

Report to London Advisory Committee on Heritage

To: Chair and Members
London Advisory Committee on Heritage

From: John M. Fleming
Managing Director, Planning and City Planner

Subject: Amendment to Heritage Alteration Permit Application by Ivy Homes Ltd. for 33 Beaconsfield Avenue, Wortley Village-Old South Heritage Conservation District

Meeting on: Wednesday May 9, 2018

Recommendation

That, on the recommendation of the Managing Director, Planning and City Planner, with the advice of the Heritage Planner, the application made under Section 42 of the *Ontario Heritage Act* to amend the Heritage Alteration Permit for the property located at 33 Beaconsfield Avenue, located within the Wortley Village-Old South Heritage Conservation District, **BE PERMITTED** as proposed in the attached drawings in Appendix C, subject to the following terms and conditions:

- (a) All exposed wood be painted, including but not limited to: the porch railing and spindles, porch skirt, porch steps, window trim, front door, doorway trim, and transom trim; and,
- (b) The Heritage Alteration Permit be displayed in a location visible from the street until the work is completed.

Executive Summary

- Alterations to the property at 33 Beaconsfield Avenue, located within the Wortley Village-Old South Heritage Conservation District were permitted through a Heritage Alteration Permit approved under the parameters of the Delegated Authority By-law
- The scope of alterations undertaken by the property owner exceeded those approved in the Heritage Alteration Permit
- Staff have worked with the property owner to seek remedial solutions to bring the alterations to the property into compliance with the policies and guidelines of the *Wortley Village-Old South Heritage Conservation District Plan*

Analysis

1.0 Background

1.1 Property Location

The property at 33 Beaconsfield Avenue is located mid-block on Beaconsfield Avenue (Appendix A). Beaconsfield Avenue is the northern-most street in the Wortley Village-Old South Heritage Conservation District.

1.2 Cultural Heritage Status

The property at 33 Beaconsfield Avenue is located within the Wortley Village-Old South Heritage Conservation District, which was designated under Part V of the *Ontario Heritage Act* on June 1, 2015. The property at 33 Beaconsfield Avenue is C-rated, which means that it contributes to the heritage character of the Wortley Village-Old South Heritage Conservation District.

1.3 Description

The building located at 33 Beaconsfield Avenue is a detached dwelling with two units (Appendix B). The building is a one-and-a-half storey brick building with an end-gable roof. It is vernacular, but demonstrates qualities of the Queen Anne Revival style particularly in the decorative woodwork (vergeboard) found in the gable ends and around the windows. Decorative brickwork is found in rusticated stringcourses and the large voussoirs above the window and doorway openings of the main floor. The building was constructed circa 1900.

The building has a consistent setback with other properties on the south side of Beaconsfield Avenue. A driveway at the west side of the property provides access to the rear of the property which is used for parking.

2.0 Legislative/Policy Framework

2.1 Provincial Policy Statement

Heritage conservation is a matter of provincial interest (Section 2.d, *Planning Act*). The *Provincial Policy Statement (2014)* 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.”

2.2 Ontario Heritage Act

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 respond within 90 days after a request for a Heritage Alteration Permit application (Section 42(4), *Ontario Heritage Act*). Most Heritage Alteration Permit applications are now managed through the Delegated Authority process (see Section 2.5).

Non-compliance with the requirements of the *Ontario Heritage Act* is a provincial offence. When a property owner does not comply with the requirements of Section 42 of the *Ontario Heritage Act* to obtain the necessary Heritage Alteration Permit approvals in advance of undertaking alterations to a heritage designated property, it is possible to lay charges. Maximum fines and penalties include \$1,000,000 and up to a year imprisonment for the demolition of a heritage designated property. Staff’s preference is to work with willing property owners to find remedial solutions to bring unapproved alterations into compliance with the applicable heritage policies and guidelines.

2.5 Delegated Authority By-law

The Delegated Authority By-law (By-law C.P.-1502-129) delegated the approval authority from Municipal Council to the City Planner for most Heritage Alteration Permits. The Delegated Authority By-law establishes a number of “conditions for referral” where a Heritage Alteration Permit application must be referred to the London Advisory Committee for Heritage (LACH) and a decision rendered by Municipal Council. The “conditions for referral” include:

- A complex application;
- Considerable sensitivity or contention;
- An application which fails to achieve acceptable heritage planning process or practice;
- An application which fails to achieve policies or guidelines of the Heritage Conservation District Plan and Guidelines (if applicable);
- Where refusal is recommended; or,
- Where an owner requests consideration by the LACH.

A Heritage Alteration Permit application meeting any of the above “conditions for referral” is referred to the LACH and a decision by Municipal Council.

2.3 Official Plan/The London Plan

Consistent with the *PPS*, both the *Official Plan* (1989 as amended) and *The London Plan* (approved 2016) encourage new development to be sensitive to, and enhance the City’s existing cultural heritage resources.

Chapter 13 – Heritage, of the *Official Plan* includes objectives which support the “protection, enhancement, restoration, maintenance, and utilization of buildings, structures, areas, or sites within London which are considered to be of cultural heritage value or interest to the community” (Section 13.1.i, *Official Plan*). Section 13.3.6 of the *Official Plan*, speaks generally to Heritage Conservation Districts and states that “the design of new development, either as infilling or as additions to existing buildings, should complement the prevailing character of the area” (ii). *The London Plan* further states that new development on heritage designated properties “will be designed to protect the heritage attributes and character of those resources, to minimize visual and physical impact on these resources” (565_).

2.4 Wortley Village-Old South Heritage Conservation District Plan

The *Wortley Village-Old South Heritage Conservation District Plan* provides policies and guidelines to help manage change for the approximate 1,000 properties located within its boundaries.

One of the objectives of the designation of Wortley Village-Old South as a HCD is to “avoid the destruction and/or inappropriate alteration of the existing building stock, materials, and details” (Section 3). This is achieved partly by establishing policies and guidelines within the *Wortley Village-Old South HCD Plan & Guidelines* regarding alterations to ensure they are sensitive to the heritage attributes and details of the Wortley Village-Old South HCD, and are based on appropriate research and examination of archival and/or contextual information.

Sections 4.2.1, 8.3.1, and 8.3.2 provide policies and guidelines on ensuring that alterations to A, B, and C ranked properties in the Wortley Village-Old South Heritage Conservation District are compatible with its heritage character. The guidelines of Section 8.3.1 (alterations to heritage properties) include:

- a) *Research the original style and appearance of the building to determine “authentic limits” of restoration or alteration so that the appropriate style is maintained;*
- b) *In the absence of historical data, use forensic evidence available from the building itself to suggest appropriate restoration or alteration;*
- c) *Seek similar properties (same age, same design, same builder, same architect) for evidence of details that may still exist as samples for reconstruction;*
- d) *Avoid “new” materials and methods of construction if the original is still available. In some cases, after careful research, substitution materials may perform better than original materials, but beware of using materials that have not been tested for years in similar applications;*
- e) *Conserve; retain and restore heritage attributes wherever possible rather than replacing them, particularly for features such as windows, doors, porches and decorative trim;*
- f) *Where replacement of features (e.g. doors, windows, trim) is unavoidable, the replacement components should be of the same style, size, proportion, and material wherever possible;*
- g) *Incorporate similar building forms, materials, scale and design elements in the alteration that existing on the original building;*
- h) *Avoid concealing or irreversibly altering heritage attributes of property, such as entrances, windows, doors, and decorative details when undertaking alterations;*
- i) *If in doubt, use discretion and avoid irreversible changes to the basic structure and architectural style;*
- j) *Keep accurate photos and other records, and samples of original elements that have been replaced.*

3.0 Amendment to Heritage Alteration Permit Application

As required by the *Ontario Heritage Act*, the *Wortley Village-Old South Heritage Conservation District Plan* establishes classes of alterations which require Heritage Alteration Permit approval. Heritage Alteration Permit applications that comply with the policies and guidelines of the *Wortley Village-Old South Heritage Conservation District Plan* can be approved pursuant to the Delegated Authority By-law. Alterations undertaken without (or outside of the scope of) Heritage Alteration Permit approval meet the “condition for referral” which requires consultation with the LACH and a decision by Municipal Council for approval, approval with terms and conditions, or refusal.

3.1 Initial Heritage Alteration Permit Application

A Heritage Alteration Permit application for proposed alterations to 33 Beaconsfield Avenue was submitted by the applicant and received on January 30, 2017 with revised drawings received on February 14, 2017.

The initial Heritage Alteration Permit application included:

- Removal of an existing rear addition;
- Construction of a new addition at the rear of the existing building with the approximate dimensions of 36' 8.5" by 19' 3" with the following details:
 - Setback approximately 40' from the front façade of the existing building;
 - Two storeys in height;
 - Matching the setback of the east and west exterior walls of the existing building;
 - Clad in “James Hardie” siding (fiber cement board);
 - New vinyl hung windows in addition;
 - Hip style roof at the north end of the addition transitioning to a gable style roof at the south end of the addition, clad in asphalt shingles;
 - Deck at the rear of the addition to provide access;
- Extension of the existing west shed style gable and the addition of one new window at this location;
- Removal of the existing siding of the shed style gable and recladding to match that of the proposed addition; and,
- Removal of the existing shutters which were undersized to the window openings they flank and not believed to have historic value.

A number of elements were specifically noted as excluded from the Heritage Alteration Permit approvals:

- Windows of the existing building;
- Front door of the existing building;
- Chimney;
- Front stoop; and,
- Decorative vergeboard.

The proposed alterations were evaluated using the policies and guidelines of Sections 4.2.1, 8.3.1, and 8.3.2 of the *Wortley Village-Old South Heritage Conservation District Plan*. The Heritage Alteration Permit for the above proposed alterations to the building at 33 Beaconsfield Avenue were approved on February 16, 2017 with two conditions: that the siding of the addition be laid in a horizontal pattern, and display of the Heritage Alteration Permit in a location visible from the street until the work was completed.

3.2 First Amendment to Heritage Alteration Permit Approval

The approved Heritage Alteration Permit was amended on August 16, 2017 to change the siding material to from the proposed fiber cement board to vinyl siding and replacement of the existing windows (which were not included within the initial Heritage Alteration Permit application) with wood windows. These amendments to the Heritage Alteration Permit were approved under the provisions of the Delegated Authority By-law.

3.3 Unapproved Alterations to the Property

A community complaint advise the City that alterations to the property at 33 Beaconsfield Avenue had exceeded the scope of alterations that were approved by the Heritage Alteration Permit. A number of items of non-compliance were identified and include:

1. Removal of the front stoop (porch) and construction of a porch that is not compatible with the Wortley Village-Old South Heritage Conservation District (see Appendix B, Image 8);
2. Removal of the front door, transom, and doorway and replacement with a doorway that is not compatible with the Wortley Village-Old South Heritage Conservation District (see Appendix B, Image 8);
3. Increased hardscape paving in the front yard which was not included in the Heritage Alteration Permit application and not compliant with the *Wortley Village-Old South Heritage Conservation District Plan* (see Appendix B, Image 5);
4. Removal of some of the wooden trim detailing on the mullions of the upper gable windows (see Appendix B, Image 9); and,
5. Enclosure of a window on the west façade (see Appendix B, Image 7).

3.4 Second Amendment to Heritage Alteration Permit Approval

In an effort to correct the unapproved alterations to the property at 33 Beaconsfield Avenue, staff have been working with the applicant to find solutions that are compatible with the policies and guidelines of the *Wortley Village-Old South Heritage Conservation District*. On April 26, 2018, an amendment to the Heritage Alteration Permit approval for 33 Beaconsfield Avenue was submitted by the applicant and included:

1. **Front Porch**
The aluminum railing of the porch and stairs will be removed and replaced with a wooden railing and spindles (see Appendix C, Figure 1).
2. **Front Door, Transom, and Doorway**
The currently installed front door will be removed and replaced with a period-appropriate, salvaged painted wood door with a light (see Appendix B, Image 4; Appendix C, Figure 2). The transom will be reinstated.
3. **Increased Front Yard Hardscaping**
Paving stones will be removed to articulate between the parking area of the driveway and the walkway leading from the sidewalk to the steps of the porch (see Appendix C, Figure 3). This area will be either sodded with grass or landscaped with a flowerbed.
4. **Window Trim**
Sufficient documentation exists to replicate the lost trim detailing of the window mullions, which will be replicated in wood and installed (see Appendix B, Image 9; see Appendix C, Figure 4).

Additionally, the undersized shutters from the window will be removed per the initial Heritage Alteration Permit approval. The applicant has indicated in their Heritage Alteration Permit amendment that all work will be completed on or before June 30, 2018, subsequent to receiving the permit from Municipal Council.

4.0 Analysis

Alterations within the context of the Wortley Village-Old South Heritage Conservation District must be carefully considered. The policies and guidelines support the retention, repair, and conservation of existing elements and heritage attributes. Policy 8.3.1.1.f, which states, “where replacement of features is unavoidable, the replacement components should be of the same style, size, proportion, and materials wherever possible,” is particularly relevant when seeking remedial action for unapproved alterations.

The alterations proposed in the second amendment to the Heritage Alteration Permit for the front porch and front door, doorway, and transom comply with the policies and

guidelines of the *Wortley Village-Old South Heritage Conservation District Plan*. While these former elements were not believed to be original to the construction of the building and no historic documentation was available to guide rehabilitation work, alterations must be compatible with the heritage character of the Wortley Village-Old South Heritage Conservation District. The proposed front porch uses wood as the primary material, with a painted finish to bring compatibility with historic porches in the Wortley Village-Old South Heritage Conservation District. The proposed salvaged door, transom, and doorway are also compatible and consistent with other such elements found throughout the Wortley Village-Old South Heritage Conservation District. All exposed wood detailing and finishes must be painted.

Elimination of the excessive hardscaping in the front yard of the property at 33 Beaconsfield Avenue will better comply with the policies and guidelines of Section 10.4 of the *Wortley Village-Old South Heritage Conservation District Plan* by minimizing the hardscaping (paving) of the front yard and increasing the landscaped area (grassed and gardens) which supports the maintenance of the pedestrian streetscape character of the Wortley Village-Old South Heritage Conservation District.

Replication of the wood trim detail complies with Section 8.3.1.1.f of the *Wortley Village Old South Heritage Conservation District Plan*.

Enclosure of the window on the west façade is more difficult to correct, as a kitchen was installed in this location. Fortunately, the window was enclosed in a manner that would enable a future property owner to install a window in this location. Furthermore, the window is in a location of limited visibility. Vegetative screening is encouraged to minimize any visual impact of this window enclosure from the public realm.

5.0 Conclusion

Alterations to the property at 33 Beaconsfield Avenue exceeded the scope of alterations approved under the Heritage Alteration Permit which was permitted under the Delegated Authority By-law. Staff have worked with the applicant to seek remediation to bring unapproved alterations into compliance with the policies and guidelines of the Wortley Village-Old South Heritage Conservation District. These remediation activities should be approved with terms and conditions.

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Recommended by:	John M. Fleming, MCIP, RPP Managing Director, Planning and City Planner	

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Appendix A



Appendix B



Image 1: View showing west and north (main) façades of the building located at 33 Beaconsfield Avenue prior to alteration (February 10, 2017).



Image 2: View showing north (main) façade of the building located at 33 Beaconsfield Avenue prior to alteration (February 10, 2017).



Image 3: View of north (main) and east façades of the building located at 33 Beaconsfield Avenue prior to alteration (February 10, 2017).



Image 4: Detail of the transom of the building at 33 Beaconsfield Avenue.



Image 5: View of east and north (main) façades of the building located at 33 Beaconsfield Avenue subsequent to alteration (December 7, 2017). Note the increased hardscaping (paving) of the front yard.



Image 6: View of the north (main) façade of the building located at 33 Beaconsfield Avenue subsequent to alteration (December 7, 2017).



Image 7: View of the north (main) and west façades of the building located at 33 Beaconsfield Avenue subsequent to alteration (December 7, 2017). Note the enclosure of the window on the west façade, which has been filled with vinyl siding.



Image 8: Detail of the front porch, front door, transom, and doorway of the building located at 33 Beaconsfield Avenue, altered without Heritage Alteration Permit approval (December 7, 2017).



Image 9: Detail of the front window in the upper storey of the building located at 33 Beaconsfield Avenue (December 7, 2017). Note the absence of wood trim detail on the mullion.

Appendix C

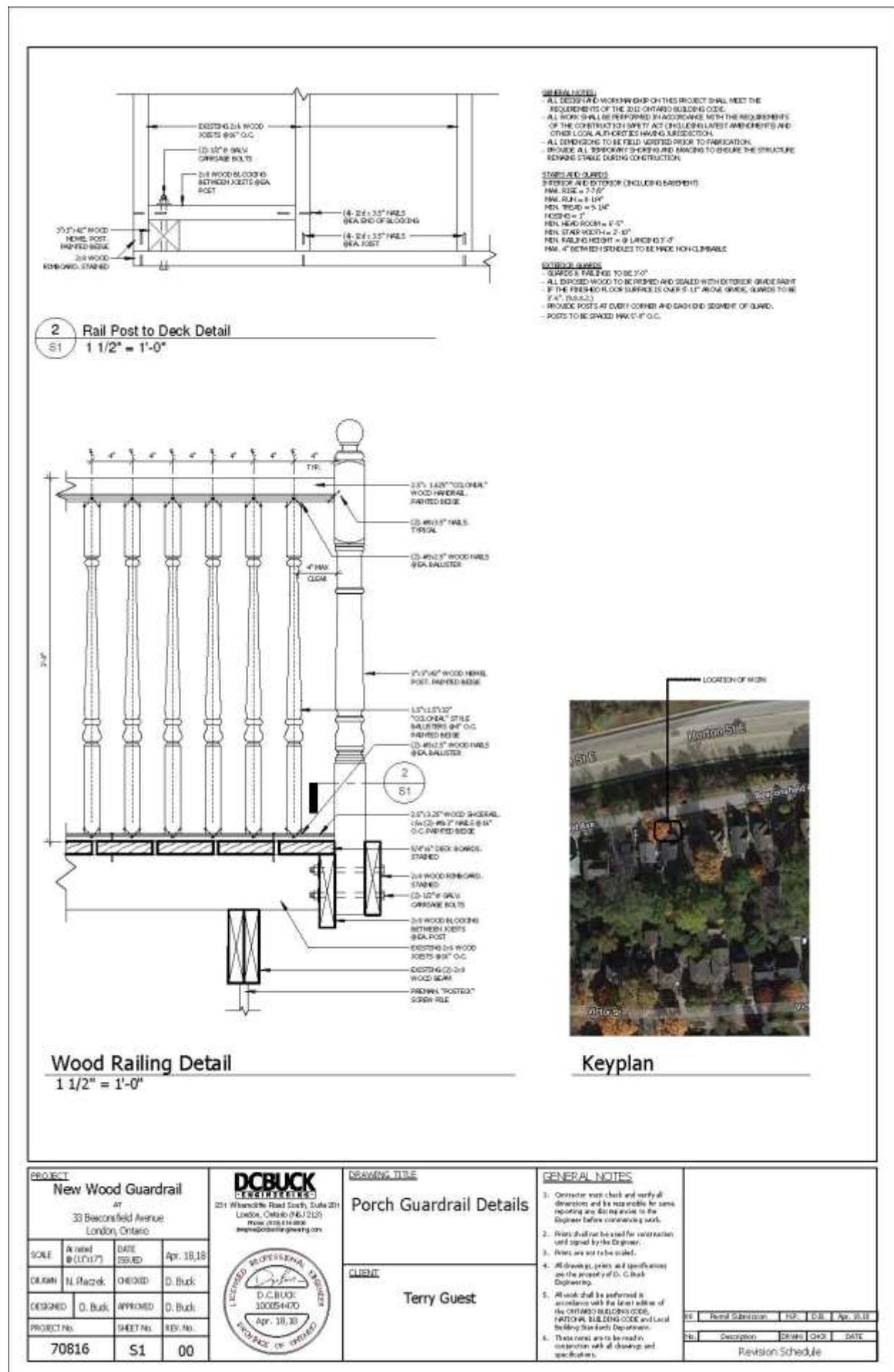


Figure 1: Drawing showing proposed porch railing and spindles for the porch at 33 Beaconsfield Avenue.

PROJECT New Wood Guardrail AT 33 Beaconsfield Avenue London, Ontario				DCBUCK ENGINEERS 2511 Wharncliffe Road South, Suite 201 London, Ontario N6G 2L5 Phone: (519) 836-8006 www.dcbuckengineering.com	DRAWING TITLE Porch Guardrail Details		GENERAL NOTES 1. Contractor must check and verify all dimensions and be responsible for same reporting any discrepancies to the Designer before commencing work. 2. Notes shall not be used for construction until signed by the Designer. 3. Notes are not to be added. 4. All drawings, prints and specifications are the property of D. C. Buck Engineering. 5. All work shall be performed in accordance with the latest edition of the ONTARIO BUILDING CODE, NATIONAL BUILDING CODE and Local Building Department. 6. These notes are to be read in conjunction with all drawings and specifications.										
SCALE	A 1/4" = 1'-0" (1/4" = 1'-0")	DATE ISSUED	Apr. 18, 18		CLIENT Terry Guest	<table border="1"> <thead> <tr> <th>NO.</th> <th>Revised/Submitted</th> <th>BY</th> <th>CHKD.</th> <th>DATE</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table> Revision Schedule		NO.	Revised/Submitted	BY	CHKD.	DATE					
NO.	Revised/Submitted	BY	CHKD.					DATE									
DESIGN	N. Raczek	CHECKED	D. Buck														
DESIGNED	D. Buck	APPROVED	D. Buck														
PROJECT No.	70816	SHEET No.	S1	REV. No.	00												





Figure 2: Painted, salvaged wood front door proposed for installation at the building at 33 Beaconsfield Avenue.



Figure 3: To address the extensive hardscaping (paving) of the front yard, the above annotated photograph identifies where paving will be removed and replaced by sod (grass) or garden. This will distinguish between the parking area of the driveway and the walkway to the porch and front door, and reduce the amount of hardscaping of the property.



Figure 4: Detail of original mullion detailing of the upper windows of the building located at 33 Beaconsfield Avenue, which will be used to replicate the lost detailing in wood.