



**City of Kingston
Appeals Committee
Meeting Number 02-2024
Minutes**

**Monday, May 27, 2024 at 12:00 p.m.
Hosted from Councillors' Lounge, 3rd Floor, City Hall**

Committee Members Present

Councillor M^cLaren, Chair
Councillor Oosterhof
Blaine Fudge
Tara Kainer
Todd Storms (left the meeting at 1:04 p.m.)

Regrets

There were none.

Staff Members Present

Steve Delahunt, Building & Plumbing Inspector, Building Services
Derek Ochej, Deputy City Clerk
Christine O'Connor, Committee Clerk
Nicholas Pappas, Property Standards and Municipal Law Enforcement Officer

Others Present

Dom Claros, Appellant
Hector Hernandez, Appellant
Arshia Mousavi, Appellant
Members of the public were present.

This is not a verbatim report.

Meeting to Order

The Chair called the meeting to order at 12:00 p.m.

Approval of the Agenda

Moved by Mr. Storms

Seconded by Councillor Oosterhof

That the agenda be approved.

Carried

Confirmation of Minutes

Moved by Ms. Kainer

Seconded by Mr. Fudge

That the minutes of the Appeals Committee Meeting Number 01-2024 held on Monday, February 26, 2024, be approved.

Carried

Disclosure of Pecuniary Interest

There were none.

Delegations

There were none.

Briefings

There were none.

Business

a) New Appeals

i) 684 Portsmouth Avenue Unit 2

Mr. Pappas conducted a PowerPoint presentation regarding New Appeal – 684 Portsmouth Avenue Unit 2. A copy of the presentation is available upon request through the City Clerk's Department.

There were no questions from the Committee.

Mr. Mousavi presented documents related to the eviction of the tenant and the order from the Landlord and Tenant Board stating that the tenant owes him \$7,000. He also provided documentation that the property had passed Fire Department and Electrical Safety Authority checks. He stated that he is working with the City Building Department to resolve the issues but asked for a six-month extension to remedy the issues.

Mr. Fudge asked if the appellant would be renting the building or living in it himself. Mr. Mousavi confirmed that he would be moving into the home and would not be renting to any tenants.

Councillor Oosterhof asked for clarification on if the unit was being rented presently. Mr. Mousavi stated that it is not currently being rented and that he plans to move in by the end of June 2024.

Mr. Pappas explained that the tenant living in the basement unit was not paying rent or allowing individuals into the unit for any work to be done. He stated that he had to step in as the tenant filed the complaint, but that the tenant no longer lives in the unit. He noted that typically an owner would not file a complaint on their own property, but that Mr. Mousavi was not living in the unit at the time.

Councillor Oosterhof asked if there was assurance from the owner that he would not rent out the apartment again until the issues were remedied. Mr. Mousavi stated that he does not have another place to live, so would move into the unit and live there while he completes renovations.

Moved by Councillor Oosterhof
Seconded by Ms. Kainer

That Order to Remedy CEPS202305327 regarding 269 Westdale Avenue Unit 3 be modified to extend the timeline for compliance with respect to Items 1 – 7 in the Order to Remedy to November 18, 2024, with City of Kingston enforcement staff to complete an inspection no later than November 14, 2024 on the condition that it is owner-occupied.

Carried

ii) 1257 Wheathill Street

Ms. O'Connor advised the Committee that the Appellant had requested an alternate date of hearing and explained to the Committee the rules of procedure regarding the request.

Moved by Mr. Fudge

Seconded by Mr. Storms

That the request for an alternate date of hearing for the fence appeal at 1257 Wheathill Street be granted and that the appeal be deferred to the Appeals Committee meeting scheduled on June 17, 2024 at 12:00 p.m.

Carried

iii) 1203 Doris Court

Mr. Delahunt conducted a PowerPoint presentation regarding the New Appeal for 1203 Doris Court. A copy of the presentation is available upon request through the City Clerk's Department.

Ms. Kainer asked if there were any safety concerns with the current fence height, specifically for traffic. Mr. Delahunt noted that he is not aware of any issues as this was not a part of his review.

Councillor Oosterhof asked for clarification regarding the extra one-foot extension allowed by the Fence By-Law. Mr. Delahunt stated that each fence is allowed to be built up to six feet, with an extra foot of lattice permitted as an extension.

Mr. Fudge noted that the height of this fence seemed excessive and asked who the appellant is trying to block from looking into the backyard. Mr. Hernandez stated that there are 14 houses that face his backyard.

Mr. Hernandez explained the privacy purpose of the fence and its height, noting that his property is on a corner lot with many houses facing his backyard.

The Chair provided an opportunity for members of the public to speak.

Michael McNaughton explained that fence height does have an impact on the neighbourhood as it can make neighbouring properties feel like a compound.

The Chair stated his concern for oversight as yards get smaller and houses get closer together. He added that he believes there are extenuating circumstances and that in this case it would be appropriate for the fence to be exempt from the Fence By-Law.

Councillor Oosterhof asked if a cabana-style pool enclosure would be possible. Mr. Delahunt stated that the new Ontario Building Code allows for structures to be built larger to provide privacy for cases such as this.

Mr. Storms expressed sympathy for the privacy issues of the Appellant but stated that the fence is too high at ten feet.

Ms. Kainer expressed sympathy for the owner for already having built the fence.

Moved by Councillor Oosterhof

Seconded by Mr. Storms

That the minor variance be denied with respect to the property at 1203 Doris Court to permit a fence that is greater than 1.8 metres (6 feet) in height on or around the property as part of the appeal heard on May 27, 2024.

Carried

iv) 944 Futures Gate

Mr. Delahunt conducted a PowerPoint presentation regarding the New Appeal for 944 Futures Gate. A copy of the presentation is available upon request through the City Clerk's Department.

Mr. Fudge asked if the portable sign would be removed and replaced with a permanent sign. Mr. Delahunt stated that the portable sign would likely be removed. He added that the portable sign is on-premise but the billboard being proposed is off-premise.

Mr. Claros conducted a PowerPoint presentation regarding New Appeal for 944 Futures Gate. A copy of the presentation is available upon request through the City Clerk's Department.

Councillor McLaren asked if there would be light illuminated from the sign. Mr. Claros stated that the sign would be digital and illuminated, but that it would be static.

Moved by Councillor Oosterhof

Seconded by Mr. Fudge

That the minor variance be granted with respect to the property at 944 Futures Gate to permit the placement of a 200ft² double-sided billboard sign within 100 metres of two other signs on the property frontage of 53.9 metres, as described in the site plan and design drawings submitted by the Appellant as part of the appeal heard on May 27, 2024.

Carried

Motions

There were none.

Notices of Motion

There were none.

Other Business

There was none.

Correspondence

There were two items of correspondence included in the agenda.

Date and time of Next Meeting

The next meeting of the Appeals Committee is scheduled for Monday, June 17, 2024 at 12:00 p.m.

Adjournment

Moved by Mr. Fudge

Seconded by Councillor Oosterhof

That the meeting of the Appeals Committee adjourn at 1:26 p.m.

Carried