

Report to Planning and Environment Committee

To: Chair and Members
Planning and Environment Committee

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

Subject: Heritage Alteration Permit application by T. and B. Byrne at 466-468 Queens Avenue, West Woodfield Heritage Conservation District

Date: Monday November 22, 2021

Recommendation

That, the recommendation of the Director, Planning and Development, with the advice of the Heritage Planner, the application under Section 42 of the Ontario Heritage Act seeking retroactive approval for alterations to the heritage designated properties at 466-468 Queens Avenue, in the West Woodfield Heritage Conservation District, **BE APPROVED** with the following terms and conditions:

- a) The existing wood windows on the 466 Queens Avenue portion of the property be retained; and,
- b) The London Doorway on the 466 Queens Avenue portion of the property be retained.

Executive Summary

The properties at 466-468 Queens Avenue are significant cultural heritage resources, designated pursuant to Part V of the *Ontario Heritage Act*, included within the West Woodfield Heritage Conservation District. Alterations were undertaken to the property at 468 Queens Avenue including the removal and replacement of the wood windows with vinyl replacement windows. As the alterations commenced prior to obtaining Heritage Alteration Permit approval, this Heritage Alteration Permit application has met the terms and conditions for referral to the London Advisory Committee on Heritage (LACH). This Heritage Alteration Permit application seeks retroactive approval for the replacement of six windows on the south and east facades of the dwelling. The recommended action is to permit the alterations with terms and conditions.

Linkage to the Corporate Strategic Plan

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

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

Analysis

1.0 Background Information

1.1 Location

The properties at 466-468 Queens Avenue are located on the north side of Queens Avenue, between Colborne Street and Maitland Street (Appendix A). The properties are currently under single ownership, and thus have been identified together as a part of this Heritage Alteration Permit application.

1.2 Cultural Heritage Status

The properties at 466-468 Queens Avenue are located within the West Woodfield Heritage Conservation District, designated pursuant to Part V of the *Ontario Heritage*

Act by By-law No. L.S.P.-3400-254. The West Woodfield Heritage Conservation District came into force and effect on March 9, 2009.

1.3 Description

The properties at 466-468 Queens Avenue include a two-storey buff brick double house, originally constructed circa 1877. Though it would require further comprehensive historical research, the two portions of the double house may have been constructed at different times based on observations of the styles and architectural details of the buildings.

The 466 Queens Avenue portion of the property includes a two-storey buff brick dwelling with a side gable roof. The first and second storey includes double-hung windows with brick voussoirs and a textured mason keystone. This portion of the property also includes one of the distinctive London Doorways, a rare triple arched wood doorway only found in the London area.

The 468 Queens Avenue portion of the property includes a two-storey buff brick dwelling with a side gable roof, separated from the adjacent 466 Queens Avenue portion of the property by a separation wall, visible on the exterior by the raised parapet on the roof. The first storey includes a wood panelled door flanked by a panelled and glazed sidelights with a continuous rectangular transom above the doorway. Unlike the adjacent 466 Queens Avenue portion of the property, this dwelling includes a fixed first storey window with an arched stained-glass window. The second storey includes three asymmetrical double-hung windows with brick voussoirs.

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 of the *Provincial Policy Statement* (2020), the *Ontario Heritage Act*, and *The London Plan* and the *Official Plan* (1989, as amended).

2.1.1 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.”

“Conserved” is defined in the *Provincial Policy Statement* (2020), “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. This may be achieved by the implementation of recommendations set out in a conservation plan, archaeological assessment and/or heritage impact assessment that has been approved, accepted or adopted by the relevant planning authority and/or decision-maker. Mitigative measures and/or alternative development approaches can be included in these plans and assessments.”

2.1.2 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*).

2.1.2.1 Contraventions 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.

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. 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.*

2.1.4 *West Woodfield Heritage Conservation District Plan*

The intent of the *West Woodfield Heritage Conservation District Plan* is to "assist in the protection and conservation of the unique heritage attributes and character of the area" (*West Woodfield Heritage Conservation District Plan*, 2008).

To support the intent of the *West Woodfield Heritage Conservation District Plan*, Design Guidelines related to Alterations (Section 8.2.1) are included in order to provide direction towards the conservation of heritage attributes and character in the West Woodfield Heritage Conservation District.

Section 8.2.1 (Alterations):

- *Research the original style and appearance of the building to determine "authentic limits" of restoration or alteration so that the appropriate style is maintained;*
- *In the absence of historical data, use forensic evidence available from the building itself to suggest appropriate restoration or alteration;*
- *Seek similar properties (same age, same design, same builder) for evidence of details that may still exist as samples for reconstruction;*
- *Avoid "new" materials and methods of construction if the original is still available;*
- *Restore wherever possible rather than "replace", particularly for features such as windows, doors, porches and decorative trim.*
- *Where replacement of features (e.g. doors, windows, trim) is unavoidable, the replacement components should be of the same general style, size, proportions.*
- *Incorporate similar building forms, materials, scale and design elements in the alteration that exist on the original building.*
- *Avoid concealing original parts of buildings, entrances and decorative details when undertaking alterations.*
- *If in doubt, use discretion and avoid irreversible changes to the basic structure and architectural style.*
- *Keep accurate photographs and other records, and sample of original elements that have been replaced.*

Section 10.6 (Doors and Windows) also provide direction related to the conservation and replacement of windows in the West Woodfield Heritage Conservation District. The relevant direction notes:

- “The preservation of original doors and windows is strongly encouraged wherever possible as the frames, glass and decorative details have unique qualities and characteristics that are very difficult to replicate;
- The traditional use of wood sash storm windows well fitted to the window opening, provides better thermal and sound insulation properties than modern sealed insulating units (Thermopane windows), and provides a protective barrier to the elements that can be replaced when deteriorated beyond repair.
- The original windows can be made more energy efficient by reducing air leakage. Keep the glass well sealed to the sash by keeping the putty in good condition and keeping the paint just touching the glass to seal the joints. Repair damaged sashes and maintain good weatherstripping for operating windows. Windows that are not used for ventilation can be sealed with a fine bead of butyl caulking and painted shut.
- The replacement of original wood framed windows by vinyl or aluminum clad windows is discouraged. If this is the only reasonable option, the replacement windows should mimic the original windows with respect to the style, size and proportion, with a frame that is similar in colour, or can be painted, to match other windows.”

2.2 London Doorways

London Doorways are a rare and unique architectural expression found only in the London region. A London Doorway can be identified by its triple arches: it has arched sidelights that extend above the head of the door jam, with a rounded arch transom that is set in a segmented arch opening. The arches of the sidelights must break the head of the door jam. London Doorways are always single-leaf doorways and always symmetrical. The sidelights may be divided and the transom may feature an oculus or etched glass. London Doorways vary slightly in proportion (height and width but scaled) and often exhibit slightly different carved and applied detailing.

London Doorways are typically found on residential structures built between 1868 and about 1890. This may represent the work or career of one artisan or craftsman, perhaps a wagon maker, cabinet maker, or furniture building. However, further research is required particularly into the method of construction of a London Doorway.

Forty-seven London Doorways were initially identified and included in the 2014 publication *London Doorways: A Study of Triple Arched Doorways* by Julia Beck. Each doorway was identified, documented with photographs, and presented as part of this important collection.

Since *London Doorways* was published, about twenty additional confirmed and suspected London Doorways have been identified.

2.2 Heritage Alteration Permit (HAP21-076-L)

A complaint regarding window replacement at 466-468 Queens Avenue was brought to the attention of the City in July 2021. Heritage Planning staff investigated the complaint and confirmed that the windows on the property at 468 Queens Avenue were being replaced. No Heritage Alteration Permit application had been received.

Heritage Planning staff sent a registered letter to the property owners advising of the violation of Section 42(1) of the *Ontario Heritage Act* and the requirements to obtain Heritage Alteration Permit approval prior to undertaking alterations to the heritage designated properties. The property owner contacted the Heritage Planner in order to better understand the non-compliance and requirements of the Heritage Alteration Permit process.

On October 25, 2021, a Heritage Alteration Permit application was received by the City seeking retroactive approval for the following alterations to the property at 468 Queens Avenue:

- Installation of three (3) new second storey double-hung vinyl windows with simulated divided lights on the front façade;
- Installation of a new fixed window on the first storey of the front façade;

- Installation of one (1) first storey double-hung vinyl window on the east façade;
- Installation of one (1) second storey fixed window on the east façade.

As a part of the Heritage Alteration Permit application, the property owners submitted a letter noting that the previous windows were damaged, cracked, and rotting. The letter also notes that a new exterior storm window has been installed over the arched stained-glass window to better protect it from the exterior elements, and that the previously-installed shutters on the front façade are being painted and re-installed.

The 90-day time limit for Municipal Council to consider this Heritage Alteration Permit application expires on January 23, 2021.

3.0 Financial Impact/Considerations

None

4.0 Key Issues and Considerations

Window removal, replacement and additions on street-facing facades is a class of alterations that requires Heritage Alteration Permit approval, identified within the *West Woodfield Heritage Conservation District Plan*.

The review of the proposed replacement windows included within this Heritage Alteration Permit application considers the direction outlined in Section 8.2.1 (Alterations) and Section 10.6 (Doors and Windows) of the *West Woodfield Heritage Conservation District Plan*. The retention and repair of the previous wood windows would have been preferable as the conservation of original windows and doors is strongly encouraged within the West Woodfield Heritage Conservation District. However, the replacement windows are generally consistent in size and style with the previous windows.

The property owners are encouraged to seek conservation strategies for the existing wood windows at 466 Queens Avenue that retain the existing windows. The property owners have also been advised on the importance of conserving the important London Doorway on the 466 Queens Avenue portion of the property.

Conclusion

The alterations to the windows at 468 Queens Avenue in the West Woodfield Heritage Conservation District were undertaken prior to obtaining Heritage Alteration Permit approval. The applicant is seeking retroactive approval for the replacement windows. The replacement windows are generally consistent with the guidelines of the West Woodfield Heritage Conservation District. The Heritage Alteration Permit application should be permitted with terms and conditions.

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Heritage Planner

Reviewed by: Britt O'Hagan, RPP, MCIP
Manager, Community Planning, Urban Design and Heritage

Recommended by: Gregg Barrett, AICP
Director, Planning and Development

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

Appendices

Appendix A Property Location

Appendix B Images

Sources

Beck, Julia et al. *London Doorways: A Study of Triple Arched Doorways*. 2014.

Corporation of the City of London. *Register of Cultural Heritage Resources*. 2019.

Corporation of the City of London. *2019-2023 Strategic Plan*.

Corporation of the City of London. *The London Plan*. 2019 (consolidated).

Ontario Heritage Act. 2021. Retrieved from <https://www.ontario.ca/laws/statute/90o18>.

Gonyou, Kyle. "London Doorways – Celebrating a Unique Feature of London's Heritage." *Ontario Heritage Act + More*. Posted November 28, 2020.

Appendix A – Property Location

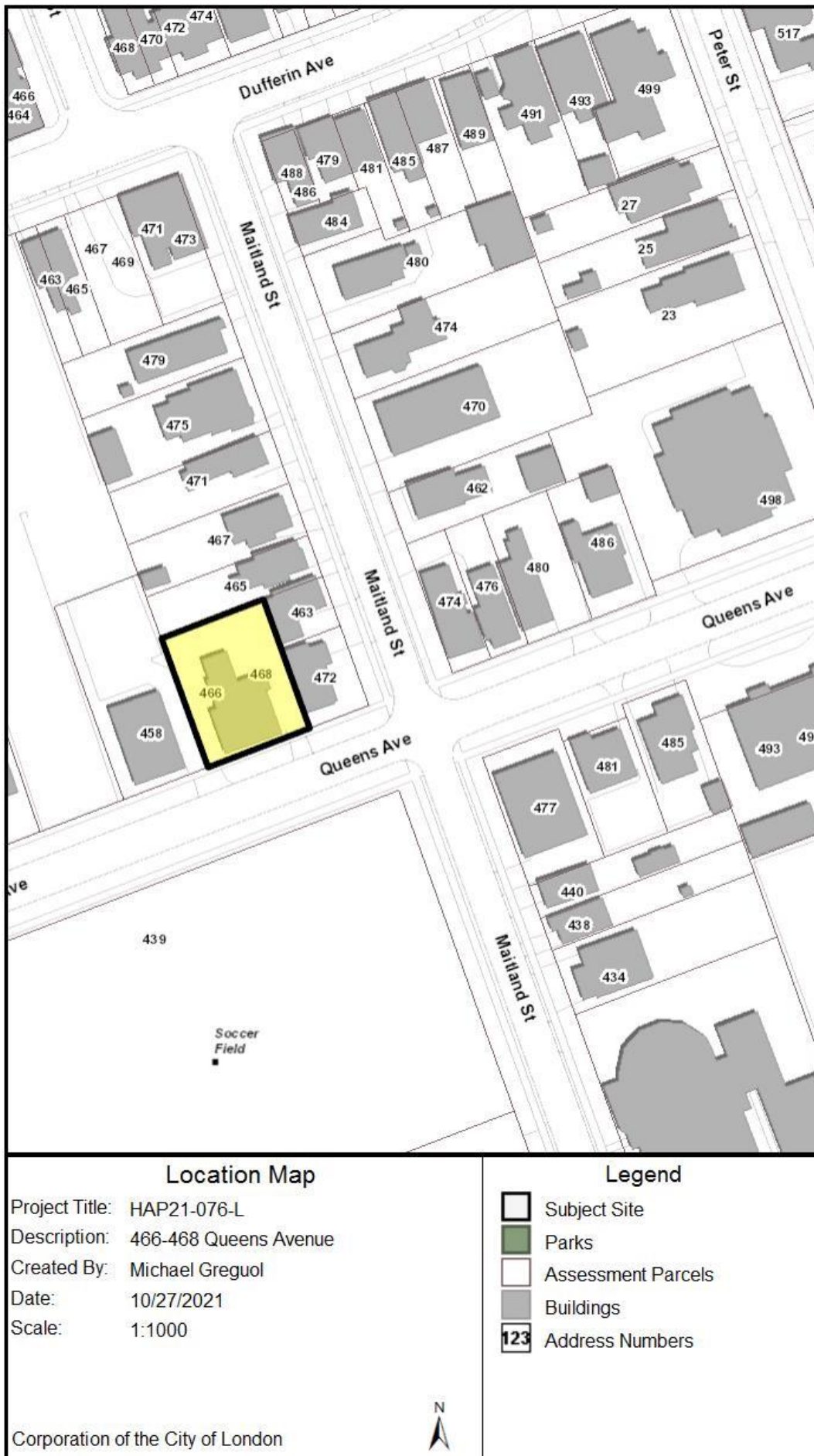


Figure 1: Location Map showing the subject property at 466-468 Queens Avenue.

Appendix B – Images



Image 1: Photograph showing the subject properties at 466-468 Queens Avenue, 2016.



Image 2: Photograph showing the subject properties at 466-468 Queens Avenue, 2020.



Image 3: Photograph showing the subject properties at 466-468 Queens Avenue, March 2021.



Image 4: Photograph showing the unapproved alterations to the windows at 468 Queens Avenue underway, July 2021.



Image 5: Photograph showing the unapproved alterations to the windows at 468 Queens Avenue underway, July 2021.



Image 6: Photograph showing the unapproved alterations to the windows at 468 Queens Avenue underway, July 2021.