

Fawcett, Elizabeth

Subject: FW: My letter for Committee of Adjustment which I will read tonight

From: Stroud, Peter <pstroud@cityofkingston.ca>

Sent: Monday, December 14, 2020 4:28 PM

To: Thompson, James <jcthompson@cityofkingston.ca>

Cc: Agnew, Paige <pagnew@cityofkingston.ca>

Subject: My letter for Committee of Adjustment which I will read tonight

December 14, 2020

To the members of the Committee of Adjustment

Re: Application for three minor variances at 230 Frontenac Street, Kingston, in Sydenham District

The immediate neighbour to the South of this property retained a professional planner, Mr Clark, who has written a detailed letter to this committee. In this submission to the public record, his opinion differs in a significant way from the City Planner on file. The Committee may choose to approve or deny this application, and in doing so they will show which of these professional planner's opinions is of greater value to the public. I suggest that they consider what is in Mr. Clark's letter very carefully before voting on this matter.

The difference is very important: that the Committee of Adjustment is NOT the appropriate place for this application to seek approval, but rather it should have gone to the Planning Committee and to City Council, because, in Mr. Clark's opinion, it FAILS to meet the tests of a minor variance as per the Planning Act.

1. The vast size of the extension (a secondary dwelling that almost doubles the size of an already very large dwelling) and the amount it exceeds the allowable building depth is NOT minor, and furthermore it would allow for significant upsizing of adjacent lots following the language on average building depth
2. Although the variance regarding driveway width can indeed be considered minor, the consequence of the variance is that parking would be relocated in the rear yard, adjacent to neighbouring green space. This would permanently alter the usage of all adjacent lots, and therefore should not be considered minor in nature

I now mention, for context, what the District Councillor (me) will be morally obliged to do, if the application passes and a building permit is issued for this work. In other words, what future effect this decision will have on Kingston City Council. Because the correspondence I have received on this file is unanimous in its strong opposition to this application, there is only one reasonable conclusion: it is time for the re-introduction of an Interim Control Bylaw (ICB) specifically for applications of this nature (such as Ottawa passed in 2017 to prevent so-called bunkhouses from ruining the Sandy Hill neighbourhood), and other ways to discuss the negative ramifications of this type of application on the City, and what we can do about it. I would like it spelled out what is at stake.

We at Council were told by Planning Staff when I last proposed an ICB almost four years ago that rather than pass an ICB, the Zoning Bylaw 8499 would be re-written following a detailed secondary plan for this area. It was implied that this type of application, where a dwelling with more than ten bedrooms in a single-family dwelling zone would be much more difficult. If this is true, it will show

that this application was only possible because of the old zoning bylaw which inadvertently permits single-family homes to be converted into large tenements. Either way some of the moral responsibility to avoid catastrophic change to stable neighbourhoods lies with this Committee. It is unfortunate that Planning Staff sees fit to call applications of this great scope minor, rather than to require a zoning amendment and a full public planning process, which seems to be what this proposal requires.

Unfortunate because it places far too great a burden to uphold the public good on this committee. This application illustrates this fact very clearly.

Sincerely,

Peter Stroud, RN
Councillor Sydenham
Chair, Environment Infrastructure & Transportation Policies Committee
Chair, Administrative Policies Committee
Vice-Chair, Rideau Corridor Landscape Strategy Steering Committee



RESPONSE LETTER

230 FRONTENAC STREET

D13-039-2020

06 January 2021

Summary of Public Comments

- Parking is proposed to be located in the rear yard:
 - *The Zoning By-law does not permit parking in the front yard, and only permits it to be located in the interior side and/or rear yard. The City of Kingston Official Plan also encourages parking to be in either the side or rear yard. The proposal is providing the minimum parking required per the Zoning By-law, in a location which is permitted and also encouraged by City policies. The proposal to locate two parking spaces in the rear yard is limited in area whilst still remaining functional. The remainder of the rear yard will become landscaped open space for the amenity of future residents.*
 - *It should also be noted that parking in the rear yard is permitted as-of-right and is not subject to this variance application. There are numerous examples of garages and surface parking being located in the rear yard throughout the neighbourhood, which is viewed as a positive in maintaining a high quality streetscape aesthetic.*

- The proposal exceeds the maximum permitted building depth:
 - *It is acknowledged in the application and supporting documentation that the proposal does not comply with this provision of Zoning By-law Number 8499, as amended, which is one of the provisions seeking relief through this requested minor variance application. As noted in the Staff report, the request for a minor variance is not a mathematical calculation, but rather a detailed assessment of whether it meets the four tests outlined in the Planning Act. It is the opinion of*

Staff that although the proposal exceeds the as-of-right residential building depth, the proposal adheres to the 4 tests and should be approved by the Committee of Adjustment.

- It should be noted that only the 'A' zone within Zoning By-law Number 8499, as amended regulates residential building depth based on the built form of neighbouring properties. The majority of the City does not regulate residential building depth above and beyond side and rear yard setback requirements.
- The proposed second residential dwelling unit is not secondary
 - The proposed secondary residential dwelling unit complies with all zoning requirements that the City incorporated within all 5 Zoning By-laws in 2019, notwithstanding the 1.2m wide walk aisle requirement.
- There will be overlook to the property known municipally as 226 Frontenac.
 - The proposed rear addition was designed with no windows overlooking the property to the south (226 Frontenac Street), with new windows proposed only on the west and north elevations. Further, skylights were incorporated into the proposed development to limit overlook.
- The proposal is too close to the rear property line
 - The proposal maintains a rear yard in excess 20 metres (68 feet). This proposed setback is nearly three times the minimum required rear yard of 7.5 metres (24 feet).
- There will be light pollution from the parking in the rear yard.
 - At the suggestion of City staff, the Owner has agreed to extend the length of the existing privacy fence beyond the proposed parking area and will also investigate planting additional vegetation to assist with screening.

In conclusion, there are 23 performance standards applicable to the constructing a rear addition containing a second residential dwelling unit prescribed through Zoning By-law Number 8499, as amended. This application conforms to all zoning requirements aside from two performance standards (overall residential building depth and unobstructed access / walk aisle). This minor variance application is seeking relief from only these provisions.

Hello Sir/Lady,

I hope a very better life for you at this year, 2021.

Recently I received a notice of public meeting regarding a minor variance at 509 Days Road and File Number: D13-056-2020.

As a citizen who reside at the back of this complex building in Castell Road, I wanted to bring to your attention my objection to any development of these buildings. The number of apartments and residences in this complex is already very high, which can be one of the reasons of low standard and maintenance of these buildings and their outer area.

In one occasion, few years ago, I accidentally had a chance to visit one of these apartments' occupant, which badly impacted me of how low standards these buildings have. I strongly guess that the people living there are suffering from the management and maintenance. If I were the owner, I would be more fair to the tenants by investing on the quality rather than the quantity which result the more enjoyment of the tenants.

Their parking lots also are packed with cars and the number of coming and going visitors are high so that it interfere to the comfort of homeowners of the around area.

In addition to this complex, we are also surrounded by other apartments buildings/complex at the other side at the end of the Castell road, consisting of at least **three** major apartment building, one of which, ([800 Castell Rd.](#)), with more than 70 units.

Some of these people even do not pick up after their dogs because they don't care as they live in an apartment and are not in the same situation as the homeowners.

So, please do not sacrifice people's enjoyment, as the majority, for the interest of the minority investors by stopping the development of any apartment building in this area and shift the population to less busier area to make a balance in the city while encouraging/asking investors to promote their tenants' standard of living by raising the standard of their current buildings instead of developing them for making more money.

Thank you for your support