

**By-Law Number 2021-XXXX**

**A By-Law to enact a Heritage Easement Agreement over lands located at  
484 Albert Street and 620 Princess Street, pursuant to the provisions of the  
*Ontario Heritage Act* (R.S.O. 1990, c. O.18)**

**Passed: [Meeting Date]**

**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 (hereinafter called the "Property"), being composed of Part Lot 3, Plan B14; Part Lot 650 Plan A12; Lots 651 and 652 Plan A12, designated as Parts 1, 2, and 3, 13R-22063; City of Kingston, County of Frontenac, PIN 36026-0447 and known municipally as 484 Albert Street and 620 Princess Street, Kingston; 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 enter into covenants or easements with owners of real property or interests therein, for the conservation of property of cultural heritage value or interest; and

**Whereas** by 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 against any subsequent owners of the real property even where the City owns no other land which would be accommodated or benefitted by such covenants or easements; and

**Whereas** the Owner and the City desire to conserve the cultural heritage value and interest of the Property in a manner which will ensure that any existing heritage attribute to be impacted, or lost, as a result of the works described herein does not occur in isolation of the broader enhancements to the cultural heritage value of the designated Property;

**Therefore**, the Council of The Corporation of the City of Kingston hereby enacts as follows:

1. That staff be directed to finalize and register a heritage easement agreement against the property composed of Part Lot 3, Plan B14; Part Lot 650 Plan A12; Lots 651 and 652 Plan A12, designated as Parts 1, 2, and 3, 13R-22063; City of Kingston, County of Frontenac, PIN 36026-0447
2. That the Director of Legal Services be directed to execute any documents as may be required to give effect to the registration against the property affected in the proper land registry office.

3. This by-law shall come into force and take effect on the date of its passing.

**Given All Three Readings and Passed [Meeting Date]**

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**John Bolognone**  
**City Clerk**

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**Bryan Paterson**  
**Mayor**

## HERITAGE EASEMENT AGREEMENT

THIS AGREEMENT made this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

**BETWEEN:**

**THE CORPORATION OF THE CITY OF KINGSTON**  
(the "**City**")

- and -

**KINGSTON HOME BASE NON-PROFIT HOUSING INC.**  
(the "**Owner**")

**WHEREAS:**

- A. In accordance with Section 37(1) of the *Ontario Heritage Act*, R.S.O, 1990, c. O.18 (the "**Act**"), the City is entitled to pass by-laws providing for the entering into of easements for the conservation of property of cultural heritage value or interest;
- B. Pursuant to Sections 37(2) and 37(3) of the Act, such easements, when registered against the real property affected by them, run with the real property and may, whether positive or negative in nature, be enforced by the City against any owner of the real property, even where the City owns no other land which would be accommodated or benefitted by such easements;
- C. The Owner is the registered owner of the property municipally known as 484 Albert Street and 620 Princess Street (the "**Property**"), which is designated under Part IV of the Act;
- D. The Owner desires to redevelop the Property for purposes of a youth services and transitional housing development, which will include alterations to the Princess Street United Church building, as well as demolition of the former manse building situate on the Property (the "**Building**");
- E. The Owner has secured funding for the redevelopment of the Property from the federal government, which will require the Owner to demolish the Building in advance of any municipal development approvals for the redevelopment of the Property; and

- F. The Owner and the City have agreed to enter into this Agreement setting out the terms of an easement to be granted by the Owner in favour of the City in respect of the demolition of the Building and the redevelopment of the Property.

**NOW THEREFORE** for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Owner and the City agree as follows:

### 1.0 Registration

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.

### 2.0 Demolition

- a. The Owner expressly reserves for itself, its representatives, successors and assigns the right to use the Property and the Building for all purposes not inconsistent with this Agreement.
- b. Following mutual execution of this Agreement, the Owner shall be permitted to demolish the Building, upon the following terms and conditions:
  - i. Upon mutual execution of this Agreement, the Owner shall promptly apply for and diligently pursue the issuance of all governmental approvals (the "**Required Approvals**") required to construct a new youth services and transitional housing development, including a two-storey retail café and youth skills centre, on the Property (the "**New Development**"), as generally depicted in the concept plans dated September 3, 2020 and prepared by Shoalts and Zaback Architects Ltd., as such concept plans may be modified through the development approval process;
  - ii. The Owner shall commence construction of the New Development within one hundred and twenty (120) days after receipt of the Required Approvals and shall thereafter diligently pursue completion of same in accordance with all applicable laws and development approvals;
  - iii. The Owner shall provide the City with not less than ten (10) business days' written notice prior to commencing demolition of the Building; and
  - iv. In carrying out the demolition of the Building, the Owner shall:
    - I. comply with all applicable laws, including, without limitation, the terms and conditions of the demolition permit for the Building, as well as City of Kingston Heritage Permit P18-085-2020 (the "**Heritage Permit**"); and
    - II. take all necessary precautions to preserve and protect those other portions of the Property that are designated under Part IV of the Act, which shall include, without limitation, ensuring that the demolition site is properly secured and fenced.



- c. All future repairs, alterations, additions, removals and demolitions to the remainder of the Property shall be completed in accordance with all approvals required pursuant to the Act, including, without limitation, the Heritage Permit, and the terms of a site plan control agreement.

### **3.0 Right of Entry**

Duly authorized representatives of the City shall be permitted at all reasonable times to enter upon and inspect the Property upon at least twenty-four (24) hours' prior written notice to the Owner, delivered in accordance with the terms of this Agreement, and provided such entry and inspection does not interfere with an occupant's use and enjoyment of the Property. All such access shall be at the sole and exclusive risk of the City and such inspections shall be non-intrusive and shall not cause damage to the Property.

### **4.0 Insurance**

During the course of demolition of the Building, a proper Builder's Risk insurance policy must be in place and confirmation of the policy certificate shall be provided to the City. In the event of any use of hoists or cranes, the Owner shall maintain a policy for Crane Operators/Hook liability insurance.

### **5.0 Prohibited Acts**

- 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, or except as otherwise provided for herein:
  - i. grant any easement or right of way for the Property which interferes with or adversely affects this Agreement; or
  - ii. erect or remove or permit the erection or removal of any other building or other structure of any type on the Property.

### **6.0 Remedies of the City**

- a. If the City, in its sole discretion, acting reasonably, 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 sixty (60) 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 sixty (60) 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 given the nature and scope of the breach, 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.

## **7.0 Documentation of Demolition**

The Owner shall record, at its own cost, the pre-demolition status of the Building by documentation in the nature of a Heritage Impact Statement, which shall include photos, including all elevations and key details, such as The entire building, photographically, inside and out, including the basement and attic, if available. The Owner shall provide a copy of such documentation to the City.

## **8.0 Termination and Amendment of Agreement**

- a. Each term of this Agreement shall be severable should any term be declared invalid or unenforceable. In such case, all remaining terms shall not terminate but shall continue.
- b. This Agreement shall automatically terminate and be of no further force and effect on the date that an occupancy permit is issued for the New Development, or, if the municipal development approvals for the redevelopment of the Property are refused, on the date on which all appeal periods in respect thereof have expired without an appeal being filed or any such appeal is dismissed or rejected without further appeal. Upon the expiry or termination of this Agreement, the City agrees, at its cost, to take such steps as are necessary to delete or discharge notice of this Agreement from title to the Property.
- c. In the event the parties desire to amend this Agreement, at any time or from time to time, any such amendment shall be mutually agreed to by the parties represented by the Director of Planning Services for the City and the duly authorized officers of the Owner. The parties acknowledge and agree that application for approval for such proposed amendment shall be submitted to City Council, which may approve or deny the application in its unfettered discretion.

## **9.0 Repeal of By-Law Designating Property**

In accordance with Section 34.3 of the Act, upon mutual execution of this Agreement, the City shall pass a by-law to repeal By-Law Number 2017-220, "A By-Law to Designate the Princess Street United Church Manse at 620 Princess Street to be of Cultural Heritage Value and Interest pursuant to the Provisions of the Ontario Heritage Act (R.S.O. 1990, 0.18)".

## **10.0 Legal Notices**

- a. The Owner shall immediately notify the City in the event that it divests itself of the fee simple title to or of its possessory interest in the Property or the Building.

- b. Any notices to be given under this Agreement shall be delivered to the parties at their respective addresses as listed herein:

The City: Director of Planning Services  
Planning Services Department  
The Corporation of the City of Kingston  
216 Ontario Street  
Kingston, Ontario  
K7L 2Z3

The Owner: 540 Montreal Street  
Kingston, Ontario  
K7K 3J2

- c. Any notices to be given under this Agreement shall be delivered in person, or by courier, or sent by prepaid registered mail, addressed to the parties at their respective addresses as set out herein. In the event that a notice is sent by prepaid registered mail, it shall be deemed to have been received on the second (2<sup>nd</sup>) clear day following the day on which the notice was sent.
- d. A party may change its address for receipt of notice at any time by giving the other party notice of such change in accordance with the terms of this section.

#### **11.0 Costs**

In the event that a dispute arises between either of the parties hereto in respect 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.

#### **12.0 Miscellaneous**

- a. This Agreement forms the entire extent of the matters dealt with herein, and no understandings or agreements verbal or otherwise exist between the parties except as herein expressly set out.
- b. The headings in the body of this Agreement form no part of the terms but shall be deemed to be inserted for convenience of reference only.
- c. 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 heirs, executors, administrators, successors and assigns as the case may be. The City and each successive heir, executor, administrator, successor and assign having interest in the Property shall be defined as "Owner" herein and subject to the terms related to the Owner herein during the term of their ownership interest.
- d. 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.

- e. 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.
- f. This Agreement shall not fetter the discretion of the City in its role as approval authority under applicable legislation including, but not limited to, the *Planning Act*, related to any planning applications submitted for the Property or the proposed redevelopment, and the *Building Code Act, 1992*, SO 1992, c.23.

[Remainder of page intentionally left blank]

**IN WITNESS WHEREOF** the parties hereto have duly executed this Agreement on the date first written.

**THE CORPORATION OF THE CITY OF  
KINGSTON**

Per:

\_\_\_\_\_  
Bryan Paterson, Mayor

\_\_\_\_\_  
John Bolognone, City Clerk

We have authority to bind the corporation.

**KINGSTON HOME BASE NON-PROFIT  
HOUSING INC.**

Per:

\_\_\_\_\_  
Name:  
Title:

\_\_\_\_\_  
Name:  
Title:

I/We have authority to bind the corporation.

**SCHEDULE "A"**  
**LEGAL DESCRIPTION OF THE PROPERTY**

**PIN: 36026-0447**

PART LOT 3 PLAN B14 KINGSTON CITY; PART LOT 650 PLAN A12 KINGSTON CITY  
AND LOTS 651 AND 652 PLAN A12 KINGSTON CITY; DESIGNATED AS PARTS 1, 2,  
AND 3, 13R22063 CITY OF KINGSTON



**City of Kingston  
Report to Heritage Kingston  
Report Number HK-21-006**

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**To:** Chair and Members of the Heritage Kingston  
**From:** Paige Agnew, Commissioner, Community Services  
**Resource Staff:** Andrea Gummo, Manager, Policy Planning  
**Date of Meeting:** December 16, 2020  
**Subject:** Application for Heritage Permit  
**Address:** 226-228 King Street East (P18-647)  
**File Number:** P18-099-2020

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**Council Strategic Plan Alignment:**

Theme: Corporate business

Goal: See above

**Executive Summary:**

The subject property is located on the northwest side of King Street East, between William and Earl Streets. It contains a two-storey limestone double-house, construction in 1843. The property is designated individually under Part IV of the *Ontario Heritage Act* and as part of the Old Sydenham Heritage Conservation District under Part V of the Act.

An application for demolition and erection under Section 42 of the *Ontario Heritage Act* (File Number P18-099-2020) has been submitted to gain heritage approval to erect a one-storey detached garage, clad in wooden board and batten siding, located in the rear yard. The new garage is to be 22 feet by 23.5 feet in size, with a gable roof, clad in dark asphalt shingles. The placement of the new garage will require the removal of a small one storey wooden shed, built in 2014.

This application was deemed complete on November 13, 2020. 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 February 11, 2021.

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

**Recommendation:**

**That** Heritage Kingston recommends to Council:

**That** alterations to the property at 226-228 King Street East, be approved in accordance with details described in the application (P18-099-2020), which was deemed completed on November 13, 2020 with said demolition to include the removal of a one-storey shed; and

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

**That** the erection on the property at 226-228 King Street East, be approved in accordance with the details described in the applications (File Number P18-099-2020), which was deemed complete on November 13, 2020, with said erection to include the construction of an approximately 48 square metre, one storey, detached garage with gabled roof; and

**That** the approval of the erections be subject to the following conditions:

1. A Building Permit shall be obtained, as necessary;
2. All *Planning Act* applications, including zoning relief, as necessary, shall be completed;
3. Drawings and specifications submitted as part of the Building Permit process shall be provided to Heritage Planning staff for review to ensure consistency with the Heritage Permit and the Old Sydenham Heritage Area Heritage Conservation District Plan;
4. Details related to the colour(s) of the new siding/cladding, trim, doors and roofing shall be submitted to Heritage Planning staff, prior to installation, for review and approval, to ensure it complements the heritage character and attributes of the property and district;
5. All window works shall be completed in accordance with the City's Policy on Window Renovations in Heritage Buildings; and
6. Any minor deviations from the submitted plans, which meet the intent of this approval and does not further impact the heritage attributes of the property/district, shall be delegated to the Director of Planning for review and approval.



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**Authorizing Signatures:**

ORIGINAL SIGNED BY COMMISSIONER

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**Paige Agnew, Commissioner,  
Community Services**

ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER

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**Lanie Hurdle, Chief  
Administrative Officer**

**Consultation with the following Members of the Corporate Management Team:**

Peter Huigenbos, Commissioner, Business, Environment & Projects	Not required
Brad Joyce, Commissioner, Corporate 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

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

The subject property is located on the northwest side of King Street East, between William and Earl Streets (Exhibit A – Context Maps and Photographs). It contains a two-storey limestone double-house, construction in 1843. The property is designated individually under Part IV of the *Ontario Heritage Act* and as part of the Old Sydenham Heritage Conservation District under Part V of the Act (Exhibit B – Designation By-Laws and Property Inventory Evaluation).

An application for demolition under Section 42 of the *Ontario Heritage Act* (File Number P18-099-2020) has been submitted to gain heritage approval to demolish a small one storey wooden shed with gabled roof. The existing shed is approximately 2.5 metres (8 feet) by 3 metres (10 feet) and was built in 2014. The applicant is planning to disassemble the building carefully, in the hope that he can sell it to someone for reassembly.

An application for erection under Section 42 of the *Ontario Heritage Act* (File Number P18-099-2020) has been submitted to gain heritage approval to erect a one-storey detached garage to be located in the rear yard. The new garage is to be 6.7 metres (22 feet) by 7 metres (23.5 feet) with a gable roof, clad in dark asphalt shingles. The initial application requested permission to erect a 20 by 23.5 feet garage, however, the applicant has requested this be changed to 22 by 23.5 feet. The new garage is to be clad in wooden board and batten siding painted a light grey, with doors and rain gear in white.

While both the demolition and erection applications are being processed together, the consultation requirements with Heritage Kingston, under Section 42(4.1) of the *Ontario Heritage Act*, are different. When processing an application to demolish a building or structure within a heritage conservation district (HCD), Council must first consult with its Heritage Committee, if one has been appointed. However, when processing an application to erect a new building in a HCD (under the 2005 Act) consultation with the Heritage Committee is not required. Staff have prepared two separate motions to accommodate this distinction.

The applicant provided concept plans, including floor, elevation and perspective drawings, prepared by Atkinson Home Building Centre. They are attached hereto 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. Submission materials may also be found by searching the file number.

This application was deemed complete on November 13, 2020. 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 February 11, 2021.

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## Reasons for Designation/Cultural Heritage Value

The subject properties were designated under Part IV of the *Ontario Heritage Act* in 1975 through By-Law Number 8497 and amended in 1976 by By-Law Number 8892. The property is also included in the Old Sydenham Heritage Conservation District created pursuant to Part V of the *Ontario Heritage Act* in 2015. The Property Inventory Evaluation rates the property as “significant” to the District. The “Reasons for Designation” include the following:

“The King Street façade is of regular coursed rough ashlar while the ends and the rear are in rubble limestone. ... Both ends are without openings but the rear, which faces onto a large garden, has fenestration almost identical to the front.”

The Designation By-Laws and Property Inventory have been included as Exhibit B.

## Cultural Heritage Analysis

226-228 King Street East is a significant heritage property. Its cultural heritage value is recognized both individually and as part of the Old Sydenham Heritage Conservation District (HCD). The subject property also contributes to a prominent streetscape along King Street East.

Staff visited the subject property on November 10, 2020. The assessment of this application is summarized below through references to the relevant sections of the Old Sydenham Heritage Area HCD Plan.

### Section 2 (Statement of Objectives)

Section 2.2 provides a Statement of Cultural Heritage Value and 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. Additionally, Section 2.3 of the Plan provides a description of the sub-areas and their heritage attributes. This proposal is located in the ‘King Street Corridor’ sub-area and its attributes are described in Section 2.3.1. The ‘King Street Corridor Sub-Area’ is identified in the HCD Plan and described as “a ceremonial entrance to the downtown lined with ornamental planting and major buildings, and with an alignment that echoes the curve of the shoreline” (Section 2.3.1).

The list of heritage attributes in the HCD (section 2.2) and those of the ‘King Street Corridor’ sub-area (section 2.3.1) include the “varied ages, styles and types of buildings, with both vernacular and architect-designed examples of over two centuries of architectural styles” and the “buildings that form a strong street edge”. The subject property contributes to both of the attributes noted above, making it a culturally important part of the District.

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: “using the provisions of the Ontario Heritage Act to control the demolition or removal of heritage buildings or structures”; and Land Use

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(2.5.4), which states: “encouraging alterations and new infill that is compatible with the arrangement, scale, architectural style and materials that constitute the district’s heritage character”.

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 proposed infill development in this application (garage) is designed and undertaken in accordance with the policies and guidelines of the District Plan.

### **Sections 4.0 & 5.0**

Section 4 of the Old Sydenham Heritage Conservation District (HCD) Plan establishes a policy framework related to Building Conservation. While Section 5 of the HCD Plan provides policies and guidelines related to Building Alterations and Additions. The plans submitted do not include any changes to the noted heritage building at 226-228 King Street East.

The existing garden shed, built in 2014, while appropriately designed for and fits well within the HCD, does not on its own contain cultural heritage value. Its removal is supportable.

### **Section 6.0**

Section 6 of the Old Sydenham Heritage Area HCD Plan establishes a policy framework for the erection of “New Construction”. New buildings, even accessory buildings, can have a significant impact on the streetscape and character of the Old Sydenham HCD. The proposal has been considered against these policies as summarized below.

According to Section 6.2 of the HCD Plan, new buildings are not required to replicate a heritage style but should enhance the heritage character of the district. Peaked roofs may be considered, and wooden siding is acceptable cladding material.

Section 6.2.2 also directs one to look to the proportions of neighbouring buildings to help influence the scale of the new builds. There are many existing accessory buildings of varying sizes in this block. The massing of the proposed garage is similar to the massing of other accessory buildings on adjacent properties. In this regard, the proposed new building conforms to this policy of the HCD Plan.

Section 6.2.6 does not address the design of new doors specifically. The applicant wishes to install a standard metal double-wide garage door with a row of small windows along the top and a partially glazed exterior person door facing the rear of the dwelling; both coloured white. Given the location of the proposed building, being at the rear of the subject property and only accessible by a private driveway, staff have no concerns with the proposed choice of doors.

A number of comments from member of Heritage Kingston noted concerns with the use of white for the doors and trim. The HCD Plan does not specify colours. Further, the heritage building on the subject property includes window and door trim that is currently white. This colour is appropriate on this property and staff have no concerns with the proposed colours.

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## Section 7.0

Section 7 of the Old Sydenham HCD Plan establishes a policy framework for the consideration of “Public and Private Landscapes”. The proposal has been considered against these policies as summarized below.

Section 7.5 provides guidance on landscaping features on private property. This section speaks to features such as fencing and trees. It notes that “landscape treatment in rear yards should be left to the discretion of property owners” who should however take guidance from the policies in this section. It notes that fences in rear yards should be constructed of wood, iron or stone. The applicant notes that a portion of the wood and metal fencing in the rear will need to be removed, during construction, but they are intending to reinstall it.

This section also directs that “existing trees in private rear yards should be conserved where possible.” The applicant notes that one “overgrown apple tree will need to be removed.” He notes that the tree appears to have not been well cared for over the years. It is the owners’ intent to relandscape the rear yard once construction is complete, which will include the replanting of trees and shrubs.

## Summary

The proposed garage is to be located away from King Street and out of public view, thereby having little impact on the character of the HCD and adjacent heritage buildings. The massing of the new garage and its use of wood cladding is in keeping with other buildings in the area, and thus meets the intent and policies of the HCD Plan.

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 Heritage, Sport, Tourism and Culture Industry’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. 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 Heritage, Sport, Tourism and Culture Industries): New work should be distinguishable from old and recognized as a product of its own time.
- 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.

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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**

P18-647-007-2008	Removal of vines and masonry restoration
P18-647-023-2008	Restore original wood windows
P18-647-027-2009	Replace basement windows
P18-179-079-2010	Roof replacement
P18-647-094-2011	Replace front porch

**Comments from Department and Agencies**

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

Planning Services: The subject property is designated "Residential" in the City of Kingston Official Plan. It is located in the residential 'B' Zone in Zoning By-law Number 8499. This zone category permits detached accessory buildings to existing residential uses. Zoning compliance is currently under review through the Building permit application.

Building Division: Building department acknowledges there is an active building permit application for the proposal, however the applicant is advised of the following:

- Spatial separations and construction of exposing building face to be considered.
- The building shall be located, or the building site graded so that water will not accumulate at or near the building and will not adversely affect adjacent properties.
- Clearances to above ground electrical conductors to conform to the applicable requirements of OBC Article 3.1.19.1

Engineering Services Department: Changes to grading and/or drainage shall not adversely affect the neighbouring or the subject lands

**Consultation with Heritage Kingston**

Heritage Kingston was consulted on this application through the Development and Services Hub (DASH) system. The Committee’s comments have been compiled and attached as Exhibit D and provided to the applicant for consideration.

Responding members noted general support for the proposal but noted caution with respect to the use of the colour white and requested further details regarding the design of the new doors. Examples of the proposed doors have been provided. Staff have addressed the concerns regarding the colour choice in our analysis above.

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**Conclusion**

Staff recommends approval of the application File Number (P18-099-2020), subject to the conditions outlined herein, as there are no objections from a built heritage perspective, and no concerns have been raised by internal departments.

**Existing Policy/By-Law:**

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

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

Ontario Heritage Tool Kit (Ministry of Heritage, Sport, Tourism & Culture Industries)

City of Kingston Official Plan

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

Old Sydenham Heritage Conservation District Plan

Zoning By-Law Number 8499

Designating By-Law Numbers 8497 and 8892

City's Policy on Window Renovations in 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:**

None

**Financial Considerations:**

None

**Contacts:**

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

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

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**Other City of Kingston Staff Consulted:**

None

**Exhibits Attached:**

- Exhibit A Context Maps and Photographs
- Exhibit B Designating By-Laws & Property Inventory Evaluation Form
- Exhibit C Concept Plans, prepared by applicant
- Exhibit D Correspondence Received from Heritage Kingston
- Exhibit E Final Comments from Heritage Kingston



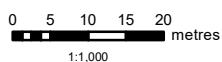


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HERITAGE KINGSTON COMMITTEE  
**Key Map**

File Number: P18-099-2020  
Address: 226, 228 KING ST E

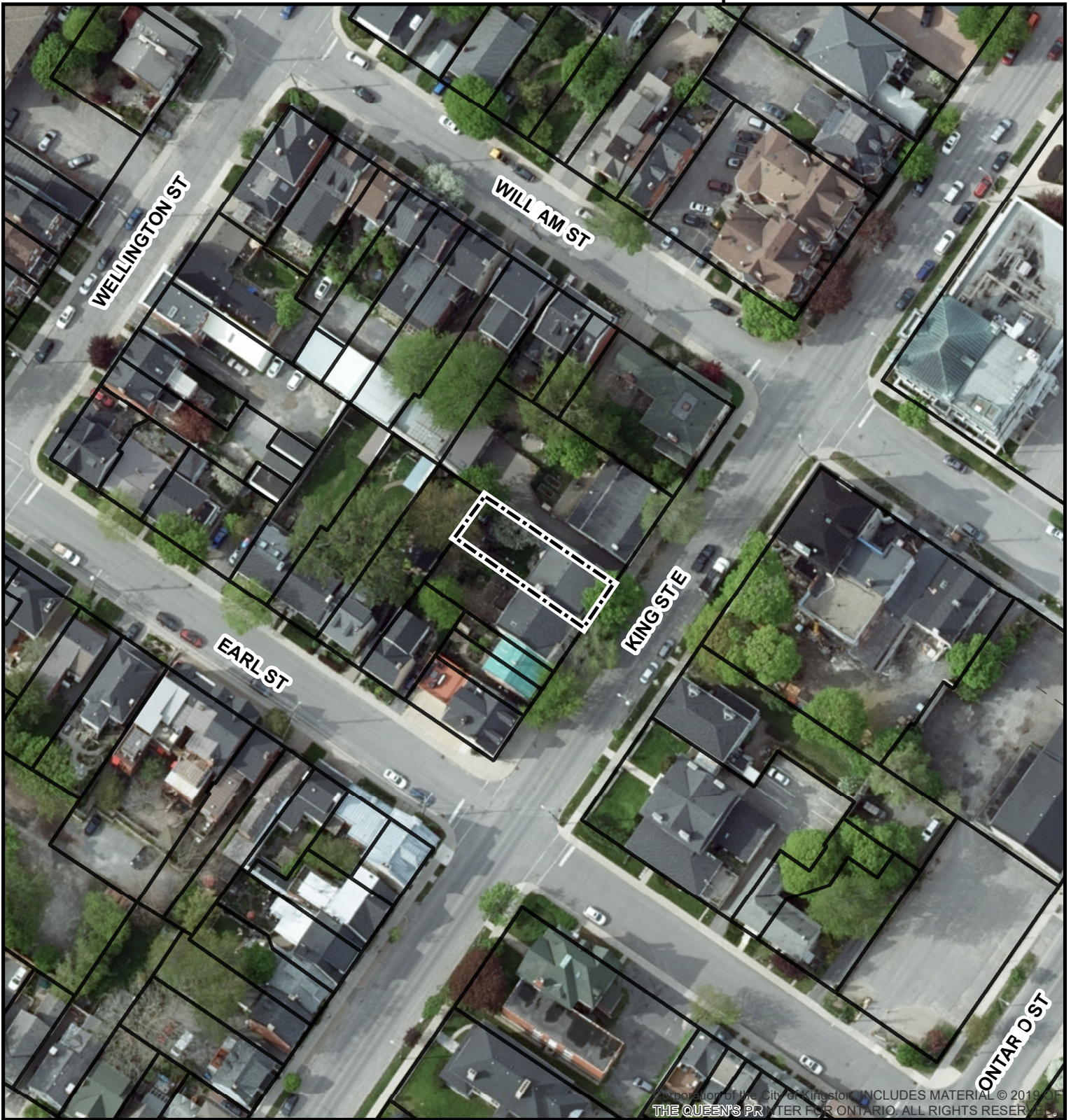


DATE: 2020-11-13  
PREPARED BY: akeeping



 Subject Lands



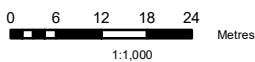


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


HERITAGE KINGSTON COMMITTEE  
**Neighbourhood Context (2019)**

File Number: P18-099-2020  
Address: 226, 228 KING ST E

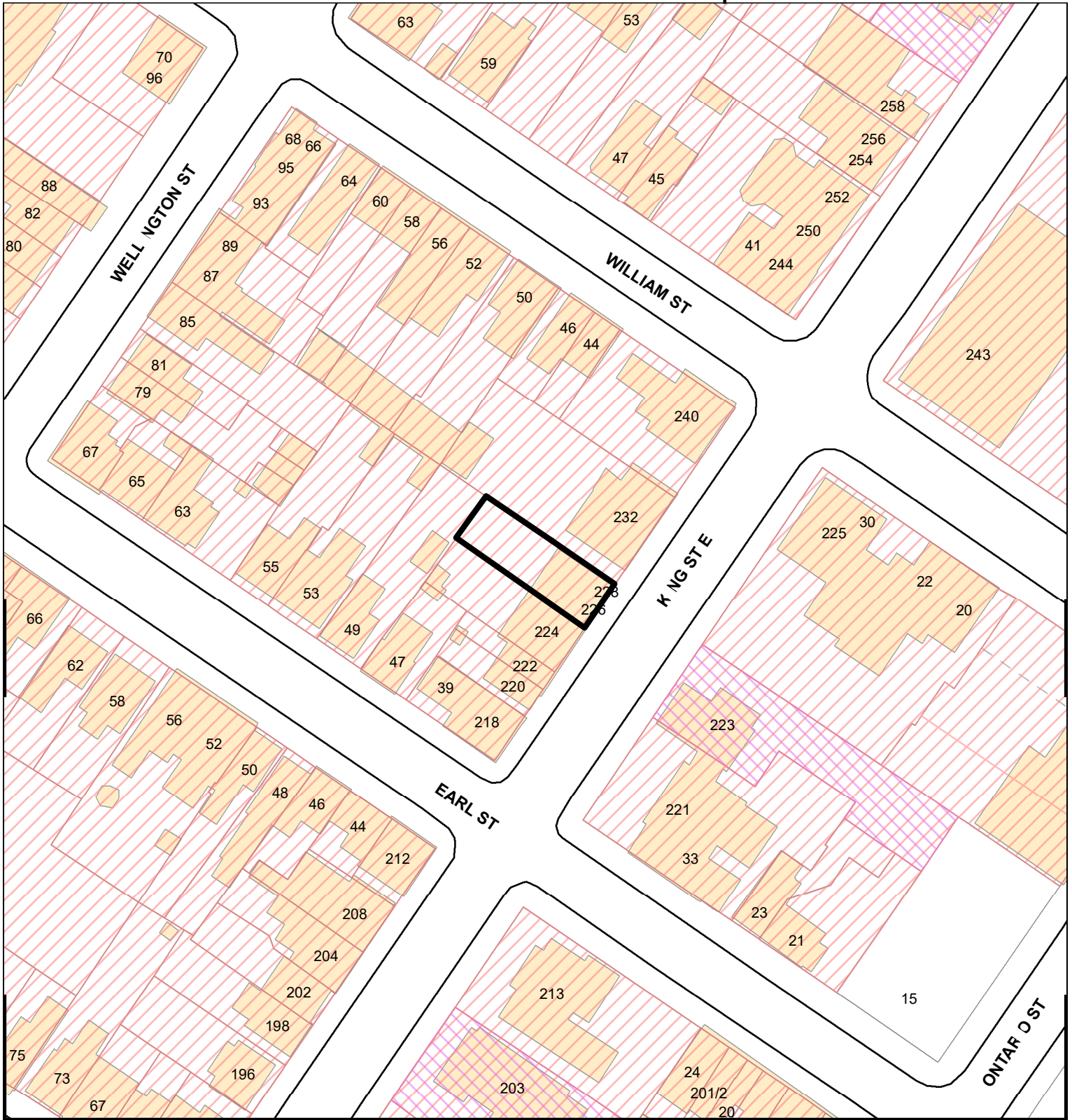


**Legend**

-  Subject Lands
-  Property Boundaries
-  Proposed Parcels

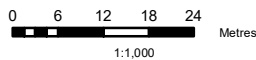






HERITAGE KINGSTON COMMITTEE  
**City of Kingston Heritage Register**

File Number: P18-099-2020  
Address: 226, 228 KING ST E



**Legend**

- Subject Lands (Old Sydenham Heritage Conservation District)
- Designated Property
- Easement
- Listed Property



# Current View






APPROVED AS TO FORM  
DATE *Aug 30, 1976*

*deleted City Hall by  
By-Law No. 84-169.*

*Page 1 of 26*

  
CITY SOLICITOR

Report No. 72  
Clause 8

BY-LAW NO. 8497

A BY-LAW TO DESIGNATE CERTAIN PROPERTIES WITHIN THE MUNICIPALITY TO BE OF HISTORIC OR ARCHITECTURAL VALUE OR INTEREST

PASSED: July 28th, 1975.

WHEREAS Section 29 of The Ontario Heritage Act, 1974, provides that the Council of a municipality may, by by-law, designate a property within the municipality to be of historic or architectural value or interest;

AND WHEREAS notice of intention to designate certain properties within the municipality was served on the owners of the property and The Ontario Heritage Foundation on June 2nd, 1975, and was published in the Whig-Standard on June 2nd, 9th and 16th, 1975;

AND WHEREAS no objections were received against the designation of the said certain properties as a result of the aforementioned notices;

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

1. The following properties be and are hereby designated to be of historic or architectural value or interest:

(1) CITY HALL - 216 Ontario Street

Built: 1842-44, rear wing rebuilt 1865-66, dome rebuilt 1909

Architects: 1841-43 George Browne  
1844, 1866 William Coverdale  
1909 Joseph Power

Description: All and singular that certain parcel or tract of land and premises situate, lying and being in the City of Kingston and County of Frontenac, and being more particularly described as Part Market Reserve, Original Survey, M1802 Patent.

Owner: The Corporation of the City of Kingston

Reason for Designation: This building is one of the finest nineteenth century municipal buildings in Ontario and is one of the great classic buildings of Canada. It was designated as being of national significance by the Historic Sites and Monuments Board of Canada in 1961.

(2) ST. GEORGE'S CATHEDRAL BLOCK

St. George's Cathedral, St. George's Church Hall, Sexton's House, Caretaker's Cottage, Old Post Office, Customs House.

Reason for Designation: The differing limestone buildings render this block unique in the City of Kingston. The relationship of the building masses to each other and to the streets, provide a most interesting progression of scale from the smallest residential building to St. George's Cathedral.

C.K. # 8497

- 14 -

(33) 220-222 KING STREET EAST

Built: 1868

Description: All and singular that certain parcel or tract of land and premises situate, lying and being in the City of Kingston and County of Frontenac, and being more particularly described as Part of Lot 126, Original Survey, as described in Instrument #155419.

Owner: Margaret Phipps-Walker

Reason for Designation: The property on which this building stands was bought by J. Neill, a grocer, in 1866. This double brick house is a good example of a design popular in the nineteenth century when those who could not afford large houses built these comfortable two-family units, and rented one unit.

(34) 224-226 KING STREET EAST

(a) 224 King Street East

Built: 1843

Description: All and singular that certain parcel or tract of land and premises situate, lying and being in the City of Kingston and County of Frontenac, and being more particularly described as Part of Lots 126 and 135, Original Survey, as described in Instrument #59853.

Owner: Mrs. Eleanor G. Browne

(b) 226 King Street East

Built: 1843

Description: All and singular that certain parcel or tract of land and premises situate, lying and being in the City of Kingston and County of Frontenac, and being more particularly described as Part of Lots 126 and 135, Original Survey, as described in Instrument #99997.

Owner: Toivo Vaino and Elna Vaino

Reason for Designation: J. Watkins and S. Muckleston, merchants, were the original owners of this unusual stone terrace. This double house, on a substantial scale, is very handsome, its arches have a grace and rhythm seldom attained with rough ashlar.

(35) 232 KING STREET EAST

Built: c.1812

Description: All and singular that certain parcel or tract of land and premises situate, lying and being in the City of Kingston and County of Frontenac, and being more particularly described as Part of Lots 125 and 136, Original Survey, as described in Instrument #81127.

Owner: Toivo Vaino and Elna Vaino

Reason for Designation: This simple stucco covered building is said to have been erected about 1812. Built by the Stuart family as a rental property, it remained in their possession until 1850.



C.K. # 8497

- 26 -

(67) SUNNYSIDE - Northeast Corner of Union and Macdonnell Streets (cont'd)

Reason for Designation: This stucco house was built for J. Counter, one of Kingston's most distinguished mayors. This building is a good example of a Regency style country estate.

(68) LAKEVIEW - 86 Beverley Street

Built: 1850, 1855

Architects: 1850 J. Crawford  
1855 William Coverdale

Description: All and singular that certain parcel or tract of land and premises situate, lying and being in the City of Kingston and County of Frontenac, and being more particularly described as Part of West half of the East half of Lot 22, Concession 1 and Lot 19, Plan B15, designated as Part 2 on Reference Plan 13R890.

Owner: Robert Wallace Best & Mary Elisabeth Best

Reason for Designation: This is one of the very few Kingston houses which retains not only most of its original yard and garden, but also the attached "offices" which are little altered. This stone building is an excellent example of a country estate built in the Regency style.

(69) OTTERBURN - 124 Centre Street

Built: 1834

Description: All and singular that certain parcel or tract of land and premises situate, lying and being in the City of Kingston and County of Frontenac, and being more particularly described as Part of West 1/2 of Farm Lot 22, Concession 1, as described in Instrument #82339.

Owner: Beth Israel Congregation of Kingston

Reason for Designation: The Regency elegance of this stucco building's proportions makes it a good example of an 1830's country residence.

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

GIVEN THREE READINGS AND FINALLY PASSED the 28th day of July, 1975.

  
CLERK-COMPTROLLER

  
MAYOR

APPROVED AS TO FORM

DATE *Aug 16/76*

*[Signature]*  
CITY SOLICITOR

Report No. 84  
Clause 1

BY-LAW NO. 8892

A BY-LAW TO AMEND BY-LAW NO. 8497, "A BY-LAW TO DESIGNATE CERTAIN PROPERTIES WITHIN THE MUNICIPALITY TO BE OF HISTORIC OR ARCHITECTURAL VALUE OR INTEREST" (EXPAND REASONS FOR DESIGNATION)

PASSED: August 16th, 1976.

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

1. By-Law No. 8497, "A By-Law to Designate Certain Properties Within the Municipality to be of Historic or Architectural Value or Interest", is hereby amended by expanding the reasons for designation as set forth on the attached Schedule "A".

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

GIVEN THREE READINGS AND FINALLY PASSED the 16th day of August, 1976.

*[Signature]*  
CLERK-COMPTROLLER

*[Signature]*  
MAYOR



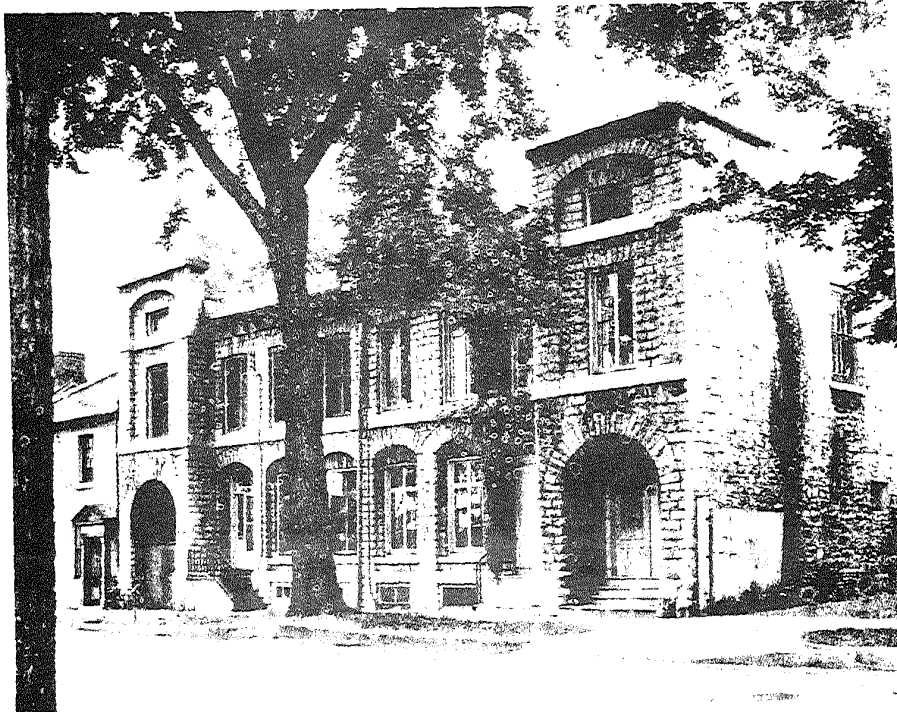
SCHEDULE "A" TO BY-LAW NO. 8892

REASONS FOR DESIGNATION (cont'd)

(33) 220-222 KING STREET EAST (cont'd)

limestone at the rear is marked by stone quoins. The rear placement of doors and windows is identical to the front.

(34) 224-226 KING STREET EAST



Significance: This handsome double, two-storey stone dwelling with arched carriage-way at each end was built in anticipation of Kingston remaining the Capital of Canada. John Watkins and Samuel Muckleston, merchants, were the owners of this most important building in the streetscape, one of the few Kingston buildings showing Palladian influence. Its arches have a grace and rhythm seldom attained with rough ashlar. Although the doorways have been replaced, almost all the original windows have been retained. Their design helps to counteract a certain heaviness in the design of the building.

This double residence of substantial scale is symmetrical throughout except for recent minor alterations. Its central two-storey portion of six bays houses the main entrances while the projecting pavilions are two and one-half storeys high and contain carriage-ways. The high basement level of the central section has four rectangular windows with voussoirs while the bays abutting the pavilions contain the stairways leading up to the main entrances on the first floor. In the main

REASONS FOR DESIGNATION (cont'd)

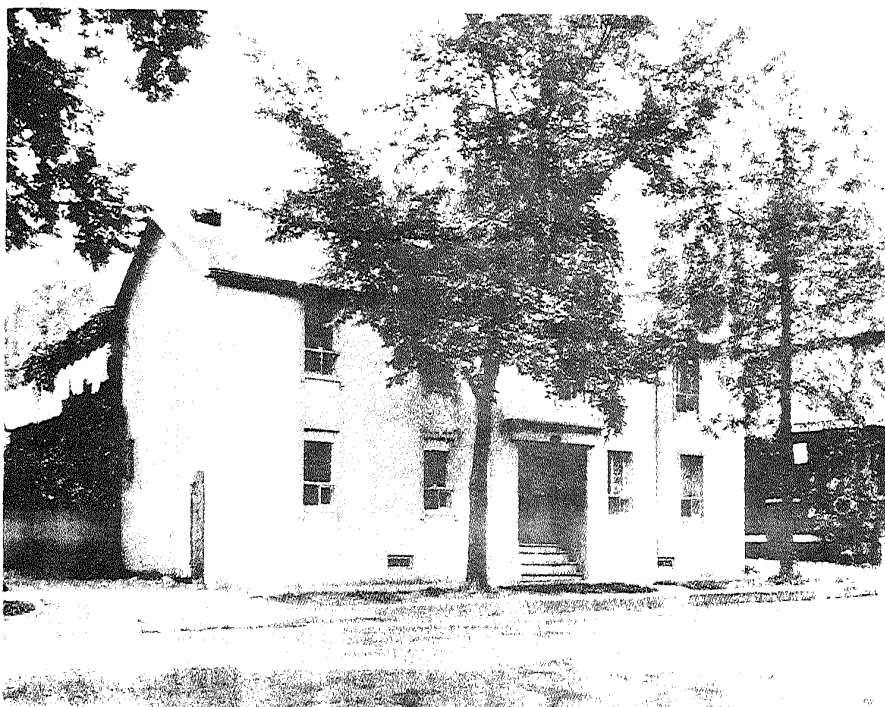
(34) 224-226 KING STREET EAST (cont'd)

floor all openings are recessed in a series of interlocking segmental arches while the carriage-ways have semicircular arches.

The double casement windows of the first floor have transoms and off-centre glazing bars. A smooth ashlar string course serves as the sill for the second storey double casements in both the central and end sections of the building. From this string course in the end pavilions a central recessed area creates projecting corners which extend through the upper string course to meet in segmental arches. The pavilions are topped by smooth ashlar blocks to form plain parapets. The upper string course serves as sills for the small rectangular windows in the third storey of the end pavilions and forms a frieze for the central section. The eaves are supported by brackets and the gabled roof is divided by a stone fire wall.

The King Street facade is of regularly coursed rough ashlar while the ends and the rear are in rubble limestone. One side of the rear has been stuccoed. Both ends are without openings but the rear, which faces onto a large garden, has fenestration almost identical to the front.

(35) 232 KING STREET EAST



**224-226-228 KING  
STREET EAST**

**Built: 1843**

**Rating: S (Part IV)**



“This handsome double, two-storey stone dwelling with arched carriage-way at each end was built in anticipation of Kingston remaining the Capital of Canada. John Watkins and Samuel Muckleston, merchants, were the owners of this most important building in the streetscape, one of the few Kingston buildings showing Palladian influence. Its arches have a grace and rhythm seldom attained with rough ashlar. Although the doorways have been replaced, almost all the original windows have been retained. Their design helps to counteract a certain heaviness in the design of the building.

“This double residence of substantial scale is symmetrical throughout except for recent minor alterations. Its central two-storey portion of six bays houses the main entrances while the projecting pavilions are two and one-half storeys high and contain carriage-ways. The high basement level of the central section has four rectangular windows with voussoirs while the bays abutting the pavilions contain the stairways leading up to the main entrances on the first floor. In the main floor all openings are recessed in a series of interlocking segmental arches while the carriageways have semicircular arches.

“The double casement windows of the first floor have transoms and off-centre glazing bars. A smooth ashlar string course serves as the sill for the second storey double casements in both the central and end sections of the building. From this string course in the end pavilions a central recessed area creates projecting corners which extend through the upper string course to meet in segmental arches. The pavilions are topped by smooth ashlar blocks to form plain parapets. The upper string course serves as sills for the small rectangular windows in the third storey of the end pavilions and forms a frieze for the central section. The eaves are supported by brackets and the gabled roof is divided by a stone fire wall.

"The King Street facade is of regularly coursed rough ashlar while the ends and the rear are in rubble limestone. Both ends are without openings but the rear, which faces onto a large garden, has fenestration almost identical to the front."



# Current View



View from King Street.



View of rear yard.



# Shed to be Demolished





# Proposed 23'-6" x 22' Garage

Dr. Tom McGregor  
c/o Brandon Potter  
226 King St. East  
Kingston, ON.  
K7L73A6

**ATKINSON**  
 **Home**  
building centre  
Kingston 613-389-6709 Hartington 613-372-2838







5276 Hinchinbrooke Road,  
Hartington ON. KOH 1W0  
Tel: (613) 372-2838  
Fax: (613) 372-0009

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**Client:**  
**Dr. Tom McGregor**  
c/o Brandon Potter  
226 King St. East  
Kingston, ON.  
K7L 3A6  
**Project:**  
**23'-6" x 20' (Standard)**  
**Garage Package**  
**Area = 470**  
**Date = October 7, 2020**  
**Scale = 3/16" = 1' - 0"**

**Revisions:**

**Designer:**  
**Shawn Duce**  
**B.C.I.N # 19460**  
**Firm B.C.I.N. # 30420**  
Province of Ontario B.C.I.N. Certification

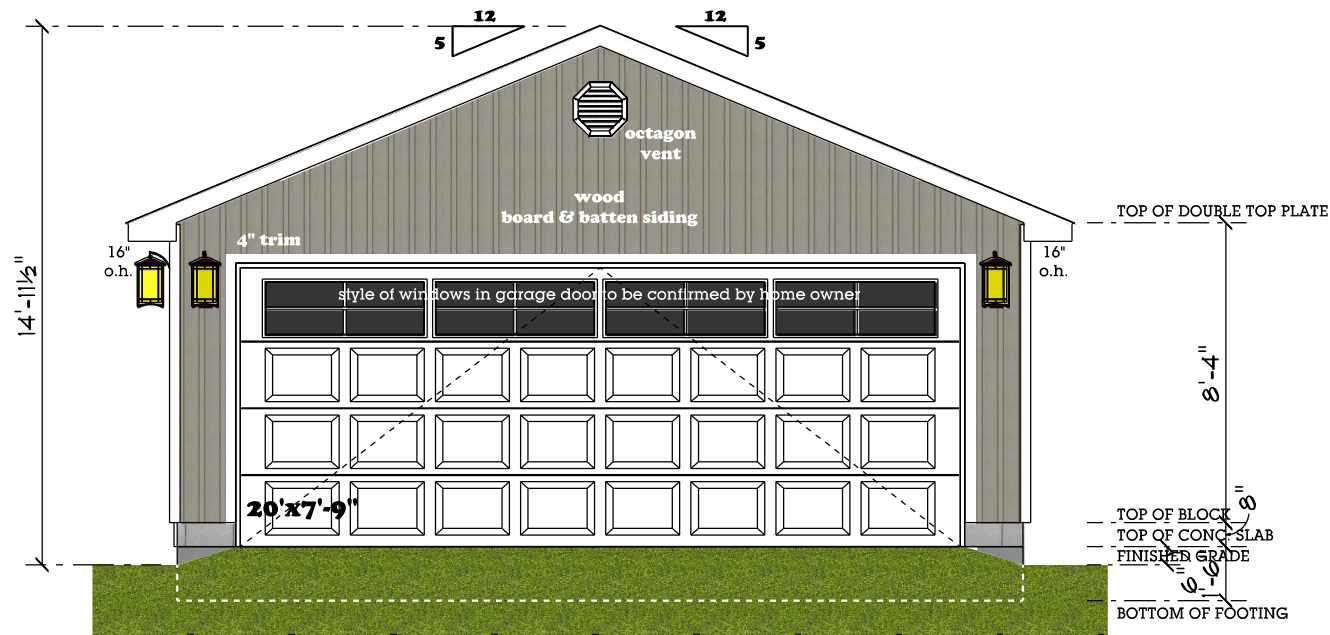
**General notes:**  
These plans were designed in accordance with the requirements of the Ontario Building Code. All dimensions are to be checked on site, prior to construction. All dimensions are structural (unless noted otherwise). Drawings must not be scaled. Contractor shall verify and be responsible for all dimensions and minimum code requirements and shall report any discrepancy to the Designer before proceeding with any work. Plans are copyrighted - unlawful for use without company's express written permission.

These plans form the basis for permit issuance & any deviation from these plans & details; including the ventilation system, heating system, woodstoves, fireplaces, decks, balconies & finished basements will require a revised drawing & clearance by the building department. In the event that any engineered details are required, in addition of these drawings, it will be the responsibility of the home owner/contractor to provide.

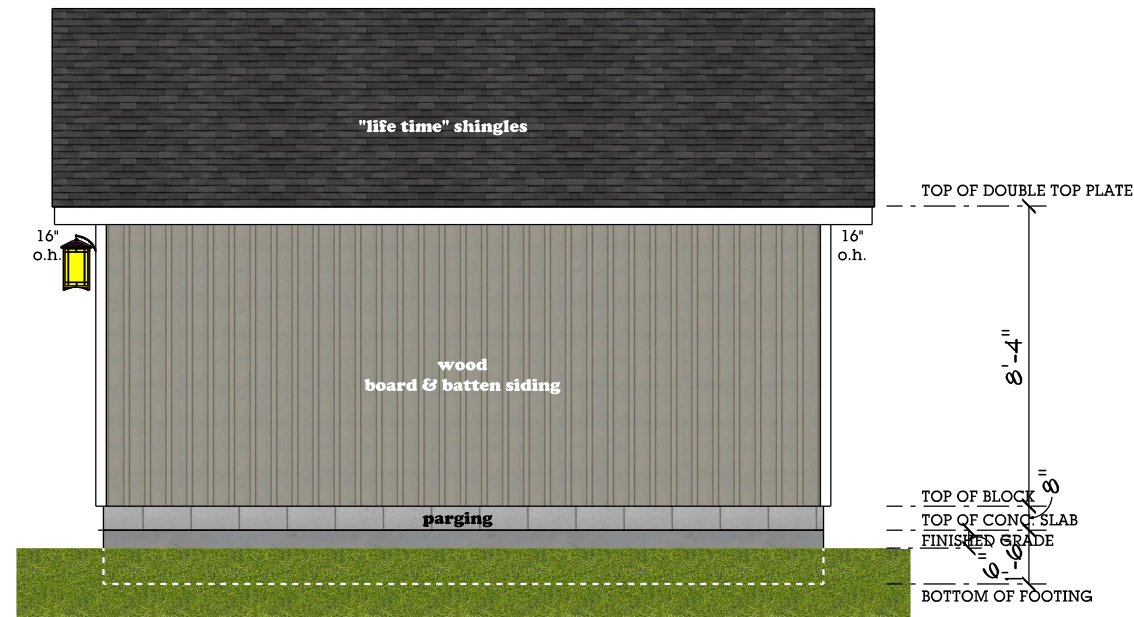
APPROVED BY: DRAWING#

*S. Duce* **A - 1**

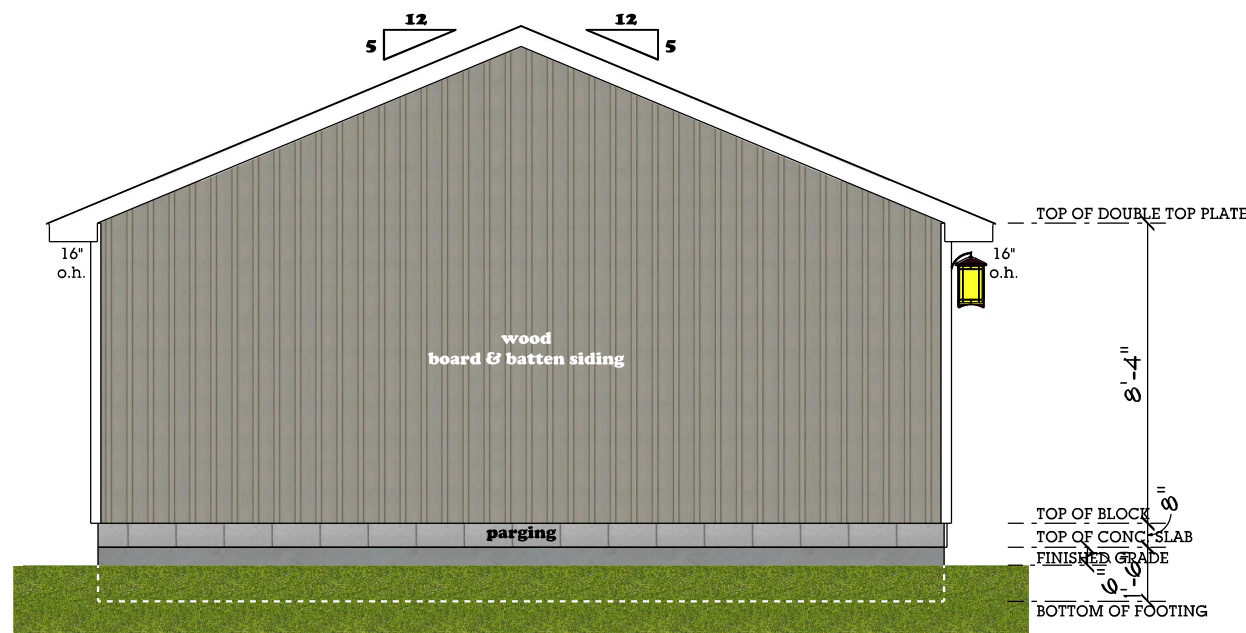
January 2020



**Front elevation**



**Right elevation**



**Rear elevation**



**Left elevation**

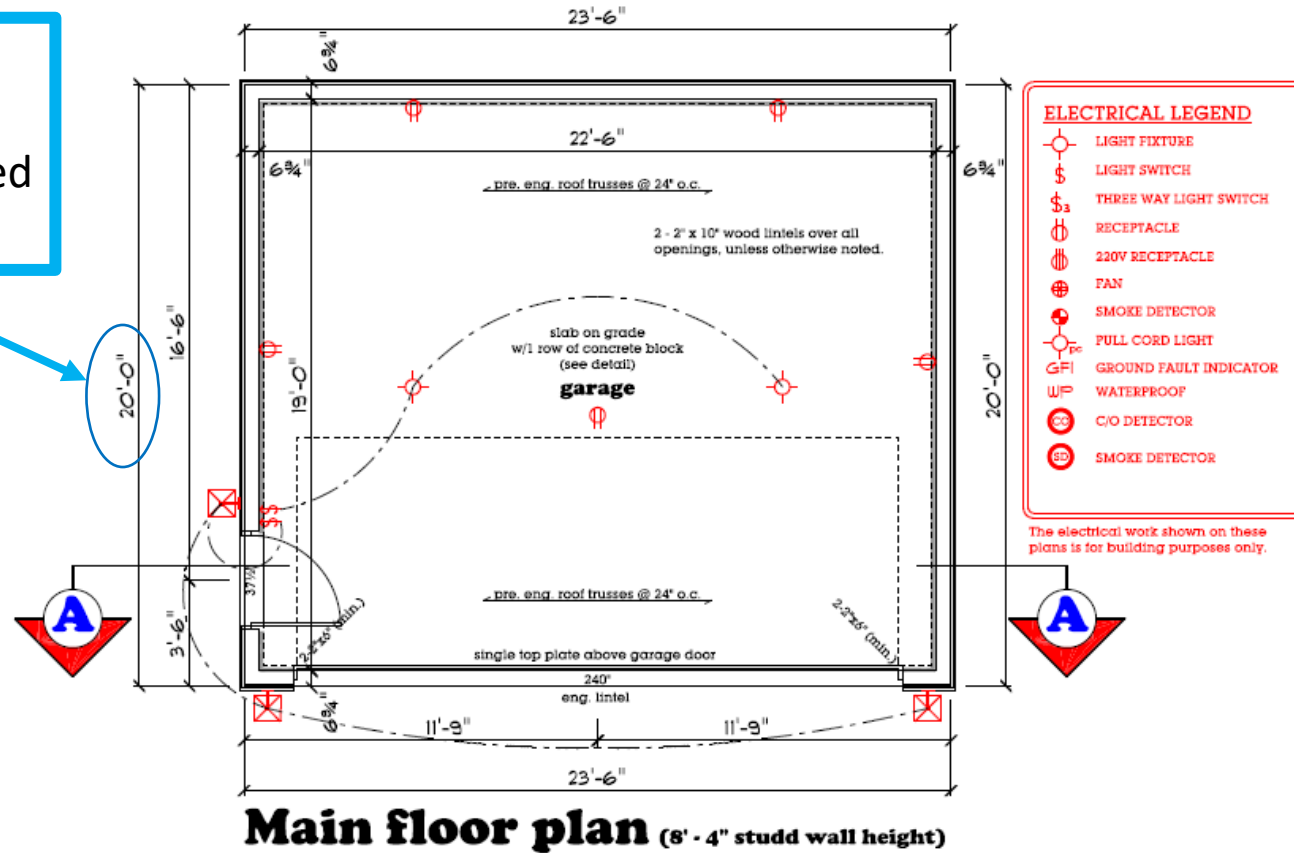
**Exterior window & door schedule**

Type	Dimension	Width	Height	Description
<b>A</b>	<b>37 1/2" x 82"</b>	<b>37 1/2"</b>	<b>82"</b>	<b>b-02 steel door</b>

\*Openings are frame size, add (min.) 1 1/4" for r.s.o.  
\*\*Refer to elevations for operators

**Windows**  
all windows to conform to the requirements of aama/wdmac/csa 101/i.s.2/a440-08 "nafs - north american fenestration standard/specification for windows, doors, & skylights".  
as per 9.7.4.1. of o.b.c.  
windows located within (6' - 6 3/4") of adjacent ground level, shall conform to clause 5.3.5 of the above standard.  
as per 9.7.5.3. of o.b.c.

The applicant has requested the depth be increased to 22 feet.



**ATKINSON Home building centre**  
5276 Hinchinbrooke Road,  
Hartington ON. K0H 1W0  
Tel: (613) 372-2838  
Fax: (613) 372-0009  
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**BEAVER HOMES & COTTAGES**  
A CANADIAN HOME BUILDING TRUST

**Client:**  
Dr. Tom McGregor  
c/o Brandon Potter  
226 King St. East  
Kingston, ON.  
K7L 3A6

**Project:**  
23'-6" x 20' (Standard)  
Garage Package  
Area = 470  
Date = October 7, 2020  
Scale = 1/4" = 1' - 0"

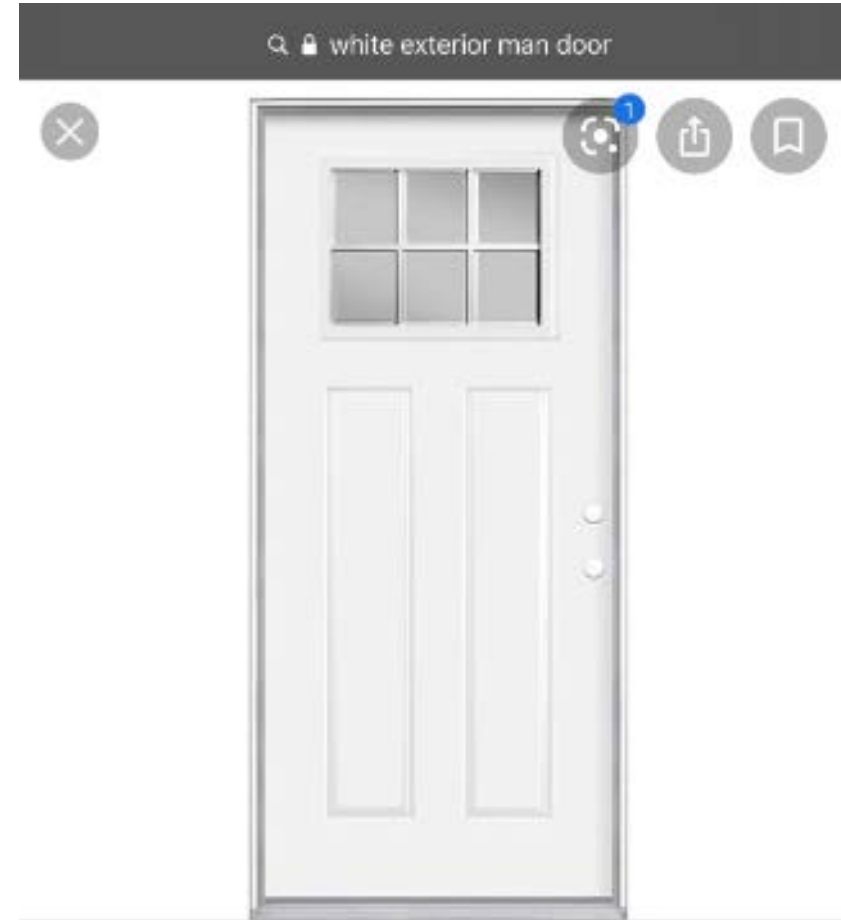
**Revisions:**

**Designer:**  
Shawn Duce  
B.C.I.N # 19460  
Firm B.C.I.N. # 30420  
Province of Ontario & C.I.N. Certification

**General notes:**  
These plans were designed in accordance with the requirements of the Ontario Building Code. All dimensions are to be checked on site, prior to construction. All dimensions are structural (unless noted otherwise). Drawings must not be scaled. Contractor shall verify and be responsible for all dimensions and minimum code requirements and shall report any discrepancy to the Designer before proceeding with any work. Plans are copyrighted - Unlawful for use without company's express written permission.  
These plans form the basis for permit issuance & any deviation from these plans including the ventilation system, heating system, woodstove, fireplace, decks, intakes & finished basements will require a revised drawing & clearance by the building department. In the event that any engineered details are required, in addition to these drawings, it will be the responsibility of the home owner/contractor to provide.

APPROVED BY: *S. Duce* DRAWING# **A - 3**





# Heritage Kingston

## Summary of Input from the First Technical Review Process

### P18-099-2020

Heritage Kingston Members	Comments Enclosed	No Comments Provided	No Response Received
Chair, Peter Gower	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilor Bridget Doherty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilor Gary Oosterhof	<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"/>
William Hineman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jeremy St-Onge	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Moya Dumville	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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



where history and innovation thrive

Website: [www.cityofkingston.ca](http://www.cityofkingston.ca)

TTY: Dial 613-546-4889

---

Date:	November 4, 2020
Form:	Heritage Kingston Reviewer Form
Reviewer Name:	Peter Gower
Application Type:	New Construction
File Number:	<a href="#">P18-099-2020</a>
Property Address:	226 KING ST

---

Description of Proposal:

The subject property is located on the north-west side of King Street East, between William and Earl Streets, in the Old Sydenham Heritage Conservation District. It contains a two storey limestone double-house, construction in 1843. The property is designated under both Parts IV and V of the Ontario Heritage Act. The applicant is seeking heritage approval to erect a one-storey detached garage, clad in wooden board and batten siding, located in the rear yard. The new garage is to be 20 feet by 23.5 feet is size, with a gable roof, clad in dark asphalt shingles. Detailed construction plans are included with the submission.

Comments for Consideration on the Application:

My only concerns here are with the window style and the colour of the door. I am not sure that white is the optimal colour.

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



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TTY: Dial 613-546-4889

---

Date:	November 4, 2020
Form:	Heritage Kingston Reviewer Form
Reviewer Name:	W. K. Hineman
Application Type:	New Construction
File Number:	<a href="#">P18-099-2020</a>
Property Address:	226 KING ST

---

Description of Proposal:

The subject property is located on the north-west side of King Street East, between William and Earl Streets, in the Old Sydenham Heritage Conservation District. It contains a two storey limestone double-house, construction in 1843. The property is designated under both Parts IV and V of the Ontario Heritage Act. The applicant is seeking heritage approval to erect a one-storey detached garage, clad in wooden board and batten siding, located in the rear yard. The new garage is to be 20 feet by 23.5 feet is size, with a gable roof, clad in dark asphalt shingles. Detailed construction plans are included with the submission.

Comments for Consideration on the Application:

I would like to know what the final design is for the windows and the garage door.

Recommended Conditions for the Application:

Recommend to approve once the information on windows and garage door is supplied.



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

Website: [www.cityofkingston.ca](http://www.cityofkingston.ca)

TTY: Dial 613-546-4889

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---

Date:	November 7, 2020
Form:	Heritage Kingston Reviewer Form
Reviewer Name:	Don Taylor
Application Type:	New Construction
File Number:	<a href="#">P18-099-2020</a>
Property Address:	226 KING ST

---

#### Description of Proposal:

The subject property is located on the north-west side of King Street East, between William and Earl Streets, in the Old Sydenham Heritage Conservation District. It contains a two storey limestone double-house, construction in 1843. The property is designated under both Parts IV and V of the Ontario Heritage Act. The applicant is seeking heritage approval to erect a one-storey detached garage, clad in wooden board and batten siding, located in the rear yard. The new garage is to be 20 feet by 23.5 feet is size, with a gable roof, clad in dark asphalt shingles. Detailed construction plans are included with the submission.

#### Comments for Consideration on the Application:

No significant concerns. However I see there is an existing building in the back yard. Shouldn't there be a demolition application accompanying this? Assuming there will be access by right of way from the neighbour's laneway will the fence have to be rebuilt?

On the new garage, is the wood cladding to be painted? That is advisable for protecting the wood which is presumably softwood. Likewise rain gear is advised so that water runoff does not splash and discolour/decay the siding. The colour of the vehicle and person doors should be considered: white is not recommended (not very appropriate in a heritage setting, and quickly showing dirt).



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

Website: [www.cityofkingston.ca](http://www.cityofkingston.ca)

TTY: Dial 613-546-4889

---

Date:	November 9, 2020
Form:	Heritage Kingston Reviewer Form
Reviewer Name:	Bridget Doherty
Application Type:	New Construction
File Number:	<a href="#">P18-099-2020</a>
Property Address:	226 KING ST

---

#### Description of Proposal:

The subject property is located on the north-west side of King Street East, between William and Earl Streets, in the Old Sydenham Heritage Conservation District. It contains a two storey limestone double-house, construction in 1843. The property is designated under both Parts IV and V of the Ontario Heritage Act. The applicant is seeking heritage approval to erect a one-storey detached garage, clad in wooden board and batten siding, located in the rear yard. The new garage is to be 20 feet by 23.5 feet is size, with a gable roof, clad in dark asphalt shingles. Detailed construction plans are included with the submission.

#### Comments for Consideration on the Application:

Wood board and batten is appropriate as is the roof. More details re doors, windows and colours would be appreciated. Does a tree need to be removed?



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

Website: [www.cityofkingston.ca](http://www.cityofkingston.ca)

TTY: Dial 613-546-4889

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---

Date:	November 10, 2020
Form:	Heritage Kingston Reviewer Form
Reviewer Name:	Jane McFarlane
Application Type:	New Construction
File Number:	<a href="#">P18-099-2020</a>
Property Address:	226 KING ST

---

#### Description of Proposal:

The subject property is located on the north-west side of King Street East, between William and Earl Streets, in the Old Sydenham Heritage Conservation District. It contains a two storey limestone double-house, construction in 1843. The property is designated under both Parts IV and V of the Ontario Heritage Act. The applicant is seeking heritage approval to erect a one-storey detached garage, clad in wooden board and batten siding, located in the rear yard. The new garage is to be 20 feet by 23.5 feet is size, with a gable roof, clad in dark asphalt shingles. Detailed construction plans are included with the submission.

#### Comments for Consideration on the Application:

Although the proposed garage is in the rear yard of this designated building careful consideration should be given to its siting, design, construction and detailing to ensure that it is compatible with and enhances the existing building. The applicant should follow required lot line setbacks to allow for maintenance and on site drainage. A garage that is complimentary to the original building in terms of roof pitch, design and colour of person and car doors and perhaps windows can enhance the main building and the view from it. A muted grey tone for the large expanse of garage doors and even for the person door could be considered rather than white or off white while using white or off white for soffit, fascia and raingear. The material, style and type of windows for the garage door needs to be specified and a raised panel door would not be appropriate for a heritage property or HCD. Windows that give the impression of vertical rather than horizontal would be most suitable. Details regarding the person door should be provided. Unless there is vertical landscaping planned for the exterior of the garage the plain elevation of the new garage that faces the house with only a person door, could be enhanced by adding a window on that side that reflects the glazing pattern on the house.

**Summary of Final Comments at December 16, 2020 Heritage Kinston Meeting**

Ms. McFarlane stated that the applicant should consider muted-grey tones for the colour of the garage doors.

Mr. Taylor commented that the colours of the garage should match those of the house.





**City of Kingston  
Report to Heritage Kingston  
Report Number HK-21-003**

---

**To:** Chair and Members of the Heritage Kingston  
**From:** Paige Agnew, Commissioner, Community Services  
**Resource Staff:** Andrea Gummo, Manager, Policy Planning  
**Date of Meeting:** December 16, 2020  
**Subject:** Application for Heritage Permit  
**Address:** 46 Earl Street (P18-117)  
**File Number:** P18-097-2020

---

**Council Strategic Plan Alignment:**

Theme: Corporate business

Goal: See above

**Executive Summary:**

The subject property is located on the south side of Earl Street, just west of King Street East and includes a two-storey stone dwelling, built c. 1828. The property is designated individually under Part IV of the *Ontario Heritage Act* and as part of the Old Sydenham Heritage Conservation District under Part V of the Act.

An application for alteration under Section 42 of the *Ontario Heritage Act* (File Number P18-097-2020) has been submitted to gain heritage approval to re-clad a rear facing dormer with a grey metal cladding and to alter four window openings in the dormer. In order to accommodate the larger windows in the dormer, the roof is to be altered to create an inset with knee wall. Plans showing the proposed works have been included with the submission.

This application was deemed complete on November 17, 2020. 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 February 15, 2021.

December 16, 2020

Page 2 of 9

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

**Recommendation:**

**That** Heritage Kingston supports Council approval of the following:

**That** the alteration on the property at 46 Earl Street, be approved in accordance with the details described in the applications (File Number P18-097-2020), which was deemed complete on November 17, 2020, with said alteration to include the infilling and lengthening of the rear facing dormer windows, the installation of new windows, and the recladding of the dormer; and

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

1. A Building Permit shall be obtained, as necessary;
2. Drawings and specifications submitted as part of the Building Permit process shall be provided to Heritage Planning staff for review to ensure consistency with the Heritage Permit and the Old Sydenham Heritage Area Heritage Conservation District Plan;
3. Details related to the colour(s) of the new siding/cladding, trim and windows shall be submitted to Heritage Planning staff, prior to installation, for review and approval, to ensure it complements the heritage character and attributes of the property and district;
4. All window works shall be completed in accordance with the City's Policy on Window Renovations in Heritage Buildings;
5. Any works that interface with the masonry of the buildings shall be completed in accordance with the City's Policy on Masonry Restorations in Heritage Buildings; and
6. Any minor deviations from the submitted plans, which meet the intent of this approval and does not further impact the heritage attributes of the property/district, shall be delegated to the Director of Planning for review and approval.

December 16, 2020

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**Authorizing Signatures:**

ORIGINAL SIGNED BY COMMISSIONER

\_\_\_\_\_  
**Paige Agnew, Commissioner,  
Community Services**

ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER

\_\_\_\_\_  
**Lanie Hurdle, Chief  
Administrative Officer**

**Consultation with the following Members of the Corporate Management Team:**

Peter Huigenbos, Commissioner, Business, Environment & Projects	Not required
Brad Joyce, Commissioner, Corporate 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

December 16, 2020

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

The subject property is located on the south side of Earl Street, just west of King Street East (Exhibit A – Context Maps and Photographs). It contains a two-storey stone dwelling, built c. 1828. The property is designated as part of the stone row at the corner of King Street East, under Part IV of the *Ontario Heritage Act*. It is also designated as part of the Old Sydenham Heritage Conservation District under Part V of the Act (Exhibit B – Designation By-Laws and Property Inventory Evaluation).

An application for alteration under Section 42 of the *Ontario Heritage Act* (File Number P18-097-2020) has been submitted to gain heritage approval to make changes to a rear facing dormer built in the 1980s. As part of renovating the upper floor of the building to provide additional living space for family caring for an elderly relative, the applicant is proposing to change the four window openings in the dormer. Currently the south-facing dormer contains four window openings each with a double casement window of equal size. The proposal includes the filing in of half of one of the openings, to allow the installation of a closet, and the lowering of two of the openings by 25 centimetres (10 inches) to allow greater light into a newly renovated living room. The new windows will be wooden, clad in metal, and crank style casement units, in a soft green tone (“Hampton Sage”). In order to accommodate the new larger windows in the dormer, the roof is to be altered to create an inset with knee wall, clad in grey metal. The current white siding on the dormer, is to be replaced with a grey metal cladding.

The applicant provided concept plans, including floor, elevation and perspective drawings. They are attached hereto as Exhibit C – Concept Plans.

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. Submission materials may also be found by searching the file number.

This application was deemed complete on November 17, 2020. 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 February 15, 2021.

**Reasons for Designation/Cultural Heritage Value**

The subject property was designated under Part IV of the *Ontario Heritage Act* in 46 Earl Street by By-Law Number 84-65. The property is also included in the Old Sydenham Heritage Conservation District created pursuant to Part V of the *Ontario Heritage Act* in 2015. The Property Inventory Evaluation rates the property as “significant” to the District. The “Reasons for Designation” include the following:

December 16, 2020

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“This building is important for its design and contextual values. Along with 212 King Street East, it forms part of an eclectic but appealing stone row... With their box-like designs, the 44 and 46 Earl Street buildings are those which reflect [and] illustrate the earliest and simplest of these built in stone.”

The Designation By-laws and Property Inventory have been included as Exhibit B.

### **Cultural Heritage Analysis**

46 Earl Street is an important heritage property, particularly as part of the Earl Street streetscape. Its cultural heritage value is recognized both individually and as part of the Old Sydenham Heritage Conservation District (HCD).

Staff visited the subject property on November 10, 2020. The assessment of this application is summarized below through references to the relevant sections of the Old Sydenham Heritage Area HCD Plan.

#### **Section 2.0 (Statement of Objectives)**

Section 2.2 provides a Statement of Cultural Heritage Value and 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. Additionally, Section 2.3 of the Plan provides a description of the sub-areas and their heritage attributes. This proposal is located in the ‘North to Bagot’ sub-area and its attributes are described in Section 2.3.2. The ‘North to Bagot Sub-Area’ is identified in the HCD Plan and described as having “a distinctive development pattern and a wide range of building types, materials and ages” (Section 2.3.2).

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 “varied ages, styles and types of buildings, with both vernacular and architect-designed examples of over two centuries of architectural styles” and the “closely packed buildings forming a strong street edge” with “vernacular building design predominant”. The subject property contributes to both of the attributes noted above, making it a culturally important part of the District.

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: “retaining and conserving heritage buildings identified in the District Study;” and “fostering continuing use of heritage buildings;” As well as the goals for Land Use (2.5.4), which states: “encouraging alterations and new infill that is compatible with the arrangement, scale, architectural style and materials that constitute the district’s heritage character”.

This proposal complies with Section 2.6, the Conservation and Development Policies for the District and Heritage Buildings, as outlined in Sections 2.6.1 and 2.6.2. The proposal will

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maintain the distinct heritage character of Old Sydenham and the proposal is designed and undertaken in accordance with the policies and guidelines of the District Plan.

### **Sections 4.0 & 5.0**

Section 4 of the Old Sydenham Heritage Conservation District (HCD) Plan establishes a policy framework related to Building Conservation. While Section 5 of the HCD Plan provides policies and guidelines related to Building Alterations and Additions. The proposal relates to changes to a non-heritage addition on a heritage building. The majority of the heritage building, particularly that which is visible from the street, will not be altered.

Section 5.3.1 provides direction regarding roof alterations on heritage buildings and notes that “roof profiles visible from the street should remain unaltered.” The proposed inset will not be visible from the street and will, for the most part, maintain the original roof profile when viewed from the rear.

Section 5.3.2 provides guidance on window alterations and directs not to “alter location, size, and shape of existing windows facing, or visible from, the street.” This policy further states that replacement windows can be metal-clad wood and should be designed to match the style and size of the original windows.

The policies in Section 5.3.2 are primarily intended to ensure that original openings in heritage buildings are not altered in such a way that they negatively impact heritage attributes, like the building’s symmetry and scale. The addition of modern large expanses of windows, for example, particularly if they can be seen from the public realm, could have a dramatic impact on the heritage attributes of the District. The existing c.1980s dormer with its casement windows is not of heritage value on its own, nor is it visible from the street. The existing rear-facing windows are proposed to be replaced with similar style windows. The proposed alteration to the size of two of the openings and the infilling of a portion of another opening, will not be visible from the street and will not impact the original stone dwelling, however it will improve the functionality and usability of the building for the owners, thus providing a viable use for this resource into the future.

Section 5.3.3 provides guidance on altering cladding on heritage buildings. It notes that cladding as part of a new addition “should be distinct from the cladding of the existing building.” This section prohibits vinyl/aluminium horizontal siding. The vinyl/aluminum siding referenced in Section 5.3.3 is a low-cost product, typically found on suburban housing from the late 20<sup>th</sup> century to today. It is staff’s understanding that the proposed metal cladding will be a high-quality product with little texture and will resemble the horizontal design of clapboard siding. It will be similar to what was used recently on a rear addition to 52-56 Earl Street. The new cladding will be distinct from the limestone construction of the heritage building and will not be visible from the public realm. Staff have no objection to the proposed cladding and have included a condition of approval that requires the provision of details to staff on the new cladding to ensure the intent of this policy is met.

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**Summary**

The proposed alterations are located on a later rear dormer, away from public view from either King or Earl Streets and will thereby have no impact on the character of the HCD and adjacent heritage buildings. The alterations will improve the usability and enjoyment of the building by the owners and will not affect the heritage attributes of the property.

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 Heritage, Sport, Tourism and Culture Industry’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. 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 Heritage, Sport, Tourism and Culture Industries): New work should be distinguishable from old and recognized as a product of its own time.
- Achieve Standards 11 and 12 (Parks Canada’s Standards and Guidelines for the Conservation of Historic Places in Canada): Conserve the heritage value and character-defining elements when creating new additions to an historic place or any related new construction. 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**

P18-117-033-2008	Repointing and window replacement
P18-117-013-2015	Restore stone garden wall and wooden shed
P18-051-2017DA	Replace roofing

**Comments from Department and Agencies**

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

Building Division: There is an active Building Permit for the works as described. The permit is required to be issued prior to construction activities

**Consultation with Heritage Kingston**

Heritage Kingston was consulted on this application through the Development and Services Hub (DASH) system. The Committee’s comments have been compiled and attached as Exhibit D

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and provided to the applicant for consideration. Responding members noted general support for the proposal.

**Conclusion**

Staff recommends approval of the application File Number (P18-097-2020), subject to the conditions outlined herein, as there are no objections from a built heritage perspective, and no concerns have been raised by internal departments.

**Existing Policy/By-Law:**

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

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

Ontario Heritage Tool Kit (Ministry of Heritage, Sport, Tourism & Culture Industries)

City of Kingston Official Plan

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

Old Sydenham Heritage Area Heritage Conservation District Plan

Designating By-Law Number 84-65

City's Policy on Masonry Restoration in Heritage Buildings

City's Policy on Window Renovations in 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:**

None

**Financial Considerations:**

None

**Contacts:**

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

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



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**Other City of Kingston Staff Consulted:**

None

**Exhibits Attached:**

- Exhibit A Context Maps and Photographs
- Exhibit B Designating By-Laws & Property Inventory Evaluation Form
- Exhibit C Concept Plans
- Exhibit D Correspondence Received from Heritage Kingston
- Exhibit E Final Comments from Heritage Kingston

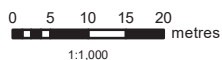


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HERITAGE KINGSTON COMMITTEE  
**Key Map**

File Number: P18-097-2020  
Address: 46 EARL ST

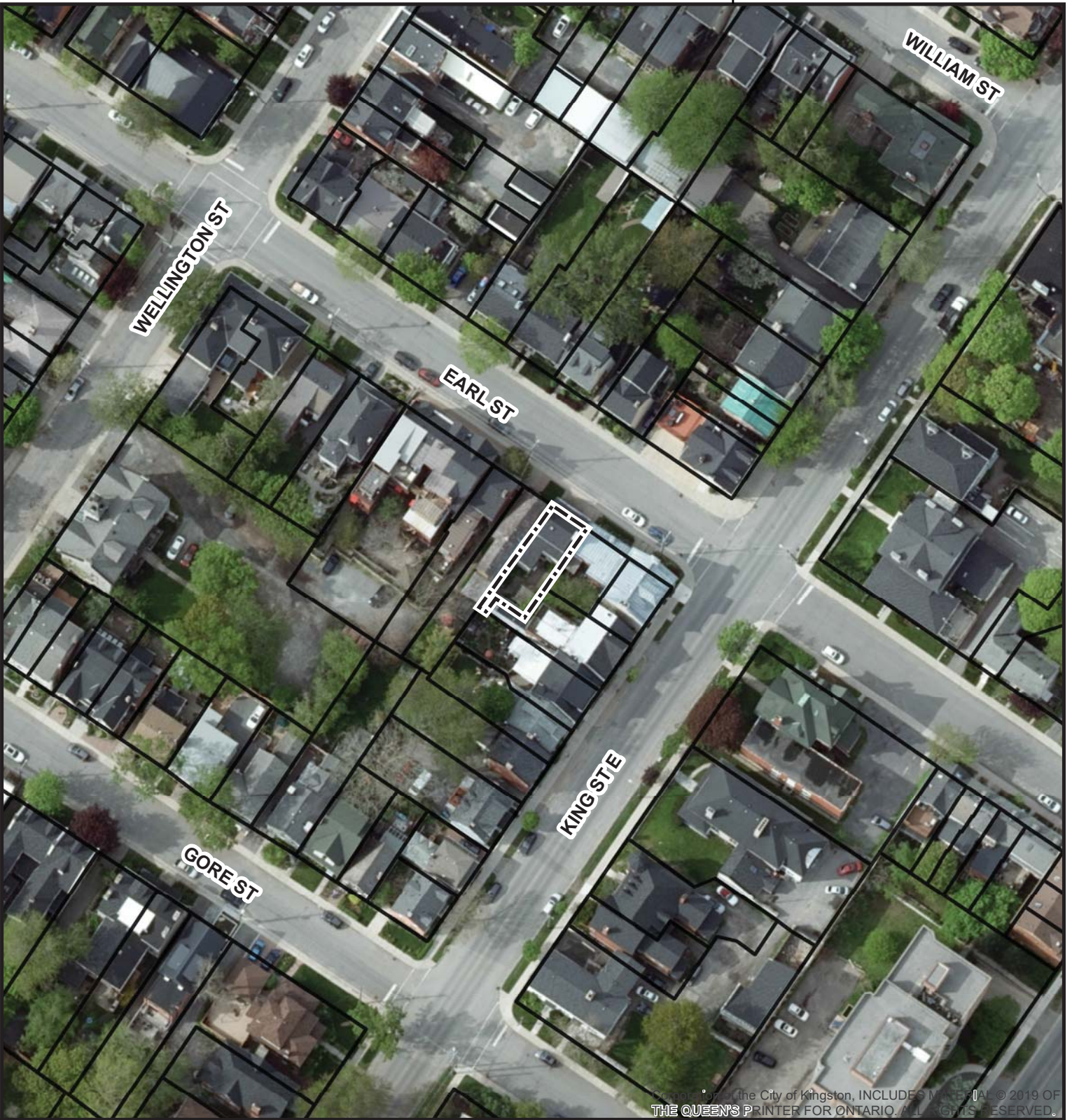


DATE: 2020-11-13  
PREPARED BY: akeeping



 Subject Lands






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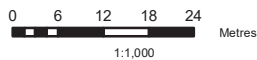


HERITAGE KINGSTON COMMITTEE  
**Neighbourhood Context (2019)**

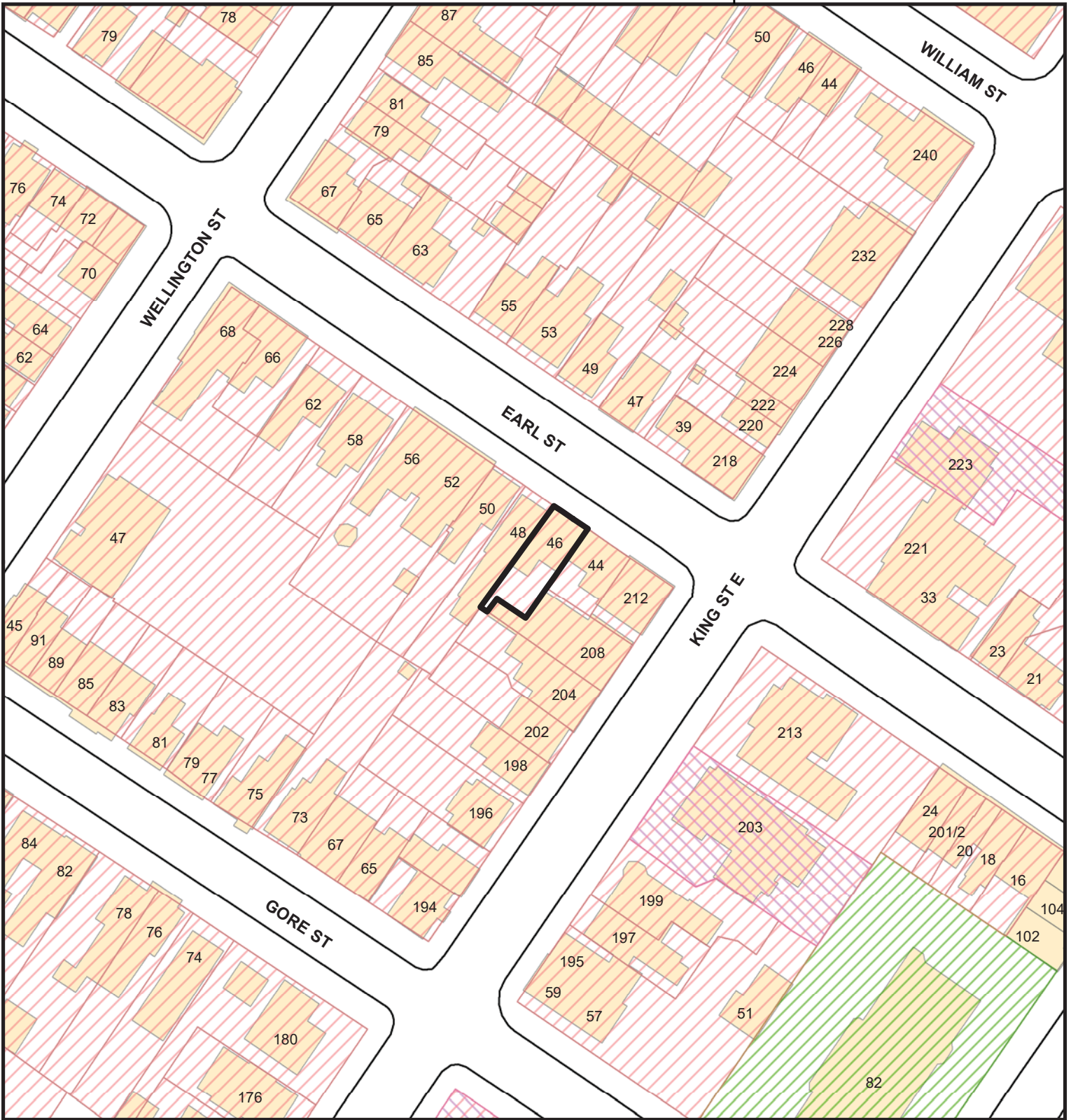
File Number: P18-097-2020  
Address: 46 EARL ST

**Legend**

-  Subject Lands
-  Property Boundaries

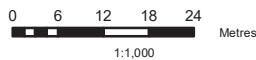






HERITAGE KINGSTON COMMITTEE  
**City of Kingston Heritage Register**

File Number: P18-097-2020  
Address: 46 EARL ST



**Legend**

- Subject Lands (Old Sydenham Heritage Conservation District)
- Designated Property
- Easement
- Listed Property



## 46 Earl Street



## Current View – Earl Street





## Current View – King Street East





## 46 EARL STREET

**Built: c. 1828**

**Rating: S (Part IV)**



There is some evidence to suggest that the 46 Earl Street building was erected around 1828.\* Recent physical inspections of this and the 44 Earl Street building have revealed evidence consistent with the idea that these two structures were erected at approximately the same time.

The building appears on an 1850 map by H. Vavasour. But a second 1850 map by T. F. Gibbs clearly shows a stronger setback from Earl Street. This difference may be related to alterations that affected both buildings around this time.

This building is important for its design and contextual values. Along with 212 King Eas, it forms part of an eclectic but appealing stone row at that introduces the lower end of Earl Street at King East, and is one of five stone buildings that define help define the historic character of that intersection. The Earl Streetscape between King and Wellington is lined with buildings from different eras, which utilize a variety of materials and designs. With their box-like designs, the 44 and 46 Earl Street buildings are those which reflect illustrate the earliest and simplest of these built in stone. A pilaster dividing 46 from 44 Earl Street is comprised of the same rough and coursed limestone used across the building's facade. Ashlar sills support tall, rectangular 4/4 windows. The window's stone voussoirs are most prominent above its first-storey windows and doors.

The stone 44 and 46 Earl Street buildings also compliment the wood structure at 47 Earl, across the street, which is otherwise similar in design. An unsympathetic dormer, which once dwarfed the 46 Earl roof, has been removed.† All three of these buildings now benefit from the absence of dormers which, apart from the chimney on 44, leaves the facade slopes of their side-gable roofs unobstructed.

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\* *Buildings of Architectural and Historical Significance*, Vol. 5, p. 188 (1980); also compare the 1824 map by Lieutenant-Colonel Durnford with the one drawn by J. B. Howlett in 1829.

† *Ibid*, p. 188.

Clause 5, Report No. 23, 1984

BY-LAW NO. 84-65

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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. 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 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

.../2

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- 
- (o) 160-162 Johnson Street
  - (p) 186 Johnson Street
  - (q) 218 Johnson Street
  - (r) 222 Johnson
  - (s) 231-233-235 Johnson Street
  - (t) 237-239-241 Johnson Street
  - (u) 31 King Street East
  - (v) 45 King Street East
  - (w) 49 King Street East
  - (x) 85 King Street East
  - (y) 95 King Street East
  - (z) 161 King Street East
  - (aa) 165-167 King Street East
  - (bb) 169 King Street East
  - (cc) 198 King Street East
  - (dd) 202 King Street East
  - (ee) 208 King Street East
  - (ff) 212-214 King Street East and 46 Earl Street
  - (gg) 254-256 King Street East
  - (hh) 75 Lower Union Street
  - (ii) 115 Lower Union Street
  - (jj) 73 Sydenham Street
  - (kk) 86-88 Sydenham Street
  - (ll) 92-94 Sydenham Street
  - (mm) 25-27 Wellington Street
  - (nn) 47 Wellington Street
  - (oo) 96 Wellington Street and 70 William Street
  - (pp) 118-120 Wellington Street
  - (qq) 65 West Street
  - (rr) 112 William Street
  - (ss) 129 William Street
  - (tt) 185 William Street
  - (uu) 203-205 William Street.

.../4

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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.

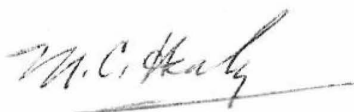
5. The City Solicitor is hereby authorized to cause a copy of this by-law and the reasons for designation to be registered against the properties described in Schedule "A" hereto in the Land Registry Office at Kingston, Ontario.

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



- 14 -

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202 King Street East

Owner: Sophie K. Bristow,  
202 King Street East

Description:

All and singular that certain parcel or tract of land and premises situate, lying and being in the City of Kingston, the City of Kingston, in the County of Frontenac, in the Province of Ontario, and being composed of Parts of Lots Nos. 127 and 134, according to the Original Survey, and more particularly described in Instrument No. 222741.

203 King Street East

Owner: Clifford B. Hamilton and Marion R. Hamilton,  
203 King Street East

Description:

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, in the Province of Ontario, and being composed of parts of Lots 82 and 69, Original Survey, and part of Lot 5, Plan B-16, and more particularly described in Instrument No. 357668.

208 King Street East

Owner: David A. Gaensbauer,  
208 King Street East

Description:

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, in the Province of Ontario, and being composed of Parts of Lots 127 and 134, according to the Original Survey of the Town of Kingston, now the City of Kingston, and more particularly described in Instrument No. 176307.

212-214 King Street East

Owner: Gordon Orser and Jean Orser,  
Sydenham, Ontario

Description:

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, in the Province of Ontario, and being composed of Part of Lot 127, according to the Original Survey of the City of Kingston, and more particularly described in Instrument No. 177345.

254-256 King Street East

Owner: Janet Rosemary Hobbs,  
764 Johnson Street

Description:

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, in the Province of Ontario, and being composed of Part of Lots 124 and 137, according to the Original Survey of the City of Kingston, and more particularly described in Instrument No. 359429.

.../15



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198 King Street East

This two storey brick dwelling, built in 1853 for Robert Sellars, is an important part of the streetscape.

202 King Street East

This small brick house built by Duncan Sinclair, shipwright, in 1841, has been altered but is important because of the abutting properties.

208 King Street East

This attached and altered early dwelling forms an integral part of the streetscape.

212-214 King Street East and 46 Earl Street

This stone two-storey corner dwelling, built in 1843 for Edmund Boyle, is an important part of the streetscape of two streets.

254-256 King Street East

This is another William Newlands house, the earliest in this block built in 1889-1890. Dr. Clements also owned this property which he sold in 1902 to Dr. Alex W. Richardson.

75 Lower Union Street

"Charles Place" was built about 1828, likely designed by Thomas Rogers for James Nickalls and left to Charles Oliver. This fine Regency stone cottage, with its deep umbrage (recessed central porch) is most unusual in Kingston.

115 Lower Union Street

This substantial brick house on an important corner, facing City Park, was designed by John Power and built in 1856 for Judge Kenneth McKenzie. From 1864 to 1929 it belonged to the Macnee family, James Macnee, merchant and his heirs.

73 Sydenham Street

In 1888 John McKay, a leather and fur merchant, built this large corner residence. The tower and noteworthy terra cotta panels are excellent examples of the design of the period.

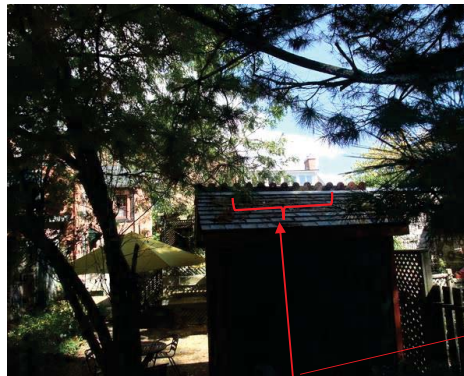
86-88 Sydenham Street

This double dwelling and Nos. 92-94 are examples of how a much later addition can complete the symmetry of a property. Number 88 was built in 1858 as a single family dwelling to designs by John Power for Stephen Irons. In 1879, Power and Son designed No. 86 for Joseph Power.

92-94 Sydenham Street

The corner property in this row of two double houses was built by 1857 for Stephen Irons, a hotel owner, to the design of John Power. The pair of brick, double dwellings form a major part of this corner streetscape.

.../7



VIEW FROM REAR GARDENS

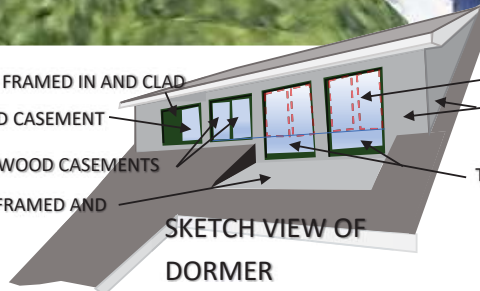


ENHANCED VIEW FROM REAR GARDENS SHOWING  
PROPOSED WINDOWS CHANGES



AERIAL VIEW SHOWING WINDOWS  
AND ALTERATION TO ROOF

CASEMENT UNIT OPENING FRAMED IN AND CLAD  
REPLACEMENT CLAD WOOD CASEMENT  
TWO REPLACEMENT CLAD WOOD CASEMENTS  
ROOF KNEEWALL AREA REFRAMED AND  
CLAD WITH GREY METAL



EXISTING UNITS SHOWN DASHED  
GREY METAL CLADDING OVER DORMER  
TO COVER WHITE SIDING  
TWO NEW UNITS 10" TALLER THAN EXISTING  
PROPOSED WINDOW REPLACEMENT  
46 EARL ST KINGSTON OCT 10, 2020





# Heritage Kingston

## Summary of Input from the First Technical Review Process

**P18-097-2020**

Heritage Kingston Members	Comments Enclosed	No Comments Provided	No Response Received
Chair, Peter Gower	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilor Bridget Doherty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilor Gary Oosterhof	<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"/>
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"/>
Moya Dumville	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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



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TTY: Dial 613-546-4889

---

Date:	October 28, 2020
Form:	Heritage Kingston Reviewer Form
Reviewer Name:	Peter Gower
Application Type:	Alterations and/or repair
File Number:	<a href="#">P18-097-2020</a>
Property Address:	46 EARL ST

---

Description of Proposal:

The subject property is located on the south side of Earl Street, just west of King Street East and includes a two storey stone dwelling built c. 1828. It is designated under both Parts IV and V of the Ontario Heritage Act. The applicant is seeking Heritage Act approval to re-clad a rear facing dormer with a grey metal cladding and to alter four windows in the dormer (two are to be lowered by 10 inches; one is to be partially in-filled; and the others are to receive new metal-clad wooden windows). In order to accommodate the larger windows in the dormer, the roof is to be altered to create an inset with knee wall. Plans showing the proposed works have been included with the submission.

Comments for Consideration on the Application:

As long as the new windows are in keeping with the style of the rest of the rear, and since they are not easily seen, I have no problems with this application.





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---

Date:	October 29, 2020
Form:	Heritage Kingston Reviewer Form
Reviewer Name:	Don Taylor
Application Type:	Alteration and/or repair
File Number:	<a href="#">P18-097-2020</a>
Property Address:	46 EARL ST

---

Description of Proposal:

The subject property is located on the south side of Earl Street, just west of King Street East and includes a two storey stone dwelling built c. 1828. It is designated under both Parts IV and V of the Ontario Heritage Act. The applicant is seeking Heritage Act approval to re-clad a rear facing dormer with a grey metal cladding and to alter four windows in the dormer (two are to be lowered by 10 inches; one is to be partially in-filled; and the others are to receive new metal-clad wooden windows). In order to accommodate the larger windows in the dormer, the roof is to be altered to create an inset with knee wall. Plans showing the proposed works have been included with the submission.

Comments for Consideration on the Application:

No concerns, but it would always be helpful if applicants explained the purpose of the proposed alterations (reasonably obvious in this case). Consideration should be given to having the lowered roof area match the adjacent roof in colour rather than the dormer.



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TTY: Dial 613-546-4889

---

Date:	November 5, 2020
Form:	Heritage Kingston Reviewer Form
Reviewer Name:	Jane McFarlane
Application Type:	Alterations and/or repair
File Number:	<a href="#">P18-097-2020</a>
Property Address:	46 EARL ST

---

Description of Proposal:

The subject property is located on the south side of Earl Street, just west of King Street East and includes a two storey stone dwelling built c. 1828. It is designated under both Parts IV and V of the Ontario Heritage Act. The applicant is seeking Heritage Act approval to re-clad a rear facing dormer with a grey metal cladding and to alter four windows in the dormer (two are to be lowered by 10 inches; one is to be partially in-filled; and the others are to receive new metal-clad wooden windows). In order to accommodate the larger windows in the dormer, the roof is to be altered to create an inset with knee wall. Plans showing the proposed works have been included with the submission.

Comments for Consideration on the Application:

If this alteration to the existing roof and dormer is to be undertaken then the windows should be the same type of design across the dormer.



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TTY: Dial 613-546-4889

---

Date:	November 9, 2020
Form:	Heritage Kingston Reviewer Form
Reviewer Name:	Bridget Doherty
Application Type:	Alterations and/or repair
File Number:	<a href="#">P18-097-2020</a>
Property Address:	46 EARL ST

---

Description of Proposal:

The subject property is located on the south side of Earl Street, just west of King Street East and includes a two storey stone dwelling built c. 1828. It is designated under both Parts IV and V of the Ontario Heritage Act. The applicant is seeking Heritage Act approval to re-clad a rear facing dormer with a grey metal cladding and to alter four windows in the dormer (two are to be lowered by 10 inches; one is to be partially in-filled; and the others are to receive new metal-clad wooden windows). In order to accommodate the larger windows in the dormer, the roof is to be altered to create an inset with knee wall. Plans showing the proposed works have been included with the submission.

Comments for Consideration on the Application:

No concerns. Assuming the windows will be in keeping with others.

**Summary of Final Comments at December 16, 2020 Heritage Kingston Meeting**

Mr. Mitchell commented on the intangible culture of people being able to age in place and stated that accessibility can be found in the quality of one's home. He agreed with the proposed changes to the windows that would bring more light into the building, identifying the positive effects this could have on the mental health of the residents and allow residents to stay in the heritage district who, otherwise, may have to relocate.



**City of Kingston  
Report to Heritage Kingston  
Report Number HK-21-002**

---

**To:** Chair and Members of the Heritage Kingston  
**From:** Paige Agnew, Commissioner, Community Services  
**Resource Staff:** Andrea Gummo, Manager, Policy Planning  
**Date of Meeting:** December 16, 2020  
**Subject:** Application for Heritage Permit  
**Address:** 104 Gore Street P18-1124  
**File Number:** P18-050-2020

---

**Council Strategic Plan Alignment:**

Theme: 5. Foster healthy citizens and vibrant spaces

Goal: See above

**Executive Summary:**

The subject property with the municipal address of 104 Gore Street is located on the southside of Gore Street and is designated under Part V of the *Ontario Heritage Act*.

An application for alteration under Section 42 of the *Ontario Heritage Act* (P18-050-2020) has been submitted to request the construction of a front porch which will mimic the other half of the semi-detached dwelling (106 Gore Street). The proposed porch however will not have a second storey balcony.

This application was deemed complete on October 7, 2020. 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 January 5, 2021.

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



December 16, 2020

Page 2 of 8

**Recommendation:**

**That** Heritage Kingston supports Council approval of the following:

**That** alterations to the property at 104 Gore Street, be approved in accordance with details described in the application (P18-050-2020), which was deemed completed on June 8, 2020 with said alterations to include:

1. Construction of a front porch; and

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

1. A Building Permit shall be obtained, as necessary;
2. Heritage Planning staff shall be circulated the drawings and design specifications tied to the Building Permit application for review and approval to ensure consistency with the scope of the Heritage Permit sought by this application;
3. All masonry works shall be completed in accordance with the City's Policy on Masonry Restoration in Heritage Buildings;
4. Any minor deviations from the submitted plans, which meet the intent of this approval and do not further impact the heritage attributes of the property, shall be delegated to the Director of Planning Services for review and approval.

December 16, 2020

Page 3 of 8

**Authorizing Signatures:**

ORIGINAL SIGNED BY COMMISSIONER

---

**Paige Agnew, Commissioner,  
Community Services**

ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER

---

**Lanie Hurdle, Chief  
Administrative Officer**

**Consultation with the following Members of the Corporate Management Team:**

Paige Agnew, Commissioner, Community Services	Not required
Peter Huigenbos, Commissioner, Business, Environment & Projects	Not required
Brad Joyce, Commissioner, Corporate 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

December 16, 2020

Page 4 of 8

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

The subject property at 104 Gore Street is located on the south side of Gore Street between Wellington Street and Bagot Street. The property contains one half of a semi-detached dwelling, which was constructed in 1829. The property is designated under Part V of the *Ontario Heritage Act* through By-Law Number 2015-67 as part of the Old Sydenham Heritage Conservation District.

An application for alteration under Section 42 of the *Ontario Heritage Act* (P18-050-2020) has been submitted to request permission to construct a front porch which will mimic the other half of the semi-detached dwelling (106 Gore Street). The proposed porch however will not have a second storey balcony. Detailed plans prepared by the applicant area included as part of the submission (Exhibit C – Concept Plan).

The dwelling previously had a second storey balcony which mimicked 106 Gore Street and its second storey porch. The second storey porch was removed through a Building Permit in 2011.

This application was deemed complete on October 7, 2020. 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 January 5, 2021.

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. Submission materials may also be found by searching the file number.

**Reasons for Designation/Cultural Heritage Value**

The property was designated under Part V of the Ontario Heritage Act as part of the Old Sydenham Heritage Conservation District (HCD) through By-Law Number 2015-67. The HCD Property Inventory notes that the subject property is Significant to the District.

The “Reasons for Designation” include the following relevant heritage attributes:

This building appears on the Innes map of 1865, years before the outer gable-topped bays, that now characterize it, were in place. The 1892 fire insurance map shows a 2-storey wood double-house, with set back 1-storey wings on each side, and a rear extension: the same footprint depicted on the 1865 map. Its front balcony once wrapped around the building, meeting each side wing. The present configuration appears on an amendment to the 1904 fire insurance map, updated in 1908.

This building’s design attributes include its 4-bay wood construction; its hipped roof, central balcony with angled returns, and its outer bays with large window openings and gable tops. Each gable contains a small 1/1 window and a wood face, set above a projecting ledge. The

December 16, 2020

Page 5 of 8

front porch and balcony roofs are supported by square wood pilasters. The balcony roof is an extension of the building's larger hipped roof. Entranceway and balcony doors, with simple wood surrounds, are located in the inner two bays of each storey. The square newel posts, and closely-spaced square balusters, contribute to this building's neat, rectilinear appearance. A hanging balustrade with turned-wood spindles lines the porch roof.

The full description and evaluation have been included as Exhibit B - Property Inventory Evaluation.

### **Cultural Heritage Analysis**

104 Gore Street is rated as a "significant" building by the Old Sydenham HCD Property Inventory Evaluation. The building's design elements contribute to the Gore Street streetscape. Therefore, 104 Gore Street is considered a "heritage building" for the purposes of the HCD Plan's policies and guidelines.

The proposed works are required to be undertaken in accordance with the Old Sydenham Heritage Area HCD Plan. Other applicable bylaws, policy and guidance (including Parks Canada's 'Standards and Guidelines for the Conservation of Historic Places in Canada') should also be considered and followed in order to ensure that the new structure complements and enhances the District. The assessment of this application is summarized below through references to the relevant sections of the Old Sydenham Heritage Area HCD Plan.

The maintenance of heritage properties using a 'like-for-like' approach is an essential conservation care activity outlined in Section 4.0 of the guidelines. Heritage properties proposed to be altered through the use of contemporary building materials, construction methods and additions are activities guided by the Application for Alteration guidelines in Section 8.0 of Part C. Both approaches (i.e. like-for-like Conservation and Application for Alteration approaches) are voluntary pathways.

Section 5 regulates building alterations and additions. Section 5.4.3 states that new porches, verandahs and balconies are permitted to be added to an existing building where none currently exist provided that historical evidence and sufficient documentation concerning form and materials exists.

The proposal will comply with 6 of the 8 Guiding Principles in the Conservation of Building Heritage Properties as set out by the Ministry of Heritage, Sport, Tourism and Culture Industries. The six principles being (1) Respect for Documentary Evidence, (2) Respect for the Original Location, (3) Respect for Historical Material, (5) Respect for the Buildings History, (6) Reversibility and (8) Maintenance.

The original two-tiered front porch was previously removed in 2011 however the other half of the semi-detached dwelling (106 Gore Street) has maintained the two-tiered porch. The applicant proposes to reconstruct the bottom portion of the porch which will provide covered access into the residential dwelling. The covered porch will mimic the bottom portion of the abutting porch. The reconstruction of the bottom portion of the porch will reintroduce heritage attributes to the

December 16, 2020

Page 6 of 8

dwelling while providing the opportunity to expand in the future to add the second tier on the porch.

Staff are of the opinion that the proposal will uphold the heritage conservation objectives set out within the City of Kingston's Official Plan, the Ministry of Heritage, Sport, Tourism and Culture Industries' 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 Guiding Principle Numbers 1,2,3,5,6 and 8; and
- Achieve Standards 4.3.6, Entrances, Porches and Balconies of Parks Canada's Standards and Guidelines, which directs one to "function, form and character of the existing structure and historical attributes".

### **Previous Approvals**

There are no previous or other current heritage applications on file for the subject property.

### **Comments from Department and Agencies**

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

Building Division: A Building Permit will be required for the proposed work.

Kingston Hydro: There is a high voltage line near where the porch is proposed to be built, the applicant is reminded that all objects/tools etc. must maintain a minimum clearance of 3m from the high voltage powerlines. If work cannot be completed safely or if clearance cannot be maintained from the lines, the applicant will need to coordinate with Utilities Kingston for isolation of the powerlines. This will be addressed through the Building Permit application process.

### **Consultation with Heritage Kingston**

Heritage Kingston was consulted on this application through the Development and Services Hub (DASH) system. The committee's comments have been compiled and attached as Exhibit D.



December 16, 2020

Page 7 of 8

**Conclusion**

Staff recommends approval of the application File Number (P18-050-2020), subject to the conditions outlined herein, as there are no objections from a built heritage perspective, and no concerns have been raised by internal departments.

**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

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

Old Sydenham Heritage Conservation District Plan

Designating By-Law Number 2015-67

**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:**

None

**Financial Considerations:**

None

**Contacts:**

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

Tim Fisher, Planner, 613-546-4291 extension 3215

**Other City of Kingston Staff Consulted:**

None

**Exhibits Attached:**

Exhibit A Context Maps and Photographs

December 16, 2020

Page 8 of 8

- Exhibit B Designating By-Law & Property Inventory Evaluation Form
- Exhibit C Concept Plans, prepared by Mark Peabody Custom Builder
- Exhibit D Correspondence Received from Heritage Kingston
- Exhibit E Final Comments from Committee on December 16, 2020



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	<p><b>HERITAGE KINGSTON COMMITTEE</b> <b>Key Map</b></p>		<p><b>CONTEXT MAP</b></p>
<p>Planning Services a department of Community Services</p>	<p>File Number: P18-050-2020 Address: 104 Gore Street</p>	<p>DATE: 2020-07-02 PREPARED BY: rochefort</p>	
<p>0 5 10 15 20 metres 1:1,000</p>			
<p> Subject Lands</p>			











Property Inventory Evaluation – Gore Street

104-106 Gore Street

Built: by 1865

Alterations: 1904-08

(bay windows added)

Rating: S

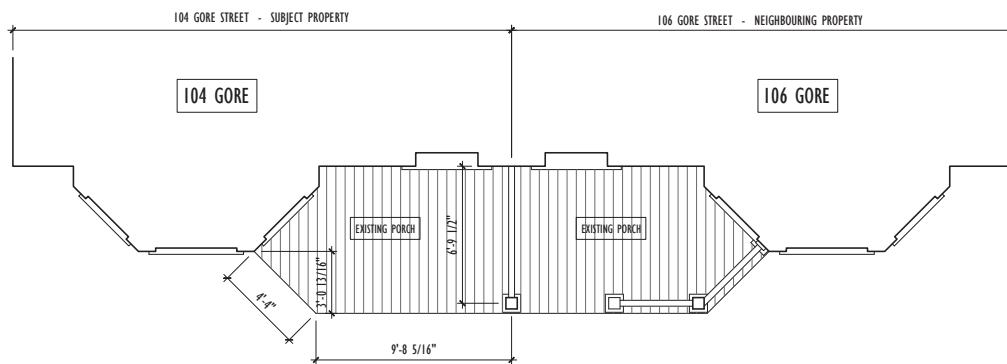


This building appears on the Innes map of 1865, years before the outer gable-topped bays, that now characterize it, were in place. The 1892 fire insurance map shows a 2-storey wood double-house, with set back 1-storey wings on each side, and a rear extension: the same footprint depicted on the 1865 map. Its front balcony once wrapped around the building, meeting each side wing. The present configuration appears on an amendment to the 1904 fire insurance map, updated in 1908.

This building's design attributes include its 4-bay wood construction; its hipped roof, central balcony with angled returns, and its outer bays with large window openings and gable tops. Each gable contains a small 1/1 window and a wood face, set above a projecting ledge. The front porch and balcony roofs are supported by square wood pilasters. The balcony roof is an extension of the building's larger hipped roof. Entranceway and balcony doors, with simple wood surrounds, are located in the inner two bays of each storey. The square newel posts, and closely-spaced square balusters, contribute to this building's neat, rectilinear appearance. A hanging balustrade with turned-wood spindles lines the porch roof.



• **EXISTING FRONT ELEVATION (GORE STREET)**  
SCALE: 1/4" = 1'-0"



• **EXISTING PLAN**  
SCALE: 1/4" = 1'-0"

EXISTING CONDITIONS  
**E 101**

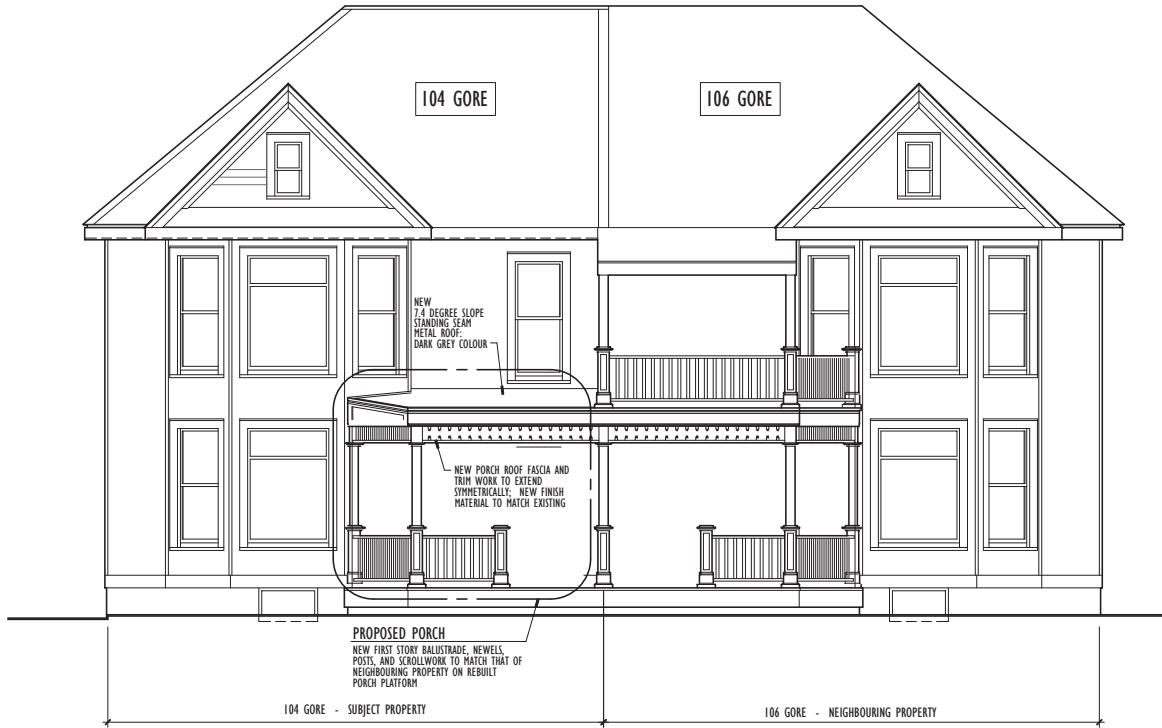
DR. BY: TB

ISSUE NO.	DATE	DESCRIPTION
1	13MAY20	HERITAGE KINGSTON

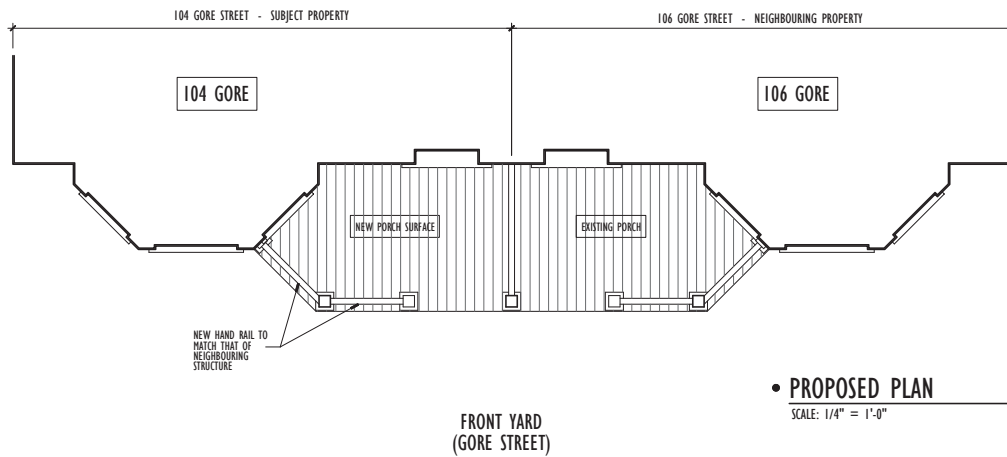
**104 GORE STREET**  
KINGSTON ONTARIO

PROJECT  
**NOTE:**  
PLANS ARE A REPRESENTATION OF THE PROPOSED BUILDING PROJECT. THE PROPOSED BUILDING PROJECT SHOULD NOT BE SCALED FOR CONSTRUCTION. ALL DIMENSIONS, MATERIALS, FINISHES, AND CONDITIONS ARE TO BE REFERRED TO THE ARCHITECTURAL DRAWINGS.

**MARK PEABODY**  
CUSTOM BUILDER  
DESIGN BUILD  
66 EARL STREET  
KINGSTON, ONTARIO  
K7L 2G6  
613 561 2887



• **PROPOSED FRONT ELEVATION (GORE STREET)**  
SCALE: 1/4" = 1'-0"



• **PROPOSED PLAN**  
SCALE: 1/4" = 1'-0"

**A 101**  
PROPOSED

DR. BY: TB

ISSUE NO.	DATE	DESCRIPTION
1	13MAY20	HERITAGE KINGSTON

**104 GORE STREET**  
KINGSTON ONTARIO

PROJECT  
NOTE:  
PLANS ARE A REPRESENTATION OF THE PROPOSED BUILDING PROJECT. ALL DIMENSIONS AND FINISHES SHOWN SHOULD NOT BE SCALED FOR. ALL DIMENSIONS AND FINISHES SHOWN ON THESE PLANS ARE FOR INFORMATION ONLY. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS, MATERIALS, AND FINISHES TO BE USED WITH THE STRUCTURAL ENGINEER.

**MARK PEABODY**  
CUSTOM BUILDER  
DESIGN BUILD  
46 EARL STREET  
KINGSTON, ONTARIO  
K7L 2G6  
613.561.2887

# Heritage Kingston

## Summary of Input from the Technical Review Process

### P18-xxx-2020

<b>Heritage Kingston Members</b>	<b>Comments Enclosed</b>	<b>No Comments Provided</b>	<b>No Response Received</b>
----------------------------------	--------------------------	-----------------------------	-----------------------------

Chair, Peter Gower

Councillor Bridget Doherty

Councillor Gary Oosterhof

Jane McFarlane

Donald Taylor

Jennifer Demitor

Matthew McCartney

Zoe Harris

Moya Dumville

Jeremy St-Onge

William Heinman





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TTY: Dial 613-546-4889

---

Date:  
Form: Heritage Kingston Reviewer Form  
Reviewer Name:  
Application Type: Alteration and/or repair  
File Number: [P18-050-2020](#)  
Property Address: 104 GORE ST

---

Description of Proposal:

Heritage Permit for 104 Gore Street (P18-1124) to permit the construction of a front porch which mimics the other half of the semi-detached dwelling at 106 Gore Street. The proposed front porch will not have a second storey balcony. The subject property at 104 Gore Street is located on the south side of Gore Street between Wellington Street and Bagot Street. The property is developed with one half of a semi-detached dwelling. The property is designated under Part V of the Ontario Heritage Act and is located within the Sydenham Heritage Conservation District (By-Law 2015-67). Note: The proposal will require variances from the 'B' zone requirements in Zoning By-Law 8499.

Comments for Consideration on the Application:

{Please enter your comments here} An excellent proposal. I hope the colour and finish will match 106.

Recommended Conditions for the Application:

{Please enter your recommended conditions here} All applicable by laws and guidelines to be followed



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---

Date:  
Form: Heritage Kingston Reviewer Form  
Reviewer Name: Don Taylor  
Application Type: Alteration and/or repair  
File Number: [P18-050-2020](#)  
Property Address: 104 GORE ST

---

#### Description of Proposal:

Heritage Permit for 104 Gore Street (P18-1124) to permit the construction of a front porch which mimics the other half of the semi-detached dwelling at 106 Gore Street. The proposed front porch will not have a second storey balcony. The subject property at 104 Gore Street is located on the south side of Gore Street between Wellington Street and Bagot Street. The property is developed with one half of a semi-detached dwelling. The property is designated under Part V of the Ontario Heritage Act and is located within the Sydenham Heritage Conservation District (By-Law 2015-67). Note: The proposal will require variances from the 'B' zone requirements in Zoning By-Law 8499.

#### Comments for Consideration on the Application:

This is an excellent proposal and I have no concerns. The porch should preferably be painted to match the neighbouring porch.

#### Recommended Conditions for the Application:

{Please enter your recommended conditions here}

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---

Date:	June 22, 2020
Form:	Heritage Kingston Reviewer Form
Reviewer Name:	Jane McFarlane
Application Type:	Alteration and/or repair
File Number:	<a href="#">P18-050-2020</a>
Property Address:	104 GORE ST

---

Description of Proposal:

Heritage Permit for 104 Gore Street (P18-1124) to permit the construction of a front porch which mimics the other half of the semi-detached dwelling at 106 Gore Street. The proposed front porch will not have a second storey balcony. The subject property at 104 Gore Street is located on the south side of Gore Street between Wellington Street and Bagot Street. The property is developed with one half of a semi-detached dwelling. The property is designated under Part V of the Ontario Heritage Act and is located within the Sydenham Heritage Conservation District (By-Law 2015-67). Note: The proposal will require variances from the 'B' zone requirements in Zoning By-Law 8499.

Comments for Consideration on the Application:

From the 2011 Old Sydenham HCD Property Inventory it seems that there have been alterations to this building and its neighbour most likely in the early 1900s. The photo in the 2011 HCD Property Inventory clearly shows a matching porch and upper balcony treatment for 104 and 106 but it appears that the extended roof of 104 along with most of the porch has been removed between 2011 and the present. Unless there is a compelling reason against it, replicating the entire two storey porch would be the preferred treatment for the façade of this building and for the streetscape and the applicant should be encouraged to pursue this option. Complimentary paint to its neighbour is also encouraged.

Recommended Conditions for the Application:

{Please enter your recommended conditions here}



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TTY: Dial 613-546-4889

---

Date:  
Form: Heritage Kingston Reviewer Form  
Reviewer Name: Councillor Bridget Doherty  
Application Type: Alteration and/or repair  
File Number: [P18-050-2020](#)  
Property Address: 104 GORE ST

---

Description of Proposal:

Heritage Permit for 104 Gore Street (P18-1124) to permit the construction of a front porch which mimics the other half of the semi-detached dwelling at 106 Gore Street. The proposed front porch will not have a second storey balcony. The subject property at 104 Gore Street is located on the south side of Gore Street between Wellington Street and Bagot Street. The property is developed with one half of a semi-detached dwelling. The property is designated under Part V of the Ontario Heritage Act and is located within the Sydenham Heritage Conservation District (By-Law 2015-67). Note: The proposal will require variances from the 'B' zone requirements in Zoning By-Law 8499.

Comments for Consideration on the Application:  
No concerns nor comments for consideration.

Recommended Conditions for the Application:  
{Please enter your recommended conditions here}



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Kingston, Ontario  
Canada, K7L 2Z3

Website: [www.cityofkingston.ca](http://www.cityofkingston.ca)  
TTY: Dial 613-546-4889

---

Date: June 15, 2020

Form: Heritage Kingston Reviewer Form

Reviewer Name: Matthew McCartney

Application Type: Alteration and/or repair

File Number: [P18-050-2020](#)

Property Address: 104 GORE ST

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Description of Proposal:

Heritage Permit for 104 Gore Street (P18-1124) to permit the construction of a front porch which mimics the other half of the semi-detached dwelling at 106 Gore Street. The proposed front porch will not have a second storey balcony. The subject property at 104 Gore Street is located on the south side of Gore Street between Wellington Street and Bagot Street. The property is developed with one half of a semi-detached dwelling. The property is designated under Part V of the Ontario Heritage Act and is located within the Sydenham Heritage Conservation District (By-Law 2015-67). Note: The proposal will require variances from the 'B' zone requirements in Zoning By-Law 8499.

Comments for Consideration on the Application:

This proposal is in keeping with the character and function of the neighbourhood. Painted with either matching or sympathetic colours to match neighbouring it will be a great addition to the streetscape.



Recommended Conditions for the Application:

**Summary of Final Comments at December 16, 2020 Heritage Kingston Meeting**

Mr. Taylor commented that the fluted balusters found on the principle building should match those used for the porch.

Mr. Mitchell expressed that the applicant should explore options for an eavestrough or downspout noting concerns with the longevity of the soil around the foundation.

Ms. McFarlane commented that complimentary paint should be used for the porch.



**City of Kingston  
Report to Heritage Kingston  
Report Number HK-21-005**

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**To:** Chair and Members of the Heritage Kingston  
**From:** Paige Agnew, Commissioner, Community Services  
**Resource Staff:** Andrea Gummo, Manager, Policy Planning  
**Date of Meeting:** December 16, 2020  
**Subject:** Application for Heritage Permit  
**Address:** 180-182 Bagot Street (P18-1067)  
**File Number:** P18-098-2020

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**Council Strategic Plan Alignment:**

Theme: Corporate business

Goal: See above

**Executive Summary:**

The subject property is located on the northwest corner of Bagot and William Streets and includes a two and a half storey brick building, built in 1902 to plans by William Newlands. The property is designated under Part V of the *Ontario Heritage Act* as part of the Old Sydenham Heritage Conservation District.

The building is currently being renovated to accommodate three (3) residential units. An application for alteration under Section 42 of the *Ontario Heritage Act* (File Number P18-098-2020) has been submitted to gain heritage approval to recreate one new window opening in a currently blind window opening on the south (William Street) elevation; one new window opening on the north elevation; and to convert an existing window to a door and a door to a window also on the north elevation. The application also includes the replacement of a wooden porch with steps and the erection of an enclosed bicycle shed, both on the north elevation (parking lot side) of the building. A cover letter and plans, prepared by the applicant, have been provided as part of this application.

December 16, 2020

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This application was deemed complete on November 18, 2020. 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 February 16, 2021.

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

**Recommendation:**

**That** Heritage Kingston supports Council approval of the following:

**That** the alterations on the property at 180-182 Bagot Street, be approved in accordance with the details described in the applications (File Number P18-098-2020), which was deemed complete on November 18, 2020, with said alterations to include:

1. The installation of a new one-over-one sash window on the ground floor on the south elevation;
2. The installation of a new one-over-one sash window on the second floor on the north elevation;
3. The conversion of a door on the north elevation to a one-over-one sash window;
4. The conversion of a window on the north elevation to a partially glazed door with transom;
5. The removal of a rear deck and replacement with a new wooden porch with steps and metal handrail; and
6. The erection of an approximately 2 metre by 2 metre bicycle storage shed, clad in vertical wood siding; and

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

1. A Building Permit shall be obtained, as necessary;
2. Any *Planning Act* approvals, such as a minor variance and Site Plan Control, shall be obtained, as necessary;
3. All bricks, lintels and sills, salvaged from the altered openings, shall, wherever possible, be reused on the building;
4. Drawings and specifications submitted as part of the Building Permit process shall be provided to Heritage Planning staff for review to ensure consistency with the Heritage Permit and the Old Sydenham Heritage Area Heritage Conservation District Plan;
5. Details related to the colour(s) of the new siding/cladding, trim, windows and door shall be submitted to Heritage Planning staff, prior to installation, for review and approval, to ensure it complements the heritage character and attributes of the district;
6. All window works shall be completed in accordance with the City's Policy on Window Renovations in Heritage Buildings;
7. All masonry works shall be completed in accordance with the City's Policy on Masonry Restorations in Heritage Buildings; and

December 16, 2020

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8. Any minor deviations from the submitted plans, which meet the intent of this approval and does not further impact the heritage attributes of the district, shall be delegated to the Director of Planning for review and approval.



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**Authorizing Signatures:**

ORIGINAL SIGNED BY COMMISSIONER

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**Paige Agnew, Commissioner,  
Community Services**

ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER

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**Lanie Hurdle, Chief  
Administrative Officer**

**Consultation with the following Members of the Corporate Management Team:**

Peter Huigenbos, Commissioner, Business, Environment & Projects	Not required
Brad Joyce, Commissioner, Corporate 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

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

The subject property is located on the northwest corner of Bagot and William Streets and includes a two and a half storey brick building, built in 1902 to plans by well-known local architect William Newlands (Exhibit A – Context Maps and Photographs). The property is designated under Part V of the *Ontario Heritage Act* as part of the Old Sydenham Heritage Conservation District (Exhibit B – Property Inventory Evaluation).

The owners are currently in the process of seeking a zoning amendment (file number D14-014-2020) to permit the internal conversion of the building from a doctor's office and one apartment to three (3) residential units (originally submitted for four units).

An application for alteration under Section 42 of the *Ontario Heritage Act* (File Number P18-098-2020) has been submitted to gain heritage approval to:

1. Recreate a window opening in a currently blind window opening on the first floor on the south (William Street) elevation.
2. Install a new window opening on the second floor on the north elevation.
3. Convert an existing window to a door with transom on the north elevation.
4. Convert an existing door to a window on the north elevation.
5. Replace an existing deck on the north elevation with a new wooden porch with steps. The decking will be a brown tone with grey metal railings.
6. Erect an enclosed bicycle storage shed on the north side of the building. The shed will be approximately 2 metres by 2 metres wide and 1.6 metres tall, clad in vertical wood siding painted medium grey.

All new windows will be a one-over-one sash style windows, constructed of wood, clad in metal, and painted white to match the other windows on the building. The new door will be metal, partially glazed, and painted to match the porch.

A cover letter, site plan, concept renderings and elevation plans, prepared by Mac Gervan & Associates, have been provided as part of this application (Exhibit C – Concept Plans).

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. Submission materials may also be found by searching the file number.

This application was deemed complete on November 18, 2020. 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 February 16, 2021.

December 16, 2020

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## Reasons for Designation/Cultural Heritage Value

The subject property was included in the Old Sydenham Heritage Conservation District created pursuant to Part V of the *Ontario Heritage Act* in 2015. The Property Inventory Evaluation rates the property as “significant” to the District. The Property Inventory include the following:

“Each of the building’s exposed elevations – facing Bagot and William Streets – feature large Romanesque arches. ... The William Street arch covers a brick panel that at one point contained a short rectangular window. Each arch has an elongated decorative stone keystone, terminating at its bottom in a scroll.”

The Property Inventory from the Old Sydenham Heritage Area Heritage Conservation District Plan has been included as Exhibit B.

## Cultural Heritage Analysis

180-182 Bagot Street is a significant heritage landmark, that sits prominently at the corner of Bagot and William Streets. It forms an important part of the streetscape in this part of the Old Sydenham Heritage Conservation District (HCD).

Staff visited the subject property on November 10, 2020. The assessment of this application is summarized below through references to the relevant sections of the Old Sydenham Heritage Area HCD Plan.

### Section 2.0 (Statement of Objectives)

Section 2.2 provides a Statement of Cultural Heritage Value and 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. Additionally, Section 2.3 of the Plan provides a description of the sub-areas and their heritage attributes. This proposal is located in the ‘Beyond Bagot’ sub-area and its attributes are described in Section 2.3.3.

The list of heritage attributes in the HCD (section 2.2) and those of the ‘Beyond Bagot’ sub-area (section 2.3.3) include the “varied ages, styles and types of buildings, with both vernacular and architect-designed examples of over two centuries of architectural styles” with “prominent buildings on street corners”. The subject property contributes to both of the attributes noted above, making it a culturally important part of the District.

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: “retaining and conserving heritage buildings identified in the District Study;” and “fostering continuing use of heritage buildings;” As well as the goals for Land Use (2.5.4), which states: “encouraging alterations and new infill that is

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compatible with the arrangement, scale, architectural style and materials that constitute the district's heritage character.”

This proposal complies with Section 2.6, the Conservation and Development Policies for the District and Heritage Buildings, as outlined in Sections 2.6.1 and 2.6.2. The proposal will maintain the heritage character of the Old Sydenham distinct and the proposal is designed and undertaken in accordance with the policies and guidelines of the District Plan.

### **Sections 4.0 & 5.0**

Section 4 of the Old Sydenham Heritage Area Heritage Conservation District (HCD) Plan establishes a policy framework related to Building Conservation. Section 4.3.4 provides direction on the conservation of original porches and verandahs. The rear deck is not original to the building and was added as part of a later renovation. Its removal and replacement with a similarly sized wooden porch are supportable and will have a neutral impact on the cultural heritage value of the HCD.

While Section 5 of the HCD Plan provides policies and guidelines related to Building Alterations and Additions. Section 5.3.2 provides guidance on window alterations and directs not to “alter location, size, and shape of existing windows facing, or visible from, the street” and to “not create new openings for windows on façades visible from the street.”

When this application was initially submitted, the applicant was considering creating an additional opening on the second floor of the William Street elevation. Following consideration of Policy 5.3.2 of the HCD Plan and discussions with staff, the applicant revised their submission to remove the proposed additional opening.

The new window proposed on the ground floor of the Williams Street façade will be located on, what appears to be, a previously filled in window opening underneath the decorative Romanesque arch noted in the Property Inventory (Exhibit B). This alteration is a welcome reinstallation of a previous removed window on one of the primary building façades and will greatly improve the heritage character of this area.

The alterations to the window openings on the ground floor of the north (rear) elevation are not visible from the street. Staff have included conditions of approval that direct to the owner to, wherever possible, retain and reuse any salvaged bricks, sills and lintels in the reconfigured rear window and door.

The applicant has provided a rationale (Exhibit C – Concept Plans) for the new window opening on the second floor of the north elevation in the location of an existing heating vent. While this window will be visible from the street it is not on a primary street-facing façade, but on a side elevation. Further, a new two-and-a-half storey dwelling has been approved for the vacant lot at 184 Bagot Street, which, once constructed, will partially impede the public's view of this new window. The primary intended of this policy is to ensure that original openings in heritage buildings are not altered to accommodate modern tastes and to prevent new openings that could confuse the history and original design of the building. The proposed new window on

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north elevation will be designed to match those throughout the building but will be clearly a modern intervention, without a historic lintel and sill. Being located on a secondary façade in the location of an existing perforation, this new window will have little impact on the heritage character of the District.

Policy 5.3.2 further states that replacement windows can be metal-clad wood and should be designed to match the style and size of the original windows. All of the new windows will be metal-clad wood sash style windows designed to match period appropriate windows for this building.

Section 5.3.4 provides guidance on altering an existing heritage building to accommodate new multiple dwelling units. The primary message of this policy is new multi-unit dwellings can be accommodated in existing heritage buildings, but should be done by means of renovations to their interiors without the need for additional entrances, fire escapes or substantial changes to the heritage characteristics of the building. The alterations to this property conform to this direction and intent and will provide much needed additional residential units.

### **Section 6.0 (New Construction)**

Section 6.0 of the HCD Plan establishes a policy framework in relation to new construction. New buildings, even accessory buildings, can have a significant impact on the streetscape and character of the Old Sydenham HCD. The proposal has been considered against these policies as summarized below.

Section 6.2 notes that new buildings are not required to replicate a heritage style but should enhance the heritage character of the district. Flat roofs may be considered, and wood siding is an acceptable cladding material. While a small structure, the bicycle shed could have an impact on the heritage character of the District if located or designed poorly. The proposed structure is to be located along the rear (north) wall, partially hidden by a projecting vestibule. It will have a shed roof that is to be lower in height than the adjacent window opening on the main building and will be clad in a natural material (wood). The new storage shed will have an acceptable and minimal impact on the HCD.

### **Summary**

The proposed alterations will improve the functionality and facilitate the adaptive reuse of the subject property, while not detracting from the heritage attributes or cultural heritage value of this part of the Old Sydenham HCD. The majority of the proposed alterations will be located out of view from the public realm and thereby have little impact of the heritage character of the area.

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 Heritage, Sport, Tourism and Culture Industry'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. Broadly, the application will:



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- 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 Heritage, Sport, Tourism and Culture Industries): New work should be distinguishable from old and recognized as a product of its own time.
- Achieve Standards 5 and 9 (Parks Canada's Standards and Guidelines for the Conservation of Historic Places in Canada): Find a use for an historic place that requires minimal or no change to its character-defining elements. Make any interventions needed to preserve character-defining elements physically and visually compatible with the historic place.

### **Previous Approvals**

P18-1067-048-2015 New dwelling at 184 Bagot (prior to severance)

### **Comments from Department and Agencies**

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

**Planning Services:** The property is located within a site-specific B.303 Zone in the former City of Kingston Zoning By-law Number 8499. Zoning Amendment (D14-014-2020) and Site Plan Control (D11-029-2020) applications are currently being processed in order to accommodate the conversion of this building to three residential units. A detailed zoning review was undertaken through and any shortcomings will be addressed through these applications

**Building Division:** A Building Permit is required for the construction of the proposed new window openings, conversion of the existing window to a door and a door to a window, and the new wooden porch with steps. These items may be included with the Building Permit application for the full extent of the renovations to the building

### **Consultation with Heritage Kingston**

Heritage Kingston was consulted on this application through the Development and Services Hub (DASH) system. The Committee's comments have been compiled and attached as Exhibit D and provided to the applicant for consideration. Responding members noted general support for the proposal and provided a number of helpful suggestions.

December 16, 2020

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**Conclusion**

Staff recommends approval of the application File Number (P18-098-2020), subject to the conditions outlined herein, as there are no objections from a built heritage perspective, and no concerns have been raised by internal departments.

**Existing Policy/By-Law:**

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

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

Ontario Heritage Tool Kit (Ministry of Heritage, Sport, Tourism & Culture Industries)

City of Kingston Official Plan

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

Old Sydenham Heritage Area Heritage Conservation District Plan

City's Policy on Masonry Restoration in Heritage Buildings

City's Policy on Window Renovations in 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:**

None

**Financial Considerations:**

None

**Contacts:**

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

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

**Other City of Kingston Staff Consulted:**

None

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**Exhibits Attached:**

- Exhibit A Context Maps and Photographs
- Exhibit B Property Inventory Evaluation Form
- Exhibit C Concept Plans, prepared by Gervan & Associates
- Exhibit D Correspondence Received from Heritage Kingston
- Exhibit E Final Comments from Heritage Kingston





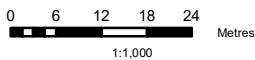


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HERITAGE KINGSTON COMMITTEE  
**Neighbourhood Context (2019)**

File Number: P18-098-2020  
Address: 180, 182 BAGOT ST

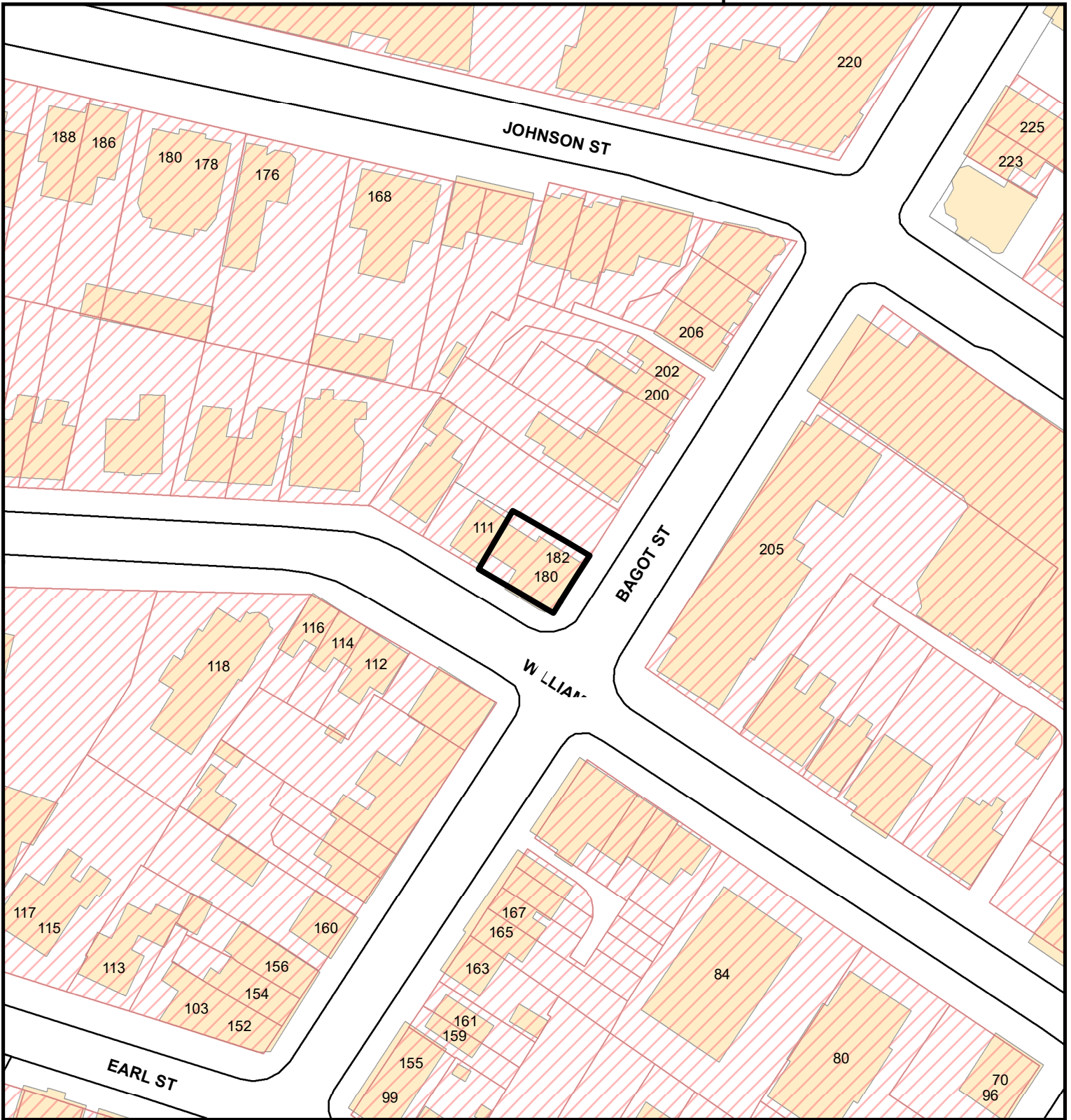


**Legend**

-  Subject Lands
-  Property Boundaries

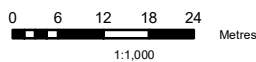








HERITAGE KINGSTON COMMITTEE  
**City of Kingston Heritage Register**

File Number: P18-098-2020  
Address: 180, 182 BAGOT ST



**Legend**

-  Subject Lands (Old Sydenham Heritage Conservation District)
-  Designated Property



# Current View – William Street





# Current View – Bagot Street





# Current View – Rear



**180 BAGOT STREET****Built: 1902****Architect: William Newlands****Rating: S**

This large Romanesque Revival structure features a rare, broadly-rounded, corner facing the Bagot-William Street intersection, and a tall, round tower with 1/1 windows and a Moorish top. Each of the building's exposed elevations – facing Bagot and William Streets – feature large Romanesque arches. The Bagot Street arch covers a deeply recessed entranceway with double-doors at its entrance and a transom with leaded tracery. The William Street arch covers a brick panel that at one point contained a short rectangular window. Each arch has an elongated decorative stone keystone, terminating at its bottom in a scroll. A third arch, without a keystone, is found above the basement window of the Bagot Street outer bay.

The bold and heavy massing of 180 Bagot Street is emphasized by a heavy, blackened, and hammer-dressed string-course that separates the first and second storeys of the building. This band of stone matches the sills and lintels of the building's remaining first and second storey fenestration. With the exception of the two rounded corner windows, each of which has tall 1/1 sidelights and a plain transom, these remaining windows are rectangular with large panes of glazing. Dormers with paired, 1/1 windows extend from the building's hipped roof, facing each street.

The property was purchased by Dr. William Sands in 1902, who had the present building erected by William Newlands.\*

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\* *Biographical Dictionary of Architects in Canada, 1800-1950.*



October 14, 2020

Ryan Leary  
Heritage Planner  
City of Kingston

Re: HERITAGE APPLICATION: 180-182 Bagot Street Exterior Alterations.

Dear Ryan and Committee,

Please accept our application for exterior renovations at 180-182 Bagot Street, Kingston, Ontario.

This building is being converted (re-zoned) from a main floor office and upper floor apartment to a three apartment residential building. In order to accommodate this renovation we propose adding and altering windows and doorways.

SOUTH ELEVATION: Dwg. H-3

One window to be added. (A)  
One window to be placed in an existing bricked in original opening. (B)  
Both windows to be double hung with no added grills. (matching existing)

NORTH ELEVATION: Dwg. H-4

One new window at 2<sup>nd</sup> storey. (A)  
One new doorway in existing window opening width. (B)  
One new window in existing doorway width. (C)  
Both windows to be double hung with no added grills. (matching existing)  
Remove existing ramps and install new landing and stair.  
Install a metal bicycle storage shed adjacent to entry.

Thank You

Mac Gervan

Mac **GERVAN**  
& Associates Ltd.

November 9/20

Ryan Leary  
Senior Heritage Planner  
City of Kingston

RE: 182 Bagot Street – Heritage Permit

Dear Ryan,

I am writing in reference to the discussion you and I had today re heritage permit that we submitted recently for this property.

We were asking to install a few more windows, change a window to a doorway etc., in an attempt to change this exceptional building back to residential and to make it viable.

Ryan informed us that the staff had issues with two of the windows.

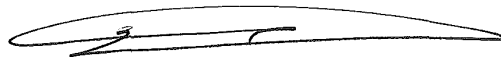
One of the new openings, that we were hoping for, which faces directly onto William Street where there has never been a window, we are fine with removing from the application. We had hoped for the window to let some light in this south side and to convert a space into a bedroom. This is the window in this face that is further west on the elevation.

However, we feel strongly that the other window that was noted, we would like to keep due to the following arguments. This is the window on the second floor on the north side of the building:

- where we are planning to install this window there is now an existing chimney exhaust for a gas fireplace...the wall already has been breached, and we feel a window would look better than the gas exhaust
- there will be a new home built, probably this year, that will sit about 6' from the northern face of the existing building
- This is a two-story building and will block much of this facade for any real view from the street
- This is not a primary face of the building and is in an interior side yard. Although if you were specifically looking for the window you could see it, but I would contend that it would not stand out in any way and appear to be part of the original facade
- We will match the details of the existing windows, match the sills and brick detail
- we need this window to bring adequate light into the second floor living room

We will modify and resubmit the plans and elevations on dash. I hope you find our compromise and wish to be reasonable.

Sincerely,



Mac Gervan

**Mac GERVAN**  
& Associates Ltd.



**ZONING:**  
PRE- PLANNING DOCUMENT;  
180 - 182 BAGOT STREET  
KINGSTON, ONTARIO

RE-ZONE FOR 3 APARTMENT BUILDING:

APARTMENT ONE:  
THREE BEDROOMS ON MAIN FLOOR + BASEMENT AMENITIES.

APARTMENT TWO:  
THREE BEDROOMS ON MAIN FLOOR + BASEMENT AMENITIES.

APARTMENT THREE:  
FIVE BEDROOMS ON 2nd & 3rd FLOOR + DECK AMENITY.

Contents:

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A-3	PLAN BASEMENT	
A-4	PLAN FLOOR 1	
A-5	PLAN FLOOR 2	
A-6	PLAN FLOOR 3	
A-7	SOUTH ELEVATION	
A-8	NORTH ELEVATION	
A-9	EAST ELEVATION	

Revisions:

Nov. 10 2020	SOUTH ELEVATION
-----------------	-----------------

**Mac GERVAN  
& ASSOCIATES Ltd.**

Residential and Commercial  
Design Services

Consulting and Project  
Management

phone 546-5097  
fax 546-6249  
e-mail mac@gervan.ca  
Company BCIN # 33630  
Mac Gervan BCIN# 21054

Project:

**JOSEPH REID  
180-182 BAGOT ST.  
KINGSTON, ON.**

**HERITAGE  
APPLICATION**

Drawing:

**COVER**

Date:

**MARCH 18, 2020**

Scale:

Drawn By:

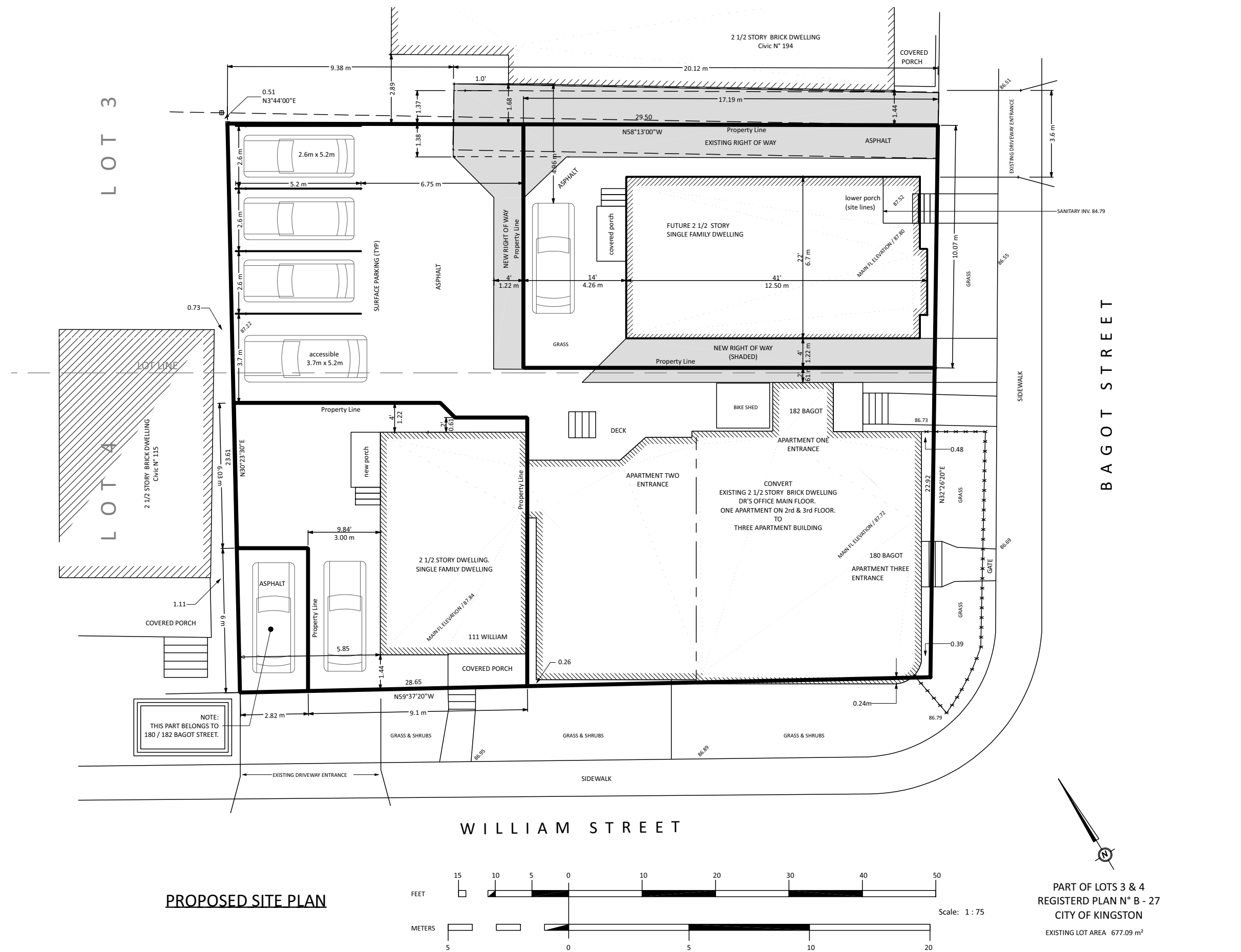
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File:

182 BAGOT heritage app  
printed 10/11/2020

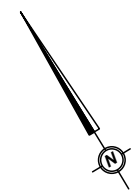
Drawing #:

**A-1**

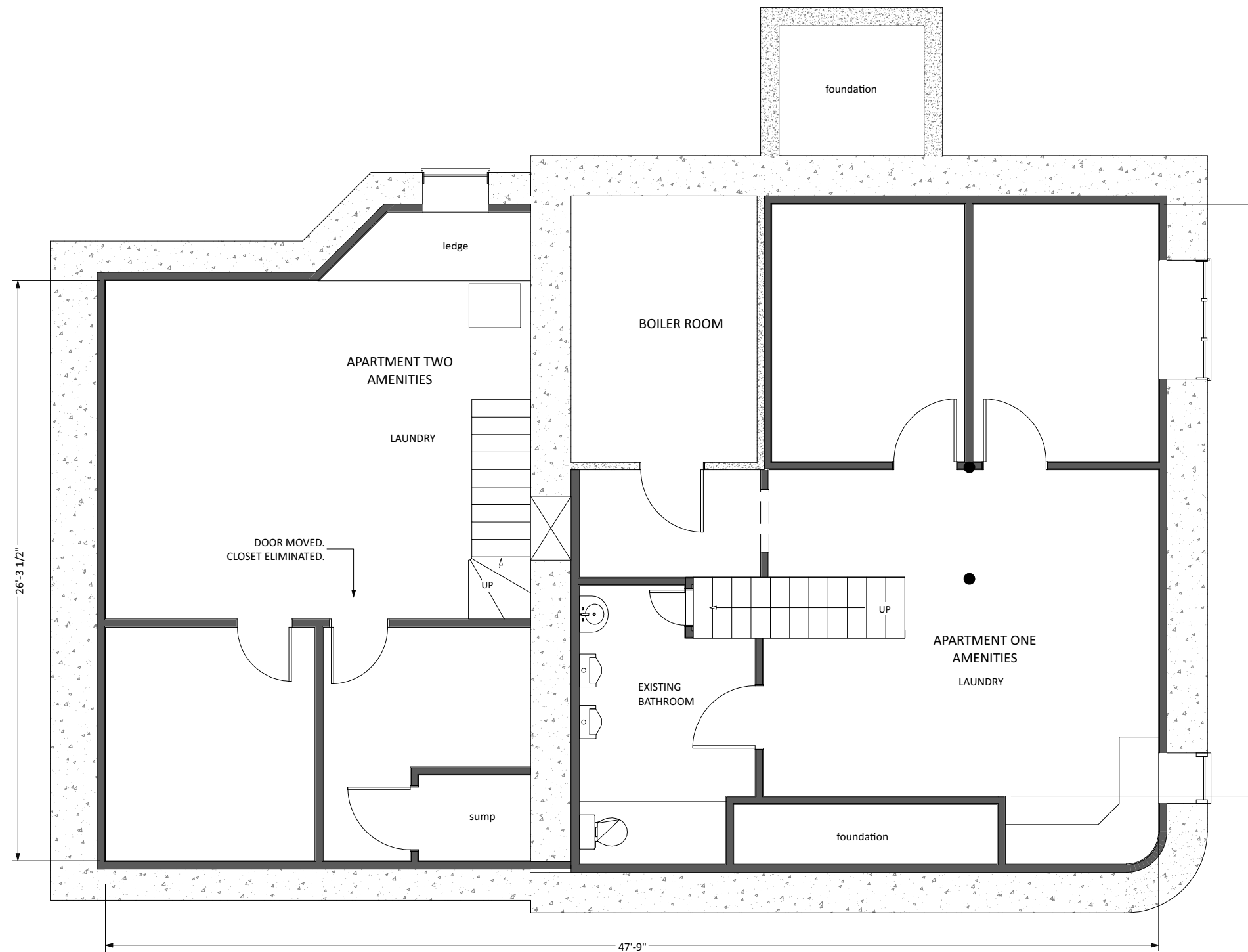


PROPOSED SITE PLAN



  
 PART OF LOTS 3 & 4  
 REGISTERD PLAN N° B - 27  
 CITY OF KINGSTON  
 EXISTING LOT AREA 677.09 m<sup>2</sup>

Contents:	
A-1	COVER
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A-6	PLAN FLOOR 3
A-7	SOUTH ELEVATION
A-8	NORTH ELEVATION
A-9	EAST ELEVATION
Revisions:	
Nov. 10 2020	SOUTH ELEVATION
<b>Mac GERVAN &amp; ASSOCIATES Ltd.</b>	
Residential and Commercial Design Services	
Consulting and Project Management	
phone	546-5097
fax	546-6249
e-mail	mac@gervan.ca
Company	BCIN # 33630
Mac Gervan	BCIN# 21054
Project:	
<b>JOSEPH REID 180-182 BAGOT ST. KINGSTON, ON.</b>	
<b>HERITAGE APPLICATION</b>	
Drawing:	
<b>SITE PLAN</b>	
Date:	
<b>MARCH 18, 2020</b>	
Scale:	
1 : 150	
Drawn By:	
MG/GF	
File:	Drawing #:
182 BAGOT heritage app printed 10/11/2020	<b>A-2</b>



Foundation

Contents:

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A-5	PLAN FLOOR 2	
A-6	PLAN FLOOR 3	
A-7	SOUTH ELEVATION	
A-8	NORTH ELEVATION	
A-9	EAST ELEVATION	

Revisions:

Nov. 10 2020	SOUTH ELEVATION
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**Mac GERVAN  
& ASSOCIATES Ltd.**

Residential and Commercial  
Design Services  
Consulting and Project  
Management

phone 546-5097  
fax 546-6249  
e-mail mac@gervan.ca  
Company BCIN # 33630  
Mac Gervan BCIN# 21054

Project:

**JOSEPH REID  
180-182 BAGOT ST.  
KINGSTON, ON.**

**HERITAGE  
APPLICATION**

Drawing:

**PLAN BASEMENT**

Date:

**MARCH 18, 2020**

Scale:

3/16" = 1' - 0"

Drawn By:

MG/GF

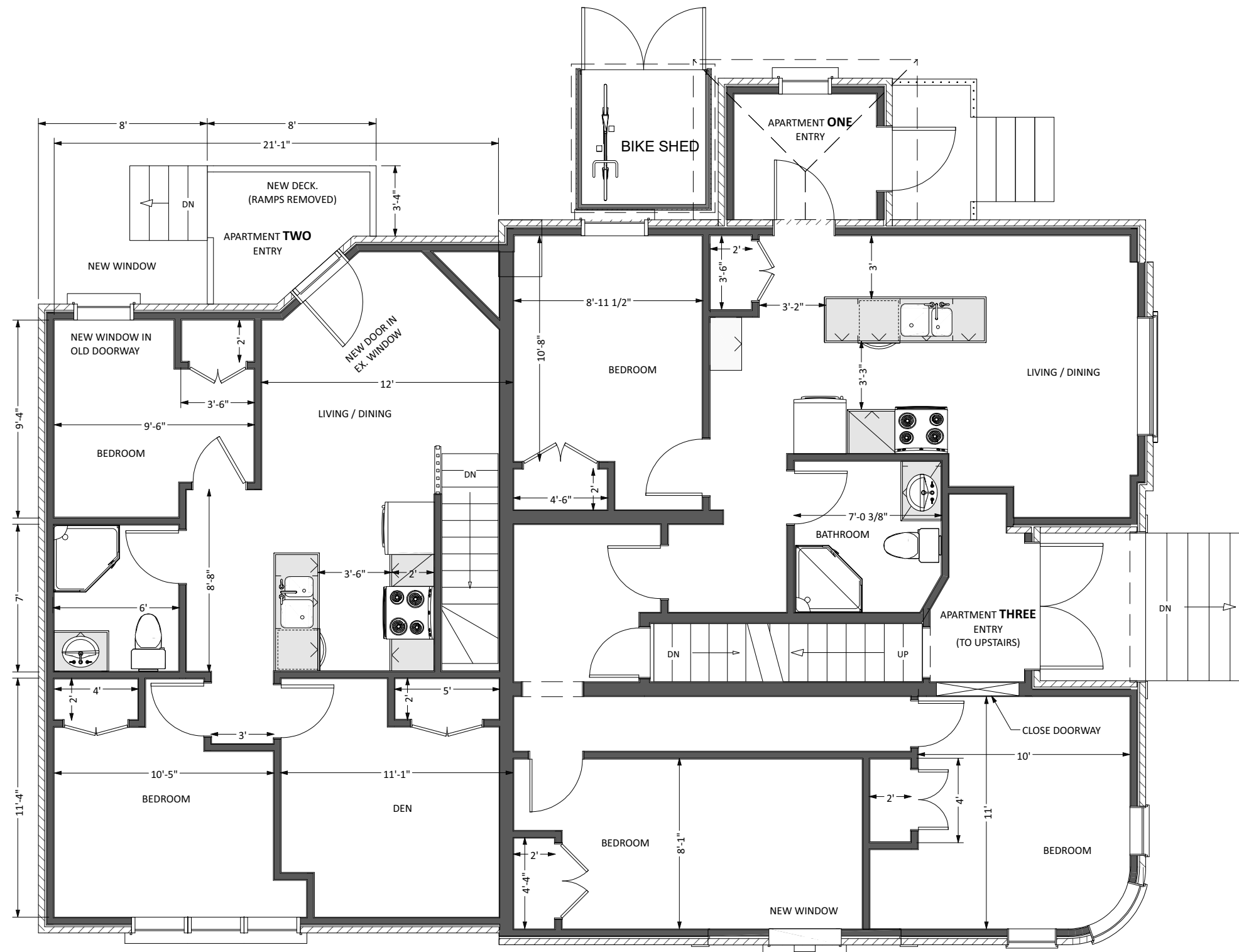
File:

182 BAGOT heritage app  
printed 10/11/2020

Drawing #:

**A-3**





1st Floor

Contents:

A-1	COVER
A-2	SITE PLAN
A-3	PLAN BASEMENT
A-4	PLAN FLOOR 1
A-5	PLAN FLOOR 2
A-6	PLAN FLOOR 3
A-7	SOUTH ELEVATION
A-8	NORTH ELEVATION
A-9	EAST ELEVATION

Revisions:

Nov. 10 2020 SOUTH ELEVATION

**Mac GERVAN & ASSOCIATES Ltd.**

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Consulting and Project Management

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Company BCIN # 33630  
Mac Gervan BCIN# 21054

Project:  
**JOSEPH REID  
180-182 BAGOT ST.  
KINGSTON, ON.**

**HERITAGE APPLICATION**

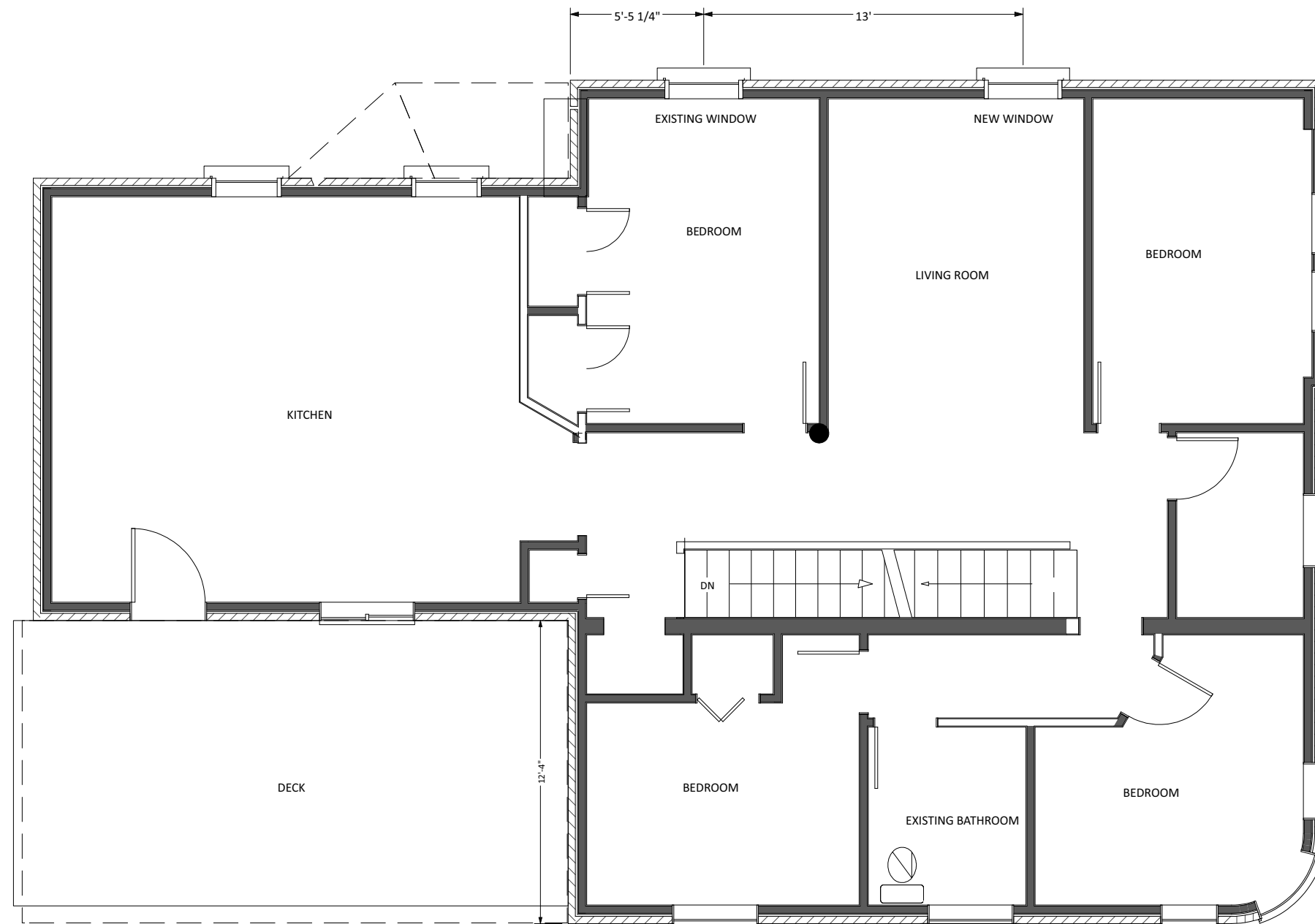
Drawing:  
**PLAN FLOOR 1**

Date:  
**MARCH 18, 2020**

Scale:  
3/16" = 1' - 0"

Drawn By:  
MG/GF

File: 182 BAGOT heritage app printed 10/11/2020  
Drawing #: **A-4**



2nd Floor

Contents:

A-1	COVER	
A-2	SITE PLAN	
A-3	PLAN BASEMENT	
A-4	PLAN FLOOR 1	
A-5	PLAN FLOOR 2	
A-6	PLAN FLOOR 3	
A-7	SOUTH ELEVATION	
A-8	NORTH ELEVATION	
A-9	EAST ELEVATION	

Revisions:

Nov. 10 2020	SOUTH ELEVATION
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Mac Gervan BCIN# 21054

Project:

**JOSEPH REID  
180-182 BAGOT ST.  
KINGSTON, ON.**

**HERITAGE  
APPLICATION**

Drawing:

**PLAN FLOOR 2**

Date:

**MARCH 18, 2020**

Scale:

3/16" = 1' - 0"

Drawn By:

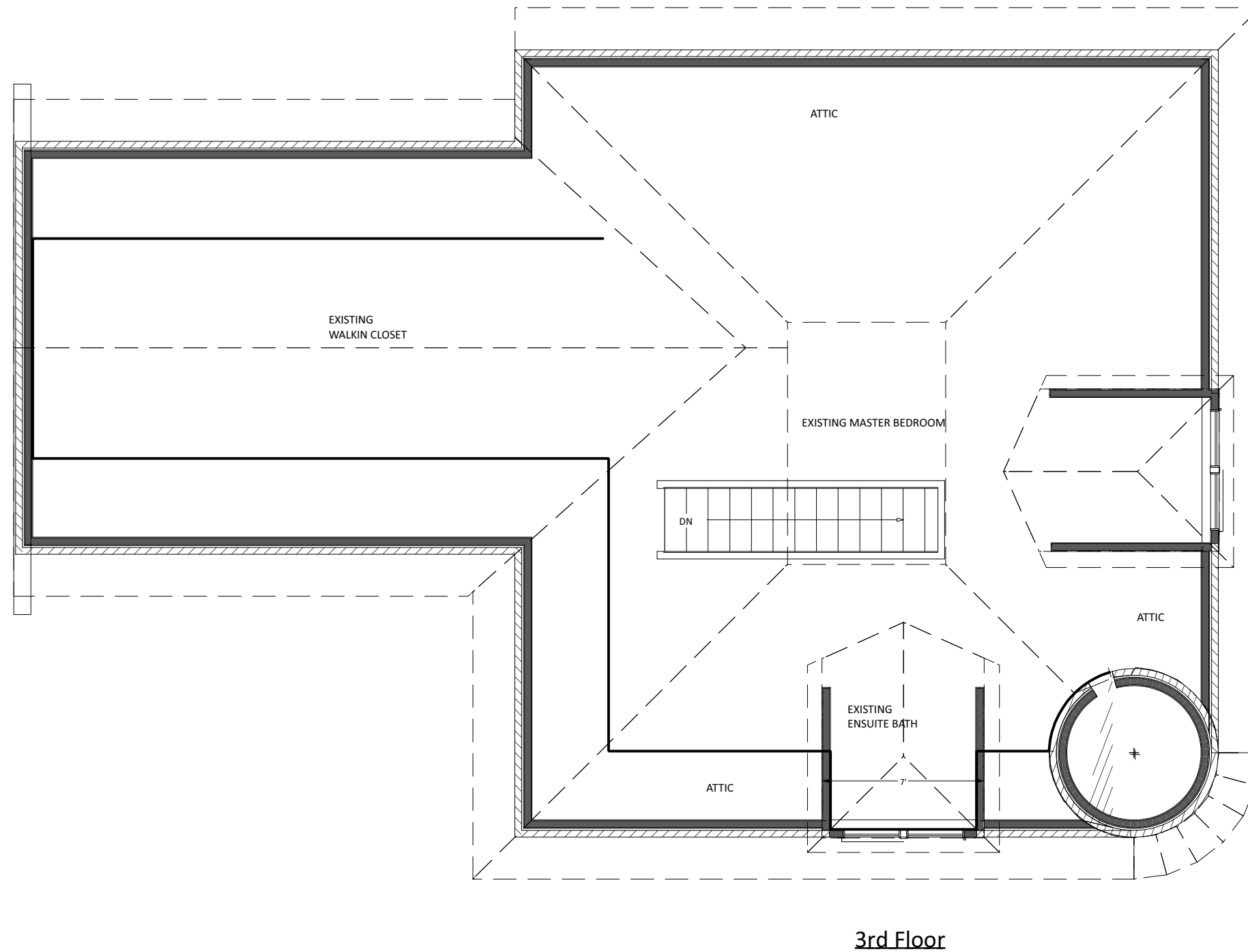
MG/GF

File:

182 BAGOT heritage app  
printed 10/11/2020

Drawing #:

**A-5**



Contents:

A-1	COVER	
A-2	SITE PLAN	
A-3	PLAN BASEMENT	
A-4	PLAN FLOOR 1	
A-5	PLAN FLOOR 2	
A-6	PLAN FLOOR 3	
A-7	SOUTH ELEVATION	
A-8	NORTH ELEVATION	
A-9	EAST ELEVATION	

Revisions:


Nov. 10 2020	SOUTH ELEVATION
--------------	-----------------

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**JOSEPH REID  
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KINGSTON, ON.**

**HERITAGE APPLICATION**

Drawing:  
**PLAN FLOOR 3**

Date:  
**MARCH 18, 2020**

Scale:

Drawn By:  
MG/GF

File: 182 BAGOT heritage app printed 10/11/2020	Drawing #: <b>A-6</b>
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A-1	COVER	
A-2	SITE PLAN	
A-3	PLAN BASEMENT	
A-4	PLAN FLOOR 1	
A-5	PLAN FLOOR 2	
A-6	PLAN FLOOR 3	
A-7	SOUTH ELEVATION	
A-8	NORTH ELEVATION	
A-9	EAST ELEVATION	

Revisions:	

Nov. 10 2020	SOUTH ELEVATION
-----------------	-----------------

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Project:  
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KINGSTON, ON.**

**HERITAGE  
APPLICATION**

Drawing:  
**SOUTH ELEVATION**

Date:  
**MARCH 18, 2020**

Scale:  
**3/8" = 1' - 0"**

Drawn By:  
**MG/GF**

File: <small>182 BAGOT heritage app printed 10/11/2020</small>	Drawing #: <b>A-7</b>
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PHOTO of SOUTH WALL



**SOUTH ELEVATION**

NOTES:  
NEW WINDOWS TO BE DOUBLE HUNG, NO GRILLS, WOOD WITH METAL  
EXTERIOR CLADDING, WHITE EXTERIOR COLOUR TO MATCH EXISTING.

A NEW WINDOW IN EXISTING  
BRICK FILLED OPENING.  
(SEE PHOTO, Dwg A1.  
ORIGINAL SILL STILL IN PLACE.)



Contents:

A-1	COVER
A-2	SITE PLAN
A-3	PLAN BASEMENT
A-4	PLAN FLOOR 1
A-5	PLAN FLOOR 2
A-6	PLAN FLOOR 3
A-7	SOUTH ELEVATION
A-8	NORTH ELEVATION
A-9	EAST ELEVATION

Revisions:


Nov. 10 2020 SOUTH ELEVATION

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Project:  
**JOSEPH REID  
180-182 BAGOT ST.  
KINGSTON, ON.**

**HERITAGE APPLICATION**

Drawing:  
**NORTH ELEVATION**

Date:  
**MARCH 18, 2020**

Scale:  
3/8" = 1' - 0"

Drawn By:  
MG/GF

File: 182 BAGOT heritage app printed 10/11/2020  
Drawing #: **A-8**



PHOTO of NORTH WALL



**NORTH ELEVATION**

NOTES:  
NEW WINDOWS TO BE DOUBLE HUNG, NO GRILLS, WOOD WITH METAL EXTERIOR CLADDING, WHITE EXTERIOR COLOUR TO MATCH EXISTING.

NEW DECK & STAIR TO BE COLOUR OF BROWN WOLMANIZED PRESSURE TREATED LUMBER.

BICYCLE SHED TO BE STEEL CONSTRUCTION WITH ADDED HORIZONTAL STRAPPING AND VERTICAL WOOD 1 x 6 TONGUE & GROOVE STAINED MEDIUM GRAY COLOUR.

- A NEW WINDOW.
- B NEW DOOR IN EXISTING WINDOW SPACE.
- C NEW WINDOW IN EXISTING DOOR SPACE.
- D NEW DECK & STAIR. (RAMPS ALREADY REMOVED)
- E BICYCLE SHED.





NO CHANGES TO EAST (or WEST) ELEVATION

**EAST ELEVATION**

Contents:

A-1	COVER
A-2	SITE PLAN
A-3	PLAN BASEMENT
A-4	PLAN FLOOR 1
A-5	PLAN FLOOR 2
A-6	PLAN FLOOR 3
A-7	SOUTH ELEVATION
A-8	NORTH ELEVATION
A-9	EAST ELEVATION

Revisions:

Nov. 10 2020 SOUTH ELEVATION

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Project:  
**JOSEPH REID  
180-182 BAGOT ST.  
KINGSTON, ON.**

**HERITAGE APPLICATION**

Drawing:  
**EAST ELEVATION**

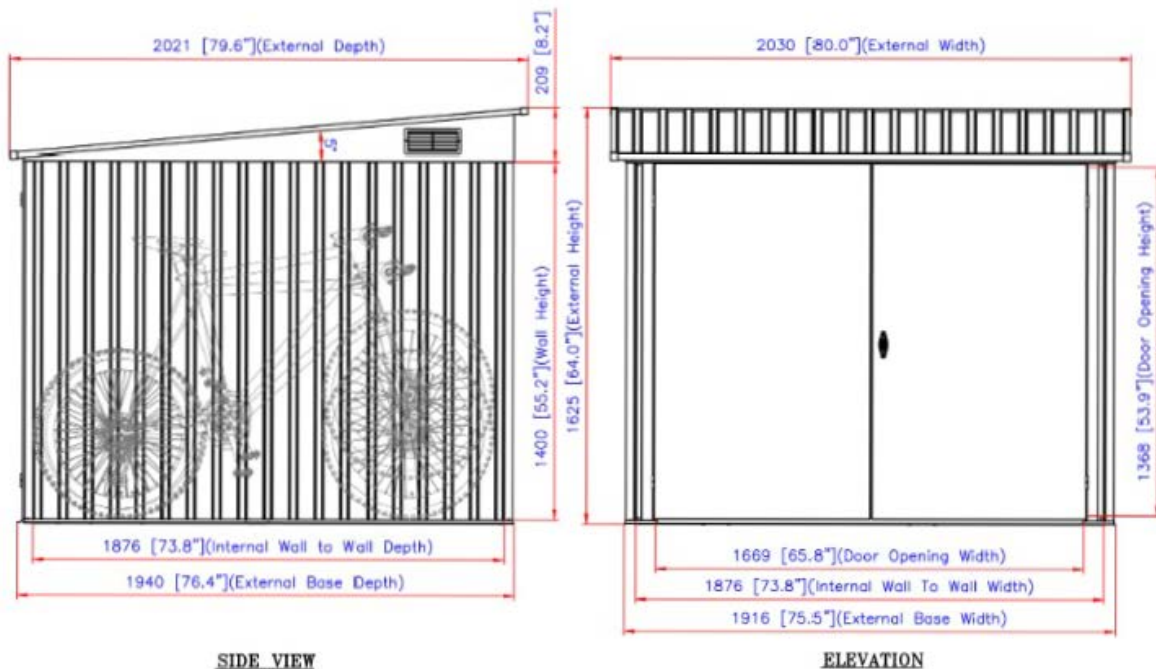
Date:  
**MARCH 18, 2020**

Scale:  
3/16" = 1' - 0"

Drawn By:  
MG/GF

File: 182 BAGOT heritage app printed 10/11/2020  
Drawing #: **A-9**

## Bicycle Storage Shed



SIDE VIEW

ELEVATION

Note - Dimensional tolerance  $\pm 0.0$

Exhibit C  
Report Number HK-21-005



168



# Heritage Kingston

## Summary of Input from the First Technical Review Process

**P18-098-2020**

Heritage Kingston Members	Comments Enclosed	No Comments Provided	No Response Received
Chair, Peter Gower	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilor Bridget Doherty	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Councilor Gary Oosterhof	<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"/>
William Hineman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jeremy St-Onge	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Moya Dumville	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>





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

Website: [www.cityofkingston.ca](http://www.cityofkingston.ca)

TTY: Dial 613-546-4889

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---

Date:	October 27, 2020 & November 3, 2020
Form:	Heritage Kingston Reviewer Form
Reviewer Name:	Peter Gower
Application Type:	Alteration and/or repair
File Number:	<a href="#">P18-098-2020</a>
Property Address:	180 EARL ST

---

Description of Proposal:

The subject property is located on the north west corner of Bagot and William Streets and designated under Part V of the Ontario Heritage Act as part of the Old Sydenham Heritage Conservation District. The property includes a two and a half storey brick building, built in 1902 to plans by William Newlands. The building is currently being renovated to convert it to four (4) residential units. The applicant is seeking Heritage Act approval to create two new window openings on the south (William Street) elevation; one new window opening on the north elevation; and to convert an existing window to a door and a door to a window on the north elevation. The application also includes the addition of a new wooden porch with steps and an enclosed metal bicycle shed, both on the north elevation (parking lot side) of the building. A cover letter, site plan, concept renderings and elevation plans, prepared by Mac Gervan & Assoc., have been provided as part of this application.

Comments for Consideration on the Application:

I find this a very satisfactory application, with good plans for the reuse of an existing building.

Since they have agreed to clad the shed in wood siding, given its small size and location behind the vestibule, it should be a minor impact.

Recommended Conditions for the Application:

I hope that all removed brick and stone will be kept and reused if at all possible, on site.

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---

Date:	October 29, 2020 & November 10, 2020
Form:	Heritage Kingston Reviewer Form
Reviewer Name:	Don Taylor
Application Type:	Alterations and/or repair
File Number:	<a href="#">P18-098-2020</a>
Property Address:	180 BAGOT ST

---

Description of Proposal:

The subject property is located on the north west corner of Bagot and William Streets and designated under Part V of the Ontario Heritage Act as part of the Old Sydenham Heritage Conservation District. The property includes a two and a half storey brick building, built in 1902 to plans by William Newlands. The building is currently being renovated to convert it to four (4) residential units. The applicant is seeking Heritage Act approval to create two new window openings on the south (William Street) elevation; one new window opening on the north elevation; and to convert an existing window to a door and a door to a window on the north elevation. The application also includes the addition of a new wooden porch with steps and an enclosed metal bicycle shed, both on the north elevation (parking lot side) of the building. A cover letter, site plan, concept renderings and elevation plans, prepared by Mac Gervan & Assoc., have been provided as part of this application.

Comments for Consideration on the Application:

This is an update to my earlier comments which are below for reference. I have no problem with a new window on the façade of the rear wing of this building. This façade is not original and was added since 1924 as implied by the 1924 fire insurance map, and the triple window is obviously not contemporary with the Newlands' building. Hence, I have no concern with adding a window to this façade if it is carefully done. Looking at the interior plans, the applicant might consider avoiding the jog in the interior wall by reducing the triple window to a double window, and the new window could then be a matching double window, with the removed brick used to rebuild the wall to the left. I have no concerns with the new window on the north side.

This prominent corner building by architect William Newlands deserves careful attention and the proposed plans to convert it to 3 (not 4) apartments are generally appropriate. The most significant alteration from the public view is the addition of a window to the

William St façade of the main building. The plan to insert it within the existing surround in the decorative arch is reasonable provided it is a 1/1 double hung window and does not disturb the sill and surround. It would be interesting if Newlands' plans were available, since it appears from the brickwork that there was previously a window to the left of the arch, presumably aligned with the one above and with rock-faced sill and lintel matching the corner window. So there is a choice for the applicant, but since the sill and lintel for the left window have vanished it is probably best to install the window in the arch as planned. The other window on this façade is less important but it should be aligned with the triple window to the left as indicated. On the north façade, the new second storey window should match the window to the right. Other proposed alterations to doors and windows on this façade are less important in view of previous alterations. However, it seems regrettable that a new door should be inserted when close nearby there is bricked-in former doorway as well as the current door.



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---

Date:	November 2, 2020
Form:	Heritage Kingston Reviewer Form
Reviewer Name:	W. K. Hineman
Application Type:	Alterations and/or repair
File Number:	<a href="#">P18-098-2020</a>
Property Address:	180 BAGOT ST

---

Description of Proposal:

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Comments for Consideration on the Application:

I am pleased to see the detail shown on the renovations plans. The windows will be matched, and the exterior will be retained.

Recommended Conditions of the Application:

As for recommendations I would ask the existing brick being removed be re-used for areas such as the existing doorway to be replaced by a window.

Description of the railings be addressed in design and materials. Any other areas of brick work be done in identical fashion using existing brick.

All entrances be built identical in materials and design.



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Date:	November 2, 2020
Form:	Heritage Kingston Reviewer Form
Reviewer Name:	Jane McFarlane
Application Type:	Alterations and/or repair
File Number:	<a href="#">P18-098-2020</a>
Property Address:	180 BAGOT ST

---

Description of Proposal:

The subject property is located on the north west corner of Bagot and William Streets and designated under Part V of the Ontario Heritage Act as part of the Old Sydenham Heritage Conservation District. The property includes a two and a half storey brick building, built in 1902 to plans by William Newlands. The building is currently being renovated to convert it to four (4) residential units. The applicant is seeking Heritage Act approval to create two new window openings on the south (William Street) elevation; one new window opening on the north elevation; and to convert an existing window to a door and a door to a window on the north elevation. The application also includes the addition of a new wooden porch with steps and an enclosed metal bicycle shed, both on the north elevation (parking lot side) of the building. A cover letter, site plan, concept renderings and elevation plans, prepared by Mac Gervan & Assoc., have been provided as part of this application.

Comments for Consideration on the Application:

This property has a prominent corner location at Bagot and William in the Old Sydenham Heritage Conservation District. While implementing proposed changes there is an opportunity to rationalize and improve on some of the alterations that have been made to this property over the years.

On the William St elevation, it is hoped that the new window in the existing larger bricked in opening would fit into the existing smaller lintel and sill. The completely new window should have a lintel and sill that is complimentary to the rest of the windows on this elevation. Any bricks removed should be retained for repair and reuse if possible. Although this is not part of this application it would be a real bonus and enhance the William St streetscape if the second floor wood deck railing structure was painted a subtle Heritage colour, perhaps coordinated with the medium grey colour proposed for the bicycle shed.



On the north elevation, if feasible, this elevation would be enhanced if the new window and door openings could make use of some of the existing lintels and sills. For instance, the stone sill from window B to be elongated for a door could be used for new window C in the existing door opening and window C opening could make use of the existing lintel above. The new door should complement existing doors and the new wood deck railing structure would be more compatible if painted or stained to match the light grey of the bicycle shed.

**Summary of Final Comments at December 16, 2020 Heritage Kingston Meeting**

There were no additional comments from the Committee.