



**City of Kingston  
Committee of Adjustment  
Meeting Number 2021-04  
Addendum**

**Monday, March 22, 2021 at 5:30 p.m.  
In a virtual, electronic format**

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**Business**

- b) Application for: Minor Variance  
File Number: D13-068-2020  
Address: Supplementary Report – 9 Birch Street  
Owner: AND Estates Inc.  
Applicant: BLVD Group**

The Supplemental Report of the Commissioner of Community Services (COA-21-028) is attached.

Addendum Pages 1 – 7

**Note:** Consideration of Report Number COA-21-028 will occur before consideration of COA-21-021

Recommendation:

**That** the second clause of the recommendation outlined in Report Number COA-21-021, be replaced with the following:

**That** approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-21-028.

**Correspondence**

- a) Correspondence received from Donald Mitchell, Sydenham District Association, dated March 22, 2021, regarding Application for Minor Variance at 9 Birch Avenue.

Addendum Page 8

- b) Correspondence received from Neil B. Dukas, dated March 5, 2021, regarding Application for Permission at 7 George Street.

Addendum Page 9



**City of Kingston  
Report to Committee of Adjustment  
Report Number COA-21-028**

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**To:** Chair and Members of the Committee of Adjustment  
**From:** Niall Oddie, Planner  
**Date of Meeting:** March 22, 2021  
**Application for:** Minor Variance  
**File Number:** D13-068-2020  
**Address:** Supplementary Report - 9 Birch Avenue  
**Owner:** AND Estates Inc.  
**Applicant:** BLVD Group

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**Council Strategic Plan Alignment:**

Theme: 2. Increase housing affordability

Goal: 2.4 Promote secondary suites and tiny homes.

**Executive Summary:**

This Supplemental Report is to address a minor modification to Condition 5. in Exhibit A – Recommended Conditions of Report Number [COA-21-021](#). The revised wording within Exhibit A – Recommended Conditions clarifies that the applicant is required to provide an executed development agreement to the Secretary Treasurer, Committee of Adjustment prior to obtaining a Building Permit, whereas the original wording required the applicant to provide a copy of the registered development agreement with their Building Permit application. A revised Exhibit A – Recommended Conditions is attached to this supplementary report.

March 22, 2021

Page 2 of 5

**Recommendation:**

**That** the second clause of the recommendation outlined in Report Number COA-21-021, be replaced with the following:

**That** approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-21-028.

March 22, 2021

Page 3 of 5

**Authorizing Signatures:**



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Niall Oddie, Planner

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

Paige Agnew, Commissioner, Community Services

March 22, 2021

Page 4 of 5

**Options/Discussion:**

This is a supplemental report to Report Number COA-21-021 for minor variance application, File Number D13-068-2020 that requests relief from Zoning By-Law Number 8499 to construct a two-storey rear addition to accommodate a five-bedroom second residential unit. Report Number COA-21-021 recommended approval of the application to increase maximum building depth, reduce minimum driveway width and reduce minimum pedestrian access aisle width, subject to the Recommended Conditions contained in Exhibit A.

The applicant has requested minor modifications to recommended condition number 5., which requires a development agreement to be registered on title with the subject lands. The original wording of the condition required the applicant to provide a copy of the registered agreement as part of a Building Permit application, whereas the revised wording of the condition clarifies that an executed copy of the agreement will be provided prior to a Building Permit being issued.

This approach is similar to how the municipality processes Site Plan Control agreements, whereby the applicant can proceed to the Building Permit stage of the process once the executed agreement has been accepted by the municipality and is not required to wait until the municipality registers the agreement before a Building Permit can be issued. This approach provides a degree of flexibility to the applicant, but still results in the agreement being registered on title with the lands.

**Existing Policy/By-Law:**

Please refer to Report Number COA-21-021.

**Notice Provisions:**

Please refer to Report Number COA-21-021.

**Accessibility Considerations:**

None

**Financial Considerations:**

None

**Contacts:**

Tim Park, Manager, Development Approvals, 613-546-4291 extension 3223

Niall Oddie, Planner, 613-546-4291 extension 3259

**Other City of Kingston Staff Consulted:**

None

March 22, 2021

Page 5 of 5

**Exhibits Attached:**

Exhibit A    Recommended Conditions

## Recommended Conditions

### Application for minor variance, File Number D13-068-2020

Approval of the foregoing application shall be subject to the following recommended conditions:

#### 1. Limitation

That the approved minor variance applies only to the rear addition to accommodate a second residential unit 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 shall provide sufficient information to confirm Floor Space Index under Section 6.3(h) of Zoning By-law 8499, as sufficient detail was not provided through the minor variance application.

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

Archaeological clearance of the subject property is required, beginning with a Stage One Archaeological Assessment and including any subsequent assessments as required by the Ministry of Heritage, Sport, Tourism, and Culture Industries' Standards and Guidelines for Consultant Archaeologists, as amended from time to time, prior to any soil disturbance.

One digital copy of the assessment report(s) and any acceptance letter(s) from the Ministry of Heritage, Sport, Tourism, and Culture Industries shall be provided to the Secretary-Treasurer of the Committee of Adjustment, prior to the issuance of the Certificate of Official.



The City relies upon the report of the professional archaeologist as filed, but reserves the right to require further reports should further evidence be uncovered. The applicant may be required to further review the state of archaeological resources on the property depending on the recommendations of the report and subject to input and review from the Ministry of Heritage, Sport, Tourism, and Culture Industries. The City shall not be restricted in its ability to determine requirements related to review, assessment and/or protection should archaeological resources be found on site. Any costs arising from such requirements of the City, or any other duly authorized Government body, shall be borne solely by the applicant.

## **5. Development Agreement**

The owner/application shall enter into a development agreement satisfactory to the City to be registered on title with the subject lands. All legal costs associated with the preparation and registration of the agreement shall be borne by the owner. The applicant shall provide a copy of the executed agreement to the Secretary-Treasurer, Committee of Adjustment and shall provide a copy of the executed agreement prior to issuance of a Building Permit, at which point the municipality shall register on title with the subject lands. The agreement shall contain conditions to ensure:

- a) That the existing gravel surfaces within the rear yard that are not required for vehicular parking shall be converted from parking area into landscaped open space in accordance with Sections 5.3B(cc) and 6.3(o) of Zoning By-law 8499; and
- b) That the accessory structure shown on the approved drawings attached to the notice of decision shall be constructed prior to occupancy of the second residential unit. The accessory structure shall provide storage space for garbage and recycling bins and a minimum of five (5) secure bicycle parking spaces.

## Oddie,Niall

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**From:** Donald Mitchell <[REDACTED]>  
**Sent:** March 22, 2021 9:51 AM  
**To:** Oddie,Niall  
**Subject:** 9 Birch Street & D13-068-2020

**CAUTION:** This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Good morning Niall Oddie.

Late afternoon yesterday, as a member of the leadership of the Sydenham District Association, I was contacted by a city resident and member of a neighbouring district association leadership to look at the subject file regarding a few issues of concern for them. I'm in process of looking through it a second time with intent to prepare and provide public comment at the CoA meeting later today.

Primary (general) concern it seems for this community member is the proposed number of bedrooms for the site. The 'development agreement' with its conditions forms their more elaborated issue(s) with the proposal. I had wondered if 'development conditions' are a usual business practice for Committee of Adjustment proposals/decisions.

It is interesting that in a week where a Staff report/recommendation is going to Planning Committee proposing a limit on number of bedrooms (which I interpret is a 'maximum of 8 bedrooms, in the aggregate, per lot' for this type of accessory dwelling unit infill) that we see days prior a proposal for 12 bedrooms, including basement bedrooms at CoA. Also consider that a 10 bedroom proposal with an extra 'safety provision' bedroom appeared almost stalled in its decision at the most recent Planning Committee meeting.

Regardless, the SDA would be remiss as the area district association not to flag a 12 bedroom proposal in the heart of a neighbourhood as a community concern.


I have a process question that I am hoping you might answer regarding parking requirements and development. Presently, through all applicable policies, if an exemption from provision of parking were sought by this applicant would the development be evaluated at CoA or Planning Committee?

Thank you for your time and consideration of my query.

Cheers Donald Mitchell  
(SDA vice-chair)

**NEIL B. DUKAS**

412 Wellington St, Barriefield Village  
Kingston, ON K7K 5R6



Secretary Treasurer, Committee of Adjustment  
City of Kingston  
216 Ontario St  
Kingston, ON K7L 2Z3

March 5, 2021

Dear Sir/Madam,

**RE: Planning File No D13-055-2020 / Heritage Permit No P18-083-2020**

I am the owner of the property at 412 Wellington Street, immediately west of and adjacent to 7 George Street.

I would like to state for the record that I have reviewed the application by Mikaela Hughes for a minor variance as depicted in architectural drawings prepared Aug. 27, 2020 for the "Pratt Studio" 7 George St, Barriefield, and that I have no objection to the plans as detailed and submitted.

The planned improvements to the property and ancillary building, in my opinion, are consistent with the intent and purpose of the Village of Barriefield HCD Plan and do not appear to impinge on my rights or the enjoyment of my property.

Yours truly,

