



THE CORPORATION OF THE TOWN OF AMHERSTBURG

OFFICE OF PLANNING AND DEVELOPMENT SERVICES

MISSION STATEMENT: *Committed to delivering cost-effective and efficient services for the residents of the Town of Amherstburg with a view to improve and enhance their quality of life.*

Author's Name: Clint Robertson	Report Date: January 14, 2022
Author's Phone: 519 735 0012 ext. 2142	Date to Council: January 24, 2022
Author's E-mail: crobertson@amherstburg.ca	Resolution #:

To: Mayor and Members of Town Council

Subject: St. Anthony School – Alterations; and Repeal and Replace Bylaw 2021-079

1. **RECOMMENDATION:**

It is recommended that:

1. Option 1 of the proposed interventions **BE APPROVED**;
2. Administration **BE DIRECTED** to issue the Notices required to repeal By-law 2021-079, which designates St. Anthony School, and to issue the Notices to concurrently re-designate the property to include a new legal description, making the designation registered upon only the portion of the property containing the heritage building, and to update which attributes of the building are regulated.

2. **BACKGROUND:**

On December 13, 2021, Council approved the designation of St Anthony School as a heritage property under Part IV of the *Ontario Heritage Act* as Bylaw 2021-079. Council also approved all proposed alterations to the property that had been made by the Owner's representative (Proponent), and approved by the Heritage Committee at the Heritage Committee's December 9, 2021 meeting.

On December 9, 2021, the Heritage Committee was supportive of the proposed alterations, except the cladding and finishes on the rear addition, and replacement of the fanlights above the three doorways, making the following motions:

1. *The proposed heritage feature alterations **BE SUPPORTED** with the exception of finishes on the rear elevator addition and the fan lights be maintained; and,*
2. *The finishes of the proposed rear addition **BE BROUGHT** to a special heritage committee meeting to be scheduled in January for further deliberation.*

The Proponent, who presented to the Committee, agreed to offer alternative options for the finish of the rear addition to the Committee for consideration in January 2022. The Proponent also agreed to maintain the fanlights above each of the doorways, which differs from the attached concept drawing and intervention proposals from the Proponent.

On January 13, 2022 the Heritage Committee subsequently **ENDORSED** the outstanding proposed alterations that still require approval by supporting “Option 1” in Attachment 1, by moving that:

1. *The Heritage Committee **SUPPORTS** the proposed interventions and Concept #1; and,*
2. *The decision **BE PROVIDED** to Council when considering the proponent’s request to alter the heritage attributes of the building.*

On January 13, 2022, The Heritage Committee also **ENDORSED** the proposed repeal and concurrent replacement of the designation on the property, by moving that:

*That the Heritage Committee **ENDORSE** the proposal to repeal and replace the Heritage Designation By-law on the St. Anthony School property to allow for the designation to be registered on only a portion of the property containing the heritage building, and to update which attributes are regulated in accordance with the report of the Heritage Planner.*

The repeal and replacement of the bylaw is necessary to make the designation registered on only the portion of the property containing the heritage building (Attachment 2), and to update which attributes of the building are regulated.

Council direction is required by the *Ontario Heritage Act* for Administration to issue Notices to repeal and to replace the heritage designation bylaw for the property.

3. DISCUSSION:

The Proponent provided the outstanding detail for the cladding on the new rear stair and elevator addition in the form of two options - both using an arrangement of metal architectural siding in combination with engineered stone (Attachment 1). The addition has also been reduced in scale from the original proposal by 16 percent, with a height reduction of 2’ 10” and a width reduction of 4’ 7”.

Additionally, it is proposed that the recently passed heritage designation bylaw for the property, Bylaw # 2021-079, be repealed and replaced to allow for the designation to be registered on only the portion of the property containing the heritage building. Also, the new bylaw will more accurately reflect which attributes of the building remain regulated, and will remove attributes which the Proponent was previously given permission by Council to replace or remove, including the front interior staircase and the window sashes.

Administration concurs with the need to repeal and replace the bylaw to more accurately reflect what portion of the property the designation shall apply to. Currently, the

designation applies to all the lands of the property east of the building. The lands east of the building are slated to be redeveloped in the future and there is no need for the designation of the heritage building to encumber all lands, including lands not associated with it. However, when the designation bylaw was taken forward in December, a new legal description for the lands associated with the heritage building, separate from the balance of the property was unavailable. Subsequently a reference plan has been prepared outlining a new legal description for each portion of the property. The new property line would be located 19.39 meters from the existing east wall of the heritage building.

In consultation with the Town Clerk, Administration proposes that the best way to recognize the designation on only the relevant portion of the lands is to concurrently repeal and replace the existing designation bylaw with a new one. This will require Notices to the Owner to repeal and replace the bylaw as well as public (newspaper) notices to repeal and replace the bylaw. The process will take approximately three months.

Amending the existing bylaw (rather than repealing and replacing) was considered, however the *Ontario Heritage Act* specifies that amendments should be done for “corrections” to legal descriptions, rather than “changes”. As well, if an amending bylaw were done, the information for the site would be contained in two bylaws - the original bylaw as well as an amending bylaw – a less straightforward arrangement than in one new bylaw.

4. RISK ANALYSIS:

There are no risks involved in endorsing the recommendations of the report.

5. FINANCIAL MATTERS:

There are no direct financial implications of endorsing the recommendations of the report.

6. CONSULTATIONS:

Frank Garardo, Manager of Planning Services
Valerie Critchley, (Interim) Director of Legislative Services and Clerk

7. CONCLUSION:

The Heritage Planner supports the proposed interventions (rear addition construction and finishes) to the property, identified as Option 1 in Attachment 1. The Heritage Planner also supports the proposal to concurrently repeal and replace the designation bylaw for the property to apply to only the portion of the property containing the heritage building.



Clint Robertson
Heritage Planner

Report Approval Details

Document Title:	St. Anthony School - Alterations; and Repeal and Replace Designation Bylaw 2021-079.docx
Attachments:	- ATTACHMENT 1 - Proposed Intervention.pdf - ATTACHMENT 2 - Reference Plan.pdf
Final Approval Date:	Jan 14, 2022

This report and all of its attachments were approved and signed as outlined below:

Tiffany Hong

A handwritten signature in black ink, appearing to read 'Tiffany Hong', with a stylized, cursive script.

Tony Haddad

A handwritten signature in black ink, appearing to read 'Tony Haddad', with a stylized, cursive script.

Valerie Critchley