



Economic and Development Services Department

Date: April 19, 2024

File: 12-03

To: Heritage Oshawa

From: Harrison Whilsmith, Planner A
Economic and Development Services Department

Re: Committee of Adjustment Application at 58 Riverside Drive North – Located adjacent to 46 Riverside Drive North designated under Part IV of the Ontario Heritage Act

Background

The Committee of Adjustment is a committee of five community members, appointed by City Council, whose role is to consider:

- Minor variances to the City's Zoning By-law. The Committee also considers extensions, enlargements or variations to existing legal non-conforming uses; and,
- Consents for the creation of lots, lot line adjustments and creation of easements.

The responsibilities and conduct of the Committee of Adjustment are governed by the Planning Act, R.S.O. 1990, c. P.13.

Application

On April 17, 2024, the Committee of Adjustment considered Item A-2024-37, regarding a minor variance application at 58 Riverside Drive North (the "Subject Site"), and carried a motion to table its decision to allow for a review from Heritage Oshawa.

Item A-2024-37, which explains the purpose and effect of the minor variance application at the Subject Site, is affixed to this memo as Attachment 1. Drawings of the application were provided to Heritage Oshawa in the form of a presentation at their meeting on April 25, 2024.

The Subject Site is located adjacent to 46 Riverside Drive North, a property designated under Part IV of the Ontario Heritage Act, R.S.O. 1990, c. O.18 (the "Ontario Heritage Act"). The property at 46 Riverside Drive North was designated by Council on September 23, 2019.

By-law 101-2019, being a by-law to designate 46 Riverside Drive North under Part IV of the Ontario Heritage Act, is affixed to this memo as Attachment 2.

Analysis

As per Article 2.6.3 of the Provincial Policy Statement, development or site alteration is not permitted on lands adjacent to a designated property unless the proposal has been evaluated and it has been demonstrated that the heritage attributes of the heritage property will be preserved.

As previously stated, the Committee of Adjustment tabled its decision on Item A-2024-37 to allow for Heritage Oshawa to review and provide any advisory comments they may have on the application. Accordingly, any input from Heritage Oshawa should be provided at their April 25, 2024 meeting.

Staff wish to note that the purpose of Heritage Oshawa's review should not be to critique the merit of the minor variance application itself, but rather to examine its potential impact on the adjacent designated property, and whether the proposal has demonstrated that the heritage attributes of the designated property will be preserved.

If you have any questions please contact Harrison Whilsmith at 905-436-3311, extension 2697 or hwhilsmith@oshawa.ca.

A handwritten signature in blue ink that reads "H Whilsmith". The signature is written in a cursive, flowing style.

Harrison Whilsmith, Planner A
Policy

To: Committee of Adjustment

From: Economic & Development Services Department

Date: April 12, 2024

Date of Meeting: April 17, 2024

Subject: Application for relief from the provisions of Zoning By-law 60-94 to permit an accessory building containing an accessory apartment in the front yard of a single detached dwelling, and with increased height

Address: 58 Riverside Drive North

Ward: 3

Owner: Clinton Dochuk

File: A-2024-37

The purpose and effect of the application is to permit an accessory building containing an accessory apartment ancillary to a single detached dwelling with the variances in Column 1 below, instead of the requirements in Column 2 below, as required by Zoning By-law 60-94 for an accessory building ancillary to single detached dwelling in a R1-C (Residential) Zone.

Zoning Item	Column 1	Column 2
Maximum Height of an Accessory Building	6.5m	4.5m
Minimum distance of an Accessory building containing an accessory apartment to the Main Building	2.9m	3m
Accessory Building in Front Yard	To permit	Not permitted

The subject property is currently occupied by a single detached dwelling. The applicant is proposing to add an accessory building containing an accessory apartment ancillary to the single detached dwelling. Single detached dwellings in the urban area are permitted up to two accessory apartments subject to compliance with regulations. One additional parking space is required per accessory apartment.

The property is approximately 100m deep and has frontage on both Riverside Drive North and Bond Street East. The property has a frontage of 20m on Riverside Drive North, and driveway access is provided by this street. The existing house is located in the middle of the property.

The backyard and a portion of the existing single detached dwelling is within the OSH (Open Space Hazard) zone. Accessory buildings containing dwelling units are not permitted with the OSH zone. Therefore to facilitate the development, the applicant is requesting for the accessory building to be located in the front yard and for a minor reduction in distance from the main building. The proposed accessory building will be setback 14.77m from the front lot line. The R1-C Zone requires a minimum front yard depth of 9m.

In addition the applicant is requesting for an increase in the maximum height permitted for accessory buildings. There is a 1.9m grade change across the front of the proposed accessory building. As defined in Zoning Bylaw 60-94, the average grade was taken to determine the height of the accessory building of 6.5m. However on the driveway side the height would be 5.21m.

The subject property is located adjacent to 46 Riverside Drive North, a designated property under the Ontario Heritage Act. As per section 2.6.3 of the Provincial Policy Statement, development or site alteration is not permitted on adjacent sites unless the proposal has been evaluated and it has been demonstrated that the heritage attributes of the heritage property will be preserved. To allow for a review of the potential impacts of the development on the adjacent heritage site by Heritage Oshawa, staff are requesting that the application be reserved.

By reserving the decision it also provides members of the public an opportunity to comment on the proposal.

This Department requests the Committee to reserve its decision.



Deb Dutta, Planner A
Economic and Development Services Department

c: Clinton Dochuk
M.F.I.P.P.A. Sec. 14(1)
M.F.I.P.P.A. Sec. 14(1)

being a by-law to designate the property located at 46 Riverside Drive North, specifically as PIN: PT LT 2 SHEET 5C PL 357 EAST WHITBY;*PT RIVERSIDE DR.* PL 277 OSHAWA AS CLOSED BY BYLAW OS111363 AS IN D428573; City of Oshawa, Regional Municipality of Durham, as being of cultural heritage value and interest pursuant to the *Ontario Heritage Act*, R.S.O. 1990, Chapter O.18.

Recitals:


1. Section 29 of the *Ontario Heritage Act*, R.S.O. 1990, Chapter O.18 (the "Act") authorizes the Council of a municipality to enact by-laws to designate a property to be of cultural heritage value and interest.
2. **M.F.I.P.P.A. Sec. 14(1)** are the registered owners of the property located at 46 Riverside Drive North in the City of Oshawa and have consented to Heritage Oshawa's request that the property, specifically as PIN: PT LT 2 SHEET 5C PL 357 EAST WHITBY;*PT RIVERSIDE DR.* PL 277 OSHAWA AS CLOSED BY BYLAW OS111363 AS IN D428573; City of Oshawa, Regional Municipality of Durham (the "Property"), be designated under Section 29 of the Act. The property to be designated contains a single detached dwelling, constructed in the late 1920s, that has design and physical value as it is representative of the English Tudor Style, and more specifically as a "Stockbroker's Tudor" design, particularly due to the main entrance which features a projecting frontispiece, a winged gable clad in stone laid in broken courses, and a round-headed door with a heavy stone door surround. The English Tudor style is also reflected in the wall treatments, roof, window openings, and overall form and design. The dwelling has associative value as it was the home of Dr. Franklin J. Rundle, who was a constant presence in his community and remained so until his passing in 1957. The dwelling also has contextual value as the house is important in defining, maintaining and supporting the area in which it stands as one of the original homes constructed on Riverside Drive North in the late 1920s.
3. On June 5, 2019 the City forwarded to the Ontario Heritage Trust and the registered owner of the Property a Notice of Intent to Designate the Property.
4. Notice of intention to designate the Property was published on June 5, 2019 in the *Oshawa This Week* and *The Oshawa Express* newspapers having general circulation in the City of Oshawa.
5. The last day for serving a Notice of Objection to the Notice of Intention to Designate the Property was July 6, 2019. No Notice of Objection to the proposed designation was served on the City Clerk.

NOW THEREFORE BE IT ENACTED AND IT IS HEREBY ENACTED as a by-law of The Corporation of the City of Oshawa, by its Council, as follows:


1. The Property, including the single detached dwelling and its features which are described in Schedule "A" to this By-law, located at 46 Riverside Drive North and legally described as PIN: PT LT 2 SHEET 5C PL 357 EAST WHITBY;*PT RIVERSIDE DR.* PL 277 OSHAWA AS CLOSED BY BYLAW OS111363 AS IN D428573; City of Oshawa, Regional Municipality of Durham is hereby designated as being of cultural heritage value and interest.
2. The reasons for designation of this Property under the Act are set out in Schedule "A" to this by-law. Schedule "A" forms an integral part of this by-law.
3. A copy of this by-law shall be registered against the Property in the Land Registry and Land Titles Offices for the Land Registry Division of Durham (No. 40).

4. The City Clerk is hereby authorized to serve a copy of this by-law on the Ontario Heritage Trust and the registered owner of the Property, and to publish notice of the passing of this by-law in the *Oshawa This Week* and *The Oshawa Express* newspapers.

By-law passed this twenty-third day of September, 2019.



Mayor



Interim City Clerk

Schedule "A" to By-Law Number 101-2019

Passed This Twenty-Third Day of September, 2019

46 Riverside Drive North

Designation Statement and Description:

Location and Description of Property:

46 Riverside Drive North is the site of a single detached dwelling located on the west side of Riverside Drive North, north of Bond Street East and south of Regent Drive. The property is generally bounded by a residential lot (58 Riverside Drive North) to the north, Bond Street East and City-owned open space to the west and south, and Riverside Drive North to the east, beyond which are residential lots.

Legal Description:

The property at 46 Riverside Drive North is identified as:

PT LT 2 SHEET 5C PL 357 EAST WHITBY;*PT RIVERSIDE DR.* PL 277 OSHAWA AS CLOSED BY BYLAW OS111363 AS IN D428573; OSHAWA.

Statement of Cultural Heritage Value or Interest:

The cultural heritage value of 46 Riverside Drive North derives from the design and physical, associative, and contextual value of the property.

46 Riverside Drive North has design and physical value as the house is representative of the English Tudor Style, and more specifically as a "Stockbroker's Tudor" design, particularly due to the main entrance which features a projecting frontispiece, a winged gable clad in stone laid in broken courses, and a round-headed door with a heavy stone door surround. The English Tudor style is also reflected in the wall treatments, roof, window openings, and overall form and design.

46 Riverside Drive North has associative value as it was the home of Dr. Franklin J. Rundle, who was a constant presence in his community and remained so until his passing in 1957.

46 Riverside Drive North has contextual value as the house is important in defining, maintaining and supporting the area in which it stands as one of the original homes constructed on Riverside Drive North in the late 1920s.

Heritage Attributes:

The key heritage attributes of 46 Riverside Drive North that reflect its value as an important link to the history of Oshawa consist of the following:

- Overall Form and Design - 46 Riverside Drive North is situated at a prominent location and has picturesque, asymmetrical massing that is oriented south towards Bond Street East. The house is representative of the English Tudor Style. Large Tudor Revival style dwellings built in the late 1920s are often labeled "Stockbroker's Tudor". Drawing inspiration from the rural vernacular architecture of the Tudor period in England, the style was most popular in affluent suburbs - it was a lavish design that spoke of the owner's financial success. The term "Stockbroker Tudor" derives from the fact that the financially successful homeowners had frequently made their wealth in the booming 1920's stock market.
- Wall Treatment - The main massing of 46 Riverside Drive North has variegated red brick laid in English bond with light coloured mortar, characteristic of an exterior wall treatment for a Tudor Revival style dwelling. The majority of the gables and upper wall surfaces have timber tudoring, infilled with plaster.
- Roof - The large, medium to high pitched, irregular shaped roof is a complex mix of gables. Some of the gables have timber tudoring infilled with white plaster. The gables are trimmed with dark coloured, moulded fascia and cedar shake to create the look of a triangular pediment.
- Window Openings - Flat, narrow window openings, asymmetrically placed in groupings are typical of the Tudor Revival style. This dwelling features multi-paned, hung sashes

painted in dark colours, reminiscent of the medieval windows from which this style draws its inspiration. Lugsills for the window openings within the brick massing are likely cement.

- Main (South) Entrance - The most notable feature is the projecting frontispiece featuring a winged gable clad in stone, laid in broken courses containing a solid wood round-headed door and heavy stone door surround. The stone voussoirs around the arched doorway are carefully placed giving the impression of hand-crafted work.