




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

<b>TO:</b>	Chair and Committee Members Hamilton Municipal Heritage Committee
<b>COMMITTEE DATE:</b>	August 19, 2024
<b>SUBJECT/REPORT NO:</b>	Demolition of 318 Hess Street South, Hamilton, Being a Non-Designated Property listed on the Municipal Heritage Register (PED24156) (Ward 2)
<b>WARD(S) AFFECTED:</b>	Ward 2
<b>PREPARED BY:</b>	Emily Bent (905) 546-2423 Ext. 6663
<b>SUBMITTED BY:</b>	Anita Fabac Acting Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

**RECOMMENDATION**

That the non-designated property located at 318 Hess Street South, Hamilton, be removed from the Municipal Heritage Register.

**EXECUTIVE SUMMARY**

This Report recommends removing 318 Hess Street South, Hamilton from the Municipal Heritage Register. The one-and-a-half storey brick vernacular cottage that was previously located on the property was identified as having some cultural heritage value or interest but was not considered to have sufficient tangible cultural heritage value to warrant protection by designation under Part IV the *Ontario Heritage Act*. Staff recommend removing the property from the Municipal Heritage Register since the building has been demolished.

**Alternatives for Consideration – Not applicable**

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: N/A

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Staffing: N/A

Legal: Listing on the Register under Section 27 of the *Ontario Heritage Act* requires that Council be given 60-days' notice of the intention to demolish or remove any building or structure on the property, and the demolition or removal of a building or structure is prohibited during this time period. The 60-day interim period is intended to allow time to consider alternatives and actions for the potential conservation of a property, as applicable. Council must consult with the Municipal Heritage Committee prior to removing a property from the Register under Section 27 (4) of the *Ontario Heritage Act*.

### **HISTORICAL BACKGROUND**

The subject property located at 318 Hess Street South, Hamilton, was comprised of a one-and-a-half storey brick vernacular cottage constructed circa 1880. The property was reviewed for potential heritage value or interest as part of the Durand Neighbourhood Built Heritage Inventory project and was listed on the Municipal Heritage Register in 2016 as part of that process. The property was not identified as a candidate for individual designation under Part IV of the *Ontario Heritage Act*. The property is zoned Low Density Residential - Small Lot (R1a) Zone in City of Hamilton By-law No. 05-200.

On November 3, 2023, Cultural Heritage staff were contacted by a designer on behalf of the owner of 318 Hess Street South to provide feedback on the compatibility of the design of a second storey addition to the existing dwelling. Staff met with the designer and had several email exchanges between November and December 2023. As the property is listed on the Municipal Heritage Register, a Heritage Permit was not required for this alteration, nor was there any obligation under the *Ontario Heritage Act* for the owner to consult with Cultural Heritage Planning staff prior to submitting for a Building Permit to renovate the existing building. Staff reviewed a final version of the design for a proposed second storey addition and noted its compatibility with the surrounding neighbourhood via email on December 15, 2023. Staff's email also encouraged the owner to consider contacting a local salvage company regarding any historic brick removed to facilitate the addition, to prevent the materials from going to the landfill and to help facilitate their reuse.

On May 8, 2024, the Building Division issued Building Permit No. 24T-187346 R9 for the construction of a second storey, 119-square-metre addition to the existing dwelling located at 318 Hess Street South, Hamilton. The elevation drawings submitted and approved by the Building Division were the same as those reviewed and commented on by Cultural Heritage staff in December 2023.

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On June 10, 2024, Cultural Heritage Planning staff were contacted by a resident concerned that the dwelling at 318 Hess Street South was being demolished. Given that Cultural Heritage staff had been working closely with the designer hired by the owner staff conducted a site visit on June 11, 2024, and observed a scope of work consistent with the approved Building Permit, described as the construction of a second-storey addition. On June 28, 2024, Cultural Heritage and Building Division staff were again alerted to the possible demolition of 318 Hess Street South, which was observed to have had its upper half storey removed, as well as the majority of the bricks from the exterior wythe on the ground floor. Upon a second site visit by Cultural Heritage staff on June 28, 2024, it was evident that most of the primary façade of the first storey had been demolished.

Building Staff determined that the construction (demolition) exceeded the scope of work approved as part of Building Permit No. 24T-187346 R9, and it was revoked. The owner's consultants concluded the need to demolish the ground-floor of the circa 1880 brick building, which is understood to be a result of the first-floor construction not being adequate to support the second storey addition. Building staff will require the owner to apply for a new permit to demolish the existing dwelling and construct a new two-storey dwelling. Staff understand that the proposed construction will still align with the previously approved drawings, as the proposed construction has not changed from an exterior elevation or cladding perspective.

On July 24, 2024, the owner contacted Cultural Heritage staff via email regarding the newly required building permit applications and any *Ontario Heritage Act* requirements for their submission. Since the building demolition has already taken place, staff will not be requiring the owner to submit a notice of intention to demolish under Section 27 of the *Ontario Heritage Act*. Further, the owner informed staff that over 80% of the salvaged bricks had been made available to neighbours and community members to assist with future building repairs, as requested by Cultural Heritage staff.

## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

The Recommendation of this Report is consistent with Provincial and Municipal legislation, policy, and direction, including the following relevant policy from the Urban Hamilton Official Plan, Volume 1:

- Maintaining the Municipal Heritage Register, pursuant to the *Ontario Heritage Act*, and seeking advice from the Municipal Heritage Committee when considering additions and removals of non-designated properties from the Register (B.3.4.2.4).

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## **RELEVANT CONSULTATION**

### **Internal**

- Planning and Economic Development Department, Building Division, Building Inspections; and,
- Ward 2 Councillor's Office.

## **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

Listing a property on the Municipal Heritage Register as a non-designated property of cultural heritage value or interest provides 60 days interim protection from demolition. The 60-day interim period is intended to allow staff time to discuss alternatives for conservation of a property with the owner, including opportunities for retention, adaptive re-use and financial incentives, and photo-documentation of the property prior to demolition. In the case of significant heritage properties, like those identified as candidates for designation, the 60-day delay could allow Council time to consider issuing a notice of intention to designate the property to prevent demolition.

The subject property at 318 Hess Street South, Hamilton was not identified as a candidate for individual designation under Part IV of the *Ontario Heritage Act*. Building staff will be requiring the owner to obtain new building permits for the demolition and new construction on the property. Given that the building has already been demolished, Cultural Heritage Planning staff will not be requiring a retroactive notice of intention to demolish under the *Ontario Heritage Act* and are instead recommending that the property be removed from the Municipal Heritage Register since it no longer retains any cultural heritage value or interest.

Staff note that the demolition of the ground floor of the former dwelling on site does not impact the proposed elevations for the new dwelling, as the new permit will be issued with the same elevation drawings reviewed and commented on by Cultural Heritage staff in December 2023, and by the original Building Permit issued by the Building Division in May 2024.

## **ALTERNATIVES FOR CONSIDERATION**

Not applicable.

## **APPENDICES AND SCHEDULES ATTACHED**

None.

EB/mb