



**City of Kingston
Committee of Adjustment
Meeting Number 04-2022
Addendum**

**Monday, March 21, 2022 at 5:30 p.m.
In a virtual, electronic format**

12. Correspondence

- a)** Correspondence received from Karys Peterson-Katz, dated March 10, 2022, regarding Application for Permission & Minor Variance – 275 Helen Street.

Addendum Pages 1 – 3

- b)** Correspondence received from Lea Westlake, dated March 11, 2022, regarding Application for Minor Variance – 7 Colborne Street

Addendum Pages 4 – 5

- c)** Correspondence received from David McDonald, dated March 15, 2022, regarding Application for Minor Variance – 7 Colborne Street.

Addendum Page 6

- d)** Correspondence received from Lorraine Seguin, dated March 17, 2022, regarding Application for Minor Variance – 7 Colborne Street.

Addendum Pages 7 – 9

- e)** Correspondence received from Jacqueline Ehninger-Cuervo, dated March 14, 2022, regarding Application for Minor Variance & Permission – 64 John Street.

Addendum Page 10

- f)** Correspondence received from Stéfanie von Hlatky and Philippe Lacoursière, dated March 18, 2022, regarding Application for Minor Variance – 7 Colborne Street.

Addendum Page 11

From: [REDACTED]
To: Robidoux.Meghan
Subject: Re: Objection to D13-006-2022: Additional Unit at 275 Helen Street
Date: March 11, 2022 9:18:31 AM

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Good morning Meghan,

Thank you for attaching the floor plan. With that in mind, I'd like to redact my first point, as the bachelor unit's front door will not be within the laundry room itself, as it appears the laundry room will be shortened somehow by adding a wall.

I'd like to still include the points regarding the noise for both the current tenants and the new tenant, as well as the issue with lack of parking.

I do have an email chain with Axon regarding the parking situation if that is something the planning committee will need - please let me know and I'm happy to forward it.

Thank you,
Karys

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From: Robidoux, Meghan <mrobidoux@cityofkingston.ca>
Sent: Friday, March 11, 2022 8:30:40 AM
To: Karys Peterson-Katz [REDACTED]
Subject: RE: Objection to D13-006-2022: Additional Unit at 275 Helen Street

Good Afternoon Karys,

We have received your submission and will ensure it is included on the record at the March 21st Committee of Adjustment Meeting. This submission will also ensure your future right to appeal the Committee's decision.

I have attached here the floor plans submitted by the applicant for your information.

Regards,
Meghan

From: Kary Peterson-Katz [REDACTED]
Sent: March 10, 2022 2:12 PM
To: Planning Outside Email <Planning@cityofkingston.ca>
Subject: Objection to D13-006-2022: Additional Unit at 275 Helen Street

Good afternoon to whom it may concern,

There is a public notice at 275 Helen Street, where I reside, regarding "an internal conversion of an underutilized space to create a new bachelor dwelling unit" that I would like to object to.

I am assuming the "underutilized space" is in reference to a small, empty unit connected to the only communal laundry room in the building, as this is the only space that is a) not used and b) not already converted into a dwelling unit.

I would like to approach this matter from a multiple of perspectives: safety, sound, and space.

First, as a young woman living in the basement apartment that is down the hall from the laundry room and, thus, very close to the 'underutilized space', I would personally feel unsafe doing my laundry alone within arm's reach of a stranger's front door. I also wonder about how safe the tenant would feel knowing that all the tenants (and perhaps their guests, family, etc.) would be coming and going at any hour of the day they feel like doing their laundry, steps from the front of their apartment, in a poorly lit and unrecorded area in the building. This fear would impact the reasonable enjoyment of rental unit and the residential complex.

Second, I do not think this is an appropriate space for a unit as it is, as I have just mentioned, directly connected to the communal laundry room. Even though I live down the hall from the laundry room, I can clearly hear the shaking and rattling of the washing and drying machine at all hours of the day when they are in use. Tenants often use the machines in the middle of the night, as there is only one (1) washing machine and only one (1) drying machine for the entire building, and thus they have to find time to do their laundry when the machines are available. As the unit would be directly attached to the laundry room, the sounds of the machines would be incredibly disruptive and would also impact the tenant's reasonable enjoyment of their unit.

Not only this but myself and multiple other tenants work from home due to the ongoing COVID-19 pandemic. The issue of internal construction (i.e., noise) within the building impacts the reasonable use and enjoyment of my unit and would be a matter I would bring in front of the Board if it were to impact the quality of my work and interfere with my job.

The Ontario Residential Tenancy Act states the following:

"A landlord (superintendent or agent of the landlord) shall not at any time during a tenant's occupancy of a rental unit and before the day on which an order evicting the tenant is executed substantially interfere with the reasonable enjoyment of the rental unit or the residential complex in which it is located for all usual purposes by a tenant or members of his or her household. 2006, c. 17, s. 22."

Third, though this may not be pertinent in this moment as I am unsure what the lease would

look like for the "new bachelor unit", but if it is the same lease as all the other units, I would find an issue with a parking space for this unit. As it stands currently, all units have been promised, per their lease with Axon Management, one (1) parking space. However, Axon Management has failed to uphold their leases and has not assigned a parking space per unit, nor provided enough spots that can be reasonably used for the current tenants. The way the driveways are laid out allows for 5 cars in the left driveway (when fit tightly) and 2 cars in the right driveway, thus providing only 7 spots for the current 8-unit building. I have contested this with Axon Management and they had "planned" to increase the driveway by two spots in December but failed to do so. I have followed up with Axon Management and they have said the contractor for the driveway expansion was unable to show up on the day they planned, but they have not planned any future date to correct this issue. The issue with the lack of promised parking spot has caused interpersonal problems with many tenants, as some have been forced to park on the street and, thus, resulted in parking tickets and, even once, a car being towed. Unless Axon Management is able to uphold their agreement to provide an adequate number of parking spots (that they have already agreed to in their contracts) then I object to another unit being given a parking spot.

Thank you for taking my objection into consideration. Please let me know if there is anything you need from me.

Best regards,
Karys Peterson-Katz

Karys Peterson-Katz (pronouns: she/they)

PhD Student

Centre for Neuroscience Studies

Queen's University



From: Lea Westlake [REDACTED]
Sent: March 11, 2022 11:26 AM
To: Ochej,Derek <dochej@cityofkingston.ca>
Cc: Sthamann,Lindsay <lsthmann@cityofkingston.ca>
Subject: Comments of 7 Colborne Minor Variance Request to the Committee of Adjustment

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

Thank you Derek and hello Lindsay,

I would like to comment on the minor variance request at 7 Colborne and ask that you please share my comments with The Committee of Adjustments.

I believe that this request for a fire escape extension is problematic. Page 3 of the Planning Application states that the existing non-combustible fire escape is already larger than permitted based on aggregate side yard size.

It seems clear to me that this will be a balcony across the whole side of the building in what are very tight quarters. The narrow lane is a shared drive with number 9 and 11 Colborne. I am the owner of 13 Colborne Street and border number 7 Colborne at the back.

Here are my concerns:

- The resulting balcony will be directly over top of the vehicles using the lane.
- The resulting balcony will overlook neighbouring properties including 13 Colborne.
- Previous tenants of that building using the fire escapes as balconies were loud and disruptive.
- I do not know the intended market for this renovated property but BPE Developments tends to rent to students or create AirBNB's on our street. My worry is the creation of balconies for Queen's students.
- The existing fire escapes are already larger than permitted.

I would ask that you reject this request for a minor variance.

Sincerely,

Lea Westlake

From: Ochej, Derek [<mailto:dochej@cityofkingston.ca>]
Sent: March 11, 2022 10:30 AM
To: [REDACTED]
Cc: Sthamann, Lindsay <lsthamann@cityofkingston.ca>
Subject: Committee of Adjustment information

Hi Lea,

Following up on our conversation, the agenda for the March 21st City of Kingston Committee of Adjustment meeting will be posted on the City website at the following link at 3:30 p.m. today: <https://www.cityofkingston.ca/residents/city-calendar-events/-/calendar/QUmzuR567ExT/event/39084954>

Residents interested in participating in the meeting can register to receive the Zoom meeting link at the following link: https://us06web.zoom.us/webinar/register/WN_zJXHJwwkTB27n9LjgXTfzg. Those who attend the meeting will be given a chance to speak during the public comment portion of the agenda. The meeting chair will instruct those who wish to speak to indicate their desire by raising their virtual hand in Zoom (a button at the bottom of the meeting program).

For written correspondence, please send via email to myself and Lindsay Sthamann, the Secretary-Treasurer for the Committee of Adjustment (she is copied on this email).

If you have any other questions please do not hesitate to contact me.

Thank you,



Derek Ochej (he/him/his)

Committee Clerk
City Clerk's Department

City of Kingston
216 Ontario Street Kingston, ON K7L 2Z3
613-546-4291 extension 1252
dochej@cityofkingston.ca

The City of Kingston acknowledges that we are on the traditional homeland of the Anishinaabe, Haudenosaunee and the Huron-Wendat, and thanks these nations for their care and stewardship over this shared land.

From: David McDonald [REDACTED]
Sent: March 15, 2022 10:53 PM
To: Ochej,Derek <dochej@cityofkingston.ca>
Subject: RE: Letter to Committee of Adjustments RE minor variance request at 7 Colborne St

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

Dear Derek, I am writing to ask if I can re-submit my letter to the Committee of Adjustments with a small revision. If so, please use this version.....

I am writing to comment on the minor variance request at 7 Colborne St and ask that you please share my comments with The Committee of Adjustments. I am the co-owner of the house at 15 Colborne St and have lived here for 22 years.

I have two concerns with the proposal:

- According to the Planning Application (page 3) the “existing non combustibile fire escape is larger than permitted based on aggregate side yard”. If it is already “larger than permitted” why would they need (or be granted) an extension?
- Whether intended or not, the proposed “fire escape” would effectively become an extended balcony for the tenants of the apartments. Previous tenants of that building used the fire escapes as balconies on a regular basis and were often loud and disruptive (exacerbated by the second floor elevation and the echoing effects of the stone and brick buildings in the area). A larger “fire escape” would create the potential for even more people to use it as a balcony, and since it will protrude even further into the courtyard it would likely result in more pronounced noise.

We appreciate that a safe fire escape is needed, but this request appears to go far beyond safety requirements with the potential for serious negative impacts on a large number of neighbouring homes. I would ask that the committee reject this request for a “minor” variance.

Sincerely,
David McDonald
[REDACTED]

From: Lorraine Seguin [REDACTED]
Sent: March 17, 2022 12:23 PM
To: Planning Outside Email <Planning@cityofkingston.ca>
Subject: Minor variance at 7 Colborne Street

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Dear Derek and Lindsay,

I am writing to comment on the minor variance request at 7 Colborne St and ask that you please share my comments with The Committee of Adjustments. I am the co-owner of the house at 11 Colborne St and have lived here since 1991.

I have a number of concerns with the proposal:

- According to the Planning Application (page 3) the “existing non combustibile fire escape is larger than permitted based on aggregate side yard”. If it is already “larger than permitted” why would they need (or be granted) an extension?
- Whether intended or not, the proposed “fire escape” would effectively become an extended balcony for the tenants of the apartments. Previous tenants of that building used the fire escapes as balconies on a regular basis and were often loud and disruptive (exacerbated by the second floor elevation and the echoing effects of the stone and brick buildings in the area). A larger “fire escape” would create the potential for even more people to use it as a balcony, and since it will protrude even further into the courtyard it would likely result in more pronounced noise.
- This fire escape has direct eye lines into my backyard and others (but especially 9 & 11) as is and if extended would be extremely close to 9 & 11 Colborne’s backyard space creating a large lack of privacy. See photos attached.
- The applicants own many other buildings on the street and have tended to rent to students or create AirBNB’s, both of which are by nature transient residents and can be less sensitive to the needs and concerns of more permanent neighbours, further exacerbating the potential for noise and disruption.

I appreciate that a safe fire escape is needed, but this request appears to go far beyond safety requirements with the potential for serious negative impacts on a large number of neighbouring homes. I would ask that the committee reject this request for a “minor” variance.



View of current fire escape from 11 Colborne street



Narrow right of way Lane way parking spot and backyard of 9 Colborne street on left.

- The resulting balcony will be directly over top of the vehicles using the lane.
- The resulting balcony will overlook neighbouring properties at 9 & 11 Colborne.
- Previous tenants of that building using the fire escapes as balconies were loud and disruptive.
- I do not know the intended market for this renovated property but BPE Developments tends to rent to students or create AirBNB's on our street. My worry is the creation of balconies for Queen's students.
- With a larger "fire escape" tenants will most likely place furniture, garbage and recycling bins (increase in raccoons and rats will then appear)
- The existing fire escapes are already larger than permitted.

I would ask that you reject this request for a minor variance.

Sincerely,

Lorraine Seguin
Owner of 11 Colborne
Sent from my iPad

From: [Myers, Cheryl](#)
To: [Peggi, Riccardo](#); [Sthamann, Lindsay](#)
Cc: [Gregory, Katharine](#); [REDACTED]
Subject: FW: Minor variance File #: D13-058-2021
Date: March 15, 2022 8:13:04 AM

Hi Riccardo,

Please see email below in favor of your file D13-058-2021

Thank you,
Cheryl

From: Jacqui Ehninger-Cuervo [REDACTED]
Sent: Monday, March 14, 2022 3:58 PM
To: Planning Outside Email <Planning@cityofkingston.ca>
Subject: Minor variance File #: D13-058-2021

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Hello:

I'm in favour of the requested variance (corner John Street and Patrick Street).

By the way:

The phone number given on your letter (613-546-4889) appears to be out of service and should be removed from your letter template.

Regards,
Jacqueline Ehninger-Cuervo

From: Stefanie von Hlatky [REDACTED]
Sent: March 18, 2022 3:31 PM
To: Sthamann,Lindsay <lsthmann@cityofkingston.ca>; Ochej,Derek <dochej@cityofkingston.ca>
Cc: Phil Lacoursière [REDACTED]
Subject: fire escape plans at #7 Colborne St

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Dear Lindsay and Derek,

As owners and residents of 142 Ordnance St, we'd like to register our concerns with the fire escape plans at #7 Colborne St.

Because our family's yard is kitty corner to the #7 Colborne St back entrance, our main concern is that the proposed plans will create an incentive for tenants to use the fire escape as a balcony or for storage. This will lead to unwanted noise or unsightly clutter, which directly will affect the neighbours and their quality of life. Like many of our neighbours (I suspect), I would prefer that the committee reject the request for a minor variance, given its potential to disrupt what is a calm, family-friendly cluster of adjacent backyards.

Stéfanie von Hlatky and Philippe Lacoursière