

From: Roland Billings

Date: June 7, 2022 at 7:21:53 AM EDT

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Subject: Development at 39 Ellerbeck Street Kingston

Mayor Paterson

City of Kingston

Re: Report # D10-204/214-2015 and subsequent notice of decision dated November 25, 2015

We are writing to you today to let you know the displeasure that residents of Ellerbeck feel about the actions taken by the developer and the City of Kingston with regard to the severed lot now known as 39 Ellerbeck Street, and how they directly contradict the decision of the Committee of Adjustments as they were presented to the residents of Ellerbeck Street after concerns were raised about the development of the severed property at 37 Ellerbeck Street.

Specifically these are:

- 1) Notice of Decision item 4 - Mutual Drive Width- In the severance proposal and agreement, "A reciprocal shared right of way between the owners of the severed and retained parcels as per consent application D10-204-2015 shall be provided over the retained parcel to provide a 1.78 metre wide shared vehicle and pedestrian access from Ellerbeck Street to access the rear yard parking" The drawing provided with the decision shows a 1.78 m mutual drive from each of the original and severed properties, giving a total of 3.56 m of space for a driveway to access rear yard parking. As the construction started we thought the drive looked narrower than allowed, so we questioned the City of Kingston Planning Department Official and were told that "by mutual consent" the two owners had agreed to reduce that width to 2.7 m. As the foundation walls were built, we were able to measure the distance from the new build at 39 Ellerbeck to the existing building at 37 Ellerbeck and found that the distance is exactly 2.7 m. The problem with that is there is not yet any final siding or brickwork on the new build and there are window sills on 37 Ellerbeck that further jut out 152 mm into the space that vehicles would need to travel.
- 2) Page 2 of the decision – item 2 – "The severed lot will not have any negative impacts on the adjacent residential uses or the neighbourhood as the lot is intended for single family dwelling development which is in keeping with the character and use of the neighbourhood. Any new development is subject to the setback and height requirements of the zoning bylaw." The build at 39 Ellerbeck Street is currently at 3 full stories above an elevated basement with no roof on it yet and it dwarfs anything in the neighbourhood. We have been told repeatedly by the planning department that the development is a "two story single family dwelling". Neighbours have expressed concern about a lack of privacy in both yards, and with elevated sight lines into their homes from this new build. We have been told by the

planning department that the maximum height of the building will be 10.4 m. It is already more than 11 meters however, and does not yet have a roof. It will therefore exceed the maximum allowed height. The positioning of the building so close to the north property line will have a direct impact on that property because of the height and water, snow and ice run off.

- 3) Building depth -It is our interpretation of the bylaw that the new build cannot exceed the average depth of the adjacent properties. We were told by the planning department that, based on the dimensions supplied to the City by the developer, the new build at 39 Ellerbeck Street could be 55 feet long. Independently we measured the depth of the properties at the adjacent properties at 37 Ellerbeck and 43 Ellerbeck with the following results:

- a. 37 Ellerbeck Street – 48’9”
- b. 43 Ellerbeck Street – 55’2’
- c. Average of those two – 52’8’
- d. Difference between new build and the average – 2’4”

Trust and verify should be the rule in any case like this, but with that not being done, a new precedent has been set for future development adjacent to the new build.

- 4) Page 2 of the decision – item 5 –“The proposed new residential lot and shared rights of way within the residential neighbourhood will not change the use or character of the subject property or broader neighbourhood” . The new development at 39 Ellerbeck Street has the look and feel right now of an apartment building which is bigger than anything in the neighbourhood, and we feel will have a significant negative impact on the character and the use of the neighbourhood. In an area, and on a street where parking has already been significantly impacted by the addition of the Bader and Tett Centres, as well as the move of Queen’s facilities to the previous St. Mary’s of the Lake site, adding this build has further exacerbated parking concerns.

While this decision may have been well intentioned at the time, we wanted you to know that by ignoring the parameters of the decision made by the Committee of Adjustments, and misrepresenting to the concerned neighbours what could be built on the site through the drawing supplied by the City, we are now left to deal with a monstrosity on a severed parcel of land built by an anonymous developer, where there appears to be no action willing to be taken to address our concerns. The driveway is too narrow to allow realistic twelve month access to the proposed parking behind the properties, the parking areas have not been developed, the tenants at 37 Ellerbeck have had no access to on-site parking since the fall of 2021, the building exceeds the height of anything in the neighbourhood already, privacy has been lost for all nearby properties, and the “character and use of the neighbourhood” has been significantly compromised by this build. Our concerns were real in 2015, and we are now seeing that those concerns have been validated, to the detriment of the neighbourhood where we live. We encourage all recipients to come to the site to see what is being built, and see the negative impact the build has had and will certainly have in the future, and to take action where local building rules have been violated. We look forward to hearing your responses.

Roland and Susan Billings

31 Ellerbeck Street

K7L 4H5

Nora Fayed-Faulhaber

35 Ellerbeck Street

Alina Ayer

37 Ellerbeck Street

Steffen Davidson

37 Ellerbeck Street

Finn Macklin

37 Ellerbeck Street

Doug and Nancy Vivian

27 Ellerbeck Street

Andrea Risk and Joseph Newbigging

36 Ellerbeck Street

Rudy Mogl and Jan Maclean

34 Ellerbeck Street

Brenda and Gordon Stewart

43 ½ Ellerbeck Street

June, Catherine and Peter Morgan

44 Ellerbeck Street

Copy to Tim Fisher (Planning) Jason Partridge (Planning) Paige Agnew- Community Services Commissioner; Lisa Carpenter – Hunt Building Enforcement; Tim Park- Director Planning Services ; Councillor Peter Stroud; Committee of Adjustments members Vincent Cinanni, Paul Babin, Blaine Fudge, Greg Lightfoot, Somnath Sinha, Jordan Douglas Tekenos-Levy (care of John Bolognone - City Clerk); Planning Committee members Councillor Kiley, Councillor Hill, Councillor Chappelle, Councillor Hutchinson, Councillor O'Neill, Councillor Osanic

