

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 K. St Lawrence for the heritage designated property at 426 St James Street
Date: Wednesday May 12, 2021

Recommendation

That, on the recommendation of the Managing Director, City Planning & City Planner, with the advice of the Heritage Planner, the application under Section 33 of the *Ontario Heritage Act* seeking consent for alterations to heritage designated property at 426 St James Street **BE GIVEN** subject to the following terms and conditions:

- a) The new railing be 24" in height above the porch floor to maintain the proportions of the porch;
- b) Wood be used as the material for the alterations;
- c) All exposed wood be painted;
- d) The Heritage Alteration Permit be displayed in a location visible from the street until the work is completed.

Executive Summary

The property at 426 St James Street was designated pursuant to Part IV of the *Ontario Heritage Act* by By-law No. L.S.P.-3187-134 in 1993. Alterations to the porch, which is understood to be a heritage attribute of the property, were commenced prior to obtaining a Heritage Alteration Permit. The proposed alterations will affect the "architectural reasons" for the property's designation with minor modifications and should be approved with terms and conditions to ensure compliance.

Linkage to the Corporate Strategic Plan

This recommendation supports the following 2019-2023 Strategic Plan area of focus:

- Strengthening Our Community:
 - Continue to conserve London's heritage properties and archaeological resources

Analysis

1.0 Background Information

1.1 Location

The property at 426 St James Street is located on the north side of St James Street between Colborne Street and Thornton Avenue (Appendix A).

1.2 Cultural Heritage Status

The property at 426 St James Street is designated pursuant to Part IV of the *Ontario Heritage Act* by By-law No. L.S.P.-3187-134 which was passed and registered on the title of the property in 1993. The property also features a blue City of London heritage property plaque affixed adjacent to the front door.

1.3 Description

The "architectural reasons" for the property's designation pursuant to the *Ontario Heritage Act*, as described in the heritage designating by-law, are:

This two-storey, white brick home (c.1888-1890) has an irregular roofline because of the steep multiple gables characteristics of the Queen Anne style. The house possesses a number of decorative features including eaves brackets,

wrought iron cresting and a pierced board frieze. A verandah, with a decorated pediment gable indicating the front entrance, runs the length of the front façade. There is a projecting bay window on the second floor. The east elevation also has a bay projection topped by cresting.

The house located on the property at 426 St James Street is one of the more eclectic expressions of the Queen Anne Revival architectural style (Appendix B).

2.0 Discussion and Considerations

2.1.1 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.”

2.1.2 Ontario Heritage Act

The *Ontario Heritage Act* enables municipalities to protect properties of cultural heritage value or interest. Properties of cultural heritage value or interest 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.

2.1.2.1 Heritage Alteration Permit

Section 33 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. Heritage Alteration Permit approval is required where an alteration is “likely to affect” a heritage attribute of a property designated pursuant to Section 29 of the *Ontario Heritage Act*. The *Ontario Heritage Act* enables Municipal Council to give the applicant of a Heritage Alteration Permit:

- a) Consent to the application;
- b) Consent to the application on terms and conditions; or,
- c) Refuse the application (Section 33(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 33(4), *Ontario Heritage Act*).

2.1.2.2 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.

2.1.3 The London Plan

The policies of *The London Plan* found in the Cultural Heritage chapter support the conservation of London’s cultural heritage resources.

Applicable policies:

Policy 587_,

Where a property of cultural heritage value or interest is designated under Part IV of the Ontario Heritage Act, no alteration, removal or demolition shall be undertaken that would adversely affect the reasons for designation except in accordance with the Ontario Heritage Act.

Policy 589_,

A property owner may apply to alter the cultural heritage attributes of a property designated under the Ontario Heritage Act. The City may, pursuant to the Act, issue a permit to alter the structure. In consultation with the London Advisory Committee on Heritage, the municipality may designate approval for such permits to an authority.

2.2 Heritage Alteration Permit Application (HAP21-028-L)

A complaint regarding alterations to the porch of the heritage designated property at 426 St James Street was received by the City. The City investigated the complaint. As a heritage attribute of the heritage designated property, alterations to the porch require Heritage Alteration Permit approval pursuant to Section 33(1) of the *Ontario Heritage Act*.

A Heritage Alteration Permit application was submitted by the property owner and received on April 12, 2021. The Heritage Alteration Permit (HAP21-0280L) is seeking consent for:

- Alterations to the porch, including:
 - Removal of the existing porch floor;
 - Replace the porch floor with 3” wide tongue and groove pine (to match existing);
 - Removal of the porch railing, which was finished with painted wood shingles;
 - Installation of a new porch railing composed of a wood top and bottom railing with square 1.5” spindles set between;
 - Removal of the concrete steps to the porch;
 - Installation of wood steps to the porch with a railing to match that of the porch;
 - Replacement of joists and ledger board;
 - Removal of the porch ceiling;
 - Installation of a new tongue and groove pine porch ceiling;
 - Remove the existing porch skirt;
 - Install a new painted wood porch skirt.

As the alterations have commenced prior to obtaining Heritage Alteration Permit approval, consultation with the London Advisory Committee on Heritage (LACH) and a decision by Municipal Council is required for this Heritage Alteration Permit application.

Per Section 33(4) of the *Ontario Heritage Act*, the 90-day timeline for this Heritage Alteration Permit application will expire on July 11, 2021.

3.0 Financial Impact/Considerations

None.

4.0 Key Issues and Considerations

The porch is an important heritage attribute of this heritage designated property and critical to conserving its cultural heritage value. Within their submission, the property owner identified issues with the porch that require intervention and remedy, including rot in the floor joists and boards as well as the railing.

The proposed alterations will affect the porch as a heritage attribute of the subject property. The elimination of the solid porch railing with painted wood shingles changes the character of the porch, and therefore the property. In correspondence with the Heritage Planner, the property owner noted how dark the porch was – which could be attributed to the wide overhang of the porch roof. The proposed wood railing, with square spindles set between a top and bottom railing, is compatible with the character of the property. A more decorative or elaborate railing of turned spindles would be compatible as well. The proposed wood railings, which are more open than the former railings, would certainly contribute to a more open visual appearance and experience of the porch. A colour palette with multiple paint colours, like that of the gables, should be

implemented for the porch.

To maintain the proportions of the porch, the height of the railing should be maintained at 24" above the porch's floor. A railing higher than 24" would interrupt the proportions and overwhelm the constrained proportions of the porch. As the height of the porch is less than 24" above grade, the railing is a decorative element but contributes to the heritage character of the property.

The removal of the concrete steps and replacement with wood steps is anticipated to have a positive impact on the heritage character of the property.

Conclusion

The alterations proposed to the porch of the heritage designated property at 426 St James Street ultimately seek to conserve this important attribute. The proposed alterations are compatible and Municipal Council should consent to the alterations with terms and conditions.

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Submitted and recommended by: Gregg Barrett, AICP, Director, City Planning and City Planner

Appendices

- Appendix A Property Location
- Appendix B Images
- Appendix C Drawings

Appendix A – Property Location



Figure 1: Location map of the subject property at 426 St James Street.

Appendix B – Images



Image 1: Polaroid image of the subject property at 426 St James Street from the designation of the property in 1992-1993.



Image 2: Photograph of the subject property on March 31, 2021 with alterations underway to the porch.



Image 3: Photograph, looking northwest towards the subject property, showing the alterations underway to the porch.

Appendix C – Drawings

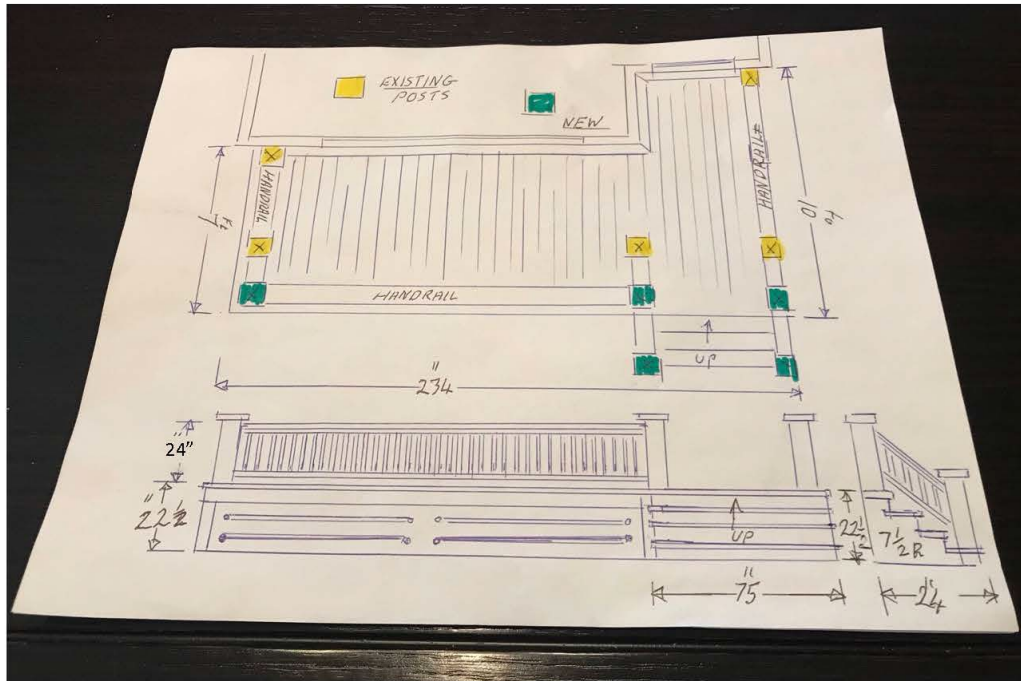


Figure 2: Drawing, submitted by the property owner as part of the Heritage Alteration Permit application, showing the proposed railing and porch alterations to the subject property at 426 St James Street. Note the porch railing height is maintained at 24" above the porch floor.