



**City of Kingston
Committee of Adjustment
Meeting Number 2019-06
Minutes**

**Monday May 13, 2019 at 5:30 p.m.
Second Floor Board Room, 1211 John Counter Boulevard**

Committee Members Present

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

Regrets

Alex Adams
Blaine Fudge

Staff Present

Jason Budd, Acting Secretary-Treasurer
Tim Fisher, Planner
Derek Ochej, Committee Clerk

Meeting to Order

Mr. Skebo, Chair, called the meeting to order at 5:31 p.m.

Approval of Agenda

Moved by Mr. Cinanni
Seconded by Mr. Babin

That the agenda be approved.

Carried

Disclosure of Pecuniary Interest

There were none.

Delegations

There were none.

Request for Deferral

There were none.

Returning Deferred Items

There were none.

New Business

a. Subject: Application for Minor Variance
Address: 1380 Ottawa Street
File Number: D13-015-2019

Report COA-19-028 of the Commissioner of Community Services was attached to the agenda.

The purpose and effect of the proposed minor variance is to request permission to reduce the required rear yard setback in order to recognize a one-storey rear addition.

Robert Carrier, Owner/Applicant, was present.

Mr. Babin inquired when the addition was constructed. Mr. Carrier responded that the addition was likely completed in 2016.

Mr. Babin asked if it was typical that a variance would be sought after the transfer of ownership of a property. Mr. Budd responded that a potential purchaser of a property may request a zoning compliance letter, as was done in the case of the application. He explained that staff then reviewed the property and provided information regarding any anomalies. He further explained that owners can then seek compliance with zoning after receipt of the information.

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 D13-015-2019, for the property located at 1380 Ottawa Street to recognize the rear yard setback of a one storey addition, be approved.

Carried

The Chair stated that a copy of the Notice of Decision for the application will only be forwarded to those who have presented a written request for the Decision, or to those who have recorded their name and address on the form provided at the meeting by the

Secretary-Treasurer. A formal request in the manner provided is necessary to be advised of a possible Local Planning Appeal Tribunal (LPAT) hearing on this matter and in order to be allowed to make a presentation to the LPAT.

b. Subject: Application for Consent Minor Variances
Address: 104-108 Joseph Street
File Number: D10-003-2019, D13-017-2019 & D13-018-2019

Report COA-19-026 of the Commissioner of Community Services was attached to the agenda.

The purpose and effect of the proposed Consent application is to sever a 444 square metre parcel of land with 10 metres of road frontage on Joseph Street containing a single detached dwelling municipally known as 108 Joseph Street. The retained 505 square metre parcel of land will have 10 metres of road frontage on Joseph Street containing a single detached dwelling municipally known as 104 Joseph Street.

The purpose and effect of the proposed Minor Variance D13-017-2019 is to request a reduction of the projections into yards from 3.5 metres to 0.7 metres to recognize the location of the steps and landing to the front property line at 104 Joseph Street.

The purpose and effect of the proposed Minor Variance D13-018-2019 is to request a reduction of the projections into yards from 3.5 metres to 0.4 metres to recognize the location of the steps and landing to the front property line at 108 Joseph Street.

Yuri Tarnowecky, Agent, was present. Mr. Tarnowecky provided the Committee with background information regarding the properties.

There were no comments from the Committee.

Mr. Skebo invited comments from the public.

There were none.

Mr. Skebo closed the public portion of the meeting.

Moved by Mr. Babin
Seconded by Mr. Cinanni

That consent application, File Number D10-003-2019, for the property located at 104 and 108 Joseph Street to sever a 444 square metre parcel of land with 10 metres of road frontage on Joseph Street containing a single-detached dwelling municipally addressed as 108 Joseph Street and to create a 2.1 metre wide right-of-way over the severed parcel to provide shared vehicular access to the severed and retained 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 the mailing of this notice. We suggest that the Land Registry Office be consulted for preapproval of the Certificate of Official to avoid delays. The Certificate must be registered within two years from the issuance of the certificate as required under Section 53(43) of the Planning Act, R.S.O. 1990, as amended. A copy of the registered transfer certificate shall be provided to the Secretary-Treasurer, Committee of Adjustment to complete the file.

2. Reference Plan

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

3. Payment of Taxes

The owner/applicant shall contact the Tax Department at tax@cityofkingston.ca and secure in writing from the Treasurer or the Manager of Taxation and Revenue, proof of payment of current taxes and any special charges (not simply a copy of the tax bill) required to be paid out and a statement of proof that is received and shall be provided to the Secretary-Treasurer Committee of Adjustment, prior to the issuance of the consent certificate. The owner/applicant must pay any outstanding realty taxes and all local improvement charges levied against the property.

4. Variance Applications

That the severed parcel and the retained parcel obtains a minor variance to recognize the location of the front verandah and steps from the front lot line (File Numbers D13-017-2019 and D13-018-2019) and that all conditions of approval are complied with.

5. Utilities Services

Prior to the issuance of the Certificate of Official, the owner/applicant shall provide written approval from Utilities Kingston to the Secretary-Treasurer Committee of Adjustment, that Utilities Kingston is satisfied that the existing services to the retained lot do not encroach on the severed lot.

6. Easement or Right-of-Way

That the Certificate of Official shall include: A 2.1 metre wide shared right-of-way over the driveway at 108 Joseph Street in favour of the retained lands (104 Joseph Street) to provide shared vehicle and pedestrian access for the purposes access to rear yard parking; and

That a reciprocal 2.1 metre wide shared right-of-way over the driveway at 104 Joseph Street in favour of the severed lands (108 Joseph Street) to provide shared vehicle and pedestrian access for the purposes access to rear yard parking.

That minor variance application, File Number D13-017-2019, to request a reduction of the projections into yards from 3.5 metres to 0.7 metres to recognize the location of the steps and verandah to the front property line at 104 Joseph Street, be approved.

That minor variance application, File Number D13-018-2019, to request a reduction of the projections into yards from 3.5 metres to 0.4 metres to recognize the location of the steps and verandah to the front property line at 108 Joseph 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.

c. Subject: Application for Minor Variance
Address: 655 Princess Street
File Number: D13-023-2019

Report COA-19-029 of the Commissioner of Community Services was attached to the agenda.

The purpose and effect of the proposed minor variance is to request permission to increase the projection or extension of a Canopy into the required front yard along Princess Street. The variance is requested in order to install a metal canopy over the curved front entrance. The canopy will encroach partially within the Princess Street road allowance.

The Owner/Applicant was not present.

Mr. Fisher provided the Committee with an overview of the application.

Mr. Babin sought clarity on the size of the variance requested. Mr. Fisher confirmed the variance sought was for 0.2 metres.

Mr. Skebo invited comments from the public.

There were none.

Mr. Skebo closed the public portion of the meeting.

Moved by Mr. Sinha

Seconded by Mr. Tekenos-Levy

That minor variance application, File Number D13-023-2019, for the property located at 655 Princess Street to increase the projection or extension of a Canopy into the

required front yard along Princess Street in order to install a metal canopy over the curved portion of the front entrance, 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. Babin
Seconded by Mr. Sinha

That the minutes of Committee of Adjustment Meeting Number 2019-05, held April 15, 2019, be approved.

Carried

Date of Next Meeting

The next meeting of the Committee of Adjustment is scheduled for Monday June 17, 2019.

Adjournment

Moved by Mr. Sinha
Seconded by Mr. Cinanni

That the meeting of the Committee of Adjustment adjourns at 5:44 p.m.

Carried