



City of Kingston
Planning Committee
Addendum

16-2024
Thursday, September 5, 2024
6:00 p.m.
Council Chamber

Committee Composition

Councillor Cinanni; Chair
Councillor Chaves
Councillor Glenn
Councillor McLaren
Councillor Oosterhof
Councillor Osanic

Please provide regrets to Christine O'Connor, Committee Clerk at 613-546-4291, extension 1219 or cloconnor@cityofkingston.ca
Watch live on the [Kingston City Council YouTube](#) channel or register to receive the [Zoom](#) link.

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Proposed Zoning Amendment 73 Sydenham Street
File D-14-011-2024

Date: August 27, 2024

To Amy Didrikson:

I reside at the Annandale Condos at 67 Sydenham Street. I am writing to support the amendment to the Zoning Bylaw to recognize the Secret Garden as an existing non-conforming use with a restaurant and outdoor patio.

It is my understanding that there is to be no increase in the footprint from the existing liquor license, no additional construction nor additional capacity than the operation they have had since 2020.

The owner/operators of the property have been an excellent addition to our neighborhood and take pride in the property and community- just look at the renovations they've done and the amazing gardens! They are truly a gem in the Sydenham Ward.

I have spoken to Jason about the plans and my concerns regarding potential parking and noise issues (I live on the William side of the Annandale and it's amazing how much sound carries). My discussion with him has alleviated my concerns.

While parking and noise from the Inn has never been an issue, I was concerned the proposed plans could change that but with the amendment not changing how they currently operate or their capacity limits, I have no remaining concerns. Jason has assured me that they continue to have their own parking and will refer overflow patrons to the Chown Parking Garage and Frontenac County Courthouse public parking lot. Regarding noise, they will continue with their current practice of not having music played outside and service will end at 8pm- a very reasonable time.

Another unique dining option and cultural experience in a historic Inn will only enhance our neighbourhood and create jobs and tax revenue for the city.

Having Jason, and the Secret Garden, as neighbours has been a true blessing.

I request that you approve this amendment to the zoning bylaw.



Erin Gilroy
■ Sydenham Street



Sydenham Street United Church

82 Sydenham Street
Kingston, ON K7L 3H4
613-542-9616

admin@sydenhamstreet.ca www.sydenhamstreet.ca



Dear City of Kingston Planning Department,

We at The Spire Kingston are writing to express our strong support for the proposed amendment to the Zoning Bylaw, which would recognize The Secret Garden Inn as an existing non-conforming use of property, including its restaurant and outdoor patio.

The Secret Garden Inn is not only a cherished fixture in our neighborhood but also a valuable partner in the many events and programs we host at The Spire Kingston. Concerns regarding potential issues such as parking, noise, or traffic flow are unfounded. We have never encountered any problems with their patrons parking, and when overflow occurs, they responsibly utilize public lots at the Frontenac County Courthouse.

Our collaboration with The Secret Garden Inn has been consistently positive, particularly around food and accommodation for our speakers, entertainers, and guests. The addition of another dining option in our neighborhood would be a significant benefit to our patrons, staff, performers, and volunteers.

Should you have any questions, please feel free to call or email us. We respectfully urge the city to approve this amendment to the zoning bylaw.

Thank you for your consideration.

Sincerely,



Sam MacLeod
General Manager
He / Him
The Spire Arts & Community Hub
82 Sydenham Street
Kingston ON K7L 3H4
generalmanager@thespirekingston.org

From: [Severin Sanders](#)
To: [Didrikson,Amy](#)
Subject: The Secret Garden Inn
Date: September 5, 2024 11:37:14 AM

Caution: This email is from an external source. Please exercise caution when opening attachments or clicking links, especially from unknown senders.

Good morning,

My name is Severin Sanders and I am writing as a resident of Sydenham St. in support of the proposed zoning amendment by The Secret Garden Inn.

I have lived on this street for the past 3 years and continue to enjoy the beautiful scenery and warmth of the neighbourhood and its residents. With its meticulous gardens and friendly staff and guests, the Inn is an enormous contributor to what makes Sydenham Ward such an inviting place to live.

It is my understanding that the proposed zoning revisions will increase rather than diminish their contributions to the neighbourhood's charm and sense of community. I know that since moving here, the Inn has been serving breakfast and afternoon tea to guests, and not once have I had an issue with noise, sidewalk congestion, or parking availability.

I noticed that the Inn has their own parking spots as well as a "reservation only" sign for their tea service, both of which have likely lessened the foot and auto traffic on our block. It is my understanding that there are no plans to increase their seating capacity, so I believe that residents will continue to enjoy the neighbourhood without feeling congested by the number of patrons of the Inn.

Furthermore, since there are no plans to modify existing structures or take on large renovations to continue serving their guests, I believe that their proposal is warranted and deserves serious consideration from the city. As a resident, I am in full support of the proposed amendments.

Thank you for your time.

Regards,

Severin Sanders

Leslie Gourlay [REDACTED]
>

Reply Reply all Forward  

To: O'Connor,Christine

Thu 9/5/2024 10:39 AM

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Hello,

I realize it's a lot of information. I'm not really sure how to separate it out. My main concerns are to do with noise and the "No Parking Zones" being used by the Secret Garden as extra parking for their use. These parking spots are in front of this business on Sydenham Street and kiddy corner on William Street beside Sydenham Church. As said, since this B&B already misuses these spots for their use they will cause further problems if this restaurant goes ahead. Council and City Management have not dealt with the parking problems properly before. Therefore, guarantees need to be met going forward.

I will try and send a more condensed version of my concerns that could be included for city purposes. I will have this to you later this afternoon before the meeting tonight.

Thank you for clarifying this.

From: [REDACTED]
To: [Van Vugt, Niki](#)
Cc: [REDACTED]
Subject: Re: 181-183 proposal Zoning bylaw amendment
Date: Wednesday, September 04, 2024 11:21:02 PM

Caution: This email is from an external source. Please exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Niki,

I am the co-owner of 195 Union Street. My current complaints with 181-183 Union encompass garbage and recycling that blow into my yard, parking lot and flower beds, requiring me to do a pick up at least every two weeks. Students can not be relied on to properly recycle and manage their garbage, as landlords we put out our building's garbage and recycling weekly. It is managed internally and then put out on Collingwood Street.

This project is quite large, and requiring the students (36 bedrooms) to manage their garbage and recycling is very unrealistic. This project compares to a typical 16 unit apartment building which would typically have a dedicated dumpster to manage the garbage, plus a dedicated recycling area. I can't imagine the mess that would result on Collingwood Street should the students be required to place their garbage and recycling there or more importantly Union Street.

My parking lot is adjacent to 183 Union and it is rented to my tenants. Of course it is handy to 183 Union Street (not having any laneway on Union Street) and is casually used by them for "drop offs, pick-ups, move-ins, move-outs, etc.", notwithstanding a security system and a posted sign for towing unauthorized vehicles.

Unless my garbage, recycling and casually accessing my parking lot concerns are adequately addressed I would have to state that I am opposed to this Zoning Bylaw amendment.

Greg Parfitt

195 Union Street

[REDACTED]
[REDACTED]

Sent from [REDACTED] for Windows

September 4, 2024

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

Re: Application for Zoning By-Law Amendment
181-183 Union Street
City File Number: D14-009-2024

To the Planning Committee:

We are writing to express our concerns regarding the application for a Zoning By-Law Amendment for the property located at 181-183 Union Street.

We are writing as owners of the properties 171 Union Street and 173 Union Street. The west side the 171 Union Street and 173 Union Street properties directly abuts the east side of the lot at 181 Union Street.

Since we (Sarah Blacker (owner), her husband, and one year old child) currently live full time at 173 Union Street, we have had ample opportunity to observe problems at 181-183 Union Street (outlined below), and we are concerned that some of these problems would be exacerbated by the proposed construction of a new four-unit dwelling in the rear yard of 181-183 Union Street.

- 1) Flooding and snow removal
- 2) Lack of road access and hazardous conditions for buses, cyclists and pedestrians on Union Street
- 3) Overcrowding / infrastructural stress
- 4) Protection of tree
- 5) Setback of proposed new dwelling from our property line
- 6) Noise and privacy

Flooding

The 181-183 Union Street property has a severe flooding problem that recurs every winter and spring, and sometimes during heavy rainfalls. The rear yard at 181-183 Union Street consistently fills with water to the extent that ducks temporarily take up residence

there since the water is so deep. This causes problems for our property since water regularly flows from the 181-183 Union Street rear and side lot onto our property at 173 Union Street (please see Image 1), sometimes flooding our basement. It seems that the existing building at 181-183 also has had flooding and water damage, and had major repairs done to the exterior basement area a year ago. We are concerned that the proposed construction of a new dwelling in the rear yard of 181-183 Union Street, as well as the proposed parking area, will exacerbate the flooding problem and negatively impact our property. How do the owners of Top Point plan to address their flooding problem?

Additionally, the proposed construction will affect lot elevations at 181 – 183 Union Street, and that could potentially cause further flooding onto our lot.

Furthermore, what is their plan for snow removal of their proposed parking area? Will they push the snow into the east end of their proposed parking lot, which directly abuts our property? We are concerned that this flooding problem will be exacerbated by the proposed larger parking area at 181-183 Union Street and the snow removal from that area.

Lack of road access

Since we live next door to the 181-183 Union Street property, we have witnessed time and time again the problems that result from the property relying on right-of way laneway access rather than having direct access to a driveway off Union Street. **We have observed that current tenants at the 181-183 Union Street property stop and park on Union Street (which is a no stopping and a no parking zone; it is also a bicycle lane and a major bus route)** because they do not like driving around the block and driving through the laneway from Collingwood Street to access the 181-183 Union Street property, because students see this as inconvenient. It is not only current tenants who do this. It is also delivery services (Amazon, Uber Eats, Purolator, etc.) who stop and park on Union Street in the no stopping and a no parking zone rather than driving around and using the laneway. **This already creates hazardous conditions for pedestrians, cyclists, bus drivers, passengers on city buses, and drivers on Union Street, and we are concerned that this problem will be exacerbated when the number of tenants on the property increases from 16 to 36.**

We have noticed that when tenants move in and move out (generally within a few days in September and April), tenants and their parents park moving vans in that same no-stopping and no-parking zone on Union St. in order to access the 181-183 Union Street property (again creating hazardous conditions for pedestrians, cyclists, bus drivers, passengers on city buses, and drivers on Union Street). **How are the Top Point owners**

going to address this problem when the number of tenants on the property more than doubles, increasing from 16 to 36? How do they ensure that delivery trucks, Uber Eats cars, tenants and their partners, friends, and parents use the laneway access to the property rather than parking on Union St.? We see that they would include one visitor parking space in their proposed parking lot. But this does not seem adequate considering the number of deliveries taking place each day at 181-183 Union Street property with just 16 tenants (and not yet the proposed 36 tenants, which will greatly increase traffic). Not to mention the fact that all the other parking spaces will be occupied by tenants or other people who are paying to park there. One visitor parking space will not be adequate for all the people moving in and out and deliveries, if it is even vacant when required.

Overcrowding / infrastructural stress

While the proposal for 181-183 Union Street suggests that the proposed 36 tenants on the property will use the east and west walkways equally as paths to access Union Street, we have observed that in practice tenants use the east walkway (abutting our property) because this provides more direct and quicker access to Queen's University. These walkways are only 33-36 inches wide, which is quite narrow for a pathway that will be used by 36 tenants (as well as their friends, partners, etc.). We also note that tenants using the proposed bicycle parking will take their bicycles through the narrow east walkway to access campus faster. Since many tenants travel at the same time each day (to get to classes, etc.) we are concerned that the foot and bicycle traffic on this narrow walkway from 36 tenants is not sustainable.

Furthermore, this walkway is already crowded by garbage cans, green bins, and recycling boxes (with garbage spilling out onto the walkway that doesn't get cleaned up). **Is there a plan for the relocation and organization of garbage cans, compost, and recycling boxes to free up this walkway for foot traffic and bicycle traffic for 36 tenants?** We have experienced time and time again that the garbage, compost and recycling at 181-183 Union Street spills over through the iron fence which we installed on our property at 173 Union Street.

We noticed that the owners of Top Point have cleaned up the garbage this week since they know that city councillors might be inspecting the property this week, however, this is highly unusual. We usually clean up the garbage ourselves as neighbours because it's not done by the tenants or the owners. We have sent text messages and pictures to the owners many times, and they have replied that it is the tenants' responsibility to manage their garbage.

Last winter we witnessed that snow removal from the porches and sidewalks was not done by the landlords. They used to have a property management company, but they

have stopped using them. The tenants were often picking their way along the steps and sidewalks, which were covered in thick ice.

Furthermore, the proposed increase in the number of tenants 181-183 Union Street from 16 to 36 tenants is excessive. As outlined above, this would create an enormous amount of vehicle traffic, Amazon deliveries, Uber Eats deliveries, etc. In addition, it will create an enormous amount of garbage, recycling, compost, and noise.

Protection of tree (regarding 2.8.2 "Protection of forests and trees")

There is a very large Norwegian spruce tree on our property at 173 Union Street that is approximately 90 years old (see Image 2). This beautiful tree provides shade for both properties, alongside the other three major trees and newly planted shrubbery at the border of the property. This is a shallow-rooted tree that could easily be harmed by the proposed construction plans at 181-183 Union Street. What are the plans to ensure that this tree is protected during construction?

Setback of proposed new dwelling from our property line

The proposed building on the east side of their property is very close (2.25 metres) to our lot line, and we are still planning to build on our back lot at 171 Union St. These plans have been delayed due to a death in the family and other circumstances.

Privacy and noise

We are concerned about the noise that will be created by having 36 tenants on the property. We also have privacy concerns, since we have found that the existing tenants at 181-183 Union Street already often use our driveway and parking area (again, because they do not have road access from Union Street). This happens even after we have installed fencing all along that side of our property to try and prevent their tenants from using our yard and parking area. How will the owners prevent this problem from being exacerbated when they more than double the tenancy on the property?

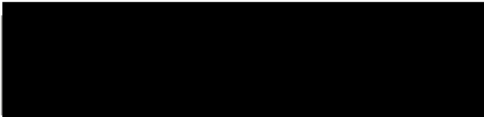
How tall will the proposed privacy fence be, and where will it begin? Will it interfere with the metal fence that we have put up between our properties?

Conclusion

We have maintained a beautiful property at 173 Union Street for the past 25 years, continually investing in it to provide quality rental accommodation, and have improved the exterior, thereby enhancing and respecting the neighbourhood (please see attached photos).

We are a family with a young child living next door to this proposed construction, and we hope that the Planning Committee will hear our concerns.

Sincerely,



Sarah Blacker and Emily Blacker, owners of 173 Union Street, Kingston, ON, K7L 2P5

(Please see images on following pages.)

Image 1: An example of flooding originating on the 181-183 Union Street property and spilling over onto our property at 173 Union Street.



Image 2: Tree to be protected from harm during construction



Image 3: Garbage spilling over from 181-183 Union Street to our property at 173 Union St. and completely covering the high-traffic east pathway that would be used by 36 tenants. We have experienced this time and time again as neighbours, and we often have to clean it up ourselves.



Image 4 and 5: Photos of our house at 173 Union Street.

