



**City of Kingston
Committee of Adjustment
Meeting Number 2020-09
Minutes
Monday September 21, 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

Blaine Fudge

Staff Present

Elizabeth Fawcett, Committee Clerk
Tim Fisher, Planner
Tim Park, Manager, Development Approvals
Jason Partridge, Planner
Phillip Prell, Planner
Lindsay Sthamann, Secretary-Treasurer
James Thompson, Committee Clerk

Meeting to Order

Mr. Skebo, Chair, called the meeting to order at 5:30 p.m.

Approval of Agenda

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

That the agenda be amended to include the addendum, and as amended, be approved.

Carried

Confirmation of Minutes

Moved by Mr. Tekenos-Levy

Seconded by Mr. Sinha

That the Minutes of Committee of Adjustment Meeting Number 2020-08, held August 24, 2020 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) **Application for: Minor Variance**
File Number: D13-015-2020
Address: 50 Patrick Street
Owner: Heather Cirella
Applicant: David and Katherine Wieser

Ms. Sthamann introduced the application.

Mr. Partridge conducted a PowerPoint presentation regarding 50 Patrick Street. A copy of the PowerPoint presentation is available in the City Clerk's Department.

Mr. Touw, Agent and Ms. Cirella, Owner were present.

The agent indicated that they did not have further comments regarding the application.

Mr. Cinanni questioned whether the application was submitted to address a legal, non-conforming structure. Mr. Partridge responded that the application is seeking permission to construct a new deck. He stated that the new deck must conform to the Zoning By-Law.

In response to a question from Mr. Tekenos-Levy, Mr. Partridge responded that staff has not received correspondence related to the application.

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

Members of the public did not provide comment.

Moved by Mr. Sinha

Seconded by Mr. Tekenos-Levy

That minor variance application, File Number D13-015-2020, for the property located at 50 Patrick Street seeking relief from the front yard, interior yard and dormer setbacks, in order to permit the construction of a porch and second and third floor balconies/deck with a lot coverage of 10.38 square metre and a 62.71 square metre third story addition, be approved; and

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-20-034.

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: Minor Variance**
File Number: D13-036-2020
Address: 266 Rideau Street
Owner/Applicant: Christopher Omelon

Ms. Sthamann introduced the application.

Mr. Fisher conducted a PowerPoint presentation regarding 266 Rideau Street. A copy of the PowerPoint presentation is available in the City Clerk's Department.

Ms. Hughes, Agent and Mr. Omelon, Owner were present.

The owner indicated that they did not have further comments regarding the application.

Mr. Tekenos-Levy sought further explanation regarding the trigger for numerous minor variances to require a zoning by-law amendment. Mr. Fisher responded that staff make the determination based on the proposed type of development. He explained that the scope of the application is reviewed in relation to the Official Plan and zoning by-law. The Chair afforded members of the public with an opportunity to provide comment.

Members of the public did not provide comment.

In response to a question from Mr. Tekenos-Levy, Mr. Fisher responded that staff has not receive correspondence related to the application.

Moved by Mr. Sinha
Seconded by Mr. Cinanni

That minor variance application, File Number D13-036-2020, for the property located at 266 Rideau Street to reduce the minimum front yard and exterior side yard setbacks in order to building on the existing building footprint to construct the new roof and knee walls and variances to reduce the projections into yards setback, reduce the minimum landscape open space requirements and increase the maximum percentage lot coverage requirement to permit the widening of the covered porch, be Approved; and

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-20-047.

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: D13-034-2020
Address: 272 Mowat Avenue
Owner/Applicant: Sarah Moore and Saneel Vasram

Ms. Sthamann introduced the application.

Mr. Fisher conducted a PowerPoint presentation regarding 272 Mowat Avenue. A copy of the PowerPoint presentation is available in the City Clerk's Department.

Mr. Vasram, Owner was present.

The owner indicated that they did not have further comments regarding the application.

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

Members of the public did not provide comment.

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

That minor variance application, File Number D13-034-2020, for the property located at 272 Mowat Avenue to reduce the minimum aggregate side yard requirement to reconstruct the two car attached garage and construct an approximate 57 square metre addition, be approved; and

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-20-048.

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) File Number: D13-032-2020**
Address: 2701 Patterson Road
Owners: Leonard & Katherine Winsor
Applicant: Leonard Winsor

Ms. Sthamann introduced the application.

Mr. Prell conducted a PowerPoint presentation regarding 2701 Patterson Road. A copy of the PowerPoint presentation is available in the City Clerk's Department.

The owner/applicant was not present.

Mr. Tekenos-Levy sought confirmation that the intent is to remove the existing structure and build a new garage. Mr. Prell provided clarification regarding slide six of the PowerPoint presentation regarding additional considerations. He noted that the existing structure on the site does not impact the application before the Committee.

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

Members of the public did not provide comment.

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

That minor variance application, File Number D13-032-2020, to increase the maximum permitted height of a detached garage for the property located at 2701 Patterson Road, be approved; and

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-20-049.

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) File Number: D13-038-2020**
Address: 800 Riverview Way
Owners: Cynthia Louise Cameron & Robert Miller
Applicant: Emma Stucke (IBI Group Incorporated)

Ms. Sthamann introduced the application.

Mr. Prell conducted a PowerPoint presentation regarding 800 Riverview Way. A copy of the PowerPoint presentation is available in the City Clerk's Department.

Mr. Touw, Agent and Mr. Miller, Owner were present.

The agent indicated that they did not have further comments regarding the application.

Mr. Tekenos-Levy questioned if it is appropriate to consider doubling the size of the deck as a minor variance. Mr. Prell spoke to slide four of the PowerPoint presentation and provided additional clarification regarding the site survey. He provided the Committee with additional information regarding Block 71 and Block 72. He spoke to the Utilities Kingston setback located on Block 71. He indicated that Block 72 includes a watercourse setback. Mr. Park provided additional information regarding the application before the Committee in relation to the quarry which abuts the site in question.

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

Members of the public did not provide comment.

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

That minor variance application, File Number D13-038-2020, to permit an increase in the maximum area of an unenclosed deck for the property located at 800 Riverview Way be approved; and

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-20-050.

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) **File Number: D13-035-2020**
Address: 444 Victoria Street
Owner: Anushiya Jeyalingam
Applicant: Heather Cirella – HMD Drafting and Design

Ms. Sthamann introduced the application.

Ms. Sthamann conducted a PowerPoint presentation regarding 444 Victoria Street. A copy of the PowerPoint presentation is available in the City Clerk's Department.

Mr. Touw, Agent and Ms. Cirella, Applicant were present.

The agent indicated that they did not have further comments regarding the application.

Mr. Cinanni commented that the application is proposing several bedrooms for a small space and sought further information regarding the purpose of the bedrooms. Mr. Touw responded that the bedrooms are intended to provide rental housing. He spoke to the proposed design in relation to existing buildings in the neighborhood.

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

Members of the public did not provide comment.

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

That minor variance application, File Number D13-035-2020, for the property located at 444 Victoria Street to construct an addition for a second residential unit, be approved; and

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-20-051.

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.

- g) File Number: D13-029-2020**
Address: 390 Montreal Street
Owner: Andrew Embury
Applicant: Kim Cormier

Ms. Sthamann introduced the application.

Mr. Partridge conducted a PowerPoint presentation regarding 390 Montreal Street. A copy of the PowerPoint presentation is available in the City Clerk's Department.

Mr. Park advised the Committee that consideration is being given to Report Number COA-20-054 which was included in the addendum.

Mr. Embury, Owner and Ms. Cormier, Applicant were present.

The owner indicated that they did not have further comments regarding the application.

Mr. Tekenos-Levy referenced Variance Number 2 and asked sought further information regarding its appropriateness. Mr. Partridge responded that the application will not adversely impact neighboring properties. He commented that there is a parking lot adjacent to the property and as such there will not be an intrusive overlook. He stated that the property is located with "A" zoning. He noted that the houses on the street are situated at the same front yard setback. He indicated that the proposal would not produce sight lines into a bedroom located on another property.

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

Members of the public did not provide comment.

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

That minor variance application, File Number D13-029-2020, for the property located at 390 Montreal Street seeking relief from the front yard setback, in order to permit the construction of 10.53 square metre two-story balcony/deck, be approved; and

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-20-054.

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.

Date of Next Meeting

The next meeting of the Committee of Adjustment is scheduled for October 19, 2020.

Adjournment

Moved by Mr. Sinha
Seconded by Mr. Cinanni

That the meeting of the Committee of Adjustment adjourns at 6:38 p.m.

Carried