



**City of Kingston
Committee of Adjustment
Meeting Number 12-2022
Addendum 2**

**Monday, November 21, 2022 at 5:30 p.m.
Hosted at City Hall in Council Chamber**

12. Correspondence

- d)** Correspondence received from Karina and Danny Murray, the Wu Family, Agnes Conacher, and Chris Clarke, dated November 21, 2022, regarding Application for Minor Variance – 338 Palace Road.

Addendum Pages 1 – 3

- e)** Correspondence received from Lia De Pauw, dated November 21, 2022, regarding Application for Consent – 237 Mowat Avenue and 6 Herbert Street.

Addendum Pages 4 – 8

- f)** Correspondence received from Bill Bishop, dated November 18, 2022, regarding Application for Consent – 237 Mowat Avenue and 6 Herbert Street.

Addendum Page 9

- g)** Correspondence received from Siobhain Broekhoven, dated November 21, 2022, regarding Application for Consent – 237 Mowat Avenue and 6 Herbert Street.

Addendum Pages 10 – 25

Wicke,Chris

From: Myers,Cheryl
Sent: November 21, 2022 8:12 AM
To: Wicke,Chris; Sthamann,Lindsay
Cc: PLE Attendance
Subject: FW: FILE D13-062-2022 - 338 PALACE ROAD - OBJECTION TO MINOR VARIANCE

Hi Chris,

Please see email below.

Thank you,
Cheryl

From: Karina Murray <[REDACTED]>
Sent: Friday, November 18, 2022 4:20 PM
To: Planning Outside Email <Planning@cityofkingston.ca>
Cc: Mayor of Kingston <mayor@cityofkingston.ca>; danny [REDACTED]; Fisher,Tim <tfisher@cityofkingston.ca>
Subject: FILE D13-062-2022 - 338 PALACE ROAD - OBJECTION TO MINOR VARIANCE

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

To PLANNING:

WE ARE OBJECTING TO THE MINOR VARIANCE AT 338 PALACE RD BECAUSE WE SEE WAY TOO MANY CARS ON OUR ONCE QUIET STREET, MORE THAN EVER AND FEEL ONE CAR PER UNIT IS A NECESSITY ON THIS LOCATION. IT IS DANGEROUS TO BACK A CAR OUT OF A DRIVEWAY WITH THE MANY CARS BLOCKING THE VIEWS AND A LARGE APARTMENT BUILDING IS UNDER CONSTRUCTION WHICH WILL MORE THAN DOUBLE THE DENSITY ON THE ENTIRE STREET.

AS WELL WE ARE THE ADJOINING HOME, A SEMI DETACHED HOME TO THIS HOME AND WE FEEL THAT THE LAND OWNER, WHO LIVES IN TORONTO HAS ALREADY SHOWED HE HAS NO INTEREST IN BEING A GOOD NEIGHBOUR OR IN BEING FAIR TO THE MANY TENANTS THAT HE HAS BEEN RENTING ROOMS TO OVER THE LAST YEARS WHICH HAS BEEN VERY DISRUPTIVE TO OUR LIVES AS THE ADJOINING LAND OWNERS.

AT ONE POINT MANY TENANTS IN THIS HOME SAID SEVEN PEOPLE WERE LIVING THERE WITH SEVEN SEPARATE LEASES. AND WE SEE DIFFERENT PEOPLE THERE EVERY WEEK AND CARS CHANGING WEEKLY AS WELL .

WE HAVE HAD NOISE ISSUES WITH THE CITY ON THIS PROPERTY AND POLICE WAS CALLED TOO. FAULTY PLUMBING MAKES SUCH LOUD NOISE THAT IF A TENANT SHOWERS AT NIGHT IT WAKES US UP. POLICE CANNOT ENFORCE THE NOISE BY LAW BECAUSE THIS TYPE OF NOISE IS NOT IN THE BYLAW... WE THOUGHT THE LAW IS NOT NOISE PERIOD... THE HOMEOWNER HAD HIS OWN PLUMBER INSPECT THE PLUMBING FROM OUR SIDE AND HE SAID IT MUST BE FIXED. OWNER REFUSES TOO SAYING HE CAN'T AFFORD IT ALTHOUGH HE IS RECEIVING UP TO \$800 PER BEDROOM .

POLICE HAD ALSO RECEIVED COMPLAINTS AND HAD TO ATTEND THIS ADDRESS MANY TIMES REGARDING LOUD NOISE AFTER 9PM SPECIALLY LOUD PARTIES.

IN MANY OCCASIONS WE HAD TO CALL THE CITY BECAUSE OF THEIR PARKING VIOLATIONS.

THE OWNER WAS ALSO LISTING THE ROOMS FOR RENT WITH AIR CONDITIONER. THE AIR CONDITIONER WAS BROKEN. THE NEW TENANTS WILL KNOW THIS UPON ARRIVAL THEY WERE RENTING A ROOM WITHOUT AIR CONDITIONER. TOO LATE AFTER PAYING RENT . THEY COMPLAINT AND THE ANSWER WAS "WE DO NOT HAVE MONEY FOR REPAIRS" .

ON ANOTHER OCCASION A BROKEN FAN WAS WAKING US UP. THAT TENANT AGREED TO ACCEPT A FAN FOR THEY HAD NO AIR CONDITIONER OF FANS!! IN THAT CASE THE POLICE WERE NEEDED TO FACILITATE AND THAT TENANT WAS PROBABLY THERE FOR ONLY THREE WEEKS.
THE FAN WAS NEVER RETURNED TO US

WE ALSO SEE THAT THE OWNER IS RUNNING A FORM OF ROOMING HOUSE CONTRARY TO BYLAWS.

IF THEY WANT TO LEGALIZED THE UNIT THAT THEY ARE ALREADY RENTING THEY MUST PROVIDE A DEDICATED PARKING FOR THE TENANT. THAT IS THE LAW FOR A REASON.

SIGNING THIS EMAIL OBJECTING TO THE MINOR VARIANCE ARE THE FOLLOWING OWNERS:

336 PALACE ROAD - MURRAY FAMILY (DANNY AND KAERINA)
337 PALACE ROAD - AGNES CONACHER
333 PALACE ROAD - CHRIS CLARKE
334 PALACE ROAD - WU FAMILY (SIMON WU)

OTHER OWNERS WILL SEND EMAIL OBJECTING THE MINOR VARIANCE TOO.

MANY OTHERS ARE OBJECTING THIS MINOR VARIANCE BUT WE ARE NOT INCLUDNG THEM BECAUSE THEY ARE SENIORS. AND AT THEIR TIME IN LIFE THEY DO NOT DESERVE TO BE INVOLVED IN THIS UNLAWFUL SITUATION. THEY GREW UP IN A PLACE WERE EVEY OWNER WILL RESPECT THE LAW AND THEIR NEIGHBOURS.

WE ARE A RESIDENTIAL COMMUNITY WITH LOVELY FAMILIES.
IT IS STRANGE AND DANGEROUS TO NOT TO KNOW WHO IS LIVING BESIIDE OUR HOME VIOLATING THE LAW IN MANY WAYS.

WE ARE ATTACHING DIFFERENT PICTURES THAT SHOW THE PROPERTY WE ARE TALKJING ABOUT ALREADY IS BREAKING THE LAW.

THE CURRENT FOUR ROOM RESIDENCE IS PARKING MORE THAN ONE VEHICLE BEHIND EACH OTHER IN THE DRIVEWAY (WHICH IS CONTRARY TO THE CITY BYLAW).
THERE IS ALREADY INSUFFICIENT SPACE FOR THIS RESIDENCE LOT, AND ADDING ANOTHER 4 RESIDENTS WHO MAY HAVE CARS OR VISITORS WITH CARS WITHOUT ANOTHER DEDICATED PARKING SPACE WILL JUST CREATE FURTHER ILEGAL PARKING/CONGESTION IN THE NEIGHBORHOOD, RESULTING IN SAFETY HAZARDS AND NUISANCE.

SINCERELY,
KARINA AND DANNY MURRAY
WU FAMILY
AGNES CONACHER

CHRIS CLARKE

338 PALACE ROAD DRIVEWAY PICTURES. SHOWING IN ONE PICTURE CARS PARKED ON THE STREET ALSO BELONGING TO THIS ADDRESS.

OTHER PICTURES WERE FORWARDED TO YOU BY TIM FISHER



Planning Division, City of Kingston
216 Ontario Street
Kingston, Ont K7L 2Z3
November 21, 2022

To the Planning Department and members of the Planning Committee of the City of Kingston:
Re: D10-023-2017, 237 Mowat St

I am the owner of 58 Hatter St., the property which is kitty corner to the portion of 237 Mowat Ave that is on Herbert St. I submitted a letter of objection on March 4th, 2022 noting my strong opposition to the application regarding severing 237 Mowat Ave to create another lot (i.e., 6 Herbert St).

I have reviewed the report prepared for tonight's meeting by Tim Fisher and signed by Tim Parks and James Bar. I have several objections to the content of this report:

- Pg 5: The report indicates that all submission materials are on the DASH site. However, the City has been notified on multiple occasions of missing letters of objection from the public.
- Pg 8: The report glosses over the high level of objection within the surrounding neighbourhood by saying that the proposed severance will not have any adverse impacts on the streetscape or the abutting uses and is in keeping with the existing residential development of the neighborhood. Neighbours are unhappy about the existing multi-unit dwelling and storage of a commercial truck and trailer, and have objected repeatedly to further development on the lot.
- Pg 10 - 13: The Public Comments and associated Q&A does not include questions from my March 4th, 2022 letter, including:
 - Precedents that support the severance of (a) a lot with a multi-family dwelling and (b) a lot with a multi-family dwelling with an A2 designation.
 - Whether the standards for a single-family or multi-family dwellings are being used to determine if there is sufficient space to permit another dwelling on the lot. If the standards for a multi-family dwelling unit are not being used, what is the rationale that permits this?
 - Whether the setbacks meet the safety requirements for a multi-dwelling unit.

I also want to take this opportunity to raise my concerns with how the City has managed the applications related to 237 Mowat Ave and the objections from residents in the neighbourhood. There is a consistent pattern of the City not communicating in a timely way and not publishing objections to the DASH site. I also want to note that I found it extremely odd that the City did not represent itself at the Ontario Land Tribunal but rather relied on a lawyer retained by J. Nikas. Furthermore, the arbiteur indicated on several occasions that answers to residents can access answers to planning questions from the City Planning department. This, however, has proved difficult in the case of this property.

Sincerely,

Lia De Pauw

Fisher, Tim

From: Fisher, Tim
Sent: October 26, 2022 9:04 AM
To: 'Lia De Pauw'
Subject: RE: Concerns - Application D10-023-2017, 237 Mowat St

Hello Lia

The consent application is now proceeding. The application has been placed on the November 21, 2022 Committee of Adjustment Public Meeting. All residents within a 60 metre radius will be notified by mail and new signage (11x17) will be posted on site. We will be sending everyone a notice who also submitted comments through the Zoning By-Law Amendment process as a courtesy. The planners report should be available online a week before the meeting.

Public consultation and presentations at the meeting are limited to 5 minutes if you wish to speak. All correspondence will be provided to the committee. Please note that all previous correspondence from the Zoning By-Law Amendment has been provided to the Committee Members for additional information.

Cheers



Tim Fisher

Planner
Planning Services

City of Kingston
1211 John Counter Boulevard
216 Ontario Street Kingston, ON K7L 2Z3
613-546-4291 extension 3215

tfisher@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: Lia De Pauw
Sent: October 26, 2022 8:31 AM
To: Fisher, Tim <tfisher@cityofkingston.ca>
Subject: Re: Concerns - Application D10-023-2017, 237 Mowat St

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Hello Tim,

I understand the appeal was unsuccessful.

I'd like to know the next step and timelines for the consent application. My understanding from our previous communications is that a community consultation is required as residents have expressed concerns.

Thanks,
Lia

Sent from my iPhone

On Mar 7, 2022, at 3:24 PM, Fisher, Tim <tfisher@cityofkingston.ca> wrote:

Hello Lia,

Your comments have been saved in the Consent file (Application D10-023-2017).

Cheers



Tim Fisher

Planner
Planning Services

City of Kingston
1211 John Counter Boulevard
216 Ontario Street Kingston, ON K7L 2Z3
613-546-4291 extension 3215
tfisher@cityofkingston.ca

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From: Lia De Pauw
Sent: March 7, 2022 1:20 PM
To: Fisher, Tim <tfisher@cityofkingston.ca>
Cc: Neill, Jim <jneill@cityofkingston.ca>; Kiley, Robert <rkiley@cityofkingston.ca>; Hutchison, Rob <rhutchison@cityofkingston.ca>; Osanic, Lisa <losanic@cityofkingston.ca>; Hill, Wayne <whill@cityofkingston.ca>; Doherty, Bridget <bdoherty@cityofkingston.ca>
Subject: Re: Concerns - Application D10-023-2017, 237 Mowat St

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Hello Tim,

My understanding is that these files were considered separately this time around. I'm happy to hear the application to recognize the existing dwelling at 237 Mowat is being appealed, if that encompasses the consent to sever the lot.

I also want to flag that Hatter and Herbert serve as emergency routes for the City buses. That route was used this weekend due to a serious police incident.

As has been mentioned, Herbert is unusually narrow. The bus was unable to turn onto Herbert at one point because of parked vehicles. It was stuck on Mowat blocking the street as it couldn't back up without a supervisor.

The Planning department should also be considering the impact of additional development on Herbert St on the transit system. I don't believe I saw this in the report.

Thanks,
Lia

Sent from my iPhone

On Mar 4, 2022, at 4:21 PM, Fisher, Tim <tfisher@cityofkingston.ca> wrote:

Hello Lia,

The Zoning By-Law Amendment Application D14-015-2019 has been appealed which also encompasses the consent application D10-023-2017. The consent application has been placed on hold until a decision is rendered on the appeal by the Ontario Land Tribunal. This may take a few months to complete. The consent application status in DASH has been updated to APPEALED. A new notice will be mailed out subject to the decision of the Tribunal.

Cheers



Tim Fisher
Planner
Planning Services

City of Kingston
1211 John Counter Boulevard
216 Ontario Street Kingston, ON K7L 2Z3
613-546-4291 extension 3215



tfisher@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: Lia De Pauw

Sent: March 4, 2022 12:34 PM

To: Fisher,Tim <tfisher@cityofkingston.ca>

Cc: Neill,Jim <jneill@cityofkingston.ca>; Kiley,Robert <rkiley@cityofkingston.ca>;

Hutchison,Rob <rhutchison@cityofkingston.ca>; Osanic,Lisa

<losanic@cityofkingston.ca>; Hill,Wayne <whill@cityofkingston.ca>; Doherty,Bridget

<bdoherty@cityofkingston.ca>

Subject: Concerns - Application D10-023-2017, 237 Mowat St

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

Hello Tim,

I'm submitting a letter of opposition in regards to Files D14-023-2017 concerning 237 Mowat Ave. The other week you said that a public hearing would be held for this matter, but I haven't yet seen the sign changed or received official communication around this.

Sincerely,

Lia

Fisher, Tim

From: Myers, Cheryl
Sent: November 18, 2022 12:48 PM
To: Fisher, Tim; Sthamann, Lindsay
Cc: Planning Outside Email
Subject: FW: file D10-023-2017 237 MOWAT AVENUE AND 6 HERBERT STREET COMMITTE OF ADJUSTMENT HEARING

Good Afternoon,

Please see comments below.

Thank you,
Cheryl

From: Bill Bishop
Sent: November 18, 2022 12:22 PM
To: Planning Outside Email <Planning@cityofkingston.ca>
Subject: file D10-023-2017 237 MOWAT AVENUE AND 6 HERBERT STREET COMMITTE OF ADJUSTMENT HEARING

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

To the Committee of Adjustment of the City of Kingston- as regards File # D10-023-2017 THE SEVERENCE OF 6 HERBERT STREET FROM 237 MOWAT AVENUE

I am writing to express my total support of this application . In fact a number of years ago 6 HERBERT STREET WAS A SEPRATE BUILDING LOT FROM 237 MOWAT AVENUE .
A severence will allow new housing to be built on the lot in accordance with municipal and Provincial regulations while maintaining the existing structure at 237 Mowat Ave.

This is a perfect example of in filling which will allow badly needed housing to be constructed in an urban residential area.

SINCERLEY

WILLIAM [BILL]J. F. BISHOP
1050 JOHNSON STREET
KINGSTON ONTARIO ,
K7M2N8

Other historic (some heritage) homes in the Portsmouth Village neighbourhood that are north, south, east and west of 237 Mowat Ave and 6 Herbert



225 Mowat Ave (Hazeldell) an official residence of Sir John A MacDonal (Heritage)



266 Mowat Ave (of heritage interest)

Other historic (some heritage) homes in the Portsmouth Village neighbourhood that are north, south, east and west of 237 Mowat Ave and 6 Herbert



303 Mowat Ave



381 Mowat Ave

Other historic (some heritage) homes in the Portsmouth Village neighbourhood that are north, south, east and west of 237 Mowat Ave and 6 Herbert



204 Mowat Ave



196 Mowat Ave

Other historic (some heritage) homes in the Portsmouth Village neighbourhood that are north, south, east and west of 237 Mowat Ave and 6 Herbert



176 Mowat Ave



162 (?) Mowat Ave

Other historic (some heritage) homes in the Portsmouth Village neighbourhood that are north, south, east and west of 237 Mowat Ave and 6 Herbert



73 Mowat Ave



74 and 76 Yonge St duplex

Other historic (some heritage) homes in the Portsmouth Village neighbourhood that are

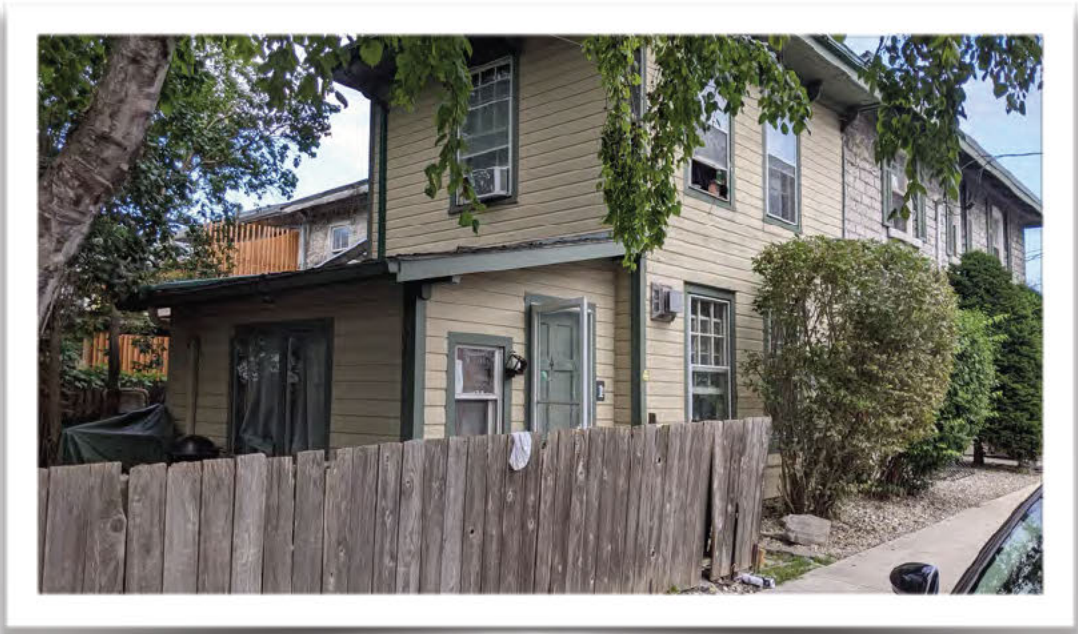


99 Yonge St (heritage row housing)

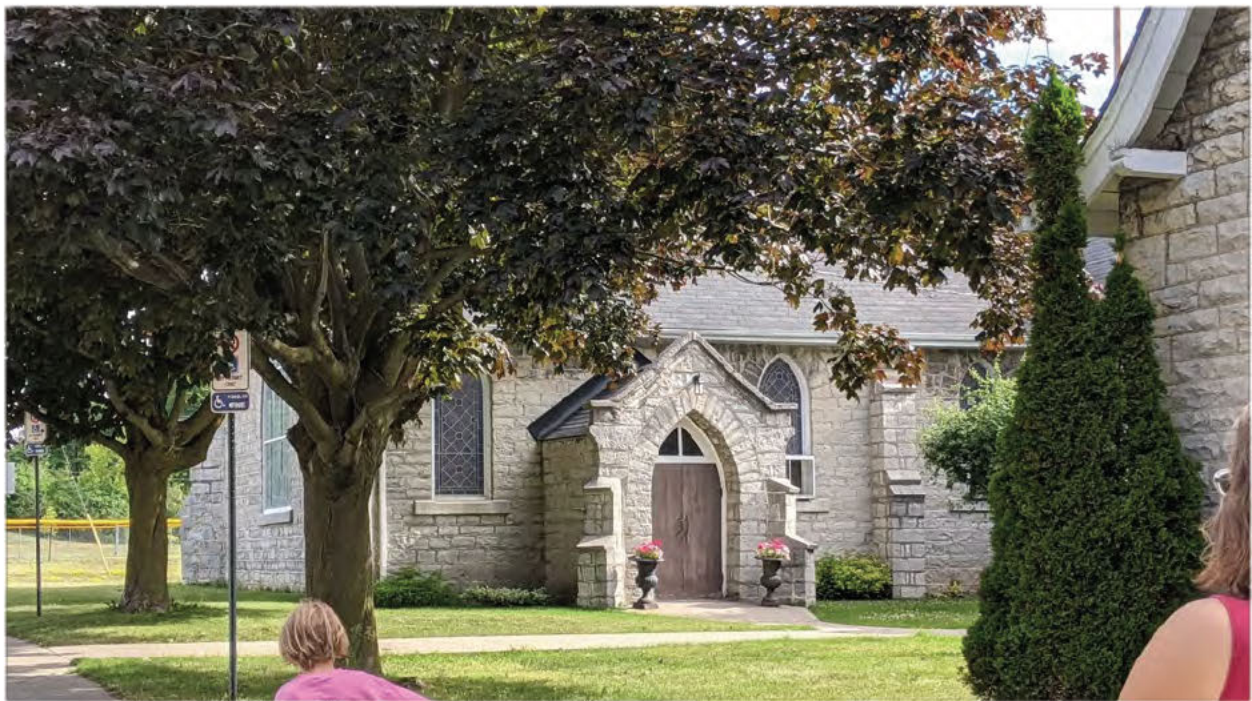


66 Yonge with duplex behind, 68 Yonge

Other historic (some heritage) homes in the Portsmouth Village neighbourhood that are north, south, east and west of 237 Mowat Ave and 6 Herbert



1 Church St



41 Church St St John's Anglican Church

Other historic (some heritage) homes in the Portsmouth Village neighbourhood that are



25 a Grange St near King St



31 Grange St

Other historic (some heritage) homes in the Portsmouth Village neighbourhood that are north, south, east and west of 237 Mowat Ave and 6 Herbert



29 Baiden St at Mowat Ave

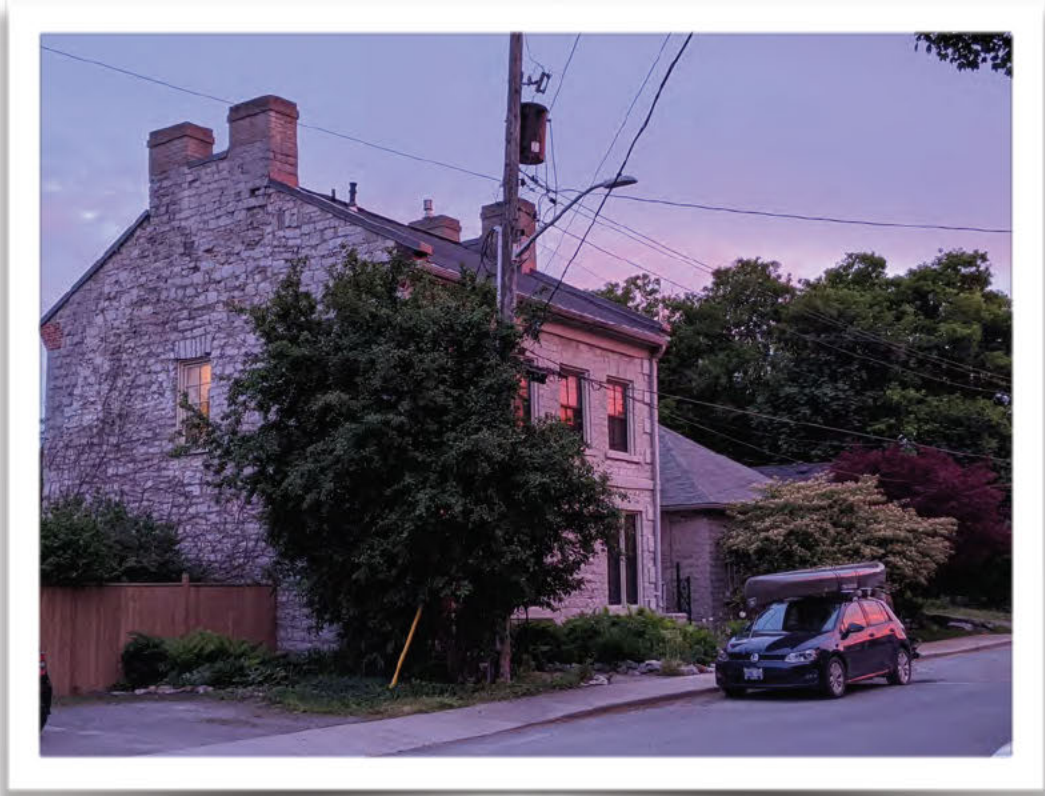


73 Baden St (left)



67 Baiden St (above)

Other historic (some heritage) homes in the Portsmouth Village neighbourhood that are north, south, east and west of 237 Mowat Ave and 6 Herbert



42 Kennedy St



46 Kennedy St

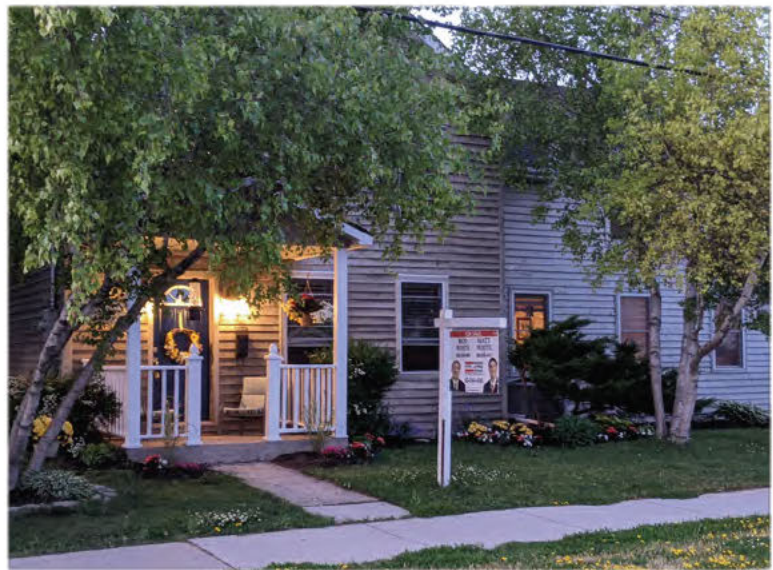
Other historic (some heritage) homes in the Portsmouth Village neighbourhood that are north, south, east and west of 237 Mowat Ave and 6 Herbert



105 Logan St off Mowat Ave



garage on Baiden St



73 Churchill St

Other historic (some heritage) homes in the Portsmouth Village neighbourhood that are north, south, east and west of 237 Mowat Ave and 6 Herbert



Portsmouth town hall, now community space on King Street



view east along Kingston Street in Portsmouth Village district

Other historic (some heritage) homes in the Portsmouth Village neighbourhood that are north, south, east and west of 237 Mowat Ave and 6 Herbert



PUBLIC SPACES in Portsmouth Village District

a building on the Rockwood grounds (above)

Portsmouth Olympic Harbour with Kingston Penitentiary in background (560 King St W) (left)

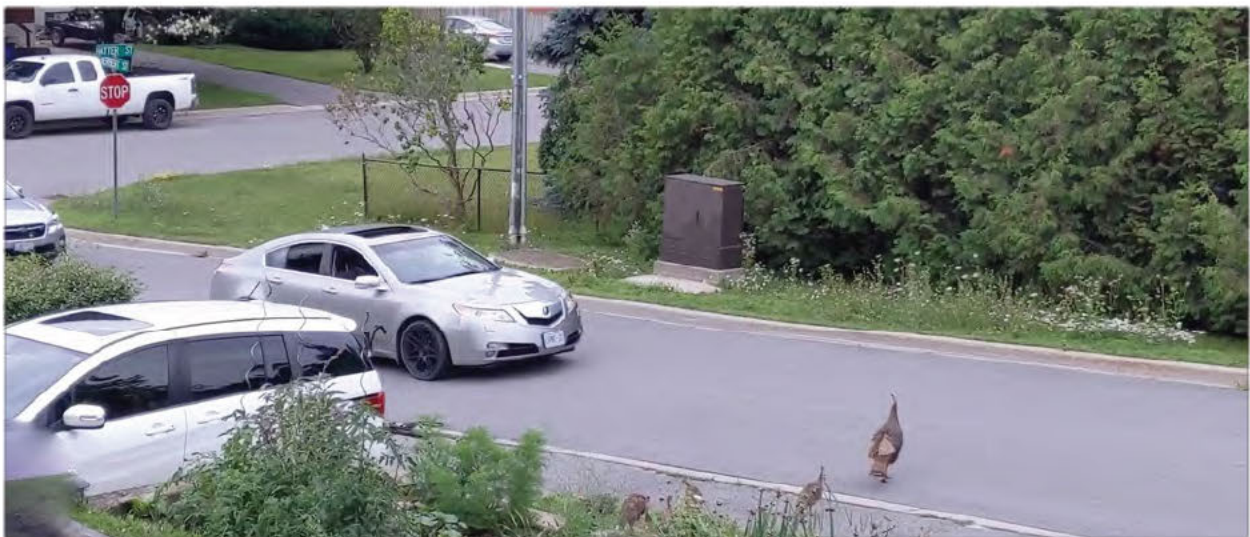


Rockwood Asylum (the old psych hospital on waterfront) Gable Lane

Other historic (some heritage) homes in the Portsmouth Village neighbourhood that are north, south, east and west of 237 Mowat Ave and 6 Herbert



July 16, 2021 a family of wild turkeys on Herbert St after a drink in the stream at Hatter Street on their way back to the woods near Woodlands Park on Mowat Ave



two cars entering Herbert St from the east travelling west on the narrow road which is only one block long and already has 3 driveways used by local residents

This shows there are no sidewalks and things get busy fast.



Ontario Land Tribunal

655 Bay Street, Suite 1500, Toronto, ON M5G 1E5
Tel: 416 212-6349 | 1 866 448-2248
Web Site: olt.gov.on.ca

Party Status Request Form

This form is expected to be provided at least 10 days in advance of the first hearing event to the Tribunal and all parties. Please contact the assigned Tribunal Case Coordinator to verify the relevant contact information for the parties. (A paper copy of this form must also be provided to the Tribunal Member when the event is in person).

Important: This form is your written request for party status. The presiding Tribunal Member will consider your request at the hearing event and will provide a determination on whether to grant you party status.

Request Date (yyyy/mm/dd): 2022-09-12

Case Information

Tribunal Case Number: OLT 22-002678

Date of Case Management Conference/Hearing (yyyy/mm/dd): 2022/09/15 10a.m.

Contact Information

Last Name: BROEKHOVEN

First Name: ANGELA

Company Name: _____

Telephone Number: _____

Email Address: _____

Representative Contact Information (if applicable)

Last Name: _____

First Name: _____

Company Name: _____

Telephone Number: _____

Email Address: _____

I certify that I have written authorization to act as a representative and I understand that I may be asked to produce this authorization at any time.

Status Request Details

A person who is authorized to participate in a proceeding as a party may participate fully in the proceeding in accordance with Rule 8 of the OLT's Rules of Practice and Procedure.

In the space below, please provide an outline of your interest and an explanation as to how your involvement will help the Tribunal resolve the issues raised in the appeal. You may also provide documentation or attachments to support your request:

I have lived in my current home at 218, Glengarry Rd. for 54 years, and am part owner of 7, Herbert St. where my daughter, Siobhain lives, and where my eight great grand children visit. It is a pleasure to see so many moms and tots, also dog walkers, using Herbert Street, which is the narrowest street I have seen in Kingston since I have lived here.

Having once witnessed a serious accident on Glengarry Road, which is not enough for three cars, involving a three year old girl, who was tossed 20' breaking both legs, I hesitate to think of the number of driveways on Herbert St. should this severance go through.

We bought in this neighborhood because of its historic nature. There are lots of limestone homes, and other century houses, and well cared for gardens. Also, it is just a few blocks from the lake shore and the Portsmouth Olympic Harbour.

~~This is the wrong neighbourhood to intensify -~~

Sincerely, Angela Brockman

Notes:

1. Please refer to Rules 8.1 and 8.3 of the OLT's Rules of Practice and Procedure regarding the Role and Obligations of a Party and how a Non-Appellant Party may participate in a proceeding.
2. The OLT issues all correspondence to parties and participants electronically.
3. Personal information or documentation requested on this form is collected under the authority of the Ontario Land Tribunal Act and the legislation under which the proceeding is commenced.
4. All information collected is included in the OLT case file and the public record in this proceeding.
5. In accordance with the Freedom of Information and Protection of Privacy Act and section 9 of the Statutory Powers Procedure Act, all information collected is available to the public subject to limited exceptions.