



**City of Kingston  
Report to Committee of Adjustment  
Report Number COA-24-054**

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**To:** Chair and Members of the Committee of Adjustment  
**From:** Annemarie Eusebio, Intermediate Planner  
**Date of Meeting:** June 17, 2024  
**Application for:** Minor Variance  
**File Number:** D13-035-2024  
**Address:** 4226 Bath Road  
**District:** District 5 - Collins Bayridge  
**Owner:** Tim de Jong  
**Applicant:** Tim de Jong

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**Council Strategic Plan Alignment:**

Theme: Regulatory & compliance

Goal: See above

**Executive Summary:**

This report provides a recommendation to the Committee of Adjustment regarding an application for minor variance for the property located at 4226 Bath Road. The applicant is requesting relief from the minimum waterbody separation distance requirement to construct a one-storey enclosed porch which will be located at the rear of the existing single detached house. The enclosed porch will replace the existing rear patio and will align with the length of the existing single detached house. The enclosed porch will be 50 square metres in area and will be at height of approximately 0.2 metres from the existing grade. A variance is requested to construct the porch enclosure 24.7 metres from the high-water mark, where a 30 metre waterbody separation distance is required by the Kingston Zoning By-Law.

The requested minor variance is consistent with the general intent and purpose of both the City of Kingston Official Plan and Kingston Zoning By-Law Number 2022-62. The requested minor

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variance is desirable for the appropriate development or use of the land, building or structure and is minor in nature. As such, the proposed application meets all four tests under Subsection 45(1) of the *Planning Act* and is recommended for approval.

**Recommendation:**

**That** minor variance application, File Number D13-035-2024, for the property located at 4226 Bath Road to construct a 50 square metre enclosed rear porch, located approximately 24.7 metres from the highwater mark be approved, as described below:

**Variance Number 1:**

By-Law Number 2022-62:Section 4.23.1 Waterbody Separation Distance (rear enclosed porch)

Requirement: 30 metres

Proposed: 24.7 metres

Variance Requested: 5.3 metres

**That** approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-054.

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**Authorizing Signatures:**



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Annemarie Eusebio, Intermediate  
Planner

**In Consultation with the following Management of the Community Services Group:**

Tim Park, Director, Planning Services  
James Bar, Manager, Development Approvals

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**Options/Discussion:**

On April 26, 2024, a minor variance application was submitted by the owner, Tim de Jong, with respect to the property located at 4226 Bath Road. The applicant is requesting relief from the minimum waterbody separation distance requirement to construct a one-storey enclosed porch which will be located at the rear of the existing single detached house. The enclosed porch will replace the existing rear patio and will align with the length of the existing single detached house. The enclosed porch will be 50 square metres in area and will be at height of approximately 0.2 metres from the existing grade. The variance is requested to construct an enclosed porch 24.7 metres from the high-water mark, where a 30 metre waterbody separation distance is required by the Kingston Zoning By-Law.

In support of the application, the applicant has submitted the following:

- Site Plan (Exhibit F)
- Planning Justification Letter

All submission materials are available online through the Development and Services Hub (DASH) at the following link, [DASH](#), using “Look-up a Specific Address”. If there are multiple addresses, search one address at a time, or submission materials may also be found by searching the file number.

**Site Characteristics**

The subject property is located at 4226 Bath Road. The site has a lot area of 1,343 square metres and a lot frontage of approximately 27 metres (Exhibit B – Key Map). The property abuts single-detached houses to the north and east and Lake Ontario to the south. The subject property is also located in proximity to various community and open space uses, local schools, and commercial uses. Kingston Transit operates in proximity to the site, with Transit Route 10 operating along Bath Road. (Exhibit C – Neighbourhood Context Map).

The subject property is designated Residential in the Official Plan (Exhibit D – Official Plan Map) and zoned Urban Residential 1 ‘UR1.A’ in Kingston Zoning By-Law Number 2022-62 (Exhibit E – Zoning By-Law Map).

**Provincial Policy Statement**

In addition to the four tests of a minor variance detailed below, Subsection 3(5) of the *Planning Act* requires that a decision in respect of the exercise of any authority that affects a planning matter shall be consistent with the Provincial Policy Statement (the PPS). The PPS provides policy direction on matters of provincial interest related to land use planning and development which are complemented by local policies addressing local interests. The application being considered is site specific to accommodate a specific proposal and does not involve any major policy considerations and as such, the proposal conforms to and is consistent with the PPS.

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**Minor Variance Application**

The review of an application for minor variance(s) is not a simple mathematical calculation, but rather a detailed assessment of whether the variance(s) requested, both separately and together, meet the four tests of a minor variance outlined in Subsection 45(1) of the *Planning Act*. The following provides this review:

**The general intent and purpose of the Official Plan are maintained**

The subject property is designated Residential in the City of Kingston Official Plan (Exhibit D – Official Plan Map). In considering whether this proposed variance is desirable, the Committee of Adjustment will have regard to the nine requirements included in Section 9.5.19 of the Official Plan.

The subject site is located within the Housing District in Schedule 2 – City Structure, of the Official Plan. In accordance with Section 2.6 of this Plan, Housing Districts are intended to remain stable but will continue to adapt as the City evolves. Minor infilling and development that can integrate in a compatible manner with the prevailing built form generally found in the neighbourhood will be encouraged.

The proposal has been designed to integrate with surrounding residential land uses. The adjacent residential properties (4220 Bath Road and 4332 Bath Road) each contain a single detached house that is located closer to the shoreline of Lake Ontario than the existing house and proposed development on the site (Exhibit B – Key Map). The proposed enclosed porch will align with the length of the existing single detached house and will exceed the required interior setbacks as indicated by the applicable UR1.A zone. The property consists of large, mature trees and vegetation on the interior property lines which will provide buffering and screening for the new development from adjacent residential lots. As such, it is anticipated that there will be no negative impact on abutting properties or residential uses or structures. The proposal is compatible with the surrounding residential and recreation uses and will not result in significant impacts or changes to the surrounding area.

The proposed rear enclosed porch will allow for additional living space and will meet the functional needs of the residents. There will be no significant impact to the function of the site in terms of parking, access routes or universal accessibility.

The protection of a 30-metre naturalized buffer along a waterbody, also referred to as a “ribbon of life”, can help to enhance water quality, minimize soil erosion, provide plant and animal habitat, establish connectivity and wildlife corridors, and contribute to the overall health of shoreline ecosystems, particularly fish habitat. The buffer may also be used to screen views of development from the water, and to create natural spaces for passive recreation.

This application was circulated to the Cataraqui Conservation Authority (CRCA). CRCA staff have confirmed that the proposed screened porch is approximately 24.7 metres from the high-water mark of Lake Ontario. CRCA regulatory policies, under O. Reg. 148/06 require all new development (i.e. buildings, structures, additions) to be located a minimum of 6 metres from the

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furthest extent of the regulatory flood plain. In some circumstances, the 6-metre setback can be reduced. CRCA staff completed a site survey to determine the location of the regulatory flood line in relation to the proposed enclosed porch. CRCA staff have advised that the enclosed porch is proposed to extend 5 metres from the furthest point of the flood plain. The enclosed porch will be elevated approximately 1 metre above the flood elevation and access between the porch and flood line is already restricted due to the topography of the site. As such, CRCA staff have no objection to the proposed 5 metre setback from the floodplain and the variance which would reduce the waterbody separation distance setback to 24.7 metres. A permit from the CRCA will be required prior to the construction of the enclosed porch.

The subject property is not a designated property under the *Ontario Heritage Act*, nor is it within a Heritage District. There are no impacts to any built heritage resources and a Heritage Impact Statement is not required. Heritage Planning staff have identified the subject property as having limited archaeological potential. An archeological assessment will not be required.

The proposed variance meets the four tests of a minor variance under the Planning Act and the development is consistent with the existing built form along Bath Road. Therefore, a zoning by-law amendment is not required. The proposal meets the intent of the Official Plan, as the proposed enclosed porch will not result in any undue adverse impacts to adjacent properties or to the neighbourhood.

The proposal meets the intent of the Official Plan, as the proposed enclosed porch will not result in any negative impacts to adjacent properties or to the neighbourhood.

**The general intent and purpose of the Zoning By-Law are maintained**

The subject property is zoned Urban Residential 1 (UR1.A) in Kingston Zoning By-Law Number 2022-62 (Exhibit E – Zoning By-Law Map). The UR1.A zone permits a single detached dwelling.

The proposal requires a variance to Section 4.231 of the Kingston Zoning By-Law as follows:

**Variance Number 1:**

By-Law Number 2022-62:Section 4.23.1 Waterbody Separation Distance (one-storey rear enclosed porch)

Requirement:	30 metres
Proposed:	24.7 metres
Variance Requested:	5.3 metres

The intent of the 30-metre waterbody separation distance is primarily to protect the ribbon of life zone from the impacts of development. The zoning provisions also exist to protect development from natural hazards such as flooding, alongside requirements from the CRCA. Maintaining the ribbon of life zone can help to enhance water quality, minimize soil erosion, provide plant and animal habitat, establish connectivity and wildlife corridors, and contribute to the overall health of shoreline ecosystems, particularly fish habitat. The buffer may also be used to screen views of development from the water, and to create natural spaces for passive recreation.

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CRCA staff have confirmed that the proposed enclosed porch will be appropriately setback from the floodplain and that there are no erosion hazards associated with the proposal. A CRCA permit will be required prior to the construction. The proposed development will result in sufficient natural space in the rear yard for recreation purposes. The proposed rear enclosed porch is anticipated to be compatible with the existing built form on the subject property, as well as compatible with all surrounding land uses. The proposed enclosed porch is not anticipated to have adverse impacts on the existing waterbody of Lake Ontario. The proposal complies with all other applicable provisions of the Kingston Zoning By-Law.

The requested variance maintains the general intent and purpose of the zoning by-law.

**The variance is minor in nature**

The proposed enclosed porch will result in a development that is consistent with the long-established built form of single detached houses along Bath Road. The proposed development will not result in intrusive overlook with respect to adjacent residential properties. The mature tree growth located on the western/eastern property will screen the new development from the existing adjacent residential properties. The variance will not alter the character of the neighbourhood or the existing streetscape.

**The variance is desirable for the appropriate development or use of the land, building or structure**

The proposed enclosed porch will allow for additional living space and will meet the functional needs of the residents. The proposed development is consistent with the existing built form of residential buildings along Bath Road. The proposal does not involve a significant alteration to the existing built form on the site and will not cause any adverse impacts on adjacent properties. The proposal is appropriate and compatible with the surrounding residential uses and will not result in significant impacts or changes to the surrounding area.

The variance is desirable and appropriate use of the land.

**Technical Review: Circulated Departments and Agencies**

- |   |   |  |
|---|---|--|
| <input checked="" type="checkbox"/> Building Division | <input checked="" type="checkbox"/> Engineering         | <input checked="" type="checkbox"/> Heritage Services    |
| <input type="checkbox"/> Finance                      | <input checked="" type="checkbox"/> Utilities Kingston  | <input type="checkbox"/> Real Estate                     |
| <input type="checkbox"/> Fire & Rescue                | <input type="checkbox"/> Kingston Hydro                 | <input checked="" type="checkbox"/> Environment Division |
| <input checked="" type="checkbox"/> Solid Waste       | <input type="checkbox"/> Parks Development              | <input type="checkbox"/> Canadian National Railways      |
| <input type="checkbox"/> Housing                      | <input checked="" type="checkbox"/> District Councillor | <input type="checkbox"/> Ministry of Transportation      |
| <input type="checkbox"/> KEDCO                        | <input checked="" type="checkbox"/> Municipal Drainage  | <input type="checkbox"/> Parks of the St. Lawrence       |
| <input checked="" type="checkbox"/> CRCA              | <input type="checkbox"/> KFL&A Health Unit              | <input type="checkbox"/> Trans Northern Pipelines        |
| <input type="checkbox"/> Parks Canada                 | <input type="checkbox"/> Eastern Ontario Power          | <input type="checkbox"/> CFB Kingston                    |
| <input type="checkbox"/> Hydro One                    | <input type="checkbox"/> Enbridge Pipelines             | <input type="checkbox"/> TransCanada Pipelines           |

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- Building Division
- Engineering
- Heritage Services
- Kingston Airport

**Technical Comments**

This application was circulated to external agencies and internal departments for their review and comment and there were no comments or concerns raised that would preclude this application from moving forward. Any technical comments that are received after the publishing of this report will be included as an addendum to the Committee of Adjustment Agenda.

**Public Comments**

At the time this report was finalized, no formal correspondence has been received. Any public comments received after the publishing of this report will be included as an addendum to the Committee of Adjustment Agenda.

**Previous or Concurrent Applications**

There are no concurrent or relevant historic planning applications on the subject property.

**Conclusion**

The requested variance maintains the general intent and purpose of both the City of Kingston Official Plan and Kingston Zoning By-Law Number 2022-62. The proposal is desirable for the appropriate development or use of the land, building or structure and the requested variance(s) is minor in nature. As such, the proposed application meets all four tests under Subsection 45(1) of the *Planning Act* and the application is being recommended for approval, subject to the proposed conditions.

Approval of this application will allow for the construction of a one-storey enclosed porch at the rear of the single detached house on the subject property municipally known as 4226 Bath Road.

**Existing Policy/By-Law:**

The proposed application was reviewed against the policies of the Province of Ontario and City of Kingston to ensure that the changes would be consistent with the Province’s and the City’s vision of development. The following documents were assessed:

**Provincial**

Provincial Policy Statement, 2020

**Municipal**

City of Kingston Official Plan



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Kingston Zoning By-Law Number 2022-62

**Notice Provisions:**

A Committee of Adjustment Meeting is going to be held respecting this application on June 17, 2024 Pursuant to the requirements of the *Planning Act*, a notice of Statutory Public Meeting was provided by advertisement in the form of signs posted on the subject site 10 days in advance of the meeting. In addition, notices were sent by mail to a total number of 14 property owners (according to the latest Assessment Roll) within 60 metres of the subject property and a courtesy notice was placed in The Kingston Whig-Standard (Exhibit H – Public Notification Map).

Once a decision has been rendered by the Committee of Adjustment, a Notice of Decision will be circulated in accordance with the provisions of the *Planning Act*.

**Accessibility Considerations:**

None

**Financial Considerations:**

None

**Contacts:**

James Bar, Manager, Development Approvals, 613-546-4291 extension 3213

Annemarie Eusebio, Intermediate Planner, 613-546-4291 extension 3183

**Other City of Kingston Staff Consulted:**

None

**Exhibits Attached:**

- Exhibit A Recommended Conditions
- Exhibit B Key Map
- Exhibit C Neighbourhood Context Map (2022)
- Exhibit D Official Plan Map
- Exhibit E Zoning By-Law Map
- Exhibit F Site Plan

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Exhibit G Site Photos

Exhibit H Public Notification Map

## Recommended Conditions

The approval of minor variance application, File Number D13-035-2024, to reduce the minimum waterbody separation distance for the construction of a 50.2 square metre one storey rear enclosed porch within the rear yard, shall be subject to the following recommended conditions:

### 1. Limitation

That the approved variances apply only to the 50.2 square metre rear porch enclosure at 4226 Bath Road as shown on the drawing attached to this 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 Archeological 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](mailto: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 (1-877-9919959), the Archaeology Program Unit of the Ministry of Citizenship and Multiculturalism ([archaeology@ontario.ca](mailto:archaeology@ontario.ca)), and City of Kingston's Planning Services (613-546-4291, extension 3180) must be immediately contacted.


**5. Cataraqui Region Conservation Authority**

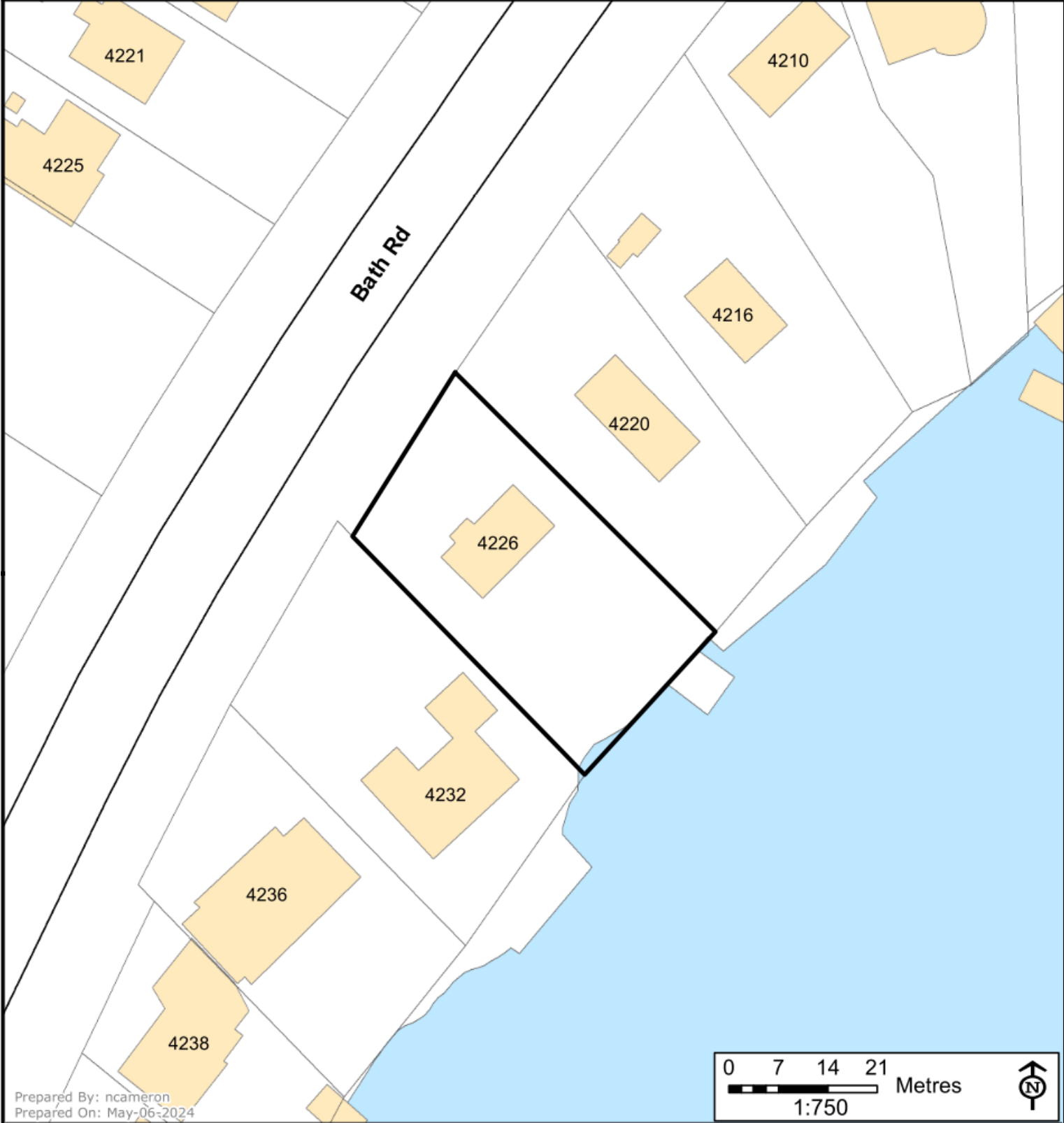
A portion of the subject lands are subject to Ontario Regulation 148/06: Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses, which is administered by the CRCA. The applicant/owner will be required to apply for a CRCA permit for the proposed development.



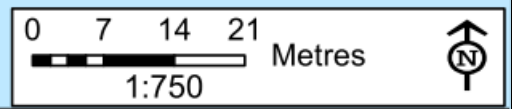
### Committee of Adjustment Key Map

Address: 4226 Bath Road  
File Number: D13-035-2024  
Prepared On: May-06-2024

 Lands Subject to Minor Variance



Prepared By: ncameron  
Prepared On: May-06-2024



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# Committee of Adjustment Neighbourhood Context

Address: 4226 Bath Road  
File Number: D13-035-2024  
Prepared On: May-06-2024

- Subject Lands
- Property Boundaries
- Proposed Parcels





Prepared By: ncameron  
Prepared On: May-06-2024

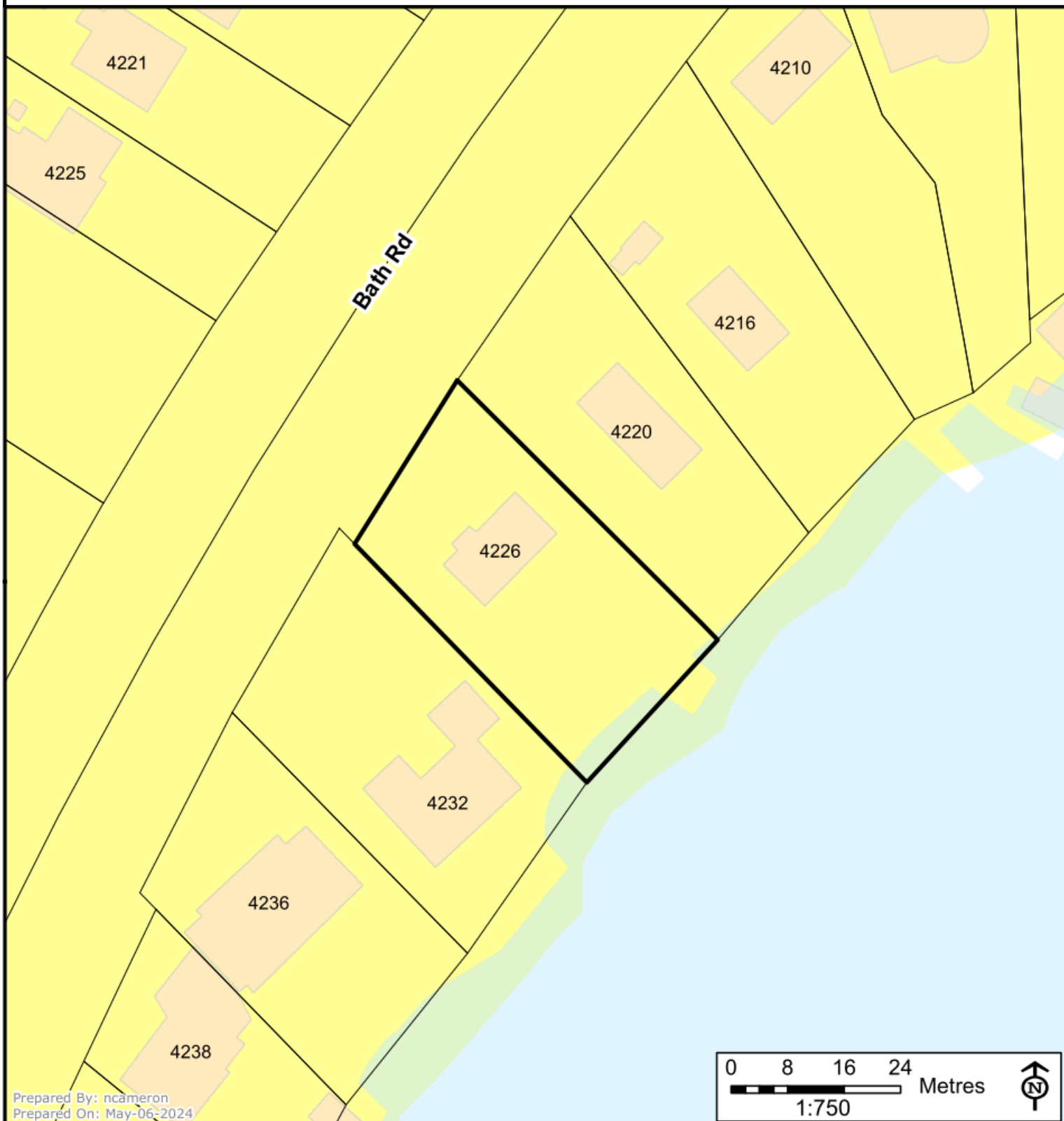
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# Committee of Adjustment Official Plan, Existing Land Use

Address: 4226 Bath Road  
File Number: D13-035-2024  
Prepared On: May-06-2024

-  Subject Lands
-  RESIDENTIAL



Prepared By: ncameron  
Prepared On: May-06-2024

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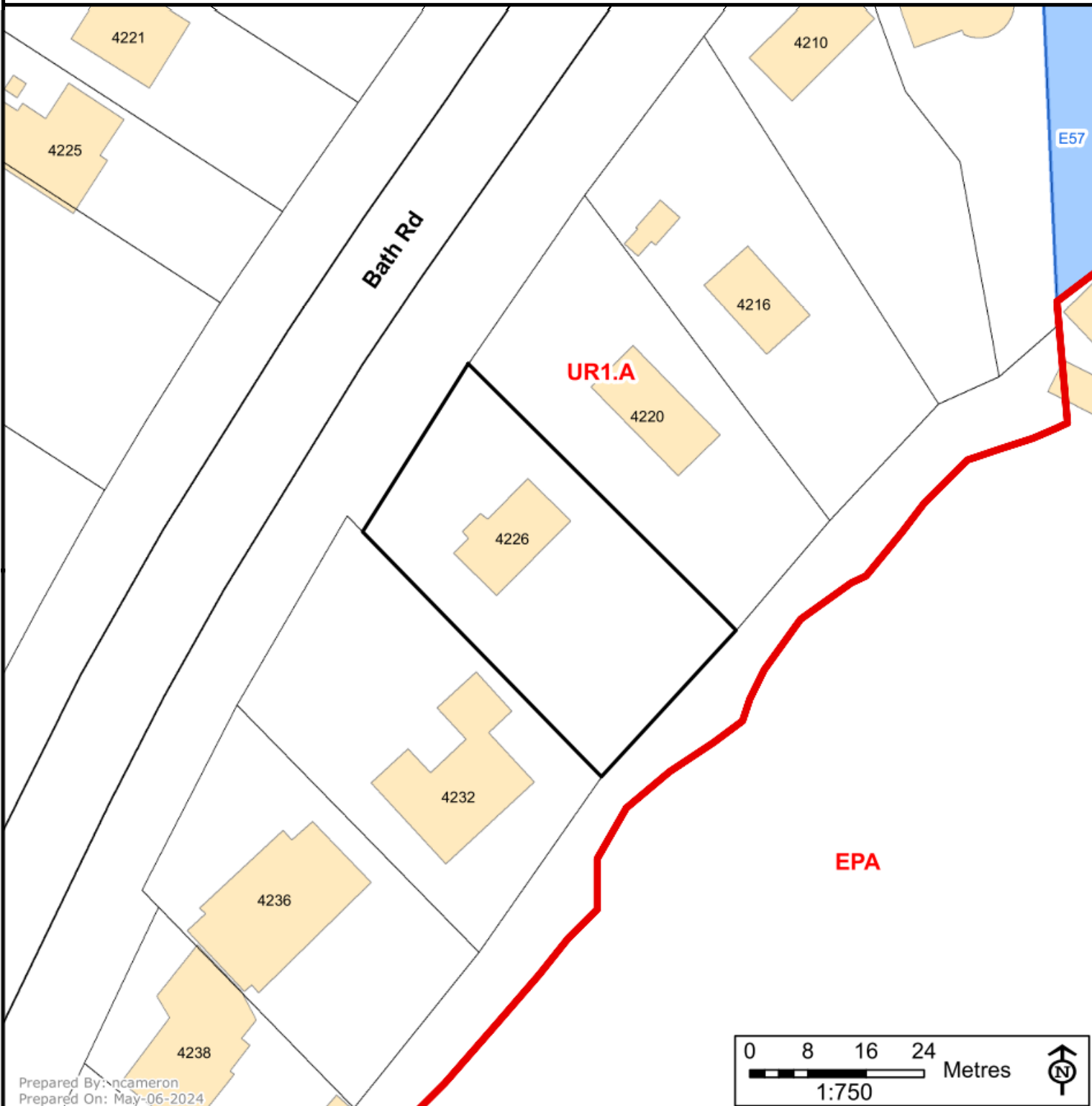
Committee of Adjustment  
Existing Zoning  
Kingston Zoning By-Law 2022-62

Planning Services

Address: 4226 Bath Road  
File Number: D13-035-2024  
Prepared On: May-06-2024

- Subject Lands
- Zone

- Schedule E - Exception Overlay
- Legacy Exceptions (LXXX)
- Exceptions (EXXX)
- Schedule F - Holding Overlay
- Holding Overlay (HXXX)



Prepared By: ncameron  
Prepared On: May-06-2024

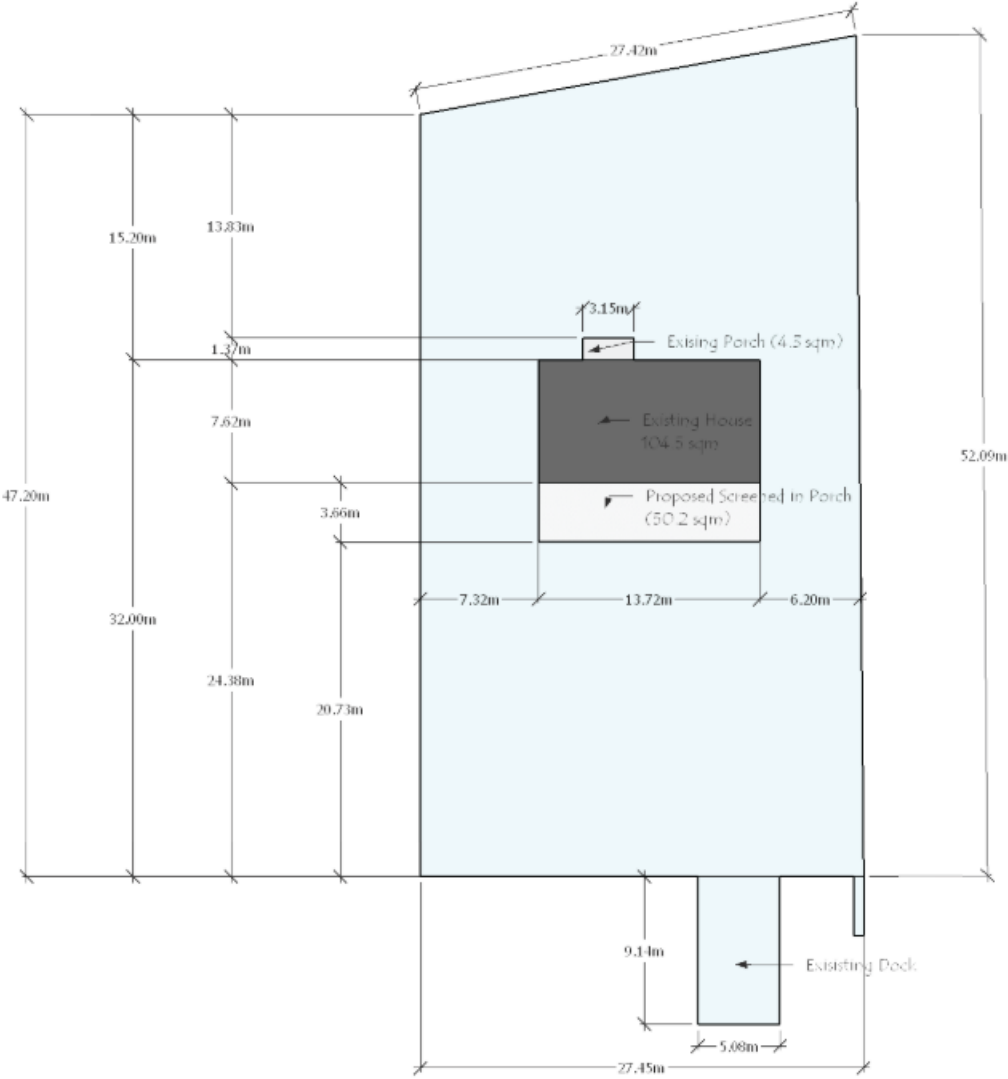


4226 Bath Rd., Kingston, ON

Lot Area - 1545.0 sqm (14455.92sq')  
House Area - 104.5 sqm (1125 sq')  
Existing Porch - 4.3 sqm (46.5 sq')

Total Existing footprint - 108.8 sqm (1171.5 sq')  
Total Existing Lot Coverage - 8.1%

Proposed Screened in Porch - 50.2 sqm (540 sq')  
Proposed Lot Coverage - 11.8%



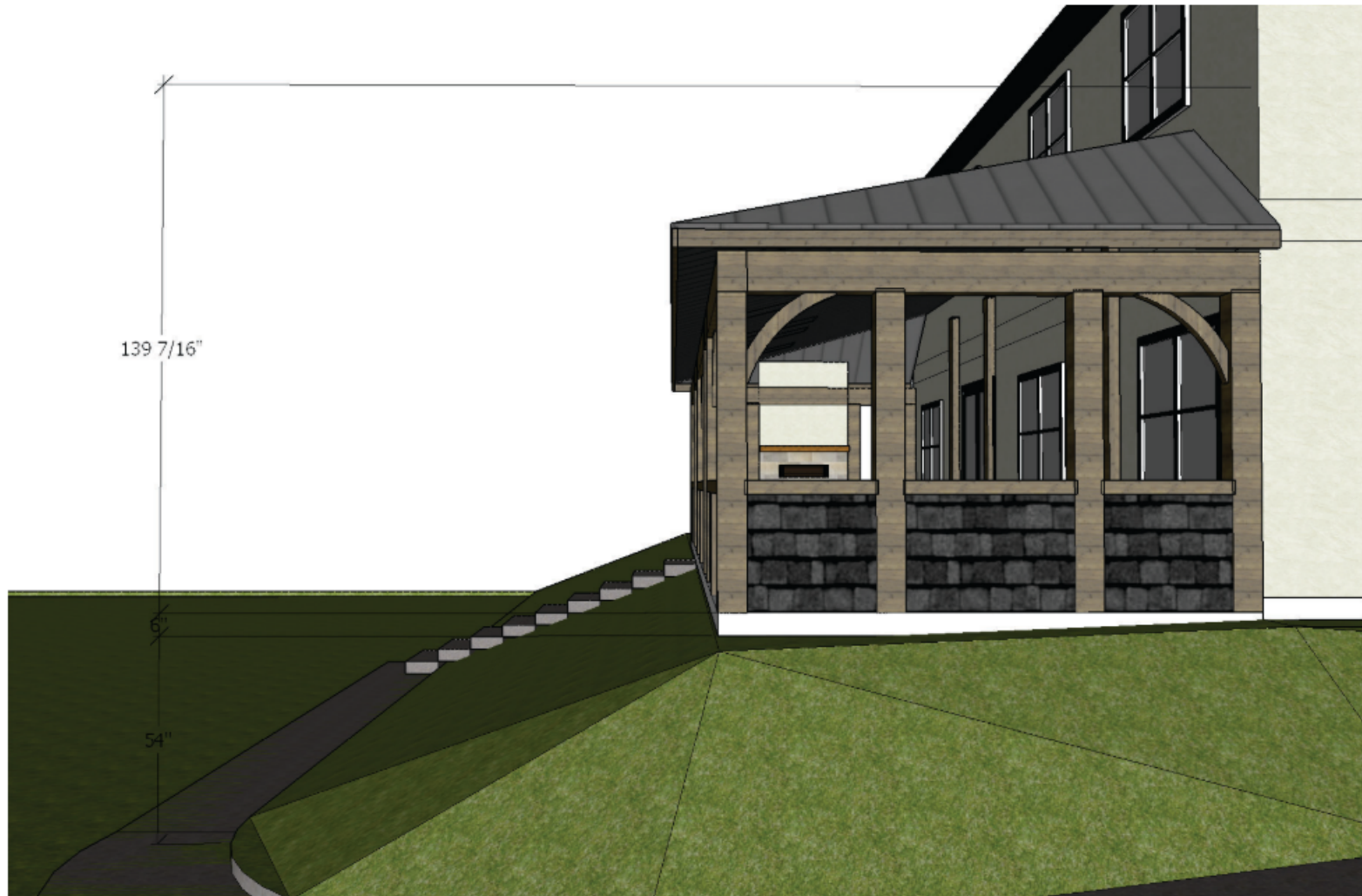
**4226 Bath Rd, Kingston, ON**  
**Site Plan with Proposed Porch**

DRAWN BY : Tim de Jong

**REVISIONS**

MM/DD/YY	REMARKS
1	
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5	

PHONE: 416-320-6015  
Email: timothydejong73@gmail.com



PHONE: 416-320-6015  
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4226 Bath Rd, Kingston, ON  
 Elevation/Grading

DRAWN BY : Tim de Jong

REVISIONS

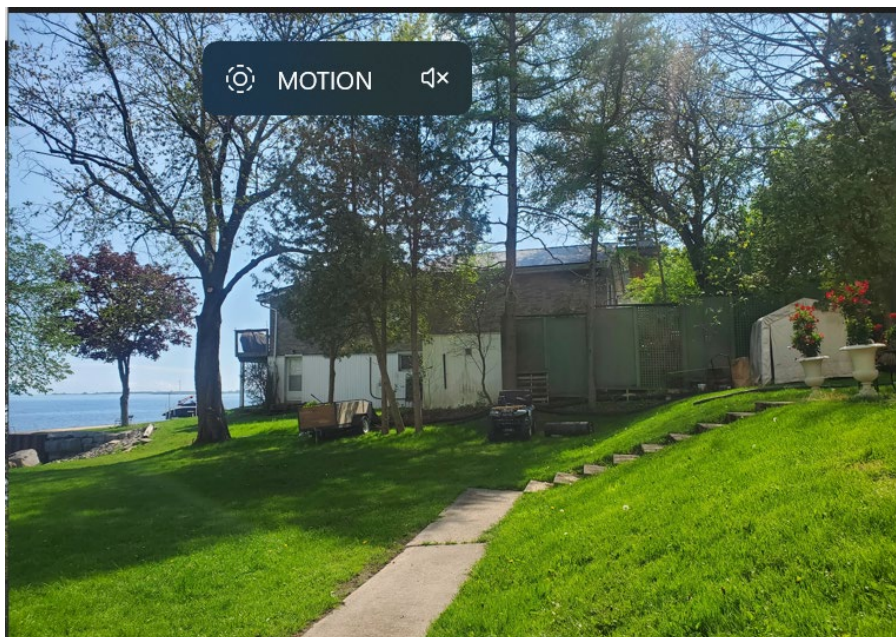
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Site Photos – May 16, 2024

Proposed location of the one-storey screened in porch at the rear of the single detached house



View of the rear yard



View of the rear yard facing Lake Ontario

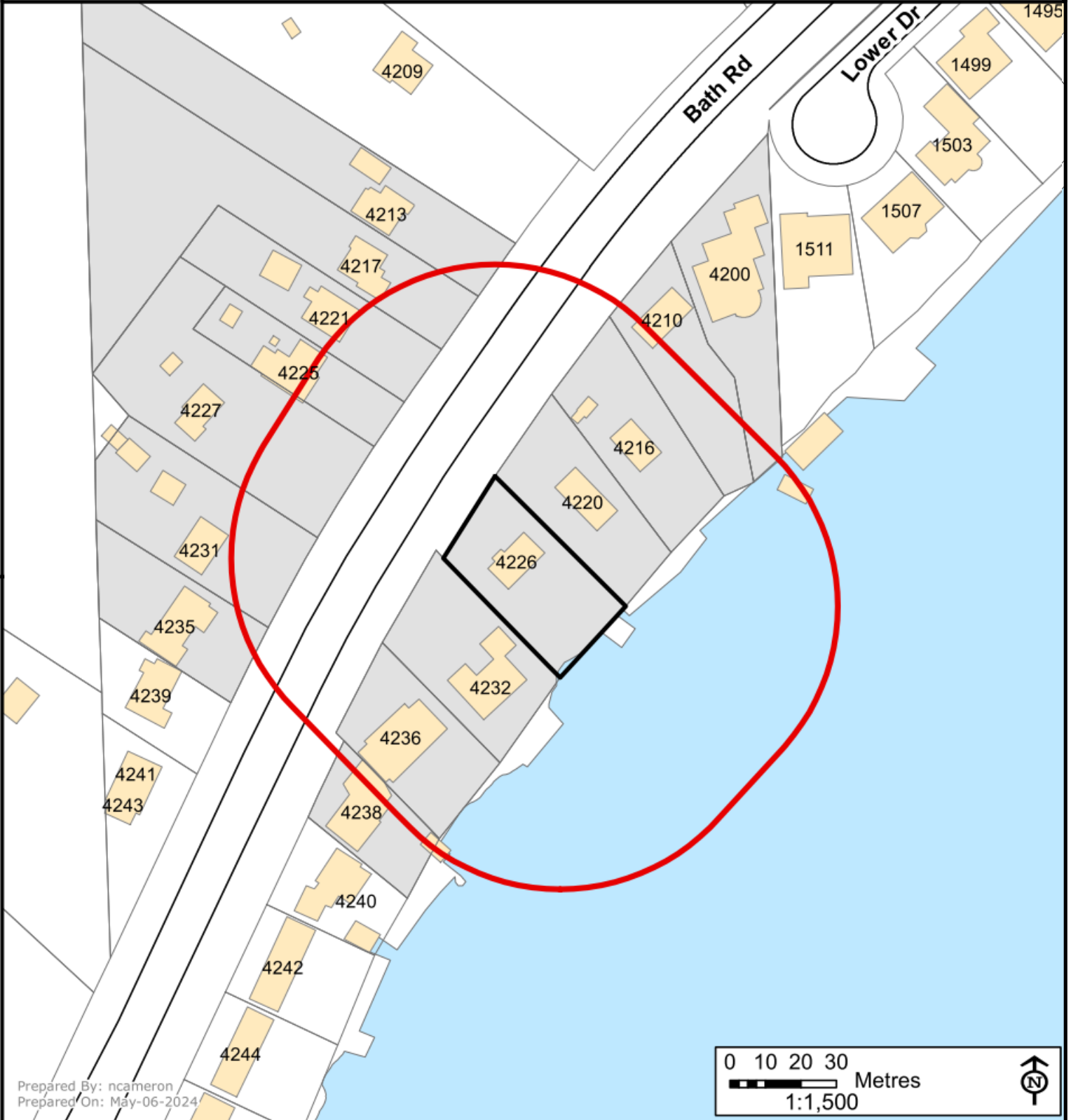




# Committee of Adjustment Public Notice Notification Map

Address: 4226 Bath Road  
File Number: D13-035-2024  
Prepared On: May-06-2024

- 60m Public Notification Boundary
- Subject Lands
- Property Boundaries
- 14 Properties in Receipt of Notice (MPAC)



Prepared By: ncameron  
Prepared On: May-06-2024

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