



## City of Hamilton

# HAMILTON MUNICIPAL HERITAGE COMMITTEE ADDENDUM

**Meeting #:** 21-003

**Date:** April 30, 2021

**Time:** 9:30 a.m.

**Location:** Due to the COVID-19 and the Closure of City Hall (RM)

All electronic meetings can be viewed at:

City of Hamilton's Website:

<https://www.hamilton.ca/council-committee/council-committee-meetings/meetings-and-agendas>

City's Youtube Channel:

<https://www.youtube.com/user/InsideCityofHamilton>

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

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## 5. COMMUNICATIONS

- \*5.2. Correspondence from Chris Redmond, President, Durand Neighbourhood Association respecting the Absence of a Heritage Permit for the Property Located at 51 Herkimer Street, Hamilton (The Manse)

## 7. CONSENT ITEMS

- \*7.2. Heritage Permit Review Sub-Committee Minutes - March 16, 2021
- \*7.3. Inventory and Research Working Group Meeting Notes - March 22, 2021

## 8. STAFF PRESENTATIONS

- \*8.1. Hamilton 175 Update

## 12. NOTICES OF MOTION

- \*12.1. Membership of the Heritage Permit Review Sub-Committee



April 20, 2021

**ATTENTION:**

Planning & Economic Development Department (Heritage) Jason Thorne, Steve Robichaud, Anita Fabac  
Heritage Planner - Alissa Golden  
Councilor Ward 2 - Jason Farr,  
Chair of Planning Committee- Councilor John Paul Danko  
Chair of Hamilton Municipal Heritage Committee - Alissa Denham Robinson

**RE:**

**The absence of Heritage Permit for The Manse - 51 Herkimer  
1977 Designation Part 1V Section 29/06**

The Durand Neighbourhood Association (DNA) and its Heritage Subcommittee are very concerned about the situation where a heritage staff planner advised the new owner of 51 Herkimer that in spite of there being a Part 1V Heritage Designation issued in 1977, the owner was not required to apply for a Heritage Permit for the alterations proposed. The alterations so far that are visible to the DNA include **replacement of all windows, exterior painting and a new commercial sign.**

The Hamilton City website discusses in detail how important **windows** are to the heritage properties and heritage districts and advises how to proceed. The Hamilton website is also clear that “once a property is designated under the Ontario Heritage Act, the City of Hamilton is enabled to manage physical changes to these heritage resources through the heritage permit process,...and as a general rule, changes to heritage properties should repair rather than replace original features and should not permanently damage heritage materials or construction measures.” Based on this public information, it is very difficult to understand the planner’s decision to inform the owner that a heritage permit was not required for this designated building.

<https://www.hamilton.ca/city-planning/heritage-properties/heritage-windows>

The DNA reasoning of why a Heritage Permit should have been required:

1. The designated home was built in 1858 and has an early heritage designation from 1977 based on its being an outstanding and impressive heritage resource.

2. Section 33 of the Ontario Heritage Act helps to ensure that the heritage attributes of a designated property, and therefore its heritage value, are conserved. If the owner of a designated property wishes to make alterations to the property, the owner must obtain written consent from council. Council makes the final decision on heritage permit applications unless power has been delegated to municipal staff.
3. The work proposed here was extensive involving major alterations to the exterior of the property, including the windows which are very important as identified by the City's website.
4. The designation bylaw for 51 Herkimer states "that the interior and exterior are recommended for conservation as a property having historical and architectural value."
5. The designation bylaw describes the property as having "architectural merit, and details of both Georgian and Neo Gothic design periods."
6. The designation bylaw describes the property as "having historical significance, including the same builder who built Sandyford Place; built for the minister of the former St Andrews, now St Paul's Presbyterian Church designed by the architect William Thomas."
7. Finally, the designation bylaw describes 51 Herkimer as it "stands as one of a mere handful of buildings of its era and character in the City of Hamilton".

We were informed that a heritage planner advised the owner that no Heritage Permit was required because this bylaw was written in 1977, and as one of the very first designations, it did not list attributes of what should be conserved. As windows were not listed, the heritage planner surmised that a permit was not required. The DNA disagrees with this staff assessment. We would argue that due to the inexplicit nature of these early designation bylaws, and their lack of listed attributes, further scrutiny by the heritage department should have been required to ensure that the property's historic features were protected. These bylaws will need to be amended to include historic attributes. This should be done to ensure misinterpretation of these bylaws does not affect the integrity of the designations. The lack of specificity that was in this designation bylaw, should not have allowed for the unscrutinized interpretation of the bylaw. The heritage department was required to ensure that the properties historic features were protected. The DNA would suggest that windows are inherently important to all heritage buildings, even in heritage district, and that heritage permits should always be required for window replacement on heritage buildings, irrespective of if they are listed as an important attribute.

Currently there are 30 designations that were issued from 1977 to 1980. The DNA has reviewed several of these early designations. Some have more detail than others, but what is important is that they are 'designations'. Designated properties always require Heritage Permits. The bolded notes below are from the City's Website.

**"When is a heritage permit needed?"**

**If a property is "designated" under the Ontario Heritage Act**

## **If a property is located within one of the seven Heritage Conservation Districts”**

This needs to be resolved as this decision is precedent setting.

### **Issues to Resolve:**

1. We need to resolve what action is going to be taken to remedy the poor replacement windows now installed at 51 Herkimer and the destruction of the fine original old growth double hung windows from 1851. There has been a significant heritage loss to this building and to our neighbourhood as a result.
2. We need it resolved that there should be no Delegated Authority by City heritage planners negating heritage permits on designated buildings; all designated properties should be required to apply to HMHC Permit Review for a Heritage Permit for change in material and alterations.
3. We need to resolve if updates are required of all early designations, if the absence of listed attributes is what contributed to the demise of the heritage windows on this outstanding building. Alternatively, the City could formally acknowledge that all early designations entail that the entire building is important to the designation and alterations are at the discretion of the heritage permit review board based on the heritage permit application process.
4. We need to resolve with certainty in what instances a heritage permit is required for designated buildings, and in what instances for buildings that are located in a heritage conservation district.
5. We need the current property owners of 51 Herkimer to be informed of the misinterpretation of this bylaw. It should be communicated to the owners that any future modifications or alterations to the property would require a heritage permit that would be reviewed by HMHC. The owners of designated properties and residents of the Durand should receive clear and concise information from the City with respect to heritage protection and their responsibilities therein. The inconsistencies demonstrated here are not in line with what we need and would expect from the City of Hamilton.

The City of Hamilton has an obligation to protect heritage under the Ontario Heritage Act. The City must uphold the heritage designations and enforce the regulations under the Act. In the DNA's opinion there has been a grave error in judgement with 51 Herkimer with devastating consequences. The heritage process within the City of Hamilton is now in question based on this decision. We need acknowledgement that what happened here is wrong and that it will not happen again. We need the process corrected as soon as possible so that it does not become precedent setting.

Respectfully yours,

Chris Redmond, President, Durand Neighbourhood Association  
Janice Brown, Chair DNA Heritage Subcommittee

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

**Tuesday, March 16, 2021**

**Present:** Melissa Alexander, Diane Dent, Charles Dimitry (Chair), Andy MacLaren, Tim Ritchie (Vice Chair), Steve Wiegand

**Attending Staff:** Alissa Golden, Hannah Kosziwka, Shannon Mckie

**Absent with Regrets:** Carol Priamo, John Scime, Stefan Spolnik

Meeting was called to order by the Chairman, Charles Dimitry, at 4:30pm

**1) Approval of Minutes from Previous Meetings:** February 16, 2020

(MacLaren/Ritchie)

That the Minutes of February 16, 2020, be approved as presented.

**2) Heritage Permit Applications**

- a. HP2021-007: 37 Mill Street North, Flamborough (Mill Street HCD)
  - Scope of work:
    - Constructing a one-storey, 630 square foot rear addition including board-and-batten wood cladding to match existing garage (Maibec)
  - Reason for work:
    - Home improvements

Jim and Charlotte Clark, the property owners of 37 Mill Street North, spoke to the sub committee at the permit review.

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

**(MacLaren/Dent)**

That the Heritage Permit Review Sub-committee advises that Heritage Permit application HP2021-007 be consented to, 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) Installation of the alterations, in accordance with this approval, shall be completed no later than March 31, 2023. If the alteration(s) are not completed by March 31, 2023, then this approval expires as of that date and no alterations shall be undertaken without a new approval issued by the City of Hamilton.
- b. HP2021-008: 36-42 James Street North, Hamilton
- Scope of work:
    - Low-pressure cleaning and removal of rust stains from exterior walls of the lower floors of the eastern (James Street South) facade, including:
      - Cleaning to be performed using hot water and steam;
      - Wash to be performed at low pressure (1000 psi) with hot water at 189 degrees Fahrenheit to avoid scouring the surface of the stone;
      - Distance of 24" from the surface will be maintained using a continuous back and forth motion;
      - No scaffolding required
  - Reason for work:
    - Rust stains on the east elevation

Stephen Marson, a project management contractor hired by the condominium corporation, spoke to the sub committee at the permit review.

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

**(Ritchie/Alexander)**

That the Heritage Permit Review Sub-committee advises that Heritage Permit application HP2021-008 be consented to, 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) Installation of the alterations, in accordance with this approval, shall be completed no later than March 31, 2023. If the alteration(s) are not completed by March 31, 2023, 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. HP2021-009: 323-325 Dundas Street East, Flamborough (Mill Street HCD)
- Scope of work:
    - Repair of the parapet walls and chimneys, including:
      - Repointing two stone chimneys
      - Dismantling the two existing brick parapet walls to the roofline and rebuilding with new lbstock bricks to close match using Leicester Orange Stock Bricks
      - Repointing existing brick area above roofline facing west and north
      - Installation of new 16-oz lead-coated copper flashings, including step flashings, counter flashings, chimney flashings and chimney caps along newly constructed parapet walls and repointed chimneys
      - Roofing repairs to match existing, as required
      - Use of Type N Portland Lime Cement and standard brick sand for all masonry work and repairs
    - Replacement of the existing aluminum eavestroughs and downspouts to match existing colour and style
    - Temporary installation of scaffolding to conduct the work, to be secured to structural wood framing at eaves or, if not sufficient, anchored to mortar joints
  - Reason for work:
    - Safety concerns regarding bricks falling to the ground

Mark Butler, property owner, spoke to the sub committee at the permit review.

## 7.2

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

### **(Dent/MacLaren)**

That the Heritage Permit Review Sub-committee advises that Heritage Permit application HP2021-009 be consented to, 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) Installation of the alterations, in accordance with this approval, shall be completed no later than March 31, 2023. If the alteration(s) are not completed by March 31, 2023, then this approval expires as of that date and no alterations shall be undertaken without a new approval issued by the City of Hamilton.
- d. HP2021-010: 5 Mill Street South, Flamborough (Mill Street HCD)
- Scope of work:
    - Installation of exterior signage for the new retail store, including:
      - A primary exterior sign with logo/brand (9'10" L x 2' H x 6" W) to be fastened to the front of the building above the cornice in the location of the previous retail sign
      - A secondary exterior hanging sign to match the existing hanging signs of the other commercial units of the row
  - Reason for work:
    - Retail store signage required prior to opening

Kendra McCalla, the store manager, represented the owners of the property at the review.

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

**(MacLaren/Ritchie)**

That the Heritage Permit Review Sub-committee advises that Heritage Permit application HP2021-010 be consented to, 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 the method for affixing the sign to the building, including the types of fasteners, locations and flashing, shall be submitted, to the satisfaction and approval of the Director of Planning, prior to installation;
- c) That the proposed signage conform to the City of Hamilton's Sign By-law
- d) Installation of the alterations, in accordance with this approval, shall be completed no later than March 31, 2023. If the alteration(s) are not completed by March 31, 2023, then this approval expires as of that date and no alterations shall be undertaken without a new approval issued by the City of Hamilton.

3) **Adjournment:** Meeting was adjourned at 7:15 pm

(Alexander/Ritchie)

That the meeting be adjourned.

4) **Next Meeting:** Tuesday, April 20, 2021 from 4:30 – 8:30pm

## Inventory & Research Working Group (IRWG)

### Meeting Notes

Monday, March 22, 2021 (6:00 pm – 8:00 pm)

City of Hamilton WebEx Virtual Meeting

- Present:** Janice Brown (Chair); Rammy Saini (Secretary); Graham Carroll; Lyn Lunsted; Chuck Dimitry; Alissa Denham-Robinson; Ann Gillespie; Brian Kowalesicz
- Regrets:** Jim Charlton; Alissa Golden (Heritage Project Specialist)
- Also Present:** Hannah Kosziwka (Waterloo Student Intern)

### NOTES

#### 1. Chair's Remarks

Janice welcomed all present.

#### 2. Declarations of Interest

None.

#### 3. Review & Approval of Meeting Notes, February 22, 2021

Approved by general consensus.

#### 4. Places of Worship Updates:

##### a) Former St. Thomas Anglican Church – Janice Brown

Janice notified the IRWG that the former St. Thomas Anglican Church that sits at the corner of Main and West Avenue in Ward 2 has been purchased. The new owner is looking to convert the former church into condos without demolishing the existing structure. Changes will need to be made to adapt the existing building for residential use, such as adding dormers for light to the planned upper floor. Should the church be successfully repurposed, it could prove to be an example of adaptive reuse.

##### b) Wentworth Baptist Church – Janice Brown

Janice notified the IRWG that Wentworth Baptist has been sold. She is looking into who has purchased the property and whether or not the property plans are for demolition.

##### c) Adaptive Reuse Brainstorm Zoom with Graham Cubitt – Janice Brown

Janice reminded the IRWG that Graham Cubitt has scheduled a Zoom session to discuss adaptive reuse of churches. The session will take place on March 25<sup>th</sup> from 7-8pm.

**5. 64 Hatt Street, Dundas – Ann Gillespie**

Ann presented information on 64 Hatt Street. The current proposal for the property is to build 2 eight-storey buildings with 2-levels of parking. In this proposal, the existing heritage building will be maintained for commercial use and a new eight-storey residential building with parking will be constructed at the rear of the property. A second phase would involve building 8 storeys for residential use above the existing heritage building. Ann noted that adaptive reuse of the building was in the original plan in order to maintain the courtyard and chimney.

The property is already on the register and designation work plan. IRWG will consult with staff to confirm whether or not a Cultural Heritage Impact Assessment (CHIA) will be required as part of the redevelopment application.

**6. 215 & 219 King Street West, Dundas – Ann Gillespie**

Ann presented information on the above listings. 219 King Street is a typical Worker's Cottage in style and is not vacant. 215 King Street West is vacant and is an 1867 confederation building. It no longer has the original door surround and the original windows have been replaced. Ann is going to contact the Dundas Museum & Archives for more information on this building. Hannah is also going to check whether or not a CHIA has been done for this property. Both properties have been purchased and there are plans to build a 14-unit residential building on these two King Street West properties.

**7. 54-56 Hess Street South – Janice Brown (Preliminary Research, see attached)**

Janice presented information on the above listing. 54-56 Hess St. South is currently on the register, but it is not designated. Robert McElroy lived in the building for a while and had ties to the Great Western Railway and the Hess Family. The property was built in 1852 and is one of few remaining second empire style buildings in Hamilton. This property is character defining and representative of buildings from 150 years ago. The IRWG supports Janice in completing her research so the property can be recommended for designation upon review.

**8. Other Business**

Graham Carroll provided an update on 452 & 454 Upper Wellington (semi-detached property). He was not able to find any further research, but did find another property – 392 Upper Wentworth – that is also a semi-detached though of a slightly different style (it is more modern than Victorian), which helps confirm that the property on 452 & 454 Upper Wellington is character-defining. Graham added that while the style of 392 Upper Wentworth is more common on the mountain, it is not common to see this style as a semi-detached either. Graham will complete the paperwork for both properties for the IRWG to review and consider supporting a recommendation to add each property to the registry.

The IRWG also recognizes that we are down to only one heritage staff member for the time being, but we will continue our work as per usual.

**9. Adjournment and Next Meeting Date**

The meeting was adjourned at 7:45 PM

Next meeting: April 26, 2021, 6:00-8:00 PM (WebEx Online)

# MUSEUM OF HAMILTON HAMILTON 175

Project Update | April 30, 2021

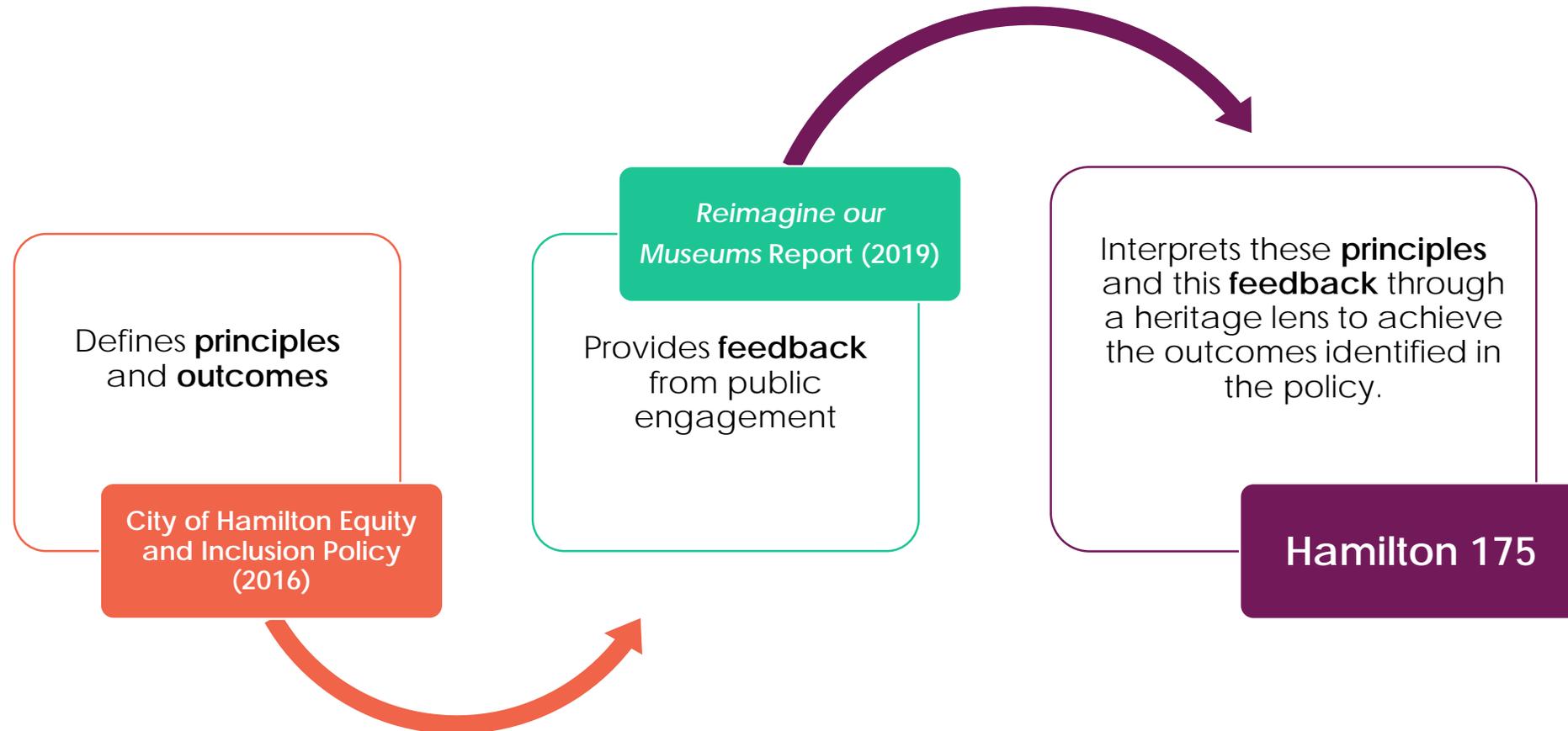
On October 14, 2020, Council approved funds for the Tourism and Culture Division to develop an online commemoration of the 175-year anniversary of the City's founding (June 9, 1846) by launching a dedicated website as the first step in developing a virtual Museum of Hamilton.

Rationale

# Museum of Hamilton / Hamilton 175

**Museum of Hamilton** is a digital storytelling platform interpreting Hamilton's histories through heritage-based digital exhibits and inclusive new content co-created with external stakeholders and community groups. The website will launch with the **Hamilton 175** project, a digital commemoration of the 175<sup>th</sup> anniversary of the city's founding as directed by Hamilton City Council on the [report from November 18, 2020.](#)

# Background to the Approach



## City of Hamilton Equity and Inclusion Policy (2016)

### DEFINES PRINCIPLES AND OUTCOMES

- Governance decisions made in the interests of under-served communities enhance the outcomes of all Hamiltonians.
- All members of the City of Hamilton's communities must have equitable access to its services, programs and opportunities.
- Public engagement ensures that diverse communities and individuals sit at crucial decision-making tables.
- The City of Hamilton must be committed to finding ways to deal effectively with resistance to organizational change.

## Reimagine our Museums (2019)

### PROVIDES FEEDBACK FROM PUBLIC ENGAGEMENT

- Present more inclusive and representative histories of Hamilton;
- Expand, broaden and deepen stories and narratives currently untold at existing civic museums;
- Introduce technology and other interactive means of digital engagement to the museum experience; and
- Explore the idea of a Museum of Hamilton.

## Museum of Hamilton | Hamilton 175

Interprets these **principles** and this **feedback** through a heritage lens to achieve the outcomes identified in the policy.

Empower Hamilton communities to preserve and share their heritage, histories and narratives through a digital storytelling website content-managed by HRM in collaboration with the communities represented.

Project Goal

2021

## Hamilton 175

Commemorates a significant historical event through 2021.

## Museum of Hamilton

A new digital storytelling website interpreting the City's histories through heritage-based digital exhibits and inclusive new content co-created with external stakeholders and community groups.

# Timeline

1816 / 1833 / 1846 – Three relevant historical dates, but...

June 9, 1846 – Hamilton incorporated as the second City in Upper Canada after Toronto, with Wards, councillors, and a mayor

2020 – Hamilton City Council approved funds to create and deliver an online commemoration of 175 years of Hamilton's history

2021 – Marks the 175-year anniversary of incorporation

June 9, 2021 – Hamilton 175 commemoration day

November 2021 – Website launch

# Thank you

Museum of Hamilton / Hamilton 175

**Cynthia Roberts** | Project Lead – Hamilton 175  
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Tourism and Culture, City of Hamilton  
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**John Summers** | Manager Heritage Resource Management  
Planning and Economic Development  
Tourism and Culture, City of Hamilton  
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# CITY OF HAMILTON

## NOTICE OF M O T I O N

Hamilton Municipal Heritage Committee Date: April 30, 2021

**MOVED BY COUNCILLOR T. RITCHIE .....**

**SECONDED BY .....**

### **Membership of the Heritage Permit Review Sub-Committee**

WHEREAS, the Heritage Permit Review Sub-Committee has two vacancies in its current membership;

WHEREAS, members of the Hamilton Municipal Heritage Committee are permitted to sit on the Heritage Permit Review Sub-Committee;

WHEREAS, members of the Heritage Permit Review Sub-Committee have asked Hamilton Municipal Heritage Committee members for an additional member ; and

WHEREAS, additions to memberships must be approved by Council

**THEREFORE BE IT RESOLVED:**

That the appointment of K. Burke as a member of the Heritage Permit Review Sub-Committee, be referred to Council for their consideration.