



City of Hamilton

HAMILTON MUNICIPAL HERITAGE COMMITTEE REVISÉ

Meeting #: 23-007
Date: July 21, 2023
Time: 12:00 p.m.
Location: Room 264, 2nd Floor, City Hall (hybrid) (RM)
71 Main Street West

Matt Gauthier, Legislative Coordinator (905) 546-2424 ext. 6437

1. CEREMONIAL ACTIVITIES

1.1 Hamilton Municipal Heritage Committee - Heritage Recognition Awards Celebration

2. APPROVAL OF AGENDA

(Added Items, if applicable, will be noted with *)

3. DECLARATIONS OF INTEREST

4. APPROVAL OF MINUTES OF PREVIOUS MEETING

4.1 June 22, 2023

5. COMMUNICATIONS

5.1 Correspondence to the Ontario Heritage Trust respecting Notice of Passing of By-law No. 23-102 to Repeal the By-law Designating 14 Belvidere Avenue, Hamilton (By-law No. 83-183) under Part IV of the Ontario Heritage Act

Recommendation: Be received.

5.2 Correspondence to the Ontario Heritage Trust respecting Notice of Passing of By-law No. 23-103 to Repeal the By-law Designating 14 Mary Street, Hamilton (By-law No. 01-225) under Part IV of the Ontario Heritage Act

Recommendation: Be received.

6. DELEGATION REQUESTS

- 6.1 Amy Schaeffer, Jansen Consulting, respecting Item 10.2, Heritage Permit Application HP2023-028, Under Part V of the Ontario Heritage Act, for the Demolition of a Contemporary Rear Detached Accessory Structure at 174 Mill Street North, Flamborough

(PED23168) (Ward 15) (for today's meeting)

- *6.2 Chris & Jenn Cavacuiti respecting Item 10.1 Heritage Permit Application HP2023-024, Under Part V of the Ontario Heritage Act, for the Erection of a Rear Detached Accessory Structure at 79 Markland Street, Hamilton (PED23035) (Ward 2)(for today's meeting)

7. DELEGATIONS

8. STAFF PRESENTATIONS

9. CONSENT ITEMS

9.1 Delegated Approval: Heritage Permit Applications

- a. Heritage Permit Application HP2023-026: Renovation of the front elevation of 3 Main Street, Dundas (Former Valley Lodge) (Ward 13) (Subject to a Notice of Intention to Designate)
- b. Heritage Permit Application HEA2023-001: Installation of an in-ground pool at 159 Carlisle Road (Abrey-Zimmerman House) (Ward 15) (Municipal Heritage Easement Agreement WE996943)
- c. Heritage Permit Application HP2023-023: Renovations to the Interior and Exterior of Alumni Hall at 1280 Main Street West, Hamilton (McMaster University) (Ward 1) (By-law No. 08-002)
- d. Heritage Permit Application HP2023-027: Construction of Additions to 174 Mill Street North, Flamborough (Ward 15) (Mill Street HCD, By-law No. 96-34-H)

9.2 Heritage Permit Review Sub-Committee Minutes - May 16, 2023

9.3 Working Group Meeting Notes

- a. Education and Communication Working Group - May 3, 2023
- b. Education and Communication Working Group - June 7, 2023

10. DISCUSSION ITEMS

Members of the public can contact the Clerk's Office to acquire the documents considered at this meeting, in an alternate format.

- 10.1 Heritage Permit Application HP2023-024, Under Part V of the Ontario Heritage Act, for the Erection of a Rear Detached Accessory Structure at 79 Markland Street, Hamilton (PED23035) (Ward 2)
- 10.2 Heritage Permit Application HP2023-028, Under Part V of the Ontario Heritage Act, for the Demolition of a Contemporary Rear Detached Accessory Structure at 174 Mill Street North, Flamborough (PED23168) (Ward 15)

11. MOTIONS

12. NOTICES OF MOTION

13. GENERAL INFORMATION / OTHER BUSINESS

13.1 Buildings and Landscapes

This list is determined by members of the Hamilton Municipal Heritage Committee. Members provide informal updates to the properties on this list, based on their visual assessments of the properties, or information they have gleaned from other sources, such as new articles and updates from other heritage groups.

a. Endangered Buildings and Landscapes (RED)

Red = Properties where there is a perceived immediate threat to heritage resources through: demolition; neglect; vacancy; alterations, and/or, redevelopment)

Ancaster

(i) 372 Butter Road West, Andrew Sloss House (D) – C. Dimitry

(ii) 1021 Garner Road East, Lampman House (D) – C. Dimitry

(iii) 398 Wilson Street East, Marr House (D) – C. Dimitry

Dundas

(iv) 2 Hatt Street (R) – K. Burke

(v) 216 Hatt Street (I) – K. Burke

(vi) 215 King Street West (R) – K. Burke

(vii) 219 King Street West (R) – K. Burke

(viii) 6 Tally Ho Drive, Dundas (I) – K. Burke

Glanbrook

(viii) 2235 Upper James Street (R) – G. Carroll

Members of the public can contact the Clerk's Office to acquire the documents considered at this meeting, in an alternate format.

Hamilton

- (ix) 80-92 Barton Street East, Former Hanrahan Hotel (R) – T. Ritchie
- (x) 1155-1157 Beach Boulevard, Beach Canal Lighthouse and Cottage (D) – R. McKee
- (xi) 66-68 Charlton Avenue West (D) – J. Brown
- (xii) 71 Claremont Drive, Auchmar Gate House / Claremont Lodge (R) – R. McKee
- (xiii) 711 Concession Street, Former Mount Hamilton Hospital, 1932 Wing (R) – G. Carroll
- (xiv) 127 Hughson Street North, Firth Brothers Building (D) – T. Ritchie
- (xv) 163 Jackson Street West, Pinehurst / Television City (D) – J. Brown
- (xvi) 108 James Street North, Tivoli (D) – T. Ritchie
- (xvii) 98 James Street South, Former James Street Baptist Church (D) – J. Brown
- (xviii) 18-22 King Street East, Gore Buildings (D) – W. Rosart
- (xix) 24-28 King Street East, Gore Buildings (D) – W. Rosart
- (xx) 537 King Street East, Rebel's Rock (R) – G. Carroll
- (xxi) 378 Main Street East, Cathedral Boys School (R) – T. Ritchie
- (xxii) 679 Main Street East / 85 Holton Street South, Former St. Giles Church (I) – G. Carroll
- (xxiii) 120 Park Street North (R) – R. McKee
- (xxiv) 828 Sanatorium Road, Long and Bisby Building (D) – G. Carroll
- (xxv) 100 West 5th Street, Century Manor (D) – G. Carroll

b. Buildings and Landscapes of Interest (YELLOW)

(Yellow = Properties that are undergoing some type of change, such as a change in ownership or use, but are not perceived as being immediately threatened)

Dundas

- (i) 64 Hatt Street, Former Valley City Manufacturing (R) – K. Burke
- (ii) 24 King Street West, Former Majestic Theatre (I) – K. Burke
- (iii) 3 Main Street, Former Masonic Lodge (NOID) – K. Burke
- (iv) 23 Melville Street, Knox Presbyterian Church (D) – K. Burke
- (v) 574 Northcliffe Avenue, St. Joseph's Motherhouse (R) – W. Rosart

Flamborough

- (vi) 283 Brock Road, WF Township Hall (D) – L. Lunsted
- (vii) 62 6th Concession East, Hewick House (I) – L. Lunsted

Hamilton

- (viii) 1 Balfour Drive, Chedoke Estate / Balfour House, (R) – T. Ritchie
- (ix) 384 Barton Street East, St. Paul's Ecumenical Church (D) – T. Ritchie
- (x) 134 Cannon Street East, Cannon Knitting Mill (R) – T. Ritchie
- (xi) 52 Charlton Avenue West, Former Charlton Hall (D) – J. Brown
- (xii) 56 Charlton Avenue West, Former Charlton Hall (D) – J. Brown
- (xiii) 2 Dartnall Road, Rymal Road Station Silos (R) – G. Carroll
- (xiv) 54-56 Hess Street South (R) – J. Brown
- (xv) 1000 Main Street East, Dunington-Grubb Gardens / Gage Park (R) – G. Carroll
- (xvi) 1284 Main Street East, Delta High School (D) – G. Carroll
- (xvii) 1 Main Street West, Former BMO / Gowlings (D) – W. Rosart

- (xviii) 311 Rymal Road East (R) – C. Dimitry
- (xix) St. Clair Boulevard Heritage Conservation District (D) – G. Carroll
- (xx) 50-54 Sanders Boulevard, Binkley Property (R) - J. Brown
- (xxi) 56 York Boulevard / 63-76 MacNab Street North, Copley Building (D) – G. Carroll
- (xxii) 84 York Boulevard, Philpott Church (R) – G. Carroll
- (xxiii) 175 Lawrence Road, Hamilton Pressed / Century Brick (R) – G. Carroll
- (xxiv) 65 Charlton Avenue East, Church of Ascension (D, NHS), Hamilton – G. Carroll
- (xxv) 4 Turner Avenue, Hamilton (R) – J. Brown

Stoney Creek

- (xxv) 77 King Street West, Battlefield House NHS (D) – R. McKee
- (xxvi) 2251 Rymal Road East, Former Elfrida Church (R) – C. Dimitry

c. Heritage Properties Update (GREEN)

(Green = Properties whose status is stable)

Dundas

- (i) 104 King Street West, Former Post Office (R) – K. Burke

Hamilton

- (ii) 46 Forest Avenue, Rastrick House (D) – G. Carroll
- (iii) 88 Fennell Avenue West, Auchmar (D) – R. McKee
- (iv) 125 King Street East, Norwich Apartments (R) – T. Ritchie
- (v) 206 Main Street West, Arlo House (R) – J. Brown

d. Heritage Properties Update (BLACK)

(Black = Properties that HMHC have no control over and may be demolished)

Ancaster

(i) 442, 450 and 452 Wilson Street East (R) – C. Dimitry

Heritage Status: (I) Inventoried, (R) Registered, (D) Designated, (NHS)
National Historic Site

14. PRIVATE AND CONFIDENTIAL

15. ADJOURNMENT



Hamilton

HAMILTON MUNICIPAL HERITAGE COMMITTEE

Minutes 23-006

12:00 p.m.

June 22, 2023

Room 264, 2nd Floor, City Hall

Present: Councillor C. Kroetsch
A. Denham-Robinson (Chair), J. Brown, G. Carroll, L. Lunsted, R. McKee and W. Rosart

**Absent with
Regrets:** K. Burke, C. Dimitry and T. Ritchie

THE FOLLOWING ITEMS WERE REFERRED TO THE PLANNING COMMITTEE FOR CONSIDERATION:

1. Recommendation to Designate 64 Hatt Street, Dundas, under Part IV of the Ontario Heritage Act (PED23124) (Ward 13) (Item 8.1)

(Carroll/Lunsted)

- (a) That the City Clerk be directed to give notice of Council's intention to designate 64 Hatt Street, Dundas, shown in Appendix "A" attached to Report PED23124, as a property of cultural heritage value pursuant to the provisions of Part IV, Section 29 of the Ontario Heritage Act, in accordance with the Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes, attached as Appendix "B" to Report PED23124, subject to the following:
- (i) If no objections are received to the notice of intention to designate in accordance with the Ontario Heritage Act, City Council directs staff to introduce the necessary by-law to designate the property to be of cultural heritage value or interest to City Council;
 - (ii) If an objection to the notice of intention to designate is received in accordance with the Ontario Heritage Act, City Council directs staff to report back to Council to allow Council to consider the objection and decide whether or not to withdraw the notice of intention to designate the property.

CARRIED

2. Monthly Report on Proactive Listings for the Municipal Heritage Register, June 2023 (PED23146) (Ward 3) (Item 10.1)

(Carroll/Lunsted)

- (a) That staff be directed to list the following properties on the Municipal Heritage Register as non-designated properties that Council believes to

be of cultural heritage value or interest, as outlined in Report PED23146, in accordance with Section 27 of the Ontario Heritage Act:

- (i) 89 Wentworth Street South, Hamilton (Ward 3);
- (ii) 91 Wentworth Street South, Hamilton (Ward 3).

CARRIED

FOR INFORMATION:

(a) CEREMONIAL ACTIVITIES (Item 1)

(i) Hamilton Municipal Heritage Committee – Heritage Recognition Awards Celebration (Item 1.1)

The Hamilton Municipal Heritage Committee presented Heritage Recognition Awards to recipients who could not make it to their awards ceremony held on June 13, 2023, as follows:

Adaptive Reuse of a Heritage Property Award

Tal Dehtiar 280 Main Street East, Hamilton

Aeon Studio Group 29 Harriet Street, Hamilton

Volunteer Recognition Award Recipients

Pam Charlton Volunteer Award for Jim Charlton

Heritage Property Conservation Award

Elizabeth Spratt 79 South St. W., Dundas

(Carroll/Lunsted)

That the Hamilton Municipal Heritage Committee recess until 12:30 p.m.

CARRIED

(b) CHANGES TO THE AGENDA (Item 2)

The Clerk advised the Committee that there were no changes to the agenda.

(Carroll/Lunsted)

That the agenda for June 22, 2023, be approved, as presented.

CARRIED

(c) DECLARATIONS OF INTEREST (Item 3)

There were no declarations of interest.

(d) APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 4)

(i) May 19, 2023 (Item 4.1)

(Carroll/Brown)

That the Minutes of May 19, 2023 of the Hamilton Municipal Heritage Committee, be approved, as presented.

CARRIED

(e) COMMUNICATIONS (Item 5)

(i) (Rosart/Carroll)

That the consideration of the Communication Item 5.1, respecting Correspondence from James Stanley, Urban Solutions Planning & Land Development, respecting the Public Notice of Partial Closure of the Jewish Congregation Anshe-Sholem of Hamilton Cemetery, be deferred until after the consideration of Item 7.1, Matt Johnston, Urban Solutions Planning & Land Development, respecting the Public Notice of Partial Closure of the Jewish Congregation Anshe-Sholem of Hamilton Cemetery.

CARRIED

(ii) (Brown/Carroll)

That the following Communication items be approved, as presented:

- (a) Notice of Council Decision for Heritage Permit Application HP2023-019 for 32 John Street East, Flamborough (Ward 15), Mill Street Heritage Conservation District, Designated under Part V of the Ontario Heritage Act (By-law No. 96-34-H) (Item 5.2)

Recommendation: Be received.

- (b) Correspondence to the Ontario Heritage Trust, Provincial Heritage Registrar, respecting Notice of Intention to Designate under Part IV of the Ontario Heritage Act 3 Main Street, Dundas (Former Valley Lodge No. 100) (Item 5.3)

Recommendation: Be received.

CARRIED

(iii) (Carroll/Lunsted)

That the following Communication item be approved, as presented:

- (a) Correspondence from James Stanley, Urban Solutions Planning & Land Development, respecting the Public Notice of Partial Closure of the Jewish Congregation Anshe-Sholem of Hamilton Cemetery (Item 5.1)

Recommendation: Be received.

CARRIED

(f) DELEGATION REQUESTS (Item 6)

(i) (Graham/Brown)

That the following Delegation Request be approved for today's meeting:

- (i) Matt Johnston, Urban Solutions Planning & Land Development, respecting the Public Notice of Partial Closure of the Jewish Congregation Anshe-Sholem of Hamilton Cemetery (Item 6.1)

CARRIED

(g) DELEGATIONS (Item 7)

- (i) James Stanley who appeared before Committee on behalf of Matt Johnston, Urban Solutions Planning & Land Development, addressed the committee respecting the Public Notice of Partial Closure of the Jewish Congregation Anshe-Sholem of Hamilton Cemetery (Item 7.1).

(Carroll/Lunsted)

That the Delegation from James Stanley, Urban Solutions Planning & Land Development, respecting the Public Notice of Partial Closure of the Jewish Congregation Anshe-Sholem of Hamilton Cemetery, be received.

CARRIED

(h) STAFF PRESENTATIONS (Item 8)

- (i) Recommendation to Designate 64 Hatt Street, Dundas, under Part IV of the Ontario Heritage Act (PED23124) (Ward 13) (Item 8.1)**

Meg Oldfield, Cultural Heritage Planning Technician, addressed Committee respecting the Recommendation to Designate 64 Hatt Street, Dundas, under Part IV of the Ontario Heritage Act (PED23124) (Ward 13), with the aid of a PowerPoint presentation.

(Brown/Lunsted)

That the Presentation respecting the Recommendation to Designate 64 Hatt Street, Dundas, under Part IV of the Ontario Heritage Act (PED23124) (Ward 13), be received.

CARRIED

For disposition of this matter, refer to Item 1.

(i) CONSENT ITEMS (Item 9)

(Carroll/Lunsted)

That the following Consent Items, be received:

- (i) Delegated Approval: Heritage Permit Application HP2023-021: Removal of Window at 56 Charlton Avenue West, Hamilton (Charlton Hall) (Ward 2) (By-law No. 15-152) (Item 9.1)

- (ii) Heritage Permit Review Sub-Committee Minutes (April 18, 2023) (Item 9.2)

CARRIED

(j) GENERAL INFORMATION / OTHER BUSINESS (Item 13)

(i) Buildings and Landscapes (Item 13.1)

Committee members provided brief updates on properties of interest.

(Carroll/Lunsted)

That the following updates, be received:

- (a) Endangered Buildings and Landscapes (RED):
(Red = Properties where there is a perceived immediate threat to heritage resources through: demolition; neglect; vacancy; alterations, and/or, redevelopment)

Ancaster

- (i) 372 Butter Road West, Andrew Sloss House (D) – C. Dimitry
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- (iii) 398 Wilson Street East, Marr House (D) – C. Dimitry

Dundas

- (iv) 2 Hatt Street (R) – K. Burke
- (v) 216 Hatt Street (I) – K. Burke
- (vi) 215 King Street West (R) – K. Burke
- (vii) 219 King Street West (R) – K. Burke
- (viii) 6 Tally Ho Drive, Dundas (I) – K. Burke

Glanbrook

- (viii) 2235 Upper James Street (R) – G. Carroll

Hamilton

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(Yellow = Properties that are undergoing some type of change, such as a change in ownership or use, but are not perceived as being immediately threatened)

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Hamilton

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Stoney Creek

- (xxv) 77 King Street West, Battlefield House NHS (D) – R. McKee
- (xxvi) 2251 Rymal Road East, Former Elfrida Church (R) – C. Dimitry

- (c) Heritage Properties Update (GREEN):
(Green = Properties whose status is stable)

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- (i) 104 King Street West, Former Post Office (R) – K. Burke

Hamilton

- (ii) 46 Forest Avenue, Rastrick House (D) – G. Carroll
- (iii) 88 Fennell Avenue West, Auchmar (D) – R. McKee
- (iv) 125 King Street East, Norwich Apartments (R) – T. Ritchie
- (v) 206 Main Street West, Arlo House (R) – J. Brown

- (d) Heritage Properties Update (BLACK):
(Black = Properties that HMHC have no control over and may be demolished)

Ancaster

- (i) 442, 450 and 452 Wilson Street East (R) – C. Dimitry

CARRIED

(ii) Hamilton Municipal Heritage Committee's Heritage Recognition Awards Update (Item 13.2)

A. Denham-Robinson, J. Brown and R. McKee addressed Committee with an update on the Hamilton Municipal Heritage Committee's Heritage Recognition Awards Event.

(Brown/Carroll)

That the update respecting the Hamilton Municipal Heritage Committee's Heritage Recognition Awards Update, be received.

CARRIED

(iii) Ontario Heritage Conference Update (June 15-17, 2023) (Item 13.3)

A. Denham-Robinson, G. Carroll, L. Lunsted and W. Rosart addressed Committee with an update on the Ontario Heritage Conference (June 15-17, 2023).

(Rosart/Carroll)

That the update respecting the Ontario Heritage Conference (June 15-17, 2023), be received.

CARRIED

(k) ADJOURNMENT (Item 15)

(Carroll/Lunsted)

That there being no further business, the Hamilton Municipal Heritage Committee adjourned at 1:16 p.m.

CARRIED

Respectfully submitted,

Alissa Denham-Robinson, Chair
Hamilton Municipal Heritage Committee

Matt Gauthier
Legislative Coordinator
Office of the City Clerk



Mailing Address:
71 Main Street West
Hamilton, Ontario
Canada L8P 4Y5
www.hamilton.ca

Planning and Economic Development Department
Planning Division
71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5
Phone: 905-546-2424, Ext. 1291
Fax: 905-540-5611

June 22, 2023

Ontario Heritage Trust
Attn: Provincial Heritage Registrar
10 Adelaide Street East
Toronto, ON M5C 1J3

Dear Provincial Heritage Registrar:

Re: Notice of Passing of By-law No. 23-102 to Repeal the By-law Designating 14 Belvidere Avenue, Hamilton (By-law No. 83-183) under Part IV of the *Ontario Heritage Act*

Please take notice that the Council of the City of Hamilton has passed By-law No. 23-102 to repeal the by-law designating 14 Belvidere Avenue, Hamilton (By-law No. 83-183) under Part IV of the *Ontario Heritage Act*. Attached please find a copy of By-law No. 23-102. A notice of passing of the repealing by-law was also published in the Hamilton Spectator on June 21, 2023.

Any person who objects to the repealing by-law may, within thirty days after date of publication of the notice of passing of the repealing by-law, appeal to the Ontario Land Tribunal by giving the Tribunal and the clerk of the municipality a notice of appeal setting out the objection to the repealing by-law and the reasons in support of the objection, accompanied by the fee charged by the Tribunal, in accordance with Section 31(9) of the *Ontario Heritage Act*.

If you have any questions regarding this notice of passing, please contact: Alissa Golden, Cultural Heritage Program Lead, Phone: (905) 546-2424 ext. 1202, Email: Alissa.Golden@hamilton.ca.

Steve Robichaud, MCIP RPP
Director of Planning and Chief Planner

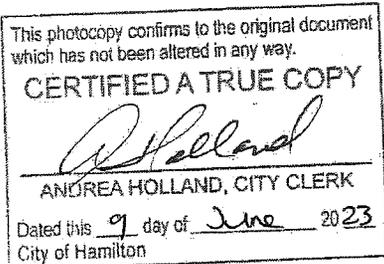
AG
Attach.

cc: Councillor Danko, Ward 8
Patrick MacDonald, Solicitor



Hamilton

Matt Gauthier, Legislative Coordinator
Alissa Golden, Cultural Heritage Program Lead



Authority: Item 3(c), Planning Committee
Report 23-005 (PED23038)
CM: April 12, 2023
Ward: 8

Bill No. 102

**CITY OF HAMILTON
BY-LAW NO. 23-102**

**To Repeal By-law No. 83-183, being a By-law Designating
14 Belvidere Avenue, Hamilton, under Part IV of the *Ontario Heritage Act***

WHEREAS the lands known municipally as 14 Belvidere Avenue, Hamilton, and more particularly described in Schedule "A" hereto, were designated under Section 29 of the *Ontario Heritage Act*, R.S.O. 1990, c. O.18 by municipal By-law No. 81-183, passed on June 29, 1983;

AND WHEREAS the former heritage building located at 14 Belvidere Avenue, Hamilton, has been demolished and the property no longer retains any cultural heritage value or interest under Section 29 of the *Ontario Heritage Act*;

AND WHEREAS the Council of the City of Hamilton has received and considered the recommendations of its heritage committee pertaining to the intention to repeal By-law No. 83-183 under Section 31 of the *Ontario Heritage Act*, arising from the meeting of the Hamilton Municipal Heritage Committee held on March 27, 2023;

AND WHEREAS the Council of the City of Hamilton, at its meeting held on April 12, 2023, resolved to direct the City Clerk to take appropriate action to give notice of Council's intention to repeal By-law No. 83-183, in accordance with the requirements of Section 31(3) of the *Ontario Heritage Act*, which resolution was confirmed by By-law No. 23-065;

AND WHEREAS the Council of City of Hamilton has given notice of its intention to repeal By-law No. 83-183, in accordance with Section 31(3) of the *Ontario Heritage Act*, by serving notice on the owner of 14 Belvidere Avenue, Hamilton, and upon the Ontario Heritage Trust, and causing notice to be published in a newspaper having general circulation in the municipality, a copy of which is attached hereto as Schedule "B";

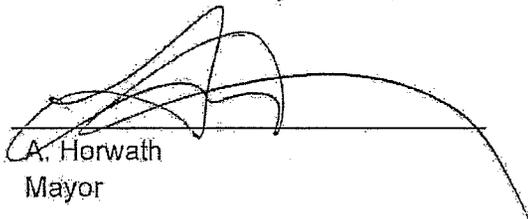
AND WHEREAS no notice of objection to the notice of intention to repeal By-law No. 83-183 has been served upon the Clerk of the municipality under Section 31(5) of the *Ontario Heritage Act*;

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

1. By-law No. 83-183, being a by-law designating 14 Belvidere Avenue, Hamilton, under Part IV of the *Ontario Heritage Act*, is hereby repealed.
2. The City Clerk is hereby authorized and directed:

- a. to cause a copy of this By-law to be served on the owner of 14 Belvidere Avenue, Hamilton, on the Ontario Heritage Trust, and any person who served an objection to the notice of intention to repeal, by a method permitted by the *Ontario Heritage Act*, as required by Section 31(8)(1) of the *Ontario Heritage Act*;
 - b. to publish a notice of passing of this By-law in a newspaper having general circulation in the City of Hamilton;
 - c. to serve a copy of the registered repealing by-law on the Ontario Heritage Trust, as required by Section 31(10)(b) of the *Ontario Heritage Act*; and
 - d. to cause reference to 14 Belvidere Avenue, Hamilton, to be deleted from the Municipal Heritage Register referred to in Section 27(1) of the *Ontario Heritage Act*, as required by Section 31(10)(c) of the *Ontario Heritage Act*.
3. The City Solicitor is hereby authorized and directed to cause a copy of this By-law, together with its Schedules, to be registered against the whole of the property located at 14 Belvidere Avenue, Hamilton, in the proper registry office once this By-law comes into force and effect in accordance with the applicable provisions of the *Ontario Heritage Act*.

PASSED this 7th day of June, 2023.


A. Horwath
Mayor


A. Holland
City Clerk

To Repeal By-law No. 83-183, being a By-law Designating 14 Belvidere Avenue, Hamilton, under Part
IV of the *Ontario Heritage Act*

Page 3 of 4

Schedule "A"

to

By-law No. 23-102

14 Belvidere Avenue

Hamilton, Ontario

PIN: 17115-0419; 17115-0420

Legal Description:

PART LOT 3, PL 457 PART 2, PLAN 62R21828; CITY OF HAMILTON

PART LOT 4, PL 457 PART 1, PLAN 62R21828; CITY OF HAMILTON

Schedule "B"
to
By-law No. 23-102

Notice of Intention to Repeal By-law No. 83-183
14 Belvidere Avenue, Hamilton, Ontario

Notice of Intention to Repeal

The City of Hamilton intends to repeal the designation by-laws for the following properties under Section 31 of the *Ontario Heritage Act*, because the former heritage buildings have been demolished and the properties retain no cultural heritage value or interest under Section 29 of the *Ontario Heritage Act*:

By-law Number 83-183 to designate 14 Belvidere Avenue, Hamilton

By-law Number 01-225 to designate 14 Mary Street, Hamilton

Any person who objects to the proposed repealing of any by-law shall, within thirty days after the date of publication of the notice, serve on the clerk of the municipality a notice of objection setting out the reasons for the objection and all relevant facts.

Dated at Hamilton, this 19th day of April, 2023.

Andrea Holland
City Clerk
Hamilton, Ontario

CONTACT: Alissa Golden, Cultural Heritage Program Lead,
Phone: (905) 546-2424 ext. 1202, E-mail: alissa.golden@hamilton.ca

www.hamilton.ca/heritageplanning



Hamilton



Hamilton

Mailing Address:
71 Main Street West
Hamilton, Ontario
Canada L8P 4Y5
www.hamilton.ca

Planning and Economic Development Department
Planning Division
71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5
Phone: 905-546-2424, Ext. 1291
Fax: 905-540-5611

June 22, 2023

Ontario Heritage Trust
Attn: Provincial Heritage Registrar
10 Adelaide Street East
Toronto, ON M5C 1J3

Dear Provincial Heritage Registrar:

Re: Notice of Passing of By-law No. 23-103 to Repeal the By-law Designating 14 Mary Street, Hamilton (By-law No. 01-225) under Part IV of the *Ontario Heritage Act*

Please take notice that the Council of the City of Hamilton has passed By-law No. 23-103 to repeal the by-law designating 14 Mary Street, Hamilton (By-law No. 01-225) under Part IV of the *Ontario Heritage Act*. Attached please find a copy of By-law No. 23-103. A notice of passing of the repealing by-law was also published in the Hamilton Spectator on June 21, 2023.

Any person who objects to the repealing by-law may, within thirty days after date of publication of the notice of passing of the repealing by-law, appeal to the Ontario Land Tribunal by giving the Tribunal and the clerk of the municipality a notice of appeal setting out the objection to the repealing by-law and the reasons in support of the objection, accompanied by the fee charged by the Tribunal, in accordance with Section 31(9) of the *Ontario Heritage Act*.

If you have any questions regarding this notice of passing, please contact: Alissa Golden, Cultural Heritage Program Lead, Phone: (905) 546-2424 ext. 1202, Email: Alissa.Golden@hamilton.ca.

Steve Robichaud, MCIP RPP
Director of Planning and Chief Planner

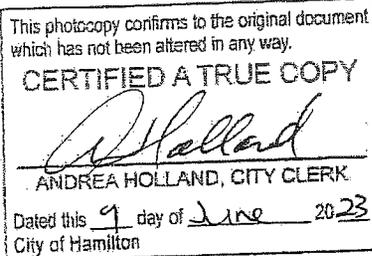
AG
Attach

cc: Councillor Kroetsch, Ward 2
Patrick MacDonald, Solicitor



Hamilton

Matt Gauthier, Legislative Coordinator
Alissa Golden, Cultural Heritage Program Lead



Authority: Item 3(c), Planning Committee
Report 23-005 (PED23038)
CM: April 12, 2023
Ward: 2

Bill No. 103

CITY OF HAMILTON

BY-LAW NO. 23-103

To Repeal By-law No. 01-225, being a By-law Designating
14 Mary Street, Hamilton, under Part IV of the *Ontario Heritage Act*

WHEREAS the lands known municipally as 14 Mary Street, Hamilton, and more particularly described in Schedule "A" hereto, were designated under Section 29 of the *Ontario Heritage Act*, R.S.O. 1990, c. O.18 by municipal By-law No. 01-225, passed on October 2, 2001;

AND WHEREAS the former heritage building located at 14 Mary Street, Hamilton, has been demolished and the property no longer retains any cultural heritage value or interest under Section 29 of the *Ontario Heritage Act*;

AND WHEREAS the Council of the City of Hamilton has received and considered the recommendations of its heritage committee pertaining to the intention to repeal By-law No. 01-225 under Section 31 of the *Ontario Heritage Act*, arising from the meeting of the Hamilton Municipal Heritage Committee held on March 27, 2023;

AND WHEREAS the Council of the City of Hamilton, at its meeting held on April 12, 2023, resolved to direct the City Clerk to take appropriate action to give notice of Council's intention to repeal By-law No. 01-225, in accordance with the requirements of Section 31(3) of the *Ontario Heritage Act*, which resolution was confirmed by By-law No. 23-065;

AND WHEREAS the Council of City of Hamilton has given notice of its intention to repeal By-law No. 01-225, in accordance with Section 31(3) of the *Ontario Heritage Act*, by serving notice on the owner of 14 Mary Street, Hamilton, and upon the Ontario Heritage Trust, and causing notice to be published in a newspaper having general circulation in the municipality, a copy of which is attached hereto as Schedule "B";

AND WHEREAS no notice of objection to the notice of intention to repeal By-law No. 01-225 has been served upon the Clerk of the municipality under Section 31(5) of the *Ontario Heritage Act*;

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

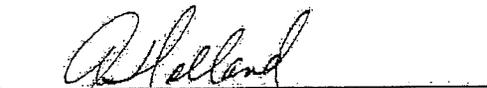
1. By-law No. 01-225, being a by-law designating 14 Mary Street, Hamilton, under Part IV of the *Ontario Heritage Act*, is hereby repealed.
2. The City Clerk is hereby authorized and directed:

- a. to cause a copy of this By-law to be served on the owner of 14 Mary Street, Hamilton, on the Ontario Heritage Trust, and any person who served an objection to the notice of intention to repeal, by a method permitted by the *Ontario Heritage Act*, as required by Section 31(8)(1) of the *Ontario Heritage Act*;
 - b. to publish a notice of passing of this By-law in a newspaper having general circulation in the City of Hamilton;
 - c. to serve a copy of the registered repealing by-law on the Ontario Heritage Trust, as required by Section 31(10)(b) of the *Ontario Heritage Act*; and
 - d. to cause reference to 14 Mary Street, Hamilton, to be deleted from the Municipal Heritage Register referred to in Section 27(1) of the *Ontario Heritage Act*, as required by Section 31(10)(c) of the *Ontario Heritage Act*.
3. The City Solicitor is hereby authorized and directed to cause a copy of this By-law, together with its Schedules, to be registered against the whole of the property located at 14 Mary Street, Hamilton, in the proper registry office once this By-law comes into force and effect in accordance with the applicable provisions of the *Ontario Heritage Act*.

PASSED this 7th day of June, 2023.



A. Horwath
Mayor



A. Holland
City Clerk

To Repeal By-law No. 01-225, being a By-law Designating 14 Mary Street, Hamilton, under Part IV of the *Ontario Heritage Act*

Page 3 of 4

Schedule "A"

to

By-law No. 23-103

14 Mary Street

Hamilton, Ontario

PIN: 17168-0199

Legal Description:

LT 21-22 RCP 1393; PT ALLEYWAY RCP 1393 (CLOSED BY VM263679) PT 1
62R16852, T/W VM256160 EXCEPT THE EASEMENT THEREIN RE: LT 6, 7, 14 & 23
RCP 1393, T/W INTEREST IN VM256161; CITY OF HAMILTON

Schedule "B"

to

By-law No. 23-103

Notice of Intention to Repeal By-law No. 01-225
14 Mary Street, Hamilton, Ontario

Notice of Intention to Repeal

The City of Hamilton intends to repeal the designation by-laws for the following properties under Section 31 of the *Ontario Heritage Act*, because the former heritage buildings have been demolished and the properties retain no cultural heritage value or interest under Section 29 of the *Ontario Heritage Act*:

By-law Number 83-183 to designate 14 Belvidere Avenue, Hamilton

By-law Number 01-225 to designate 14 Mary Street, Hamilton

Any person who objects to the proposed repealing of any by-law shall, within thirty days after the date of publication of the notice, serve on the clerk of the municipality a notice of objection, setting out the reasons for the objection and all relevant facts.

Dated at Hamilton, this 19th day of April, 2023.

Andrea Holland
City Clerk
Hamilton, Ontario

CONTACT: Alissa Golden, Cultural Heritage Program Lead,
Phone: (905) 546-2424 ext. 1202, E-mail: alissa.golden@hamilton.ca

www.hamilton.ca/heritageplanning



Hamilton

From: City of Hamilton <hello@hamilton.ca>

Sent: July 11, 2023 11:03 AM

To: clerk@hamilton.ca

Subject: Webform submission from: Request to Speak to a Committee of Council

Submitted on Tue, 07/11/2023 - 11:02

Submitted by: Anonymous

Submitted values are:

Committee Requested

Committee

Hamilton Heritage Committee

Will you be delegating in-person or virtually?

Virtually

Will you be delegating via a pre-recorded video?

No

Requestor Information

Requestor Information

Amy Schaeffer

Jansen Consulting

70 Main St N PO Box 38

Campbellville, Ontario. L0P 1B0

aschaeffer@jansenconsulting.ca

9058549696

Preferred Pronoun

she/her

Reason(s) for delegation request

Application PED23168 will be presented and as the agent I will be attending to speak on behalf of this application and answer any questions the committee may have.

Will you be requesting funds from the City?

No

Will you be submitting a formal presentation?

No

From: City of Hamilton <hello@hamilton.ca>

Sent: July 17, 2023 6:48 PM

To: clerk@hamilton.ca

Subject: Webform submission from: Request to Speak to a Committee of Council

Submitted on Mon, 07/17/2023 - 18:48

Submitted by: Anonymous

Submitted values are:

Committee Requested

Committee

Hamilton Heritage Committee

Will you be delegating in-person or virtually?

Virtually

Will you be delegating via a pre-recorded video?

No

Requestor Information

Requestor Information

Chris & Jenn Cavacuiti



Preferred Pronoun

he/him

Reason(s) for delegation request

On July 21, 2023. Jenn and I would like to attend (and answer questions if necessary) re: item PED23035 – Regarding Heritage Permit Application HP2023-024, Under Part V of the Ontario Heritage Act, for the Erection of a Rear Detached Accessory Structure at 79 Markland Street, Hamilton

Will you be requesting funds from the City?

No

Will you be submitting a formal presentation?

No



Hamilton

Mailing Address:
71 Main Street West
Hamilton, Ontario
Canada L8P 4Y5
www.hamilton.ca

Planning and Economic Development Department
Planning Division
71 Main Street West, 4th Floor, Hamilton, Ontario, L8P 4Y5
Phone: 905-546-2424, Ext. 1291
Fax: 905-540-5611

FILE: HP2023-026

June 23, 2023

Roger Abbiss
1209 Mineral Springs Road
Dundas, ON L9H 5E3

**Re: Heritage Permit Application HP2023-026:
Renovation of the front elevation of 3 Main Street, Dundas (Former Valley
Lodge) (Ward 13) (Subject to a Notice of Intention to Designate)**

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 HP2023-026 is approved for the designated property at 3 Main Street, Dundas (Former Valley Lodge), in accordance with the submitted Heritage Permit Application for the following alterations:

- Renovations to the front elevation, including:
 - Installation of nine round-headed one-over-one hung wood windows in the second storey;
 - Conversion of a door opening into a window opening in the first storey, including filling in below the window with brick;
 - Removal of the six existing windows in the first storey; and,
 - Installation of seven flat-headed one-over-one hung wood windows in the first storey.

Subject to the following conditions:

- a) That the final details of the brick infill and masonry repairs shall be submitted, to the satisfaction and approval of the Director of Planning and Chief Planner, prior to the commencement of any alterations;
- b) 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,

**Re: Heritage Permit Application HP2023-026:
Renovation of the front elevation of 3 Main Street, Dundas (Former Valley Lodge) (Ward 13) (Subject to a Notice of Intention to Designate)**

- c) That implementation of the alterations, in accordance with this approval, shall be completed no later than June 30, 2025. If the alterations are not completed by June 30, 2025, then this approval expires as of that date and no alterations shall be undertaken without a new approval issued by the City of Hamilton.

Please note that this property is subject to a Notice of Intention to Designate under Part IV 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 Alissa Golden, Program Lead, Cultural Heritage, at 905-546-2424 ext. 1202 or via email at Alissa.Golden@hamilton.ca.

Yours truly,



Steve Robichaud, MCIP RPP
Director of Planning and Chief Planner

cc: Alissa Golden, Program Lead, Cultural Heritage
Chantal Costa, Plan Examination Secretary
Matt Gauthier, Legislative Coordinator
Councillor Alex Wilson, Ward 13



Hamilton

Mailing Address:
71 Main Street West
Hamilton, Ontario
Canada L8P 4Y5
www.hamilton.ca

Planning and Economic Development Department
Planning Division
71 Main Street West, 4th Floor, Hamilton, Ontario, L8P 4Y5
Phone: 905-546-2424, Ext. 6663
Fax: 905-540-5611

FILE: HEA2023-001

July 5, 2023

Larry Tansley
159 Carlisle Road
Freelton, ON
L8B 0Z8

**Re: Heritage Permit Application c
Installation of an in-ground pool at 159 Carlisle Road (Abrey-Zimmerman
House) (Ward 15) (Municipal Heritage Easement Agreement WE996943)**

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 HEA2023-001 is approved for the designated property at 159 Carlisle Road, Flamborough (Abrey-Zimmerman House) in accordance with the submitted Heritage Permit Application for the following alterations:

- Installation of a 450 ft² (41.8 m²) in-ground swimming pool to the (northeast) side of the existing dwelling, including a 2-foot wide concrete pool deck and a metal pool fence.

Subject to the following conditions:

- a) That the applicant provide the letter from the Ministry of Citizenship and Multiculturalism, when available, indicating satisfaction of Provincial interest with respect to archaeology, and demonstrate the implementation of the Stage 3 archaeological assessment recommendations, as outlined in report P042-0460-2021;
- b) That the final details and materials of the proposed pool fence shall be submitted, to the satisfaction and approval of the Director of Planning and Chief Planner, prior to installation;
- c) 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,

Re: Heritage Permit Application HEA2023-001: Installation of an in-ground pool at 159 Carlisle Road (Abrey-Zimmerman House) (Ward 15) (Municipal Heritage Easement Agreement WE996943) - Page 2 of 2

- d) Implementation of the alterations, in accordance with this approval, shall be completed no later than June 30, 2025. If the alterations are not completed by June 30, 2025, then this approval expires as of that date and no alterations shall be undertaken without a new approval issued by the City of Hamilton.

Please note that this property is designated under Part IV 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 Emily Bent, Cultural Heritage Planner, at 905-546-2424 ext. 6663 or via email at Emily.Bent@hamilton.ca.

Yours truly,



Steve Robichaud, MCIP RPP
Director of Planning and Chief Planner

cc: Emily Bent, Cultural Heritage Planner
Chantal Costa, Plan Examination Secretary
Matt Gauthier, Legislative Coordinator
Councillor Ted McMeekin, Ward 15

HERITAGE PERMIT DELEGATED AUTHORITY REPORT – HEA2023-001

ADDRESS: 159 Carlisle Road, Flamborough (Part IV and Municipal Heritage Easement Agree, Abrey-Zimmerman House)

Owner: Larry Tansley and Katherine Jones

Applicant / Agent: Larry Tansley

Description of proposed alterations:

- Installation of a 450 ft² (41.8 m²) in-ground swimming pool to the (northeast) side of the existing dwelling, including a:
 - 2-foot wide concrete pool deck; and,
 - Metal pool fence.

Reasons for proposed alterations:

- To allow for the construction of an in-ground swimming pool.

Documentation submitted with application:

- Heritage Permit Application Form; and,
- Schedule “A” Documentation, including:
 - Background information and description of proposed alterations;
 - Sketch and location maps, showing the proposed location of the pool; and,
 - Photographs of the proposed location of the pool.

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 corresponding Designation By-law 2005-105-H and the Municipal Heritage Easement Agreement WE996943.

The applicant proposes the installation of an in-ground swimming pool in the easterly side yard of the property. The proposed pool will be surrounded by a 2-foot wide concrete pool deck and a 1.5 metal fence on the north, east and south sides. At the time of the application, the materiality of the fence has not been determined, but it will either be wrought iron or aluminum on the southern portion facing Carlisle Road, and a more

affordable metal on the north and east sides. The final details and materials of the proposed pool fence must be submitted to staff's satisfaction, as indicated in **Condition b)**.

There will be no "displacement effects" to the subject property as a result of this work, as the proposed pool and associated alterations will not impact any of the designated heritage attributes of the existing dwelling (Abrey-Zimmerman House) identified in the Designation By-law and the Heritage Easement Agreement.

Minimal "disruption effects" are expected to the heritage context of the property, as the proposed in-ground pool is located within the easterly side yard of the property and will not appear prominent when viewed from the public right-of-way. The Heritage Easement Agreement notes that the siting of the house and character of its landscape are protected features, which includes the open space located in the front and side yards, as well as mature vegetation and trees. While the installation of the pool and associated alterations are located within an open space in the easterly side yard, none of the vegetation or mature trees are proposed to be removed, therefore, both will continue to screen a portion of the easterly side yard from Carlisle Road. The proposed metal fencing will be visible from certain vantage points along Carlisle Road, however, the proposed materiality is considered to be a sympathetic introduction to the existing landscape features identified in the Heritage Easement Agreement and complementary to the designated attributes of the existing dwelling identified in the Heritage Easement Agreement and the Designation By-law.

Further, the Heritage Easement Agreement identified the protection of registered archaeological site AiGx-235, which will not be impacted by the proposed location of the pool. The most recent archaeological assessment (P042-0460-2021) completed March 30th, 2023, conducted Limited Stage 3 Testing in the proposed area for the pool near site AiGX-235. The report summarized the findings as follows:

"The results of the testing have indicated that within the proposed swimming pool construction envelope there is low to no potential to impact archaeological deposits of significance or features associated with the 19th-century habitation period, and therefore there is no further CHVI assigned to the proposed swimming pool construction envelope."

Further, the final recommendation of the report is to implement Stage 4: Avoidance and Protection, which includes the implementation of a 4 step Construction Monitoring Contingency Plan:

- 1. The placement of a temporary fence at the proposed swimming pool construction zone envelope, and plywood board protection at the southeast corner of the house as indicated on Supplementary Figure 4, would be monitored by a licensed archaeologist. Work could then proceed within that fenced area using the existing driveway and front of the house as the access point. The licensed archaeologist will check on the site at least once during the construction process to ensure that the construction activities are being contained within the construction zone footprint.*

2. *The construction contractor and site foreman shall be made aware of the need for archaeological impact monitoring work and will inform the licensed archaeologist, or the project archaeologist, of the projected construction schedule, providing the licensed archaeologist with 48 hours notice prior to the actual construction excavation. The licensed archaeologist shall be made aware of any safety concerns associated with the construction work in order to meet site health and safety requirements;*
3. *Should archaeological material be discovered during construction the project archaeologist should be contacted to determine the significance of the material; and,*
4. *The licensed archaeologist will require access both during and after construction excavation has been completed, to assess if any disturbance has occurred to the site AiGx-235 beyond the approved construction envelope and access route, and has the authority to halt construction activities should the integrity of the archaeological site be threatened.*

While P042-0460-2021 clears the area in question of further archaeological assessments, the report goes on to acknowledge that the level of CHVI on the remainder of the subject property is outside of the scope of this report and would require further assessment.

Based on the proposed Construction Monitoring Contingency Plan, staff are of the opinion that site AiGx-235 will be protected appropriately. While the Provincial interest has yet to be signed off by the Ministry of Citizenship and Multiculturalism, Staff concur with the recommendations made in P042-0460-2021, and the archaeology condition for the subject application has been met to the satisfaction of municipal heritage planning staff. Staff request a copy of the letter from the Ministry when available and require that the applicant demonstrate implementation of the mitigation measures outlined in the Stage 3 report (P042-0460-2021) in order to clear **Condition a**).

Staff are supportive of the application as the proposed in-ground pool will not significantly affect any protected features on the property.

Key dates:

Sub-committee meeting date: May 16, 2023
Notice of Complete Application: May 17, 2023

Sub-committee comments and advice:

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

(Dent/ MacLaren)

That the Heritage Permit Review Sub-committee advises that Heritage Permit Application HEA2023-001 be approved as submitted, subject to the following conditions:

- a) That the City of Hamilton and the Ministry of Citizenship and Multiculturalism provide final archaeological clearance prior to any soil disturbance.
- b) 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,
- c) Implementation of the alterations, in accordance with this approval, shall be completed no later than May 31, 2025. If the alterations are not completed by May 31, 2025, 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 HEA2023-001 is approved in accordance with the submitted application, subject to the following conditions:

- a) That the applicant provide the letter from the Ministry of Citizenship and Multiculturalism, when available, indicating satisfaction of Provincial interest with respect to archaeology, and demonstrate the implementation of the Stage 3 archaeological assessment recommendations, as outlined in report P042-0460-2021;
- b) That the final details and materials of the proposed pool fence shall be submitted, to the satisfaction and approval of the Director of Planning and Chief Planner, prior to installation;
- c) 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) Implementation of the alterations, in accordance with this approval, shall be completed no later than June 30, 2025. If the alterations are not completed by June 30, 2025, 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:



Emily Bent, MRTPI
Cultural Heritage Planner



MGMT Initials

Authorized:

Atti Newbold

for Steve Robichaud, MCIP RPP
Director of Planning and Chief Planner

Reasons for Designation – (By-law No. 2000-105-H)

Designated Features

The exterior features to be designated at 159 Carlisle Road are the exterior walls, the entrance with its transom and sidelights and the double-hung windows, with original bubbled glass panes. The stone quoins, and the stone window sills and voussoirs are also part of the designated features.

Heritage Easement Agreement – (WE996943)

APPENDIX "B" to Heritage Easement Agreement

HERITAGE ATTRIBUTES

159 Carlisle Road comprises a two-storey stone house built by George Abrey in 1847. George Abrey purchased the original 200-acre lot at Lot 10, Concession 9 in 1838.

When the Abrey family moved to Halton County in 1864, the house and property were sold to Adam L. Agro, and later to Nicholas Zimmerman in 1886. The Zimmerman family retained the property until 1912, when the property was divided between the Bayfield and Skidmore families. In 1928, the Skidmore family re-assembled the property to the original 200 acres.

In 1937, the property was purchased by Samuel Radcliffe Weaver and was used as a summer camping ground - eventually the property was used as an extensive, all-season trailer park. In the late 1990s, the former Town of Flamborough assumed ownership of the property and, later the amalgamated City of Hamilton developed the lands as a community park.

The Abrey-Zimmerman house is valued as an early example of vernacular Georgian architecture in Flamborough and for its associations with the early development of the Flamborough area. The property was designated under Part IV of the *Ontario Heritage Act* by the former Town of Flamborough in 2000. The property also contains a registered archaeological site (AiGx-235).

The Heritage Attributes at 159 Carlisle Road, Carlisle (Hamilton), protected by this heritage conservation easement agreement include:

1. The materials, design and construction of the house, including:
 - all façades with the stone construction of the walls and foundations;
 - the low hip roof, eaves, metal roofing and four stone chimneys;
 - the front entrance door and surround with transom and sidelights;
 - all remaining double-hung six-over-six wood window sashes, frames and brickmolds;
 - the interior room layout of the ground level;
 - the interior layout of the landing and central hall on the second level;
 - all baseboards, trim, wainscotting, doors, door casings, window casings and trim, plaster walls and ceilings and wood flooring on the ground level and in the central hall on the second level; and,
 - the stair treads, stringers, balusters and railings of the staircase between the ground and second levels.

2. The siting of the house and character of the surrounding landscape, including:
 - the open space of the front yard and side yards of the house;
 - the location of the driveway along the westerly side of the property; and,
 - mature vegetation and trees.

3. The known and potential archaeological resources, including:
 - the extent of the registered archaeological site (AiGx-235); and
 - the remnants of former outbuildings.



Mailing Address:
71 Main Street West
Hamilton, Ontario
Canada L8P 4Y5
www.hamilton.ca

Planning and Economic Development Department
Planning Division
71 Main Street West, 4th Floor, Hamilton, Ontario, L8P 4Y5
Phone: 905-546-2424, Ext. 1291
Fax: 905-540-5611

FILE: HP2023-023

July 10, 2023

McMaster University
c/o Sam Sargeos
1280 Main Street East
Hamilton, ON L8S 4K1

**Re: Heritage Permit Application HP2023-023:
Renovations to the Interior and Exterior of Alumni Hall at 1280 Main Street
West, Hamilton (McMaster University) (Ward 1) (By-law No. 08-002)**

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 HP2023-023 is approved for the designated property at 1280 Main Street West, Hamilton (Alumni Memorial Building) in accordance with the submitted Heritage Permit Application for the following alterations:

- Renovations to the interior and exterior of Alumni Hall, including:
 - Refinishing of interior wood elements, including the coffered ceiling panels, parquet floors, wood panelling abutting the fireplace, and interior surfaces of doors and surround trim, which may include sanding, staining, and/or sealing the wood;
 - Removal of the two existing temporary stage dividers;
 - Construction of permanent drywall dividing walls in the stage to be affixed to the existing stage partition and painted a colour consistent with the stage;
 - Removal of the existing valances and draperies, including any the associated minor plaster repairs; and,
 - Replacement of the existing wood railing on the rear exterior terrace with iron railings and glass panels.

Subject to the following conditions:

- a) That the proposed stain be submitted, to the satisfaction and approval of the Director of Planning and Chief Planner, prior to installation;

Re: Heritage Permit Application HP2023-023: Renovations to the Interior and Exterior of Alumni Hall at 1280 Main Street West, Hamilton (McMaster University) (Ward 1) (By-law No. 08-002) - Page 2 of 2

- b) That the final details of the railing design be submitted, to the satisfaction and approval of the Director of Planning and Chief Planner, prior to installation;
- c) 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) Implementation of the alterations, in accordance with this approval, shall be completed no later than July 31, 2025. If the alterations are not completed by July 31, 2025, then this approval expires as of that date and no alterations shall be undertaken without a new approval issued by the City of Hamilton.

Please note that this property is designated under Part IV 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 Lisa Christie, Cultural Heritage Planner, at 905-546-2424 ext. 1291 or via email at Lisa.Christie@hamilton.ca.

Yours truly,



Steve Robichaud, MCIP RPP
Director of Planning and Chief Planner

cc: Lisa Christie, Cultural Heritage Planner
Chantal Costa, Plan Examination Secretary
Matt Gauthier, Legislative Coordinator
Councillor Maureen Wilson, Ward 1



Mailing Address:
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Hamilton, Ontario
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Planning and Economic Development Department
Planning Division
71 Main Street West, 4th Floor, Hamilton, Ontario, L8P 4Y5
Phone: 905-546-2424, Ext. 1291
Fax: 905-540-5611

FILE: HP2023-027

July 10, 2023

Christina Frank & Hilary Pyper
174 Mill Street North
Waterdown, ON L0R 2H0

**Re: Heritage Permit Application HP2023-027:
Construction of Additions to 174 Mill Street North, Flamborough (Ward 15)
(Mill Street HCD, By-law No. 96-34-H)**

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 HP2023-027 is approved for the designated property at 174 Mill Street North, Flamborough, located in the Mill Street Heritage Conservation District, in accordance with the submitted Heritage Permit Application for the following alterations:

- Construction of two new additions on the side (north) and rear (east) facades of the existing dwelling, including:
 - Removal of the existing one-storey gable-roofed rear addition to the east and construction of a new one-storey addition with a hip roof in the same location;
 - Construction of a new two-storey addition to the side (north) facade with a ground floor two-car garage fronting onto Mill Street North, set back from the front façade of the existing dwelling;
 - Conversion of one window on north elevation to a doorway to the new addition; and
 - Widening of driveway fronting onto Mill Street North.

Subject to the following conditions:

- a) That the final details of the windows, garage doors, siding and roofing material be submitted to the satisfaction and approval of the Director of Planning and Chief Planner, prior to installation;
- b) That the applicant submits and receive approval for any additional planning approvals required to implement their proposal (i.e. Minor Variance);

Re: Heritage Permit Application HP2023-027: Construction of Additions to 174 Mill Street North, Flamborough (Ward 15) (Mill Street HCD, By-law No. 96-34-H) - Page 2 of 2

- c) 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 of the alterations, in accordance with this approval, shall be completed no later than July 31, 2025. If the alterations are not completed by July 31, 2025, then this approval expires as of that date and no 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 Lisa Christie, Cultural Heritage Planner, at 905-546-2424 ext. 1291 or via email at Lisa.Christie@hamilton.ca.

Yours truly,



Steve Robichaud, MCIP RPP
Director of Planning and Chief Planner

cc: Lisa Christie, Cultural Heritage Planner
Chantal Costa, Plan Examination Secretary
Matt Gauthier, Legislative Coordinator
Councillor Ted McMeekin, Ward 15

MINUTES OF THE HAMILTON HERITAGE PERMIT REVIEW SUB-COMMITTEE

Tuesday, May 16, 2023

Present: Melissa Alexander, Karen Burke, Graham Carroll, Diane Dent, Charles Dimitry (Chair), Andy MacLaren, Carol Priamo, Stefan Spolnik, Steve Wiegand

Attending Staff: Emily Bent, Lisa Christie, Alissa Golden, Caylee MacPherson

Absent with Regrets: Tim Ritchie (Vice Chair)

Meeting was called to order by the Chairman, Charles Dimitry, at 5:00pm

1) Approval of Agenda:

(Dent/Carroll)

That the Agenda for May 16, 2023 be approved as presented.

2) Approval of Minutes from Previous Meetings:

(Burke/Carroll)

That the Minutes of April 18, 2023 be approved, as presented.

3) Heritage Permit Applications

a. HEA2023-001: 159 Carlisle Road, Flamborough (Part IV and Municipal Heritage Easement Agreement, Abrey-Zimmerman House)

- Scope of work:
 - The installation of a 450 ft² (41.8 m²) in-ground swimming pool to the (northeast) side of the existing dwelling and associated alterations, including a 2' wide concrete pool deck and metal pool fencing 1.5 metres in height (wrought iron or aluminum facing Carlisle Road).

- Reason for work:
 - To allow for the construction of an in-ground swimming pool.

Larry Tansley, the property owner, spoke to the Sub-Committee.

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

(Dent/MacLaren)

That the Heritage Permit Review Sub-Committee advises that Heritage Permit application HEA2023-001 be consented to, 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) Installation of the alteration(s), in accordance with this approval, shall be completed no later than May 31, 2025. If the alteration(s) are not completed by May 31, 2025, 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 City of Hamilton and the Ministry of Citizenship and Multiculturalism provide final archaeological clearance prior to any soil disturbance.

b. HP2023-021: 56 Charlton Avenue West, Hamilton (Part IV, Charlton Hall)

- Scope of work:
 - Removal and filling in of one oval window on the east elevation, including:
 - Infilling with brick to match the colour and size of the existing historic brick;
 - Masonry repairs to the bottom of the window opening;
 - The use of appropriate mortar, in accordance with the City's Masonry Restoration Guidelines; and
 - Storage of the existing oval window to be removed on site in the basement, flat and elevated off the ground
- Reason for work:
 - To allow for the removal and bricking in of the window adjacent to the steel staircase, to meet OBC fire regulations.

Mike Pongetti, Chief Engineer at DECC Consultants, represented the property owners and spoke to the Sub-Committee.

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

(MacLaren/Burke)

That the Heritage Permit Review Sub-Committee advises that Heritage Permit application HP2023-021 be consented to, 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/Installation of the alteration(s), in accordance with this approval, shall be completed no later than May 31, 2025. If the alteration(s) are not completed by May 31, 2025, then this approval expires as of that date and no alterations shall be undertaken without a new approval issued by the City of Hamilton.

Pre-consultation Applications

a) 174 Mill Street North, Flamborough (Part V – Mill Street Heritage Conservation District, Allen House)

Construction of a two-storey addition on the rear (north) and west facades of the existing dwelling; A two-car garage is proposed on the ground floor of the addition attached to the west façade of the dwelling, fronting onto Mill Street North.

- Demolition of the existing rear accessory building; and,
- The severance of the rear portion of the property to facilitate the creation an additional lot. The conveyed parcel of land is proposed to accommodate the construction of a two-storey residential dwelling.

b) 52 Charlton Avenue West, Hamilton (Part IV, Charlton Hall)

- Remediating and conserving the existing building; and,
- Converting the property into a multiple-dwelling residential property.

Note: This pre-consultation application was withdrawn, and the proposal was not discussed by the HPRS.

4) **Adjournment:** Meeting was adjourned at 6:15 pm

(Dent/Carroll)

That the meeting be adjourned.

5) **Next Meeting:** Tuesday, June 20, 2023 from 5:00 – 7:30pm

HMHC Education and Communication Working Group

Meeting Notes

Wednesday May 3rd, 2023 (6:00pm)
City WebEx, Virtual Meeting

Present: Alissa Denham-Robinson (Chair), Janice Brown, Graham Carroll, Julia Renaud, Kristen McLaughlin

Regrets: Chuck Dimitry, Robin McKee

Also present: Lisa Christie (Heritage Planner),

RECOMMENDATIONS:

N/a

1. Changes to the Agenda

1. N/a

2. Declaration of Interest

1. N/a

3. Previous Meeting Notes

1. Meeting Notes from March 1, 2023 – approved by general consensus.

4. Policy & Administration:

1. Special Project Update - Plaquing Policy Review and Recommendations (no copy)

Previous Meeting: Held April 12, 2023.

May 10th meeting to be postponed in order for the WG to focus on preparations for the Heritage Awards.

Next Meeting: Future dates to be determined (with or without staff)

5. Public Outreach and Events:

1. Hamilton Wentworth Heritage Association Volunteer Recognition Awards Event – HMHC's Bill 23 Presentation – Held April 18, 2023 - Verbal Update (Alissa D-R)

- i. Alissa Denham-Robinson was invited by HWHA to make a brief presentation on the Impacts of Bill 23 on Municipal Heritage. The presentation was well received.

Education and Communication Working Group

Meeting Notes

May. 3rd, 2023

- ii. Lyn Lunsted has requested a copy of this presentation for the Flamborough Archive to reference for volunteers. Alissa D-R to provide.
- iii. The WG suggested that a summary hand-out be created for HMHC to use for Doors Open. Alissa D-R to create a draft.

2. Doors Open Hamilton (DOH) – Sat. May 6th and Sun. May 7th, 2023 (10am – 4pm)

- i. Alissa D-R confirmed that the DOH organizing committee no longer has a location available for community display tables, so alternative arrangements have been made. HMHC Ed-Comm WG members to set-up at St. Lawrence the Martyr Church (125 Picton St. E, Hamilton). Volunteers can sign-up for a weekend timeslot.

3. HMHC Heritage Recognition Awards 2022 Update (no copy)

- i. In Person Event (Tuesday June 13th, 2023 – Doors Open at 6:30pm / Awards begin at 7pm) – Bridgeworks

WG reviewed event details including venue, food and award notifications. Lisa confirmed that communication have been made with Mayor's Office and Jason Thorne. Lisa will be communicating with members of Council.

6. Publications & Print Projects:

1. Heritage Word Search Puzzles (2023 Edition) (No Update)
2. Heritage Colouring Pages – Volume 3 (2023 Edition) – Verbal Update (Janice & Alissa)
 - i. Work in progress for 4 new pages (St. Giles, Memorial School, Lighthouse and Keeper's Cottage). Working Group reviewed draft pages prior to print & distribution for Doors Open and provided feedback on historical text.
 - ii. Potential Project for Hamilton's Automotive History (Manufacturers, Suppliers, Dealers) - Lincoln & Continental Owners Club Canada Event to be held the week after Labour Day (4 day event) – Theme: Hamilton Auto History. Target date: End of August 2023

7. New Business:

1. N/a

8. Next Meeting:

Wednesday June 7, 2023 at 6pm.

In-person meeting to be held at Hamilton City Hall.

This will be a working session – prep work for Awards Celebration.

HMHC Education and Communication Working Group

Meeting Notes

Wednesday June 7th, 2023 (4:30pm – 7:00pm)
Hamilton City Hall – Room 171

Present: Alissa Denham-Robinson (Chair), Janice Brown, Julia Renaud, Kristen McLaughlin

Regrets: Chuck Dimitry, Robin McKee, Graham Carroll,

Also present: Lisa Christie (Heritage Planner), Linda Miocinovich (Volunteer)

RECOMMENDATIONS:

N/a

1. Changes to the Agenda

1. N/a

2. Declaration of Interest

1. N/a

3. Previous Meeting Notes

1. N/a

4. Policy & Administration:

N/a

5. Public Outreach and Events:

1. HMHC Heritage Recognition Awards 2022 - In Person Event (Tuesday June 13th, 2023 – Doors Open at 6:30pm / Awards begin at 7pm) – Bridgeworks

This was a working session to prepare for the upcoming Awards Celebration. Volunteers prepared framed certificates and award packages. The WG reviewed event details and program agenda.

6. Publications & Print Projects:

1. N/a

7. New Business:

1. N/a

8. Next Meeting: Wednesday July 5, 2023 at 6pm.



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Hamilton Municipal Heritage Committee
COMMITTEE DATE:	July 21, 2023
SUBJECT/REPORT NO:	Heritage Permit Application HP2023-024, Under Part V of the <i>Ontario Heritage Act</i> , for the Erection of a Rear Detached Accessory Structure at 79 Markland Street, Hamilton (PED23035) (Ward 2)
WARD(S) AFFECTED:	Ward 2
PREPARED BY:	Lisa Christie (905) 546-2424 Ext. 1291
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That Heritage Permit Application HP2023-024, for the erection of a rear detached accessory structure on the designated property at 79 Markland Street, Hamilton (Durand-Markland Heritage Conservation District), as shown in Appendix "A" to Report PED23035, be **approved**, subject to the approval of any required *Planning Act* applications and the following Heritage Permit conditions:

- (a) That the final details of the windows, siding and roofing material be submitted, to the satisfaction and approval of the Director of Planning and Chief Planner, prior to installation;
- (b) 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;
- (c) That construction and site alterations, in accordance with this approval, shall be completed no later than July 31, 2025. If the construction and site alterations are not completed by July 31, 2025, then this approval expires as of that date, 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.

no alterations shall be undertaken without a new approval issued by the City of Hamilton.

EXECUTIVE SUMMARY

The subject property located at 79 Markland Avenue, Hamilton, is designated as part of the Durand-Markland Heritage Conservation District under Part V of the *Ontario Heritage Act* (see the location map attached as Appendix “A” to Report PED23035). A Council decision is required for a Heritage Permit application to erect any new building or structure in a heritage conservation district. The applicant is applying for the erection of a new rear detached accessory structure on the property. Staff recommend approval of Heritage Permit Application HP2023-024, subject to the final details for the windows, siding, and roofing material being submitted to staff’s satisfaction, and to the City’s standard Heritage Permit conditions, as discussed with the applicant and advised by the Heritage Permit Review Sub-committee.

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:

1. Alter, or permit the alteration of, any part of the property, other than the interior of any structure or building on the property.
2. Erect any building or structure on the property or permit the erection of such a building or structure.
3. Demolish or remove, or permit the demolition or removal of, any attribute of the property if the demolition or removal would affect a heritage attribute described in the heritage conservation district plan that was adopted for the heritage conservation district in a by-law registered under subsection 41 (10.1).

4. Demolish or remove a building or structure on the property or permit the demolition or removal of a building or structure on the property.”

The power to consent to alterations to property designated under the *Ontario Heritage Act* was delegated by Council to the Director of Planning under City of Hamilton By-law No. 05-364. However, the *Ontario Heritage Act* provisions exclude the delegation of Council’s authority to consent to an application for the demolition of existing structures or erection of new structures.

In response to an application for a permit, Council may: consent to the permit applied for; provide notice that Council is refusing the application for the permit; or, consent to the permit applied for, with terms and conditions attached. Section 42 (4.1) of the *Ontario Heritage Act* provides that Council must consult with its Municipal Heritage Committee before taking any action with respect to an application to demolish or remove any building or structure on property in a Heritage Conservation District.

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 Receipt. If no decision is reached within the 90-day timeframe, Council shall be deemed to consent to the application.

HISTORICAL BACKGROUND

The subject property at 79 Markland Street, Hamilton (see Appendix “A” attached to Report PED23035) is located in the Durand-Markland Heritage Conservation District, designated by former City of Hamilton By-law No. 94-184. The property consists of a two-and-a-half-storey beige stucco dwelling of cross gable Queen Anne style of architecture. On May 23, 2023, a Heritage Permit Application was received requesting approval to erect a new, one storey detached accessory structure at the rear of the property. The supporting materials provided with the Heritage Permit Application are attached as Appendix “B” to Report PED23035.

The Heritage Permit Review Sub-committee of the City of Hamilton Municipal Heritage Committee reviewed this application at their meeting on June 20, 2023, along with the supporting materials submitted with the application (and recommended approval of the application subject to the final design details (e.g. windows, garage doors, siding and roofing material) being submitted to staff’s satisfaction, and the standard conditions regarding minor changes and expiry.

The Notice of Complete application was issued on July 4, 2023.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The Recommendation of this Report is consistent with municipal and provincial legislation, including:

- Ensuring significant built heritage resources are conserved (*Provincial Policy Statement*, 2020, Sub-section 2.6.1);
- Protecting and conserving the tangible cultural heritage resources of the City, including archaeological resources, built heritage resources, and cultural heritage landscapes (*Urban Hamilton Official Plan*, Section B.3.4.2.1(a)); and,
- Ensuring that all new development, site alterations, building alterations, and additions are contextually appropriate and maintain the integrity of all on-site or adjacent cultural heritage resources (*Urban Hamilton Official Plan*, Section B.3.4.1.3)

The Recommendation of this Report is also consistent with the Council-adopted Durand-Markland Heritage Conservation District Plan and its policies regarding new construction in the District outlined in Section 4.4, including that:

- New buildings should be compatible and sensitive to the character of the established neighbourhood;
- New structures should look new, and not pretend to be historical by replicating or copying older facades;
- The use of traditional roof forms in new construction is encouraged;
- The use of traditional material for window and door construction is encouraged; and,
- Slate, wood or asphalt roofing materials are appropriate for new construction.

RELEVANT CONSULTATION

External

- Heritage Permit Review Sub-Committee of the Hamilton Municipal Heritage Committee

In addition, Planning Staff emailed the Ward Councillor for Ward 2 on July 4, 2023, and provided them with information about the proposed changes and the process for new construction on a Part V designated property within a Heritage Conservation District. Staff also indicated that the applicant received support from the Heritage Permit Review Subcommittee and that a subsequent staff report was forthcoming to the July 21, 2023, Hamilton Municipal Heritage Committee meeting.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Heritage Permit Application HP2023-024 has been submitted to request approval for the following scope of work at 79 Markland Street, Hamilton (location map attached as Appendix “A” to Report PED23035), in accordance with the supporting materials submitted with the application (attached as Appendix “B” to Report PED23035):

- Construction of a detached one-storey pool house at the rear of the property.

Two key factors that are considered in the evaluation of any change affecting a heritage building, or its setting, are displacement and disruption effects. The analysis of the effects related to HP2023-024 are outlined below.

Displacement Effects

Displacement effects are those adverse actions that result in the damage, loss or removal of valued heritage features.

The existing property is comprised of a two-and-a-half-storey beige stucco dwelling in cross gable Queen Anne style of architecture. Its features include: the steep cross gabled roof; the slight overhang of the front gable above the rounded bay window; and a two-storey five-sided bay window on the east façade. The principal dwelling has a deep setback from the front lot line and there is a driveway on the west side of the property and an existing three-car parking pad on the east side of the front yard of the property. There is an existing in-ground pool and deck directly behind the existing dwelling in the rear yard.

The new detached accessory structure is proposed to be located along the east side of the lot in the rear yard, as shown in the site plan drawing attached as part of Appendix “B” to Report PED23035. As the new detached accessory structure will be located in the rear, south-east corner of the property, it will not result in the displacement of any of any the heritage features on the property.

Disruption Effects

Disruption effects are those actions that result in detrimental changes to the setting or character of the heritage feature.

The new detached accessory structure will not be visible from the street when looking south down the existing driveway. The accessory structure will be blocked from view by the existing dwelling on the property. The accessory structure may be visible in some seasons from Bay Street, when looking across the side yard of 311 Bay Street South. However, this view is not located within the Durand-Markland Heritage Conservation District and is not considered to be a significant view of the Heritage Conservation

SUBJECT: Heritage Permit Application HP2023-024, Under Part V of the *Ontario Heritage Act*, for the Erection of a Rear Detached Accessory Structure at 79 Markland Street, Hamilton (PED23035) (Ward 2) - Page 6 of 8

District. Staff are of the opinion that the proposed accessory structure will not result in any detrimental changes to the setting of the Durand-Markland Heritage Conservation District.

Furthermore, the accessory structure has been designed to be compatible with the existing dwelling on the property and the surrounding properties. This is evidenced by the location of the structure, the subservient scale of the building, and the choice of distinct, but historically appropriate, building materials that clearly demonstrate that the accessory building is new.

The proposed design of the structure includes a hip roof, horizontal composite wood cladding (Hardie board), asphalt shingles, and casement windows with black trim. The proposed design and materials incorporate features that are sympathetic to the character of the area and respect the guidelines in the District Plan that new buildings do not attempt to replicate historic facades. Staff are generally supportive of the proposed styles, however, final details for the windows, siding, and roof material are still pending. Staff recommend these details be submitted for review prior to installation.

Recommendation

Heritage Permit Application HP2023-024 is for the construction of a new detached accessory structure at the rear of the subject property and requires a decision of Council, as advised by the Hamilton Municipal Heritage Committee. Staff recommend that the final details and design of the proposed windows, siding, and roofing material shall be submitted, to the satisfaction and approval of the Director of Planning and Chief Planner, prior to installation (see Recommendation (a)(i) of Report PED23035). Staff also recommend 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 (see Recommendation (a)(ii) of Report PED23035). It is also recommended that the Heritage Permit approval have an expiry date of July 31, 2025 (see Recommendation (a)(iii) of Report PED23035). A two-year expiry date is standard on all approved Heritage Permits, and the July 31, 2025, date will reflect the expected end date of the new construction.

The proposed accessory structure is anticipated to require a Minor Variance Application to implement. However, a comprehensive review of the proposal has not yet occurred. The proposed height of the building will be 4.84 m (16 ft) and its proposed location is along the property line. Staff are of the opinion that the proposed height of the accessory structure is not out of character with the area and that any visual impacts from the height will be mitigated by its placement to the rear of the property. Staff

recommend that the application be approved subject to the approval of any *Planning Act* applications (see Recommendation (a) of this Report).

Staff recommend approval of Heritage Permit Application HP2023-024, as per the recommendations of this Report.

ALTERNATIVES FOR CONSIDERATION

1. Deny the Heritage Permit Application.

Hamilton Municipal Heritage Committee may advise Council to deny this application in its entirety. This is not being recommended as the application is in character with the built heritage landscape of the Durand-Markland Heritage Conservation District and conforms to the Durand-Markland Heritage Conservation District Guidelines that permit the erection of new buildings and other site alterations which are sympathetic to the existing building fabric and maintain the character of the Durand-Markland Heritage Conservation District.

2. Approve the Heritage Permit Application with additional or amended conditions.

Hamilton Municipal Heritage Committee may advise Council to approve this application with additional or amended conditions of approval, as appropriate. This is not being recommended as staff feel that the four Heritage Permit conditions are sufficient.

3. Approve the Application with No Conditions.

Hamilton Municipal Heritage Committee may advise Council to approve this application with no conditions. This alternative is not recommended, as it would prevent staff from reviewing any additional details to ensure that the application approval will result in high-quality construction and the implementation of the project design, as submitted.

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.

SUBJECT: Heritage Permit Application HP2023-024, Under Part V of the *Ontario Heritage Act*, for the Erection of a Rear Detached Accessory Structure at 79 Markland Street, Hamilton (PED23035) (Ward 2) - Page 8 of 8

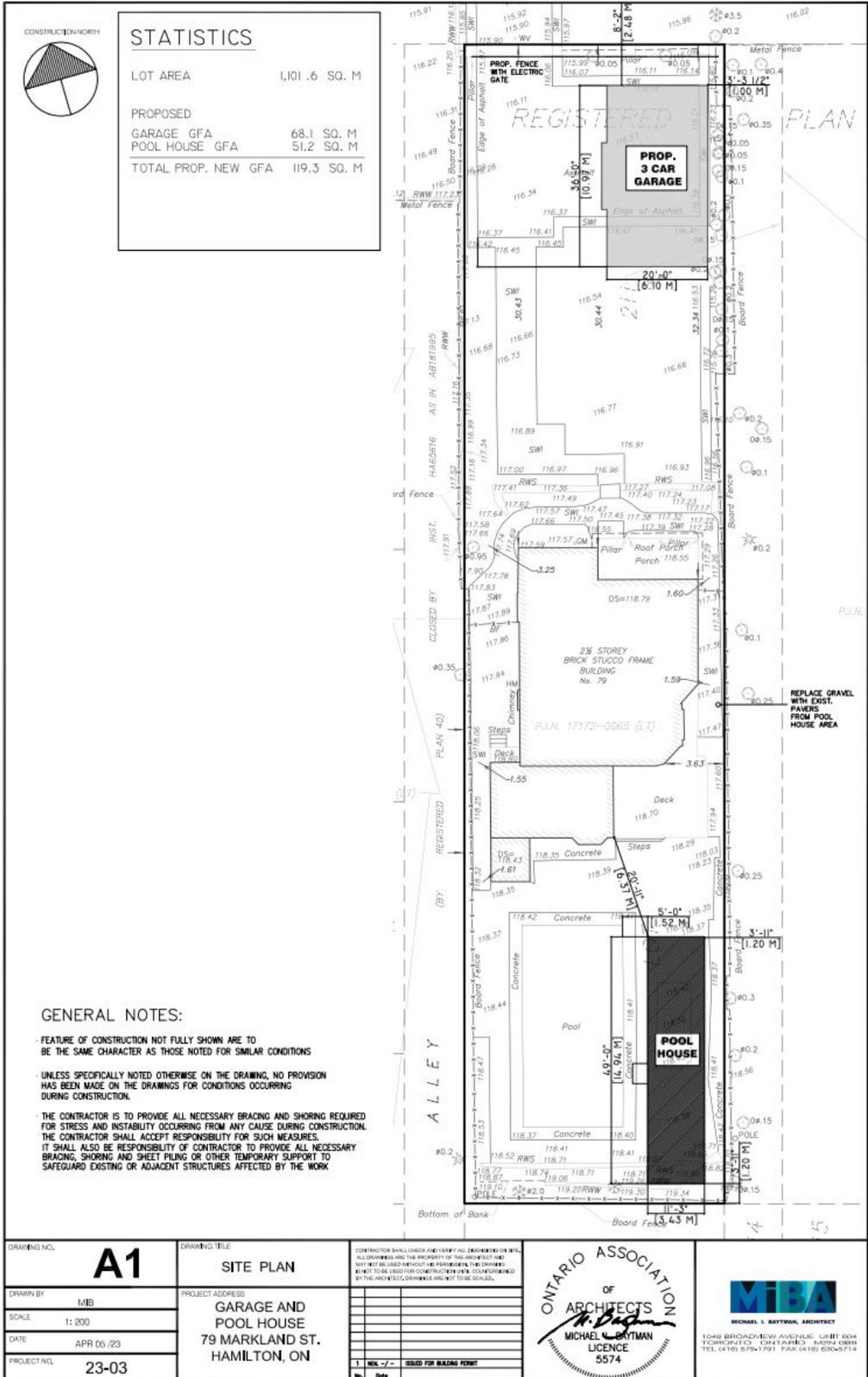
APPENDICES AND SCHEDULES ATTACHED

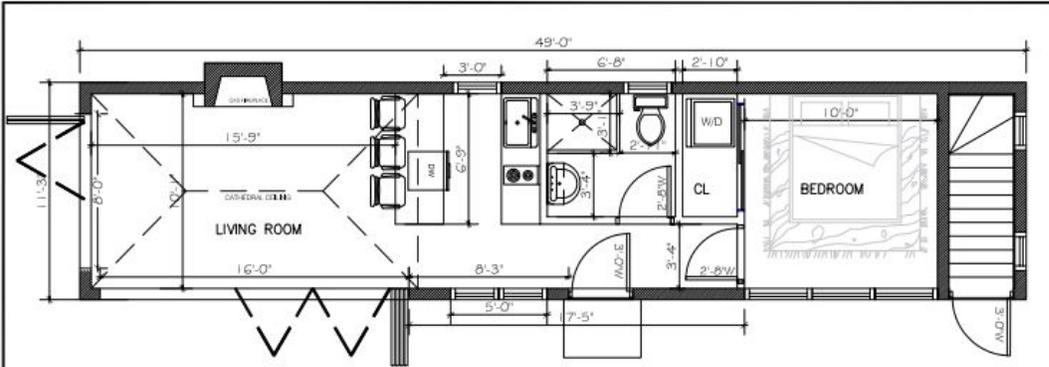
Appendix "A" to Report PED23035 - Location Map

Appendix "B" to Report PED23035 - Application Submission Materials (modified to remove personal information)

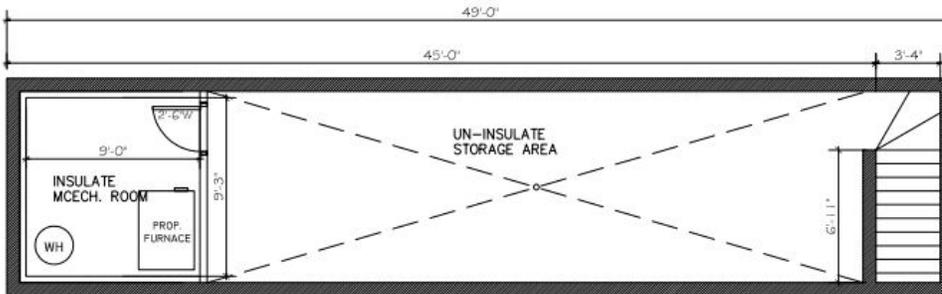
LC/sd

Application Submission Materials (Personal Information Redacted)

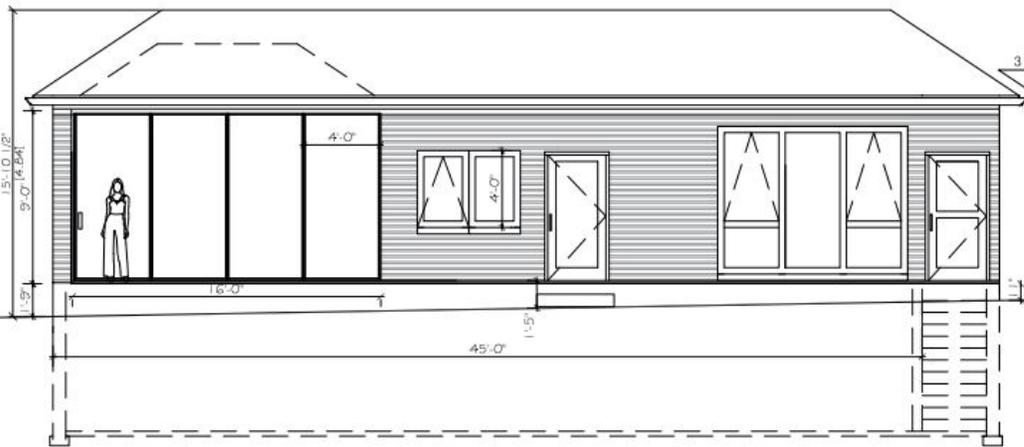




1 GROUND FLOOR PLAN
SCALE: 1/16" = 1'

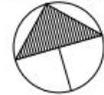


2 BASEMENT FLOOR PLAN
SCALE: 1/16" = 1'

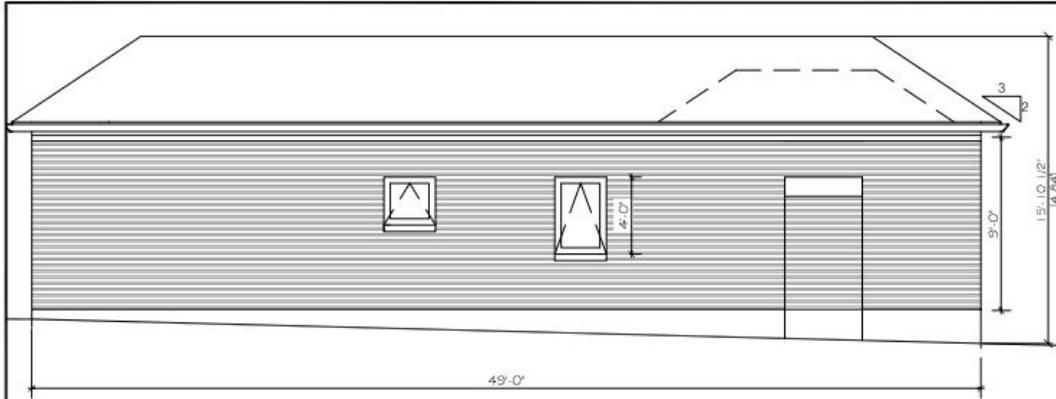


3 WEST POOL HOUSE ELEVATION
SCALE: 1/16" = 1'

CONSTRUCTION NORTH



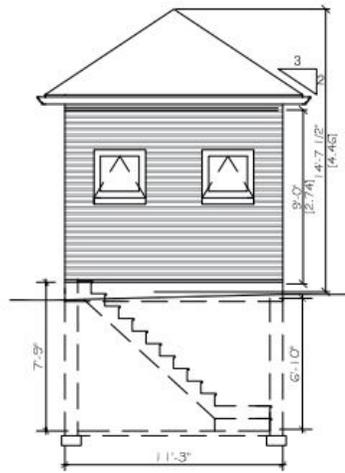
DRAWING NO. A3	DRAWING TITLE PROPOSED POOL PLANS AND ELEVATION	CONTRACTOR SHALL CHECK AND VERIFY ALL DIMENSIONS ON SITE. ALL DIMENSIONS ARE THE PROPERTY OF THE ARCHITECT AND MAY NOT BE USED WITHOUT THE ARCHITECT'S WRITTEN CONSENT TO BE USED FOR CONSTRUCTION OR IN CONNECTION WITH THE ARCHITECT'S DRAWINGS OR PROJECT TO BE SAVED.	<p>ONTARIO ASSOCIATION OF ARCHITECTS MICHAEL L. BAYTMAN LICENCE 5574</p>	<p>MICHAEL L. BAYTMAN, ARCHITECT 1048 BRICCADREWE AVENUE, SUITE 604 TORONTO, ONT. M6K 3P8 TEL: (416) 578-1791 FAX: (416) 634-9714</p>				
DRAWN BY MIB	PROJECT ADDRESS GARAGE AND POOL HOUSE 79 MARKLAND ST. HAMILTON, ON	<table border="1"> <tr> <th>No.</th> <th>Date</th> <th>DESCRIPTION</th> </tr> <tr> <td>1</td> <td>M.L. / -</td> <td>SOLD FOR BIDDING POINT</td> </tr> </table>			No.	Date	DESCRIPTION	1
No.	Date	DESCRIPTION						
1	M.L. / -	SOLD FOR BIDDING POINT						
SCALE 3/16" = 1'								
DATE APR 05 / 23								
PROJECT NO. 22-03								



1 EAST POOL HOUSE ELEVATION
SCALE: 1/16" = 1'



2 NORTH POOL HOUSE ELEVATION
SCALE: 1/16" = 1'

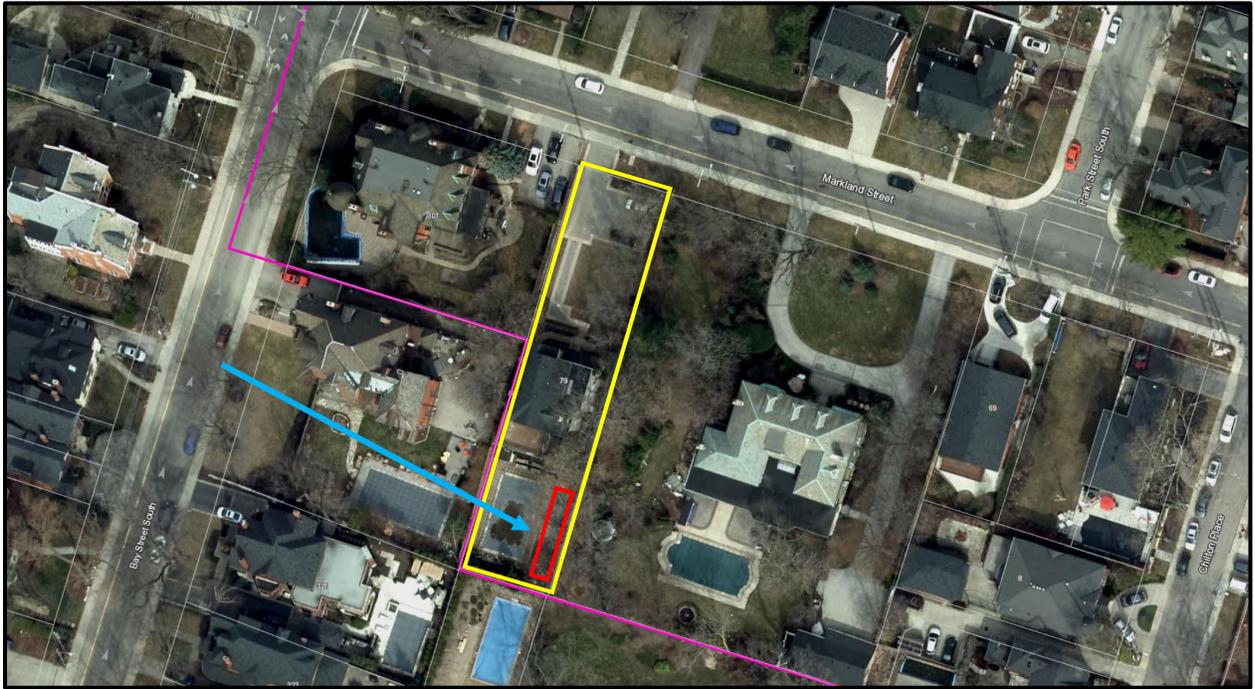


3 SOUTH POOL HOUSE ELEVATION
SCALE: 1/16" = 1'

DRAWING NO. A4	DRAWING TITLE PROPOSED POOL HOUSE	<small>CONTRACTOR SHALL CHECK AND VERIFY ALL DIMENSIONS OF ALL ALL DRAWINGS AND THE PROPERTY OF THE ARCHITECT AND SHALL NOT BE USED WITHOUT THE PERMISSION OF THE ARCHITECT. NO PART OF THIS DRAWING IS TO BE USED FOR CONSTRUCTION UNLESS COUNTERSIGNED BY THE ARCHITECT. DIMENSIONS ARE NOT TO BE SCALED.</small>																				
DRAWN BY MIB	PROJECT ADDRESS GARAGE AND POOL HOUSE 79 MARKLAND ST. HAMILTON, ON																					
SCALE 3/16" = 1'																						
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DRAWING NO. A4	DRAWING TITLE PROPOSED POOL HOUSE	CONTRACTOR SHALL CHECK AND VERIFY ALL DIMENSIONS ON SITE. ALL DIMENSIONS AND THE PROPERTY OF THE ARCHITECT AND NOT BE USED WITHOUT THE PERMISSION OF THE ARCHITECT. DIMENSIONS SHOWN TO BE USED FOR CONSTRUCTION ONLY.															
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No.	Date	ISSUED FOR BUILDING PERMIT															
SCALE 3/16" = 1'																	
DATE APR 06 /23																	
PROJECT NO. 22-03				1048 BROADVIEW AVENUE, UNIT 604 TORONTO, ONT. M4W 1A7 TEL: (416) 579-1791 FAX: (416) 536-5714													



Subject property outlined in yellow, proposed development outlined in red, visibility from the public right of way – note that this is outside the Durand-Markland HCD outlined in pink.



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Hamilton Municipal Heritage Committee
COMMITTEE DATE:	July 21, 2023
SUBJECT/REPORT NO:	Heritage Permit Application HP2023-028, Under Part V of the <i>Ontario Heritage Act</i> , for the Demolition of a Contemporary Rear Detached Accessory Structure at 174 Mill Street North, Flamborough (PED23168) (Ward 15)
WARD(S) AFFECTED:	Ward 15
PREPARED BY:	Lisa Christie (905) 546-2424 Ext. 1291
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That Heritage Permit Application HP2023-028, for the demolition of a contemporary rear detached accessory structure on the designated property at 174 Mill Street North, Flamborough (Mill Street Heritage Conservation District), as shown in Appendix "A" to Report PED23168, be **approved**, subject to the following Heritage Permit 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;
- (b) That construction and site alterations, in accordance with this approval, shall be completed no later than July 31, 2025. If the construction and site alterations are not completed by July 31, 2025, then this approval expires as of that date, and no alterations shall be undertaken without a new approval issued by the City of Hamilton.

SUBJECT: Heritage Permit Application HP2023-028, Under Part V of the *Ontario Heritage Act*, for the Demolition of a Contemporary Rear Detached Accessory Structure at 174 Mill Street North, Flamborough (PED23168) (Ward 15) - Page 2 of 7

EXECUTIVE SUMMARY

The subject property located at 174 Mill Street North, Flamborough, is designated as part of the Mill Street Heritage Conservation District under Part V of the *Ontario Heritage Act* (see the location map attached as Appendix “A” to Report PED23168). A Council decision is required for a Heritage Permit application to demolish any building or structure on a property designated as part of a Heritage Conservation District. The applicant is proposing to demolish the circa 1982 rear detached accessory structure on the property. Staff recommend approval of this Heritage Permit Application HP2023-028, subject to the City’s standard Heritage Permit conditions, as discussed with the applicant and advised by the Heritage Permit Review Sub-committee.

Alternatives for Consideration – See Page 6

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:

1. Alter, or permit the alteration of, any part of the property, other than the interior of any structure or building on the property.
2. Erect any building or structure on the property or permit the erection of such a building or structure.
3. Demolish or remove, or permit the demolition or removal of, any attribute of the property if the demolition or removal would affect a heritage attribute described in the heritage conservation district plan that was adopted for the heritage conservation district in a by-law registered under subsection 41 (10.1).
4. Demolish or remove a building or structure on the property or permit the demolition or removal of a building or structure on the property.”

SUBJECT: Heritage Permit Application HP2023-028, Under Part V of the *Ontario Heritage Act*, for the Demolition of a Contemporary Rear Detached Accessory Structure at 174 Mill Street North, Flamborough (PED23168) (Ward 15) - Page 3 of 7

The power to consent to alterations to property designated under the *Ontario Heritage Act* was delegated by Council to the Director of Planning under City of Hamilton By-law No. 05-364. However, the *Ontario Heritage Act* provisions exclude the delegation of Council's authority to consent to an application for the demolition of existing structures or erection of new structures.

In response to an application for a permit, Council may: consent to the permit applied for; provide notice that Council is refusing the application for the permit; or, consent to the permit applied for, with terms and conditions attached. Section 42 (4.1) of the *Ontario Heritage Act* provides that Council must consult with its Municipal Heritage Committee before taking any action with respect to an application to demolish or remove any building or structure on property in a Heritage Conservation District.

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 Receipt. If no decision is reached within the 90-day timeframe, Council shall be deemed to consent to the application.

HISTORICAL BACKGROUND

The subject property at 174 Mill Street North, Flamborough (see Appendix "A" attached to Report PED23168) is located in the Mill Street Heritage Conservation District, designated by former Town of Flamborough By-law No. 96-34-H. The property consists of a red brick vernacular one-and-a-half storey rectangular structure. On June 2, 2023, a Heritage Permit Application was received requesting approval to demolish the existing one storey detached accessory structure at the rear of the property. The supporting materials provided with the Heritage Permit Application are attached as Appendix "B" to Report PED23168.

The Heritage Permit Review Sub-committee of the City of Hamilton Municipal Heritage Committee reviewed this application at their meeting on June 20, 2023, along with the supporting materials submitted with the application and recommended approval of the 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,

SUBJECT: Heritage Permit Application HP2023-028, Under Part V of the *Ontario Heritage Act*, for the Demolition of a Contemporary Rear Detached Accessory Structure at 174 Mill Street North, Flamborough (PED23168) (Ward 15) - Page 4 of 7

- b) That construction and site alterations, in accordance with this approval, shall be completed no later than June 30, 2025. If the construction and site alterations are not completed by June 30, 2025, then this approval expires as of that date, and no alterations shall be undertaken without a new approval issued by the City of Hamilton.

The Notice of Receipt of complete application was issued on June 22, 2023.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The Recommendation of this Report is consistent with municipal and provincial legislation, including:

- Ensuring significant built heritage resources are conserved (*Provincial Policy Statement*, 2020, Sub-section 2.6.1);
- Protecting and conserving the tangible cultural heritage resources of the City, including archaeological resources, built heritage resources, and cultural heritage landscapes (*Urban Hamilton Official Plan*, Section B.3.4.2.1(a)); and,
- Ensuring that all new development, site alterations, building alterations, and additions are contextually appropriate and maintain the integrity of all on-site or adjacent cultural heritage resources (*Urban Hamilton Official Plan*, Section B.3.4.1.3)

RELEVANT CONSULTATION

External

- Heritage Permit Review Sub-Committee of the Hamilton Municipal Heritage Committee

In addition, Planning Staff emailed the Ward Councillor for Ward 15 on July 4, 2023, and provided them with information about the proposed changes and the process for demolition on a Part V designated property within a Heritage Conservation District. Staff also indicated that the applicant received support from the Heritage Permit Review Subcommittee and that a subsequent staff report was forthcoming to the July 21, 2023, Hamilton Municipal Heritage Committee meeting.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Heritage Permit Application HP2023-028 has been submitted to request approval to demolish the contemporary circa 1982 detached rear accessory structure located at 174

SUBJECT: Heritage Permit Application HP2023-028, Under Part V of the *Ontario Heritage Act*, for the Demolition of a Contemporary Rear Detached Accessory Structure at 174 Mill Street North, Flamborough (PED23168) (Ward 15) - Page 5 of 7

Mill Street North, Flamborough (location map attached as Appendix “A” to Report PED23168), in accordance with the supporting materials submitted with the application (attached as Appendix “B” to Report PED23168):

Two key factors that are considered in the evaluation of any change affecting a heritage building, or its setting, are displacement and disruption effects. The analysis of the effects related to HP2023-028 are outlined below.

Displacement Effects

Displacement effects are those adverse actions that result in the damage, loss or removal of valued heritage features.

The existing property is comprised of a one-and-a-half vernacular red-brick dwelling. Its features include the gable style roof on the south elevation, the one-storey bay window on the first storey, and the south wing with a substantial brick chimney. This property features a shallow set back and a driveway on the north-west side of the property. The south-east side of the property abuts Albert Street.

The existing detached accessory structure to be demolished is located along the south-east side of the property, as shown in the site plan drawing found in Appendix “B” to attached to Report PED23168. The demolition of the detached rear accessory structure will not result in the displacement of any of any the heritage features on the property, as it was constructed circa 1982 and does not have any cultural heritage value or interest, despite it having sympathetic wood cladding.

Disruption Effects

Disruption effects are those actions that result in detrimental changes to the setting or character of the heritage feature.

Staff are of the opinion that the proposed demolition of the accessory structure will not detrimentally change the setting of the Mill Street Heritage Conservation District.

The accessory structure was constructed circa 1982. The structure was extant at the time of the designation of the Heritage Conservation District and mentioned in the plan’s description of the property, however it is not identified as having cultural heritage value or interest. Therefore, no disruption effects are anticipated from its demolition.

Recommendation

This application is for the demolition of an existing contemporary detached accessory structure at the rear of the subject property and requires a decision of Council, as

SUBJECT: Heritage Permit Application HP2023-028, Under Part V of the *Ontario Heritage Act*, for the Demolition of a Contemporary Rear Detached Accessory Structure at 174 Mill Street North, Flamborough (PED23168) (Ward 15) - Page 6 of 7

advised by the Hamilton Municipal Heritage Committee. Staff recommend 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 (see Recommendation (a)(ii) of Report PED23168). It is also recommended that the Heritage Permit approval have an expiry date of July 31, 2025 (see Recommendation (a)(iii) of Report PED23168). A two-year expiry date is standard on all approved Heritage Permits, and the July 31, 2025, date will reflect the expected end date of the new construction.

Staff recommend approval of Heritage Permit Application HP2023-028, as per the recommendations of this Report.

ALTERNATIVES FOR CONSIDERATION

- 1. Deny the Heritage Permit Application.**
HMHC may advise Council to deny this application in its entirety. This is not being recommended as the application is to demolish a contemporary rear accessory structure that does not have any cultural heritage value or interest.
- 2. Approve the Heritage Permit Application with additional or amended conditions.**
HMHC may advise Council to approve this application with additional or amended conditions of approval, as appropriate. This is not being recommended as staff feel that the two Heritage Permit conditions are sufficient.
- 3. Approve the Application with No Conditions.**
HMHC may advise Council to approve this application with no conditions.

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.

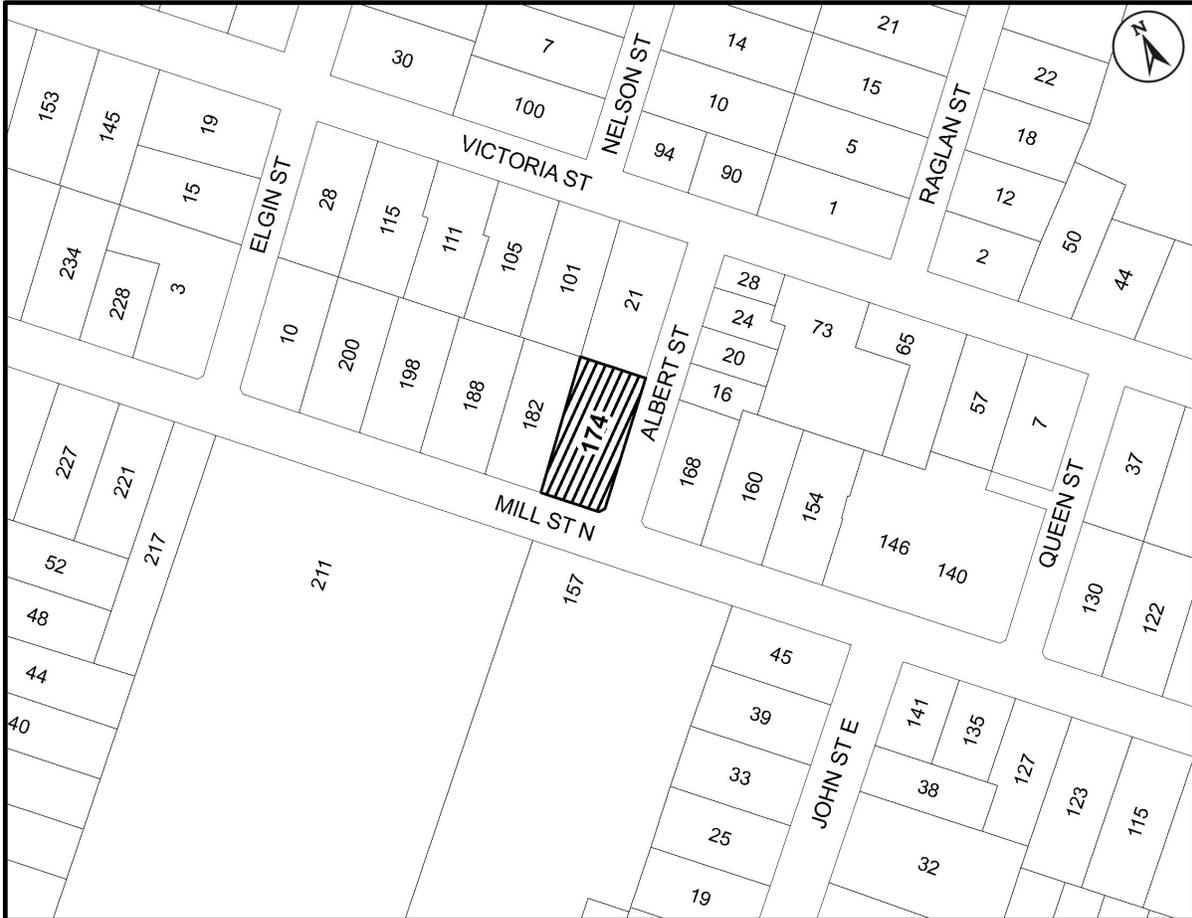
APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report PED23168 - Location Map

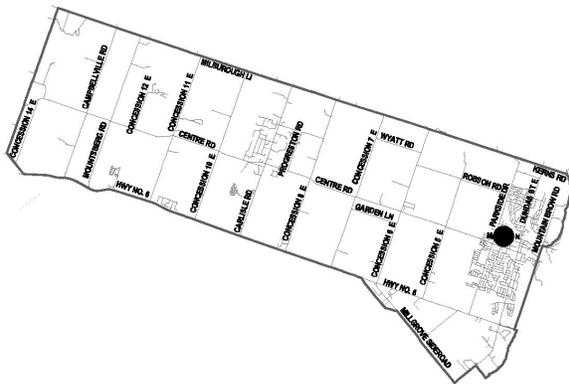
SUBJECT: Heritage Permit Application HP2023-028, Under Part V of the *Ontario Heritage Act*, for the Demolition of a Contemporary Rear Detached Accessory Structure at 174 Mill Street North, Flamborough (PED23168) (Ward 15) - Page 7 of 7

Appendix "B" to Report PED23168 - Application Submission Materials (modified to remove personal information)

LC/sd



● Site Location



Key Map - Ward 15

Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
174 Mill St N

Date:
June 22, 2023

Appendix "A"

Scale:
N.T.S

Planner/Technician:
LC/VS

Subject Property



174 Mill Street North, Flamborough

Application Submission Materials (Personal Information Redacted)



Figure 1. Subject lands depicted in yellow, structure to be removed in red.



Figure 2. Front elevation of exterior structure



Figure 3. Rear and side elevation of exterior structure



Figure 4. Rear and side elevation of exterior structure

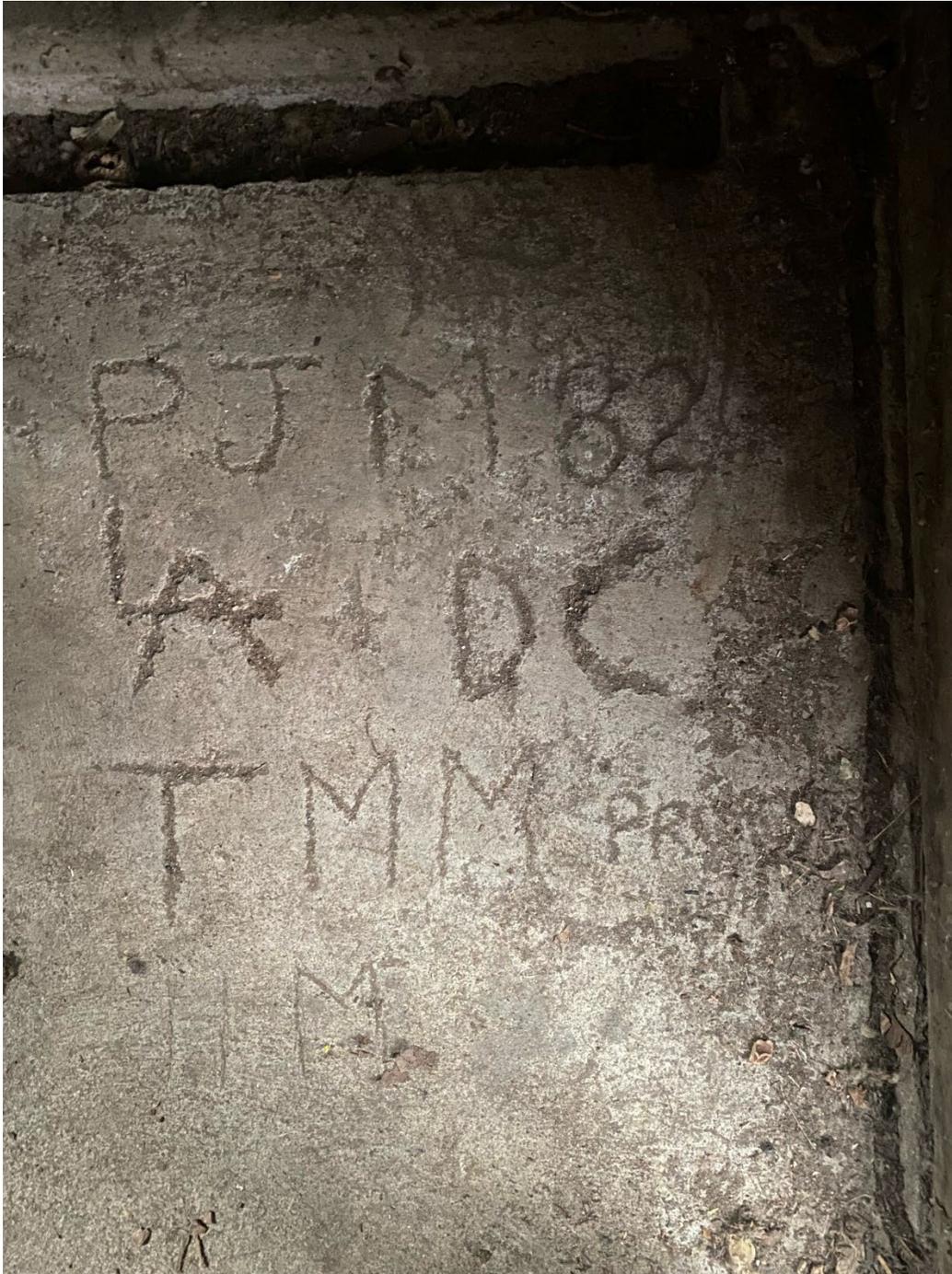


Figure 5. Interior foundation of structure – picturing date of construction