



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

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

12. Correspondence

- b)** Correspondence received from Emily Hammond, dated November 14 - 16, 2022, regarding Application for Minor Variance – 597 Davis Drive.

Addendum Pages 1 – 4

- c)** Correspondence received from Kim and Brian Gass, dated November 18, 2022, regarding Application for Minor Variance – 597 Davis Drive.

Addendum Pages 5 – 6

Clendening, Ian

From: Clendening, Ian
Sent: November 16, 2022 11:26 AM
To: Emily Hammond
Subject: RE: file number D13-063-2022 c/o Secretary Treasurer, Committee of Adjustment

Thank you Emily,

I will ensure the comments put forward, both in the initial correspondence and the follow-up, will be put before the Committee for their consideration.

Kindly,



Ian Clendening (he/him/his)

Senior Planner
Planning Services

City of Kingston
Located at: 1211 John Counter Boulevard,
216 Ontario Street Kingston, ON K7L 2Z3
613-546-4291 extension 3126
iclendening@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: Emily Hammond [REDACTED] >
Sent: November 15, 2022 5:54 PM
To: Clendening, Ian <iclendening@cityofkingston.ca>
Subject: Re: file number D13-063-2022 c/o Secretary Treasurer, Committee of Adjustment

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Hello Ian,

Thank you for your fast reply. I think it is important for the committee to know that there are currently 3 parking spaces on the 597 Davis Drive property, not 2. The owner currently has the upstairs rented to a couple who have 2 vehicles, and the basement to a couple who have no vehicle. The lot the property is on is quite narrow. The fire chief has been out several times due to concerns about how the cars are parked. I would recommend consulting with the fire chief regarding the property to get their view as they have told me that the current set up prevents them proper access to the property in the event of a fire. If the two vehicles are parked tandem they block access to the basement apartment, If they park side by side, there is still very little space and one of the vehicles will dig up dirt and cables because the extension on the driveway was not done properly (essentially the lawn was dug up to the street. The width of the lot always causes problems in the

winter as well. There is not enough space for them to pile snow. I have had issues in the past with people living there throwing snow onto my property as a result, and I'm talking just a little bit. The tenant [REDACTED] in the basement there last year piled snow against my house over the furnace vents because he wanted a walkway for himself and there wasn't any space for snow on the 597 property.

Approving the request the property owner has made will not reduce the number of vehicles parked there to one, because the basement tenants do not have a vehicle. All it will do is put the city's stamp of approval on what is already happening, despite there being serious issues with respect to emergency service access to the basement apartment. If this is approved it should be clear that the lot size and current laneway can only accommodate 1 vehicle, not give relief from providing a parking spot for a second unit. The wording does not make this clear and will result in the upstairs apartment still having 2 spots.

Despite the property being zoned as allowing two apartments in the house, the lot is not big enough to accommodate this without causing problems for the neighbours. Please do not approve anything that will legitimize something on the property that will continue to create issues and stress for neighbours. If the property owner insists on having 2 apartments there, he needs to contain his rental business to his property and not negatively impact the neighbours. I also question the legitimacy of the property as being allowed to have a basement apartment despite zoning. The city only picks up one bag of garbage there each week, and when both tenants put out a bag and neither have a tag, everyone else on the street gets to clean up the mess that gets torn up by birds and blown down the street. There are a lot of houses on Davis Drive that have basement apartments, but none seem to have garbage issues or have had as many issues requiring the police or the fire chief to come out to deal with them as 597 since the current owner bought the property.

If you believe this request by the property owner is an attempt to legitimize what he is doing with the city, please think about the impact of what he is doing has had on the neighbourhood. Regardless of the zoning, that property is not well suited to have 2 apartments. The wording of the request is also deceptive, there are currently 3 parking spots there, not two, and removing the one currently not being used (that is really just dug up lawn) will not alleviate any problems or reduce the number of parking spots to one.

Thanks,
Emily Hammond

On Tue, Nov 15, 2022 at 9:15 AM Clendening, Ian <iclendening@cityofkingston.ca> wrote:

Hi Emily,

First of all, thank you for reaching out to the City with your input in respect to the proposed Minor Variance, all correspondence is put before the Committee for consideration to assist with their decision making.

In response to your questions, I would like to put forward the following:

1. In regards to where the proposed remaining parking spots would be, the owner is seeking relief from the City's Zoning By-law which would otherwise require 1 parking stall for a second residential unit. Essentially, they are asking to permit 1 parking stall for the 2 residential units. In addition to requirements for minimum parking (such as set out in the Zoning By-law and for which relief is sought), the City also has a Parking By-law which regulates on-street parking. No relief from the City's Parking By-law is being contemplated and the owner/resident would be required to adhere to all applicable on-street parking requirements regardless of approval of the proposed Minor Variance for relief from the required parking
2. In regards to whether the property is registered as a multi-unit rental property, the City does not maintain a registry of multi-unit or rental properties. A secondary dwelling unit is permitted 'as-of-right' for properties within the UR2.A Zone under the City's Zoning By-law 2022-62 (enacted April 26, 2022) subject to certain requirements (such as parking). The current permissions for secondary dwelling units found in Zoning By-law 2022-62 is consistent with the former R2-12 zone under the Zoning By-law 76-26 which allowed for these units, subject to certain requirements (such as parking). While it would appear that the use was established without proper regard for these requirements, the applicant now seeks to address the deficiency.

Information on the City's Parking Regulations can be found at <https://www.cityofkingston.ca/residents/parking/parking-regulations>. Additional information on the application, including the Staff Report can be found at <https://www.cityofkingston.ca/residents/city-calendar-events/-/calendar/QUmzuR567ExT/event/39084995>

Finally, I can confirm that I have added your contact information for sending any decision with respect to the application.

Kindly,

Ian Clendening (he/him/his)

Senior Planner
Planning Services

City of Kingston
Located at: 1211 John Counter Boulevard,
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From: Emily Hammond [REDACTED] >
Sent: Monday, November 14, 2022 5:05 PM
To: Planning Outside Email <Planning@cityofkingston.ca>
Subject: file number D13-063-2022 c/o Secretary Treasurer, Committee of Adjustment

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Hello,

First as per the written notice I received regarding the above noted file I would like to receive notification of any decision made with respect to the proposed minor variance.

I have reviewed the information provided in the notification and would like to know where the proposed remaining parking spots would be. My property is beside 597 Davis Drive and I would like to know where the owner intends to retain parking spots.

I would also like confirmation from the city that 597 Davis Drive is registered as a multi-unit rental property. The previous owner informed me that it was not registered or recognized as such and I see no reason to support a minor variance that would apply to a multi-unit dwelling if it is registered and recognized by the city as only being a single unit dwelling.

If the property is properly and legally permitted to be used in the way it currently is (two apartments), I request that consideration be made in where the remaining parking spaces are placed given how narrow the lot is. For two vehicles to park side by side, proper work, including any relevant permits and allowances to extend the width of the driveway would be needed. Currently, the second space that has been added off of the road is dirt, and cables come up and get damaged when vehicles drive over it. Essentially, I am not against reducing the number of allowed parking spots on the property, because given the small size of the lot I don't believe that having two apartments with parking was a feasible idea in the first place. I do ask that the city ensure any changes are made with proper permits, inspections and oversight, and with consideration for the neighbours of the property, something which I do not believe has been done adequately to date.

Thank-you,

Emily Hammond

City of Kingston, Planning Services
c/o Secretary Treasurer, Committee of Adjustment
planning@cityofkingston.ca

Re: Minor Variance D13-063-2022, 597 Davis Dr.

We have recently received notice of the above noted minor variance application. Since my wife and I live across the street from the subject property, we are writing to express support that the applicant be permitted to keep two on-site parking stalls in the name of public Fire and Life safety.

Davis Dr. is the only primary arterial road for our subdivision. The subdivision is comprised of mixed density residential uses of singles, semis, towns, special needs group homes, and high-rise condominium apartment buildings. Considering that all the properties fronting onto Davis Dr. were built with multiple stall parking spaces. Davis Dr itself was likely permitted to be built to the very minimum width (8.5m) standards for a subdivision road. As such, Davis Dr. has limited on-street parking capabilities. Unfortunately, the evolution of illegal secondary suites in the neighborhood, similar to this application before the committee, has resulted to increased illegal parking along the entire road. On any given day, one can observe our city buses or even small delivery vans struggle to maneuver through the maze of parked vehicles. A transit bus being delayed by a few moments is inconsequential, but what about a Fire Dept truck or Ambulance?

597 Davis Drive is a semi-detached lot, that as the application states, is used as an illegal duplex, my wife and I have only ever known it to be used as a duplex in the 12 years we have lived across the street. The site has 3 parking stalls (not two as the application implies), two spots are configured in tandem orientation (likely the original "legal" stalls), with the third stall beside (built about 5 years ago, likely illegal), all stalls are used at any given time. The attached photo will provide the Committee with a visual of the site. At this juncture it should be noted tandem parking is typically not permitted in most municipal zoning by-laws for multi-dwelling buildings, due to their impracticability and mis-use which results in spill over encroachment onto neighboring lots. The fence in the photo is new and was installed by the neighbor exactly because of such encroachment once the tenants were forced to use the tandem spots only.

The application claim that proximity to local transit hubs, as legitimate rational for deletion of a parking stall is debatable. This city's transit system is not a robust enough service (yet) to support people seven days a week adequately to forgo the need for a vehicle per household here in the suburbs. That reality is evident by all the illegal parking in the suburb neighborhoods, it really appears by-law parking enforcement is only a "9 to 5, Monday to Friday" enforcement model. Furthermore, lack of snow clearing, and vegetation cut back maintenance by the city from the sidewalks, really lowers navigability by seniors, children and disabled persons on the city's sidewalks.

Currently, while the third parking stall (in front of the main entrance) may likely be illegal, it is a semi-pervious surface, and we can advise by observations over the years, the overland surface storm discharge is not negatively impacting the area. The site is functioning from a storm drainage perspective.

In conclusion, from an EMS response perspective, because the subject property fronts onto the only main arterial road for this subdivision, pushing parking onto this street will impair Emergency Services response abilities. As such, if the applicant can meet the Fire and Building Codes to provide a safe

secondary suite, then they should reconfigure the site so that on-site parking is only provided by two side by side stalls.

We would like to receive notice of the Committees decision.

Regards,

Brian Gass

Kim and Brian Gass
602 Davis Dr.

