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Planning Division
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FILE: HEA2023-001

July 5, 2023

Larry Tansley
159 Carlisle Road
Freelton, ON
L8B 0Z8

**Re: Heritage Permit Application c
Installation of an in-ground pool at 159 Carlisle Road (Abrey-Zimmerman
House) (Ward 15) (Municipal Heritage Easement Agreement WE996943)**

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 HEA2023-001 is approved for the designated property at 159 Carlisle Road, Flamborough (Abrey-Zimmerman House) in accordance with the submitted Heritage Permit Application for the following alterations:

- Installation of a 450 ft² (41.8 m²) in-ground swimming pool to the (northeast) side of the existing dwelling, including a 2-foot wide concrete pool deck and a metal pool fence.

Subject to the following conditions:

- a) That the applicant provide the letter from the Ministry of Citizenship and Multiculturalism, when available, indicating satisfaction of Provincial interest with respect to archaeology, and demonstrate the implementation of the Stage 3 archaeological assessment recommendations, as outlined in report P042-0460-2021;
- b) That the final details and materials of the proposed pool fence shall be submitted, to the satisfaction and approval of the Director of Planning and Chief Planner, prior to installation;
- c) 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,

Re: Heritage Permit Application HEA2023-001: Installation of an in-ground pool at 159 Carlisle Road (Abrey-Zimmerman House) (Ward 15) (Municipal Heritage Easement Agreement WE996943) - Page 2 of 2

- d) Implementation of the alterations, in accordance with this approval, shall be completed no later than June 30, 2025. If the alterations are not completed by June 30, 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.

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 provided for by the *Ontario Heritage Act*. The terms and conditions of this approval may be appealed to the Ontario Land Tribunal 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 Emily Bent, Cultural Heritage Planner, at 905-546-2424 ext. 6663 or via email at Emily.Bent@hamilton.ca.

Yours truly,



Steve Robichaud, MCIP RPP
Director of Planning and Chief Planner

cc: Emily Bent, Cultural Heritage Planner
Chantal Costa, Plan Examination Secretary
Matt Gauthier, Legislative Coordinator
Councillor Ted McMeekin, Ward 15

HERITAGE PERMIT DELEGATED AUTHORITY REPORT – HEA2023-001

ADDRESS: 159 Carlisle Road, Flamborough (Part IV and Municipal Heritage Easement Agree, Abrey-Zimmerman House)

Owner: Larry Tansley and Katherine Jones

Applicant / Agent: Larry Tansley

Description of proposed alterations:

- Installation of a 450 ft² (41.8 m²) in-ground swimming pool to the (northeast) side of the existing dwelling, including a:
 - 2-foot wide concrete pool deck; and,
 - Metal pool fence.

Reasons for proposed alterations:

- To allow for the construction of an in-ground swimming pool.

Documentation submitted with application:

- Heritage Permit Application Form; and,
- Schedule “A” Documentation, including:
 - Background information and description of proposed alterations;
 - Sketch and location maps, showing the proposed location of the pool; and,
 - Photographs of the proposed location of the pool.

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 corresponding Designation By-law 2005-105-H and the Municipal Heritage Easement Agreement WE996943.

The applicant proposes the installation of an in-ground swimming pool in the easterly side yard of the property. The proposed pool will be surrounded by a 2-foot wide concrete pool deck and a 1.5 metal fence on the north, east and south sides. At the time of the application, the materiality of the fence has not been determined, but it will either be wrought iron or aluminum on the southern portion facing Carlisle Road, and a more

affordable metal on the north and east sides. The final details and materials of the proposed pool fence must be submitted to staff's satisfaction, as indicated in **Condition b)**.

There will be no "displacement effects" to the subject property as a result of this work, as the proposed pool and associated alterations will not impact any of the designated heritage attributes of the existing dwelling (Abrey-Zimmerman House) identified in the Designation By-law and the Heritage Easement Agreement.

Minimal "disruption effects" are expected to the heritage context of the property, as the proposed in-ground pool is located within the easterly side yard of the property and will not appear prominent when viewed from the public right-of-way. The Heritage Easement Agreement notes that the siting of the house and character of its landscape are protected features, which includes the open space located in the front and side yards, as well as mature vegetation and trees. While the installation of the pool and associated alterations are located within an open space in the easterly side yard, none of the vegetation or mature trees are proposed to be removed, therefore, both will continue to screen a portion of the easterly side yard from Carlisle Road. The proposed metal fencing will be visible from certain vantage points along Carlisle Road, however, the proposed materiality is considered to be a sympathetic introduction to the existing landscape features identified in the Heritage Easement Agreement and complementary to the designated attributes of the existing dwelling identified in the Heritage Easement Agreement and the Designation By-law.

Further, the Heritage Easement Agreement identified the protection of registered archaeological site AiGx-235, which will not be impacted by the proposed location of the pool. The most recent archaeological assessment (P042-0460-2021) completed March 30th, 2023, conducted Limited Stage 3 Testing in the proposed area for the pool near site AiGX-235. The report summarized the findings as follows:

"The results of the testing have indicated that within the proposed swimming pool construction envelope there is low to no potential to impact archaeological deposits of significance or features associated with the 19th-century habitation period, and therefore there is no further CHVI assigned to the proposed swimming pool construction envelope."

Further, the final recommendation of the report is to implement Stage 4: Avoidance and Protection, which includes the implementation of a 4 step Construction Monitoring Contingency Plan:

- 1. The placement of a temporary fence at the proposed swimming pool construction zone envelope, and plywood board protection at the southeast corner of the house as indicated on Supplementary Figure 4, would be monitored by a licensed archaeologist. Work could then proceed within that fenced area using the existing driveway and front of the house as the access point. The licensed archaeologist will check on the site at least once during the construction process to ensure that the construction activities are being contained within the construction zone footprint.*

2. *The construction contractor and site foreman shall be made aware of the need for archaeological impact monitoring work and will inform the licensed archaeologist, or the project archaeologist, of the projected construction schedule, providing the licensed archaeologist with 48 hours notice prior to the actual construction excavation. The licensed archaeologist shall be made aware of any safety concerns associated with the construction work in order to meet site health and safety requirements;*
3. *Should archaeological material be discovered during construction the project archaeologist should be contacted to determine the significance of the material; and,*
4. *The licensed archaeologist will require access both during and after construction excavation has been completed, to assess if any disturbance has occurred to the site AiGx-235 beyond the approved construction envelope and access route, and has the authority to halt construction activities should the integrity of the archaeological site be threatened.*

While P042-0460-2021 clears the area in question of further archaeological assessments, the report goes on to acknowledge that the level of CHVI on the remainder of the subject property is outside of the scope of this report and would require further assessment.

Based on the proposed Construction Monitoring Contingency Plan, staff are of the opinion that site AiGx-235 will be protected appropriately. While the Provincial interest has yet to be signed off by the Ministry of Citizenship and Multiculturalism, Staff concur with the recommendations made in P042-0460-2021, and the archaeology condition for the subject application has been met to the satisfaction of municipal heritage planning staff. Staff request a copy of the letter from the Ministry when available and require that the applicant demonstrate implementation of the mitigation measures outlined in the Stage 3 report (P042-0460-2021) in order to clear **Condition a)**.

Staff are supportive of the application as the proposed in-ground pool will not significantly affect any protected features on the property.

Key dates:

Sub-committee meeting date: May 16, 2023
Notice of Complete Application: May 17, 2023

Sub-committee comments and advice:

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

(Dent/ MacLaren)

That the Heritage Permit Review Sub-committee advises that Heritage Permit Application HEA2023-001 be approved as submitted, subject to the following conditions:

- a) That the City of Hamilton and the Ministry of Citizenship and Multiculturalism provide final archaeological clearance prior to any soil disturbance.
- b) 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,
- c) Implementation of the alterations, in accordance with this approval, shall be completed no later than May 31, 2025. If the alterations are not completed by May 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.

CARRIED

Final Recommendation:

That the applicant be advised that Heritage Permit Application HEA2023-001 is approved in accordance with the submitted application, subject to the following conditions:

- a) That the applicant provide the letter from the Ministry of Citizenship and Multiculturalism, when available, indicating satisfaction of Provincial interest with respect to archaeology, and demonstrate the implementation of the Stage 3 archaeological assessment recommendations, as outlined in report P042-0460-2021;
- b) That the final details and materials of the proposed pool fence shall be submitted, to the satisfaction and approval of the Director of Planning and Chief Planner, prior to installation;
- c) 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,
- d) Implementation of the alterations, in accordance with this approval, shall be completed no later than June 30, 2025. If the alterations are not completed by June 30, 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.

Approval:

Staff Approval:



Emily Bent, MRTPI
Cultural Heritage Planner



MGMT Initials

Authorized:

Atti Newbold

for Steve Robichaud, MCIP RPP
Director of Planning and Chief Planner

Reasons for Designation – (By-law No. 2000-105-H)

Designated Features

The exterior features to be designated at 159 Carlisle Road are the exterior walls, the entrance with its transom and sidelights and the double-hung windows, with original bubbled glass panes. The stone quoins, and the stone window sills and voussoirs are also part of the designated features.

Heritage Easement Agreement – (WE996943)

APPENDIX "B" to Heritage Easement Agreement

HERITAGE ATTRIBUTES

159 Carlisle Road comprises a two-storey stone house built by George Abrey in 1847. George Abrey purchased the original 200-acre lot at Lot 10, Concession 9 in 1838.

When the Abrey family moved to Halton County in 1864, the house and property were sold to Adam L. Agro, and later to Nicholas Zimmerman in 1886. The Zimmerman family retained the property until 1912, when the property was divided between the Bayfield and Skidmore families. In 1928, the Skidmore family re-assembled the property to the original 200 acres.

In 1937, the property was purchased by Samuel Radcliffe Weaver and was used as a summer camping ground - eventually the property was used as an extensive, all-season trailer park. In the late 1990s, the former Town of Flamborough assumed ownership of the property and, later the amalgamated City of Hamilton developed the lands as a community park.

The Abrey-Zimmerman house is valued as an early example of vernacular Georgian architecture in Flamborough and for its associations with the early development of the Flamborough area. The property was designated under Part IV of the *Ontario Heritage Act* by the former Town of Flamborough in 2000. The property also contains a registered archaeological site (AiGx-235).

The Heritage Attributes at 159 Carlisle Road, Carlisle (Hamilton), protected by this heritage conservation easement agreement include:

1. The materials, design and construction of the house, including:
 - all façades with the stone construction of the walls and foundations;
 - the low hip roof, eaves, metal roofing and four stone chimneys;
 - the front entrance door and surround with transom and sidelights;
 - all remaining double-hung six-over-six wood window sashes, frames and brickmolds;
 - the interior room layout of the ground level;
 - the interior layout of the landing and central hall on the second level;
 - all baseboards, trim, wainscotting, doors, door casings, window casings and trim, plaster walls and ceilings and wood flooring on the ground level and in the central hall on the second level; and,
 - the stair treads, stringers, balusters and railings of the staircase between the ground and second levels.

2. The siting of the house and character of the surrounding landscape, including:
 - the open space of the front yard and side yards of the house;
 - the location of the driveway along the westerly side of the property; and,
 - mature vegetation and trees.

3. The known and potential archaeological resources, including:
 - the extent of the registered archaeological site (AiGx-235); and
 - the remnants of former outbuildings.