

**City of Kingston  
Committee of Adjustment  
Meeting Number 01-2022  
Minutes**

**Monday, December 13, 2021 at 5:30 p.m.  
In a virtual, electronic format**

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**Committee Members Present**

Peter Skebo, Chair  
Paul Babin  
Vincent Cinanni  
Greg Lightfoot  
Somnath Sinha  
Jordan Tekenos-Levy

**Regrets**

Blaine Fudge

**Staff Members Present**

James Bar, Manager, Development Approvals  
Ian Clendening, Senior Planner  
Elizabeth Fawcett, Committee Clerk  
Tim Fisher, Planner  
InGi Kim, Planner  
Lindsay Lambert, Senior Planner  
Derek Ochej, Committee Clerk  
Jason Partridge, Planner  
Lindsay Sthamann, Planner & Secretary-Treasurer

Niki Van Vugt, Planner

### **Others Present**

Members of the public were present.

### **Election of Officers**

Mr. Ochej called for nominations for the position of Chair.

Moved by Mr. Babin

Seconded by Mr. Lightfoot

**That** Peter Skebo be elected Chair of the Committee of Adjustment.

**Carried**

Mr. Ochej called for nominations for the position of Vice-Chair.

Moved by Mr. Skebo

Seconded by Mr. Tekenos-Levy

**That** Vincent Cinanni be elected Vice-Chair of the Committee of Adjustment.

**Carried**

### **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 5:35 p.m.

### **Approval of the Agenda**

Moved by Mr. Lightfoot

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. Babin

Seconded by Mr. Sinha

**That** the minutes of Committee of Adjustment Meeting Number 12-2021 held on Monday, November 15, 2021 be approved.

**Carried**

### **Disclosure of Pecuniary Interest**

Mr. Skebo declared a pecuniary interest with respect to Business Item c), Application for Minor Variance – 39 Rudd Avenue, as he has a personal relationship with the owner/applicant.

Mr. Sinha declared a pecuniary interest with respect to Business Item i), Application for Permission – 3441 Princess Street, as he has a personal relationship with the owner/applicant.

### **Delegations**

There were none.

### **Request for Deferral**

There were none.

### **Returning Deferral Items**

There were none.

**Business**

**Application for: Consent**

**File Number: D10-027-2021 & D10-033-2021**

**Address: 1264 Britt Street and 716 Glen Cove Street**

**Owner: Marc Labrie and Sonja Van de Ven**

**Applicant: Marc Labrie**

Ms. Sthamann introduced the application.

Mr. Kim conducted a PowerPoint presentation regarding Application for Consent – 1264 Britt Street and 716 Glen Cove Street. A copy of the presentation is available upon request through the City Clerk's Department.

Marc Labrie, Owner/Applicant, was in attendance.

Mr. Tekenos-Levy sought further details about the process for merging on title if neighbouring properties are owned by the same person. Mr. Bar responded that changes to the Planning Act have altered the process for merging on title, adding that for this application both existing properties will not be merged with the new property being created.

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

There were no comments from members of the public.

Moved by Mr. Babin

Seconded by Mr. Sinha

**That** consent application, File Number D10-027-2021, to sever a 613 square metres parcel of land with an approximately 12 metre of road frontage on Britt Street, be provisionally approved subject to the conditions included in Exhibit A (Recommended Conditions, D10-027-2021) to Report Number COA-22-004.

**That** consent application, File Number D10-033-2021, to sever a 334 square metres parcel of land with an approximately 9 metre of road frontage on Britt Street and have it merged on title with the severed parcel from the associated consent application, File Number D10-027-2021, be provisionally approved subject to the conditions included in Exhibit B (Recommended Conditions, D10-033-2021) to Report Number COA-22-004.

**Carried**

**Application for: Minor Variance**

**File Number: D13-064-2021**

**Address: 1451 Westbrook Road**

**Owner: Michael Deano**

**Applicant: Rod Stokes Consulting Inc.**

Ms. Sthamann introduced the application.

Mr. Kim conducted a PowerPoint presentation regarding Application for Minor Variance – 1451 Westbrook Road. A copy of the presentation is available upon request through the City Clerk's Department.

Rod Stokes, Applicant, was present at the meeting.

Mr. Tekenos-Levy inquired about the height of the proposed structure as compared to the nearby 1000 Islands Sports Dome. Mr. Stokes estimated that the sports dome may be twice as high as the proposed structure.

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

There were no comments from members of the public.

Moved by Mr. Tekenos-Levy

Seconded by Mr. Lightfoot

**That** minor variance application, File Number D13-064-2021, for the property located at 1451 Westbrook Road to increase the maximum height from 15 feet to 20 feet, be approved; and

**That** approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-22-005.

**Carried**

**Application for: Minor Variance**

**File Number: D13-065-2021**

**Address: 39 Rudd Avenue**

**Owner: Ronald Voskamp and Annemieke Voskamp**

**Applicant: Ronald Voskamp**

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

Ms. Sthamann introduced the application.

Mr. Kim conducted a PowerPoint presentation regarding Application for Minor Variance – 39 Rudd Avenue. A copy of the presentation is available upon request through the City Clerk's Department.

Ron Voskamp, Owner/Applicant, was in attendance.

Mr. Tekenos-Levy sought further details regarding the removal of vegetation. Mr. Voskamp confirmed that some trees have been pruned due to their proximity to the neighbouring house. He added that some vegetation will remain as screening.

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

There were no comments from members of the public.

Moved by Mr. Tekenos-Levy

Seconded by Mr. Babin

**That** minor variance application, File Number D13-065-2021, for the property located at 39 Rudd Avenue to reduce the interior side yard width to 0.84 metres to expand an existing attached private garage, be approved; and

**That** approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-22-006.

**Carried**

**Application for: Minor Variance**

**File Number: D13-061-2021**

**Address: 849 Roshan Drive**

**Owner: John David Robinson and Patricia Robinson**

**Applicant: John David Robinson**

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 – 849 Roshan Drive. A copy of the presentation is available upon request through the City Clerk's Department.

John Robinson, Owner/Applicant, was in attendance.

Mr. Tekenos-Levy inquired if the owner/applicant had received any concerns from neighbouring properties regarding the application. Mr. Robinson stated that he had not received any concerns regarding the application.

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

There were no comments from members of the public.

Moved by Mr. Tekenos-Levy

Seconded by Mr. Cinanni

**That** minor variance application, File Number D13-061-2021, for the property located at 849 Roshan Drive seeking relief from the maximum area, in order to permit the construction of a 44.74 square metre elevated rear yard deck, be approved; and

**That** approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-22-010.

**Carried**

**Application for: Minor Variance**

**File Number: D13-006-2021**

**Address: 464 Barrie Street**

**Owner: Dr. Aaron McGregor and Tara McGregor**

**Applicant: Dr. Aaron McGregor**

Ms. Sthamann introduced the application.

Mr. Fisher conducted a PowerPoint presentation regarding Application for Minor Variance – 464 Barrie Street. A copy of the presentation is available upon request through the City Clerk's Department.

Dr. Aaron McGregor, Owner/Applicant, was in attendance.

Mr. Babin inquired if any public comments had been received regarding the application. Mr. Fisher responded that no public comments had been received.

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. Babin

**That** minor variance application, File Number D13-006-2021, for the property located at 464 Barrie Street to permit a two and a half storey, single family dwelling containing a total of three (3) bedrooms, be approved; and

**That** approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-22-007.

**Carried**

**Application for: Minor Variance**

**File Number: D13-060-2021**

**Address: 140 Collingwood Street**

**Owner: David Ross Drummond and Arletta Ruth Ranson**

**Applicant: Joe Ruffalo, KB Homes**

Ms. Sthamann introduced the application.



Mr. Fisher conducted a PowerPoint presentation regarding Application for Minor Variance – 140 Collingwood Street. A copy of the presentation is available upon request through the City Clerk's Department.

Joe Ruffalo, Applicant, was in attendance.

Mr. Tekenos-Levy sought confirmation that the distance between the proposed sunroom to the rear property line was 33 feet. Mr. Ruffalo confirmed that Mr. Tekenos-Levy was correct.

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

There were no comments from members of the public.

Moved by Mr. Cinanni

Seconded by Mr. Babin

**That** minor variance application, File Number D13-060-2021, for the property located at 140 Collingwood Street to increase the maximum building depth requirement in the 'A' Zone in Zoning By-Law Number 8499, to permit the construction of a 21 square metre, four-season room at the rear of the existing one storey dwelling, be approved; and

**That** approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-22-008.

**Carried**

**Application for: Minor Variance**

**File Number: D13-068-2021**

**Address: 950 Centennial Drive**

**Owner: Princess Street Facility Inc.**

**Applicant: Fotenn Consultants Inc.**

Ms. Sthamann introduced the application.

Ms. Lambert conducted a PowerPoint presentation regarding Application for Minor Variance – 950 Centennial Drive. A copy of the presentation is available upon request through the City Clerk's Department.

Youko Leclerc, Agent, was in attendance.

Mr. Tekenos-Levy sought clarity regarding the concerns raised in the item of correspondence for the application including in addendum. Mr. Leclerc responded that the variance request for the lot line does not apply to the residential properties located to the south of the subject property as described in the correspondence.

Mr. Skebo asked if staff could address the concern in the correspondence regarding blasting. Ms. Lambert stated that these concerns were not pertinent to the application, adding that any contractor would be required to have insurance to cover such matters.

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

There were no comments from members of the public.

Moved by Mr. Tekenos-Levy

Seconded by Mr. Babin

**That** minor variance application, File Number D13-068-2021, for the property located at 950 Centennial Drive to vary the minimum rear yard and minimum privacy yard to the ground floor habitable windows of two ground floor units, be approved; and

**That** approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-22-009.

**Carried**

**Application for: Minor Variance**

**File Number: D13-066-2021**

**Address: 853 Development Drive**

**Owner: Anu & Frank Bresnai**

**Applicant: Shivani Khapare**

Ms. Sthamann introduced the application.

Mr. Partridge conducted a PowerPoint presentation regarding Application for Minor Variance – 853 Development Drive. A copy of the presentation is available upon request through the City Clerk's Department.

Syed Ahmed, Agent, was in attendance.

There were no questions or comments from 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. Sinha

Seconded by Mr. Tekenos-Levy

**That** minor variance application, File Number D13-066-2021, for the property located at 853 Development Drive seeking relief from the minimum setback from rear lot line, in order to permit the construction of a 13.94 square metre, one storey, three season enclosed sunroom within the side yard be approved; and

**That** approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-022-012.

**Carried**

**Application for: Permission**

**File Number: D13-055-2021**

**Address: 3441 Princess Street**

**Owner: 1034246 Ontario Ltd**

**Applicant: Jagdeep Walia**

Mr. Sinha left the meeting due to his pecuniary interest.

Ms. Sthamann introduced the application and conducted a PowerPoint presentation regarding Application for Permission – 3441 Princess Street. A copy of the presentation is available upon request through the City Clerk's Department.

Jagdeep Walia, Applicant, was in attendance.

There were no questions or comments from 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. Cinanni

**That** the application for permission, File Number D13-055-2021, for the property located at 3441 Princess Street to convert the existing trucking facility/office to a fully professional office use and to establish a new driveway and parking area off Princess Street, be approved; and

**That** approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-22-003.

**Carried**

- **Application for: Consent**
  - File Number: D10-034-2021**
  - Address: 3028 Princess Street**
  - Owner: Vishal Valsadia**
  - Applicant: FOTENN Consultants Inc.**

Mr. Sinha returned to the meeting.

Ms. Sthamann introduced the application.

Mr. Clendening conducted a PowerPoint presentation regarding Application for Consent – 3028 Princess Street. A copy of the presentation is available upon request through the City Clerk's Department.

Youko Leclerc, Agent, was in attendance.

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

Harold Leroux, 948 Kenshaw Street, stated that he owns the property west of the subject property. He spoke to the storm water management and flood plain analysis that has been conducted in the area, stating that it was not included in the pre-application process. Mr. Leroux stated that the Committee should see the information in these documents before deciding, and that the public should be able to comment on them. He stated that documents such as the authorization of an agent and the notice of technical consent were not available on DASH. Mr. Leroux stated that when he requested the minutes from the pre-application meeting, he was advised that they were confidential. He spoke to the ditch running between the two properties, stating that it was not included on the sketches in the application. Mr. Leroux advised the Committee that his property drains into the ditch. He stated that the CRCA submission was not available on DASH and that he had to contact the CRCA directly to obtain them. Mr. Leroux expressed concerns with the process for issuing consents and easements associated with the application.

In response to the public comments, Mr. Leclerc stated that the CRCA provided comments on their position with respect to the drainage ditch and their requirements. He added that the City's Engineering Department broadly echoed those comments and

spoke to the conditions and the requirement that the application have no negative impact. Regarding the driveway, Mr. Leclerc stated that the consent being sought would allow for the creation of a new lot and a mutual easement between the properties for the driveway. He added that the Committee is being asked to approve the package and that the mutual access is part of the consent being requested.

Mr. Clendening stated that if the application is approved, Mr. Leroux would continue to have drainage rights in the historical quantity. He further stated that the storm water management plan would have to show that post development flows match pre-development flows and confirm that there is no negative impact. Mr. Clendening spoke to the process of documents being made available to the public via DASH. He stated that the current question before the Committee is one of land use planning and that other issues can be managed through the conditions put forth on the consent.

Mr. Sinha sought further details regarding the consent and easement process for the mutual driveway. Mr. Leclerc responded that the driveway would be limited to the dimensions shown on the plan.

Mr. Bar stated that if the application were to be approved, the applicant would need to satisfy the conditions attached to the application within one year in order to register the property with the land registry. He further stated that one of the conditions involves the creation of an easement for the mutual driveway. Mr. Bar advised that the City's Transportation Services Department found no issues with the proposed driveway. He spoke to the legal process for the issuance of the certificate of official and that future owners would be bound by those terms. Mr. Bar advised that there would be no need for a second consent application as one of the conditions of the current application involves the driveway easement.

Regarding public comments regarding procedure, Mr. Bar stated that the application had gone through many iterations and that all required materials had been received. He advised that the pre-application process is confidential as it provides an unbiased place for applicants to discuss applications and receive feedback from staff. Mr. Bar confirmed that all required materials had been posted to DASH.

Mr. Lightfoot stated that this was the first time he had heard about a member of the public having issues accessing documents on DASH.

Mr. Babin inquired as to length of time required to obtain hydrologic and hydrogeologic studies. He questioned whether or not these could be completed and then presented to the Committee before deciding on the application.

Mr. Clendening shared that the CRCA indicated such studies could be completed within a year. He stated that there are concerns about satisfying the conditions within the one-year timeframe if consideration of the application were delayed.

Mr. Lightfoot sought confirmation that the studies required as part of the conditions are paid for by the applicant. Mr. Clendening confirmed that applicants are required to pay for studies.

Mr. Lightfoot questioned why an applicant would pay for an assessment in advance of receiving a consent. He stated the logical process is to receive the consent and then if granted, conduct the assessments.

Moved by Mr. Lightfoot

Seconded by Mr. Sinha

**That** consent application, File Number D10-034-2021, to sever a 525.1 square metre lot from the existing 3,946.3 square metre lot, be provisionally approved subject to the conditions included in Exhibit A (Recommended Conditions) to Report Number COA-22-017.

**Carried**

■ **Application for: Supplementary Report (to Report Number COA-22-013)**

**File Number: D10-034-2021**

**Address: 3028 Princess Street**

**Owner: Vishal Valsadia**

**Applicant: FOTENN Consultants Inc.**

Note: The following item was considered in advance of Business item j).

Mr. Clendening provided an overview of the report.

Moved by Mr. Sinha

Seconded by Mr. Cinanni

**That** the recommendation in Report Number COA-22-013 be replaced with the following:

**That** consent application, File Number D10-034-2021, to sever a 525.1 square metre lot from the existing 3,946.3 square metre lot, be provisionally approved subject to the conditions included in Exhibit A (Recommended Conditions) to Report Number COA-22-017.

**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 meeting is scheduled on Monday, January 17, 2022 at 5:30 p.m.

### **Adjournment**

Moved by Mr. Cinanni

Seconded by Mr. Sinha

**That** the meeting of the Committee of Adjustment adjourns at 7:32 p.m.

**Carried**