

## Report to Planning and Environment Committee

**To:** Chair and Members  
Planning and Environment Committee

**From:** Scott Mathers, MPA, P. Eng.,  
Deputy City Manager, Planning and Economic Development

**Subject:** Heritage Alteration Permit Application by: AE Builders Inc. for  
520 Ontario Street, Old East Heritage Conservation District,  
Ward 4

**Date:** August 14, 2023

## Recommendation

That, on the recommendation of the Director, Planning and Development, the application made under Section 42 of the *Ontario Heritage Act* to erect a new house on the property located at 520 Ontario Street, within the Old East Heritage Conservation District, **BE PERMITTED** as proposed in the drawings attached as Appendix C, subject to the following terms and conditions:

- (a) The Heritage Planner be circulated on the applicant's Building Permit application drawings to verify compliance with the submitted design prior to issuance of the Building Permit;
- (b) All exposed wood, including but not limited to the wood porch railing/guard, wood exterior stairs, and wood porch skirt, be painted;
- (c) The property owner be encouraged to use colours from the Old East Heritage Conservation District palette (Appendix D);
- (d) The property owner be encouraged to use landscaping at the front of the property to minimize the visibility of the height of the basement level; and
- (e) Heritage Alteration Permit be displayed in a location visible from the street until the work is completed.

## Executive Summary

The Heritage Alteration Permit application is seeking a permit from Municipal Council to erect a new building on the property located at 520 Ontario Street, within the Old East Heritage Conservation District, in accordance with Section 42 of the *Ontario Heritage Act*. The building that previously existed on the property was a D-rated property and was substantially damaged during the windstorm in May 2022. A request to demolish the former building was permitted by Municipal Council on September 7, 2022. Heritage Alteration Permit approval is required for the construction of a new building. The proposed replacement building complies with the policies and guidelines of the *Old East Heritage Conservation District Plan* and should be permitted with terms and conditions.

## Linkage to the Corporate Strategic Plan

This recommendation supports the following 2023-2027 Strategic Plan areas of focus:

- London has safe, vibrant, and healthy neighbourhoods and communities.
  - Londoners have a strong sense of belonging and sense of place.
    - Create cultural opportunities that reflect arts, heritage, and diversity of community.

# Analysis

## 1.0 Background Information

### 1.1 Property Location

The property at 520 Ontario Street is located on the east side of Ontario Street, between Princess Avenue and Lorne Avenue (Appendix A). The property is located within the Old East Heritage Conservation District.

### 1.2 Cultural Heritage Status

The property at 520 Ontario Street is designated pursuant to Part V of the Ontario Heritage Act, by By-law No. L.S.P.-3383-111, as part of the Old East Heritage Conservation District. The Old East Heritage Conservation District came into force and effect on September 10, 2006.

### 1.3 Description

The previous dwelling on the property at 520 Ontario Street was demolished following substantial damage during the windstorm in May 2022. The demolition request was approved with terms and conditions by Municipal Council, following consultation with the Community Advisory Committee on Planning (CACP) and a public participation meeting at the Planning and Environment Committee, on September 6, 2022. The property is presently vacant.

### 1.4 Previous Reports Related to this Matter

August 10, 2022, Report to the Community Advisory Committee on Planning, Demolition Request for Heritage Designated Property at 520 Ontario Street, Old East Heritage Conservation District: <https://pub-london.escribemeetings.com/filestream.ashx?DocumentId=94178>.

August 22, 2022, Report to Planning and Environment Committee, Demolition Request for Heritage Designated Property at 520 Ontario Street, Old East Heritage Conservation District, Public Participation Meeting: <https://pub-london.escribemeetings.com/filestream.ashx?DocumentId=94294>.

### 1.5 Other Applications Related to this Property

Concurrent with this Heritage Alteration Permit application, a Minor Variance (A.095/23) and Consent (B.019/23) application has been submitted to the City of London.

The purpose of the consent is to sever a lot (520 Ontario Street) with an area of 371.5 m<sup>2</sup> and a lot frontage of 13.5m. and retain a lot (888 Lorne Avenue) with an area of 606.7 m<sup>2</sup> with a lot frontage of 12.2m. The two lots previously merged on title with the same ownership. The requested variances seek to permit an accessory structure and pool without a main use as well as a reduced rear yard setback. The variances acknowledge the existing gazebo and pool on the subject property.

## 2.0 Discussion and Considerations

### 2.1 Legislative and Policy Framework

Cultural heritage resources are to be conserved and impacts assessed as per the fundamental policies in the *Provincial Policy Statement (2020)*, the *Ontario Heritage Act*, and *The London Plan*.

### 2.2 Provincial Policy Statement

Heritage Conservation is a matter of provincial interest (Section 2.d, *Planning Act*). The *Provincial Policy Statement (2020)* promotes the wise use and management of cultural heritage resources and directs that “significant built heritage resources and significant cultural heritage landscapes shall be conserved” (Policy 2.6.1, *Provincial Policy Statement 2020*).

“Significant” is defined in the *Provincial Policy Statement (2020)* as, “resources that have been determined to have cultural heritage value or interest.” Further, “processes

and criteria for determining cultural heritage value or interest are established by the Province under the authority of the *Ontario Heritage Act*.”

Additionally, “conserved” means, “the identification, protection, management and use of built heritage resources, cultural heritage landscapes and archaeological resources in a manner that ensures their cultural heritage value or interest is retained.”

### **2.3 Ontario Heritage Act**

The *Ontario Heritage Act* enables municipalities to protect properties of cultural heritage value or interest. Properties of cultural heritage value can be protected individually, pursuant to Section 29 of the *Ontario Heritage Act*, or where groups of properties have cultural heritage value together, pursuant to Section 41 of the *Ontario Heritage Act* as a Heritage Conservation District (HCD). Designations pursuant to the *Ontario Heritage Act* are based on real property, not just buildings.

#### **2.3.1 Heritage Alteration Permit**

Section 42 of the *Ontario Heritage Act* requires that a property owner not alter, or permit the alteration of, the property without obtaining Heritage Alteration Permit approval. The *Ontario Heritage Act* enables Municipal Council to give the applicant of a Heritage Alteration Permit:

- a) The permit applied for;
- b) Notice that the council is refusing the application for the permit; or,
- c) The permit applied for, with terms and conditions attached. (Section 42(4), *Ontario Heritage Act*)

Municipal Council must make a decision on the heritage alteration permit application within 90 days, or the request is deemed permitted (Section 42(4), *Ontario Heritage Act*).

### **2.4 The London Plan**

The policies of *The London Plan* found in the Key Directions and Cultural Heritage chapter support the conservation of London’s cultural heritage resources for future generations. To ensure the conservation of significant cultural heritage resources, including properties located within a Heritage Conservation District, the policies of *The London Plan* provide the following direction:

*Policy 594\_ Within heritage conservation districts established in conformity with this chapter, the following policies shall apply:*

- 1. The character of the district shall be maintained by encouraging the retention of existing structures and landscapes that contribute to the character of the district.*
- 2. The design of new development, either as infilling, redevelopment, or as additions to existing buildings, should complement the prevailing character of the area.*
- 3. Regard shall be had at all times to the guidelines and intent of the heritage conservation district plan.*

*Policy 596\_ A property owner may apply to alter a property within a heritage conservation district. The City may, pursuant to the Ontario Heritage Act, issue a permit to alter the structure. In consultation with the London Advisory Committee on Heritage, the City may delegate approvals for such permits to an authority.*

### **2.5 Old East Heritage Conservation District Plan and Guidelines**

The Old East Heritage Conservation District was designated by By-law No. L.S.P.3383-111 and came into force and effect on September 10, 2006. The *Old East Heritage Conservation District Plan & Guidelines* provides policies and guidelines to help manage change for the nearly 1,000 properties located within its boundaries.

Recognizing that change will occur, the *Old East Heritage Conservation District Plan & Guidelines* also provides policies and guidelines to ensure that new development is compatible with its heritage character. Section 4.4 of the *Old East Heritage Conservation District Plan* provides the following direction for new buildings:

- *Match setback, footprint, size, and massing patterns of the neighbourhood, particularly to the immediately adjacent neighbours;*
- *Respond to unique conditions or location, such as corner properties;*
- *Use roof shapes and major design elements that are complementary to surrounding building and heritage patterns;*
- *Use materials and colours that represent the texture palette of the heritage area;*
- *Where appropriate, incorporate some of the details that were standard design elements in the principal facades of the properties in Old East London. Such details as transoms and sidelights at doors and windows, covered porches, divided light windows and decorative details to articulate plain and flat surfaces, add character that complement the original appearance of the neighbourhood, and add value to the individual property;*
- *Front drive garages are strongly discouraged. Garages should be detached and located in the rear yard wherever possible.*

An analysis of the policies and guidelines for the Heritage Alteration Permit application is contained below in Section 4.1.

### **3.0 Financial Impact/Considerations**

None.

### **4.0 Key Issues and Considerations**

#### **4.1 Heritage Alteration Permit application (HAP23-042-L)**

Heritage Alteration Permit approval is required for new buildings within the Old East Heritage Conservation District, per the Classes of Alterations identified within the *Old East Heritage Conservation District Conservation Plan*.

Municipal Council has delegated approval of Heritage Alteration Permit applications that do not meet the “conditions for referral” defined in the Delegated Authority By-law (C.P.-1502-129) to the Civic Administration. As a proposed new house within a Heritage Conservation District, the Heritage Alteration Permit application for 520 Ontario Street was determined to meet the “conditions for referral” thus requiring consultation with the Community Advisory Committee on Planning (CACP) before a decision on the Heritage Alteration Permit application by Municipal Council.

A Heritage Alteration Permit application was submitted by an authorized agent on behalf of the property owner and received as complete on July 10, 2023. The property owner has applied for a Heritage Alteration Permit to:

- Erect a new single unit, one storey with basement, including the following details (see drawings in Appendix C):
  - Rectangular footprint, approximately 15.24m (50') in length and 8.02m (26'-3 3/4") in width, set back 3.6m (11'-11") from the front property line, in line with neighbouring buildings on Ontario Street;
  - Frame, one storey in height, with a basement and concrete foundation;
  - Asphalt-clad hipped roof with staggered gables on the west (front) elevation;
  - Clad in horizontal fibre cement board with fibre cement corner trim (end boards);
  - Small, covered side porch on north-most side of west elevation;
  - Square corner porch column, with wood pickets set between top and bottom rail composing the porch railing, wood steps, and wood skirting;
  - Porch wall and gable ends clad in fibre cement straight edge shake siding;
  - Oculus window on west elevation porch wall, adjacent to the front door;
  - Half-glass front door with transom window above; and
  - Sash windows on west elevation south-most projection and casement windows on north, east, and south elevations, all with fibre cement board trim.

A site visit was undertaken by the Heritage Planner on June 15, 2023, in advance of the submission of the Heritage Alteration Permit application, for 520 Ontario Street.

Per Section 42(4), *Ontario Heritage Act*, Municipal Council must decide on this Heritage Alteration Permit application before October 8, 2023.

## 4.2 Analysis

Policies for the residential area and new development within the residential area are found in Section 4.4, *Old East Heritage Conservation District Plan*. These policies are intended to ensure the conservation of the heritage character of the Old East Heritage Conservation District. Those policies were used in the analysis of the proposed new building at 520 Ontario Street.

The intent of the Old East Heritage Conservation District is not to require the replication of buildings or resources that have been lost due to catastrophic events, but to ensure that new developments support and maintain the heritage character of the area.

**Table 1:** Analysis of the proposed building for 520 Ontario Street using the policies of Section 4.4 (New Buildings) of the *Old East Heritage Conservation District Plan*.

Section 4.4: New Buildings	Analysis
Match setback, footprint, size, and massing patterns of the neighbourhood, particularly to the immediate adjacent neighbours.	<p>The footprint of the proposed building has been setback by 3.6m to match the setback of approximately 3.6-3.8m of the abutting buildings on Ontario Street (see Appendix C – Site Plan).</p> <p>The proposed building is approximately 7.6m (24'10") in height and is compatible in height with the one storey house to the north, and two-and-a-half storey house to the south.</p> <p>The front porch deck on the proposed house sits approximately 1m (3') above grade with five steps up to access the porch. Landscaping is recommended along the front elevation of the house to minimize the visibility of the height of the basement level.</p>
Use roof shapes and major design elements that are complementary to surrounding buildings and heritage patterns.	<p>Hipped roofs and cross-gables are common in the Old East Heritage Conservation District. Many of the surrounding buildings feature hipped roofs with projecting gables of different sizes. This design choice is carried through the proposed building, featuring a hipped roof with two staggered projections on the front façade with gable ends clad in fibre cement shakes.</p>
Use materials and colours that represent the texture and palette of the heritage area.	<p>The use of fibre cement board, in a horizontal orientation with trim and end boards, as the primary cladding material for the proposed building is compatible with the heritage character of the Old East Heritage Conservation District.</p> <p>Much of the small, covered porch is constructed of wood, including the railing,</p>

Section 4.4: New Buildings	Analysis
	<p>balusters, decking, stairs, and skirting. These elements, as well as the fibre cement cladding of the house, are anticipated to feature a painted finish consistent with the texture and material palette of the Old East Heritage Conservation District. The exterior doors should be painted as well.</p> <p>The application of sash (hung) style windows is appropriate within the context of the Old East Heritage Conservation District. Some casement windows are proposed and are primarily located on the sides and rear of the house with limited visibility from the street. The two small casement windows proposed on the front elevation are smaller than the more appropriate sash-style windows on the front-most projection on the front façade. The round oculus window on the front elevation porch wall is compatible with the style of the proposed building and adds some visual interest to the front elevation.</p> <p>Use of colours from the Old East Heritage Conservation District palette is recommended on all exposed wood, including but not limited to the wood porch railing/guard, wood exterior stairs, and wood porch skirt, as well as the cladding of the house (see Appendix D – colour palette).</p>
Where appropriate, incorporate some of the details that were standard elements in the principal facades of the properties in Old East London.	The proposed building utilizes design details found throughout the Old East Heritage Conservation District including a transom, porch features such as a square column with top and bottom cap/base and a plinth below, wood balusters set between a wood top and bottom rail, wood skirting, and differentiated cladding materials in the gable ends of the house.
Front drive garages are strongly discouraged. Garages should be detached and located in the rear yard wherever possible.	No garage is proposed on the subject property at 520 Ontario Street. Parking will be accessed via a driveway at the north edge of the property (along its current alignment). Front yard parking should be prohibited.

The proposed building for 520 Ontario Street complies with the policies and guidelines of the *Old East Heritage Conservation District Plan and Guidelines*. The proposed building is anticipated to be compatible with the heritage character of the Old East Heritage Conservation District. Compatible materials are proposed for the cladding of the building and construction of the small side porch. The following recommended terms and conditions to the heritage alteration permit shall ensure that the new house on the

subject property is compliant with the guidelines set out in the *Old East Heritage Conservation District Plan*:

- The Heritage Planner be circulated on the applicant's Building Permit application drawings to verify compliance with the submitted design prior to issuance of the Building Permit;
- All exposed wood, including but not limited to the wood porch railing/guard, wood exterior stairs, and wood porch skirt, be painted;
- The property owner be encouraged to use colours from the Old East Heritage Conservation District palette (Appendix D);
- The property owner be encouraged to use landscaping at the front of the property to minimize the visibility of the height of the basement level; and
- Heritage Alteration Permit be displayed in a location visible from the street until the work is completed.

#### **4.3 Consultation**

The Community Advisory Committee on Planning was consulted on this Heritage Alteration Permit application at its meeting on August 9, 2023.

## **Conclusion**

The previous house at 520 Ontario Street, in the Old East Heritage Conservation District, was demolished, following obtaining the necessary approvals pursuant to the *Ontario Heritage Act*, in 2022. The property is presently vacant. The design of the proposed house at 520 Ontario Street, including its setback, footprint, size, massing patterns, finishes, and details conforms to the goals and objectives of the *Old East Heritage Conservation District Plan* and should be approved with terms and conditions.

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Heritage Planner

**Reviewed by:** Kyle Gonyou, RPP, MCIP, CAHP  
Manager, Heritage and Urban Design

Britt O'Hagan, MCIP, RPP  
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**Recommended by:** Heather McNeely, RPP, MCIP  
Director, Planning and Development

**Submitted by:** Scott Mathers, MPA, P. Eng.  
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#### **Appendices**

Appendix A	Property Location
Appendix B	Images
Appendix C	Plans for Proposed New Building, Meaghers Drafting and Design Services, dated June 2023
Appendix D	Old East Heritage Conservation District Colour Palette

#### **Sources**

Corporation of the City of London. *2023-2027 Strategic Plan*.  
Corporation of the City of London. Property file.  
Corporation of the City of London. *Register of Cultural Heritage Resources*. 2022.  
Corporation of the City of London. *The London Plan*. 2022 (consolidated).  
Stantec. *Old East Heritage Conservation District Plan and Guidelines*. 2006.

# Appendix A – Property Location

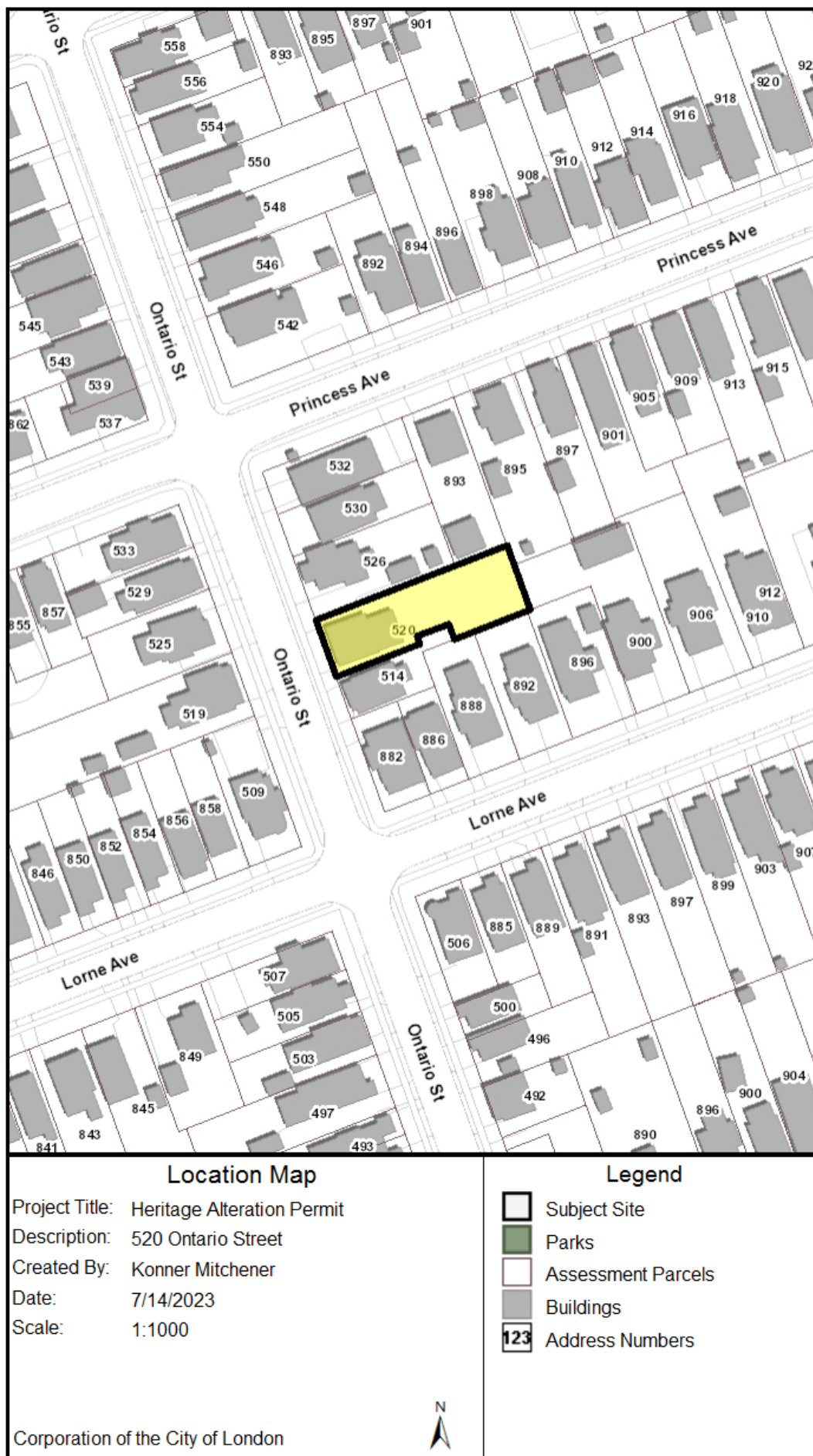


Figure 1: Location of the subject property at 520 Ontario Street.



## Appendix B – Images



*Image 1: Photograph of the former house previously located on the subject property at 520 Ontario Street following extensive tree damage, June 22, 2022.*



*Image 2: Photograph of the subject property at 520 Ontario Street, June 15, 2023.*



Image 3: Photograph of the dwelling at 514 Ontario Street, located south of the subject property, June 15, 2023.



Image 4: Photograph of the dwelling at 526 Ontario Street, located north of the subject property, June 15, 2023.

# Appendix C – Plans for Proposed New Building

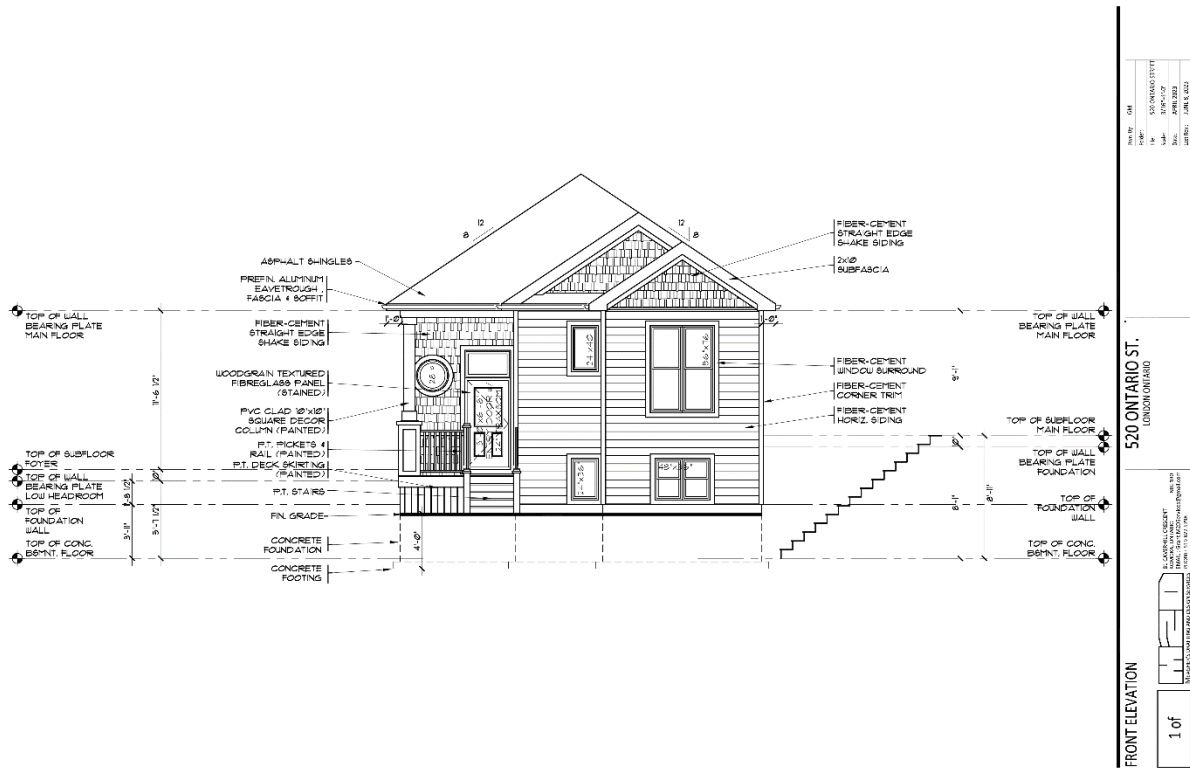


Figure 2: West elevation for proposed house on the subject property at 520 Ontario Street, Meaghers Drafting and Design Services, dated June 2023.

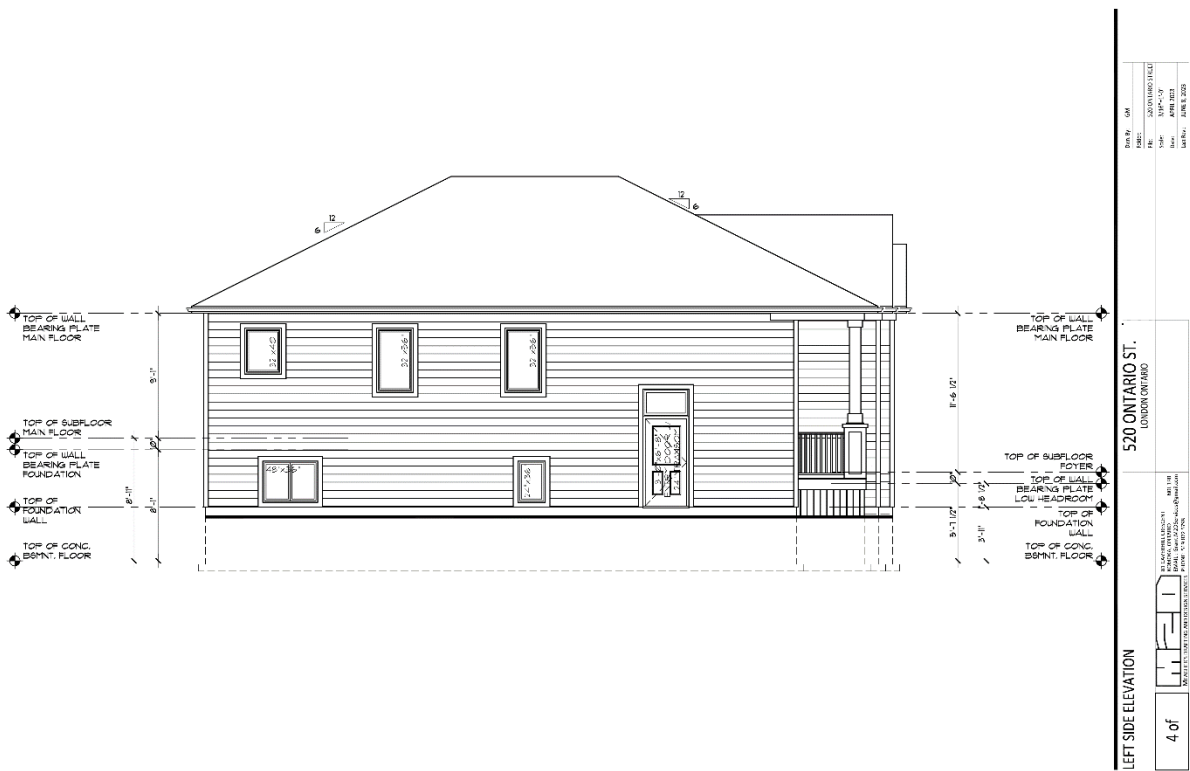


Figure 3: North elevation for proposed house on the subject property at 520 Ontario Street, Meaghers Drafting and Design Services, dated June 2023.

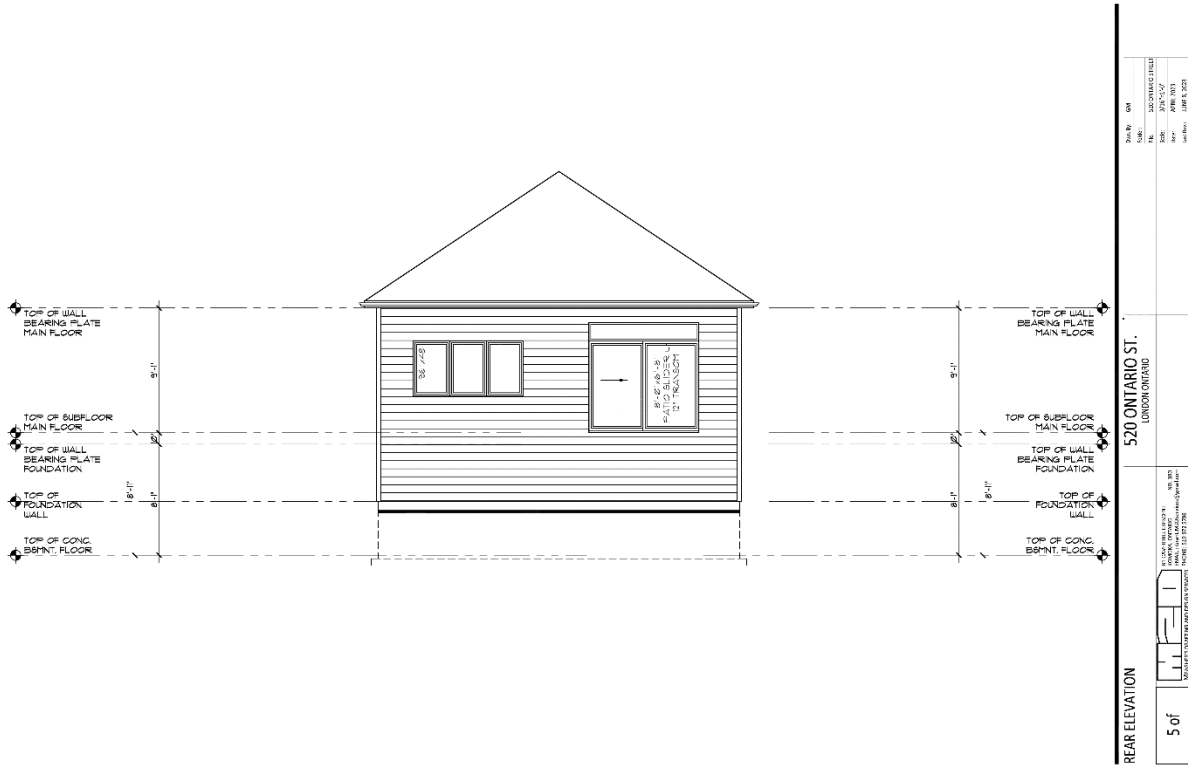


Figure 4: East elevation for proposed house on the subject property at 520 Ontario Street, Meaghers Drafting and Design Services, dated June 2023.



Figure 5: South elevation for proposed house on the subject property at 520 Ontario Street, Meaghers Drafting and Design Services, dated June 2023.

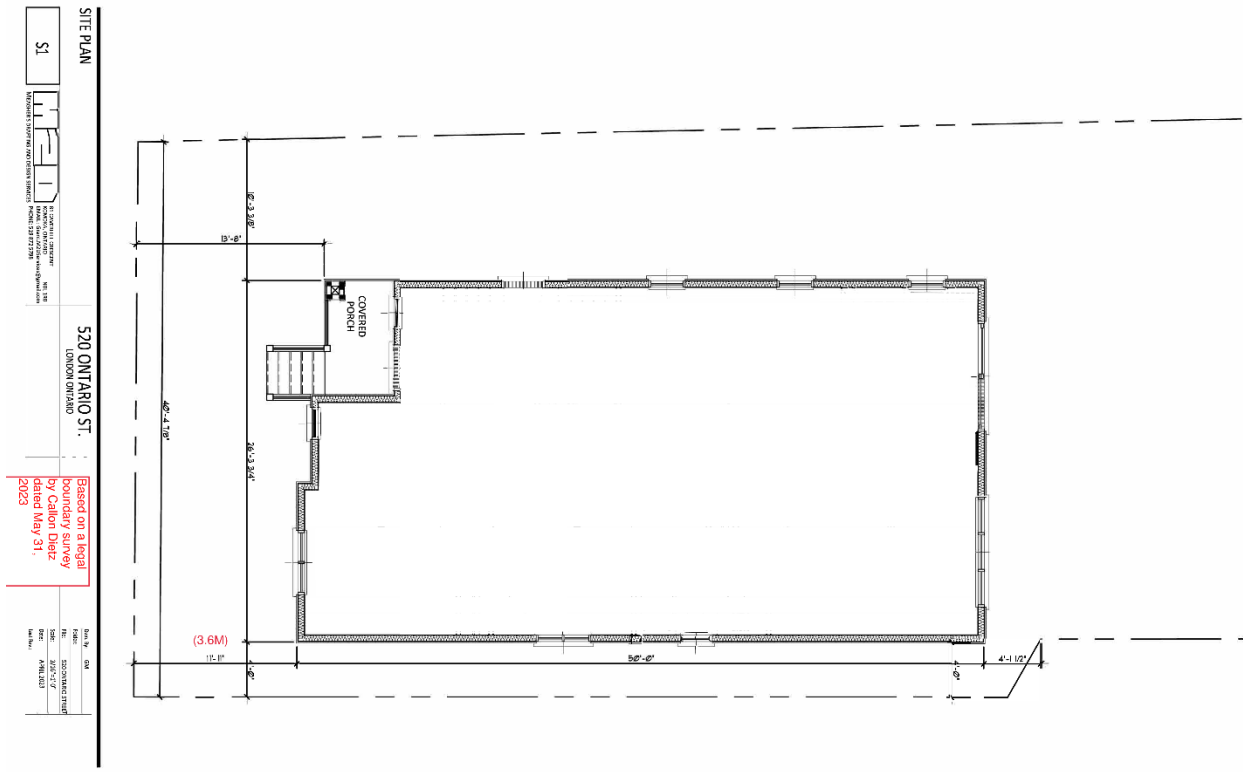


Figure 6: Site Plan for proposed house on the subject property at 520 Ontario Street, Meaghers Drafting and Design Services, dated June 2023. Note the 3.6m (11'11") setback of the proposed house.

## Appendix D – Old East Heritage Conservation District Colour Palette

Townsend Harbor Brown HC-64	Holdiey Red HC-65	Branchport Brown HC-72	Shore Line CC-364	Bryant Gold HC-7	Livingston Gold HC-16	Forest Floor CC-570	Hale Navy HC-154	Knoxville Gray HC-154	Onyx 2133-10
Laurentian Red CC-152	Somerville Red HC-62	Fairview Taupe HC-85	Revere Pewter HC-172	Dijon CC-210	Lenox Tan HC-44	Tate Olive HC-112	Brewster Gray HC-162	Duxbury Gray HC-163	Kendall Charcoal HC-166
Georgian Brick HC-50	Bradstreet Beige HC-48	Creamy White OC-7	White Chocolate OC-127	Happlewhite Ivory HC-36	Putnam Ivory HC-39	Louisburg Green HC-113	Wickham Gray HC-171	Palladian Blue HC-144	Chelsea Gray HC-168

Figure 7: Old East Heritage Conservation District Colour Palette.