



Municipal Heritage Committee Report

Report Number:	KLMHC2021-40
Meeting Date:	October 7, 2021
Title:	Amendment of Designating By-law – 1201 Salem Road
Description:	Amendment to By-law 2018-177 to designate 1201 Salem Road, Mariposa Township as being of cultural heritage value or interest
Author and Title:	Emily Turner, Economic Development Officer – Heritage Planning

Recommendations:

That Report KLMHC2021-40, **Amendment of Designating By-law – 1201 Salem Road**, be received;

That the amendment to Schedule A of By-law 2018-177 be endorsed; and

That this recommendation be forwarded to Council for approval.

Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

Background:

At its meeting of June 3, 2021, the Municipal Heritage Committee reviewed a proposed minor variance for the property known municipally as 1193 Salem Road in the geographic township of Mariposa. This property is located next to 1201 Salem Road, a property designated under Part IV of the Ontario Heritage Act by By-law 2018-177. This by-law was written in 2018 to replace an older by-law, Township of Mariposa By-law 1995-26, that predated the amendments to the Ontario Heritage Act in 2005 and which did not adequately address and articulate the heritage value of the property. The new by-law was passed as part of a larger project to update many of the City's older designation by-laws.

During the minor variance process, it was noted by both the owner and staff that that 2018 by-law had major issues. Particularly, the lack of clearly identified heritage attributes made it difficult to apply the by-law as part of the planning process to ensure that adjacent development did not impact the property. This was particularly true for contextual attributes, such as views, which were not identified in the by-law at all, although site visits to the property confirmed that these were indeed important heritage features of the property. There were also substantial factual errors in the by-law. Subsequent to the minor variance, the property owner provided correspondence to the Committee and requested that the by-law for the property to be amended.

The Committee reviewed the correspondence at its meeting of August 5, 2021 and passed the following motion:

KLMHC2021-88

Moved By A. Adare

Seconded By W. Peel

That the correspondence from Colleen Twomey be received; and

That staff be requested to draft an amended by-law for 1201 Salem Road and present it to the Committee for review.

Carried

This report addresses to that direction.

Rationale:

Staff are supportive of the amendment of this by-law. By-law 2018-177, attached as Appendix A, contains substantial errors regarding the heritage value of the property. At the same time, the heritage protection afforded to the property is weak due to the limited heritage attributes which are not well articulated. The proposed amendment would ensure that the heritage value of the property is clearly and accurately articulated and that the heritage attributes are identified.

The proposed amendment would replace Schedule A to By-law 2018-177 in its entirety. This is the most straightforward way to clarify the heritage value and attributes of the property and will also allow the by-law to be brought into compliance with the new requirements for designating by-laws under Ontario Regulation 385/21 which came into effect on July 1, 2021. A draft amending by-law, including a revised Schedule A, is attached as Appendix B. The owner of the property has reviewed the draft and is satisfied with its contents.

Under Section 30.1 of the Ontario Heritage Act, a designating by-law may be amended by Council for a variety of reasons, including to correct the statement of heritage value and to clarify its heritage attributes, as is the case for this property. Council must consult with its municipal heritage committee and provide notice to the owner who may object to the amendment. As the amendment to this by-law was initiated by the owner, staff do not anticipate there to be any objections to this process.

Other Alternatives Considered:

There are not recommended alternatives.

Financial/Operation Impacts:

N/A

Consultations:

Property Owner

Attachments:

Appendix A – By-law 2018-177



Adobe Acrobat
Document

Appendix B – Proposed By-law Amendment



2021-XXX Amend
By-law 2018-177 Des

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(Acting) Department Head: Richard Holy, Acting Director of Development Services