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**From:** Margot Jones [REDACTED]

**Sent:** Tuesday, September 3, 2024 8:28 PM

**To:** Mayor of Kingston <[mayor@cityofkingston.ca](mailto:mayor@cityofkingston.ca)>; Stephen, Wendy <[wstephen@cityofkingston.ca](mailto:wstephen@cityofkingston.ca)>

**Subject:** Consent and Minor Variance at 757 Front Road

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Good Evening,

There is currently an application in review with the City of Kingston to sever and develop a parcel of land at **757 Front Road** (at the top of Jorene Drive). This has already happened, and been approved, on Lakeview Avenue near Front Road.

~~On a side note, the sign at 757 Front Road is so small, without knowing, it could be mistaken for pesticide signage, and vehicles are often parked in front of the sign making it hard to see if, you aren't looking for it.~~ **Could a larger sign please be posted?**

***Note: Sign request has already been submitted under Reference Number: 240904-000382.***

While we may need housing, severing regular-size lots and building 2 story homes against the property lines of existing neighbours is not the respectful approach to take, both to the property neighbours, and the greenspace the City prides itself on, but is also in contravention of our **Reddendale City By-laws established in 2019 (see below)**. This not only sets precedence for other lots in our neighbourhood if the City disregards its own By-laws and passes variances like these, it removes so much green space that we loved so much when we moved here.

There is also **drainage issues** to be considered when new homes (on lots that required variances such as this) have no space to push water away from their homes on their own properties, it becomes the problem of the homes around them, being flooded with the extra water. Examples can be seen both on Crerar Crescent and Gordon Street where new homes have been recently built, pushing water downward, onto their neighbours (photos below).

As well, the **large trees** in our neighbourhood that have provided shade, air quality, and ground water absorption are compromised when construction development removes these trees, or damages the roots of their neighbours trees during construction. We have some we

are worried about on our property with this variance.

Another consideration is the additional parked traffic the new homes may incur. From a safety perspective, we are very lucky to not have sidewalks cutting through our yards and driveways, so the safety risk for those walking their dogs or cycling up Jorene Drive to cross Front Road is potentially increased with additional on-street parked vehicles. It is already such a busy section of road with vehicles regularly parked on both sides of the street, narrowing the street to one lane. 757 Front Road also appears to be a rooming-house with a regular turnover of different vehicles and their visitors adding to the street congestion when they're booked up.

For some, approved minor variances will impact the sunlight they then can get after large homes are built right against their property line, as well as their personal privacy they once enjoyed. Where does it end, if the City keeps approving minor variances with homes (in this case) a foot and a half from our property lines, disregarding it's own By-laws?

I am kindly requesting your the City look for housing options elsewhere within the City and let our neighbourhood have it's zoned greenspace, safe streets and respect for the neighbours who would prefer that Reddendale not become high density residential.

The approved zoning By-law: In October 2019, the City of Kingston passed By-Law number 2019-143 'A By-law to Amend By-law Number 76-26, "A By-law to regulate the use of lands and the character, location and use of buildings and structure in the City of Kingston", as amended (zone Change from R1-3 to R1-74, R1-75 and EPA -17, Reddendale Neighbourhood). To replace the 'R1-3' Zone within the Reddendale Neighbourhood with a special 'R1-74' Zone, a special 'R1-75' Zone and a special Environmental Protection Area 'EPA-17' Zone. The zoning By-law amendment addresses specific provisions such as **maximum lot coverage, the measurement of height, and the minimum setback from the normal high water mark of Lake Ontario**. The zoning by-law amendment was undertaken in response to a Council motion from December 19, 2017 which directed staff to advise them on the feasibility of developing a planning framework to addressing infill development pressures in the Reddendale neighbourhood.

My husband and I do plan to attend the meeting on September 16<sup>th</sup> and hope we can have a moment to share our concerns with this.

Thank you,

Margot Jones

Property owner at 60 Jorene Drive



**From:** [REDACTED]  
**To:** [Planning Outside Email](#); [Cinanni,Vincent](#); [Stephen,Wendy](#); [Eusebio,Annemarie](#); [Bar,James](#)  
**Subject:** D10-027-2024: Consent and Record D13-059-2024: Minor Variance / Permission  
**Date:** September 11, 2024 9:02:14 PM  
**Attachments:** [Letter Regarding Record D10-027-2024 Consent and Record D13-059-2024 Minor Variance Permission \(1\).docx](#)  
[Reddendale Photos.docx](#)

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Committee of Adjustment  
City of Kingston  
216 Ontario Street

Dear Members of the Committee of Adjustment,

We, Margot Jones and Kendall Watts, I reside at 60 Jorene Drive (since 2009) are writing to formally express our concerns regarding the applications D10-027-2024: Consent and Record D13-059-2024: Minor Variance / Permission

Upon seeking professional advice, we were informed this severance proposal does not meet the four tests of a minor variance, as detailed in the attached document. Furthermore, the proposed dwelling unit will require additional variances, beyond those related to the severance. Also all noted in the attached document. Another professional consulted, a designer from IBI Group, who spoke on the grounds of anonymity, explained this proposal is quite ambitious for the development and that Fotenn often presents requests that exceed their actual needs, with the expectation that some elements be negotiated down later.

Another source informed us Fotenn commonly requests more than necessary, planning to seek relief after the severance if their initial requests are not granted. Also, misleading on the signage, residents no longer have the right to appeal a decision, unless it's through Utilities Kingston, Hydro One, Bell or another large company (which unfortunately I cannot remember at this time), I was told. Please correct me if this is wrong and we can appeal as individuals.

Should the Committee still vote to approve this application, we respectfully request the following conditions be included in the Development Agreement, but not limited to:

1. **\*Privacy Fence\***: A 13 foot full privacy (no-see) fence surrounding our property lines, between 60 Jorene Drive and 757 Front Road, at the developers cost, to be constructed prior to any building activity and satisfactory to both parties.
2. **\*No Windows / Doors / Glazing\***: Zero windows, doors, or glazing of any kind facing our property, to prevent any intrusive views, especially given the close proximity as a result of the many variances

3. **\*Noise Study\***: Completion of a noise study, in compliance with NPC-300 prior to construction
4. **\*Dwelling Size\***: The dwelling, whether built by the current property owners, or sold to another developer, should not exceed 11m x 11m.
5. **\*Building Height\***: The proposed dwelling should not exceed one story in height (bungalow style), to maintain the aesthetic consistency of the immediate area . Nearby properties, include 753 Front Road, 765 Front Road, 60 Jorene Drive and 29 Redden Street (property facing Jorene Drive) are all bungalows, and a two-story dwelling would overlook neighbourhood backyards and be intrusive to privacy. The apartment unit across the street should not be included in this cross-section of height comparisons as they are across 3 lanes of traffic, not affecting sunlight, water drainage, space from neighbours, or parking.
6. **\*Protection of Heritage Trees\***: No damage to the mature heritage tree belt, including root system, which runs through the property lines. This is crucial to prevent flooding, as outlined in the Lot Drainage and Flooding Agreement.
7. **\*Parking Regulations\***: Installation of 'No Parking' signage on Jorene Drive between Front Road and Redden Street to alleviate parking congestion on a main feeder route (street section) connected to a main roadway. There is currently 305 feet of roadway on Jorene Drive between Front Road and Redden Street, with 121 feet of combined driveway, plus an additional 15 to 20 feet of driveway space if this proceeds. This reduces on-street parking availability, while increasing potential congestion if this property is developed. Although this will unfortunately affect us, too, we would like to request this regardless of the outcome. This property is also a licensed AirBnb host often with their visitors parked on both sides of Jorene Dr at Front Road narrowing the street to one lane when they are booked, exacerbating on-street parking issues.

Attached you will find pictures that may be helpful in explaining some of the above.

We urge the members of this committee to consider the implications of this development from our perspective (those of us in the immediate area). Imagine living in your home for 16 years, only to face significant changes due to a development that does not adhere to the standards, By-laws and regulations designed to protect property owners. If this was your home next-door, what would you do?

We will be present at the meeting on September 16th to further discuss our concerns. Thank you for considering our input.

Margot Jones and Kendall Watts  
60 Jorene Drive  
Kingston, Ontario

Dear Committee of Adjustment Members,

We submit this letter in dispute of the proposal for Record D10-027-2024: Consent and Record D13-059-2024: Minor Variance / Permission

The following are the reasons we believe the applications should be denied.

This minor variance application seeks to vary two sections of the UR4 Zone, being a rear yard setback and a lot size setback to facilitate a new lot creation by severance.

Section 45(1) of the *Planning Act* there are four tests a minor variance must meet:

**The first test – does the application conform to the general intent of the Official Plan?**

Section 9.6.10 expressly states that the Committee of Adjustment or the approval authority may grant consents to sever land in the City in situations where a plan of subdivision is no considered necessary and subject to the following policies”

**a. the creation of individual parcels of land by consent will ONLY BE PERMITTED IN CONFORMITY WITH THE POLICIES OF THIS PLAN AND THE PROVISIONS OF THE IMPLEMENTING ZONING BY-LAW.**

At no point in this section does the Official Plan permit lot creation that requires variations from the implementing Zoning By-law.

Furthermore, section 9.6.11 stipulates that:

b. the minimum lot areas for consents on lands located within the Urban Boundaries are governed by the provisions of the applicable zone.

Section 6.6.13 stipulates that:

The creation of individual parcels of land by way of consent are subject to the following criteria:

- a. the lot frontage, depth and area of any lot created by consent (severed and retained parcel) must be appropriate for the use proposed for the lot, be in compliance with the provisions of the zoning by-law and consistent, where possible, with adjacent lots;

This application and the application for consent that the Minor Variance would allow, is in direct contravention of this section of the Official Plan. It is NOT in compliance with the provisions of the zoning by-law, hence the requirement for a 27% reduction in lot area, and by reviewing the lot fabric in the area it is no consistent with adjacent lots, the lot size is less than half of most, if not all parcels of land in this neighbourhood.

The application does not meet the first test.

### **The second test – does the application conform to the general intent of the Zoning by-law?**

The zoning by-law seeks to ensure orderly development on parcels of land that can be appropriately developed, serviced and enjoyed by the owner. The Zoning by-law requires that not more than 30% of the lot be developed – this is the maximum lot coverage. The proposed severed lot is 405 square metres, this converts to 4,359.4 square feet. 30% of 4,359.4 square feet is 1,307.8 square feet.

According to Statistics Canada, the average house that was built in Ontario in 2023 was 1,520 square feet. Consideration should also be given to accessory buildings; a modest 100 square foot garden shed is not uncommon for properties in the City of Kingston. These details are important because if this minor variance application and subsequent consent application are approved, it would mean one of two things. The parcel of land would be extremely constrained in what the owner is allowed to develop, or the more likely situation would be that the owner would require further relief from the Zoning By-law. An averaged sized house at 1,520 square feet with a modest accessory building of 100 square feet would result in 37% lot coverage, another Minor Variance application will be required resulting in another section of the recently adopted Zoning By-law that cannot be met.

This does not even begin to take into consideration the relief that may be required from lot setbacks to make a home fit on this extremely undersized lot.

The application does not meet the second test.

### **The third test – is the application desirable for the appropriate development of the lands in question?**

Given that all the other lands around this proposal are more than double the size of this proposed severance, it is not desirable for this neighbourhood, nor does the proposed variance conform with the surrounding lands and how they have been developed.

Development of a new lot as proposed will also result in several mature trees required to be removed and could result in the damage of the adjacent properties tree root system. This is not desirable for the neighbourhood.

The application does not meet the third test.

### **The fourth test of a Minor Variance – is it ‘minor’?**

This test is not based on specific numbers, but it can be said that certain qualities could make a variance minor or not.



The applicant is seeking a variance in the form of a 27% reduction in the lot size as required by the Zoning By-law.

The applicant is also seeking an 86% reduction in the required rear lot setback for the retained parcel of land.

Neither of these reductions are minor, this application does not pass the first fourth.

**Other information to consider:**

The planning report states that there will not have an impact on the natural heritage system, but tree removal will be undoubtedly required which has a direct impact on the natural heritage system and potentially will have further impacts on surrounding trees and vegetation.

The proposal states that there will be no tree removal, however; as you can see from this satellite view of the property, this would be impossible during the building permit stage. The application states that it is proposed to accommodate a two-story house with a garage. If not the applicant, the purchaser of these lands will develop the lands and will require the removal of several mature trees that are currently thriving on the parcel of land. Unfortunately, if this severance and minor variance are approved, the tree removal will be “part of normal practice” as the development will require this. But, by denying these applications it will promote the livelihood of the natural environment of this neighbourhood by allowing several mature trees to continue to flourish, this would be in keeping with the Tree Preservation and Protection Plan. The City has noted that it’s goal is to maintain, if not increase the amount of tree coverage throughout the city. The approval of these applications would be in direct contravention of this goal.

Prior to the severance being approved there should be a requirement for a root study to ensure that the excavation and construction of a home in the area will not have detrimental impacts to the trees and their root system on the neighbouring properties.

The planning report speaks to an entrance permit being required from Public Works – was there a preliminary review prior to the writing of the report to consider any impacts and if a traffic study should be required?

The planning report states that the intent of the rear setback provision is to ensure that rear yard amenity area and landscaped open space is maintained on each parcel, in addition to limiting intrusive overlook and establishing a consistent neighbourhood character. A 1 metre setback from the primary building to the property line cannot provide adequate landscaping or prevent intrusive overlook from one property to another.

The severance approval states that the Severed parcel will have approximately 16 metres of frontage. This is 0.7 metres less than the requirements in the Zoning By-law.

The conditions should state that the frontage should be “at least 16.7 metres of road frontage”.

The property is within the source water intake protection zone which is not addressed.

The conditions of the Minor Variance state: “It must be noted that additional planning approvals may be required should further zoning deficiencies be identified through the Building Permit application process.”

The proposed development of the lands is a two-story home, with an attached garage. The proposal does not speak to proposed lot coverage, as stated is a maximum of 30% and anything over would require further relief from the by-law. The average home is 1,520 square feet, with on average based on the homes in the area the requirement of, at the very least a 100 square foot garden shed which takes the lot coverage to 37%. Factoring in a driveway for two cars, at minimum would be 600 square feet. This increases the lot coverage for buildings and impermeable (or not landscaped) areas to 51%. Over half of the lot, a modest calculation, will be utilized by structures and impermeable surfaces.

The plan that was submitted with the application is shown as conforming to the by-law, however, there is nothing that requires the development to be in conformity with this plan or with the Zoning By-law.

The full plan for the development is not known, and therefore there could potentially be other variances required. Being that the proposed lot is so constrained, it should be appropriate to have the full plan for the new development approved within the minor variance, and a stipulation that the plans must be followed to ensure no further relief is required.

If the application is approved, the Development Agreement should include provisions to protect the privacy of the neighbouring properties, such a privacy fencing, no windows on the side of the house closest to the neighbouring property and any other privacy measures that can be included.

We respectfully ask that the Committee of Adjustment consider denying the minor variance and the consent that would create an undersized lot that cannot comply with the Zoning By-law in several different areas and could potentially require further relief during the development process.

Thank you for your consideration,

Kendall Watts & Margot Jones

Photo 1: Privacy minimal with current dwelling which would be exacerbated with a 2 story home on our property line (relating to item 2 and 5 of my email) – The existing heritage mature tree line helps with privacy (which is in jeopardy if the tree line is damaged / removed).

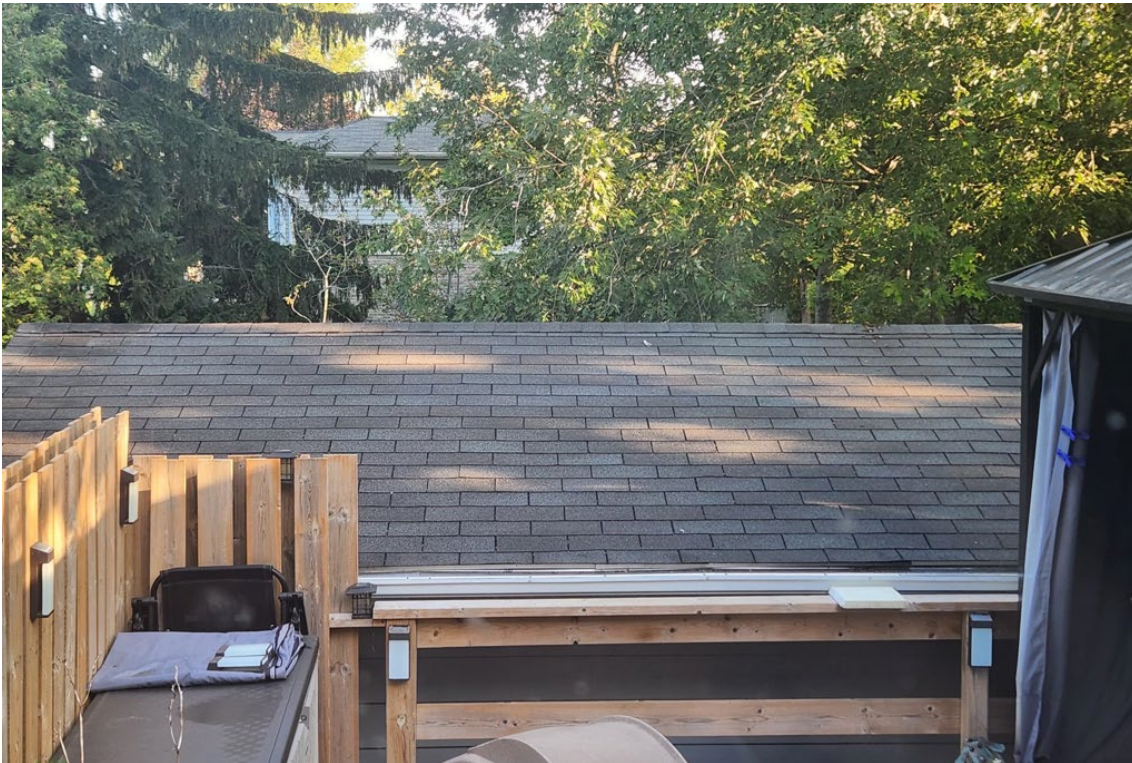


Photo group 2: Section of the heritage mature tree line on our shared property line with some new privacy shrubs in front (relating to item 6 of my email)



Photo group 3: the many driveways reducing the on-street parking and adding to congestion (relating to item 7 of my email). Also, tree (large bush) canopy taken down to accommodate paved driveway space. The converted garage photo is a new driveway (shown on the first photo) which will be in use now that it is a rental unit, from an existing garage.

