



**City of Kingston
Report to Committee of Adjustment
Report Number COA-25-033**

To: Chair and Members of the Committee of Adjustment
From: Annemarie Eusebio, Intermediate Planner
Date of Meeting: March 24, 2025
Application for: Minor Variance
File Number: D13-094-2024
Address: 24 Lakeshore Boulevard
District: District 4 - Lakeside
Owner: Cynthia Grekul
Applicant: Rod Stokes Consulting Inc.

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 a minor variance for the property located at 24 Lakeshore Boulevard. The proposal is to enclose a one-storey unenclosed porch and to enlarge an existing deck which will be located at the rear of the existing single detached house. The enclosed porch will be constructed on a portion of the existing deck. The proposed works will be at a height of approximately 0.8 metres from the existing grade. The enclosed porch will have an area of approximately 18.6 square metres and the proposed deck will have an area of approximately 62 square metres.

A variance is requested to enclose the porch 29 metres from the high-water mark. A variance is also requested for the deck addition which will be approximately 25 metres from the high-water mark. A 30-metre waterbody separation distance is required by the Kingston Zoning By-Law.

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The requested minor variances are 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 variances are 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 D13-094-2024, for the property located at 24 Lakeshore Boulevard to construct a porch enclosure and to expand an existing deck at the rear of the single detached house, be approved, as described below:

Variance Number 1: Waterbody Separation Distance (Enclosed Porch)

By-Law Number 2022-62: Section 4.23.1

Requirement: 30 metre

Proposed: 29 metres

Variance Requested: 1 metre

Variance Number 2: Waterbody Separation Distance (Deck Expansion)

By-Law Number 2022-62: Section 4.23.1

Requirement: 30 metres

Proposed: 25 metres

Variance Requested: 5 metres

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-025-003.

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Authorizing Signatures:

ORIGINAL SIGNED BY PLANNER

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
Malcolm Norwood, Supervisor, Development Approvals

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Options/Discussion:

On December 23, 2024, a minor variance application was submitted by Rod Stokes Consulting Inc., on behalf of the owner, Cynthia Grekul, with respect to the property located at 24 Lakeshore Boulevard. The proposal is to construct a one-storey enclosed porch and to enlarge an existing deck which will be located at the rear of the existing single detached house. The enclosed porch and deck expansion will be at a height of approximately 0.8 metres from the existing grade. The enclosed porch will have an area of approximately 18.6 square metres and the proposed deck will have an area of approximately 62 square metres.

A variance is requested to enclose the porch 29 metres from the high-water mark. A variance is also requested for the deck addition which will be approximately 25 metres from the high-water mark. 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 and Elevation Plans (Exhibit F)

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 24 Lakeshore Boulevard within the Lakeside District (Exhibit B – Key Map). The site is located within an established residential subdivision and is surrounded primarily by single detached houses. Jorene Park, Crerar Park, Everitt Park, Keyes Park and R.G. Sinclair Public School are within walking distance from the subject property. The property directly abuts Lake Ontario (Exhibit C – Neighbourhood Context Map).

The subject property is designated Residential in the Official Plan (Exhibit D – Official Plan Map) and zoned Urban Residential 4 ‘UR4’ in Kingston Zoning By-Law Number 2022-62 (Exhibit E – Zoning By-Law Map).

Provincial Planning 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 Planning 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).

The subject property is located within the Housing District in Schedule 2 – City Structure of the Official Plan. Minor infilling and development that can be integrated in a compatible manner with the prevailing built form generally found in the neighbourhood will be encouraged.

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 proposal has been designed to integrate with surrounding residential land uses. The adjacent residential properties (26 Lakeshore Boulevard, 28 Lakeshore Boulevard and 30 Lakeshore Boulevard) each contain a single detached house that is closer to the shoreline of Lake Ontario than the existing house and proposed development on the site. The proposed enclosed porch and deck exceed the required interior setbacks as indicated in the applicable UR4 zone. The property consists of large, mature trees and vegetation which will provide buffering and screening for the new development from adjacent lots. This vegetation is not proposed to be impacted as a result of this proposal. As such, it is anticipated that there will be no negative impact on adjacent residential uses or structures.

The proposed rear enclosed porch will allow for additional living space and the deck expansion will provide additional amenity area for the residents. The proposal meets 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. Since no vegetation is impacted and the proposed development is localized within the existing developed area of the lot, impacts to the 30m ribbon of life are anticipated to be minor.

The subject property is located within the Floodplain Overlay under Schedule A of Kingston Zoning By-Law 2022-52 and is within the Natural Hazard Constraint Overlay under Schedule 11 of the Official Plan. Section 5.5 of the City of Kingston Official Plan prohibits new development and site alteration within the floodplain. Where there is existing development within the

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regulatory floodplain, development and site alteration may be permitted in consultation with the Cataraqui Region Conservation Authority (CRCA), and subject to risk mitigation measures (i.e., floodproofing).

This application was circulated to the CRCA. It is noted that the porch enclosure will retain the same footprint as the existing unenclosed porch. CRCA staff confirmed that there are no flooding concerns with the proposed porch enclosure as the existing unenclosed porch is fully floodproofed and will not add additional area within the floodplain. Further, the proposed deck addition is considered minor and there are no concerns from a flooding hazard perspective.

The proposed development is subject to Ontario Regulation 41/24: Prohibited Activities Exceptions and Permits (formerly O.Reg 146/06) as a result of the floodplain on the subject property. The owner is required to obtain a CRCA permit for the construction of the enclosed porch and deck addition prior to receiving a Building Permit. CRCA has also indicated that they would not support future enclosure (partial or full) of the area of the deck addition as this would present potential flood risk. These requirements have been included as condition as shown in Exhibit A of this report.

The subject property is not a designated property under the *Ontario Heritage Act*. There will be no impacts to any built heritage resources. Heritage Planning staff have identified the subject property as having composite archaeological potential. As the proposed enclosed porch will be constructed over existing development and the deck addition will require minimal ground disturbance, an archaeological assessment will not be required.

The proposed variances meet the four tests of a minor variance under the *Planning Act* and the development is consistent with the built form along Lakeshore Boulevard. Therefore, a zoning by-law amendment is not required.

The proposal meets the intent of the Official Plan, as the proposed enclosed porch and deck expansion 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 5 ‘UR5’ in Kingston Zoning By-Law Number 2022-62 (Exhibit E – Zoning By-Law Map). The UR5 zone permits a single detached house.

The proposal requires the following variances:

Variance Number 1: Waterbody Separation Distance

By-Law Number 2022-62: Section 4.23.1

Requirement: 30 metres

Proposed: 25 metres

Variance Requested: 5 metres

Variance Number 2: Waterbody Separation Distance (Enclosed Porch)

By-Law Number 2022-62: Section 4.23.1

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Requirement: 30 metres
Proposed: 29 metres
Variance Requested: 1 metre

The intent of the 30-metre waterbody separation distance is primarily to protect the ribbon of life zone from the impacts of development. This zoning provision exists to protect development from natural hazards such as flooding. Maintaining the ribbon of life zone can help to enhance water equality, 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.

The proposed enclosed porch and the deck expansion will be within the 30-metre waterbody separation distance as required in the Kingston Zoning By-law. The proposed development will maintain sufficient natural space in the rear yard for recreation purposes. The proposed rear porch enclosure is anticipated to be compatible with the existing built form on the subject property, as well as compatible with all surrounding land uses. The existing mature trees on the site will provide adequate screening from adjacent properties. CRCA staff have no objection to the proposal. The proposed enclosed porch is not anticipated to have adverse impacts on the existing waterbody of Lake Ontario.

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

The variance is minor in nature

The proposed enclosed porch and deck expansion will result in a development that is consistent with the long-established built form of single detached houses along Lakeshore Boulevard. The proposed development will not result in intrusive overlook with respect to adjacent residential properties. The existing trees and vegetation located along the interior property lines of the property will screen the development from existing properties. The variances will not alter the character of the neighbourhood or existing streetscape. There is no anticipated impact to the waterbody of Lake Ontario.

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

The proposed enclosed porch and deck expansion will allow for additional living space, amenity area and will meet the functional needs of the residents. There will be no adverse impacts with respect to the natural environment, natural hazards or flooding. The proposed development is consistent with the existing built form of residential buildings along Lakeshore Boulevard. 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 variance is desirable and appropriate use of the land.

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Technical Review: Circulated Departments and Agencies

- | | | |
|---|--|--|
| <input checked="" type="checkbox"/> Building Services | <input checked="" type="checkbox"/> Engineering Department | <input checked="" type="checkbox"/> Heritage |
| <input type="checkbox"/> Finance | <input checked="" type="checkbox"/> Utilities Kingston | <input type="checkbox"/> Real Estate & Land Development |
| <input type="checkbox"/> Fire & Rescue | <input checked="" type="checkbox"/> Kingston Hydro | <input checked="" type="checkbox"/> Environmental Services |
| <input 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 checked="" type="checkbox"/> Hydro One | <input type="checkbox"/> Enbridge Pipelines | <input type="checkbox"/> TransCanada Pipelines |
| <input type="checkbox"/> Kingston Airport | <input type="checkbox"/> Other: | |

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 public 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 variances maintain 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 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 and deck addition at the rear of the existing single detached house on the subject property municipally known as 24 Lakeshore Boulevard.

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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 Planning Statement, 2024

Municipal

City of Kingston Official Plan

Kingston Zoning By-Law Number 2022-62

Notice Provisions:

A Committee of Adjustment Meeting is going to be held respecting this application on March 24, 2025. 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 13 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:

Malcolm Norwood, Supervisor, Development Approvals, 613-546-4291 extension 3236

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

Other City of Kingston Staff Consulted:

None

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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
- Exhibit G Site Photos
- Exhibit H Public Notification Map

Recommended Conditions

The approval of minor variance application, File Number D13-094-2024, to facilitate the construction of an 18.6 square metre one-storey porch enclosure and a 62 square metre deck expansion at the rear of the existing single detached house, shall be subject to the following recommended conditions:

1. Limitation

That the approved minor variance applies only to the 18.6 square metre one-storey porch enclosure and 62 square metre deck at the rear of the existing house as shown on the approved 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. Cataraqui Region Conservation Authority (CRCA)

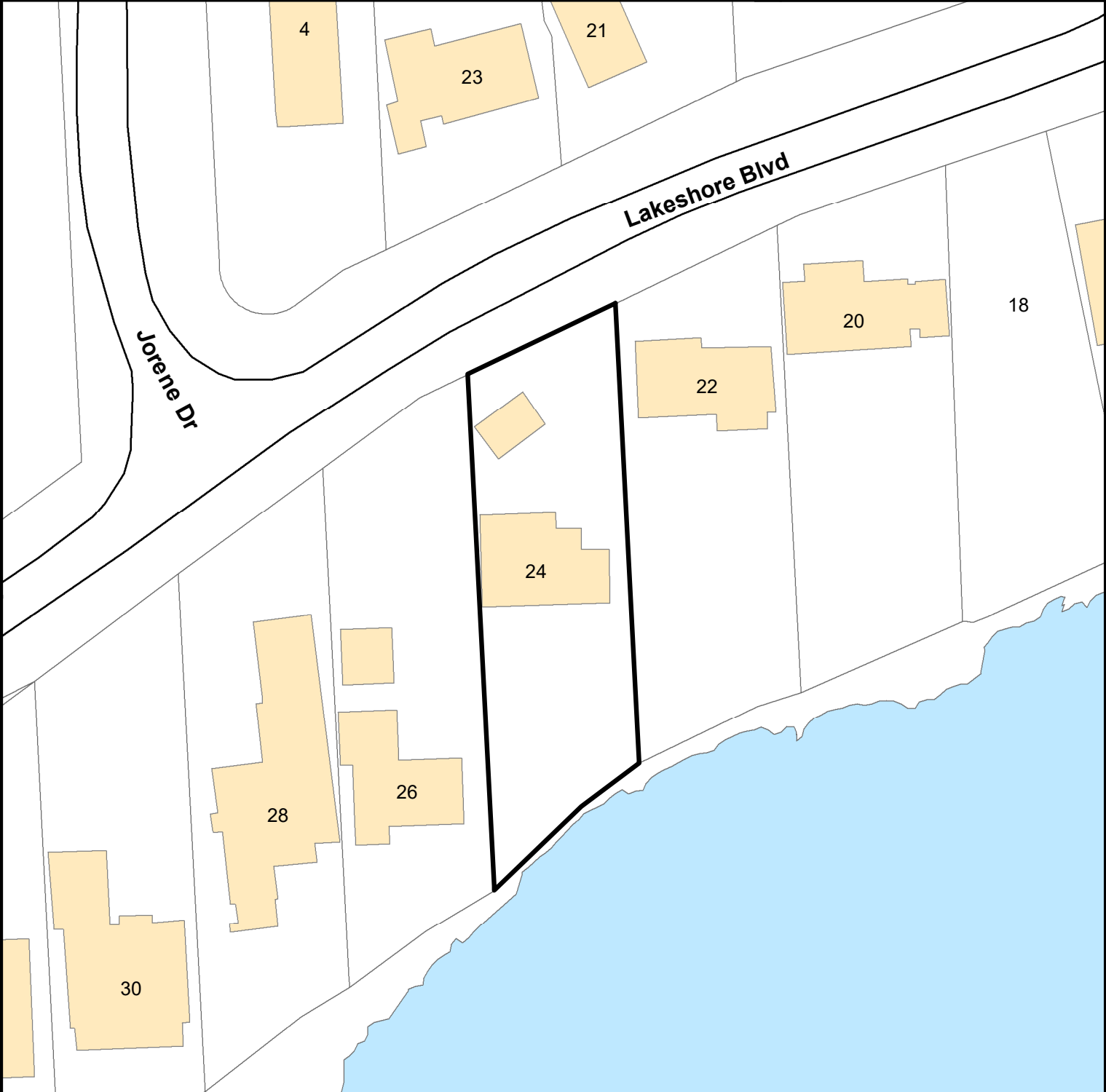
The subject property is within 15 metres of the regulatory floodplain and erosion hazard associated with Lake Ontario and is subject to Ontario Regulation 41/24: Prohibited Activities Exemptions and Permits (formerly O. Reg. 146/06). The owner/applicant is required to obtain a CRCA permit prior to the issuance of a building permit for the enclosed porch and deck expansion. An enclosure (partial or full) of the area of the proposed deck addition is not permitted as this would present potential flood risk.



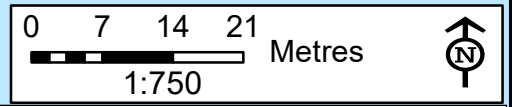
Committee of Adjustment Key Map

Address: 24 Lakeshore Blvd
File Number: D13-094-2024
Prepared On: Feb-12-2025

 Lands Subject to Minor Variance



Prepared By: Ichu
Prepared On: Feb-12-2025



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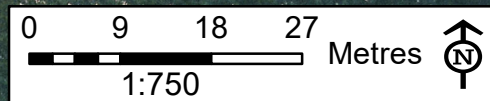
Committee of Adjustment Neighbourhood Context

Address: 24 Lakeshore Blvd
File Number: D13-094-2024
Prepared On: Feb-12-2025

- Subject Lands
- Property Boundaries



Prepared By: lchu
Prepared On: Feb-12-2025








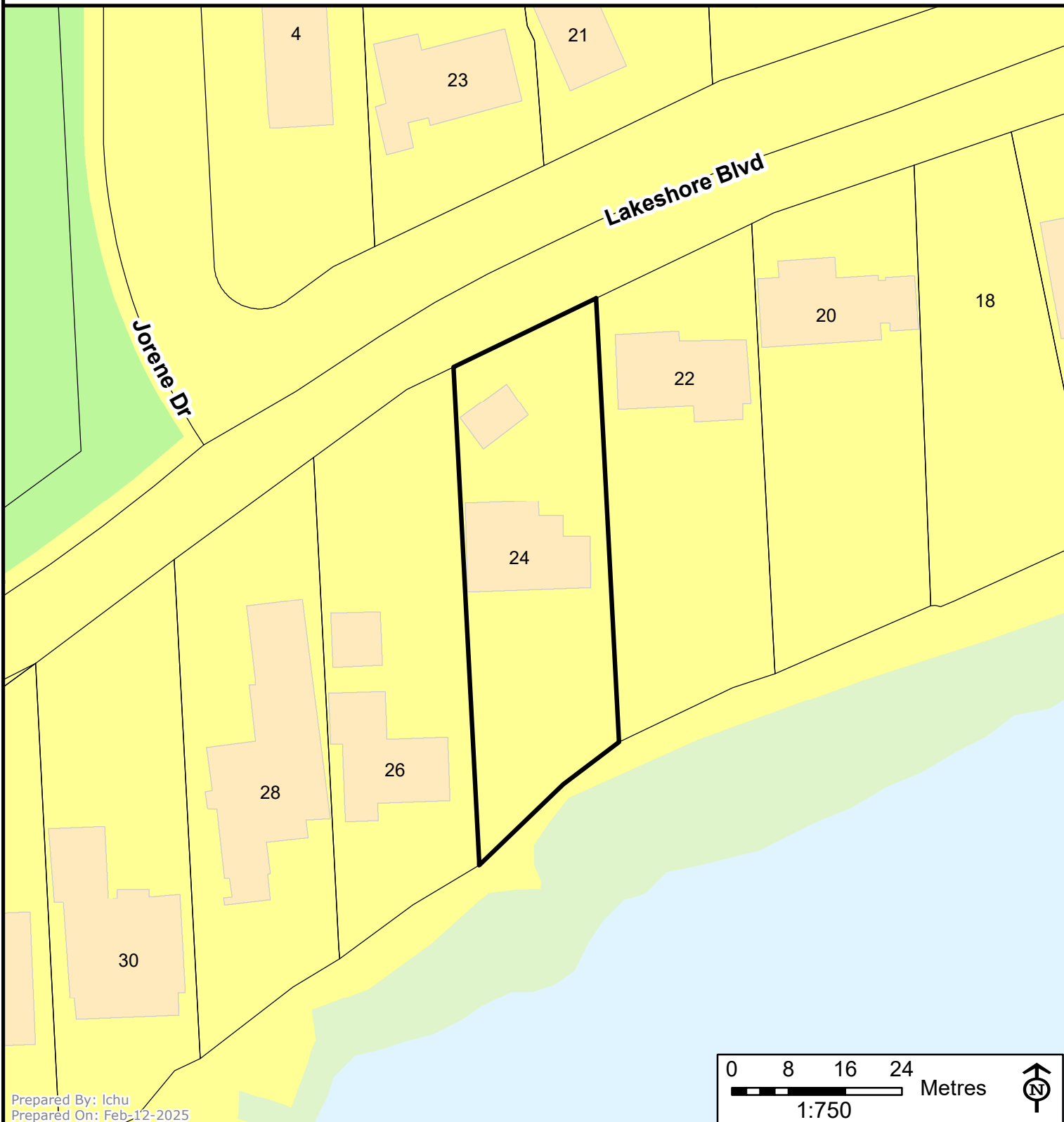
Committee of Adjustment Official Plan, Existing Land Use

Address: 24 Lakeshore Blvd

File Number: D13-094-2024

Prepared On: Feb-12-2025

-  Subject Lands
-  Open Space
-  Residential



Prepared By: Ichu
Prepared On: Feb-12-2025



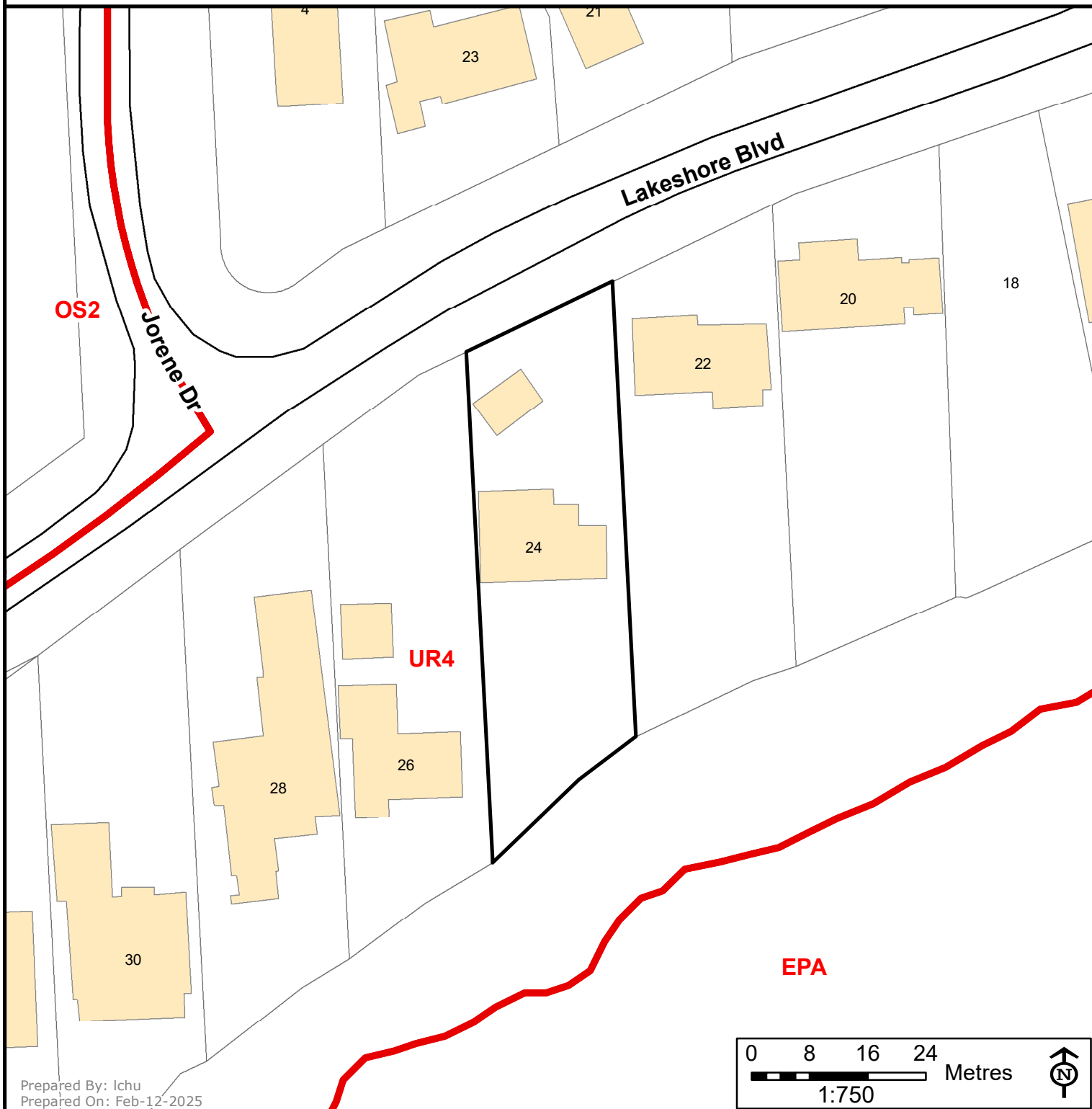
Committee of Adjustment
Existing Zoning
Kingston Zoning By-Law 2022-62

Planning Services

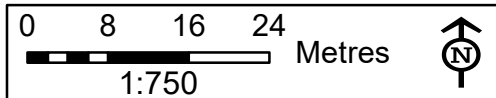
Address: 24 Lakeshore Blvd
File Number: D13-094-2024
Prepared On: Feb-12-2025

Subject Lands
Schedule 1 Zoning Map
Zone

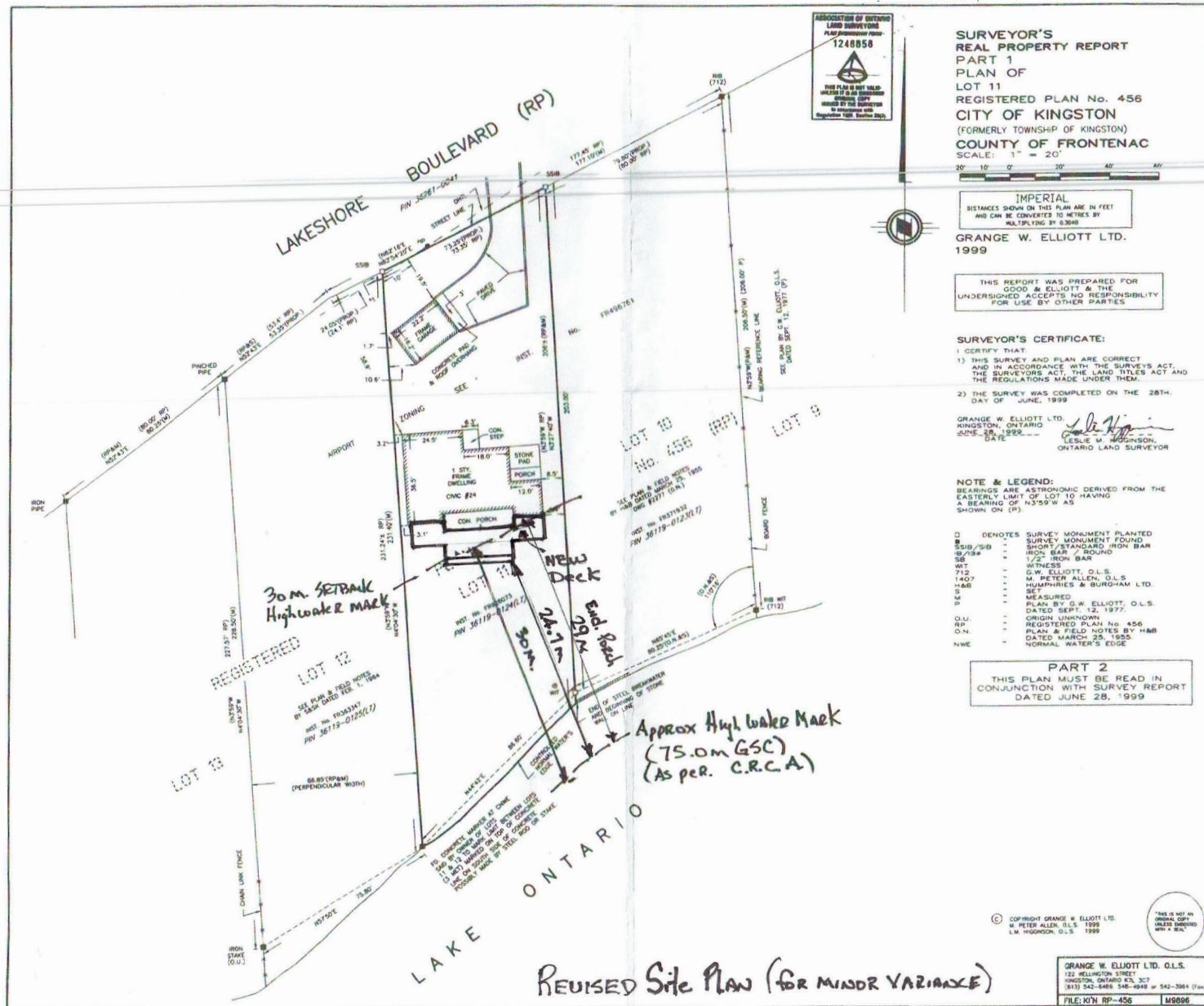
Schedule E - Exception Overlay
Legacy Exceptions (LXXX)
Exceptions (EXXX)
Schedule F - Holding Overlay
Holding Overlay (HXXX)



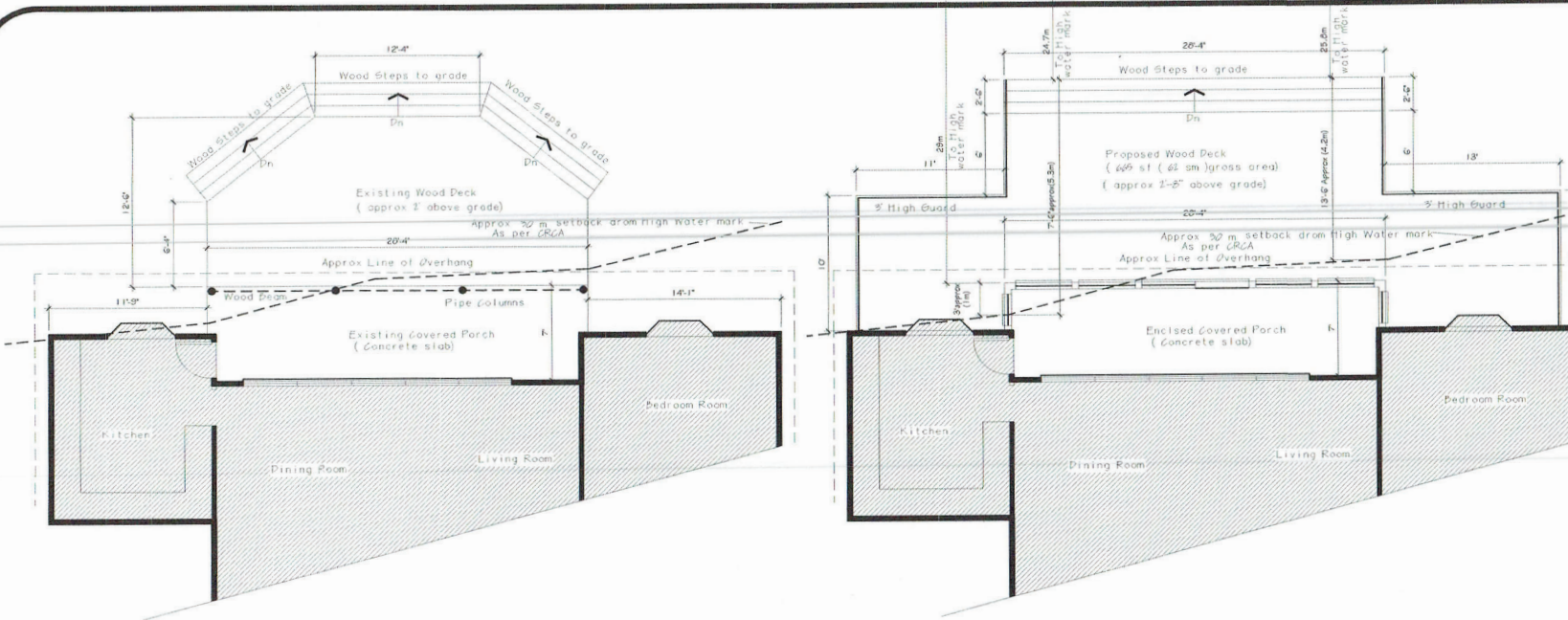
Prepared By: Ichu
Prepared On: Feb-12-2025



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REVISED Site PLAN (FOR MINOR VARIANCE)
Feb 20, 2025

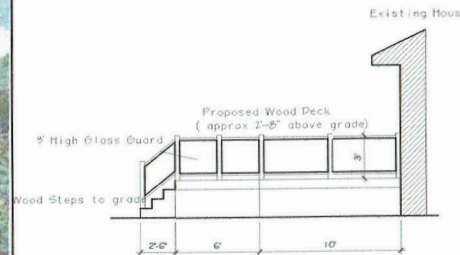


Existing Condition Partial Ground Floor Plan
Scale 1/4" = 1'-0"

Proposed Partial Ground Floor Plan
Scale 1/4" = 1'-0"



Existing Condition Photos



Typical Deck Elevation
Scale 1/4" = 1'-0"

General Notes:

These plans were designed in accordance with the requirements of the Ontario Building Code. Drawings shall not be scaled.
Contractor shall verify and be responsible for all dimensions and material code requirements and shall report any discrepancy to the Designer before proceeding with any work.
Plans are copyright and any unlawful use without company's express and written permission.
*These plans form the basis for permit issuance and any deviation from these plans and details including the ventilation system, heating system, woodstove, fireplace, hot tubs, hot tubs, and finished basements, all require a revised drawing and clearance by the issuing inspection department.
The mechanical and electrical layout is only schematic. If items on plan cannot be placed exactly as shown, inform the Designer prior to installation. Ventilation switch and circulation switch shall be clearly labeled as per B.C.C. regulations.
All mechanical, electrical and plumbing shall conform to the O.B.C. and all applicable code provisions for occupancy.

DESIGNER INFORMATION
I, Rod Stokes of Rod Stokes Consulting review and take responsibility for the design work, and am qualified in the appropriate categories as "designer" under Ontario C.P.A.C. Section 2.2 of the Ontario Building Code.
Firm B.C.L.N.: 30402
Individual B.C.L.N.: 31134
Signed:

Rod Stokes

Project North



4		
3	Revised for permit application	2/20/24
2	Revised for permit application	2/20/24
1	Issued for permit application	2/20/24
No.	Revision/Issue	Date



Proposed Porch Enclosure
for Cynthia Grekul
24 Lakeshore Blvd
Kingston, Ontario

Existing Conditions
Partial Plans / Photos
Proposed Partial Plans

Sheet	Sheet
Date	S-1
Scale	As noted

Site Photos

View of the location of the rear porch enclosure and deck addition



View of the rear of the adjacent property at 22 Lakeshore Boulevard



View of the adjacent property at 26 Lakeshore Boulevard



View of Lake Ontario at the rear of the subject property





Planning Services

Committee of Adjustment Public Notice Notification Map

Address: 24 Lakeshore Blvd

File Number: D13-094-2024

Prepared On: Feb-12-2025

60m Public Notification Boundary

Subject Lands

Property Boundaries

13 Properties in Receipt of Notice (MPAC)



Prepared By: Ichu
Prepared On: Feb-12-2025



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