

REPORT

PLANNING AND DEVELOPMENT COUNCIL MEETING

MEETING DATE: JANUARY 16, 2017

FROM: Planning Services Department

DATE: November 28, 2016

SUBJECT: Notice of Intention to Amend By-law 2010-020 - 3114 Dundas Street West

LOCATION: 3114 Dundas Street West

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RECOMMENDATION:

That notice be issued to the owner of 3114 Dundas Street West of the proposed amendment of By-law 2010-020, a by-law to designate St. Luke's Anglican Church at Palermo at 3114 Dundas Street West as a property of historical, architectural and/or contextual significance.

KEY FACTS:

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

- The property at 3114 Dundas Street West is designated under Part IV of the *Ontario Heritage Act*.
- Since designation, the property has merged with an adjacent property where the church building, one of the designated heritage features, is now located.
- Staff is recommending that the designation By-law 2010-020 be amended in order to update the legal description of the property.

BACKGROUND:

The property at 3114 Dundas Street West was designated under Part IV of the *Ontario Heritage Act* by By-law 2010-020, attached as Appendix A. The designation by-law included three primary heritage features: the church building, the cemetery and the stone cairn. All of these were located at 3114 Dundas Street West at the time of designation.

In 2010, the owners submitted a Zoning By-law Amendment to construct a seven-storey retirement home on the vacant property directly to the west of 3114 Dundas Street West (now 3136 Dundas Street West). The development also included the

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construction of a new parish hall for the church. In order to accommodate the new parish hall, while allowing for appropriate traffic circulation and the conservation of the cemetery, approval was given to relocate the church building to the lot directly to the east, known municipally as 3104 Dundas Street West.

The relocation of the church building has been completed and the construction of the parish hall is now in its final phase. Since both 3104 and 3114 Dundas Street West are now under the same ownership, they have merged as one lot known as 3114 Dundas Street West. However, this new enlarged lot has a different legal description than the original lot known municipally as 3114 Dundas Street West.

In order to ensure that the designation by-law includes all of the lands which contain the church building, the cemetery and the stone cairn, it is recommended that By-law 2010-020 be amended to reflect the current legal description of 3114 Dundas Street West, which includes the land where the church building is now located (formerly known as 3104 Dundas Street West).

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 2010-020 is 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.

Staff is therefore recommending that the existing By-law 2010-020 be amended and that notice be issued on the owner in accordance with section 30.1 of the *Ontario Heritage Act*.

A separate report on this matter was presented to the Heritage Oakville Committee at its meeting on December 20, 2016. The Committee supported the above staff recommendation.

CONSIDERATIONS:

(A) PUBLIC

If notice is to be issued for the amendment of By-law 2010-020, notice will be given to the owner in accordance with section 30.1 of the *Ontario Heritage Act*.

(B) FINANCIAL

None

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(C) IMPACT ON OTHER DEPARTMENTS & USERS

None

(D) CORPORATE AND/OR DEPARTMENT STRATEGIC GOALS

This report addresses the corporate strategic goal to:

- enhance our cultural environment
- be valued/celebrated for outstanding service

(E) COMMUNITY SUSTAINABILITY

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

APPENDICES:

Appendix A – Current Designation By-law 2010-020

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