



**City of Kingston
Committee of Adjustment
Addendum Number 2
Meeting Number 2020-11
Monday, November 16, 2020 at 5:30 p.m.**

Business

The consent of the Committee of Adjustment is requested for the withdrawal of Business Item a) Received from the Commissioner of Community Services (COA-20-059):

- a) File Number: D13-039-2020
Address: 230 Frontenac Street
Owner: Henglee Kingston Inc.
Applicant: The Boulevard Group**

Recommendation:

That minor variance application, File Number TD13-039-2020, for the property located at 230 Frontenac Street to allow for the development of an attached second residential unit through the development of a rear addition totalling approximately 69 square metres, be approved; and

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-20-059.

Correspondence

- a)** Correspondence received from Donna Lounsbury, dated November 10, 2020 regarding 230 Frontenac Street.
Schedule Pages 1 – 6
- b)** Correspondence received from Chris Walmsley & Linda Schmalz, dated November 11, 2020 regarding 230 Frontenac Street.
Schedule Pages 7 - 10
- c)** Correspondence received from Duncan McDougall and Judy Reid, dated November 12, 2020 regarding 230 Frontenac Street.
Schedule Page 11
- d)** Correspondence received from Beth Bruce and Brian Flynn, dated November 15, 2020 regarding 230 Frontenac Street.
Schedule Page 12

Submission to the Committee of Adjustment regarding 230 Frontenac Street
(File number: D13-039-2020)

To: Secretary-Treasurer, Committee of Adjustment
From: Donna Lounsbury, homeowner of 226 Frontenac Street
Date: November 13, 2020
Re: Variances for residential property at 220 Frontenac Street

I live right next door to the subject property on 230 Frontenac Street, so it is with dismay and disbelief that I write to the Committee of Adjustment about the proposed construction of a significant “addition” to this house and the proposed plan to add parking spaces in the back yard.

My reasons for objecting to this project are substantial, including:

- 1) The proposed construction is in violation of the city’s own by-law 6.3 (g) (ii) which specifies, for good reasons, requirements around building depth. This addition (on a house which already has an addition) exceeds the depth requirements by 26 feet.
- 2) The destabilization of an important block on Frontenac Street which is a wonderful mix of single student homes, historic institutions, and family homes. The proposed development will have a large negative impact on neighbouring properties.
- 3) The proposed development contravenes the City’s own Official Plan in several important ways.
- 4) This large development which will overlook my deck, backyard and pool areas, is an absolute invasion of my personal privacy and personal space as the adjacent homeowner. If constructed, it will greatly impact the quality of my family’s life.

I will cover these points in the notes below.

1) Violation of City By-Law 6.3 (g) (ii)

The current by-law is crystal clear that “the maximum permitted building depth for any permitted residential building in the A Zone shall **be the average distance between the established front building lines and the established rear building lines of the two nearest permitted residential buildings** on the nearest lots on the same block on opposite sides of the subject building.” Right now, the property at 230 Frontenac Street is approximately the **same depth** of the neighbouring properties.

Why then, would the city allow the violation of its own by-law, not by a small amount but by 26 feet? To put this in perspective, this would allow a structure which would take up half the space of the current backyard and which would then fully abut/overlook my own yard, deck and pool area. It is unacceptable that the city would permit this sort of encroachment and intrusion on neighbouring family properties.

2) Destabilization of an important and historic neighbourhood (Frontenac St. between Earl Street and Union St.)

Frontenac Street, between Earl and Union, is a significant and quite beautiful block in the heart of the city, abutting the Queen's campus. Over time (I have owned this house for 25 years), the block has remained relatively stable, with a wonderful mix of important institutions (KCVI, the Smith School of Business, and several properties owned by the Catholic Diocese), student homes, and family homes.

My 2.5 story home, for example, was built in 1902 and several others on this block are of the same vintage. Many like mine are red brick Victorian style with limestone foundations and others closer to Earl Street are grey stone, but nonetheless unique in design and character. The heritage property of KCVI together with early 20th century homes in this neighbourhood are an important part of Kingston's early development as the University expanded and families and professors moved into the area (circa early 1900's). We have tolerated some changes in this area, but we are now at a tipping point where ill-considered development, such as back yard infills and parking lots, will have **long-term negative impacts on the many beautiful properties left in this neighbourhood.**

3) Violation of the City of Kingston's Official Plan

Proposed development is inconsistent with the character and standards of adjacent properties

The City's Official Plan makes clear that proposed developments should be "consistent with surrounding areas, buildings, and development standards of adjacent properties". This proposed "addition" is wholly incompatible with the family homes that abut it, both mine at 226 Frontenac Street and the one directly behind at 239 Albert Street. Our homes are restored turn of the century houses with landscaped yards and outdoor deck areas. A large infill structure next door (on a house which already has an addition!) will be an eyesore and an aberration in an otherwise beautiful neighbourhood.

The recent infill property at 216 Frontenac Street (approved by the Planning Committee in September 2019) makes clear the negative impacts of poor planning. While described as a "rear addition" to 216 Frontenac Street, the new addition is in all aspects a separate large building, filling almost the entire back yard save for a small parking lot in the rear. Planned for five residents, the property management company has consistently advertised it for 8 residents.

These infills for the purpose of intensification are inappropriate to the neighbourhood in question.

Increased levels of noise and other pollution

I have enjoyed living in the student neighbourhood close to Queen's, despite occasional issues with parties and noise. Overall, this has been a calm and peaceful neighbourhood. I foresee this changing dramatically with further intensification.

Moreover, there will almost certainly be several parked cars in the backyard of this new development. This is mentioned in the notice of public meeting under variance number 2: "permit the usage of the existing driveway to provide vehicular access to the **parking spaces** in the back yard". While the plan calls for two parking spaces, I am certain this will be exceeded (as it is already at 216 Frontenac Street). This will cause noise, dust, odour, and the coming and going of more cars on an already busy street.

4) Loss of privacy from proposed development & other externalities

(Please note that the points below are also in violation of the City's Official Plan. I have separated them here because of the seriousness of their impact on me personally).

Loss of privacy due to intrusive overlook

The proposed addition directly impacts the privacy of neighbouring properties, both mine next door at 226 Frontenac Street and the family home directly behind at 239 Albert Street. Currently, my home is very private with a deck and back yard that are well shielded from neighbours on both sides. I am a recent widow now living on my own on a wonderful piece of property that I have cherished for more than 25 years. It's extraordinarily important to me that I not be subject to the intrusive overlook of neighbouring properties. Even minimizing windows on the southern side of the building does not mitigate this intrusion. A 2000 square foot building directly abutting my private yard and deck, and cars parked right beside my back yard are clearly an intrusion. Ask yourselves how you would feel about such a large unattractive building in your own neighbour's back yard.

Reduction in ability to enjoy my property

The backyard and gardens are now wonderfully private where I can spend time with friends, adult children and grandchildren. My quality of life will be seriously impacted with the building of this new property right on top of my personal space. I also worry about safety since this level of intensification, and close proximity to so many residents can lead to all kinds of potential problems.

Conclusion

This is an instance of bad development which will significantly diminish the value and attractiveness of our neighbourhood. There are many examples of good development across the city right now, but in my view and the view of my neighbours, there is no redeeming value for this proposed development. Please make the right decision!! (I have attached pictures that are relevant to your decision).



The current addition of 230 Frontenac Street which is close to my deck.



An infill/addition behind the current house (the white one) would completely overlook my patio, deck and yard, intruding on my personal space





Looking at the back of my house with KCVI in the background, and another Victorian style house next door.

Date: November 11, 2020

From:

Chris Walmsley & Linda Schmalz
239 Albert Street
Kingston, Ontario
K7L 3V4

Contact:

[REDACTED]

To: City of Kingston, Planning Services Department, Committee of Adjustment

I am writing to express my strong objection to the proposed variances requested in:

- **File Number D13-039-2020**

My wife and I live at 239 Albert Street which backs directly on the subject property and thus we will be *directly* affected by the proposed development.

We have lived at this location for more than 22 years. We are dismayed to have watched our street and block change from a majority of owner-occupied residences and a reasonably balanced amount of student and rental housing, to the point where the percentage of student and rental housing is more than 85%.

Note that the City of Kingston website, when queried for the term “Monster”, results in more than 50 comments from residents who are objecting to Monster Houses or Monster Additions in other planning proposals. This is not a new concern, or a new problem. The City held public meetings in the recent past to even float the idea of a moratorium on Monster Additions, which would seem to indicate that the City and the Planning Department has a more than significant amount of concern about the type of development being proposed in this application.

Variance 1 request of the proposal is asking to build beyond the permitted maximum depth. I see no compelling need to allow this variance. The bylaw in question (8499: 6.3(g))ii)(1)(a)) must be intended to prevent property owners from building large additions that are out of proportion with respect to the neighbouring properties. As evidenced by the current makeup of this block, it is in no need of greater intensification and already has more than enough infill.

Granting such an extreme variance to bylaw 8499 just for the “asking”, and without a compelling reason, seems entirely against the intent of the bylaw and simply motivated by the desire of the property owner to generate more revenue. Even more troubling, approving this variance has the potential to cascade to further development of the adjacent properties, enabling substantial additions that would no longer require a variance. Approving this variance would send a clear message that developing for profit alone is more important to the city than maintaining a balanced neighborhood, and would encourage even more variance requests in the area.

Variance 2 request of the proposal is indicating that the driveway would also be used as an “unobstructed pathway” to the additional unit, and that it will be extended to provide access to a new parking area in the backyard. It seems unwise to dual-purpose a driveway with a secondary purpose of a pedestrian walkway. The indication of backyard parking, as would be needed for such intensification, would result in a negative impact on our property,

- It would become almost entirely surrounded by parking lots
- A significant greenspace would be eliminated

Our backyard includes a back deck, a stone patio, outdoor furniture, gardens, grass areas, and a garage/workshop. We spend significant time enjoying being in our backyard. However, our enjoyment of normal residential activities has been noticeably diminished by the changes in use of backyards for parking in recent years. This proposed variance would decrease the look and feel of the neighborhood even more. We suffer from fence damage from neighbouring snowplows, noise and exhaust from cars, and increased concern for our pets and elderly parents (who visit regularly) with all the traffic resulting from continuous parking traffic. Further intensification and further conversion to parking lots will make it feel like we are living in the middle of a mall parking lot.

Contrary to report COA-20-059 (Report to the Committee of Adjustment), we feel that:

- (b) Loss of Privacy: The proposed development has a main entrance and 6 windows directly facing our backyard (west elevation). This, combined with parking traffic will adversely affect our privacy and enjoyment of our landscaped backyard. We already have Monster Additions immediately to our south side where we already have a significant loss in privacy due to overlook.
- (c) Noise, Dust, Light: Having new parking spaces adjacent to our backyard, and the proposed unit being much closer to our yard than the current dwelling will undoubtedly increase the disruptive headlights that shine into our yard, as well as noise from vehicles and noise and disruption from snow plowing.
- (h) Ability to Enjoy our outdoor area: Further increases in the density of car parking, and increased the proximity of dwelling structures has an undeniable effect of reducing our ability to enjoy our property and backyard. The continued and cascading effect of allowing such variances is matched with decreasing ability to spend time in and enjoy our outdoor space.

Please see the attached diagram, based on City of Kingston KMaps data. The diagram highlights in **yellow** all of the backyards that have been 100% converted to parking lots, and in **red**, all the properties with “Monster Additions”. The subject property is noted with “????”.

Please note:

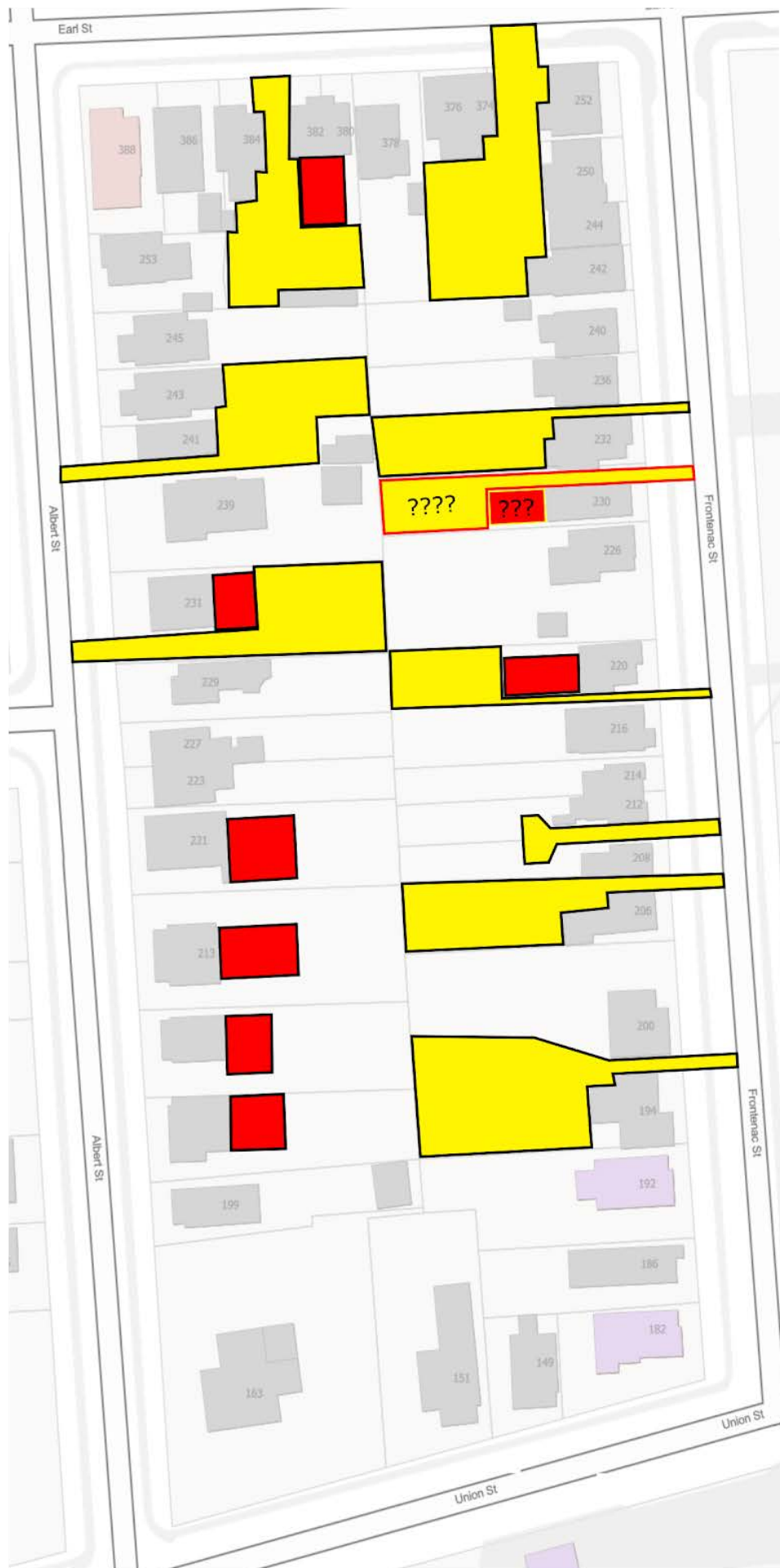
- The large proportion of back yards that are entirely parking lots, and similar non-adherence to the minimum landscaped outdoor space requirement.
- The significant number of Monster Additions. These presumably would all have required a variance from bylaw 8499.

In summary, I do not see the need for further intensification on a block that already has more than its share of Monster Additions and a significant lack of backyard greenspace. This and similar developments would further erode the remaining ratio of owner occupied houses to

rental houses. I'm concerned that it will bring the neighbourhood to a tipping point where the remaining owners will move away.

Sincerely

Chris Walmsley / Linda Schmalz



Parking
Lots

Monster
Additions

Secretary-Treasurer
Committee of Adjustment
City of Kingston

Minor Variance, 230 Frontenac Street (D13-039-2020)

Dear Secretary-Treasurer,

My husband and I live at 253 Albert Street and have received the notice about the proposed development on 230 Frontenac Street. We strongly object to this proposal which will result in yet another large unattractive “addition” – and likely a parking lot as well – in the back yard of one of the neighbouring properties.

Albert Street and Frontenac Street, on the block between Earl Street and Union, were once beautiful family neighbourhoods with stately homes and spacious back yards. There has already been far too much intensification and the families remaining (yes, there are still multiple families left!) have had enough. Some of us have lived here for decades, have raised our families here and are now enjoying our retirement here. Is the City trying to force us out? That is certainly what it feels like.

Your approval of these so-called “minor variances” will have a major negative impact on the neighbouring properties by taking away greenspace, significantly impacting the attractiveness of our properties and our quality of life.

Moreover, the proposed 2000 square foot structure will result in greater noise (from 5-8 student residents and who knows how many cars), more pollution and exhaust fumes close to our homes, and encroachment of our private back yard spaces. Why is it that the Committee of Adjustment is so protective of the “streetscape” of our neighbourhoods, but inclined to completely ignore the significant adverse effects of monster additions abutting our back yards? This infill development seriously impacts our ability to enjoy our private outdoor spaces!

We urge the Committee of Adjustment to deny these variance requests. While described as “minor”, they will in fact bring major negative consequences to our neighbourhood and to our individual properties.

We fully support the additional reasons put forth by Donna Lounsbury and Chris Walmsley and join them in strongly opposing this proposed project.

Sincerely

Duncan McDougall
Judy Reid

From: Beth Bruce

Sent: Sunday, November 15, 2020 1:07 PM

To: Planning Outside Email <Planning@cityofkingston.ca>

Subject: Attention Secretary -Treasurer, Committee off Adjustment-230 Frontenac St File # D13-039-2020

Secretary-Treasurer

Committee of Adjustment

City of Kingston

Minor Variance, 230 Frontenac Street (D13-039-2020) Dear Secretary-Treasurer,

We live at 236 Frontenac Street and have received the notice about the proposed development on 230 Frontenac Street, two doors down from our family home.

We join our neighbours (Donna Lounsbury 226 Frontenac Street and Chris Walmsley at 239 Albert Street) in strenuously objecting to this large addition which will overlook our backyard. It will not only be an intrusion of our privacy and an eyesore to our neighbourhood, but it will almost certainly result in greater noise, and likely more pollution with additional cars parked in the back yard.

The plan calls for five bedrooms and two parking spots, but as we have seen in so many other developments, these limits will be exceeded by the landlord. Study rooms and TV rooms will almost certainly become additional bedrooms as we have seen from other properties nearby. Parking will occur all over the back lawn area.

We have lived in this relatively quiet neighbourhood for 22 years and have enjoyed raising our children here. It is a perfect mix of families, student homes and institutions like KCVI and the old Victoria School. We have seen worrisome changes on this block in recent years, with parking lots taking over back yard green space and ill-considered development, especially the infill building at 216 Frontenac Street earlier this year. On balance though, this has been a fairly stable and still beautiful neighbourhood. The proposed addition will have a serious negative impact, significantly reducing the privacy we enjoy in our backyards and the overall attractiveness of our properties. We urge the Committee of Adjustment to deny these variance requests. While described as minor, they will in fact bring major negative consequences to our neighbourhood and to our individual properties.

While this submission is quite brief, we fully support the reasons put forth by Donna Lounsbury and Chris Walmsley in strongly opposing this proposed project.

Sincerely,

Beth Bruce

Brian Flynn