



**City of Kingston
Report to Heritage Kingston
Report Number HK-19-040**

To: Chair and Members of Heritage Kingston
From: Lanie Hurdle, Interim Chief Administrative Officer
Resource Staff: Paige Agnew, Director, Planning, Building & Licensing Services
Date of Meeting: August 21, 2019
Subject: Application for Heritage Permit under the *Ontario Heritage Act*
Address: 72-82 Sydenham Street P18-362
File Number: P18-046-2019

Executive Summary:

The subject property is located at the northwest corner of Sydenham and William Streets in the Old Sydenham Heritage Conservation District (HCD). The property contains an 1851 limestone church, known locally as The Spire. *Heritage Act* approval, File Number P18-039-2017, was granted for a new barrier-free access ramp and repairs to the door on the southern (William Street) side of the building on September 19, 2017.

An application for alteration under Section 42 of the *Ontario Heritage Act*, File Number P18-046-2019, has been submitted to request heritage approval for the inclusion of two new paved areas for seating and bicycle storage, a bicycle rack and two new lamp posts. The applicant would also like to attach a small sign to the hand rail to the left of the stairs. Detailed concept plans have been prepared by Mikaela Hughes Architect Inc. and are included in the submission.

The application is supported (with conditions) from a heritage conservation perspective, as the new installation will have no impact on the heritage attributes of the property or character of the Old Sydenham HCD. However, given the objections raised by technical staff, the proposed relocation of the existing bench and installation of a lamp post onto the City's right-of-way is not supported.

This application was deemed complete on July 16, 2019. 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 October 14, 2019.

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Recommendation:

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

That alterations to the property at 72-82 Sydenham Street be approved in accordance with the details described in the application (File Number P18-046-2019), as amended herein, which was deemed complete on July 16, 2019, with said alterations to include the construction of two new paved areas; the installation of one new lamp post on private property; and the alteration of the hand rail to accommodate a new sign and bicycle rack; and

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

1. The proposal to install a bench and lamp post on the City's right-of-way are not approved and the applicant shall remove these items from the plans;
2. The applicant shall amend the proposed sign area of the new sign to be no greater than 0.18 square metres, or obtain an exemption from the Sign By-Law through clause 6.2 of By-Law Number 2009-140, as amended, as necessary;
3. The applicant shall ensure utility locates are completed before any excavation or re-grading;
4. Should any service valves be located within the paved areas, the applicant shall ensure they are brought up to grade in order to remain accessible/operable, to the satisfaction of Utilities Kingston;
5. Details of the finalized design for the lamp posts and sign shall be submitted to Heritage Planning staff to ensure that the heritage attributes of the property are conserved; and
6. Any alteration that interfaces with the masonry of the building shall comply with the City's Policy on Masonry Restoration in Heritage Buildings.

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Authorizing Signatures:

ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER

**Lanie Hurdle, Interim Chief
Administrative Officer**

Consultation with the following Members of the Corporate Management Team:

Peter Huigenbos, Acting Commissioner, Community Services	Not required
Jim Keech, President & CEO, Utilities Kingston	Not required
Desirée Kennedy, Chief Financial Officer & City Treasurer	Not required
Sheila Kidd, Commissioner, Transportation & Public Works	Not required
Deanne Roberge, Acting Commissioner, Corporate Services	Not required

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

The subject property is located at the northwest corner of Sydenham and William Streets in the Old Sydenham HCD. The property contains an 1851 limestone church, known locally as The Spire.

Ontario Heritage Act approval, File Number P18-039-2017, was granted for a new barrier-free access ramp and repairs to the door on the southern (William Street) side of the building on September 19, 2017. The design of the ramp has been refined slightly, but meets the intent of the previous approval and is not the subject of the current application.

An application for alteration under Section 42 of the *Ontario Heritage Act*, File Number P18-046-2019, has been submitted to request heritage approval for the inclusion of new paved areas for seating and bicycle storage, a bicycle rack and two new lamp posts. The paved areas will constitute grey concrete paver stones in a simple pattern. The door and trim are to be painted a light green and the new bike rack, railings and lamp posts will be a darker green. The head of the lamp posts are to be designed by a local artist and placed on the 2 metre tall posts. The bench currently exists on site and it is to be relocated to the new paved area near the sidewalk. The applicant would also like to alter the hand rail to the left of the stairs to accommodate a new sign. The sign is to be 30 inches by 24 inches in size and constructed as part of the staircase handrail. The face of the sign will be either a fixed sign or a digital sign, whereby the message can be changed remotely. The sign will not be animated but may be illuminated either internally or externally.

Detailed concept plans have been prepared by Mikaela Hughes Architect Inc. and are included in the submission and attached as Exhibit C.

All submission materials 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, or submission materials may also be found by searching the file number.

This application was deemed complete on July 16, 2019. 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 October 14, 2019.

Reasons for Designation

The property containing the limestone church, originally built for the Wesleyan Methodists, was designated under Part IV of the *Ontario Heritage Act* in 1984 through By-Law Number 84-65 and amended to include certain interior attributes in 1987 through By-Law Number 87-179 (reaffirmed through By-Law Number 2000-204A).

The reasons for the designation of 72-82 Sydenham Street relates to architectural and historic value, and include the following:

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This Church, designed by William Coverdale was started in 1851 and the fine tower with slender spire was added in 1854. Extensive interior work was done in 1878 to plans by John Power.

It was included in the Old Sydenham HCD created pursuant to Part V of the *Ontario Heritage Act* in 2015. The Property Inventory Evaluation rates this property as 'significant' to the district. The Property Inventory Evaluation does not include the later addition portion of the building as a character defining element. Both by-laws and the Property Inventory are attached as Exhibit B.

Cultural Heritage Analysis

Staff visited the subject property on July 16, 2019. This limestone church is a prominent landmark in the area and contributes to the heritage character of the Old Sydenham HCD.

This application proposes to install additional features to the previously approved barrier-free access ramp at the William Street entrance. The assessment of this application is summarized below through references to the relevant sections of the Old Sydenham Heritage Area HCD Plan.

Sections 1.0

This section does not directly apply to the evaluation of this proposal. Section 1.0 provides an introduction and history to the designation of the Old Sydenham HCD, an explanation of what an HCD is, describes the contents of an HCD Plan, provides the legislative background for an HCD designation and lastly highlights the benefits of a HCD designation.

Section 2 (Statement of Objectives)

Section 2.2 provides a Statement of Cultural Heritage Value or Interest for the entire District. This statement includes a value statement as well as a list of heritage attributes, which are those physical components of the District that express its cultural heritage value. In assessing the impact of this application on the District, the key question that staff must answer is whether the proposed alterations conserve the District's heritage attributes or whether they will have a negative impact.

Additionally, Section 2.3 of the Plan provides a description of sub-area heritage attributes, and again staff must determine whether the proposal will conserve or negatively impact these attributes. This proposal is located in the 'Beyond Bagot' sub-area and its attributes are described in Section 2.3.3. Through the evaluation of this proposal, staff find that the proposal conserves the heritage attributes of the District and those of the Beyond Bagot sub-area.

The following is a list of the heritage attributes of relevance to this proposal; a full list of the District's attributes can be found in Section 2.2 of the District Plan:

The District:

- Varied ages, styles and types of buildings, with both vernacular and architect-designed examples of over two centuries of architectural styles;
- The presence of landmark civic properties (school, courthouse/registry office, churches) integrated within a residential neighbourhood and dominating the skyline;

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- A generally high standard of care for buildings and landscapes; and
- Physical evidence and historical associations with every stage of Kingston's history.

The attributes of the Beyond Bagot sub-area are found in Section 2.3.3 of the HCD Plan and, as they relate to this proposal, include:

- A wide range of building types, materials and ages;
- Prominent buildings on street corners; and
- Buildings associated with some of Kingston's best architects.

Section 2.5 (Designation Goals and Objectives) speaks to the goals and objectives for the District as a whole, Heritage Buildings, Landscapes and Streetscapes, and Land Use. The application supports the goals as presented in the District Plan, specifically in relation to the goals for Heritage Buildings (2.5.2), which states "fostering continuing use of heritage buildings".

Lastly, this proposal complies with the policies for the District and Landscapes/streetscapes as outlined in Sections 2.6.1 and 2.6.3. The proposal will maintain the distinct heritage character of Old Sydenham and the alterations proposed in this application are being undertaken in accordance with the policies and guidelines of the District Plan.

Section 7.0

Section 7 of the Old Sydenham HCD Plan establishes a policy framework for the consideration of "Public and Private Landscapes". The street trees and landscaping of the space between buildings and the streets are an important part of the streetscape and character of the Old Sydenham HCD. The proposal has been considered against these policies as summarized below.

Section 7.2 (General Guidelines for Streetscapes and Landscapes)

As noted in the application, the intention is to widen the current access path from the sidewalk to the stairs and new ramp, in order to provide a small seating area with lighting and a level area for bicycle storage. Section 7.2 notes that "proposals to widen sidewalks, including responses to accessibility requirements, should be carefully considered for their impact on street trees and front yard landscaping." It further notes "there is considerable variety in private front yard and municipal boulevard landscape treatments throughout the district, the characteristics of which should be retained and used as a basis for new treatments." The two small pads, constructed of grey paver bricks, will have minimal impact on the heritage attributes of the property or the district. From a functionality perspective, the proposed paved areas will create easier access for bicycle storage and will allow for the creation of a resting area at the bottom of the new barrier-free ramp. The paved areas do not play a role in the access or functionality of the ramp itself. As is noted below, while the paved areas are permitted on City property, the installation of more permanent structures, such as the new lamp post and bench, are not permitted.

Section 7.7 (Signage and Street Furniture)

The applicants wish to relocate an existing bench onto the new paved pad near the sidewalk, and incorporate both a bicycle rack and sign into the new handrails on the left side of the new staircase. Section 7.7 notes that "street furnishings such as benches, trash receptacles and

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bicycle racks are a minor component of the district streetscape” and that “new furniture should be compatible with the district’s heritage character but not falsely historic”. The new sign may be electronic; however, the applicants have confirmed that it will not be animated or overly bright. The design of the new sign and bicycle rack are simple and discretely located as to not detract from the prominence of the heritage buildings and attributes of the District.

The new lamp posts are proposed to be 2.1 metres tall on metal posts, painted (dark green) to match the hand rails, bicycle rack and sign frame. The top of the lamp posts are to be designed by a local artist, but are to be simple and will not compete with the heritage character of the area. Staff have included as a condition of approval that the design of the lamp posts and sign be reviewed and approved by Heritage staff prior to final approval.

It should be noted that while the new sign, lamp posts and bench are supportable from a heritage impact perspective, comments from the technical agencies (outlined below) note concerns with the placement of these features from operational and City by-law perspectives. The City’s Sign By-Law does not permit signs of this size in a residential zone. The proponents will need to reduce the size of the sign face area to no greater than 0.18 square metres (2 square feet) or apply for relief from the Sign By-Law. This requirement has been included as a condition of *Heritage Act* approval.

The objections from the Engineering Department do not provide for any formal relief. While the pavers can be easily removed, should work within the City’s right-of-way be required, structures such as a fixed bench or lamp post are not permitted on the City’s property. Given this objection, heritage staff cannot support the installation of the bench and lamp post within the City’s right-of-way as proposed and recommend they be removed from the proposal. The applicant is aware of this restriction, but wishes to proceed as submitted.

Conclusion

In summary, the proposed alterations will improve the functionality of the subject property, while not detracting from the heritage attributes or cultural heritage value of this part of the Old Sydenham HCD.

Heritage Planning staff are of the opinion that the proposal, as modified, conforms to the intent, goals and policies of the HCD Plan and will uphold the heritage conservation objectives set out within the City of Kingston’s Official Plan, the Ministry of Tourism, Culture and Sports’ eight guiding principles in the conservation of built heritage properties, and Parks Canada’s Standards and Guidelines for the Conservation of Historic Places in Canada. Broadly, the application will:

- Achieve the goal of Section 7.0 (City of Kingston Official Plan): Conserve and enhance built heritage resources within the city so that they may be accessed, experienced and appreciated by all residents and visitors, and retained in an appropriate manner and setting, as a valued public trust held for future generations.
- Achieve Principle Number 7 - Legibility (Eight Guiding Principles in the Conservation of Built Heritage Properties, Ministry of Tourism, Culture and Sport): New work should be distinguishable from old.

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- Achieve Standards 9 and 12 (Parks Canada's Standards and Guidelines for the Conservation of Historic Places in Canada): Make any interventions needed to preserve character-defining elements physically and visually compatible with the historic place. Create new construction so that the essential form and integrity of an historic place will not be impaired if the new work is removed in the future.

Previous Approvals

P18-089-2017DA	Modify existing sign.
P18-039-2017	New barrier-free ramp.
P18-362-071-2014DA	Masonry repair and painting on main tower.
P18-362-067-2014DA	Repairs to window in upper tower.
P18-362-110-2009	Interior renovation to the chancel area.

Comments from Departments and Agencies

This application was circulated to a number of internal departments who provided the following comments:

Building Division: The subject property is located in the residential 'Three to Six-Family Dwelling Zone B'. By-Law Number 2009-140, 'A By-Law to Regulate Signs in the City of Kingston' relies upon the zoning of a property versus the usage, and does not permit signs in a residential zone, nor does it permit illuminated signs within 30 metres of a residential zone (clause 5.8). The proponents will need to apply to the City's Appeals Committee should they wish to proceed with the proposed sign. It should be noted that signs with a Sign Area of no greater than 0.18 square metres (2 square feet) are exempt from the by-law (clause 6.1b).

Engineering Department: Please remove all above ground items from the municipal right-of-way (i.e. lamp post and bench).

Planning Division: The subject property is designated 'Residential' in the City's Official Plan. It is zoned in the 'Three to Six-Family Dwelling Zone B' in Zoning By-Law Number 8499. A church is a permitted use in the B Zone.

Utilities Kingston: The applicant should ensure locates are obtained before any excavation and re-grading. Should there be any service valves within the paver area they shall be brought up to grade in order to remain accessible/operable.

Consultation with Heritage Kingston

Heritage Kingston was consulted on this application through the [DASH](#) system. The Committees' comments have been compiled and attached as Exhibit D. No concerns were received from responding members.

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)
 City of Kingston Official Plan

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Old Sydenham Heritage Area Heritage Conservation District Plan
Designating By-Law Numbers 84-65; 87-179; and 2000-204A
City of Kingston's Policy on Masonry Restoration on Heritage Buildings

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.

Accessibility Considerations:

Not applicable

Financial Considerations:

Not applicable

Contacts:

Andrea Gummo, Acting Manager, Policy Planning 613-546-4291 extension 3256

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

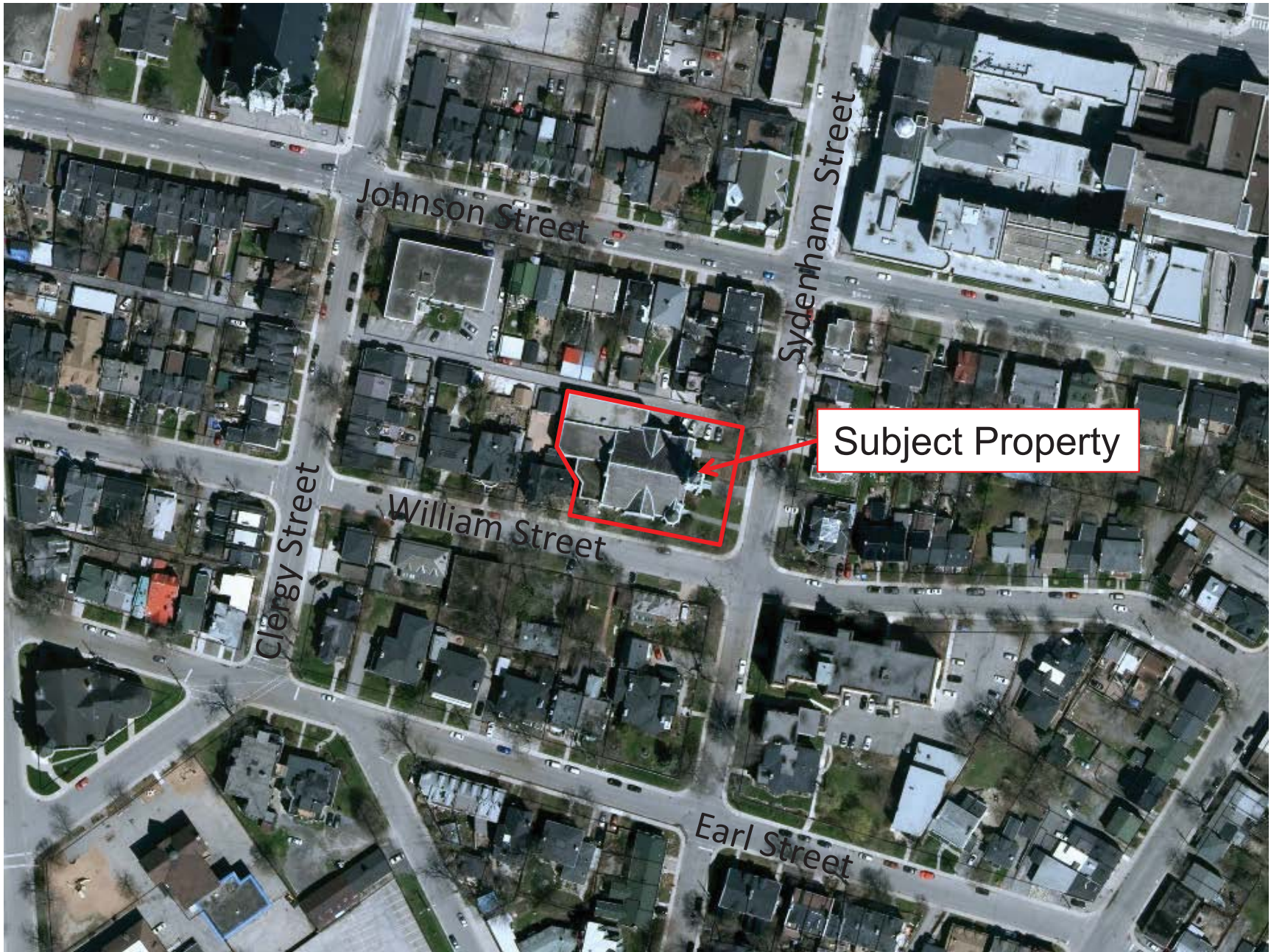
Other City of Kingston Staff Consulted:

The application was circulated to a number of internal departments for review and all comments have been incorporated.

Exhibits Attached:

- | | |
|-----------|---|
| Exhibit A | Context Map & Photographs |
| Exhibit B | Designating By-Law and Property Inventory Evaluation Form |
| Exhibit C | Concept Plans, Prepared by Applicant |
| Exhibit D | Correspondence Received from Heritage Kingston |
| Exhibit E | Summary of Final Heritage Kingston Comments |

Aerial Photograph: 72-82 Sydenham Street





Main Entrance –
Sydenham Street

Aerial Photograph: 72-82 Sydenham Street





Side Elevations – William Street

Clause 5, Report No. 23, 1984

BY-LAW NO. 84-65

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

PASSED: March 1, 1984

WHEREAS Section 29 of the Ontario Heritage Act, R.S.O. 1980, Chapter 337 authorizes the Council of a municipality to enact by-laws to designate real property, including all buildings and structures thereon, to be of architectural or historic value or interest;

AND WHEREAS notice of intention to designate certain properties within the municipality, as set out in Section 1 of Schedule "A" hereto, was served on the owners of the properties and on the Ontario Heritage Foundation on the 14th day of December, 1983 and was published in the Whig-Standard on December 14, December 21 and December 28, 1983;

AND WHEREAS notice of intention to designate certain properties within the municipality, as set out in Section 2 of Schedule "A" hereto, was served on the owners of the properties and on the Ontario Heritage Foundation on the 21st day of December, 1983 and was published in the Whig-Standard on December 21 and December 28, 1983, and on January 4, 1984;

AND WHEREAS no notices of objection to the proposed designations have been served on the Clerk of the City of Kingston;

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

1. There are designated as being of architectural and historic value or interest the following real properties in the City of Kingston:

- (a) 276 Brock Street
- (b) 132-134 Earl Street
- (c) 5 Emily Street

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- (d) 113 Johnson Street
 - (e) 228-230 Johnson Street
 - (f) 261 Johnson Street - St. Mary's Cathedral
 - (g) 279 Johnson Street - Archbishop's House
 - (h) 53 King Street East
 - (i) 81 King Street East
 - (j) 156 King Street East
 - (k) 203 King Street East
 - (l) 11 Ontario Street - Pump House Steam Museum
 - (m) 55 Ontario Street - Kingston Marine Museum
 - (n) 16" Ontario Street
 - (o) 32, 36 and 40 Simcoe Street
 - (p) 82 Sydenham Street - Sydenham Street United
Church
 - (q) 126 Wellington Street
 - (r) 23-25 West Street
 - (s) 207 William Street

2. There are designated as being of architectural value or interest the following real properties in the City of Kingston:

- (a) 90 Bagot Street
- (b) 116 Bagot Street
- (c) Barrie Street - Chalmers United Church
- (d) 66-68 Earl Street
- (e) 98 Earl Street
- (f) 100-102 Earl Street
- (g) 114 Earl Street
- (h) 195-197 Earl Street
- (i) 1-3 Emily Street
- (j) 76-78 Gore Street
- (k) 89-91 Gore Street
- (l) 90 Johnson Street - Anglican Diocesan Centre
- (m) 121 Johnson Street - Greek Orthodox Church
- (n) 150-152 Johnson Street

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3. There are designated as being of historic value or interest the following real properties in the City of Kingston:

- (a) 5 Clergy Street East - Sydenham Public School
- (b) 178-180 Johnson Street
- (c) 194 Johnson Street
- (d) 211 Johnson Street - First Baptist Church
- (e) 260 Johnson Street
- (f) Johnson Street - St. James Chapel
- (g) Richardson Bath House - Macdonald Park
- (h) 13 Maitland Street
- (i) 16 Maitland Street
- (j) 123 Sydenham Street - Hotel Dieu Hospital
- (k) 53-55 William Street

4. All of the above mentioned properties are more particularly described in Schedule "A" attached hereto.

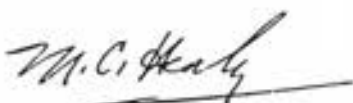
5. The City Solicitor is hereby authorized to cause a copy of this by-law and the reasons for designation to be registered against the properties described in Schedule "A" hereto in the Land Registry Office at Kingston, Ontario.

6. The City Clerk is hereby authorized to cause a copy of this by-law to be served on the owners of the properties described in Schedule "A" hereto and on The Ontario Heritage Foundation, and to cause notice of the passing of this by-law to be published in the Whig Standard once for each of three consecutive weeks.

7. This by-law shall come into force and take effect on its passing.

GIVEN FIRST AND SECOND READINGS February 14, 1984

GIVEN THIRD READING AND FINALLY PASSED March 1, 1984


CITY CLERK


MAYOR

156 King Street East

"Earl Place" was built in 1851, likely designed by William Coverdale for Colin Miller, son-in-law of Captain Hugh Earl of the Provincial Marine, and husband of Ann Earl, daughter of Molly Brant and Sir William Johnson. For many years it was the residence of Dr. Orlando Sampson Strange and was then called Montague House.

203 King Street East

"Knaresborough Cottage" was designed by Thomas Rogers in 1834 for Mrs. Ann Macaulay, mother of the Honourable John Macaulay. It has undergone a number of alterations and additions, one by John Power in 1856. It remained in possession of the Macaulay family until 1947.

11 Ontario Street - Pump House Steam Museum

The first stone building on this site, erected in 1849 for the Kingston Waterworks Company, is now concealed by the 1890 building of Joseph Power built for the City of Kingston.

55 Ontario Street - Kingston Marine Museum

The stone building and massive chimney were built in 1890 by the Federal Government and Sir John A. Macdonald and Sir Hector Langevin came to Kingston to lay the "first" Dry Dock stone. The addition was erected in 1910.

167 Ontario Street

In 1886 William Newlands designed this station for the Grand Trunk Railway to replace an earlier small one. The L-shaped plan, the corner site and the design of this relatively small building increase its significance.

32, 36 and 40 Simcoe Street

This row of stone dwellings, originally a triple house, was built for John P. Bower, as rental property in 1842. It is the dominant aspect of this streetscape.

82 Sydenham Street - Sydenham Street United Church

This Church, designed by William Coverdale, was started in 1851 and the fine tower with slender spire was added in 1854. Extensive interior work was done in 1878 to plans by John Power.

126 Wellington Street

This remarkable Gothic church was designed by John Power for the Congregationalists in 1864. In 1891 fire damaged the interior of the church and the building was restored and enlarged with transepts to plans by J.B. Reid, superintended by Arthur Ellis. In 1923 the Masonic Lodge bought the property.

23-25 West Street

This double house, built in 1842, as rental property for Henry Gildersleeve, was tenanted for many years by government officials.

BY-LAW NO. 87-179

A BY-LAW TO DESIGNATE CERTAIN PROPERTIES
TO BE OF HISTORIC AND/OR ARCHITECTURAL VALUE OR INTEREST
PURSUANT TO THE PROVISIONS OF THE ONTARIO HERITAGE ACT

PASSED: June 23, 1987

CONSOLIDATED:

WHEREAS Section 29 of the Ontario Heritage Act, R.S.O. 1080, Chapter 337 authorizes the Council of a Municipality to enact by-laws to designate real property, including all buildings and structures thereon, to be of architectural or historic value or interest;

AND WHEREAS notice of intention to designate certain properties within the municipality, as set out in Schedule "A" hereto, was served on the owners of the property and on the Ontario Heritage Foundation on the 1st day of May, 1987, and was published in the Whig-Standard o May 1, 1987, May 8, 1987 and May 15, 1987;

AND WHEREAS no notice of objection to the proposed designation was served on the Clerk of the City of Kingston;

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

1. There are designated as being of Historic value or interest the following real properties in the city of Kingston:
 - (a) 115 Ordnance Street
 - (b) 100 Stuart Street
2. There are designated as being of architectural value or interest the following real properties in the City of Kingston:
 - (a) 858 Division Street
 - (b) 96 Lower Albert Street
 - (c) 217-221 Stuart Street
 - (d) 135-139 Union Street
 - (e) 234-242 University Avenue

(By-Law No. 87-179)

(By-Law No. 87-179)

3. There are designated as being of architectural and Historical value or interest the following real properties in the City of Kingston:
- (a) 329 Johnson Street "Louise School"
 - (b) 189 King Street West "Willow Cottage"
 - (c) 810 Montreal Street (Old Railway Station)
 - (d) 826 Princess Street
 - (e) 61-63 Rideau Street
 - (f) 69 Rideau Street
 - (g) 71 Rideau Street
 - (h) 53 South Bartlett Street
 - (i) 10 Union Street, St. James Anglican Church
 - (j) Interior of Church – 82 Sydenham Street, Sydenham Street United Church
- (By-Law No. 87-179)
4. All of the above mentioned properties are more particularly described in Schedule "A" attached hereto.
- (By-Law No. 87-179)
5. This City Solicitor is hereby authorized to cause a copy of this by-law and the reasons for designation to be registered against the lands described in Schedule "A" hereto in the Land Registry Office at Kingston, Ontario. The City Clerk is hereby authorized to cause a copy of this by-law to be served on the owners of the lands described in Schedule "A" hereto and on The Ontario Heritage Foundation, and to cause notice of the passing of this by-law to be published in the Whig Standard once for each of three Consecutive weeks.
- (By-Law No. 87-179)

53 South Bartlett Street, "Vine Cottage"

Built about 1840 for George Smith, the most striking features of this one and half storey cottage are the hipped roof verandah and the three sides of the building and the scalloped bargeboard that edges the eaves, eaves returns and front gable. The central doorway has transom and side lights and is flanked by French windows.

(By-Law No. 87-179)

10 Union Street, St. James Anglican Church

The Hon. John MacAulay gave the land; William Coverdale was the architect and Bishop John Strachan laid the foundation stone September 18, 1844 for this Anglican Church, then outside the town limits. The Church was enlarged in 1889. The main feature of the original and the present building is the square central tower with diagonal buttressing on each corner rising to battlements with a pyramidal pinnacle at each corner.

REASONS FOR DESIGNATION OF CERTAIN PROPERTIES
APPROVED AT THE MEETING OF CITY COUNCIL HELD ON
February 6, 2001, (CLAUSE 7, REPORT NO. 90)
AS BEING OF ARCHITECTURAL AND HISTORIC VALUE OR INTEREST

(By-Law No. 87-179)

82 Sydenham Street

Extensive interior work was carried out in 1878 with plans by John Power.

An unusual feature of the interior is the fine balcony that sweeps around three sides of the building in one great continuous curve, its raked floor providing good visibility from all seats to the altar area below. The balcony is supported by regularly spaced columns that are topped by moulded capitals. The six columns that carry on to support the vaulted ceiling above, have plain round shafts and are made of steel. Other columns having composite shafts are made of wood. Two stairs with especially fine, partly curved wood balustrades and handrails, provide access to the balcony from the entrance side of the church.

Another important interior feature is the vaulted ceiling which was added, presumably in 1987. The ceiling is partly supported by columns with plain round shafts and decorative moulded plaster capitals. The ceiling is divided by moulded plaster ribs embellished at intersections by decorative plaster bosses.

(By-Law No. 87-179: 2000-204A)

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BY-LAW NO. 2000-204A

A BY-LAW TO AMEND BY-LAW NO. 87-179, "A BY-LAW TO DESIGNATE CERTAIN PROPERTIES TO BE OF HISTORIC AND/OR ARCHITECTURAL VALUE OR INTEREST PURSUANT TO THE PROVISIONS OF THE ONTARIO HERITAGE ACT", (DESIGNATING INTERIOR OF SYDENHAM STREET UNITED CHURCH – 82 SYDENHAM STREET)

PASSED: February 6, 2001

WHEREAS Notice of Intention to Amend By-Law No. 87-179 "A By-Law to Designate Certain Properties to be of Historic and/or Architectural Value or Interest Pursuant to the Provisions of The Ontario Heritage Act", to designate the interior of 82 Sydenham Street, pursuant to Section 29 of the *Ontario Heritage Act*, was sent by registered mail to the owners of the property on the 21st day of July, 2000 and to the Ontario Heritage Foundation on the 30th day of August, 2000;

AND WHEREAS said Notice was published in the Whig Standard on September 2, 2000;

AND WHEREAS the thirty day appeal period expired on October 3, 2000;

AND WHEREAS no objection to such designation has been received by the City;

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

1. By-Law No. 87-179 of The Corporation of the City of Kingston entitled, "A By-Law to Designate Certain Properties to be of Historic and/or Architectural Value or Interest Pursuant to the Provisions of the Ontario Heritage Act" is hereby amended as follows:

A. Section 3, as amended, is hereby further amended by adding the following thereto as subsection (j) which shall read as follows:

"3.(j) Interior of Church - 82 Sydenham Street , Sydenham Street United Church"

B. Schedule "A", as amended, is hereby further amended by adding the following thereto:

**"REASONS FOR DESIGNATION OF CERTAIN PROPERTIES
APPROVED AT THE MEETING OF CITY COUNCIL HELD ON
FEBRUARY 6, 2001 (CLAUSE 7, REPORT NO. 90)
INTERIOR AS BEING OF ARCHITECTUAL AND HISTORIC SIGNIFICANCE"**

82 Sydenham Street

Extensive interior work was carried out in 1878 with plans by John Power.

An unusual feature of the interior is the fine balcony that sweeps around three sides of the building in one great continuous curve, its raked floor providing good visibility from all seats to the altar area below. The balcony is supported by regularly spaced columns that are topped by moulded capitals. The six columns that carry on to support the vaulted ceiling above, have plain round shafts and are made of steel. Other columns having composite shafts are made of wood. Two stairs with especially fine, partly curved wood balustrades and handrails, provide access to the balcony from the entrance side of the church.

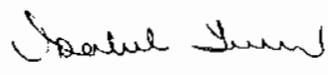
Another important interior feature is the vaulted ceiling which was added, presumably in 1878. The ceiling is partly supported by columns with plain round shafts and decorative moulded plaster capitals. The ceiling is divided by moulded plaster ribs embellished at intersections by decorative plaster bosses."

2. This By-Law shall come into force and take effect on the date of its passing.

GIVEN FIRST AND SECOND READINGS July 18, 2000

GIVEN THIRD READING AND FINALLY PASSED February 6, 2001


CITY CLERK


MAYOR

82 SYDENHAM STREET**Built: 1850****Rating: S**

This Church was designed by William Coverdale for the Wesleyan Methodists in 1850. It was built on land that prominent businessman, and 8-time Kingston mayor, John Counter donated to the Church. Extensive interior work was done in 1878 to plans by John Power.

This hammer-dressed stone Church with ashlar trim is built on a rectangular plan. A central stone tower, projecting from the façade, has narrow corner buttresses. Each storey of the tower is divided by a string course. Its slender spire rises to a finial.

The first storey of the tower has a large double door with a Gothic arch, and matching transom featuring a circular window. Above the window are two string courses. The second storey has a large arched window with tracery. In the third storey, the four sides of the tower each have a pair of louvered lancets separated by a pilaster. The lancets have tracery in the arch above the louvers. Above the lancets, a corbelled arcade supports a scalloped course at the base of battlements. The corner pinnacles have flat tops and moulded cornices. The battlements have recessed lancet panels and turrets. Near the base of the spire, on each side, there is a narrow louvered opening with gable cusps at their heads. Higher on the spire is a geometrically decorated band course.

Each bay flanking the tower contains a large recessed gothic window opening on the first storey, containing paired windows with Gothic peaks. Their inner stone spandrels contain trefoil windows. Above these, on the second storey, sit smaller Gothic windows with paired main glazings that resemble lit candles. Their wood surrounds form a separate quatrefoil tops under their stone arches.

The facade is extended on each side by northeast and southwest projecting gable wings with, at their fronts, shallow gabled projections containing doorways with recessed surrounds. The gables of these projections have three narrow grooves and their peaks and cusped ashlar finials. The ashlar cornices of the wings have billet moulding.



The south corner the church features an embedded octagonal tower with a wood-shingled conical roof and a finial. It is lined by a tiered wood cornice with trefoil-inscribed modillions. Each exposed side of the tower's two storeys contains a recessed transept window. Narrow buttresses project from its corners on the first storey.



The church's William Street elevation contains a gable-topped bay projection with angled buttresses. This projection flanks tall, recessed Gothic windows with candle and quatrefoil wood tracery.

The gable contains a round window with trefoil tracery. Below that sit a pair of gothic windows with a sill course. The first storey has three square-headed windows with a sill course. These elements occupy a gothic-peaked recession. Outside of the recession, two square-headed windows flank the inner three.



The building's northeast elevation contains a similar arrangement of features, although the gable projects from a bay, with angled returns and hipped roofs, which projects from a northeast transept. The cornice of the bay window has alternating trefoil and quatrefoil patterns. Near the top of the northwest wall is a pyramidal formation of vertical grooves. Both corners of the wing have diagonal buttresses. Between the bay window and a transept to the west is a one bay in-fill with tracery window.*

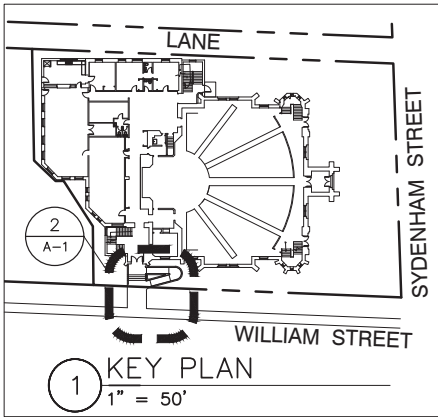
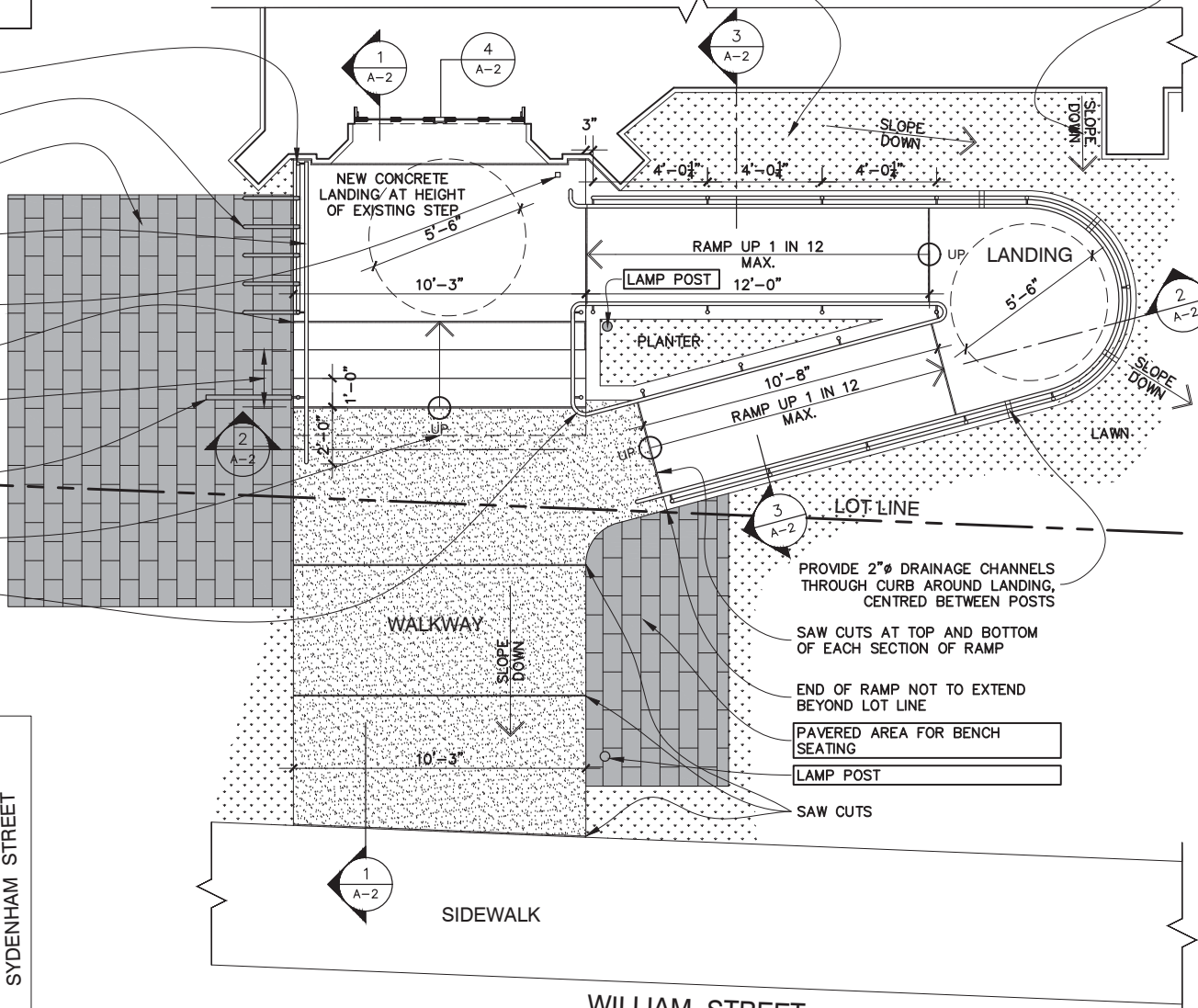
* Adapted from *Buildings of Architectural and Historical Significance*, Vol. 5, pp. 125-127 (1980).

- DRAWING LIST**
 A-1 PLAN
 A-2 SECTIONS AND DETAILS
 A-3 ELEVATION

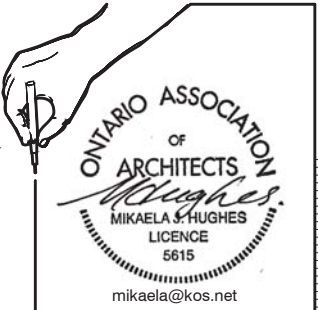
PROVIDE DRAINAGE AT STONE WALL AND RAISE GRADE TO RAMP HEIGHT (SEE SECTION 3 ON DRAWING A-2). ADJUST GRADE AROUND RAMP AND LANDING TO MERGE SMOOTHLY WITH EXISTING LAWN AND PROVIDE POSITIVE SLOPE FOR DRAINAGE CHANNELS IN LANDING

ENSURE GRADE SLOPES AWAY FROM BUILDING AND DOES NOT TRAP WATER AT BUTTRESS

- 1 1/2" Ø POST WITH CAP SET INTO NEW LANDING
- BIKE RACK MOUNTED TO HANDRAIL
- PAVERED AREA FOR BICYCLES
- 1 1/2" Ø HANDRAIL WITH TOP AT 2'-10" ABOVE LANDING
- POWER DOOR OPERATOR ON 2"x2" HSS POST C/W CAP
- NEW STEP EQUAL TO HEIGHT OF EXISTING
- EXISTING STEPS RETAINED
- SIGN AS PART OF HANDRAIL STRUCTURE
- REMOVE EXISTING BOTTOM STEP AND SET NEW WALKWAY AT HEIGHT FOR 4 EQUAL RISERS
- HANDRAIL CONTINUOUS AROUND PLANTER



2 RAMP PLAN
 1/4" = 1'-0"



THESE DOCUMENTS ARE THE PROPERTY OF THE ARCHITECT AND ARE NOT TO BE USED WITHOUT REFERRING TO THE ARCHITECT. DRAWINGS ARE NOT TO BE SCALED AND ARE TO BE READ IN CONJUNCTION WITH ALL OTHER CONSULTANTS' DOCUMENTS.

DESIGN ONLY - NOT FOR CONSTRUCTION

2	4/7/19	FOR HERITAGE
1	17/5/19	FOR REVIEW
#	D/M/Y	REVISION DETAILS

Mikaela Hughes Architect Inc.
 82 OAK POINT ROAD, WOLFEE ISLAND ON K0H 2Y0 613-544-9183

PROJECT
THE SPIRE - ACCESS RAMP
 82 SYDENHAM ST
 KINGSTON

DRAWING
DRAWING NAME

DRAWN BY JM, MJH
 DATE 1 MAY, 2019
 SCALE AS NOTED
 PRINT ON 11x17 PAPER

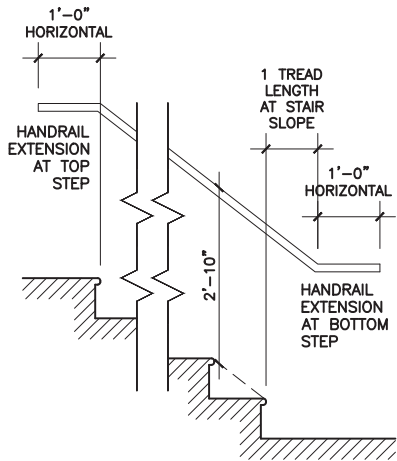
JOB NO.
1907

DWG. NO. **A-1** REV. NO. **2**

CONFIRM SCALE

STAIR HANDRAIL NOTES

1. STAIRS, GUARDS AND HANDRAILS TO MEET REQUIREMENTS OF OBC 3.4.6.5. AND 3.4.6.6.
2. INSTALL HANDRAILS ON BOTH SIDES OF STAIR WITH EXTENSIONS AS SHOWN BELOW.
3. HANDRAILS ARE TO BE SECURELY FASTENED TO POSTS AND TO BE CONTINUOUSLY GRASPABLE ALONG THEIR FULL LENGTH.
4. HANDRAILS ON RAMPS TO EXTEND HORIZONTALLY MINIMUM 12" BEYOND TOP AND BOTTOM OF RAMP.



BUILDING PERMIT NOTES

EXTENT OF WORK:
THESE DRAWINGS ARE TO BE USED FOR BUILDING PERMIT AND CONSTRUCTION OF A NEW ACCESSIBLE RAMP

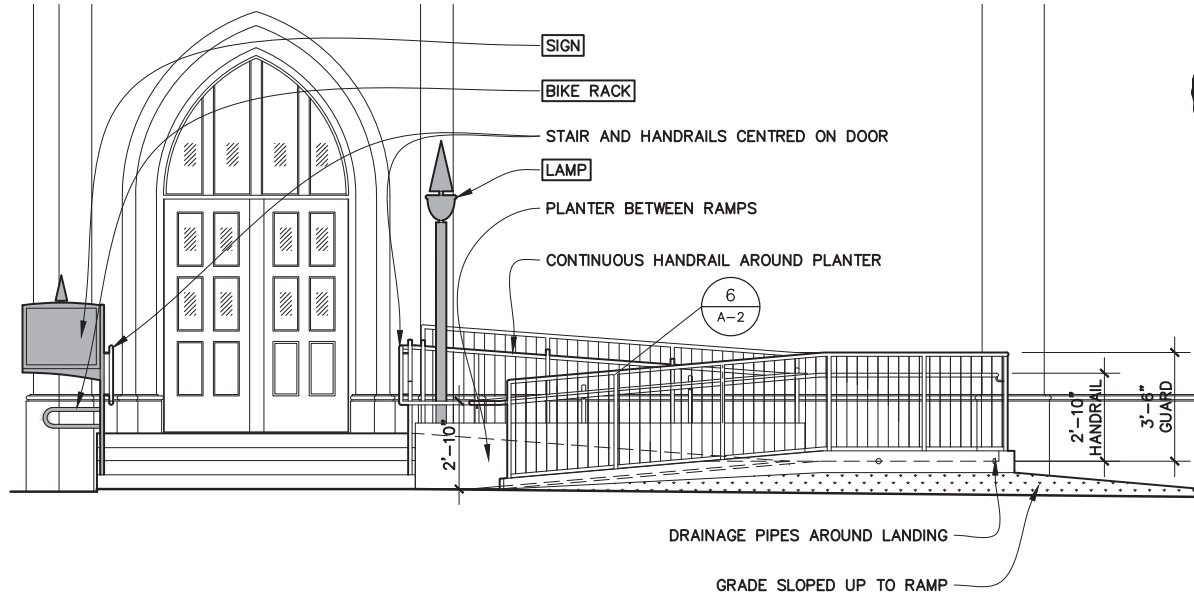
THE ARCHITECT WHO SEALS AND SIGNS THIS DRAWING HAS EXERCISED RESPONSIBLE CONTROL WITH RESPECT TO DESIGN ACTIVITIES. THE ARCHITECT'S SEAL NUMBER IS THE ARCHITECT'S BCDN. THE CERTIFICATE OF PRACTICE NUMBER OF THE HOLDER IS THE HOLDER'S BCDN.

THESE DRAWINGS FORM THE BASIS FOR PERMIT ISSUANCE AND ANY DEVIATIONS FROM THESE PLANS AND DETAILS, INCLUDING THE VENTILATION SYSTEM, HEATING SYSTEM, WOODSTOVE, FIREPLACES, DECKS, BALCONIES AND FINISHED BASEMENTS, WILL REQUIRE A REVISED DRAWING AND CLEARANCE BY THE BUILDING DEPARTMENT.

PERFORM ALL WORK IN COMPLIANCE WITH THE CURRENT EDITIONS OF THE ONTARIO BUILDING CODE AND THE ONTARIO HEALTH AND SAFETY ACT.

GENERAL NOTES

1. THE STRENGTH OF UNREINFORCED CONCRETE AFTER 28 DAYS SHALL BE NOT LESS THAN 32 MPA (4650 PSI) FOR GARAGE AND CARPORT FLOORS AND ALL EXTERIOR FLATWORK AND 15MPA (2200 PSI) FOR ALL OTHER APPLICATIONS UNLESS INDICATED OTHERWISE
2. CONCRETE USED FOR GARAGE AND CARPORT FLOORS AND ALL EXTERIOR STEPS SHALL HAVE AIR ENTRAINMENT OF 5-8%



ELEVATION
1/4" = 1'-0"

THESE DOCUMENTS ARE THE PROPERTY OF THE ARCHITECT AND ARE NOT TO BE USED WITHOUT REFERRING TO THE ARCHITECT. DRAWINGS ARE NOT TO BE SCALED AND ARE TO BE READ IN CONJUNCTION WITH ALL OTHER CONSULTANTS' DOCUMENTS.

DESIGN ONLY - NOT FOR CONSTRUCTION

2	4/7/19	FOR HERITAGE
1	17/5/19	FOR REVIEW
#	D/M/Y	REVISION DETAILS

Mikaela Hughes Architect Inc.
82 OAK POINT ROAD, WOLFE ISLAND ON K0H 2Y0 613-544-9183

PROJECT
THE SPIRE - ACCESS RAMP
82 SYDENHAM ST
KINGSTON

DRAWING
ELEVATION AND HANDRAIL NOTES

DRAWN BY JM, MJH
DATE 1 MAY, 2019
SCALE AS NOTED
PRINT ON 11x17 PAPER

JOB NO.
1907
DWG. NO. **A-3** REV. NO. **2**

CONFIRM SCALE

Additional details provided by M. Hughes Architect - revised

The additional items were requested by members of the congregation who are providing funding for the project.

Lamp posts:

One lamp post is located on City property. Bruce has told the Spire committee that any items on City property will need to have approval and may have to be delayed.

The idea for the lamps is to have a local artist design and fabricate them, so the actual design is still to be developed. The lamp post is a 100 mm round steel section 2100mm tall on which a light can be placed. This post has a 150 mm plate with holes to accept threaded rod and nut connector for levelling.

It is hoped that the electricity for the lamps can be included in the approved wall penetration for the barrier-free door opening system.

Paved Area:

Proposed to use 6" x12" grey concrete pavers (Triple H concrete products 'Holland Paver' <http://triplehconcreteproducts.ca/products/driveway/holland-paver/>).

Bench:

The bench is existing and to be moved and affixed to the new pavers.

Bicycle Rack:

The bike rack is 12 mm diameter solid rod extending 600 mm out from rail as a 'U' shape (six pieces).

Sign:

They would like a heritage appropriate sign to be able to update events, but it would not be animated, but may be lit by an external source so it is visible at night. So people could see the dates and times of events going on without coming into the building. To reduce signage, Bruce has talked to the committee about painting the door trim a fresh green (the "Spire" colour) and the door and railings a deeper green. This way the eye could be drawn to the building and entrance without a large sign conflicting with the architecture. Sign is to be 30" x 24" x 3" deep and may be digital in order to change the messaging with ease. The sign post is to form part of the handrail as a 75 mm round steel pipe with a dome top. The post height is 1800 mm with three 15 mm wide x 6 mm thick x 200 mm long tabs on the side to hold the sign.

Heritage Kingston

Summary of Input from the Technical Review Process

P18-046-2019

Heritage Kingston Members	Comments Enclosed	No Comments Provided	No Response Received
Chair, Peter Gower	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councillor Bridget Doherty	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Councillor Jim Neill	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Jane McFarlane	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Donald Taylor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Demitor	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Matthew McCartney	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Zoe Harris	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Ashley Johnson	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
William Hineman	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jeremy St-Onge	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>



where history and innovation thrive

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

Website: www.cityofkingston.ca

TTY: Dial 613-546-4889

Date:	July 6, 2019
Form:	Heritage Kingston Reviewer Form
Reviewer Name:	Donald Taylor
Application Type:	New Construction
File Number:	P18-046-2019
Property Address:	82 SYDENHAM ST

Description of Proposal:

The subject property is located at the north west corner of Sydenham and William Streets in the Old Sydenham Heritage Conservation District. The property contains an 1851 limestone church known now as The Spire. Heritage Act approval (file P18-039-2017) was granted for a new barrier-free access ramp and repairs to the door on the southern (William Street) side of the building on September 19, 2017. The subject application is to request heritage approval for the inclusion of new paved areas for seating and bicycle storage, a bicycle rack and two new light posts. The applicant would also like to attach a small electronic sign to the hand rail to the left of the stairs. Detailed plans have been prepared by Mikaela Hughes Architect Inc.

Comments for Consideration on the Application:

The thoughtful design work is to be commended. No concerns although it should be confirmed that the electronic sign display is not animated and it should use a single non-garish colour.

Summary of Final Comments at August 21, 2019 Heritage Kingston Meeting

There were no final comments.



**City of Kingston
Report to Heritage Kingston
Report Number HK-19-042**

To: Chair and Members of Heritage Kingston
From: Lanie Hurdle, Interim Chief Administrative Officer
Resource Staff: Paige Agnew, Director, Planning, Building & Licensing Services
Date of Meeting: August 21, 2019
Subject: Application for Heritage Permit
Address: 52-56 Earl Street (P18-122)
File Number: File Number P18-049-2019

Executive Summary:

The subject property at 52-56 Earl Street is located on the south side of Earl Street, between King Street East and Wellington Street. The subject property contains a multi-unit residential brick building, known as the Winston, built in 1886 and enlarged in 1905. The subject property is designated under Part IV of the *Ontario Heritage Act* and is included in the Old Sydenham Heritage Conservation District (HCD), designated pursuant to Part V of the Act.

An application for alteration under Section 42 of the *Ontario Heritage Act* (File Number P18-049-2019) has been submitted to remove and replace three windows in the dwelling (a triple window on the Earl Street elevation, and two main floor sash windows on the rear elevation).

This application was deemed complete on June 27, 2019. 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 September 25, 2019.

Upon review of all the submitted materials, as well as applicable policies and legislation, given the specific circumstances of this situation, staff support the proposed scope of work as the most appropriate option for ensuring continued maintenance and conservation of this significant building.

Recommendation:

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

August 21, 2019

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That alterations to the property at 52-56 Earl Street, be approved in accordance with details described in the application (File Number P18-049-2019), which was deemed complete on June 27, 2019 with said alterations to include the replacement of the two rear ground level sash windows and one third storey triple front window; and

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

1. All window repairs shall be completed in accordance with the City's Policy on Window Renovations in Heritage Buildings, with the exception of the replacement of the three period windows, which shall be permitted;
2. The applicant shall maintain a minimum clearance of 3 metres from the high voltage power lines. If work cannot be completed safely or if clearance cannot be maintained from the lines, the applicant shall complete a service request and submit to Utilities Kingston for isolation of the power lines;
3. Any alterations that interface with the masonry shall be completed in accordance with the City's Policy on Masonry Restoration in Heritage Buildings; and
4. The owner shall obtain a Building Permit, as required.

August 21, 2019

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Authorizing Signatures:

**Lanie Hurdle, Interim Chief
Administrative Officer**

Consultation with the following Members of the Corporate Management Team:

Peter Huigenbos, Acting Commissioner, Community Services	Not required
Jim Keech, President & CEO, Utilities Kingston	Not required
Desirée Kennedy, Chief Financial Officer & City Treasurer	Not required
Sheila Kidd, Commissioner, Transportation & Public Works	Not required
Deanne Roberge, Acting Commissioner, Corporate Enterprise Services	Not required

August 21, 2019

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

The subject property at 52-56 Earl Street is located on the south side of Earl Street, between King Street East and Wellington Street (Exhibit A – Context Map and Site Photographs). The subject property contains a multi-unit residential brick building, known as the Winston, built in 1886 and enlarged in 1905.

An application for alteration under Section 42 of the *Ontario Heritage Act* (File Number P18-049-2019) has been submitted to remove and replace three windows in the dwelling. This includes a triple window on the front (Earl Street) elevation and two main floor sash windows on the rear elevation. The applicant notes in their submission that these three windows pose significant access challenges, thus are making them difficult and costly to maintain (Exhibit B – Concept Plans and Rationale). The rear windows are in an alcove above a lower level stairwell, making the placement of a ladder difficult. The front windows are on the third storey requiring a hoist or scaffolding to access the window. In addition, the electrical lines are in close proximity to the building at the front elevation and require isolation by Utilities Kingston staff in order to work on the windows. The resulting challenges pose a financial hardship for the owners and limit those firms willing to undertake the challenge in order to remove storm windows and/or clean windows.

The applicant has consulted with noted window joiner and carpenter, David White, who recommends replacing the windows with period appropriate replacement units that are double glazed, thereby not requiring storm windows, and which can be removed and cleaned from the inside. The owner further notes that all of the third storey windows on this elevation of the building have been replaced in the past.

All submission materials 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, or submission materials may also be found by searching the file number.

This application was deemed complete on June 27, 2019. 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 September 25, 2019.

Cultural Heritage Value

The property was designated under Part IV of the *Ontario Heritage Act* in 1983 through By-Law Number 83-155. It was included in the Old Sydenham HCD created pursuant to Part V of the *Ontario Heritage Act* in 2015. The “Reasons for Designation”, as outlined in the Property Inventory Evaluation, include the following attributes:

“This building is an important, representative example of Joseph Power’s work... The rare combination of 52-56 Earl Street’s architectural elements, its characteristic stone circle, and variety of materials that comprise it, makes this building both a prominent and unique element of the Earl Streetscape.

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The cornice is supported by four pairs of large brackets and is topped by a broad gable with a triple window under a circular design in the peak of the gable.

The two wings at the rear of Numbers 52 and 56 are irregularly fenestrated and enclose a small courtyard.”

The Property Inventory Evaluation rates this property as ‘significant’ to the district (Exhibit C).

Cultural Heritage Analysis

The subject property is located within the North to Bagot sub-area of the Old Sydenham HCD. The list of heritage attributes in the HCD (section 2.2) and those of the North to Bagot sub-area (section 2.3.2) include the “closely packed buildings forming a strong street edge” and the “views to the lake down each cross street”. This building is part of a series of buildings forming a clear street edge and helps to frame a view of the water at the terminus of Earl Street. The subject property satisfies both of the attributes noted above, making it a culturally important part of the District.

Staff conducted a site visit on July 22, 2019. Site visit photographs can be seen in Exhibit A.

The applicant is proposing to replace two ground floor rear windows and one triple window on the third floor on the main (Earl Street) wall of the subject building. The rear windows are to be replaced with metal clad wood sash windows, in a one-over-one glazing pattern and painted to match others in the building. The upper storey front window is to be a custom-made wood window, painted to match the building.

With respect to the third floor triple window on the front elevation, according to the applicant, while cleaning and maintaining the windows on the lower floors on the front elevation can be accomplished from a ladder, any work required on the third floor windows requires both the use of a “hoist” and the isolation of the power lines (Exhibit B – Concept Plans and Rationale). This has the effect of adding considerable expense to this biannual maintenance program and limits the companies who have the ability to undertake this work.

The HCD Plan and the City of Kingston’s Policy on Window Renovations in Heritage Buildings requires Period Windows, noted as heritage attributes, to be repaired rather than replaced. The Winston includes a number of significant front façade windows that are noted as contributing to the heritage character of this building and adding to the value of the District, including the “triple window under a circular design in the peak of the gable” noted in the Property Inventory Evaluation (Exhibit C). The replacement of these original windows is not consistent with the City’s Window Policy. The policy notes that most period windows can be repaired and therefore should only be replaced as a last option. The policy does not contemplate this particular situation.

The owners have a history and have a well-known passion for conserving heritage buildings in the Old Sydenham HCD. As the existing sashes and storm windows are fixed in place they can only be maintained from the exterior. It is staff’s understanding that the owners have explored multiple options for retaining and/or altering the existing window in order to overcome these

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challenges, to no avail. Given the high-quality wooden window replications proposed, and the fact that it is on the upper floor of the building, the appearance of these new sashes will not be noticeable from the public realm. Further, as the other third floor windows have been replaced in the past, the new window will not look out of character on this significant elevation.

As noted, the City's Window Policy does not contemplate a situation whereby access to a period window has been impeded over time, making routine maintenance difficult and costly. While it is always recommended that an original window be retained and restored, rather than replaced, should access to a period window limit one's ability to maintain it, the window will inevitably fail in time, thus requiring replacement or a significant intervention. The current applicant is proposing a high-quality period-appropriate replication that will both solve the access issues and conserve the heritage value and appearance of the building. Given the specific and unusual circumstances of this situation, staff support this alteration.

While the rear courtyard is noted in the Property Inventory (Exhibit C), the windows themselves are not specifically noted as contributing to the character of the building in the designating by-law or the Property Inventory. As a result, the Window Policy does not require the repair of these windows; however, it is encouraged. Given that the windows are located at the rear of the building, away from direct view of the public, the impact of replacing these units (rather than repairing them) will be negligible. Staff have no objection to replacing these windows.

Conclusion

In summary, given the specific circumstances of this situation, the proposed alterations will both improve the functionality and ability to maintain the subject property, and will not detract from the heritage attributes or cultural heritage value of this part of the Old Sydenham HCD.

Heritage Planning staff are of the opinion that the proposal conforms to the intent, goals and policies of the HCD Plan and will uphold the heritage conservation objectives set out within the City of Kingston's Official Plan, the Ministry of Tourism, Culture and Sports' eight guiding principles in the conservation of built heritage properties, and Parks Canada's Standards and Guidelines for the Conservation of Historic Places in Canada. Broadly, the application will:

- Achieve the goal of Section 7.0 (City of Kingston Official Plan): Conserve and enhance built heritage resources within the City so that they may be accessed, experienced and appreciated by all residents and visitors, and retained in an appropriate manner and setting, as a valued public trust held for future generations.
- Achieve Principle Number 4 – Respect for Original Fabric (Eight Guiding Principles in the Conservation of Built Heritage Properties, Ministry of Tourism, Culture and Sport): Repair with like materials.
- Achieve Standards 9 and 12 (Parks Canada's Standards and Guidelines for the Conservation of Historic Places in Canada): Make any interventions needed to preserve character-defining elements physically and visually compatible with the historic place. Create new construction so that the essential form and integrity of an historic place will not be impaired if the new work is removed in the future.

August 21, 2019

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Previous Approvals

P18-052-2017DA	Replace roofing
P18-001-2017	Construct roof top addition and replace windows
P18-122-097-2014DA	Replace rear wood window sills with limestone
P18-122-020-2014DA	Repair wooden elements of the façade and minor repair of roof
P18-122-016-2012	Repair and re-point four chimneys
P18-122-040-2011EA	Repair/replace a section of the rear roof using black asphalt shingles
P18-122-014-2009	Repainting of a limestone foundation

Comments from Departments and Agencies

The following internal departments provided the following comments on this application:

Kingston Hydro: Kingston Hydro has no concerns with the changes; however, the applicant is reminded that all objects/tools, etc. must maintain a minimum clearance of 3 metres from the high voltage power lines. If work cannot be completed safely or if clearance cannot be maintained from the lines, the applicant will need to complete a service request and submit to Utilities Kingston for isolation of the power lines.

Consultation with Heritage Kingston: Heritage Kingston was consulted on this application through the [DASH](#) system. The Committees' comments have been compiled and attached as Exhibit D. While responding members noted concerns with respect to replacing original windows, they noted their willingness to consider the merits of the maintenance challenges of this particular situation.

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)
City of Kingston Official Plan
City's Policy on Masonry Restoration in Heritage Buildings
City's Policy on Window Renovations on Heritage Buildings
Designating By-Law Number 83-155
By-Law Number 2009-140 A By-Law to Regulate Signs in The City of Kingston

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.

Accessibility Considerations:

Not applicable

Financial Considerations:

Not applicable

August 21, 2019

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Contacts:

Andrea Gummo, Acting Manager, Policy Planning 613-546-4291 extension 3256

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

Other City of Kingston Staff Consulted:

The application was circulated to a number of internal departments for review and all comments have been incorporated.

Exhibits Attached:

- Exhibit A Context Map and Site Photographs
- Exhibit B Concept Plans and Rationale, Prepared by Applicant
- Exhibit C Property Inventory Evaluation and Designating By-Law Number 83-155
- Exhibit D Correspondence Received from Heritage Kingston
- Exhibit E Summary of Final Comments from Heritage Kingston

Aerial Photograph: 52-56 Earl Street



The Winston



2013



Front Elevations – Earl Street



Rear Elevation



Statement respecting the triple third floor window on the Earl Street façade of The Winston - 52/56 Earl Street:



As owners of the Winston since 1983, we have had the challenge of maintaining 43 windows. That is, in the fall we remove the screens (some are whole some are half) and install the storms (some are whole, some are half); in the spring, we remove the storms and install the screens. The windows, storms and screens are washed and repairs are carried out in both seasons.

On the street façade there are 3 dormers. The 2 to the west had their windows replaced several decades ago and can be cleaned, screened and stormed from the inside. It appears that had always been the case.

However, the triple window in the dormer at the east end has been a problem. It consists of 3 single sash windows, a large central one and a narrow one to each side. At present the storms are divided in 2 and the top half is screwed in. The window is recessed about 12 inches so there is a narrow ledge. (On one occasion, I stopped one window washer going out onto the ledge to clean these windows.) There are no other windows in this bedroom.

This building does not have a central air conditioning system and due to the layout it would not be possible. It does however, have ceiling fans and good cross-ventilation, so screens are a necessity for the ventilation to operate efficiently.

In the last few of years a number of things have occurred, which have made this situation extremely difficult for us:

1. Utilities Kingston moved the wires to our side of Earl Street when they did an upgrade. They also increased the height, number and strength of these wires. We found when we painted the façade that we needed a hoist (not a problem for painting every few years) but we also needed a utilities truck with 2 utilities workers to come each day to deal with the wires. That was expensive as is the \$800 per day which one window-cleaning company quoted me for a hoist.
2. Safety regulations at the Ministry of Labour have improved/intensified which means that there are strict rules regarding ladder use in relation to both height and proximity to the wires. There is also the question of liability for us. As owners we are responsible for infractions of the Labour Laws and accidents.

Also, we believe that window-washing is part of proper maintenance and that tenants deserve a clean building.

Because we value the windows in our designated building, we have asked David White, who is a heritage windows specialist and maker, to help us find a safe and heritage-appropriate solution for this particular window. His suggestion is the following:

That the screwed-in storms be removed and the window sashes reproduced with one change and that is that they be ½" deeper to accommodate double glazing. He would then install them with removable stops in the interior, thus allowing the window washers to maintain the storms and screens from the inside.

If anyone would like to come and view the problem on site I would be pleased to explain it.

Helen Finley
52 Earl Street
Kingston, Ontario K7L-2G6
Tel: 613-548-4059
helenfinley@teksavvy.com
www.earlstreetcottages.com

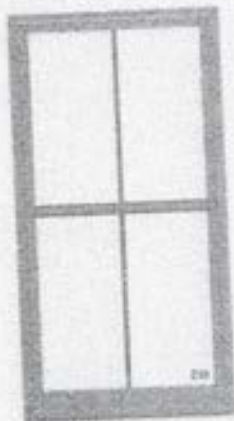
Loewen Windows

Item: 1

Qty: 2

SERIES 25 DOUBLE/SINGLE HUNG

Rough Opening : 37 3/4" (959MM) x 72 3/4" (1848MM)



Exterior View

Frame Size : 37" (940MM) x 72" (1829MM)

Casing Not Required

Unit Shape/Build Options

- Double Hung ✓
- Rectangular (Or Square) ✓
- Douglas Fir ✓

Dimension Details

Jamb: 4 9/16" (116MM) ✓

Finish Options

- Frame: Cranberry Clad (Std) ✓
- Sash: Sash Color Matches Frame Color ✓
- Primed Interior(Complete Unit) ✓

Unit Operation/Type

Operating Sash Tilts / Removable ✓

Glazing Options

- Heat Smart D 180
- 3 MM Glass Thickness
- Black Stainless Steel Spacer

Bottom Glazing Options

Heat Smart D 180

Grille Options

- SDL Grille ✓
- Colonial Grille ✓
- 2W1H Pattern ✓
- Ogee Exterior Profile ✓
- Ogee Interior Profile ✓
- 3/4" (19mm) ✓
- Grille Color Matches Sash Color ✓
- 1 Airspace With Shadow Bars ✓
- Shallow Shadow Bar ✓
- Grille is a Standard Pattern ✓
- Number of Rectangle Lites: 2 ✓

Bottom Grille Options

- SDL Grille
- Colonial Bottom Grille
- 2W1H Pattern
- Ogee Exterior Profile
- Ogee Interior Profile
- 3/4" Vertical Bar (19mm)
- 1 Airspace With Shadow Bars
- Grille is a Standard Pattern
- Number of Rectangle Lites Btm: 2

Hardware Options

- C/W 2 Sash Lifts ✓
- Bronze Hardware ✓
- Jamb Jacks Required ✓

Casing Options

- Metal Clad Sillnose
- Casing Color Matches Frame Color

Attachment Options

- Snap On Dripcap
- Nailing Flange all Four Sides

Screen Options

- STD Aluminum Screen
- Screen Color Matches Frame Color
- Bettervue Screen Cloth (STD)

Miscellaneous Options

Cubes: 13

Performance Data

- Not Impact Certified
- U-value: 0.31
- Visible Transmittance: 0.5
- Solar Heat Gain Coefficient: 0.41
- Performance Grade: LC-PG30

**52, 56 EARL STREET
WINSTON APARTMENTS**

Built: 1886 / 1905

Architect: Joseph Power

Rating: S (Part IV)



The 52-56 Earl Street building is valued for its design, associative and contextual attributes.

Historically, members of the Anglin family owned this property for 100 years, from 1862 to 1962, and occupied it for the last 97 of them. In 1862 William Anglin and his wife Mary purchased the property and, in 1865, they had a frame building erected on the site of what is now 56 Earl Street: the building's western three bays. William was a boot and shoe maker who became the City's treasurer in 1845. His son, William Gardiner, was a doctor and surgeon who had 52 Earl Street erected to the east of that structure in 1886. He also had the present 56 building erected in 1905, and had the entire complex renovated into apartments in 1921.* "Dr. Anglin" can still be found etched on the transom of 56 Earl's western bay window, marking the waiting room that once led to his surgery. Other notable members of the Anglin family include Robert, who served as a police constable and city councillor, and who created the City of Kingston Board of Health with Mayor Kirkpatrick in 1847; and Robert Junior, who served as Reeve of Pittsburgh Township and lockmaster of Kingston Mills. Robert Junior's former house is now Kingston Mills' "Lockmaster Anglin Visitor Centre." A bay forming part of Kingston's inner harbour has long been known as Anglin Bay, named after brothers William Bartrin and Samuel Anglin, who used the site as a shipping and receiving depot for their lumber and coal operation. The last member of the Anglin family to occupy the building was Mary Anglin. Mary served as the secretary for three Queen's University President's, and is featured in a University booklet called *Queen's Profiles*. Mary grew-up in the building, and was the Winston Apartment's landlord until 1962.

The middle two bays of this structure, formerly 54 Earl Street, still contain part of the original roughcast building erected by William Senior in 1865. A carriageway was added to the 54 Earl, where the 56 double doors are now, when 52 Earl was erected. W.G. Anglin moved his surgery from 52 to 54 Earl after his father's death in 1899, at which time only 54 Earl was given a brick façade. In 1905, the remaining part of the old roughcast building was demolished, and the

* A building permit for this work can be found in the Queen's University Archives.

present brick portion rebuilt on the same footprint. The carriageway was converted to an entrance at that time.

This building is an important, representative example of Joseph Power's work. His mixture of Queen Anne and Moorish architectural elements, which characterize the 52 Earl Street unit, is distinctive. The same motifs are found on other important Joseph Power buildings in Kingston, including Victoria Terrace at 50-72 Montreal Street, and 197-199 King Street East. The rare combination of 52-56 Earl Street's architectural elements, its characteristic stone circle, and variety of materials that comprise it, makes this building both a prominent and unique element of the Earl Streetscape.*

The Winston's design attributes have been described in the City of Kingston's *Buildings of Architectural and Historical Significance*, Volume 6, pp. 107-109:

52 Earl Street:

The dominant feature of its design, the heavy stone and brick circle enclosing double windows, is an echo of Power's design for the lighter, decorative wood front entrance to the porch at 95 King St. East, built the same year. In No. 52 the contrast of red brick and grey stone further emphasizes the contrast of curves and angles.

Two-thirds of the first floor façade is a square, stone section into which are set alternating brick and stone voussoirs to form a circle set on a flat stone sill. The circle encloses a wooden sunburst design radiating from two windows, each divided into three squares – the top ones with leaded grid patterns. Below the sill is a rectangular panel of red stone.

The recessed entranceway has a decorative glass and wood door topped by a transom with a round stained glass window. A rusticated stone string course provides a lintel for the entranceway. Above it, two stone sills give a strong linear emphasis: one marks a recessed balcony with French doors. The other sill joins two "keyhole" shaped windows which have decorative leaded work in the circular sections.

The cornice is supported by four pairs of large brackets and is topped by a broad gable with a triple window under a circular design in the peak of the gable.

56 Earl Street:

No. 56 has symmetrically placed openings but no two are treated alike. The central double entrance has a classical portico and is flanked by large flat-arched windows with keystone and extended stone sills. Each of these windows has leaded tracery at the top but the lower portions differ – the left is divided into three double-hung windows; the right has a single pane of glass.

* Andrew Hill, *The Winston Apartments: A History of the Property, its Occupants and Owners from 1802 to 2009* (unpublished, 2009).

Above the entrance is a single, round-arched window. To its right, two double-hung windows that project at the centre, have a stone sill and a heavy wooden lintel. To the left is a large oriel window. Its three sections each have a transom of leaded tracery and above each is a wooden panel topped by heavy moulding under the shallow shingled roof which runs into the soffit.

The front slope of the roof of No. 56 has two gabled and pedimented dormers of unequal size; the left has four windows, the right has three. Both have decorative shingling in the pediment.

The west side of the building has randomly placed fenestration with quarter circle windows flanking the chimney breast in the third storey. The two wings at the rear of No. 52 and 56 are irregularly fenestrated and enclose a small courtyard.

Clause 11, Report No. 71, 1983

BY-LAW NO. 83-155

A BY-LAW TO DESIGNATE 52 AND 56 EARL STREET AS BEING OF
ARCHITECTURAL VALUE OR INTEREST PURSUANT TO THE SECTION 29
OF THE ONTARIO HERITAGE ACT

PASSED: June 27, 1983

WHEREAS Section 29 of the Ontario Heritage Act,
R.S.O. 1980, Chapter 337 authorizes the Council of a
municipality to enact by-laws to designate real property,
including all buildings and structures thereon, to be of
architectural or historic value or interest;

AND WHEREAS a notice of intention to designate 52 and
56 Earl Street was served on the owner on the 6th day of
May, 1983, and was published in the Whig Standard on
May 6, 1983, May 13, 1983 and on May 20, 1983;

AND WHEREAS no notices of objection to the proposed
designation have been served on the Clerk of the City of
Kingston;

THEREFORE the Council of The Corporation of the City
of Kingston enacts a follows:

1. There is designated as being of architectural and
historical value or interest the real property known as 52
and 56 Earl Street, in the City of Kingston, as more
particularly described in Schedule "A" attached hereto.

2. The City Solicitor is hereby authorized to cause a copy of this by-law and the reasons for designation to be registered against the land described in Schedule "A" hereto in the Registry Office at Kingston, Ontario.

3. The City Clerk is hereby authorized to cause a copy of this By-Law to be served on the owner of the land described in Schedule "A" hereto and on The Ontario Heritage Foundation, and to cause notice of the passing of this By-Law to be published in the Whig Standard once for each of three consecutive weeks.

4. This By-Law shall come into force and take effect on its passing.

GIVEN FIRST AND SECOND READINGS June 20, 1983

GIVEN THIRD READING AND FINALLY PASSED June 27, 1983

Maurice Rogers
ACTING CITY CLERK


MAYOR

SCHEDULE "A"

ALL AND SINGULAR that certain parcel or tract of land and premises, situate, lying and being in the City of Kingston, in the County of Frontenac and being composed of Part of Lots 134 and 147, Original Survey, and more particularly described as follows:

PREMISING that all bearings herein are assumed and are referred to the southerly limit of Earl Street, assumed to be north 86 degrees west;

COMMENCING at the north-west corner of Lot 147;

THENCE south 3 degrees 49 minutes 50 seconds west along the westerly limit of Lot 147 a distance of 128.33 feet;

THENCE south 84 degrees 10 minutes east 69.49 feet to an iron bar;

THENCE north 0 degrees 01 minutes 20 seconds east along a wire fence existing in July 1965, a distance of 78.79 feet;

THENCE south 84 degrees 31 minutes 10 seconds west 2.00 feet to an iron bar;

THENCE north 5 degrees 28 minutes 50 seconds east to and along the easterly face of a brick wall and its northerly production 52.00 feet to an iron bar in the northerly limit of Lot 147;

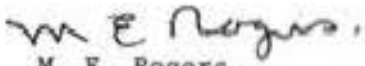
THENCE north 86 degrees west along the northerly limit of Lot 147 a distance of 63.80 feet, more or less to the point of commencement;

THE ABOVE LANDS are shown on a plan of survey made by N. B. Campbell, O.L.S., dated July 1965 attached to registered Instrument #160635, which survey forms a part of this description.

REASONS FOR DESIGNATION OF 52 AND 56 EARL STREET
APPROVED AT THE MEETING OF CITY COUNCIL
HELD ON JUNE 20, 1983 (CLAUSE 11, REPORT NO. 71)
AS BEING OF ARCHITECTURAL AND HISTORICAL
VALUE OR INTEREST

This brick, stone-trimmed house was built as two dwellings, one in 1886, one in 1905, and is now an apartment house. No. 52 was designed by Joseph Power and illustrates the Moorish influence in High Victorian Gothic. The adjoining section has symmetrically placed openings, each one treated in a different manner.

I HEREBY CERTIFY THAT the following is a true and correct copy of Clause 11, Report No. 71, 1983, which was approved by the Council of The Corporation of the City of Kingston at their meeting held June 20, 1983:


M. E. Rogers,
Acting Clerk Pro Tempore,
The Corporation of the
City of Kingston.

WHEREAS, on May 6th, 1983, Council gave notice of its intention to designate 52 and 56 Earl Street to be of architectural value or interest, pursuant to Section 29 of the Ontario Heritage Act; and

WHEREAS NO objection to such designation has been received;

THEREFORE BE IT RESOLVED that a by-law be presented to Council pursuant to the provisions of the Ontario Heritage Act, to designate 52 and 56 Earl Street to be of architectural value or interest for the following reasons:

52 & 56 EARL STREET - Part Lots 134 & 147, Original Survey

This brick, stone-trimmed house was built as two dwellings, one in 1886, one in 1905, and is now an apartment house. No. 52 was designed by Joseph Power and illustrates the Moorish influence in High Victorian Gothic. The adjoining section has symmetrically placed openings, each one treated in a different manner.

Heritage Kingston

Summary of Input from the Technical Review Process

P18-049-2019

Heritage Kingston Members	Comments Enclosed	No Comments Provided	No Response Received
Chair, Peter Gower	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councillor Bridget Doherty	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Councillor Jim Neill	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Jane McFarlane	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Donald Taylor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Demitor	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Matthew McCartney	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Zoe Harris	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Ashley Johnson	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
William Hineman	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Jeremy St-Onge	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>



where history and innovation thrive

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

Website: www.cityofkingston.ca

TTY: Dial 613-546-4889

Date:	July 14 th , 2019
Form:	Heritage Kingston Reviewer Form
Reviewer Name:	Jane McFarlane
Application Type:	Alteration and/or Repair
File Number:	P18-049-2019
Property Address:	52 Earl Street

Description of Proposal:

The subject property is a two-storey red brick house located at 52 Earl Street. The building was constructed in 1875 and is designated under Part IV of the Ontario Heritage Act and under Part V as part of the Old Sydenham Heritage Conservation District. The applicant is requesting permission to replace three sash windows. Two of the sash windows to the rear will go from single sash to double hung (double sash) and the third three part attic window storms will be removed and replaced with double glazed sashes. The applicant is requesting to undertake these works in order to alleviate the high costs associated with complex yearly professional cleaning of the existing windows. Photographs are uploaded in DASH for your review.

Comments for Consideration on the Application:

It is always preferable, especially on the front façade of a heritage building, to maintain the original windows, storms and screens if available. The issue of access for the maintenance of windows on heritage buildings is one that warrants further discussion.



where history and innovation thrive

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

Website: www.cityofkingston.ca

TTY: Dial 613-546-4889

Date:	July 7 th , 2019
Form:	Heritage Kingston Reviewer Form
Reviewer Name:	Don Taylor
Application Type:	Alteration and/or Repair
File Number:	P18-049-2019
Property Address:	52 Earl Street

Description of Proposal:

The subject property is a two-storey red brick house located at 52 Earl Street. The building was constructed in 1875 and is designated under Part IV of the Ontario Heritage Act and under Part V as part of the Old Sydenham Heritage Conservation District. The applicant is requesting permission to replace three sash windows. Two of the sash windows to the rear will go from single sash to double hung (double sash) and the third three part attic window storms will be removed and replaced with double glazed sashes. The applicant is requesting to undertake these works in order to alleviate the high costs associated with complex yearly professional cleaning of the existing windows. Photographs are uploaded in DASH for your review.

Comments for Consideration on the Application:

This application would benefit by a site visit, as the location and state of the windows proposed for replacement are not clear. The need for a window system that is more convenient and less expensive for regular maintenance is very understandable, but the replacement of original windows of period design and excellent quality should only be approved after all reasonable alternatives are reviewed. The proposed Loewen windows are of good quality, but they will have a much shorter lifetime than those being replaced. Among the possibilities that could be considered, that would avoid the need for storm windows, are adding Lexan panels to the interior, or replacing the glass with insulated glass units. These alternatives are much less expensive than replacement, and I hope to discuss them directly with Helen Finley.



where history and innovation thrive

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

Website: www.cityofkingston.ca

TTY: Dial 613-546-4889

Date:	July 5 th , 2019
Form:	Heritage Kingston Reviewer Form
Reviewer Name:	Peter Gower
Application Type:	Alteration and/or Repair
File Number:	P18-049-2019
Property Address:	52 Earl

Description of Proposal:

The subject property is a two-storey red brick house located at 52 Earl Street. The building was constructed in 1875 and is designated under Part IV of the Ontario Heritage Act and under Part V as part of the Old Sydenham Heritage Conservation District. The applicant is requesting permission to replace three sash windows. Two of the sash windows to the rear will go from single sash to double hung (double sash) and the third three part attic window storms will be removed and replaced with double glazed sashes. The applicant is requesting to undertake these works in order to alleviate the high costs associated with complex yearly professional cleaning of the existing windows. Photographs are uploaded in DASH for your review.

Comments for Consideration on the Application:

Assuming that the proposed windows are in accordance with all of our guidelines, I have no concerns with this application.

Summary of Final Comments at August 21, 2019 Heritage Kingston Meeting

Mr. Taylor stated that no policy can capture all window types and that many factors need to be considered when determining a solution. He stated that every window needs to be judged on its own merits.

Referring to the application, Mr. Taylor stated that some alternatives had not been explored and he hoped a good solution could be found.

He expressed support for the application, adding that he believed there was a better way to address the problem.

Draft Heritage Easement Agreement

This Agreement made the ____ day of _____, 2019

Between:

Kingston Terminal Properties Limited
(Hereinafter called the "Owner")

Of The First Part

The Corporation of the City Of Kingston
(Hereinafter called the "City")

Of The Second Part

Whereas the Owner is the registered owner of certain lands and premises situated in the City of Kingston, in the County of Frontenac and Province of Ontario, more particularly described in Schedule "A" (hereinafter called the "**Property**");

And Whereas the purpose of the *Ontario Heritage Act*, R.S.O. 1990, c. O.18 (the "**Act**") is to support, encourage and facilitate the conservation, protection and preservation of the heritage of Ontario;

And Whereas in accordance with Section 37(1) of the Act, the City is entitled to pass by-laws providing for covenants or easements for the conservation of property of cultural heritage value or interest;

And Whereas pursuant to Sections 37(2) and 37(3) of the Act, such covenants or easements entered into by the City, when registered in the proper Land Registry Office against the real property affected by them, shall run with the real property and may, whether positive or negative in nature, be enforced by the City or its assignee against the Owner or any subsequent owners of the real property even where the City owns no other land which would be accommodated or benefitted by such covenants and easements;

And Whereas the Owner and the City desire to conserve the cultural heritage value and heritage attributes of the limestone wall on or abutting the Property, as shown on Schedule "A-1" attached hereto and more fully described in Schedule "B" attached hereto (the "**Wall**");

And Whereas to this end, the Owner and the City desire to enter into this Easement Agreement (hereinafter called the "**Agreement**");

Now Therefore This Agreement Witnesseth that in consideration of the sum of One Dollar (\$1.00) of lawful money of Canada, now paid by the City to the Owner (the receipt and sufficiency of which is hereby acknowledged), and for other valuable consideration, and in further consideration of the granting of the easement herein, and in further consideration of the mutual covenants and restrictions hereinafter set forth,

the Owner and the City agree to abide by the following covenants, easements and restrictions, which shall run with the Property in perpetuity.

1.0 Schedules

The following Schedules are attached to and form part of this Agreement:

- 1) Schedule “A” – Description of the Property
- 2) Schedule “A-1” – Illustration of the Wall
- 3) Schedule “B” – Statement of Cultural Heritage Value
- 4) Schedule “C” – Conservation & Restoration Works
- 5) Schedule “C-1” – Scope of Work Illustration

2.0 Statement of Cultural Heritage Value

The “Statement of Cultural Heritage Value” attached hereto as Schedule “B” identifies the cultural heritage value of the Wall and includes the heritage attributes to be conserved.

3.0 Conservation Principles, Standards and Guidelines

- a. The purpose of this Agreement is to ensure that the cultural heritage value of the Wall will be conserved in perpetuity as part of the heritage of the City. To achieve this purpose, the Owner and the City agree that the heritage attributes will be retained, maintained and conserved by the Owner through the application of recognized heritage conservation principles and practices and that no change shall be made to the Wall that may adversely affect its cultural heritage value. For clarity, this Agreement pertains only to the Wall, and not to the existing buildings on the Property.
- b. In carrying out their respective responsibilities and duties under this Agreement, the Owner and the City shall, where applicable, be guided by and apply recognized heritage conservation principles and practices, including, but not limited to, the Ontario Ministry of Tourism, Culture and Sport’s *Eight Guiding Principles in the Conservation of Built Heritage Properties* and Parks Canada’s *Standards and Guidelines for the Conservation of Historic Places in Canada*.

4.0 Maintenance of the Wall

The Owner shall, at all times, maintain the Wall in as good and sound state of repair as a prudent owner would normally do, so that the heritage attributes of the Wall are conserved and enhanced.

5.0 Consistency with Approved Works

- a. The Owner shall, at its sole cost and in accordance with the terms of this Agreement, complete the “Conservation & Restoration Works” (excluding the interpretive panel and fence described in Subsection “b” and “c” below) to the

Wall as described in Schedule "C" within six (6) months following full execution of this agreement. In the event of unanticipated delays or factors beyond the Owner's control that prevent completion of said works within 6 months, the City and Owner may agree in writing to an extension of this timeline.

- b. The Owner shall install, at its sole cost, an interpretive panel providing information related to the history of the Wall and its construction methods. All aspects of the interpretive panel, including, without limitation, the location, size, content (including text) and design thereof, shall be subject to the prior written approval of City Heritage Staff. The Owner shall be responsible, at its sole cost, for maintaining, repairing and replacing (if necessary) such interpretive panel in a good, clean condition at all times. The interpretive panel shall be installed within one (1) year from the date of registration of this Agreement. The owner agrees to allow the City to publicize the existence of the Wall and any terms set out herein.
- c. The Owner shall install, at its sole cost, a wooden fence in the place of the portions of the Wall to be demolished. The fence shall comply with the City's Fences By-Law (2003-405). The materials, location and design of the wooden fence shall be subject to prior written approval of City Heritage Staff. The Owner shall be responsible, as its sole cost, for maintaining, repairing and replacing (if necessary) such fence in a good, clean condition at all times. The fence shall be installed within one (1) year from the date of registration of this Agreement.
- d. The Owner agrees that all masonry works in respect of the Wall, including cleaning, shall be completed in accordance with the City's Policy on Masonry Restoration in Heritage Buildings.
- e. Any future repairs, alterations, additions, removals and demolitions to the Wall, which are likely to affect the Wall's heritage attributes, require prior written approval by the City in accordance with the procedures outlined in Sections 33 and 34 of the Act.
- f. Duly authorized representatives of the City shall be permitted at all reasonable times to enter and inspect the Property in relation to the works described in Schedule "C" for safety and to ensure conformity with this Agreement. The City's prior written consent shall be required for any modifications to or deviations from the requirements set out in Schedule "C".

6.0 Insurance

- a. The Owner shall at all times keep and maintain an all risks insurance policy, in an amount equal to the full replacement cost thereof, on the Wall. The Owner shall ensure that the insurance policy includes confirmation, either in a letter or on the certificate of insurance, that the policy is appropriate for preserving the integrity of a heritage property. The Owner shall deliver proof of insurance to the City within thirty (30) days of the execution of this Agreement, and thereafter evidence

satisfactory to the City of the renewal of insurance shall be delivered to the City at least three (3) calendar days prior to termination thereof.

- b. If the Owner fails to so insure the Wall, or if such insurance is cancelled, the City may take out such insurance as the City reasonably deems necessary and any sum paid by the City shall forthwith be paid by the Owner to the City, failing which the amount shall be a debt due and owing to the City and recoverable from the Owner.

7.0 Damage, Demolition and Reconstruction

- a. The Owner shall notify the City of any damage or destruction to the Wall within ten (10) calendar days of such damage or destruction occurring. In the event that the Wall or any portion thereof is damaged or destroyed and the replacement, rebuilding, restoration or repair of it is impractical because of the financial costs involved, or because of the particular nature of the Wall, the Owner may, upon written notice delivered to the City within thirty (30) calendar days of the date of such damage or destruction, request written approval of the City to demolish the Wall in accordance with the provisions of applicable heritage legislation. The Owner shall, at all times, ensure proper security precautions are in place, at the Owner's expense, to prevent any further damage or liability.
- b. If the City does not give the approval referred to in Section 7.0(a), or if the Owner has not requested the approval referred to in Section 7.0(a), the Owner shall replace, rebuild, restore or repair the Wall with materials consistent with recognized heritage conservation methods. Within ninety (90) calendar days of the damage or destruction occurring to the Wall, the Owner shall submit to the City, for its prior written approval, all plans and specifications for the replacement, rebuilding, restoration or repair of the Wall. The Owner shall not commence or cause restorative work to be commenced on the Wall prior to receiving the City's written approval as aforesaid, and such restorative work shall be performed upon such terms and conditions as the City may stipulate, acting reasonably.
- c. If the request to demolish the Wall is not submitted or is refused, and the Owner fails to submit plans and specification for the replacement, rebuilding, restoration or repair of the Wall which are acceptable to the City within the timeframe noted above, the City may prepare its own set of plans and specifications for the replacement, rebuilding, restoration or repair of the Wall. The Owner shall have thirty (30) calendar days following receipt of a copy of such plans and specifications to notify the City in writing that it intends to replace, rebuild, restore or repair the Wall in accordance with the City's plans and specifications. If the Owner does not notify the City within such time period, the City may, on the Owner's behalf and at the Owner's expense, proceed with replacing, rebuilding, restoring or repairing the Wall. The City reserves the right to determine how it will be compensated by the Owner for any expenses incurred by the City.

8.0 No Act of Waste

- a. The Owner shall not commit or permit any act of waste on the Property.
- b. The Owner shall not, except with the prior written approval of the City:
 - i. grant any easement or right of way for the Property;
 - ii. erect, remove or permit the erection or removal of any building or other structure of any type whatsoever on the Property that may affect the Wall in any way;
 - iii. allow the planting of trees or shrubs on the Property, which would have the effect of:
 - A. reducing the aesthetics of the Wall;
 - B. causing any damage to the Wall; or
 - iv. allow any activities, actions or uses detrimental or adverse to water conservation, erosion control and soil conservation on the Property.

9.0 Remedies of the City

- a. If the City, in its sole discretion, is of the opinion that the Owner has neglected or refused to perform any of its obligations set out in this Agreement, the City may, in addition to any of its other legal or equitable remedies, serve on the Owner a notice setting out particulars of the breach and of the City's estimated maximum costs of remedying the breach. The Owner shall have thirty (30) calendar days from receipt of such notice to remedy the breach or make arrangements satisfactory to the City for remedying the breach.
- b. If within those thirty (30) days, the Owner has not remedied the breach or made arrangements satisfactory to the City for remedying the breach, or if the Owner does not carry out the said arrangements within a reasonable period of time (as determined by the City), duly authorized representatives of the City may enter upon the Property and carry out the Owner's obligations and the Owner shall reimburse the City for any expenses incurred thereby, up to the estimated maximum costs of remedying the breach set out in the aforesaid notice. Such expenses incurred by the City shall, until paid to it by the Owner, be a debt owed by the Owner to the City and recoverable by the City by action in a court of law.

10.0 Waiver

The failure of the City at any time to require performance by the Owner of any obligation under this Agreement shall in no way affect its right thereafter to enforce such obligation, nor shall the waiver by the City of the performance of any obligation hereunder be taken or be held to be a waiver of the performance of the same of any other obligation hereunder at any later time.

11.0 Extension of Time

Time shall be of the essence of this Agreement. Any time limits specified in this Agreement may be extended with the written consent of both the Owner and the City, but no such extension of time shall operate or be deemed to operate as an extension of any other time limit. Time shall be deemed to remain of the essence of this Agreement notwithstanding any extension of any time limit.

12.0 Registration of Agreement

This Agreement shall be registered against the title of the Property by the City, at the Owner's expense, as a notice to any prospective purchasers.

13.0 Severability of Covenants

The Owner and the City agree that all covenants, easements and restrictions contained in this Agreement shall be severable, and that should any covenant, easement or restriction in this Agreement be declared invalid or unenforceable, the remaining covenants, easements and restrictions shall not terminate thereby.

14.0 Dissolution of City

In the event of the winding up or dissolution of the City, all of the City's interest herein shall be automatically assigned and transferred to Her Majesty the Queen in Right of Ontario or to any other entity duly authorized by law.

15.0 Notice

- a. Any notices to be given under this Agreement shall be delivered to the parties at the following addresses:

The Owner: c/o Springer Group of Companies
159 Princess Street
Kingston, Ontario
K7L 1A9

The City:
Chief Planner & Director
Planning, Building and Licensing Services
The Corporation of the City of Kingston
216 Ontario Street
Kingston, Ontario
K7L 2Z3

The parties shall notify each other in writing with respect to any change to the addresses listed above.

- b. Except in the event of an interruption in the postal service, any notices to be given under this Agreement shall be delivered in person or sent by prepaid registered mail addressed to the parties at their respective addresses as set out in paragraph 15.0(a). In the event that a notice is delivered in person, the party receiving the notice shall indicate receipt of the notice by signing an acknowledgment of receipt and in that event the notice shall be deemed to have been received on the date on which the form of acknowledgment of receipt was signed. In the event of any interruption in the postal service, notice may be given to either party at its respective address as set out in paragraph 15.0(a), either in person or by courier. The party receiving the notice shall indicate the receipt of it by signing an acknowledgment of receipt and the notice shall be deemed to have been received on the date on which the form of acknowledgment was signed.

16.0 Indemnification

The Owner shall indemnify the City from and against any and all liabilities, suits, actions, proceedings, claims, causes, damages, judgments or costs whatsoever (including all costs of defending such claims) arising out of, incidental to, or in connection with any injury or damage to person or property of every nature and kind (including any death resulting therefrom) occasioned by anything done pursuant to the terms of this Agreement.

17.0 Costs

In the event that a dispute arises between either of the parties hereto because of this Agreement, each party shall be responsible for its own legal fees, court costs and all other similar type expenses which may result from any such dispute, including any orders as to costs awarded by a court of competent jurisdiction.

18.0 Subsequent Instrument

The Owner shall immediately notify the City if it divests itself of the fee simple title to or of its possessory interest in the Property.

19.0 Headings

The headings in the body of this Agreement form no part of the Agreement but shall be deemed to be inserted for convenience of reference only.

20.0 Enurement

The covenants, easements and restrictions set out in this Agreement shall run with the Property and shall enure to the benefit of and be binding upon all parties hereto and their respective successors and assigns, as the case may be.

Provided that in interpreting this Agreement the word "Owner" and the pronouns "it" or "its" relating thereto and used therewith shall be read and construed as "Owner" or "Owners" and "he ", "she", "it" or "they", "his", "her", "its" or "their", "him", "her", " it" or

"them", respectively, as the number and gender of the party or parties referred to in each case require, and the number of the verb agreeing therewith shall be construed as agreeing with the said word or pronoun so substituted.

[Signature page follows]

Schedule "A"
Description of the Property

Firstly

PT LT 194 Original Survey Kingston City PT 1 13R6310 T/W FR676226; Kingston; The County Of Frontenac

PIN: 36044-0060

Secondly

PT LT 194 Original Survey Kingston City As In FR477255; Kingston; The County Of Frontenac

PIN: 36044-0061

Thirdly

PT LT 193 Original Survey Kingston City; PT LT 194 Original Survey Kingston City PT 3 TO 5 13R5812 S/T & T/W FR676230; Kingston; The County Of Frontenac

PIN: 36044-0058

Schedule "A-1"
Illustration Of The Wall





Photos by BRANCH Architecture



Photos by BRANCH Architecture

Schedule "B"
Statement Of Cultural Heritage Value

Description of the Property

The Property is located at 90-92 Barrack Street, on the south side of Barrack Street. The Property has an access aisle adjacent to the east lot line of 88 Barrack Street. A rubble core limestone wall (referred to in this Agreement as the "Wall") sits at the southern extent of the Property.

Cultural Heritage Value

The Wall is a good example of a construction method utilized for limestone outbuildings in the late 19th century. The Wall is constructed with two exterior random coursed wythes with irregular rubble stones and mortar forming the core. The Wall displays two openings: a centrally located opening with a segmented stone arch over a wood "door", and a bricked in door opening with a flat stone arch at the east end. Alterations to the Wall include the provision of a poured concrete cap.

The Wall represents an early layer of construction within Kingston's original survey area, following the division of original lots 194 and 195.

The Plan of Kingston 1790 indicates the Property was reserved for a quarry; the stone used for the construction of structures on the Property was likely sourced locally, perhaps even from the subject Property itself. The Wall abuts a number of similar stone walls within this City block.

Heritage Attributes

The heritage attributes essential to the cultural heritage value or interest of this Property include portions of the Wall.

Schedule "C"
Conservation & Restoration Works

The Owner shall, at its sole cost, complete the following works in respect of the Wall in accordance with plans and specifications approved by the City in writing in advance:

1. Documentation of the current condition of the Wall, including a photographic inventory and scaled drawings, undertaken by a qualified person, in accordance with Sections 7.1.8 and 7.1.9 of the City of Kingston Official Plan;
2. Selective retention and restoration of the Wall, as shown on Schedule "C-1" attached, including:
 - a. Retention of an approximately one and a half (1.5) metre wide portion of the Wall at its eastern extent;
 - b. Retention of an approximately one (1) metre wide portion of the Wall at its western extent;
 - c. Retention of a single-course stone base between the retained portions of the Wall, except in the location of the existing central opening;
 - d. Repointing and stabilizing of the retained Wall, as necessary;
 - e. Selective demolition of the remainder of the Wall, retaining any viable stones for reuse in any future redevelopment on the Property or elsewhere in the City; and
 - f. Installation of an interpretive panel describing the cultural heritage value of the Wall, in a form and location satisfactory to City Planning Staff, and otherwise in accordance with Section 5.0(b) of this Agreement.

Schedule "C-1"
Scope Of Work Illustration

