



City of Kingston
Committee of Adjustment
Addendum

07-2024

Monday, June 17, 2024

5:30 p.m.

Council Chamber

Committee Composition

Peter Skebo, Chair

Councillor Cinanni

Councillor Hassan

Ken Dakin

Douglas Perkins

Gaurav Rehan

Jeff Scott

Somnath Sinha

Jordan Tekenos-Levy

Please provide regrets to Allison Hannah, Committee Clerk at 613-546-4291, extension 1209 or ahannah1@cityofkingston.ca.

Watch live on the [Kingston City Council YouTube](#) channel or register to receive the [Zoom](#) link.

Pages

9. Business

5. Application for Minor Variance - 102 Charles Street

***1. Updated Exhibit A**

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The consent of the Committee is requested for the deletion of Exhibit A to Report COA-24-056 and the substitution of new Exhibit A attached to the Addendum.

13. Correspondence

***1. Correspondence received, dated June 11, 2024, regarding Application for Minor Variance - 4226 Bath Road**

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***2. Correspondence received, dated June 9 - 11, 2024, regarding Application for Minor Variance - 16 Cowdy Street**

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***3. Correspondence received, dated June 17, 2024, regarding Application for Minor Variance - 158 Earl Street**

Recommended Conditions

The approval of minor variance application, File Number D13-046-2024, to construct a two-storey rear building addition, shall be subject to the following recommended conditions:

1. Limitation

That the approved minor variance applies only to the two-storey rear addition at 102 Charles Street as shown on the drawings attached to the Notice of Decision.

2. No Adverse Impacts

The owner/applicant shall demonstrate to the satisfaction of the City that there are no adverse impacts on neighbouring properties as a result of any modifications to on-site grading or drainage.

3. Building Permit Application Requirements

The owner/applicant shall provide to the Building Services a copy of the decision of the Committee of Adjustment, together with a copy of the approved drawings, when they make application for a Building Permit.

The drawings submitted with the Building Permit application must, in the opinion of the City, conform to the general intent and description of the approved drawing(s), including any amendments and conditions approved by the Committee of Adjustment, as stated in the decision. It must be noted that additional planning approvals may be required should further zoning deficiencies be identified through the Building Permit application process.

4. Standard Archaeological Condition

In the event that deeply buried or previously undiscovered archaeological deposits are discovered in the course of development or site alteration, all work must immediately cease and the site must be secured. The Archaeology Program Unit of the Ministry of Citizenship and Multiculturalism (archaeology@ontario.ca) and 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 Office of the Chief Coroner as a part of the Ontario Ministry of the Solicitor General (1-877-991-9959), the Archaeology Program Unit of the Ministry of Citizenship and Multiculturalism (archaeology@ontario.ca), and City of Kingston's Planning Services (613-546-4291, extension 3180) must be immediately contacted.

5. Window Placement

The placement of windows along the east and west elevations of the rear building addition shall generally be consistent with the elevation drawings attached to this Notice of Decision.

-----Original Message-----

From: Gayleen Garvin [REDACTED]
Sent: Tuesday, June 11, 2024 10:28 AM
To: Planning Outside Email <Planning@cityofkingston.ca>
Subject: Application: Minor Variance, 4226 Bath Road, Kingston

Caution: This email is from an external source. Please exercise caution when opening attachments or clicking links, especially from unknown senders.

Secretary Treasurer
Committee of Adjustment
City of Kingston, Planning Services

Re: Application Type: Minor Variance
Address: 4226 Bath Road
File Number: D13-035-2024

Dear Sirs:

As the owner of 4232 Bath Road, Kingston, I wish to inform you that my husband and I fully support the request of Tim DeJong to construct a one-storey enclosed porch to be located at the rear of the existing single detached house at 4226 Bath Road. We understand that a 30-metre waterbody separation distance is required by the Kingston Zoning ByLaw and that Mr. DeJong needs to construct the porch enclosure 24.7 metres from the high-water mark. Please allow this variance. Mr. DeJong should be commended for the excellent work that he has done improving his property. We have lived next door to the property since 1973 and are thrilled that it is now so well maintained. We are certain that the porch enclosure will also improve the property's appeal and provide comfort for Mr. DeJong and his family.

Sincerely,
Gayleen Garvin

From: [REDACTED]
To: carol.h.knowles@gmail.com; [Wicke,Chris](#)
Subject: Letter of support: 16 Cowdy Street
Date: June 9, 2024 7:39:41 PM

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I support the minor variance D13-033-2024 allowing a single story addition to replace an existing rear yard deck at 16 Cowdy Street.

Carol's work improving the house has been constant after her purchase, only improving the neighbourhood. I look forward to any changes that will be made.

Sincerely,
Leslie Pickett
(15 Cowdy Street)
3434226590

From: [REDACTED]
To: [Wicke,Chris](#)
Cc: carol.h.knowles@gmail.com
Subject: Fwd: letter of support 16 cowdy street
Date: June 9, 2024 5:04:44 PM

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hi chris!

my neighbour is hoping to build an addition on her house. i am writing in support of her application for a minor variance D13-033-2024.

we hope she will have this application approved as soon as possible.

thanks for your consideration on this matter.

sue livesey

From: [REDACTED]
To: [Wicke,Chris](#)
Cc: carol.k.knowles@gmail.com
Subject: Letter of Support-16 Cowdy Street, Kingston
Date: June 10, 2024 11:27:20 AM

Caution: This email is from an external source. Please exercise caution when opening attachments or clicking links, especially from unknown senders.

Hello Chris,

Please receive this email as a letter of support for the minor variance application in place (D13-033-2024) allowing a single story addition at 16 Cowdy Street. This addition application is for the replacement of an existing rear yard deck. I am a neighbour sharing the right of way alley to 16 Cowdy and have also seen the site and feel it will be an improvement to the property.

Sincerely,

Kimberly Denison

73 Pine Street, Kingston, K7K 1W4



PO BOX 27, Kingston,
Ontario, Canada K7L4V6
+1 343-363-1901

June 17, 2024

via email

Members of Committee of Adjustment
City of Kingston
216 Ontario Street
Kingston, ON K7L2Z3

Re: 158 Earl Street, COA-24-052, Old Sydenham Heritage District

Dear Committee of Adjustment members,

The Frontenac Heritage Foundation is a not-for-profit charitable organization dedicated to the preservation of structures and sites of cultural and historical interest across the Kingston region. The group was founded in 1972, and for more than fifty years, the organization has provided input on various proposals and development applications being considered in the area.

Staff Report COA-24-052 deals with a proposal to replace existing rear gable dormers with a large shed dormer, and to reclad the street-facing dormers. The FHF has grave concerns about the proposed variances, noted as follows:

Variance No. 1 will allow for a setback of a minimum of 0.4 m. from the main wall. In empirical measurements, this is only 15.6 inches, and would be reduced to no setback at all.

Variance No. 2 the side wall of the dormer is setback a minimum of 1.0 m. from the edge of the roof on which it is located. The setback from the edge of the roof is proposed to be reduced to 0.1 m. (which is 3.9 inches).

And Variance No. 3 maximum cumulative length of all dormers on the same portion of a sloped roof is the lesser of 4.6 m. or 50% of the length of the roof on which it is located (3.95 m.) The proposed variance is 2.6 m.

The subject property has a Part IV designation by-law under the *Ontario Heritage Act* (OHA) which dates to 1993. The designation by-law clearly refers to the gable dormers which are located on the roof and does not specify which dormers are affected. In our view, all of these dormers are heritage attributes which should be protected.

The subject property is also located within the Old Sydenham Heritage Conservation District. The property is a short distance away from Chalmer's Church where a \$60,000 renovation is taking place on its heritage-protected stained glass windows. The Old Sydenham Heritage District includes more than 500 properties, and what happens with one property reverberates to other properties in the district, creating a very disturbing precedent. The District Plan in speaking to alterations on heritage buildings says simply: "...shed dormers are not recommended." (p. 38) The dormer at 160 Earl existed long before the District Plan took effect.

Members of the FHF have recent experience with the issue of a shed dormer at 106 Montreal Street, where similar revisions were permitted primarily because the dormer was proposed on the rear wall which was less obvious to the public. There, the new shed dormer encroached on the neighbour's property in the limestone row, and there were numerous issues with the way in which the shed dormer affected the neighbour's property.

The provisions in the zoning by-law (updated in 2022) have a basis in a Council-approved study which should not be ignored. The Downtown Residential Review study in the early 2000s dealt with this issue, and thus the zoning by-laws were updated to incorporate the related provisions dealing with shed dormers. (That material should be on the City's files.)

Further, the Urban Design Guidelines for Residential Lots approved by the City in its 2019 consolidation and now referenced in S. 8.3 of the City's Official Plan, refers specifically to this issue – saying that “Large, box-like, flat roofed dormers (i.e. shed dormers) are discouraged, particularly on the most prominent roof slope (i.e. front and exterior side elevations).”

In conclusion, the four tests required under S. 45 of the *Planning Act* for the approval of such an application include:

- 1) Is the application minor? Our view is that because of the precedent that this proposal sets for the Old Sydenham Heritage District, not one of the variances requested in our view should be considered as minor.
- 2) Does the application benefit the development of the subject site? The benefit to the landowner does not outweigh the adverse impact this change will have on the district.
- 3) Does the application maintain the intent of the Zoning By-law? In our view, the changes remove the importance of maintaining the existing dormers by minimizing all setbacks relating to the proposed shed dormer, so the proposal does not maintain the integrity of the zoning by-law provisions.
- 4) And fourthly, does this approval conform with the City's Official Plan? In our view, given the importance of protecting the Old Sydenham Heritage District, as noted in Section 7.3.C.9 of the Official Plan, and also the importance of meeting the Urban Design Guidelines as references now in S.8.3 of the City's Official Plan, there is some conformity with the Residential land use designation, but not with other critical provisions of the Official Plan.

To the Committee of Adjustment, we ask you to refuse this application, and allow the landowners to find a solution which is more amenable to protecting all of the dormers on this heritage house.

Thank you for your time and attention to this matter.

Sincerely,



Shirley Bailey, President