



## City of Hamilton

# HAMILTON MUNICIPAL HERITAGE COMMITTEE ADDENDUM

**Meeting #:** 18-010  
**Date:** December 13, 2018  
**Time:** 12:00 p.m.  
**Location:** Room 264, 2nd Floor, City Hall  
71 Main Street West

Loren Kolar, Legislative Coordinator (905) 546-2424 ext. 2604

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### 5. COMMUNICATIONS

- \*5.1 Correspondence from the Mark Giavedoni respecting the Heritage Designation at 374 Jerseyville Road, Ancaster

### 7. CONSENT ITEMS

- \*7.5 Policy and Design Working Group Meeting Notes - November 19, 2018
- \*7.6 Heritage Permit Review Sub-Committee Minutes - November 20, 2018
- \*7.7 Inventory and Research Working Group Meeting Notes - November 26, 2018

**From:** [Kyne, Michael](#)  
**To:** [Mark Giavedoni](#); [Amy Reyes](#)  
**Cc:** [Kolar, Loren](#); [Pilon, Janet](#)  
**Subject:** Communications Item : Heritage Designation at 374 Jerseyville Road, Ancaster  
**Date:** December 7, 2018 3:05:56 PM  
**Attachments:** [MKyne ltr Dec 7 18.pdf](#)  
[Letter Ancaster Heritage Designation.pdf](#)

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Mark, receipt acknowledged and correspondence forwarded to the Hamilton Municipal Heritage Committee as requested.

Michael Kyne  
Solicitor, City of Hamilton  
(905) 546-2424 x4716

The contents of this email are privileged and confidential. If you receive this email in error, please destroy it and contact me immediately. Thank you for your assistance.

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**From:** Amy Reyes [mailto:areyes@esblawyers.com]  
**Sent:** Friday, December 07, 2018 2:47 PM  
**To:** Kyne, Michael  
**Cc:** Mark Giavedoni  
**Subject:** Heritage Designation at 374 Jerseyville Road, Ancaster

Good afternoon

Please see the attached correspondence from Mark Giavedoni.

Thank you kindly,

Amy

**Amy Reyes** | Real Estate Assistant

**ESB Lawyers LLP**

1500 – One King Street West, Hamilton, ON L8P 1A4

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**Todd White**  
Chair of the Board  
Hamilton-Wentworth District School Board  
20 Education Court, P.O. Box 2558  
Hamilton, ON L8N 3L1  
905-527-5092 ext. 2279

November 28, 2018

Hamilton Municipal Heritage Committee  
City of Hamilton  
71 Main Street West  
Hamilton, ON L8P 4Y5

Attention: Ms. Loren Kolar, Legislative Coordinator

Dear Ms. Kolar:

Re: Ancaster High School – 374 Jerseyville Road West, Ancaster

We write in response to the motion by Councillor Lloyd Ferguson (moved by Councillor Collins on his behalf) at the July 18, 2018 Planning Committee and carried at the August 14, 2018 meeting, directing the Municipal Heritage Committee to commence the process to designate all 43 acres of the Ancaster High School property under the *Ontario Heritage Act*.

The comments on the record and in the minutes of the Planning Committee show that the motivation for pursuing such a designation is aimed at preventing the Hamilton-Wentworth District School Board (“HWDSB”) from considering options on how to divest itself of a portion of the site that is not required to achieve its mandate under the *Education Act*.

We understand that the role and function of a designation under the *Ontario Heritage Act* is to recognize lands and structures of a significantly historical and cultural nature to the City of Hamilton and its community. It is not a land-use planning tool that takes the place of a zoning bylaw, a site plan agreement, severance conditions or a myriad of other land-use planning tools available to a municipality. Instead, the motion at the Planning Committee can be seen as an abuse of process to discriminate against the HWDSB in its efforts to deal with its own property and to realize revenue. The subtext to the motion is clear: if the City cannot afford to acquire the lands, then no one will acquire the lands.

We note with reference, two articles in *The Hamilton Spectator* on August 15, 2018: the first reported on the Planning Committee motion for Ancaster High and the second was a decision by the Municipal Heritage Committee to reject a designation for the Stoney Creek United Church, which has deep historical and cultural significance to the City of Hamilton and the Methodist and United Church Congregations. The basis of that decision appears to be that a designation would impact the ability of the congregation to sell the church on the open market.

HWDSB and the City of Hamilton have had a strong record of working together in this community for the benefit of the same stakeholders and have taken great pride in their ability to communicate and cooperate in serving this community within their respective mandates; however, if the City of Hamilton wishes to continue to utilize the heritage designation process as a land-use tool to deter or prevent development that it arbitrarily deems inappropriate, then HWDSB will have no other alternative but to seek full recourse under the law.

# HWDSB

**Todd White**  
Chair of the Board  
Hamilton-Wentworth District School Board  
20 Education Court, P.O. Box 2558  
Hamilton, ON L8N 3L1  
905-527-5092 ext. 2279

We are hopeful that the Municipal Heritage Committee will reconsider HWDSB's position on this matter and continue to involve HWDSB in any deliberations on this topic before making any recommendations to City Council or its committees.

Sincerely,



Todd White  
Chair of the Board  
Hamilton-Wentworth District School Board

Cc: Municipal Heritage Committee



Mark R. Giavedoni  
[mgiavedoni@esblawyers.com](mailto:mgiavedoni@esblawyers.com)  
Certified Specialist (Real Estate Law)  
Professional Corporation

December 7, 2018

**SENT VIA EMAIL**

City of Hamilton  
Legal Services Division  
City Manager's Office  
21 King Street West, 12th Floor  
Hamilton, ON L8P 4W7

**Attention: Michael Kyne, Solicitor**

Dear Mr. Kyne:

Re: Hamilton-Wentworth District School Board ("HWDSB")  
Heritage Designation at 374 Jerseyville Road, Ancaster  
Our File No.: 7-3423

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On behalf of HWDSB, please see the attached letter from Chair, Todd White to the Hamilton Municipal Heritage Committee. This letter speaks of issues raised by Council relating to the Ancaster Highschool site and the demonstrable opinion of certain councillors to use the *Ontario Heritage Act* as a land use planning tool to restrict future use of the property. I believe it speaks for itself and I kindly ask that you forward it to the appropriate heritage committee members for consideration.

Thank you for your assistance in that regard.

Yours, very truly,



Mark R. Giavedoni

MRG/ar  
Attachment

Cc. Todd White, Chair of the Board, HWDSB  
Stacey Zucker, Associate Director, Support Services and Treasurer, HWDSB

**MEETING NOTES**  
**POLICY AND DESIGN WORKING GROUP**

Monday, November 19, 2018

3:00 pm

Hamilton City Hall, Room 222

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Attendees: K. Stacey, K. Wakeman A. Denham Robinson. W. Rosart, C. Priamo,  
T. Ritchie, R. Sinclair

Regrets: T. Wallis

Also Present: A. Patel, J. Parsons

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**THE POLICY AND DESIGN WORKING GROUP NOTES FOR THE INFORMATION OF  
THE HAMILTON MUNICIPAL HERITAGE COMMITTEE WITH RESPECT TO:**

**(a) CHANGES TO THE AGENDA**

None

**(b) DECLARATIONS OF INTEREST**

None

**(c) URBAN DESIGN BRIEF 282 MACNAB STREET NORTH, HAMILTON**

The Policy and Design Working Group received the McCullum Sather Urban Design Brief for 282 Macnab Street North, Hamilton. The working group expressed concern about the height specified for the new building as it is not in keeping with the character of the neighbourhood and the typical height of the buildings in proximity to the proposed building. The working group also expressed concern for the Church next door to the proposed building, as it is set back from the street, the massing and height of the new building would likely overshadow the Church.

**(d) DOCUMENTATION AND SALVAGE REPORT GLEN BRAE MIDDLE SCHOOL**

The documentation and salvage report Glen Brae Middle School was accepted as submitted.

**(e) BEASLEY NEIGHBOURHOOD ASSOCIATION HERITAGE EDUCATION  
PACKAGE**

Carol Priamo presented the Heritage Education Package project that she has been working on for the Beasley Neighbourhood Association. The package consists of a collection of documents that could provide relevant information to heritage property owners, developers and other interested stakeholders. Carol has submitted a delegation request to present the Heritage Education Package project to the Hamilton Municipal Heritage Committee at the December 13<sup>th</sup> 2018 meeting.

**(f) OTHER BUSINESS**

None

**(g) ADJOURNMENT**

The Policy and Design Working Group Meeting was adjourned at 5:00 pm.

**Next meeting date:** December 17<sup>th</sup>, 2018

MINUTES OF THE HAMILTON  
**HERITAGE PERMIT REVIEW SUB-COMMITTEE**

**November 20<sup>th</sup>, 2018**

**Present:** Diane Dent, Mark-Anderson McGaw, Andy MacLaren, Justin Hogeterp, David Beland (Vice Chair), Wilf Arndt (Chair)

**Attending Staff:** Jeremy Parsons, Asiya Patel

**Absent with Regrets:** Jennifer Trimble

Meeting was called to order by Chair, Wilf Arndt at 5:00 pm

**1) Acceptance of the September 18th, 2018 meeting minutes:**  
(Hogeterp/Dent)

**CARRIED**

**2) Heritage Permit Application HP2018- 042 – 112-114 John Street, N. Hamilton**  
(Stewart Memorial Church)

- Removal of two (2) pews for installing of scaffolding.
- Removal of two (2) small portions of existing tin ceiling and ceiling substrate for investigation of attic space as per engineering recommendations; and
- Reinstallation of removed portions of tin ceiling and paint affected area.

The Sub-committee considered the application and together with input from the applicant and advice from staff, passed the following motion:

That the Heritage Permit Review Sub-committee advises that Heritage Permit application **HP2018- 042** be consented too, subject to the following conditions:

- a) That any minor changes to the plans and elevations following approval shall be submitted, to the satisfaction and approval of the Director of Planning and Chief Planner, prior to submission as part of any application for a Building Permit and / or the commencement of any alterations; and,
- b) That implementation / installation of the alteration(s), in accordance with this approval, shall be completed no later than November 30, 2020. If the alteration(s) are not completed by November 30, 2020, then this approval expires as of that date and no alterations shall be undertaken without a new approval issued by the City of Hamilton.

(Beland/MacLaren)

**CARRIED**

**3) Heritage Permit Application HP2018- 041 – 172 Hess Street North, Hamilton**

- Installation of cast-metal oval plaque to identify property designated under the Ontario Heritage Act.
- Plaque to be secured into façade of building, including;



- Drilling of two holes into the façade;
- Inserting two ¼ inch (non-rusting) lead or plastic anchor sleeves into the two holes;
- Mounting of 12 inch cast aluminum plaque with two 2-inch screws screwed into the anchors and sealed with 'locktight'; and
- Backfilling of new screw heads on the façade of the plaque with epoxy and matching paint to obscure the location of the screws and to deter vandalism.

The Sub-committee considered the application and together with advice from staff, passed the following motion:

That the Heritage Permit Review Sub-committee advises that Heritage Permit application **HP2018- 041** be consented too, subject to the following conditions.

- a) That any minor changes to the plans and elevations following approval shall be submitted, to the satisfaction and approval of the Director of Planning and Chief Planner, prior to submission as part of any application for a Building Permit and / or the commencement of any alterations; and,
- b) That implementation / installation of the alteration(s), in accordance with this approval, shall be completed no later than November 30, 2020. If the alteration(s) are not completed by November 30, 2020, then this approval expires as of that date and no alterations shall be undertaken without a new approval issued by the City of Hamilton.

(Beland/MacLaren)

**CARRIED**

#### **4) Heritage Permit Application HP2018- 043– 29 Union Street, Flamborough**

- Construction of an attached garage within the Mill Street Heritage Conservation District.

The Sub-committee considered the application and together with advice from staff, passed the following motion:

That the Heritage Permit Review Sub-committee advises that Heritage Permit application **HP2018- 043** be consented too, subject to the following conditions.

- c) a) That any minor changes to the plans and elevations following approval shall be submitted, to the satisfaction and approval of the Director of Planning and Chief Planner, prior to submission as part of any application for a Building Permit and / or the commencement of any alterations; and,
- d) That implementation / installation of the alteration(s), in accordance with this approval, shall be completed no later than November 30, 2020. If the alteration(s) are not completed by November 30, 2020, then this approval expires as of that date and no alterations shall be undertaken without a new approval issued by the City of Hamilton.

(Beland/Hodgeterp)

**CARRIED**

**5) Heritage Permit Application HP2018- 044– 98 James Street, South, Hamilton**  
(Former James Street Baptist Church)

- To renew previously approved but lapsed Heritage Permit (HP2013-058)
  - Retention of the existing front (east) façade and corner towers on James Street South in situ, including all existing windows, doors and other features (the ‘retained portions’)
  - Salvage and reuse of features and material from the removed portions of the building (the ‘salvaged portions’); and
  - Construction of a new building and/or addition on the remainder of the site and attached to the retained portions (the ‘new building’).

The Sub-committee considered the application and together with input from the applicant and advice from staff, passed the following motion:

That the Heritage Permit Review Sub-committee advises that Heritage Permit application **HP2018- 044** be consented too, subject to the following conditions.

- a) That any minor changes to the plans and elevations following approval shall be submitted, to the satisfaction and approval of the Director of Planning and Chief Planner, prior to submission as part of any application for a Building Permit and / or the commencement of any alterations;
- b) That implementation of the alterations, in accordance with this approval, shall be completed no later than December 30, 2020. If the alterations are not completed by December 30, 2020, then this approval expires as of that date and no alterations shall be undertaken without a new approval issued by the City of Hamilton;
- c) That the applicant submit, on a monthly basis, ongoing monitoring reports assessing and outlining the condition of the retained portions to City staff;
- d) That the applicant provide a written update to City staff on the current condition of the site and existing salvaged features which remain;
- e) That, once the alterations are complete, the owner shall agree to appropriate amendments to the Heritage Conservation Easement agreement to reflect the altered building; and,
- f) That a Conservation Plan consisting of the following items shall be submitted to the satisfaction of the Director of Planning and Chief Planner prior to the commencement of any alterations:
  - I. Documentation of the existing building and its architectural features and finishes in situ.
  - II. Specifications and methodology for the protection, stabilization, and restoration of the retained portions.

- I. Inventory of the existing architectural features and building materials and a methodology for salvaging these features and materials from the removed portions.
- II. A plan for the storage and protection of retained and salvaged heritage elements, including the on or off site storage location(s), environmental conditions and security, a schedule of regular inspections and monitoring, and any other protection measures as appropriate. In addition:
  - i. If the storage location is to be changed, the new location and address shall be submitted to the satisfaction and approval of staff, prior to the removal of the heritage elements to a new storage facility.
  - ii. Any unsatisfactory environmental conditions or failures in the security measures shall be reported to Planning staff as soon as they are discovered and appropriate remedies shall be developed and approved by Planning staff prior to implementation, except in emergency situations.
  - iii. City staff shall be allowed reasonable access to inspect the heritage elements in storage, at any time.

(Beland/Hodgeterp)

**CARRIED**

**Adjournment** - Meeting was adjourned at 6:30 pm

Next meeting: – December 18, 2018

**MEETING NOTES**  
**INVENTORY AND RESEARCH WORKING GROUP**

Monday, November 26, 2018

6:00 pm

Hamilton City Hall, Room 222

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Attendees: Wilf Arndt, Graham Carroll, Alissa Denham Robinson, Ann Gillespie,  
Ron Sinclair, Kathy Wakeman

Regrets: Jim Charlton, Brian Kowalewicz, Terri Wallis

Staff in attendance: none

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**FOR THE INFORMATION OF THE COMMITTEE:**

**(a) DECLARATIONS OF INTEREST -- none.**

**(b) APPROVAL OF MEETING NOTES**

The October 29, 2018 Meeting Notes of the Inventory and Research Working Group were accepted.

**(c) PLACES OF WORSHIP PROJECT**

- (i) Ron Sinclair advised the group that Laurie Brady has resigned from the I/RWG due other demands/priorities. She was encouraged to consider participation again should her circumstances change.
- (ii) Alissa Golden is unavailable due to illness. The start of the review of evaluation forms was postponed and a discussion, question and answer took place clarifying expectations.
- (iii) A Place of Worship is defined as a building/property, the primary purpose of which is the conduct of regular worship. Therefore facilities such as Hospitals, Residences, Hospices and/or

**INVENTORY AND RESEARCH WORKING GROUP  
MEETING NOTES****November 29, 2018  
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temporary locations used for events/celebrations of a religious/spiritual nature, would not be included.

- (iv) The key deliverable for the Group Evaluation phase of the project is the completed Evaluation form for each pre-1967 Place of Worship in your assigned Ward(s). These should be to Alissa Golden as soon as possible.

**(d) 45 Amelia Street, Hamilton Ontario**

With Laurie Brady's resignation, Ann Gillespie has volunteered to complete work started by Laurie for our December 10<sup>th</sup> meeting

**(e) 7 Rolph Street**

Ann Gillespie volunteered to complete an assessment of this property for purposes of determining whether it should be recommended for the City Register

**(f) 50 Sanders Blvd.**

Ron Sinclair will contact Jeremy Parsons to determine whether this property is on the City Register

**(g) NEXT MEETING - will take place on Monday, December 10<sup>th</sup>, 2018  
at 6pm, Room 222, City Hall****(f) ADJOURNMENT**

The meeting was adjourned at 7:20pm

Ron Sinclair -- Chair