

Staff Report

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Report To:	Planning and Development Committee		
Date of Meeting:	January 22, 2024	Report Number:	PDS-001-24
Submitted By:	Carlos Salazar, Deputy CAO, Planning and Infrastructure Services		
Reviewed By:	Rob Maciver, Deputy CAO, Solicitor	Resolution#:	
File Number:	PLN 34.5.2.9 HPA2023-011	By-law Number:	
Report Subject:	Proposed Heritage Permit Application; Alterations to Designated Heritage Property: 6966 Highway 35/115 Kirby Church, Kirby (Designation By-law 96-164)		

Recommendations:

1. That Report PDS-001-24 be received;
2. That Heritage Permit Application No. HPA2023-011 to allow for the replacement of windows on the main floor of the Church building at 6966 Highway 35/115, Kirby Church, be approved, subject to the following conditions: provided the replacement of windows and frames in a similar style to the originals and are compatible with the building and in accordance with applicable Designation By-law 96-164, and Section 33(4) of the *Ontario Heritage Act*, R.S.O. 1990, Chapter 0.18; and
3. That the Ontario Heritage Trust, the Clarington Heritage Committee, the property owners, and all interested parties listed in Report PDS-001-24 be advised of Council's decision.

Report Overview

The owner of the designated heritage property at 6966 Highway 35/115, Kirby, has applied for a Heritage Permit Application to complete work on the property. The proposal involves the alteration of the Church building, and specifically the replacement of the main level windows which are identified as a heritage attribute in the property's designation by-law. The *Ontario Heritage Act* requires the owner of a designated property to obtain Council approval for alterations that have the potential to affect the reasons for designation.

1. Background

- 1.1 The property at 6966 Highway 35/115, Kirby Church, was built in approximately 1880 in the Gothic Revival style. It features a steeply pitched roof and simple lancet windows, decorative quoins, and hood surrounds. The building is an example of Wesleyan Methodist Church preserved in the Municipality. The property was designated by By-law 96-164 in 1996 for its heritage significance. (See Attachment 1).



Figure 1 The property location

- 1.2 The owner of 6966 Highway 35/115 has applied for a heritage permit to facilitate the proposed replacement of windows on the main floor, as they have deteriorated and broken due to weather and vandalism. The proposed work involves the alteration of a designated heritage attribute window on the main floor. The Clarington Heritage Committee (CHC) reviewed the subject application at its meeting on November 21, 2023.



Figure 2: Kirby Church at 6966 Highway 35/115

2. Ontario Heritage Act

- 2.1 The *Ontario Heritage Act* empowers a Municipality to pass a by-law designating a property of cultural heritage value or interest.
- 2.2 The Ontario Heritage Act stipulates that the owner of a property designated under part IV cannot alter the property where such alteration is likely to affect the reasons for designation without the written consent of Council. Council is required to consider any application for alteration of a designated heritage property in consultation with its heritage committee.

3. Proposal

6966 Highway 35/115, Kirby

- 3.1 The lancet windows, including those with panes of original coloured glass, are heritage attributes recognized in the designation by-law as having heritage significance. Some windows shattered in the spring of 2023 due to the weather, and some were damaged by vandalism. The owner is seeking to replace the windows and frames on the main floor to address the issue. Details about the proposed style of window, materials and grill patterns were provided. The replacement windows will be designed so as to fit within the existing window frame and have a similar style and appearance to the originals, with the exception of the stained glass, the effects of which would be mainly experienced from within the building.
- 3.2 The original stained glass is not proposed to be replaced as the applicant has cited that work to be cost-prohibitive to the project. See attachment 2 for more images and the details as provided by the applicant, including a cost estimate of example windows and frames.



Figure 3 Current status windows and frames

4. Staff Comments

- 4.1 Staff has reviewed the proposal and consulted with the CHC to assess the proposed work and expected impacts on the protected heritage features of the building as listed above. The proposal involves the replacement of windows and frames. The original coloured glass will not be preserved or restored due to the cost. Staff and the CHC are of the opinion that the alteration of the designated attribute is necessary and brings the building into a state of good repair, thereby contributing to its long-term conservation.

- 4.2 The CHC discussed the subject application and passed a motion (Motion 23.40) at their meeting on November 21, 2023, recommending in support of the proposed alteration, including the replacement of windows and frames on the main floor that are similar to the originals, as presented.
- 4.3 The property owner plans to take the opportunity to participate in the Heritage Incentive Grant program to assist with the cost in 2024.

5. Financial Considerations

- 5.1 Not Applicable.

6. Concurrence

- 6.1 The Deputy CAO/Treasurer has reviewed this report and concurs.

7. Conclusion

- 7.1 Staff supports the request for the proposed alterations at 6966 Highway 35/115, Kirby Church, as outlined herein and as presented in the application. It is respectfully recommended that Council approve the heritage permit application, as per the recommendations of this report.

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Attachments:

Attachment 1 – Designation By-law 96-164

Attachment 2 - 6966 Highway 35/115 Kirby Church Window Replacement Proposal

Interested Parties:

List of interested parties to be notified of Council's decision is on file in the Planning & Infrastructure Services Department.