SUBJECT: Amendments to Heritage Designation By-law for 3083 Lakeshore Road

TO: Community Planning, Regulation & Mobility Cttee.

FROM: Community Planning Department

Report Number: PL-04-20

Wards Affected: 4

File Numbers: 501-06-2

Date to Committee: February 11, 2020

Date to Council: February 24, 2020

Recommendation:

State an intention to amend By-law 61-2008 pursuant to Part IV of the *Ontario Heritage Act*, section 30.1(1), as shown in the draft amending by-law attached as Appendix C of this report; and

Direct staff to provide notice of Council's intention to amend By-law 61-2008, in accordance with section 30.1(1) of the *Ontario Heritage Act;* and

Authorize the City Clerk to present the amending by-law to Council, provided there is no objection to the statement of intention to amend designation By-law 61-2008; and

Authorize the City Clerk to take the necessary actions in the event of any objection to the statement of intention to amend By-law 61-2008 pursuant to Part IV of the *Ontario Heritage Act*, section 29(7).

PURPOSE:

This report recommends amendments to Heritage Designation By-law 61-2008 to correct the legal description and the description of heritage attributes.

Background and Discussion:

Description of the Property

The subject property known as 3083 Lakeshore Road is located on the north side of Lakeshore Road in between Hart Avenue to the east and Rossmore Boulevard to the west. It is located within the Roseland Character Area, and currently supports a one-and-a-half storey vernacular Arts and Crafts end-gabled cottage with elements of the Craftsman style. The house is known as the “Seaton Bungalow”. The property has associations with W. D. Flatt, a lumber baron and developer prolific within both Burlington and Hamilton, who was also instrumental in the residential development of Burlington’s Lakeshore and in the paving of Lakeshore Road (then known as the King’s Highway #2). The Seaton Bungalow was built in 1910, and the design of the building is attributed to Flat’s nephew, William Walsh, who later as a junior partner in the Hamilton architectural firm of Hutton and Soutor was involved in the design of several significant properties elsewhere in Roseland and in the North Shore Boulevard Area of Burlington.

The Seaton Bungalow would have originally formed part of a group of four houses designed by William Walsh (i.e. 3057 Lakeshore Road, 3077 Lakeshore Road, 3083 Lakeshore Road, and the former Lakehurst Villa at 3064 Lakeshore Road). All were built in the Arts and Crafts tradition and defined the architectural style of what is known today as the Roseland Community. Only 3077 and 3083 Lakeshore Road remain intact.



Figure 1: Photo of 3083 Lakeshore Road taken in April 2019.

Relevant Background

Designation By-law 61-2008

The property at 3083 Lakeshore Road was designated under Part IV, section 29 of the *Ontario Heritage Act* in 2008 through By-law 61-2008 (attached as Appendix A of this report). The heritage attributes identified in By-law 61-2008 (i.e., defining characteristics that are important to the conservation of 3083 Lakeshore Road) include the following:

- Siting: Orientation of the building to and from Lakeshore Road and 3077 Lakeshore Road (also a designated heritage property), including the setback from Lakeshore Road and the remains of the 'parterre' landscape feature on the east side of the building;
- Random patterned rubble stone cladding, including porch columns;
- Asymmetrical chimneys and porches (both on the east elevation; porch at north east corner has been enclosed by a rear building addition but is extant);
- Wood fascia board, deep wood eaves and gable returns;
- Wood pendant detail and brackets (in end gables and dormers);
- Wood shingles in gable ends;
- 6/1 windows;
- 6 light window in south facing dormer and 3 bay window configuration in north facing dormer (6/1; 2/2/2; 6/1);
- Wooden front door and associated hardware, specifically the 4 light hinged "peep hole; and,
- Protruding bay window (west elevation) with elongated 6/6/1 ganged windows.

Elements that are deemed not important to the conservation of the Seaton Bungalow include a rear ground level building addition (north facing) that was added to the subject dwelling in 2012.

Amendments to Designation By-law 61-2008 are required to correct the legal description and the list of heritage attributes of the subject property. The reasons for which these amendments are required are outlined in the following section.

Previous Application History and Proposed Amendments to Designation By-law

In 2013, the current property owner of 3083 Lakeshore Road applied to the Committee of Adjustment for consent to sever the existing lot (approximately 0.26 ha in size) to construct a new two-storey detached dwelling on the severed lot while maintaining the existing dwelling on the retained lot. The application required variances on both land parcels to facilitate the proposed severance. The variances for the retained lot (3083 Lakeshore Road) related to reduced side yard and front yard setbacks, where the reduced front yard setback recognized and legalized the existing non-conforming

setback of the heritage house from the front property line. The variances for the severed parcel (3087 Lakeshore Road) related to reduced lot width and increased driveway width than what is permitted in Zoning By-law 2020.

In 2016, pursuant to a decision at the Ontario Municipal Board (OMB), now the Local Planning Appeal Tribunal (LPAT), the lands at 3087 Lakeshore Road were severed from 3083 Lakeshore Road to create a new lot (see registered plan attached as Appendix B to this report). By-law 61-2008 continues to be registered on both parcels despite all heritage attributes identified in By-law 61-2008 being contained exclusively on the lands known as 3083 Lakeshore Road.

As a result, the following amendments are proposed for By-law 61-2008:

- Changes to the legal description in By-law 61-2008 to apply only to the lands known as 3083 Lakeshore Road; and,
- Updates to the list of heritage attributes to remove reference to the "remains of the 'parterre' landscape features", which no longer exists.

The amended designation by-law is attached as Appendix C to this report.

Strategy/process

Heritage Planning staff were notified of the owner's desire to amend the Designation By-law 61-2008 to correct the legal description and remove the landscape feature reference in October 2019. In November 2019, the City's citizen advisory committee, Heritage Burlington, was consulted on the amendments to the by-law in accordance with requirements under the *Ontario Heritage Act*. The Committee supported the proposed amendments to Designation By-law 61-2008.

For minor amendments to an existing designation by-law, section 30.1(2) to (10) of the *Ontario Heritage Act* allows municipalities to follow an abbreviated process that does not require the public notice required for designation. If Council approves staff's recommendation to amend Designation By-law 61-2008, notice is to be served on the property owner of the amendments to the by-law. Within thirty days after being notified, the property owner may object to the proposed amendments by giving notice of objection to the City Clerk. If no notice of objection is received within the thirty-day period, then Council may proceed to enact the by-law amendment.

If a notice of objection is received within the thirty-day period, the City must refer the matter to the Conservation Review Board (CRB), an adjudicative tribunal that considers matters under the *Ontario Heritage Act*. A hearing will ensue and the CRB will prepare a report back to City Council, who must make the final decision on whether to withdraw or enact the by-law amendments.

Options Considered

It is necessary for Council to amend By-law 61-2008 to correct the legal description and the heritage attributes of the subject property. The *Ontario Heritage Act* requires that all properties listed on a Municipal Register contain a legal description of the property, the name and address of the owner, a statement explaining the cultural heritage value or interest of the property, and a description of the heritage attributes of the property. Approval of staff's recommendation, which amends both the required legal description and the description of heritage attributes, is necessary to comply with legislation. The property owner has the right to object to Council's decision and trigger a hearing at the Conservation Review Board (CRB).

Financial Matters:

Should Council approve the proposed amendments to By-law 61-2008 as recommended, the property owner will have the opportunity to submit a notice of objection. This would trigger a hearing before the Conservation Review Board (CRB), and costs associated with a hearing would be accrued.

Climate Implications

Not applicable.

Enterprise Risk:

Not applicable.

Engagement Matters:

Heritage Burlington was consulted on the proposed amendments to By-law 61-2008 on November 13, 2019, and passed the following motion supporting the proposed amendment: "Heritage Burlington supports the proposed amendment to Designation By-law 61-2008 for 3083 Lakeshore Road".

Conclusion:

The property municipally known as 3083 Lakeshore Road was designated in 2008, however pursuant to a consent application approved in 2016, the legal description in the

by-law must be amended to reflect the new property parcel boundaries. Further, the proposed by-law amendment removes reference to the “remains of the ‘parterre’ garden” feature, which no longer exists on the property. Staff recommend that Council state an intention to amend Designation By-law 61-2008 as discussed in this report in order to comply with legislation.

Respectfully submitted,

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Appendices:

A. Existing Designation By-law 61-2008

B. Registered Plan of 3083 and 3087 Lakeshore Road

C. Draft Amending By-law for 3083 Lakeshore Road

Notifications:

Owner of 3083 Lakeshore Road (Planning staff to provide contact information)

Erin Semande, Provincial Heritage Registrar, Ontario Heritage Trust

Heritage Burlington, c/o Jo-Anne Rudy, Committee Clerk, City of Burlington

Report Approval:

All reports are reviewed and/or approved by Department Director, the Chief Financial Officer and the Executive Director of Legal Services & Corporation Council. Final approval is by the City Manager.