer services to or for the benefit of either the severed lands or retained lands;

iv. Regardless of any order issued by the Ministry of the Environment or by the Kingston Frontenac Lennox and Addington Public Health Unit in the future, the owner shall be solely responsible for the costs associated with any upgrading or extension of any private or municipal services required to be constructed to comply with such order; and

That minor variance application, File Number D13-002-2020, for the retained parcel of land, to reduce the minimum lot frontage requirement to recognize the retained lot through consent application, File Number D10-004-2020, 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.

- i) Subject: Application for Permission and Consent (Easement)**
File Number: D10-014-2020, D10-015-2020, D10-016-2020 and D13-060-2019
Address: 29 Rideau Street
Owner: 2633573 Ontario Limited
Applicant: Youko Leclerc-Desjardins, Fotenn Consultants Inc. & Bryan Stone, Stone & Associates Designers

Report COA-20-025 was attached to the agenda.

The purpose and effect of the application is to amend Zoning By-law 96-259 to permit the expansion of an existing legal non-conforming use (residential) to allow for the renovation and expansion of the existing townhouse dwelling units that will occupy the second and third floor and the incorporation of a second residential unit in the ground floor and lower level walk-out, resulting in one principal unit and one second residential unit in an existing legal nonconforming residential building. Easements are required for access to the parking for the second residential units.

Youko Leclerc-Desjardins, Applicant, and Steve Mann, Owner were present.

Mr. Leclerc-Desjardins provided additional information regarding the application. He indicated that the purpose of the proposal is to expand the interior of the building to allow for the construction of secondary units. He provided the Committee with information regarding the right-of-way.

Mr. Skebo invited comments from the public.

There were none.

Mr. Skebo closed the public portion of the meeting.

Moved by Mr. Cinanni
Seconded by Mr. Babin

That applications for consent (Easement), Files Number D10-014-2020, D10-015-2020, D10-016-2020, submitted by Youko Leclerc-Desjardins of Fotenn Consultants Inc. for the properties located at 19, 23, and 27 Rideau Street to provide an easement for a drive aisle to access two parking spaces provided for proposed second residential units at 29 Rideau Street and 31 Rideau Street, be provisionally approved subject to the following conditions:

1. Deadline

That all conditions are satisfied and the Certificate of Official be presented to the Secretary Treasurer, Committee of Adjustment for certification under Section 53(42) of the Planning Act, R.S.O. 1990 as amended, within one year of the mailing of this notice. We suggest that the Land Registry Office be consulted for preapproval of the Certificate of Official to avoid delays. The Certificate must be registered within two years from the issuance of the certificate as required under Section 53(43) of the Planning Act, R.S.O.

1990, as amended. A copy of the registered transfer certificate shall be provided to the Secretary-Treasurer, Committee of Adjustment to complete the file.

2. Reference Plan

That a Reference Plan illustrating the consents (easements) be prepared and presented to the Secretary-Treasurer, Committee of Adjustment prior to the issuance of the Certificate of Official. In addition, the Reference Plan is to be provided in a PDF and AutoCAD Windows readable format on a compact disc (CD), USB memory stick or by email.

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

4. Variance Applications

That the property at 29 Rideau Street obtains permission to recognize the expansion of the legal non-conforming townhouse dwelling unit (File Number D13-060-2019) and that all conditions of approval are complied with; and

That the application for permission submitted by Youko Leclerc-Desjardins of Fotenn Consultants Inc. for the property located at 29 Rideau Street, to permit the expansion of an existing townhouse unit and the incorporation of a second residential unit, 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.

- j) Subject: Application for Permission and Consent (Easement)**
File Number: D10-014-2020, D10-015-2020, D10-016-2020, D10-017-2020 and D13-060-2019
Address: 31 Rideau Street
Owner: 2633573 Ontario Limited
Applicant: Youko Leclerc-Desjardins, Fotenn Consultants Inc. & Bryan Stone, Stone & Associates Designers

Report COA-20-026 was attached to the agenda.

The purpose and effect of the application is to amend Zoning By-law 96-259 to permit the expansion of an existing legal non-conforming use (residential) to allow for the renovation and expansion of the existing townhouse dwelling unit that is proposed to ultimately occupy the second and third floor and the incorporation of a second residential unit in the ground floor and lower level walk-out, resulting in one principal unit and one second residential unit in an existing legal non-conforming residential building. Easements are required for access to the parking for the second residential units.

Youko Leclerc-Desjardins, Applicant, and Bryan Stone, Applicant were present.

Mr. Leclerc-Desjardins provided the Committee with additional information regarding the proposed dormer.

Mr. Skebo invited comments from the public.

There were none.

Mr. Skebo closed the public portion of the meeting.

Moved by Mr. Babin
Seconded by Mr. Cinanni

That applications for consent (Easement), File Numbers D10-014-2020, D10-015-2020, D10-016-2020, D10-017-2020, submitted by Youko Leclerc-Desjardins of Fotenn Consultants Inc. for the properties located at 19, 23, 27 and 29 Rideau Street to provide an easement for a drive aisle to access two parking spaces provided for proposed second residential units at 29 Rideau Street and 31 Rideau Street, be provisionally approved subject to the following conditions:

1. Deadline

That all conditions are satisfied and the Certificate of Official be presented to the Secretary Treasurer, Committee of Adjustment for certification under Section 53(42) of the Planning Act, R.S.O. 1990 as amended, within one year of the mailing of this notice. We suggest that the Land Registry Office be consulted for preapproval of the Certificate of Official to avoid delays. The certificate must be registered within two years from the issuance of the certificate as required under Section 53(43) of the Planning Act, R.S.O. 1990, as amended. A copy of the registered transfer certificate shall be provided to the Secretary-Treasurer, Committee of Adjustment to complete the file.

2. Reference Plan

That a Reference Plan illustrating the consents (easements) be prepared and presented to the Secretary-Treasurer, Committee of Adjustment prior to the issuance of the Certificate of Official. In addition, the Reference Plan is to be provided in a PDF and AutoCAD Windows readable format on a compact disc (CD), USB memory stick or by email.

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

4. Variance Applications

That the property at 31 Rideau Street obtains permission to recognize the expansion of the legal non-conforming townhouse dwelling unit (File Number D13-061-2019) and that all conditions of approval are complied with; and

That the application for permission submitted by Youko Leclerc-Desjardins of Fotenn Consultants Inc. for the property located at 31 Rideau Street, to permit the expansion of an existing townhouse unit and the incorporation of a second residential unit, 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.

k) Subject: Application for Minor Variance

File Number: D13-058-2019

Address: 3 Drummond Street

Owner: Katherine Burke

Applicant: Mark Peabody and Todd Biggerman

Report COA-20-027 was attached to the agenda.

The purpose and effect of the application is to construct a two-storey rear addition onto the existing dwelling. A variance is required to increase the maximum required lot coverage. Section 10 (2) (i) of Zoning By-law 32-74 indicates that the required maximum lot coverage in the R2 zone is 35 per cent. The proposed rear addition will result in a lot coverage of 52.8 per cent. As such a variance of 17.8 per cent is required.

A variance is also required to reduce the required minimum interior side yard width. Section 10 (3) (a) (v) indicates that in the case of more than 1 such yard, 1.2 metres on one side and 3.04 metres on any other side is required. The subject property has 2 interior side yards. The proposed addition to the south side of the property complies with the required 1.2 metre interior side yard width. On the north side of the property the interior side yard width is 0 metres. As such, a variance of 3.04 metres is required. A variance is also required to reduce the minimum rear yard depth. Section 10 (2) (f) indicates that the minimum rear yard depth is 7.5 metres. The proposed addition will result in a rear yard depth of 6 metres. As such a variance of 1.5 metres is required.

Todd Biggerman, Applicant, was present.

Mr. Babin questioned if the Barriefield Village Association provided comment on the application. Ms. Eusebio responded that the application has already received approval by Heritage Kingston and indicated that correspondence has not been received.

Mr. Skebo invited comments from the public.

There were none.

Mr. Skebo closed the public portion of the meeting.

Moved by Mr. Babin
Seconded by Mr. Cinanni

That minor variance application, File Number D13-058-2019, for the property located at 3 Drummond Street to construct a two-storey rear addition onto an existing dwelling, 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.

l) Subject: Application for Minor Variance
File Number: D13-012-2020
Address: 1525 Clover Street
Owner: V. Marques Construction Ltd.
Applicant: Scott Arnold

Report COA-20-029 was attached to the agenda.

The purpose and effect of the application is to decrease the required rear yard to construct a one-storey single detached dwelling with a secondary suite in the basement.

Scott Arnold, Applicant, was present.

Mr. Cinanni questioned if sufficient parking will be provided. Ms. Robidoux provided the Committee with additional information regarding parking. She referenced the correspondence related to the application and spoke to the nature of the housing. Mr. Arnold stated that the parking conforms to the requirements outlined in the Zoning By-Law.

Mr. Skebo invited comments from the public.

There were none.

Mr. Skebo closed the public portion of the meeting.

Moved by Mr. Cinanni
Seconded by Mr. Babin

That minor variance application, File Number D13-012-2020, for the property located at 1525 Clover Street to decrease minimum rear yard to construct a new one-storey single-detached dwelling with an accessory suite in the basement, 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.

m) Subject: Application for Minor Variance
File Number: D13-007-2020
Address: 363 College Street
Owner: Frank Armstrong and Julie Smith
Applicant: Ashley Osmar

Report COA-20-031 was attached to the agenda.

The purpose and effect of the application is to permit an expansion to the existing garage and foyer and to construct a second storey addition above the enlarged garage and foyer. The second storey would contain a second residential unit

Ashley Osmar, Applicant, was present.

Mr. Skebo invited comments from the public.

There were none.

Mr. Skebo closed the public portion of the meeting.

Moved by Mr. Cinanni
Seconded by Mr. Babin

That minor variance application, File Number D13-007-2020, for the property located at 363 College Street to reduce aggregate side yard setback and increase maximum permitted building depth to enlarge the existing attached garage and to permit a second residential unit to be constructed as an addition above the enlarged attached garage 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.

n) Subject: Application for Minor Variance & Consent
File Number: D10-013-2020 & D13-011-2020
Address: 28 Maitland Street
Owner: James & Helen Mathers
Applicant: Youko Leclerc-Desjardins

Report COA-20-032 was attached to the agenda.

The purpose and effect of the application is to sever an existing lot into two lots along a proposed common party wall, while retaining the existing building. The request to sever requires technical variances to recognize multiple non-complying regulations and the resulting lot fabric. The consent proposal also requires multiple easements to address parking and access concerns.

Youko Leclerc-Desjardins, Applicant, James & Helen Mathers, owners, were present.

Mr. Leclerc-Desjardins provided the Committee with a summary of the application.

Mr. Skebo invited comments from the public.

There were none.

Mr. Skebo closed the public portion of the meeting.

Moved by Mr. Babin
Seconded by Mr. Cinanni

That the consent application, File Number D10-013-2020, for the property located at 28 Maitland sever a 212.3 square metre parcel of land with 1.2 metres of street frontage on Maitland Street containing one semi-detached dwelling municipally addressed as 26 Maitland Street be provisionally approved so long as the following condition(s) are fulfilled; and

That the consent application, File Number D10-013-2020, for the property located at 28 Maitland to create three right-of-way easements over 26 Maitland Street to benefit 28 Maitland Street be provisionally approved so long as the following condition(s) are fulfilled; and

That the consent application, File Number D10-013-2020, for the property located at 26 Maitland to create two right-of-way easements over 28 Maitland Street to benefit 26 Maitland Street be provisionally approved so long as the following condition(s) are fulfilled:

1. Deadline

That all conditions are satisfied and the Certificate of Official be presented to the Secretary Treasurer, Committee of Adjustment for certification under Section 53(42) of the Planning Act, R.S.O. 1990 as amended, within one year of the mailing of this notice. We suggest that the Land Registry Office be consulted for preapproval of the Certificate of Official to avoid delays. The Certificate must be registered within two years from the issuance of the certificate as required under Section 53(43) of the Planning Act, R.S.O. 1990, as amended. A copy of the registered transfer certificate shall be provided to the Secretary-Treasurer, Committee of Adjustment to complete the file.

2. Reference Plan

That a Reference Plan illustrating the access, parking and driveway sharing (right-of-way) easements be prepared and presented to the Secretary-Treasurer, Committee of Adjustment prior to the issuance of the Certificate of Official. In addition, the Reference Plan is to be provided in a PDF and AutoCAD Windows readable format on a compact disc (CD), USB memory stick or by email.

3. Payment of Taxes

That 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.

4. Cash-In-Lieu of Parkland

That the amount of \$1,921.27 shall be paid to the City of Kingston as cash-in-lieu of land dedication for park or public recreational purposes for each new building lot being created. The applicant may choose to pay the fee through their DASH application, provide a certified cheque or provide payment at the front desk at 1211 John Counter Boulevard, prior to the issuance of the consent certificate.

5. Utilities Kingston

Requirements That prior to the issuance of a “Certificate of Official” it shall be necessary for the applicant to provide and for Utilities Kingston to approve a sketch showing all existing services and the mains they connect to, and existing buildings and all proposed

and existing property lines. This should also verify that there are no interconnections with the internal plumbing. The owner/applicant shall provide written approval from Utilities Kingston to the Secretary Treasurer Committee of Adjustment before issuance of a “Certificate of Official”.

6. Additional Archaeological Assessment

That before ground disturbance, archaeological clearance of the subject property is required in the form of an archeological assessment report(s) in conformity with the Ministry of Heritage, Sport, Tourism, and Culture Industries’ Standards and Guidelines for Consultant Archaeologists, must be submitted to the City heritage planning staff, together with correspondence from the Ministry outlining the results of their review.

7. Civic Address

That the owner/applicant shall contact the Planning Division 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.

8. Variance Application

That the retained parcel and the severed parcel obtains a minor variance (File Number D13- 011-2020) to reduce rear and side yard setback requirements and that all conditions of approval are complied with.

9. Easements in favour of 28 Maitland Street (Retained Lot)

That the Certificate of Official shall include:

A 1.2 metre wide by 11 metre length right-of-way over 26 Maitland Street to serve as part of a shared driveway in favour of the portion of the lands municipally addressed as 28 Maitland Street as per the severance/easement sketches attached to the Notice of Decision.

A 1.2 wide right-of-way from the edge of the driveway to the entrance of 28 Maitland Street over 26 Maitland Street in favour of the portion of the lands municipally addressed 28 Maitland Street as indicated in the severance/easement sketches attached to the Notice of Decision.

A 1.2 wide right-of-way around the edges of the side and rear side yards of 26 Maitland Street over 26 Maitland Street in favour of the portion of the lands municipally addressed 28 Maitland Street as indicated in the severance/easement sketches attached to the Notice of Decision.

10. Easements in favour of 26 Maitland Street (Severed Lot)

That the Certificate of Official shall include:

A 2.2 metre wide by 11 metre length right-of-way over 28 Maitland Street to serve as part of a shared driveway in favour of the portion of the lands municipally addressed as 26 Maitland Street as indicated in the severance/easement sketches attached to the Notice of Decision.

A 2.75 metre wide by 6.7 metre length parking spot over 28 Maitland Street to provide off-site parking for the residents of 26 Maitland Street in favour of the portion of the lands municipally addressed as 26 Maitland Street as indicated in the severance/easement sketches attached to the Notice of Decision.

That minor variance application, File Number D13-011-2020, for the property located at 28 Maitland Street, 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.

- o) Subject: Application for Minor Variance**
File Number: D13-006-2020
Address: 1469 Princess Street
Owner: 1652557 Ontario Inc
Applicant: Robert Paz

Report COA-20-030 was attached to the agenda.

The purpose and effect of the application is to increase the maximum permitted office size per building from 605 metres square to 1822 square metres. This is to recognize the existing 1300 square meters of office space and allow the remaining 521 square metres to be rented as office space if there is a market demand for it.

Robert Paz, Applicant, was present.

Mr. Babin sought further explanation regarding the intent of the application. Ms. Sthamann referenced Exhibit 'H' of the Report and spoke to the Floor Plan, Power Point slide. She noted that the application will not bring any changes to design of the building or lot. She stated that the applicant is requesting an amendment to the floor area to permit additional office space within the existing building.

Mr. Skebo invited comments from the public.

There were none.

Mr. Skebo closed the public portion of the meeting.

Moved by Mr. Cinanni
Seconded by Mr. Babin

That minor variance application, File Number D13-006-2020, for the property located at 1469 Princess Street to increase the maximum permitted office size per building from 605 square metres to 1822 square metres, 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

- a) Correspondence received from Dr. Gibson Bray, dated April 20, 2020 regarding 163 Union Street.

Confirmation of Minutes

Moved by Mr. Cinanni
Seconded by Mr. Babin

That the minutes of Committee of Adjustment Meeting Number 2020-03, held February 24, 2020, be approved.

Carried

Date of Next Meeting

The next meeting of the Committee of Adjustment is scheduled for Monday May 11, 2020.

Adjournment

Moved by Mr. Babin
Seconded by Mr. Cinanni

That the meeting of the Committee of Adjustment adjourns at 7:28 p.m.

Carried