

Hamilton

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

FILE: HP2021-040

September 7, 2021

Wentworth Condominium Corporation No. 96 c/o KingCondo Management
c/o Stefan Nespoli
42 Bridgeport Rd East
Waterloo, ON
N2J 0B3

**Re: Heritage Permit Application HP2021-040:
Proposed alteration of investigative parking openings and brick removal at
35-43 Duke Street, Hamilton (Ward 2) (By-law No. 75-237)**

Please be advised that pursuant to By-law No. 05-364, as amended by By-law No. 07-322, which delegates the power to consent to alterations to designated property under the *Ontario Heritage Act* to the Director of Planning and Chief Planner, Heritage Permit Application HP2021-040 is approved for the designated property at 35-43 Duke Street, Hamilton, in accordance with the submitted Heritage Permit Application for the following alterations:

- Investigative parking test openings; and,
- Removal of loose bricks from chimneys.

Subject to the following conditions:

- a) Any minor changes to the plans and elevations following approval shall be submitted, to the satisfaction and approval of the Director of Planning and Chief Planner, prior to submission as part of any application for a Building Permit and / or the commencement of any alterations; and,
- b) Implementation of the alterations, in accordance with this approval, shall be completed no later than September 30, 2023. If the alterations are not completed by September 30, 2023, then this approval expires as of that date and no alterations shall be undertaken without a new approval issued by the City of Hamilton.

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

Re: Heritage Permit Application HP2021-040:
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and brick removal at 35-43 Duke Street, Hamilton
(Ward 2) (By-law No. 75-237)

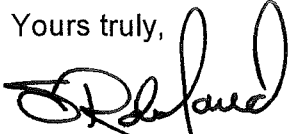
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provided for by the *Ontario Heritage Act*. The terms and conditions of this approval may be appealed to the Conservation Review Board within 30 days of your receipt of this permit.

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 Amber Knowles, Cultural Heritage Planner, at 905-546-2424 ext. 1291, or via email at Amber.Knowles@hamilton.ca

Yours truly,



Steve Robichaud, MCIP RPP
Director of Planning and Chief Planner

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

HERITAGE PERMIT DELEGATED AUTHORITY REPORT – HP2021-040
ADDRESS: 35-43 Duke Street, Hamilton

Owner: Wentworth Condominium Corporation No. 96 c/o KingCondo Management
Applicant: Stefan Nespoli

Description of proposed alterations:

- Investigative parging test openings; and,
- Removal of loose bricks from chimneys.

Reasons for proposed alterations:

- Investigation into extent of deterioration of original masonry

Documentation submitted with application:

- Photos of proposed locations
- Specifications on method of access and opening creation

Staff assessment:

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

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

In the consideration of any Heritage Permit application, staff must assess the impact of the displacement and disruption effects on the heritage resource, particularly in relation to the heritage attributes mentioned in the Designation By-law, in this case Bylaw No. 75-237.

The applicant proposes to create several openings in the parging on the side and rear elevations to inspect the extent of deterioration underneath. Any loose bricks on the chimneys will also be removed as a part of this work.

Minimal “disruption effects” are expected to the heritage context of the property. The work is investigative in nature and will determine the extent of water damage underneath the cementitious parging. The openings will not be made on the front elevation which minimizes any potential visual impacts of the work. Loose bricks may

be removed from the chimneys for safety reasons, but this work is not expected to have any detrimental changes to the character of the property or its designated features.

There will be minimal “displacement effects” to the subject property as a result of this work. As this work is primarily investigative, there will be no loss due to damage or removal of heritage features of the property. Any bricks that will be removed within the scope of the work will be damaged and a safety concern from falling. This work may determine that there will be future loss of heritage attributes due to water damage, but these findings will be addressed as a part of a future heritage permit.

Staff are supportive of the application as it will determine the damage that has taken place to the Designated property and whether any of the Designated heritage features of the property have been or may be damaged. This investigative work will inform the next steps of this repair process.

Key dates:

Sub-committee meeting date: August 17, 2021
Notice of Complete Application: August 18, 2021

Sub-committee comments and advice:

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

(MacLaren/ Spolnik)

That the Heritage Permit Review Sub-committee advises that Heritage Permit Application HP2021-040 be approved as submitted, subject to the following conditions:

- a) Any minor changes to the plans and elevations following approval shall be submitted, to the satisfaction and approval of the Director of Planning and Chief Planner, prior to submission as part of any application for a Building Permit and / or the commencement of any alterations; and,
- b) Implementation of the alterations, in accordance with this approval, shall be completed no later than September 30, 2023. If the alterations are not completed by September 30, 2023, then this approval expires as of that date and no alterations shall be undertaken without a new approval issued by the City of Hamilton.

CARRIED

Final Recommendation:

That the applicant be advised that Heritage Permit Application HP2021-040 is approved in accordance with the submitted application, subject to the following conditions:

- a) That any minor changes to the plans and elevations following approval shall be submitted, to the satisfaction and approval of the Director of Planning and Chief

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

- b) Implementation of the alterations, in accordance with this approval, shall be completed no later than September 30, 2023. If the alterations are not completed by September 30, 2023, then this approval expires as of that date and no alterations shall be undertaken without a new approval issued by the City of Hamilton.

Approval:



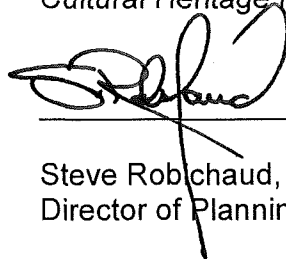
Staff Approval:

SM for Anita Fabac

Amber Knowles
Cultural Heritage Planner

SPM/MGR Initials

Authorized:



Steve Robichaud, MCIP RPP
Director of Planning and Chief Planner

Relevant Bylaw Excerpt: 75-237

The ashlar stone work is of simple, plain lines. There was unanimity of the expert witnesses that the Front Facade was of prime importance for preservation. Attention was drawn to the window pediments, carved cave brackets, lintels, three-sided dormers with hipped roof and side lights and the cornice. As for the interior, reference was made to the staircases, fireplaces and undercut mouldings of plaster. All these elements create a building of exceptional architectural significance to the municipality, the province and, quite possibly, to the nation.