



City of Kingston
Report to Kingston Heritage Properties Committee
Report Number HP-24-031

To: Chair and Members of the Kingston Heritage Properties Committee

From: Jennifer Campbell, Commissioner, Community Services

Resource Staff: Kevin Gibbs, Director, Heritage Services

Date of Meeting: June 19, 2024

Subject: Application for Ontario Heritage Act Approval

Address: 221 Green Bay (P18-486)

File Number: P18-040-2024

Council Strategic Plan Alignment:

Theme: Corporate business

Goal: See above

Executive Summary:

The subject property at 221 Green Bay Road is a waterfront parcel on the north-west side of Green Bay Road. It is designated under Part V of the *Ontario Heritage Act* as part of the Barriefield Heritage Conservation District.

An application for alteration under Section 42 of the *Ontario Heritage Act* (P18-040-2024) has been submitted to request approval of a comprehensive landscaping plan for the property. While vegetation and tree planting do not require *Ontario Heritage Act* approval, the proposed landscaping plan also includes the erection of a wooden pergola over a sunken courtyard area, a white picket fence around the perimeter of the property with two arbor-topped gates, a 2.1 metre diameter round sauna structure, minor repairs to the existing front porch, and the extensive use of flagstone pavers, limestone steps and retaining walls throughout. Detailed plans, prepared by the owner and by Shades of Green Landscapes, have been provided with this application.

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This application was deemed complete on May 13, 2024. The *Ontario Heritage Act* provides a maximum of 90 days for Council to render a decision on an application to alter a heritage building under Section 42(4). This timeframe will expire on August 11, 2024.

Upon review of all the submitted materials, as well as applicable policies and legislation, staff recommend approval of the proposed scope of work, subject to the conditions outlined herein.

Recommendation:

That Kingston Heritage Properties Committee supports Council's approval of the following:

That the new construction at 221 Green Bay Road be approved in accordance with the details described in the application (File Number P18-040-2024), which was deemed complete on May 13, 2024, with said application to include the construction of various landscape structures including a pergola over a sunken courtyard, a wooden fence with arbour-topped gates and a wooden sauna, minor repairs to the existing front porch and a series of hard landscaping; and

That the approval of the application be subject to the following conditions:

1. All *Planning Act* applications shall be completed, as necessary;
2. All applications required by the Cataraqui Region Conservation Authority shall be completed, as necessary;
3. An Encroachment Permit shall be obtained, as necessary;
4. The owner shall indicate the location of existing water shut-off on a site plan, to the satisfaction of Utilities Kingston; and
5. Any minor deviations from the submitted plans, which meet the intent of this approval and do not further impact the heritage attributes of the property, shall be delegated to the Director of Heritage Services for review and approval.

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Options/Discussion:**Description of Application/Background**

The subject property at 221 Green Bay Road is a waterfront parcel on the north-west side of Green Bay Road (Exhibit A – Context Map). It is designated under Part V of the *Ontario Heritage Act* as part of the Barriefield Heritage Conservation District (HCD) and rated as a "non-heritage" building in the HCD Plan (Exhibit B – Property Inventory).

An application for alteration under Section 42 of the *Ontario Heritage Act* (P18-040-2024) has been submitted to request approval of a comprehensive landscaping plan for the property. While vegetation and tree planting are exempt from needing approval under the Act (Section 5.2 of the Village Barriefield HCD Plan), the proposed landscaping plans also include the erection of a 3.6 metre by 3.6 metre (12 foot by 12 foot) pergola over a sunken courtyard area created by "Techo Bloc Brandon Wall" retaining walls, an approximately 1 metre tall white picket fence around the perimeter of the property with two gates topped by arbor features, a 2.1 metre (7 foot) diameter round 1.8 metre (6 foot) long sauna structure, and the extensive use of flagstone pavers and limestone steps throughout. Minor like-for-like repairs to the existing front porch and steps are also proposed.

Detailed plans, prepared by the owner and by Shades of Green Landscapes, have been provided with this application and are attached as Exhibit C – Concept Plans.

The submission materials in their entirety 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. Submission materials may also be found by searching the file number.

This application was deemed complete on May 13, 2024. The *Ontario Heritage Act* provides a maximum of 90 days for Council to render a decision on an application to alter a heritage building under Section 42(4). This timeframe will expire on August 11, 2024.

Reasons for Designation/Cultural Heritage Value

221 Green Bay Road is designated under Part V of the *Ontario Heritage Act* as part of the Barriefield Heritage Conservation District (HCD), adopted in 1979. The most recent version of the Village of Barriefield HCD Plan was approved by Council on September 20, 2016, through By-Law Number 2016-173.

The Village of Barriefield HCD Plan Inventory (Appendix A) identifies the property as 'non-heritage'. The Inventory notes that the dwelling was built in 2003, to plans by Ian Moffat of Truehaven Designs. The Property Inventory Evaluation has been included as Exhibit B.

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Cultural Heritage Analysis

Applicable Local Policies/Guidelines

While 221 Green Bay Road is not rated as a “heritage” building by the Village of Barriefield HCD Plan Inventory (Exhibit B), it is still considered a part of the district and contributes to the overall heritage character of the HCD. The proposed works are required to be undertaken in accordance with the Village of Barriefield Heritage Conservation District Plan (District Plan). Other applicable by-laws, policy and guidance (including Parks Canada’s ‘Standards and Guidelines for the Conservation of Historic Places in Canada’) should also be considered and followed in order to ensure that the new structures complement and enhance the District.

Section 41.1(5) of the *Ontario Heritage Act* requires HCD Plans to include a section outlining the types of alterations that are considered “minor in nature” and which the owners can carry out without obtaining prior approval under the Act. Section 5.0 of the District Plan includes a list of exempt alterations for both private and public lands. Section 5.2(h) exempts the “installation or removal of vegetative landscaping, such as planting beds, shrubbery and trees...” As a result, this aspect of the proposed landscaping plan is not subject to this application. The owners are; however, encouraged to follow the guidelines in Section 4.7 of the District Plan related to landscape conservation.

Summary of Project Proposal and Impact Analysis

Section 2.0 of the District Plan provides a Statement of Cultural Heritage Value for the entire district. This includes a value statement, as well as a list of heritage attributes, which include: “The rural village character” which is defined by the naturally sloping streets and a built form of primarily single-detached dwellings of a consistent scale and massing, pitched gabled roofs, with wood or stone exteriors and prominent front doors. The subject property contributes to these attributes, making it a culturally important part of the District.

Section 3.0 of the District Plan speaks to the goals and objectives for the District as a whole, which includes “to protect and enhance the setting, both built and natural which contributes to Barriefield’s identity and character” and “to maintain and preserve natural features such as the Great Cataraqui River banks, existing trees, treelines, and fencerows within the District.”

Section 4.5.3 of the District Plan includes specific policies related to detached accessory structures, which echo the intents of Standard 11 of Parks Canada’s Standards and Guidelines for the Conservation of Historic Places in Canada (Standards and Guidelines), which directs that new construction should be “physically and visually compatible with, subordinate to and distinguishable from the historic place.” In addition, Section 4.5.3 requires that new ancillary structures be detached and located to the rear of the main building away from the street and that they should be of a lower profile than the principal structure and clad in a like or complementary material. The proposed pergola and sauna structures are to be constructed/clad in wood and located in the rear yard. The sauna will be located over 16 metres from the road and screened by a series of evergreen spruce trees, while the pergola will be located to the rear of the main dwelling and behind the detached garage.

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Section 4.5.3 also indicates that accessory structures may require approvals from other agencies such as Cataraqui Conservation. While both structures are smaller than the minimum required size to obtain a building permit, as noted in their comments below, prior approval from the conservation authority is required for this scope of work. Obtaining of approvals from the conservation authority is included as a condition of approval.

Section 4.7.2 of the District Plan provided guidance related to fencing, walls and steps. It suggests that historical documentations and examples from elsewhere in the District should be used to help guide the location and design of fences, walls and steps. This section encourages fencing to define the edge of properties but recommends that it be limited in height to no more than 1 metre tall when installed in the front yard. The owners have provided a detailed submission (Exhibit C – Concept Plans) including not only a description of the proposed features but also examples of similar features from the District. The flagstones and steps are to be natural limestone, while the retaining wall around the sunken courtyard is to be an engineered stone that closely resembles limestone. The proposed fencing is to be a wooden white picket style with a maximum height of 1 metre and include a simple arbor over each of the two entrance gates, examples of which are found elsewhere in the District.

Results of Impact Analysis

These proposed changes will not physically impact any built heritage features of the District; however, they will have an impact on the streetscape and character of this area. While the scope of the application is ambitious, the lands along the shoreline in the Green Bay Road area have been landscaped and altered in recent years with the build-out of this street and community. Further landscaping will have a neutral impact on the already altered nature of this shoreline. The vegetative plantings proposed are exempt from heritage approvals and no trees are proposed for removal. The structures and hard landscaping comply with the policies and guidelines of the Village of Barriefield HCD Plan.

Heritage Planning staff support the proposal as it aligns with the goals and objectives of the HCD Plan and upholds the heritage conservation objectives set out within the City of Kingston's Official Plan, and the direction given by the Provincial Policy Statement, the Ontario Heritage Tool Kit, and Parks Canada's Standards and Guidelines for the Conservation of Historic Places in Canada.

Previous Approvals

None on file

Comments from Department and Agencies

The following internal departments have commented on this application and provided the following comments:

Building - A building permit is not required for the proposed scope of work; however, the applicant is advised to contact Cataraqui Conservation for permit requirements.

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Cataraqui Conservation - Due to the location in proximity to the Cataraqui River and associated Provincially Significant Wetland, the owners will need to obtain a permit from Cataraqui Conservation under Ontario Regulation 41/24 for the proposed landscaping features and any associated excavation, grading and placement of fill. Based on an initial review, we don't have any specific concerns with the landscaping features. The proposed pergola and other structures are less than the minimum structure size that we regulate – so they won't need approvals from us for these.

Engineering - No objections with the application. The City of Kingston requires that drainage be maintained on each individual property. The owners are to ensure that lot drainage does not adversely affect any neighbouring properties during or after construction.

Planning - The subject property is zoned HCD1 in Kingston Zoning By-Law 2022-62 and is subject to Legacy Exception L489. L489 permits a water setback of 10.0 metres. The applicant is to confirm the distance of the sauna to the high-water mark to ensure compliance with the 10.0 metre setback requirement. No fence, pergola or landscaping concerns.

Public Works - No objection in principle to this proposal, however Public Works has concerns with the proximity of ornamental features proposed such as interlocking stone, wooden fence etc. to the public sidewalk or road as these are maintained through the winter. Keeping a distance from the sidewalk or road allows the ploughs to move quickly leaving snow piles on either side of the plough, which could damage the fence if too close.

Transportation - Please be advised that the city's boulevard areas (from the private property line to the road) with or without a sidewalk shall remain in a natural grass condition only, as such the landscaping proposed within the boulevard will not be approved. The existing staircase that extends into the boulevard will require an application for an inadvertent encroachment and the appropriate circulation would be completed to ensure there are no concerns with the existing staircase in the boulevard. We do encourage residents to follow any green goal initiatives within the limits of their own properties provided these proposals comply with all applicable by-laws. If the owner is interested in having the boulevard area reviewed for potential tree planting as part of the city's planting program, then please contact customer service to request an assessment.

Utilities Kingston - Utilities Kingston is requesting the owner to show the existing water shut-off on the site plan.

Consultation with Heritage Properties Committee

The Heritage Properties Committee was consulted on this application through the [DASH](#) system. Three members of the committee provided written comments on this application. No substantial concerns were expressed. The Committee's comments have been compiled and attached as Exhibit D and provided to the applicant.

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Conclusion

Staff recommends approval of the application File Number (P18-040-2024), subject to the conditions outlined herein.

Existing Policy/By-Law:

Standards and Guidelines for the Conservation of Historic Places in Canada (Parks Canada)

Ontario Heritage Act, R.S.O. 1990, C.O. 18 (Province of Ontario)

Ontario Heritage Tool Kit (Ministry of Citizenship and Multiculturalism)

City of Kingston Official Plan

Village of Barriefield Heritage Conservation District Plan

By-Law Number 2013-141 Procedural By-Law for Heritage

Notice Provisions:

Pursuant to Section 42(3) of the *Ontario Heritage Act (OHA)*, notice of receipt of a complete application has been served on the applicant.

Contacts:

Kevin Gibbs, Director, Heritage Services, 613-546-4291 extension 1354

Joel Konrad, Manager, Heritage Planning, 613-546-4291 extension 3256

Ryan Leary, Senior Planner, Heritage, 613-546-4291 extension 3233

Exhibits Attached:

Exhibit A Context Map

Exhibit B Property Inventory

Exhibit C Conceptual Plans

Exhibit D Correspondence Received from Committee

Exhibit E Final Committee Comments from June 19, 2024



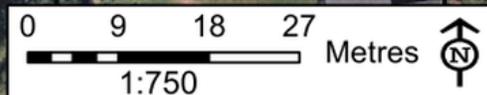
Kingston Heritage Properties Committee Neighbourhood Context

Address: 221 Green Bay Rd
File Number: P18-040-2024
Prepared On: Apr-16-2024

- Subject Lands
- Property Boundaries
- Proposed Parcels



Prepared By: ncameron
Prepared On: Apr-16-2024



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Name:

Address: 221 Green Bay Road

Property Number:
1011090090062070000.00

Lot: PLAN 1963 LOT 1 RIDEAU
CANAL



Property Type:	Residential
Era/Date of Construction:	2003
Architect/Builder:	Designed and built by Ian Moffat, Truehaven Designs
Building style/Influence:	Contemporary
Materials:	Frame
Number of Bays:	Three, with two bays on one storey east house extension
Roof Type	Cross gable
Building Height:	One and one half storey with raised basement
Alterations:	Retaining wall constructed (2003).
Landscape/setting:	Open lawn, mixed shrubs and specimen trees
Heritage Value:	Non-heritage

RE: HERITAGE APPLICATION P18-040-2024 - 221 Green Bay Rd

FLAGSTONE

Example: The flagstone in the photos below is similar to the flagstone planned for our project. The photos below are of a property in Barriefield Village.



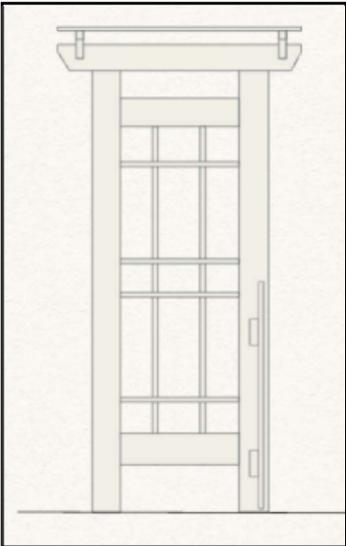
RE: HERITAGE APPLICATION P18-040-2024 - 221 Green Bay Rd

ARBORS (both arbors in the plan will be of the same design)

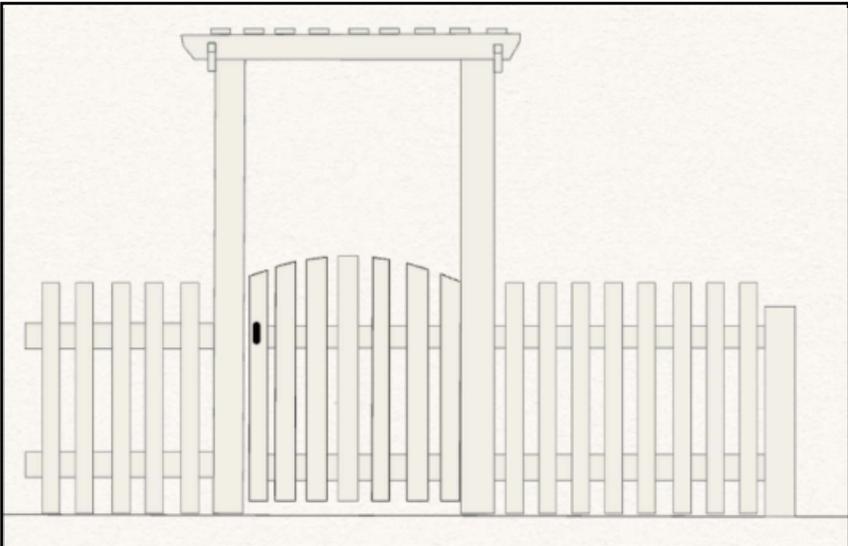
Size: Approximately 3'x7' — large enough for one person to walk through.

Materials: Cedar, painted in existing house trim colour. Lumber: 2x4, 4x4, 1x2.

Sketch of Arbor and Picket Fence



Profile



View from street



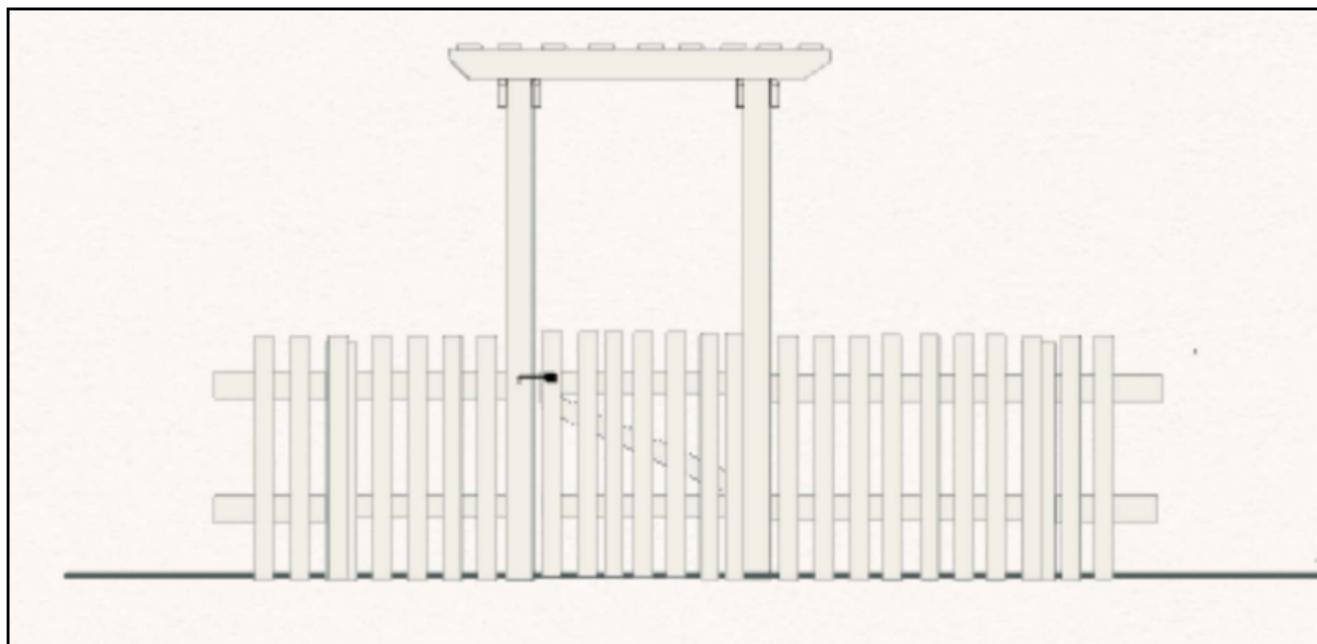
Left: This gate and arbor, from a property in Barriefield, is a design inspiration for our proposed arbors.

PICKET FENCE

Size: 1m or less in height

Materials: Cedar, painted in existing house trim colour. Lumber: 4x4 posts, 2x4 rails, 1x3 pickets. Picket spacing approx. 1:1.

Sketch of Planned Picket Fence



Examples of Barriefield picket fences informing our design



RE: Heritage Application P18-040-2024 - 221 Green Bay Rd

Pergola

Size: 12'x12' (144sq/ft). Or, 3.6m x 3.6m (13.3sq/m). It is under the 15sq/m size that requires a building permit per Cheyenne at the Kingston Building Dept.

Zoning By-laws: The pergola will comply with relevant zoning by-laws including the 1.2m setback rule

Materials: Cedar, left untreated to age OR painted in existing house trim colour.

Example:

Our pergola plan is based on the pergola pictured below. This pergola is located in Barriefield Village.



RE: Heritage Application P18-040-2024 - 221 Green Bay Rd

Cedar Barrel Sauna (manufactured by Moonlight Sauna — moonlightsauna.ca)

Size: 7' diameter cedar barrel x 6' long. Suitable for 2-4 persons per Moonlight Sauna purchase quote. It is the smallest sauna the company offers.

By-laws: The cedar barrel sauna will comply with relevant zoning by-laws including the 1.2m setback rule

Materials: Cedar, left untreated to age. The sauna, soak tub and pergola each in natural cedar will create a consistent colour palette as the materials age together.

HCD Example:

Our Moonlight sauna is a smaller version of the Moonlight sauna at Kingston's Frontenac Club (225 King St. E) in the Old Sydenham HCD and it is similar in size, shape and materials to another barrel sauna at a property in Barriefield.

For additional information please visit moonlightsauna.ca



Moonlight sauna at Kingston's Frontenac Club

Kingston Heritage Properties Committee

Summary of Input from Technical Review Process

P18-040-2024

Committee Members	Comments Enclosed	No Comments Provided	No Response Received
Councillor Glenn			X
Councillor Oosterhof			X
Jennifer Demitor			X
Gunnar Heissler			X
Alexander Legnini			X
Jane McFarlane	X		
Peter Gower	X		
Ann Stevens	X		
Daniel Rose			X



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City of Kingston
216 Ontario Street
Kingston, Ontario
Canada, K7L 2Z3

Website: www.cityofkingston.ca

TTY: Dial 613-546-4889

Date:	April 30, 2024
Form:	Heritage Properties Committee Reviewer Form
Reviewer Name:	Jane McFarlane
Application Type:	Heritage Permit
File Number:	P18-040-2024
Property Address:	221 GREEN BAY RD

Description of Proposal:

The subject property is a waterfront parcel on Green Bay Road. It is designated under Part V of the Ontario Heritage Act as part of the Barriefield Heritage Conservation District (HCD) and rated as a "non-heritage" building. The owners are seeking heritage approval of their comprehensive landscaping plans. While vegetation and tree planting are exempt from needing Heritage Act approval (Section 5.2 of the HCD Plan), the proposed landscaping plans also include the erection of a 12' by 12' pergola over a sunken courtyard area, a white picket fence around the perimeter of the property with two arched arbour gates, a 7' diameter round sauna structure, and the extensive use of flagstone pavers and limestone steps throughout. Detailed plans, prepared by the owner and by Shades of Green Landscapes, have been provided with this application.

Comments for Consideration on the Application:

I wish there could have been renderings made as to how this would look. I think it seems tastefully designed in keeping with the surroundings.



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Date:	May 7, 2024
Form:	Heritage Properties Committee Reviewer Form
Reviewer Name:	Jane McFarlane
Application Type:	Heritage Permit
File Number:	P18-040-2024
Property Address:	221 GREEN BAY RD

Description of Proposal:

The subject property is a waterfront parcel on Green Bay Road. It is designated under Part V of the Ontario Heritage Act as part of the Barriefield Heritage Conservation District (HCD) and rated as a "non-heritage" building. The owners are seeking heritage approval of their comprehensive landscaping plans. While vegetation and tree planting are exempt from needing Heritage Act approval (Section 5.2 of the HCD Plan), the proposed landscaping plans also include the erection of a 12' by 12' pergola over a sunken courtyard area, a white picket fence around the perimeter of the property with two arched arbour gates, a 7' diameter round sauna structure, and the extensive use of flagstone pavers and limestone steps throughout. Detailed plans, prepared by the owner and by Shades of Green Landscapes, have been provided with this application.

Comments for Consideration on the Application:

The photos included on DASH providing context for the built forms in the application, from other Barriefield HCD properties are appreciated. In addition, a few photos of the property as it exists now, would have been useful when reviewing this application.

Noted on the Final Landscape Plan is "existing (front) wood stairs repair and restore". More details and photos regarding this would also be helpful to Committee.

It is somewhat difficult to assess the visual impact of this proposal from the street and river without either a simple rendering or diagram giving a sense of the height of application components in relation to the existing structures and slope of the property.



City of Kingston
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Kingston, Ontario
Canada, K7L 2Z3

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TTY: Dial 613-546-4889

Date:	May 10, 2024
Form:	Heritage Properties Committee Reviewer Form
Reviewer Name:	Peter Gower
Application Type:	Heritage Permit
File Number:	P18-040-2024
Property Address:	221 GREEN BAY RD

Description of Proposal:

The subject property is a waterfront parcel on Green Bay Road. It is designated under Part V of the Ontario Heritage Act as part of the Barriefield Heritage Conservation District (HCD) and rated as a "non-heritage" building. The owners are seeking heritage approval of their comprehensive landscaping plans. While vegetation and tree planting are exempt from needing Heritage Act approval (Section 5.2 of the HCD Plan), the proposed landscaping plans also include the erection of a 12' by 12' pergola over a sunken courtyard area, a white picket fence around the perimeter of the property with two arched arbour gates, a 7' diameter round sauna structure, and the extensive use of flagstone pavers and limestone steps throughout. Detailed plans, prepared by the owner and by Shades of Green Landscapes, have been provided with this application.

Comments for Consideration on the Application:

As long as this conforms to all of the landscaping regulations for the HCD, I have no objections.

Summary of Final Comments at the June 19, 2024 Heritage Properties Committee Meeting

The Committee did not provide comment.