



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

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| TO: | Chair and Members Hamilton Municipal Heritage Committee |
| COMMITTEE DATE: | April 1, 2022 |
| SUBJECT/REPORT NO: | Heritage Permit Application HP2021-038, Under Part IV of the <i>Ontario Heritage Act</i> , for a Replacement Front Door and Side Lite Windows and Wood Profile, Related Repairs and Conservation of Transom Window, and Retroactive Approval of Replacement Windows, at 24 Griffin Street, Flamborough, Part IV Designation (PED22072) (Ward 15) |
| WARD(S) AFFECTED: | Ward 15 |
| PREPARED BY: | Chloe Richer (905) 546-2424 Ext. 7163 |
| SUBMITTED BY: | Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department |
| SIGNATURE: | |

RECOMMENDATION

That Heritage Permit Application HP2021-038, for a replacement front door and side lite windows and wood profile, related repairs and conservation of the front transom window, and retroactive approval of replacement windows, for the lands located at 24 Griffin Street, be **approved**, subject to the following conditions:

- (i) 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;
- (ii) Implementation of alterations, in accordance with this approval, shall be completed no later than February 28, 2024. If the alterations are not completed by February 28, 2024, then this approval expires as of that date and no alterations shall be undertaken without a new approval issued by the City of Hamilton;

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.

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- (iii) That appropriate notice of the Council decision be served on the owner of 24 Griffin Street, Flamborough, and the Ontario Heritage Trust, as required under Section 33 of the *Ontario Heritage Act*;
- (iv) That the property located at 24 Griffin Street, Flamborough be added to the Staff Work Plan for Heritage Designation – Amending a Municipal By-law Under the *Ontario Heritage Act* as a medium priority.

EXECUTIVE SUMMARY

The subject property is located at 24 Griffin Street (see Appendix “A” attached to Report PED22072) and is designated under Part IV of the *Ontario Heritage Act* by By-law No. 80-118-H, attached as Appendix “B” to Report PED22072.

The Application proposes the following alterations:

- Repair and conservation of transom and existing beaded frame;
- Replacement of side windows (“side lites”) and side lite wood profiles with profiles and dimensions to match existing;
- Replacement of original six-panel front door with a custom four-panel style door;
- All new material to be reclaimed quarter-sawn oak with a clear coat of natural wood finish; and,
- Retroactive approval of replacement windows (Marvin wood windows with custom sash dimensions and a muntin profile/thickness to match original windows) (see Appendix “D” attached to Report PED22072).

The Heritage Permit Review Sub-Committee (HPRS) of the Hamilton Municipal Heritage Committee (HMHC) reviewed the subject Application on August 17, 2021 and February 15, 2022 and recommended approval. Due to the magnitude of the proposed changes to the Built Heritage Resource (e.g., the replacement of windows prior to Heritage Permit approval and the proposed replacement of the existing front door), the subject Application is to be considered by Planning Committee and Council for final approval as per the Council approved Heritage Permit Process (PED05096).

Staff are of the opinion that the proposed scope of work will have positive impacts on the circa 1849 Griffin Stone Cottage and conforms with good heritage conservation practices (e.g., repair rather than replace historic materials where possible and when replacing materials, use new in-kind/like-for-like materials). As such, staff recommend approval of the Heritage Permit Application, subject to the recommended conditions.

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Staff would note that with the removal of notable features identified in the Reasons for Designation (the original 6 by 6 pane windows replaced without a Heritage Permit and the existing original 6 panel door), the designation by-law will need to be amended following completion of the alterations.

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.

Sections 33 (1) and 34 (1) of the *Ontario Heritage Act* advise regarding the requirements for municipal approval for alteration of property and for demolition or removal. Further, Section 30 (1) of the *Ontario Heritage Act* notes that municipal designation by-laws may be amended.

HISTORICAL BACKGROUND

The Heritage Permit Application (see Appendix “C” attached to Report PED22072) was received on July 24, 2021, and a Notice of Incomplete Application was issued on September 24, 2021, as the owners had not determine the final material selection for the replacement front door at that time. A revised submission was received on February 1, 2022 (see Appendix “E” attached to Report PED22072), and a Notice of Complete Application was issued on February 14, 2022.

The HPRS of the HMHC reviewed the subject Application on August 17, 2021 and February 15, 2022 and recommended approval of the Application.

The *Ontario Heritage Act* requires that Council make a decision on a Heritage Permit Application within 90 days of the issuance of a Notice of Complete Application. If no decision is reached within the 90-day timeframe, Council shall be deemed to consent to the Application. The subject Application’s 90-day timeframe will be reached on May 15, 2022.

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POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

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

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

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

RELEVANT CONSULTATION

Heritage Permit Review Sub-Committee

Pursuant to Sub-Sections 33 (6) and 34 (4.2) of the *Ontario Heritage Act* and the Council approved Heritage Permit Process (PED05096), the HMHC advises and assists Council in matters relating to Part IV and V of the *Ontario Heritage Act*.

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The HPRS of the HMHC reviewed the subject Application at meetings held on August 17, 2021 and February 15, 2022. At the first HPRS meeting on August 17, 2021, the Applicants had not determined the final material selection for the replacement front door. At the HPRS meeting on February 15, 2022, the Applicants proposed a custom wood four-panel replacement door. After a presentation and question and answer period with the owners, the Sub-Committee passed a motion to recommend approval of the Application as submitted.

“That the Heritage Permit Review Sub-Committee advises that Heritage Permit Application HP2021-038 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 alterations, in accordance with this approval, shall be completed no later than February 28, 2024. If the alteration(s) are not completed by February 28, 2024, then this approval expires as of that date and no alterations shall be undertaken without a new approval issued by the City of Hamilton.”

ANALYSIS AND RATIONALE FOR RECOMMENDATION

The subject lands at 24 Griffin Street contain a Built Heritage Resource, a circa 1849 Regency style cottage built of local stone.

Heritage Permit Application HP2021-038 proposes the following alterations:

- Repair and conservation of transom and existing beaded frame;
- Replacement of side windows (“side lites”) and side lite wood profiles with profiles and dimensions to match existing;
- Replacement of original six-panel front door with a custom four-panel style door;
- All new material to be reclaimed quarter-sawn oak with a clear coat of natural wood finish; and,
- Retroactive approval of replacement windows (Marvin wood windows with custom sash dimensions and a muntin profile/thickness to match original windows).

Staff deemed the Application comprehensive and complete on February 14, 2022.

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

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

In the consideration of any Heritage Permit Application, staff must assess the impact of the displacement and disruption effects on the heritage resource, particularly in relation to the Reasons for Designation identified in the designation by-law (By-law No. 80-118-H).

The designation by-law (By-law No. 80-118-H) does not provide clarity or direction with a List of Heritage Attributes, however, it summarizes the Reasons for Designation as follows:

“The stone cottage is considered by knowledgeable historians to be the oldest unaltered dwelling in Waterdown, built between 1840 and 1849 for Ebenezer Griffin, one of Waterdown's founders.

Constructed of local stone, it is an excellent example of a Regency style cottage. The doorway, with its semi-elliptical transom, side windows and original 6 panel door.

Other notable features are the original 6 x 6 pane windows and excellent stone work around both the doorway and windows.”

Displacement effects have already occurred with the replacement of the original 6 by 6 pane windows without Heritage Permit approval. Moderate displacement effects will also occur with the removal of the original six panel door. With the removal of these notable features identified in the Reasons for Designation, and in considering that the Built Heritage Resource will be fundamentally altered, the designation by-law will need to be amended following completion of the alterations.

However, the choice of replacement windows and door will minimize disruption effects. The replacement Marvin wood windows with custom sash dimensions and a muntin profile/thickness to match original windows are deemed appropriate by staff, along with the custom four-panel style wood replacement door. The approach of repairing rather than replacing historic materials where possible follows good heritage conservation

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practices, as does the replacement of historic wood features with in-kind/like-for-like materials (wood as opposed to a modern material such as fibreglass, vinyl, aluminium, etc.).

Conclusions:

Staff are of the opinion that Heritage Permit Application HP2021-038 can be supported as the proposed alterations utilize an approach that repairs rather than replaces historic materials when possible, and that appropriate custom wood replacement features are proposed. As such, staff recommend that the Heritage Permit Application be conditionally approved.

ALTERNATIVES FOR CONSIDERATION

(1) Refuse the Heritage Permit Application.

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

(2) Approve the Heritage Permit with Additional or Amended Conditions.

HMHC may advise Council to approve this Application with additional or amended conditions. This is not being recommended.

(3) Approve the Heritage Permit with No Conditions.

HMHC may advise Council to approve this Application with no conditions. This is not being recommended.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Built Environment and Infrastructure

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

Culture and Diversity

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

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APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report PED22072 - Location Map

Appendix "B" to Report PED22072 - By-law No. 80-118-H

Appendix "C" to Report PED22072 - Heritage Permit Application Original Submission

Appendix "D" to Report PED22072 - Heritage Permit Application Original Submission
(Windows Addendum)

Appendix "E" to Report PED22072 - Heritage Permit Application Revised Submission

CR:sd