

**To:** COUNCIL

**Meeting Date:** 11/5/2024

**Subject:** 24-118-CD: 171 Guelph Avenue, Heritage Permit Application for Proposed Garage and Fence

**Submitted By:** Bob Bjerke, Chief Planner

**Prepared By:** Jeremy Parsons, Senior Planner - Heritage

**Report No.:** 24-118-CD

**File No.:** R01.01.155, HP24-003

**Wards Affected:** Ward 1

**RECOMMENDATION(S):**

THAT Report 24-118-CD 171 Guelph Avenue, Heritage Permit Application for Proposed Garage and Fence be received;

AND THAT Council approve the Heritage Permit application for the proposed garage and fence as outlined in Report 24-118-CD, with the list of alterations detailed in the report, subject to the following conditions:

- 1) Following Council approval, any minor changes to the plans and elevations shall be submitted to the satisfaction of staff, prior to an application for a building permit and/or the commencement of any alterations; and,
- 2) That the implementation of alterations, in accordance with this approval, shall be completed no later than two (2) years following Council approval. If the alterations are not completed by such a time, then this approval expires as of that date and no alterations shall be undertaken without a new approval issued by the City of Cambridge.

**EXECUTIVE SUMMARY:**

**Purpose**

This report has been prepared to provide a recommendation to Council on a Heritage Permit application to permit proposed alterations to a property protected under a designation by-law and heritage conservation easement agreement.

## Key Findings

- The property contains the Forbes Estate House, a dwelling that was built in 1912 and designed by architecture firm Taylor and Taylor.
- In 2022, the Ontario Land Tribunal approved a Plan of Subdivision to divide the former 5.25-hectare estate into residential blocks. The subject property has recently been registered as a 1.08-acre parcel as of 2024.
- The designation of the property under Part IV of the *Ontario Heritage Act* and heritage conservation easement agreement were conditions of the Plan of Subdivision to ensure the long-term conservation of the Forbes Estate House.
- The designation by-law and heritage conservation easement agreement include a Statement of Cultural Heritage Value and parameters related to the maintenance and long-term conservation of the Forbes Estate House and landscape features.
- The proposed alterations include installing a new wrought iron fence with stone pillars and constructing a new detached garage.

## Financial Implications

There are no financial implications to the City as a result of this application.

## STRATEGIC ALIGNMENT:

Strategic Action

**Objective(s):** Not Applicable

**Strategic Action:** Not Applicable

**OR**

Core Service

**Program:** Community Development

**Core Service:** Heritage Conservation

## **BACKGROUND:**

The subject property is located at 171 Guelph Avenue, immediately north of Forbes Lane and northwest of the Speed River and Hespeler Mill Pond (see Figure 1). The subject property is currently zoned R2 (residential) within the City's Zoning By-law.

The subject property was previously part of a large estate lot belonging to the Forbes family. The subject property was subdivided from a larger 5.25-hectare property and includes the Forbes House, a large Classical Revival dwelling built in 1912, and a dry-stone wall fronting onto Guelph Avenue.

In 2018, a Draft Plan of Subdivision was submitted to the City of Cambridge. A Cultural Heritage Impact Assessment (CHIA) was also submitted in 2018 by Archaeological Services Inc and later revised in 2020. In 2022, following MHAC consultation, Report 22-015-CD was brought before Council approving the direction to designate the property under Part IV of the Ontario Heritage Act, relocate the stone tower, permit the demolition of secondary buildings, and permit the development of the remainder of the original lands.

In 2022, the Ontario Land Tribunal approved the Plan of Subdivision for the estate lands which divided the property into sixteen (16) blocks that would be registered in two (2) phases (see Figure 2). The Forbes Estate House lot comprised Phase 1 of the subdivision and was formally registered as its own residential lot (Block 1, Plan 58M716) in March of 2024. The balance of the former estate, known as Phase 2, is set to be registered at a later date and is now subject to a Site Plan Pre-Consultation application (P24/24) for residential development. Both parcels currently have new owners.

In order to ensure that the heritage attributes of the Forbes Estate House are maintained in accordance with a 2023 Conservation Plan, the property has been designated (By-law No. 24-074) (Appendix B) and registered with a heritage conservation easement agreement (Appendix C).

A Heritage Permit application was submitted on August 8, 2024, along with plans and elevations for a proposed detached garage and fence on the property (Appendix A).



## 171 Guelph Avenue



Figure 1: The property at 171 Guelph Avenue, outlined in red, on an aerial image. The property has since been subdivided into a series of lots and blocks to accommodate residential development (City of Cambridge, 2024)

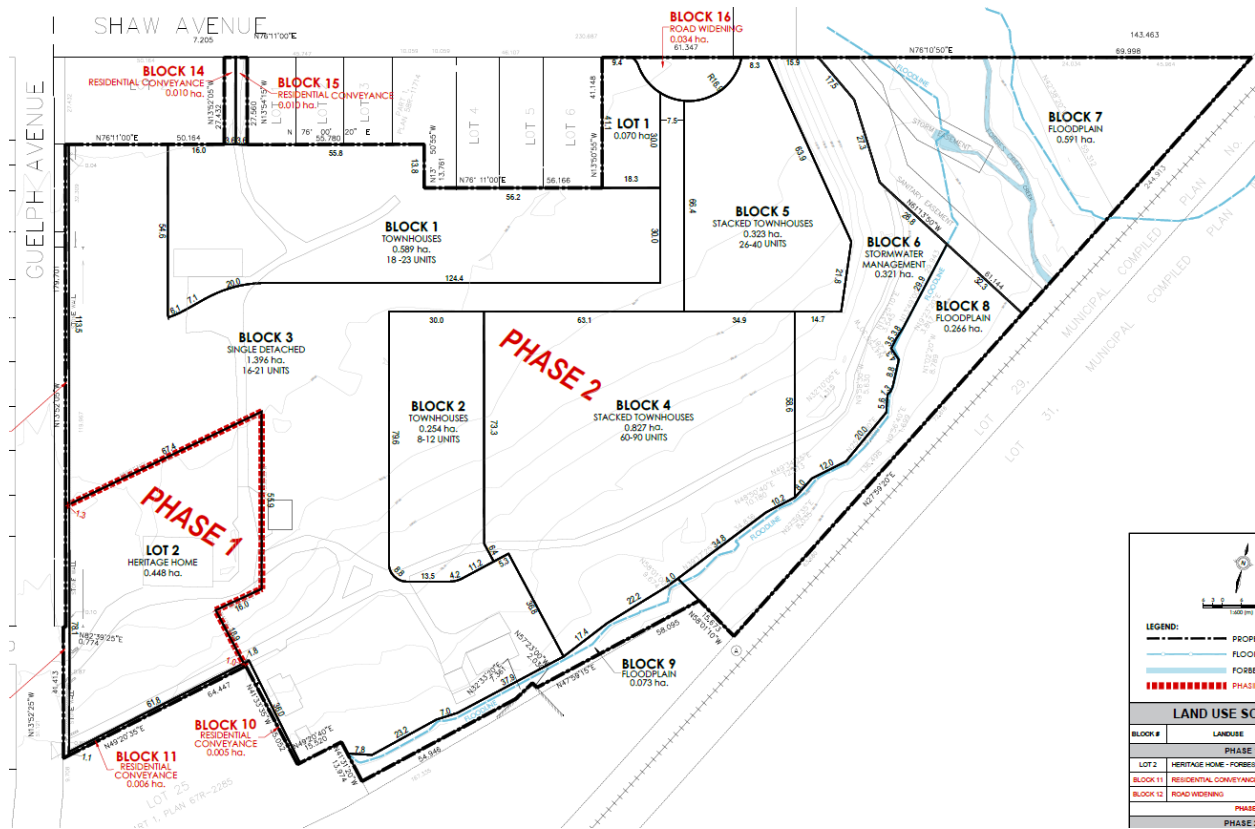


Figure 2: Map of approved Plan of Subdivision for 171 Guelph Avenue (Polocorp Inc.).

## ANALYSIS:

The proposed alterations to the property at 171 Guelph Avenue include the following:

- Construction of a new, wrought-iron fence with stone columns to be installed at the front of the property (western property line). The fence will be approximately 5 feet in height with stone columns every 24 feet, with final distances and placement to be adjusted to avoid disturbing existing trees. Two gates are proposed along the fenceline.
- Construction of a new, wrought-iron fence (5 feet in height) along the southern property with no stone columns.
- Construction of a new, wooden fence (6 feet 10 inches in height) along both western and northern property lines.
- Construction of a new detached garage (60 feet by 20.5 feet) at the northeast corner of the property.



The applicant has indicated that they intend to construct fencing around the property, including at the front of the property, facing Guelph Avenue. The property is currently unfenced and they have indicated that privacy and security are concerns for the new owners. The lands to the north and east of the Forbes Estate House are slated for residential development within proximity of the newly severed lot.

On the western side of the property (front), the applicant is proposing to introduce a wrought-iron fence with stone columns every 24 feet. The proposed design is inspired by traditional fence styles, using natural stone and iron, both suitable materials for a heritage property. The wrought-iron fence along the southern and western property lines will be transparent, maintaining views of the Forbes Estate House from Guelph Avenue. Fencing introduced along northern and eastern sides of the property are not expected to impede views to the dwelling from any public right of way. Further, the installation of new fencing is not expected to cause the removal of a substantial amount of vegetation from the property. The rows of vegetation demarcating the boundary along Guelph Avenue and the internal boundary between the Forbes House and the original George Forbes House are protected elements within the designation by-law and heritage easement agreement. Given this, Heritage Planning staff do not have concerns with proposed fencing.

The applicant is also intending to construct a new detached garage at the northeast corner of the property. The proposed structure is substantial in size (60 feet by 20.5 feet); however, it is located in the rear of the property, away from Guelph Avenue. In terms of design, the garage is proposed sympathetic to the heritage character of the property. The applicant intends to achieve this by using natural stone wainscoting, white exterior finishes, and upper storey dormers. Given that the proposed garage is located in the backyard and its imposition is minimized by sympathetic design, Heritage Planning staff have do not have concerns with the proposed structure.

#### **EXISTING POLICY / BY-LAW(S):**

##### **Ontario Heritage Act (R.S.O. 1990, c. O.18)**

##### **Alteration of property**

**33 (1)** No owner of property designated under section 29 shall alter the property or permit the alteration of the property if the alteration is likely to affect the property's heritage attributes, as set out in the description of the property's heritage attributes in the by-law that was required to be registered under clause 29 (12) (b) or subsection 29 (19), as the case may be, unless the owner applies to the council of the municipality in which the property is situate and receives consent in writing to the alteration. 2019, c. 9, Sched. 11, s. 11.

## Application

(2) An application under subsection (1) shall be accompanied by the prescribed information and material. 2019, c. 9, Sched. 11, s. 11.

## Other information

(3) A council may require that an applicant provide any other information or material that the council considers it may need. 2019, c. 9, Sched. 11, s. 11.

## Decision of council

(6) The council, after consultation with its municipal heritage committee, if one is established, and within the time period determined under subsection (7),

(a) shall,

(i) consent to the application,

(ii) consent to the application on terms and conditions, or

(iii) refuse the application; and

(b) shall serve notice of its decision on the owner of the property and on the Trust. 2019, c. 9, Sched. 11, s. 11.

## Same

(7) For the purposes of subsection (6), the time period is determined as follows:

1. Unless paragraph 2 applies, the period is 90 days after a notice under subsection (4) is served on the applicant or such longer period after the notice is served as is agreed upon by the owner and the council.

2. If a notice under subsection (4) or (5) is not served on the applicant within 60 days after the day the application commenced, as determined in accordance with the regulations, the period is 90 days after the end of that 60-day period or such longer period after the end of the 60-day period as is agreed upon by the owner and the council. 2019, c. 9, Sched. 11, s. 11.

## Deemed consent

(8) If the council fails to notify the owner under clause (6) (b) within the time period determined under subsection (7), the council shall be deemed to have consented to the application. 2019, c. 9, Sched. 11, s. 11.

## **Easements**

**37 (1)** Despite subsection 36 (1), after consultation with its municipal heritage committee, if one is established, the council of a municipality may pass by-laws providing for the entering into of easements or covenants with owners of real property or interests in real property, for the conservation of property of cultural heritage value or interest. 2002, c. 18, Sched. F, s. 2 (19).

### **Idem**

(2) Any easement or covenant entered into by a council of a municipality may be registered, against the real property affected, in the proper land registry office. R.S.O. 1990, c. O.18, s. 37 (2).

### **Idem**

(3) Where an easement or covenant is registered against real property under subsection (2), such easement or covenant shall run with the real property and the council of the municipality may enforce such easement or covenant, whether positive or negative in nature, against the owner or any subsequent owners of the real property, and the council of the municipality may enforce such easement or covenant even where it owns no other land which would be accommodated or benefited by such easement or covenant. R.S.O. 1990, c. O.18, s. 37 (3).

## **FINANCIAL IMPACT:**

There are no financial impacts to the City as a result of this application. The owner has not elected to apply for the City's Designated Heritage Property Grant Program at this time.

## **PUBLIC VALUE:**

### **Transparency:**

To ensure transparency, Council meeting agendas are posted on the City's website.

### **Sustainability:**

This project will support sustainability by enhancing the liveability and adaptive reuse of a heritage property. The Forbes Estate will be retained and conserved long term.

## **ADVISORY COMMITTEE INPUT:**

The MHAC was consulted on September 19, 2024, and passed the following recommendations to Council:



THAT Report 24-118-CD: 171 Guelph Avenue, Heritage Permit Application for Proposed Garage and Fence be received;

AND THAT the applicant commits to working with Heritage Planning staff to ensure that the future relocation of the dry-stone wall is carried out in accordance with the 2023 Conservation Plan by ERA Architects and the 2020 Structural Report by Tacoma Engineers.

AND FURTHER THAT the Municipal Heritage Advisory Committee recommend that Council approve the Heritage Permit application for the proposed garage and fence as outlined in Report 24-023 (MHAC), with the list of alterations detailed in the report, subject to the following conditions:

- 1) Following Council approval, any minor changes to the plans and elevations shall be submitted to the satisfaction of staff, prior to an application for a building permit and/or the commencement of any alterations; and
- 2) That the implementation of alterations, in accordance with this approval, shall be completed no later than two (2) years following Council approval. If the alterations are not completed by such a time, then this approval expires as of that date and no alterations shall be undertaken without a new approval issued by the City of Cambridge.

#### **PUBLIC INPUT:**

Council meetings are open to the public via the City's YouTube channel.

#### **INTERNAL / EXTERNAL CONSULTATION:**

Heritage planning staff have consulted with the property owner and their agents in the writing of this report.

#### **CONCLUSION:**

For the reasons outlined in this report, MHAC and staff recommend that Council approve the Heritage Permit application for alterations proposed to the Forbes Estate property. These include the construction of a new detached garage and new fencing around the property.

#### **REPORT IMPACTS:**

Agreement: **No**

By-law: **No**

Budget Amendment: **No**

Policy: **No**

**APPROVALS:**

**This report has gone through the appropriate workflow and has been reviewed and or approved by the following as required:**

**Director**

**Deputy City Manager**

**Chief Financial Officer**

**City Solicitor**

**City Manager**

**ATTACHMENTS:**

1. 24-118-CD Appendix A – Plans and Elevations
2. 24-118-CD Appendix B – Designation By-law
3. 24-118-CD Appendix C – Heritage Conservation Easement Agreement