

REPORT

PLANNING AND DEVELOPMENT COUNCIL MEETING

MEETING DATE: NOVEMBER 28, 2016

FROM: Planning Services Department

DATE: November 23, 2016

SUBJECT: Request to Amend Heritage Designation By-law 1990-109 -
1399 Lakeshore Road East

LOCATION: 1399 Lakeshore Road East

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RECOMMENDATION:

That notice be issued to the owner of 1399 Lakeshore Road East of the proposed amendment of By-law 1990-109, a by-law to designate the property at 1409 Lakeshore Road East as a property of historic and architectural value and interest.

KEY FACTS:

The following are key points for consideration with respect to this report:

- The property at 1399 Lakeshore Road East, previously known as 1409 Lakeshore Road East, is designated under Part IV of the *Ontario Heritage Act*.
- The heritage designation by-law for the subject property (By-law 1990-109) has been requested to be amended by the property owner. In addition, the existing by-law contains the outdated Lakeshore Road number and lacks clarity on the property's heritage attributes.
- Staff is recommending that the designation By-law 1990-109 be amended in order to remove the house as a heritage attribute of the property and also to update the property address in addition to providing more clarity on its heritage attributes.

BACKGROUND:

The property at 1399 Lakeshore Road East is designated under Part IV of the *Ontario Heritage Act* by By-law 1990-109 (attached as Appendix A). When the designation by-law was written, it described the property as 1409 Lakeshore Road East. The property was historically part of a larger parcel of land that was subdivided for residential development.

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The retained parcel of land (1.4 acres) contains a house and stable building. Over the years, several heritage permits have been approved for the property that have drastically altered the residence from its appearance at the time of designation, although the stables have remained untouched.

The applicants have requested an amendment of the existing designation by-law to remove the house as a heritage attribute of the property, while retaining the heritage designation over the property, focusing on the stable building as the primary heritage attribute. The applicants have submitted a Heritage Impact Assessment (attached as Appendix B) that provides a thorough review of the historical and contextual associations of the property and compares the physical attributes of the property at the time of designation to the current conditions on site.

In addition to the request from the property owner to amend the existing heritage designation by-law for the reasons stated above, an amendment would also correct the property address as the street number has been changed.

At their meeting on November 22, 2016, the Heritage Oakville Advisory Committee supported the staff recommendation to amend By-law 1990-109 to clarify the heritage attributes of the property (including the removal of the house as a heritage attribute) and also to update the property address.

COMMENT/OPTIONS:

In accordance with section 30.1 of the *Ontario Heritage Act*, a Council may amend a designation by-law made under section 29 of the *Act*. The purpose of the amendment to By-law 1990-109 is to clarify the property's cultural heritage attributes (at the request of the property owner) and to correct the legal description of the property. In accordance with section 30.1(2) of the *Act*, for this type of amendment, Council is required to provide written notice to the owner prior to amending the by-law.

In support of the property owner's request, Heritage Planning staff required the applicant to submit a Heritage Impact Assessment completed by a full member of the Canadian Association of Heritage Professionals to review the existing by-law and assess the existing conditions on the property.

Heritage Impact Assessment

The report submitted by SBA Ltd. provides in-depth analysis of the historical associations of the property.

By-law 1990-109 provides a description of some of the notable persons associated with the property; however, it does not include a date of construction for the house or any references to actual occupants of the house. Some of the persons

associated with the property include: John Harris and John Moore, both early settlers of Oakville; James Ryrie, businessman and philanthropist; and, Herbert Cox, businessman and equestrian enthusiast. These historical associations are with the property and stable building, not the residence.

By-law 1990-109 also provides a brief description of the physical features of the property:

The T-shaped house is setback substantially from Lakeshore Road East. It is two-storeys with three bays on the ground floor. The basement is constructed in stone. The exterior is stucco. The roof is flat. The typical window is segmented with a plain lug sill. The door is open at the front and sides with metal treillage for decoration. Stables are located to the rear of the house.

In order to understand the changes that have happened on the property since the time of designation in 1990, the consultants reviewed the history of heritage permits approved for the property in order to map the changes to the physical structure. The major changes to the property took place in 2000 when a new addition and alterations to the original residence were supported by Heritage Oakville and approved by Town Council. The footprint of the house more than doubled with a new addition to the side and rear and many of the heritage attributes of the original house were altered, most notably the removal of the flat roof and front porch and entranceway. The original stucco cladding was also removed and replaced with EIFS.

The Heritage Impact Assessment maps out the changes to the property throughout the years using photos from the 1980s that show the property as it was when it was designated and providing a side by side comparison to the current conditions on the property, which are mostly the result of the heritage permit approval in 2000. Although a heritage permit was approved for additional exterior alterations in 2014, that work was never completed as the owners chose to renovate the interior and only painted the exterior. The report goes on to provide a summary of the physical description of the residence from By-law 1990-109 to evaluate the changes:

- ***T-shaped plan with three bays on the ground floor*** - no longer evident due to extensive renovations.
- ***Basement constructed in stone*** - covered with contemporary stone.
- ***Stucco exterior*** - covered in Exterior Insulated Facing System (EIFS).
- ***Flat roof*** - replaced with a hipped roof.
- ***Typical window is segmented with a plain lug sill*** - replaced with EIFS sills.
- ***Centrally located front door with flat transom*** - new arched door without a transom.

- ***Front porch is open at front and sides with metal treillage for decoration - porch and treillage removed.***

The remaining elements of the residence that are described in the designation by-law include the two storey height, the three bays of the front elevation of the original portion of the residence and the shape of some of the segmental window openings (not including the windows, which are all replacements). Some of the wood shutters appear to be original; however, these were not included in the designation by-law.

Stable

In 2004, a heritage permit application to demolish the stable building was denied on the grounds that it was historically significant and in sound condition. The historic value of the stable is not contested by the current property owner and if an amended by-law is supported, additional details on its cultural heritage value and heritage attributes will be added to the amending by-law. Virtually untouched, the stable building has the strongest historical associations to the Cox family and should remain on the property.

Conclusion

Heritage Planning staff have reviewed the research, analysis and recommendations of the Heritage Impact Assessment and largely agree with the findings. The property in general has cultural heritage value in its historical associations and the stable building has significant historical, physical and contextual value. The heritage value of the residence, whose historical associations are not directly connected with the persons described in the existing designation by-law, has been significantly eroded due to the extensive alterations that diminish the physical and design value of the structure.

Staff is therefore recommending that the existing By-law 1990-109 be amended to remove the residence as a heritage attribute, to update the statement of cultural heritage value, the list of heritage attributes of the property and stables and to correct the municipal address for the property. Following Council approval, notice shall be issued on the owner and Ontario Heritage Trust in accordance with section 30.1 of the *Ontario Heritage Act*.

CONSIDERATIONS:

(A) PUBLIC

If notice is to be issued for the amendment of By-law 1990-109, notice will be given to the owner and Ontario Heritage Trust in accordance with section 30.1 of the *Ontario Heritage Act*.

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(B) FINANCIAL

None

(C) IMPACT ON OTHER DEPARTMENTS & USERS

None

(D) CORPORATE AND/OR DEPARTMENT STRATEGIC GOALS

This report addresses the corporate strategic goal to:

- be accountable in everything we do
- enhance our cultural environment
- be the most livable town in Canada

(E) COMMUNITY SUSTAINABILITY

The proposed application generally complies with the sustainability objectives of the Livable Oakville Plan.

APPENDICES:

Appendix A – Designation By-law 1990-109

Appendix B – Heritage Assessment Report by SBA

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