

Date: 2021-09-17

Subject: **Heritage Permit Application within the Village of Churchville Heritage Conservation District – Ward 6 (HE.x 7593 Creditview Road)**

Contact: Pascal Doucet, MCIP, RPP, Heritage Planner

Report Number: Planning, Bld & Ec Dev-2021-1030

Recommendations:

1. That the report titled: **Heritage Permit Application within the Village of Churchville Heritage Conservation District – 7593 Creditview Road – Ward 6 (HE.x 7593 Creditview Road)**, to the Brampton Heritage Board Meeting of October 19, 2021, be received; and
2. That City Council approve the Heritage Permit Application to the heritage property at 7593 Creditview Road, in accordance with section 42 of the *Ontario Heritage Act* for the conservation of the existing two-storey heritage house at the front of the property, the construction of a detached garage next to the heritage house, the construction of a wood fence next to the north (side) and east (rear) sides of the heritage house, the construction of a new one-storey residence with a curvilinear driveway, an attached garage and in-ground pool in the proposed severed portion of the property be approved as shown in the plans and elevations with material specification submitted by the applicant, prepared by Robert Lamoureux and attached as Appendix A to this report, and subject to the following additional conditions:
 - a. That prior to the issuance of any permit for all or any part of the heritage permit application as set out in the report titled: **Heritage Permit Application within the Village of Churchville Heritage Conservation District – 7593 Creditview Road – Ward 6 (HE.x 7593 Creditview Road)**, to the Brampton Heritage Board Meeting of October 19, 2021, including a heritage permit or a building permit, but excluding permits for repairs and maintenance, usual and minor works and work that does not require a heritage permit as described in the Village of Churchville Heritage Conservation District Plan in accordance with subsection 41.1(5) of the *Ontario Heritage Act* and as are acceptable to the Director of City Planning & Design, the owner shall:
 - i. Provide building permit drawings in accordance with the plans and drawings required in recommendation 2 and the amendments in

recommendation 2.a.ii. and 2.a.iii., including notes and specifications for a description of materials and finishes and landscaping details;

- ii. That that elevation and floor plan drawings of the new detached dwelling be amended to revise the gross floor area within the maximum permitted by the zoning by-law (255 square meters) and without altering the design of the front (west) elevation of the new dwelling; and
 - iii. That the elevation drawings be amended to include a middle window bar running vertically throughout middle point of the width of the four (4) wider windows of the front (west) elevation and the one (1) widest window of the side (north) elevation; and
3. That the existing two-storey heritage house at the front of the property be conserved and maintained in a state of good repair, in accordance with policy 4.10.3.7 of the City of Brampton Official Plan and as required by the Minimum Maintenance By-law 104-96 (Property Standards);
 4. That the wood fence next to the north (side) and east (rear) sides of the heritage house be no higher than the maximum permitted by the Zoning By-law (270-2004);
 5. That a dense line of yews and cedar trees be planted between the proposed driveway and new wood fence, next to the northerly (side) of the proposed heritage house property line.
 6. That a full set of floor plan and elevation drawings be submitted and approved by City heritage planning staff of the City's Planning, Building and Economic Development Department prior to the issuance of a building permit for the construction of a detached garage on the property, in accordance with the objectives and guidelines of the Village of Churchville Heritage Conservation District Plan.

Overview:

- **The property at 7593 Creditview Road is located within the Village of Churchville Heritage Conservation District (“HCD”) and is designated under Part V of the *Ontario Heritage Act*.**
- **The City received a Heritage Permit application for 7593 Creditview Road for the construction of a new house and for the proposed landscaping alterations on the property. The existing two-storey stucco house at the front of the property is proposed to be conserved and retained in its entirety by severing the subject property into two lots. A detached garage next to the existing stucco house and a wood fence to separate the**

property line and driveways are also proposed as part of this heritage permit application.

- In accordance with subsection 42 (1) of the *Ontario Heritage Act*, a heritage permit is required for permitting the new construction and alterations as shown in the heritage permit application attached as Appendix A to this report.
- The existing two-story stucco house on the subject property, located at the front of the lot and close to Creditview Road, is identified within the Village of Churchville Heritage Conservation District Plan (“HCD Plan”) as a building of heritage significance for the HCD.
- The Heritage Impact Assessment (HIA) submitted as part of the heritage permit application is mentioning that the property is worthy of designation as a property of cultural heritage value or interest under the criteria for municipal designation prescribed by Ontario Regulation 9/06.
- The subject application also requires approval under the Planning Act for Minor Variance and Consent for severing the lands into two (2) lots. The recommendations contained within this report relate solely to approvals required under the provisions of the *Ontario Heritage Act*.
- The proposed design of the new house and landscaping alterations to the property as shown in the plans and elevations and documents submitted with the heritage permit application are considered to not detract from the heritage character of the district and be compatible with the streetscape of adjacent properties.
- This heritage permit application is also conserving the significant built heritage resources of the HCD by proposing the severance, conservation and retention of the existing heritage dwelling at the front of the property.
- A complete archaeological assessment with the letter from the Ministry of Heritage, Sport, Tourism and Culture Industries confirming that the assessment has been entered into the Ontario Register of Archaeological Assessment Report have all been received and submitted in conjunction with the heritage permit application.
- The terms and conditions recommended in this report will ensure consistency between the submission materials for the issuance of a heritage permit and building permit. The terms and conditions are also recommended to confirm the application of the conservation and property standards requirements for heritage buildings (Minimum Maintenance By-law 104-96 and Official Plan Policy 4.10.3.7) and ensure the conservation

of significant archaeological resources in areas of archaeological potential.

- **While the proposed design of the new house is considered to be generally acceptable under the District Design Guidelines of the HCD Plan, the terms and conditions recommended in this report is also confirming the importance of limiting new constructions to the maximum gross floor area permitted within the HCD to ensure consistency with the past decision history of the Brampton Heritage Board and to discourage the prevalence of applications for oversized houses that would be incompatible with the size and character of adjacent properties within Churchville.**

Background:

The property at 7593 Creditview Road is located within the Village of Churchville Heritage Conservation District (“HCD”), which is designated under Part V of the *Ontario Heritage Act*, as amended. This property is therefore subject to the District Guidelines of the Village of Churchville Heritage Conservation District Plan (“HCD Plan”).

The purpose of implementing a Heritage Conservation District is to protect and enhance the cultural heritage value and character of a specific area by managing its change over time. A HCD Plan is adopted as part of the designation of the HCD to provide guidance and standards for alterations, new constructions, demolitions, developments and public works within the District. The HCD Plan is therefore an implementation tool to guide physical change over time in order to ensure the conservation and preservation of the heritage values and character of the HCD.

Decision History

Council adopted the Village of Churchville Heritage Conservation District on October 10, 1990 (By-law 219-90). The HCD Plan does identify the existing dwelling on the subject property at 7593 Creditview Road as a building of heritage significance for the HCD.

The construction of new single detached houses have been approved by Council within the HCD on properties that do not contain a building of heritage significance as shown and identified within the HCD Plan. It should be noted that the Brampton Heritage Board has consistently recommended against applications for new constructions exceeding the maximum gross permitted floor area. New single detached houses that have been approved by Council are generally within the maximum gross floor area permitted under the zoning by-law (By-law 270-2004). While there have been exceptions to these approvals, these properties were subject to appeals to external provincial administrative land tribunals.

At its meeting of September 21, 2021, the Brampton Heritage Board considered this heritage permit application and requested that the application be brought back for further input and consideration concerning the maximum square footage permitted for new construction within the Village of Churchville Heritage Conservation District.

Applicable Law

The property at 7593 Creditview Road is subject to the Act. Subsection 42(1) of the Act states that:

No owner of property situated in a heritage conservation district that has been designated by a municipality shall do any of the following, unless the owner obtains a permit from the municipality to do so:

1. Alter, or permit the alteration of, any part of the property, other than the interior of any structure or building on the property.
2. Erect, demolish or remove any building or structure on the property or permit the erection, demolition or removal of such a building or structure. An application for a heritage permit made under Section 42 shall be accompanied by a detailed plan and include information that the council may require.

The Act provides a period of 90 days for council to make a decision upon receipt of an application.

Policy Framework

The proposed construction and alterations to the heritage property are subject to the following policy framework:

The Planning Act

The Planning Act guides development in the Province of Ontario and states that municipalities must have regard for matters of provincial interest. The conservation of features of significant architectural, cultural, historical archaeological or scientific interest is identified under paragraph 2(d) of the Planning Act as a matter of provincial interest.

Provincial Policy Statement (2020)

Development and Site Alterations on or adjacent to designated heritage properties and within properties containing areas of archaeological potential are required to be consistent with the policies under section 2.6 of the 2020 Provincial Policy Statement.

The Provincial Policy Statement directs municipalities and other planning approval authorities in Ontario to conform to policies 2.6.1 and 2.6.2, which reads as:

2.6.1 Significant built heritage resources and significant cultural heritage landscapes shall be conserved.

2.6.2 Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.

City of Brampton Official Plan

The proposed construction and alterations to the heritage property are subject to the Cultural Heritage Policies of the Official Plan. More specifically, the policies that are relevant in the context of this report and heritage permit application made in accordance with Section 42 of the Act are:

4.10.3.7 Minimum standards for the maintenance of the heritage attributes of property situated in a Heritage Conservation District shall be established and enforced.

4.10.3.12 In reviewing permit applications, the City shall be guided by the applicable Heritage Conservation District Plan and following guiding principles:

- Heritage buildings, cultural landscapes and archaeological sites including their environs should be protected from any adverse effects of the proposed alterations, works or development;
- New construction and/or infilling should fit harmoniously with the immediate physical context and streetscape and be consistent with the existing heritage architecture by among other things: being generally of the same height, width, mass bulk and disposition; of similar setback; of like materials and colours; and using similarly proportioned windows, doors and roof shape.

Village of Churchville Heritage Conservation District Plan (HCD Plan)

The Village of Churchville Heritage Conservation District Plan (HCD Plan) provides a list of properties containing a building of heritage significance contributing to the architectural and historic vernacular character of the district (page 49 of the HCD Plan). The subject property is identified as containing a building of heritage significance.

Section 5.5.1 of the HCD Plan mentions that the district is typified by low profile development and that: *“it is important that this low profile form of development be encouraged”*.

This section also mentions that:

“Building height of new structures should maintain the building height of adjacent structures and the immediate streetscape and should be neither significantly taller nor lower. Any new infill development, should be lower in profile than existing recent construction on Churchville Road and Creditview Road, which has resulted in excessive building height. The Zoning By-law limits building height to 28’-7” (8.75 m).

Floor areas (excluding basements and garages) for new residential construction are limited by the Zoning By-law to a maximum gross floor area of 2750 square feet (255 m²).”

Sections 5.5.2 and 5.5.5 of the HCD Plan provides standards and guidelines for the construction of new outbuildings within the district, recommending that garages be located towards the rear of the lot and preferably detached.

The HCD Plan also provides a series of District Design Guidelines for the integration of new infill construction. New buildings, additions and construction to buildings not identified as a building of heritage significance should be designed to be compatible with the heritage buildings, in terms of scale, massing height, setback, material, roof form and fenestration.

Existing Heritage Building

The existing two-storey stucco house at 7593 Creditview Road has been identified since the adoption of HCD in 1990 through research and evaluations supporting the designation of Churchville as a District, resulting in the inclusion and identification of the building as a contributing and significant building for the preservation and conservation of the district and its cultural heritage character. Prior to the district designation, this house and property was identified by the Brampton Heritage Board as the Gruenwald Property. A fulsome description of the property and heritage house from the book: *Churchville Reminders of the Past*, published by the Brampton Heritage Board in 1984, is included to this report as Appendix C.

A complete evaluation of the property's cultural heritage value is also provided within the heritage impact assessment provided as part of the heritage permit application and attached as Appendix B to this report. The evaluation provided in the heritage impact assessment indicates that the lands containing the existing heritage house can be designated as a property of cultural heritage value or interest in accordance with part IV, section 29 of the *Ontario Heritage Act*. The *Ontario Heritage Act* also states that the application of the heritage conservation district prevails over the designation of an individual property when a property is designated both as a property of cultural heritage value or interest and a property included as part of a heritage conservation district. In this case, the designation of the heritage house within the HCD is sufficient and adequate to ensure its long-term conservation and preservation.

Area of Archaeological Potential

The subject property is located within areas of archaeological potential because due to its proximity to the Credit River and proximity to registered archaeological sites. The property owner has provided a complete an archaeological assessment in accordance with the requirements of Archaeology Program Unity of the Ministry of Heritage, Sport, Tourism and Culture Industries. The owner also submitted the associated letter from the Ministry of Heritage, Sport, Tourism and Culture Industries confirming that the archaeological assessment have been entered into the Ontario Register of Archaeological Assessment Report. The archaeological assessment contains information concerning nearby registered archaeological sites and, therefore, cannot be included as part of this staff report.

Tree Preservation

The scenic merit as well as the rural-like and natural character of the HCD is a major heritage attribute of the district that is based on the preservation of mature trees, vegetation and hedgerows. The owner/applicant has expressed commitment to preserve the greatest extent of tree canopy as possible by informing City Heritage Planning staff that one, two (2), or three (3) trees with a diameter of less than 30 centimeters (12 inches). The rear portion of the existing property is within the floodplain area. The floodplain area contains a dense coverage of trees and forest cover, which will remain intact and undisturbed.

Current Situation:

On August 13, 2021 the owner and applicant of 7593 Creditview Road submitted a complete Heritage Permit application to conserve the existing two-storey heritage house at the front of the property and construct a new detached garage at the rear of the heritage house. The heritage permit application is also proposing the construction a new one-storey residence with an attached garage on a severed portion of the property. The severed lot will be accessed by a new curvilinear driveway and will also be altered with the construction of a new in-ground pool behind the new dwelling and the relocation of an existing ancillary structure within the severed portion of the subject lands.

Conservation of Existing Heritage Building

The existing two-storey heritage house at 7593 Creditview Road is a building of cultural heritage significance contributing to the architectural and historic vernacular character of the district. The heritage permit application proposed the complete retention, preservation and conservation of the heritage house, which meets the fundamental objectives and guidelines of the HCD Plan.

Proposed Severance and Property Alterations

The propose severance will create a lot containing the existing heritage house that will have a width and size smaller than the minimum lot width and lot size permitted under the zoning by-law. The small size of the lot is mitigated by the size of the portion of the lot that will be severed to accommodate the new house on the subject lands. The severed portion will constitute a new lot far larger than the minimum size required under the zoning by-law and the location proposed for the new house maintain the low density profile characterized by an streetscape and area dominated by open spaces, green lawns, large and rich canopies of trees and a rural-like setting.

Proposed New Construction of Dwelling

The new dwelling is proposed slightly beyond the maximum gross floor area permitted of 255 square meters (2750 square feet). Attached garages are not part of the calculation for determining the square footage of a new construction. The design of the front (west) elevation of the new house is not considered to detract from the heritage character of the district because it maintains the low profile height of the prevalent low profile houses as seen within the HCD and adjacent properties. In addition, the house will only be minimally visible from the roadway as it will be behind the existing heritage dwelling. This report is however recommending that the set of architectural drawings submitted as part of the

heritage permit application for the new house be amended without affecting the design of the front (west) elevation in order to ensure that the new construction will be within the maximum square footage permitted under the Zoning By-law (255 square meters, which is equivalent to 2750 square feet). This recommendation is made to confirm the importance of limiting new constructions within the maximum gross floor area permitted in order to ensure consistency with the past decision history of the Brampton Heritage Board and as a measure to discourage the prevalence of applications for oversized houses that would be incompatible with the size and character of adjacent properties within Churchville.

The design, height, fenestration, construction material, roof configuration are considered by Heritage Planning staff has being acceptable under the objectives and guidelines of the HCD Plan provided that the wider windows on the front (east) and side (north) elevations are revised for the issuance of the heritage and building permits by including a middle window bar running vertically throughout the middle point of their width. The owner/applicant has been consulted on this recommended change and has agreed to revised the window details on the front (east) and side (north) elevation drawings accordingly.

Heritage staff has been working with the owner/applicant since the last Brampton Heritage Board meeting. Accordingly, the owner/applicant has notified staff that they will revise their drawings to meet the maximum square footage permitted by the Zoning By-law. We are currently expecting to receive these revised drawings and will be presenting them to a subsequent Brampton Heritage Board meeting to confirm that they are in accordance with the current design as shown in the attached drawings and with the recommendations of this report to approve the heritage permit application.

Proposed New Construction of Detached Garage

The heritage permit application includes the construction of a detached new garage to the rear of the heritage dwelling. The size of the lot as proposed will only accommodate a small garage well below the maximum permitted by the zoning by-law. This report recommends that the proposed elevations will be subject to review and approval by City Heritage Planning Staff to ensure that the size, height, design, appearance and construction materials proposed for the new garage be acceptable under the zoning by-law and HCD Plan.

Archaeology Conservation Requirements

The Province of Ontario does not permit development on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved. The subject lands contain areas of archaeological potential given the proximity to the Credit River and registered archaeological sites. An archaeological assessment and accompanying letter from Ministry of Heritage, Sport, Tourism and Culture Industries have been submitted to confirm that no further archaeological assessment on the subject property is required and that the archaeological assessment report has been entered into the Ontario Public Register of Archaeological Assessment Reports.

Corporate Implications:

Financial Implications:

There are no financial implications resulting from the adoption of the recommendations in this report.

Other Implications:

Not applicable.

Term of Council Priorities:

This report has been prepared in full consideration of the Term of Council Priorities (2019-2020).

This report aligns with a 'Mosaic City' by continuing the preservation of heritage properties and cultural heritage resources to support cultural diversity and expression. A Mosaic City reflects the commitment of the City to preserve and protect its cultural heritage. This report also aligns with a 'City of Opportunities', supporting the creation of complete communities by supporting the diversity and distinctiveness of the City through the preservation and conservation of its cultural heritage resources.

Living the Mosaic – 2040 Vision:

The report aligns with the following vision:

- Vision 5: in 2040, Brampton will be a rich mosaic of cultures and lifestyle, coexisting in social responsibility, respect, enjoyment and justice.

Conclusion:

City Heritage Planning staff is of the opinion that the effectiveness of the designation of the Village of Churchville Heritage Conservation District relies on making decisions that are consistent with the measures that have been adopted to manage change within the area. The successful implementation of the Village of Churchville Heritage Conservation District Plan relies on effective policies, guidelines and procedures that are applied in a consistent manner. Successful implementation will ensure transparency and provide predictable requirements for property owners, applicants and developers.

Heritage staff reviewed the heritage permit application for the proposed demolition, construction and alterations to the heritage property against the applicable policy framework and the Village of Churchville Heritage Conservation District Plan. Heritage staff is concluding that the heritage permit application is supportable and that the new constructions will not detract from the heritage character of the district, provided that the heritage permit is subject to the terms and conditions recommended in this report. The preservation of the existing heritage house at the front of the property is fundamental for supporting the district character of the HCD. This report has also been considered in accordance with the Brampton Heritage Board's input concerning their views and decision

history on permitting new constructions within the maximums permitted under the Zoning By-law.

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Attachments:

Appendix A – Heritage Permit Application: 7593 Creditview Road – Registered Survey, Architectural Plans and Drawings with Construction Materials Outline.

Appendix B – Heritage Permit Application: 7593 Creditview Road – Heritage Impact Assessment.

Appendix C – Heritage Permit Application: Description of 7593 Creditview Road (the Gruenwald Property) from the book *Churchville Reminders of the Past*, published by the Brampton Heritage Board in 1984.