



**City of Kingston**  
**Report to Kingston Heritage Properties Committee**  
**Report Number HP-24-021**

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**To:** Chair and Members of the Kingston Heritage Properties Committee

**From:** Jennifer Campbell, Commissioner, Community Services

**Resource Staff:** Kevin Gibbs, Director, Heritage Services

**Date of Meeting:** April 17, 2024

**Subject:** Application for Ontario Heritage Act Approval

**Address:** 28 Maitland Street (P18-1010)

**File Number:** P18-018-2024

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**Council Strategic Plan Alignment:**

Theme: Corporate business

Goal: See above

**Executive Summary:**

The subject property at 28 Maitland Street is located on the south-west side of the street, south of King Street East. The property is designated under Part V of the *Ontario Heritage Act*, as part of the Old Sydenham Heritage Conservation District.

An application for alteration under Section 42 of the *Ontario Heritage Act* (P18-018-2024) has been submitted to request approval to construct a 9' by 13' (2.7 metre by 3.9 metre) detached storage building (shed) and small garbage enclosure on the property, which was largely completed in error without prior approvals. A conceptual site plan, prepared by the owner, and a detailed Heritage Review letter, prepared by Heritage Studio, were submitted in support of this application.

This application was deemed complete on March 14, 2024. The *Ontario Heritage Act* provides a maximum of 90 days for Council to render a decision on an application to alter a heritage building under Section 42(4). This timeframe will expire on June 12, 2024.

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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 Properties Committee supports Council's approval of the following:

**That** the new construction at 28 Maitland Street, be approved in accordance with the details described in the application (File Number P18-018-2024), which was deemed complete on March 14, 2024, with said application to include the construction of a detached storage building and garbage enclosure; and

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

1. All *Planning Act* applications shall be completed, as necessary;
2. Details, including colour(s) and specifics, of the new roofing, rain gear and lighting, if applicable, shall be submitted to Heritage Planning staff, prior to installation, for review and approval, to ensure they complement the heritage character and attributes of the district; and
3. Any minor deviations from the submitted plans, which meet the intent of this approval and do not further impact the heritage attributes of the property, shall be delegated to the Director of Heritage Services for review and approval.

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**Authorizing Signatures:**

ORIGINAL SIGNED BY COMMISSIONER

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**Jennifer Campbell,**  
**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:**

Paige Agnew, Commissioner, Growth & Development Services	Not required
Neil Carbone, Commissioner, Corporate Services	Not required
David Fell, President & CEO, Utilities Kingston	Not required
Peter Huigenbos, Commissioner, Major Projects & Strategic Initiatives	Not required
Brad Joyce, Commissioner, Commissioner, Infrastructure, Transportation & Emergency Services	Not required
Desirée Kennedy, Chief Financial Officer & City Treasurer	Not required

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

The subject property at 28 Maitland Street includes the northern portion of a semi-detached dwelling that spans two separate properties (severed in 2020), at the south-west side of the street, south of King Street East. The property includes a two-storey dwelling with a mansard roof, setback over 20 metres from the front lot line. It is designated under Part V of the *Ontario Heritage Act*, as part of the Old Sydenham Heritage Conservation District (Exhibit B – Property Inventory Evaluation).

Following a misunderstanding, the owners have constructed a 9' by 13' (2.7 metre by 3.9 metre) detached storage building (shed) and small garbage enclosure on the property without prior *Ontario Heritage Act* approval. Application Number P18-018-2024, under Section 42 of the *Ontario Heritage Act*, has been submitted to request approval to rectify this error for these largely completed structures. The new shed will be 12 feet (3.7 metres) tall, with a gable roof (to be covered in dark coloured standing metal roofing) and clad in painted fibre cement clapboard in a green tone. A salvaged wooden casement window is installed on the east elevation and a pair of glazed wooden French doors, salvaged from the main building in 2020, are installed on the west elevation. A small wooden garbage enclosure, clad in matching clapboard siding, is located just to the south of the shed.

A conceptual site plan, prepared by the owner, and a detailed Heritage Review letter, prepared by Heritage Studio, were submitted in support of this application and are attached hereto as Exhibit C – Concept Plans.

The submission materials in their entirety are available online through the Development and Services Hub (DASH) at the following link, [DASH](#), using “Look-up a Specific Address.” If there are multiple addresses, search one address at a time. Submission materials may also be found by searching the file number.

This application was deemed complete on March 14, 2024. The *Ontario Heritage Act* provides a maximum of 90 days for Council to render a decision on an application to alter a heritage building under Section 42(4). This timeframe will expire on June 12, 2024.

**Reasons for Designation/Cultural Heritage Value**

26-28 Maitland Street are 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 Old Sydenham Heritage Area HCD Plan Property Inventory Evaluation identifies the property (including both 26 and 28 Maitland Street) as ‘contributing’ to the Old Sydenham HCD by way of its’ low massing, mansard roof, rectangular openings and its 2-tiered façade.

The Inventory Evaluation notes that the building was built circa 1904-1908; however, physical evidence within the building, obtained in 2020, suggests that portions of the current structure

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(rear wall) may be from an earlier limestone outbuilding that once served the dwelling at 5 Emily Street.

The Property Inventory Evaluation has been included as Exhibit B.

### **Cultural Heritage Analysis:**

#### **Applicable Local Policies/Guidelines**

While 28 Maitland Street is not rated as a “significant” building by the Old Sydenham HCD Property Inventory Evaluation, it is still considered a “contributing” building to the heritage character of the HCD and thereby considered a “heritage building” for the purposes of the District Plan’s policies and guidelines.

The proposed works are required to be undertaken in accordance with the Old Sydenham Heritage Area Heritage Conservation District Plan (District Plan). Other applicable by-laws, policy and guidance (including Parks Canada’s ‘Standards and Guidelines for the Conservation of Historic Places in Canada’) should also be considered and followed in order to ensure that the new structures complement and enhance the District.

#### **Summary of Project Proposal and Impact Analysis**

Section 2.2 of the District Plan provides a Statement of Cultural Heritage Value or Interest for the entire district. This includes a value statement as well as a list of heritage attributes, which include: “Varied ages, styles and types of buildings...; A compact scale comprised of street width, building height (approximately 2-3 storeys) and setbacks.” Additionally, Section 2.3 of the District 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 of the District Plan and 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 “views of the lake down each cross street.” The subject property contributes to both of these attributes noted above, making it a culturally important part of the District.

Section 2.5 (Designation Goals and Objectives) of the District Plan speaks to the goals and objectives for the District as a whole, including Heritage Buildings, Landscapes and Streetscapes, and Land Use. The application for 28 Maitland supports the goals as presented in the District Plan, specifically “Preserving the existing pattern of blocks, streets and lanes” (2.5.3); and “Encouraging alterations and new infill that is compatible with the arrangement, scale, architectural style and materials that constitute the district’s heritage character” (2.5.4).

While the District Plan does not contain any specific policies or guidelines related to detached accessory buildings or structures, Section 5.0 of the District Plan provides direction related to new additions and Standard 11, of Parks Canada’s Standards and Guidelines for the Conservation of Historic Places in Canada, is also applicable.

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Standard 11 directs that new construction should be “physically and visually compatible with, subordinate to and distinguishable from the historic place.” This direction is echoed and expanded on through Section 5.2 of the District Plan. The District Plan states that additions should be located away from the street and be no taller (preferably lower) than, and to the rear of, the historic dwelling. The purpose and goal of this direction is to ensure that new construction is considerate of its context, and that the heritage buildings are not obstructed or overshadowed by the new construction, and thereby conserving their contribution to the heritage character of the District. Ideally the new construction should not only complement the character of the property and District but should also help enhance the character and one’s appreciation of the District.

The new shed is located in the front yard, which conflicts with the District Plan’s guidelines for new additions to heritage buildings. However, Maitland Street is somewhat unusual in design as it evolved more organically than most in the District; not strictly planned as a residential streetscape. It includes various former outbuildings, now residences, and several more recent in-fill buildings, all leading to the water and the Kingston Yacht Club. The main house (26 and 28 Maitland), while a contributing building to the District, is not a landmark building, nor is it designated individually on its own merits. Its simple form, mansard roof and detailing complement the character of the area; however, the main building is setback over 20 metres from the street, thereby limiting its contribution to the streetscape. The most prominent buildings along this side of Maitland Street are the two one-and-a-half storey limestone former carriage houses that flank the subject property to the north and south and sit very close to the street. These stone buildings have a strong presence on the street and are significant to the eclectic character and history of the streetscape.

At 3.7 metres tall, the new shed is shorter than the main building, however at 3.9 metres wide it will obstruct the view of a portion of the main building. The main building’s location on the lot limits the owners’ ability to construct a shed in either the rear or side yards. The new shed is setback approximately 10 metres from the street, about halfway between the street and the main building, thereby allowing the owners to retain their required parking spaces and creating a small, semi-private amenity area in their front yard. The setback of the new shed also allows for uninterrupted views of the flanking limestone buildings, as well as the roof line and portions of the main house at 26 and 28 Maitland Street.

The new shed itself is a simple, traditional design that complements the character of the property and area, and according to the review letter by Heritage Studios (Exhibit C) it “is compatible with the surrounding historic environment, sits comfortably alongside the adjacent stone outbuildings and recently rehabilitated [main] house.” The new shed is a rectangular building with a medium pitched gable roof, to be clad in appropriate dark metal roofing (Section 5.5.1). The one window facing the street is an older wooden unit with six-panes that matches the glazing pattern of the main house. The building’s cladding is an acceptable concrete fibre board (Section 5.3.3 and 6.2.7) with matte green paint, finished in a clapboard style.

Both the Ontario Heritage Tool Kit’s ‘Eight Guiding Principles in the Conservation of Built Heritage Properties’ and the Federal Standards and Guidelines encourage alterations to be

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“reversible” so that, if removed in the future, the integrity of the heritage resource could be restored. As these sheds are standalone structures, no physical alterations to either the main building or adjacent stone buildings are proposed, and thus the sheds could be removed in the future with no impacts.

**Results of Impact Analysis:**

Each application for *Ontario Heritage Act* approval must be treated separately, with site specific factors and characteristics considered. The erection of a new building in the front yard of a heritage property would, on the outset, seem like an inappropriate intervention; however, the pattern of development on Maitland Street is atypical, and in this case, the building does not appear out of place. Further, given that the main heritage building is not a prominent feature in the district and its setback minimizes its contribution to the streetscape, the proposal to construct a small, appropriately designed storage building, in the only location that is available on the site for such a structure, is supportable in this particular situation.

This proposed change will not physically impact the heritage features of the property, nor have a negative impact on the streetscape or overall character of the District. While the scope of the application will result in a modest change to the streetscape of Maitland Street, when one considers what contribution this property provides to the Old Sydenham Heritage Conservation District and how these changes will affect that contribution, the analysis concludes that those physical aspects such as its low massing, mansard roof, rectangular openings and its 2-tiered façade are being conserved and not negatively impacted.

Heritage Planning staff agree with the conclusion of the Heritage Studio report that the proposal conforms to the intent, goals and policies of the District Plan and upholds the heritage conservation objectives set out within the City of Kingston’s Official Plan, and the direction given by the Provincial Policy Statement, the Ontario Heritage Tool Kit, and Parks Canada’s Standards and Guidelines for the Conservation of Historic Places in Canada.

**Previous Approvals**

P18-009-2020      Extensive repairs and renovations to building.

**Comments from Department and Agencies**

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

**Planning:**

The property is currently subject to a planning pre-application. Zoning relief will be required for the accessory building that has been constructed in the front yard.

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### **Consultation with Heritage Properties Committee**

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

### **Conclusion**

Staff recommends approval of the application File Number (P18-014-2024), subject to the conditions outlined herein.

### **Existing Policy/By-Law:**

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

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

Ontario Heritage Tool Kit (Ministry of Citizenship and Multiculturalism)

City of Kingston Official Plan

Old Sydenham Heritage Area Heritage Conservation District Plan

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

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.

### **Contacts:**

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

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

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

### **Exhibits Attached:**

Exhibit A     Context Map



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- Exhibit B Property Inventory Evaluation
- Exhibit C Conceptual Plans
- Exhibit D Correspondence Received from Committee
- Exhibit E Final Committee Comments from April 17, 2024



**28 MAITLAND STREET****Built: 1904-08****Rating: C**

A brick building with this footprint first appears in the 1908 fire insurance map. It is not present on the 1892 fire insurance map, updated in 1904. It has since been clad with clapboard-style siding, but its mansard roof is original. The building is set-back from Maitland Street, but is readily visible from the car park north of 16 Maitland Street.

This structure's low massing, mansard roof, its rectangular openings, and 2-tiered façade contribute to the heritage character of this area.

**HERITAGE** studio

Alex Rowse-Thompson MCIP RPP CAHP  
Skeleton Park, Kingston, ON  
613-305-4877  
alex@heritagestudio.ca  
613-305-4877

February 26, 2024.

Sent by EMAIL

Joel Konrad, Manager, Heritage Planning  
Heritage Services, City of Kingston  
216 Ontario Street  
Kingston, ON, K7L 2Z3  
289-925-6499  
jkonrad@cityofkingston.ca

RE : **HERITAGE REVIEW - 28 MAITLAND STREET**  
(HERITAGE PERMIT APPLICATION)

Dear Mr. Konrad,

The purpose of this letter is to provide the City of Kingston with a professional heritage review of a recently constructed accessory building (i.e., the shed) at 28 Maitland Street. The property is designated under Part V of the *Ontario Heritage Act* (OHA) as part of the Old Sydenham Heritage Conservation District (HCD), and consequently, the owners of the property are required to submit a Heritage Permit application in accordance with Section 42(1) of the OHA before erecting any new building or structure. Unfortunately, a misunderstanding between the Owners and City staff in an informal pre-consultation led to the shed being erected without a Heritage Permit in the fall of 2023. In response, the City issued a Notice of Contravention, dated January 9, 2024.

Heritage Studio has been retained by James and Anne Mathers (Owners) to provide a professional heritage review of the application in support of a Heritage Permit submission by Fotenn Planning + Design (the Owner's agent), to bring the shed into compliance with the OHA. Through discussions between Alex Rowse-Thompson (Heritage Studio) and Ryan Leary, (Senior Heritage Planner at the City of Kingston), it was agreed that the scale and nature of the shed, do not necessitate the completion of a Heritage Impact Assessment; however, given the shed's location within the front yard of the property, a heritage review is required to



evaluate and confirm that there is no negative impact to the cultural heritage value or attributes of the Old Sydenham HCD.

The following documents were reviewed in the preparation of this letter and form the cultural heritage policy framework: *Ontario Heritage Act*; *2020 Provincial Policy Statement*; City of Kingston Official Plan; Old Sydenham Heritage Conservation District Plan; Parks Canada's Standards and Guidelines for the Conservation of Historic Places in Canada (the Standards and Guidelines); and the Ministry of Tourism, Culture and Sport's Heritage Tool Kit.

Alex Rowse-Thompson of Heritage Studio completed a site visit on February 14, 2024. The site visit included a review of the subject property and the new shed, adjacent properties, and surrounding streetscape. Please see Appendix 1 for photographic documentation.

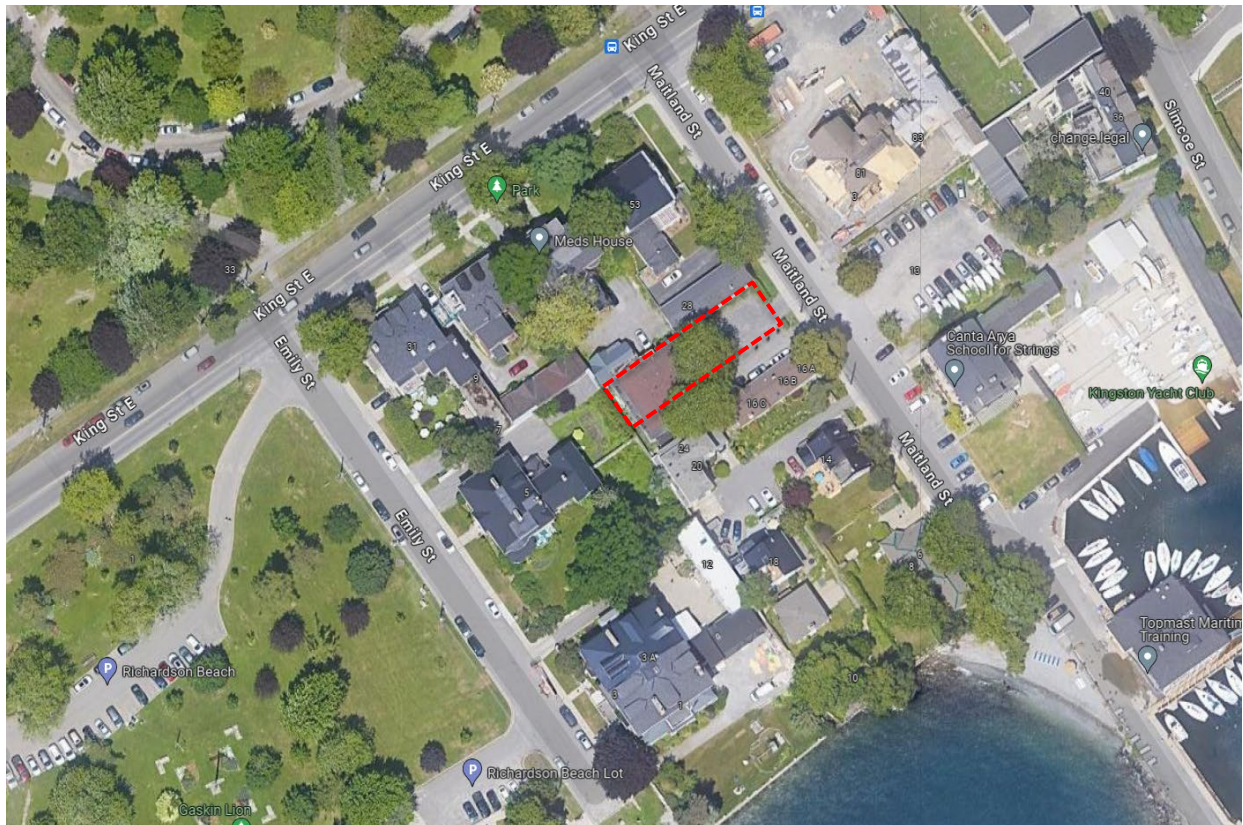


Figure 1: Location of property at 28 Maitland Street. (Google Maps, annotated by Heritage Studio)

## 1.0 PROPERTY DESCRIPTION & CONTEXT

The property at 28 Maitland Street is located on the west side of Maitland Street, just south of King Street East, within the Old Sydenham Heritage Conservation District. The property forms approximately one half of a one-and-a-half storey house with mansard roof, constructed between 1904-1908. The one-and-a-half storey house originally functioned as a stable/garage to 5 Emily Street, but was converted to residential use (i.e., apartments) sometime in the 1950s and most recently rehabilitated to two separate residential units on

two separate lots (i.e., 26 and 28 Maitland Street). The 1908 and 1924 Fire Insurance Plans identify the house as brick masonry construction (Figures 3 & 4), but in fact the house's structure is a combination of limestone and brick masonry. The house is currently clad in an insulated stucco finish on the south, east and north elevations.

The house is set well back from Maitland Street and is practically located in the centre of the block bound by Lake Ontario, Maitland, King, and Emily Streets. The house has a deep front yard, a very shallow side yard to the south, a very shallow rear yard to the west and no side yard to the north (i.e., 28 Maitland Street has no side yard). A cedar hedge borders the front lot line on the northern half of the property. Two large historic stone outbuildings flank the property to the north and south (16 Maitland Street and 53 King Street East), which are set far forward of the existing house at 26-28 Maitland Street with little to no setback from the street.

An in-depth property history has not been carried out for the purpose of this heritage review, however, it is important to note that the inconsistent building line, irregular lot fabric and varied architectural character along Maitland Street reflects the street's incremental development from the early 19<sup>th</sup> century, which was influenced by both its proximity to the waterfront (industry and recreation) and its historic use and function as the 'back of house' area to several large estates on Emily and King Streets (Figure 2).

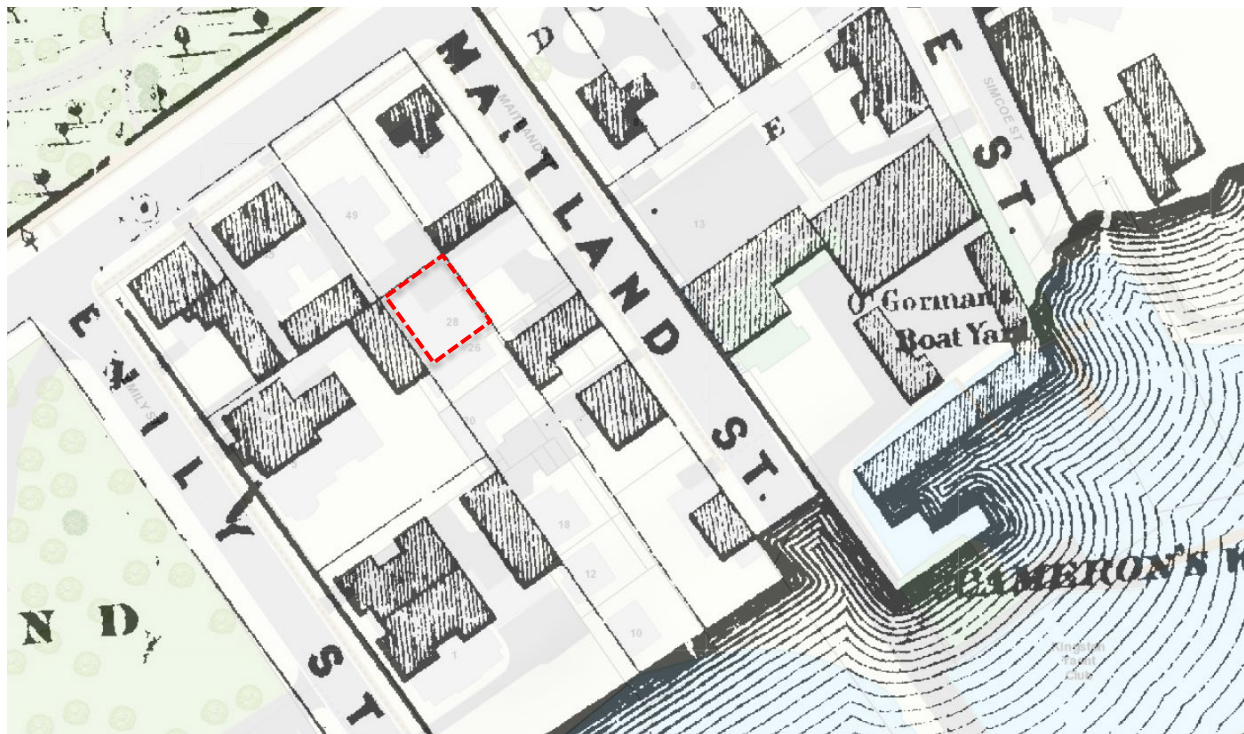


Figure 2: The approximate location of the property identified on the 1865 John C. Innes map. (City of Kingston, annotated by Heritage Studio)



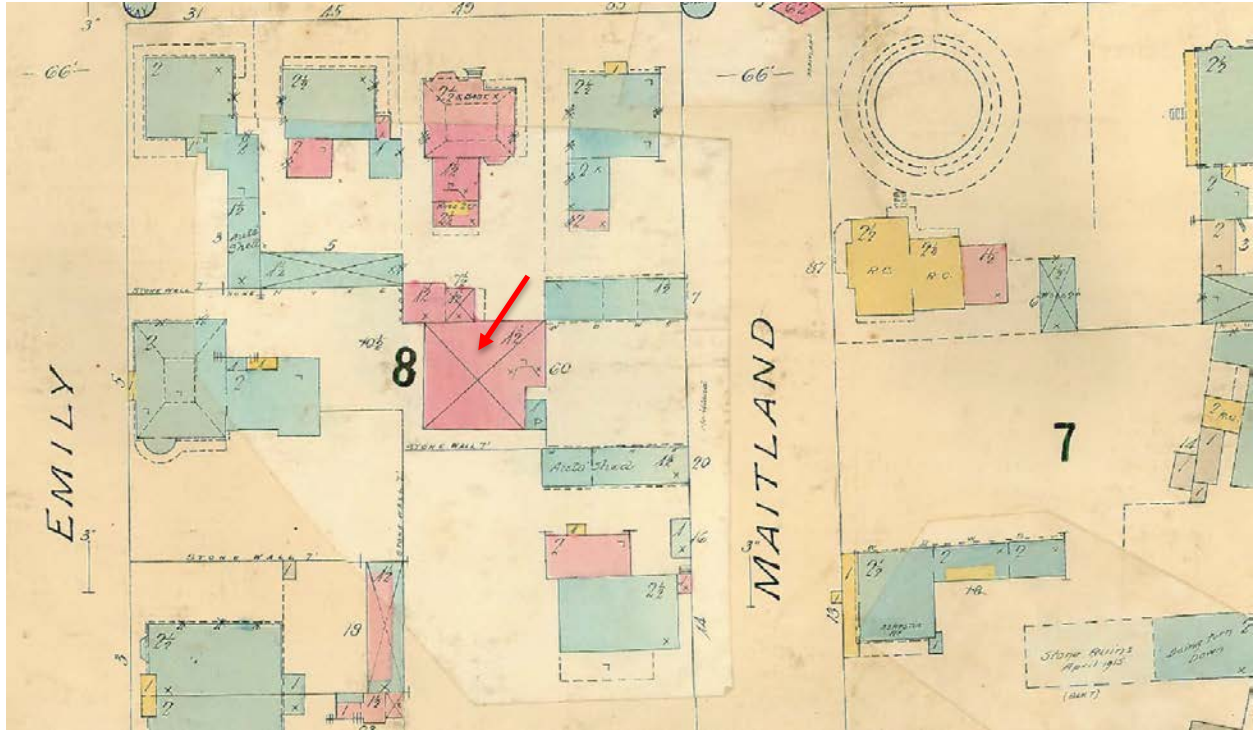


Figure 3: The property as shown on the 1908 Fire Insurance Plan. (City of Kingston, annotated by Heritage Studio)

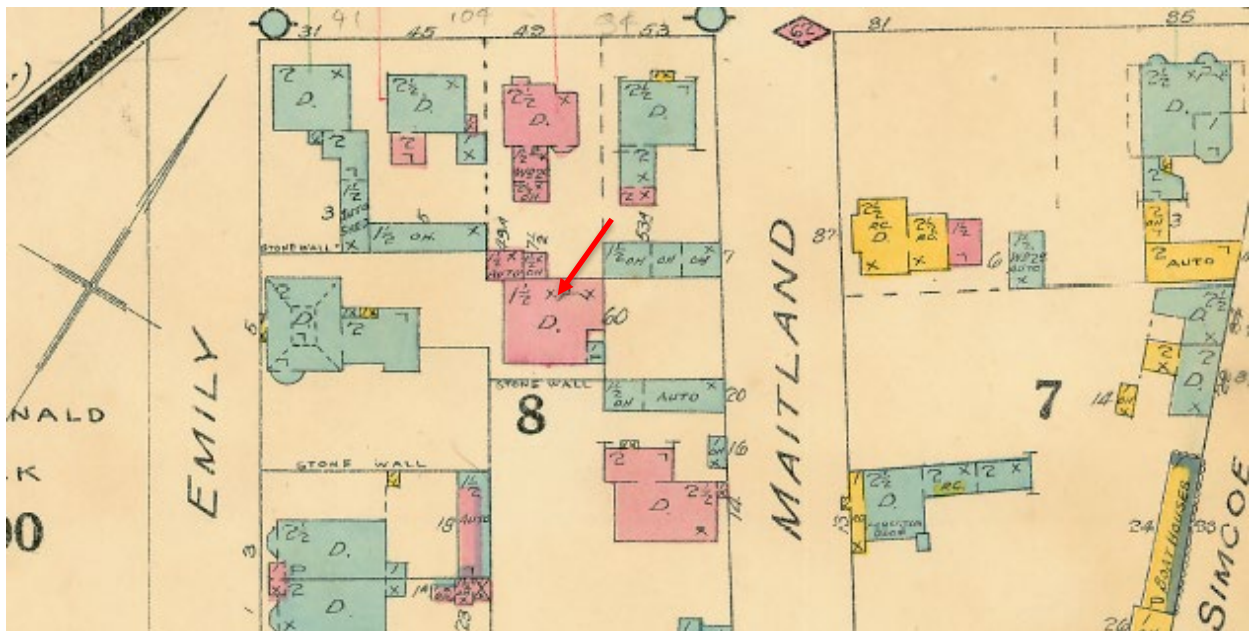


Figure 4: The property as shown on the 1924 Fire Insurance Plan. (City of Kingston, annotated by Heritage Studio)

## 2.0 CULTURAL HERITAGE VALUE

The property is located within the King Street Corridor sub-area, and the Property Inventory Evaluation form evaluates the subject property as “contributing” to the heritage character of the Old Sydenham HCD through its “low massing, mansard roof, its rectangular openings, and 2-tiered façade” (Appendix 2). The one-and-a-half storey house at 26-28 Maitland Street has been heavily modified since its original construction; however, its most recent rehabilitation to two residential units has successfully retained its massing and scale, including mansard roof and regular rectangular window openings, and therefore, continues to contribute to the cultural heritage value and attributes of the Old Sydenham HCD (Figure 5).



Figure 5: The subject property before and after rehabilitation to two separate residential units. (Google Maps and Heritage Studio, February 2024)



Figure 6: Maitland Streetscape looking northwest with new shed visible but set back from adjacent stone outbuildings. (Heritage Studio, February 2024)





Figure 7: Maitland Streetscape looking southwest with house and shed, and 28 Maitland Street shielded by adjacent stone outbuilding. (Heritage Studio, February 2024)

The Old Sydenham HCD Plan does not specifically describe the character of Maitland Street, which is atypical of the King Street Corridor sub-area and of the Old Sydenham HCD. Rather, Maitland Street's heritage character is defined by its irregular lot fabric, inconsistent building line, and historic use as a 'back of house' area to the large estates on Emily and King Streets. In many ways, the heritage character of Maitland Street is more comparable to Lily Lane than to a typical residential streetscape in the District. The property at 26-28 Maitland Street contributes to heritage character of Maitland Street, but the house's deep setback from the street means that the two adjacent stone outbuildings are more visually prominent in the streetscape, largely shielding the house from views looking north towards City Park and south towards the waterfront (Figures 6 & 7).

In summary, the property contributes to the following heritage attributes of the Old Sydenham HCD and King Street Corridor sub-area:

#### Old Sydenham HCD

- Varied ages, styles and types of buildings, with both vernacular and architect-designed examples of over two centuries of architectural styles
- A compact scale comprised of street width, building height (predominantly 2-3 storeys) and setback;
- Views down to the lake, to the park and to the downtown;
- Trees lining streets and dominating rear yards;
- Surviving examples of historic landscape elements such as walls;
- A generally high standard of care for buildings and landscapes;
- Proximity to the downtown, major institutions and the lake; and physical evidence and

historical associations with every stage of Kingston's history.

King Street Corridor sub-area:

- Views down to the lake across each cross street;
- Views of City Park;
- Surviving examples of historic landscape features such as stone walls; and
- Areas of archaeological potential and significance.

### 3.0 IMPACT ASSESSMENT

The shed is a 9 by 13 feet (2.7 by 3.9 metres) frame structure with gable roof (Figure 8). It is clad in painted fibre cement board (i.e., James Hardie board) and has a salvaged historic wooden casement window on the east elevation and a pair of glazed wooden French doors on the west elevation (Figure 9). In the spring of 2024, the shed roof will be finished in a standing seam metal roof to match the house.

The Old Sydenham HCD Plan does not contain specific policies for the location and design of accessory buildings as they are typically located in rear yards and have limited potential to impact the heritage character of the District. Therefore, the most relevant HCD Plan guidelines include those found in Section 5.2.2 Additions, which are broadly applicable. At approximately 117 square feet in area and 12 feet tall, the shed is clearly secondary in size to the one-and-a-half storey house behind and the adjacent stone outbuildings. Its painted fibre cement board siding is complementary to, but distinguishable from, the stucco finish on the house and the limestone masonry of the adjacent outbuildings.



Figure 8: East and south elevations of the newly constructed shed. (Heritage Studio, February 2024)





Figure 9: West elevation (facing the house) of the newly constructed shed. (Heritage Studio, February 2024)

The shed is technically located in the front yard (historically this was the rear yard of 5 Emily Street) which does not follow the guideline advising that additions be located away from the main street façade, and at the rear of the building. However, as previously described, Maitland’s streetscape does not have a consistent street façade of historic houses, but rather includes a collection of historic houses, outbuildings, and recreation facilities (i.e. the Kingston Yacht Club). The street’s development was incremental and not planned to form a visually coherent residential streetscape as is typical in the rest of the Old Sydenham HCD. Therefore, the convention of front and rear yards and traditional development patterns do not readily apply to this streetscape.

The shed’s location and orientation in the front yard obscures some views of the house but does not obscure views of the adjacent stone outbuildings, which are more visually prominent along the streetscape and in views north and south along Maitland Street. Moreover, the shed does not obscure any of the original openings (i.e. windows or arched opening) on the adjacent stone outbuilding to the north. The shed is not physically attached to the house or adjacent stone outbuildings, and therefore, did not entail the removal of any heritage attributes on the house or adjacent outbuildings. Importantly, the shed’s

construction did not cause any permanent changes to the house or adjacent stone outbuildings and can be considered a reversible<sup>1</sup> alteration.

Parks Canada’s Standards and Guidelines, like the Old Sydenham HCD Plan, do not contain specific policies relating to the location and design of small accessory buildings; however, Section 4.1.5, which addresses Visual Relationships within the Guidelines for Cultural Heritage Landscapes, includes a guideline for additions or alterations to a cultural landscape. The guideline recommends “designing a new feature when required by a new use that respects the historic visual relationships in the cultural heritage landscape. This can include matching established proportions and densities, such as maintaining the overall ratio of open space to building mass in an urban heritage district when designing an infill building.” Within the context of the Maitland streetscape, there is a visual relationship between the outbuildings and houses that reflects its incremental development and historic ‘back of house’ use. The location and design of the new shed complements, rather than disrupts, this character. The shed’s simple and traditional design, which is compatible with the surrounding historic environment, sits comfortably alongside the adjacent stone outbuildings and recently rehabilitated house.

The following table provides an assessment of the shed using the list of potential negative impacts identified in the Ontario Heritage Tool Kit, which was produced by the former Ministry of Tourism, Culture and Sport. In summary, no adverse impacts to the property or Old Sydenham HCD were identified through this impact assessment.

Potential Negative Impact	Assessment
Destruction of any, or any part of, significant heritage attributes or features	<b>None.</b>
Alteration that is not sympathetic, or is incompatible, with the historic fabric and appearance	<b>None.</b> The scale and design of the shed is compatible with the heritage character of the property and of the surrounding Maitland streetscape. The shed’s front yard location is atypical of the pattern of development in the Old Sydenham HCD (one other example includes 155 King Street East) but is consistent with the historic development and character of Maitland Street.

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<sup>1</sup> Reversible interventions are those that can be removed at a later date without damaging the character-defining elements of the historic place. (Parks Canada’s Standards & Guidelines)

Shadows created that alter the appearance of a heritage attribute, or change the viability of a natural feature or plantings, such as a garden	<b>None.</b>
Isolation of a heritage attribute from its surrounding environment, context or a significant relationship	<b>None.</b> The one-and-a-half storey house continues to be the primary focal point on the property. The shed’s design is compatible with the character of the existing house, and as a result, the property continues to contribute to the heritage character of Maitland Street and to the Old Sydenham HCD more broadly.
Direct or indirect obstruction of significant views or vistas within, from, or of built and natural features	<b>None.</b> Significant views include those north and south along Maitland Street to City Park and Lake Ontario, which are identified as heritage attributes of the Old Sydenham HCD and of the King Street Corridor sub-area.  The shed is set well back from the street edge, thereby maintaining the prominence of the two adjacent stone outbuildings, which frame views looking north towards City Park and south towards Lake Ontario.
A change in land use such as a battlefield from open space to residential use, allowing new development or site alteration in the formerly open space	<b>None.</b> The shed supports the continued residential use of the property.
Land disturbance such as a change in grade that alters soils, and drainage patterns that adversely impact archaeological resources.	<b>None.</b> The shed sits on a gravel base and does not have a foundation.

#### 4.0 CONCLUSION & OPINION

Locating an accessory building, such as a shed, in the front yard of a property is generally inconsistent with the character of streetscapes in the Old Sydenham HCD. However, Maitland Street’s pattern of development and heritage character is atypical of the District, and in this instance, the location and design of the new shed at 28 Maitland Street, is compatible with the heritage character of the property and of Maitland Street. 28 Maitland Street has a very shallow rear yard and no side yard, and consequently there is no location to construct a shed

outside of public view. Moreover, the house (former stable/garage) does not have a basement. Acknowledging that all residents require storage space for tools, sports equipment, bicycles, shovels, etc., the construction of a small, well-designed, shed in the front yard is a reasonable component of the property's rehabilitation<sup>2</sup>.

In my professional opinion, the recently constructed shed has a neutral impact on the cultural heritage value and attributes of the Old Sydenham HCD, and therefore, its construction is consistent with the goal for Built Heritage Resources in Section 7.1 of the City of Kingston's Official Plan, which is "to 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" and is consistent with Policy 2.6.1 "Significant built heritage resources and significant cultural heritage landscapes shall be conserved." of the 2020 Provincial Policy Statement.

Please contact me should you require any further details or wish to discuss the contents of this letter.

Sincerely,



Alex Rowse-Thompson MCIP RPP CAHP  
Principal, Heritage Studio

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<sup>2</sup> *Rehabilitation* involves the sensitive adaptation of an historic place or individual component for a continuing or compatible contemporary use, while protecting its heritage value.



Appendix 1: Photographic Documentation (Heritage Studio site visit - February 14, 2024)



Looking south along Maitland Street to Lake Ontario.



Looking southwest along Maitland Street to Lake Ontario.





Looking west towards the property with shed and house behind, and two large stone outbuildings flanking the property.



Looking north towards the east elevation of the shed and the south elevation of the adjacent stone outbuilding.





Looking northwest towards the shed with house and adjacent outbuilding in the background.



Looking east from the house towards the shed and Maitland Street.





South elevation of the house (looking west towards rear lot line), and rear or west elevation of the house (looking north).

Appendix 2: Property Inventory Form (28 Maitland Street)

Property Inventory Evaluation – Maitland Street

**28 Maitland Street**

**Built: 1904-08**

**Rating: C**



A brick building with this footprint first appears in the 1908 fire insurance map. It is not present on the 1892 fire insurance map, updated in 1904. It has since been clad with clapboard-style siding, but its mansard roof is original. The building is set-back from Maitland Street, but is readily visible from the car park north of 16 Maitland Street.

This structure's low massing, mansard roof, its rectangular openings, and 2-tiered façade contribute to the heritage character of this area.

# Kingston Heritage Properties Committee

## Summary of Input from Technical Review Process

**P18-018-2024**

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



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Date:	March 1, 2024
Form:	Heritage Properties Committee Reviewer Form
Reviewer Name:	Ann Stevens
Application Type:	Heritage Permit
File Number:	<a href="#">P18-018-2024</a>
Property Address:	28 MAITLAND ST

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#### Description of Proposal:

The subject property is located on the south-west side of the street and designated under Part V of the *Ontario Heritage Act* as part of the Old Sydenham Heritage Conservation District. Following a misunderstanding, the owners have constructed a 9' by 13' (2.7 metre by 3.9 metre) detached storage building (shed) on the property without prior Heritage Act approval. They are seeking to rectify this by requesting heritage approval for this largely-completed structure. The new shed will be 12 feet (3.7 metres) tall, with a gable roof (to be clad in standing steel roofing) and clad in painted fibre cement board. A salvaged wooden casement window is installed on the east elevation and a pair of glazed wooden French doors are on the west elevation. A minor variance application will also be required to permit the location of the shed. A conceptual site plan, prepared by the owner, and a detailed Heritage Review letter, prepared by Heritage Studio, were submitted in support of this application.

#### Comments for Consideration on the Application:

It is unfortunate that there was a misunderstanding about the approvals for this structure. After reviewing the information from the applicant and their heritage reviewer, the shed has been built sensitive to its surroundings. The 'back lot shed' is actually retaining the area's historical use as utility buildings from the estate house on King Street.

#### Recommended Conditions for the Application:

Meeting all requirements set by the Heritage staff and pertinent Heritage legislation.



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Date:	March 12, 2024
Form:	Heritage Properties Committee Reviewer Form
Reviewer Name:	Peter Gower
Application Type:	Heritage Permit
File Number:	<a href="#">P18-018-2024</a>
Property Address:	28 MAITLAND ST

---

#### Description of Proposal:

The subject property is located on the south-west side of the street and designated under Part V of the *Ontario Heritage Act* as part of the Old Sydenham Heritage Conservation District. Following a misunderstanding, the owners have constructed a 9' by 13' (2.7 metre by 3.9 metre) detached storage building (shed) on the property without prior Heritage Act approval. They are seeking to rectify this by requesting heritage approval for this largely-completed structure. The new shed will be 12 feet (3.7 metres) tall, with a gable roof (to be clad in standing steel roofing) and clad in painted fibre cement board. A salvaged wooden casement window is installed on the east elevation and a pair of glazed wooden French doors are on the west elevation. A minor variance application will also be required to permit the location of the shed. A conceptual site plan, prepared by the owner, and a detailed Heritage Review letter, prepared by Heritage Studio, were submitted in support of this application.

#### Comments for Consideration on the Application:

In view of the location of the house (an Emily Street backyard!), the uniqueness of Maitland Street, and the design of the storage building, I have no concerns with what we are asked to approve.

#### Recommended Conditions for the Application:

The applicants may want to consider some plantings between the storage building and the street to further lessen its impact. Staff should also check that the roof has been upgraded by the end of 2024.



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Date:	March 13, 2024
Form:	Heritage Properties Committee Reviewer Form
Reviewer Name:	Jane McFarlane
Application Type:	Heritage Permit
File Number:	<a href="#">P18-018-2024</a>
Property Address:	28 MAITLAND ST

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#### Description of Proposal:

The subject property is located on the south-west side of the street and designated under Part V of the *Ontario Heritage Act* as part of the Old Sydenham Heritage Conservation District. Following a misunderstanding, the owners have constructed a 9' by 13' (2.7 metre by 3.9 metre) detached storage building (shed) on the property without prior Heritage Act approval. They are seeking to rectify this by requesting heritage approval for this largely-completed structure. The new shed will be 12 feet (3.7 metres) tall, with a gable roof (to be clad in standing steel roofing) and clad in painted fibre cement board. A salvaged wooden casement window is installed on the east elevation and a pair of glazed wooden French doors are on the west elevation. A minor variance application will also be required to permit the location of the shed. A conceptual site plan, prepared by the owner, and a detailed Heritage Review letter, prepared by Heritage Studio, were submitted in support of this application.

#### Comments for Consideration on the Application:

It is unfortunate that this project has been completed prior to Heritage approval. However, the shed is relatively small, heritage appropriate and sympathetic to the property and as such is supportable. On the rear of the building, the option of two-over-two windows or even one-over-one could be considered and simplify the look.

**Summary of Final Comments at the April 17, 2024 Heritage Properties Committee Meeting**

[To be added following the meeting.]