

## **Alterations to a Property Designated under Part V of the Ontario Heritage Act - 52 Boswell Avenue**

Date: August 5, 2019

To: Toronto Preservation Board  
Toronto & East York Community Council

From: Senior Manager, Heritage Preservation Services, Urban Design, City Planning

Wards: Ward 11 - University-Rosedale

### **SUMMARY**

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This report recommends that City Council approve the proposed alterations at the existing three-storey detached house-form building at 52 Boswell Avenue. This property is designated under Part V of the Ontario Heritage Act as part of the East Annex Heritage Conservation District Study (EAHCD Study). It is a category "X" property, meaning it is "too recent to be given an accurate heritage evaluation" and therefore "...is not of heritage significance at this time." The EAHCD Study discourages additions to the front of buildings and says that front yard parking should be avoided.

Constructed circa 1962, this house is currently set approximately 6.6 metres back from the front property line along Boswell Avenue. The applicant is proposing additions to the front, rear and roof. The front addition would be 3.05 metres deep and would mean the house would now be set 3.6 metres back from the front property line. The adjacent houses at 54 Boswell Avenue and 50 Boswell Avenue are set back 1.57 metres and 4.42 metres respectively; as a consequence the proposed front addition would be closer to the average front yard setback and would therefore be more in keeping with the existing character and appearance of this part of Boswell Street. The design of the proposed front addition has also been revised to more closely reflect the design of the adjacent houses.

The existing house currently has a sloped driveway to an integral garage. Such parking arrangements are discouraged in the EAHCD Study because of the impact they have on the front yard gardens and tree coverage. The proposal, which was subject to a minor variance application and approved by the LPAT, involves replacing the sloped driveway with a below-grade vehicle lift and to include some additional front yard planting. This is more in keeping with the design guidelines of the EAHCD Study.

A roof terrace with frosted glass railings and an elevator machine room are proposed to be set more than 6.6 metres and 5.2 metres back, respectively, from the new front main

wall of the house. Neither are anticipated to have a significant impact from the public realm.

Overall, the proposed alterations would have a minimal impact on the heritage character of this stretch of the north side of Boswell Avenue.

## **RECOMMENDATIONS**

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The Senior Manager, Heritage Preservation Services, Urban Design, City Planning recommends that:

1. City Council approve the alterations to the heritage building at 52 Boswell Avenue, in accordance with Section 42 of the Ontario Heritage Act, with such alterations substantially in accordance with the plans prepared by Farrow Partners Inc., dated March 5, 2019 (TLAB drawings regarding roof terrace); June 6, 2019 (Preliminary Project Review application drawings) and July 4, 2019 (Landscape plan), and on file with the Senior Manager, Heritage Preservation Services, and subject to the following conditions:

a. That prior to the issuance of any heritage permit for the property at 52 Boswell Avenue, but excluding permits for interior work, repairs and maintenance and usual and minor works for the existing heritage building as are acceptable to the Senior Manager, Heritage Preservation Services, the applicant provide the following to the satisfaction of the Senior Manager, Heritage Preservation Services;

b. The landscape plan hereby approved shall be implemented within one year of the substantial completion of the development hereby approved or such longer period as is acceptable to the Senior Manager, Heritage Preservation Services. Any trees removed, dying, being severely damaged or becoming diseased within two years of planting shall be replaced with trees of similar size and species to those originally required to be planted;

c. The car lift shall remain in its below-grade location at all times apart from when in use for moving a vehicle to the below grade garage and when needed above ground for maintenance purposes.

## **FINANCIAL IMPACT**

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There are no financial implications resulting from the adoption of this report.

## **DECISION HISTORY**

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City Council on July 26, 1994, passed municipal by-law 1994-0520, effectively creating the East Annex Heritage Conservation District.

<https://www.toronto.ca/legdocs/pre1998bylaws/toronto%20-%20former%20city%20of/1994-0520.pdf>

Minor Variances have been approved through Committee of Adjustment on September 26, 2018 (Case File Number: 18 137390 STE 20 MV), to permit front, rear and roof additions to the house at 52 Boswell Avenue but this decision was appealed to the Toronto Local Appeal Body.

On March 15, 2019 the Toronto Local Appeal Body issued an Interim Decision and Order based on a settlement agreement between the owners of the house at 52 Boswell Avenue and the appellants. This allowed the proposed variances subject to a further Plans Examination Review and to the following conditions (TLAB Case File Number: 18 232830 S45 20 TLAB):

Prior to the issuance of a building permit to allow for the proposed front addition on the subject property at 52 Boswell Avenue the owner shall:

Provide a Heritage impact Assessment for the property at 52 Boswell Avenue prepared by a qualified heritage consultant, to the satisfaction of the Senior Manager, Heritage Preservation Services;

Provide a detailed landscape plan for the subject property, satisfactory to the Senior Manager, Heritage Preservation Services;

Obtain approval to alter the property under the provision of Section 42 of the Ontario Heritage Act;

Provide building permit drawings, including a description of materials and finishes, to be prepared by the project architect and a qualified heritage consultant to the satisfaction of the Senior Manager, Heritage Preservation Services.

Prior to the issuance of a building permit, the applicant/owner shall submit a complete application for permit to injure or remove privately owned trees under Municipal Chapter 813 Article III, Private trees, to the satisfaction of the Supervisor, Urban Forestry, Tree Protection and Plan Review, Toronto and East York District.

Prior to the issuance of a building permit, the applicant/owner shall submit a complete application for permit to injure or remove City owned trees under Municipal Chapter 813 Article II, Street trees, to the satisfaction of the Supervisor, Urban Forestry, Tree Protection and Plan Review, Toronto and East York District.

The alterations to the three-storey dwelling shall be constructed substantially in accordance with the drawings prepared by Farrow Partners, Inc, dated March 5, 2019, including in respect of the following:

The front yard setback shall be 3.6 m, as shown on the Site Plan;

Notwithstanding the permitted building depth, the above-ground portion of the building shall have a maximum length (measured from the front wall to the rear wall of the ground floor) of 20.72 m, as shown on the Ground Floor Plan;

The owner shall install a minimum 1.5 m high privacy screen along the east side of the roof terrace at the rear of the third floor, as shown on the Proposed Roof Terrace Plan. The privacy screen shall be set with opaque or frosted glass, which would allow light penetration but no views.

The areas on the Proposed Roof Terrace Plan labelled "Lower Inaccessible Roof" at the front and rear of the dwelling," and the area labelled "Inaccessible Roof Garden with Tall Grass and Moss", shall not be accessible, except as required for maintenance purposes.

The car lift shall remain in its below-grade location at all times apart from when in use for moving a vehicle to the below grade garage and when needed above ground for maintenance purposes.

Any lighting installed on the roof terrace, including on the inaccessible portions thereof, shall be downcast and/or dark sky lighting compliant so as to cast light only onto 52 Boswell Avenue and not onto 50 Boswell Avenue.

Any security cameras installed on the roof or walls of 52 Boswell Avenue shall be directed only towards the 52 Boswell property and not onto 50 Boswell Avenue.

## **BACKGROUND**

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### **Proposal**

The property at 52 Boswell Avenue is located within the East Annex Heritage Conservation District, designated under Part V of the Ontario Heritage Act with the passing of municipal by-law 520-94. The existing single-family detached house at 52 Boswell Avenue, built in 1962, was evaluated as a category "X" property; meaning that it is "too recent to be given an accurate heritage evaluation..." and therefore "...is not of heritage significance at this time." The adjacent property at 50 Boswell is also a category "X" property with category "C" buildings located next door at 54-56 Boswell and opposite at 49-53 Boswell Avenue. Category "C" buildings are noted as retaining "much of their original character and are vital reminders of a community's past."

The applicant is proposing to construct a 3-storey front addition, a rear 3-storey addition, interior alterations to all floors and basement, a new roof terrace, new roof level elevator machine room and an elevating device to provide vehicular access from the front yard to the garage in the basement.

## **Policy Framework**

### **Provincial Policy Statement and Planning Act**

The Planning Act and the associated Provincial Policy Statement guide development in the Province. The Act states that municipalities must have regard for matters of provincial interest. Section 2(d) specifically refers to "the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest."

Provincial Policy Statement (PPS) issued under the authority of Section 3 of the Planning Act provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. Key objectives include: building strong communities; wise use and management of resources; and protecting public health and safety. The Planning Act requires that City Council's decisions affecting land use planning matters "be consistent with" the Provincial Policy Statement.

Policy 2.6.1 of the PPS directs that "Significant built heritage resources and significant cultural heritage landscapes shall be conserved." Properties included on the City's Heritage Register are considered to be significant in this context. "Conserved" is defined in the PPS as "the identification, protection, use and/or management of built heritage resources in a manner that ensures their cultural heritage value or interest is retained under the Ontario Heritage Act."

Policy 2.6.3 of the PPS directs that "planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved."

### **Growth Plan**

The Growth Plan for the Greater Golden Horseshoe (2017) (Growth Plan) provides a strategic framework for managing growth in the Greater Golden Horseshoe region including:

Policy 4.2.7(1) of the Growth Plan states that cultural heritage resources, which includes built heritage resources, will be conserved in order to foster a sense of place and benefit communities. Both the PPS and the Growth Plan outline that built heritage resources are generally located on a property that has been designated under Parts IV or V of the Ontario Heritage Act, or included on local, provincial and/or federal registers.

### **City of Toronto Official Plan**

On May 12, 2015, the Ontario Municipal Board approved Official Plan Amendment 199 to the City of Toronto Official Plan Heritage Policies. This Amendment includes 53 heritage policies. The following Official Plan policy applies to heritage conservation districts and proposed new construction:

3.1.5.33: "Heritage Conservation Districts should be managed and conserved by approving only those alterations, additions, new development, demolitions, removals and public works in accordance with respective Heritage Conservation District plans."

### **East Annex Heritage Conservation District (EAHCD) Study**

The EAHCD Study General Guidelines aim to "ensure that physical changes in the area contribute to and strengthen the character of the East Annex" (Section 0.3). The subject property is given an "X" category in the EAHCD Study. This means it is "too recent to be given an accurate heritage evaluation..." and therefore "...is not of heritage significance at this time."

The EAHCD Study, in section 3.B Guidelines for Additions and Alterations states that the "intent of these guidelines is to encourage the preservation of existing heritage buildings, and when necessary, to aid sensitive and contextual design for new work." It includes the following guidelines:

1. Generally do not make alterations or additions to the street façade of the building, except where such alterations are intended to restore the original appearance of the building; an addition should not visually overpower the existing building.
2. Use neighbouring buildings and existing building on the site as a guide, employing similar scale, proportion and level of details. Use of clay brick as the predominant exterior material on publically visible facades. Paint exterior woodwork.
4. In general, additions should be made at the rear of the property.
5. Avoid parking ramps to basement garages located in the front yards unless no other alternative is available.
6. Avoid front yard parking unless there is no other means for parking, including on-street parking. If front yard parking is constructed, leave at least half of the front yard unpaved.

Area-specific guidelines for Boswell Avenue in section 3.4.3 include the following:

"New buildings or additions should recognize the small scale of neighbouring buildings and not over-power them in height, scale, or other design feature."

"The small scale of some of the buildings on Boswell is what gives character to this street. The original details of the buildings are simple, yet based on a sense of proportion and ratio of window size to building face which should not be altered. On even the smallest lot there is room for a front garden."

Guidelines for Streetscape Character are found in section 3.4.4 which include the following comments:

"An aggressive tree planting program will be required on Boswell in order to make an impact... On Boswell, the tree planting initiative should also be extended to the private front yard garden, by the homeowners, as well. Since there may not be enough suitable locations for tree planting within the street allowance, homeowners are encouraged to plant additional trees, where space permits, in the front garden. In addition, hedge planting is recommended in order to visually screen the front yard parking."

## **COMMENTS**

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Heritage Preservation Services (HPS) staff have reviewed the proposed alterations at 52 Boswell Avenue against the EAHCD Study guidelines.

The EAHCD Study discourages front additions, however the existing house at 52 Boswell Avenue is set back by 6.6 metres from the front property line along Boswell Avenue. This is considerably more than its neighbouring properties (54 Boswell Avenue and 50 Boswell Avenue are set back 1.57 metres and 4.42 metres respectfully). The proposed front addition would be of brick and it would extend out 3m further than that of the existing front façade and thus transition between the front facades of the adjoining properties. Furthermore, its design has been revised a number of times to more closely relate to the datum lines and solid-to-void ratios of the adjacent buildings and to comply with the EAHCD Study's intent of having "sensitive and contextual design for new work."

The existing house has a sloped driveway to an integral garage. Such parking arrangements are discouraged in EAHCD Study because of the impact they have on the front yard gardens and tree coverage. The proposal involves replacing the sloped driveway with a below-grade vehicle lift and is to include some additional front yard planting. A condition of the minor variance and one hereby recommended as part of the approval under the Ontario Heritage Act is for the car lift to remain in its below grade location when not in use. In that way it would appear as a driveway when not in use. This is more in keeping with the design guidelines of the EAHCD Study than the existing front yard arrangement. The EAHCD Study's guidelines encourage additional tree planting in front yards and as such a row of columnar beech trees are proposed on the west side of the front yard with rows of yews along the east side and a narrow planting bed for flowers and ornamental grasses between the front walkway and vehicular access platform. This additional soft landscaping would improve upon the existing condition which is largely hard-surfaced.

A proposed roof terrace with glazed railings and elevator machine room will be set far back from the edge of the street-facing roof and are not expected to be easily visible from the public realm.

The proposed rear addition would not be visible from the public realm and is consistent with the EAHCD Study guidelines which says that additions "should be made at the rear".

For these reasons, staff supports the application to alter the existing "X" building at 52 Boswell Avenue as it is consistent with the guidelines of the EAHCD Study and will be appropriate for the streetscape on Boswell Avenue.

## CONTACT

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## SIGNATURE

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Mary L. MacDonald, MA, CAHP  
Senior Manager, Heritage Preservation Services  
Urban Design, City Planning

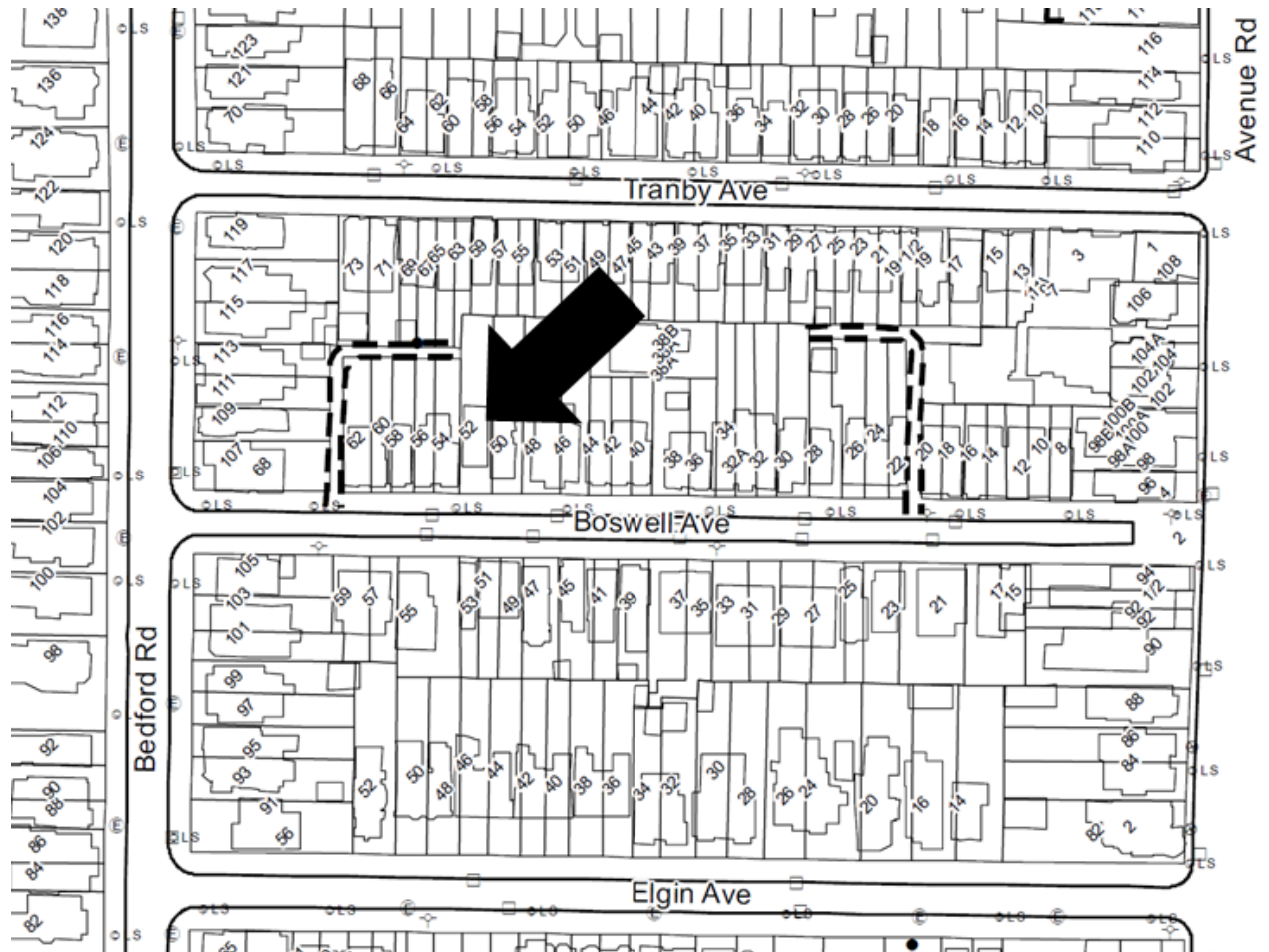
## ATTACHMENTS

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Attachment 1: Location Map  
Attachment 2: Photographs of Existing Building  
Attachment 3: Details of proposed alterations



ATTACHMENT 1: LOCATION MAP



This location map is for information purposes only and is oriented with North at the top. The exact boundaries of the property are not shown.

## ATTACHMENT 2: PHOTOGRAPHS OF EXISTING BUILDING

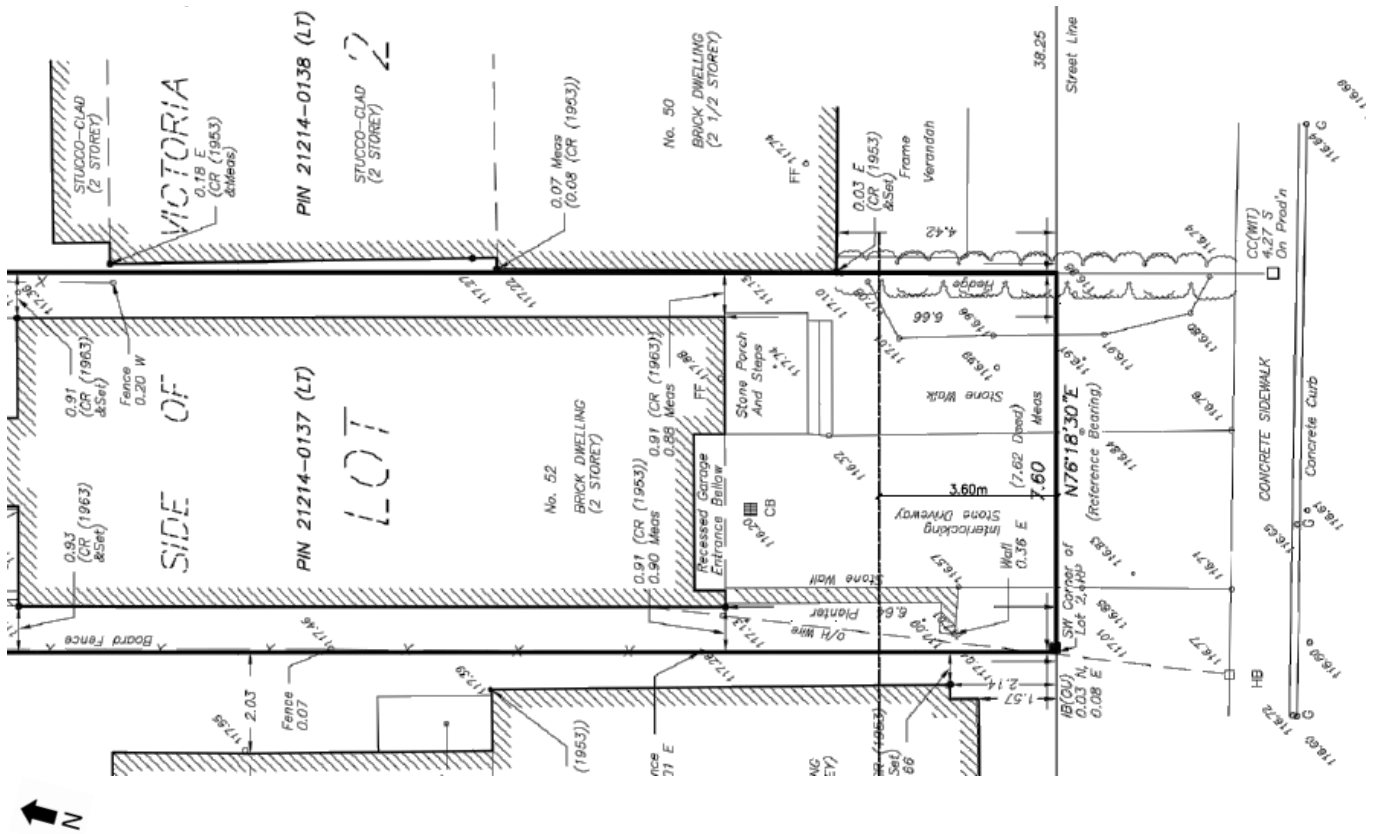


View (facing north) of the existing house at 52 Boswell Avenue, with adjacent "C" property at 54 Boswell Ave to the west and adjacent "X" property to the east at 50 Boswell Avenue. The front yard landscaping at 52 Boswell Avenue is mostly hard-surfaced with a reverse-slope driveway.

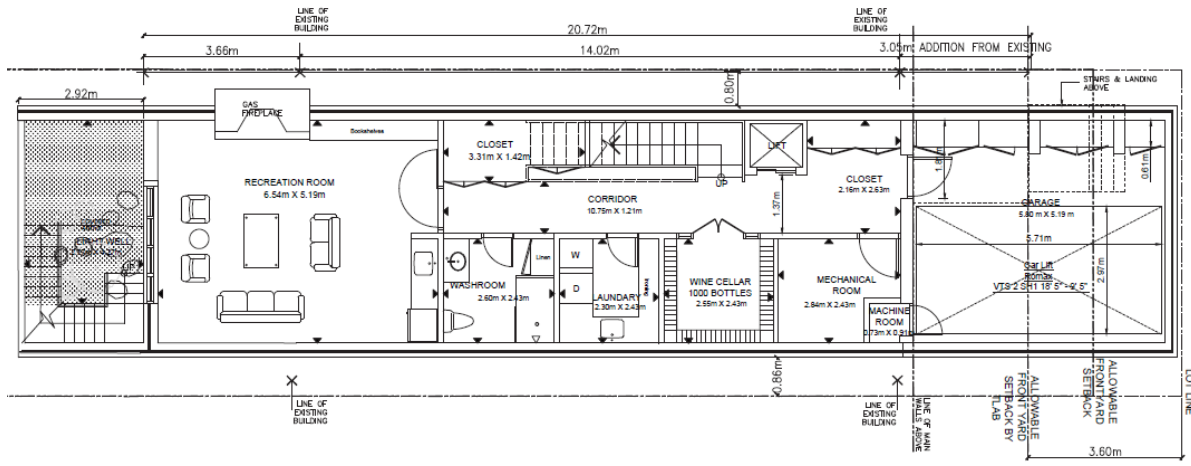
### ATTACHMENT 3: DETAILS OF PROPOSED ALTERATIONS



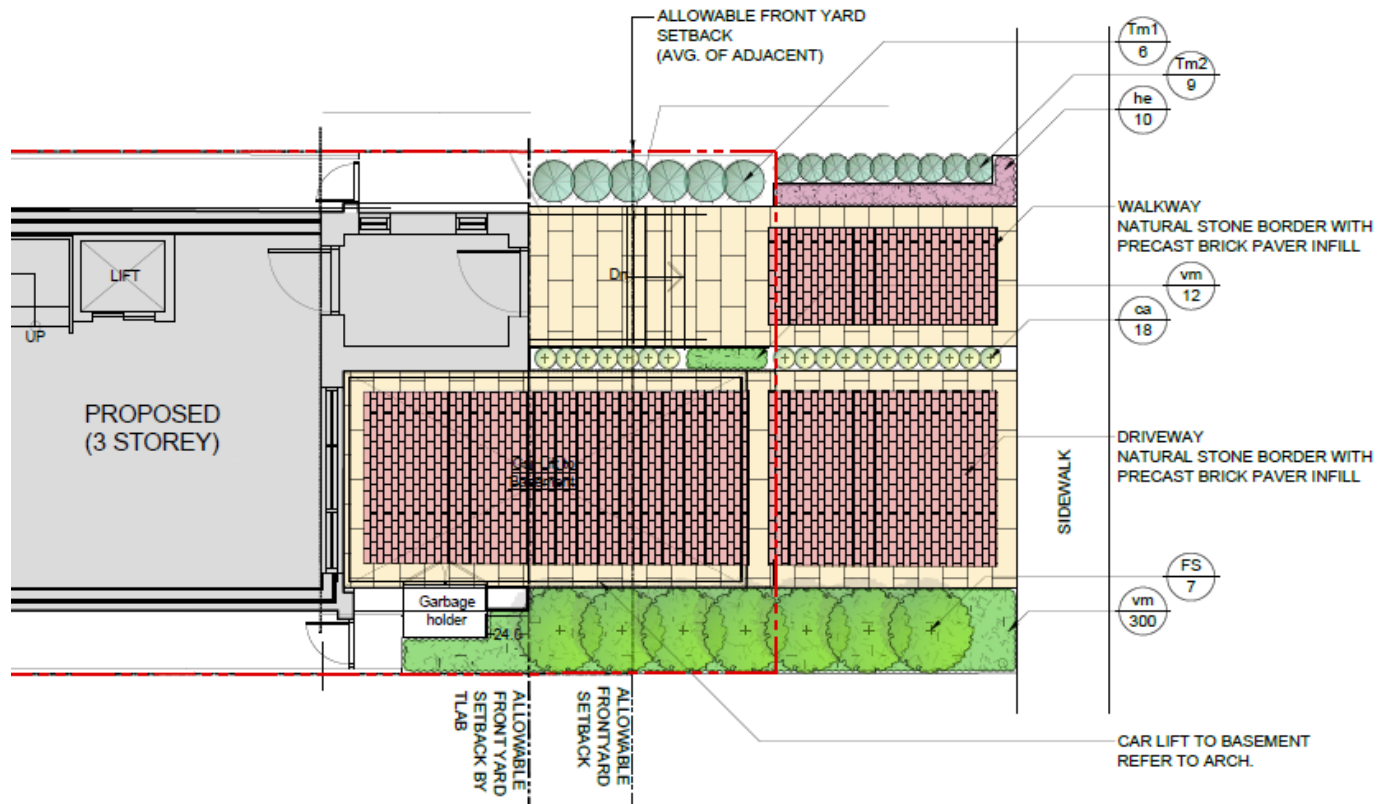
Rendering of proposed alterations (front addition and roof terrace) at 52 Boswell Avenue as viewed from an elevated position along Boswell Avenue (proposed tree plantings not shown here)



Partial existing-condition site plan for 52 Boswell Avenue, showing the existing house set further back from the street than the adjacent buildings at 54 and 50 Boswell Avenue



Proposed basement plan at 52 Boswell Avenue showing car lift toward the front of the house

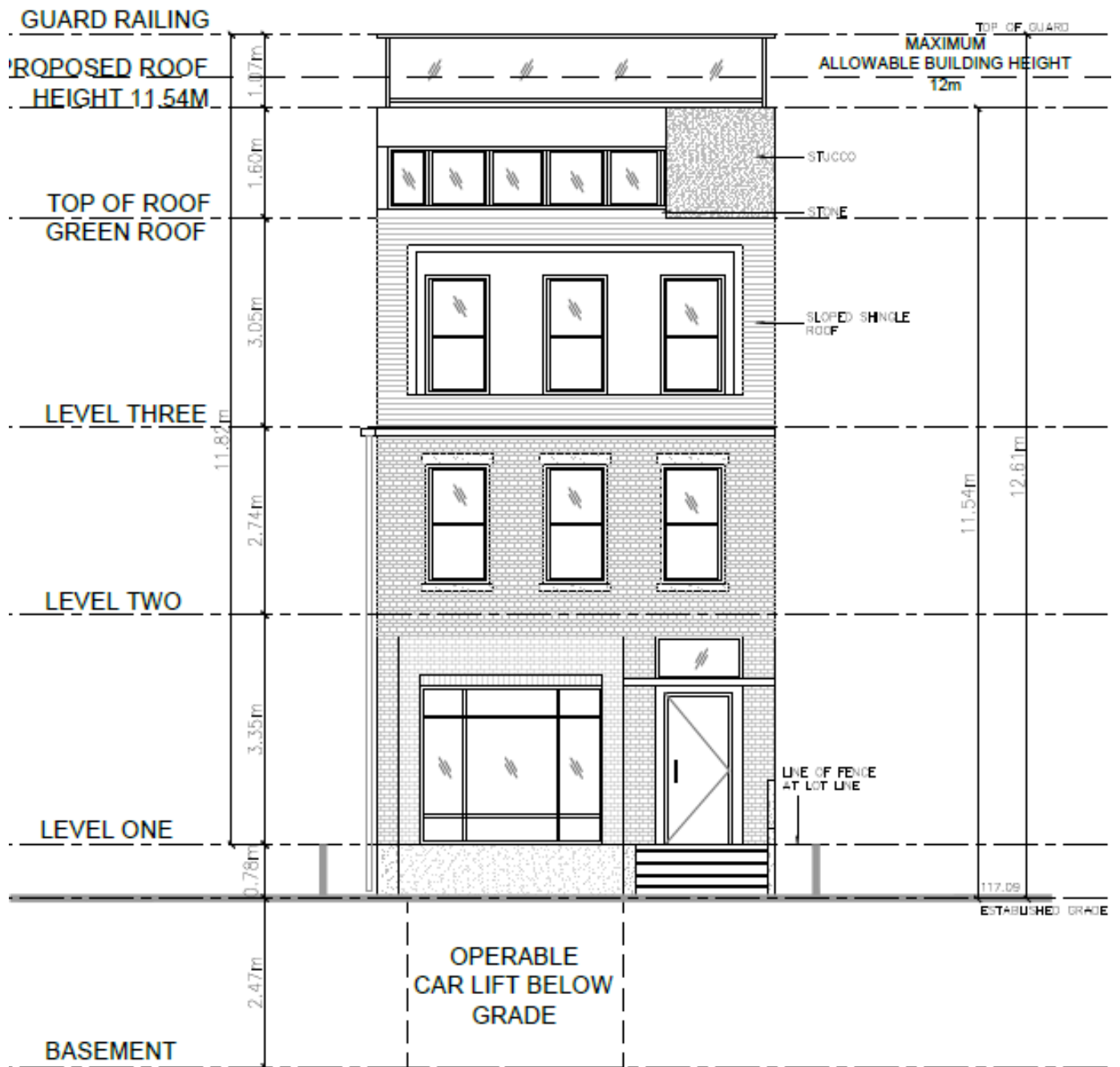


Plant List							
Key	Qty	Botanical Name	Common Name	Condition	Size	Remarks	Status
<b>DECIDUOUS TREES</b>							
FS	7	<i>Fagus sylvatica 'Dawyck Green'</i>	Dawyck green beech	WB	60mm cal.	Uniform	Adaptable
<b>EVERGREEN SHRUBS</b>							
Tm1	8	<i>Taxus x media 'Hicksii'</i>	Hicks yew	B&B	125cm ht.	Spacing per plan	Adaptable
Tm2	9	<i>Taxus x media 'Hicksii'</i>	Hicks yew	3gal. pot	40cm	Spacing per plan	Adaptable
<b>PERENNIALS</b>							
he	10	<i>Heuchera x 'Sugar Plum'</i>	Sugar plum coral bells	1gal. pot		400mm o.c.	Adaptable
<b>ORNAMENTAL GRASSES</b>							
ca	18	<i>Calamagrostis acutiflora 'Karl Foerster'</i>	Feather reed grass	2gal. pot		Spacing per plan	Adaptable
<b>GROUNDCOVERS / VINES</b>							
vm	324	<i>Vinca minor</i>	Periwinkle	6cm plug		150mm o.c.	Adaptable

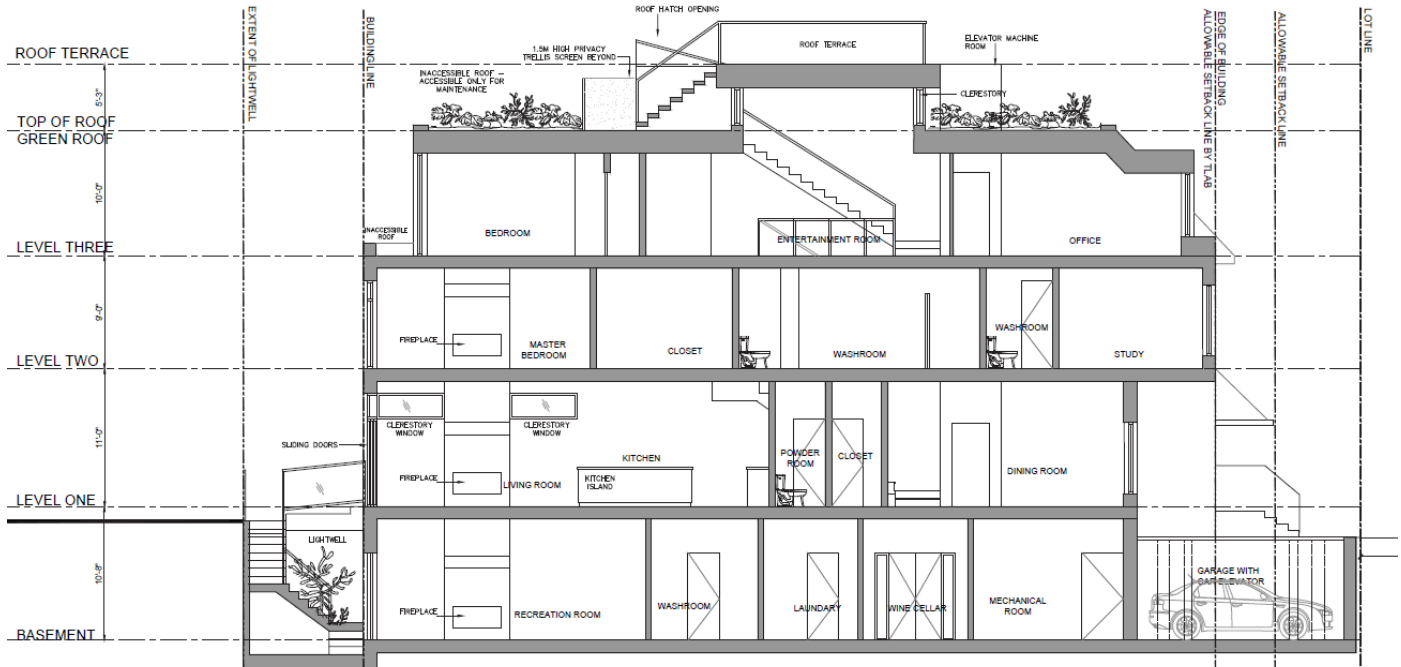
**NOTES:**

1. Plant material to conform to the Canadian Nursery Trades Association metric Guide Specifications for Nursery Stock, latest edition.
2. Contractor to verify quantities listed: plant quantities to be supplied as shown on plan to provide full planting beds in case of discrepancies between plan and quantities listed.
3. All plant material to be sourced from nurseries with an 800km radius.
4. Provide a 2 year warranty for all plant material, unless indicated otherwise in the specifications.

Proposed front yard landscape planting plan for 52 Boswell Avenue, with hard-surface driveway in closed position concealing the below-grade car lift. A row of trees (at this time, to be beech trees) are proposed at the west side of the front yard



Proposed front elevation drawing for the building at 52 Boswell Avenue



Proposed section drawing for the building at 52 Boswell Avenue, showing the proposed front addition and set-back elevator machine room and roof terrace