



**City of Kingston
Report to Committee of Adjustment
Report Number COA-22-079**

To: Chair and Members of the Committee of Adjustment
From: Tim Fisher, Planner
Date of Meeting: November 21, 2022
Application for: Consent
File Number: D10-023-2017
Address: 237 Mowat Avenue and 6 Herbert Street
Owner: 6948928 Canada Limited and JA Holdings c/o James Nikas
Applicant: RFA Planning Consultant Inc.

Council Strategic Plan Alignment:

Theme: 2. Increase housing affordability

Goal: See above

Executive Summary:

This application for consent to create a new residential lot has been submitted by RFA Planning Consulting Inc. on behalf of the owner 6948928 Canada Limited and JA Holdings c/o James Nikas, for the properties municipally addressed as 237 Mowat Avenue and 6 Herbert Street. The purpose of the application is to sever a 634.7 square metre parcel of land with 26 metres of road frontage on Herbert Street (6 Herbert Street), while retaining a 1,220.6 square metre parcel of land with 20.8 metres of road frontage on Mowat Avenue (237 Mowat Avenue), which contains an existing apartment dwelling. The consent application will re-establish a historical separate lot (6 Herbert Street) which was inadvertently merged on title when the owner purchased the abutting lot.

The subject property was recently rezoned (City file number D14-015-2019) to recognize the existing eight-unit dwelling and its associated performance standards on the retained lot. Council approved the zoning by-law amendment through By-Law 2022-28 on February 4, 2022

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([PC-22-005](#)). The by-law was subsequently appealed, which was later dismissed by the Ontario Land Tribunal on September 17, 2022.

The subject property is located at 237 Mowat Avenue and 6 Herbert Street. The property is approximately 1,854.7 square metres in area with 20.8 metres of road frontage on Mowat Avenue and 26 metres of road frontage on Herbert Street. The property is designated as Residential in the Official Plan and zoned Urban Residential 7 'UR7' Zone with Legacy Exemption 'L450', as per Schedule 'E', Zone Exception Overlay, in Kingston Zoning By-Law Number 2022-62.

This application for consent has proceeded through the Delegated Authority process. The City received public comments during the public notification period and as a result the file has been referred to the Committee of Adjustment for consideration. A new public notice was mailed to all property owners within a 60-metre radius of the property as well as all residents who provided written and/or oral submissions to the related zoning by-law amendment application (D14-015-2019). New signage was posted on the site indicating the consent application will be addressed during the November 21, 2022 Committee of Adjustment public meeting.

This report provides a recommendation to the Committee of Adjustment regarding the application for consent. The proposal has regard to the matters under subsection 51(24) of the *Planning Act*, is consistent with the Provincial Policy Statement, conforms with all applicable policies of the Official Plan, is in keeping with the general intent and purpose of the zoning by-law and a plan of subdivision is not necessary for the proper and orderly development of the property. As such, the application is recommended for provisional approval.

Recommendation:

That consent application, File Number D10-023-2017, to sever a 634.7 square metre parcel of land with 26 metres of road frontage on Herbert Street, be **provisionally approved** subject to the conditions included in Exhibit A (Recommended Conditions) to Report Number COA-22-079.

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Authorizing Signatures:

ORIGINAL SIGNED BY PLANNER

Tim Fisher, Planner

Consultation with the following Management of the Community Services Group:

Tim Park, Director, Planning Services

James Bar, Manager, Development Approvals

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Options/Discussion:

The consent application was submitted by RFA Planning Consulting Inc. on behalf of the owner 6948928 Canada Limited and JA Holdings c/o James Nikas. The application was deemed complete on November 8, 2019 and it proceeded through the Delegated Authority process. The application was then placed on hold until the recent application for zoning by-law amendment (City file number D14-015-2019) was approved.

The City received public comments during the public notification period for both the consent and zoning by-law amendment applications. As a result, the file has been referred to the Committee of Adjustment for consideration. A new public notice was mailed to all property owners within a 60 metre radius of the property as well as to all residents who submitted written concerns or provided verbal concerns through the related zoning by-law amendment application. New signage was posted on the site indicating the consent application will be addressed during the November 21, 2022, Committee of Adjustment public meeting.

Site Characteristics

The subject property is located at 237 Mowat Avenue and 6 Herbert Street and is approximately 1,854.7 square metres in area with 20.8 metres of road frontage on Mowat Avenue and 26 metres of road frontage on Herbert Street. The property is designated as Residential in the Official Plan and zoned Urban Residential 7 'UR7' Zone with Legacy Exemption 'L450' as per Schedule 'E', Zone Exception Overlay, in Kingston Zoning By-Law Number 2022-62.

The subject property is currently developed with a two-storey apartment building containing a total of eight (8) residential units. The subject property is not a designated or listed property under the *Ontario Heritage Act* or located adjacent to a designated property.

The subject property is located in the Portsmouth neighbourhood. The site is surrounded by residential land uses, consisting primarily of one and two-unit dwellings, triplexes and small-scale apartment buildings (Exhibit F – Neighbourhood Context). Building heights along Mowat Avenue range from one to two-and-a-half-stories.

The property is within walking distance of major employers such as St. Lawrence College, Queen's University, the former St. Mary's of the Lake Hospital (now owned by Queen's University), the Isabel Bader Centre for Performing Arts, and the Tett Centre for Creativity and Learning. There are three separate transit services available along Union Street.

Application

The Director of Planning Services, through delegated authority, can process applications for consent that are technical in nature without holding a Public Meeting. All residents within a 60 metre radius of the property were notified through this process and letters of objection and concerns were received. As such, this consent application is being referred to the Committee of Adjustment for consideration. Revised signage has been posted on the site and public

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notification of the Public Meeting has been sent to all property owners within a 60 metre radius. A courtesy advertisement has been published in the local newspaper.

In support of the application, the applicant has submitted the following:

- Severance Sketch (Exhibit G);
- Site Plan – Retained Lot (Exhibit H);
- Landscape and Parking Plan – Retained Lot (Exhibit I);
- Noise Report;
- Arborist Report;
- Stormwater Management Brief;
- Stage 1 and 2 Archaeological Assessment;
- Servicing Report; and
- Planning Justification.

All submission materials are available online through the Development and Services Hub (DASH) at the following link, [DASH](#), using “Look-up a Specific Address”. If there are multiple addresses, search one address at a time, or submission materials may also be found by searching the file number.

Planning Act

The requested consent application has regard to the matters set out in subsection 51(24) of the *Planning Act* and a plan of subdivision is not necessary for the proper and orderly development of the property.

Provincial Policy Statement

The Provincial Policy Statement (2020) provides policy direction on matters of provincial interest related to land use planning and development, which are intended to be complemented by local policies addressing local interests. The Provincial Policy Statement (PPS) promotes healthy, livable and safe communities through the efficient use of land throughout the Province of Ontario. In this case, the proposal to recognize the existing use and its development on the retained lot will facilitate a severance to create a new lot within the Urban Boundary on full municipal services is consistent with the direction and intent of the PPS.

The PPS directs municipalities to focus their growth within settlement areas where full municipal services are available. The severed and retained lots are located within the Urban Boundary

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and have access to full municipal services. The existing development at 237 Mowat Avenue is connected to full municipal services and any new development on the severed lot will be required to connect to full municipal service. The proposal will provide for the efficient use of available lands within the Urban Boundary, as well as the efficient use of existing municipal servicing capacity.

The proposal was circulated to all relevant departments and agencies and it was confirmed that there is sufficient service capacity to accommodate the proposed development. There are no cultural heritage or archaeological concerns. The proposed consent application is consistent with the Provincial Policy Statement.

Official Plan

The subject property is designated 'Residential' in the City of Kingston Official Plan (Exhibit D). The residential uses within the designation include detached, semi-detached or duplex dwellings, row dwellings/townhouses, and apartments of various types, tenure, and density that respond to a wide range of housing needs. In addition to the various forms of housing, community facilities such as schools and places of worship are also permitted. Small-scale, convenience commercial uses which support residential neighbourhoods and are compatible with the residential setting may also be permitted in this designation.

The subject property is not a designated or listed property under the *Ontario Heritage Act* or adjacent to a designated property.

The creation of each new lot by way of consent is subject to the consent policies of the Official Plan. In considering whether the proposal is appropriate, the following policies of Section 9.6.13 were considered.

- a. The lot frontage, depth and area of any lot created by consent must be appropriate for the use proposed for the lot, be in compliance with the provisions of the zoning by-law and consistent, where possible, with adjacent lots;

The severed lot will maintain road frontage on Herbert Street, while the retained lot will maintain road frontage Mowat Avenue. Each road is an open and maintained municipal road. The frontage, depth and lot area for each lot is appropriate for the existing residential use on the retained lot subject to the 'UR7' and the Legacy Exemption L450. Any future development on the severed lot will be subject to the requirements of the 'UR7' in Zoning By-Law Number 2022-62.

The consent application will re-establish a historical separate lot (6 Herbert Street) which was inadvertently merged on title when the owner purchased the abutting lot.

- b. Proposed severances that would result in irregularly shaped lots are to be avoided where possible;

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Each lot will result in rectangular shaped lots which also take into consideration the natural features of the land, existing development and the existing parcel fabric along Herbert Street and Mowat Avenue.

- c. Consents may be granted only when each parcel of land has frontage and direct access from an assumed road, except for conservation lands such as those held by the Conservation Authority or a land trust that can be accessed through an easement or right-of-way on abutting lands;

The severed parcel will maintain road frontage along Herbert Street and the retained parcel will maintain its road frontage on Mowat Avenue. The retained parcel currently has two entrances from Mowat Avenue. The most northerly entrance will be removed which will result in a six-metre-wide entrance leading to the redesigned parking area in the front yard at the southern portion road frontage along Mowat Avenue.

The applicant proposes to redesign the parking area in the front yard to provide eight (8) parking spaces on the site. The new parking area design, along with the removal of the northern entrance and its driveway, will result in an increase of landscape open space in the front yard by 24.2 percent. Additional landscaping is proposed along the Mowat Avenue frontage which will provide additional visual buffering from the residential uses along the west side of Mowat Avenue. It is recommended that the reconfiguration of the road access and parking area on the retained parcel are to be completed as a condition of consent.

- d. Direct access from major roads is limited and is subject to the terms of any permits or approvals required from an agency having jurisdiction, with particular attention to controlled areas subject to Ministry of Transportation review and approval;

Mowat Avenue and Herbert Street are both municipally maintained local roads. Any new or altered entrances on the severed or retained lot will require an Entrance Permit from Engineering Services prior to the commencement of any work.

- e. New access points or driveways must be located where they would not create a traffic hazard because of sight lines on curves, grades or corners;

The retained parcel's frontage along Mowat Avenue is fairly flat. The reconfiguration of the road access on the retained lot will eliminate a second access creating a singular controlled access from Mowat Avenue which will result in fewer access points. The grade along Herbert Street drops from Mowat Avenue to Hatter Street. There are no road accesses along the southern side of Herbert Street. The future driveway for the severed parcel would be located approximately midpoint along Herbert Street and is not anticipated to result in any traffic hazards because of sightlines on curves, grades or corners.

An entrance permit is required to be obtained from Engineering Services prior to the installation of any new or altered entrances from Mowat Avenue and Herbert Street.

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- f. Minor infilling of residential *development* is permitted except where the new lot would result in ribbon *development* of more than four non-farm residential lots that takes the form of a single depth of houses or other land uses fronting along roads in Rural Areas;

The subject property is located with the Urban Boundary. The proposal constitutes development of an underutilized, serviced lot within the Urban Boundary by creating an undeveloped residential lot in a residential neighbourhood. The consent application will re-establish a historical separate lot (6 Herbert Street) which was inadvertently merged on title when the owner purchased the abutting lot.

The proposal will result in an increase in residential density within the Urban Boundary by introducing one new residential lot (subject to the performance standards of the 'UR7' Zone in Zoning By-Law Number 2022-62) to the City's housing supply, while maintaining the existing eight-unit dwelling on the retained parcel (237 Mowat Avenue), subject to the 'UR7' and Exception L450 provisions.

- g. The proposal supports the City's goals for residential intensification within the Urban Boundary and makes efficient use of available infrastructure and public service facilities. The development of a single detached dwelling is a permitted use in the 'UR7' zone in Zoning By-Law 2022-62. Compatibility and any separation distances required between the proposed land uses for the lot and the neighbouring land uses located in Rural Areas must be considered.

The subject property is located within the Urban Boundary and will not have any negative impacts within the rural area.

The proposed severance will not result in any adverse impacts on the streetscape or the abutting uses and is in keeping with the existing residential development in the neighbourhood.

- h. Any application for a consent must assess the impact on the natural heritage system, natural heritage features and areas, natural hazards, cultural heritage resources and areas of archaeological potential, or areas of archaeological significance as set out in Sections 5, 6 and 7 of this Plan;

Heritage Services was consulted with respect to this application. The subject property is not a designated or listed heritage property under the *Ontario Heritage Act*, nor is it adjacent to a listed or designated heritage property. It is, however, identified as having composite archaeological potential on the Archaeological Master Plan. A Stage 1 and 2 Archaeological Assessment prepared by Abacus Archaeological Service, November 17, 2016, cleared the site of Archaeology.

- i. The City must be satisfied that any lots created by consent can be supplied with such municipal services as fire protection, road maintenance, storm drainage and where applicable, water supply and sewage disposal facilities, such that the provision of services does not adversely affect the City's finances.

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The severed and retained lots make use of existing municipal services. Services upgrades or installation of new services will be addressed through the Building Permit Application process.

A pole located on the severed lot is owned by Bell Canada which provides bell services to the retained parcel. As a condition of consent, the owner/applicant shall request to Bell for an estimate for the relocation of their services in conjunction with Utilities Kingston and Kingston Hydro. The owner/applicant shall provide written confirmation from Bell Canada that this is completed to their satisfaction, prior to the issuance of the Certificate of Official.

The proposal conforms to the Official Plan, as the proposed severed and retained lots and their existing and intended residential use will not result in any negative impacts to adjacent properties or to the neighbourhood.

Zoning By-Law

The subject property is zoned Urban Residential 7 'UR7' in Kingston Zoning By-Law Number 2022-62. The retained parcel is subject to Legacy Exception Number L450, which recognizes the eight (8) unit dwelling, the number of existing bedrooms and other site specific performance standards. The UR7 zone permits single detached dwellings.

The severed and retained parcels comply with the minimum lot area and frontage requirements in the UR7 zone. Any new development on the severed lot is required to comply with the performance standards of the UR7 zone.

Discussion

The proposed severance will provide residential intensification within the Urban Boundary on full municipal services to meet the needs of current and future residents in Kingston. The development supports transit and active transportation as it is located within walking distance of multiple transit stops, employment lands, commercial shopping areas, and parks, and provides secure bicycle parking spots onsite.

As a result of this application, the existing front yard parking area and its accesses are being redesigned to eliminate the northern driveway and its road access to Mowat Avenue. The area will be reinstated to green space, which will provide additional landscape open space and provide a further separation between the parking area and the residential use to the north (243 Mowat Avenue). A single 6 metre wide driveway will be maintained along the southern portion of the retained lot and will maintain its road access on Mowat Avenue. Additional landscaping will be provided along the road frontage.

The applicant proposes to plant eight (8) Swedish Aspens which will provide additional visual screening from Mowat Avenue (Exhibit I – Parking and Landscape Plan). It is recommended that as a condition of approval of the consent application, that the owner/applicant shall comply with the site improvements as illustrated in the Landscape and Parking Plan and Site Plan pertaining to the retained parcel, prior to the issuance of the Certificate of Official.

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Outdoor amenity space will be maintained in the rear yard and the additional landscape open space created in the front yard will provide additional amenity space for the residents. A rear yard is maintained for outdoor amenity space. No additions or external changes are proposed to the existing apartment building. As such, no impacts in regards to privacy or overlook are anticipated.

While the existing eight-unit apartment building represents a medium density development, the dwelling and its front yard parking have existed in its current form and use for approximately 50 years with no negative impacts on the abutting residential uses and street scape. The retained parcel and its eight-unit dwelling will continue to meet the functional needs for residents as the new parking design and removal of the second entrance onto Mowat Avenue will introduce additional landscaped open space to the site and provide a more functional parking area layout.

The application as proposed is consistent with the Provincial Policy Statement, conforms to the Official Plan, complies with Kingston Zoning By-Law Number 2022-62 and represents good land use planning. As such, the application is recommended for approval.

Technical Review: Circulated Departments and Agencies

- Building Division
- Finance
- Fire & Rescue
- Solid Waste
- Housing
- KEDCO
- CRCA
- Parks Canada
- Hydro One
- Kingston Airport
- Engineering Department
- Utilities Kingston
- Kingston Hydro
- Parks Development
- District Councillor
- Municipal Drainage
- KFL&A Health Unit
- Eastern Ontario Power
- Enbridge Pipelines
- Heritage (Planning Services)
- Real Estate & Environmental Initiatives
- City’s Environment Division
- Canadian National Railways
- Ministry of Transportation
- Parks of the St. Lawrence
- Trans Northern Pipelines
- CFB Kingston
- TransCanada Pipelines

Technical Comments

This application was circulated to external agencies and internal departments for their review and comment and there were no comments or concerns raised that would preclude this application from moving forward. Any technical comments that are received after the publishing of this report will be included as an addendum to the Committee of Adjustment Agenda.

Public Comments

The following is a summary of all the public input received to-date, including the public submissions received through both the related application for zoning by-law amendment (D14-015-2019) and the current application for consent (D10-023-2017). Any public comments received after the publishing of this report will be included as an addendum to the Committee of Adjustment Agenda.

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All original public comments are available in Exhibit K of this report.

- Question: Concerns regarding the location of any new driveways along Herbert Street which will result in serious traffic hazards.

Response: The severed lot currently has road access from Herbert Street. Engineering Services has no concerns regarding the proposed consent. Any new development and/or new or altered entrances will require an entrance permit from Engineering Services and shall comply with the driveway and parking provisions of the zoning by-law.

- Question: The owner/applicant should be accountable for all back taxes and licensing fees.

Response: The consent application process will result in a notice of decision which, if provisionally approved, will provide a list of conditions which are required to be satisfied within two (2) years from the date of mailing of the Notice of Decision. A standard condition is for the applicant to provide confirmation from the tax department that all taxes and any levies are paid to date. If there are any outstanding fees, then the applicant must pay any and all fees in order to have the condition satisfied.

- Question: Supporting comments in favor of the application. This proposal is a good example of infilling in the residential area. The proposal will provide additional taxation for four townhouse units on the severed lot (6 Herbert Street). The retained lot and its development will recognize how the lot functioned as it has for 50 years while providing improvements.

Response: The severed and retained lot will comply with the permitted uses and performance standards of Zoning By-Law Number 2022-62. Any new development on the severed lot will be subject to the Urban Residential 'UR7' Zone requirements in Zoning By-Law Number 2022-62 while the development on the retained parcel is required to comply with the UR7 zone and Exception Zone L450.

- Question: The application and its proposed four-unit townhouse on the severed lot and the reduced lot for 237 Mowat Avenue and its eight-unit dwelling will completely change the character of the neighbourhood and severely reduce the greenspace.

Response: Through the zoning by-law amendment process, the applicant revised their original proposal and removed the proposed four-unit townhouse on the severed lot. The revised application and the conceptual plot plan for 6 Herbert Street, dated April 13, 2021, illustrates that a single detached dwelling can be constructed on the severed lot based on the current 'UR7' zone performance standards.

The single detached dwelling shown on Exhibit G is for context and is not a depiction of what may actually be built. Any new development on the severed lot is required to comply with the permitted uses and performance standards of the 'UR7' zone in Kingston Zoning By-Law Number 2022-62. The 'UR7' zone permits a single detached dwelling and a

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second residential unit only. Any proposed development which proposes additional units will be required to obtain zoning relief.

A single detached dwelling on the severed lot is in-keeping with the existing character and use of the residential neighbourhood and will be set to the same performance standards of the abutting residential lots along Herbert Street, Mowat Street, Francis Street and Hatter Street.

The retained lot will maintain the existing eight-unit apartment building known as 237 Mowat Avenue and containing a total of 11 bedrooms. No additional units or bedrooms are being proposed. The applicant proposes additional landscaping in the front yard and a defined parking area containing eight (8) parking spaces.

The retained lot and the eight-unit dwelling will maintain a rear yard which will provide outdoor amenity space for the tenants of 237 Mowat Avenue. Additional greenspace and landscaping is being provided in the front yard through the redesigning of the parking area and the removal of the second road access on Mowat Avenue.

The severance will not result in any change to the streetscape or is anticipated to have any negative impacts on neighbourhood than what currently exists.

- Question: Concerns regarding the removal of trees on 6 Herbert Street.

Response: The subject property is a residential lot within the Urban Boundary and is not subject to the Tree By-Law for the removal of any trees located on private property. Any trees located on city property and within the road allowance will require a tree permit for the removal of any tree. The trees removed were on private property and did not require a tree permit.

- Question: The eight-unit apartment building at 237 Mowat Avenue has been used as such for many years and we have no complaints about it as a one-off in the neighbourhood provided that there is approval from building inspection and fire and rescue.

Response: The eight unit dwelling is a permitted use as per the site specific zoning created through By-Law 2022-28. Both Building Services and Kingston Fire and Rescue have no objections or concerns regarding the continued use of 237 Mowat Avenue. Any alterations, additions or new development will require a Building Permit. The applicant shall consult with building services prior to any work to ensure a Building Permit is required.

- Question: Concerns regarding front yard parking at 237 Mowat Avenue and why can it not be relocated to 6 Herbert Street. It is requested that the parking location be changed so that the cars are not part of the Mowat Avenue streetscape and be in accordance with the provisions of the Zoning By-Law. There is also a concern regarding the parking of a

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landscaping business truck and trailer parked regularly on the north driveway and should be relocated off-site or in a more private location.

Response: The retained parcel is subject to Exception L450 as per Schedule E in Zoning By-Law Number 2022-62. The site specific performance standards as per By-Law 2022-28 permits one parking space per dwelling unit and permitted within the front yard occupying a maximum of 136 square metres.

The proposed parking relief will recognize the parking as it has previously existed. Parking on the site will be improved and the second access to Mowat Avenue at the northwest corner of the retained lot will be removed and replaced with additional landscaping. Through the application process, bicycle parking will be provided for the tenants within the front yard.

The redesign of the parking lot will remove the area where a landscaping business vehicle and trailer has been parked. The existing landscaping (white cedars) abutting the side yard of 243 Mowat Avenue will remain as additional buffering to the abutting residential use. Additional landscaping is proposed along Mowat Avenue which will assist in the visual buffering of the front yard parking.

It is recommended that as conditions of consent, that the owner/applicant shall comply with the site improvements as illustrated in the Landscape and Parking Plan and Site Plan pertaining to the retained parcel, prior to the issuance of the Certificate of Official.

- Question: Concerns regarding flooding and water pooling along Herbert Street and Hatter Street. Development on the severed lot will remove a lot of greenspace and result in downspouts directing water onto the street.

Response: The proposal will result in a vacant severed lot. Any new development shall comply with the requirements of the Urban Residential 'UR7' Zone in Zoning By-Law Number 2022-62. The 'UR7' zone requires a minimum of 30 percent of landscape open space to be maintained while the required front, side and rear yard setbacks will provide space accommodate drainage and infiltration space around the development. A Building Permit is required prior to development. It will be through this process when Planning Services reviews the project against the zoning by-law provisions, Engineering Services reviews issues such as lot grading, and Building Services reviews based on the Ontario Building Code and all other applicable law. Therefore, any new development on the severed lot is not anticipated to have any negative impacts on abutting properties.

- Question: Concerns regarding the capacity of municipal services in the area.

Response: Utilities Kingston has confirmed that they recently reconstructed Yonge Street and included this catchment area in their design. The flows from any new development on the severed lot would be minimal and can be accommodated in the existing services (water and sewer). Any new development is required to meet fire flow requirements. This would be reviewed through the Building Permit Application process.

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Previous or Concurrent Applications

Zoning By-Law Amendment Application (City file D14-015-2019): The purpose of the application was to amend Zoning By-Law Number 8499 to introduce a site-specific ‘A2.584’ Zone to permit a multi-unit dwelling with a maximum of eight (8) dwelling units on a portion of the subject property. The zoning by-law amendment also includes special performance provisions related to number of bedrooms, parking, and setbacks.

Council approved the zoning by-law amendment through By-Law 2022-28 (Exhibit J) on February 4, 2022 ([PC-22-005](#)). The by-law was subsequently appealed, which was later dismissed by the Ontario Land Tribunal on September 17, 2022.

These site specific provisions were also approved under the new Kingston Zoning Kingston By-Law Number 2022-62 through Legacy Exception L450.

Conclusion

The proposal has regard to the matters under subsection 51(24) of the *Planning Act*, is consistent with the Provincial Policy Statement, conforms with all applicable policies of the Official Plan, and is in keeping with the general intent and purpose of the zoning by-law. A plan of subdivision is not necessary for the proper and orderly development of the property. As such, the application is recommended for provisional approval.

Provisional approval of this application will result in site improvements to the retained lot (237 Mowat Avenue) and the creation of a residential lot within the Urban Boundary making use of existing municipal services.

Existing Policy/By-Law:

The proposed application was reviewed against the policies of the Province of Ontario and City of Kingston to ensure that the changes would be consistent with the Province’s and the City’s vision of development. The following documents were assessed:

Provincial

Provincial Policy Statement, 2020

Municipal

City of Kingston Official Plan

Kingston Zoning By-Law Number 2022-62

Notice Provisions:

A Committee of Adjustment Meeting is going to be held respecting this application on November 21, 2022. Pursuant to the requirements of the Planning Act, a notice of Statutory Public Meeting

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was provided by advertisement in the form of signs posted on the subject site 14 days in advance of the meeting. In addition, notices were sent by mail to a total number of 32 property owners (according to the latest Assessment Roll) within 60 metres of the subject property and a courtesy notice was placed in The Kingston Whig-Standard.

Once a decision has been rendered by the Committee of Adjustment, a Notice of Decision will be circulated in accordance with the provisions of the *Planning Act*.

Accessibility Considerations:

None

Financial Considerations:

None

Contacts:

James Bar, Manager, Development Approvals, 613 546 4291 extension 3213

Tim Fisher, Planner, 613-546-4291 extension 3215

Other City of Kingston Staff Consulted:

None

Exhibits Attached:

- Exhibit A Recommended Conditions
- Exhibit B Key Map
- Exhibit C Public Notification Map
- Exhibit D Official Plan Map
- Exhibit E Zoning By-Law 2022-62 Map
- Exhibit F Neighbourhood Context Map (2018)
- Exhibit G Severance Sketch
- Exhibit H Site Plan (Retained Parcel)
- Exhibit I Landscape and Parking Plan (Retained Parcel)
- Exhibit J By-Law 2022-28

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Exhibit K Public Comments (D14-015-2019 and D10-023-2017)

Exhibit L Site Photos

Recommended Conditions

The provisional approval of consent application, File Number D10-023-2017, to sever a 634.7 square metre parcel of land with 26 metres of road frontage on Herbert Street (6 Herbert Street), while retaining a 1,220.6 square metre parcel of land with 20.8 metres of road frontage on Mowat Avenue containing a multiple family dwelling (237 Mowat Avenue), is subject to the following recommended conditions:

1. Certificate of Official and Deadline

That all conditions are satisfied and the Certificate of Official be presented to the Secretary-Treasurer, Committee of Adjustment for certification under Section 53(42) of the Planning Act, R.S.O. 1990 as amended, within one year of mailing of this notice. We suggest that the Land Registry Office be consulted for preapproval of the Certificate of Official to avoid delays.

The Certificate must be registered within two years from the issuance of the certificate as required under Section 53(43) of the Planning Act, R.S.O. 1990, as amended. A copy of the registered transfer certificate shall be provided to the Secretary-Treasurer, Committee of Adjustment to complete the file.

2. Reference Plan

That a digital version of a Reference Plan be provided in a PDF and AutoCAD Windows readable format on a compact disc (CD), USB memory stick or by email, illustrating the severed parcel be prepared and presented to the Secretary-Treasurer, Committee of Adjustment prior to the issuance of the Certificate of Official.

3. Payment of Taxes

The owner/applicant shall contact the Tax Department at tax@cityofkingston.ca and secure in writing from the Treasurer or the Manager of Taxation and Revenue, proof of payment of current taxes and any special charges (not simply a copy of the tax bill) required to be paid out and a statement of proof that is received and shall be provided to the Secretary-Treasurer Committee of Adjustment, prior to the issuance of the consent certificate. The owner/applicant must pay any outstanding realty taxes and all local improvement charges levied against the property.

4. Cash-In-Lieu of Parkland

That \$2,048.15 shall be paid to the City of Kingston as cash-in-lieu of land dedication for park or public recreational purposes for each new building lot being created. The applicant may choose to pay the fee through their DASH application, provide a certified cheque or provide payment at the front desk at 1211 John Counter Boulevard, prior to the issuance of the consent certificate.

5. Relocation of Bell Service

The pole to be relocated is a Bell owned pole; the applicant will need to submit a request to Bell for an estimate for the proposed relocation (Bell will coordinate with

Utilities Kingston for transfer of existing Kingston Hydro assets to the proposed new pole). The owner/applicant shall provide written confirmation from Bell Canada that this is completed to their satisfaction, prior to the issuance of the Certificate of Official.

6. Utilities Kingston and Hydro Services

Prior to the issuance of a Certificate of Official it shall be necessary for the Applicant to provide and for Kingston Hydro and Utilities Kingston to approve a sketch showing all existing and proposed services, the mains to which the services currently connect, or are proposed to connect, any services to be abandoned, and existing buildings and all proposed and existing property lines.

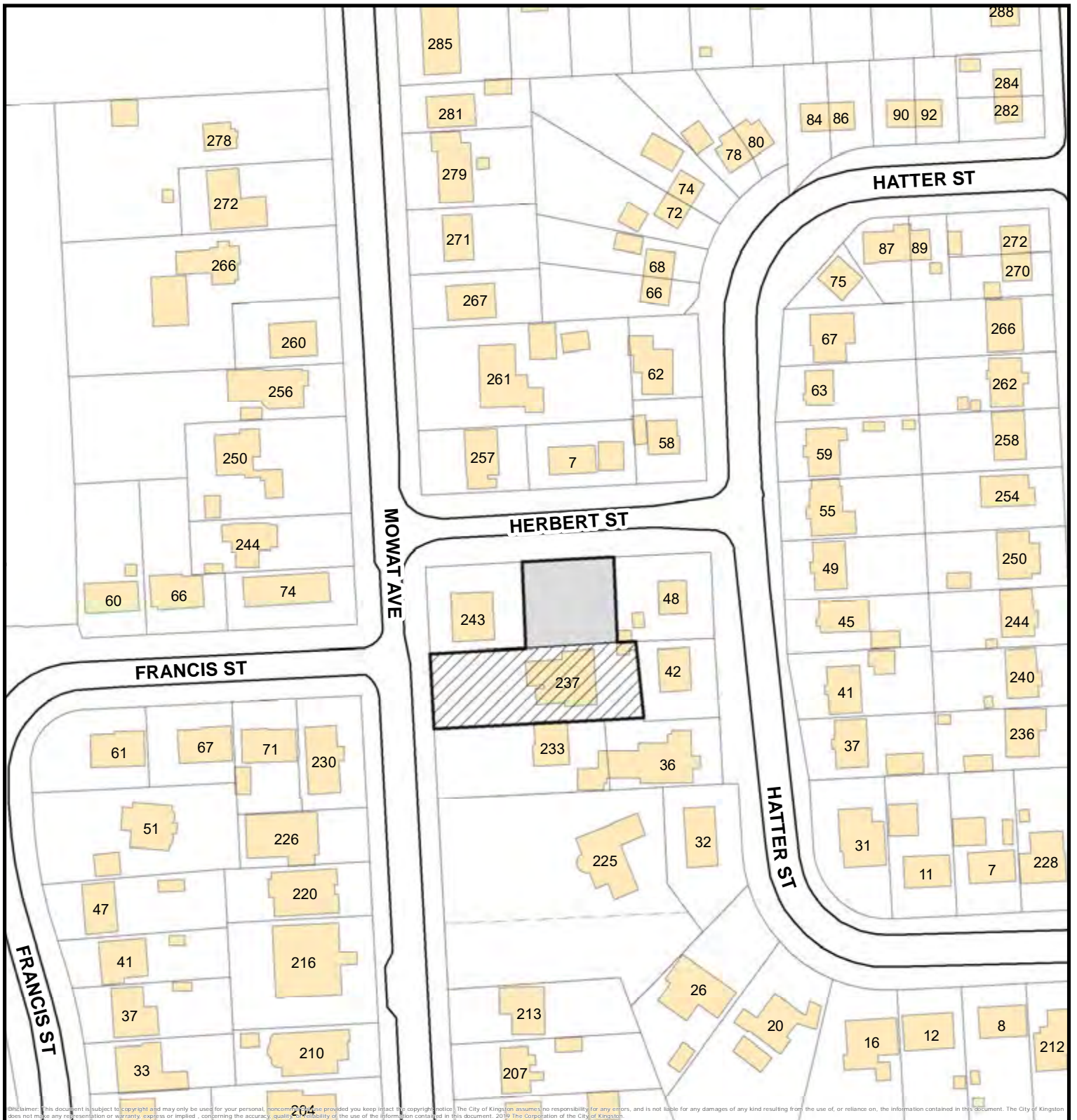
As per the City of Kingston water and sewer by-laws, both the severed and retained lots will require dedicated non-encroaching services. The applicant may contact Utilities Kingston Service Advisors 613-546-1181 x2285 to arrange for a "Severance Locate" to confirm that the location of the existing services and confirm that there are no encroachments. Please provide the application number when contacting.

7. Removal of Shed (Severed Parcel)

Prior to the issuance of the Certificate of Official, the owner/applicant shall remove the steel shed and accessory structure adjacent to the shed. The owner/applicant shall provide written and photo evidence that the work has been completed, to the satisfaction of Planning Services.

8. Site Improvements (Retained Parcel)

Prior to the issuance of the Certificate of Official, the owner/applicant shall complete all works as per the approved Site Plan and the Landscaping and Parking Plan attached to the Notice of Decision, to the satisfaction of Planning Services.



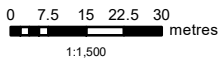
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Planning Services
a department of
Community Services

COMMITTEE OF ADJUSTMENT
Key Map

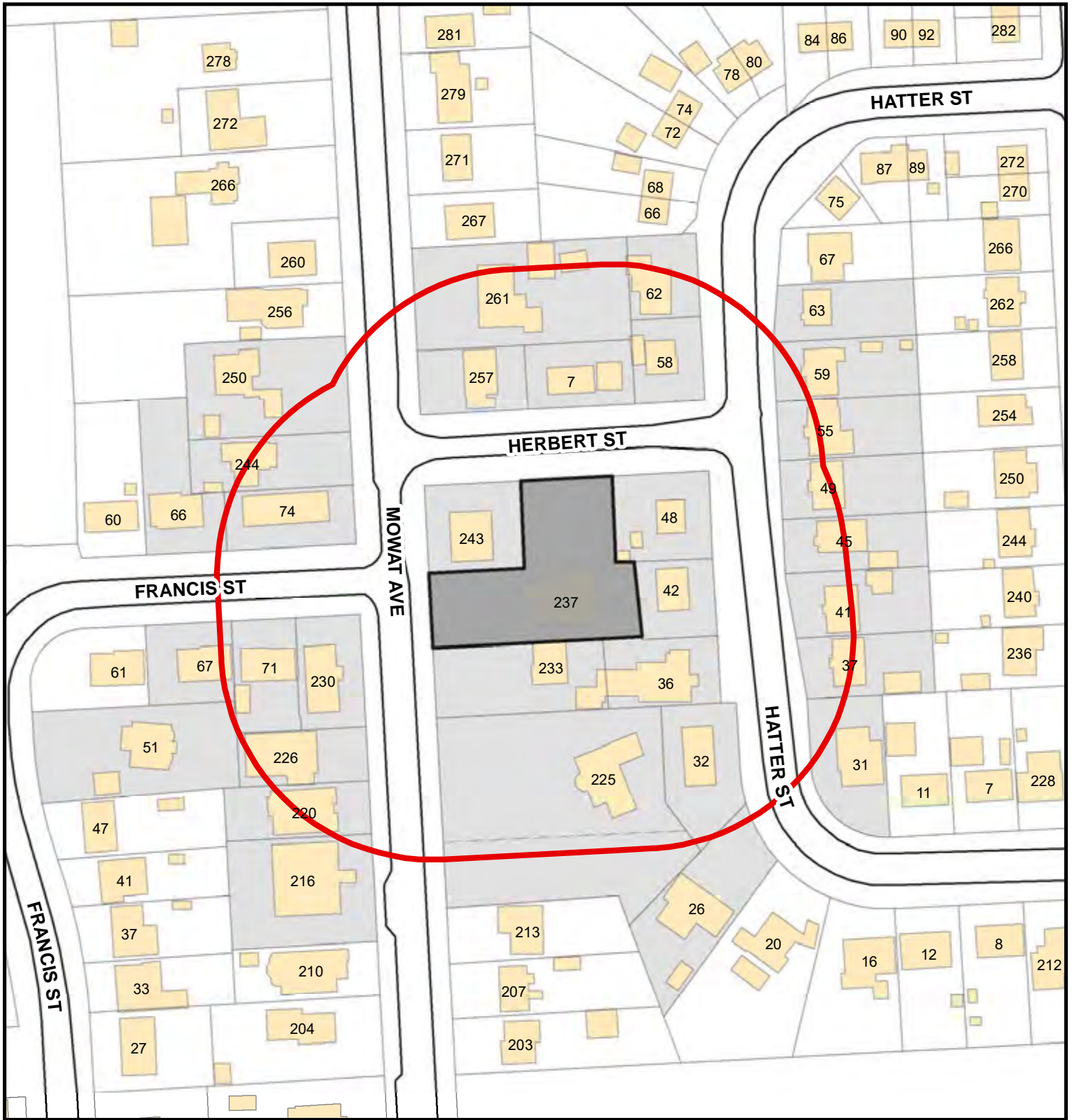
File Number: D10-023-2017
Address: 237 Mowat Ave and 6 Herbert Street



DATE: 2019-11-12
PREPARED BY: akeeping



Subject Lands Severed Lands Retained Lands



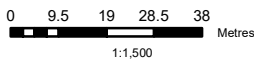
Planning Services

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Community
Services

PREPARED BY: akeeping
DATE: 2019-11-12

COMMITTEE OF ADJUSTMENT
Public Notice Notification Map

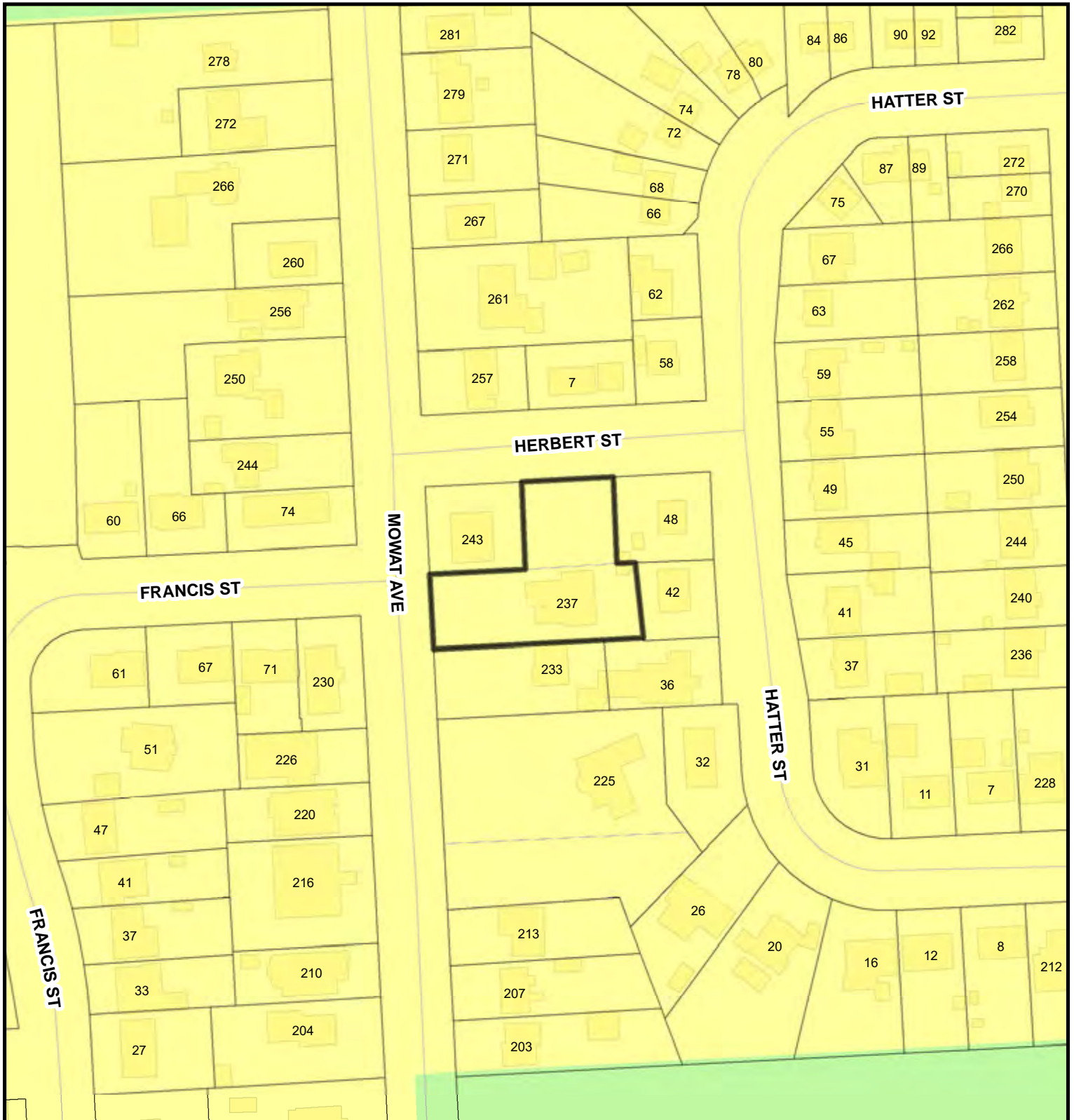
File Number: D10-023-2017
Address: 237 Mowat Avenue and 6 Herbert Street



Legend

- 60m Public Notification Boundary
- Subject Lands
- Property Boundaries
- Proposed Parcels
- 32 Properties in Receipt of Notice (MPAC)



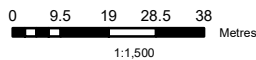


Planning Services




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COMMITTEE OF ADJUSTMENT
Official Plan, Existing Land Use

File Number: D10-023-2017
Address: 237 Mowat Avenue and 6 Herbert Street



Legend

-  Subject Lands
-  OPEN SPACE
-  RESIDENTIAL



PREPARED BY: akeeping
DATE: 2019-11-12

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COMMITTEE OF ADJUSTMENT Reference Kingston Zoning Bylaw

Address: 237 Mowat Ave and 6 Herbert St
File Number: D10-023-2017

Schedule 1 Zoning Map

Subject Lands

Zone

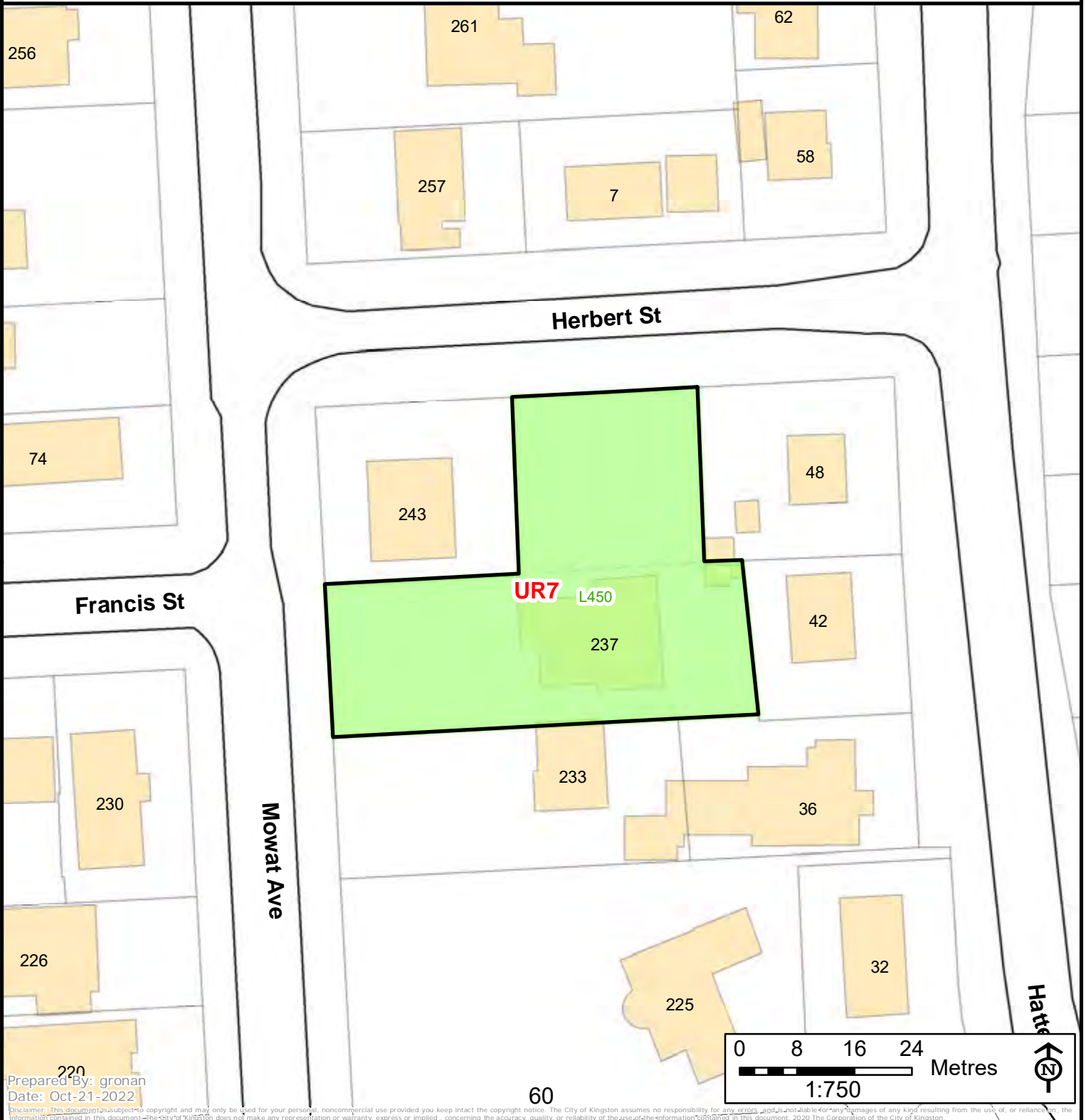
Schedule E - Exception Overlay

Legacy Exceptions (LXXX)

Exceptions (EXXX)

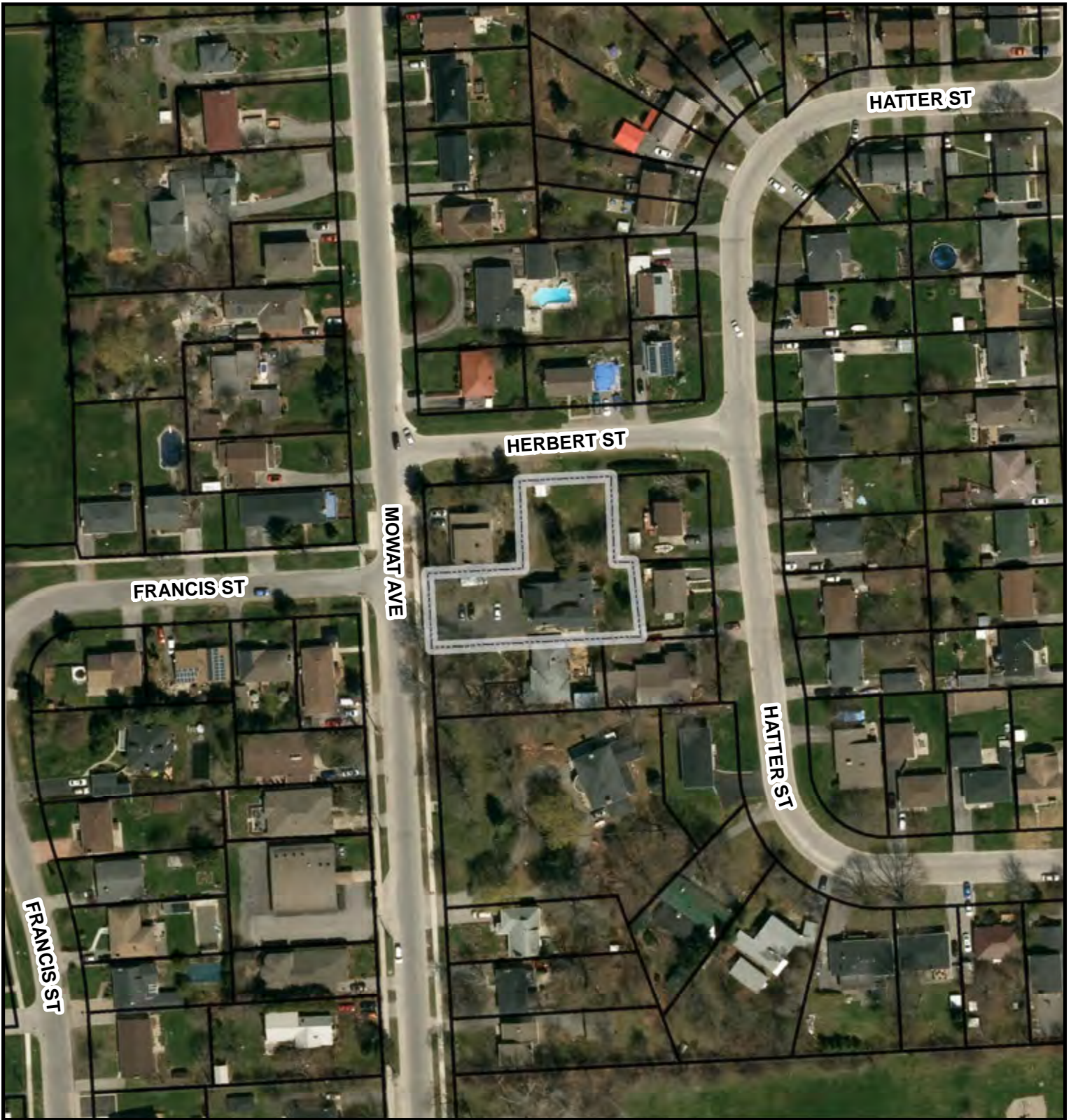
Schedule F - Holding Overlay

Holding Overlay (HXXX)



Prepared By: gronan
Date: Oct-21-2022

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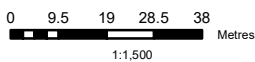
Planning Services

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PREPARED BY: akeeping
DATE: 2019-11-12

COMMITTEE OF ADJUSTMENT
Neighbourhood Context (2018)

File Number: D10-023-2017
Address: 237 Mowat Avenue and 6 Herbert Street



Legend

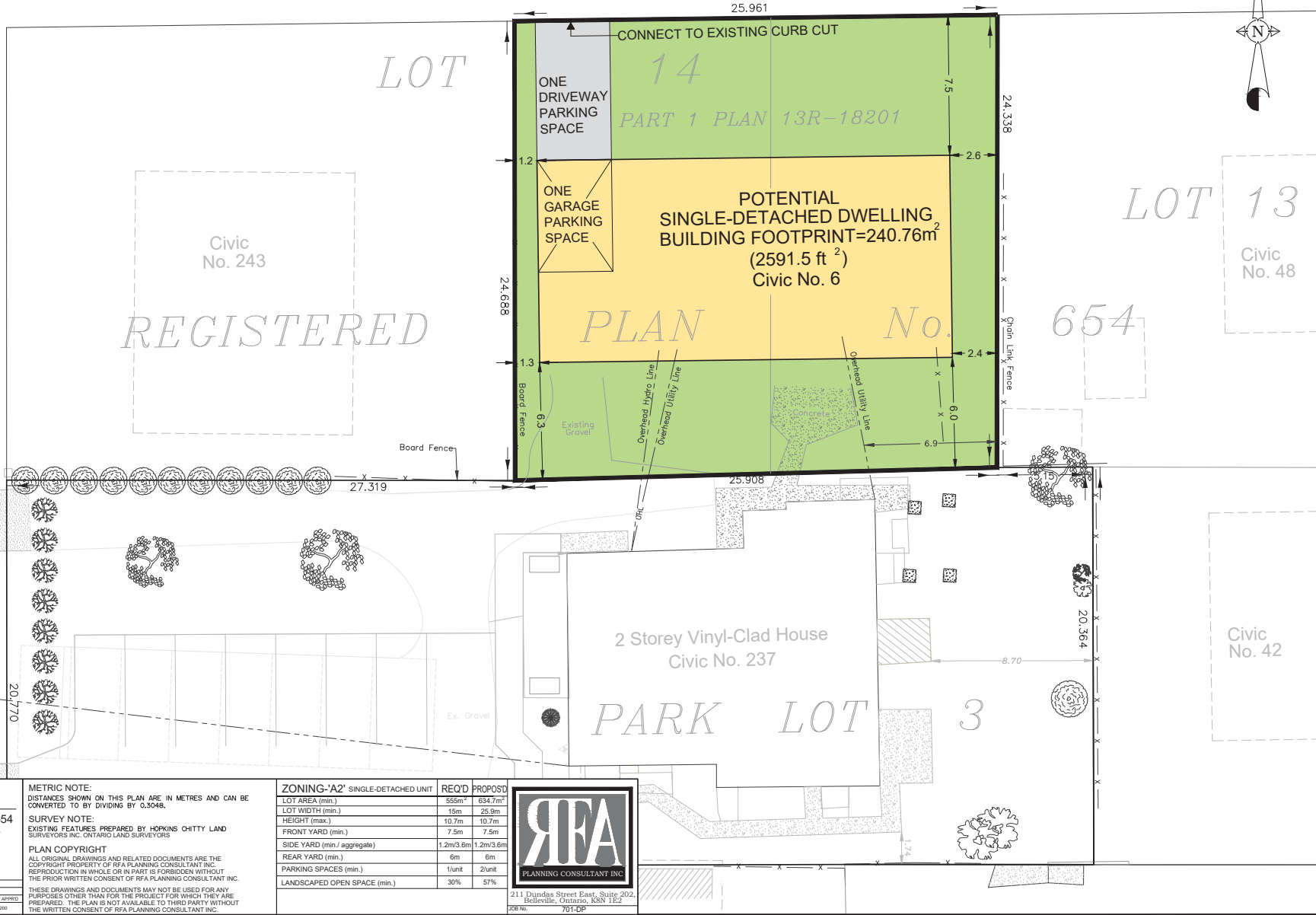
-  Subject Lands
-  Property Boundaries
-  Proposed Parcels



Herbert Street (As Shown on Registered Plan No. 654)

(As Shown on Registered Plan No. 654)

Mowat Avenue



PLOT PLAN
6 HERBERT STREET
 PART OF LOTS 13 & 14, REG'D PLAN No. 654
 PART OF PARK LOT 3, REG'D PLAN No. 54
 CITY OF KINGSTON
 SCALE = 1:200 METRIC

METRIC NOTE:
 DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO BY DIVIDING BY 0.3048.

SURVEY NOTE:
 EXISTING FEATURES PREPARED BY HOPKINS CHITTY LAND SURVEYORS INC. ONTARIO LAND SURVEYORS

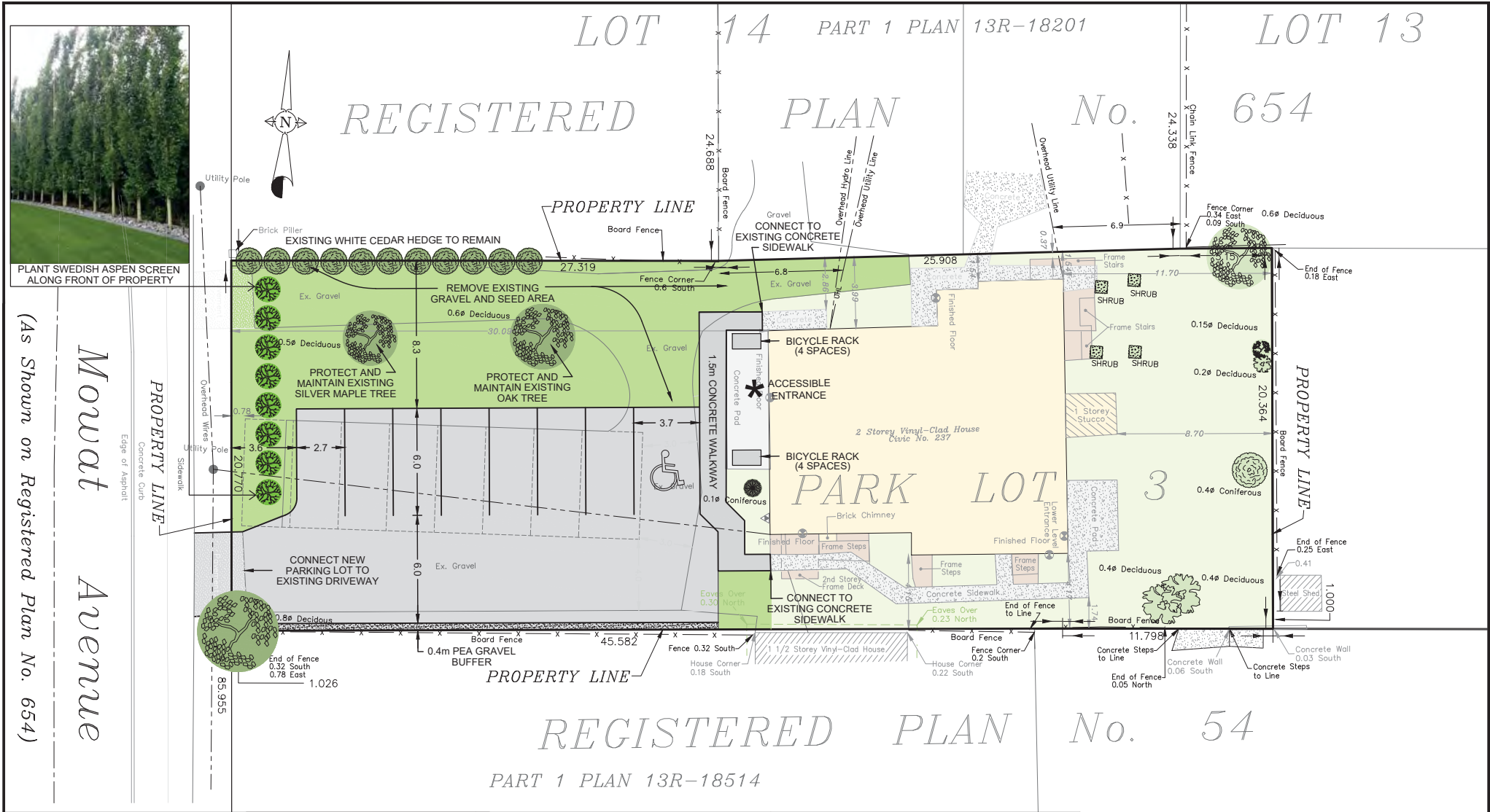
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ZONING-'A2' SINGLE-DETACHED UNIT	REQ'D PROPOS
LOT AREA (min.)	555m ² 634.7m ²
LOT WIDTH (min.)	15m 25.9m
HEIGHT (max.)	10.7m 10.7m
FRONT YARD (min.)	7.5m 7.5m
SIDE YARD (min./ aggregate)	1.2m/3.6m 1.2m/3.6m
REAR YARD (min.)	6m 6m
PARKING SPACES (min.)	1/unit 2/unit
LANDSCAPED OPEN SPACE (min.)	30% 57%



211 Dundas Street East, Suite 202,
 Belleville, Ontario, K8N 1E2
 USE No: 701-529



PARKING & LANDSCAPE PLAN
 237 MOWAT AVENUE
 PART OF LOTS 13 & 14, REG'D PLAN No. 654
 PART OF PARK LOT 3, REG'D PLAN No. 54
 CITY OF KINGSTON
 SCALE = 1:200 METRIC

METRIC NOTE:
 DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO BY DIVIDING BY 0.3048.

SURVEY NOTE:
 EXISTING FEATURES PREPARED BY HOPKINS CHITTY LAND SURVEYORS INC. ONTARIO LAND SURVEYORS

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ZONING ANALYSIS - 'A2'		REQ'D PROPOS'D	
LOT AREA (min.)	555m ²	1,219.56m ²	
LOT WIDTH (min.)	15m	20.8m	
HEIGHT (max.)	10.7m	10.7m	
FRONT YARD (min.)	7.5m	30.1m	
SIDE YARD (min./ aggregate)	1.2m/3.6m	0.37m	
REAR YARD (min.)	6m	8.7m	
PARKING SPACES (min.)	1.4/unit	1/unit	
LANDSCAPED OPEN SPACE (min.)	30%	54.2%	

*** NOTE:**
 RAMP TO BE CONSTRUCTED TO MEET CITY OF KINGSTON STANDARDS

HOPKINS CHITTY LAND SURVEYORS INC.
 Ontario Land Surveyors
 www.hopkinschitty.com
 634-838 NORRIS COURT
 KINGSTON, ONTARIO K7P-4R9
 Tel: (613) 884-8286
 Fax: (613) 884-3213



DRAWN BY: L.B. CHECKED BY: R.F.A. DATE: MAY 13, 2018 SCALE: 1:200

REVISIONS:
 NO. DATE BY: APPROVED BY:

211 Dundas Street East, Suite 202, Belleville, Ontario, K8N 1E2

By-Law Number 2022-28

A By-Law to Amend By-Law Number 8499, "Restricted Area (Zoning) By-Law of The Corporation of the City of Kingston" (Zone Change from One-Family Dwelling Zone "A2" to a Site-Specific One-Family Dwelling Zone "A2.584", 237 Mowat Avenue)

Passed: February 1, 2022

Whereas by Order of the Minister of Municipal Affairs and Housing, The Corporation of the Township of Kingston, The Corporation of the Township of Pittsburgh and The Corporation of the City of Kingston were amalgamated on January 1, 1998 to form The Corporation of the City of Kingston as the successor municipal corporation and pursuant to the Minister's Order, any by-laws of the former municipality passed under the *Planning Act* continue as the by-laws covering the area of the former municipality now forming part of the new City; and

Whereas the Council of The Corporation of the City of Kingston deems it advisable to amend By-Law Number 8499, as amended, of the former City of Kingston;

Therefore be it resolved that the Council of The Corporation of the City of Kingston hereby enacts as follows:

1. By-Law Number 8499 of The Corporation of the City of Kingston, entitled "Restricted Area (Zoning) By-Law of The Corporation of the City of Kingston", as amended, is hereby further amended as follows:
 - 1.1. Map 29 of Schedule "A", as amended, is hereby further amended by changing the zone symbol of the subject site from One-Family Dwelling Zone 'A2' to a Site-Specific One-Family Dwelling Zone 'A2.584' as shown on Schedule "A" attached to and forming part of By-Law Number 2022-28.
 - 1.2. By adding the following Section 584 in Part VIII – Exceptions to the Various Zone Classifications, as follows:

"584. 237 Mowat Avenue

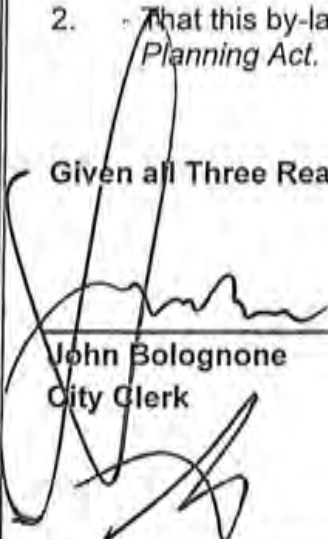
Notwithstanding the provisions of Section 5 and Section 8 hereof to the contrary, on the lands designated 'A2.584' on Schedule "A" hereto, the following regulations shall apply:

- (a) Permitted Use: Multiple family dwelling
- (b) Maximum Number of Dwelling Units: 8
- (c) Maximum Number of Bedrooms: 11


- (d) Minimum Number of Required Parking Spaces: 1 parking space per dwelling unit.
- (e) Location of Off-Street Parking:
 - i. Minimum setback from front lot line: 3.6 metres;
 - ii. Up to 136 square metres of the front yard may be used as uncovered surface parking spaces for residential use; and
 - iii. Parking may be permitted within the front yard space, parallel to the street.
- (f) Projections into Yards: An existing covered or uncovered porch and stairs exceeding 1.2 metres in height above the finished grade level may project out from the main building wall, provided they are no closer than 0.3 metres from the interior side yard along the northern lot line.

2. That this by-law shall come into force in accordance with the provisions of the *Planning Act*.

Given all Three Readings and Passed: February 1, 2022



John Bolognone
City Clerk



Bryan Paterson
Mayor





Planning Services


a department of
Community
Services

**SCHEDULE 'A'
TO BY-LAW NUMBER 2022-28**

File Number: D14-015-2019
Location: 234 Mowat Ave & 6 Herbert St

Legend

Reference By-Law 8499, Map 29

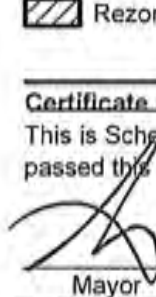
 Rezoned from A2 to A2.584

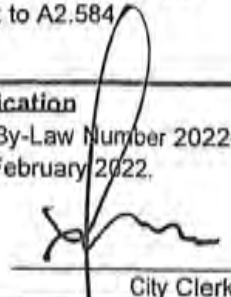
Certificate of Authentication

This is Schedule 'A' to By-Law Number 2022-28,
passed this 1st day of February 2022.

Prepared By: granan
Date: 2021-08-09




Mayor


City Clerk

Dr. Broekhoven-Fiene

7 Herbert St
Kingston, ON K7M 2L4

22nd January 2020

Planning Division

City of Kingston

Re: File Number D10-023-2017 (6 Herbert St) linked to File Number
D14-015-2019 (237 Mowat St)

Dear Planning Division and Herbert St community,

First of all, thank you for the opportunity to provide feedback on rezoning applications in our neighbourhood. Such practices are what protects and nourishes our neighbourhood as it grows.

I am writing about the proposed rezoning of 237 Mowat St and in particular the consideration to sever the property and create a lot accessible from Herbert Street alone (referred to as 6 Herbert Street).

I do have some concerns about how such a severance and rezoning could negatively impact the enjoyment of my home at 7 Herbert Street. To give some preliminary context, it is important to note some of the best things about Herbert St and what we enjoy most about living there. First of all, when my family moved to 7 Herbert Street about 15 years ago, the natural beauty of the mature trees across the street (the area being contemplated to be rezoned and completely transformed) gave us a great sense of peace. This was one of the greatest sources of enjoyment on Herbert St until more recently when sadly more and more trees have been cut down. (I see now that this was perhaps an attempt to prepare the property for a rezoning application.) As newer neighbourhood are built, calming greenspace and yards are an aspect that gets lost more and more. A little bit of space, both physical and visual, between residential dwellings contributes to the emotional and mental (and therefore physical) well-being of their residents. Had this not been important to

us, we would have relocated to a newer neighbourhood, a townhouse, or a condominium. We have been very fortunate on Herbert Street. It is a very tiny, very quiet road. It seems as though we have more pedestrian traffic than anything, as it serves as a quiet throughway between Yonge and Mowat.

The proposed rezoning to accommodate a 4+ multifamily family dwelling would be an extreme transformation from how the property is being used now. In particular because of the size of the building compared to the proposed lot size; the doubling of driveways on the very short and narrow street; the loss of the current greenspace; and the contrast with other buildings in the neighbourhood, for example. Such changes would drastically change Herbert Street from the safe, quiet, and peaceful road that is is now.

I apologize that the timescale between the notice of the proposed amendments and the public meeting does not allow me to exhaustively review and summarize the implications of proposed severing and rezoning the northern section of 237 Mowat Street. I will note here a few of the concerns that first come to mind upon being made aware of what the Planning Division of the City of Kingston is contemplating.

Please consider:

Greenspace and privacy

- The mature trees and physical space on the northern section of the 237 Mowat Street property provided important privacy and a buffer between our house and the existing dwelling at 237 Mowat St. Severing the property and placing a large multifamily dwelling there will permanently remove the possibility of ever replenishing the tree canopy. Instead of providing privacy, such a large development will actually infringe on it (especially with a 3 story building being able to see into our bedrooms). There is such little yard space on the proposed drawings that only a few trees could be planted and only in the front yard. The street side area would be prohibitively small, not just for planting trees, but also gardens and hedges as well. These are key components that contribute to sustainability..
- The upstairs bedrooms in use at 7 Herbert Street are street facing. A tall dwelling on the opposite side of the street would drastically infringe on our existing privacy.

Suitability to the current neighbourhood

- Such a large multifamily dwelling would be out of place in the neighbourhood. Our neighbourhood consists of primarily single family homes and some duplexes. It is also well demonstrated by the map of the neighbourhood that the trend of its homes is to have a healthy ratio of greenspace compared to the footprint of the dwellings. That is, the dwellings do not take up most of the lot that they are on. By eye, it looks as though the vast majority of dwellings do not take up more than $\sim \frac{1}{4}$ of the lot that they are on. The proposed development on the northern section of 237 Mowat Street, however, would take up the majority of the lot. (This is based on the site plan drawing provided.)

Driveway footprint and road safety:

- The provided plans would propose to turn most of the Herbert Street property edge into driveways. Four driveways would take up almost all of the green space adjacent to Herbert Street, not leaving much space for trees or other greenery.. The proposed drawing shows only three trees. If the front of the property is all driveway, this prohibits any other greenery to be planted as a buffer and for privacy and leaves no room for a hedge or fence.
- The addition of three driveways to Herbert Street (as there is currently already a driveway to access 237 Mowat St) doubles the existing driveways on the street. I would like to know what modifications would be needed to Herbert Street itself and the level of construction and disruption to the neighbourhood that they would entail.
- A very simple concern is about snow removal. I have shovelled a lot of snow at 7 Herbert Street, and one of my first thoughts on seeing all the driveways in the proposed plan drawing was that there will be a lot of snow to remove, and where can it go? Especially if there is so little greenspace in the front of the property (which can be used for piling snow in the winter).

I will have to very briefly address the existing family dwelling at 237 Mowat Street with one example. There is very bright outdoor lighting on the northern side of the dwelling that is permanently on. This light pollution reaches even into the upstairs bedrooms at 7 Herbert Street. Even just having directional lighting on the existing dwelling would be more appropriate and be less of a nuisance.

Finally, on a very personal note, 7 Herbert Street has been my mother's sanctuary. This is important for me to note as she is the owner and the one responsible for moving our family here. She has worked incredibly hard to build a home here and to have a safe haven. She is not using her property to try to make financial gains, nor to increase her property value for future profit. I share her interest in maintaining a safe, happy, and healthy environment. Please remember that this is the context under which we voice our concerns. Thank you again for the opportunity to provide feedback to work together to ensure we maintain a safe and nourishing atmosphere in our neighbourhood as it grows and changes.

Sincerely,

Dr H. Broekhoven-Fiene

P.S. It is worth noting to the Planning Committee that there were some obstacles in retrieving more information on the proposed amendments by following the instructions on the posted notice. Firstly, the City of Kingston website was down (I tried typing in both the https address posted as well as clicking on the link for the City of Kingston from a Google search). This has been resolved, but it may have presented an issue for other residents. Also the posted instructions say that records can be found by searching the address (6 Herbert Street). This search did yield a result, but also said that (0) records were found. It might be worth reviewing the instructions to make sure the information is more accessible.

Sat. 11 January 2020

To: The Head
City of Kingston, Planning
216 Ontario Street
Kingston, ON K7L 2Z3
at, 1211 John Counter Boulevard,
Kingston, Ontario
[the old PUC building]
[Tim Fisher, City of Kingston, Planner]

RECEIVED

JAN 17 2020


PLANNING DIVISION
CITY OF KINGSTON

Hello:

Re: The decision,
of the City of Kingston, Planning,
as to, the application by the ownership, 6948928 CANADA LIMITED,
of 237 Mowat Avenue, Kingston, Ontario; and
the public meeting, scheduled, for
Thurs.23 January 2020, 6:30 p.m., at the Council Chambers, Kingston City Hall,
216 Ontario Street, Kingston, Ontario.

This letter,
requests,
that, the City of Kingston, Planning
mail, via Canada Post, ordinary mail,
to myself:
Edward Drimmel, 30 Bishop Street, Toronto, ON M5R 1N2
a photocopy/print-out, of
the decision, as to 237 Mowat.

Thank you, as to all.

Yours truly,

Edward Drimmel
30 Bishop Street
Toronto, ON M5R 1N2

Angela Broekhoven
7 Herbert St & 218 Glengarry Rd
Kingston Ontario Kingston Ontario
K7M 2L4 K7M 3J4

Tim Fisher, Planner
Planning, Building & Licensing Services
&
Planning Committee, City of Kingston
216 Ontario Street
Kingston Ontario
K7L 2Z3

Feb 9, 2020

Re: File Number D10-023-2017 and D14-015-2019; 237 Mowat St and 6 Herbert St.

Dear Tim Fisher and the Planning Committee,

I am following up on the comments I made at the Planning Meeting of Jan 23rd, 2020 at City Hall so that you have a record of my objections to rezoning 6 Herbert to allow 4 townhouses in a space that only has room for one.

Herbert Street is a one block, quiet and narrow street which is used frequently for cyclists, parents with small children going to the park or the woods, and young kids alone on their bikes. There is no way you could plan to add 3 additional driveways onto Herbert St without creating a serious traffic hazard. The driveway that is at 6 Herbert St should not be moved. It is far enough away from the 2 other driveways on the opposite side of Herbert that it currently does not cause a problem when entering the roadway.

I have been in my home on Glengarry Rd for 50 years and during that time, I witnessed a serious accident in front of my home. A resident of Glengarry Rd hit a little girl (Janneka Van der Knapp) who was tossed 20 feet by his car. It was traumatic for me to witness this young girl be so badly injured, so unnecessarily by a careless driver, and I still think of it each time I read about another unnecessary car accident. She was in a body cast for 6 months and had to learn how to walk again when it was removed. It was a painful year for the girl, her parents and the neighbours who helped her convalesce.

I really agree with our city's project, Vision Zero, that was received and approved in Sept 2019 that states that "no loss of life or injury on our roads is acceptable" and that "The road system ... must be *designed* to protect users from human error." This neighbourhood has already been designed to be quiet, and safe for active transportation, and should not be redesigned to make it less safe for users. It should remain zoned for single family dwellings with the required green space that every other house in the vicinity maintains.

I hope that the people making the decision about zoning or rezoning Herbert St will use common sense and think first about the safety of small children, including my 6 great grandchildren that use Herbert St.

Sincerely,

Angela Broekhoven

Fisher, Tim

From: Todd Biggerman [REDACTED]
Sent: Monday, January 27, 2020 2:13 PM
To: Fisher, Tim
Cc: graydon doolittle; Judy Froud; Gail McTague; [REDACTED] Scott Brant; siobhain broekhoven; Steven Testart; [REDACTED] Schell, Liz
Subject: D14-015-2019 - 237 Mowat 66 Herbert Street Rezone Application
Attachments: Zoning bylaw map.jpg

Dear Mr. Fisher, Planning Committee, and Members of Council,

I am writing to you in regard to the proposed zoning amendments for 237 Mowat Avenue and 66 Herbert Street. My name is Todd Biggerman, and my wife, daughter and I reside at 213 Mowat. I reach out to you today as both a concerned citizen from the neighbourhood and an architectural professional. As a designer for a local long-established design build company, I have a working relationship with many city planners and Heritage Kingston personnel. So when I learned that Tim Fisher was lead city planner for this application I was heartened. I know Tim, and he is an exemplary planner, always maintaining a positive neutral position on project applications; he is skilled in distilling zoning regulatory data down to easy terms.

I attended the public meeting in Council Chambers on 23 January regarding rezone proposals for 237 Mowat Avenue and 66 Herbert Street. What I heard offered to the Planning Committee, Council and citizens by the Applicant's agent was a bit disheartening. The agent laid out the two proposals in very black and white terms. After comments and questions arose from the public regarding project impact, no additional comments from the Applicant's agent were offered. A more contextual analysis regarding the project impact would have been much appreciated, I believe, not only to "sell the project" to the concerned public, but to suggest this as a time during the planning stage meant to encourage conversation, a back and forth to promote concerns from both sides. I saw many drawings of the proposed projects in plan and elevation form. But they seemed quite insular. Missing were any drawings incorporating site context of neighbouring properties and structures, viewshed analyses, or daylight studies. I believe Council, Planning, and the public deserve more attention to the impact of such a project.

With regard to the changes proposed to bring the **237 Mowat** property into lawful existence, we learned from the Applicant's agent, "Well we **could** do nothing and it would remain the way it is." This seems a lackluster method of pleading one's case to committee and citizens for approval. What resounded from the "could do nothing" comment was: Skirt the zoning bylaws and then ask for permission through a legal team and private planning office. Regarding the 237 Mowat rezone application, should Council decide to approve the rezone motion, I believe the property owner should be accountable for all back taxes and licensing fees levied for the existence of this apartment building. Further, it is also incumbent upon the property owner to provide proper amenity space for all tenants as outlined in the zoning bylaw for apartment buildings. That amenity space used to exist on to-be-severed 66 Herbert Street site, where on occasion I would see tenants enjoying an evening barbecue or picnic in the grass.

Regarding the contemplation of a rezone at **66 Herbert Street**, I believe that this will disrupt the fabric of the neighborhood in unacceptable ways, the density exceeding what we can reasonably support. The property in question, 66 Herbert Street is zoned A2, Zoning Bylaw 8499. Within the bylaw, the top of Section 8.2 reads, "**The following uses only shall be permitted in A2 zones: (a) one-family dwellings.**" As is visible in the attach zoning bylaw snip, what the applicant is requesting for 66 Herbert is an island of Zoning designation B1 in a sea of Zoning designation A2. The handful of higher density residential units within the A2 area

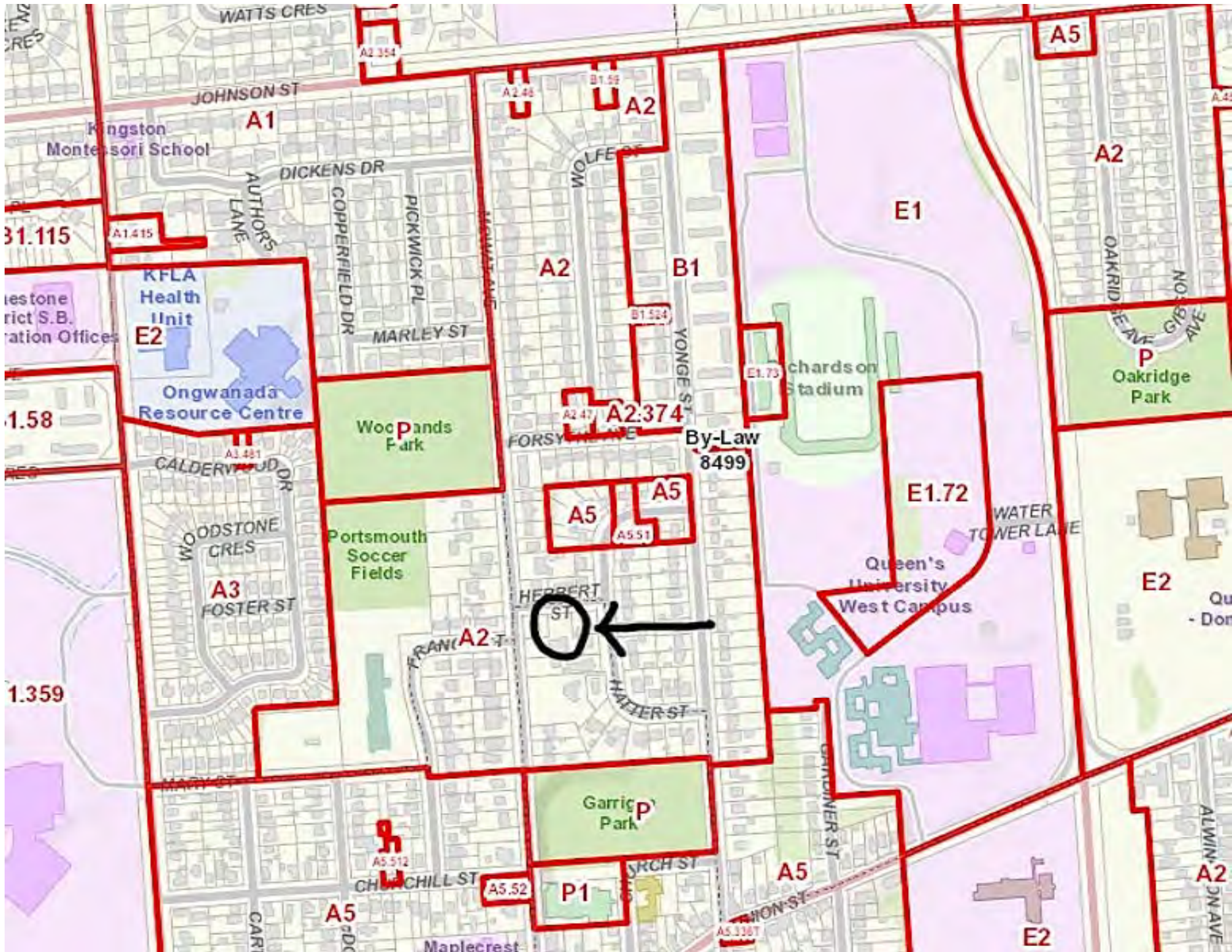
mentioned by the Applicant's agent are semi-detached dwellings. They are on North Hatter Street and they bear the A5 label (see attachment), not a B label. The Applicant proposes four freehold townhouses which will end up as four individual properties on one original infill lot. The following is from the submitted "Planning Report" by RFA Planning, the Applicant's agent, "Prior to development proceeding, a consent application will be submitted to create two separate properties. Once the consent and rezoning applications are approved, the City has advised that the appropriate mechanism to separate the townhouse lots is through **Part Lot Control** since the lot is part of a Registered Plan of Subdivision." The key word here is **SUBDIVISION**. Not only would this proposal create a severance of 66 Herbert from 237 Mowat to make two parcels from one, but further the 66 Herbert site will then be sold off for a total of what is in essence **FOUR LOTS**: a new total of **FIVE**. A subdivision in the middle of an A2 zoned established neighbourhood: Yielding **FOUR** new sewer pipes, **FOUR** new water service lines, **FOUR** new natural gas lines, **FOUR** new Hydro hookups and **FOUR** new families worth of vehicle parking (each family likely owning **TWO** vehicles). Density is of course necessary and salutary for areas that are planned to accommodate it. Those areas are zoned "A" and "B", not A2.

As both a concerned neighbour and a member of the design/build community, I request the zoning change at 66 Herbert to allow four freehold townhouses be denied by Planning and Council. And I do so understanding that we all have a role in making room for more Kingstonians.

A rezone on an established infill lot that permitted, perhaps, a semi-detached two-family dwelling structure, is one I, and perhaps many, could support. Precedent exists at the north end of Hatter Street for just that, and it is zoned A5. However, the applicant is requesting double that density with even more additional zoning relief from yard setbacks, lot coverage minima, and open space criteria. There exists **no precedent** for that request in this neighbourhood. Responsible intensified density is good for a growing city. It reduces sprawl and encourages urban renewal. To force density on established neighbourhoods through rezoning proposals like this one sets a uncomfortable precedent. From the turn-out at the 23 January public meeting it would seem many agree.

Respectfully submitted,

Todd Biggerman



Fisher, Tim

From: Bill Bishop [REDACTED]
Sent: Monday, January 20, 2020 1:08 PM
To: Fisher, Tim
Subject: FILE NUMBER D14-015-2019

DEAR MR. TIM FISHER PLANNER –THE CORPORATION OF THE CITY OF KINGSTON

RE FILE NUMBER D14-015-2019 237 MOWAT AVENUE 6 HERBERT STREET

I RESIDE AT 1050 JOHNSON STREET KINGSTON ONTARIO APPROXIMATELY 2 BLOCKS NORTH OF THE PROPERTIES INVOLVED .

MY SPOUSE ROSE AND MYSELF PASS BY THESE PROPERTIES ON A DAILY BASIS WHILE WALKING OUR DOG -- OATS; AND HENCE ARE FAMILIAR WITH IT.

I HAVE REVIEWED THE REPORT WHICH ACCOMPANIES THIS APPLICATION AND TOTALLY SUPPORT THE PROPOSED BYLAW

TO RECOGNIZE THE EXISTING 8 PLEX AT 237 HERBERT STREET AND THE BY LAW PERMITTING THE REZONING OF THE LOT AT

6 HERBERT STREET TO ALLOW THE CONSTRUCTION OF A 4 UNIT Row house thereon.

THE RATIONAL FOR SUPPORTING THE BY LAW AMENDMENTS IN THIS MATTER INCLUDE THE FOLLOWING

237 MOWAT AVENUE

- THIS IS AND HAS BEEN AN EXISTING 8 UNIT BUILDING FOR WELL OVER 50 YEARS
- IT APPEARS TO BE EXTREMELY WELL KEPT UP-WHICH THE EXISTING PROPERTY STANDARDS BY LAWS ENSURE
- THE CURRENT OWNERS HAVE TAKEN GREAT CARE TO PRESERVE AND PROTECT THE BUILDING
- IT IS WELL SET BACK FROM THE STREET FRONT AND WELL TREED
- THE PARKING AREA IS SUFFICIENT AND WELL MAINTAINED
- THE LOT ON HERBERT STREET IS OF NO PRACTICAL USE TO THIS BUILDING
- THE PROPOSED BY LAW IS RECOGNIZING THE EXISTING USE THAT HAS BEEN THERE FOR MANY YEARS

6 HERBERT STREET

- THIS FOR MANY YEARS WAS A SEPARATE AND DISTICT LOT FROM 237 MOWAT AVE
- THE BY-LAW PROPOSED WILL PERMIT THE ERECTION OF A ROW HOUSE CONTAINING 4 SINGLE FAMILY DWELLINGS IN A RESIDENTIAL NEIGHBOURHOOD
- IT IS A TRUE INFILLING AREA
- THE NEIGHBOURHOOD IS A MIXTURE OF SINGLE FAMILY AND MULTIFAMILY UNITS
- THE TAXES GENERATED FROM THE 4 PROPOSED UNITS WILL IN ALL LIKHOOD GENERATE \$20-\$25,000.00 ANNUALLY IN PERPETUITY FOR OUR TAX COFFERS.
- THERE IS A NEED FOR THE CREATION OF MORE HOUSING UNITS WITHIN THE AREA

BY WAY OF FULL DISCLOSURE IN THE PAST I WAS A LAWYER ACTING AT ONE TIME ACTING FOR AN OWNER OF THIS PROPERTY AND WAS A LSO IN THE PADST A CITY ALDERMAN .

FROM WHAT I CAN SEE THE BYLAWS PROPOSED FOR THESE PROPERTIES MAKE COMMON SENSE OF WHICH I AM 100% IN FAVOUR.

William J.F. Bishop

CONSULTANT
338 Montreal Street
Kingston, Ontario
K7L 5C6
Phone & Fax: 613-544-0645

Fisher, Tim

From: Liz Schell <[REDACTED]>
Sent: Wednesday, January 08, 2020 12:45 PM
To: Fisher, Tim
Subject: 237 Mowat Ave D201914-015-

Follow Up Flag: Follow up
Flag Status: Flagged

Hello Tim

We recently received the Notice of a Public meeting for 237 Mowat Ave and have comments on this application.

The eight unit apartment building has been used as such for many years and we have no complaints about it being recognized legally as a one off in the neighbourhood, provided there is approval from building inspection and fire and rescue.

We do feel this is the time to change the parking however.

No one is allowed to park on the front lawn, yet this building has 8 parking spaces on the front lawn.

There are two driveways currently - one to the south and one to the north of the house. The north driveway connects to the Herbert Street part of the property.

We would like to see the parking changed so that the cars are not part of the Mowat Avenue streets cape and are in accordance with the parking by-laws.

There is a landscape business truck and trailer parked regularly on the north driveway just off Mowat Ave. This also should be either parked off site or in a more private location.

As to a severance, while we are in favour of modest infill in the area, we want the infill to be appropriate in design and density and have the parking in a legal space according to the by-laws.

Many thanks.

Liz Schell

Bob Brooks

204 Mowat Ave, Kingston, K7M 1K8

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

To the members of the Planning Committee of the City of Kingston:
Re: File Number D14-015-2019; 237 Mowat St and 6 Herbert St.

I am the owner of 58 Hatter St., the property which is kitty corner to 6 Herbert St. I am unable to attend the meeting scheduled for January 23rd at 6:30pm as the single parent of a young child. As such, I am submitting in writing my strong opposition to the above application – and particularly to rezoning 6 Herbert St to permit a four (4) unit freehold townhouse complex.

While I support intensification within the City, I believe it is critical that any infills and new development (a) complement the existing neighbourhood and (b) do not pose adverse impacts on the surrounding properties and neighbourhood. The application under review poses several adverse impacts on the surrounding properties and the neighbourhood. These include:

- 1. Safety for vulnerable road users:** The City has recognized the importance of road safety through Vision Zero. Road safety – particularly for vulnerable road users – must be a consideration in the assessment of this application.

Road safety is an ongoing issue of concern in this neighbourhood. Residents have become increasingly concerned as the number of children under 6 years has increased significantly in the last 5 years.

Concerns include:

- There are no sidewalks on Hatter and Herbert Streets, and sidewalks are only on one side of Mowat and Yonge Streets. Pedestrians and children playing in yards near the roadway are hard to see on the curves of Hatter and Herbert Street.
- The area also has limited street lighting which makes the visibility of these vulnerable road users challenging between dusk and dawn.
- This is exacerbated by increased street parking on Hatter St related to homes with multiple tenants, which pushes pedestrians further into the roadway. This situation is particularly problematic on Herbert St as the roadway is narrow: cars parked on one side reduce the roadway to 1 driving lane (see photo A).
- Vehicles use the Yonge St and Mowat Ave as thoroughfares between Johnstone and Union/King St., travelling at speeds well over the speed limit.



Photo A: View of Herbert St. looking Westward with vehicles parked on street and passing vehicle

The addition of four townhouses would increase the residential traffic on Herbert St and surround areas. There is also a likely to be an increase in street parking on Herbert and Hatter St. related to visitors and residents of the townhouse units and existing structure.

2. **Current dwelling is beyond the capacity of the property.** The existing dwelling at 237 Mowat St. is non-compliant with the zoning of One and Two Family Dwelling 'A2' Zone. Depending on whether the current property is considered as one or two lots, there already are two to four times as many Family Dwellings on this property as is permitted in the 'A2" Zone. The addition of 4 additional townhouses on this property would increase this to three to six times beyond the zoning the property.

The owner's request to increase the number of dwellings on this property is particularly troubling as there already are challenges on the property in accommodating the needs of the tenants in the eight existing dwelling without the addition of four additional dwellings. For example:

- The parking lot on 237 is insufficient to meet the current tenants. The owner has added and maintains two driveways in addition to the parking lot: Tenants regularly park at 6 Herbert St. as well as at 237 Mowat St in a driveway that also houses the owner's commercial vehicle(s) (see photo B and C).
- The waste disposal units for 237 Mowat are also kept in 6 Herbert against the neighbour's fence. It is unclear where the owner would place the waste disposal if the lot at 6 Herbert was not available, and whether this would be acceptable to neighbours or bylaw.

Photos B and C: Vehicles on 237 Mowat/6 Herbert outside of the tenant parking area



3. **Incompatibility of the proposed townhouse units with the surrounding neighbourhood.** The homes on the Context Map provided by the City are one to two story houses – primarily built in the 1960s – of modest square footage with significant green space. (The exception are two triplexes which may be slightly higher than two stories, but still have significant green space). The proposed townhouse complex clearly does not align with the zoning for the lot nor does it complement the existing dwellings surrounding it: The primary issue with is that the proposed design is disproportionately large in comparison to the surrounding houses an has extremely limited green space. Additionally, the proposed complex would be located on a hill, which would add to the elevation of the structure in relation to the neighbouring homes.
4. **Adverse impact on neighbours and City infrastructure.** The proposed townhouse complex appears to be designed around maximizing profit for the owner, rather than considering how to mitigate the potential adverse impacts on the surrounding properties and ensuring compatibility with the neighbourhood.

Some of the adverse impacts that are immediately apparent include:

- The design of the complex coupled with its elevation will result in a loss of privacy for the immediate neighbours – including myself – and will negatively impact the view, sunshine, shading, and green space in the neighbourhood.
- The design also creates risks to the surrounding properties and City infrastructure related to water drainage during rain storms and snow melts; this is particularly concerning given that extreme weather events are increasing in frequency with climate change. The proposed townhouse complex would result in an extreme reduction in green space on 6 Herbert (which naturally absorbs water) while also intensifying the flow of water drainage through the eavestroughs. This water will flow downhill where there are existing problems with water pooling at the intersection at Hatter and Herbert St.

In addition to my concerns about the proposed development of the townhouse complex, I also want to express my concerns around the degree to which the owner has been non-compliant with City zoning, codes, and bylaws in the management of the multi-unit dwelling at 237 Mowat St. Rather than rewarding the owner for disregarding City regulations, I would like to see the City both hold him accountable for past discretions (i.e., through fines and back taxes if the property has not been taxed as a multi-unit dwelling) and to ensure that changes are made to the existing dwelling and property to align with the zoning and code.

I respectfully request that the Planning Committee:

- Maintain the zoning of One or Two Family Dwellings ‘A2’ Zone on the property, whether the lots are considered collectively or separately.
- Deny the application to sever 6 Herbert St from 237 Mowat Ave.
- Deny the application to permit a four unit townhouse complex on 6 Herbert St.
- Deny the application to recognize any non-conforming matters at 237 Mowat Ave
- Instruct City staff to take action to ensure the current dwelling is brought into compliance with zoning, code and bylaws.

Sincerely,

Lia De Pauw

Planning Division, City of Kingston
216 Ontario Street
Kingston, Ont K7L 2Z3
January 30, 2020

To Tim Fisher and the members of the Planning Committee of the City of Kingston:
Re: File Number D14-015-2019; 237 Mowat St and 6 Herbert St.

I am the owner of 58 Hatter St., the property which is kitty corner to 6 Herbert St.

I was unable to access the supporting documents for the above file due to the manner in which the files were saved (i.e., with an .html ending). I obtained a PDF copy of the July 2019 Planning report submitted by JA Holdings and his agent after the January 23, 2020 meeting.

I have now had a chance to review the Planning Report, and noted a number of inaccuracies and mischaracterizations that I would like to address. These are detailed below. I would request that the City Planners not rely on the information in this Planning Report to assess this application, but rather use information gathered independently.

I also noted in the report that the applicant and his agents have been in communication with the City's Planning Department around the proposed development since September 27, 2016. I am dismayed that the neighbours who will be affected by this project were only notified of the application in the second week of January 2020, leaving minimal time to investigate and respond to the application before the January 23, 2020 meeting of the Planning Council.

Sincerely,

Lia De Pauw

Noted inaccuracies and mischaracterizations within the 2019 Planning Report

1. Characterization of Herbert St.:

- On Page 25, it is noted that Herbert St. currently provides access to only one property, which is located on the north side opposite the subject lands. There are two paved driveways on the north side of Herbert (7 Herbert and 58 Hatter St) as well as one driveway on the south side used by the tenants at 237 Mowat Ave.
- The report claims that Herbert St can accommodate the traffic generated by 4 additional homes. However, addition of four driveways for the proposed townhouse complex would result in six driveways on a very short and narrow street. The six driveways would be concentrated in the middle of the block. It would also result in street parking only being available in proximity to the corners of the street – limiting visibility for cars and pedestrians.
- On Page 39, it is requested that the minimum front yard depth be reduced from 6.0m to 4.5m. As a justification, the report indicates that there are no other dwellings on this side of Herbert Street and therefore there is no established streetscape setback. However, the streetscape setback is well defined by the two dwellings on either side of 6 Herbert (i.e., 48 Hatter and 243 Mowat): There is continuity between both the north most side of these dwellings, as well as with their fence lines. The houses on the northside of Herbert (58 Hatter and 7 Herbert) also

provide a sense of how far back any new developments on the southside of the street should be to maintain consistency with the stable neighbourhood.

2. Characterization of dwellings in the surrounding neighbourhood:

- The Report notes in multiple places that the housing forms in the immediate area includes single units, semi-detached units, duplexes and multi-unit dwellings. It also notes that the study area has been developed with a “significant number of multi-unit dwellings” and that the existing neighbourhood is “varied.” What this characterization does not adequately illustrate, however, is that the majority of the dwellings in the City’s Context Map are one-story bungalows, with a handful of two-story and 1.5 story dwellings.
- Figure 5 provides an outline of multi-unit land use patterns. It should be noted that the dwellings included on the north end of Hatter are semi-detached houses, which are on separate lots and that each lot is similar in size to those with detached houses. This is a very different land use from the request to place four dwellings on a lot zoned for a One or Two Family Dwelling.
- The majority of the other multi-unit properties on Figure 5 are outside of the Context Map provided by the City, and many are single family dwellings with a secondary suite. In the case of purpose built multi-unit dwellings, these buildings are primarily along the periphery of the broader area. The exception is two triplexes (63 Hatter and 260 Mowat) that are a similar size to the two-story family dwellings within the Context Map.

3. Characterization of the fit of the townhouse with the existing neighbourhood

- Page 27 indicates that “the building will be three storeys in height and this represents a gradual transition in height from the immediately adjacent two storey dwellings.” It claims that this is a “gradual increase in height and massing.” While this height may comply with the maximum height requirements for an A2 zone, it is out of proportion to the properties in the Context Map – including the two story houses that would surround it.
- The Report neglected to illustrate the drastic difference in the ratio of dwelling coverage to greenspace between the proposed townhouses and the stable neighbourhood. The existing homes cover a small proportion of the lot leaving considerable green space. The proposed development does not follow this pattern.

4. Characterization of the surrounding neighbourhood:

- Page 14 indicates that their selected study area is bounded by Johnson Street, Portsmouth Avenue, Young Street and King Street West. This selected study area extends well beyond what I would consider my neighbourhood to include major corridors within the City (e.g., Portsmouth Avenue and King Street West) that accommodate large offices and institutions (e.g., KFLA Public Health, Limestone District School Board, Providence Care Hospital, St. Lawrence College, and provincial offices).
- The Report indicates that it excluded the Community Facilities (primarily Queen’s University) were excluded from the study area since they do not serve just the neighbourhood. By this criteria, the majority of the other “Community Facilities” highlighted in Figure 5 – with the exception of Garrigan Park and Woodlands Park – should be excluded as they serve a broader population than local residents.
- Page 32 indicates that 6 Herbert is less than 1 km from a number of commercial establishments located along King Street West – a corridor through the City. These establishments not intended to meet the daily needs of area residents: they include a Tim Horton’s, a convenience store, and smoke shop). The nearest grocery store is at the Kingston Centre.

To the Planning Committee of the City of Kingston:

You are considering two proposed by-law amendments (ZBA) :

1. A zoning by-law amendment to:

a. recognize the non-conforming location of a dwelling at 237 Mowat Ave.

b. recognize the existence of a non-conforming eight unit multi family dwelling at 237 Mowat Ave.

c. recognize non-conforming set backs to the lot lines at 237 Mowat Ave .

d. recognize non-conforming parking provisions at 237 Mowat Ave.

2. A zoning by-law amendment to permit four freehold townhouse units at 6 Herbert St.

as a new use. (Additionally, a consent to sever under the Planning Act, 6 Herbert St.

From 237 Mowat Ave. is being pursued with the Committee of Adjustment, D10-023-2017).

We the undersigned neighbours of these properties oppose the approval of both of these amendments for the following reasons:

1. The eight unit apartment at 237 Mowat lacks conformity to current code; the

city's recognition would lock these in and forstall any efforts to upgrade the property.

2. The parking lot at 237 Mowat is at variance with current code; in particular it is at the

front of the dwelling. This would give the owner an unfair advantage against his

competitors as well as allowing it to continue to have an adverse

effect on the
neighbourhood.

3. The four unit freehold townhomes on 6 Herbert also lack conformity to current designation (A2):

a. The lot coverage (42%,) exceeds the current A2 designation.

b. The planned building would exceed set back limits on the front lot lines and, at 1.2 metres from the side lot lines with loss of aggregate side yard, would severely impact neighbours to the east and west.

c. The height (nearly 35 feet) would dwarf all surrounding buildings and cause severe privacy, sight, view, and sunshine restrictions on neighbours.

d. Further, the massing, scale and density of the building compared to the surrounding neighbourhood would be out of place and incompatible.

e. Traffic on Herbert St. and Hatter has increased substantially over the past few years. This has led to complaints to city staff, especially from parents of young children. The lack of a sidewalk and narrow roadway compound this problem.

The four unit freehold townhouse would only increase this problem further.

f. Sewage flow and flooding have been a problem in the area, particularly for the neighbours on Hatter. Until recently, sewage was pumped out of the Hatter

Street collection area. The four unit freehold townhouse would only aggravate this

problem with increased water flow and drainage off the site and downhill to Hatter.

g. Impact on other city provided services would also occur. Clean water, electricity, gas, and garbage/recycling collection need to be considered.

h. Of the thirty odd trees and bushes located on 6 Herbert St. when the current owner arrived, about 50% have been cut down. This project would remove the rest of them and, because the construction will be so close to the lot lines, could damage or kill trees on the neighbours's property.

Therefore, we the undersigned neighbours of 237 Mowat Ave. and 6 Herbert St. respectfully request that the Planning Committee:

1. Deny the application to recognize the location of the dwelling at 237 Mowat.
2. Deny the application to recognize the existence of an eight unit multi family dwelling at 237 Mowat.
3. Deny the application to recognize the setbacks to lot lines at 237 Mowat.
4. Deny the application to recognize the parking provisions at 237 Mowat.
5. Deny the application to permit four freehold townhouse units at 6 Herbert St.

Further, we will ask that the Committee of Adjustment deny the consent to sever 6 Herbert St. from 237 Mowat Ave.

Graydon Doolittle

H. H. Marsh

243 Mowat Ave.

Scott Brant
Broekhoven
48 Hatter

Gail McTague
226 Mowat

Todd Biggerman
213 Mowat

Floyd/Lloyd ?
257 Mowat

Judy Froud
220 Mowat

243 Mowat Ave.

Siobhain
7 Herbert

Terry McTague
226 Mowat

Lia De Pauw
58 Hatter

David Parker
74 Francis St.

Steven Testart
285 Yonge

Fisher, Tim

From: Jane Fawcett [REDACTED]
Sent: Monday, January 27, 2020 9:01 AM
To: Doherty, Bridget
Cc: Fisher, Tim; [REDACTED]
Subject: Herbert Street notification

Hello Ms. Doherty,

I left a phone message earlier this morning and unfortunately will not be available this afternoon to receive a return call.

I am sending this email to confirm our (my husband and my) concerns about the construction of the proposed residential units on the property at 6 Herbert Street. (File No. D14-015-2019).

The current plan seems much too large a building for the available space and would provide much too high a level of population density. In conversation with Mac Gervan we understand that a duplex with two secondary suites would better suit both the property and the neighbourhood . This area of Portsmouth is largely single family dwellings with some duplexes.

We were informed that parking for the property , 237 Mowat Avenue, is currently not legal and should more properly be situated along Herbert Street.

This neighbourhood sees lots of pedestrian traffic including pets, seniors, young families, school children. There is considerable traffic to and from the Seniors' Centre on Francis Street. The increase of auto traffic that this residence would bring is of concern. There is also a tractor trailer that is often parked along the street, belonging we believe to the owner of 237 Mowat and his business. Is this legal use of parking space on Mowat and Herbert Streets ? it is certainly daunting both visually and in terms of traffic flow.

We regret missing the meeting held at City Hall last night and hope that these concerns were presented there.

Thank you for your consideration .

Sincerely,

Jane Fawcett / Irving Freilich
229 Yonge Street,
Kingston, ON
K7M 1G2
[REDACTED]

① Planning Committee, Jan. 23/20
File: 237 Mount Ave., DO-023
-2017.

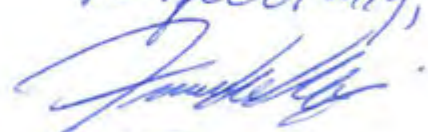
From: Frank Dixon,
495 Alfred St., Apt. 2, K1K4T4

I oppose this project, due to excessive massing, excessive new traffic, excessive height, and excessive density it would create. It is out of style, harmony, and design aspects with the surrounding neighborhoods. This district is a mature, settled, stable, quiet residential sector, of long standing. These are important considerations with respect to the Planning Act of Ontario. The loss of

trees on this property, ⁽²⁾
caused by this project, if it is
approved, would be unacceptable.

This would set an unfortunate
precedent for this district.

I request the Committee
to deny this application, in
all respects.

Respectfully,

Frank Dixon

To the Planning Committee of the City of Kingston:

You are considering two proposed by-law amendments (D14-015-2019) :

1. A zoning by-law amendment to:
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 - b. recognize the existence of an non-conforming eight unit multi family dwelling at 237 Mowat Ave.
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 - d. recognize non-conforming parking provisions at 237 Mowat Ave.
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We the undersigned neighbours of these properties oppose the approval of both of these amendments for the following reasons:

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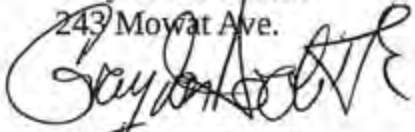
- d. Further, the massing, scale and density of the building compared to the surrounding neighbourhood would be out of place and incompatible.
- e. Traffic on Herbert St. and Hatter has increased substantially over the past few years. This has led to complaints to city staff, especially from parents of young children. The lack of a sidewalk and narrow roadway compound this problem. The four unit freehold townhouse would only increase this problem further.
- f. Sewage flow and flooding have been a problem in the area, particularly for the neighbours on Hatter. Until recently, sewage was pumped out of the Hatter Street collection area. The four unit freehold townhouse would only aggravate this problem with increased water flow and drainage off the site and downhill to Hatter.
- g. Impact on other city provided services would also occur. Clean water, electricity, gas, and garbage/recycling collection need to be considered.
- h. Of the thirty odd trees and bushes located on 6 Herbert St. when the current owner arrived, about 50% have been cut down. This project would remove the rest of them and, because the construction will be so close to the lot lines, could damage or kill trees on the neighbours's property.

Therefore, we the undersigned neighbours of 237 Mowat Ave. and 6 Herbert St. respectfully request that the Planning Committee:

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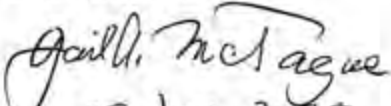
Graydon Doolittle
243 Mowat Ave.


22 Jan 2020

Scott Brant
48 Hatter St.


22 Jan 2020

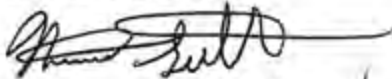
Gail McTague
226 Mowat Ave.


22 Jan. 2020

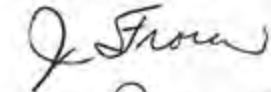
Todd Biggerman
213 Mowat Ave.


22 Jan 2020

Richard Guthrie
257 Mowat Ave.


22 Jan/2020


Judy Froud
220 Mowat Ave.


22 Jan. 2020

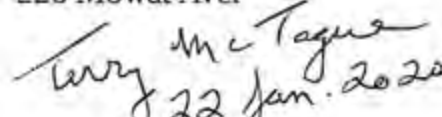
H. H. Marsh
243 Mowat Ave.


22 Jan 2020


Siobhain Broekhoven B14 052019
7 Herbert St.


Jan 22, 2020

Terry McTague
226 Mowat Ave.


22 Jan. 2020

Lia De Pauw
58 Hatter St.


22 Jan 2020

David Parker
74 Francis St.


22 Jan 2020

Steven Testart
285 Yonge St.


22 January 2020

1 January 23, 2020

To the Planning Committee of the City of Kingston:

Re: applications D10-023-2017 and

D14-015-2019

Tim

Tisher

I oppose both applications

The applicant will have an unfair advantage if Planning allows this packaging strategy.

243 mowat Hennie Marsh

H Marsh

Good Evening,

My name is Judy Froud. My husband and I live at 220 Mowat Avenue, approximately kiddy corner to the parking lot located at 237 Mowat Ave.

I wish to address concerns regarding consent application D10-023-2017.

We live in an A2 zone in accordance with zoning bylaw Number 8499. We intentionally purchased a home in this area as we enjoy the amenities of single family neighbourhoods, neighbours knowing one another and watching out for one another.

The property located at 237 Mowat is already in violation of bylaw 8499 housing 8 units. I would further question the existence of a parking lot on the frontage of 237 Mowat in terms of the same bylaw. It would seem that to allow this property owner to further challenge the bylaw by building a fourplex townhome on Herbert Street totally negates the purpose of bylaws altogether.

This principle does not instill confidence in home owners knowing that what they purchased for their future needs is not protected by the bylaws but can be determined on the desires of developers.

Several years ago, it was determined that Traffic Calming measures would be instituted on Mowat Ave., a street that formerly had poor paving keeping traffic to some extent "at bay". With the lovely new paved surface, Mowat Ave., has become a raceway running between Johnson St. and King St. E. Despite numerous letters and emails to our councilor regarding this situation, this does not seem to be of importance to our City Council. No reply as ever been offered. The idea of adding even more traffic due to Four townhomes on Herbert St. will only increase an already serious problem. Unless the council is willing to address the traffic issue, consideration of further development would seem premature.

Having viewed illustrations of the proposed townhome development, it is in no way “in keeping” with the surrounding residences either in height nor in style. It will certainly dwarf the surrounding properties not only visually but in real estate values.

In closing, I hope that the council will base their decision on the current tax paying citizens who depend on you to protect our zoning bylaws.

Respectfully Submitted,

Judy Froud

To:

Planning Committee, City of Kingston

From:

Anne-Renée Caillé

Julien Lefort-Favreau

86 Hatter St, Kingston

I would like to express my concerns about the following Zoning By-Law Amendment application:

Project Name: 237 MOWAT AVE, UNIT 1, KINGSTON K7M1K6

This is the information available about the project:

Consent Application to sever a 629 square metre parcel of undeveloped land with 25 metres of road frontage on Herbert Street, municipally addressed as 6 Herbert Street. The retained 1,219 square metre parcel of land will have 20 metres of road frontage on Mowat Avenue and will maintain the two storey, 8 unit, multiple family dwelling.

The severed and retained parcels are subject to Zoning By-Law Amendment application to recognize the existing use and structure on the severed lot (237 Mowat Avenue) and permit a proposed four (4) unit freehold townhouse development on 6 Herbert Street.

This project is causing concerns in our home for the following reasons:

- i) The project will have a significant impact on the population density in the neighborhood.
- ii) This densification will result in more cars driving on Hatter and Herbert Streets.
- iii) These streets have no sidewalks. Many children use these streets every day. Safety appears to be the main issue here. There is already a traffic problem on these two streets since it is used as an access to St. Lawrence College from Yonge St. to Mowat St.
- (iv) This project could cause significant stress to the existing water system.
- v) The neighborhood is mainly composed of one or two family dwellings. In this lot, there are already 8 units and the project aims not only to crystallize this fact, but to further densify it. This seems irresponsible to us in terms of the harmony of the urban planning in the district.
- vi) We would like to add that we haven't received any notice from the City regarding this amendment. Everyone living within 300m should have received it. This is a procedural loophole that constitutes an obstacle to citizen democracy.

For all of these reasons, we are strongly opposed to this project.

Anne-Renée Caillé

Julien Lefort-Favreau

██████████

On behalf of Hennie Marsh, *243 MOWAT*

I'd like to share a view of our neighborhood.

Our house is 243 Mowat. Herbert Redden was our next door neighbour. Herbert Street is named after him.



He had a big old farmhouse that was suffering from benign neglect and was hidden in a grove of trees. Herbert rented apartments and rooms. He rented these room to friends, family, and renters who were placed by several social agencies. They did not own cars. They rode the bus, sometimes taking a

doll or a stick with them. These folks seemed to be stowed away in various locations throughout the building, often emerging from the basement or backdoor. Two of them, "R" and "P" lived in a tiny apartment that looked like a bunker. "R" would occasionally knock on our door to borrow \$50 or, perhaps, an Excedrin. We enjoyed our interesting neighbourhood and all the people who lived there.

Our neighborhood was once filled with wildlife and young trees. The sound of a lawn mower was rare. But bird song was typical, the yard was full of trees, chipmunks, ground hogs, skunks and raccoons. And squirrels! "Chuckie", an elderly resident from the group home across the street kept the pesky rodents well fed. Every morning he called them by name and fed them one by one. "Chuckie" was an important member of our neighbourhood.

Recent neighbors on Herbert St. include a Harley motorcycle wizard who sweeps his sidewalk and makes sure you don't run over your trash can. He monitors the corner and keeps an eye out for a mom with toddlers and 2 dogs, as they wait for the bus . Happily, we now have several young families in the neighbourhood, a great addition to all *us* seniors.

Our neighbourhood footprint is small. Our houses are mostly single family homes on small lots. I know that we may not seem special. *on the floor plan, community* **We are!** When you look at all the boxes, plans, specs etc, you really don't know what it means. *the people who live here*

We are a very stable engaged community. But we are about to become destabilized.

We knew that some day a new house would be built on the vacant lot at 6 Herbert. Our lots and houses on Herbert and

Hatter are all the same size and we assumed a similar sized house would be built there one day.

But, it seems Mr. Nikas wants to fill every inch of the Herbert lot. He is presenting a plan that leaves about four feet of clearance between the huge townhouses and the 2 neighbouring homes. Even if we are expected to accept a minor adjustment to this proposal, we would be severely impacted. Our backyard fence will be next to a 35 foot wall. This wall will block our view and light. We would get no morning sun and we'd be in shade most of the day. Our easterly windows will get no light at all. Our biggest spruce, over 30 feet tall, could be destroyed completely during construction.



When a huge, tall building is put in a small community like ours, we feel intimidated. We know a Trojan horse lives right beside us. This kind of intensification is not appropriate in an older, established neighbourhood. It destroys our sense of well being. We will have ~~been~~ become destabilized and that's not a

good thing. The effect of intensifying a neighbourhood like ours is *very* destructive.

"Intensification" is destabilization. This compacted type of housing is not appropriate in a established neighborhood. We have been "**grandfathered in**".

In 2007, Herbert sold his place and moved to a smaller home down the street. The new owner gave Herbert's tenants notice and began to renovate the apartments. He graded and added more gravel to the two front entrances, and installed some numbered signs to identify 8 parking spots. Next Mr. Nikas cleared the lot at 6 Herbert. He cut down all the heathy trees, about 40 years of growth. Some of these were shared with Mr. Brant on Hatter St. and acted as a retaining wall for his

property. Only one mature maple remains, but will be cut down when the townhouses are built.

The environmental impact of Mr. Nikas' project and years of tree cutting will make significant inroads into the quality of our lives. The community impact will be equally as bad. Please deny the approval of these requests.

Siobhain Broekhoven
7 Herbert St
Kingston Ontario
K7M 2L4

Planning Committee, City of Kingston
216 Ontario Street
Kingston Ontario
K7L 2Z3

Jan 21, 2020

Re: File Number D14-015-2019; 237 Mowat St and 6 Herbert St.

Hello Planning Committee,

I am writing to object to the rezoning of Herbert St, the current zoning A2 with one family dwelling should remain. My home is a single family dwelling, and all my neighbours live in single family dwellings, and if any development is done on Herbert, which is only one block long, it should be a single family dwelling. The street is narrow. There is no parking. It is a popular route for pedestrians and cyclists. The street cannot safely accommodate 4 more driveways.

I have lived in Kingston and the Islands since 1968. I want to retire in my home on Herbert St. It took me six months of searching to find a home that worked for me and my four kids. Why did I buy on Herbert St.? For the green space, for the mature trees, the quiet neighbourhood. It has parks, a soccer field, and woods nearby. The lake is a few blocks away. It was close enough that I could keep my car parked and bicycle to work. I have worked at Queen's, at St Lawrence College and Regiopolis -Notre Dame teaching math and physics, and I can bicycle to all three places easily from my home. For bicycling to be a pleasure, I take the quiet streets, like the one I live on. The day I came to view this house, I could hear birdsong in the neighbour's hedge, and when I climbed onto the deck I could see the sky. That is when I decided to buy this house. I hadn't even gone inside! The closing day for my house was February 14th, 2005. I chose Valentine's Day, because I love my home. At night I look at the stars from the deck. In the morning I wake and look out my bedroom window at the dawn and the city skyline. I am a gardener, and the first thing I did when I moved here was turn the front lawn into a perennial garden that changes with the seasons. It is designed to be resilient to climate change, to attract and support monarch butterflies, bees and other pollinators. It is completely pesticide and herbicide free. It also attracts neighbours who use Herbert St. for their daily walks. When I finish gardening for the day, I sit on the front step and view my garden. When I moved here, the view across the street was a wall of trees. Beyond those trees was the original farmhouse for the area and the owner Herbert Redden who had the farm before it was subdivided into a neighbourhood. My street is named for him, a neighbour. I like that.

1 of 18

When Herbert had the property 237 Mowat and 6 Herbert, he was very private. He had the yard walled with trees and I could not even see the white farmhouse. I guess he had some illegal units he was renting, but he was very discrete, and it was quiet, and the yard was big enough to insulate the activity from neighbours. He had some very vulnerable tenants, some paying rent and some not, but that also meant there were few cars in the front yard. I remember an old Cadillac in the lane that started on Mowat Ave and exited on Herbert St, a typical u driveway, which was mostly used for foot traffic.

When Jim Nikas took over the property (Herbert was in his 80s and ready to retire) things immediately started to change. The first thing Jim did was trim all the trees up to 10 feet in the yard that faces me, so I could see the farm house for the first time. My privacy, and the privacy of his tenants were gone. The tenants at 237 Mowat Ave. had patio stones and lawn furniture to relax in the privacy of their backyard (or I should say their side yard), and now the removal of tree branches made everything viewable to people passing by on the street. Not satisfied with the trimming, next he started cutting down the trees, and with each one my heart sank. I remember coming home one day to hear strange dogs barking, and I realized he had cut yet another tree down, and the noise was travelling though the neighbourhood like never before. The trees used to absorb the noise, but now dogs could see more, and bark more. Jim was changing the rambling farmhouse into a very commercial enterprise. He put up a lot of exterior lights so that it is no longer dark at night. All the neighbouring houses are dark, but his is lit up so much, it interferes with my sleep. The photo below is from my bedroom window, so you can see, the light does intrude. It is also harder to see the stars. That is not what a neighbourhood zoned single/double family dwelling is supposed to be like. It is not the way Herbert Redden stewarded the property. It concerns me that Jim, in his application, is saying that since the property has been run this way since the 1960s, that he should be allowed to continue to not follow the zoning and residential nature of the neighbourhood. What Jim is doing is completely different from what was done before.



A dark neighbourhood before dawn... except for 237 Mowat Ave as seen from 7 Herbert St.

Another issue is the size of Herbert St. itself. The city repaved and remodelled the road a few years ago. When it was repaving Mowat Ave and fixing water mains, it made Herbert St. narrower than before. The soft shoulder is gone, there is a hard curb, and there is no more parking on Herbert St. If a car parks here, they block off a lane of traffic. As it is, if two cars enter the road from opposite ends, they often come to a full stop to see which one will be let by first. The traffic calming measures the city put in on the corner of Mowat Ave at Herbert St, don't allow the city snow plow to enter the road from the top of Herbert anymore. Another consequence for me when the street became narrower, was that it could no longer accommodate Jim's commercial truck. When Jim was backing up his commercial truck, he regularly drove over my front lawn, leaving ruts in it. The ruts made grass mowing difficult for me. He no longer drives over my lawn, or parks the truck or trailer on Herbert St. since this application went in, but it is still seen on Hatter St. and on Mowat Ave. Jim should not have expanded the existing parking lot on Mowat Ave to take over the front lawn.

I do not want him to be allowed to store any commercial vehicles, including trailers, on either property. Commercial trailers do not belong in a residential neighbourhood.



Commercial vehicle parked at 237 Mowat Ave on Jan 18th, 2020.

One vehicle (with my grandkids in it) driving up Herbert St last October which shows the narrowness of the road and the hard curb.



The people that currently use Herbert St. are pedestrians, kids, dog walkers, and cyclists. It is a popular path to get to the playground at Garrigan Park, the soccer fields at the Senior Centre, the Woodlands Park, and also to go down to the Waterfront Trail and Lake Ontario Park. This is the route pedestrians take to stay away from vehicles. It is also the route for gardeners. Just as I choose walking routes to see what is blooming in other people's gardens, people walk here to see mine. When I pause from weeding to chat with other gardeners in the street, sometimes they suggest I should enter my garden in the Kingston Blooms best kept gardens event. I am pleased that the City of Kingston encourages people to garden with the Kingston Bloom program. It seems unreasonable for the city to ignore our Vision Zero plan for pedestrian safety by rezoning Herbert St and putting us at risk. Currently there is no sidewalk, and I doubt that putting one in would make a difference, as Herbert St is a favourite for kids to skateboard down because it is smooth pavement *and* a hill. My 6 grandchildren also use this road when they visit me. **This road cannot support 4 more driveways, and be safe for pedestrians and kids.** Since the city is trying to get away from car culture, we need to support the way people use roads now and their active transportation patterns. We should not be taking away their established routes in favour of car traffic.



Active transportation on Herbert St before the hard curb was put in. (Sept 2007)

The soft shoulder also made it possible for bicyclists to leave the roadway if a car was coming too fast. With a hard curb, if they try to leave the pavement, they would hit the curb and fly off their bike into the ditch. (I have seen this happen on Hatter St. to a 4 year old girl last summer.)



Irises, lupins and columbines in Herbert St garden. June 2009



Late Irises June 2009 above, spring daffodils and early tulips in May 2007 below, and my chair that I relax in to view Herbert St in both photos.





Sept 2019



My daughter and her friend in late summer in the cosmos butterfly season of the garden.

My 21 foot high home.

The proposal for 4 townhouses is 35 feet high, or 3 1/2 stories high

I worry it would shade the garden I have been building for 15 years.



7 of 18



View showing some of the trees that used to be across the street in 2010.

These are two of my sons, who now run their own businesses and work across the country in Silviculture (forest health) planting and maintaining new trees, and collecting seeds.



View showing one of the trees that is left at 6 Herbert St that I want protected from being cut down. This sugar maple is the only one that turns colour in the fall.

The other arrow shows the stump that sends up green shoots in front of the shed. It is one of the many trees that has been cut down by Jim . There is another stump on the other side of the shed. If there is no green space left on either side of the 237 Mowat Ave property, where is the rain going to go? There will be no ground to absorb it anymore. **37, 41, 42 and 45 Hatter St still experience flooding, even after the road work was complete on Herbert St.**

On March 5th 2019 Kingston unanimously passed a motion to combat climate change. In part that motion includes a “commitment to protecting [...] our community from climate change.” I do not see how this proposed development is in line with the city maintaining a canopy of trees, let alone doubling it, or being sustainable to climate change. We need green spaces for our peace of mind and enjoyment of property, and we need trees that absorb carbon dioxide and produce oxygen. This development looks like it will include cutting down the remaining trees on the property to accommodate such a large building that extends from one edge of the property to the other. This will be devastating to the community and to me personally. The added noise from the lack of trees, the additional light pollution because there are no trees left to block it, the safety of additional cars on a small narrow street are not in keeping with the character of the existing neighbourhood, or the directives of the City of Kingston. I do support responsible intensification, but I don’t believe this project is responsible or sustainable development. Jim’s arborist report that every single tree on the property is being considered for removal is quite disturbing.

Exhibit K
Report Number PC-20-012



The existing proposal is also too high for the neighbourhood. It would dwarf all existing homes and we would be looking at a 35 foot wall instead of the skyline. My house is directly across the street from this and is 21 feet from the ground to the peak of my roof. It is only 60% the height of this proposal. It seems unfair to me that neighbours would enjoy the fruits of my hard work in my garden, but when I sit on my front porch, my view would be of four garages and pavement. All four units could look down into my bedroom window, so I am also very concerned about my privacy, and of feeling safe. This all impacts my peace of mind, and the enjoyment of my property, and the character of the neighbourhood.



This overlay shows the difference in scale between the existing house on Herbert St (the only house on Herbert St) and the current the proposal.

The old farmhouse at 237 Mowat Ave that has been converted into 8 units, is not as high as this house. I can't imagine what it would be like in one of the units that faces north to Herbert St. Your window used to look out over a treed yard, and now, 6 metres (less than 20 feet) from your window, there will be a 35 foot high wall. If the proposed new structure has any windows facing the old farmhouse, it will surely create privacy issues and an intrusive overlook. And if it has no windows, what would that be like for its own inhabitants, let alone the existing ones on Mowat? I feel bad for the people living in 237 Mowat Ave. I expect they feel they are not permanent residents, since they only rent, and they don't have the right to object. Maybe they feel that objecting to their landlord's proposal would not be in their best interest? City planners should be looking out for this voiceless vulnerable group. Surely the planning committee would not plan to eliminate their only green space, just because they are not homeowners?

I have some additional concerns if the city chooses to recognize the existing units. Jim has clearly been running this as a very commercial enterprise for the last 14 years. I notice a one bedroom apartment was advertised in January 2017 through Remax for \$1,100 a month. I suspect that doesn't include parking or snow removal, and he has 8 units. Does he have to pay back taxes for all the years he has been doing this illegally in my neighbourhood? That would seem only fair to me, that he pays his fair share. Incidentally, that rent is approximately the same size as my mortgage payment, so I do not see how this proposal is in line with Council's Strategic Plan to increase housing affordability and build new residential units with a range of affordability. They will all be more expensive than my mortgage.

It is also concerning that if the city recognizes the units, what precedent does that set in my neighbourhood? That people can ignore city zoning and bylaws, do whatever they want, and the city will just approve it anyway? I think that sends the wrong message. In particular in the case of Jim, if he has been skirting municipal law all along, why would anyone think he would act in good faith in the future?

If the city decides to recognize the 8 existing units, I think they should not allow the severance of 6 Herbert and they should enforce all existing zoning bylaws. Severing the existing lot would make 237 Mowat not compliant with the green space requirements for the neighbourhood, and the green space requirements are important to me, they should stay in place. Also, the current tenants use the Herbert side yard. Without that yard, 237 has no green space left.



The entire front lawn being used as a parking lot for tenants and for Jim's commercial vehicle (taken Dec 22, 2019).



Picture taken Dec 22, 2019 showing a car parked along the fence line as well as ones in their parking slots.



A 237 Mowat tenant is regularly parking on the Herbert St side yard, with a well worn path in the background. The yard is not vacant, it is in use by current tenants.



Jim is fully aware that the property is already being used by Mowat tenants because he used his snow plow to remove snow for this car, which is the pile of snow to the left. (Jan 19, 2020)



6 garbage bins are stored on the Herbert side yard that are used by the Mowat tenants. If the yard is severed, where will these garbage cans be located, on the front yard? Currently the company that disposes of the garbage, accesses the bins by using the Herbert yard. That won't be possible if it is severed. Has the further strain on Mowat St. neighbours been considered if tenants can no longer use the Herbert side yard?

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I hope I have given you a sense of how I use, and how others use this street and this neighbourhood. I take climate change very seriously and believe we need to reduce our consumption, and become more sustainable individually, as a city, a country and also globally. I am proud of Kingston for taking leadership in defining the climate change emergency. Supporting our city's directive, I recycle regularly, I use my green bin for kitchen waste, and also produce vegetable compost to nourish my organic garden. I put a bag of garbage out, maybe once a month. I walk and cycle as much as I can, and leave my car parked in my driveway. Since this has always been a way of life for my family, it is no surprise to me that two of my sons work in the forestry industry maintaining and planting trees. Another son was in the first graduating class at St Lawrence College in the new Energy Systems Engineering Technologist program. His training is in retrofitting houses to make them more energy efficient, supplementing the current energy system with solar panels or wind technology, and by improving insulation, to lower the carbon footprint. My daughter has become an astrophysicist. Her research includes looking for baby planets in protoplanetary discs around newly forming stars. I think this shows that the night sky and the tree canopy has always been appreciated in our family.

Here is a summary of what I would like the most, and I hope the planning committee seriously takes this into consideration:

I will concede that the 8 units on Mowat Ave are not going to go away as Kingston is currently experiencing a housing shortage, but **Jim should be fully compliant with every other standard** in the neighbourhood particularly the ratio of green space to development.

The severance should not be allowed because 8 families on property that used to be two separate lots, is still 4 families per lot on average, and is still double the amount my neighbourhood is zoned for. I chose to live in an established neighbourhood that is zoned A2 for a reason. I want to be surrounded by other single family dwellings.

- I would like the city to have Jim replace all the trees he has cut down to restore privacy in the neighbourhood, and to restore the canopy.
- I would like no more trees cut down, particularly the spruce, pine and maple trees. Doing this will also reduce the light and noise pollution that Jim has created. Replacing the trees will also stabilize the existing hillside with more root systems.
- There should be no more commercial vehicles stored in the neighbourhood.
- There should be no allowances made for the reduction of any more green space.

If I do not get what I want most, and if the planning committee or the council does allow the severance of this tiny lot,

only one single family house should be allowed. Then growth in the neighbourhood is sustainable growth, and preserves the character of the neighbourhood. Growth should not be done at a scale that is at the expense of the neighbours and the tenants at 237 Mowat Ave. Allowing one more single family dwelling would be an increase in density, and it would fulfill the official plan, and the desire for responsible intensification.

- Allowing four units is way out of balance, in a neighbourhood where every visible neighbour is also a single family dwelling.
- Allowing four units would not sustain the existing tree canopy, or the city's directive to double the canopy.
- Four units would not be in line with the city's March 2019 motion declaring a climate emergency.
- Four units, with four more driveways on a quiet narrow street only a block long, would not be in line with the city's Vision Zero model for road safety that was passed in Sept 2019. "The road system needs to be efficient to transport people, but it must be designed to protect users from human error. "

Furthermore, if the city allows one single family dwelling, it should have size restrictions put in place so that

- it is not taller than existing homes and fits well into the existing landscape.
- to protect and preserve the remaining trees, particularly the mature hard woods.
- it adheres to the current standards for green space.
- the design of the building should not allow for it to be easily cut up into 4 units as the current owner already has a history of skirting zoning bylaws.

Very Sincerely,



Siobhain Broekhoven

Post Script:

“Thriving communities need 30–50% natural cover for healthy, resilient landscapes.”

“Resilience: Healthy biodiversity builds ecosystem resilience which is even more important as our climate changes. The changes you make to your yard can act as a buffer to extreme weather events, higher temperatures, droughts and floods.”

-World Wildlife Federation - Canada

http://assets.wwf.ca/downloads/welcome_garden_guide.pdf



Views of the yard at 6 Herbert St during restructuring of Herbert St in Aug 2010.

Many of these trees have been cut down by Jim Nikas.



16 of 18

Views of the yard at 6 Herbert St showing an additional tree by the laneway that has since been cut down. To the left is a trailer parked on the grass, and commercial trailer in the lane. Sept 2012



tree stumps that still sprout after being cut down by Jim Nikas.

Dear City Council,

I am writing this letter as a resident of Yonge St. to oppose a bid for a rezoning of the lot at 237 Mowat to allow the construction of 4 freehold townhouses. The construction of the townhouses will significantly reduce the greenspace and dominate the view of the residents of Herbert St., which is a tiny street with only 5 homes on the block. I walk this street every morning and would find these buildings unsightly. Please consider the wishes of the nearby residents on Herbert St. and Mowat St., who I believe oppose this construction having spoken to one of them. Perhaps a height limit on the buildings and/or a condition to preserve or create greenspace during or after the construction would be a reasonable compromise. Thank you for your time in reading this letter.

Sincerely,

Glen Takahara
219 Yonge St.
Kingston

Fisher, Tim

From: WLIU <[REDACTED]>
Sent: Friday, January 17, 2020 12:40 AM
To: Fisher, Tim; yasser211
Cc: gisliuwenbao
Subject: Comments to the proposed Zoning By-Law Amendment: D14-015-2019

Dear Tim Fisher,

I am writing in opposition to the Proposed Zoning By-Law Amendment: D14-015-2019 (237 Mowat Ave and 6 Herbert St). The proposed change would destroy the historic significance of the area and highly negatively impact the quality of life for the neighbors. I would like to strongly against this change.

Yours sincerely,

WENBAO LIU

16 Hatter St.
Kingston
ON

From: [graydon.doolittle](#)
To: [Fisher, Tim](#)
Cc: [REDACTED]
Subject: Planning request for 237 Mowat
Date: September 15, 2021 1:18:18 PM

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

Hello Tim,

Please submit the following letter to the Planning Committee meeting on September 16, 2021.

Dear Planning Committee,

I am writing in response to the resubmission of a planning request for 237 Mowat and 6 Herbert (Files D14-015-2019 & D10-023-2017). I am unable to attend the meeting but request that my objection to this proposal be submitted.

As I see it, the proposal asks for two things: a recognition of the 8 unit apartment house and it's nonconforming parking lot and setbacks, and the approval of a 2 unit duplex on the lot at 6 Herbert should the severance be approved.

As the neighbour at 243 Mowat surrounded by both of these lots, I object to both proposals. Given the current A2 zoning designation, the density of the lots are 4 family dwellings (duplexes). Since the apartment complex already has 8 dwellings, the current density is already twice what is permissible. I believe that this is a significant intensification and the city should refuse the request.

Thank you,
Graydon Doolittle
243 Mowat Ave.
[REDACTED]

Sent from my Galaxy Tab® A

From: [Gail McTague](#)
To: [Fisher, Tim](#)
Cc: [REDACTED]
Subject: 6 Herbert St., Kingston
Date: September 16, 2021 5:09:50 PM

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

This letter regards Files D14-015-2019 and D10-023-2017 and the proposal for the lot at 6 Herbert St. I learned today that these two files are to be discussed tonight, Sept. 16, at planning council. When this development was originally proposed, there was considerable well-founded and well-documented opposition to a plan that utterly contravenes the zoning bylaws for the property in question. Those of us who presented opinions at that time were assured we would be kept informed of future developments on this issue.

It is a concern that those Files were withdrawn and are now resubmitted without notice to the neighbours affected. I believe due process would require that the original letters also be resubmitted for consideration by committee members.

Sincerely

G McTague

226 Mowat Avenue, Kingston

Sent from my iPad

From: [Lia De Pauw](#)
To: [Fisher, Tim](#)
Cc: [Neill, Jim](#); [Kiley, Robert](#); [Hutchison, Rob](#); [Osanic, Lisa](#); [Hill, Wayne](#); [Doherty, Bridget](#)
Subject: Re: Applications concerning 6 Herbert St and 237 Mowat Ave
Date: October 16, 2021 12:54:09 PM
Attachments: [Concerns - D14-015-2019 and D10-023-2017 - sink holes.docx](#)

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

Hello,

I'm writing to submit further concerns about the applications regarding 237 Mowat Ave. and 6 Herbert St. As is noted in the attached letter, today's significant rainfalls have illustrated the flooding concerns that changes to the use of 6 Herbert could exacerbate. There is now a large sink hole at the corner of Herbert and Hatter, and there was 8 inches of standing water at the north end of Hatter (see photos in attached letter). Members of the Planning Committee may not be aware that sewage from Hatter St needs to be pumped up first in order to drain through the City's system.

Sincerely,
Lia

On Sun, Sep 12, 2021 at 2:04 PM Lia De Pauw <[REDACTED]> wrote:

Hello Tim,

I'm submitting a letter of opposition in regards to Files D14-015-2019 and D10-023-2017, which are slated to be discussed by the Planning Committee on Thursday, September 16th.

My understanding is that these files were withdrawn after the planning committee in January 2020 and resubmitted. Many points in the letters of concern submitted by the neighbours are also relevant to the current proposals. As such, I would like those letters to be considered in relation to the present applications.

Will the link to the September 16th meeting be available on the City's website, or is it by request only?

Sincerely,
Lia

Planning Division, City of Kingston
216 Ontario Street
Kingston, Ont K7L 2Z3
September 12, 2021

To the members of the Planning Committee of the City of Kingston:

Re: File Number D14-015-2019 and D10-023-2017; 237 Mowat St and 6 Herbert St.

I am the owner of 58 Hatter St., the property which is kitty corner to 6 Herbert St. I am submitting in writing my strong opposition to the applications regarding 6 Herbert St from 237 Mowat Ave.

The applications concerning these two properties must be considered together as they function as the two lots function as one property. While described as a “parcel of undeveloped land” on DASH, 6 Herbert functions as the yard for 237 Mowat St. The tenants use 6 Herbert for gardening and recreation; there is a parking space that is consistently used by one of the tenants and ploughed by the owner for this purpose; the oversized garbage and recycling containers are kept in this section of the yard; and the disposal service uses Herbert St to access these containers.

The use of 6 Herbert St as the side yard of 237 Mowat Ave makes sense given that the dwelling is many times beyond the capacity of the property’s A2 zoning – i.e., One Family Dwelling. If 237 Mowat Ave and 6 Herbert are considered as one lot, then there are 6 more dwellings than this allowed. If 237 Mowat Ave is considered separately, then there are 7 more dwelling than is allowed.

The majority of the front lot of 237 Mowat Ave is occupied by a large parking lot (see photo), which is non-compliant with the requirement for parking lots for multi-unit dwellings to be located behind the building. There is insufficient space to move the parking lot to the back of 237 Mowat Ave, but it could be moved to 6 Herbert and the current parking lot landscaped to align with the surrounding properties. If the City does allow 237 Mowat Ave to keep this non-complaint parking lot, severing 6 Herbert would result in two yards are incompatible with the surrounding neighbourhood in terms of the footprint of the house relative to greenspace. This would also result in the majority of 237 Mowat Ave being a parking lot.

I have included photos on the next page to demonstrate the use of 6 Herbert as part of the yard for 237 Mowat Ave. There is also a photo demonstrating the size of the parking lot in front of 237 Mowat Ave.

I respectfully request that :

1. If the Planning Committee wishes to grant D14-015-2019, then the consent application (D10-023-2017) to sever 6 Herbert be denied.
2. If the Planning Committee wishes to grant the consent application to sever 6 Herbert (D10-023-2017), then the application D14-015-2019 be denied and the owner be required to bring the dwelling and yard into compliance with the zoning and zoning bylaws.
3. The planning committee consider all the letters of concerns previously submitted in regards to these applications.

Sincerely,
Lia De Pauw



Picture 1: View of 6 Herbert. Uses of the yard include a raised garden (northeast corner), badminton net, and parking for tenants at 237 Mowat Ave.



Picture 2: View of 237 Mowat Ave. Lot includes two parking areas spanning the width of front yard. North most driveway is used by the owner to store his commercial truck and trailer.

From: [Liz Schell](#)
To: [Fawcett,Elizabeth](#); [Fisher,Tim](#); [Neill,Jim](#)
Subject: 237 Mowat and 6 Herbert Street Public Meeting
Date: September 15, 2021 11:40:39 AM

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

Hi All

I have registered to speak at the Public Meeting on Thursday, but just in case my techno skills fail me I am writing down my reaction to the subject application.

I have lived in my house at 204 Mowat for 42 years. I enjoy the fact that near my house is a 16 unit apartment building with side yard parking.

There are many 3 unit apartment buildings in the area with side yard or back yard parking. I think Mowat Avenue is an excellent example of how a suburban street can have many types of density.

I used to deliver Kingston This Week with my son to 237 Mowat Ave. and realized it was a grandfathered 8 unit apartment building. That is fine. So long as property standards and fire are happy, so am I.

The front yard parking has always been an eyesore and I am glad that I have a chance to state my opposition to a change in zoning to permit this as a legal state. I can agree to a reduction to 8 parking spaces being required.

However, I do not agree that it should be in the front yard, directly in front of the apartment building.

This plot is currently one property. Exhibit C map shows a driveway from Herbert through to Mowat that has been used for many years for parking a large commercial truck and trailer.

The plan to remove this driveway and grass that area also seems to show the 8 parking space area would be enlarged with some deciduous trees as screening. That is not an acceptable solution to the owners zoning parking request.

Any landlord would like front yard parking, but we have zoning by laws for a reason to prevent this. It looks ugly, like a commercial establishment. Please request that the owner go back to his planner/landscaper to find a parking solution for 8 cars that allows the front yard to be mostly what it is supposed to be, a yard for the enjoyment of all.

Thank you very much

Liz Schell

204 Mowat Ave.

From: [Liz Schell](#)
To: [Fisher, Tim](#)
Subject: Re: 237 Mowat Avenue
Date: August 30, 2021 2:17:29 PM
Attachments: [interview zoning](#)
[interview zoning](#)
[interview zoning](#)
[interview zoning](#)

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Hi Tim

I hovered over the plan on the map and still get the old application.

I received the paper notice today.

I believe the current parking will require rezoning to be legal- and I object to the number of front yard parking spaces on this property and am not in favour of rezoning the property to permit it . They are all in front of the house except the space being used by a commercial vehicle.

All the best

Liz

On 17-Aug.-2021 3:15 p.m., Fisher, Tim wrote:

Hello Liz,

The applicant submitted revised plans which now proposes a single family dwelling on the severed lot (Herbert Street). Dash should show the new plans as submission 2 in the documents section. A new public notice will be mailed out shortly.

The new Planning Committee public meeting date is set for September 16, 2021 for the new proposal.

I hope this information has helped.

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: Liz Schell [REDACTED]
Sent: August 17, 2021 9:16 AM
To: Fisher, Tim <tfisher@cityofkingston.ca>
Cc: 'Bruce Bursey' [REDACTED]
Subject: 237 Mowat Avenue

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Hi Tim

I see the public notice for 237 Mowat Avenue has returned.

When I look at DASH it shows all the work done on the application in 2019 but nothing current,

Does that mean the applicant is asking for the same things as before?

I am particularly interested in the parking for this apartment as I believe it currently does not have zoning to permit 8 cars in the front yard, yet they are parked there as well as a large utility truck and trailer used for commercial purposes.

Are they again asking for zoning relief for this?

Please advise.

Many thanks

Liz



Above: 237 Mowat Avenue from Mowat Avenue -



Above: 6 Herbert Street from Herbert Street -