



**City of Kingston
Committee of Adjustment
Meeting Number 2020-06
Minutes
Monday June 22, 2020 at 5:30 p.m.
In a virtual, electronic format**

Committee Members Present

Peter Skebo; Chair
Paul Babin
Vincent Cinanni
Somnath Sinha
Jordan Tekenos-Levy

Regrets

Alex Adams
Blaine Fudge

Staff Present

Paige Agnew, Commissioner, Community Services
Annemarie Eusebio, Secretary-Treasurer
Tim Fisher, Planner
Andrea Gummo, Manager, Policy Planning
Ryan Leary, Senior Planner
Derek Ochej, Committee Clerk
Tim Park, Manager, Development Approvals
Jason Partridge, Planner
Phillip Prell, Planner
Lindsay Sthamann, Planner
James Thompson, Committee Clerk

Meeting to Order

Mr. Skebo, Chair, called the meeting to order at 5:35 p.m.

The Committee recessed for fifteen minutes to address a technical issue.

Approval of Agenda

Moved by Mr. Babin
Seconded by Mr. Cinanni

That the agenda be amended to include the addendum, 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

- a) **Application for: Consent**
File Number: D10-046-2019 and 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.

Mr. Leclerc-Desjardins, Agent, Mr. Scheinman, Agent and Mr. Karkoulis, Owner were present.

The agent stated that he has reviewed the staff report as well as the comments previously provided by members of the public. He indicated that he is in agreement with the recommendation of City of Kingston staff that the application meets the tests associated with consent applications as outlined in the Planning Act. He noted that the application complies with the Zoning By-Law and is consistent with the policies outlined in the Provincial Policy Statement. He commented that the proposed infill is appropriate as it would produce lots which are of a comparable lot fabric to neighbouring lots and as such would not impact the neighbourhood. He stated that the conditions outlined in the Report are appropriate for a complex application.

Mr. Babin sought further information regarding the Ontario Heritage Act Designation. Mr. Leary responded that the property is designated under Part iv. of the Ontario Heritage Act. Mr. Babin inquired whether the entire property or only the building is designated. Mr. Leary explained that the entire property is designated. He mentioned that the proposed severance would not impact the designation as all three lots would be designated under the Ontario Heritage Act.

Mr. Babin questioned why the application was not reviewed by Heritage Kingston. Mr. Leary responded that Heritage Kingston is not required to review files that are involved in a Planning Act application. He noted that in this situation the heritage matters were addressed at the staff level. He stated that the property will retain its designation and indicated that the new dwellings will require heritage permits.

Mr. Babin noted that the neighbouring property owners expressed concern regarding the preservation of the vegetation and questioned whether the vegetation and 100 year old trees were included in the designation. Mr. Leary responded that the designation does not speak to the trees specifically. He commented that as the trees are outside of the heritage permit staff have proposed that a development agreement be completed as a condition of approval to ensure that as much of the vegetation and trees are retain as possible.

Mr. Skebo invited comments from the public.

Dr. Gibson-Bray, 151 Union Street thanked the Committee for previously deferring this matter. She referenced the correspondence which she previously submitted to the Committee. She expressed concern regarding shadowing, traffic safety, privacy, the loss of the heritage setting and the mature trees being negatively impacted. She commented that 151 Union Street has always served as a family home and an anchor of stability in the neighbourhood. She noted that 151 and 163 Union are each unique and distinctive homes that are situated on unique grounds. She mentioned that the grounds contribute to Kingston's architectural legacy. She requested that the Committee deny the application for Lot 1 and suggested that serious consideration be given to the approval of Lot 2.

Dr. Bray, 151 Union Street indicated that he does not agree that the application conforms to the Provincial Policy Statement. He spoke to the Section 1.1.3.3. of the Provincial Policy Statement regarding intensification and indicated that this matter is often discussed at LPAT hearings. He referenced Section 1.7.1.E. of the Provincial Policy Statement regarding the sense of place and noted that this concept is also considered at LPAT hearings. He mentioned that the heritage designation by-law was created many years ago when the focus was on architecture rather than context. He noted that the by-law associated with 163 Union Street speaks to the spacious grounds. He spoke to the various types of lots located on Albert Street. He suggested that a tree survey should have been completed as a condition of approval. He noted that the conditions included in the Report do not give consideration to heritage conservation. He stated that the proposed dwelling could cast a shadow over the entire area. He

mentioned that the applicant could consider a condominium within the existing footprint of 163 Union Street as it would allow for the spacious grounds to be retained. He stated that Union Street is unique and commented that this matter has not been adequately addressed. He indicated that subtle aspects of the site have not been considered. He encouraged the Committee to view the frontages of Albert and Union Streets as different entities. He stated that the application regarding Lot 1 should not be approved. He expressed concern regarding traffic safety issues. He reiterated that he believes that the conditions do not address all of the issues. He commented that he believes that there are different options for redevelopment which have not been considered. He indicated that he is supportive of sensitive infill.

Mr. Gibson referenced the heritage designation by-law and sought confirmation that the entire property rather than only the building is covered. He commented that while the by-law does not directly mention the trees it does address the spacious grounds. He stated that the application would destroy the spacious grounds. He spoke to the site plan and noted that the proposed parking spaces and driveway on the western border of the property would destroy the trees and impact privacy. He commented that there would be a profound impact on 151 Union Street if the trees were removed. He stated that a tree survey should be completed before the application proceeds. He commented that the application regarding Lot 1 should be denied.

Mr. Skebo closed the public portion of the meeting.

The agent spoke to the heritage permit process and reiterated that there is a requirement that a development agreement be completed. He referenced page 11 of the Report and noted that the vegetated buffer is to be maintained. He clarified that a tree inventory and tree preservation plan is required to be completed prior to construction.

The agent referenced the concept plan and provided further explanation regarding privacy and shadowing.

The agent spoke to the proposed design in relation to the permitted zoning.

The agent provided additional clarification regarding the proposed front yard setback in relation to page 9 of the Report.

Mr. Scheinman spoke to the application in relation to heritage conservation. He provided further explanation regarding the context of the neighbourhood as outlined in the heritage impact statement. He noted that the entranceway to Albert Street will not be altered by the application. He spoke to the site lines associated with 163 Union Street. He clarified that 163 Union Street is not really considered a country villa. He commented that 163 Union Street better resembles an urban form similar to properties located on King Street. He noted that no original landscaping features remain at 163 Union Street. He commented that the landscaping is likely dates from post 2000. He provided additional clarification regarding spacious grounds in relation to the 1987 by-

law. He noted that as per the by-law the entranceway is seen as the major feature rather than the spacious grounds. He mentioned that alternative construction approaches for the driveway and parking lot could be considered which will not destroy the soil. He reiterated that the heritage designation applies to the whole property.

The agent advised the Committee that the Report discusses Section 1.1.3.3. of the Official Plan and spoke to permitted intensification as per the Zoning By-Law. The agent noted that the detailed design of the dwellings will occur through the development agreement as well as the heritage permit.

The agent spoke to Section 1.7.1.E. of the Provincial Policy Statement and commented that he does not believe that the creation of two additional lots will negatively impact the sense of place. He commented that preserving the sense of place will occur during the development agreement and heritage permit process. He reiterated that the eleven conditions will need to be met.

Mr. Babin stated that it appears that the lot has existed in this state since the 1800s. He commented that he believes that the severance would damage the heritage property. He stated that he cannot support the creation of Lot 1 and noted that he has no objections regarding Lot 2.

Mr. Tekenos-Levy asked staff if they have received comment from the owner of 199 Albert Street. Ms. Stahmann responded that staff have not heard from them.

Mr. Cinanni questioned if it is possible that the proposed dwelling could not meet the Ontario Heritage Act requirements. The agent responded that the concept drawings demonstrate that dwellings can be developed in accordance to the recommendations. He stated that development is possible.

Mr. Cinanni asked whether the trees will be addressed in the development agreement. The agent responded that the trees will be covered in the development agreement, which will be registered on title. He reiterated that all of the conditions outlined on page 11 of the Report must be met.

The agent provided the Committee with additional information regarding tree protection.

Following the initial vote, the Secretary-Treasurer advised the Committee that two distinct consent applications were before the Committee and sought confirmation that it was the desire of the Committee to vote on the applications as a package. The Chair indicated that the applications should have been voted on individually. The Committee Clerk suggested that the recommendation be reconsidered in order to allow the Committee to vote on the consent applications separately.

Moved by Mr. Sinha
Seconded by Mr. Babin

That consent application, File Number D10-046-2019, to sever a new lot, 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 year 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 be provided in a PDF and AutoCAD Windows readable format on a compact disc (CD), USB memory stick or by email, illustrating the severed parcel be prepared and 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. Standard Archaeological Condition

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.

5. Cash-In-Lieu of Parkland

That \$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.

6. Demolition Permit

The owner/applicant shall obtain a Demolition Permit through the Building Division for the removal of the accessory buildings located on the severed lot. The owner/applicant shall provide the Secretary-Treasurer, Committee of Adjustment, a copy of the Demolition Permit and confirmation that the accessory buildings have been removed prior to the issuance of the Certificate of Official.

7. 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 the recommendations from the Heritage Impact Statement prepared by André Scheinman, dated January 27, 2020 and its proposed conditions be included in the Development Agreement.
- b) 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.
- c) 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.
- d) That the owner be advised that any new or altered entrance to the site will require an entrance permit from the Engineering Division.
- e) 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.

8. Site Servicing Plan

The owner/applicant is to complete a Site Servicing Plan for the new lot, which shall be approved by Utilities Kingston, prior to the issuance of the consent certificate.

9. Stormwater Review

Prior to final approval the applicant shall provide a lot grading and drainage plan, prepared by a qualified professional, to the satisfaction of the Engineering Services Department demonstrating no negative affects to the neighbouring or subject lands, including both the severed and retained parcels.

10. Civic Address

The owner/applicant shall contact the Planning Service 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.

Lost

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

That consent application, File Number D10-047-2019, to sever a new lot, 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 year 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 be provided in a PDF and AutoCAD Windows readable format on a compact disc (CD), USB memory stick or by email, illustrating the severed parcel be prepared and 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. Standard Archaeological Condition

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.

5. Cash-In-Lieu of Parkland

That \$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.

6. Demolition Permit

The owner/applicant shall obtain a Demolition Permit through the Building Division for the removal of the accessory buildings located on the severed lot. The owner/applicant shall provide the Secretary-Treasurer, Committee of Adjustment, a copy of the Demolition Permit and confirmation that the accessory buildings have been removed prior to the issuance of the Certificate of Official.

7. 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 the recommendations from the Heritage Impact Statement prepared by André Scheinman, dated January 27, 2020 and its proposed conditions be included in the Development Agreement.
 - b) 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.
 - c) 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.
 - d) That the owner be advised that any new or altered entrance to the site will require an entrance permit from the Engineering Division.
 - e) 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.
- 8. Site Servicing Plan**
The owner/applicant is to complete a Site Servicing Plan for the new lot, which shall be approved by Utilities Kingston, prior to the issuance of the consent certificate.
- 9. Stormwater Review**
Prior to final approval the applicant shall provide a lot grading and drainage plan, prepared by a qualified professional, to the satisfaction of the Engineering Services Department demonstrating no negative affects to the neighbouring or subject lands, including both the severed and retained parcels.
- 10. Civic Address**
The owner/applicant shall contact the Planning Service 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.

Carried

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

That the recommendation of Mr. Sinha and Mr. Tekenos-Levy regarding File Numbers D10-046-2019 and D10-047-2019 be reconsidered in order for the Committee to vote on the respective consent applications seperately.

Carried

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

That consent applications, File Numbers D10-046-2019 and D10-047-2019, to sever two new lots, 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 year 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 be provided in a PDF and AutoCAD Windows readable format on a compact disc (CD), USB memory stick or by email, illustrating the severed parcel be prepared and 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. Standard Archaeological Condition

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.

5. Cash-In-Lieu of Parkland

That \$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.

6. Demolition Permit

The owner/applicant shall obtain a Demolition Permit through the Building Division for the removal of the accessory buildings located on the severed lot. The owner/applicant shall provide the Secretary-Treasurer, Committee of Adjustment, a copy of the Demolition Permit and confirmation that the accessory buildings have been removed prior to the issuance of the Certificate of Official.

7. 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 the recommendations from the Heritage Impact Statement prepared by André Scheinman, dated January 27, 2020 and its proposed conditions be included in the Development Agreement.
- b) 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.
- c) 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.

- d) That the owner be advised that any new or altered entrance to the site will require an entrance permit from the Engineering Division.
- e) 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.

8. Site Servicing Plan

The owner/applicant is to complete a Site Servicing Plan for the new lot, which shall be approved by Utilities Kingston, prior to the issuance of the consent certificate.

9. Stormwater Review

Prior to final approval the applicant shall provide a lot grading and drainage plan, prepared by a qualified professional, to the satisfaction of the Engineering Services Department demonstrating no negative affects to the neighbouring or subject lands, including both the severed and retained parcels.

10. Civic Address

The owner/applicant shall contact the Planning Service 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.

**Lost
(See Motion to Reconsider which Carried)**

Following voting on the file number D10-046-2019 the Committee recessed in order to provide the rationale for the refusal of the application.

Mr. Babin referenced page 11 of the Report and stated that he feels that the statement regarding spacious grounds is conflicting. He noted that it is apparent that the spacious grounds are important.

Mr. Babin referenced page 8 of the Report, "Item B" and stated that he does not agree that the resulting lot fabric would be compatible with the adjacent lot fabrics.

Mr. Skebo stated that the application does not preserve or respect the heritage designation of the property.

Mr. Tekenos-Levy stated that he would like to see proactive preservation of the tree line. He commented that he does not believe that the application is suitable for the community as a whole. He stated that he is supportive of the previous comments regarding heritage preservation.

Mr. Cinnani noted that he is in agreement with Mr. Babin's concerns regarding the preservation of heritage. He expressed concern regarding traffic and tree preservation. He commented that the application is too large for a small complicated space.

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.

New Business

- a) **Application for: Consent**
File Number: D10-048-2019
Address: 3028 Princess Street and 950-956 Woodhaven Drive
Owner: Vishal Valsadia & 2676628 Ontario Inc.
Applicant: Fotenn Consultants Inc. (Youko Leclerc-Desjardins)

Report COA-20-021 was attached to the agenda.

The purpose and effect of the application is to transfer approximately 2948 square metres of land from 3028 Princess St to 950 Woodhaven Dr. The frontage will not be changed and no new lots will be created. No development is proposed as part of this application.

Mr. Leclerc-Desjardins, Agent was present.

In response to a question from Mr. Babin, the agent provided additional clarification regarding the "D" zoning.

Mr. Sinha questioned if 3036 Princess Street is owned by the applicant. The agent responded that 3036 Princess Street is not owned by the applicant.

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. Sinha

That consent application, File Number D10-048-2019, to convey a portion of 3028 Princess Street to 950-956 Woodhaven Drive, 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. However, in accordance with Ontario Regulation 149/20 (Special Rules Relating to Declared Emergency) made under the *Planning Act*, the period of the COVID-19 emergency is not included for the purposes of calculating the above-noted timeframe. 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 year 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 be provided in a PDF and AutoCAD Windows readable format on a compact disc (CD), USB memory stick or by email, illustrating the severed parcel be prepared and 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. Theowner/applicant must pay any outstanding realty taxes and all local improvement charges levied against the property.

4. Standard Archaeological Condition

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 Division (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 Division (613-546-4291, extension 3180) must be immediately contacted.

5. Lot Addition

That the lands herein conveyed shall be consolidated with the adjacent lands owned by 2676628 Ontario Inc. and described as 950-966 Woodhaven Drive and any subsequent conveyance or transaction of the said lands shall be subject to the part lot control provisions of Subsection (3) or (5) of Section 50 of the Planning Act, R.S.O. 1990 as amended. Failure to consolidate the subject lands shall render this consent null and void.

6. Demolition Permit

The owner/applicant shall obtain a Demolition Permit through the Building Division for the removal of all structures and buildings located on 3028 Princess Street (both transferred and retained portions). This includes three (3) temporary fabric shelters, the metal clad garage, and the single-family dwelling as shown on the severance sketch. 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 prior to the issuance of the Certificate of Official.

7. Access

The owner/applicant shall insure, to the satisfaction of the Engineering Department, that the access to the severed parcel from the retained parcel is removed in order to ensure that the parcel can only be accessed from the lands it is being added to prior to 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 provide and for Utilities Kingston to approve a Sketch showing all existing (and proposed) services and the mains they connect to, and existing buildings and all proposed and existing property lines.

9. KFL&A Public Health Unit

The owner/applicant shall ensure, to the satisfaction of the KFL&A Public Health Unit, 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 KFL&A prior to the issuance of the Certificate of Official.

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) Application for: Consent for Easements**
File Number: D10-011-2020
Address: 847 Development Drive
Owner: Ivey Lea Kitchens Supplies
Applicant: Nathan Richard

Report COA-20-035 was attached to the agenda.

The purpose and effect of the application is to create a right-of-way to the abutting property to allow access to parking areas and an easement to control the flow of storm water. 847 Development Drive is being developed with a 158-unit apartment building and 809 Development Drive is being developed with a 18-unit stacked town house. The right-of-way will allow the two properties to share a single entrance located on 847 Development Drive. The the easement will allow the storm water drainage plans of both properties are to be coordinated.

Mr. Touw, Agent was present.

Mr. Touw provided the Committee with a summary of the drawings.

In response to a question from Mr. Tekenos-Levy, Mr. Touw provided additional clarification regarding the entrance in relation to the neighbouring property.

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. Tekenos-Levy

That consent application, File Number D11-011-2020, to create a right-of-way for access to a parking area and an easement for storm water drainage, 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. However, in accordance with Ontario Regulation 149/20 (Special Rules Relating to Declared Emergency) made under the *Planning Act*, the period of the COVID-19 emergency is not included for the purposes of calculating the above-noted timeframe. 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 year 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.

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.

Carried

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

- c) Application for: Minor Variance**
File Number: D13-019-2020
Address: 87 Cataraqui Street
Owners: Ian McIntyre & Sarah Tsiang
Applicant: Mac Gervan

Report COA-20-036 was attached to the agenda.

The purpose and effect of the application is to permit a reduction in minimum aggregate side yard width and to permit an increase to the maximum permitted building depth to facilitate a replacement rear yard addition with approximately 11.8 square metres of additional lot coverage.

Mr. Gervan, Agent, Mr. McIntyre and Ms. Tsiang, Owners 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. Sinha

That minor variance application, File Number D13-019-2020, for the property located at 87 Cataraqui 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.

- d) Application for: Minor Variance**
File Number: D13-017-2020
Address: 826 Old Colony Road
Owner: Lauren Christie
Applicant: Lauren Christie

Report COA-20-037 was attached to the agenda.

The purpose and effect of the application is to permit a reduction in minimum setback to the southern interior lot line to facilitate the construction of a 232.5 square feet basement staircase.

Ms. Christie, Owner 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. Tekenos-Levy

That minor variance application, File Number D13-017-2020, for the property located at 826 Old Colony Road 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) Application for: Minor Variance**
File Number: D13-018-2020
Address: 35-39 Montreal Street
Owner: Zlatko Banic
Applicant: Jennifer Wood, Fotenn Consultants Inc.

Report COA-20-039 was attached to the agenda.

The purpose and effect of the application is to allow an additional residential unit within the existing three-storey mixed commercial/ residential structure without providing a parking space or providing amenity area. The application would increase the total residential units within the existing structure from ten (10) to eleven (11).

Ms. Wood, Agent was present.

In response to a question from Mr. Babin, Ms. Wood provided the Committee with information regarding the proposed renovations associated with the unit.

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 D13-018-2020, for the property located at 35-39 Montreal Street to increased maximum permitted density, reduce the parking requirement and reduce the amenity space requirement in order to permit an additional residential unit within the existing mixed commercial/residential structure, 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. Tekenos-Levy
Seconded by Mr. Sinha

That the minutes of Committee of Adjustment Meeting Number 2020-05, held May 11 2020, be approved.

Carried

Date of Next Meeting

The next meeting of the Committee of Adjustment is scheduled for Monday July 20, 2020.

Adjournment

Moved by Mr. Babin
Seconded by Mr. Cinanni

That the meeting of the Committee of Adjustment adjourns at 7:34 p.m.

Carried