



**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Planning Division**

<b>TO:</b>	Chair and Members Hamilton Municipal Heritage Committee
<b>COMMITTEE DATE:</b>	May 19, 2023
<b>SUBJECT/REPORT NO:</b>	Heritage Permit Application HP2023-019, Under Part V of the <i>Ontario Heritage Act</i> , for the Construction of a Rear Detached Accessory Structure at 32 John Street East, Flamborough (PED23126) (Ward 15)
<b>WARD(S) AFFECTED:</b>	Ward 15
<b>PREPARED BY:</b>	Lisa Christie (905) 546-2424 Ext. 1291
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

**RECOMMENDATION**

That Heritage Permit Application HP2023-019, for the erection of a rear detached accessory structure on the designated property at 32 John Street East, Flamborough (Mill Street Heritage Conservation District), as shown in Appendix “A” attached to Report PED23126, 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, 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 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;
- (c) That construction and site alterations, in accordance with this approval, shall be completed no later than June 30, 2026. If the construction and site alterations are not completed by June 30, 2026, then this approval expires as of that date,

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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.

**SUBJECT: Heritage Permit Application HP2023-019, Under Part V of the *Ontario Heritage Act*, for the Construction of a Rear Detached Accessory Structure at 32 John Street East, Flamborough (PED23126) (Ward 15)  
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and no alterations shall be undertaken without a new approval issued by the City of Hamilton.

## **EXECUTIVE SUMMARY**

The subject property located at 32 John Street East, Flamborough, is designated as part of the Mill Street 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 and the installation of a gravel driveway. Staff recommend approval of this Heritage Permit Application HP2023-019, subject to the final details for the design of the new structure 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 7 and 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

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 32 John Street East, Flamborough (see Appendix “A” attached to Report PED23126) is located in the Mill Street Heritage Conservation District, designated by the former Town of Flamborough By-law No. 96-34-H. The property consists of a one-and-a-half storey frame stucco dwelling in the vernacular Gothic Revival Style of architecture. On April 3, 2023, a Heritage Permit Application was received requesting approval to erect a new, two-storey detached structure at the rear of the property and to install a new gravel driveway. The supporting materials provided with the Heritage Permit Application are attached as Appendix “B” to Report PED23126.

The Heritage Permit Review Sub-committee of the City of Hamilton Municipal Heritage Committee reviewed this application at their meeting on April 18, 2023, along with the supporting materials submitted with their application (attached as Appendix “B” to this Report) and recommended approval of the application subject to the final design details

(e.g. windows, garage doors, siding and roofing material) be submitted to staff's satisfaction, and the standard conditions regarding minor changes and expiry.

The Notice of Complete Application was issued on April 25, 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 Recommendations of this Report are also consistent with the Mill Street Heritage Conservation District Plan and its policies regarding new construction in the District outlined in Section 4.5, including that:

- The structure should look new and not pretend to be historic by replicating or copying older facades;
- Building height of new structures should maintain the building height of adjacent properties and the immediate streetscape and should be neither noticeably higher nor lower;
- Garages are best located to the rear of the building or set back from the principal façade;
- The use of traditional roof styles on new construction is encouraged;
- Wood or asphalt shingles are appropriate for new construction;
- Window designs that generally reflect vertical and rectangular dimensions are encouraged; and,
- Wall materials of new construction should reflect the predominant traditional materials and their respective colours: Brick, stucco and wood.

## **RELEVANT CONSULTATION**

### **External**

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

In addition, Planning Staff emailed the Councillor (McMeekin) for Ward 15 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 May 19, 2023, HMHC meeting.

## **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

Heritage Permit Application HP2023-019 has been submitted to request permission for the following scope of work at 32 John Street East, Flamborough (location map attached as Appendix “A” to Report PED23126), in accordance with the supporting materials submitted with the application (attached as Appendix “B” to Report PED23126):

- Construction of a new rear detached garage structure, including;
  - A front gable roof;
  - Board and batten cladding;
  - A front (north) elevation with two ground-floor garage doors and two windows in the second storey; and,
  - Installation of a new gravel driveway along the east side 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 HP2023-019 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 storey frame stucco dwelling in the vernacular Gothic Revival style of architecture. Its features include a central entrance with full sidelights, transom, pilasters, and pediment, with flanking windows

and a pointed arch window in the centre gable directly above the entry. This property features a shallow set back and an offset driveway and parking pad on the west side of the property. The east side of the property features a grassy laneway and minor vegetation.

The new detached accessory structure is proposed to be located on the east side of the property. It will require the installation of a new gravel driveway and parking pad on the east side of the property, as shown in the site plan drawing attached as part of Appendix “B” to Report PED23126. The new detached accessory structure will be located in the rear, south-east portion of the property and will not result in the displacement of any of 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 south down the proposed driveway, however the proposed accessory structure will be partially blocked from view by the existing dwelling. Staff are of the opinion that the proposed accessory structure will not detrimentally change the setting of the Mill Street 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 style of the proposed gable roof, the style of proposed windows 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 features a gable roof with vertical board and batten siding, asphalt shingles and two pointed arch windows in the second storey. The proposed height of the building will be 5.15 m (16.90 ft). 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. The proposed design and materials incorporate features that are sympathetic to the character of the area and respect the District’s guidelines that new buildings not attempt to replicate historical 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 pending. Staff recommend these details be submitted to staff’s approval prior to installation.

## **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 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. Staff also recommended 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 (as per Recommendation (a)(ii) of this Report). It is also recommended that the Heritage Permit have an expiry date of June 30, 2026 (see Recommendation (a) (iii) of this Report). This date will reflect the expected end date of the new construction.

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 HP2023-019, 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 Mill Street HCD and conforms to the Mill Street 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 Mill Street 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.

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## **ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN**

### **Built Environment and Infrastructure**

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### **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 PED23126 - Location Map

Appendix “B” to Report PED23126 - Application Submission Materials (Personal Information Redacted)

LC/sd