



**City of Kingston
Kingston Heritage Properties Committee
Meeting Number 05-2024
Addendum**

**Wednesday, April 17, 2024 at 9:30 a.m.
Hosted at City Hall in Council Chamber**

7. Business

The consent of the Committee is requested for the deletion of Exhibit K to Report HP-24-018 (Notice of Intention to Designate under the Ontario Heritage Act) and the substitution of new Exhibit K attached as Addendum Pages 1 – 5

11. Correspondence

- a) Correspondence received from Ruth Sandwell, dated April 3, 2024, regarding the proposed Heritage Designation at 321 King Street West

Addendum Pages 6 – 8

- b) Correspondence received from Sam Presvelos, dated April 15, 2024, regarding the proposed Heritage Designation at 149 Brock Street.

Addendum pages 9 – 10

City of Kingston By-Law Number 2024-XX

A By-Law to Designate the properties at 319 and 321 King Street West to be of Cultural Heritage Value and Interest Pursuant to the *Ontario Heritage Act*

Passed: [insert date]

Whereas:

Subsection 29(1) of the *Ontario Heritage Act*, R.S.O. 1990, Chapter 0.18 (the "*Ontario Heritage Act*") authorizes the council of a municipality to enact by-laws to designate property within the municipality, including buildings and structures on the property, to be of cultural heritage value or interest;

The *property* was listed on the register established pursuant to Section 27 of the *Ontario Heritage Act* in 2010;

On April 17, 2024, Council of the City of Kingston ("*Council*") consulted with its municipal heritage committee regarding the designation of the property municipally at 319 and 321 King Street West (the "*property*") in accordance with subsection 29(2) of the *Ontario Heritage Act*;

On [insert date], *Council* caused notice of its intention to designate the *property* to be given to the owner of the *property* and to the Ontario Heritage Trust (the "*Trust*"), and on [insert date], notice of the intent to designate the *property* was published in The Kingston Whig-Standard, a newspaper having general circulation in the City of Kingston; and

No notice of objection to the proposed designation was served on the municipal Clerk (the "*Clerk*") of the Corporation of the City of Kingston (the "*City*") within the time prescribed by subsection 29(5) of the *Ontario Heritage Act*.

Therefore, *Council* enacts:

1. The *property* is designated as being of cultural heritage value and interest, as more particularly described in Schedule "A" of this by-law.
2. A copy of this by-law will be registered against the *property* in the appropriate land registry office. The *Clerk* is authorized to serve a copy of this by-law on the owner of the *property* and the *Trust*, and to cause notice of the passing of this by-law to be published in The Kingston Whig-Standard.

3. The *City* reserves the right to install a designation recognition plaque on the *property*, in a location and style determined by the *City* in consultation with the owner.
4. This by-law will come into force and take effect on the date it is passed.

Given First and Second Readings XXX, 2024

Given Third Reading and Passed XXX, 2024

Janet Jaynes
City Clerk

Bryan Paterson
Mayor

**Schedule “A”
Description and Criteria for Designation**

Civic Address:	319 King Street West
Legal Description:	Part Farm Lot 22 Con 1 Kingston as in FR639441 Except the Easement therein; City of Kingston, County of Frontenac
Property Roll Number:	1011 070 050 18900
Civic Address:	321 King Street West
Legal Description:	Part Farm Lot 22 Con 1 Kingston as in FR226735 Except the Easement therein; City of Kingston, County of Frontenac
Property Roll Number:	1011 070 050 19000

Introduction and Description of Property

The subject property, which spans two separate properties at 319 and 321 King Street West, is located on the north side of the street, at the northeast corner with Centre Street, in the City of Kingston. The approximately 280 and 318 square metre properties include a two-and-a-half storey duplex that completes the stucco-clad 1841 stone row houses known as Hales Cottages.

Statement of Cultural Heritage Value/Statement of Significance

The property has design value or physical value because it is a rare, unique, representative or early example of a style, type, expression, material or construction method.

The two-unit building was constructed around 1900 to replace the western-most Cottage that was partially lost to fire. There is evidence that the eastern three bays (window, door window) on the ground floor were restored from the remains of the fifth Hales Cottage, with the majority of 321 being an addition. The 1908 Fire Insurance Plan indicates that portions of the foundation and most of the main floor are stone construction, while the rest of the duplex, including all the upper floors, are wood frame. A visual inspection of 319, confirms stone construction of the main floor rear wall, with stone voussoirs visible above the rear main floor and front and rear basement openings. From the façade it is difficult to confirm that the openings are in fact those from the original 1841 Cottage, however the front basement window and door openings of 319 King appear to be consistent with the rest of the row. Regardless, the subject property is a unique example of an infill building from the early 20th century that took inspiration, if not its partial form, from the adjacent row in its design.

Although the general impression is wood frame with yellow stucco and wood cladding, there are many visual vestiges of the original 1841 design, including its location in line with the row, the rhythm and consistent shape of window and door openings, particularly in the three eastern bays, and its limestone foundation and tall wide brick

chimney (shared between 319 and 317). Both buildings have arched transom windows over their main entrances, though 319 King is setback and includes flanking side lights that match those in the original row. Portions of the ribbon board detail along the base of the main floor level of the original cottages extend along these properties as well. A second ribbon board runs horizontally along portions of both properties at the top of the main floors on the same plane as the original decorative roofline dentils. Each unit has a main floor Wyatt style window, which, though likely not original, reflects those on the other Hales Cottages. While differing in design, each of these properties include a covered portico adding to the sense of consistency and continuity with the Hales Cottages design.

The subject property sets itself apart from the Hales Cottages row, however, with many distinguishing features that indicate its later construction date. These include its two-and-a-half storey massing, frame construction, low-sloping portico roofs (not gabled), and the use of a single sash window on the left front of 321, as opposed to the Wyatt windows found on the row. Another key distinguishing feature is the lack of stone garden wall fronting King Street, which terminates at 317 King Street West.

The property has contextual value because it is physically, functionally, visually or historically linked to its surroundings.

The property has contextual value because it is important in defining, maintaining or supporting the character of an area.

As the evolution and expansion of the original 5-unit row of Hales Cottages, 319 and 321 King Street West are a significant part of the history of this important row of houses and are historically and visually linked to their neighbours to the east. This two-unit building contributes to the strong presence of early historic row housing at the corner of Centre Street and King Street West.

With its consistent setback from the public right-of-way, architectural detailing, and stucco cladding, 319 and 321 King Street West support the historic character of the area.

Heritage Attributes

Key exterior elements that contribute to the property's cultural heritage value include its:

- Two-and-a-half storey massing with gable roof;
- Wide shared brick chimney at 319;
- Stucco cladding, including projecting ribbon boards;
- Window and door openings on the first and second floor that follow the rhythm of the row, including the Wyatt style windows on the façades main floors;
- The arched main entranceways with elliptical transoms;
- Side lights flanking entranceway at 319;
- Limestone foundation;
- One basement window opening at 319; and
- Limestone main floor front and rear walls at 319 and portions at 321.

321 King St West
Kingston, Ontario

Iain Sullivan
Committee Clerk
City of Kingston
isullivan@cityofkingston.ca cc. Ryan Leary, rleary@CityofKingston.ca

April 3, 2024

Re: By-Law to Designate 321 King St West as Heritage Property

Dear Mr. Sullivan,

Acting on information received from Mr. Ryan Leary, we are writing to advise you that as owners of 321 King St. West, Kingston, we would like to share our concerns about, and raise objections to, this proposed designation with the Heritage Committee at their meeting at City Hall, 9.30 April 17th 2024.

We acknowledge that there are some vestigial remains of the original 1841 Hales cottage, and some echoes of the existing Hales Cottages visible in the duplex built in 1908 to replace what was formerly Number 1 Hales' Cottages. We maintain, however, that in the case of 321 King St. West these are TOO FEW and TOO INSIGNIFICANT architecturally, to designate 321 as heritage property.

We disagree that "*The property has design value or physical value because it is a rare, unique, representative, or early example of a style, type, expression, material or construction method.*" Of the six heritage features noted in Schedule A and described as "visual vestiges of the original 1941 design," four are found exclusively in 319; only two appear partially in 321 King St. W. The property is indeed located "in line with the row" of Hales Cottages. It is also the case that one of its two ground floor windows is a Wyatt window that echoes 319 and the Hales Cottages, and there is an arched transom window over the door of 321, though its smaller shape and different size and composition highlight its dissimilarity to the other large segmented arched transoms in the row. But these are the only features 321 shares with its neighbours.

Indeed, it is instead the differences of 321 that stand out to anyone observing the row of houses from the street. Its size (2.5 storeys rather than the 1.5 of the Hales Cottages), the very different construction of its other ground floor window, its front door, its front porch design, the windows on the second floor and in the attic, the dormer, and the roofline contrast with others in the row. The case can be made that 319 shares a variety of other features that echo the Hales Cottages – basement windows with stone voussoirs, a ground floor Wyatt style window, a door opening and front door features (including side lights and a segmented transom window), ribbon boards on two levels, a tall wide brick chimney, and second floor windows that are not too dissimilar from those of the Hales Cottage. But in looking at the row of houses, the differences, particularly of 321 to the rest, that command attention. It is almost as if the designer of the new duplex in 1908 ran out of steam in his (albeit limited) attempt to 'echo' the Hales Cottages by the time he began building the western portion, 321 King St. West.

We suggest that 321 King St. West has *too small a number of heritage features* shared with either 319 King St. West, or with the Hales Cottages to be considered as a building that “took its inspiration from the adjacent row in design.” Rather than being “a unique example of an infill property from the early 20th century that took inspiration, if not its partial form, from the adjacent row in its design,” we suggest that the builders were following a familiar trend with infill properties then and now: provide as much space as possible for as little cost as possible.

This conclusion is supported by observing the rest of 321 King St. West. No care was taken to imitate the appearance, the stone construction or even the graceful situation of the Hales Cottages on its west and north sides. Instead, the western part of the duplex is crammed up against the Centre St. sidewalk in a way that would not conform today to building standards. The kitchen window is slightly below street grade and looks directly onto the sidewalk. The building’s dominant frontage on Centre St. presents not stone or stucco or brick, but is wood frame covered with shiplap. It is the “irregular fenestration” (as the Buildings of Architectural And Historic Significance, Volume Six, politely describes the haphazardly-placed and varied windows on the west side) that impress. The rear of the building seems to be constructed of wood frame covered with stucco, except for a small three season room, with windows unlike any other in the house or the Hales Cottages, which is also clad with shiplap and with a metal roof, attached to the north west corner of the house. The two north windows on the second floor do not resemble each other – they differ in size, and are located at slightly different heights – nor the windows on 319 or the other Hales Cottages, nor that main floor north window.

In sum, we challenge the conclusion that *The property has design value or physical value because it is a rare, unique, representative, or early example of a style, type, expression, material or construction method.* We suggest instead that it would be difficult to make the case that the property provides a coherent example, early or not, of ANY “*style, type, expression, material or construction method.*”

For these reasons, we further challenge the supposition that 321 King St. West has “*contextual value because it is physically, functionally, visually or historically linked to its surroundings.*” These links are minimal, while the evidence that it **differs** from the Hales Cottages and other heritage buildings in the neighbourhood are immediately obvious. There are simply too few heritage features that link 321 King St. West to its neighbours, and too many features that instead make it stand out in awkward contrast with the Hales Cottages and indeed other heritage buildings in the neighbourhood.

We do not agree, therefore, that “*the property has contextual value because it is important in defining, maintaining, or supporting the character of the area.*” On the contrary, it stands in considerable contrast and indeed opposition to the Hales Cottages, as to other Heritage homes in the area. We are confident that if it had been active in 1908 when Hales Cottage No. 1 was rebuilt as 321 King St. West, **the Heritage Board never would have approved the redesign.** If this building represents anything of current value to the Heritage Board, I would suggest that its existence confirms the need to have a Heritage Board to prevent such desecrations and abominations in future! Finally, in our opinion it would be a real shame for future Kingstonians if a Heritage Designation for 321 King St. W. prevents the building from evolving in future years into one more in tune with the other heritage buildings in this neighbourhood and in our city.

Here is our specific response to the six points listed to conclude the Heritage Attributes of Schedule A as relating to 319 and 321 King St. West

Key exterior elements that contribute to the property's cultural heritage value include its:

- **The two and a half storey massing with gable roof and wide shared brick chimney (319 only)**

Response: As noted, this does not apply to 321.

- **Stucco cladding, including ribbon boards.**

Response: The stucco cladding appears on only a small part of 321 King St. West. It does not appear on the addition on the north side of 321, nor on the prominent west face of 321. Similarly, the ribbon boards, top and bottom, that are on the Hales Cottages appear on only a small portion of 321's south face.

- **Window and door openings on the first and second floor that follow the rhythm of the row, including the Wyatt style windows on the facades main floor**

Response: The only original door and window opening that follows the "rhythm of the row" is one window bay on the ground floor. It stands in contrast to the windows on the second floors of 319 and 321, which are different in shape, size, configuration and number from each other, and from those of the Hales Cottages. The dormers in the third floor attic bear little resemblance to each other, or to the Hales Cottage, in number, shape or size.

- **The arched main entranceways with elliptical transom and side lights (319 only)**

Response: As noted, this does not apply to 321.

- **Limestone foundation, and one basement window opening (319 only)**

Response: As noted, this does not apply to 321

- **Limestone main floor front and rear walls at 319 and portions at 321**

Response: As noted this highlights the insignificance of the stone construction to 321

Thank you for your time. We look forward to raising these points at the Heritage Committee meeting on April 17th.

Sincerely,

Ruth Sandwell and Colin Duncan
Owners
321 King St. West
Kingston, Ontario
[REDACTED]

Delivered via Email

April 15, 2024

City of Kingston, Heritage Services
216 Ontario Street
Kingston, Ontario
K7L 2Z3

Attention: Ryan J. Leary, Senior Planner, Heritage

Dear Mr. Leary:

RE: Objection to the City of Kingston’s Heritage Designation of 149 Brock Street, Kingston, Ontario Pursuant to Section 29(1) of the *Ontario Heritage Act*, R.S.O. 1990, Chapter c.O.18

I am counsel to Mr. Antonios Vekios, the owner of the commercial building municipally described as 149 Brock Street, Kingston, Ontario (the “**Property**”). I write in response to your letter of March 11, 2024.

This is formal notice that Mr. Vekios objects to the City of Kingston’s proposed designation of the subject Property as a heritage site, as it fails to meet the prescribed criteria pursuant to the regulations under the *Ontario Heritage Act*, R.S.O. 1990, c.O.18.

Since 2015 the City has communicated its intention to designate the Property as a heritage site. According to the City, this intended designation is founded principally on the following reasons:

- (a) the Property was formerly the location of The McKay Fur House (who began his business in a building that no longer exists).
- (b) The Property was built with “red brick” which, it is speculated, was used to “standout against the limestone building next door”.
- (c) the upper story of the Property contains “five semi-circular window openings with decorative hood moulds and stone sills”.
- (d) The “flat roofline is decorated with an entablature that features elaborate cornice and dentils” which, it is claimed, “adds grandeur to the building”.

Respectfully, the following are relevant criteria which weigh against designating this Property as a heritage site.

First, extensive changes have been made to the Property over the years. These changes include: a replacement roof; vinyl windows; renovation/extension to the posterior of the Property in a combination of vinyl and concrete blocks; the façade of the entire commercial unit on the ground floor has been replaced with aluminum and there is an incongruous wood-framed apartment structure perched against the back property line.

Second, the Property's surroundings have also been dramatically changed. The City constructed a parking garage at the rear of the Property, which diminished the overall character of the Property's surroundings. This is not consistent with an intention to preserve the Property as a heritage site, thereby preserving its "contextual value". The Property is situated in an uninspiring strip of land, next to a CIBC bank, elevated parking garage and across from Hotel Dieu Hospital.

Third, the Property does not reflect any particular ideas, designs or works of an architect, designer or thinker. Accordingly, it does not have the potential to contribute to the understanding of a community or culture. Furthermore, the cornice is flat and poorly detailed and the muntined arch windows are of marginal quality. The Property is one of many examples of Italianate brick commercial architecture that was prevalent in Ontario at the time. In fact, there are better examples of such architecture, including the British Whig Pub. Finally, unlike 149 Brock Street, the Property does not have a distinctive limestone base, which is more consistent with heritage sites in the City of Kingston.

Fourth, the original owner of the Property, Mr. John McKay is already memorialized by the adjacent designation, and, therefore, nothing further is added by designating this Property as well. Moreover, there is no inherent historical value in the retail fur trading business of the 20th century.

I respectfully request that the Kingston Heritage Properties Committee re-consider the suitability of designating this Property as a heritage building.

Sincerely,

Sam Presvelos

Sam A. Presvelos

CC: Mayor Patterson, mayor@cityofkingston.ca
Committee Clerk, isullivan@cityofkingston.ca
Councillor Glenn, cglenn@cityofkingston.ca
Councillor Oosterhof, goosterhof@cityofkingston.ca