



City of Hamilton

HAMILTON MUNICIPAL HERITAGE COMMITTEE ADDENDUM

Meeting #: 22-001

Date: January 21, 2022

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

7. CONSENT ITEMS

7.1. Heritage Permit Applications - Delegated Approvals

*7.1.c. Heritage Permit Application HP2021-057: Installation of Eavestrough, Masonry Repointing and Reinforcing Exterior Wall at 114-116 MacNab Street South (Ward 2) (By-law No. 90-144) (MacNab-Charles HCD)

*7.1.d. Heritage Permit Application HP2021-056: Proposed Implementation of Repairs to Second Storey Enclosed Balcony and Exterior Cladding at 118 St. Clair Avenue, Hamilton (Ward 3) (By-law No. 86-125)

*7.3. Response from the Chair of the Hamilton Municipal Heritage Committee to the Rev. I. Sloan, New Vision Church, respecting St. Giles Church, Hamilton

Deferred from the December 14, 2021 meeting.

8. STAFF PRESENTATIONS

*8.1. Heritage Permit Application HP2021-055, Under Part V of the Ontario Heritage Act, to Permit New Cladding (Indiana Split Veneer Limestone)

Installed Without a Heritage Permit Along the Front of the Garage Structure, 124 St. Clair Avenue, Hamilton (PED22044) (Ward 3)



Hamilton

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Planning and Economic Development Department
Planning Division
71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5
Phone: 905-546-2424, Ext. 1202
Fax: 905-540-5611

FILE: HP2021-057

December 21, 2021

The Trustees of the Manse Property
of the Presbyterian Congregation of
MacNab Street Presbyterian Church
c/o Kenneth Post (Trustee)
114-116 MacNab Street South
Hamilton, ON
L8P 3C3

7.1(c)

**Re: Heritage Permit Application HP2021-057:
Installation of Eavestrough, Masonry Repointing and Reinforcing Exterior
Wall at 114-116 MacNab Street South (Ward 2) (By-law No. 90-144)
(MacNab-Charles HCD)**

Please be advised that pursuant to By-law No. 05-364, as amended by By-law No. 07-322, which delegates the power to consent to alterations to designated property under the *Ontario Heritage Act* to the Director of Planning and Chief Planner, Heritage Permit application HP2021-057 is approved for the designated property at 114-116 MacNab Street South, in accordance with the submitted Heritage Permit application for the following alterations:

- To repoint and consolidate the wall core of the north wall of Johnston Hall, adding anchors and vertical structural steel tied back to existing Johnston Hall attic steel structure; and,
- Exterior will be repointed and new eavestrough installed on west side of building.

Subject to the following conditions:

- a) 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) Implementation of the alterations, in accordance with this approval, shall be completed no later than December 31, 2023. If the alterations are not completed by December 31, 2023, then this approval expires as of that date and no

**Re: Heritage Permit Application HP2021-057:
Installation of Eavestrough, Masonry Repointing and
Reinforcing Exterior Wall at 114-116 MacNab Street
South (Ward 2) (By-law No. 90-144) (MacNab-Charles
HCD)**

**December 21, 2021
Page 2 of 2**

alterations shall be undertaken without a new approval issued by the City of Hamilton.

Please note that this property is designated under Part V of the *Ontario Heritage Act*, and that this permit is only for the above-noted alterations. Any departure from the approved plans and specifications is prohibited, and could result in penalties, as provided for by the *Ontario Heritage Act*. The terms and conditions of this approval may be appealed to the Ontario Land Tribunal within 30 days of your receipt of this permit.

The issuance of this permit under the *Ontario Heritage Act* is not a waiver of any of the provisions of any By-law of the City of Hamilton, the requirements of the *Building Code Act*, the *Planning Act*, or any other applicable legislation.

We wish you success with your project, and if you have any further questions please feel free to contact Stacey Kursikowski, Cultural Heritage Planner, at 905-546-2424 ext. 1202, or via email at Stacey.Kursikowski@hamilton.ca

Yours truly,

Anita
Digitally signed
by Anita Fabac
Date:
Fabac
2021.12.21
15:13:26 -05'00'

Steve Robichaud, MCIP RPP
Director of Planning and Chief Planner

cc: Stacey Kursikowski, Cultural Heritage Planner
Chantal Costa, Plan Examination Secretary
Bob Nuttall, Acting Manager, Building Inspections
Tamara Reid, Supervisor-Operations and Enforcement
Loren Kolar, Legislative Coordinator
Lisa Kelsey, Legislative Coordinator
Councillor Jason Farr, Ward 2

HERITAGE PERMIT DELEGATED AUTHORITY REPORT – HP2021-057
ADDRESS: 114-116 MacNab Street South, Hamilton

Owner: The Trustees of the Manse Property of the Presbyterian Congregation of MacNab Street Presbyterian Church and Trustee of the Presbyterian Congregation of MacNab Street Church

Applicant / Agent: Kenneth Post, Trustee

Description of proposed alterations:

- To repoint and consolidate the wall core of the north wall of Johnston Hall, adding anchors and vertical structural steel tied back to the existing Johnston Hall attic steel structure; and,
- Exterior will be repointed and new eavestrough installed on west side of building.

Reasons for proposed alterations:

- Outward rotation and bulge in northern wall of Johnston Hall pose some risk of failure.

Documentation submitted with application:

- Investigation and Assessment Report, prepared by J. G. Cooke & Associates Ltd. Consulting Engineers, dated February 27, 2020;
- Plans showing north wall stabilization scope of work; and,
- Photographs of exterior wall and eavestrough.

Staff assessment:

Key factors in the evaluation of alterations affecting a heritage building or its setting are the consideration of:

- “**displacement effects**” (those adverse actions that result in the damage, loss or removal of valued heritage features); and,
- “**disruption effects**” (those actions that result in detrimental changes to the setting or character of a heritage feature).

In the consideration of any Heritage Permit application, staff must assess the impact of the displacement and disruption effects on the heritage resource, particularly in relation to the heritage attributes mentioned in the Designation By-law, in this case, the MacNab-Charles Heritage Conservation District (HCD) Plan (By-law No. 90-144).

The applicant proposes to repoint and consolidate the wall core of the north wall of Johnston Hall, adding anchors and vertical structural steel tied back to the existing Johnston Hall attic steel structure, and to repoint the exterior of that portion of the Hall and install an eavestrough on the west side of the building.

Minimal “disruption effects” are expected to the heritage context of the property. The proposed repairs and installation will increase the building’s safety and structural integrity in order to restore a major portion of the original heritage character of the property, resulting in the same exterior visual appearance but ensuring the safety and preservation.

There will be minimal “displacement effects” to the subject property as a result of this work. The proposed repairs are necessary due to the potential risk of failure of the northern wall of Johnston Hall.

Staff are supportive of the application as it will mitigate the risk of wall failure, will prevent further deterioration to the exterior masonry, and the work is vital in ensuring the long-term preservation of the heritage resource.

Key dates:

Notice of Complete Application: December 13, 2021
Sub-committee meeting date: December 14, 2021

Sub-committee comments and advice:

The Sub-committee considered the application and passed the following motion:

(Burke / Dent)

That the Heritage Permit Review Sub-committee advises that Heritage Permit Application HP2021-057 be approved as submitted, subject to the following conditions:

- a) 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) Implementation of the alterations, in accordance with this approval, shall be completed no later than December 31, 2023. If the alterations are not completed by December 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.

CARRIED

Final Recommendation:

That the applicant be advised that Heritage Permit Application HP2021-057 is approved in accordance with the submitted application, 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) Implementation of the alterations, in accordance with this approval, shall be completed no later than December 31, 2023. If the alterations are not completed by December 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.

Approval:

Staff Approval:  _____ O.I. _____

Stacey Kursikowski, MCIP, RPP
Cultural Heritage Planner

SPM/MGR Initials

Authorized: Anita Fabac  _____

Steve Robichaud, MCIP RPP
Director of Planning and Chief Planner

Part V Designation By-law No. 90-144

2.1 Architectural Policies

2.1.1 Preservation

Given that the Heritage District's primary purpose is to save and protect its significant historic architecture from demolition, Council should strongly support the preservation of all buildings rated in Category A and B in the MacNab-Charles Districts.

2.1.2. Restoration

It is also the aim of the Heritage Designation to encourage improvement of the District's historic properties through restoration, i.e. the accurate replacement of missing architectural features, by:

- a) encouraging property owners to apply for available Heritage Funding programs for restoration projects;
- b) encouraging property owners to use documented evidence and appropriate materials, methods, and finishes in all restoration projects (a requirement of Heritage Funding).

2.1 Architectural Guidelines for Restoration

I. Masonry: brick, stone, stucco and mortar

Recommended

- Retaining original masonry and mortar, whenever possible, without the application of any surface treatment.
- Repointing only those mortar joints where there is evidence of moisture problems, or when sufficient mortar is missing to allow water to stand in the mortar joint.

Not Recommended

Applying waterproof or water repellent coatings, or surface consolidation treatments, unless required to solve a specific technical problem that has been studied and identified. Coatings are frequently unnecessary, expensive and can accelerate deterioration of the masonry.

Repointing mortar joints that do not need repointing. Using electric saws and hammers to remove mortar can seriously damage the adjacent brick.



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Planning and Economic Development Department
Planning Division
71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5
Phone: 905-546-2424, Ext. 7163
Fax: 905-540-5611

FILE: HP2021-056

December 24, 2021

7.1(d)

George Nakamura
c/o Duy Nguyen (N-Squared Designs)
118 St. Clair Avenue
Hamilton, ON
L8M 2N7

**Re: Heritage Permit Application HP2021-056:
Proposed Implementation of Repairs to Second Storey Enclosed Balcony
and Exterior Cladding at 118 St. Clair Avenue, Hamilton (Ward 3) (By-law
No. 86-125)**

Please be advised that pursuant to By-law No. 05-364, as amended by By-law No. 07-322, which delegates the power to consent to alterations to designated property under the *Ontario Heritage Act* to the Director of Planning and Chief Planner, Heritage Permit Application HP2021-056 is approved for the designated property at 118 St. Clair Avenue in accordance with the submitted Heritage Permit Application for the following alterations:

- Rebuild second level enclosed porch, including:
 - To remove the metal ladder style support posts and replace with triple columns;
 - To remove the exterior second floor walls and rebuild and reframe with the same size, shape and openings;
 - Windows will be wood replacements;
 - Existing trim to be replicated and painted poplar; and,
- Exterior cladding materials (second level enclosed porch and front dormer) to be Celect Cellular Composite Siding by Royal.

Subject to the following conditions:

- a) 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

**Re: Heritage Permit Application HP2021-056:
Proposed Implementation of Repairs to Second
Storey Enclosed Balcony and Exterior Cladding at 118
St. Clair Avenue, Hamilton (Ward 3) (By-law No. 86-
125)**

**December 24, 2021
Page 2 of 2**

Planner, prior to submission as part of any application for a Building Permit and / or the commencement of any alterations;

- b) Installation of the alterations, in accordance with this approval, shall be completed no later than December 31, 2023. If the alterations are not completed by December 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; and,
- c) That the selection of cladding shall match the existing wood shakes in texture and colour, 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.

Please note that this property is designated under Part V of the *Ontario Heritage Act*, and that this permit is only for the above-noted alterations. Any departure from the approved plans and specifications is prohibited, and could result in penalties, as provided for by the *Ontario Heritage Act*. The terms and conditions of this approval may be appealed to the Ontario Land Tribunal within 30 days of your receipt of this permit.

The issuance of this permit under the *Ontario Heritage Act* is not a waiver of any of the provisions of any By-law of the City of Hamilton, the requirements of the *Building Code Act*, the *Planning Act*, or any other applicable legislation.

We wish you success with your project, and if you have any further questions please feel free to contact Chloe Richer, Cultural Heritage Planner, at 905-546-2424 ext. 7163, or via email at Chloe.Richer@hamilton.ca.

Yours truly,

Steve Robichaud, MCIP RPP
Director of Planning and Chief Planner

cc: Chloe Richer, Cultural Heritage Planner
Chantal Costa, Plan Examination Secretary
Bob Nuttall, Acting Manager, Building Inspections
Tamara Reid, Supervisor-Operations and Enforcement
Lisa Kelsey, Legislative Coordinator
Councillor Nrinder Nann, Ward 3

HERITAGE PERMIT DELEGATED AUTHORITY REPORT – HP2021-056
ADDRESS: 118 St. Clair Avenue, Hamilton

Owner: George Nakamura
Applicant / Agent: Duy Nguyen (N-Squared Designs)

Description of proposed alterations:

- Rebuild second level enclosed porch, including:
 - To remove the metal ladder style support posts and replace with triple columns;
 - To remove the exterior second floor walls and rebuild and reframe with the same size, shape and openings;
 - Windows will be wood replacements;
 - Existing trim to be replicated and painted poplar; and,
- Exterior cladding materials (second level enclosed porch and front dormer) to be Celect Cellular Composite Siding by Royal.

Reasons for proposed alterations:

- Deterioration of exterior walls due to aging materials.

Documentation submitted with application:

- Window specifications;
- Celect Cellular Composite Siding brochure;
- Photographs of exterior deterioration;
- Photographic example of cladding of neighbouring property; and,
- Building elevations and floor plans.

Staff assessment:

Key factors in the evaluation of alterations affecting a heritage building or its setting are the consideration of:

- **“displacement effects”** (those adverse actions that result in the damage, loss or removal of valued heritage features); and,
- **“disruption effects”** (those actions that result in detrimental changes to the setting or character of a heritage feature).

In the consideration of any Heritage Permit application, staff must assess the impact of the displacement and disruption effects on the heritage resource, particularly in relation to the Reasons for Designation mentioned in the Designation By-law, in this case the St. Clair Avenue Heritage Conservation District Plan (By-Law No. 86-125).

The applicant proposes to rebuild the second level enclosed porch due to deterioration from aging materials. This includes removing the metal ladder support posts and replacing with triple wood columns, removing the exterior second floor walls and rebuilding and reframing with the same size, shape and openings and replicating the existing trim (to be painted poplar). The exterior cladding materials for the second level enclosed porch and front dormer are proposed as Celect Cellular Composite Siding by Royal 7" shake.

Moderate "disruption effects" are expected to the heritage context of the property as a result of this work. The use of a composite cladding will result in the loss of the wooden fish scale pattern of shingles in the front dormer. The best conservation practice would be to replace with in-kind materials, however, if composite cladding is to be installed, the final selection of cladding materials must be determined in consultation with Cultural Heritage Planning staff, and a cladding material resembling wood in texture and colours is required. This has been included as Condition No. 3 of the application.

There will be minimal "displacement effects" to the subject property as a result of this work. Due to the current condition of the second storey porch, trim, and cladding, the proposed repairs will ensure that the property does not experience further deterioration. Aspects of the proposed repairs will increase the visual appeal of the property from public view. For example, the existing metal ladder support posts will be replaced with wood columns and the windows will be wooden replacements, in keeping with the character of the Heritage Conservation District.

Staff are supportive of the application as it will repair and replace the heritage features of the property in like-for-like materials, with the exception of the proposed Celect Cellular Composite Siding, generally maintaining the character of the property and St. Clair Avenue Heritage Conservation District.

Key dates:

Sub-committee meeting date: December 14, 2021
Notice of Complete Application: December 10, 2021

Sub-committee comments and advice:

The Sub-committee considered the application and passed the following motion:

(Priamo / Carroll)

That the Heritage Permit Review Sub-committee advises that Heritage Permit Application HP2021-056 be approved as submitted, subject to the following conditions:

- a) 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) Implementation of the alterations, in accordance with this approval, shall be completed no later than December 31, 2023. If the alterations are not completed by December 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; and,
- c) That the applicant will work with city staff on a selection of cladding that matches the existing wood shakes in texture and colour.

CARRIED

Final Recommendation:

That the applicant be advised that Heritage Permit Application HP2021-056 is approved in accordance with the submitted application, 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) Implementation of the alterations, in accordance with this approval, shall be completed no later than December 31, 2023. If the alterations are not completed by December 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; and,
- c) That the selection of cladding shall match the existing wood shakes in texture and colour, 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.

Approval:

Staff Approval:

Chloe Richer

_____ CT _____

Chloe Richer
Cultural Heritage Planner

SPM/MGR Initials

Authorized:

Steve Robichaud, MCIP RPP
Director of Planning and Chief Planner

Excerpt from St. Clair Avenue HCD Planning Study and Plan

10.3.4 Building

Restoration of the original features of the building will be encouraged.

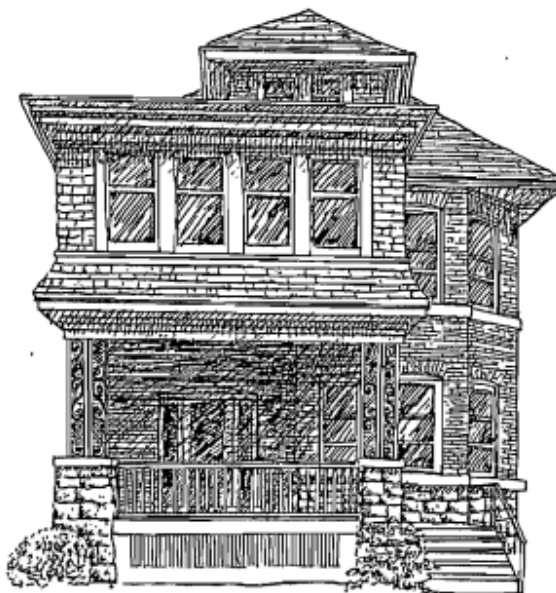
Authentic materials such as brick, stone and wood, to reflect the texture of the area, will be encouraged. Original or similar materials and colours will be used.

Proportions and designs of windows and doors of the original structures will be maintained for additions alterations and replacements.

HIPPED-ROOF BOX

118 St. Clair Avenue (Built 1914)

An immediately apparent feature of this building is the shingled, second storey enclosed porch. It was originally supported by two clusters of three columns. The shingling is continued in the dormers with a row of fish scale shingles adding a further pattern. The stone foundations extending to the lower sill ledges of the bay corner is echoed in the stone support piers of the porch.





CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Hamilton Municipal Heritage Committee
COMMITTEE DATE:	January 21, 2022
SUBJECT/REPORT NO:	Heritage Permit Application HP2021-055, Under Part V of the <i>Ontario Heritage Act</i> , to Permit New Cladding (Indiana Split Veneer Limestone) Installed Without a Heritage Permit Along the Front of the Garage Structure, 124 St. Clair Avenue, Hamilton (PED22044) (Ward 3)
WARD(S) AFFECTED:	Ward 3
PREPARED BY:	Chloe Richer (905) 546-2424 Ext. 7163
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That Heritage Permit Application HP2021-055, to permit new cladding (Indiana Split Veneer Limestone) installed without a Heritage Permit along the front of the garage structure, for the lands located at 124 St. Clair Avenue, be **approved**.

EXECUTIVE SUMMARY

The subject property at 124 St. Clair Avenue (see Appendix "A" attached to Report PED22044) is designated under Part V of the *Ontario Heritage Act* by By-law No. 86-125 attached as Appendix "B" to Report PED22044.

The Application proposes to permit new cladding (Indiana Split Veneer Limestone) installed without a Heritage Permit along the front of the garage structure to repair damage from a fallen tree. Photographs of the garage indicating the former brick cladding and new Indiana Split Veneer Limestone cladding are included in the Heritage Permit Application report prepared by EFI Global, dated November 11, 2021, and

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

SUBJECT: Heritage Permit Application HP2021-055, Under Part V of the Ontario Heritage Act, to Permit New Cladding (Indiana Split Veneer Limestone) Installed Without a Heritage Permit Along the Front of the Garage Structure, 124 St. Clair Avenue, Hamilton (PED22044) (Ward 3) - Page 2 of 8

submitted by the Application. This report can be found attached as Appendix “C” to Report PED22044; see pages 5-9.

The *Ontario Heritage Act* requires that Council make a decision on a Heritage Permit Application within 90 days of the issuance of a Notice of Complete Application. If no decision is reached within the 90-day timeframe, Council shall be deemed to consent to the Application. The subject Application’s 90-day timeframe will be reached on March 8, 2022.

The Heritage Permit Review Subcommittee of the Hamilton Municipal Heritage Committee (HMHC) reviewed the subject Application on December 14, 2021 and January 18, 2022. At their meeting on January 18, 2022, the Subcommittee recommended denial of the Application as the new cladding is not in keeping with the character of the St. Clair Avenue Heritage Conservation District (HCD). When a Heritage Permit Application is recommended for denial by the Subcommittee, the Application is subject to Council decision.

Should the Application have been received prior to the alterations having occurred, staff would have recommended a more complimentary cladding be installed. Staff are supportive of the Application to permit the installation of the existing new cladding as there is no documentation that speaks to the garage having significant historical value other than its general contribution to the overall character of the property and the HCD, and the garage is located at the rear of the property. As such, staff recommend approval of the Heritage Permit Application.

Alternatives for Consideration – See Page 7

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: This Heritage Permit Application has been processed and considered within the context of the applicable legislation.

Section 42 (1) of the *Ontario Heritage Act* states that:

“No owner of property situated in a heritage conservation district that has been designated by a municipality under this Part shall do any of the following, unless the owner obtains a permit from the municipality to do so:

SUBJECT: Heritage Permit Application HP2021-055, Under Part V of the Ontario Heritage Act, to Permit New Cladding (Indiana Split Veneer Limestone) Installed Without a Heritage Permit Along the Front of the Garage Structure, 124 St. Clair Avenue, Hamilton (PED22044) (Ward 3) - Page 3 of 8

1. Alter, or permit the alteration of, any part of the property, other than the interior of any structure or building on the property; and,
2. Erect, demolish or remove any building or structure on the property or permit the erection, demolition or removal of such a building or structure. 2005, c. 6, s. 32 (1).”

Section 42 (4) of the *Ontario Heritage Act* states that:

“Within 90 days after the notice of receipt is served on the applicant under subsection (3) or within such longer period as is agreed upon by the applicant and the council, the council may give the applicant,

- (a) The permit applied for;
- (b) Notice that the council is refusing the Application for the permit; or,
- (c) The permit applied for, with terms and conditions attached. 2005, c. 6, s. 32 (3).”

With respect to the delegation of Council’s approval authority, Section 42 (16) of the *Ontario Heritage Act* states that:

“The council of a municipality may delegate by by-law its power to grant permits for the alteration of property situated in a heritage conservation district designated under this Part to an employee or official of the municipality if the council has established a municipal heritage committee and consulted with it before the delegation. 2005, c. 6, s. 32 (6).”

HISTORICAL BACKGROUND

This Heritage Permit Application (HP2021-055) was received on November 11, 2021 and the Notice of Complete Application was issued on December 8, 2021.

The Heritage Permit Review Subcommittee of the HMHC reviewed the subject Application on December 14, 2021 and deferred it.

The Heritage Permit Review Subcommittee of the HMHC reviewed the subject Application again on January 18, 2022 and recommended denial of the Application.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Urban Hamilton Official Plan

Volume 1, Section 3.4 – General Cultural Heritage Policies of the Rural Hamilton Official Plan (RHOP) states that the City shall:

- “B.3.4.2.1(a) Protect and conserve the tangible cultural heritage resources of the City, including archaeological resources, built heritage resources, and cultural heritage landscapes for present and future generations;
- e) Encourage the ongoing care of individual cultural heritage resources and the properties on which they are situated together with associated features and structures by property owners and provide guidance on sound conservation practices; and,
- h) Conserve the character of areas of cultural heritage significance, including designated heritage conservation districts and cultural heritage landscapes, by encouraging those land uses, development and site alteration activities that protect, maintain and enhance these areas within the City.
- B.3.4.2.1 (i) Use all relevant provincial legislation, particularly the provisions of the *Ontario Heritage Act*, the *Planning Act* R.S.O., 1990 c. P.13, the *Environmental Assessment Act*, the *Municipal Act*, the *Niagara Escarpment Planning and Development Act*, the *Cemeteries Act*, the *Greenbelt Act*, the *Places to Grow Act* and all related plans and strategies in order to appropriately manage, conserve and protect Hamilton’s cultural heritage resources.”

These policies from the Urban Hamilton Official Plan (UHOP) demonstrate Council’s commitment to the identification, protection, and conservation of cultural heritage resources, and the recommendations of this Report meet the intent of these policies.

RELEVANT CONSULTATION

Heritage Permit Review Subcommittee

Pursuant to Sub-sections 28 (1) of the *Ontario Heritage Act* and the Council approved Heritage Permit Process (PED05096), the HMHC advises and assists Council on matters relating to Part IV and V of the *Ontario Heritage Act*.

SUBJECT: Heritage Permit Application HP2021-055, Under Part V of the Ontario Heritage Act, to Permit New Cladding (Indiana Split Veneer Limestone) Installed Without a Heritage Permit Along the Front of the Garage Structure, 124 St. Clair Avenue, Hamilton (PED22044) (Ward 3) - Page 5 of 8

The Heritage Permit Review Subcommittee of the HMHC reviewed the subject retroactive Application for at a meeting held on December 14, 2021. After a presentation and question and answer period with the Applicant's agent, the Subcommittee passed a motion to recommend deferral of the Application as submitted, to provide the home owner the chance to meet with staff and the opportunity to agree to installing an alternate, compatible cladding material.

"That the Heritage Permit Review Sub-committee advises that Heritage Permit Application HP2021-055 be deferred until a future meeting of the sub-committee to allow the owner to consider removal of the existing limestone veneer cladding and installation of an alternative cladding on the front façade of the garage structure that is in keeping with the character of the St. Clair Avenue Heritage Conservation District."

The Application returned to the Subcommittee on January 18, 2022. The home owner and their agent had the opportunity to meet with staff prior to the Subcommittee meeting and advised they were not in support of removing the existing cladding and installing a new and alternative cladding material.

The home owner provided further details regarding the history of the work completed without a Heritage Permit Application, which was initiated as a result of damage from a tree impact in October 2020. A third party was retained by the home owner's insurance company for the purpose of applying for applicable City of Hamilton permits. The original work was scoped to the roof of the garage structure and a Heritage Permit was not required as the replacement used in-kind materials. The Heritage Permitting approval process was not followed at the time of the alteration to the front cladding of the garage.

At its meeting on January 18, 2022, the Subcommittee recommended that the Application be denied.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

The subject lands at 124 St. Clair Avenue contain a two-and-a-half storey Hipped-Roof Box style dwelling with Tudor elements and detached garage, both constructed in 1915. The detached garage is the subject of the retroactive Heritage Permit Application. The brick cladding on the garage, which was removed prior to installation of the new cladding (Indiana Split Veneer Limestone), dated to the 1990s as stated by the applicant at the January 18, 2022, Subcommittee meeting.

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

SUBJECT: Heritage Permit Application HP2021-055, Under Part V of the Ontario Heritage Act, to Permit New Cladding (Indiana Split Veneer Limestone) Installed Without a Heritage Permit Along the Front of the Garage Structure, 124 St. Clair Avenue, Hamilton (PED22044) (Ward 3) - Page 6 of 8

Heritage Permit Application (HP2021-055) proposes the following alterations:

- Permit new cladding (Indiana Split Veneer Limestone) installed without a Heritage Permit along the front of the garage structure.

Staff deemed the Application comprehensive and complete on December 8, 2021.

Key factors that are considered in the evaluation of any change affecting a heritage resource are consideration of:

- **Displacement effects:** those adverse actions that result in the damage, loss, or removal of valued heritage features; and,
- **Disruption effects:** those actions that result in detrimental changes to the setting or character of the heritage feature.

In the consideration of any Heritage Permit Application, staff must assess the impact of the displacement and disruption effects on the heritage resource, particularly in relation to the objectives and policies of the St. Clair Heritage District Planning Study and District Plan.

Key objectives and policies of the St. Clair Heritage District Planning Study and District Plan include:

- 8.2.1. **Positive Design Features** “The setback and design of most of the private garage structures.”
- 10.3.4. **Building** “Restoration of the original features of the building will be encouraged.”
- 10.3.4. **Building** “Authentic materials such as brick, stone and wood, to reflect the texture of the area, will be encouraged. Original or similar materials and colours will be used.”
- 10.3.4. **Building** “Unauthentic materials such as plastics and aluminium will be discouraged.”

There will be minimal “displacement effects” to the subject property as a result of this work. The brick cladding of the garage that has been removed was not a historic cladding material; it was a popular type of brick in the 1970s and 1980s added to the structure in the 1990s, as per the engineer’s report provided by the home owner (see Appendix “C” attached to Report PED22044).

Moderate “disruption effects” are expected to the heritage context of the property. The front of the garage structure is not being restored as a best heritage conservation

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practice. There will be the introduction of a new cladding material that is generally incompatible with the texture of the existing house on site, though the brick that was removed from the garage was not a heritage brick. The new cladding is a stone veneer that is more similar to the sills of the existing house than a plastic or aluminium material would be, two materials that are identified as unauthentic in the St. Clair Heritage District Planning Study and District Plan. Though its construction date appears to be in line with the construction date of the dwelling, the garage does not appear to have significant historical value other than its general contribution to the overall character of the property and the HCD. Further, it is located to the rear of the property.

Though the best heritage conservation practice would be to remove the new cladding and restore the original front of the garage structure, staff met with the home owner and their agent to encourage this option, which is not the approach the home owner wishes to take. Staff recommend an approach emphasizing public education around the Heritage Permit approval practice occur in place of denial of the Heritage Permit Application. Of special consideration is that it appears an error was made by the third party overseeing the broader City of Hamilton permitting process in not applying for a Heritage Permit prior to the alterations, and the home owner was not involved due to the nature of the insurance claim context. In addition, though further investigation would be required, it is possible that original historic building materials are preserved under the existing new cladding, and a future alteration could be the removal of the new cladding and restoration of the front façade of the garage structure. As such, staff are not in support of the recommendation of the Heritage Permit Review Subcommittee to deny the Heritage Permit Application.

Conclusions:

Staff are of the opinion that the Heritage Permit Application (HP2021-055) can be supported, though there is deviation from the best practices of the St. Clair Heritage District Planning Study and District Plan, as displacement effects are minimal. Staff acknowledge that approval would result in moderate disruption effects. As such, staff recommend that the Heritage Permit Application be approved.

ALTERNATIVES FOR CONSIDERATION

(1) Refuse the Heritage Permit Application.

HMHC may advise Council to refuse this Application. This is not being recommended.

SUBJECT: Heritage Permit Application HP2021-055, Under Part V of the Ontario Heritage Act, to Permit New Cladding (Indiana Split Veneer Limestone) Installed Without a Heritage Permit Along the Front of the Garage Structure, 124 St. Clair Avenue, Hamilton (PED22044) (Ward 3) - Page 8 of 8

(2) Approve the Heritage Permit with Conditions.

HMHC may advise Council to approve this Application with conditions of approval. This is not being recommended.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Built Environment and Infrastructure

Hamilton is supported by state of the art infrastructure, transportation options, buildings and public spaces that create a dynamic City.

Culture and Diversity

Hamilton is a thriving, vibrant place for arts, culture, and heritage where diversity and inclusivity are embraced and celebrated.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” - Location Map

Appendix “B” - By-law No. 86-125

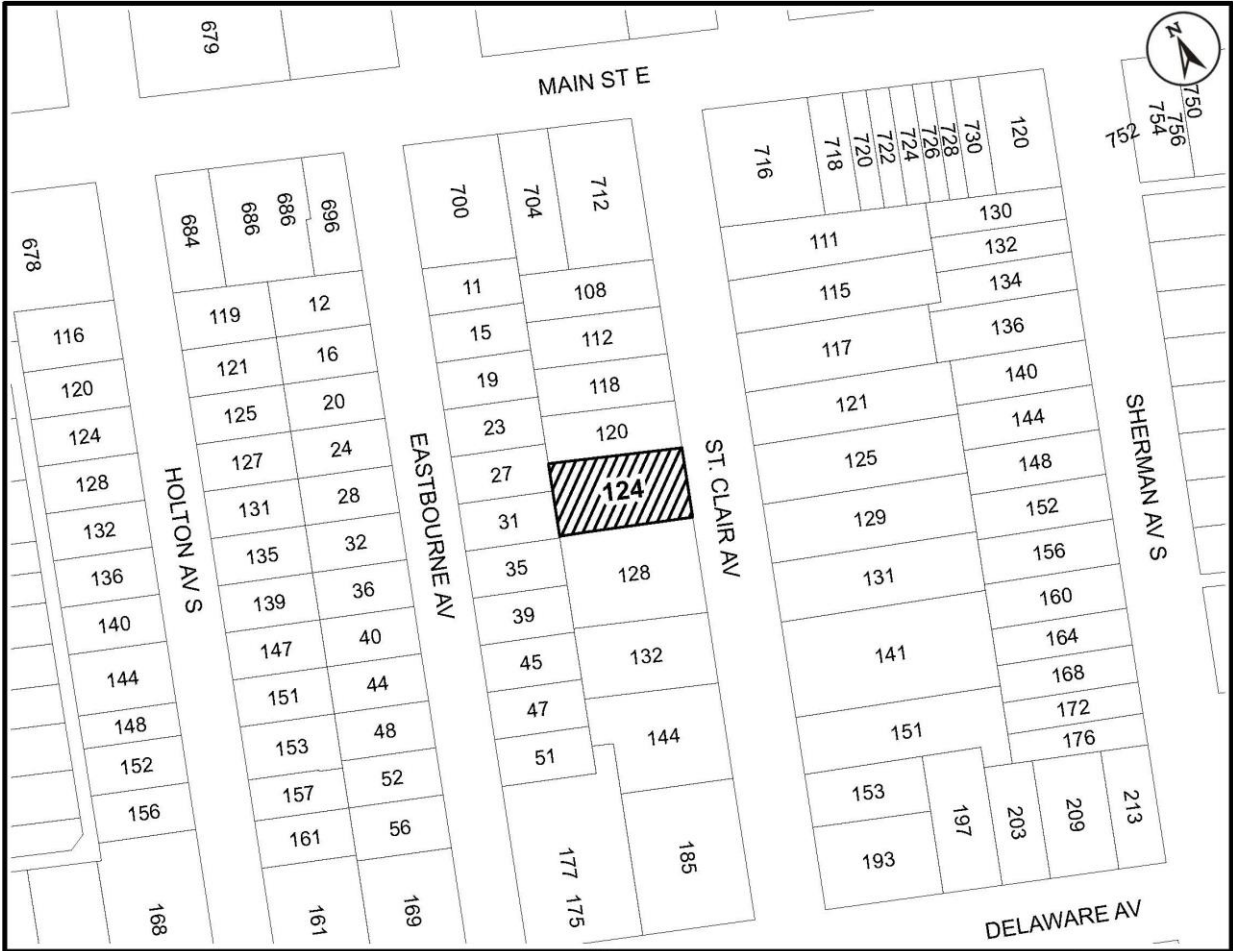
Appendix “C” - Heritage Permit Application Report Prepared by EFI Global, Dated November 11, 2021

CR:sd

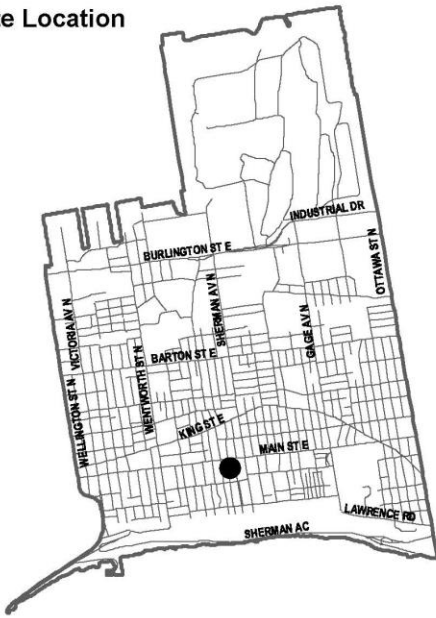
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● Site Location



Key Map - Ward 3

Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
HP2021-055


Date:
January 20, 2022

Appendix "A"

Scale:
N.T.S

Planner/Technician:
CR/AL

Subject Property

 124 St. Clair Avenue

The Corporation of the City of Hamilton

BY-LAW NO. 86-125

To Designate:

**AS A HERITAGE CONSERVATION DISTRICT THE AREA COMPRISED OF
ST. CLAIR AVENUE BETWEEN MAIN STREET EAST AND DELAWARE AVENUE**

WHEREAS subsections 41(1) and 41(3) of The Ontario Heritage Act, R.S.O. 1980, Chapter 337 provide as follows:

41. (1) Subject to subsection (2), where there is in effect in a municipality an official plan that contains provisions relating to the establishment of heritage conservation districts, the council of the municipality may by by-law designate the municipality or any defined area or areas thereof as a heritage conservation district.

(2) A by-law passed under subsection (1) does not come into force without the approval of the Board.

AND WHEREAS By-law No. 85-199, passed on the 24th day of September, 1985, defined the area shown on Schedule "A" thereto as a Heritage Conservation District to be examined for future designation;

AND WHEREAS such examination has been completed;

AND WHEREAS the Official Plan of the City of Hamilton contains provisions relating to the establishment of heritage conservation districts;

AND WHEREAS it is intended to designate the area defined by the said by-law.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The area shown on Schedule "A" hereto annexed and forming part of this by-law, and comprised in the area defined by By-law No. 85-199, is hereby designated as a Heritage Conservation District.

PASSED this 8th day of APRIL A.D. 1986.

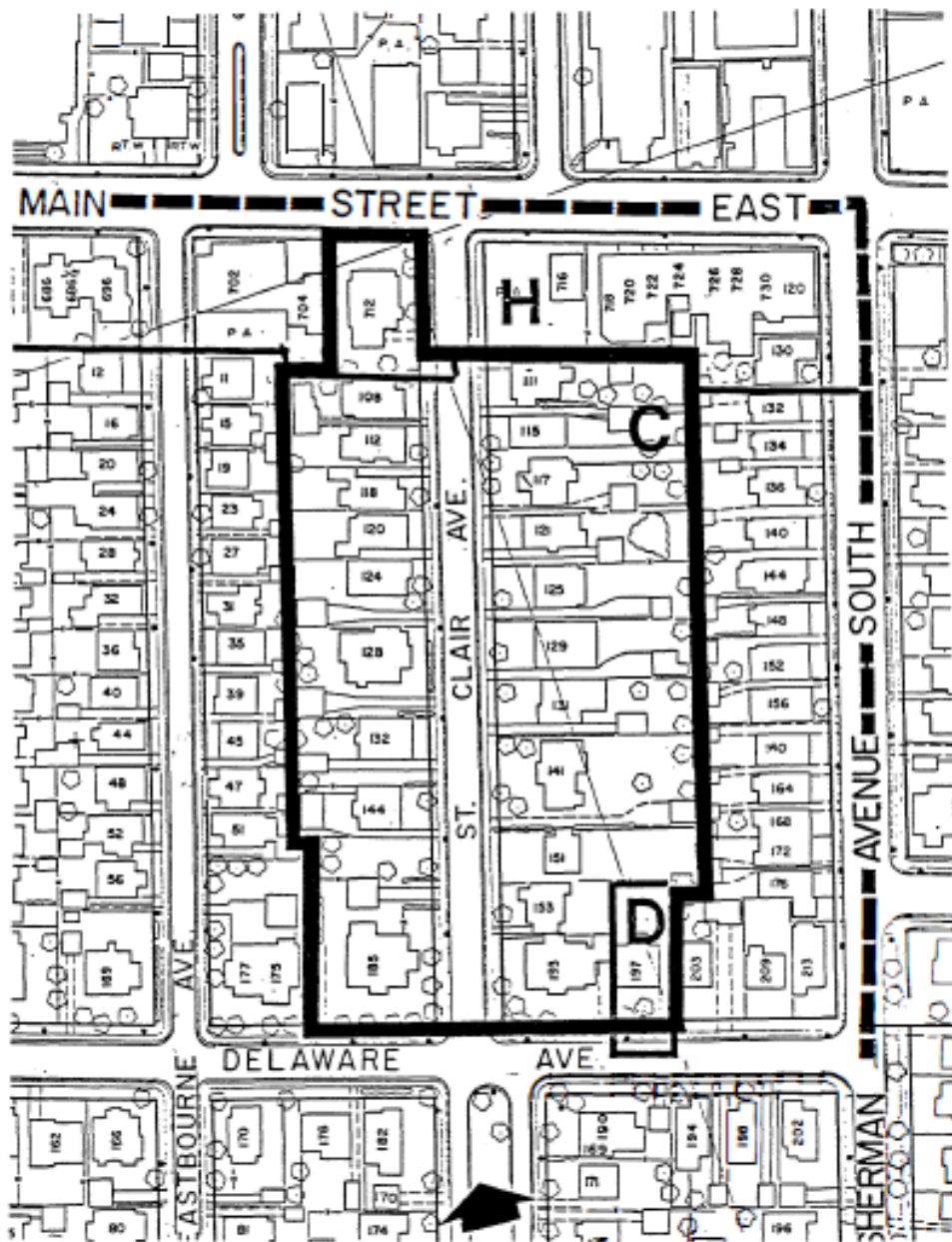

City Clerk


Mayor



04/08/86

- 307 -



THIS IS SCHEDULE "A" TO BY-LAW NO. 86-125
 PASSED THE 8th DAY OF APRIL 1986

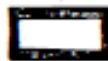
E.A. Simpson
 Clerk

[Signature]
 Mayor

CITY OF HAMILTON
 SCHEDULE "A"
 MAP FORMING PART OF
 BY-LAW NO. 86-125
 TO AMEND BY-LAW NO. 6593

Regional Municipality of Hamilton-Wentworth
 Planning and Development Department

Legend



LANDS SUBJECT TO BY-LAW NO. 86-125

North



Scale

N.T.S.

Reference File No.

PS-8-4-5

Date

FEBRUARY 1986

Drawing No.

86-H-29

46 Jackson Street East
Hamilton, ON, L8N 1L1
(905) 524-1523

Heritage Permit Application

EFI Global File No.: 9496 6034 7028

November 11, 2021

Original Building Permit: 20 197441 00 R9: Impact Damage – Accessory Structure

Peter McMillan

Loss Location: 124 St. Clair Avenue, Hamilton, ON

Date of Loss: October 8, 2020

Claim No.: 4033598100

Prepared For:

City of Hamilton

71 Main Street West

Hamilton, ON, L8P 4Y5

Attention: Amber Knowles

Email: Amber.knowles@hamilton.ca

cc. Adam.mancini@intact.net; 3033125748@cc.intact.net

INTRODUCTION:

EFI Global Canada (EFI) was retained by Intact Insurance to assist with a heritage permit for an accessory structure located on the subject address.

We attended site on October 29, 2021 for the purpose of conducting our inspection and reviewing restoration. For the purpose of directional reference, the front of the building is presumed to face due east, toward St. Clair Avenue. We have included an appendix illustrating photographs from our assessment. We have included the original building permit drawings which illustrate a site plan of the property.

BACKGROUND:

The incident building was a detached, single storey accessory building (Photograph 1). The building was constructed using dimensionally framed lumber.

The subject structure was damaged by a tree impact occurrence in October of 2020. EFI global was retained to provide drawings and apply for permit to repair the structure. A permit (Permit No. 20 197441 00 R9) was issued by the City of Hamilton on January 29, 2021. Original repairs for the structure did not include removal and replacement of the front brick masonry.

It was reported to EFI Global in August of 2021 that repairs to the building included replacement of brick masonry along the front face of the building.

The following document serves as a retroactive permit application to accept repairs of the front façade of the accessory structure within the subject address.

INSPECTION:

October 20, 2020

The front façade of the accessory structure consisted of a brown brick installed between door openings. This brick was a type of "Meridian Brick - Heritage Brown" and approximately 36 square feet of brick was installed along the front façade. Images of the original brick have been appended for review (photographs 1-2). At the time of inspection, the structure was damaged. Review of the brick consistency, color and texture provided evidence the brick is not original to the structure / property. The observed brick was a

popular type of brick in the 1970s – 1980s. The brick did not match the brick currently on the primary residential structure, which appears to be original to the building (photograph 3). Further, the method of installation of the accessory structure's original brick is not consistent with historical construction since the brick is installed in a "veneer" type application with the brick being tied back to the superstructure. While not confirmed by EFI Global, it was reported by the installing contractor, ProBert Construction Inc. that the brick was overhanging the supporting foundation by a substantial amount of brick thickness.

October 29, 2021

The new front façade brick was installed using "Indiana Split Veneer Limestone". The veneer was approximately 1" thick and was installed using wire mesh lathe backing. Images of the new front façade have been provided (photographs 4-5). As confirmed by the installing contractor, ProBert Construction Inc., the reasoning for choosing the installed materials was that the material was thinner than the original and could be better supported by the foundation. Further, the new material closely matched the existing primary structure's foundation walls. Additional fascia installation, trim and painting was also performed for the building.

It is unclear why a heritage permit was not applied for prior to conducting the work along the front of the structure. However, it is suspected that the installing contractor is not located in the Hamilton region and would not be aware of any heritage permit requirements. EFI Global was not aware that construction of new materials along the front face of the building occurred until after installation. Further clarification would need to be made by the homeowner and the installing contractor with respect to not obtaining heritage approval.

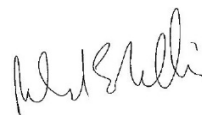
CLOSURE:

We trust that this letter report meets your immediate requirements with respect to heritage application. Should you require more information, please do not hesitate to contact us.

Respectfully submitted,



Ryan Sneek
Professional Engineer



Richard E. Nellis
Senior Reviewer

APPENDIX A

Photographs from Examination



Image 1: Front of Building – Original Brick (October 20, 2020)



Photograph 2: Front Elevation - Original Brick (October 20, 2020)



Photograph 3: Property (October 20, 2020)



Photograph 4: New Wall Application (October 29, 2021)



Photograph 5: New Wall Application Close-up (October 29, 2021)

SITE PLAN FOR 124 ST CLAIR AVE, HAMILTON

REPAIRS TO DAMAGED GARAGE ARE IN PLACE, WITH 1-1 REPLACEMENT OF DAMAGED 4-5 ROOF RAFTER TAILS



Reviewed for Ontario Building Code Compliance.

Subject to Corrections Noted on Plans and Field Inspections.

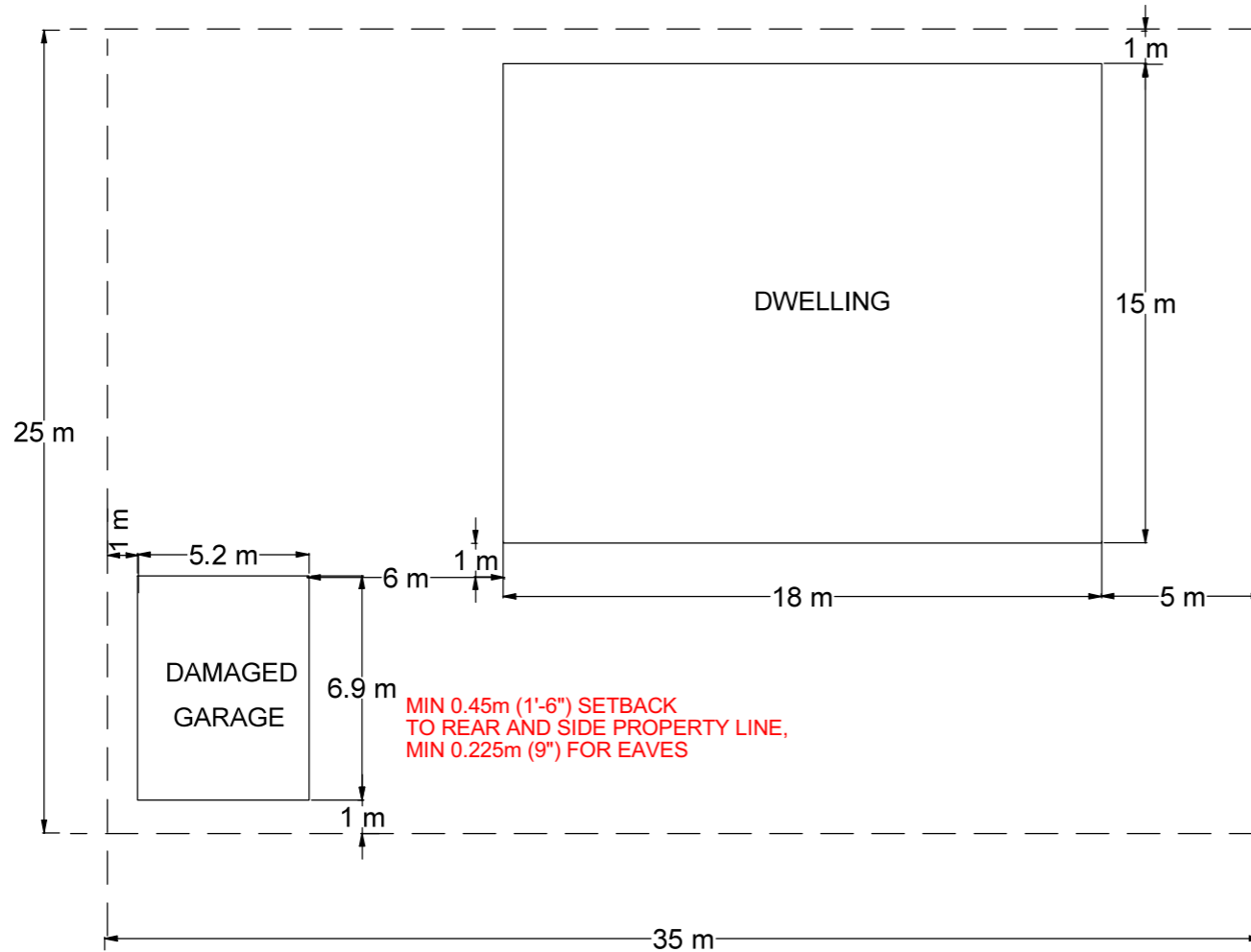
Permit: 20 197441 000 00 R9

Date: 01/29/21

Name: Julie Facey-Crowther

Approved by:

Draft A_nov30-2017-8.jpg



ST CLAIR AVE



SAME SIZE, SAME LOCATION, SAME VOLUME