

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?

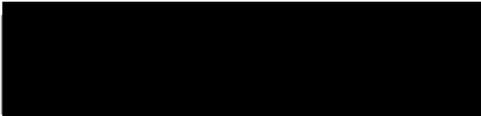
How tall will the proposed privacy fence be, and where will it begin? Will it interfere with the metal fence that we have put up between our properties?

#### 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.

