

Staff Report



Development Services Department

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REPORT TO: Heritage Kitchener

DATE OF MEETING: May 7, 2024

SUBMITTED BY: Garett Stevenson, Director of Development and Housing Approvals,
519-741-2200 ext. 7070

PREPARED BY: Michelle Drake, Senior Heritage Planner, 519-741-2200 ext. 7839

WARD(S) INVOLVED: Ward 10

DATE OF REPORT: May 1, 2024

REPORT NO.: DSD-2024-217

SUBJECT: Heritage Permit Application HPA-2024-V-009
36 Lancaster Street East
Demolition and reconstruction (rear yard addition)

RECOMMENDATION:

That pursuant to Section 42 of the Ontario Heritage Act, Heritage Permit Application HPA-2024-V-009 be approved to permit the demolition of the fire damaged rear addition and reconstruction of the rear addition on the property municipally addressed as 36 Lancaster Street East, in accordance with the supplementary information submitted with the application, subject to the following condition:

1. That the final building permit drawings be reviewed and heritage clearance provided by Heritage Planning staff prior to the issuance of the required building permit.

REPORT HIGHLIGHTS:

- The purpose of this report is to present Heritage Planning staff's recommendation for the proposed demolition and reconstruction of the addition at the subject property municipally addressed as 36 Lancaster Street East.
- The key finding of this report is that the demolition of the fire damaged rear addition and the reconstruction to match the original rear addition will not negatively impact the heritage attributes of the subject property, the Lancaster Street East streetscape, or the Civic Centre Neighbourhood Cultural Heritage District. Note that according to Section 42 of the *Ontario Heritage Act*, the demolition of any building or structure, or part thereof, on the property requires Council approval.
- There are no financial implications associated with this report.
- Community engagement included consultation with the City's Heritage Kitchener committee.
- This report supports the delivery of core services.

BACKGROUND:

The Development Services Department is in receipt of Heritage Permit Application HPA-2024-V-009 seeking permission to demolish and reconstruct the rear addition at the subject property municipally addressed as 36 Lancaster Street East.

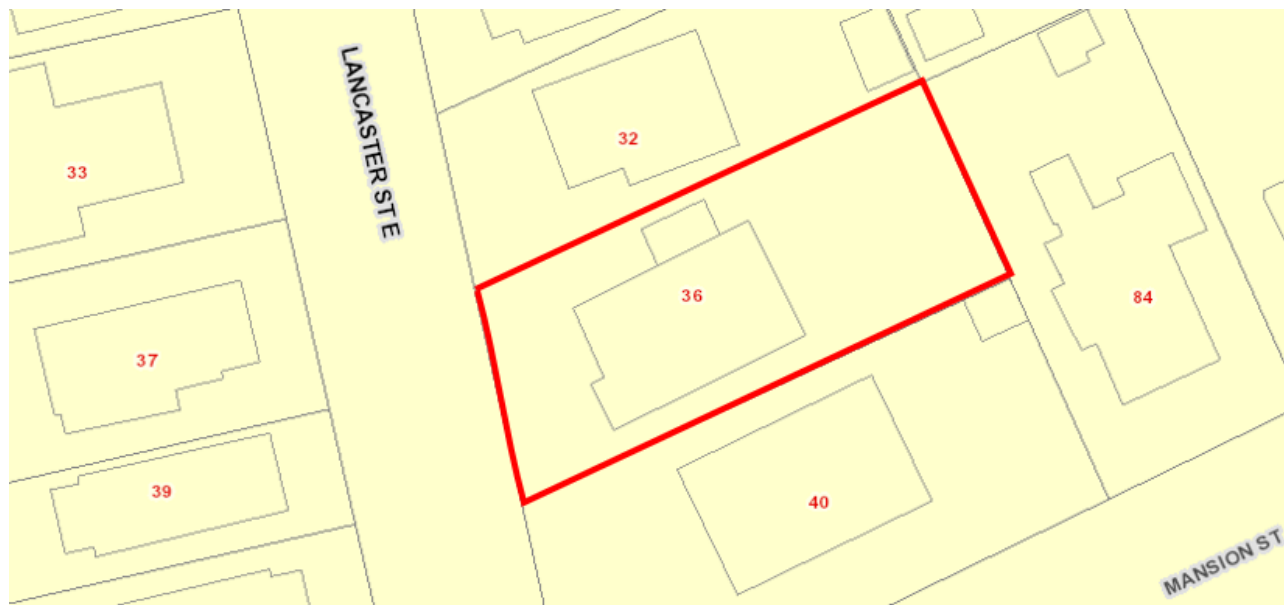


Figure 1. Location Map of the subject property municipally addressed as 36 Lancaster Street East (see property highlighted in red box).

The subject property is located within the Civic Centre Neighbourhood Heritage Conservation District (CCNHCD), which is designated under Part V of the *Ontario Heritage Act*. The CCNHCD Plan indicates that the demolition of a building or a portion of a building that is visible from the street or other public space requires a Heritage Permit Application. The rear yard addition is visible from Lancaster Street East and Mansion Street. Furthermore, Section 34 of the *Ontario Heritage Act* requires a property owner to obtain approval from Council to demolish or remove any building or structure, or part thereof.

REPORT:

The subject property is located on the east side of Lancaster Street East between Mansion Street and Luella Street, within the Civic Centre Neighbourhood Heritage Conservation District (CCNHCD). The building was constructed circa 1910 in the Berlin Vernacular architectural style. The building is identified as Group C in the CCNHCD Plan due to its heritage attributes that contribute to the heritage value of the district. The 1924 Fire Insurance Map shows a 1 storey rear addition. In 1924, this addition was 1 storey in height and flush with the right side of the dwelling but projected out from the left side of the dwelling. The current addition is 1 storey in height and projects out from both the right and left side (with the left projection being like the additions footprint in 1924). Brown & Beattie Ltd., the engineer for the building permit, estimated that the rear yard addition may be 40+ years old.

Proposed Demolition

Section 3.3.4 of the CCNHCD Plan contains five (5) policies pertaining to proposed demolitions. These policies indicate that: demolition is strongly discouraged; demolition of a building, or part thereof, requires a Heritage Permit Application; the applicant must provide documentation justifying the reasons for demolition; where demolition is approved, written and/or photographic documentation of heritage attributes and construction techniques may be required; and, where demolition is approved, building material reclamation for reuse on site or elsewhere in the district is strongly encouraged. The CCNHCD Plan also recognizes there are situations where demolition may be necessary such as partial destruction due to fire.

The applicant is proposing to demolish the rear yard addition that sustained extensive fire damage in 2023. As required by the policies of the CCNHCD Plan, the applicant has provided documentation justifying the reasons for demolition. This documentation includes: (1) A building permit to repair structural damage sustained during a fire; and, (2) A document entitled *“Report Regarding Structural Assessment of Fire Damaged Building at 36 Lancaster Street East, Kitchener, Ontario”* prepared by Brown & Beattie Building Science Engineering and dated March 21, 2024.



Figure 2: Rear Elevation (After Fire)

The report indicates that:

- *“Significant ‘structural’ fire damage to the building appeared to include primarily the rear exterior wall and roof the single-storey rear addition.”*
- *“The fire resulted in significant charring to almost all of the roof rafters forming the roof above the rear addition.”*

- *“Fire damage to the roof extended up and damaged the top of the interior loadbearing wall where the roof of the rear addition meets the original building above...”*
- *“The fire also damaged the majority of the rear exterior wall of the first-floor...within the addition.”*
- *“Externally, fire related damages included widespread damage to the exterior wall cladding and roofing of the rear addition.”*

The report concludes that:

- *“...it is our opinion that the recent fire resulted in significant structural damage to the majority of the rear addition roof and rear exterior wall to the extent that the complete replacement of this roof section and rear exterior wall is warranted. The fire also damaged the rear exterior deck to the extent that its complete replacement is warranted. Localized fire damage was noted to the rear end of the first-floor joists for the rear addition to the extent that the augmentation or replacement of at least some of these joists is warranted, the full extent of which is subject to further review. Localized fire damage was also noted to the interior stud wall supporting the roof of the addition along the rear wall of the original building to the extent that the partial replacement of this wall is also warranted, again the extent of which is subject to further review.”*

Proposed Addition (Reconstruction)

Section 3.3.2 of the CCNHCD Plan contains five (5) policies pertaining to additions and alterations to existing buildings. Two (2) of these policies are relevant to the proposed addition (reconstruction): (1) the addition shall be subordinate to the original structure to allow the original heritage features and built form to take visual precedence on the street; and, (2) the design guidelines provided in Section 6.4 and 6.5 of the CCNHCD Plan will be used to review and evaluate applications for additions to ensure that the proposed changes are compatible with the existing dwelling and do not result in irreversible loss of heritage attributes.

The applicant is proposing to reconstruct the rear addition to match the size and appearance of the rear addition (before the fire). The addition will match the existing footprint, location, and design of the rear addition, including materials and colours.

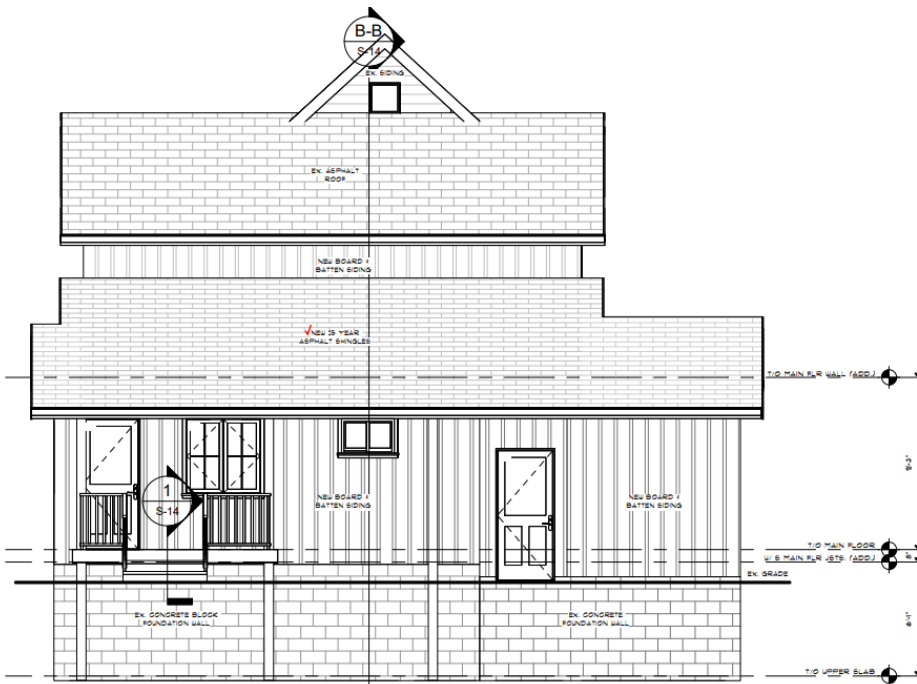


Figure 3: Rear Elevation (East Façade)

Heritage Planning Staff Comments

The proposed alterations meet the relevant principles of the Ministry of Heritage, Sport, Tourism and Culture Industries' document entitled the *"Eight Guiding Principles in the Conservation of Built Heritage Properties:"*

- *Respect for documentary evidence* - Although the rear addition is not original, the reconstruction will be based on photographs (before the fire) and physical evidence.
- *Respect for original fabric* - Although the rear addition is not original, the reconstruction will use the same materials of the rear addition (before the fire).
- *Legibility* - The reconstructed rear addition will be recognized as a new addition that is distinct from the original buff (yellow) brick Berlin Vernacular building.

The proposed alterations meet the relevant standards of the Parks Canada document entitled *"Standards and Guidelines for the Conservation of Historic Places in Canada, 2nd Edition:"*

- *Conserve the heritage value and character-defining elements when creating any new additions to an historic place or any related new construction. Make the new work physically and visually compatible with, subordinate to and distinguishable from the historic place.* – The reconstructed rear addition will be recognized as a new addition that is distinct from the original buff (yellow) brick Berlin Vernacular building.

In reviewing the merits of this application, Heritage Planning Staff note the following:

- The subject property is located within the Civic Centre Neighbourhood Heritage Conservation District and therefore designated under Part V of the Ontario Heritage Act;
- The proposal to demolish the rear addition has been justified in the document entitled *"Report Regarding Structural Assessment of Fire Damaged Building at 36*

Lancaster Street East, Kitchener, Ontario prepared by Brown & Beattie Building Science Engineering and dated March 21, 2024;

- The proposal to reconstruct the rear addition will match the size and appearance of the addition (before the fire);
- The proposal is in keeping with the Civic Centre Neighbourhood Heritage Conservation District Plan policies for demolitions and additions, including recommended practices and design guidelines for additions; and,
- The proposal will not detract from the character of the property, the integrity of the Lancaster Street East streetscape, nor the Civic Centre Neighbourhood Heritage Conservation District.

In accordance with the Heritage Permit Application form, the approval of any application under the *Ontario Heritage Act* shall not be a waiver of any of the provisions of any by-law of the City of Kitchener or legislation, including, but not limited to, the requirements of the Ontario Building Code and Zoning By-law. In this regard, staff confirm that a Building Permit is required to demolish and reconstruct the rear addition.

STRATEGIC PLAN ALIGNMENT:

This report supports the delivery of core services.

FINANCIAL IMPLICATIONS:

Capital Budget – The recommendation has no impact on the Capital Budget.

Operating Budget – The recommendation has no impact on the Operating Budget.

COMMUNITY ENGAGEMENT:

INFORM – This report has been posted to the City's website with the agenda in advance of the Heritage Kitchener committee meeting.

CONSULT – The Heritage Kitchener committee has been consulted regarding the Heritage Permit Application.

PREVIOUS REPORTS/AUTHORITIES:

- *Ontario Heritage Act, 2022*

APPROVED BY: Justin Readman, General Manager, Development Services Department

ATTACHMENTS:

Attachment A – Heritage Permit Application HPA-2024-V-009

Attachment B – Brown & Beattie Building Science Engineering, Report Regarding Structural Assessment of Fire Damaged Building at 36 Lancaster Street East, Kitchener, Ontario, March 21, 2024