



**SUBJECT: Eligibility of 496 Walker's Line for Heritage Designation**

**TO: Mayor and Members of Council**

**FROM: Community Planning Department**

Report Number: PL-25-23

Wards Affected: 4

File Numbers: N/A

Date to Committee: N/A

Date to Council: March 21, 2023

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**Recommendation:**

State an intention to designate the property at 496 Walker's Line under Part IV, Section 29 of the Ontario Heritage Act in accordance with the Reasons for Designation for 496 Walker's Line attached to report PL-25-23 as Attachment B; and

Direct the Director of Community Planning to provide notice of Council's intention to designate 496 Walker's Line, in accordance with section 29 (3) and 29 (4) of the Ontario Heritage Act; and

Direct the City Clerk to present the draft designation by-law to Council for approval within 120 days after the date of publication of the notice of intention to designate 496 Walker's Line, provided there is no objection or withdrawal; and

Direct the City Clerk to take the necessary actions in the event of any objection to the notice of intention to designate pursuant to Part IV of the Ontario Heritage Act, sections 29 (5) and 29 (6).

**PURPOSE:**

The purpose of this report is to fulfill a Council direction from Feb. 14, 2023 directing staff to:

- Review the eligibility of 496 Walker's Line for heritage designation;

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- Consult the Heritage Burlington Advisory Committee for their recommendation on designation and inclusion on the register; and
- Report back in Q2 of 2023.

This report is being delivered to Council earlier than planned because the owner of the property submitted a demolition permit on Feb. 9, 2023 and there is limited time for Council to state a notice of intention to designate.

### **Vision to Focus Alignment:**

- Increase economic prosperity and community responsive city growth
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### **Background and Discussion:**

496 Walker's Line is occupied by a two-and-a-half storey red-brick house built circa 1913, called "The John Henry Walker Jr. House". The property is north of the intersection of New Street and Walker's Line in the Dynes neighbourhood.

From 1992-2012 the property was heritage designated, including the brick house and a wood barn in the backyard (now demolished). In 2012 the owner applied to City Council to have the designation removed to permit the demolition of barn and facilitate the sale of the property. Heritage Burlington and staff recommended that the house remain designated, however Council voted in favour of repealing the designation (see Attachment D- Excerpt from City Council Minutes Dec. 10, 2012).

On Jan. 20, 2023, the current owner of the property submitted a demolition clearance form, indicating their intentions to demolish the building. This form is a screening tool that the City's Building department uses to identify all approvals needed for a demolition permit and requires multiple departments and agencies to review and sign.

On Feb. 8, 2023 the Heritage Burlington Advisory Committee evaluated the property and passed a motion recommending that Council add 496 Walker's Line to the Burlington Municipal Cultural Heritage Register and proceed to designate the property under Part IV of the *Ontario Heritage Act*.

On Feb. 9, 2023, the owner submitted a demolition permit for the property, which was complete as of Mar. 8, 2023.

On Feb. 14, 2023, City Council passed the following motion:

*Direct the Director of Community Planning, Regulations & Mobility to:*

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*Review the current condition of 496 Walker's Line, assess its continued eligibility for designation under Part IV, Section 29 of the Ontario Heritage Act and update the statement of significance for the property to reflect current property conditions and legislative requirements; and*

*Consult the Heritage Burlington Advisory Committee to obtain their recommendations concerning the eligibility of 496 Walker's Line for inclusion on the Heritage Register under Part IV, Section 27(3) of the Ontario Heritage Act and for heritage designation under Part IV, Section 29 of the Ontario Heritage Act; and*

*Report back to City Council in Q2 2023 with the Heritage Burlington Advisory Committee recommendations and the updated statement of significance for the property. (SD-03-23)*

Staff have reviewed and updated the statement of significance and it is attached to the report as Attachment B.

### **Strategy/process/risk**

#### Risk of Demolition

The owner of 496 Walker's Line applied for a demolition permit on Feb. 9, 2023. Section 30 of the *Ontario Heritage Act* provides generally that if notice of intention to designate a property of cultural heritage value or interest is given under Section 29, any permit that allowed for alteration or demolition that was issued by the municipality under any Act, including a building permit, before the day the notice was served on the owner of the property and on the Trust and published in a newspaper would be void on day the notice of intention is given (under subsection 29 (3)). In the present case, if a demolition permit were to be issued prior to the date of designation, and if Council endorses the recommendations in this report, then any demolition permit would be void as of the date the notice of intention to designate was given. The notice of intention to designate is scheduled for publication on Mar. 23, 2023.

#### Heritage Designation Process

Under Part IV of the *Ontario Heritage Act*, the City can designate a property through a municipal bylaw provided that the property meets at least two of nine criteria in Ontario Regulation 9/06.

If it meets the criteria, a statement is prepared describing the property's heritage value, its "heritage attributes", and how each attribute contributes to the cultural heritage value or interest of the property. The heritage committee must be consulted before Council can

issue a “notice of intention to designate”, which is served on the owner and published in a newspaper. The owner can object to the City’s notice of intention to designate, requiring Council to reconsider its original decision. If Council considers the objection, but decides not to withdraw the notice, it can go ahead and pass a designation bylaw. Then it must serve the bylaw on the owner and publish notice of the bylaw in a newspaper. After notice is published, anyone who objects to the designation can submit an appeal to the Ontario Land Tribunal by giving the Tribunal and the City Clerk notice of the appeal and reasons for their objection.

Once the property is designated, the owner must apply to Council for permission to demolish or alter the property’s heritage attributes. Through the Delegated Authority By-law (By-law 07-2022, Schedule C), Council has given Community Planning staff permission to approve heritage permits for alterations, but only Council may refuse a heritage permit for alteration or decide if it should be demolished or removed.

#### Eligibility of 496 Walker’s Line for Heritage Designation

The property at 496 Walker’s Line has design/physical value, historical/associative value and contextual value. It meets criteria 1, 2, 4, 5, 8 and 9 under subsection 1 (2) of Ontario Regulation 9/06 (Criteria for Determining Cultural Heritage Value or Interest).

It is a good, representative example of an Edwardian style house with Queen Anne revival features. The property displays a high degree of craftsmanship, which is visible in the semicircular and segmentally arched windows on the building. The windows are decorated with hood moulds over brick voussoirs and have keystones and stone lintels. The building has neo-Palladian style window openings in the gables, which also display a high-degree of craftsmanship (See Attachment A- Photographs).



The property has historical and associative value for its connection to the Walker family. The Walker family were early farmers and settlers who arrived in Nelson Township in 1816, 57 years before the Village of Burlington was formed. The Walker family's history in Canada dates to 1794, when United Empire Loyalist William Walker immigrated from Orange County, North Carolina to Grimsby, Ontario during the American Revolution. His son Phillip Walker moved to Nelson Township (now Burlington) in 1816 and began farming. The current house was built circa 1913 for Philip's great grandson John Henry Walker Jr. and his wife Beatrice. The house and its location represent a family history that yields information about the historical community of United Empire Loyalists and their descendants.

The property also has contextual value because it stands out as a landmark in the streetscape. The house is prominently situated near the front property line. Its Edwardian characteristics like the classical front porch and its well-crafted details, like accented windows and fine brickwork, are distinguishing features not shared by other buildings on the street.

The heritage attributes that contribute to the design and physical value of the building and its contextual value as a landmark are its Edwardian and late Queen Anne revival style features including:

- Red-brick running bond exterior;
- Varied hip roof;
- Asymmetrical façade;
- Gables on façade and side elevation with wood-shingle decoration, neo-Palladian windows and wood dentils;
- Two-over-two wood windows on the front and side elevations;
- Wrap around porch with two entrance doors, wood columns atop brick pilasters and dentil detailing along the cornice;
- Semicircular and segmentally arched windows with hood moulds over brick voussoirs and rusticated stone sills;
- Stone keystones and stone lintels; and
- Brick chimney.

### **Planning Matters- Development Impacts**

A property's development potential does not impact its eligibility for heritage designation, however, compared to the permitted uses and densities under the Burlington Official Plan and the Zoning By-law, 496 Walker's Line is underdeveloped.

The Official Plan, 1997 and the appealed Official Plan, 2020 envision medium density residential uses on the property and in the surrounding area. Examples of medium density residential building types include townhouses, street townhouses, stacked townhouses,

back-to-back townhouses and low-rise residential buildings. Buildings may be permitted to a maximum height of 3 or 4-storeys.

The property is zoned Medium Density (RM2). The zone permits fourplexes on lots with a minimum frontage of 18 metres, while townhouses are permitted if the lot has a frontage of 45 metres. The zoning permits a density of 25 units/ha on the lot.

The subject property is of sufficient size that a fourplex would be permitted under the zoning. 496 Walker's Line has a frontage of 24 metres, a depth of 67 metres and an approximate area of 1,800 square metres (0.18 hectares). The house has a 7-metre front yard setback and 7 metre side yard setbacks. The total floor area of the house is 195.28 square metres (2101 square feet), with a building footprint that occupies only 7% of the total lot area. In staff's opinion, the property could still be developed to its zoning potential of four units if it were designated. The house could be moved on the lot, modified with a rear addition or converted to a multi-unit building while maintaining most heritage attributes.

### **Options Considered**

#### Option 1- State a Notice of Intention to Designate the Property (Recommended)

496 Walker's Line meets six criteria under O.Reg 9/06, and can be designated by the City under section 29 (1) of the *Ontario Heritage Act*. Council could choose this option if it agrees that the house merits individual designation.

#### Option 2- Do not pursue heritage designation (Not recommended)

Council could choose this option if it disagrees that the property meets at least two of the prescribed criteria under O.Reg 9/06.

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### **Financial Matters:**

#### **Total Financial Impact**

If the City chooses to heritage designate the property, the owner will become eligible to apply for the annual Heritage Property Tax Rebate Program, in which eligible residential properties receive a 40% rebate on their property taxes, including City, regional and school board components.

#### **Source of Funding**

N/A

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### **Other Resource Impacts**

The owner will also have the right to appeal the designation to the Ontario Land Tribunal. Defending the designation would require City staff to appear before the tribunal.

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### **Climate Implications**

Not applicable.

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### **Engagement Matters:**

On Feb. 8, 2023 the Heritage Burlington Advisory Committee evaluated the property and passed a motion recommending that Council designate 496 Walker's Line:

*Whereas 496 Walker's Line meets the criteria for determining cultural heritage value or interest under Ontario Regulation 9/06, the Heritage Burlington Advisory Committee recommends that City Council proceed to designate the property under section 29 of the Ontario Heritage Act.*

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### **Conclusion:**

496 Walker's Line. meets six criteria for heritage designation under O.Reg 9/06 and is eligible for heritage designation. The property is a good, representative example of an Edwardian style house with significant historical associations and contextual value to the area. Heritage designation is recommended.

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Respectfully submitted,

John O'Reilly, MCIP, RPP, CAHP  
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### **Appendices:**

- A. Photographs (PL-25-23)
- B. Draft Designation Bylaw and Reasons for Designation for 496 Walker's Line (PL-25-23)
- C. Report PB-93-12- Owner Initiated Request to Repeal Designation By-law- 496 Walker's Line (PL-25-23)

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D. Excerpt from City Council Minutes Dec. 10, 2012 (PL-25-23)

E. Heritage Burlington Advisory Committee Minutes- Feb 8 2023 (PL-25-23)

**Notifications:**

Property owner

**Report Approval:**

All reports are reviewed and/or approved by Department Director, the Chief Financial Officer and the Executive Director of Legal Services & Corporation Counsel.