

Report to Planning and Environment Committee

To: Chair and Members
Planning and Environment Committee
From: Scott Mathers, MPA, P. Eng.,
Deputy City Manager, Planning and Economic Development
Subject: Heritage Alteration Permit application by J. Wong at 10 Moir
Street, Blackfriars/Petersville Heritage Conservation District
Date: Monday November 28, 2022

Recommendation

That, on the recommendation of the Acting Director, Planning and Development, with the advice of the Heritage Planner, the application under Section 42 of the Ontario Heritage Act seeking approval to pave a portion of the front yard for parking on the heritage designated property at 10 Moir Street, within the Blackfriars/Petersville Heritage Conservation District, **BE REFUSED**.

Executive Summary

The property at 10 Moir Street is a significant cultural heritage resource, designated as a part of the Blackfriars/Petersville Heritage Conservation District. As a “Contributing Resource”, the property, structure, and landscape support the identified cultural heritage values, character, and/or integrity of the Blackfriars/Petersville Heritage Conservation District. The applicant has submitted a Heritage Alteration Permit application seeking approval for the construction of a new front yard parking space. New or increased parking areas, especially within front yards, require Heritage Alteration Permit approval within the Blackfriars/Petersville Heritage Conservation District. The policies and guidelines of the Blackfriars/Petersville Heritage Conservation District Plan and Guidelines discourages front yard parking and encourages the use of side or rear yard parking. The recommended action is to refuse the application.

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 property at 10 Moir Street is located on the north side of Moir Street between Wharncliffe Road North and Albion Street (Appendix A).

1.2 Cultural Heritage Status

The property at 10 Moir Street is located within the Blackfriars/Petersville Heritage Conservation District, which is designated pursuant to Part V of the Ontario Heritage Act by By-law No. L.S.P.-3437-179 in 2015. The property is identified as a “Contributing Resource” within the *Blackfriars/Petersville Heritage Conservation District Plan and Guidelines*. Contributing resources are described as “a property, structure, landscape element, or other attribute of a Heritage Conservation District (HCD) that supports the identified cultural heritage values, character, and/or integrity of the HCD. Contributing resources are subject to the policies and guidelines for conservation, alteration, and demolition.”

1.3 Description

The dwelling on the property at 10 Moir Street was constructed around 1922. The residential form building is one-and-a-half storeys in height and includes a pitched front roof extending over the verandah – a style or form often referred to as a “Craftsman” or “Bungalow” style. A large second storey roof dormer projects out of the roof to accommodate the second storey living spaces. The exterior of the dwelling is clad primarily with painted stucco. The dormer is clad with aluminum siding.

A shared driveway leading to rear parking spaces is located between the west side of the subject property and the adjacent property at 12 Moir Street. The driveway consists of two single track driveways with turf/grass between the gaps. Parking is located at the rear of the property.

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 in the *Provincial Policy Statement* (2020), the *Ontario Heritage Act*, and *The London Plan*.

2.2 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” (Policy 2.6.1, *Provincial Policy Statement* 2020).

“Significant” is defined in the *Provincial Policy Statement* (2020) as, “resources that have been determined to have cultural heritage value or interest.” Further, “processes and criteria for determining cultural heritage value or interest are established by the Province under the authority of the *Ontario Heritage Act*.”

Additionally, “conserved” 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.”

2.3 Ontario Heritage Act

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

2.3.1 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 for an individual and \$250,000 for a corporation.

2.3.2. Heritage Alteration Permit

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*).

2.4 The London Plan

The policies of *The London Plan* found in the Key Directions and Cultural Heritage chapter support the conservation of London's cultural heritage resources for future generations. To ensure the conservation of significant cultural heritage resources, including properties located within a Heritage Conservation District, the policies of *The London Plan* provide the following direction:

Policy 594_ Within heritage conservation districts established in conformity with this chapter, the following policies shall apply:

- 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 596_ A property owner may apply to alter a property within a heritage conservation district. The City may, pursuant to the Ontario Heritage Act, issue a permit to alter the structure. In consultation with the London Advisory Committee on Heritage, the City may delegate approvals for such permits to an authority.

2.5 Blackfriars/Petersville Heritage Conservation District Plan and Guidelines

The *Blackfriars/Petersville Heritage Conservation District Plan and Guidelines* includes policies and guidelines related to alterations to properties located within the Blackfriars/Petersville Heritage Conservation District. The policies of Section 7.7.1 (Residential Area Policies) and 12.3 (Parking) are relevant to applications for driveways and parking within the HCD.

Section 7.7.1 (Residential Area Policies) states:

k) Parking should be located in the driveways at the side of the garages at the rear of the main building, wherever possible. New garages shall not be permitted at the front of the building. Front yard parking shall be discouraged.

The *Blackfriars/Petersville Heritage Conservation District Plan and Guidelines* recognizes that "Front, side, and rear yards can be affected when private green space is transitioned into hardscape surfaces." Further, "this affects the relationship between built features and their surroundings, as well as the overall rhythm and pattern of the streetscape." Careful consideration and planning are emphasized when planning parking within the HCD to ensure the integrity of the built form and the streetscape are maintained.

Section 12. 3 (Parking) includes recommendations and direction to evaluate parking applications within the Blackfriars/Petersville Heritage Conservation District:

- Encourage parking to the sides of buildings or within rear lot areas. Locate parking away from the street frontage;*
- Views of vehicles and/or parking areas should be screened through the use of fencing or hedging.*
- In residential applications, it is recommended that two single track driveways or parking areas be used, with turf installed between the gaps in order to minimize the impact of hard surfacing on the landscape;*
- The use of large, monotonous expanses of one hardscape material is discouraged. Where feasible, permeable paving should be utilized and*

appropriate patterning should be employed to reflect the heritage character of the area; and,

- *Avoid the siting of parking lots at corner properties.*

3.0 Financial Impact/Considerations

None.

4.0 Key Issues and Considerations

4.1. Heritage Alteration Permit application (HAP22-073-L)

Various complaints from community members were received by the City in early September 2022 regarding the property owner's plan to establish increased parking space at the front of the dwelling at 10 Moir Street. Site visits undertaken on September 2, 2022 indicated that at that time, construction on increased parking spaces had not begun. "New or increased parking areas (especially front yard)" are a class of alteration that requires Heritage Alteration Permit approval within the Blackfriars/Petersville Heritage Conservation District.

Following initial email consultation, the owners submitted a Heritage Alteration Permit application seeking approval to remove a portion of the manicured front lawn of the property in order to construct a new driveway at the front of the property. Based on the application submission, the proposed driveway is anticipated to be 15 feet in length and 6 feet in width.

Recent aerial photography indicates that the rear yard is currently being used for vehicle parking for the subject property. As a part of the Heritage Alteration Permit application, staff completed a site visit to the subject property to review the front and rear yard parking. At the time of the site visit, two vehicles were observed within the rear yard parking area.

The policies and guidelines of the *Blackfriars/Petersville Heritage Conservation District* emphasize that additional parking space must be carefully considered. Further, the policies and guidelines encourage parking at the sides of buildings or within rear lots and discourage parking at the fronts of buildings.

Staff encourage the continued use of rear yard parking, and an expansion to the rear yard parking to accommodate additional parking space, if desired. This approach would be compliant with the policies and guidelines included within the *Blackfriars/Petersville Heritage Conservation District Plan and Guidelines*.

Conclusion

The proposed paved front yard parking space at the heritage-designated property at 10 Moir Street is not consistent with the policies and guidelines of the *Blackfriars/Petersville Heritage Conservation District Plan and Guidelines*. An application that seeks to increase the rear yard parking on the subject property to address additional parking requirements rather than introducing a new front yard parking space would be more appropriate to conserve the cultural heritage value or interest of the Blackfriars/Petersville Heritage Conservation District. The application seeking approval for front yard parking should not be approved.

Prepared by: Michael Greguol, CAHP
Heritage Planner

Reviewed by: Jana Kelemen, M.Sc.Arch., MUDS, RPP, MCIP
Manager, Urban Design and Heritage

Submitted by: Heather McNeely, RPP, MCIP
Acting Director, Planning and Development

Recommended by:

Scott Mathers, MPA, P. Eng.
Deputy City Manager, Planning and Economic
Development

Appendices	
Appendix A	Property Location
Appendix B	Images

Appendix A – Property Location



Figure 1: Location of the subject property at 10 Moir Street, located within the Blackfriars/Petersville Heritage Conservation District.

Appendix B – Images



Image 1: Aerial photograph (2021) showing existing rear yard parking spaces located at 10 and 12 Moir Street, within the Blackfriars/Petersville Heritage Conservation District.



Image 2: Photograph showing the property located at 10 Moir Street, located within the Blackfriars/Petersville Heritage Conservation District. Note, the existing front yard consists of manicured grass.



Image 3: Photograph showing the shared driveway located between the dwellings at 10 and 12 Moir Street. The driveway leads to existing rear yard parking for both properties. Note, two vehicles are shown parked within the rear yard at 10 Moir Street (right).



Image 4: Photograph showing the rear yard parking located at 10 Moir Street (right) and 12 Moir Street (left). Note, there are two cars parked within the space currently available for 10 Moir Street and additional space could be accommodate at right.