



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

<b>TO:</b>	Chair and Members Hamilton Municipal Heritage Committee
<b>COMMITTEE DATE:</b>	July 21, 2023
<b>SUBJECT/REPORT NO:</b>	Heritage Permit Application HP2023-028, Under Part V of the <i>Ontario Heritage Act</i> , for the Demolition of a Contemporary Rear Detached Accessory Structure at 174 Mill Street North, Flamborough (PED23168) (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 HP2023-028, for the demolition of a contemporary rear detached accessory structure on the designated property at 174 Mill Street North, Flamborough (Mill Street Heritage Conservation District), as shown in Appendix "A" to Report PED23168, be **approved**, subject to the following Heritage Permit 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;
- (b) That construction and site alterations, in accordance with this approval, shall be completed no later than July 31, 2025. If the construction and site alterations are not completed by July 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.

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**EXECUTIVE SUMMARY**

The subject property located at 174 Mill Street North, Flamborough, is designated as part of the Mill Street Heritage Conservation District under Part V of the *Ontario Heritage Act* (see the location map attached as Appendix “A” to Report PED23168). A Council decision is required for a Heritage Permit application to demolish any building or structure on a property designated as part of a Heritage Conservation District. The applicant is proposing to demolish the circa 1982 rear detached accessory structure on the property. Staff recommend approval of this Heritage Permit Application HP2023-028, subject to the City’s standard Heritage Permit conditions, as discussed with the applicant and advised by the Heritage Permit Review Sub-committee.

**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. 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.”

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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 174 Mill Street North, Flamborough (see Appendix "A" attached to Report PED23168) is located in the Mill Street Heritage Conservation District, designated by former Town of Flamborough By-law No. 96-34-H. The property consists of a red brick vernacular one-and-a-half storey rectangular structure. On June 2, 2023, a Heritage Permit Application was received requesting approval to demolish the existing one 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 Report PED23168.

The Heritage Permit Review Sub-committee of the City of Hamilton Municipal Heritage Committee reviewed this application at their meeting on June 20, 2023, along with the supporting materials submitted with the application and recommended approval of the 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,

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- b) That construction and site alterations, in accordance with this approval, shall be completed no later than June 30, 2025. If the construction and site 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.

The Notice of Receipt of complete application was issued on June 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)

## **RELEVANT CONSULTATION**

### **External**

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

In addition, Planning Staff emailed the Ward Councillor for Ward 15 on July 4, 2023, and provided them with information about the proposed changes and the process for demolition 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 July 21, 2023, Hamilton Municipal Heritage Committee meeting.

## **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

Heritage Permit Application HP2023-028 has been submitted to request approval to demolish the contemporary circa 1982 detached rear accessory structure located at 174

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Mill Street North, Flamborough (location map attached as Appendix “A” to Report PED23168), in accordance with the supporting materials submitted with the application (attached as Appendix “B” to Report PED23168):

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 HP2023-028 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 vernacular red-brick dwelling. Its features include the gable style roof on the south elevation, the one-storey bay window on the first storey, and the south wing with a substantial brick chimney. This property features a shallow set back and a driveway on the north-west side of the property. The south-east side of the property abuts Albert Street.

The existing detached accessory structure to be demolished is located along the south-east side of the property, as shown in the site plan drawing found in Appendix “B” to attached to Report PED23168. The demolition of the detached rear accessory structure will not result in the displacement of any of any the heritage features on the property, as it was constructed circa 1982 and does not have any cultural heritage value or interest, despite it having sympathetic wood cladding.

**Disruption Effects**

*Disruption effects are those actions that result in detrimental changes to the setting or character of the heritage feature.*

Staff are of the opinion that the proposed demolition of the accessory structure will not detrimentally change the setting of the Mill Street Heritage Conservation District.

The accessory structure was constructed circa 1982. The structure was extant at the time of the designation of the Heritage Conservation District and mentioned in the plan’s description of the property, however it is not identified as having cultural heritage value or interest. Therefore, no disruption effects are anticipated from its demolition.

**Recommendation**

This application is for the demolition of an existing contemporary detached accessory structure at the rear of the subject property and requires a decision of Council, as

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advised by the Hamilton Municipal Heritage Committee. Staff 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 Report PED23168). It is also recommended that the Heritage Permit approval have an expiry date of July 31, 2025 (see Recommendation (a)(iii) of Report PED23168). A two-year expiry date is standard on all approved Heritage Permits, and the July 31, 2025, date will reflect the expected end date of the new construction.

Staff recommend approval of Heritage Permit Application HP2023-028, 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 to demolish a contemporary rear accessory structure that does not have any cultural heritage value or interest.
- 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 two Heritage Permit conditions are sufficient.
- 3. Approve the Application with No Conditions.**  
HMHC may advise Council to approve this application with no conditions.

### **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 PED23168 - Location Map

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Appendix "B" to Report PED23168 - Application Submission Materials (modified to remove personal information)

LC/sd