



**City of Kingston
Committee of Adjustment
Meeting Number 11-2022
Minutes**

**Monday, October 17, 2022 at 5:30 p.m.
Hosted at City Hall in Council Chamber**

Committee Members Present

Peter Skebo; Chair
Vincent Cinanni
Greg Lightfoot

Regrets

Paul Babin
Blaine Fudge
Somnath Sinha
Jordan Tekanos-Levy

Staff Members Present

James Bar, Manager, Development Approvals
Annemarie Eusebio, Intermediate Planner
Elizabeth Fawcett, Committee Clerk
Tim Fisher, Senior Planner
Jason Partridge, Planner
Riccardo Peggi, Planner
Meghan Robidoux, Supervisor, Development Approvals
Iain Sullivan, Committee Clerk
Lindsay Sthamann, Intermediate Planner & Secretary Treasurer

Others Present

Members of the Public were present

This is not a verbatim report.

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 5:36 p.m.

Approval of the Agenda

Moved by Mr. Lightfoot

Seconded by Mr. Cinanni

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

Carried

Confirmation of Minutes

Moved by Mr. Lightfoot

Seconded by Mr. Cinanni

That the minutes of Committee of Adjustment Meeting Number 10-2022, held on Monday, September 19, 2022, be approved.

Carried

Disclosure of Pecuniary Interest

There were none.

Delegations

There were none.

Briefings

There were none.

Request for Deferral

There were none

Returning Deferred Items

Note: Business Item 8 f) was considered before Deferred Item 7 a)

a) Application for: Minor Variance

File Number: D13-043-2022

Address: 880 Stephentown Lane

Owner: Steve Carquez and Robyn Woodford-Carquez

Applicant: Steve Carquez

See Business Item 8 f) for Committee comments and discussion.

Moved by Mr. Cinanni

Seconded by Mr. Lightfoot

That minor variance application, File Number D13-043-2022, for the property located at 880 Stephentown Lane to construct a 139.4 square metre front yard accessory building, be approved, as described below:

Variance 1:

By-Law Number 32-74: Section 8 (3) (j) (5)

- Requirement: 200 square metres
- Proposed: 311.1 square metres
- Variance Requested: 111.1 square metres

Variance 2:

By-Law Number 2022-62: Section 20.1.1, Legacy Exceptions Subsection L283 (f)

- Requirement: 200 square metres
- Proposed: 311.1 square metres
- Variance Requested: 111.1 square metres

Variance 3:

By-Law Number 2022-62: Section 4.1.2 (1)

- Requirement: Rear yard, Interior yard, and the Exterior yard
- Proposed: Front yard
- Variance Requested: Front yard; and

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions), as amended, to Report Number COA-22-078.

Carried

Business

a) Application for: Minor Variance

File Number: D13-053-2022

Address: 886 Rowantree Crescent

Owner: Ronika and Sohail Umar-Khitab

Applicant: Sohail Umar-Khitab

Ms. Sthamann introduced the application.

Mr. Fisher conducted a PowerPoint presentation regarding the Application for Minor Variance at 886 Rowantree Crescent. A copy of the presentation is available upon request through the City Clerk's Department.

Mr. Umar-Kitab, Owner, provided additional images of the property. He explained why the current proposal has changed since the original submission for a building permit.

Mr. Lightfoot commented on the privacy issues raised by both the applicant and members of the public. Mr. Umar-Kitab agreed with the need for privacy on all sides.

Mr. Cinanni asked for clarification on the status of the deck. He asked why the deck had been started without an application for a minor variance. Mr. Umar-Kitab confirmed that the deck's foundations had been started. He stated that the original engineering plans submitted were within the by-law but subsequently required correction resulting in the need for a variance. Mr. Fisher confirmed the series of events described by the owner. He added that privacy concerns were not part of the variance application.

The Chair afforded members of the public an opportunity to speak.

Lawrence Forrester, 882 Rowantree Crescent, discussed the application and the height of the deck proposed. She noted several privacy concerns and issues with the drawings submitted by the applicant.

In response to the public comments, Mr. Fisher confirmed that staff were aware of these concerns. He stated that any deck built on the property as it stands would be taller than normal.

Mr. Skebo asked for clarification on the issues with the drawings and the four tests referenced by staff in assessing the application. Mr. Fisher confirmed that the issues with the drawings were noticed by the building inspector during construction. He stated that the proposal passed the tests used by staff to determine that the variance requested was minor. Mr. Umar-Kitab stated that the original engineer did not take the height of the land into account.

Mr. Cinanni commented that the privacy concerns were unfortunate. He asked if an additional condition could be added requiring lattice-type fencing. Mr. Bar stated that staff did not see this as a requirement for the variance. Mr. Skebo agreed with staff.

At the request of staff, the Committee amended the variance to correct the measurements of the deck. See Motion to Amend noted below.

There were no additional comments from members of the Committee.

Moved by Mr. Lightfoot

Seconded by Mr. Cinanni

That minor variance application, File Number D13-053-2022, for the property located at 886 Rowantree Crescent to increase the maximum area for a deck which is greater than 1.2 metres in height from finished grade in the Kingston Zoning By-Law Number 2022-62, to construct a 44.6 square metre deck at the rear of the dwelling and a 9.3 square metre deck pan above the basement entrance for a total deck area of 49.9 square metres, be approved, as described below:

Variance 1:

By-Law Number 2022-62: Section 4.20.4.1 Maximum Area of a Deck more than 1.2 metres in Height Above Finished Grade Level

- Requirement: 30 square metres
- Proposed: 49.9 square metres
- Variance Requested: 19.9 square metres

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-22-074.

Carried, as Amended

(See Motion to Amend which Carried)

Moved by Mr. Lightfoot

Seconded by Mr. Cinanni

That the Recommendation in Report COA-22-074 be amended by deleting Clause 1 in its entirety and replacing it with the following:

That minor variance application, File Number D13-053-2022, for the property located at 886 Rowantree Crescent to increase the maximum area for a deck which is greater than 1.2 metres in height from finished grade in the Kingston Zoning By-Law Number 2022-62, to construct a 44.6 square metre deck at the rear of the dwelling and a 9.3 square metre deck pan above the basement entrance for a total deck area of **49.9** square metres, be approved, as described below:

Variance 1:

By-Law Number 2022-62: Section 4.20.4.1 Maximum Area of a Deck more than 1.2 metres in Height Above Finished Grade Level

- Requirement: 30 square metres
- Proposed: **49.9** square metres
- Variance Requested: **19.9** square metres

Carried

b) Application for: Minor Variance

File Number: D13-052-2022

Address: 813 Victoria Street

Owner: James Bridges

Applicant: John Wright, IR Contracts

Ms. Sthamann introduced the application.

Mr. Peggi conducted a PowerPoint presentation regarding the Application for Minor Variance at 813 Victoria Street. A copy of the presentation is available upon request through the City Clerk's Department.

John Wright, Applicant, highlighted that the increase of height was due to a decorative parapet above the garage.

Mr. Skebo asked for confirmation that the parapet was decorative. Mr. Wright confirmed this.

The Chair afforded members of the public an opportunity to speak. There were no comments received from members of the public.

The Committee had no further comments.

Moved by Mr. Lightfoot

Seconded by Mr. Cinanni

That minor variance application, File Number D13-052-2022, for the property located at 813 Victoria Street to replace an existing garage with a new 79.8 square metre accessory building which includes a new garage with a rooftop amenity space, and a personal gym, be approved, as described below:

Variance 1

By-Law Number 2022-62: Section 4.1.2.3 Maximum Height for an Accessory Structure

- Requirement: 4.6 metres
- Proposed: 4.9 metres
- Variance Requested: 0.3 metres

Variance 2

By-Law Number 2022-62: Section 4.1.2.2 Maximum Lot Coverage for Accessory Structures

- Requirement: 10% of lot size, 40.5 square metres
- Proposed: 19.7% of lot size, 79.8 square metres
- Variance Requested: 9.7% of lot size, 39.8 square metres

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-22-068.

Carried

c) Application for: Minor Variance and Consent

File Number: D13-056-2022 and D10-022-2022

Address: 3 Karlee Court

Owner: Pedro Martins

Applicant: Pedro Martins

Ms. Sthamann introduced the application.

Mr. Partridge conducted a PowerPoint presentation regarding the Application for Minor Variance at 3 Karlee Court. A copy of the presentation is available upon request through the City Clerk's Department.

Pedro Martins, Applicant, indicated he had no further information to provide.

Mr. Cinanni referenced an item of communication and sought clarification on the nature of the lot. Mr. Martins confirmed that the lot is private property.

The Chair afforded members of the public an opportunity to speak. There were no comments received from members of the public.

The Committee had no further comments.

Moved by Mr. Lightfoot
Seconded by Mr. Cinanni

That minor variance application, File Number D13-056-2022 for the property located at 3 Karlee Court to reduce the minimum lot frontage, minimum lot area, and minimum side yard setback provisions for a corner lot, be approved, as described below:

Variance 1

By-Law Number 2022-62: Section 20.1.1, Legacy Exceptions Subsection L460 (b) (iii)

- Requirement: 7.5 metres
- Proposed: 6.45 metres
- Variance Requested: 1.05 metres

Variance 2

By-Law Number 2022-62: Section 20.1.1, Legacy Exceptions Subsection L460 (a) – Minimum Lot Area

- Requirement: 230 square metres per dwelling unit
- Proposed: 206.1 square metres
- Variance Requested: 23.9 square metres

Variance 3

By-Law Number 2022-62: Section 20.1.1, Legacy Exceptions Subsection L460 (f) (vi) Minimum Side Yard (Corner lot)

- Requirement: 7.5 metres
- Proposed: 6.0 metres
- Variance Requested: 1.5 metres

That approval of the Minor Variance be subject to the conditions attached as Exhibit A (Recommended Conditions – Minor Variance) to Report Number COA-22-072; and,

That consent application, File Number D10-022-2022, to sever a lot with 206.1 square metres of land with 6.45 metres of lot frontage on Karlee Court, be **provisionally approved** subject to the conditions included in Exhibit B (Recommended Conditions – Consent) to Report Number COA-22-072.

Carried

d) Application for: Minor Variance

File Number: D13-054-2022

Address: 2 Rudd Avenue

Owner: Christopher Lutes and Jessica Brooks

Applicant: Christopher Lutes and Jessica Brooks

Ms. Sthamann introduced the application.

Ms. Eusebio conducted a PowerPoint presentation regarding the Application for Minor Variance at 2 Rudd Avenue. A copy of the presentation is available upon request through the City Clerk's Department.

Jessica Brooks, Owner, indicated she had no further information to provide.

The Chair afforded members of the public an opportunity to speak. There were no comments received from members of the public.

The Committee did not provide comment.

Moved by Mr. Lightfoot

Seconded by Mr. Cinanni

That minor variance application, File Number D13-054-2022, for the property located at 2 Rudd Avenue to construct an attached garage onto the existing single-family dwelling, be approved, as described below:

Variance 1

By-Law Number 2022-62: Table 8.4.1, Zoning Provision 5 Minimum Rear Setback

- Requirement: 7.5 metres
- Proposed: 3.77 metres
- Variance Requested: 3.73 metres

Variance 2

By-Law Number 2022-62: Table 8.4.1, Zoning Provision 6 Minimum Exterior Setback

- Requirement: 6.1 metres
- Proposed: 1.5 metres
- Variance Requested: 4.6 metres

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-22-069.

Carried

e) **Application for: Minor Variance**

File Number: D13-050-2022

Address: 720 Princess Street

Owner: 1880551 Ontario Limited

Applicant: Brennan Property Investments and Fotenn Consultants

Ms. Sthamann introduced the application.

Ms. Robidoux conducted a PowerPoint presentation regarding the Application for Minor Variance at 720 Princess Street. A copy of the presentation is available upon request through the City Clerk's Department.

Youko Leclerc, Agent for the Applicant, indicated he had no further information to provide.

Mr. Lightfoot noted that a similar application appeared before the Committee last month. He asked if the properties were owned by the same individual. He expressed concern about parking on Princess Street.

Mr. Leclerc confirmed that the two properties were not owned by the same individual. He stated that there was a deficiency in the number of off-site parking spaces but that all parking needs can be met on-site. Ms. Robidoux confirmed that all parking needs are being met at present on site. Mr. Bar commented on the Williamsville Plan and that the Committee will be discussing more parking related variances in the future.

The Chair afforded members of the public an opportunity to speak. There were no comments received from members of the public.

The Committee had no further comments.

Moved by Mr. Lightfoot

Seconded by Mr. Cinanni

That minor variance application, File Number D13-050-2022, for the property located at 720 Princess Street to reduce the minimum number of required parking spaces from 0.5 parking spaces per dwelling unit to 0.31 parking spaces per dwelling unit, be approved, as described below:

Variance 1

By-Law Number 2022-62: 20.1.1.L385(f)(i)(1) Required Parking Spaces

- Requirement: Residential: 0.5 parking spaces per dwelling unit
- Proposed: Residential: 0.31 parking spaces per dwelling unit
- Variance Requested: 0.19 parking spaces per dwelling unit

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-22-070.

Carried

f) Subject: Supplementary Report (To COA-22-067)

File Number: D13-043-2022

Address: 880 Stephentown Lane

Owner: Steve Carquez and Robyn Woodford Carquez

Applicant: Steve Carquez

Mr. Bar introduced the supplemental report.

Mr. Carquez, Applicant, provided additional comments. He stated that Heritage Services did not survey the property. He noted that an archeological dig could not be done this late in the year.

Mr. Lightfoot asked the applicant to elaborate on the current issues he faces. Mr. Carquez stated that his offer to show the disturbance on the site was denied. He noted his disagreement with staff's opinion on the assessment.

Mr. Bar confirmed that Planning staff reached out to Heritage Services. He noted that Heritage Services felt that a field visit was not necessary. He stated that the proposed changes in the report were the minimum the City could offer.

Mr. Skebo asked for clarification on the type of assessment staff proposed and its costs. He asked what the scope of the work would be. Mr. Bar confirmed that the condition in the report would be for only the area affected by the construction and provided the rough measurements. He noted the steps in an assessment and its usual costs.

Mr. Skebo asked the applicant if they had anything further to add. Mr. Carquez noted his displeasure at the process and stated he felt it had been dishonest. Mr. Bar responded by noting Heritage Services does not attend most properties as they follow the Archeological Master Plan. He confirmed all communication between the applicant and staff were in the public record.

Mr. Lightfoot stated he empathized with the owner but noted that staff had done their job. He asked if a deferral would be useful.

Mr. Cinanni asked for clarification on what a deferral could do.

Mr. Skebo commented that a deferral would not be useful. He expressed his disappointment that Heritage Services did not visit the site. He brought to the Committee's attention the option to remove the recommendation and replace it with a new amended one.

Mr. Bar confirmed that deferral would not achieve anything at that point. He confirmed that the Committee could remove the proposed recommendation and replace it with a generic one.

The Committee had no further comment.

Moved by Mr. Cinanni

Seconded by Mr. Lightfoot

That paragraph 5 of the recommendation in Report COA-22-067, be deleted and replaced with the following:

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions), as amended, to Report COA-22-078.

Carried, as Amended

(See Motion to Amend which Carried)

Moved by Mr. Lightfoot
Seconded by Mr. Cinanni

That Recommended Condition 4, Archaeological Condition, in Exhibit A be deleted and replaced with the following:

In the event that deeply buried or previously undiscovered archeological 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 Services (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 Services (613-546-4291, extension 3180) must be immediately contacted.

Carried

Motions

There were none.

Notices of Motion

There were none.

Other Business

There was none.

Correspondence

See addendum.

Date and time of Next Meeting

The next meeting of the Committee of Adjustment is scheduled for Monday, November 21, 2022 at 5:30 p.m.

Adjournment

Committee of Adjustment Meeting Number 11-2022 – Monday, October 17, 2022 at
5:30 p.m.

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Moved by Mr. Lightfoot
Seconded by Mr. Cinanni

That the meeting of the Committee of Adjustment adjourn at 7:30 p.m.

Carried