

## Report to London Advisory Committee on Heritage

**To:** Chair and Members  
**London Advisory Committee on Heritage**

**From:** Gregg Barrett  
**Director, City Planning and City Planner**

**Subject:** Heritage Alteration Permit Application by J. Banninga and J. Williams at 784 Hellmuth Avenue, Bishop Hellmuth Heritage Conservation District

**Meeting on:** Wednesday October 14, 2020

## Recommendation

That, on the recommendation of the Director, City Planning & City Planner, with the advice of the Heritage Planner, the application under Section 42 of the *Ontario Heritage Act* seeking approval for alterations to property at 784 Hellmuth Avenue, within the Bishop Hellmuth Heritage Conservation District, **BE PERMITTED** with the following terms and conditions:

- a. Replacement of the windows specified in this Heritage Alteration Permit be replaced no later than December 22, 2020;
- b. The Heritage Alteration Permit be displayed in a location visible from the street while the work is underway.

## Executive Summary

The windows of the property at 784 Hellmuth Avenue, designated pursuant to Part V of the *Ontario Heritage Act* as part of the Bishop Hellmuth Heritage Conservation District, were removed and replaced without Heritage Alteration Permit approval. In a previous Heritage Alteration Permit application (HAP20-044-L), the property owners sought retroactive approval for the windows which was refused by Municipal Council at its meeting on September 15, 2020 following consultation with the London Advisory Committee on Heritage.

The property owners have made a new Heritage Alteration Permit application (HAP20-058-L) to replace two street-facing (west façade) windows with more compatible aluminum-clad sash windows. The replacement of these windows should be approved with terms and conditions as the proposed replacement windows are more compatible in finish, style, proportion, and placement in compliance with the direction of the *Bishop Hellmuth Heritage Conservation District Plan*.

## Analysis

### 1.0 Background

#### 1.1 Location

The property at 784 Hellmuth Avenue is located on the east side of Hellmuth Avenue between Oxford Street East and St. James Street (Appendix A).

#### 1.2 Cultural Heritage Status

The property at 784 Hellmuth Avenue is located within the Bishop Hellmuth Heritage Conservation District, which was designated pursuant to Part V of the *Ontario Heritage Act* in 2003. The property also features a blue City of London heritage property plaque affixed adjacent to the front door.

#### 1.3 Description

The dwelling located at 784 Hellmuth Avenue is a one-and-a-half storey, buff brick-clad building with a cross-gable roof (Appendix B). The building's style and detail demonstrate many characteristic elements of the Queen Anne Revival architectural style: complicated massing, decorative carved gable detailing, bargeboard with applied

detail, decorated porch with columns and turned spindles, and stained glass windows. The date of construction, circa 1906, fits within the period of development of the Bishop Hellmuth Heritage Conservation District and as a late example of Queen Anne Revival architecture in London.

The former windows of the heritage designated property at 784 Hellmuth Avenue were typical of the period and Queen Anne Revival architectural style: painted wood (single or double hung) sash windows with undivided lights (see Appendix B). Aluminum storm windows were added over what may be the original wood windows at some point in the property's history.

## **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 (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.”

### **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 make a decision on the Heritage Alteration Permit application within 90 days or the request is deemed permitted (Section 42(4), *Ontario Heritage Act*).

#### **2.2.1 Contravention of the Ontario Heritage Act**

Pursuant to Section 69(1) of the *Ontario Heritage Act*, failure to comply with any order, direction, or other requirement made under the *Ontario Heritage Act* or contravention of the *Ontario Heritage Act* or its regulations, can result in the laying of charges and fines up to \$50,000.

When the amendments to the *Ontario Heritage Act* in Bill 108 are proclaimed in force and effect, the maximum fine for the demolition or removing a building, structure, or heritage attribute in contravention of Section 42 of the *Ontario Heritage Act* will be increased to \$1,000,000 for a corporation.

### **2.3 The London Plan**

The policies of *The London Plan* found in the Cultural Heritage chapter support the conservation of London's cultural heritage resources. Policy 554\_ of *The London Plan* articulates one of the primary initiatives as a municipality to “ensure that new development and public works are undertaken to enhance and be sensitive to our cultural heritage resources.” To help ensure that new development is compatible, Policy 594\_ (under appeal) of *The London Plan* provides the following direction:

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 13.3.6 of the *Official Plan (1989, as amended)* includes similar language and policy intent.

### 2.3 *Bishop Hellmuth Heritage Conservation District Plan*

The “reasons for designation” of the Bishop Hellmuth area as a Heritage Conservation District pursuant to Part V of the *Ontario Heritage Act* highlight the historical association of the area with Bishop Isaac Hellmuth, the Queen Anne Revival architectural style of the area, the churches as architectural focal points, its natural beauty, its authenticity, and its community pride (Section 2, *Bishop Hellmuth Heritage Conservation District Plan*). The goals of the *Bishop Hellmuth Heritage Conservation District Plan* work to “preserve and enhance a beautiful and historic residential enclave” with physical goals to:

- *To encourage the retention and conservation of historic buildings and landscapes.*
- *To guide the design of new work to be compatible with old.*
- *To enhance the historic character and visual appeal of the area.*
- *To achieve and maintain a cohesive, well designed and identifiable historic area.*

To support these goals, Heritage Alteration Permit approval is required for alterations to properties designated as part of the Bishop Hellmuth Heritage Conservation District. The following principles should be followed (Section 4.2, *Bishop Hellmuth Heritage Conservation District Plan*):

- Identify the architectural style
- Preserve historic architectural features
- Conserve rather than replace
- Replicate in keeping
- Record changes
- Save removed architectural features

The Building Alteration Policies for windows are as follows (Section 4.2, *Bishop Hellmuth Heritage Conservation District Plan*):

*The predominant window type is the painted wood double hung sash. Many principle front windows have stained glass transoms. The conservation of original windows in general and stained glass windows in particular is a high priority. If altered, they should complement the finish, style, proportions and placement of the original. Removal of original stained glass windows is strongly discouraged. Vinyl and aluminum-clad windows are discouraged as they lack historic character.*

Window alterations are clearly identified in Section 6.1 of the *Bishop Hellmuth Heritage Conservation District Plan* as requiring Heritage Alteration Permit approval.

Building Conservation Guidelines for windows can be found in the *Bishop Hellmuth Heritage Conservation District Guidelines*. These guidelines include information on the window assembly, old glass, replacing single glass with insulating glass, aluminum storm windows, vinyl and aluminum windows, exterior wooden storm windows, and maintenance. An extract of the Windows – Building Conservation Guideline, identifying different windows by architectural style is included as Appendix C.

## 3.0 Heritage Alteration Permit Application

A complaint from the community brought unapproved alterations underway to the property at 784 Hellmuth Avenue to the attention of the City on March 5, 2020. The Heritage Planner went to investigate and observed the windows of the property at 784 Hellmuth Avenue being replaced (see Appendix B, Image 2).

A previous Heritage Alteration Permit application (HAP20-044-L) was submitted by the property owner and received on July 20, 2020. The previous Heritage Alteration Permit application sought retroactive approval for the removal of the wood windows and aluminum storm windows and installation of vinyl casement and awning windows, some with faux grills. Fortunately, none of the stained glass windows of the property were removed or replaced. The large window on the main floor of the house facing Hellmuth Avenue (street-facing, west façade) was not altered.

Staff did not support the retroactive approval of the window replacement at 784 Hellmuth Avenue. Per the Conditions for Referral in the Delegated Authority By-law, the London Advisory Committee on Heritage (LACH) was consulted at its meeting on August 14, 2020. In reviewing the Heritage Alteration Permit application, the LACH members identified particular concerns regarding the street-facing (west façade) window replacement. The LACH recommended refusal of the Heritage Alteration Permit application, but “encourages the applicant to engage with the Heritage Planners to identify a solution” (Resolet 4.1/13/PEC). The previous Heritage Alteration Permit application was refused by Municipal Council at its meeting on September 15, 2020.

Following further consultation with the Heritage Planner, the property owners have submitted a new Heritage Alteration Permit application (HAP20-058-L), received on September 25, 2020. The property has applied for a Heritage Alteration Permit seeking:

- Retroactive approach for window replacements on the north, south, and east elevations of the house (limited or obstructed visibility from the street); and,
- Removal of the two replacement windows on the street-facing (west façade) with new aluminum-clad wood sash windows with no faux grilles (undivided lights). The aluminum-clad is proposed to colour match the rest of the windows. The proposed replacement windows are “Pella Lifestyle Double Hung.”

As this matter has been ongoing since March 5, 2020, the timely resolution of this matter is a priority. Within this Heritage Alteration Permit application, the property owner has stated that the windows will be replaced within 8 weeks of receiving approval. Should Municipal Council make a decision on this Heritage Alteration Permit application at its meeting on October 27, 2020, the replacement of the windows would be required to be completed on or before December 22, 2020 per the commitment of the current property owner.

As the alterations have commenced prior to obtaining Heritage Alteration Permit approval, this Heritage Alteration Permit application has met the conditions for referral requiring consultation with the London Advisory Committee on Heritage (LACH).

## 4.0 Analysis

A detailed analysis of the compliance issues with the window replacements undertaken at 784 Hellmuth Avenue without Heritage Alteration Permit approval can be found in the staff report to the LACH for its meeting on August 14, 2020 for the previous Heritage Alteration Permit application (HAP20-044-L). In that report, staff emphasized four qualities for suitable replacement windows from the *Bishop Hellmuth Heritage Conservation District Plan*:

*Suitable replacement windows must be appropriate in finish, style, proportions, and placement to the original windows:*

- *Finish: painted wood*
- *Style: single or double hung sash windows*
- *Proportions: undivided lights (no faux grilles)*
- *Placement: within the original openings*

Arising from the discussion at the LACH meeting on August 14, 2020 regarding the previous Heritage Alteration Permit application (HAP20-044-L), the property owner has focused on replacing the street-facing (west façade) windows in a manner that better complies with the direction of the *Bishop Hellmuth Heritage Conservation District*. Regarding the proposed window replacement in this Heritage Alteration Permit application:

- **Finish:** the proposed replacement windows are aluminum-clad wood windows.
- **Style:** the proposed replacement windows are double-hung.
- **Proportions:** the proposed replacement windows are undivided sash windows, with no grilles.

- Placement: the proposed replacement windows are within the original window openings and filling the entire window opening (approximately 68” x 31”), with no alteration to the window openings required.

The proposed replacement windows are more compliant with the direction of the *Bishop Hellmuth Heritage Conservation District Plan* and represent a potential compromise by emphasizing the conservation of the street-facing façade of the heritage designated property at 784 Hellmuth Avenue with more appropriate windows.

The preservation of original wood windows is preferred to replacement windows.

<b>5.0 Conclusion</b>
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The previous retroactive approval sought for window replacement at 784 Hellmuth Avenue was refused by Municipal Council (HAP20-044-L). Following consultation with the LACH on the previous Heritage Alteration Permit application, the property owner has submitted a new Heritage Alteration Permit application proposing to replace the two street-facing (west façade) windows with more compatible aluminum-clad sash windows filling the window opening. This proposed alteration is more compatible with this cultural heritage resource and more consistent with the direction of the *Bishop Hellmuth Heritage Conservation District*.

<b>Prepared and Submitted by:</b>	<b>Kyle Gonyou, CAHP Heritage Planner</b>
<b>Recommended by:</b>	<b>Gregg Barrett, AICP Director, City Planning and City Planner</b>
Note: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from City Planning.	

October 1, 2020  
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**Link to Staff Report to the London Advisory Committee on Heritage for Previous Heritage Alteration Permit application (HAP20-044-L) (Item 5.5):** <https://pub-london.escribemeetings.com/Meeting.aspx?Id=18994dca-5d6a-4f13-a335-d1388a77d2b1&Agenda=Agenda&lang=English>

- Appendix A Property Location
- Appendix B Images
- Appendix C Proposed Window Replacement Specifications

**Appendix A – Location**



Figure 1: Location of the subject property at 784 Hellmuth Avenue in the Bishop Hellmuth Heritage Conservation District.

Appendix B – Images



Image 1: Photograph of the property at 784 Hellmuth Avenue on May 12, 2017.



Image 2: Photograph showing the windows of the property at 784 Hellmuth Avenue being replaced on March 5, 2020.



*Image 3: Photograph showing the property at 784 Hellmuth Avenue following the replacement of the windows without Heritage Alteration Permit approval.*




*Image 4: Photograph showing the property at 784 Hellmuth Avenue following the replacement of the windows without Heritage Alteration Permit approval.*



**Appendix C – Proposed Replacement Window Specifications**

# Appendix A



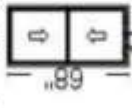
## Proposal - Detailed

Sales Rep Name: [REDACTED]  
 Sales Rep Phone: [REDACTED]  
 Sales Rep E-Mail: [REDACTED]  
 Sales Rep Fax: [REDACTED]

Customer Information	Project/Delivery Address	Order Information
Jordon Bannings 784 Hellmuth Ave  LONDON, ON N6A 3T7 Primary Phone: [REDACTED] Mobile Phone: [REDACTED] Fax Number: [REDACTED] E-Mail: [REDACTED] Contact Name: [REDACTED]  Great Plains #: 1005666974 Customer Number: 1009716621 Customer Account: 1005666974	Jordon Bannings - 784 HELLMUTH AVE, LONDON, ON, C 784 HELLMUTH AVE  Lot # LONDON, ON N6A 3T7 County: Owner Name: Owner Phone:	Quote Name: Jordon Bannings - 784 HELLMUTH AVE, LONDON, ON, C  Order Number: 786 Quote Number: 13127441 Order Type: Service Wall Depth: Payment Terms: Tax Code: HST Cust Delivery Date: None Quoted Date: 9/16/2020 Contracted Date: Booked Date: Customer PO #:

**Attributes**

Line # 10 Location: None Assigned



PK # 2071

Viewed From: Exterior

Rough Opening: 31" x 34" x 68" x 34"

**Lifestyle, Double Hung, 31 X 68, Without HGP, Tan**

1: Non-Standard Size Non-Standard Size Double Hung, Equal  
 Frame Size: 31 X 68  
 General Information: No Package, Without Hinged Glass Panel, Clad, Pnw, 5", 3 11/16", Gray  
 Exterior Color / Finish: Standard Extruded, Tan  
 Interior Color / Finish: Bright White Paint Interior  
 Glass: Insulated Low-E Insulating Glass Argon Non High Altitude  
 Hardware Options: Cam-Action Lock, White, No Limited Opening Hardware, Order Sash Lift, No Integrated Sensor  
 Screens: Full Screen, Tan, InView™  
 Performance Information: U-Factor 0.30, SHGC 0.30, VLT 0.57, CPD PEL-N-35-00362-00001, ER 19, Performance Class LC, PG 30, Calculated Positive DP Rating 30, Calculated Negative DP Rating 30, Year Rated 08/11, Egress Meets Typical 5.7 sqft (E) (United States Only)  
 Grille: No Grille  
 Wrapping Information: No Exterior Trim, 5 9/16", 6 7/8", Standard Four Sided Jamb Extension, Factory Applied, Pella Recommended Clearance, Penimeter Length x 198".

Item Price	Qty	Ext'd Price
[REDACTED]	2	[REDACTED]

INSTARTORR010010 - Wood Window-Pocket-1 Wide Qty 1

QUOMATTORM010060 - PF Sash Stop-1 Qty 1

Figure 2: Details on the proposed window replacement, submitted as part of the Heritage Alteration Permit application.