



**City of Kingston  
Report to Committee of Adjustment  
Report Number COA-22-059**

---

**To:** Chair and Members of the Committee of Adjustment  
**From:** Jacob Slevin, Planning Intern  
**Date of Meeting:** August 15, 2022  
**Application for:** Minor Variance  
**File Number:** D13-035-2022  
**Address:** 60 Fergus Street  
**Owner:** Meredith Powell  
**Applicant:** Meredith Powell

---

**Council Strategic Plan Alignment:**

Theme: 2. Increase housing affordability

Goal: 2.1 Pursue development of all types of housing city-wide through intensification and land use policies.

**Executive Summary:**

This report provides a recommendation to the Committee of Adjustment regarding an application for a minor variance for the property located at 60 Fergus Street. The applicant is proposing to remove the existing aluminum porch structure and replace it with a new and insulated 4-season enclosed sunroom. The applicant previously obtained a minor variance to permit the construction of the existing porch. However, the proposed sunroom is larger than the original porch. The previous minor variance does not allow for an enlargement of the porch. Therefore, a variance is required for the required front yard setback.

The requested minor variance is consistent with the general intent and purpose of both the City of Kingston Official Plan and Zoning By-Law Number 8499. The requested minor 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.

August 15, 2022

Page 2 of 11

**Recommendation:**

**That** minor variance application, File Number D13-035-2022, for the property located at 60 Fergus Street to reduce the front yard setback to allow construction of a sunroom, be Approved; as described below:

**Zoning By-Law Number 8499**

**Variance Number 1A:**

By-Law Number 8499: 11.3(b) – Minimum Front Yard  
Requirement: 7.5 metres  
Proposed: 0.9 metres  
Variance Requested: 6.6 metres

**Zoning By-Law Number 2022-62**

**Variance Number 1B:**

By-Law Number 2022-62: Table 11.14.1.4 – Minimum Front Setback  
Requirement: 4.5 metres  
Proposed: 0.9 metres  
Variance Requested: 3.6 metres; and

**That** approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-22-059.

August 15, 2022

Page 3 of 11

**Authorizing Signatures:**

ORIGINAL SIGNED BY PLANNER

---

Jacob Slevin, Planning Intern

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

Tim Park, Director, Planning Services

James Bar, Manager, Development Approvals

August 15, 2022

Page 4 of 11

**Options/Discussion:**

On May 25, 2022, a minor variance application was submitted by Meredith Powell, the owner of the property located at 60 Fergus Street. The variance is requested to provide relief from requirement to provide a 7.5 metre front yard setback in order to permit the construction of a sunroom.

In 2002, the subject property was granted minor variance application number U.COA.698-02 to permit the construction of the original porch. This minor variance permitted the reduction of the front yard setback from 7.5 metres to 0.9 metres on the portion of the lot on which the porch was located. This variance did not reduce the required setback along the entire width of the lot. The existing porch has a width of 2.7 metres, while the proposed new sunroom would have a width of 3.6 metres. Therefore, a new minor variance is required to reduce the required 7.5 metre setback on the portions of the lot which are not covered by the current porch but will be covered by the new sunroom.

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

- Site Plan (Exhibit H)
- Architectural Elevations (Exhibit I)
- Tree Preservation Study (Exhibit J)

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 60 Fergus Street. It is on the west side of the street, between First Avenue to the south and Third Avenue to the north. The property is approximately 435 square meters in area, with 12.2 metres of frontage onto Fergus Street. The property is currently developed with a detached single-family dwelling. The property contains a detached garage on the north-west corner of the lot. Information provided by the applicant indicates that the house was built in 1947. The existing front porch was constructed in 2002. The subject property is not designated or listed under the Ontario Heritage Act.

The subject property is designated Residential in the Official Plan and zoned "A5" for One-Family Dwelling and Two-Family Dwelling Zone in Zoning By-Law Number 8499. The property is to be zoned "UR13" for Urban Residential Zone 13 in Zoning By-Law Number 2022-62. The property is located within the Kingscourt neighbourhood, and is surrounded by residential land uses, primarily comprised of single detached houses. The property is situated approximately 235 metres to the north of the Kingston Memorial Center, and approximately 220 metres south of Ronald Lavalley Memorial Kiwanis Park.

August 15, 2022

Page 5 of 11

## 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:

## Provincial Policy Statement

In addition to the four tests of a minor variance detailed above, 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.

### 1) The general intent and purpose of the Official Plan are maintained

The subject property is designated Residential in the City of Kingston Official Plan.

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 following provides these nine requirements and an assessment of how the proposal is consistent with each.

1. The proposed development meets the intent of Section 2 Strategic Policy Direction, and all other applicable policies of this Plan;

The proposed development is within the Urban Boundary, the focus of growth within the City. The property is located within a stable neighbourhood. In stable neighbourhoods, any changes should reflect the prevailing pattern of development. As the lots on Fergus Street are relatively small, few houses on the street comply with the required 7.5 meter front yard setback. Both houses immediately adjacent to 60 Fergus Street, 58 Fergus and 64 Fergus, do not comply with the required 7.5 meter front yard setback. Considering that the existing porch is already non-compliant with the required setback and that many other houses on the street do not comply with the required setback, approval of this variance would not alter the established pattern of land assembly and built form.

2. The proposed development will be compatible with surrounding uses, buildings or structures and development standards associated with adjacent properties, and if necessary, incorporate means of alleviating adverse effects on abutting land uses as recommended in Section 2.7 of this Plan;

It is expected that the proposed development will be compatible with the surrounding land uses. Although the listed setback in the A5 zone is 7.5 meters, many of the surrounding houses are legal non-complying structures that encroach into the required setback.

August 15, 2022

Page 6 of 11

Consequently, the house at 60 Fergus will not appear abnormally close to the lot line. Additionally, the existing porch at 60 Fergus is already set 0.9 metres from the lot line. The new sunroom will not advance any closer towards the lot line, and therefore construction of the new deck will not disrupt the existing streetscape. A municipal honey locust tree provides visual screening between the sunroom and the sidewalk, minimizing concerns about loss of privacy.

3. The ability of the site to function in an appropriate manner in terms of access, parking for vehicles and bicycles or any other matter and means of improving such function including considerations for universal accessibility;

The proposed alterations to the site will not alter the functioning of the site. The property remains as a single unit dwelling. The proposed alterations would not reduce the site's functionality in terms of accessibility, vehicle parking, or bicycle parking.

4. The conformity of the proposal to any applicable urban design policies endorsed by Council, particularly if the site includes or could impact a built heritage resource or is within a Heritage District;

The subject property is located within the Kingscourt Heritage Character Area. This neighbourhood is recognized as having a specific heritage character, but is not designated under the *Ontario Heritage Act*. Heritage Planning has indicated that the proposal to build the sunroom would not negatively impact any built heritage resources.

5. If the site is designated under the *Ontario Heritage Act*, the application shall be reviewed by Heritage Kingston for approval. If the property is adjacent to a designated property under the *Ontario Heritage Act* or shown as a Heritage Area feature, or is affected by the protected views shown on Schedule 9 of this Plan, then a Heritage Impact Statement may be required to assist staff to determine if the resulting development is desirable;

The subject lands are not designated under the Ontario Heritage Act, nor are they adjacent to any designated structures. The subject lands are not affected by the protected views shown on Schedule 9 of the Official Plan. A Heritage Impact Statement was not requested for the application.

6. The resulting development has adequate municipal water and sewage services within the Urban Boundary, or is capable of providing individual on-site water and sewage services outside the Urban Boundary;

The subject lands are located within the urban boundary and are serviced by municipal water and sewer systems. Utilities Kingston was circulated on the application and raised no concerns with respect to servicing capacity.

7. Whether the application and the cumulative impact of the proposed variances would be more appropriately addressed by a zoning amendment to the applicable zoning by-law;

The applicant is requesting relief solely for the required 7.5 metre front yard setback. As the impact of this variance would be minimal, a minor variance is a more appropriate method of providing relief than a zoning by-law amendment.

August 15, 2022

Page 7 of 11

- 8. The Committee of Adjustment may attach such conditions as it deems appropriate to the approval of the application for a minor variance including any reasonable requirements, recommendations of City departments, or the submission of studies as listed in Section 9.12 of this Plan that may be required to properly evaluate the application;

Recommended conditions are included in Exhibit A of this report.

- 9. The degree to which such approval may set an undesirable precedent for the immediate area.

The proposal is in keeping and compatible with the existing development in the surrounding area and will not set an undesirable precedent.

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

**2) The general intent and purpose of the zoning by-law are maintained**

**Zoning By-Law Number 8499**

The subject property is zoned A5 in the City of Kingston Zoning By-Law Number 8499, entitled "Restricted Area (Zoning) By-Law of the Corporation of the City of Kingston", as amended. The A5 zone permits one-family dwellings, two-family dwellings, and a number of community institutional uses.

The proposal requires a variance to Section 11 as outlined below.

**Variance Number 1A:**

By-Law Number 8499:	Section 11.3(b) – Minimum Front Yard
Requirement:	7.5 metres
Proposed:	0.9 metres
Variance Requested:	6.6 metres

**Zoning By-Law Number 2022-62**

The subject property is zoned UR13 in the City of Kingston Zoning By-Law Number 2022-62, as amended. The UR13 zone permits single detached homes, duplexes, semi-detached homes, and a number of community institutional uses.

The proposal requires a variance to Section 11.14.1 as outlined below.

**Variance Number 1B:**

By-Law Number 2022-62:	Section 11.14.1.4 – Minimum Front Setback
Requirement:	4.5 metres
Proposed:	0.9 metres
Variance Requested:	3.6 metres

August 15, 2022

Page 8 of 11

The proposal requires a variance to Section 11.3(b), which regulates front yard setbacks. The intent of this provision is to regulate the distance to which dwelling units must be set back from their front property line. This approach seeks to ensure that dwelling units within a neighbourhood form a cohesive streetscape, with all dwelling units required to adhere to a common setback.

In this case, many of the houses along Fergus Street and within the Kingscourt neighbourhood are old and predate the passage of Zoning By-Law Number 8499. Therefore, many of the houses in Kingscourt do not adhere to the required 7.5 meter setback stipulated in Section 11.3(b). Considering that many houses along Fergus Street are already situated within the required setback, allowing the proposed sunroom at 60 Fergus Street to project into the required setback would not disrupt the neighbourhood streetscape. Consequently, this proposal would not contravene the intention of 11.3(b).

### **3) The variance is minor in nature**

The variance is considered minor as the existing enclosed porch is already setback 0.9 metres from the front lot line, and the proposed new sunroom would not be set any closer to the front lot line. The only external change is that the enclosed porch is 2.7 metres in width, while proposed new sunroom would be 3.6 metres in width. No adverse impacts on neighbouring properties are anticipated to result from the proposed construction of the sunroom.

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

The proposed development will not result in any visual intrusion that could disrupt the existing streetscape. The architectural style for the proposed sunroom appears to be compatible and complementary to the existing building at 60 Fergus. Heritage Planning has been contacted about the proposed development, and did not raise any concerns about the potential degradation of any cultural heritage resources. The proposed sunroom would be insulated, allowing use during all seasons compared to the existing enclosed porch, which can only be used during warmer weather. Therefore, this proposal is an appropriate addition to the existing building that would allow the entire house to be used during all seasons.

Permitting the construction of the sunroom is not anticipated to have any adverse impacts on any of the neighbouring properties. The original porch does not appear to have caused any adverse impacts, and this proposal suggests only a modest increase in the width from the original porch. As such, the variance is considered to be desirable and an appropriate use of the land.



August 15, 2022

Page 9 of 11

**Technical Review: Circulated Departments and Agencies**

- Building Services
- Finance
- Fire & Rescue
- Solid Waste
- Housing
- KEDCO
- CRCA
- Parks Canada
- Hydro One
- Kingston Airport
- Engineering Department
- Utilities Kingston
- Kingston Hydro
- Parks Development
- District Councillor
- Municipal Drainage
- KFL&A Health Unit
- Eastern Ontario Power
- Enbridge Pipelines
- Heritage (Planning Services)
- Real Estate & Environmental Initiatives
- City’s Environment Division
- Canadian National Railways
- Ministry of Transportation
- Parks of the St. Lawrence
- Trans Northern Pipelines
- CFB Kingston
- TransCanada Pipelines

**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 comments were received regarding this application. 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**

In 2002, the subject property was granted minor variance application U.COA.698-02 to reduce the minimum front yard setback requirement, to reduce the minimum side yard requirement, and to the reduce the minimum lot width requirement, in order to permit the development of the original enclosed porch. Because the previous variance only applied to the portion of the lot where the original enclosed porch was located, a new variance was required to permit the construction of the wider sunroom.

**Conclusion**

The requested variance maintains the general intent and purpose of both the City of Kingston Official Plan, Zoning By-Law Number 8499, and Zoning By-Law 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.

August 15, 2022

Page 10 of 11

Approval of this application will enable the demolition of the existing sun porch and the construction of a sunroom.

**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

Zoning By-Law Number 8499

Zoning By-Law Number 2022-62

**Notice Provisions:**

A Committee of Adjustment Meeting is going to be held respecting this application on August 15, 2022. 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 48 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.

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

Jacob Slevin, Planning Intern, 613-546-4291 extension 3273

August 15, 2022

Page 11 of 11

**Other City of Kingston Staff Consulted:**

None

**Exhibits Attached:**

- Exhibit A Recommended Conditions
- Exhibit B Key Map
- Exhibit C Public Notification Map
- Exhibit D Official Plan Map
- Exhibit E Zoning By-Law 8499, Map 14
- Exhibit F Zoning By-Law 2022-62
- Exhibit G Neighbourhood Context Map (2021)
- Exhibit H Site Plan
- Exhibit I Architectural Elevations
- Exhibit J Tree Preservation Study

## Recommended Conditions

### Application for minor variance, File Number D13-035-2022

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

#### 1. Limitation

That the approved minor variance applies only to the new enclosed sunroom 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 Requirement

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. Tree Preservation

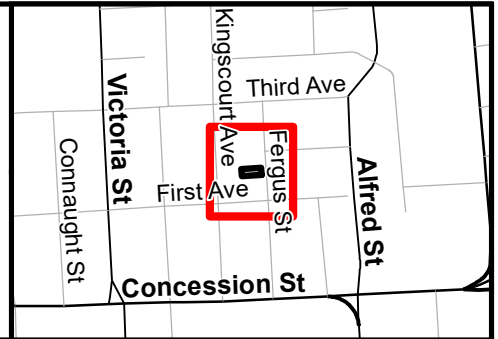
The owner/applicant is to acquire a Tree Permit to address required conditions surrounding tree preservation concerns. The Tree Permit is to be acquired prior to building permit issuance.



# Committee of Adjustment Key Map

Address: 60 Fergus St  
File Number: D13-035-2022

 Lands Subject to Minor Variance





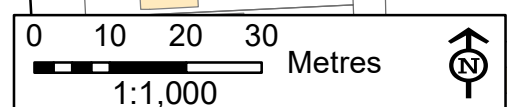
# Committee of Adjustment Public Notice Notification Map

Address: 60 Fergus St  
File Number: D13-035-2022

- Subject Lands
- 60m Public Notice Boundary
- Property Boundaries
- 38 Properties in Receipt of Public Notice



Prepared By: gronan  
Date: Jul-06-2022



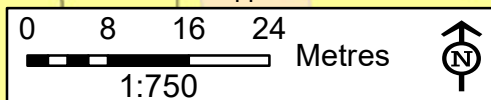
Disclaimer: This document is subject to copyright and may only be used for your personal, non-commercial use provided you keep intact the copyright notice. The City of Kingston assumes no responsibility for any errors, and is not liable for any damages of any kind resulting from the use of, or reliance on, the information contained in this document. The City of Kingston does not make any representation or warranty, express or implied, concerning the accuracy, quality, or reliability of the use of the information contained in this document. ©2020 The Corporation of the City of Kingston.



# Committee of Adjustment Official Plan, Existing Land Use

Address: 60 Fergus St  
File Number: D13-035-2022

- Subject Lands
- RESIDENTIAL





Committee of Adjustment  
**Existing Zoning - By-law 8499, Map 14**  
Address: 60 Fergus St  
File Number: D13-035-2022

- Subject Lands
- Consolidated Zoning



Prepared By: gronan  
Date: Jul-06-2022

Disclaimer: This document is subject to copyright and may only be used for your personal, noncommercial use provided you keep intact the copyright notice. The City of Kingston assumes no responsibility for any errors, and is not liable for any damages of any kind resulting from the use of, or reliance on, the information contained in this document. The City of Kingston does not make any representation or warranty, express or implied, concerning the accuracy, quality, or reliability of the use of the information contained in this document. ©2022 The Corporation of the City of Kingston








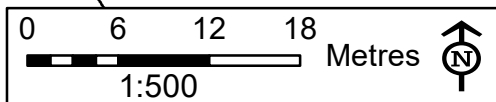
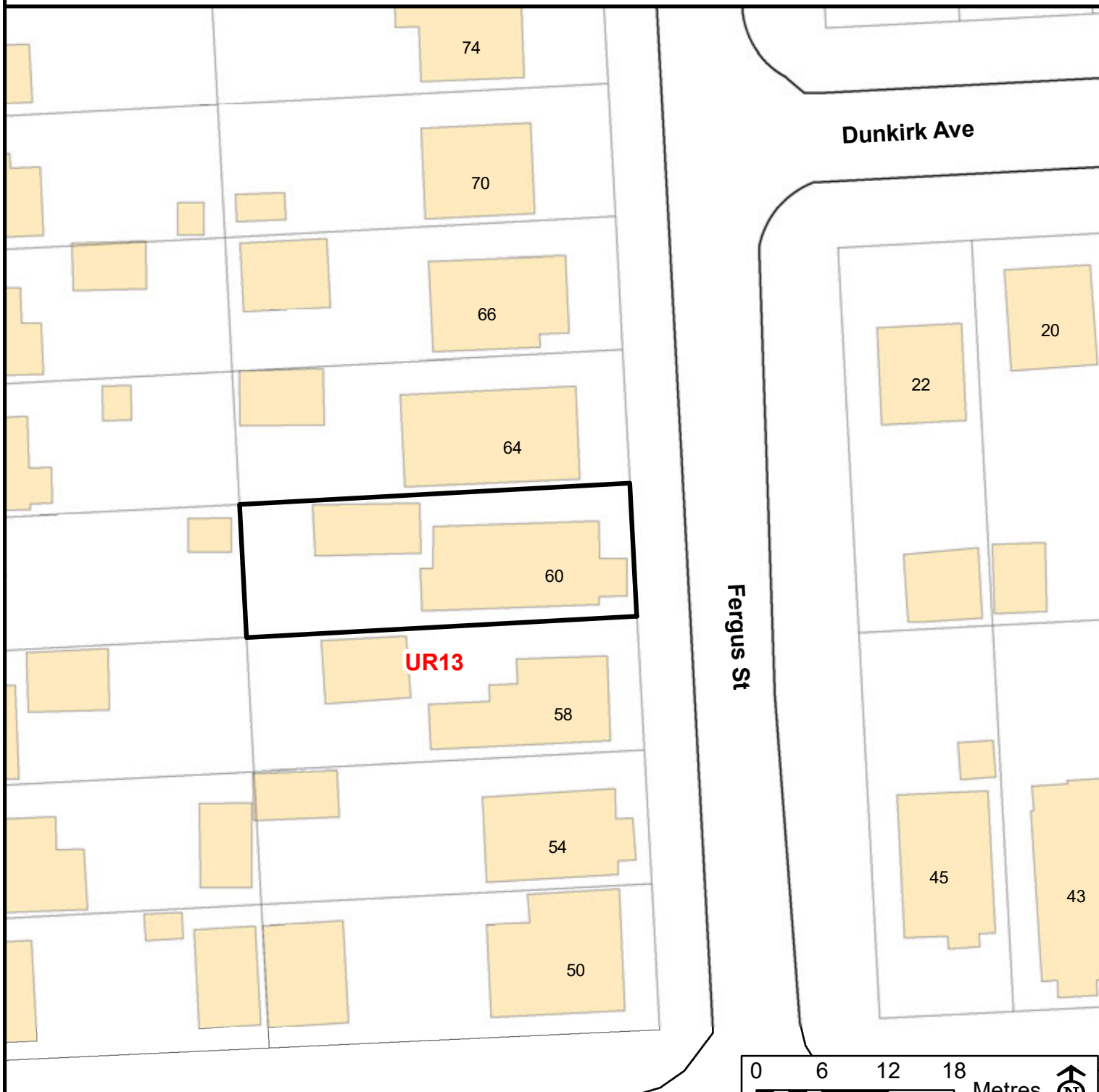


Planning Services

# CITY OF KINGSTON Reference Kingston Zoning Bylaw

File Number: D13-035-2022  
Address: 60 Fergus St

-  Subject Lands
- Schedule 1 Zoning Map
-  Zone
- Schedule E - Exception Overlay
-  Legacy Exceptions (LXXX)
-  Exceptions (EXXX)
- Schedule F - Holding Overlay
-  HoldingOverlay (HXXX)





Committee of Adjustment  
**Neighbourhood Context (2021)**

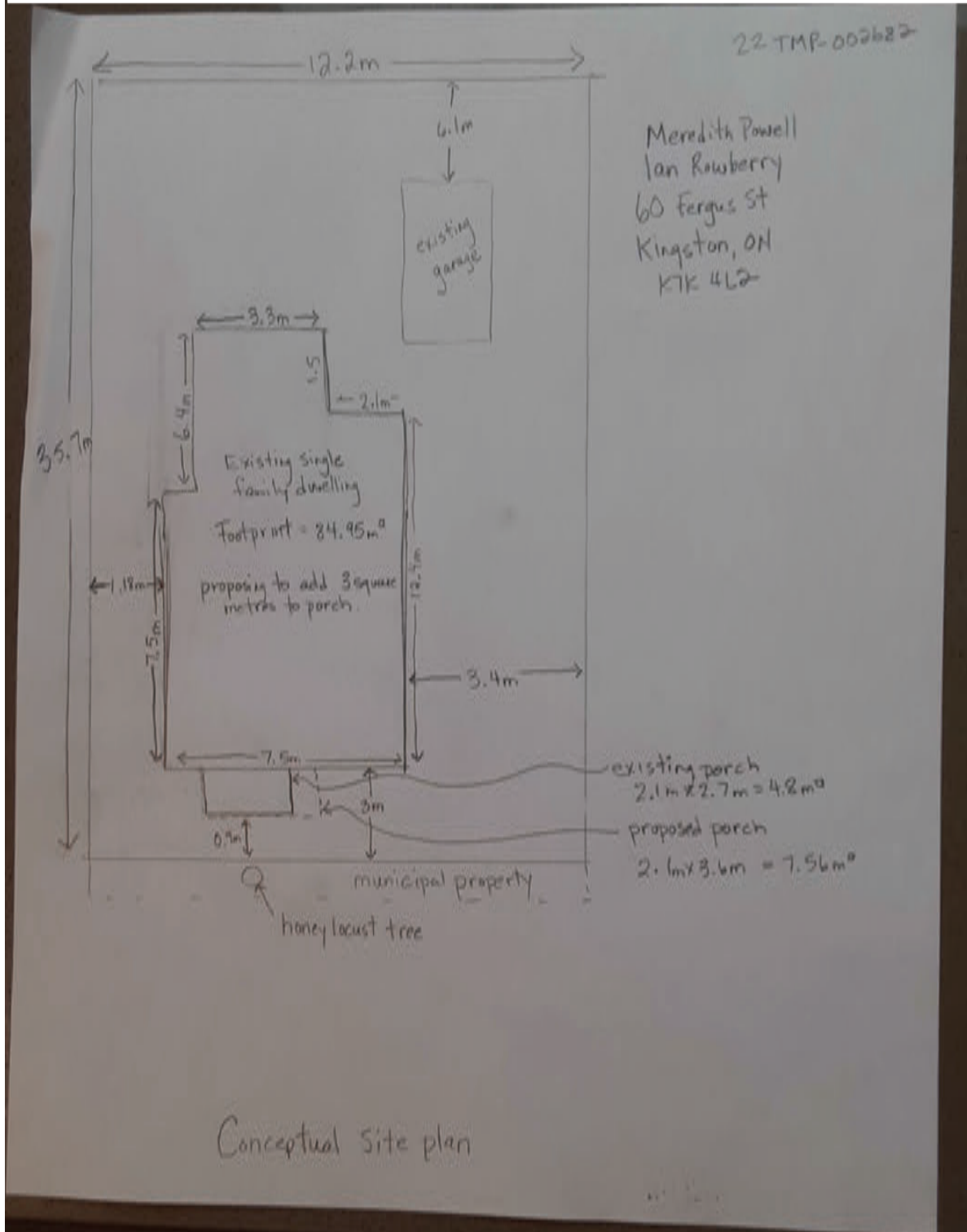
Address: 60 Fergus St  
File Number: D13-035-2022

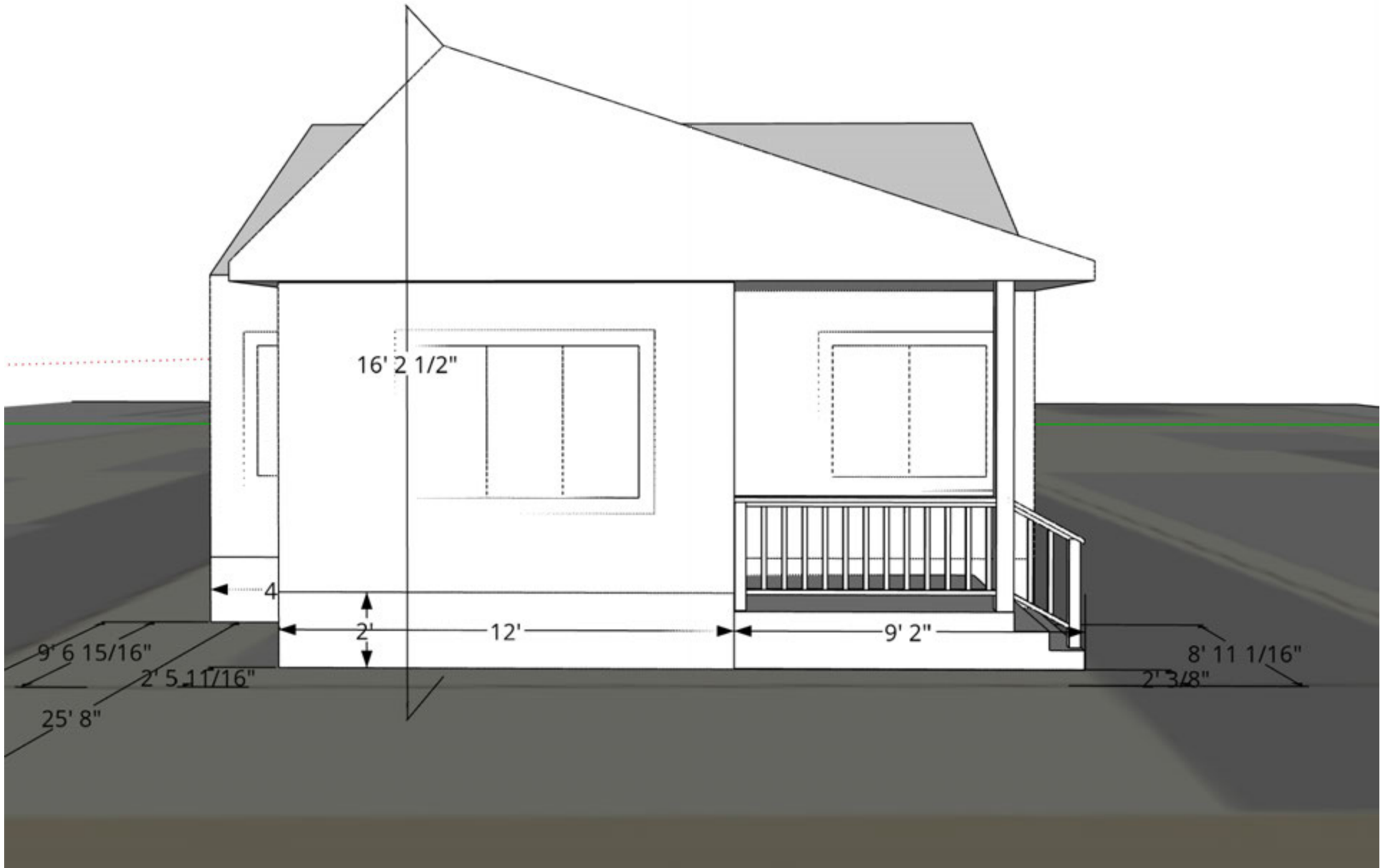
- Subject Lands
- Property Boundaries
- Proposed Parcels



Prepared By: gronan  
Date: Jul-06-2022

Disclaimer: This document is subject to copyright and may only be used for your personal, non-commercial use provided you keep intact the copyright notice. The City of Kingston assumes no responsibility for any errors, and is not liable for any damages of any kind resulting from the use of, or reliance on, the information contained in this document. The City of Kingston does not make any representation or warranty, express or implied, concerning the accuracy, quality, or reliability of the use of the information contained in this document ©2022 The Corporation of the City of Kingston.





# Tree Preservation and Protection Plan

60 Fergus St.  
Kingston, Ontario

June 2nd, 2022



**PREPARED FOR**  
Meredith Powell  
**PREPARED BY**

A handwritten signature in black ink, appearing to read "K Doyle", is written over a white background.

Kieran Doyle  
ISA Cert # ON-2431A  
ETC Eco Tree Care Inc.  
2375 Highway 15  
Kingston, ON K7L 4V3  
613-484-9194

## Arborist Report

### Introduction

The purpose of this report is to provide a tree preservation and protection plan to ensure the safety and health of a honey locust (*Gleditsia triacanthos*), that is growing on City of Kingston property, throughout the construction phase of a home renovation that is occurring at 60 Fergus St. The recommendations made in this report are based on the observations provided by certified arborist Kieran Doyle of ETC Eco Tree Care Inc. that were completed on May 26th and are in accordance with City of Kingston tree preservation and protection guidelines.

### Location and Site Description

The site is a residential lot located at 60 Fergus St. in Kingston, Ontario. The tree itself lies on the very east end of the lot growing close to, and over the sidewalk and roadway. The site has been previously cleared and developed as a residential lot where a dwelling has been constructed in somewhat close proximity to the tree in question. There are little to no grade changes to make note of and the soil found on the site should be considered non-native (fill) material. Under the dripline of the tree is a small flower garden with mulch covering the very top (ground) level. There is a paved sidewalk located on the east side of the tree with the roadway lying just beyond the sidewalk. On both the north and south sides of the tree, at the very outer edge of the dripline, there are two paved driveways, one belonging to the resident at 60 Fergus St. and the other belonging to the neighboring property. A hydro service line passes under the very outer edge of the north side of the canopy as well.

### Tree Description

There is only one tree that is located in the front yard of the property where the house addition/construction will be taking place and it is a honey locust (*Gleditsia triacanthos*). The tree has a diameter of approximately 17cm and an approximate height of 6.5m. At the time of inspection, the tree was in very good health with excellent taper and no notable defects or dead

limbs throughout the canopy. The tree's condition is considered to be “good” at the time of this report.

### **Tree Preservation and Protection Requirements**

The tree described in this report shall have a tree protection zone (TPZ) established around it prior to the beginning of construction to ensure the tree's safety and the TPZ shall remain in place until all construction related activities are complete.

The Tree Protection Zone (TPZ) is defined as an area surrounding a tree that is marked and fenced off and where there is no storage of materials of any kind, no parking or moving of vehicles, and no disturbance of the soil or grade. The TPZ shall be a minimum distance of 1.5 meters beyond the Drip Line of the tree or group of trees, and some trees and some site conditions may require a larger TPZ.

The following are the requirements that must be met with regards to the installation of a TPZ as per the City of Kingston guidelines:

1. All existing trees, which are to remain, shall be fully protected with staked/anchored fencing to City standards, erected a minimum of 1.5 meters beyond the “Drip Line” at the discretion of City staff.
2. If construction is to enter the drip line of tree, a mulch bed with minimum thickness of fifteen centimeters (15cm) shall be placed within the dripline and a structural barrier shall be constructed to avoid physical harm to main stem of tree
3. Areas within the protective fencing shall remain undisturbed and shall not be used for the storage of building materials or equipment, or parking of vehicles.
4. No rigging cables shall be wrapped around or installed in trees. Surplus soil, equipment, debris or materials shall not be placed over root systems of the tree within the protective fencing.
5. No contaminants will be dumped or flushed where feeder roots of trees exist.

6. The developer or his/her agent(s) shall take every precaution necessary to prevent damage to the tree to be retained.
7. Where limbs or portions of trees are removed to accommodate construction work, they will be removed carefully in accordance with accepted arboricultural practices.
8. Trees that have died or have been damaged beyond repair, shall be removed and replaced by the owner at their own expense, with trees of equal size and species.
9. If grades around trees to be protected are likely to change, the owner shall be required to take such precautions as dry welling, retaining walls and root feeding, to the satisfaction of the City.

Due to the tree's location with regards to the proposed construction, the minimum TPZ distance will not be able to be met without interfering with the sidewalk, both driveways or the construction area. Due to this interference, the TPZ will have to be slightly altered and should extend to the outer edges of the yard on the east, north and south sides of the tree. The TPZ distance on the west side of the tree shall extend approximately 1' past the edge of the eaves trough towards east. The entire TPZ shall be constructed of orange plastic web snow fencing on a 2" x 4" frame to ensure that both roadway, and driveway visibility is not compromised and thus creating no increased danger to the public.

Appropriate signage is required on all sides of the tree protection barrier. The sign should be a minimum of 40 cm x 60 cm (15.7" x 23.6") and made of white gator board or equivalent material. An example of this sign is available in the "Guidelines for Tree Preservation and Protection" document on the City of Kingston website

([https://www.cityofkingston.ca/documents/10180/26367/Tree%20By-Law\\_Preservation/e83b9b47-a786-416b-995e-80559bdb340e](https://www.cityofkingston.ca/documents/10180/26367/Tree%20By-Law_Preservation/e83b9b47-a786-416b-995e-80559bdb340e)).

### **Breaching or Modification of a TPZ**

Some projects require entry into a typical TPZ limit. This may be due to the location of roadways, pathways and required work areas. When entering a TPZ with heavy equipment, all



reasonable measures must be taken to reduce compaction of surrounding soils. Further measures such as heavy mulching and placement of (ex. Plywood) overtop the mulch within the TPZ area will be required. All requested alterations to TPZ's will require permission from a certified arborist and the City of Kingston in order to proceed.

### **Recommendations**

Prior to the installation of the proposed TPZ it is recommended that the entire canopy of the tree be reduced by approximately 2'-3'. It is also recommended that the canopy be elevated to a height of approximately 10'-12' above ground level to allow for construction activities to take place and to ensure that no construction equipment comes into contact with the tree. All pruning recommendations must follow proper arboricultural practices as well as the Arborist Safe Work Practice guidelines for pruning.

### **Conclusion**

All directions and recommendations within this report are based on the City of Kingston "Guidelines for Tree Preservation and Protection" as well as from the site visit conducted by Kieran Doyle of ETC Eco Tree Care Inc. For any inquiry or general discussion of the details found within this report, please contact Kieran.

Site Map and Tree Location

