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TO:	CHAIR AND MEMBERS - PLANNING COMMITTEE MEETING ON MONDAY, APRIL 19, 2010
FROM:	J.M. FLEMING DIRECTOR OF PLANNING
SUBJECT:	INFORMATION REPORT RE: DEMOLITION APPLICATION 420 FANSHAWE PARK ROAD EAST

RECOMMENDATION
That, on the recommendation of the Director of Planning, with the advice of the Heritage Planner, the following report BE RECEIVED for information.

PREVIOUS REPORTS RELATED TO THIS MATTER
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2007 Report to Planning Committee - POTENTIAL PROPERTY ACQUISITION -420 FANSHAWE PARK ROAD EAST

BACKGROUND

On March 1, Building Division received a notice of intent to demolish the structure at 420 Fanshawe Park Road East from an agent of the owner. The residence at 420 Fanshawe Park Road East is listed as a Priority 3 Property on the City of London 2006 *Inventory of Heritage Resources*. As a listed property on the City's Register of Properties of Cultural Heritage Value or Interest, Section 27 (3) of *The Ontario Heritage Act* provides Municipal Council with a minimum 60 day period to consider whether the demolition application should be denied. A notice of intent to designate the property under Section 29 of the Heritage Act would forestall any demolition application pending a resolution of the designation matter. Submission of the application on March 1 would require a Council decision on the matter prior to April 29.

The *Ontario Heritage Act* specifies that, prior to a notice of an intention to designate a property under Section 29, consultation with its municipal heritage committee is required. The London Advisory Committee on Heritage (LACH) has considered this matter partially. At its meeting on April 14, the LACH was prepared to discuss the application for demolition. However, a representative of the owner appeared and indicated that the demolition application was being withdrawn at this time and indicated that the application being considered was not authorized by the owner himself. With this information, the LACH did not address the merits of designation as it appeared that the application was being withdrawn but the LACH noted that it was not in support of demolition at this time.

The City's Demolition Control By-Requires a public participation meeting for discussions with respect to the demolition of listed heritage properties. As public notice had been given, this report is for information that may be needed at the special meeting of Planning Committee. The withdrawal of the application for demolition removes the timelines previously identified.

Cultural Heritage Value or Interest

In the *Inventory of Heritage Resources*, Priority 3 buildings may merit designation as part of a group of buildings designated under Part IV of the Act or as part of a Heritage Conservation

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District designated under Part V of the Act, even though these buildings are not often worthy of designation individually. They may even have some important architectural features or historical associations, be part of a significant streetscape or provide an appropriate context for buildings of a higher priority. With respect to this definition, it is unlikely that a recommendation for designation would be made for this property.

However, following revisions to the Ontario Heritage Act in 2005, Regulation 9/06 of the Ontario Heritage Act establishes the general criteria prescribed for the purpose of designation under clause 29 of the Act. Such criteria include its **design or physical value** with respect to whether a building is noted for its rarity in style or design, or displays a high degree of craftsmanship or demonstrates a high degree of technical or scientific merit. With respect to the structure at 420 Fanshawe Park Road East, while the main building was constructed as a handsome two-storey brick building in 1880 according to one source, it has since been altered on both its exterior and interior to the point where its original architectural integrity as a representative example of a particular style or design has been compromised. This would likely explain the Priority 3 ranking given to the residence as much of the Inventory is based on the structure's architectural integrity as viewed from the street.

The second broad criteria for the designation under Section 29, is the **historical value** tied to the property with respect to its direct associations with a theme, event, person, that is significant to a community. An article in the London Free Press (October 10, 2009) summarized the historic associations of this property. The original land grant was given to William Geary, one of the Richard Talbot group of settlers who emigrated from Ireland in 1818. The Geary children were important in the subsequent development of the area. A grandson, George, became a lawyer and eventually served as Mayor of London from 1910-1912. He received the Military Cross and other awards and became Justice Minister in the federal cabinet of R.B. Bennett in 1935.

The home later became the residence of the Rubinoff family. The Rubinoffs were prominent developers and entrepreneurs responsible for the development of Stoneybrook subdivision and White Oaks Mall, and the creation of the Canadian branch of Holiday Inn and Leeds of London businesses.

Finally, with respect to heritage associations, is the over 50 year period of occupancy by the Poole Family. Nancy Poole has had a highly successful and significant career with respect to the local and provincial arts community.

The third main criterion for designation relates to the building's **contextual value** if it is important in defining the character of an area, or is physically or historically linked to its surroundings or is a landmark. The structure at 420 Fanshawe Park Road has lost some of its contextual value as the area around it has become more developed but in some respects may still be considered a landmark in the area specifically with respect to the park like setting within a heavily treed landscape.

Using the assessment form now under use, and review, by the Stewardship sub-committee of the LACH, in the opinion of the Heritage Planner, the structure's status on the Inventory might now be rated as a Priority 1 or 2 primarily for its historic associations. The City's Inventory states that Priority 1 or 2 structures may merit designation under Section 29 of the Act.

Again, it should be noted the LACH has not addressed the matter of designation as it has interpreted the demolition application has been withdrawn.

Previous Matter Considered by Council

In November 2007, the City was invited by the owners at that time to participate in the purchase of the property for use as a public park. Responding to a report to Planning Committee, Council resolved at its meeting on November 19, 2007 "That, on the recommendation of the General Manager of Planning and Development, with the concurrence of the Manager of Realty Services, **NO ACTION BE TAKEN** to acquire 420 Fanshawe Park Road East for public parkland. (L15-02) (6/31c/BC) (5/30/CW)

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PREPARED BY:	SUBMITTED BY:
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RECOMMENDED BY:	
<i>J.M. Fleming</i>	
J.M. FLEMING DIRECTOR OF PLANNING	

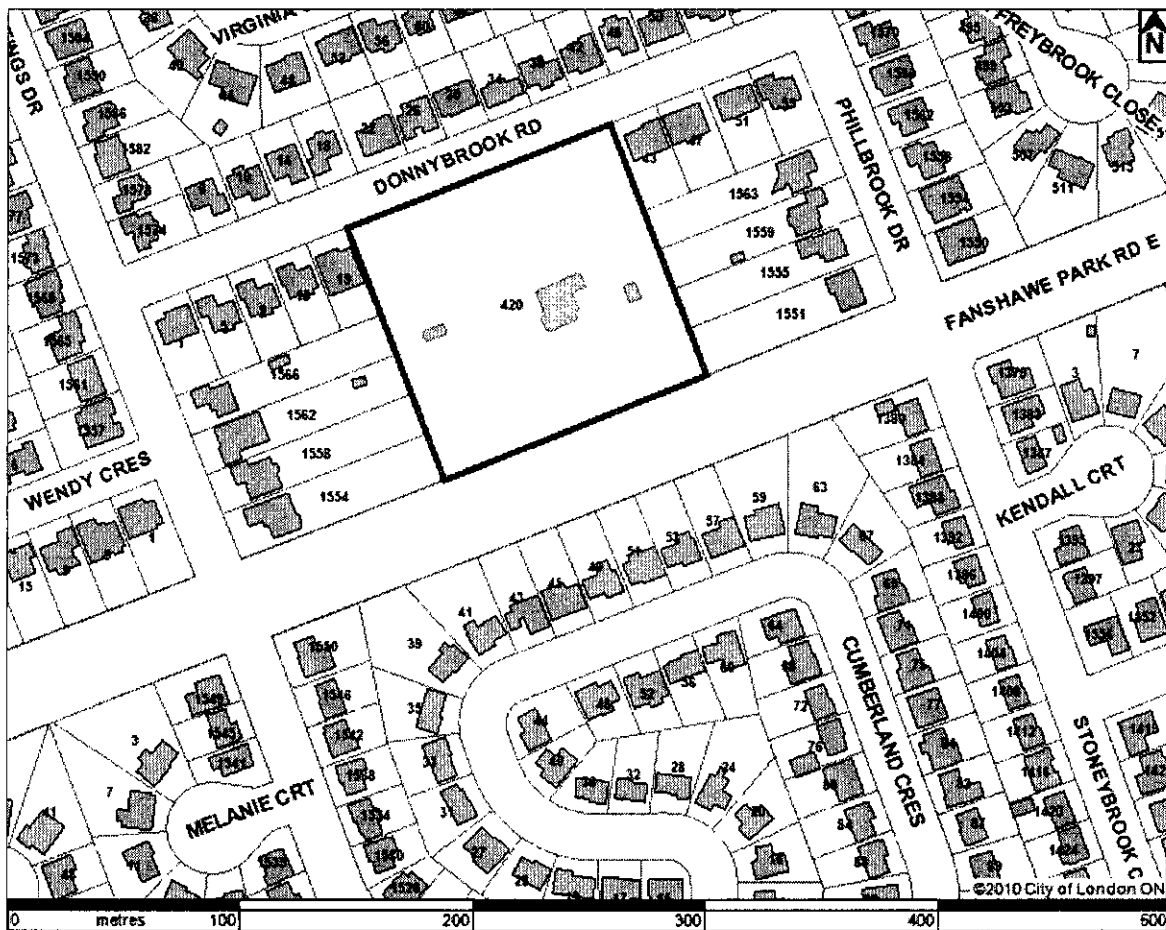
April 15, 2010

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Attach: Appendix 1 –Location Map 420 Fanshawe Park Road East; appendix 2- Exterior Photos -420 Fanshawe Park Rd. E;

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Appendix 1: Location Map – 420 Fanshawe Park Road East



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Appendix 2 Exterior Photos 420 Fanshawe Park Road East

