



**City of Kingston
Committee of Adjustment
Meeting Number 04-2022
Unconfirmed Minutes**

**Monday, March 21, 2022 at 5:30 p.m.
In a virtual, electronic format**

Committee Members Present

Peter Skebo, Chair

Paul Babin

Vincent Cinanni

Blaine Fudge (arrived to meeting at 5:38 p.m.)

Greg Lightfoot

Somnath Sinha

Jordan Tekenos-Levy (arrived to meeting at 5:36 p.m.)

Regrets

None

Staff Members Present

James Bar, Manager, Development Approvals

Tim Fisher, Planner

Julia McCaugherty-Jansman, Committee Clerk

Derek Ochej, Committee Clerk

Riccardo Peggi, Planner

Meghan Robidoux, Intermediate Planner

Lindsay Sthamann, Intermediate Planner & Secretary-Treasurer

Niki Van Vugt, Planner

Others Present

Members of the public were present.

Introduction by the Chair

The Chair reviewed the order of proceedings for the meeting and informed the public that any individuals with a personal interest in an application can receive written notice of a decision by emailing a request to the Secretary-Treasurer including their name, address, and the file number of the application.

Meeting to Order

The Chair called the meeting to order at 5:33 p.m.

Approval of the Agenda

Moved by Mr. Babin

Seconded by Mr. Cinanni

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

Carried

Confirmation of Minutes

Moved by Mr. Babin

Seconded by Mr. Sinha

That the minutes of Committee of Adjustment Meeting Number 03-2022 held on Monday, February 14, 2022 be approved.

Carried

Disclosure of Pecuniary Interest

Mr. Skebo declared a pecuniary interest with respect to Business Item 8 a) – Application for Permission & Minor Variance – 275 Helen Street as he has a business relationship with the agent for the application.

Mr. Cinanni declared a pecuniary interest with respect to Business Item 8 c) – Application for Minor Variance – 7 Colborne Street as the applicant is a client of his employer.

Mr. Tekenos-Levy declared a pecuniary interest with respect to Business Item 8 c) – Application for Minor Variance – 7 Colborne Street as he has a relationship with the applicant.

Delegations

There were none.

Request for Deferral

There were none.

Returning Deferral Items

There were none.

Business

a) Application for: Permission and Minor Variance

File Number: D13-006-2022

Address: 275 Helen Street

Owner: 318275YH INC

Applicant: The Boulevard Group

Mr. Skebo left the meeting due to his pecuniary interest. Mr. Cinanni assumed the role of Chair.

Ms. Sthamann introduced the application.

Mr. Tekenos-Levy arrived to the meeting at 5:36 p.m.

Ms. Robidoux conducted a PowerPoint presentation regarding Application for Permission and Minor Variance – 275 Helen Street. A copy of the presentation is available upon request through the City Clerk's Department.

Mr. Fudge arrived to the meeting at 5:38 p.m.

Alex Adams, Applicant, was in attendance. He advised the Committee that no expansion of the building was proposed and that the unit would convert existing space currently used for storage. Mr. Adams spoke to the wording for conditions 5 & 6, stating that as currently structured the parking and bicycle storage works would need to be

completed in advance of receiving a building permit. He requested that the Committee amend the conditions so that all works would be able to occur simultaneously.

Mr. Babin inquired about the parking study for the application. Ms. Robidoux responded that through the pre-application process it was determined that a parking study was not required. She provided information regarding the existing parking conditions, adding that the need for permission was identified to allow for expansion of the front yard parking area to resolve an existing encroachment on the municipal right of way.

Mr. Cinanni sought a staff response to the applicant's comments regarding the conditions for the application. Ms. Robidoux responded that due to the building code, the Building Department could not delay granting occupancy for items that are not related to the building code. She further explained that the reason for requiring the completion of bicycle parking and expansion of the parking area in order to receive a building permit was to ensure that enforcement of the conditions was possible. Ms. Robidoux added that the applicant could begin the process for obtaining a building permit at the same time as the other works.

Mr. Lightfoot sought staff feedback regarding the public comments in the addendum regarding the proposed interior layout. Ms. Robidoux responded that the applicant had submitted interior floor plans of the existing building as well as the proposed layout for the new unit. She added that staff do not typically view the interior of a building as part of the application process. Ms. Robidoux advised that the submitted floor plans were sufficient for evaluating the functioning of the unit.

Mr. Adams added that the layout had been designed by an architect with the goal of bringing the laundry area into compliance with the building code. He further stated that the new unit will be subject to a building inspection.

Mr. Cinanni inquired if the conditions for the application were required as presented in the report. Ms. Robidoux confirmed that staff was of the opinion that the conditions as presented provide the best security.

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

Anne Ginn, 275 Helen Street, inquired if there would be any changes to the parking arrangement for current tenants. She asked if the current storage shed would be replaced by the proposed bicycle parking. Ms. Ginn spoke to the previous history of the building and inquired if any attempts had been made in the past to add a unit in the basement.

Karys Peterson-Katz, 275 Helen Street Unit 2, spoke to the floor plan changes to accommodate the new laundry room and the current conditions of the unit as opposed to the application. She inquired if tenants would be able to keep their current parking spaces as detailed in their lease. Ms. Peterson-Katz expressed concern that construction noise would impact the reasonable enjoyment of her unit.

Max Edgington, 275 Helen Street Unit 2, expressed concern with a potential break of the covenant of quiet enjoyment due to the renovation and the location of the proposed unit. He expressed opposition to the need for bicycle storage. Mr. Edgington stated that he was advised by the property owner that eight parking spaces existed for the building, not the five spaces that were presented in the meeting.

In response to the public comments, Ms. Robidoux stated that the five existing parking spaces will be maintained and that the assignment of spaces to tenants not a land use planning issue. Referencing slide 4 in her presentation she advised that the existing shed would be maintained. Ms. Robidoux stated that she was unaware of any previous applications pertaining to the creation of an additional basement unit. Regarding construction impacts, she stated that they were not a land use planning issue and that regulations exist pertaining to safety and noise. Ms. Robidoux advised that a laundry space is not regulated by the zoning by-law.

Mr. Adams advised that the parking arrangements for tenants would not be altered, and that additional parking is not being added. He confirmed that the existing shed would be maintained and that the floor plan in the planner presentation was for the proposal and not what currently exists. Mr. Adams stated that the laundry room would be enclosed to mitigate noise and provide clear and safe access from a fire safety perspective.

Moved by Mr. Babin

Seconded by Mr. Fudge

That permission application, File Number D13-006-2022, for the property located at 275 Helen Street to facilitate the expansion of the front yard parking area, be approved; and

That minor variance application, File Number D13-006-2022, to reduce the parking ratio for the new unit located at 275 Helen Street, be approved; and

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-22-032.

Carried

b) Application for: Minor Variance

File Number: D13-010-2022

Address: 331 Union Street

Owner: Susanne Naoum & Mykola Khokhotva

Applicant: Mustafa Al-jarah (Laframboise Construction)

Mr. Skebo returned to the meeting and resumed the role of Chair.

Ms. Sthamann introduced the application.

Ms. Van Vugt conducted a PowerPoint presentation regarding Application for Minor Variance – 331 Union Street. A copy of the presentation is available upon request through the City Clerk's Department.

Keith Jamieson, Agent, and Susanne Naoum, Owner, were present at the meeting.

There were no questions from members of the Committee.

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

There were no comments from members of the public.

Moved by Mr. Lightfoot

Seconded by Mr. Sinha

That minor variance application, File Number D13-010-2022, for the property located at 331 Union Street to legalize the existing side yard width in order to permit the construction of a two-storey addition on the single-family dwelling containing four (4) bedrooms, be approved; and

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-22-034.

Carried

c) Application for: Minor Variance

File Number: D13-002-2022

Address: 7 Colborne Street

Owner: BPE Development Inc

Applicant: Brad Vanderhaar, BPE Development Inc.

Mr. Cinanni and Mr. Tekenos-Levy left the meeting due to their pecuniary interest.

Ms. Sthamann introduced the application.

Mr. Fisher conducted a PowerPoint presentation regarding Application for Minor Variance – 7 Colborne Street. A copy of the presentation is available upon request through the City Clerk's Department.

Ben Pilon, Owner/Applicant, was in attendance. He provided reasons as to why a new fire escape was required and referenced pictures of the existing fire escape, copies of which may be obtained upon request from the City Clerk's Department. Mr. Pilon stated that under the current by-law a 30-metre elevated deck would be permissible for the property, adding that the goal of the application was to meet safe egress requirements. He advised that there are requirements as to what can be stored on a fire escape. Regarding noise issues, he stated that they can be enforced through the noise by-law.

There were no questions from members of the Committee.

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

Sam Laffin, 17 Colborne Street, expressed concerns with the depth of the proposed fire escape. He stated that in the report the structure is presented as being 1.2 metres wide, and that the proposed structure is 1.8 metres wide over the majority of its length. Mr. Laffin advised that staff had confirmed the minimum required width for a fire escape is 0.9 metres, adding that the existing structure satisfies the safety requirements for the units. He stated that the proposed width of the space becomes a social space that can occupy the additional width beyond the legislated requirements. Mr. Laffin stated that what is being proposed is a balcony and that it may affect the reasonable enjoyment for neighbouring properties. He requested that the application not be approved.

David McDonald, 15 Colborne Street, stated that he was not opposed to the creation of a fire escape or renovation of the property. He stated that the current fire escape is larger than permitted based on aggregate side yard, and asked why a larger fire escape, with an extension of 45 feet, is required. Mr. McDonald stated that the

application is effectively creating a balcony that is six feet in width in certain places. He stated that past tenants have used the fire escape as a balcony. Mr. McDonald estimated that 30 nearby homes would be affected by the noise generated from the property, adding that several trees had been removed that previously had a noise dampening effect.

Lorraine Seguin, 11 Colborne Steet, stated that she had not noticed a noise issue from the property until recently. She expressed concern that garbage and recycling will be stored on the fire escape and attract rodents. Ms. Seguin stated that the proposed size makes the structure a deck and not a fire escape. She expressed concerns with privacy for neighbouring properties.

Tony Chiverton, 9 Colborne Street, stated that the current structure is much smaller and the increase in square footage creates more potential for tenants to use the structure as amenity space. He expressed concerns that the proposed structure would decrease access on the right of way used by neighbouring properties to access their backyards. Mr. Chiverton expressed privacy concerns as his backyard is next to the right of way, advising that there have been noise issues in the past.

In response to the public comments Mr. Fisher advised that proposed fire escape would project an additional two feet into the right of way. He added that the height of the current structure and the proposed structure are both 2.39 metres.

Mr. Fudge sought clarity on the minimum width required for a fire escape. Mr. Fisher responded that the minimum width as measured from the wall of the structure to the inside railing is 0.9 metres.

Mr. Pilon advised that a requirement for the fire escape is navigation around the stair width, which is 0.9 metres, necessitating a total width of 1.8 metres.

Mr. Fudge expressed concern that the proposed fire escape would be used as a balcony. He inquired if anything could be done to alleviate public concerns in this regard. Mr. Pilon spoke to zoning provisions that allow the building of a 30-metre square elevated deck. He added that there is a requirement to ensure that the fire escape is not impeded by material.

Mr. Lightfoot asked what material would be used in the construction of the fire escape. Mr. Pilon advised that the fire escape would be constructed of steel.

Mr. Pilon stated that the variance required by the application was for aggregate side yard and not side yard set back. Regarding creating more amenity space via a fire

escape, he stated that if he wished to create more amenity space, he would build a legal elevated deck. Mr. Pilon stated the focus of the application was to move the staircase to allow for safe egress.

Mr. Babin inquired if a deck can also be used as a fire escape under the Building Code. Mr. Fisher stated that a deck could be used as a means of egress. He stated that he was unsure if a deck could be used as a fire escape, adding that that would be determined through the Building Code.

Mr. Sinha stated that there had been strong pushback to the application from surrounding property owners. He further stated that it appears what is proposed is a fire escape but that it may be used as a deck, leading to a loss of privacy.

Mr. Lightfoot stated that any amenity space can attract a variety of tenants to live in a building.

Mr. Skebo stated that from his personal experience renovating a building will attract a higher calibre of tenant.

Moved by Mr. Lightfoot

Seconded by Mr. Babin

That minor variance application, File Number D13-002-2022, for the property located at 7 Colborne Street to reduce the minimum aggregate side yard setback for a deck 1.2 metres above finished grade in order to construct a new 1.2-metre-wide fire escape along the western wall of the multiple family dwelling at a height of 2.39 metres from finished grade to the bottom of the structure, be approved; and

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-22-033.

Lost

Note: the following motion was passed following the consideration of Business Item 8 d)

Moved by Mr. Babin

Seconded by Mr. Sinha

That Application for Minor Variance - 7 Colborne Street be denied due to the following land use planning rationale:

- The proposed doubling of the width of the existing legally conforming fire escape does not conform to Section 2.7.3 of the Official Plan as it creates a deck area that will have a negative impact on the streetscape and the character of the neighbourhood and create an adverse effect on neighbouring properties.

Carried

d) Application for: Minor Variance and Permission

File Number: D13-058-2021

Address: 64 John Street

Owner: Marc Epprecht and Allison Goebel

Applicant: Mason Costa, OnPoint Drafting & Survey

Mr. Cinanni and Mr. Tekenos-Levy returned to the meeting.

Ms. Sthamann introduced the application.

Mr. Peggi conducted a PowerPoint presentation regarding Application for Minor Variance and Permission – 64 John Street. A copy of the presentation is available upon request through the City Clerk's Department.

Mason Costa, Applicant, and Allison Goebel, Owner, were in attendance.

There were no questions from members of the Committee.

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

There were no comments from members of the public.

Mr. Fudge inquired as to why the term mud room was being used to describe the addition proposed in the application. Mr. Costa provided the Committee with details regarding the planned usage of the existing room and the addition proposed in the application.

Mr. Fudge sought further details regarding Variance Number 1. Mr. Bar clarified that there is an existing covered porch, and the request is for an extension of that porch.

Moved by Mr. Babin

Seconded by Mr. Lightfoot

That the application for permission, File Number D13-058-2021, for the property located at 64 John Street to expand an existing legal non-conforming dwelling, be approved;

That minor variance application, File Number D13-058-2021, for the property located at 64 John Street to reduce the front yard set back for a projection, exceed the maximum permitted floor space index, increase the lot coverage, and increase the residential building depth, be approved; and

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-22-029.

Carried

Motions

There were none.

Notices of Motion

There were none.

Other Business

There was none.

Correspondence

See agenda and addendum

Date and time of Next Meeting

The next meeting of the Committee of Adjustment meeting is scheduled on Monday, April 11, 2022 at 5:30 p.m.

Adjournment

Moved by Mr. Sinha

Seconded by Mr. Fudge

That the meeting of the Committee of Adjustment adjourns at 7:22 p.m.

Carried