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June 17, 2024

via email

Members of Committee of Adjustment
City of Kingston
216 Ontario Street
Kingston, ON K7L2Z3

Re: 158 Earl Street, COA-24-052, Old Sydenham Heritage District

Dear Committee of Adjustment members,

The Frontenac Heritage Foundation is a not-for-profit charitable organization dedicated to the preservation of structures and sites of cultural and historical interest across the Kingston region. The group was founded in 1972, and for more than fifty years, the organization has provided input on various proposals and development applications being considered in the area.

Staff Report COA-24-052 deals with a proposal to replace existing rear gable dormers with a large shed dormer, and to reclad the street-facing dormers. The FHF has grave concerns about the proposed variances, noted as follows:

Variance No. 1 will allow for a setback of a minimum of 0.4 m. from the main wall. In empirical measurements, this is only 15.6 inches, and would be reduced to no setback at all.

Variance No. 2 the side wall of the dormer is setback a minimum of 1.0 m. from the edge of the roof on which it is located. The setback from the edge of the roof is proposed to be reduced to 0.1 m. (which is 3.9 inches).

And Variance No. 3 maximum cumulative length of all dormers on the same portion of a sloped roof is the lesser of 4.6 m. or 50% of the length of the roof on which it is located (3.95 m.) The proposed variance is 2.6 m.

The subject property has a Part IV designation by-law under the *Ontario Heritage Act* (OHA) which dates to 1993. The designation by-law clearly refers to the gable dormers which are located on the roof and does not specify which dormers are affected. In our view, all of these dormers are heritage attributes which should be protected.

The subject property is also located within the Old Sydenham Heritage Conservation District. The property is a short distance away from Chalmer's Church where a \$60,000 renovation is taking place on its heritage-protected stained glass windows. The Old Sydenham Heritage District includes more than 500 properties, and what happens with one property reverberates to other properties in the district, creating a very disturbing precedent. The District Plan in speaking to alterations on heritage buildings says simply: "...shed dormers are not recommended." (p. 38) The dormer at 160 Earl existed long before the District Plan took effect.

Members of the FHF have recent experience with the issue of a shed dormer at 106 Montreal Street, where similar revisions were permitted primarily because the dormer was proposed on the rear wall which was less obvious to the public. There, the new shed dormer encroached on the neighbour's property in the limestone row, and there were numerous issues with the way in which the shed dormer affected the neighbour's property.

The provisions in the zoning by-law (updated in 2022) have a basis in a Council-approved study which should not be ignored. The Downtown Residential Review study in the early 2000s dealt with this issue, and thus the zoning by-laws were updated to incorporate the related provisions dealing with shed dormers. (That material should be on the City's files.)

Further, the Urban Design Guidelines for Residential Lots approved by the City in its 2019 consolidation and now referenced in S. 8.3 of the City's Official Plan, refers specifically to this issue – saying that “Large, box-like, flat roofed dormers (i.e. shed dormers) are discouraged, particularly on the most prominent roof slope (i.e. front and exterior side elevations).”

In conclusion, the four tests required under S. 45 of the *Planning Act* for the approval of such an application include:

- 1) Is the application minor? Our view is that because of the precedent that this proposal sets for the Old Sydenham Heritage District, not one of the variances requested in our view should be considered as minor.
- 2) Does the application benefit the development of the subject site? The benefit to the landowner does not outweigh the adverse impact this change will have on the district.
- 3) Does the application maintain the intent of the Zoning By-law? In our view, the changes remove the importance of maintaining the existing dormers by minimizing all setbacks relating to the proposed shed dormer, so the proposal does not maintain the integrity of the zoning by-law provisions.
- 4) And fourthly, does this approval conform with the City's Official Plan? In our view, given the importance of protecting the Old Sydenham Heritage District, as noted in Section 7.3.C.9 of the Official Plan, and also the importance of meeting the Urban Design Guidelines as references now in S.8.3 of the City's Official Plan, there is some conformity with the Residential land use designation, but not with other critical provisions of the Official Plan.

To the Committee of Adjustment, we ask you to refuse this application, and allow the landowners to find a solution which is more amenable to protecting all of the dormers on this heritage house.

Thank you for your time and attention to this matter.

Sincerely,



Shirley Bailey, President