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Town of Aurora

## Committee of the Whole Report

No. PDS25-049

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**Subject:** Heritage Permit Application HPA-2025-03 – 10-12 Spruce Street

**Prepared by:** Adam Robb, MPL, MCIP, RPP, CAHP, PLE  
Manager, Policy Planning and Heritage

**Department:** Planning and Development Services

**Date:** May 13, 2025

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### Recommendation

1. That Report No. PDS25-049 be received; and
2. That Heritage Permit Application HPA-2025-03 be approved to demolish the existing structure and build a new semi-detached dwelling at 10-12 Spruce Street.

### Executive Summary

This report seeks Council's approval of Heritage Permit Application HPA-2025-03 to demolish the existing structure and build a new semi-detached dwelling at 10-12 Spruce Street.

- 10-12 Spruce Street is located within the Town's Northeast Old Aurora Heritage Conservation District and is designated under Part V of the *Ontario Heritage Act*
- The owner has retained ERA Architects and prepared a Heritage Impact Assessment in support of the application, which has determined that the proposed work meets best practices for heritage management
- A decision on the application is required to be made prior to June 25, 2025, in order to satisfy the legislative timeline under the *Ontario Heritage Act*
- The owner has made design refinements based on comments provided by the Heritage Advisory Committee however the proposed attached garages remain a concern expressed by the Committee that the owner has indicated cannot feasibly be removed

## Background

**10-12 Spruce Street is located within the Town's Northeast Old Aurora Heritage Conservation District and is designated under Part V of the Ontario Heritage Act**

10-12 Spruce Street is a corner lot property located at the northwest intersection of Spruce Street and Centre Street. The property currently contains a dwelling that functions as a two-unit duplex. The existing structure represents a cottage-type structure that was built circa the 1880s. The property is designated under Part V of the *Ontario Heritage Act* as part of the Town's Northeast Old Aurora Heritage Conservation District but is not designated individually.

The property is located at the general southern edge of the Heritage Conservation District, which features a varied streetscape with some contemporary construction in the vicinity and along Centre Street.

## Analysis

**The owner has retained ERA Architects and prepared a Heritage Impact Assessment in support of the application, which has determined that the proposed work meets best practices for heritage management**

The owner proposes to demolish the existing structure on site and construct a new semi-detached dwelling.

The owner retained ERA architects to prepare a Heritage Impact Assessment for the subject property and development proposal. The purpose of the Heritage Impact Assessment is to evaluate the significance of the existing structure and assess the impact of the new proposed development of the site. The existing structure was evaluated against *Ontario Regulation 9/06* of the *Ontario Heritage Act* and was determined that the property does not contain significant cultural heritage value to merit individual designation as it did not meet any of the criteria under historical, contextual or design value. The property has been altered significantly and was determined to not contribute positively to the streetscape. Further, the Heritage Impact Assessment evaluated the proposed new build against the guidelines of the Heritage Conservation District Plan as part of a conformity analysis. The assessment determined that the proposed building has been sensitively designed and that the design, materiality, and proportions of the proposal are consistent within the neighbouring context.

Staff specifically inquired about the opportunity to have the proposal feature a detached garage. The owner and consultant have indicated that due to siting constraints, attached garages are more appropriate and that to mitigate any impacts, they have been recessed from the main elevation and a sympathetic wood material is to be provided. The required rear yard setback is being provided as well to ensure conformity with the built form of the area. Relief from the zoning by-law is not anticipated to be required for matters such as lot coverage, building setbacks or height, however a future plan of severance to legitimize the semi-detached lots would be required. A comprehensive zoning review will also still occur as part of the building permit review process, should Council approve the subject application.

Staff also inquired about the potential of there being any salvageable materials or architectural features. The Heritage Impact Assessment did not identify the property as having significant architectural features, nor are any items recommended for salvage and reuse as part of the new build. Per the evaluation against *Ontario Regulation 9/06*, the property was determined to not have any design/architectural value.

A complete conformity analysis has been provided under Appendix B of the Heritage Impact Assessment. Ultimately, the Heritage Impact Assessment determined that the proposed demolition and design of the new build meets the recognized professional standards and best practices in the field of heritage management. Further, the earlier iteration of the proposed new build has also since been updated and refined by the owner to incorporate feedback received by the Heritage Advisory Committee (see latest rendering included as Attachment 3).

**A decision on the application is required to be made prior to June 25, 2025, in order to satisfy the legislative timeline under the Ontario Heritage Act.**

A Notice of Receipt was issued to the applicant on March 27, 2025. Under the *Ontario Heritage Act*, there is a 90-day timeline from the date that a Notice of Receipt is issued for a decision to be made by Council on the Heritage Permit Application. This 90-day timeline lasts until June 25, 2025, wherein after that date the application will be automatically deemed approved. This review period can be extended on consent of the owner. Further details on this process are also provided under the Legal Considerations section of this report.

Should Council refuse the application, or any conditions of the permit not be agreeable by the owner, the owner is entitled to appeal the decision to the Ontario Land Tribunal. Staff are of the opinion that should the application be refused and the owner in turn appeal the decision, the Ontario Land Tribunal would likely rule in support of the

proposal, as a comprehensive evaluation of the property has been undertaken by ERA Architects to determine the criteria of *Ontario Regulation 9/06* are not met, and feasible mitigation efforts in the design of the proposed new build have been incorporated as part of conformity with the Heritage Conservation District Plan.

## Advisory Committee Review

**The owner has made design refinements based on comments provided by the Heritage Advisory Committee however the proposed attached garages remain a concern expressed by the Committee that the owner has indicated cannot feasibly be removed**

The Heritage Permit Application was presented to the Heritage Advisory Committee for review on April 14, 2025. The Heritage Advisory Committee provided several comments, with a primary concern of the design of the new proposed dwelling being that of the attached garages. A summary of the comments provided by the Heritage Advisory Committee is below:

Comment	Response
Although the evaluation prepared by ERA Architects determined the existing building does not meet any of the necessary heritage criteria under <i>Ontario Regulation 9/06</i> , the property and building may still possess heritage value, and in particular historical value, and in turn warrant not being demolished.	Provincial Bill 23 created a new, higher threshold for determining whether a property has cultural heritage value or interest. The <i>Ontario Heritage Act</i> now requires that two or more criteria under <i>Ontario Regulation 9/06</i> be met, whereas previously only one criteria needed to be met. The criteria are broadly defined under historical, contextual and/or architectural value categories. The report and evaluation by ERA Architects was prepared by a qualified professional and determined the subject property did not meet any of the required criteria to satisfy the requirements of <i>Ontario Regulation 9/06</i> . Even if the property was deemed to possess some historical associative value, staff are of the opinion that this may not pass the ultimate test of being defensible at the level of the OLT, and not enough criteria of <i>Ontario Regulation 9/06</i> may be met. Some of the historical

	value associated with the agricultural and dairy history of the property are also associated with the larger block as a whole, and not necessarily just the individual subject property.
The façade of the proposed building can be improved through enhanced porch treatments and the utilization of shakes in the gable ends.	The owner has updated the façade of the proposed building by adding shakes and treatment to the gable ends and softening the porch columns as well as adding railings and material/landscape details and providing a solid wood door. Staff also anticipate that should the application be approved, staff will work alongside the owner to continue to refine specific building details and materiality of the proposal as needed through the building permit review process.
The attached garages of the proposed building are not in keeping with the character of the area and should instead be detached and at the rear.	Staff required the owner to evaluate options for a detached rear-yard garage, as this would align with the guidelines of the Heritage Conservation District plan. The owner has indicated that the orientation of the lot and necessary siting requirements to avoid excessive zoning relief results in attached garages being the most feasible option. Further, due to the orientation of the lot, detached garages would negate the potential for sufficient backyard amenity space. To try and mitigate the impacts of the attached garages, the owner and their consultant incorporated design elements including recessing the garage and utilizing a sympathetic wood material. Staff also note that there are other precedents of existing attached garages already being located within the Heritage District, including several properties along Centre Street, two properties within the vicinity of the subject property being 20 Spruce Street and 25 Spruce Street, as well as several other properties primarily along Mark Street and north on Spruce Street

	including 45 Spruce Street and 68 Spruce Street. Staff are of the opinion that while detached garages would be most desirable, the owner has made efforts to try and mitigate this impact and that implementing detached garages may consequently result in negative impacts resulting from excessive relief being required from the zoning by-law. Staff are also of the opinion that a challenge of this may not be defensible at the level of the OLT.
The colour of the bricks can be softened.	The owner has updated their proposal to soften the brick colour. Additionally, it is anticipated that the finer material details/colours can continue to be refined and inspected through the building permit review process.
If demolished, commemoration of the property should occur through an interpretive plaque that speaks to the dairy/agricultural history of the property.	At the discretion of Council, a condition of approval can be added to require the owner to install an appropriate interpretive plaque on the property to recognize and commemorate the history of the property. Council can move a motion to require: "That the owner, at their sole cost, install an interpretive plaque detailing the history of the property to the satisfaction of the Director of Planning and Development Services".
The scale of the proposed building may be too large.	The proposed building height aligns with the established permissions of the Zoning By-law.
The siting/front yard setback of the proposed dwelling to try and be further recessed from the street edge and consistent with other properties on Spruce Street does not align with the consistency of the immediately adjacent neighbours or existing building.	The owner and consultant have intentionally sited the building to be generally consistent with the totality/average of property setbacks along Spruce Street. The front yard setback requirements of the Zoning By-law are also now conformed with.

The owner has attempted to implement the comments from the Heritage Advisory Committee in their updated proposal rendering as attached to this report. The primary element that the owner has evaluated but has indicated can not feasibly be accommodated is that of the detached garages. Staff are of the opinion that given the design updates made to the proposal based on comments received and the mitigation measures that have been implemented, the proposal is overall supportable. Staff are also mindful of the ultimate test of the Ontario Land Tribunal review process and are of the opinion that should the application be refused by Council the OLT would likely rule in support of the proposal.

## **Legal Considerations**

Under Section 42 of the *Ontario Heritage Act*, any developments or alterations that would potentially impact the heritage character of a property located within a Heritage Conservation District requires Council's consent. This legislative requirement is implemented in the Town of Aurora through the process of a Heritage Permit Application, which is subject to Council's approval after consultation with the Heritage Advisory Committee. Council must make a decision on a heritage permit application within 90 days after the notice of receipt is served on the applicant, otherwise Council shall be deemed to have consented to the application. The 90-day deadline for this permit application is June 25, 2025. Council may extend the review period of a heritage permit application in a heritage conservation district without any time limit under the *Ontario Heritage Act* provided it is agreed upon by the owner. If Council refuses the application or makes the permit subject to terms and conditions that are not agreeable by the owner, the owner may appeal the decision to the Ontario Land Tribunal.

## **Financial Implications**

There are no direct financial implications as a result of this report.

## **Communications Considerations**

None.

## **Climate Change Considerations**

None.

## **Link to Strategic Plan**

Supporting an Exceptional Quality of Life for All by satisfying the requirements under Celebrating and Promoting our Culture.

## **Alternative(s) to the Recommendation**

1. That Heritage Permit Application HPA-2025-03 be refused.
2. That Heritage Permit Application HPA-2025-03 be approved subject to any conditions of approval being required at the discretion of Council, such as the installation of an interpretive plaque or a contribution to the Heritage Reserve Fund.

## **Conclusions**

Heritage Permit Application HPA-2025-03 proposes to demolish the existing structure and build a new semi-detached dwelling at 10-12 Spruce Street. Since the property is within the Town's Heritage Conservation District, approval from Council is required.

## **Attachments**

Attachment 1 – Property Location Map

Attachment 2 – Heritage Impact Assessment

Attachment 3 – Proposed New Build Rendering

Attachment 4 – Site Plan

## **Previous Reports**

Heritage Advisory Committee Memorandum dated April 14, 2025.

## **Pre-submission Review**

Agenda Management Team review on April 24, 2025

## **Approvals**

Approved by Marco Ramunno, Director, Planning and Development Services

Approved by Doug Nadorozny, Chief Administrative Officer