



**KINGSTON MUNICIPAL HERITAGE COMMITTEE (L.A.C.A.C.)
MINUTES
MEETING No. 2009-03
held Monday 09th February 2009 at 12:00 noon*
in Council Chambers, City Hall**

MEMBERS PRESENT

Mr. Peter Gower, Chair
Mr. R. Bruce Downey, Vice-Chair
Councillor Bill Glover
Mr. David Ariss
Mr. Robert Cardwell
Mr. John Duerkop
Mr. Michael Gemmell
Mr. Craig Sims
Ms. Christine Synowich (left at 3:20 p.m.)

REGRETS

Mr. Anthony Barlow

STAFF PRESENT

Ms. Cynthia Beach, Commissioner, Sustainability & Growth
Mr. Mark Campbell, Construction Manager
Mr. Barry Kaplan, Accessibility Project Coordinator
Ms. Lindsay Lambert, Planner
Mr. Marcus Letourneau, Heritage Planner
Mr. Brian McCurdy, Director, Culture and Recreation
Ms. Susan Powley, Committee Clerk

OTHERS PRESENT

Ms. Helen Finley
Mr. Andrew Hill, Frontenac Heritage Foundation

THIS IS NOT A VERBATIM REPORT

MEETING TO ORDER:

Mr. Peter Gower, Chair, called the meeting to order at 12:15 p.m.

RECOGNITION:

WELCOME and INTRODUCTIONS:

Ms. Cynthia Beach, Commissioner, Sustainability & Growth, was present as the Commissioner now overseeing the Cultural Services area.

POSSIBLE PECUNIARY INTEREST:

Mr. Downey declared a possible pecuniary interest as his firm Hughes Downey Architects is involved with Request PRE-KMHC-005-2009 for a property located at 366 King Street East.

CONFIRMATION OF AGENDA:

*Moved by Mr. Downey
Seconded by Mr. Gemmell*

THAT the agenda and addendum be confirmed as amended to add:

Under 10) Business K) Technical Circulations:

- *iii. Technical Circulation D10-453-2009 (Consent for 140 Yonge Street), D10-454-2009 (Minor Variance for 140 Yonge Street) and D07-455-2009 (Minor Variance for 142 Yonge Street) for properties located at 140-142 Yonge Street.*
- *iv. Technical Circulation D10-447-2009 for a minor variance for property located at 661 Davis Drive.*
- *v. Technical Circulation D10-449-2009 for a minor variance for a property located at 31 Lyons Street.*

CARRIED

CONFIRMATION OF MINUTES:

*Moved by Mr. Downey
Seconded by Mr. Gemmell*

THAT the minutes of the Kingston Municipal Heritage Committee Meeting No. 2009-02 held on 12th January 2009 be confirmed.

CARRIED

UPDATES:

A. Culture Services Department Report

Ms. Lindsay Lambert, Planner provided updates regarding the following:

Sydenham Ward Public Meeting

Ms. Lambert reported that further to a meeting held on 15th January, the majority of feedback received was positive. A staff report will be provided to the Planning Committee for consideration at the 05th March meeting.

To a question regarding negative comments received, Ms. Lambert advised there were questions which were addressed by staff regarding the retention of trees along the streetscape, and a recommended boundary for the district.

'Adjacent Properties/HIS Policy (Report PC-07-001: Implementing New Provincial Policies Regarding Adjacent Properties and Outlining a Process for Heritage Impact Statements for Integration into the Current Planning Process'

Copies of Report PC-07-001, and the 'Roles, responsibilities and process for the review of matters under the Ontario Heritage Act and the Ontario Planning Act' were distributed separately.

Ms. Lambert advised that staff would not be giving a full review of the policy. She said the document had been provided to the Committee again. Following the discussion at the last meeting, staff wished to go through the report again, after which a comprehensive description of all scenarios of the Heritage Impact

Statement would be provided. She advised that there had been three consultations with the Committee, and the policy was approved by Council by way of the Planning Committee two years ago. Since that time, staff have used the policy and are currently working on the process side with colleagues in the Planning Department as it relates to the action process. She advised that the policy has been upheld by Parks Canada and the Ministry of Culture for use by other municipalities.

The Committee agreed to consider it at the next meeting after a more thorough review. Concern was expressed regarding the interpretation of adjacent properties.

To concerns of the interpretation of adjacent properties and a request for clarification, Ms. Lambert explained that the Heritage Impact Statement (HIS) can be used to look at the designated property itself, the property to be developed that isn't designated, and where both properties have a Part 4 designation. Staff discretion and common sense requirements are built in where careful consideration must be given regarding an alteration of a character defining element, eg. where a rear addition would impact the reasons for designation for an adjacent property.

It was noted that concerns regarding HIS have been expressed previously as the Committee are uncertain of what the HIS pertains to, as well as their role in the review and how the Committee comments are reflected within the HIS requirement.

Ms. Lambert responded that staff weigh factors going into the process. She noted that a Heritage Impact Statement (HIS) is a Planning document with a Heritage component. Exhibit D of the report provides requirements for an HIS and how those requirements differ from the Ontario Heritage Act process. She further noted the flow chart provided in Exhibit E, and provincial roles and responsibilities when an HIS is required and reviewed. Page 143 in Exhibit D was highlighted as an area where some question exists.

Ms. Beach advised that she has been reviewing the material from a process perspective. She noted that further to concerns expressed, staff are working between Planning and Heritage staff to clarify the matter. She suggested that a staff report be provided rather than a general discussion. She noted discrepancies with the policy and its interpretation, an issue regarding the Terms of Reference for the Committee which have caused concern, and the importance of a working relationship between the Committee and staff.

a) Working Groups:

Historic Properties Research Working Group
(David Ariss)

Ms. Lambert noted work which is underway for the designation of Newcourt House at 889 King Street West, Denyes monument and Catarauqui Cemetery.

Communication and Education Working Group
(John Duerkop)

Ms. Lambert reported that a meeting was held on 29th January and the group are working with the Communications Department to develop a sample of one City walking tour. Three other walking tours are being worked on, and final approval will be sought from the Committee.

Interior of City Hall Working Group
(Tony Barlow, Bob Cardwell, John Duerkop, Michael Gemmell)

Ms. Lambert advised that a site visit was conducted on 20th January, and a meeting is scheduled for 03rd February. A discussion was held regarding a list of character defining elements, and how the interior design would feed into a management plan for interior of City Hall. Students will then use the list of character defining elements to flush out a by-law.

Exterior Coverings Working Group
(Michael Gemmell, Christine Sypnowich)

Ms. Lambert advised that she is awaiting all components in order to put together a draft brochure on subject.

Accessibility and Heritage Working Group
(Peter Gower, Bruce Downey)

Ms. Lambert advised that a meeting of the working group was held on 14th January 2009.

- b) Delegated Authority:**
- c) Technical Circulations:**
- d) Preliminary considerations for Designation:**
- e) Site Visits:**

The following site visits were undertaken by members and staff:

- 34-36 Barrie Street – Pre-Consultation Request January 2009
- East side of Main Street, Barriefield Village –James Street to Regent Street
- City Hall - 230 Ontario Street - Interior of City Hall Working Group

f) Ongoing Grant Applications:

Ms. Lambert advised that correspondence will be sent out to past applicants in the next couple of weeks further to discussions at the January meeting.

g) Other:

B. Chair Report – by Mr. Peter Gower, Chair

Updates were provided regarding:

76 Mowat Avenue – Application P18-257-001-2009

Distributed by e-mail 14th January 2009

It was noted that revised drawings were distributed by email 14th January as requested by the Committee. Comments were favourable regarding the drawings.

Lake Ontario Park

Mr. Gower advised that he and Mr. Downey were involved in a discussion regarding Lake Ontario Park. It was noted that all present agreed that the area should remain as a green space. Camping should be made available as it is an inner city campground with close proximity to the downtown for biking and walking.

Registration – Community Heritage Ontario (CHO) Conference

Mr. Letourneau advised that some funds have been allocated for attendees at this conference.

Community Heritage Ontario (CHO) News

The January 2009 issue of the CHO News was highlighted with copies made available to members.

BRIEFINGS:

DELEGATIONS:

BUSINESS:

A. Reports

B. Heritage Permit Applications Requesting Approval

- i.* Delegation regarding Application P18-597-005-2009 for a property located at 44 Earl Street requesting approval for reconstruction of a rear attached shed, window revisions to include restoration and replacement; replacement and repair of roofing; repointing and flashing of central chimney; reconstruction of walk; addition of a rear courtyard, with details described within a submission filed 22nd January 2009 and deemed complete by the Cultural Services Department 23rd January 2009.

Schedule Pages 1-43.

Ms. Finley, owner of the property, was present and provided an overview of the application, noting each aspect of the work to be done to turn it back to a residential use.

In regard to the proposed windows, clarification was requested regarding the addition of a window which was not supported during the pre-consultation process.

Ms. Finley noted the changes to the facade over years, and that this window is a reproduction of windows that are already in existence. Clarification of a changed Heritage character was provided by members who had visited the building who attested to the changed Heritage character. It was noted that the upstairs floor level affects the positioning of the additional window.

Detailing requirements for the storm windows were noted. Window specifications were noted.

Roofing was suggested to be a black fabricated standing batton roof like the one at the back appears to be, and that painted steel should be avoided.

Masonry information was requested. Ms. Finley explained the courtyard landscaping solution to a drainage problem.

Ms. Lambert advised that comments received from Property Standards after finalization of the agenda indicated no concerns. She noted the request of the Cultural Services Department to include the standard archaeological condition.

*Moved by Councillor Glover
Seconded by Mr. Duerkop*

THAT Application P18-597-005-2009 for a property located at 44 Earl Street requesting approval for the reconstruction of a rear attached shed, the downward extension of window sills of 2 existing ground floor windows and changing the window type to triple custom made wood casement with a fixed central casement; restoration of three upper storey windows and addition of a fourth upper storey window with associated masonry work, replacement in a two over two pattern of all but one window on rear facade; replacement and repair of roofing to achieve a uniform roofing pattern of matte black metal ribbed roof; repointing and flashing of central chimney; reconstruction of walk from sidewalk to dwelling with a limestone step and gray pavers; addition of a rear courtyard are composed of brick pavers **BE APPROVED** with details described within a submission filed 22nd January 2009 and deemed complete by the Cultural Services Department 23rd January 2009,

- and further -

THAT it be understood that approval for window revisions to the storm windows on the front facade will be one over one with a false meeting rail about 1 1/4" wide that corresponds to the meeting rail on the primary sashes. Generally the sash components will match those on the surviving originals which are about 3 " high for the bottom rail, 2" wide for the stiles and top rail, 1 1/4" for the meeting rail and about 5/8" wide for the muntin bars,

- and further -

THAT masonry details be provided to the Cultural Services Department for review by the Committee,

- and further -

THAT should archaeological resources be found on the property during the construction activities, the Ministry of Culture and the City of Kingston's Heritage Planner shall be notified immediately,

- and further -

THAT in the event that human remains are encountered during the construction activities, the proponent must immediately contact the City of Kingston's Heritage Planner, the Ministry of Culture and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Government Services (1-800-268-1142).

CARRIED

- ii.** Delegation regarding Application P18-058-006-2009 for a property located at 34 Barrie Street requesting approval for the repair/replacement of wood trim, windows, gutter, flashing, handrails, porch roof with new foundations, asphalt shingles and roof membrane system, removal of some vegetation and installation of new sod; addition of concrete pad; bird deterrent, refurbishment of existing windows and front veranda, with details described within a submission filed 23rd January 2009 and deemed complete by the Cultural Services Department 23rd January 2009.

Schedule Pages 44-71.

Mr. Jason-Emery Groen, HDR/Mill & Ross was present together with Mr. Adam Bondy to provide an overview of the application.

A discussion took place regarding the storm windows. A detailed description of porch was provided. To concern regarding the deterioration impact of foliage, Mr. Groen advised that they plan to cut this back.

It was suggested that circular sanding in several areas take place to see gradations of the original paint colour.

Ms. Lambert noted comments from Building Services and a request for revised drawings. The standard archaeological condition was requested to be included. A copy of ministry guiding principles will be provided to the applicant by staff.

*Moved by Mr. Downey
Seconded by Mr. Gemmell*

THAT Application P18-058-006-2009 for a property located at 34 Barrie Street requesting approval for the repair/replacement of wood trim, window repairs to include the replacement of existing aluminum storm windows on the front façade with wood storm windows, gutters, flashing, handrails, porch roof with new foundations, asphalt shingles and roof membrane system, removal of some vegetation and installation of new sod; addition of concrete pad; bird deterrent, refurbishment of existing windows and front veranda **BE APPROVED** with details described within a submission filed 23rd January 2009 and deemed complete by the Cultural Services Department 23rd January 2009,

- and further -

THAT details of wood storm window installation to indicate the placement of these units relative to the existing window frame be re-submitted to the Cultural Services Department for review by the Committee,

- and further –

THAT should archaeological resources be found on the property during the construction activities, the Ministry of Culture and the City of Kingston's Heritage Planner shall be notified immediately,

- and further –

THAT in the event that human remains are encountered during the construction activities, the proponent must immediately contact the City of Kingston's Heritage Planner, the Ministry of Culture and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Government Services (1-800-268-1142).

CARRIED

- iii.* Delegation regarding Application P18-403-007-2009 for a property located at 36 Barrie Street requesting for the repair/replacement of wood trim, windows, front door hardware, glazing unit, repaint front door, replace rear door, gutter, flashing, handrails, porch roof with new foundations, asphalt shingles and roof membrane system, concrete walk, removal of some vegetation and installation of new sod; extension of rear deck with railing, relocation of wood stairs and railing; concrete pad, repair bird deterrent, with details described within a submission filed 23rd January 2009 and deemed complete by the Cultural Services Department 23rd January 2009.

Schedule Pages 72-99.

Large drawings were distributed separately.

It was confirmed that the complete front of building would be included in the work to be done.

Moved by Mr. Duerkop

Seconded by Mr. Downey

*THAT Application P18-403-007-2009 for a property located at 36 Barrie Street requesting approval for the repair/replacement of wood trim, window repairs to include the replacement of existing aluminum storm windows with wood storm windows, front door repairs, replacement of rear door, gutter, flashing, handrails, porch roof with new foundations, asphalt shingles and roof membrane system, concrete walk, removal of some vegetation and installation of new sod, extension of rear deck with railing, relocation of wood stairs and railing, concrete pad, repair bird deterrent **BE APPROVED** with details described within a submission filed 23rd January 2009 and deemed complete by the Cultural Services Department 23rd January 2009,*

- and further –

THAT details of wood storm window installation to indicate the placement of these units relative to the existing window frame be re-submitted to the Cultural Services Department for review by the Committee,

- and further –

THAT should archaeological resources be found on the property during the construction activities, the Ministry of Culture and the City of Kingston's Heritage Planner shall be notified immediately,

- and further –

THAT in the event that human remains are encountered during the construction activities, the proponent must immediately contact the City of Kingston's Heritage Planner, the Ministry of Culture and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Government Services (1-800-268-1142).

CARRIED

- iv.* Delegation regarding Application P18-273-008-2009 for a property located at 216 Ontario Street requesting approval for an alteration to two existing windows by replacing two existing exhaust fans with grills with details described within a submission filed 03rd February 2009 and deemed complete by the Cultural Services Department 03rd February 2009.

Schedule Pages 100-120.

Large drawings distributed separately.

Mr. Ray Zaback, Shoalts & Zaback Architects Ltd., agent for the owner presented the application and explained reasons why the changes were being made. It was confirmed that the work could be reversible at a future date.

Ms. Lambert noted that timing had not allowed for a standard circulation and the project is now out for tender.

Mr. Zaback confirmed that the vents are a direct substitution where exhaust vents are presently located and there is no glass there at this time.

*Moved by Mr. Sims
Seconded by Mr. Cardwell*

THAT Application P18-273-008-2009 for a property located at 216 Ontario Street requesting approval for an alteration to two existing windows by replacing two existing exhaust fans with grills BE APPROVED with details described within a submission filed 03rd February 2009 and deemed complete by the Cultural Services Department 03rd February 2009.

CARRIED

C. Heritage Permit Applications for Emergency Works requiring Reaffirmation

D. Pre- Consultation Requests

- i. Delegation regarding Request PRE-KMHC-004-2009 for a property located at East side of Main Street, Barriefield Village – James Street to Regent Street requesting advice regarding the construction of a sidewalk on the east side of Main Street, between James Street and Regent Street.*

Schedule Page 121.

Mr. Mark Campbell, Construction Manager, Mr. Barry Kaplan, and members of the Municipal Accessibility Committee Mr. Glen Outhwaite, Mr. Albert Mezzetta, and Mr. Bob Brooks were present for the discussion.

Mr. Cardwell referenced a site visit attended by members and staff where a discussion took place regarding wheel chair access on the street which would not detract from the Historical character of the village.

It was suggested that the sidewalk on the east side be left as it exists, and that a roll or stand up curb could be located on the other side of street. There was concern expressed regarding proceeding in a direction to provide a suburban look to village; a 1.5 m sidewalk would lead to that look. A suggestion was made to widen the road with an up turn for controlling water to offer an accessible path, as well as to identify a place for people to walk, bike, or use a motorized or manned wheelchair. It was noted that a current reality is that people use the road in Barriefield Village to walk on most of the time, as do motorized vehicles. The question for consideration was how to accommodate a degree of accessibility and address a need for something wider. It had been suggested that a decision made in the first two blocks would be continued along Main Street. Due to an east-west slope in those 2 blocks, minimal grading might be needed.

It was noted that following the previous discussion, documentation of options on how to proceed had been prepared and sent to various members who lived in village to get opinions.

Mr. Campbell advised that following the meeting in Barriefield, he had met with various Engineering staff to get their opinion on proposal. There was concern regarding a swale which would be created in front of asphalt walk when raised above road surface by 4-6". It was felt that the City are moving away from asphalt walks which are difficult to maintain, have a low life expectancy low, and which have safety concerns for pedestrians regarding the curb face. As a swale was not a good alternative from an Engineering perspective, as some barrier was needed between the walk and the surface of the road.

Further discussions noted that the best alternative was a 1 ½ metre standard sidewalk. Mr. Campbell noted that a 1 ½ metre walk had previously been installed two blocks to the north.

Mr. Gower summarized that the new proposal on the east side between James and Regent Streets indicates a raised sidewalk with the usual size curb which would be same as the raised 1.5 metre sidewalk further up street, and that the 3' sidewalk on the west side would be left as is.

To a question regarding a portion of the sidewalk that dips below the road, Mr. Campbell said removal of the sidewalk on the southwest side of the road is a possibility, but they are not prepared to do so at this time. Work including grading and archaeological issues would need to be explored before moving the sidewalk. He noted the main use is for people who use it for their house as they live there.

A previous recommendation for repair in front of 236 James Street was noted.

Ms. Lambert added that Heritage staff had consulted with Legal Services and the advice obtained indicated that this is a matter for Council to decide. She noted various ways the information could be provided to Council, and that it is unknown how the application process would fit into this process.

It was noted that there are two conflicting legislations.

To a question regarding the choice of side of the street, Mr. Cambell said that from an engineering perspective, the best place to build the sidewalk is on the east side of the road.

Members said that 5' sidewalks throughout the village would destroy the character of the village. It was noted that the rise in curb affects the Heritage character visually.

The Chair invited representatives of the Municipal Accessibility Committee who were present to speak.

They advised that they prefer to use sidewalks for their motorized vehicles, and that a 34" chair or a double stroller can't use a 36" sidewalk safely. They have been to Barriefield and wouldn't recommend the use of roads as a pedestrian route unless there were no cars using the road.

Mr. Letourneau noted that any work done by the municipality must be in compliance with the Accessibility for Ontarians with Disabilities Act. He said the challenge for municipalities is recognized at the provincial level as there is no guidance within the Accessibility Act regarding District Plans. Previous Regent Hill path discussions were referenced.

Mr. Cambell confirmed the Engineering Department position and that an application could be brought forward regarding a 1.5 metre sidewalk. Ms. Lambert reiterated that process details relating to an application or reports to Council will be determined further to discussions which have been held with the Legal Department. Members highlighted the application process and their position as an advisory body to Council.

ii Delegation regarding Request PRE-KMHC-003-2009 for a property located at 250 Main Street Barriefield Kingston requesting the evaluation of proposals for a house residential dwelling unit.
Schedule Pages 122-139.

Ms. Szabo, owner of the property, was present and provided an overview of the proposals.

Members referenced the specific requirements within the Barriefield Heritage Conservation District Plan such as those for height, and the way stone is used. The size of the railing and size of windows were queried with suggestions for minimizing them to be compatible with other homes in the village. It was noted that plans presented were not appropriate for a Heritage Conservation District but could be used elsewhere.

Ms. Szabo distributed another proposal for consideration.

Ms. Lambert provided comments further to a review of the District Plan for new construction. She suggested that the floor plan be accommodated with the depth of the lot rather than the width. The setback should be maintained for infilling in accordance with existing setbacks. Ms. Lambert identified a conflict in the plan relating to setbacks. She noted that the plan states that new construction is to maintain the height of adjacent properties. Ms. Lambert added that a Stage 1 archaeological assessment had been noted to the applicant during initial contact. A pre-consultation which had taken place with the Planning Department was noted, and Ms. Lambert suggested that consultation also take place with the Engineering Department.

Ms. Szabo advised that 248 Main Street is similar in some ways to this proposal, and that the setbacks are being maintained in accordance with the zoning. She said that the slope would be steeper if the house was put further to the back of the lot. Ms. Szabo recognized that their lot is lower than most lots.

Further to a discussion it was agreed that Mr. Downey would prepare a review of the proposal circulated as it relates to the Barriefield Plan to assist the Committee in providing guidance to the applicant. Members were requested to provide comments to Mr. Downey for the summary.

Ms. Lambert noted an approximate 8 week timing for the process for an application with final approval resting with Council.

iii. Delegation regarding Request PRE-KMHC-005-2009 for a property located at 366 King Street East requesting advice regarding the addition of a roof top patio with frame shade structure.
Schedule Pages 140-146.

Mr. Downey declared a possible pecuniary interest and abstained from the discussion.

Mr. Gower invited Mr. Downey, agent for the owner, to present the application.

Mr. Downey described the removable structure as depicted on page 142 of the agenda.

To a question regarding visibility from the street, Mr. Downey advised that it would probably be visible from upper Princess Street and from King Street, but visibility would not be as likely from a lower elevation to the east due to the height of the building and angle of the roof. He advised that the green penthouse on the roof will be visible.

Ms. Lambert advised that the property is subject to a municipal easement agreement and Council approval would be required for alterations or new construction that would affect the appearance of the façade. Mr. Downey noted that elevations would be required.

To a question regarding the height of the guard rail, Mr. Downey responded that the guard rail is 42" high and sits on a membrane which is approximately 5" off the deck. He noted the example of a roof top garden on the British Whig Building.

Ms. Lambert confirmed that the application would move through the regular application process and an evaluation would be conducted by staff and the committee under the terms of the agreement.

Mr. Downey returned to the discussion.

E. Heritage Property Grant Applications

F. Heritage Grant Applications Requesting Release of Funding

G. Heritage Property Grant Abandoned Applications

H. Heritage Property Tax Refund Applications

J. Property Designations

- i.* Consideration of a By-law to Amend By-law 84-650 for 19-23 Queen Street 'A By-law to designate Certain Properties to be of Historic and/or Architectural Value or Interest, pursuant to Section 29 of the Ontario Heritage Act'.

Schedule Pages 147-152.

*Moved by Mr. Cardwell
Seconded by Ms. Sypnowich*

WHEREAS Section 30.1 of the Ontario Heritage Act provides for the updating of existing designation by-laws; and

WHEREAS the 'Reasons for Designation for 19-23 Queen Street do not meet current provincial requirements; and

WHEREAS the Council of the Corporation of the City of Kingston approved on September 19, 2006 as Clause 7 of Report 108 the updating of designation by-laws for City of Kingston property; and

THEREFORE the Council of the Corporation of the City of Kingston hereby enacts as follows:

THAT the attached by-law entitled "A BY-LAW TO AMEND BY-LAW No. 84-650 "A By-law to designate Certain Properties to be of Historic and/or Architectural Value or Interest, pursuant to Section 29 of the Ontario Heritage Act " TO REFLECT ITS CULTURAL HERITAGE VALUE AND INTEREST be presented for third reading;

- and further –

THAT the Clerk of the Corporation of the City of Kingston shall:

- a) cause a copy of the by-law, together with a statement explaining the cultural heritage value or interest of the property and a description of the heritage attributes of the property to be served on both the owner of the property, and the Ontario Heritage Trust;
- b) shall cause a copy of the by-law to be registered against the property in the land registry office;

- and further -

THAT the property's entry on the City of Kingston's Heritage Properties register shall be amended to reflect the new by-law.

CARRIED

- ii.* Consideration of a Draft By-law to Amend By-law No. 9360A to reflect the Cultural Heritage value and Interest of Newcourt House - 889 King Street West.

Distributed Separately

Mr. Letourneau thanked Ms. Finley and Mr. Hill for their assistance with the research for this property. He advised that the draft by-law had been forwarded to St. Lawrence College for their review. He requested that comments be provided to him by members within the next two weeks.

K. Technical Circulations

i. Technical Circulation D09-038-2008, D14-131-2008 and D07-010-2008 for an Official Plan and Zoning By-law Amendment and Condominium for the creation of a 14 unit 'vacant land' condominium.

Schedule Pages 153-156.

ii. Technical Circulation D10-439-2009 and D10-440-2009 for consents for a property located at 176 Mowat Avenue to sever a lot containing an existing dwelling which was a former church rectory, and to permit a lot addition to 188 Mowat Avenue to recognize the historic boundaries of occupation and uses between the two properties.

**Please see 12th January 2009 agenda Schedule Pages 69-71.
Schedule Pages 157-172.**

At the meeting of 26th January 2009, the Committee of Adjustment made the following motion whereby further comments have been requested:

That Application D10-435-2009, for the property at 86 Sydenham Street, be deferred sine die in order for the owner/applicant to prepare a Heritage Impact Study and have it reviewed by the Heritage Planner and the Kingston Municipal Heritage Committee for further comments.

A recommendation of KMHC 12th January 2009 was noted as follows:

***THAT** further to consideration of Technical Circulation D10-439-2009 and D10-440-2009 for consents for a property located at 176 Mowat Avenue to sever a lot containing an existing dwelling which was a former church rectory, and to permit a lot addition to 188 Mowat Avenue to recognize the historic boundaries of occupation and uses between the two properties, it is recognized that there are very few examples of larger estate style homes remaining in the City of Kingston on grounds that respect the stature of the building. These examples are quickly being reduced through various severances like this, and this property will fall into the same line to have grounds for majestic buildings reduced to a fraction of its size through this severance. Therefore the severance should be denied. Streetscape is a component of the character of that building, and reducing the street frontage of this building will adversely affect its historic presence on the street as sitting on open grounds separated from adjacent buildings.*

Ms. Lambert advised that staff comments to the Committee of Adjustment were recommendations for the Heritage Impact Statement on new development as well as an archaeological assessment. The applicant would be required to prepare a statement of cultural heritage significance for staff to update the Designating By-law for the property.

Mr. Gower noted the confusion whereby the Committee had provided comments on a complete lot, and staff had dealt with it in a separate manner.

Councillor Glover advised he had attended the Committee of Adjustment (COA). He expressed concern that an assumption had been made that the severance was going ahead which differed from remarks by the Committee. He referenced a portion of a document requesting clarification from staff. He noted that the COA Committee had recognized conflicting statements from staff and had deferred the matter to gain insight into what Heritage staff and the Committee thought. He emphasized the importance of clarity and noted questions regarding process.

Ms. Lambert noted the positions of professional Heritage staff and the Heritage Committee who were each circulated with opportunity to comment. She further noted that decision making bodies often receive comments from groups that are seen as intertwined. As the decision maker, COA would be required to weigh two different sets of comments. She noted that staff comments on the technical circulation had no objections with certain conditions being in place such as a Heritage Impact Statement. She said that

reasons for designation would not be impacted. She recognized that recommendations would have some overlap, and noted other requirements. She advised that a complete package had been provided by staff. Mr. Gower queried the technical circulation including a building on a newly severed lot when a severance was being considered. He confirmed with the Clerk that the Committee of Adjustment had been forwarded a letter regarding Committee concerns. He noted that staff had reviewed the proposal in a different way from the Committee.

The timing for an archaeological assessment and Heritage Impact Statement was referenced, and it was noted that a severance could be vacant for a period of time. An impact would be determined when a developer would come forward.

Ms. Lambert noted that an applicant has one year from the date of a notice of decision to meet conditions.

Councillor Glover reiterated the differences of between staff and committee comments. He noted process issues and a possible standard comment that the Heritage Committee offer an opinion on the suitability of a request.

Mr. Letourneau advised that further to the outcomes of Ontario Municipal Board (OMB) hearings and court rulings, that he has advised the Committee regarding a requirement to focus on character defining elements in the designating by-laws to the Committee. He noted that the Reasons for Designation must be examined and those reasons taken into account for properties where a recommendation is appealable to the OMB.

- iii.* Technical Circulation D10-453-2009 (Consent for 140 Yonge Street), D10-454-2009 (Minor Variance for 140 Yonge Street) and D07-455-2009 (Minor Variance for 142 Yonge Street) for properties located at 140-142 Yonge Street.

Schedule Pages 188-190.

*Moved by Mr. Downey
Seconded by Mr. Sims*

***THAT** further to consideration of Technical Circulations D10-453-2009 (Consent for 140 Yonge Street), D10-454-2009 (Minor Variance for 140 Yonge Street) and D07-455-2009 (Minor Variance for 142 Yonge Street), there are no built Heritage concerns.*

CARRIED

- iv.* Technical Circulation D10-447-2009 for a minor variance for property located at 661 Davis Drive.

Schedule Pages 191-195.

Ms. Lambert advised that the property is not currently designated, that a circulation error has taken place, and that a circulation has been provided to Heritage staff.

- v.* Technical Circulation D10-449-2009 for a minor variance for a property located at 31 Lyons Street.

Schedule Page 196.

Ms. Lambert advised that the property is not currently designated, that a circulation error has taken place, and that a circulation has been provided to Heritage staff.

L. Motions

A Notice of the following motion was brought forward at the January 2009 meeting.

*Moved by Councillor Glover
Seconded by Mr. Downey*

That the following Notice of Motion be deferred to the March meeting to be considered in conjunction with the discussion regarding Heritage Impact Studies:

Moved by Councillor Glover
Seconded by Mr. Downey

THAT where an application for proposed changes to a property has been recommended for approval by the Kingston Municipal Heritage Committee and the recommendations have been approved by Council, that Council be requested to waive the requirement for a subsequent Heritage Impact Study.

CARRIED

M. Other Matters

- i. Request for withdrawal of Application P18-437-091-2008 for a property located at 412 Regent Street, Barriefield Village requesting approval to renovate an existing accessory structure with increased height, altered roofline and foundation.*

It was suggested at the January meeting that this application be withdrawn in order to meet requirements of the Ontario Heritage Act. A remedial solution has been proposed to take place in the spring which would be described within an Emergency Approval application submitted by the applicant.

*Moved by Mr. Downey
Seconded by Mr. Gemmell*

WHEREAS Application P18-437-091-2008 for a property located at 412 Regent Street, Barriefield Village requesting approval to renovate an existing accessory structure with increased height, altered roofline and foundation was considered by the Kingston Municipal Heritage Committee on 01st December 2008, and

WHEREAS a decision was deferred to the January 2009 meeting pending a site visit in December 2008, and

WHEREAS at the January meeting, a remedial solution was proposed to take place in the spring which would be described within the submission of an Emergency Approval application by the applicant, and

WHEREAS the owner agreed to the action described and to withdraw the application,

THEREFORE BE IT RESOLVED THAT Application P18-437-091-2008 for a property located at 412 Regent Street, Barriefield Village requesting approval to renovate an existing accessory structure with increased height, altered roofline and foundation **BE WITHDRAWN.**

CARRIED

OTHER BUSINESS:

UPCOMING EVENTS:

- i. 16th – 22nd February 2009 – Ontario Heritage Week 2009*

Schedule Pages 173-175.

- ii.* 23rd February 2009 – Course entitled 'Preserving Heritage Schools' held at Kensington Market Lofts, George Brown College.

Schedule Page 176.

CORRESPONDENCE/CIRCULATIONS:

A. Reports to/from Council

- i.* 12th January 2009 – Heritage Report No. 02 submitted to Council for consideration on 03rd February 2009.

Schedule Pages 177-179.

B. Correspondence Received as Information

- i.* Mr. Mac Gervan, Mac Gervan & Associates Ltd. Regarding concerns relating to a Heritage Impact Statement (HIS) for 86 Sydenham Street dated 12th January 2009.

Schedule Pages 180-187.

B. Correspondence Sent as Information

C. Correspondence and Memorandums Sent

Copies of the following correspondence were sent out from the Clerks' Department, and will be available at the meeting if a member wishes to review the full document:

Memorandum dated 17th December 2008 from Ms. Carolyn Downs, City Clerk to:

- i.* Ms. Cynthia Beach, Commissioner, Sustainability & Growth, regarding 'Motion (2) – January 6, 2009 – Sir John A. MacDonald Signage'.
- ii.* Ms. Cynthia Beach, Commissioner, Sustainability & Growth, regarding 'Withdrawal of By-Law 2009-15'.

Memorandum dated 15th January 2009 from Ms. Susan Powley, Committee Clerk to:

- i.* Mr. Ted Stratford, Secretary/Treasurer, Committee of Adjustment regarding 'Technical Circulation for Applications D10-439-2009 and D10-440-2009 for consents for a property located at 176 Mowat Avenue to sever a lot containing an existing dwelling which was a former church rectory, and to permit a lot addition to 188 Mowat Avenue.
- ii.* Mr. Ted Stratford, Secretary/Treasurer, Committee of Adjustment regarding 'Technical Circulation for Application D10-435-2009 for an application for minor variances at 86 Sydenham Street to convert a covered porch on the southerly laneway side into living space.

DOCUMENTS:

HERITAGE LINKS:

- i.* Ontario Heritage Act: www.e-laws.gov.on.ca:81/ISYSquery/IRLC6BE.tmp/16/doc
- ii.* Ontario Heritage Connection: www.ontarioheritageconnection.org
- iii.* Provincial Policy Statement: www.mah.gov.on.ca/userfiles/HTML/nts_1_23137_1.html

- iv.* Accessibility in Museums: <http://www.culture.gov.on.ca/english/heritage/museums/munote12.htm>
v. General Accessibility: <http://www.mcsc.gov.on.ca/NR/rdonlyres/F8C53147-3A0E-41F1-9C95-C8829DD5485C/1118/AGUIDETOANNUALACCESSIBILITYPLANNINGJan07E.pdf>

NEXT MEETING DATES:

Meetings for 2009 have been tentatively scheduled at 12:00 noon as follows:

- 02 March
- 06 April
- 04 May
- 01 June
- 06 July
- 10 August
- 14 September
- 05 October
- 02 November
- 07 December

ADJOURNMENT:

The meeting adjourned at 3:25 p.m.

