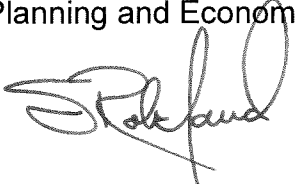




CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Hamilton Municipal Heritage Committee
COMMITTEE DATE:	March 27, 2023
SUBJECT/REPORT NO:	Heritage Permit Application HP2023-005, Under Part V of the <i>Ontario Heritage Act</i> , for the Erection of a Rear Detached Accessory Structure at 18 Chilton Place, Hamilton (PED23001) (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 HP2023-005, for the erection of a rear detached accessory structure on the designated property at 18 Chilton Place, Hamilton (Durand-Markland Heritage Conservation District), as shown in Appendix "A" attached to Report PED23001, 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 and garage doors 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 March 31, 2025. If the construction and site alterations are not completed by March 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.

EXECUTIVE SUMMARY

The subject property located at 18 Chilton Place, Hamilton, is designated as part of the Durand-Markland Heritage Conservation District (HCD) under Part V of the *Ontario Heritage Act* (see the location map attached as Appendix "A" to this Report). A Heritage Permit is required for the alteration of any part of the property, and for the erection or demolition of any structures or buildings on the property. The applicant is applying for the erection of a new rear detached accessory structure. Staff recommend approval of this Heritage Permit Application HP2023-005, subject to the final details for the windows and garage doors 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 (HPRS).

Alternatives for Consideration – See Page 8

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

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that was adopted for the heritage conservation district in a by-law registered under Subsection 41 (10.1); and,

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 18 Chilton Place, Hamilton (see Appendix “A” attached to Report PED23001) 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 red-brick dwelling in vernacular Queen Anne style of architecture with Romanesque influences with a side driveway. On January 11, 2023, a Heritage Permit Application was received requesting approval to erect a new, one-and-a-half 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 this Report PED23001.

The Heritage Permit Review Sub-committee of the City of Hamilton Municipal Heritage Committee reviewed this application at their meeting on February 21, 2023, along with the supporting materials submitted with the application (attached as Appendix “B” to

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Report PED23001) to this Report) and recommended approval of the application subject to the following conditions:

- a) That the Owner submit and receive approval for any further planning approvals required (i.e., Minor Variance);
- 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,
- c) That construction and site alterations, in accordance with this approval, shall be completed no later than February 28, 2025. If the construction and site alterations are not completed by February 28, 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 February 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)

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;

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- 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 Councillor (Kroetsch) for Ward 2 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 March 27, 2023, HMHC meeting.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Heritage Permit Application HP2023-005 has been submitted to request permission for the following scope of work at 18 Chilton Place, Hamilton (location map attached as Appendix "A" to Report PED23001), in accordance with the supporting materials submitted with the application (attached as Appendix "B" to Report PED23001):

- Construction of a detached one-and-one-half storey accessory structure at the rear of the property, including:
 - A new concrete pad and foundation;
 - Horizontal wood (cedar) cladding and asphalt shingles to match the existing rear addition of the home;
 - Casement windows with black trim;
 - An exterior wood staircase to second level of the structure with metal railing to match existing front porch railing;
 - A gable roof with north facing dormer windows; and,
 - Installation of solar panels on the south roof (to be relocated from existing shed).

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 HP2023-005 are outlined below.

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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 red-brick dwelling in vernacular Queen Anne style of architecture with Romanesque influences. Its features include the round topped arches over windows and entrance; masonry walls with a rough textured stonework at ground level; and an asymmetrical façade consisting of two bays with a side entrance and a projecting frontispiece. The property features a landscaped front yard and a driveway on the north side of the property. There is an existing concrete two-car parking pad and small removable shed directly behind the existing dwelling.

The new detached accessory structure is proposed to be located in the location of the existing parking pad and shed, as shown in the site plan drawing attached as part of Appendix "B" to Report PED23001. The existing removable shed does not have any heritage value or interest and is not visible from the public right of way. The new detached accessory structure will be located in the rear, north-west corner of the property and 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 be partially visible from the street when looking west down the existing driveway, however, more than half of the proposed accessory structure will be blocked from view by the existing historic brick dwelling on the property. Staff are of the opinion that the proposed accessory structure will not detrimentally change 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, setback as far from the street as permitted by the Zoning By-law, the subservient scale of the building, the pitch of the roofline which reflects the pitch of the roofline on the existing dwelling, the central dormer which is compatible with existing rooflines in the neighbourhood, 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 steep gable with a central dormer, horizontal cedarwood cladding, asphalt shingles, and casement windows with black trim. The proposed design and materials incorporate features that are sympathetic to the character of the area, reflect the existing rear addition on the property, and respect the district's guidelines that new buildings not attempt to replicate historic facades. The applicant has provided a description and samples of the proposed style of the windows and garage door to be installed on the accessory structure. Staff are generally supportive of the proposed styles, however, final details for the windows and garage doors are still pending. Staff recommend these details be submitted for review prior to approval.

Recommendation

This application 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 and garage door shall be submitted, to the satisfaction and approval of the Director of Planning and Chief Planner, prior to installation (see Recommendation (a)(i) of this Report). 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 this Report). It is also recommended that the Heritage Permit approval have an expiry date of March 31, 2025 (see Recommendation (a)(iii) of this Report). A two-year expiry date is standard on all approved Heritage Permits, and the March 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 prior to construction. However, a comprehensive review of the proposal has not yet occurred. The proposed height of the building will be 6.09 m (20 ft) and its proposed location is on the subject property's 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 HP2023-005, 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 in character with the built heritage landscape of the Durand-Markland HCD and conforms to the Durand-Markland HCD Guidelines that permit the erection of new dwellings and other site alterations which are sympathetic to the existing building fabric and maintain the character of the Durand-Markland HCD.

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 three Heritage Permit conditions are sufficient.

3. Approve the Application with No Conditions.

HMHC 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.

APPENDICES AND SCHEDULES ATTACHED

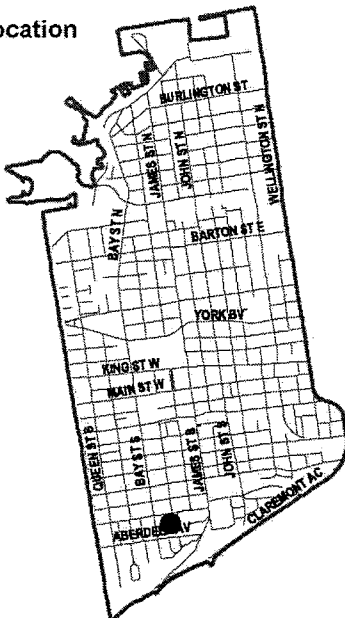
Appendix “A” to Report PED23001 - Location Map

Appendix “B” to Report PED23001 - Application Submission Materials

LC/sd



● Site Location



Key Map - Ward 2

Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
18 Chilton Pl

Date:
February 24, 2023

Appendix "A"

Scale:
N.T.S

Planner/Technician:
LC/AL

Subject Property



18 Chilton Place

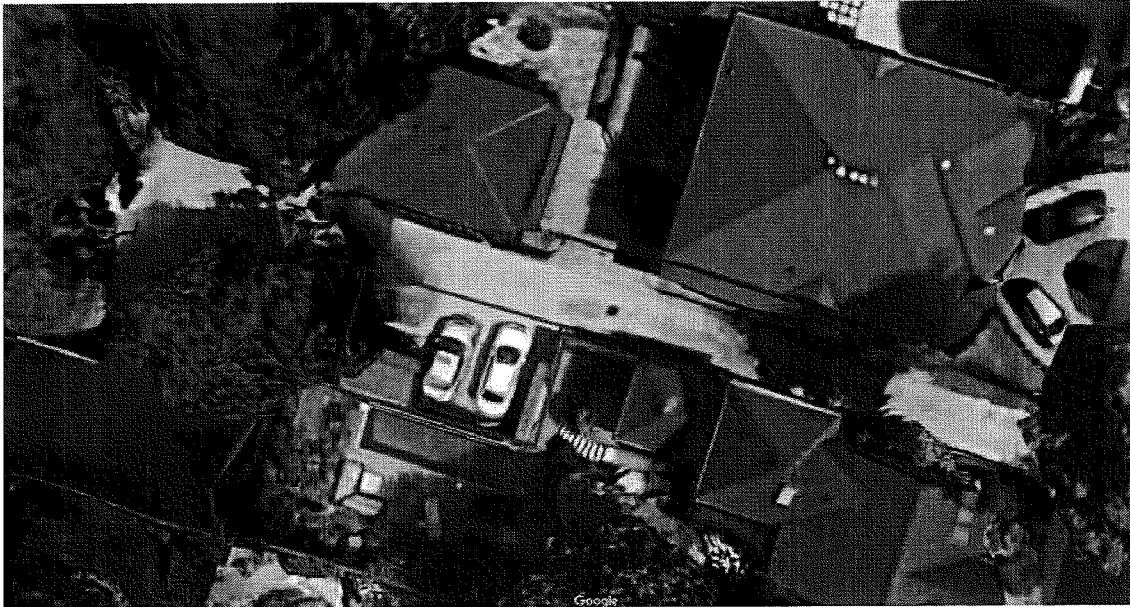
Application Submission Materials (modified to remove personal information)



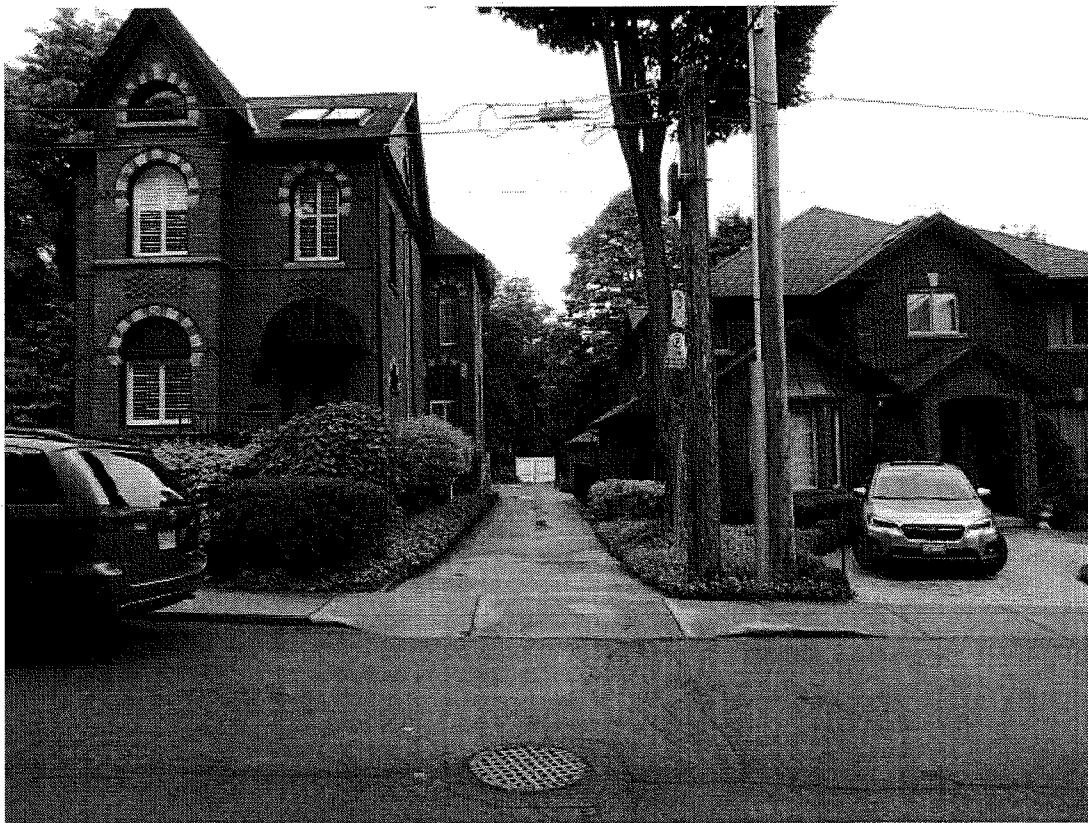
1.0 18 Chilton Place, Hamilton, ON



1.1 Aerial West View – 18 Chilton Place, Hamilton, ON



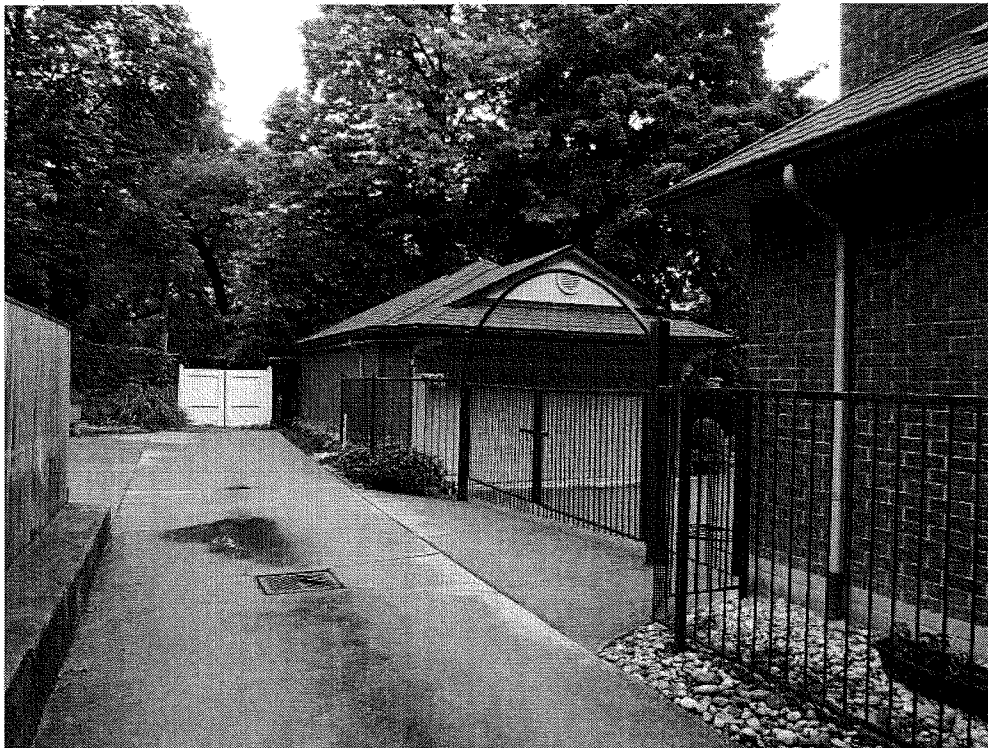
1.2 Aerial View - Proposed Garage Build Area



1.3 West View – Alley that divides 18 Chilton Place and 8 Chilton Place.



1.4 West View – Alley that divides 18 Chilton Place and 8 Chilton Place.



1.5 North West View – Garage at rear of 8 Chilton Place, Hamilton (17 feet high – do metric).



1.6 South West View – Two car parking area and shed at rear of 18 Chilton Place, Hamilton. Area of requested garage with storage on top. Two car garage with storage above to the south of the shed in neighbouring property at 77 Markland Street, Hamilton.



1.7 South View – Lane between 18 Chilton Place, Hamilton and 77 Markland Street, Hamilton.



1.8 South East View – Two car parking area and shed at rear of 18 Chilton Place, Hamilton. Area of requested garage with storage on top. It should be noted that the detached one and a half story accessory building to be used as a private garage and workshop with second floor storage will be made with the same external materials to match the rear addition of the home. The building will include the same shingles, style of windows, black trim and cedar siding.



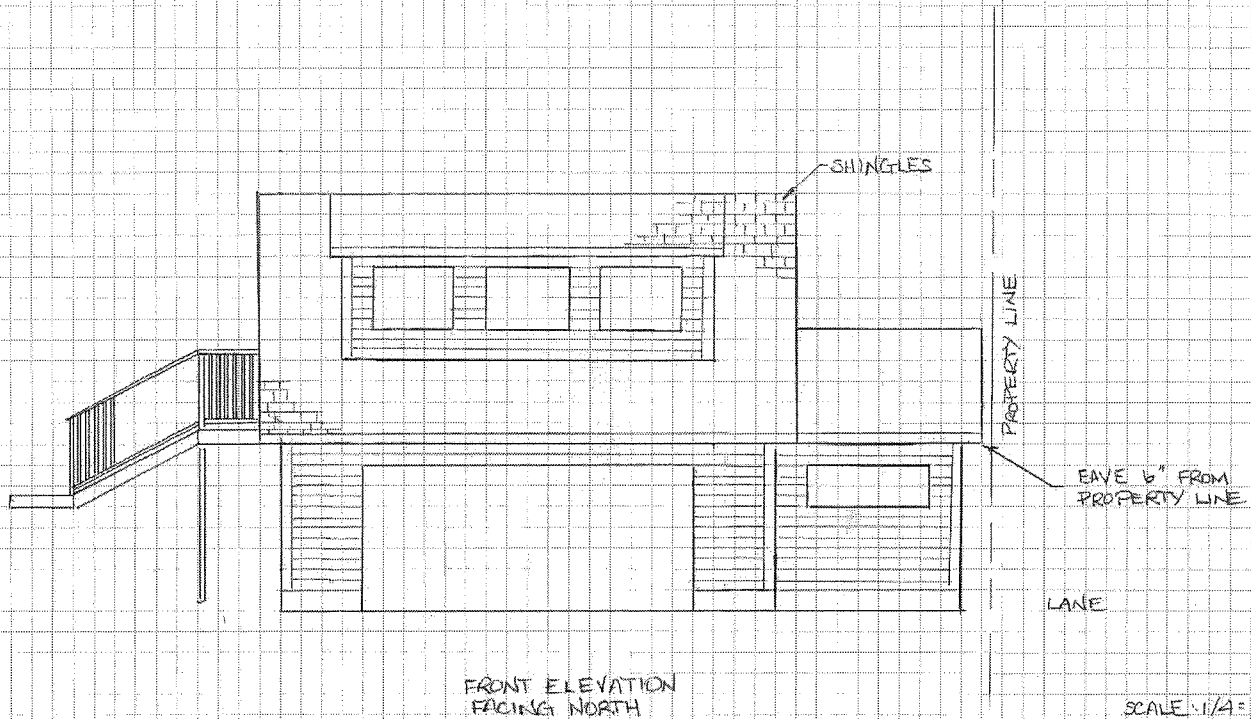
1.9 South View – Two car parking area and shed at rear of 18 Chilton Place, Hamilton. Area of requested garage with storage on top. Three car garage with storage in neighbouring property at 77 Markland Street, Hamilton.

18 CHILTON PLACE,
HAMILTON, ONTARIO,
CANADA, L8P 3G7

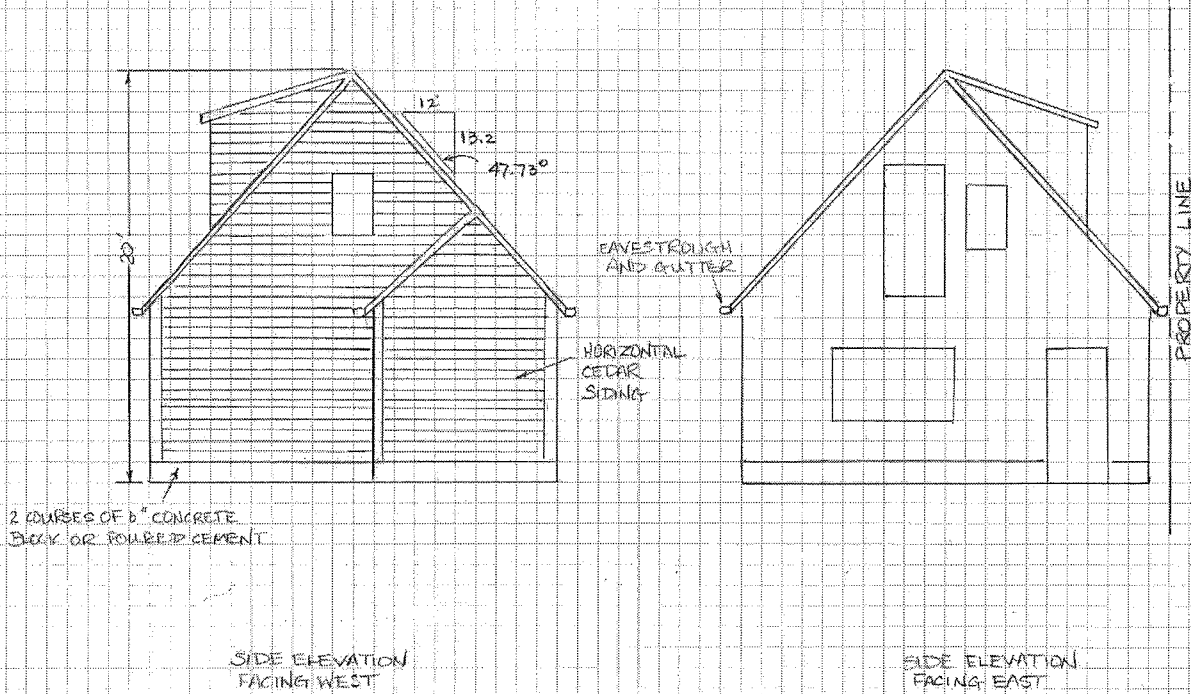


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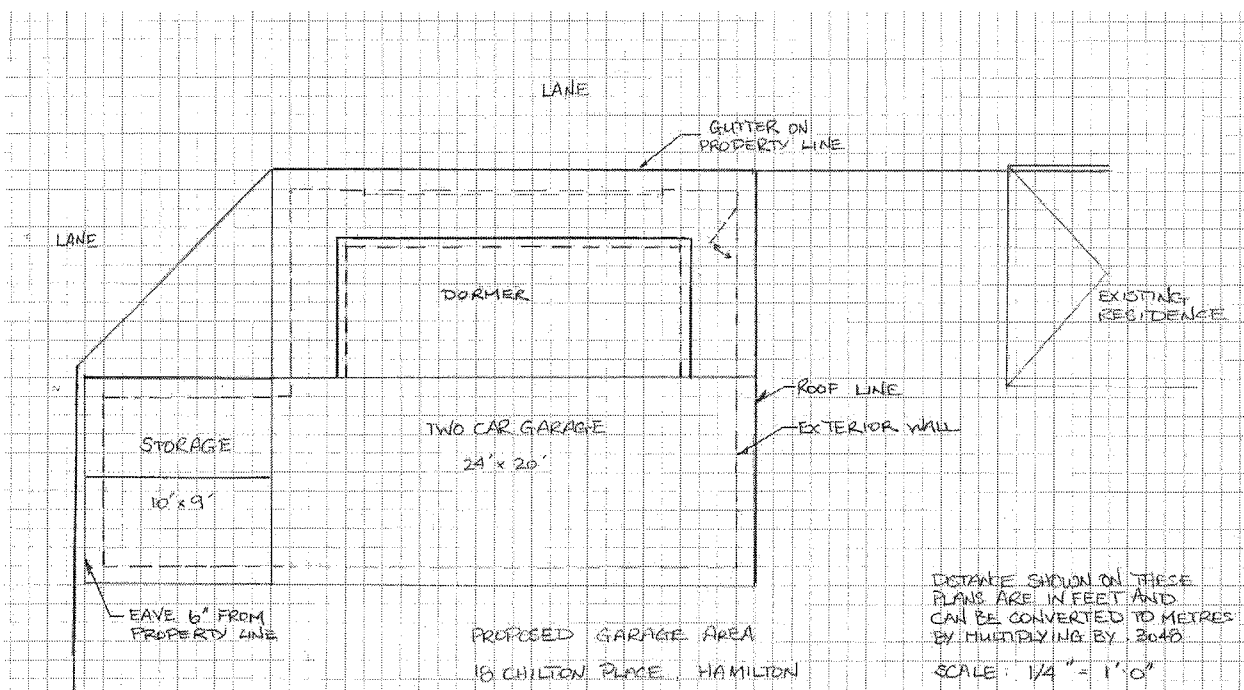
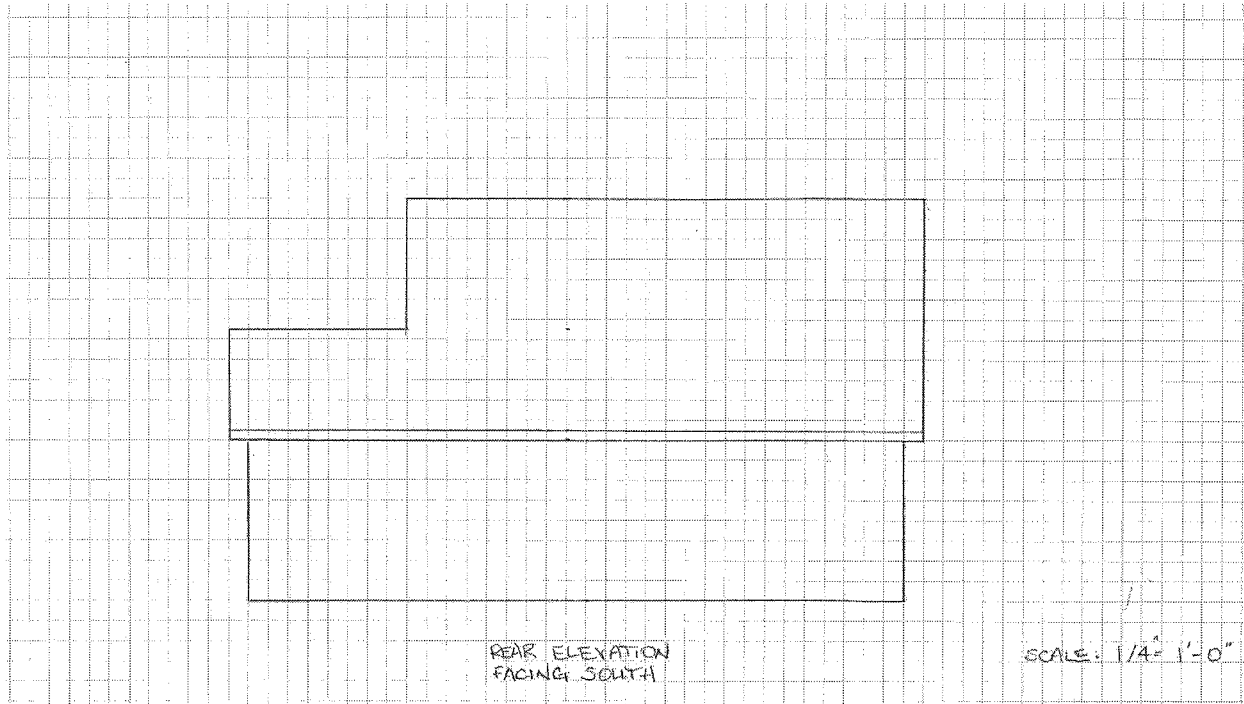
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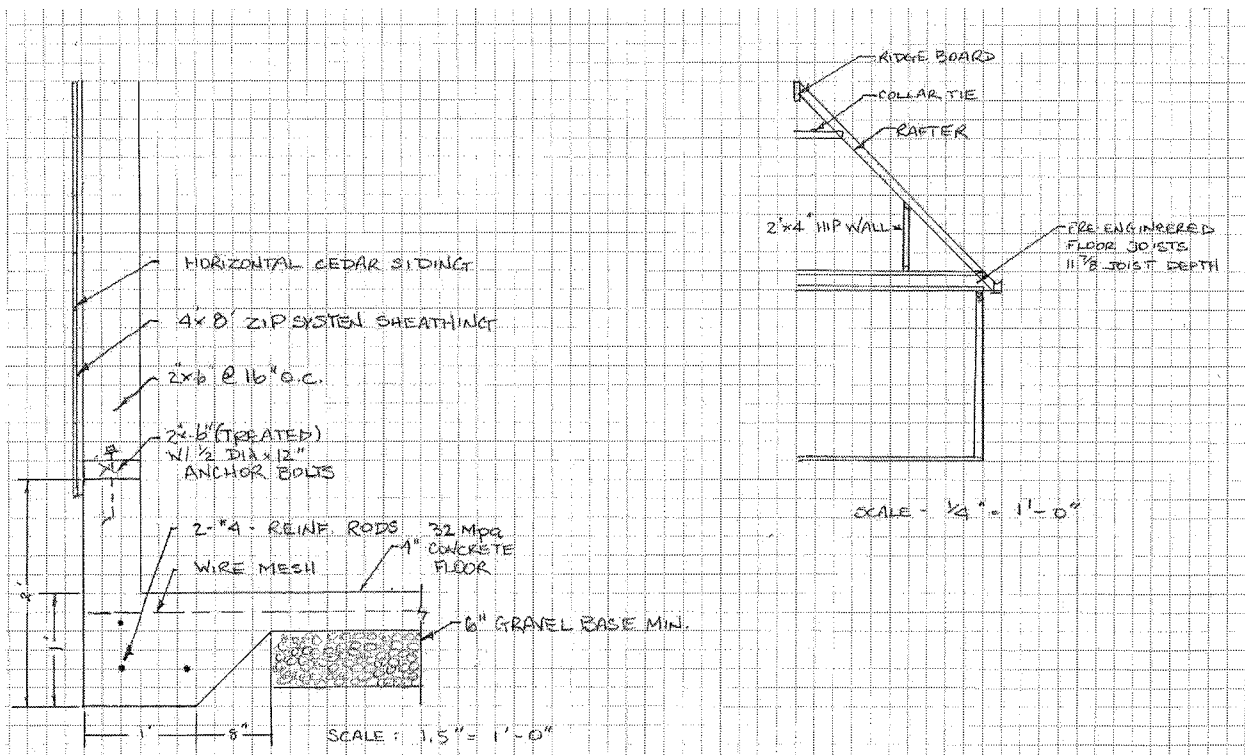
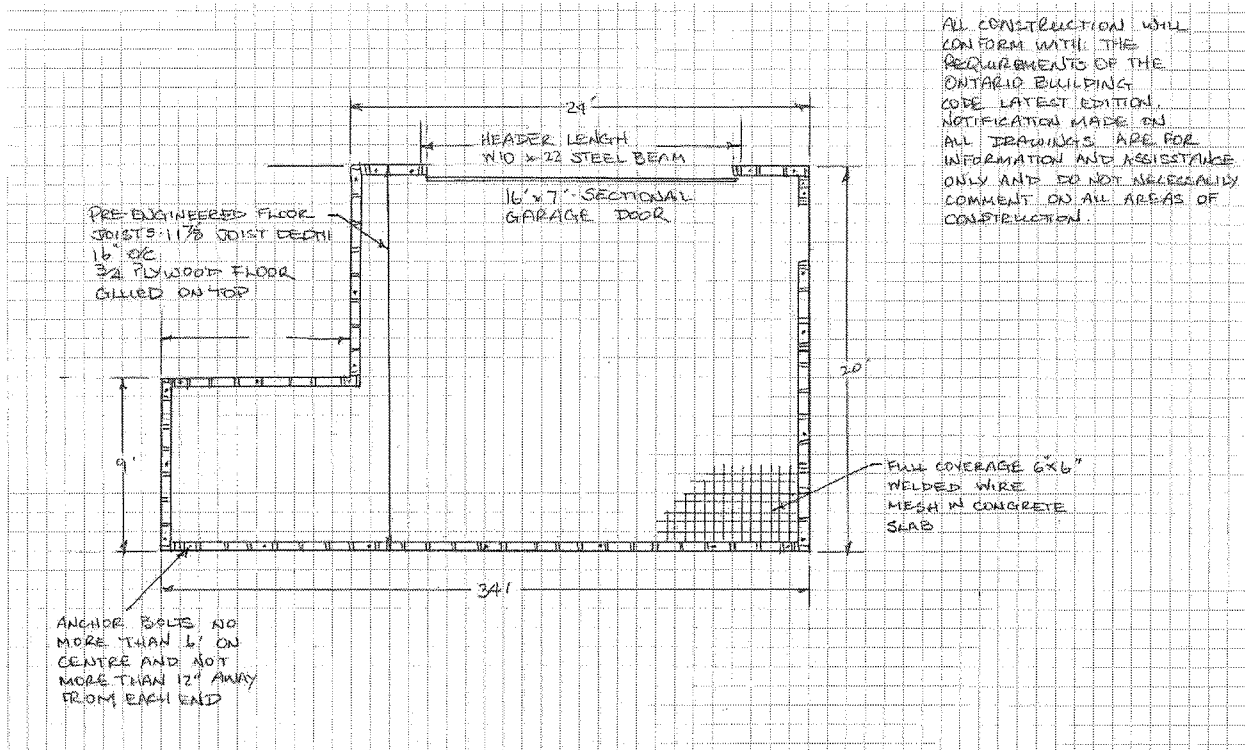


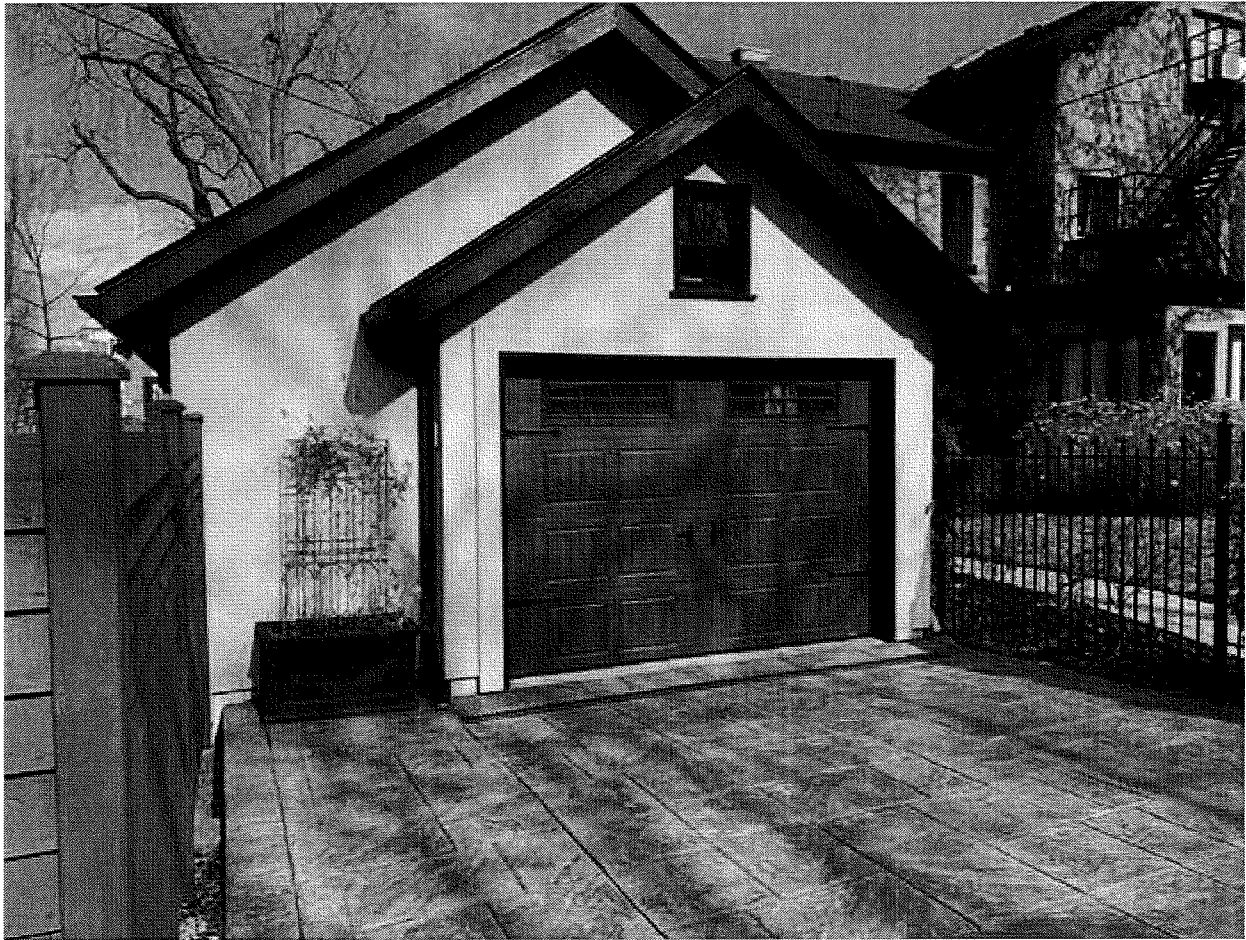
SCALE: 1/4" = 1'-0"
WJ JAN 9/23



SCALE: 1/4" = 1'-0"







Sample of proposed garage door – to be painted to match front door