



The Town of Niagara-On-The-Lake

Department of Community
& Development Services
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Report: CDS-18-020 **Committee Date:** April 09, 2018

Due in Council: April 16, 2018

Report To: Community & Development Advisory Committee
Subject: Municipal Heritage Committee Minutes - March 13, 2018

1. RECOMMENDATION

It is respectfully recommended that:

- 1.1 The March 13, 2018 Municipal Heritage Committee Minutes be received;
- 1.2 The following apply to the request to permit the replacement of an existing ground sign at 109 Queen Street (MHC-18-009):
 - 1.2.1 The Heritage Permit Application to replace an existing Ground Sign at 109 Queen Street be refused;
 - 1.2.2 That permission be granted to install a sign at 109 Queen Street, constructed of a wood rather than vinyl material, with a matte finish, with all other specifications being the same as that which has been proposed with the application considered by the Municipal Heritage Committee on March 13, 2018; and,
 - 1.2.3 The proponent be required to obtain a sign permit for the modified sign proposed to be installed at 109 Queen Street.
- 1.3 The following apply to the request to demolish the existing rear addition and construct a new rear addition at 421 Hunter Road (MHC-18-010):
 - 1.3.1 The Heritage Permit Application proposing to demolish the existing rear addition and construct a new rear addition at 421 Hunter Road be approved;
 - 1.3.2 The applicant proceeds with the demolition of the existing rear addition and construction of a new rear addition at 421 Hunter Road, in accordance with the recommendations of the Structural Assessment Report, prepared by Revive Engineering Inc., dated February 21,

2018; the applicant further agrees to implement the recommendations of the Structural Assessment Report for long term durability;

- 1.3.3 Prior to proceeding with the construction of the new addition at 421 Hunter Road, the applicant shall confirm the following on the approved building elevations to the satisfaction of the Municipal Heritage Committee:
 - Building materials proposed to be used on the exterior elevations;
 - Window specifications and dimensions, including window frame and sash dimensions of the original building;
 - Roof materials and specifications; and
 - Height of the new addition from average grade to peak;
 - 1.3.4 The new addition proposed at 421 Hunter Road be constructed in accordance with the plans prepared by Vulcan Design Inc., dated January 01, 2017; and,
 - 1.3.5 Prior to demolition of the rear addition at 421 Hunter Road, the applicant provides documents pertaining to the portion of the dwelling proposed to be removed including photographs, measured drawings and floor plans to the satisfaction of the Town of Niagara-on-the-Lake.
- 1.4 The following apply to the request for comments on the Plan of Subdivision and Zoning By-law Amendment applications for 454 Johnson Street (MHC-18-011):
- 1.4.1 Council adopt the property at 454 Johnson Street to the Town's Municipal Register of Properties of Cultural Heritage Value and Interest as the dwelling contains cultural heritage value.

2. PURPOSE / PROPOSAL

Attached hereto for Council's consideration are the Minutes and recommendations for the Niagara-on-the-Lake Municipal Heritage Committee (MHC) meeting held March 13, 2018.

3. BACKGROUND

The MHC meeting was held March 13, 2018 at the Town Council Chambers. Recommendation 1.4.1 in this report is not consistent with the recommendations of the MHC, for reasons as discussed in **Section 4, Discussion/Analysis**.

Recommendation 1.4.1 pertains to applications that have been submitted for Draft Plan of Subdivision and Zoning By-law Amendment for 454 Johnson Street. The applications propose site-specific provisions pertaining to lot frontage and lot depth to facilitate the development of five (5) new lots, resulting in six (6) lots in total including the existing lot, for single-detached dwelling use. There is an existing dwelling located on Lot 6, a stable located on Lot 5, and a chicken coop located on

Lot 4 of the proposed Plan of Subdivision.

A Staff report presented to the MHC at the March 13, 2018 meeting, recommends that the property be placed on the Municipal Register, based on the Heritage Impact Assessment (HIA) submitted with the applications. Specifically, the HIA states with respect to the existing dwelling located on proposed Lot 6, as follows:

The house is representative of 1920s and 1930s suburban architecture. It's plan, materials, and decorative features bear strong similarities to house designs contained in 1920s catalogues, although it was built in the early 1930s. These books produced standard, affordable yet attractive house design kits that could be easily assembled by owners or contractors.

The house has been renovated recently by the current owners with a new poured concrete foundation, reconstructed stone chimney, additional entrance foyer and interior room reconfigurations. The renovations are sympathetic to the original design and have maintained its integrity.

The MHC defeated Staff recommendations with respect to listing the property on the Register, please note staff is recommending the property be listed as identified in 1.4.1.

4. DISCUSSION / ANALYSIS

This following is an analysis of applicable Provincial legislation and policy:

Ontario Heritage Act

Section 27(1) of the Ontario Heritage Act provides that the clerk of a municipality shall keep a register of property situated in the municipality that is of cultural heritage value or interest. Section 27(1.2) of the Act further provides that "...the register may include property that has not been designated under this Part but that the council of the municipality believes to be of cultural heritage value or interest and shall contain, with respect to such property, a description of the property that is sufficient to readily ascertain the property."

According to Section 27(1.3) of the Act where the council of a municipality has appointed a municipal heritage committee, the council shall, before including a property that has not been designated in the register or removing the reference to such a property from the register, consult with its municipal heritage committee.

The Ontario Regulation 9/06 under the Ontario Heritage Act provides nine (9) criteria for determining Cultural Heritage Value or Interest. A Heritage Impact Assessment (HIA) prepared by Stantec Consulting and dated October 30, 2017, was provided in support of the applications assessing the cultural heritage value of the property, at the request of Town Staff. The HIA evaluated the property in accordance with the criteria identified in Ontario Regulation 9/06 under the Ontario Heritage Act. According to the HIA, the house meets one (1) of the nine (9) criteria

identified in the regulations:

1. The property has design value or physical value because it,

- i. is a rare, unique, representative or early example of a style, type, expression, material or construction method*

The HIA states as follows: “The house is representative of 1920s and 1930s suburban architecture. It’s plan, materials, and decorative features bear strong similarities to house designs contained in 1920s catalogues, although it was built in the early 1930s.”

Provincial Policy Statement

Section 2.6.1 of the Provincial Policy Statement provides that significant built heritage resources and significant cultural heritage landscapes shall be conserved.

The Provincial Policy Statement (PPS) provides the following definitions:

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 under the Ontario Heritage Act. This 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.

Built heritage resource - means a building, structure, monument, installation or any manufactured remnant that contributes to a property’s cultural heritage value or interest as identified by a community, including an Aboriginal community. Built heritage resources are generally located on property that has been designated under Parts IV or V of the Ontario Heritage Act, or included on local, provincial and/or federal registers.

Significant - in regard to cultural heritage and archaeology, resources that have been determined to have cultural heritage value or interest for the important contribution they make to our understanding of the history of a place, an event, or a people.

As the dwelling has design value according to criteria of the Ontario Heritage Act, it should be recognized as a significant heritage resource, and placed on the Municipal Register, in accordance with the policies of the Provincial Policy Statement.

Implications of Placing Property on Municipal Register

There are limited implications pertaining to placing the property on the Municipal Register. Specifically, if property is included in the register but has not been

designated, the owner of the property would not be permitted to demolish or remove a building or structure on the property or permit the demolition or removal of the building or structure unless the owner gives the Council of the municipality at least 60-days notice in writing of such intent. During this time, Council may choose to serve notice to designate the property. There would be no protection provided to the existing dwelling if it is not placed on the Municipal Register. The Municipal Register would not provide restrictions regarding the alteration or construction of new buildings or structures.

If Council approves the Plan of Subdivision, the description of the property would need to be updated following registration of the Subdivision Plan, removing reference to proposed parcels 1 through 5, which have not been identified as being of cultural heritage value or interest.

5. STRATEGIC PLAN

Not applicable.

6. OPTIONS

Not applicable.

7. FINANCIAL IMPLICATIONS

Not applicable.

8. COMMUNICATIONS

Not applicable.

9. CONCLUSION

Attached to this report are the Minutes and recommendations of the Municipal Heritage Committee dated, March 13, 2018. Notwithstanding Recommendation 1.4.1, Staff recommend the approval of the MHC minutes and recommendations.

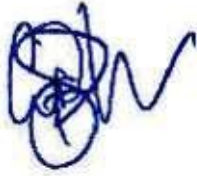
Respectfully submitted,



**Jesse Auspitz, MCIP, RPP
Planner II**



**Eric Withers, MCIP, RPP
Manager of Planning (A)**



Craig Larmour
Director of Community
& Development Services



Holly Dowd
Chief Administrative Officer

ATTACHMENTS



Municipal Heritage Committee Meeting Minutes, March 13, 2018.pdf

WEB ATTACHMENTS

ATTACHMENTS FOR LINK

First Capital of Upper Canada - 1792



MUNICIPAL HERITAGE COMMITTEE MEETING MINUTES

Tuesday March 13, 2018
07:00 PM

PRESENT:

(Chair) Janice Johnston, Drew Chapman, Clare Cameron, David Hemmings, Rob MacKenzie, Doug Newman

REGRETS:

Bob Watson, Jim Collard, John Wiens,

STAFF:

Jesse Auspitz	Planner II/Heritage Planner
Denise Horne	Planner II/Heritage Planner
Craig Larmour	Director of Community & Development Services
Tara Druzina	Administrative Assistant Community & Development Services
Peter Todd	Clerk

OTHERS:

John Knott - Lura Consulting

1. Call to Order

The meeting was called to order by the Chair at 7:00.

2. Announcements

A memo from the Clerk to the Committee regarding the purpose of Minutes of Meeting for a Committee of Council and how the Municipal Act speaks to such was received and discussed. There were no questions or comments.

3. Presentations

James Knott from Lura Consultants discussed the necessity of an Urban Tree By-law with the Committee and asked them questions pertaining to such. The results of this discussion will make up the report going forward to Council.

4. Adoption of Agenda

Clare Cameron motioned an amendment to the agenda to include John Knott from Lura

Consulting to the end of the agenda.

APPROVED AS AMENDED

5. Conflict of Interest

Rob MacKenzie declared a conflict of interest with the Minutes, in particular- MHC-18-008-144 & 176 John Street as he is the architect for the application.

6. Previous Minutes

The Minutes from February 13, 2018 were received. Concerns regarding omitted statements were discussed. The Clerk agreed to work with the Committee to include their suggested amendments. The Clerk and the committee members agreed to do so via a conference call to be set up by the Chair.

7. Correspondence

7.1 Niagara Foundation - Randwood Memorandum

7.2 ERA Architects - Randwood Memorandum

7.3 Public Notices

Accepted as received.

8. Business

109 Queen Street - Heritage Permit Application - Replace Ground Sign - MHC-18-009

The applicant spoke on behalf of the application. General discussion ensued regarding the report.

Moved by David Hemmings that the recommendations contained in Report MHC-18-009 be adopted to include:

- 1.1 The Heritage Permit Application to replace an existing Ground Sign at 109 Queen Street be refused, and the following be approved:
 - 1.1.1 A sign, constructed of a wood rather than vinyl material, with a matte finish, with all other specifications being the same as that which is proposed with this application; and,
 - 1.1.2. The proponent be required to obtain a sign permit for the modified sign proposed to be installed at 109 Queen Street.

APPROVED

421 Hunter Road (Locust Grove) - Heritage Permit Application - Demolition of rear addition and

The applicant spoke on behalf of the application. General discussion ensued regarding the report.

Moved by Clare that the recommendations contained in Report MHC-18-010 be adopted to include:

1.1 The Heritage Permit Application proposing to demolish the existing rear addition and construct a new rear addition at 421 Hunter Road be approved, subject to the following conditions:

1.1.1 The applicant proceeds with the demolition of the existing rear addition and construction of a new rear addition, in accordance with the recommendations of the Structural Assessment Report, prepared by Revive Engineering Inc., dated February 21, 2018; the applicant further agrees to implement the recommendations of the Structural Assessment Report for long term durability;

1.1.2 Prior to proceeding with the construction of the new addition, the applicant shall confirm the following on the approved building elevations to the satisfaction of the Municipal Heritage Committee: - Building materials proposed to be used on the exterior elevations, - Window specifications and dimensions, including window frame and sash dimensions of the original building, - Roof materials and specifications; - Height of the new addition from average grade to peak;

1.1.3 The new addition be constructed in accordance with the plans prepared by Vulcan Design Inc., dated January 01, 2017; and,

1.1.4 Prior to the demolition of the rear addition the applicant provides document pertaining to the portion of the dwelling proposed to be removed including photographs, measured drawings and floor plans to the satisfaction of the Town of Niagara-on-the-Lake.

APPROVED

454 Johnson Street - Request for Comments - Application for Plan of Subdivision and Zoning By-law Amendment - MHC-18-011

The agent spoke on behalf of the application. General discussion ensued regarding the report.

Moved by Rob MacKenzie that the recommendations contained in MHC-18-010 be

amended to include:

- 1.1 The Municipal Heritage Committee provide comments on the Plan of Subdivision and Zoning By-law Amendment Applications as well as the Heritage Impact Assessment prepared by Stantec Consulting, dated October 30, 2017, pertaining to 454 Johnson Street; *and that the Committee support six (6) lots over the option of five (5) lots as referred to and recommended by the staff report.*

DEFEATED

Moved by Rob MacKenzie that the recommendation contained in MHC-18-010 be adopted to include:

- 1.2 Council adopt the property at 454 Johnson Street to the Town's Municipal Register of Properties of Cultural Heritage Value and Interest as the dwelling and stables contain cultural heritage value.

DEFEATED

9. New Business

9.1 Lake Ontario Protection

Concern was mentioned regarding the damage done during last year's flooding in the municipality. Of particular concern is the heritage trees and historic culverts along the river and the dock area. Committee members were wondering if Federal monies might be available to assist. They would also like to be kept informed of proceedings regarding this matter. Staff committed to researching this concern.

9.2 Update on the Estate Lot Study

Denise Horne updated the Committee on the fact that there had been a very preliminary report received from the consultant and that public consultation would follow shortly.

9.3 Designation of Parliament Oak School

Discussion ensued regarding the matter.

Clare Cameron motioned that staff initiate the process of compiling research related to the potential designation a Parliament Oak under the Ontario Heritage Act, and investigate the retention of consulting services.

APPROVED

10. Next Meeting Date

April 10, 2018

11. Adjournment

ADJOURNMENT: 09:00 PM