

Report to Planning and Environment Committee

To: Chair and Members
Planning and Environment Committee

From: George Kotsifas, P.Eng.
Deputy City Manager, Planning and Economic Development

Subject: Demolition Request for Garage on Heritage Designated
Property at 325 Victoria Street by D. Lee and E. Van den Steen

Date: May 31, 2021

Recommendation

That, on the recommendation of the Director, Development Services, with the advice of the Heritage Planner, the request to demolish the garage on the heritage designated property at 325 Victoria Street **BE PERMITTED**, and the Chief Building Official **BE ADVISED** of Municipal Council's intention in this matter.

Executive Summary

Summary of Request

325 Victoria Street is a heritage property, designated pursuant to Part IV of the *Ontario Heritage Act*. The property owner has requested consent of Municipal Council to demolish the garage on the property in accordance with Section 34(1) of the *Ontario Heritage Act*.

Purpose and the Effect of Recommended Action

The purpose of the recommended action is to allow the demolition of the garage. The effect of the recommended action will allow the construction of a new garage in an alternative location on the property and a proposal for a new rear addition.

Rationale of Recommended Action

The garage at 325 Victoria Street is not recognized in the designating by-law as a heritage attribute.

Linkage to the Corporate Strategic Plan

Approval of the requested demolition of the garage at 325 Victoria Street enables the continual adaptation of the property which contributes to implementing the City's 2019-2023 Strategic Plan through 'Strengthening Our Community', by continuing to conserve London's heritage properties and archaeological resources.

Analysis

1.0 Background Information

1.1 Previous Reports Related to this Matter

March 25, 2021 — Report to Committee of Adjustment PPM – 325 Victoria Street (A.014/21).

1.2 Property Location

325 Victoria Street is located on the south side of Victoria Street between Waterloo Street and Renwick Avenue in London, Ontario [Appendix A]. Located on the property is a primary residence along with a detached garage positioned towards the rear at the eastern side of the residence at the end of a relatively narrow driveway. Staff undertook a site visit of the property on April 22, 2021.

1.3 Cultural Heritage Status

325 Victoria Street was designated in 1992 (July 6, 1992) under Part IV of the *Ontario Heritage Act* by By-law No. L.S.P.-3147-192 [Appendix C].

1.4 Description

The existing primary residence located at 325 Victoria Street dates from 1930 and is a 2 ½- storey, stucco-clad and brick building [Appendix B]. The building is an example of period revival styles being used in the first half of the twentieth century – and in this instance, reflecting the Tudor Revival style suggesting medieval precedents, using twentieth-century materials. Key features include half timbering, steeply pitched gables on the street facing façade, and the use of small decorative wood purlins at the eaves and end gables. The entranceway is highly detailed with four wood piers and beam which give the entrance an appropriately heavy appearance. Decorative herringbone brickwork is found over the front entrance. There is a 1-storey contemporary addition that extends across the rear of the building. The detached (one-car) garage on the property appears to be original and also reflects Tudor Revival styling details in the use of brick and stucco-cladding and half timbering detailing. A small canopy appears to have been added over the door opening. There is some deterioration of wood sills and wall joists noted.

2.0 Discussion and Considerations

2.1 Legislative and Policy Framework

2.1.1 Provincial Policy Statement

Heritage conservation is a matter of provincial interest (Section 2.d, *Planning Act*). The *Provincial Policy Statement (PPS-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.” (Section 2.6.1)

‘Significant’ is defined in the *PPS-2020* as, “[r]esources that have been determined to have cultural heritage value or interest.” Further, “[p]rocesses and criteria for determining cultural heritage value or interest are established by the Province under the authority of the *Ontario Heritage Act*.” (p51)

Additionally, ‘conserved’ means, “[t]he 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 under the *Ontario Heritage Act*. To ‘conserve’ may be achieved by the implementation of recommendations set out in a conservation plan, archaeological assessment, and/or heritage impact assessment. [...] Mitigative measures and/or alternative development approaches can be included in these plans and assessments.” (pp41-42)

2.1.2 Ontario Heritage Act

Section 34 of the *Ontario Heritage Act (OHA)* directs that no owner of a property individually designated under Section 29 (i.e. Part IV) is permitted to demolish a building on the property unless a permit is obtained from the municipality to do so.

In requests for demolition of a building located on a heritage designated property, the *Ontario Heritage Act* (Section 34(2)) enables municipalities to give the applicant:

- 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.

Municipal Council must respond within 90-days after receipt of a demolition request. Consultation with the municipality’s municipal heritage committee (the London Advisory Committee on Heritage) is required. Non-decision within 90-days, the refusal, or terms and conditions on the approval of a demolition request may be appealed to the Local Planning Appeals Tribunal (LPAT). (Section 34 (4))

2.1.3 The London Plan

The Cultural Heritage chapter of *The London Plan* recognizes that cultural heritage resources define the City's unique identity and contribute to its continuing prosperity. *The London Plan* states that, "the quality and diversity of these resources are important in distinguishing London from other cities and make London a place that is more attractive for people to visit, live or invest in." Importantly, "our heritage resources are assets that cannot be easily replicated, and they provide a unique living environment and quality of life." Further, "by conserving them for future generations, and incorporating, adapting, and managing them, London's cultural heritage resources define London's legacy and its future." (552_)

The cultural heritage policies of *The London Plan* are to:

1. Promote, celebrate, and raise awareness and appreciation of London's cultural heritage resources.
2. Conserve London's cultural heritage resources so they can be passed onto our future generations.
3. Ensure that new development and public works are undertaken to enhance and be sensitive to our cultural heritage resources. Generally, the policies of *The London Plan* support the conservation and retention of significant cultural heritage resources." (554_)

The policies of *The London Plan* support the conservation, maintenance, retention, and protection of London's cultural heritage resources [...] and Council approval for a demolition application is required as pursuant to the *Ontario Heritage Act* (Policy 590_).

Further, the reasons for designation and identified attributes of a heritage designated property shall not be adversely affected.

Finally, 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 587)

2.1.4 Designating By-Law – 325 Victoria Street (No. L.S.P.-3147-192)

325 Victoria Street was designated in 1992 under Part IV of the *Ontario Heritage Act* by By-law No. L.S.P.-3147-192. The by-law describes the cultural heritage value or interest of the property and reasons for its designation as follows [Appendix C]:

"325 Victoria Street is an example of period revival styles of the first half of the twentieth century. This is an example of Tudor revival built in the 1930s in North London, though here the variant is larger and more complicated than most of the tract housing built at the time. The most prominent features are the application of half-timbering, steeply pitched gable roofs, groupings of narrow windows and herringbone brickwork over the front entrance; these are allusions to medieval precedents, using twentieth century materials. Four wood piers and a beam give the front entrance an appropriately heavy appearance. The windows are the original six over six panes with wood storms. Small decorative wood purlins enliven the eaves and the end gables. A small terrace can be seen along the front facade. The original roof material has been replaced."

The detached garage on the property is not mentioned as a heritage attributed in the designating by-law.

2.2 Planning History

The request to demolish the existing garage is a component of a proposal for a new, rear (south) 1-storey addition with attached garage (to the west of the new addition). The existing driveway is also to be relocated from the existing location on the east side of the property, to the west side of the property. The existing, one-floor addition at the rear (south of the property) will be removed.

A recent minor variance application (A.014-21) was submitted and approved (March 25, 2021) to allow for a decrease in the number of parking spaces, and an increase in the Gross Floor Area (GFA) and Floor Area Ratio (FAR). Heritage Alteration Permit (HAP)

approval will be required prior to the issuance of a building permit for the addition (w/relocated garage). The proponent has already consulted with the Development Services Heritage Planner regarding the HAP application and process.

2.2.1 Demolition Request

A request to demolish the existing garage on the property at 325 Victoria Street was submitted by the current property owners and was formally received by heritage planning staff on April 6, 2021. Under the *Ontario Heritage Act* (Section 34), Municipal Council must pass a decision on the demolition request within 90-days of formal receipt of the request, or the request is deemed consented. The statutory deadline for decision is July 5, 2021. In accordance with Section 34(2) of the *Ontario Heritage Act*, the London Advisory Committee on Heritage (LACH) is being consulted at its meeting on May 12, 2021, and it is anticipated that LACH will have a recommendation available to present at the May 31, 2021 meeting of the Planning & Environment Committee. A decision by Municipal Council is expected at the June 15, 2021 meeting. The 90-day statutory time frame for council decision will have been satisfied.

2.2.2 Consultation

Pursuant to Council Policy for demolition on heritage designated properties, notification of the demolition request will be sent to 88 property owners within 120m of 325 Victoria Street, as well as community stakeholders including the Architectural Conservancy Ontario – London Region, London & Middlesex Historical Society, and the Urban League. Notice will also be published in *The Londoner* on May 13, 2021. It is a policy and practice of Municipal Council that the demolition of heritage designated properties shall be considered at a public participation meeting before the Planning and Environment Committee. This item will be heard at the May 31, 2021 PPM of the Planning and Environment Committee.

2.2.2.1 London Advisory Committee on Heritage (LACH)

At its meeting on May 12, 2021, the London Advisory Committee on Heritage (LACH) supported DS-heritage planning staff's recommendation that the demolition of the detached garage on the property at 325 Victoria Street be permitted.

3.0 Financial Impact/Considerations

None.

4.0 Key Issues and Considerations

The PPS directs that significant built heritage resources be conserved (Section 2.6.1). Further, the London Plan states that attributes of a heritage designated property shall not be adversely affected through alteration, removal or demolition (Policy 587). The detached garage on the property at 325 Victoria Street is not mentioned or identified as a heritage attribute in the designating by-law (L.S.P.-3147-192), and therefore does not contribute to the cultural heritage value or interest of the property. Its demolition will not adversely affect the cultural heritage value or interest of the property.

Conclusion

The detached garage at 325 Victoria Street is not identified as a heritage attribute in the designating by-law (L.S.P.-3147-192) and as such its demolition will not adversely affect the property's cultural heritage value or interest and reasons for its designation. It is recommended by staff that the request to demolish the detached garage at 325 Victoria Street be allowed to proceed.

Prepared by: Laura E. Dent, M.Arch PhD MCIP RPP
Heritage Planner

Recommended by: Paul Yeoman, RPP, PLE
Director, Development Services

Submitted by: George Kotsifas, P.Eng.
Deputy City Manager, Planning and Economic
Development

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Appendices

Appendix A Maps
Appendix B Images
Appendix C Heritage Designating By-law (325 Victoria Street)

Sources

City of London. By-law No. L.S.P. -3147-192. A by-law to designate 325 Victoria Street to be of cultural heritage value or interest. London, ON: Author.

City of London. (2020, December 8). *Register of cultural heritage resources*. London, ON: Author.

Corporation of the City of London. n.d. Property files: 325 Victoria Street.

Corporation of the City of London. (2016, consolidated 2019, Nov 13). *The London plan*. London, ON: Author.

Ontario Heritage Act, (2019, c. 9, Sched. 11). Retrieved from e-Laws website
<https://www.ontario.ca/laws/statute/90o18>

Ministry of Municipal Affairs and Housing. (2020). *Provincial policy statement, 2020*. Ontario: Queen's Printer for Ontario.

Appendix A – Subject Property



Figure 1: Location Map identifying the property at 325 Victoria Street

Appendix B – Images



Image 1: Façade of residence at 325 Victoria Street, north elevation (April 22, 2021)



Image 2: Front-side view of detached garage, north-west elevations (April 22, 2021)



Image 3: Side view of detached garage, west elevation (April 22, 2021)



Image 4: Rear view of residence and detached garage, south elevations (April 22, 2021)



Image 5: Interior view of detached garage showing degradation of wood sill and wall studs (April 22, 2021)

Appendix C – Designating By-law for 325 Victoria Street

Bill No. 279
1992

By-law No. L.S.P.-3147-192

A by-law to designate 325 Victoria Street to be of architectural value.

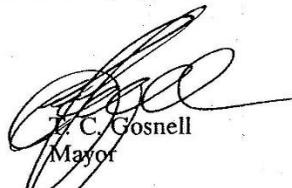
WHEREAS pursuant to The Ontario Heritage Act, R.S.O. 1990, c. 0.18, the Council of a municipality may by by-law designate a property including buildings and structures thereon to be of historic or architectural value or interest;

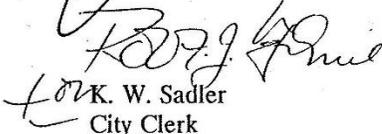
AND WHEREAS notice of intention to so designate the property known as has been duly published and served and no notice of objection to such designation has been received;

The Municipal Council of The Corporation of the City of London enacts as follows:

1. There is designated as being of architectural value or interest, the real property at 325 Victoria Street, more particularly described in Schedule "A" hereto, for the reasons set out in Schedule "B" hereto.
2. The City Clerk is authorized to cause a copy of this by-law to be registered upon the title to the property described in Schedule "A" hereto in the proper Land Registry Office.
3. The City Clerk is authorized to cause a copy of this by-law to be served upon the owner of the aforesaid property and upon the Ontario Heritage Foundation and to cause notice of this by-law to be published in the London Free Press, and to enter the description of the aforesaid property, the name and address of its registered owner, and short reasons for its designation in the Register of all properties designated under The Ontario Heritage Act, R.S.O. 1990.
4. This by-law comes into force on the day it is passed.

PASSED in Open Council on July 6, 1992.


W. C. Gosnell
Mayor


K. W. Sadler
City Clerk

First reading - July 6, 1992
Second reading - July 6, 1992
Third reading - July 6, 1992

SCHEDULE "A"

To By-law No. L.S.P.-3147-192

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of London, in the County of Middlesex, and being composed of parts of Lots Numbers 29 and 30 on the East side of Renwick Avenue according to Registered Plan 245 which may be more particularly described as follows:

COMMENCING at the Northeast angle of said Lot Number 30;

THENCE Southerly along the Easterly limit of said Lots Numbers 30 and 29 One Hundred and Thirty-One Feet six inches more or less to a point distant Sixty-eight Feet Northerly from the Southeasterly angle of Lot Number 28 according to Registered Plan Number 245;

THENCE Westerly parallel to the Northerly limit of said Lot Number 28 Seventy-five feet;

THENCE Northerly parallel to the Easterly limit of said Lots Numbers 29 and 30 One Hundred and Thirty-one feet six inches to the Northerly limit of Lot Number 30;

THENCE Easterly along the Northerly limit of Lot number 30, Seventy-five feet to the place of beginning.

SCHEDULE "B"

To By-law No. L.S.P.-3147-192

325 Victoria Street is an example of period revival styles of the first half of the twentieth century. This is an example of tudor revival built in the 1930s in North London, though here the variant is larger and more complicated than most of the tract housing built at the time. The most prominent features are the application of half-timbering, steeply pitched gable roofs, groupings of narrow windows and herringbone brickwork over the front entrance; these are allusions to medieval precedents, using twentieth century materials. Four wood piers and a beam give the front entrance an appropriately heavy appearance. The windows are the original six over six panes with wood storms. Small decorative wood purlins enliven the eaves and the end gables. A small terrace can be seen along the front facade. The original roof material has been replaced.