



City of
Peterborough

To: Members of the Peterborough Architectural Conservation Advisory Committee (PACAC)

From: Erik Hanson, Heritage Resources Coordinator

Meeting Date: June 12, 2018

Subject: Report PACAC18-025
By-law Amendment for 266 Burnham Street

Purpose

A report to recommend that the PACAC amend designation By-law 1981-165 for 266 Burnham Street.

Recommendations

That the PACAC approve the recommendations outlined in Report PACAC18-025, dated June 12, 2018 of the Heritage Resources Coordinator, as follows:

- a) That by-law 1981-165 enabling designation of 266 Burnham Street under Part IV of the Ontario Heritage Act be amended to capture the change in legal title for the property as the result of a severance;
- b) That the PACAC forward to Council its recommendation regarding the amendment of designation by-law 1981-165 for 266 Burnham Street.

Budget and Financial Implications

There are no budgetary or financial implications associated with this recommendation.

Background

The property at 266 Burnham Street, the corner of Burnham and James Streets (The Pines), was designated under Part IV of the **Ontario Heritage Act** by By-law 1981-165. This By-law is attached as Appendix A. The designation brief for the property is attached as Appendix B. At its meeting of May 2, 2017, the Committee of Adjustment approved a severance to create two new building lots fronting onto James Street. The retained portion contains the building associated with the heritage designation – the house – and maintains frontage on Burnham and James Streets. A Heritage Impact Assessment undertaken at the request of the PACAC prior to the severance supported the creation of the two new lots. It concluded that the reduced lot size did not adversely impact the setting, views or heritage attributes of the house.

The proposed amendment to the designation by-law removes the severed lots from the legal description. Section 30.1 of the **Ontario Heritage Act** allows a municipality to amend existing heritage designation by-laws in order to correct the legal description or to clarify the statement of cultural heritage value. The Act requires municipalities to make “such changes as are necessary to ensure that the by-law satisfies the requirements of section 29”.

The Act also requires Council to consult with its municipal heritage committee before giving notice of the proposed amendment to the designating by-law. Assuming Council supports amending the by-law, it serves notice of intention to amend a heritage designation by-law on the property owner. Following receipt of the notice, the owners are provided a 30 day objection period. If no objection is received, Council may pass the amending by-law at the next appropriate meeting. If an objection is received, Council may withdraw the proposed amendment or move forward with a Conservation Review Board hearing.

The proposed amendment to By-law 1981-165 would include a revised legal description, which will, in effect, remove the portion east of the buildings from the designation boundary. The proposed by-law amendment is attached as Appendix C.

Submitted by,

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Heritage Researcher

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Attachments:

Appendix A – Designation by-law 1981-165

Appendix B – Heritage Designation Brief for 266 Burnham Street

Appendix C – By-law Amendment for 266 Burnham Street