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John Vitulli Professional Corporation

June 19, 2019

VIA EMAIL: david.addington@hamilton.ca

Hamilton City Hall
 Planning Division
 71 Main Street West
 Hamilton, Ontario
 L8P 4Y5

Attention: David Addington

VIA EMAIL: john-paul.danko@hamilton.ca

Hamilton City Hall
 71 Main Street West, 2nd Floor
 Hamilton, Ontario
 L8P 4Y5

Attention: John-Paul Danko

Dear Mr. Addington and Mr. Danko:

RE: Request to Register 180 Concession Street, Hamilton, Ontario as a Heritage Property

Please be advised that we act for Rick Demers and Dorothy Todd.

Our clients are the owners of 186 Concession Street, Hamilton, Ontario ("186 Concession Street"), having resided there for the past 25 years. 186 Concession is adjacent to 180 Concession Street, Hamilton, Ontario ("180 Concession Street").

On behalf of our clients, please accept this correspondence as a formal request to commence the process to register 180 Concession Street as a Heritage Property, on an immediate basis, pursuant to the terms and provisions of the *Ontario Heritage Act*, in support of which, we advise as follows.

In or around the latter part of 2018 the owners of 180 Concession Street made application to the Committee of Adjustment ("Committee") for the severance thereof, which would result in the

creation of a new lot with a frontage of 40 feet and the demolition of the garage/workshop located on what would be the new lot, as well as the construction of a new home on the new lot.

It is our understanding based on correspondence with Jeremy Parson, from The City of Hamilton's Development Planning, Heritage & Design Department, that 180 Concession Street is included in the City of Hamilton's Inventory of Buildings of Architectural and/or Historical Interest, pursuant to which, Heritage Impact Assessment and studies are required for any changes made. We have enclosed the correspondence with Mr. Parson for your cease of reference.

Mr. Parson described 180 Concession Street as being of an Italianate architectural design. This type of design is an eclectic style, which is derived from the Italian Renaissance era of the 15th Century. Most of these designs occurred during the 1850's to the 1900's. It is clear from the Highcliff Survey taken in 1911, that 180 Concession Street was already constructed at this point in time. As such, 180 Concession Street has a historical and architectural value that ought to be preserved.

The hearing before the Committee took place on November 15, 2018. Prior to final adjudication, the members of the Committee conducted a site visit of 180 Concession Street and the surrounding neighbourhood. Ultimately, the Committee denied the severance request. The Committee's decision has been appealed by the owners of 180 Concession Street to the Local Planning Appeal Tribunal ("LPAT"). The hearing on the appeal took place on June 17, 2019, the ruling of which has been reserved. During both before the Committee and LPAT, our clients had been granted interested person status and were able to express their concerns.

Before the Committee and LPAT, the owners of 180 Concession Street indicated that they intended to demolish the garage/workshop and expected that a home would be built on the new lot. Both 180 and 186 Concession Street are directly across Sam Lawrence Park. These houses are situated on wide lots and have a historical architectural design, thus, giving an elegant point of view when one looks at the houses from the park.

Sam Lawrence Park is very busy, with thousands attending per year. Sam Lawrence Park bolsters panoramic views of the lower city and Lake Ontario. If the owners of 180 Concession Street are successful on their appeal, they will have drastically and adversely affected the landscape, heritage value, and architectural design of the neighbourhood itself.

It is our clients' position that by severing 180 Concession Street, not only would an Italianate architectural design be lost but there would be a direct contravention of The City of Hamilton's By-Law 6593, Section 18(4)(ii), which provides that no accessory buildings shall be erected prior to the erection of the principal building, as the garage/workshop would be on the severed property, without there being a principal building in place. As such, a heritage study should be conducted, which our clients believe has not yet been conducted. Moreover, during the appeal, our clients produced a petition signed by twenty-four (24) immediate neighbours of 180 Concession Street, who oppose the severance. One of these neighbours gave evidence that the reason that they moved to this neighbourhood was due to the heritage characteristics and architectural design of the neighborhood.

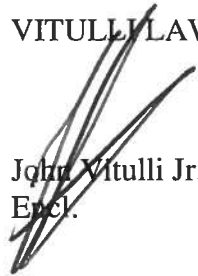
Furthermore, if the appeal is granted and the owners of 180 Concession Street elect to demolish and/or destroy any structure on 180 Concession Street, including but not limited to the home and the garage and/or workshop, our clients kindly request that 180 Concession Street be given interim protection under section 27(3) of the *Ontario Heritage Act*, which requires the owners to give the City of Hamilton at least 60 days' notice in writing of their intention to demolish and/or remove a building/structure.

Given the impending decision of LPAT and the owners of 180 Concession's stated intention of demolishing the garage and ultimately building a new home on the new lot, we ask that your immediate attention be given to this matter.

We look forward to hearing from you.

Yours truly,

VITULLI LAW GROUP

A large, stylized handwritten signature in black ink, appearing to read 'John Vitulli Jr.', is written over the typed name and extends upwards into the 'Yours truly,' line.

John Vitulli Jr.
Encl.

546 2424 x 1214

Friday, November 16, 2018 at 8:31:52 PM Eastern Standard Time

Subject: 180 Concession Street, Hamilton
Date: Friday, November 2, 2018 at 1:36:57 PM Eastern Daylight Time
From: Parsons, Jeremy <Jeremy.Parsons@hamilton.ca>
To: 'pattyduarte4@sympatico.ca' <pattyduarte4@sympatico.ca>
Attachments: Workshop Panel_What is the Inventory.pdf, RP-0501.pdf

Hi Patty,

Further to our conversation, the property located at 180 Concession Street, Hamilton is included in the City's Inventory of Buildings of Architectural and/or Historical Interest. The property is not registered or designated under the *Ontario Heritage Act*, as such Heritage Permit approval is not required for modifications to the building.

But, given its status on the Inventory, staff are enabled through the Urban Hamilton Official Plan to comment on changes to the property and require studies such as Heritage Impact Assessments at the time of applications under the *Planning Act*.

I had a quick look in the files and it appears that this Italianate building was added to the City's Inventory by the former Local Architectural Conservation Advisory Committee as part of the Canadian Inventory of Historic Buildings during the 1980s-1990s.

Staff would support the retention of this building as one of the only remaining pre or early 20th century structures in this area. I've attached an early survey plan for the Highcliff Survey (1911).

With regards to a contact for property standards complaints, please contact

Parking and By-law Services Division

Municipal Law Enforcement Section

905-546-2782

mle@hamilton.ca

After hours: 905-546-2489

Property Standards Brochure:

<http://www2.hamilton.ca/NR/rdonlyres/B6DBF226-47C0-45E5-A4B6-809F032A0CE0/0/MLEPropertyStandardsBrochure.pdf>

Regards,

Jeremy Parsons, MA, CAHP Intern

Planner II - Cultural Heritage

Development Planning, Heritage & Design

Planning & Economic Development Department

P: 905-546-2424 ext. 1214

E: jeremy.parsons@hamilton.ca

<https://www.hamilton.ca/heritageplanning>

What is the Inventory?

- The *Inventory of Buildings of Architectural and/or Historical Interest*, also known as Hamilton's Heritage Volume 2 and the "Inventory".
- An ongoing list of individual properties identified as being of cultural heritage value or interest.
- Used by City staff as a tool to identify when potentially significant cultural heritage resources may be impacted through the Planning process.

HOW ARE PROPERTIES ADDED TO THE INVENTORY?

- Historical inventory work conducted by volunteers and HMHC members.
- Inventory project work conducted by the City, including the Downtown Built Heritage Inventory Project (completed in 2014) and the Durand Built Heritage Inventory Project (ongoing).
- Through *Planning Act* development application screenings, such as Formal Consultations, Official Plan and Zoning By-law Amendments, Site Plans, Minor Variances and Severances.

WHAT DOES IT MEAN TO BE LISTED ON THE INVENTORY?

- Inventoried properties are not subject to Heritage Permits.
- If changes or impacts are proposed to an Inventoried property as part of a development application under the *Planning Act*, staff may:
 - Comment on how to accommodate changes in a fashion sympathetic to the heritage character and context;
 - Require that the property be thoroughly documented for archival purposes prior to demolition or removal; and,
 - Require a Cultural Heritage Impact Assessment be prepared to assess the potential adverse effects and how they can be mitigated.



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June 28, 2019

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Dear Mr. Addington and Mr. Danko:

RE: Request to Register 180 Concession Street, Hamilton, Ontario as a Heritage Property

As you know, we are the lawyers for Rick Demers and Dorothy Todd.

Please accept this correspondence as clarification that in addition to adding 180 Concession to the Municipal Register under to Section 27 of the *Ontario Heritage Act* ("OHA"), our clients also request for the designation of 180 Concession under Part IV of the OHA.

Should you require anything further, please do not hesitate to contact us.

Yours truly,

VITULLI LAW GROUP


John Vitulli Jr.
Encl.